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Resolution: Traffic Advisory Commission, reappointment, 2011-98


Resolution: Taxicabs/Taxicab Drivers, Ordinance Amending, 2011-100


Resolution: Traffic Advisory Commission, appointment, 2011-102

Resolution: Morreale, Sr., Carmen T., Honoring, 2011-103
The first session of the January 10, 2011 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:08 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

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

Corporation Counsel Craig Johnson announced nominations for Council Chairman as the first Order of Business. Council Member Anderson nominated Council Member Fruscione for Council Chairman, and Council Member Walker seconded the nomination. Council Members Anderson, Fournier, Grandinetti, Walker and Fruscione each voted in favor of Council Member Fruscione. Council Member Fruscione was unanimously elected as City Council Chairman for 2011. Chairman Fruscione thanked the Council Members for their support, and Mayor Paul Dyster offered his congratulations and support to Chairman Fruscione.

Chairman Fruscione was administered the Oath of Office by City Clerk Carol Antonucci as his daughters Samantha and Erica held the Bible for their father.

Council Member Fournier moved to approve the Minutes from the City Council Meeting of December 27, 2010

Yeas 5
Nays 0

APPROVED

Paul Gromoskiak introduced Chris Stoianoff as the new City Historian.

In the Administrative Update:

1. Senior Planner Thomas DeSantis informed the Council Members that he had received a cost estimate for an engineering study to relocate the Stone Chimney, and would give a report to the Council Members at the next Council Meeting. Chairman Fruscione asked that the Council be included in the site selection process.

2. City Engineer Thomas Radomski reported that in working with National Grid and the City’s consultant, samples of new traffic lights for Pine Avenue should be received in three weeks, it would take a week to install them, and after three months, a decision would be made on which type of light would work best.

3. Mr. Radomski also reported that the contractor for the Lewiston Road Project was not on site, but had been directed to get back to the winterization and backfill work on the Project. Council Member Grandinetti expressed concern about the area around Maple Avenue, and Mr. Radomski noted that as long as the contractor kept within the timeline of the contract, the City did not have any recourse.

4. City Administrator Donna Owens said that she had contacted the members who previously served on the City’s Taxicab Commission, as well as former Council Member Chris Robins, to serve on the Commission to review the City’s Ordinance and concerns relating to the Ordinance. Chairman Fruscione asked that Council Member Grandinetti serve as the Council’s representative on the Commission. The Commission will hold its first Meeting in February.
City Administrator Owens spoke on the violence against a Congresswoman in Tucson, Arizona, that occurred over the weekend. Superintendent of Police John Chella noted the Police presence at Council Meetings, as well as at City Hall during business hours and said that a diligent watch is kept on Congresswoman Slaughter’s office on Pine Avenue; Fire Chief Roger Melchoir spoke on his Department’s pro-active involvement, and Mayor Dyster offered sympathy to the families of those involved in the tragedy.

City Administrator Owens informed the Council Members that the Mayor’s State of the City Address will be held on January 27 at the Conference Center.

Chairman Fruscione asked Mayor Dyster what was being done about the roof leak at the new Municipal Complex, and Director of Public Works David Kinney said that his workers had looked at the roof, and he would meet with the Mayor to discuss the issue.

Chairman Fruscione also suggested that the Administration look into establishing a pool of funding for homeowners who are unable to pay fines for citations from the ZOOM Team.

Mr. Johnson distributed copies of two Items to be added to the Agenda:

1. A Resolution relative to creating a 90 day moratorium upon consideration of applications for Vendors and Peddlers licensed pursuant to Chapter 341 of the Codified Ordinances.
   Council Member Fournier 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 #15.

2. A Resolution relative to recognizing the Niagara Falls Reporter as the weekly newspaper of the City Council of the City of Niagara Falls.
   Council Member Anderson moved to add the Resolution to the Agenda.
   Yeas 4
   Anderson, Fournier, Walker, Fruscione
   Nays 1
   Grandinetti
   MOTION TO ADD RESOLUTION TO AGENDA APPROVED
   The Resolution was added to the Agenda as #16.

Council Member Anderson asked if the City could waive the fee for the temporary use of Office space at the Carnegie Building by Congresswoman Slaughter (Agenda Item #4). Mayor Dyster added that the use of this space may not be necessary if the Congresswoman is able to move into her permanent office space soon. Mr. Johnson informed the Council Member that it would not be appropriate for the City to waive the fee.

Council Member Anderson said that he supports Agenda Item #7, relative to reallocation of funding to help Carolyn’s House.

This Session ended at 4:50 PM.

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

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

Marjorie Gillies-Agenda Item #7
Ken Hamilton-Agenda Item #11; Suggested that Council set Legislative Agenda for 2011, Fire at Hope VI Project, Safety of elected officials.
THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

contract: microfilming services, biel’s info technology system

Agenda Item #2
The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.
Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to five (5) vendors. Three bids were received. The above referenced company submitted the lowest bid.
Funds for this expenditure are available in New York State Records Management Grant, Microfilming Services code: S1460.0000.0447.000. Funds were awarded for this expenditure through the New York State Archives in the amount of $25,001.00 for the above referenced work. This grant does not require matching funds on the part of the City.
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

purchase: tandem axle dump trucks with plows, bid#48-10, kenworth of buffalo, ny, inc.

Agenda Item #3
TO:  Kenworth of Buffalo, NY, Inc.
     100 Commerce Drive
     Buffalo, NY  14218

FOR:  Two (2) Peterbilt tandem axle dump trucks with plows:  $169,850.00 ea.
     TOTAL:  $339,700.00

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.
Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to eleven (11) vendors. Three (3) bids were received. The above referenced company submitted the lowest bid to meet our specifications.
Funds for this expenditure are available in the Capital budget code: H0912.2009.0912.0230.000
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

CITY PROPERTY, CARNEGIE BUILDING, USE OF BY CONGRESSWOMAN SLAUGHTER

Agenda Item #4
The City was recently contacted by the Office of Congresswoman Louise Slaughter to advise that the Congresswoman’s office is in need of office space on a temporary basis from Tuesday, January 11, 2011 through April 30, 2011. Space is available in the lower level of the Carnegie Building at a price to be mutually agreed to between the City and the Office of Congresswoman Slaughter.
The terms of occupancy will be memorialized in an agreement to be prepared by the Office of the Corporation Counsel.
Will the Council so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

01/10/2011
CONTRACT: CONSULTING SERVICES, MORTON H. ABRAMOWITZ, ESQ.

Agenda Item #5
It is desirable that the City Council have unlimited access to legal services which the City Corporation Counsel’s Office may not be in a position to provide. Accordingly, it is desirable to continue the consulting services provided by Morton H. Abramowitz. The cost of such services is $800.00 per month ($9,600.00 per year). Funding is available from the City Council consultant budget line.

Will the Council so approve and authorize the Mayor to execute the enclosed Consulting Services Agreement?

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

Yeas 5
Nays 0
APPROVED

EEO OFFICE, PURCHASE OF COMPUTER SOFTWARE

Agenda Item #6
The City’s EEO office must invest in new technology/software in order to accomplish the reporting and training requirements the City agreed to implement in the Assurance Of Discontinuance document executed by and between the City and the New York State Attorney General’s Office. Attached hereto is a technology needs assessment prepared by the EEO Officer together with a product order form which shows the initial cost of this technology to be $27,400.00. Funding is available from account #A.1990.7650.0449.000. The annual recurring cost of approximately $19,900.00 will be included in the 2012 budget prepared by the EEO department.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

COMMUNITY DEVELOPMENT, RE-ALLOCATION OF CDBG FUNDING FOR CAROLYN’S HOUSE

Agenda Item #7
The YWCA of Niagara County, Inc. has successfully operated Carolyn’s House at 542 6th Street for many years. Carolyn’s House provides assistance to women (single and with children) that are either homeless or displaced due to family violence, incarceration, or transitioning from a crisis situation. The YWCA has recently been informed that New York State budget issues will result in the reduction of funding for operating costs at Carolyn’s House in the amount of $65,000. This reduction is scheduled to take effect in February 2011.

City Council previously approved a $25,000 allocation of 2010 Community Development Block Grant funds to Carolyn’s House for the construction of an outdoor greenhouse designed to provide fresh fruits and vegetables on a year-round basis to support the culinary training program at the facility.

Recognizing the urgent need for the YWCA to recoup a portion of the lost New York State revenue for 2011, we are recommending that City Council approve the re-allocation of $25,000 of CDBG funds originally intended for the greenhouse to be used to offset operating costs at Carolyn’s House.

Will the Council vote to so approve and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas 5
Nays 0
APPROVED

01/10/2011
Agenda Item #8

A contract for consultant services for the above referenced project was awarded to Urban Engineers of New York, P.C. ("URBAN"), 403 Main Street, Suite 530, Buffalo, New York 14203 on July 12, 2010 in the amount of $175,000.00. This work involved updating a 2003 conditions assessment for City Parking Ramp II as well as additional architectural/engineering assessments of components of the former Rainbow Centre Mall. This work in 2010 was intended to facilitate overall planning prompted by a proposed project by Niagara County Community College to adaptively re-use roughly a third of the former mall to house its culinary arts program in an off-campus facility to be known as the Niagara Falls Culinary Institute. In late 2010, a series of approvals and agreements were adopted by the City, Niagara County, NCCC, the Empire State Development Corporation ("ESDC") and its subsidiary in Niagara Falls, the USA Niagara Development Corporation ("USAN"), to fund and jointly develop the Culinary Institute, including roughly $8 million in programmed capital maintenance and upgrade items identified by Urban in 2010 for City Parking Ramp II.

In order to advance an aggressive schedule to complete the project, Urban was requested to submit a scope of work and fee estimate for a contract amendment to undertake necessary final design, preparation of construction documents for public bidding, and construction administration services. Urban has submitted a scope of services and fee estimate in the amount of $577,820.00.

Funding is currently available in Capital Project Account Code H1014.2010.1014.0449.599. Please note that the City will be fully reimbursed for all costs incurred for services under this contract amendment through a funding agreement with USAN, and/or its parent corporation ESDC, in conjunction with ESDC funds awarded toward completion of the Culinary Institute project.

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

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

Yeas 5
Nays 0

APPROVED
CLAIM: TADDEO, JOHN

Agenda Item #9
Date Claim Filed: November 21, 2007
Date Action Commenced: July 3, 2008
Date of Occurrence: October 18, 2007 – October 21, 2007
Location: Niagara Falls, New York
Nature of Claim: Defamation.
Status of Action: Pretrial stage.
Recommendation/Reason: Best interests of City to pay.
Amount to be Paid: $20,000.00
Make Check Payable to: John S. Taddeo and Chiacchia & Fleming, LLP
Conditions: Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above be paid under the terms set forth above. Will the Council so approve?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

THE FOLLOWING ITEM WAS SUBMITTED BY THE CITY CLERK

Agenda Item #10
Please be advised that Mayor Paul A. Dyster on December 28, 2010 duly approved the following:
1. Resolution 2010-104, relative to Amending Chapter 701 of the Codified Ordinances Entitled “Animals, Fowl and Dogs”
THIS ITEM WAS RECEIVED AND FILED
RESOLUTION: KING, DR. MARTIN LUTHER JR., HONORING, 2011-1
BY: ALL COUNCIL MEMBERS

Agenda Item #11
Relative to honoring Dr. Martin Luther King, Jr.
Whereas, the Rev. Dr. Martin Luther King Jr. was born January 15, 1929
and died April 4, 1968 from an assassins bullet. Our world, our nation, our
city, our community suffered a tremendous loss; and
Whereas, the legacy of Dr. King who sacrificed in the struggle to
create a just world, is important to all who seek to make America that sweet
land of liberty; and
Whereas, the Rev. Dr. Martin Luther King Jr. who was considered our
countries greatest advocate of nonviolent liberation went to Memphis to build
a coalition to redirect our nations spending from fighting wars to creating
jobs and ending poverty; and
Whereas, January 17th, 2011 will mark the 25th anniversary of the Rev.
Martin Luther King federal holiday. The campaign for a federal holiday in
King’s honor began soon after his assassination. Former President Ronald
Reagan signed the holiday into law in 1983, and it was first observed in 1986;
and
Whereas, as we also recognize that there is much to be done, just as Dr.
King did when in the wake of historic gains in civil and voting rights, he
sought to direct our attention to the need for fundamental changes in the
political and economic life of the nation, so that justice could truly prevail
and opportunity could flow to every American.
Therefore, we the Niagara Falls City Council join our nation on January
17, 2011 in celebration of the Life and Legacy of the Rev. Dr. Martin Luther
King Jr., and ask all citizens on this day and in his memory, to commemorate
Dr. King’s vision and at the same time, invigorate ourselves with resolve and
forbearance to make his dream a reality from sea to shining sea.

Yeas 5
Nays 0
ADOPTED

01/10/2011
RESOLUTION: TOURISM ADVISORY BOARD, APPOINTMENTS, 2011-2
BY: COUNCIL CHAIR SAM FRUSICONE

Agenda Item #12

Relative to the continuation of the Niagara Falls Tourism Advisory Board and its appointments.

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

WHEREAS, the Council deems it desirable to continue the Tourism Advisory Board during 2011;

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

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

BE IT FURTHER RESOLVED that the following individuals are hereby appointed to the City of Niagara Falls Tourism Advisory Board effective January 1, 2011 for the expiration date which appears opposite their names:

<table>
<thead>
<tr>
<th>APPOINTMENTS</th>
<th>TERM EXPIRES:</th>
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<tbody>
<tr>
<td>Adrienne Bedgood - 2256 South Ave/NF, NY 14305</td>
<td>12/31/2011</td>
</tr>
<tr>
<td>Denise Easterling - 1306 Willow Ave/NF, NY 14305</td>
<td>12/31/2011</td>
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<tr>
<td>Jerauld Genova - 757 Seymour Ave/NF, NY 14305</td>
<td>12/31/2011</td>
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<tr>
<td>Charles Knoll - 5820 Buffalo Ave/NF, NY 14304</td>
<td>12/31/2011</td>
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<tr>
<td>Mark Mistriner - NCCC Niagara Culinary Institute 3111 Saunders Settlement Rd Sanborn, NY 14132</td>
<td>12/31/2011</td>
</tr>
<tr>
<td>Vince Mameli - 462 - 77th St/NF, NY 14304</td>
<td>12/31/2011</td>
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<tr>
<td>Gay Molnar - 2114 River Rd/NF, NY 14304</td>
<td>12/31/2011</td>
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<tr>
<td>Randy Umbriaco - 837 - 15th St/NF, NY 14301</td>
<td>12/31/2011</td>
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<tr>
<td>Lisa Vitello - 4859 Terrace Dr/NF, NY 14305</td>
<td>12/31/2011</td>
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<tr>
<td>Laurie Davis - 1316 - 24th St/NF, NY 14301</td>
<td>12/31/2011</td>
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<tr>
<td>Phillip Villella - 795 Rainbow Blvd/NF, NY 14303</td>
<td>12/31/2011</td>
</tr>
<tr>
<td>Robert Ventry - 1884 Niagara Ave/NF, NY 14305</td>
<td>12/31/2011</td>
</tr>
<tr>
<td>Joseph Urso - 1887 Niagara Ave/NF, NY 14305</td>
<td>12/31/2011</td>
</tr>
</tbody>
</table>

Yeas 5
Nays 0
ADOPTED
RESOLUTION: NIAGARA GAZETTE, DESIGNATING AS THE OFFICIAL NEWSPAPER, 2011-3
BY: ALL COUNCIL MEMBERS

Agenda Item #13
Relative to designating the Niagara Gazette as the official newspaper.

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

BE IT FURTHER RESOLVED, that this designation shall be in effect for the
year 2011, but such designation shall not thereafter lapse until superseded.

Yeas
5

Nays
0

ADOPTED

RESOLUTION: ANIMALS, FOWL AND DOGS, ORDINANCE AMENDMENT, 2011-4
BY: COUNCIL MEMBER ROBERT ANDERSON, JR.

Agenda Item #14
Relative to amending Chapter 701 of the Codified Ordinances entitled
“Animals, Fowl and Dogs”.

BE IT RESOLVED by the City Council of Niagara Falls, New York that
Chapter 701 of the Codified Ordinances entitled “Animals, Fowl and Dogs” is
hereby amended by amending Section 701.03 entitled “Consent of Property Owners
to Keep Pets; Permit”, Section 701.10 entitled “Exceptions for Litters” and
Section 701.11 to read as follows:

CHAPTER 701 ANIMALS, FOWL AND DOGS

Section 701.03 Consent of Property Owners to Keep Pets; Permit.
Notwithstanding the provisions of Section [701.01] 701.02,
the Building Commissioner may issue a permit which may allow the keeping of
such animals or fowl as pets in such residential districts providing the
occupants of the properties on each side and in the rear of the property
involved consent that such a permit be issued.

Section 701.10 Exceptions for Litters.
The owner or person who has custody of a dog or cat may
retain the puppies or kittens born of said dog or cat exceeding the
permissible numbers set forth in [subsection 2 of this section] Section 701.09
for a period not exceeding 12 weeks after the birth of the animals. …

Section 701.11 Any person who lawfully owned more than the number of dogs
and/or cats permitted by Section [701.08] 701.09 prior to the enactment of
this ordinance may retain their animals provided the same are properly
licensed with the provisions of this chapter, provided, however, that any
combination of dogs or cats shall at no time exceed four (4) animals. …

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

Yeas
5

Nays
0

ADOPTED

01/10/2011
RESOLUTION: VENDORS AND PEDDLERS LICENSES, ORDINANCE 90-DAY MORATORIUM, 2011-5
BY: COUNCIL CHAIRMAN SAMUEL FRUSCIONE

Agenda Item #15
Relative to creating a 90-day moratorium upon consideration of applications for vendors and peddlers licenses pursuant to Chapter 341 of the Codified Ordinances
WHEREAS, Chapter 341 of the Codified Ordinances was extensively revised in 2010; and
WHEREAS, the Ordinance provides for the City Clerk to report to the Council each year on issues that have arisen in the administration of vending and other refinements that may be recommended for the official map or standard governing of vending or peddling in the City; and
WHEREAS, on or before March 1st the City Clerk shall prepare a map of designated vending locations in the City to be reviewed and approved by the City Council; and
WHEREAS, this Council has determined that this review process should be completed prior to the consideration of the applications for new licenses for new and renewal licenses for locations in the Downtown Business District.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that:

1. There is hereby imposed from the date of enactment of this Resolution a 90-day moratorium on the consideration of new and renewal license applications for vendor and peddler licenses for locations in the Downtown Business District.

2. This moratorium is imposed to enable the City to review the operation of the revised ordinance and to enact any appropriate revisions.

Yea\s      5
Nay\s       0
ADOPTED

RESOLUTION: NIAGARA FALLS REPORTER, RECOGNIZING AS THE WEEKLY NEWSPAPER, 2011-6
BY: COUNCIL CHAIRMAN SAMUEL FRUSCIONE
COUNCIL MEMBER ROBERT ANDERSON, JR.

Agenda Item #16
Relative to recognizing Niagara Falls Reporter as the weekly newspaper of The City Council of the City of Niagara Falls, New York.
BE IT RESOLVED, by the City Council of Niagara Falls, New York, that in recognition of the ten (10) continuous years of publication of the Niagara Falls Reporter, the City Council of the City of Niagara Falls, New York designates the Niagara Falls Reporter as the official weekly newspaper of the City Council of the City of Niagara Falls, New York for purposes of publishing information the City Council wishes the public to be informed about as well as any other matters the City Council wishes to be printed and/or published; and
BE IT FURTHER RESOLVED that this recognition shall be in effect for the year 2011, but such recognition shall not thereafter lapse until superseded.

Yea\s      5
Nay\s       0
ADOPTED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:17p.m.

Carol A. Antonucci
City Clerk
The first session of the January 24, 2011 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:02 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Steve Fournier, Kristen Grandinetti and Charles Walker
Absent: Council Member Robert Anderson

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

Mayor Paul Dyster and Council Member Grandinetti presented a Proclamation to Superintendent of Police John Chella in recognition of his receiving the Law Enforcement Community Leaders Award.

The AAA Silver Award was presented to Superintendent Chella and Traffic Captain Pino, and Capt. Pino introduced and commended the Officers in the Traffic Division.

In the Administrative Update:
1. Senior Planner Thomas DeSantis noted that the contract for consultant services for design work for the Old Stone Chimney Project was on the Council Agenda. The preferred site to relocate the Chimney is in the State Park, and a Master Plan may be developed for additional work at the site.
2. City Engineer Thomas Radomski said that he has proposals from National Grid for installing sample lights on Pine Avenue for the City to evaluate. Mayor Dyster added that New York Power Authority funding may also be used for the lights.
3. Mr. Radomski also spoke on the Reconstruction Plan for Macklem Avenue, and said that a survey crew will begin in the summer, but work at the site will be done after the Lewiston Road Project is finished in that section, and that should be in 2012.
4. Director of Public Works David Kinney spoke on the water situation at the Municipal Complex, and said that it is not a water issue, and he is awaiting test results to determine the problem. Once the test results determine the problem, the contractor will be notified to make repairs.
5. Mayor Dyster noted that an Agenda Item addressed the Store Front Creation on Old Falls Street, and in response to Chairman Fruscione’s question about the area being ready by Memorial Day weekend, said that the work will be done as soon as possible.

Mayor Dyster reported on his attendance at the Meeting of the Conference of Mayors, and said that the Mayors had signed a Civility Accord in response to the tragedy that occurred in Tucson, Arizona; the Mayors had asked that President Obama not cut any funding to the Community Development Block Grant Program, continue the Energy Efficiency Program and Transportation funding, and reduce unfunded Federal mandates.

Chairman Fruscione asked how long was the time frame for Interns to work (Agenda Item #7), and a discussion followed with Mr. DeSantis concerning eligibility for the Interns to collect unemployment benefits, defining Interns as opposed to temporary employees, and hiring for a shorter time frame.

This Session ended at 4:50 PM
Chairman Fruscione reconvened the Meeting at 7:05 p.m. in the Council Chambers with Council Member Anderson absent. The Chairman said the prayer and led the gathering in the Pledge of Allegiance to the Flag.

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

Paul Gromosiak         Agenda Item #8
Tom Meidenbauer        Pine Ave Lighting
Vince Sandonato        Senator Gisanti holding public meeting on Feb. 17, 2011; expressed thanks for Council Secretary’s help
Duanne Thomas          Community Center re-opening

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK:

Agenda Item #1
City Clerk’s Report for the Month of December 2010
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: SPCA, ADDITIONAL EXTENSION OF CONTRACT

Agenda Item #2
The City and the SPCA continue to negotiate a new contract. In the meantime, it is desirable to extend the existing agreement on the same terms. Attached is a copy of an additional Extension Agreement which has been executed by the SPCA.
Will the Council approve an additional extension of the agreement dated December 16, 2008 on the same terms and conditions and authorize the Mayor to execute an additional extension agreement?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
YeaS 4
Nays 0
APPROVED

CONTRACT: LASALLE FACILITY, AGREEMENT WITH THE NIAGARA COUNTY OFFICE OF AGING

Agenda Item #3
Annually the City enters into an agreement with the Niagara County Office for the Aging to allow the County to lease space in the LaSalle Facility for the operation of its nutrition site in exchange for an annual lease payment totaling $2,431.00
Will the Council so approve and authorize the Mayor to execute an agreement in a form acceptable to the Corporation Counsel?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED
POLICE DEPARTMENT: MOTOR VEHICLE THEFT AND INSURANCE FRAUD PREVENTION GRANT

Agenda Item #4
The Police Department has received a grant of $35,000.00 for the calendar year 2011 under the above-referenced grant program.
No City match is required.
Will the Council approve acceptance of the grant and authorize the Mayor to execute any Agreements or other documents necessary to effectuate this?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED

OLD FALLS STREET: STORE FRONT CREATION, LIRO ENGINEERS

Agenda Item #5
Liro Engineers, Inc. has previously done some initial design and engineering work on the above referenced project. It is desirable to allow them to continue in order to advance this project. Their “on call” contract with the City dated October 7, 2009 may be used in order to facilitate this project. Liro’s fees for this work are not anticipated to exceed $23,000.00. The City Council, at its meeting on September 20, 2010 previously approved a $200,000.00 transfer from the Special Projects fund balance in order to move this project forward.
Will the Council approve Liro Engineers, Inc. to proceed with its work on this project pursuant to the October 7, 2009 contract and confirm that funding for this project, including the design and engineering component, be paid pursuant to the previously adopted resolution?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED

CONTRACT: 418 THIRD STREET, PARKING AGREEMENT

Agenda Item #6
An agreement for the above matter has been negotiated with representatives of 418 Third Street Associates, LLC, which owns the 108-space surface parking lot at the subject premises. The agreement would permit public use of the lot, associated with patronizing businesses in the Third Street District, during the hours of 6:00 PM to 3:00 AM each evening. The term of the agreement would be five years, running from February 1, 2011 to January 31, 2016. In consideration of the evening public use of the Premises, the City would agree to reimburse the owner an amount not to exceed $25,000 for documented expenses associated with capital maintenance/upgrades to the parking lot including milling, paving, concrete islands, lighting, etc. Funding is available from Casino Revenues.
The agreement may be terminated by either party upon a 120-day written notice but if terminated by the owner at any time within the first 24 months, the owner would be required to re-pay 100% of any reimbursement received. If the agreement is terminated by the owner after the first 24 months, the owner would be required to re-pay the un-depreciated amount of any reimbursement received according to a straight-line schedule included in the agreement.
Therefore, it is the recommendation of the undersigned that the aforementioned agreement be executed and an amount not to exceed $25,000 be earmarked for reimbursement of documented rehabilitation/upgrade expenditures.
Will the Council vote to so approve and authorize the Mayor to execute the agreement in a form acceptable to the Corporation Counsel?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED

01/24/2011
PLANNING DEPARTMENT: INTERNS

Agenda Item #7
As a result of the departure of a staff planner, the City’s Planning Department is in need of part-time assistance to conduct research tasks and various other assignments delegated by the Senior Planner. The cost to fund these intern positions is $10,765.00 inclusive of FICA. Funding is available from account# A.1990.7650.0449.000.
Will the Council so approve?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas
Grandinetti
3
Fournier, Walker, Fruscione
1
DEFEATED

CONTRACT: OLD STONE CHIMNEY, CONSULTING SERVICES, ENGINEERING & DESIGN, HAMILTON HOUSTON LOWNIE (HHL) ARCHITECTS

Agenda Item #8
In connection with the upcoming celebration of the Bi-Centennial of the War of 1812, the City intends to showcase the historic “Old Stone Chimney,” which is presently located in Porter Park and embedded into an embankment of the Robert Moses Expressway.
With the transportation proposal to substantially reconfigure of the Robert Moses Expressway interchange at John B. Daly Boulevard in preliminary design, it is expected that the southern edge of Porter Park and more importantly the Old Stone Chimney will likely be impacted by related construction activities. To properly showcase the Old Stone Chimney as part of the City’s War of 1812 Bi-centennial celebrations, professional consultant services are required to effect its relocation to a more appropriate location where its long-term preservation and heritage interpretation can be reasonably assured.
Therefore, the Department of Planning and Economic Development is recommending that Hamilton Houston Lownie (HHL) Architects be retained to provide the advice, design, engineering, and historic interpretation work necessary to effectuate the Old Stone Chimney’s re-location as outline in the attached scope of work (On file in City Clerks office).
Funding for these consulting services was approved on June 14, 2010 and is available from Special Project Fund.
Will the Council so approve and authorize the Mayor to execute an agreement in a form acceptable to the Corporation Counsel?
Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas
4
Nays
0
APPROVED

CONTRACT: NIAGARA COUNTY BUILDING TRADES

Agenda Item #9
Attached (On file in City Clerks office) please find the proposed 2009 - 2013 Memorandum of Agreement between the City of Niagara Falls and the Niagara County Building Trades Council. This proposed Agreement is a 5-year extension of the parties Collective Bargaining Agreement.
Will the Council so approve and authorize the Mayor to execute the same?
Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas
4
Nays
0
APPROVED

01/24/2011
CONTRACT: NIAGARA FINE ARTS PROGRAM, INC

Agenda Item #10

Niagara Fine Arts Program, Inc. has once again offered to organize and provide Concert Programs during the months of June, July and August on Friday evenings in the Downtown area and on Sunday evenings at the steps of the NACC.

The cost to the City for the Concert Programs on Friday evenings in the Downtown area will be $18,200.00 and the cost to the City for the Concert Series on Sunday evenings inclusive of the Ontario House Jazz Tribute, will not exceed $16,200.00. Attached are proposals from the Niagara Fine Arts Program Inc.

Funding is available as follows: $20,000 from the concert line of the Tourism budget (T.6410.0000.0449.068), $2,000.00 from the Ontario House Jazz Festival Line of the Tourism budget (T.6410.0000.0449.069) and $12,400.00 from the 2010 Tourism Fund Balance.

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

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

Yeas

Nays

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY CORPORATION COUNSEL

CLAIM: NATIONAL FUEL

Agenda Item #11

Date Claim Filed: September 14, 2009
Date Action Commenced: N/A
Date of Occurrence: August 3, 2009
Location: 3314 D Street, Niagara Falls, New York
Nature of Claim: Damage to gas line while removing tree and roots
Status of Action: Claim stage.
Recommendation/Reason: Best interests of City to pay claim.
Amount to be Paid: $504.59
Make Check Payable to: National Fuel Gas Distribution Corporation
Conditions: General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department
Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas

Nays

APPROVED
THE FOLLOWING ITEM WAS SUBMITTED BY THE CITY CLERK:

ANIMALS, FOWL AND DOGS, ORDINANCE AMENDMENT

Please be advised that Mayor Paul A. Dyster on January 11, 2011 duly approved the following:
Resolution 2011-4, relative to Amending Chapter 701 Codified Ordinances Entitled "Animals, Fowl, and Dogs" 
THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: PAWN BROKERS/SECOND-HAND DEALERS, MORATORIUM ON ISSUANCE, 2011-7
BY: COUNCIL CHAIRMAN SAMUEL FRUSCIONE

Agenda Item #13
Relative to extending the moratorium upon consideration of applications for Pawn Brokers/Second-Hand Dealers
WHEREAS, at its November 1, 2010 meeting this Council imposed a 90-day Moratorium on the consideration of applications for pawn broker and second-hand dealer licenses; and
WHEREAS, this Moratorium will expire on January 31, 2011; and
WHEREAS, the review of the Ordinances is not yet completed.
NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that: the Moratorium on the consideration of applications for pawn brokers and second-hand dealer licenses be extended to April 30, 2011.
Yeas 4
Nays 0
ADOPTED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:31 p.m.

Carol A. Antonucci
City Clerk
The first session of the February 7, 2011 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:08 to 4:30 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members, Steve Fournier, Kristen Grandinetti and Charles Walker
Absent: Council Member Robert Anderson

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

Council Member Fournier moved to approve the Minutes from the City Council Meeting of January 10, 2011 and January 24, 2011.

Yeas
4
Nays
0
APPROVED

City Administrator Donna Owens offered condolences on behalf of the Administration to the family of Council Member Anderson on the passing of Mrs. Anderson.

In the Administrative Update:
1. Equal Employment Opportunity Officer Ruby Pulliam reported that the City’s EEO Plan had been submitted to the Attorney General’s Office and approved.
2. City Engineer Thomas Radomski reported that National Grid had installed 6 light fixtures in the 2200 block of Pine Avenue, and Chairman Fruscione asked that the Council be kept informed of the costs involved to change the fixtures, and the Mayor also added that Mr. Radomski and the Pine Avenue Business Association would be evaluating the fixtures; the weather has held up the progress on the 10th Street Reconstruction Project, but the February/March timeline should not be delayed; and, in response to Council Member Walker, the Project was started on the low end of the street and continued uphill to address water issues; and the contractor for the CSX Bridge demolition is on site.
3. Director of Public Works David Kinney reported that the glycol leak at the Municipal Complex had been analyzed, all the joints would be X-rayed and Ciminelli and Quackenbush would repair all at no cost to the City and would reimburse the City for expenses already incurred due to the leak. He also responded to Chairman Fruscione that crews would be working overtime today to clear the streets.
4. Director of Business Development Fran Iusi said that the pre-bid estimate for the Downtown Storefront Project was received today in the amount of $176,000 and the specs would be ready for bid on March 9. Chairman Fruscione thanked her for her work on the Project.
5. City Administrator Owens said that the City Hall Snack Bar had closed due to funding changes that resulted in the workers not being able to be paid. Purchasing Agent Dean Spring added that no rent was being paid to the City for the use of the stand, an RFP would be out on February 14 to operate the stand, the RFP asked that consideration be given to hiring persons who had previously worked at the stand, and the stand should reopen on March 1st. Council Member Walker asked that a Not For Profit operate the stand, if possible, and Mr. Spring added that vending machines would be considered as an alternative.

This Session ended at 4:30 PM
Chairman Fruscione reconvened the Meeting at 7:03 p.m. in the Council Chambers with Council Member Anderson absent. The prayer was said by Council Member Fournier and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

Paul Gromosiak     Old stone chimney; War of 1812 Bi-Centennial
Mike Bugay         Vending ordinance concerns
Melvin Johnson     Vending ordinance concerns
Jason Chilcote     Clearing of snow, hazardous conditions in homes

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK:

Agenda Item #1
Claims Report for the month of January 2011
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

Contract: MILL AND OVERLAY RESURFACING PROJECT, CAYUGA DRIVE: TUSCARORA ROAD TO MILITARY ROAD, PACKARD ROAD: NIAGARA FALLS BLVD. TO HYDE PARK BLVD., BUFFALO AVE: 24TH STREET TO VETERANS DRIVE, ACCADIA SITE CONTRACTING

Agenda Item #2
A contract for the above referenced project was awarded to Accadia Site Contracting, Incorporated, 5636 Transit Road, Depew N.Y., on July 26, 2010 in the amount of $852,968.35.
During the course of work, various quantities of items overran the initial estimates. In order of the City to reap the full benefits of this project, it was deemed necessary to increase the contact amount by $58,004.26 bringing the contract total to $910,972.61.
This project is NYSDOT reimbursable at 80% and Marchiselli reimbursable at 15%. Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of $58,004.26 be approved.
Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED

CITY MARSHALS: RE-APPOINTMENTS

Agenda Item #3
The City Council has designated Mr. Eugene Ochal and Mr. Frederick Pucci as City Marshals with terms expiring on December 31, 2010. It is recommended that these two individuals be reappointed to terms expiring on December 31, 2012.
They will continue to provide satisfactory insurance coverage naming the City as Additional Insured and their remuneration will continue to be limited to the fees they collect for service of process.
Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED
JOHN DUKE SENIOR CENTER: OVERTIME

Agenda Item #4
It is recommended that an overtime line be created for the John Duke Center under the Senior Services Department. It is anticipated that this overtime will not exceed $2,368 including FICA. Funding is available from Special Projects Fund Balance.
Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED

LASALLE BRANCH LIBRARY: REPAIRS

Agenda Item #5
It is necessary to replace a motor in the elevator at the LaSalle Branch Library which is anticipated to cost not more than $3,000.00. It is also necessary to purchase and install a water back flow preventer valve which is estimated not to cost more than $2,000.00. The total of these two (2) items is anticipated not to cost more than $5,000.00. Funding is available from Casino Revenues.
Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED

CITY CLERK’S OFFICE: BUDGET TRANSFER

Agenda Item #6
As a result of temporary leaves of absence in the City Clerk’s Office it is recommended that a Junior Account Clerk, Grade 3, be compensated for assuming additional duties as an Account Clerk during a period of time which is anticipated not to exceed six (6) months. The City Clerk will assign these additional duties. This additional compensation will not exceed $360.00. Funding is available from the City Clerk’s Bi-weekly Line.
Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED

CITY PROPERTY: 1410 MAIN STREET, SIGN ENCROACHMENT

Agenda Item #7
The City has received a request from the property owner to allow a sign at 1410 Main Street that would extend into the City’s Right-of-Way.
This has been reviewed by the appropriate Departments and the Planning Board who recommend its approval, subject to the owner receiving all applicable permits and inspections and the conditions on the attached (On file in City Clerks office) recommendation from the Planning Board.
Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED

02/07/2011
CONTRACT:  NIMAC, NIAGARA FALLS BEAUTIFICATION COMMISSION, NIAGARA FALLS BLOCK CLUB, NACC AND OSC21, FUNDING

Agenda Item #8
The 2011 budget contains appropriations of $2,500 for NIMAC; $5,000 for the Niagara Falls Beautification Commission; $10,000 for the Niagara Falls Block Club Council; $30,000 for NACC; and $10,000 for OSC21. In order to effectuate these, appropriation agreements with the respective agencies are required.

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

Yeas  4
Nays  0
APPROVED

CONTRACT: NIACAP

Agenda Item #9
The 2011 budget contains an appropriation of $27,500 for NIACAP. In order to effectuate this, an appropriation agreement with NIACAP is required.

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

Yeas  3
Fournier, Grandinetti, Walker
Nays  0
Abstain  1
Fruscione
APPROVED

MEDIAN ENHANCEMENTS, DOWNTOWN AREA, FUNDING

Agenda Item #10
There is $10,554 remaining in Account H0912.2009.0912.0449.599 for median enhancements. It is recommended that an additional $50,000 be made available for this purpose. Funding is available from Casino Revenues.

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

THIS ITEM WAS PULLED FROM THE AGENDA

CITY CLERK: ORDINANCE ENFORCEMENT, BUDGET TRANSFER

Agenda item #11
In order to enhance the enforcement of City Ordinances involving the City Clerk’s Office, it is requested that $12,918 be transferred from the Tourism Fund Balance to City Clerk Account No. A.1410.0000.0130.000.

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

Yeas  4
Nays  0
APPROVED

RESOLUTION: APPEALS, BOARD OF, APPOINTMENT, 2011-8
BY: COUNCIL CHAIR SAM FRUSCIONE

Agenda Item #12
Relative to Niagara Falls Board of Appeals appointment

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

APPOINTMENT
James Maxwell  12/31/2013
5669 Frontier Avenue
Niagara Falls, New York 14304
990-0100

Yeas  4
Nays  0
ADOPTED
RESOLUTION: WILD ONES NATIVE PLANTS, NATURAL LANDSCAPES, GRANT APPL., 2011-9

Agenda Item #13
Relative to support of the Grant Application by the Grant Application by the Niagara Falls and River Region Chapter of Wild Ones Native Plants, Natural Landscapes-2011 Pollinator Pathway Niagara Falls

By: Council Chair Sam Fruscione
   Council Member Robert A. Anderson, Jr.
   Council Member Steve Fournier
   Council Member Kristen Grandinetti
   Council Member Charles Walker

WHEREAS, pollinator species provide significant environmental benefits that are necessary for maintaining healthy, biodiverse ecosystems; and
WHEREAS, pollination plays a vital role in the health of our national forests and grasslands, which provide forage, fish and wildlife, timber, water, mineral resources, and recreational opportunities as well as enhanced economic development opportunities for communities; and
WHEREAS, pollinator species such as birds and insects are essential partners of gardeners and farmers in producing much of our food supply; and
WHEREAS, there exists a national proclamation, National Pollinator Week, that recognizes the global importance of pollinators, and
WHEREAS, the State of New York has managed wildlife habitats and public lands such as forests and grasslands for decades; and
WHEREAS, the State of New York provides producers with conservation assistance to promote wise conservation stewardship, including the protection and maintenance of pollinators and their habitats on working lands and wild lands; and
WHEREAS, the City of Niagara Falls has State public wild lands located within the Niagara River Greenway at Reservation State Park, DeVeaux Woods State Park, Whirlpool State Park, Devil Hole’s State Park, and has old growth forests on the Niagara Gorge Rim and old growth cedars growing in the Niagara River Gorge, and
WHEREAS, these public lands are important connections to the municipal, commercial and residential districts, the Niagara River Greenway, the Niagara National Heritage Area, all areas that order the Niagara River and are located within the City municipal limits and
WHEREAS, the Niagara River is a recognized globally significant important bird area and an international fly zone for migrating birds dependent upon pollinators as a food resource, and
WHEREAS, creating a sense of place is an intangible weave of culture (stories, art, memories, beliefs, histories) and the tangible physical components of an area: its rivers, woods, native plants, monuments, architectural styles, its pathways and its views, and
WHEREAS, the Pollinator Pathway Niagara Falls Corridor is located on Tenth Street, Niagara Falls, and lies within the core focus area of the Niagara River Greenway, and the Niagara National Area, and
WHEREAS, the Pollinator Pathway Niagara Falls will be marked by plaques, telling the history of the area, fauna, and the different species around that location, it shall act as a field trip for local schools, community organizations, residents, and a destination for tourists, and
WHEREAS, the Pollinator Pathway is anchored between the Niagara Falls Public Library, the Abate Elementary School, and property owned by The Potter’s House Christian Community Church on Tenth Street, and
WHEREAS, the City has helped to develop a Vacant Land Initiative and Coalition to do exactly what the Wild Ones Niagara Falls and River Chapter proposed, now therefore be it
RESOLVED, that the City Council of Niagara Falls, New York does hereby approve of this grant along with the installation and construction of the trail; and
BE IT FURTHER RESOLVED that after the installation of the trail has been accomplished the City of Niagara Falls shall promote the trail as a destination, which coincides with the beginning of the rebirth of the City’s North End and will add to the quality of life for that area.

Yeas 4
Nays 0
21 ADOPTED

02/07/2011
RESOLUTION: PLUMBING CODE, ORDINANCE AMENDMENT, 2011-10
BY: Council Chairman Samuel Fruscione

Agenda Item #14
Relative to amending chapter 1111 of the codified ordinance entitles
plumbing code of the city of Niagara Falls.

BE IT RESOLVED by the City Council of Niagara Falls, New York that
Chapter 1111 of the Codified Ordinances entitled Applied Plumbing Code of the City of
Niagara Falls" is hereby amended by amending Section 1111.03 entitled
"Permits" and Section 1111.10 entitled "Registration and Licensing of Master
Plumbers" to read as follows:

1111.03 Permits

• • •
(c) To Whom Permits May be issued.
(1) [A] Permits covering plumbing work in the City of Niagara
Falls shall only be issued to a master plumber registered with the Clerk of
the Plumbing Board, except as provided in paragraph (2) hereof.

(B) Permits covering mechanical work in the City of Niagara Falls
shall only be issued to a master plumber or mechanical contractor registered
with the Clerk of the Plumbing Board, except as provided in paragraph (2)
hereof.

(2) Nothing herein contained shall prohibit any bona fide
owner of a single family dwelling from personally performing plumbing or
mechanical work within such owner’s residence, provided that such owner shall:
(A) Sign an affidavit showing the applicant to be the owner
and occupant; that he or she will personally perform the plumbing or
mechanical for which the application is made and is reasonably familiar with
the requirements of the Code and capable of performing the installation in
accordance with the Code.

1111.10

Registration and Licensing of Master Plumbers

• • •
(c) Applications.
(1) Applications shall be advertised at least once each
year at the discretion of the Board.
(2) Applications from qualified candidates for
examinations shall be filed with the Clerk of the Board at least 60 days prior
to the examination. [Each application shall be accompanied by the appropriate
fee. This application fee is nonrefundable.]

(3) The Clerk shall present said application at the next
regular meeting of the Board. At this time the Board shall review the
application and shall determine the qualifications of the applicant to sit for
the examination. Notice of the Board’s action shall be sent to the applicant
within 30 days of said meeting. An applicant who qualifies must then pay [a]
nonrefundable application and examination fees.

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

Yeas 4
Nays 0
ADOPTED

02/07/2011
RESOLUTION: ELECTRICIAN LICENSING & REGULATIONS ORIDINANCE AMENDMENT, 2011-11
BY: COUNCIL CHAIRMAN SAMUEL FRUSCIONE

Agenda Item# 15
Relative to Amending chapter 113 of the codified ordinances entitled
Electrician Licensing and Regulations

BE IT RESOLVED by the City Council of Niagara Falls, New York that
Chapter 1113 of the Codified Ordinances entitled Electrician Licensing and
Regulations is hereby amended by amending Section 1113.05 to read as follows:

1113.05 APPLICATION FEE, ELIGIBILITY, EXAMINATION AND ISSUANCE

(a) Any person desiring a license to engage in the business of
electrical work as a Master Electrician shall file in the Office of the City
Clerk an application for such license [together with an application fee in the
sum of $125.00. The applicant shall also pay at the time of application all
fees required by the outside agency, firm or person conducting the licensing
examination. Said application fee is not refundable, but shall be applied to
the initial license fee should the applicant successfully complete the
examination].

(b) No person shall be eligible to sit for the examination for
a master electrician license unless he shall have first satisfied one of the
following combinations of education and experience:

(c) Prior to permitting any person to sit for the examination,
the Board may require said person to appear before the Board of answer
questions concerning his qualifications and to produce satisfactory
documentation to enable the Board to determine whether he meets the
eligibility requirements under subsection (b) hereof. After the Board has
determined that an applicant is eligible to sit for the examination, the
applicant shall pay an application fee in the sum of $125.00 together with all
fees required by the outside agency, firm or person conducting the licensing
examination. Said application fee is not refundable, but shall be applied to
the initial license fee should the applicant successfully complete the
examination.

Bold and Underlining indicate Additions.
Bold and Brackets indicate [Deletions].
There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:30 p.m.

Carol A. Antonucci
City Clerk
The first session of the February 22, 2011 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:03 p.m. in the Council Chambers.


Also present: Mayor Paul A. Dyster, City Administrator Donna D. Owens, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O’Donnell.

Council Member Fournier moved to approve the Minutes from the City Council Meeting of February 7, 2011.

Yeas 5
Nays 0
APPROVED

Merrell Lane gave an update on the activities of the Niagara Military Affairs Council, and thanked the Council for their support. Chairman Fruscione noted that he did not see contributions listed from the Towns of Lewiston and Wheatfield, and Mr. Lane informed the Council that contributions were contained in the Budgets for these Towns, but had not yet been forwarded to NIMAC. Mayor Paul Dyster thanked NIMAC for their efforts within the community, and noted that the Niagara Falls International Airport directly benefits from the Base.

Council Member Grandinetti asked City Engineer Thomas Radomski for an update on the Lewiston Road Project, and Mr. Radomski responded that the Project is in progress, and very challenging.

In the Administrative Update:

1. City Administrator Donna Owens reported that the Taxicab Commission had its first meeting on February 16, and would continue to meet to make suggestions and recommendations to the Council. Chairman Fruscione asked that the City be included on revenue received from the sale of taxicab medallions, and that a smaller taxicab company, in addition to the two large companies, be included in the meetings.

2. Mr. Radomski informed the Council Members that the National Grid light samples for Pine Avenue did not meet the City’s expectations; another sample from National Grid and a sample from a private company would be tested; and, a decision was another 3 – 4 weeks away. Also, Gill Creek Park would have a park shelter in place by the summer, and Director of Public Works David Kinney added that there will be playground equipment at the Park.

3. Mayor Dyster said that there was a spike in overtime costs for the Fire Department in January 2011 when compared to January 2010, due to the Battalion Chiefs acting in rank because of the illness of the Fire Chief, but, since that time, the salary for the Fire Chief has not been used, so that should offset some of the overtime costs. The Mayor will speak privately to the Council regarding the search for a Fire Chief, and the City Administrator will oversee the overtime for the Fire Department until a new Chief is hired.

4. Mayor Dyster gave background information on the downtown storefront project, and Director of Business Development Fran Iusi added that the Project had been expanded to allow for year-round use of the storefronts, and additional funding would be requested from the Council if the Council approved the additional scope of the Project. Also, the former balloon site will be project-ready for a developer.

5. City Administrator Owens said that the City will hold a Job Fair for seasonal workers in the Department of Public Works on February 24. She also reported that RFP’s had been sent out for the City Hall snack bar, but there were no responses. The RFP will be sent out again.
6. Mayor Dyster will present the Key to the City to James Starks on February 25 at 5 PM at City Hall.

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

1. A communication relative to a Change Order in the Demolition Contract with Apollo Dismantling Services.
   Council Member Grandinetti moved to add the communication to the Agenda.
   Yeas 5
   Nays 0
   
   MOTION TO ADD COMMUNICATION TO AGENDA APPROVED
   The communication was added to the Agenda as #14.

2. A communication relative to funding for a ZOOM Outreach Program.
   Council Member Walker moved to add the communication to the Agenda.
   Yeas 5
   Nays 0
   
   MOTION TO ADD COMMUNICATION TO AGENDA APPROVED
   The communication was added to the Agenda as #15.

3. A Resolution relative to honoring Sister Barbara of Heart, Love and Soul.
   Council Member Fournier 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 #16.

   Council Member Anderson 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.

This Session ended at 4:45 PM

Chairman Fruscione reconvened the Meeting at 7:05 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Fournier and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

Nicholas D'Agostino Agenda Items #4 & #7
Paul Gromosiak Civil War Anniversary this year, Underground RR
Tom Meidenbauer VBC Lighting-Pine Ave lights, not his Company
Nicholas D'Agostino City Hall Snack Bar, rebuild/renovate Comfort Station at Gill Creek Park, hire local person for Fire Chief, get more input from public for Taxi Cab Commission

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK:

Agenda Item #1
City Clerk’s Report for the Month of January, 2011
THIS ITEM WAS RECEIVED AND FILED
THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: CLEARING OF VACANT LOTS, NIAGARA GRASS CUTTING

Agenda Item #2
At its meeting of March 22, 2010, the Council awarded the above referenced bid to Niagara Grass Cutting (attachment in city clerk’s office).

One of the provisions on the bid request allows the bid to be extended one year under the same terms, conditions and specifications if mutually agreeable. Niagara Grass Cutting has indicated they would like to exercise this option.

Due to their past performance we recommend extending the contract for one additional year. Funds are available in the Community Beautification code: A8510.0000.0449.080.

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

Yeas
Nays

APPROVED

CONTRACT: FUEL DISPENSING FACILITIES, CORPORATION YARD, EMPIRE STATE MECHANICAL CONSTRUCTION

Agenda Item #3
A contract for the above referenced project was awarded to Empire State Mechanical Construction on June 15, 2010 in the amount of $399,000.00.

Subsequent to the start of construction, minor adjustments were necessitated by existing conditions that were not a portion of the project’s original scope. These adjustments include the addition of specialized joint fillers within the containment area’s concrete floor and the replacement of existing electrical control equipment to comply with current codes. The costs for these specific alterations total $3,510.72, bringing the final contract total to $402,510.72.

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

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

Yeas
Nays

APPROVED

NIAGARA MILITARY AFFAIRS COUNCIL, FUNDING

Agenda Item #4
At the City Council meeting on February 7, 2011, the City Council approved a contribution of $2,500 to the Niagara Military Affairs Council (NIMAC). Merrell A. Lane, Chairman, is requesting additional funding for NIMAC because of the many projects it is involved in. Mr. Lane will be making a presentation at the City Council meeting on February 22, 2011 in support of his request. Mr. Lane is asking for an additional contribution of $40,000. Funding is available from the Economic Development Casino Funds.

Will the Council so approve?

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

Yeas
Nays

APPROVED

02/22/2011
LIBRARY, FIRE ALARM CONTROL PANEL REPAIR, FUNDING

Agenda Item #5
It is necessary to perform repairs and replacements to the fire alarm system in the main library. The total amount required for this project is estimated to be $18,295.00. Funding is available from Casino Revenues.

Will the Council so approve?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

CONTRACT: MUSIC LICENSING, ASCAP & BMI

Agenda Item #6
Music plays a role in many City of Niagara Falls activities and events and is provided by live musicians and mechanical means including video tapes, CD’s, tapes, etc. The Copyright Law of the United States establishes property rights in musical works and grants creators and owners of copyrighted musical work specific rights. It is recommended that the City engage in Licensing Agreements with the two (2) largest organizations representing copyright owners, namely, ASCAP and BMI, in order to play music at the City activities and events without violating copyright laws and exposing the City to liability.
The ASCAP license fee is $615.00 for a one year term and the BMI license fee is also $615.00 for a one year term. Funding is available from Tourism Fund Balance.
Will the Council authorize this expenditure and also authorize the Mayor to enter into License Agreements 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

POLICE DEPARTMENT, ELIMINATE VIOLENCE AGAINST WOMEN, GRANT

Agenda Item #7
The Police Department has applied for $40,327 grant under the Eliminate Violence Against Women Program for the period 4/1/11 through 3/31/12.
There is no City match required.
Will the Council approve acceptance of the grant and authorize the Mayor to execute any agreements or other documents necessary to effectuate same?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED
CONTRACT: CUSTOMHOUSE RESTORATION PROJECT, RESETARITS CONSTRUCTION CORP, GENERAL CONTRACTOR

Agenda Item #8
A contract for the above referenced project was awarded to Resetarits Construction Corp. 1115 Delaware Ave Buffalo NY 14209, on July 26, 2010 in the amount of $1,838,250.00.

The total contract amount included a deduction for the scope of work within the Bath Avenue right of way. This amount was erroneously deducted from the contractor’s base bid amount and did not include the value of the Bath Avenue right of way work.

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of $46,750.00 be approved bringing the total contract amount to $1,885,000.00. Sufficient funds presently exist in Code H0401.2002.0401.0449.599.

Will the council vote to so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

RAINBOW MALL, CONTINUING SECURITY & UTILITIES, FUNDING

Agenda Item #9
During the City Council meeting held on December 27, 2010, the City Council voted to continue utilizing the security personnel employed by The Cordish Company to provide security for the Rainbow Mall Premises, including that portion of the Rainbow Mall Premises utilized by the NCCC. Eleven thousand dollars ($11,000.00) was appropriated for this purpose. After consultation with the DPW Department, it is requested that utilization of these security personnel be continued through the end of March 2011 as it is cost effective to do so. The cost is $280.00 per day and with employer costs that amount is $301.23 per day. It should be noted that NCCC will be reimbursing the City for one-third of these costs retroactive to December 20, 2010 because the County owns approximately one-third of the Rainbow Mall structure. It is therefore anticipated that the City’s expense for security services through the end of March, 2011 will not exceed $13,000.00. The continuation of this arrangement will be reviewed once again in mid March.

The utility accounts for the Rainbow Mall have now been turned over to the City. These will be continuing expenses and NCCC will be reimbursing the City for its share of utility utilization. The monthly cost of these utility accounts is not anticipated to exceed $500.00 per month until such time as development in the Rainbow Mall begins.

Funding for both security continuation and utilities is available from Special Projects Fund Balance.
Will the Council so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

02/22/2011
CLAIM: NICE, BRENT

Agenda Item #10
RE: Request for Approval to Settle and Pay Liberty Mutual Insurance Company a/s/o Brent Nice
2950 Expressway Dr. S., Suite 100, PO Box 9004, Islandia, NY 11722

Council Members:

Date Claim Filed: July 14, 2009
Date Action Commenced: February 8, 2010
Date of Occurrence: June 24, 2009
Location: 29th Street and Girard Avenue
Nature of Claim: Automobile damage sustained during road repaving.
Status of Action: In litigation.
Recommendation/Reason: Best interests of City to pay.
Amount to be Paid: $2,335.88
Make Check Payable to: Liberty Mutual Insurance Company a/s/o Brent Nice and Carman, Callahan & Ingham, LLP, as attorneys.

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

It is the recommendation of this Department that the above be paid under the terms set forth above. Will the Council so approve?
Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CLAIM: JOHNSON, CHERYL L.

Agenda Item #11
RE: Request for Approval to Settle and Pay Geico Insurance Company a/s/o Cheryl L. Johnson
One Geico Boulevard, Fredericksburg, VA 22412-0001

Council Members:

Date Claim Filed: October 14, 2009
Date Action Commenced: July 27, 2010
Date of Occurrence: September 19, 2009
Location: Intersection of 11th Street and South Avenue
Nature of Claim: Automobile damage sustained in an accident with City vehicle.
City Driver: John Faso
Status of Action: In litigation.
Recommendation/Reason: Best interests of City to pay claim.
Amount to be Paid: $2,013.90
Make Check Payable to: Geico Insurance Company

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

It is the recommendation of this Department that the above be paid under the terms set forth above. Will the Council so approve?
Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

02/22/2011
THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

Agenda Item #12
Please be advised that Mayor Paul A. Dyster on February 8, 2011, duly approved the following:
Resolution 2011-10, relative to Amending Chapter 1111 of the Codified Ordinance Entitled “Plumbing Code of the City of Niagara Falls”
Resolution 2011-11, relative to Amending Chapter 1113 of the Codified Ordinance Entitled “Electrician Licensing and Regulations”

THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: PLANNING BOARD, APPOINTMENT, 2011-12
BY: COUNCIL CHAIR SAM FRUSCIONE

Agenda Item #13
BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Planning Board, due to the resignation of Paulette Shine, for the expiration date, which appears opposite his name:

<table>
<thead>
<tr>
<th>APPOINTMENT</th>
<th>TERM: 12/31/2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owen Steed</td>
<td>1344 North Avenue</td>
</tr>
<tr>
<td></td>
<td>Niagara Falls, New York 14305</td>
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<tr>
<td></td>
<td>990-6518</td>
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</tbody>
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Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
ADOPTED

CONTRACT: DEMOLITION, APOLLO DISMANTLING SERVICES, INC.

Agenda Item #14
Two issues have arisen in the above-referenced demolition contract, which is paid for from casino funds and administered through the Community Development Department.
An underground oil storage tank was discovered buried outside the building footprint in the course of demolishing 7702 Buffalo Avenue. Apollo Dismantling Services, Inc. has provided a proposal to test the area around the tank, remove and dispose of the tank and any contaminated soil, backfill the excavation and file the necessary DEC reports for $11,900.00.
Additional asbestos containing material was discovered at 2220 Cudaback Avenue. The initial estimate was 60 square feet of asbestos floor tile. An additional 160 square feet of asbestos was present. Apollo Dismantling Services, Inc. has provided a proposal to remove and dispose of the additional asbestos floor tile $800.00.
Both prices have been reviewed and are fair prices for the additional services. Funding is available under budget code H0910.2009.0910.0449.559.

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

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

Yeas 5
Nays 0
APPROVED

02/22/2011
ZOOM: RECYCLING OUTREACH PROGRAM

Agenda Item #15
The City has been asked to partner with the Niagara Falls Board of Education and Modern Disposal (letter on file in City Clerk’s Office) to create an Educational Recycling Program which will be held at Maple Avenue School. The City has been asked to contribute the sum of up to $500.00 towards the cost of this program which may include incentives for students. The anticipated benefit to the City is the enhancement of the City’s recycling program, and the reduction of material deposited in landfills. Funding is available from the ZOOM Budget, the source of which is Casino Revenues.

Will the Council so approve?
Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas
5
Nays
0
APPROVED

RESOLUTION: SISTER BARBARA, HEART, LOVE AND SOUL, HONORING, 2011-13
BY: ALL COUNCIL MEMBERS

Agenda Item #16
Whereas, Sr. Barbara Pfohl, OSF, the operations director of the Heart, Love & Soul Food Pantry and Dining Room is retiring from the agency where she worked tirelessly since 1998. She will be honored during a reception on Friday, February 25th, 2011 at the dining room; and

Whereas, Sr. Barbara has literally been the heart, love and soul of the Food Pantry. No matter what the need, she has responded without hesitation, attending to everything from writing government grants to mopping floors to food preparation while overseeing the daily operations of the dining room. She also took care of the food distribution from the pantry for about 350 households per month; and

Whereas, Sr. Barbara joined the Sisters of St. Francis of Stella Niagara in 1956. She graduated from Rosary Hill College, Buffalo and did clinical pastoral education hospital chaplaincy at Mercy Hospital, Buffalo in the late 1980’s. Among her numerous honors, she was the recipient of the Rev. Martin Blake, C.M. award from Our Lady of the Angels Association, the Caritas Medal from Niagara University, and the Faith Based and Leadership award.

Now Therefore Be It Resolved, that the members of the Niagara Falls City Council of the City of Niagara Falls, New York, honor Sr. Barbara for her dedication and commitment to the Heart, Love and Soul Food Pantry. She will be sorely missed by those whose lives she has touched over her years at the Food Pantry and Dining Room.

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

Yeas
5
Nays
0
ADOPTED

02/22/2011
RESOLUTION: STARKS, JAMES, HONORING, 2011-14
BY: ALL COUNCIL MEMBERS

Agenda Item #17
Whereas, James Starks, a former Niagara Falls High School and UB graduate was born on February 25th, 1986 and is an American football running back for the Green Bay Packers; and
Whereas, on Sunday, February 6th, 2011, James Starks ran 11 times for 52 yards in a 31-25 win over the Pittsburg Steelers in Super Bowl XLV. Starks was drafted by the Packers in the sixth round – 193rd overall – in the 2010 NFL Draft. His first touchdown came against the Chicago Bears in the NFC Championship Game and his rookie season finished with a Super Bowl win. On the weekend before the Super Bowl, the Niagara Falls – in his hometown of Niagara Falls, New York – were lit green and gold in his honor; and
Whereas, James Starks attended Niagara Falls High School where he ran for 1,048 yards and threw over 600 yards for the Wolverines while earning All-Western New York honors in his senior season. He served as a captain for three years.
Now Therefore Be It Resolved, that the members of the Niagara Falls City Council of the City of Niagara Falls, New York, honor James Starks on February 25th, 2011 in a ceremony at City Hall where he will be presented with the key to the City.
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas
5
Nays
0
ADOPTED
There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:25 p.m.

Carol A. Antonucci
City Clerk
The first session of the March 7, 2011 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:10 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

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

Council Member Fournier moved to approve the Minutes from the City Council Meeting of February 22, 2011.

Yeas

Nays

APPROVED

City Controller Maria Brown gave the Year End Financial Report for 2010. She reported that: while there was a decrease in revenue for the surface lots, the Ramp revenue was increased, and she was working with Public Works Director David Kinney on improving parking revenues; the Golf Course needed less from the General Fund than was budgeted; personnel costs accounted for 70% of the Budget; in the General Fund, there was a cut in the amount of State Aid, but an increase in sales tax revenues; and in general, although the year end financials are un-audited, it appears that the City will break even.

Mark Rivers, CEO/President of Brix and Company, spoke on his proposal to create a Holiday Market in the downtown area. He said the Project will be a “break even” venture that could eventually become self-sustaining. In response to Council Member Grandinetti’s question, corporate sponsors are being solicited for the Project.

Maurice (Modie) Cox spoke on the Community Intervention Initiative, which will be a 12 week mentoring program in conjunction with the Legends Basketball Court (Agenda Item #10). Council Member Walker added that this is just a small part of the overall Plan for the Court.

In the Administrative Update:
1. City Administrator Donna Owens said that the position of Fire Chief was again advertised, and additional responses had been received, but, in the interim, she was meeting weekly with the Battalion Chiefs, who were doing a great job in running the Department.
2. City Administrator Owens reported that a second RFP had been sent out for the City Hall Snack Bar, and three responses had been received.
3. City Engineer Tom Radomski spoke on the lights on Pine Avenue, and said that a second sample light would be installed within the next few weeks from an additional vendor, National Grid and the Pine Avenue Business Association are still looking into the matter, and possibly the old light fixtures could be put back in some locations.
4. Mayor Paul Dyster noted that the 2011 Street Resurfacing Plan would be very aggressive, and would be coordinated with the Water Board. Council Member Fournier asked that alleys also be included, and Chairman Fruscione asked Mr. Kinney to put together a plan, with expenses, for use of the zipper machine.

Mayor Dyster commended Mrs. Brown and her staff for their diligence in cash management for the City.
Chairman Fruscione asked Corporation Counsel Craig Johnson if the City's contribution of funding for Fireworks for Boom Days (Agenda Item #2) would be a conflict of interest, and Mr. Johnson responded that, since this was an event open to the public, the City could contribute funding.

Council Member Walker asked if funding could be found for the installation of a traffic signal in front of the Como Restaurant on Pine Avenue, since the Traffic Advisory Commission denied the request (Agenda Item #11). Mayor Dyster said that when he was informed that the Commission had taken action on the request, he thought that the request had been approved. The Mayor wants to make the area safe, and suggested that he and the Council meet with the Traffic Advisory Commission to resolve the matter.

This Session ended at 5:25 PM

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

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

Ron Anderluh Agenda Items #5 & #11
Diane Tattersall Agenda Items #10 & #
Eric Miller Agenda Items #2 & #10
Ken Hamilton Agenda Items #5 & #11
Mark Rivers Agenda Item #5
Ron Anderluh Old Stone Chimney location; summer jobs for students; Include Niagara St.in 2011 Streets Paving Program; Parole Office/sexual predators
Vincent James Cancemi Location of Parole Office
David Houghton Maintain at least 4 Legislative Districts in Niagara Falls
Diane Tattersall Litter & noise in City, owners should cleanup after dogs
Ken Hamilton Dog droppings, road conditions, Parole Office Location
Jason Chilcote Conditions of roads, purse snatchings, Parole Office location/sexual predators
Vince Sandonato Parole Office location

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK:

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #1
The following have requested City Council approval for Commissioner of Deeds for a term from 4/1/2011 to 3/31/2013

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

Alvarez, Lorrie NFPD
Etopio Jr., Thomas NFPD
McCune, Patricia NFPD
Poanessa, Nicholas NFPD
Jain, Ragini NF Housing Authority
Muto, Rozanne NF Housing Authority
Alexis, Angel Engineering
Caso, John Parks
Kasper, Theresa DPW
Tomala, Louella City Clerk
Ubriaco, Randal Landlord Registration
Virtuoso, Dennis Inspections

03/07/2011
Andrews, Gloria 207-84th St., Niagara Falls, NY 14304
Altman, Michele 764 Van Resselear Ave.,
Baldwin, Kathleen 839-17th St., Niagara Falls, NY 14301
Crea-Smith, Maria 5252 Lewiston Rd., Lewiston, NY 14092
Dyster, Rebecca 626 Orchard Parkway, Niagara Falls, NY 14301
Gallo, Janet 1822 Hyde Park Blvd
Godzisz, Stephen 1822 Hyde Park Blvd
Hart, Bobbie PO Box 1022, Niagara Falls, NY 14304
Houghton, David 521-29th St., Niagara Falls, NY 14301
James, David 4660 Perry Court, Lewiston, NY 14092
Kelly, Michelle 6921 Nash Rd., North Tonawanda NY 14120
Larson, Rita 3700 Lockport Rd., Sanborn, NY 14132-9456
Larson, Thomas 3700 Lockport Rd., Sanborn, NY 14132-9456
Lipniarski, Deborah 2709 Woodlawn Ave, Niagara Falls, NY 14301
Prokop, Jennifer 1154 Escarpment Drive, Lewiston, NY 14092
Reynolds, Janice 2490 Smith St., Niagara Falls, NY 14305
Roscetti, Paula 4656 Perry Court, Lewiston, NY 14092
Sandonato, Vincent 824 81st St. Niagara Falls, NY 14304
Stevenson, Thomas J. 2856 Church Road, North Tonawanda, NY
Viola, Jocelyn USA Niagara, 222 1st St. 7th FL, Niagara Falls, NY 14303

Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

FIREWORKS, BOOMDAYS, FUNDING

Agenda Item #2

Last year the City contributed the sum of $1,000.00 to the LaSalle PRIDE Organization to sponsor the BoomDays event at the LaSalle Yacht Club. The City has been asked once again to contribute the sum of $1,000.00 for this event which will be applied to the cost of a fireworks display and music program. Funding is available from Tourism Fund Balance.

Will the Council so approve?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas 2
Grandinetti, Walker
Nays 3
Anderson, Fournier, Fruscione
DEFEATED

PURCHASE: ICE PAVILION, FURNITURE

Agenda Item #3

Now that many renovations to the Ice Pavilion are complete it is desirable to install tables with attached seating together with three (3) trash receptacles, all for the convenience of those people utilizing the Ice Pavilion. The cost is estimated at $8,651.30 as per the attached invoice (on file in the City Clerk’s Office). Funding is available from Casino Revenues.

Will the Council so approve?
Council Member Fournier moved to table the communication
Yeas 5
Nays 0
TABLED
PURCHASE: ENGINEERING DEPARTMENT, FLAT FILING CABINETS AND DIVIDERS

Agenda Item #4
The Engineering Department is in need of file cabinets to accommodate flat file storage with dividers for the purpose of ensuring proper archiving of “as built” drawings and historical information for projects. The cost is anticipated not to exceed $6,500.00. Funding is available from Casino Interest.

Will the Council so approve?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas
Nays

APPROVED

NIAGARA HOLIDAY MARKET, FUNDING

Agenda Item #5
Global Spectrum, in conjunction with USAN, has presented the City with the opportunity to host a Holiday Winter Market in the Downtown area on Old Falls Street for 36 days commencing November 26, 2011 and concluding January 1, 2012. This Niagara Holiday Market will feature approximately eighty (80) vendors from various parts of the region and the country as well as events and entertainment scheduled at regular intervals throughout the 36 days the Niagara Holiday Market is in the City. The estimated attendance is projected to be approximately 250,000 people. A detailed brochure is available for review in the City Council Office.

This Niagara Holiday Market will be developed and coordinated by the BRIX and Company, headquartered in Boise, Idaho. Private and Public funds will pay for this event. The total cost of the Niagara Holiday Market for the entire 36 days is projected to be approximately $900,000.00. The City has been asked to contribute the sum of $225,000.00 toward the cost of this event for 2011. Funding is available from Casino Revenues. The City’s contribution is contingent upon USA Niagara securing funding from the State of New York in the amount of $225,000.00 as well as BRIX and Company securing private funding for the balance of the money needed.

Will the Council so approve?
Council Member Fournier moved to table the communication.

Yeas
Nays

TABLED

CONTRACT: HYDE PARK ICE PAVILION ADDITIONS AND ALTERATIONS, PHASE 2, CIR ELECTRIC ELECTRICAL CONTRACTOR

Agenda Item #6
A contract for the above referenced project was awarded to CIR Electric on April 5, 2010 in the amount of $423,000.00 and Change Order #1 was approved on November 1, 2010 in the amount of $23,687.59 bringing the total Contract amount to $446,687.59.

This Change Order is for additional necessary work to address fire and security concerns with monitoring existing concession equipment to meet New York State Uniform Fire Prevention and Building Code and more lighting was installed in the public restrooms. Additional work totaled $13,414.54 for these various tasks. Payment for this additional work is available in the current project’s contingency line set up with casino funds.

It is the recommendation that Change Order #2 be approved on the amount of $13,414.54 establishing the new contract amount to $460,102.13.

Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas
Nays

APPROVED

03/07/2011
AGENDA ITEM #7

A contract for the above referenced project was awarded to Sicoli Construction Services on April 5, 2010 in the amount of $1,514,400.00 and Change Order #1 was approved on November 1, 2010 in the amount of $104,997.41 bringing the total Contract amount to $1,619,397.41.

During the course of construction, existing conditions were discovered and required immediate attention in the best interests of the City. The majority of added funds were for the use of cedar trim and wrap in lieu of pine, repairs to under piping that was necessary to stop leaks, metal panels instead of brake metal, power door operators, and minor flashing and structural details. Additional work totaled $48,335.00 for these various tasks. Payment for this additional work is available in the current project’s contingency line set up with casino funds.

It is the recommendation that Change Order #2 be approved on the amount of $48,335.00 establishing the new contract amount to $1,667,732.41.

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

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

Yeas: 5
Nays: 0

APPROVED

AGENDA ITEM #8

A contract for the above referenced project was awarded to J.W. Danforth on April 5, 2010 in the amount of $737,000.00 and Change Order #1 was approved on November 1, 2010 in the amount of $14,011.00 bringing the total Contract amount to $751,011.00.

The City requested additional start-up and training on equipment for the next season. The additional amount is $2,255.00 and is available in the current project’s contingency line set up with casino funds.

It is the recommendation that Change Order #2 be approved on the amount of $2,255.00 establishing the new contract amount to $753,266.00.

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

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

Yeas: 5
Nays: 0

APPROVED
CONTRACT: HYDE PARK ICE PAVILION ADDITIONS AND ALTERATIONS, PHASE 2, J.R. SWANSON PLUMBING CO., PLUMBING CONTRACTOR

Agenda Item #9

A contract for the above referenced project was awarded to J.R. Swanson Plumbing Co. on April 5, 2010 in the amount of $421,900.00 and Change Order #1 was approved on November 1, 2010 in the amount of $42,893.18 bringing the total Contract amount to $464,793.18.

This Change Order is for additional repairs to the osmosis system requested by the City. These repairs are necessary to ensure full efficiency and proper operation of equipment. Additional work totaled $3,711.70 for these various tasks. Payment for this additional work is available in the current project’s contingency line set up with casino funds.

It is the recommendation that Change Order #2 be approved on the amount of $3,711.70 establishing the new contract amount to $468,504.88.

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

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

Yeas 5
Nays 0
APPROVED

LEGENDS BASKETBALL COURTS & 2011 COMMUNITY INTERVENTION INIATIVE, DEDICATION, FUNDING

Agenda Item #10

The City’s new basketball courts on Portage Road are now ready for use by the public. The dedication of these basketball courts as the “Legends Courts” is scheduled to occur on Saturday, May 7, 2011. Along with this dedication, the City also wishes to announce the 2011 Community Intervention Initiative and Outreach Program for the benefit of all youth in the community by presenting an opportunity to educate them about the risks and consequences of poor decision making. While the program, which will commence on May 7, 2011 and last throughout the summer, will revolve around the game of basketball, the game itself will provide a catalyst to educate and motivate young people and emphasize the importance of positive values and taking personal responsibility in order to achieve a healthy and productive lifestyle. This program will be undertaken by the City in partnership with various not-for-profits and also various educational institutions in the county. The cost of this program is estimated to be $30,000.00 as per the budget attached hereto (on file in the City Clerk’s Office). Funding is available from Casino Revenues.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

Chairman Fruscione commended Council Member Walker for his work with this Project
THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

PINE AVENUE TRAFFIC SIGNAL, DENIAL

Agenda Item #11
At the Traffic Advisory Commission meeting held on February 17, 2011 the Commission:

DENIED:
1) Request submitted by Charles Walker, Councilmember, to INSTALL A TRAFFIC SIGNAL IN FRONT OF THE COMO RESTAURANT – PINE AVENUE, IN THE VICINITY OF 22ND/23RD STREETS. The Commission felt that the installation of a traffic signal, either pedestrian activated only, directly in front of the Como, or vehicle and pedestrian activated at 22nd Street and Pine Avenue or 23rd Street and Pine Avenue, would not be appropriate. This area was studied using the Federal Manual on Uniform Traffic Control Device’s nine warrants for the installation of a traffic signal (eight hour volume; four hour volume; peak hour volume; pedestrian volume; school crossing; coordinated signal system; crash experience; roadway network; and intersection near a grade crossing), and fell far short in all cases. In particular, for volume studies, not nearly enough vehicles exit the side streets (at the intersections) or cross the street (at mid block) to meet the criteria. Regarding crash experience, although numerous accidents have occurred in this block (as they do along most of Pine Avenue), the vast majority of these accidents were rear ends & sideswipes which are not correctable by the installation of a signal. The Commission felt that fixing the street lighting issue first would help correct any problems at this location, since of the five pedestrian accidents that have occurred in this area since 2004, three were after dark and one of the other two accidents was drug related.

THIS ITEM WAS RECEIVED AND FILED

LASALLE PREPARATORY SCHOOL, INSTALL FLASHING BEACONS

Agenda Item #12
At the Traffic Advisory Commission meeting held on February 17, 2011 the Commission recommended APPROVAL of the following item:

INSTALL FLASHING BEACONS (SCHOOL SPEED LIMIT 20 MPH FLASHERS) AT EACH END OF THE SCHOOL ZONE ON BUFFALO AVENUE, BOTH EAST & WEST BOUND, IN ADVANCE OF LASALLE PREPARATORY SCHOOL (7436 BUFFALO AVENUE)

This request was approved by the Commission pending allocation by the City Council of approximately $15,000 to fund the purchase and installation of these flashers, and their subsequent design and bid by the City’s Engineering Department.

Submitted By: Robert Anderson, Jr., Councilmember

It is requested that City Council approve this recommendation. Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas: 5
Nays: 0

APPROVED

03/07/2011
NACC, WALNUT & PINE AVENUES, EXTEND THE EXISTING PARKING AREA BY AN ADDITIONAL 120’

Agenda Item #13
At the Traffic Advisory Commission meeting held on February 17, 2011 the Commission recommended APPROVAL of the following item:

EXTEND THE EXISTING PARKING AREA BY AN ADDITIONAL 120’ TO THE NORTH ON PORTAGE ROAD, WEST SIDE, BETWEEN WALNUT AVENUE & PINE AVENUE

Submitted By: Kathie Kudela, Executive Director, The Niagara Arts & Cultural Center (NACC)
It is requested that City Council approve this recommendation.
Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

2220 WOODLAWN AVENUE, HANDICAPPED ACCESS SPACE

Agenda Item #14
At the Traffic Advisory Commission meeting held on February 17, 2011 the Commission recommended APPROVAL of the following item:

INSTALL A 5’ HANDICAPPED ACCESS SPACE IN FRONT OF 2220 WOODLAWN AVENUE

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

Submitted By: Kathy Monti, 2220 Woodlawn Avenue
It is requested that City Council approve this recommendation.
Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

2711 FOREST AVENUE, HANDICAPPED ACCESS SPACE

Agenda Item #15
At the Traffic Advisory Commission meeting held on February 17, 2011 the Commission recommended APPROVAL of the following item:

INSTALL A 5’ HANDICAPPED ACCESS SPACE IN FRONT OF 2711 FOREST AVENUE

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

Submitted By: Rose Marie Pyra, 2711 Forest Avenue
It is requested that City Council approve this recommendation.
Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED
RESOLUTION: DESIGNATING THE CROSS-BORDER NIAGARA REGION AS AN INTERNATIONAL CORRIDOR OF PEACE AND COOPERATION, 2011-15
BY: COUNCIL MEMBER CHARLES WALKER

Agenda Item #16

RELATIVE TO DESIGNATE THE CROSS-BORDER NIAGARA REGION AS AN INTERNATIONAL CORRIDOR OF PEACE AND COOPERATION
BY: Council Member Charles Walker

Whereas, the War of 1812 represents a seminal period in the process of nation building in both the United States and Canada; and
Whereas, the cross-border Niagara region was at the frontline of the War of 1812, with decisive battles both on land and lakes reporting the greatest number of casualties and the longest continual period of conflict; and
Whereas, the War of 1812 significantly affected civilian populations on both sides of the Niagara River, especially when the flames of war burned British-Canadian, American and Tuscarora settlements along the Niagara River in December of 1813; and
Whereas, this conflict involved and impacted the Native Americans/First Nations in both countries and throughout the Niagara region. Many citizens and soldiers acted with great gallantry and personal sacrifice to protect their homes and countries; and
Whereas, the Niagara region maintains many cemeteries that are the final resting place for combatants and veterans of the War of 1812. The Niagara region retains three forts and numerous historic and battle sites from the War of 1812; and
Whereas, from the death and destruction of the War of 1812 was born a spirit of cooperation and a vision of Peace between the United States and Canada. The unparalleled cooperation, prosperity and friendship that developed between the United States and Canada since the War of 1812 find their deepest roots and daily expressions in the cross-border Niagara region; and
Whereas, the history of Niagara is rich in stories of peace and freedom, bi-national exchange, cooperative endeavor and neighborly goodwill; and
Whereas, the bi-national coordination for this commemoration is being led by the Niagara 1812 Bicentennial Legacy Council; and
Whereas, the Bicentennial of the War of 1812 offers an exceptional opportunity to acknowledge and celebrate the true and lasting legacy of 200 Years of Peace along the Niagara and between the United States and Canada.

Now, therefore be it resolved, that the Niagara Falls City Council, along with Mayor Paul A. Dyster, joins with the other Niagara 10 jurisdiction to officially designate the cross-border Niagara region as an International Corridor of Peace and Cooperation.

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

Yeas 5
Nays 0
ADOPTED
RESOLUTION: PROPERTY TAX CAP THAT MUST INCLUDE MANDATE RELIEF, 2011-16

Agenda Item #17
RELATIVE TO A PROPERTY TAX CAP THAT MUST INCLUDE MANDATE RELIEF
BY: Council Member Charles Walker

WHEREAS, the level of property taxation throughout New York has reached dangerously high levels; and

WHEREAS, New York leads the nation in property taxes simply because we lead the nation in imposing inefficient state mandates on our local governments; and

WHEREAS, two of the largest components of every municipal budget over which local officials have little control - pension payments and health insurance costs - are increasing at exorbitant rates; and

WHEREAS, in the case of pension costs, bills from the State Retirement System will increase by an average of 40% in both 2011 and 2012; and

WHEREAS, state laws pertaining to contracts between municipalities and employee unions, do not allow local officials to reasonably control the costs such contracts impose on property taxpayers; and

WHEREAS, as a solution to New York’s property tax crisis, the Governor of New York and the New York State Legislature will likely, in 2011, enact legislation imposing a cap on the annual growth in property taxes; and

WHEREAS, a property tax cap will only work if it is simultaneously accompanied by a repeal of current state mandates that require local governments to increase spending and property taxes, and an exclusion from the cap for those expenses for which significant and immediate mandate relief is not provided; and

WHEREAS, a property tax cap without repeal of costly state mandates and exclusion of expenses for which necessary mandate relief is not provided, will, by definition, lead to drastic cuts in essential local services and dramatic layoffs of municipal employees;

NOW, THEREFORE, BE IT RESOLVED, by the Niagara Falls City Council, along with Mayor Paul A. Dyster of the City of Niagara Falls, that the Governor of the State of New York and the members of the New York State Senate and New York State Assembly must reform the cost drivers that lead to high property taxes in New York - including pension benefits and health insurance costs - as the central element of any effort to provide overdue property tax relief to the residents and businesses of New York, and must exclude from such cap any rapidly rising expenses that are not addressed concurrently with such tax cap legislation.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Governor, Senate Majority and Minority Leaders, Assembly Speaker and Minority Leader, Senator Mark Grisanti, Assemblyman John Ceretto, and the New York State Conference of Mayors.

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

Yea 5
Nay 0
ADOPTED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:55 p.m.

Carol A. Antonucci
City Clerk

03/07/2011
The first session of the March 21, 2011 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

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

Council Member Fournier moved to approve the Minutes from the City Council Meeting of March 7, 2011.

Yeas 5
Nays 0
APPROVED

Mayor Paul Dyster presented a Proclamation to John Calabro and Edrico Palmer, employees of the Public Works Department, who were instrumental in saving the life of a prisoner at the City Jail.

Randy Ubriaco, Landlord Licensing Clerk, gave a report on the Landlord Rental and Property Owner Registration Program. He said that the program is working well, and both property owners and tenants are pleased with the Program. In response to Chairman Fruscione’s question, Mr. Ubriaco said that non-compliance with the Program will result in Court Proceedings and fines.

In the Administrative Update:

1. City Administrator Donna Owens offered congratulations to Mr. Calabro and Mr. Palmer.
2. City Administrator Owens thanked Mr. Ubriaco for his presentation.
3. Senior Planner Thomas DeSantis reported that the bid specs are complete for the LaSalle Waterfront Park Project, and he is waiting for the DEC to issue a permit for the work. He expects a spring bid opening.
4. Mr. DeSantis also reported that a Meeting had been held with the consultant for the Old Stone Chimney Project, and he had had conversations with the State Parks Office and the New York Power Authority relative to the site for the relocation of the Chimney. He will be meeting with the Power Authority to discuss concerns that had been raised. Paul Gromosiak gave an updated history on the Chimney, and also said that the Chimney must be taken apart, brick by brick, to be moved.
5. City Engineer Thomas Radomski said that he had met with businesses on Pine Avenue to select 3 locations for installation of sample lights by National Grid, and BBC would also be installing sample lights.
6. Mr. Radomski also reported that the contractor for the Lewiston Road Project will begin work on April 4, and a meeting will be held on April 6 to discuss various Projects with the general public.
7. Director of Business Development Fran Iusi informed the Council Members that she should have the specs for the Downtown Storefront Project by Monday, and was working on a list to send Requests for Proposals.
Chris Schoepflin of USA Niagara spoke on the Niagara Holiday Market, and the guidelines that had been negotiated for the City to supply funding for the Project. Council Member Anderson thanked Mr. Schoepflin for his part in resolving the Council’s issues with the Project. Council Member Grandinetti asked if any information was available now for vendors who were interested in the Project, and Mr. Schoepflin said that vendors should be referred to Jill Scicchitano of Global Spectrum.

City Administrator Owens introduced Kathleen Granchelli, CEO of the YWCA, who spoke on the operation of the City Hall Snack Stand Concession (Agenda Item #5). The stand will offer a variety of freshly prepared foods and beverages.

Council Member Anderson inquired about a warranty on paving projects. Mr. Radomski informed him that Projects funded by Federal money have no warranty, but Projects funded with City dollars have a one year warranty. Council Member Anderson expressed concern about streets where the repairs don’t seem to hold, and Mr. Radomski explained that was due to the City’s aging infrastructure. Mr. Radomski said that Projects are now being done with deeper digs into the infrastructure, and the repairs should last longer.

Chairman Fruscione asked the Mayor for a copy of the 2011 Street Paving List, and the Mayor replied that the funding was being checked, and the list should be ready in a day or so.

Corporation Counsel Craig Johnson informed the Council Members that Agenda Item #9, relative to the use of the Pothole Killer, should be amended to fund one truck and one operator for the months of May and June, 2011.

Council Member Grandinetti moved to amend the Item.

Yeas 5
Nays 0

MOTION TO AMEND APPROVED

Mr. Johnson spoke on the communication relative to the Niagara Holiday Market which was tabled at the March 7, 2011 Meeting, and explained that the Project guidelines had since been negotiated between the City and USA Niagara.

Council Member Anderson moved to remove the communication from the table.

Yeas 5
Nays 0

MOTION TO REMOVE ITEM FROM TABLE APPROVED

Council Member Anderson moved to amend the communication as negotiated, and add the communication to the Agenda.

Yeas 5
Nays 0

MOTION TO AMEND AND ADD TO AGENDA APPROVED

The communication was added to the Agenda as #21.

This Session ended at 4:50 PM

Chairman Fruscione reconvened the Meeting at 7:05 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Walker and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

- Anthony Gara - Agenda Item #21
- Ron Anderluh - Agenda Items #4, #17, #18, #21
- Tim McSweeney - Agenda Item #21
- Rick Crogan - Agenda Item #4
- Tim McSweeney - Parking Tickets/Parking Restrictions
- Diane Tattersall - Agenda Items #4 & #21, Global Spectrum doing good job & DPW & ZOOM doing good job
- Mike Heigel - Vendors Ordinance
THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

Agenda Item #1
City Clerk’s Claim Report for the Month of February 2011
THIS ITEM WAS RECEIVED AND FILED

Agenda Item #2
City Clerk’s Report for the Month of February 2011
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #3
The following have requested City Council approval for Commissioner of Deeds for a term from 4/1/2011 to 3/31/2013.

Travis, Jane
Law Department
Sandonato, Fifi
Waterboard
Restino JR, Anthony
2478 Forest Ave., Niagara Falls, NY 14301

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

Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

ECONOMIC DEVELOPMENT COORDINATORS, BUSINESS ASSOCIATIONS, GRANTS

Agenda Item #4
Four grants of $12,000 each are proposed for the 2011 economic development/neighborhood revitalization coordinators for Pine Avenue Business Association, Inc., Main Street Business and Professional Association, Inc., Niagara Street Area Business Association and Downtown Niagara Falls Business Association. Funds are available from State Finance Law §99-h casino revenues designated for economic development.

As in the past, the association will be reimbursed for the coordinators at the rate of $20.00 per hour. Each association will be eligible to receive up to $1,000 per month for up to 50 hours per month of work performed by the coordinator to the association. The association and the coordinator will be subject to conflict of interest restrictions and will be prohibited from engaging in political activity.

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

Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

03/21/2011
CONTRACT: SNACK STAND AT CITY HALL, THE CATERING CREW

Agenda Item #5
We respectfully request you authorize the Mayor to enter into the following agreement:
WITH: The Catering Crew
542 6th Street
Niagara Falls, NY 14301
FOR: Concession to Operate the Snack Stand at City Hall
Attached is a copy (on file in City Clerk’s Office) of the proposal received. The Catering Crew is operated out of Carolyn’s House, a housing program operated by the YWCA of Niagara.
The City solicited proposals (twice) for operation of the snack stand on the ground floor of City Hall. The Catering Crew submitted the only proposal (Insurance information on file in Purchasing Department). It is anticipated the snack stand will be open on or about April 1st.
Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
Abstain 1
Grandinetti

APPROVED

PURCHASE: AGRICULTURAL CHEMICALS, VARIOUS COMPANIES

Agenda Item #6
We respectfully request you award the above referenced bid as follows:
TO: Andre & Son, Inc.
2 Mill Street
Montrose, PA 18801
FOR: Items: 1, 2, 4 and 6 as per the attached tally sheet. $3,750.20
TO: John Deere Landscapes
1301 East 9th Street
Suite 1300
Cleveland, OH 44114-1849
FOR: Items 7, 8 and 10 as per the attached tally sheet. 11,015.00
TO: Professional Turf Surfaces, Inc.
8704 Brickhouse Drive
Corfu, NY 14036
FOR: Items 3, 5, 9 and 11 as per the attached tally sheet. 8,430.00

TOTAL: $23,195.20

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law. Notice that bids were to be received was advertised in the Niagara Gazette and bid requests were sent to Four (4) vendors. Four (4) bids were received. The above referenced companies submitted the lowest bids to meet our specifications for each respective item (on file in City Clerk’s Office.
Funds for this expenditure are available in the Golf Course Fund code: GC7250.0200.0419.009.
Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0

APPROVED
PURCHASE: LANDSCAPING & MAINTENANCE OF MEDIANS AND TRAFFIC CIRCLE, K.J. SMITH ENTERPRISES

Agenda Item #7
We respectfully request you award the above referenced bid as follows:

TO: K.J. Smith Enterprises
3616 Highland Avenue
Niagara Falls, NY 14305

FOR: Landscaping and maintenance of the medians along:
$33,102.00
Niagara Street, John B. Daly Boulevard, Rainbow Boulevard:
The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.
Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to eleven (11) vendors. Four (4) bids were received (on file in the City Clerk’s Office). The above referenced company submitted the lowest bid.
Funds for this expenditure are available in the Capital budget code: H0912.2009.0449.599.

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

Yeas: 5
Nays: 0
APPROVED

PURPLE EAGLES, JUNIOR, CONTRIBUTION

Agenda Item #8
The Niagara Falls Junior Purple Eagles is an age 12 and under traveling baseball team which will be competing in a tournament at Cooperstown Dreams Park. As is protocol at tournaments of this nature, players from around the country and the world who participate in this tournament exchange pins decorated with the logo representing their hometowns. The Junior Purple Eagles seek to have pins made which will have Niagara Falls as the backdrop. This is viewed as an effort to promote the City of Niagara Falls and foster and encourage tourism. The City has been asked to contribute the sum of $1,600 toward the cost of these pins as per the attached correspondence (on file in the City Clerk’s Office). Funding is available from Tourism Fund balance. This contribution is subject to the terms and conditions contained in a funding agreement to be prepared by the Corporation Counsel.

Will the Council so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas: 5
Nays: 0
APPROVED

PURCHASE: POTHOLE KILLER TRUCKS, PATCH MANAGEMENT

Agenda Item #9
Attached (on file in the City Clerk’s Office) is a proposal from Patch Management, Inc. to provide one truck and one operator for the months of May & June, 2011 at a cost of $70,000.00.
It is recommended that casino revenue be used to fund this.

Will the Council so approve and authorize the Mayor to execute the agreement on behalf of the City?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas: 5
Nays: 0
APPROVED

03/21/2011
POLICE DEPARTMENT, SYSTEMS ENGINEER POSITION

Agenda Item #10
As the Council is aware, the Police Department is using increasing amounts of intellectual technology and with that, increasing number of systems issues arise, which require the creation of an IT Systems Engineer position in the Police Department.

On an annual basis the salary and benefits total $64,724.00 which is available in account A.1990.7590.0449.000.

Will the Council so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

CITY PROPERTY: 445 THIRD STREET, ENCROACHMENT

Agenda Item #11
The owner of the Third Street Liquor Store has requested permission to relocate the sign which encroaches to the see right-of-way of Third Street from its current location at 435 Third Street to its new location at 455 Third Street.

This request has been reviewed by the appropriate City Departments who recommend its approval.

This is also subject to a recommendation by the Planning Board and this matter is on the Planning Board agenda for its March 23 meeting.

Will the Council approve the encroachment subject to a positive recommendation by the Planning Board and the requirements that the owner agree to defend and indemnify the City from any liability caused by the sign, add the City as an additional insured to its liability policy, that the sign installation comply with all building code and other legal requirements and that the City retains the right to terminate the encroachment on six (6) months written notice?
Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

CITY CLERK’S OFFICE, LICENSE/CODE COMPLIANCE INSPECTOR, CELL PHONE & INCREASE RATE OF PAY

Agenda Item #12
The above position has been created in the City Clerk’s Office to perform numerous duties including vendor inspection, ATC and also ensure compliance on Old Falls Street and with the pedestrian walkway which hopefully will be operational this season. In order for the individual working in that position to be more effective, it is desirable for that person to have a City cell phone. Therefore it is requested that a line item be created in the City Clerk’s budget for a cell phone which is anticipated to cost $240.00 for the balance of this year. Funding is available through A.1990.7650.0499.000.

Because of the increased duties and responsibilities anticipated for this position, it is requested that the rate of pay be increased to $15.00 per hour from $13.00 per hour. Funding already exists in the City Clerk’s budget in order to accomplish this.
Will the Council so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED
POLICE DEPARTMENT, BYRNE JUSTICE ASSISTANCE GRANT, PAWN SHOPS/BURGLARY INITIATIVE

Agenda Item #13
The Police Department has received the above referenced Agreement in the amount of $40,000.00 through the New York State Division of Criminal Justice Services.

The Grant will be used to fund the Pawn Shops/Burglary Initiative and no City match is required.

Will the Council approve acceptance of the Grant and authorize the Mayor to execute any Agreements necessary to effectuate the same?

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

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: NFT METRO SYSTEM, INC.

Agenda Item #14
Date Claim Filed: February 14, 2011
Date Action Commenced: N/A
Date of Occurrence: December 13, 2010
Location: Pine Avenue and Packard Road
Nature of Claim: Bus shelter damage sustained in an accident with City vehicle

City Driver: Anthony Marino
Status of Action: Claim stage.
Recommendation/Reason: Best interests of City to pay claim.
Amount to be Paid: $716.00
Make Check Payable to: NFT Metro System, Inc.
Conditions: General Release to City, approved by Corporation Counsel.

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

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

Yeas 5
Nays 0
APPROVED

51

03/21/2011
CLAIM: REYNOLDS, JOANNE E.

Agenda Item #15
Date Claim Filed: January 28, 2011
Date Action Commenced: N/A
Date of Occurrence: January 23, 2011
Location: Across from 611 Sixth St., Niagara Falls, NY
Nature of Claim:
Automobile damage sustained in an accident with City vehicle.

City Driver:
Francis Bue
Status of Action:
Claim stage.
Recommendation/Reason:
Best interests of City to pay claim.

Amount to be Paid:
$327.76
Make Check Payable to:
Joanne E. Reynolds
Conditions:
General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve?
Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yea 5
Nay 0
APPROVED

RESOLUTION: ASSESSMENT, BOARD OF, APPOINTMENT, 2011-17

Agenda Item #16
Relative to Appointment to the Niagara Falls Board of Assessment Review
BY: Council Chair Samuel Fruscione

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

<table>
<thead>
<tr>
<th>APPOINTMENT</th>
<th>TERM EXPIRES</th>
</tr>
</thead>
<tbody>
<tr>
<td>George Noto</td>
<td>9/30/2015</td>
</tr>
<tr>
<td>8421 Buffalo Avenue #29</td>
<td></td>
</tr>
<tr>
<td>Niagara Falls, NY 14304</td>
<td></td>
</tr>
<tr>
<td>283-0427</td>
<td></td>
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</tbody>
</table>

Yea 5
Nay 0
ADOPTED
RESOLUTION: LEGISLATIVE DISTRICTS, PRESERVATION, 2011-18

Agenda Item #17
Relative to Preservation of Legislative Districts in the City of Niagara Falls
BY: Council Chair Sam Fruscione

WHEREAS, the Niagara County Legislature is in the process of downsizing the Niagara County Legislature and is also in the process of redistricting the lines of the legislative districts; and

WHEREAS, the Niagara County Redistricting Commission was created by the Legislature to oversee the process of reducing the number of county legislative districts from 19 to 15 districts. Commission members will draw the new district lines based on U.S. Census data and public input; and

WHEREAS, the City of Niagara Falls needs to receive fair and equally appropriate representation that reflects the status of the county’s largest city; and

WHEREAS, the City of Niagara Falls draws millions of tourists each year and is the most populated area of Niagara County. That calls for fair representation in the county legislature, which would be four (4) complete legislative districts.

NOW, THEREFORE, BE IT RESOLVED, by the Niagara Falls City Council, that we ask the Niagara County Redistricting Commission to create four (4) whole districts in the City of Niagara Falls. This would create a strong voice for the City of Niagara Falls in County Government.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the members of the Niagara County Redistricting Commission as well as all the members of the Niagara County Legislature.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: PAROLE OFFICE, 2011-19

Agenda Item #18
Relative to the New York State Parole Office
BY: Council Chair Sam Fruscione

WHEREAS, currently there are plans to relocate the state parole office in the City of Niagara Falls; and

WHEREAS, residents of the City have asked the Niagara Falls City Council to step in and look at the relocation plans before the state’s Division of Parole moves out of its current office on Third Street into the former school district administrative building at the corner of Sixth Street and Walnut Avenue; and

WHEREAS, public input has shown concern that the move would have a negative impact on the community, especially with the children living in the neighborhood and clients of Carolyn’s House, an assisted living facility for homeless women and children that is located just a few doors down from the proposed parole office location; and

WHEREAS, the building has been viewed by the state Division of Parole as a potential home for a new agency office.

NOW, THEREFORE, BE IT RESOLVED, by the Niagara Falls City Council, that the Council is on record as opposing any transfer of state parole operations to the Walnut Avenue Administration Building. Carolyn’s House was built as a safe haven for the women and children of the area and the Niagara Fall City Council, again, opposes this move.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the NYS Senator Mark Grisanti, NYS Senator George Maziarz, NYS Assemblyman John Ceretto and Barbara Gray, Real Estate Project Manager, NYS Office of General Services.

Yeas 4
Nays 0
Abstain 1
Grandinetti

ADOPTED
RESOLUTION: POLLING PLACE, SCHOOL ELECTION, 2011-20

Agenda Item #19
Relative to the use of Polling Place for the Annual School Election
BY: All Council Members

WHEREAS, the Annual School Election will be held on Tuesday, May 17th, 2011.
Attached (on file in City Clerk’s Office) is a communication from the School District of the City of Niagara Falls, New York requesting approval for the use of polling places in the City of Niagara Falls, New York.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: DISCRETIONARY SPENDING, FREEZE, 2011-21

Agenda Item #20
Relative to freeze on Discretionary Spending
BY: All Council Members

WHEREAS, the City of Niagara Falls, New York administration is beginning the process of developing the City budget for the year 2012; and
WHEREAS, any fund balance remaining at the end of year 2011 will be helpful in balancing the budget projected for year 2012;
NOW, THEREFORE, BE IT RESOLVED by the City Council of Niagara Falls, New York as follows:
Commencing with the adoption of this Resolution and continuing through December 31, 2011, the City Council requests that the Mayor and City Administrator direct all City Department Heads as follows:
1. Cease spending on discretionary items regardless of the fact that surplus may exist in their respective budgets from which to access funds.
2. Non-discretionary spending and spending that must occur pursuant to agreements and contractual issues may continue to occur pursuant to agreements and contracts in place.
3. In the event that a Department Head believes an item which is the subject of discretionary spending to be necessary, he or she may apply to the Mayor and City Administrator on a case by case basis in order to obtain permission for such an expenditure.
4. This resolution shall not apply to the spending of casino revenues pursuant to future resolutions adopted by the City Council.

Yeas 5
Nays 0
ADOPTED

03/21/2011
NIAGARA HOLIDAY MARKET, FUNDING CONTRIBUTION

Agenda Item #21

Global Spectrum, ("Global") in conjunction with USA-Niagara ("USAN"), has presented the City with the opportunity to host a Holiday Winter Market in the Downtown area on Old Falls Street for thirty-six (36) days commencing November 26, 2011 and concluding January 1, 2012. This Niagara Holiday Market will feature approximately eighty (80) vendors from various parts of the region and the country as well as events and entertainment scheduled at regular intervals throughout the 36 days the Niagara Holiday Market is in the City. The estimated attendance is projected to be approximately 250,000 people. A detailed brochure is available for review in the City Council Office.

The Niagara Holiday Market will be developed and coordinated by the BRIX and Company ("BRIX"), headquartered in Boise, Idaho. Private and Public funds will pay for this event. The total cost of the Niagara Holiday Market for the entire thirty-six (36) days is projected to be approximately $900,000.00. The City has been asked to contribute the sum of $225,000.00 toward the cost of this event for 2011. Funding is available from Casino Revenues. The City’s contribution is contingent upon USAN securing funding from the State of New York in the amount of $225,000.00 as well as BRIX securing private funding for the balance of the money needed. Attached hereto is a copy of the business structure of the Niagara Holiday Market project (on file in the City Clerk’s Office).

A Memorandum of Understanding will be developed which will describe in detail the funding obligations of each party, the thresholds to be met in order for funds to be disbursed as well as the projected benefits to each party, including local seasonal job creation. Public funds will be distributed to Global from time to time who will disburse those funds when certain thresholds are met by BRIX.

It is requested that the City Council authorize the immediate disbursement of $40,000.00 to Global in order to assist BRIX in continuing to move the project forward. The City Council will then review the detailed progress reports to be provided by BRIX as described in the attached business structure and make a determination at its City Council meeting in late July 2011 as to whether or not an additional $185,000.00 will be disbursed to Global as the balance of the City’s contribution. The City Council will make its determination based upon the level of sponsorships generated by BRIX as well as other pertinent economic or non-economic factors that present themselves which will help the City Council to determine whether or not the Niagara Holiday Market project merits the continued support of the City Council.

Will the Council approve the initial funding of $40,000.00 and authorize the Mayor to enter into a Memorandum of Understanding 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
There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:30 p.m.

Carol A. Antonucci
City Clerk
The first session of the April 4, 2011 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:03 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

Also present: Mayor Paul A. Dyster, City Administrator Donna D. Owens, 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 March 21, 2011.

Yeas 5
Nays 0

APPROVED

John Percy, President and CEO, Niagara Tourism and Convention Center, gave a presentation on the Annual Performance Report of NTCC. (handout is in the City Clerk’s Office). On July 30, 2010, a new Visitor Center opened in Niagara Falls. Mr. Percy spoke on different aspects of the Performance Report, such as Return on Investment, Online Reservation Systems, Advertising Tourism Marketing, Convention Sales, etc. He said this is one of the greatest years they have had. He provided the City with a 2-year Marketing Plan.

Chairman Fruscione asked how Casino money was used, and Mr. Percy responded that staffing has decreased due to the decrease in funds. Council Member Walker asked about the relationship between NTCC and the Casino, and Mr. Percy answered that there is a relationship, but he would like more cooperation since the NTCC budget has been reduced.

In the Administrative Update:

1. Director of Code Enforcement Dennis Virtuoso gave the Demolition Plans for 2011. He stated there would be 50-60 demos this year but it depends on funding which comes from Casino funds. Chairman Fruscione asked how much the recent Church fire cost the City, and Mr. Virtuoso responded that the demolition costs were $128,000, which was approximately half of the Demolition Budget. Police Superintendent John Chella added that the fire was still under investigation.

2. Senior Planner Thomas DeSantis, stated that he has gone through all the applications for Planner II/Historic Preservation/Specialist, and his recommendation will be sent to Human Resources by the end of the month.

3. Director of Business Development Fran Iusi gave an update on Storefronts. She has forwarded the final specification and documents to Engineering. City Engineer Thomas Radomski added that construction, hopefully, will be completed by July 4, 2011.
4. City Administrator Donna Owens introduced Chris Robins to speak about the Taxi Cab Commission. He said there have been two meetings so far; the Commission is meeting monthly and the Council has been provided with reports; there are two Major Cab Companies; there are 86 medallions; and the Police Department is working with the Commission. Council Member Grandinetti said we need to be involved again and to let the public know the issue is being addressed. The City Administrator is the only one that can pull the medallions. Chairman Fruscione asked how much the City makes from the sale of the medallions, and Chief Chella informed him that there is no revenue that goes to the City.

5. City Administrator Owens said that on April 25, 2011, the City Hall Snack Bar will open which is operated by Caroline House Catering Crew.

6. Mayor Dyster stated that former President Bush signed the National Heritage Bill in 2009. A meeting was held here last week and that there will be updates in the future.

7. Council Member Anderson asked Dean Spring why a Small Business, Frankie's Donuts, was not chosen for the Prisoners Meals over McDonalds. Mr. Spring stated that the bid has to be awarded to the lowest bid and this is governed by State Law.

8. Chairman Fruscione asked Mr. Radomski about the lights on Pine Avenue. Mr. Radomski responded that samples were received, National Grid will install new poles, and the poles belong to the City and can be used in residential areas.

This session ended at 4:47 PM

Chairman Fruscione reconvened the Meeting at 7:03 p.m. in the Council Chambers with all Council Members present. The Chairman said the prayer and led the gathering in the Pledge of Allegiance to the Flag.

Chairman Fruscione introduced David Fabrizio, Chairman of the Veterans Memorial Commission. Mr. Fabrizio stated that the Construction drawings are nearly complete. These were given to the Operating Engineer. He met with the workers for the project who are from Local #91. Construction will start late April or 1st week of May. Drawings have been approved and the completion of the 1st Phase will be the end of August. Council Member Anderson asked him about the prices and Mr. Fabrizio said that the flyers, with information & his phone number, for the Public are in various places in Niagara Falls.

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

Ron Anderluh     Agenda Items #4 & #14, potholes
Ken Hamilton     Potholes, Veterans Monument, Agenda Item #2, Agenda Items not on the Website
Paul Gromosiak   DeVeaux State Park in disgrace, different buildings that should not be torn down
Roger Spurback   Thanked Council for working with the Block Clubs-talked about Junkers and gave solutions for this problem
Dave Bieksza     Pete's Market House closing, NF crumbling, City needs to help, Junkers
Gerald Skrlin     Inspection Department doing excellent job-wants a by-law about lots next to buildings be maintained
Melvin Johnson   Vendor's Ordinance issues-map of Old Falls St not going to work-does not want to be limited to one corner concerned about price of 2 vending spots
Vince Sandonato  Thanked Council for Block Development Grant-Agenda Item #9, to support Buffalo Avenue Opportunities, set up NF Legislative Meeting
Ken Hamilton     Defense of Interpretive Center
Paul Grenga      One Niagara issues-only locally owned Tourist Attraction, problems with the City of Niagara Falls Relating to One Niagara

04/04/2011
Carl Paladino

Downstate allows State owned property to be taxed-tax rate here is unbelievable-need to get Indians not to withhold payments from the State/City

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK:

COMMISSIONER OF DEEDS, APPOINTMENT

Agenda Item #1

The following have requested City Council approval for Commissioner of Deeds for a term from 4/1/2011 to 3/31/2013.

Restaino, Diana

826 College Ave, Niagara Falls, NY 14305

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

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

Yeas

Nays

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CODE ENFORCEMENT DEPARTMENT, REORGANIZATION

Agenda Item #2

It is requested that the Department of Code Enforcement be reorganized in order to improve office efficiency and recognize accomplishments. Attached hereto (on file in City Clerk’s Office) is a spreadsheet that shows the proposed reorganization. The reorganization proposed will result in savings of $13,338.19.

Will the Council approve the proposed reorganization as described in the attachment?

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

Yeas

Nays

APPROVED

CAYUGA HEAT TRAVEL BASEBALL TEAM, CONTRIBUTION

Agenda Item #3

The Cayuga Heat Travel Baseball Team is participating in a tournament in Cooperstown, New York this summer. As is protocol at tournaments in Cooperstown, the team wishes to distribute Niagara Falls souvenir pins to other participants in this tournament and also wishes to distribute various other Niagara Falls promotional information (letter on file in City Clerk’s Office). The cost for such pins is $1,500.00. The source of funds for this is found in Tourism Fund Balance.

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 approved.

Yeas

Nays

APPROVED
CONTRACT: 458-462 THIRD STREET, PARKING AGREEMENT

Agenda Item #4
The City Council authorized the City to enter into a Temporary Parking License Agreement with Ellicott for a five (5) month term commencing on November 1, 2010 and concluding on March 31, 2011. The hours of use were from 7am – 5pm Monday through Friday and the amount to be paid was $520.00 per month. The rent is current.
Ellicott is requesting that this Temporary Agreement be extended for a two (2) month period commencing on April 1, 2011 and concluding on May 30, 2011 (letter on file in City Clerk’s Office).
Will the Council so approve and authorize the Mayor to execute an extension 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

PUBLIC WORKS-STREET CONSTRUCTION DIVISION, TEMPORARY MANPOWER

Agenda Item #5
It is necessary for the Department of Public Works to hire eight (8) Seasonal Laborers to work in the Street Construction Division attached hereto (on file in City Clerk’s Office) is detail on these positions. It is requested that $75,477.04, inclusive of FICA and Pension costs be made available for this purpose. Funding is available from the Special Projects Fund Balance. Will the Council so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

PURCHASE: MEALS FOR PRISONERS, PSNF, INC. (MCDONALDS)

Agenda Item #6
We respectfully request you award the above referenced bid as follows:

TO: PSNF, Inc. (McDonalds)
1726 Pine Avenue
Niagara Falls, NY 14301
FOR: Meals for prisoners at the Public Safety Building:
Breakfast (est. 4,900) $1.00
Lunch (est. 5,800) 1.60
Supper (est. 1,900): 1.60

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.
Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to 5 (five) vendors. The above referenced company submitted the lowest bid. One other bid was received from Frankies Donuts, Inc. (Breakfast $1.00, Lunch $1.75 and Supper $1.75). Funds for this expenditure are available in A3120.0001.0449.599.
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED
PURCHASE: STEP VAN, VAN BORTEL FORD

Agenda Item #7
We respectfully request you award the above referenced bid as follows:

TO: Van Bortel Ford
71 Marsh Road
East Rochester, NY  14445
FOR: One (1) 2011 Model Step Van: $44,525.00

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law. Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to eleven (11) vendors. The above referenced company submitted the lowest bid. Two other bids were received from Delacy Ford, Inc. ($44,529.00) and Vision Ford, Inc. ($45,933.00).

Funds for this expenditure are available in the Capital budget code: H0912.2009.0912.0230.000

Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

PURCHASE: TREE REMOVAL SERVICES, F. TAYLOR SERVICE, INC.

Agenda Item #8
We respectfully request you award the above referenced bid as follows:

TO: F. Taylor Service, Inc.
9353 Rt. 20
Ripley, NY  14775
FOR: Removal of 43 trees on City margins, including stump removal and ground restoration: $54,308.00

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law. Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Six (6) vendors. Three (3) bids were received (on file in City Clerk’s Office). The above referenced company submitted the lowest bid.

Funds for this expenditure are available in the Capital budget code: H0912.2009.0912.0449.599.

Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED
CONTRACT: LASALLE WATERFRONT PARK, SIGNAGE
Agenda Item #9

The City has paid $3,693.00 for signage to be installed at LaSalle Waterfront Park. A Grant has been obtained through Niagara Community Action Program Inc. in the amount of 2,500.00 as partial reimbursement to the City for this expense. In order to obtain this partial reimbursement it is necessary to enter into a Niagara Falls Crime Prevention Grant Agreement with Niagara Community Action Program Inc.

Will the Council authorize the City to accept this Grant and authorize the Mayor to execute the Grant Agreement?

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

Yeas
Nays
Abstain
Fruscione

APPROVED

CONTRACT: HYDE PARK ICE PAVILION ADDITIONS AND ALTERATIONS, PHASE II, SICOLI CONSTRUCTION SERVICES, GENERAL CONTRACTOR
Agenda Item #10

The following was the result of bids received on March 28, 2011, for the above referenced project:

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>BASE BID</th>
<th>TOTAL ALTERNATES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sicoli Construction Services</td>
<td>$677,700.00</td>
<td>$66,200.00</td>
<td>$743,900.00</td>
</tr>
<tr>
<td>4800 Hyde Park Blvd.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Niagara Falls, NY 14305</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

E.B. Galaxy Construction  $769,900.00 $187,500.00  $957,400.00
Alliance Contracting LLC $794,000.00 $175,000.00  $969,000.00
R.B. Mac Construction     $798,000.00 $98,900.00   $896,900.00
Huber Construction Inc.   $847,000.00 $117,000.00  $964,000.00
Landmark Construction Co. $889,400.00 $193,700.00  $1,083,100.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Sicoli Construction Services, at their Total Bid of $743,900.00. Funding is available in Special Projects Fund Balance.

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

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

Yeas
Nays

APPROVED
The following was the result of bids received on March 28, 2011, for the above referenced project:

**CONTRACTOR** | **BASE BID** |  
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Mollenberg Betz Inc.</td>
<td>$117,966.00</td>
</tr>
<tr>
<td>300 Scott St</td>
<td></td>
</tr>
<tr>
<td>Buffalo NY 14204</td>
<td></td>
</tr>
<tr>
<td>J.R. Swanson</td>
<td>$119,900.00</td>
</tr>
<tr>
<td>Ackerman Plumbing</td>
<td>$135,141.00</td>
</tr>
</tbody>
</table>

It is the recommendation of the undersigned that this project be awarded to the low bidder, Mollenberg Betz, Inc., at their Base Bid of $117,966.00. Funding is available in Special Projects Fund Balance.

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

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

*Yeas* 5  
*Nays* 0  
APPROVED

**CONTRACT: HYDE PARK ICE PAVILION ADDITIONS AND ALTERATIONS, PHASE II, J.W. DANFORTH, MECHANICAL CONTRACT**

The following was the result of bids received on March 28, 2011, for the above referenced project:

**CONTRACTOR** | **BASE BID** | **ALT #1** | **TOTAL BID** |  
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>J.W. Danforth</td>
<td>$103,000.00</td>
<td>$8,700.00</td>
<td>$111,700.00</td>
</tr>
<tr>
<td>300 Colvin Woods Pkwy</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tonawanda NY14150</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lakeside Mechanical</td>
<td>$106,450.00</td>
<td>$7,850.00</td>
<td>$114,300.00</td>
</tr>
<tr>
<td>W.C. Robertson</td>
<td>$127,000.00</td>
<td>$6,148.00</td>
<td>$133,148.00</td>
</tr>
<tr>
<td>Parise Mechanical Inc.</td>
<td>$131,000.00</td>
<td>$10,400.00</td>
<td>$141,400.00</td>
</tr>
</tbody>
</table>

It is the recommendation of the undersigned that this project be awarded to the low bidder, J.W. Danforth, at their Base Bid of $111,700.00. Funding is available in Special Projects Fund Balance.

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

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

*Yeas* 5  
*Nays* 0  
APPROVED
CONTRACT: HYDE PARK ICE PAVILION ADDITIONS AND ALTERATIONS, PHASE II, CIR ELECTRIC, ELECTRICAL CONTRACTOR

Agenda Item #13

The following was the result of bids received on March 28, 2011, for the above referenced project:

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>BASE BID</th>
<th>ALT #1</th>
<th>TOTAL BID</th>
</tr>
</thead>
<tbody>
<tr>
<td>CIR Electric</td>
<td>$103,800.00</td>
<td>$3,000.00</td>
<td>$106,800.00</td>
</tr>
<tr>
<td>400 Ingham Avenue Buffalo, NY 14218</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>M &amp; M Electric</td>
<td>$115,000.00</td>
<td>$1,700.00</td>
<td>$116,700.00</td>
</tr>
</tbody>
</table>

It is the recommendation of the undersigned that this project be awarded to the low bidder CIR Electric, at their Total Bid of $106,800.00. Funding is available in Special Projects Fund Balance.

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

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

Yeas 5
Nays 0
APPROVED

CONTRACT: RAMP #2, REHABILITATION AND UPGRADES, CONSULTANT SERVICES, CANNON CONSTRUCTION SERVICES

Agenda Item #14

The City will be administering the above referenced contract with funds provided by USA Niagara for construction management services for the rehabilitation and upgrades of the former Rainbow Centre Parking Ramp.

The City solicited a Request for Proposals from 17 firms. Proposals were ranked and evaluated per the RFP. The top two firms were interviewed. The selection committee’s top firm was Cannon Construction Services 2170 Whitehaven Road, Grand Island NY 14072.

It is the recommendation that this contract be awarded at their proposal fee not to exceed $361,288.00 plus reimbursables, as noted in the proposal at cost. USA Niagara is fully funding this project through Account Code H1014.2010.1014.0451.000.

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

Yeas 5
Nays 0
APPROVED
CONTRACT: CITY MARKET, ALPHONSE MUTO AND MUTO DEVELOPMENT, LLC.

Agenda Item #15

In 1999 the City entered into the City Market Lease and Farmers Market Operating Agreement with Alphonse Muto and Muto Development, LLC. The term of the Ground Lease is through July 16, 2032 with an option to renew for an additional forty-four (44) years subject to the approval of the City. The term of the Farmers Market Operation was through December 31, 2009.

After discussions with Mr. Muto it is recommended that the City enter into an amendment which would make the term of the Farmer’s Market Operation the same as the term of the Ground Lease including the option to renew. A copy of the proposed amendment is attached hereto (on file in City Clerk’s Office).

In addition, Mr. Muto is proposing to refinance his interest in the City Market and the lender has requested that the City execute an Estoppel Certificate and an Agreement of Consent to Leasehold Mortgage. The Agreement of Consent gives the lender some additional protections in the event of a default by Mr. Muto’s entity. Copies of the Estoppel Certificate and Agreement are attached hereto.

Will the Council so approve and authorize the Mayor to execute the Amendment, the Estoppel Certificate and the Agreement of Consent in final forms acceptable to the Corporation Counsel?

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

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: BAK, WILLIAM

Agenda Item #16

Date Claim Filed: July 16, 2010
Date Action Commenced: September 16, 2010
Date of Occurrence: March 31, 2010
Location: 580 78th Street, Niagara Falls, New York
Nature of Claim: Damage to tree caused by Forestry Department.
Status of Action: Litigation stage.
Recommendation/Reason: Best interests of City to pay claim.
Amount to be Paid: $400.00
Make Check Payable to: William Bak and Joshua E. Dubs, Esq.
Conditions: Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.

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

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

Yeas 5
Nays 0
APPROVED
CLAIM: PEARSON, PAUL

Agenda Item #17
Date Claim Filed: July 6, 2010
Date Action Commenced: N/A
Date of Occurrence: May 26, 2010
Location: 740 Tenth Street, Niagara Falls, New York
Nature of Claim: Automobile damage sustained while on duty with the Niagara Falls Fire Department.
Status of Action: Claim stage.
Recommendation/Reason: Best interests of City to pay claim; contractual obligation.
Amount to be Paid: $500.00
Make Check Payable to: "Paul Pearson"
Conditions: General Release to City, approved by Corporation Counsel.

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

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

Yeas 5
Nays 0
APPROVED

CLAIM: ALLSTATE INSURANCE, a/s/o EMONIELLE M. WYNN

Agenda Item #18
Date Claim Filed: September 20, 2009
Date Action Commenced: December 28, 2009
Date of Occurrence: June 18, 2009
Location: 21st Street between Walnut Avenue and Ferry Avenue, Niagara Falls, New York
Nature of Claim: Automobile damage sustained during resurfacing of road.
Status of Action: In suit.
Recommendation/Reason: Best interests of City to pay.
Amount to be Paid: $1,000.00
Make Check Payable to: "Allstate Insurance Company"
Conditions: Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.

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

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

Yeas 5
Nays 0
APPROVED

Agenda Item #19

Relative to Honoring the Founder of the Niagara Falls Aquarium

BY: Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, on February 8th, 2011, William Edward Kelley, Jr., the founding President of the Niagara Falls Aquarium, died at the age of 93; and

WHEREAS, a pioneer in the evolution of aquariums, Kelley developed the artificial seawater, Instant Ocean. Kelley reached success with his product in the laboratory and in 1965, opened the Aquarium of Niagara Falls, as an Inland Oceanarium to showcase his achievement. It was the first aquarium ever to use artificial seawater exclusively to maintain marine life; and

WHEREAS, the Aquarium of Niagara has a significant place in the history and growth of public aquariums across the country, thanks to the achievements of William Kelley. Instant Ocean is still widely used in many public aquariums, university labs and home aquariums. While with the Aquarium of Niagara, Kelley led an expedition to the Amazon, in search of the sacred dolphin. This fresh water dolphin, named Buster, lived at the Aquarium of Niagara for many years and was a favorite among visitors.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council of the City of Niagara Falls, New York, honor and remember the achievements of Mr. William Edward Kelley, Jr. as a remarkable scientist, explorer, innovator and visionary. Mr. Kelley’s legacy lives on in every aquarium visitor.

Yeas
Nays

ADOPTED
RESOLUTION: HISTORIC PRESERVATION COMMISSION, APPOINTMENT, 2011-23

Agenda Item #20

Relative to appointment to the Niagara Falls Historic Preservation Commission

BY: Council Member Kristen Grandinetti

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Historic Preservation Commission to fill the unexpired term of Donna Brok who has since resigned:

APPOINTMENT

Andrea M. Gale
747 Pierce Avenue
Niagara Falls, New York 14305

12/31/2012

Yeas 5
Nays 0

ADOPTED

RESOLUTION: BRIDGE CLEANING AND BRIDGE DECK SEALING PROJECT, VARIOUS LOCATIONS, 2011-24

Agenda Item #21

Relative to authorizing the implementation and funding in the first instance 100% of the Federal-Aid eligible costs of a transportation Federal-Aid Project, to fully fund the local share of Federal-Aid eligible and ineligible project costs, and appropriating funds therefor.

City of Niagara Falls SFY 2010-11 Bridge Cleaning and Bridge Deck Sealing Project, various locations in the City of Niagara Falls, Niagara County, PIN 5759.66

BY: Council Chairman Samuel Fruscione

WHEREAS, the City of Niagara Falls SFY 2010-11 Bridge Cleaning and Bridge Deck Sealing Project, various locations in the City of Niagara Falls, Niagara County, PIN 5759.66 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases of the project PIN 5759.66.

NOW, THEREFORE, the City Council of the City of Niagara Falls, duly convened does hereby RESOLVE, that the City Council of the City of Niagara Falls hereby approves the above-subject project; and it is hereby further RESOLVED, that the City Council of the City of Niagara Falls hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases of the Project or portions thereof; and it is further RESOLVED, that the sum of $134,000 is hereby appropriated from Casino Funds (in addition to $15,000 previously appropriated for the project’s Preliminary Engineering (Design I-VI) phase via City Resolution No. 2010-47 adopted on June 1st, 2010) and made available to cover the cost of participation in the above phase of the Project; and it is further RESOLVED, that in the event the amount required to pay the full Federal and Non-Federal shares of the cost of the project’s Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases exceeds the amount appropriated, $149,000, the City of Niagara Falls shall convene its Council as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

04/04/2011
RESOLVED, that the Mayor of the City of Niagara Falls be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the City of Niagara Falls with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and it is further
RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further
RESOLVED, this Resolution shall take effect immediately.

Yeas
5
Nays
0
ADOPTED

RESOLUTION: BRIDGE JOINT REPLACEMENT PROJECT, VARIOUS LOCATIONS, 2011-25

Agenda Item #22

Relative to authorizing the implementation and funding in the first instance 100% of the Federal-Aid eligible costs of a transportation Federal-Aid Project, to fully fund the local share of Federal-Aid eligible and ineligible project costs, and appropriating funds therefor.

City of Niagara Falls SFY 2010-11 Bridge Joint replacement project, various locations, City of Niagara Falls, Niagara County, PIN 5759.67

BY: Council Chairman Samuel Fruscione

WHEREAS, the City of Niagara Falls SFY 2010-11 Bridge Joint Replacement Project, Various Locations, City of Niagara Falls, Niagara County, PIN 5759.67 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and
WHEREAS, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases of the project PIN 5759.67

NOW, THEREFORE, the City Council of the City of Niagara Falls, duly convened does hereby
RESOLVE, that the City Council of the City of Niagara Falls hereby approves the above-subject project; and it is hereby further
RESOLVED, that the City Council of the City of Niagara Falls hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the Federal and Non-Federal Shares of the cost of the Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases of the Project or portions thereof; and it is further
RESOLVED, that the sum of $317,000 is hereby appropriated from Casino Funds (in addition to $20,000 previously appropriated for the project's Preliminary Engineering (Design I-VI) phase via City Resolution No. 2010-48 adopted on June 1st, 2010) and made available to cover the cost of participation in the above phase of the Project; and it is further
RESOLVED, that in the event the amount required to pay the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-VI) and Construction Inspection phases exceeds the amount appropriated, $337,000, the City of Niagara Falls shall convene its Council as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further
RESOLVED, that the Mayor of the City of Niagara Falls be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the City of Niagara Falls with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and it is further
RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further
RESOLVED, this Resolution shall take effect immediately.
Yeas 5
Nays 0
ADOPTED

RESOLUTION: VENDORS AND PEDDLERS, ORDINANCE AMENDMENT (MAP), 2011-26
Agenda Item #23
Relative to Amending Chapter 341 of the Codified Ordinances entitled “Vendors and Peddlers”
By: Council Chairman Samuel Fruscione
WHEREAS, the City Clerk has advised the City Council of the ten (10) vending locations specified in the Downtown Business District; four of these locations were purchased by individuals and never used; and
WHEREAS, the City Council wishes to concentrate vending in the Old Falls Street Special Vending District.
NOW, THEREFORE, BE IT RESOLVED by the City Council of Niagara Falls, New York that pursuant to Section 341.10, the “Official Map of Designated Vending Locations” is hereby amended as attached hereto (on file in the City Clerk’s Office).
Yeas 5
Nays 0
ADOPTED

RESOLUTION: VENDORS AND PEDDLERS, ORDINANCE AMENDMENT, 2011-27
Agenda Item #24
Relative to Amending Chapter 341 of the Codified Ordinances entitled “Vendors and Peddlers”
By: Council Chairman Samuel Fruscione
BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 341 of the Codified Ordinances entitled AVendors and Peddlers@ is hereby amended by amending Section 341.04 entitled “Application”, Section 341.06 entitled “Issuance of License”, Section 341.07 entitled “Holder of License”, Section 341.09 entitled “License Fee”, 341.11 entitled “Licenses and Identification Badges”, Section 341.12 entitled “Restrictions Applicable to all Vendors and Peddlers”, and Section 341.16 entitled “Old Falls Street Special Vending District” to read as follows:
341.04 Application

The application for a vendor’s or peddler’s license shall contain all information relevant and necessary to determine whether a particular license may be issued, including but not limited to:

(a) A complete, notarized application for a license to vend or peddle (available at the Office of the City Clerk) including full name, home address, permanent business address (if any), telephone number, driver’s license number, and proof of age and identity, as well as the full name, home address, telephone number, driver’s license number, and proof of age and identity of any assistant(s) to be utilized by a vendor or peddler. Any such assistant(s) must be 18 years of age or older; .

(g) If a vendor or peddler is employed by or is an agent of another individual, group of individuals, proprietorship, partnership, or corporation, the name, business address, and the name of the principal/hiring person of the entity;

[(h) If vendor is employed by or is an agent of another individual, group of individuals, proprietorship, partnership, or corporation, the name, business address, and the name of the principal/hiring person of the entity;]

[(i)] [(j)] [(k)] [(l)] [(m)] [(n)]

. . .

341.06 Issuance of License

Not later than ten (10) business days after the filing of a completed application for a vendor’s or peddler’s license, the applicant shall be notified in writing by the City Clerk of the decision on the issuance or denial of the license. If the vendor or peddler applicant complies with all application requirements and is found to have no nonconformities rationally related to sales on public ways in the City of Niagara Falls, the applicant shall be issued a vendor’s or peddler’s license. Any applicant denied a vending license may seek an appeal pursuant to Section 341.14.

. . .

(d) A weekend vending or peddling license is valid for a Saturday and a Sunday from the date of issuance, as specified on the license. No more than fourteen (14) weekend licenses shall be issued to any individual in one calendar year.

341.07 Holder of License

A vendor’s or peddler’s [permit] license shall permit only the specific individual and any designated assistant(s) specified in the vendor’s or peddler’s license application submitted to the City Clerk that will conduct the actual sales permitted under the license. The rights provided under the license shall not be transferable to any other individual, employee or agent for the license holder.
341.09 License Fees for locations other than fixed location vendor promenade.

The fees for licenses issued under this ordinance shall be as follows:

(a) Vendors

(4) Twenty-five Dollars ($25.00) for a weekend license for a vendor who uses a motor vehicle or stand as defined in §341.02.

(b) Peddlers

(5) Fifty Dollars ($50.00) for a day license for a [vendor] peddler who uses a motor vehicle or stand as defined in §341.02.

(6) Twenty-five Dollars ($25.00) for a day license for a [vendor] peddler who performs sales on foot as defined in §341.02.

(7) Twenty-five Dollars ($25.00) for a weekend license for a peddler who uses a motor vehicle or stand as defined in §341.02.

(8) Twenty-five Dollars ($25.00) for a weekend license for a peddler who performs sales on foot as defined in §341.02.

(f) Twenty-five Dollars ($25.00) annually, for any designated assistant specified in the vendor’s or peddler’s license application submitted to the City Clerk.

341.11 Licenses and identification badges

(a) The license issued to a vendor or peddler shall be carried with the vendor or peddler at all times when the vendor or peddler is engaged in the business of vending or peddling and shall be prominently displayed. If the vendor or peddler sells food or beverages, the food service permit must also be displayed.

(b) In addition to the license, the City shall issue a photo identification badge to every vendor or peddler. Vendors or peddlers shall display their badges in such a way that the badges may be easily read while doing business. If a badge becomes damaged or obscured, the vendor or peddler shall return it to the City and receive another Badge.

(c) Licenses, permits, and identification badges shall be used only by the person to whom they were issued and may not be transferred to any other person.

341.12 Restrictions Applicable to all Vendors and Peddlers

(a) All vendors and/or peddlers:

(b) Stands. Vendor stands and carts:

(1) Except for any vending stands/carts owned and operated by the “Old Falls Street Manager” that specifically designed and fabricated for use in the designated “Old Falls Street Special Vending District” as specified in Section 341.16, shall not exceed [six (6 feet)] seventy-eight (78) inches in length, [four (4 feet)] fifty-two (52) inches in width, or [four and one half (4½ feet)] ninety (90) inches in height, however may include an umbrella or awning that provide a minimum clearance of seven (7) feet and are no greater than eight (8) feet in height.

04/04/2011
Peddlers shall not:

(1) Conduct business at any one location for longer than twenty (20) minutes at a time. After that twenty (20) minute period of time has elapsed, the peddler must relocate to a new location which must be at least 100 yards away.

341.16 Old Falls Street Special Vending District

(a) Intent. It is found and declared that:

(b) Boundaries. The Old Falls Street Special Vending District shall be defined as follows:

(12) There shall also be included a fixed location vendor promenade, being designated within a portion of the former covered pedestrian walkway, located within the public right-of-way of Old Falls Street along its northerly side between Third Street and First Street.

(e) Approval of vendors by Old Falls Manager. For applications to vend in the Old Falls Street Special Vending District, including within the fixed location vendor promenade:

(f) Fixed location vendor promenade. The requirements of this Chapter 341 apply to all applicants wishing to vend in the fixed location vendor promenade, being the former covered pedestrian walkway, located along the northerly side of Old Falls Street between Third Street and First Street. The cost of a license to vend in this location shall be established by resolution of the City Council.

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

Yeas 5
Nays 0
ADOPTED
There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 8:25 p.m.

Carol A. Antonucci
City Clerk
The first session of the April 18, 2011 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:06 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti
Absent: Council Member Charles Walker
Also present: Mayor Paul A. Dyster, Corporation Counsel Craig H. Johnson, and City Controller Maria Brown.

Council Member Fournier moved to approve the Minutes from the City Council Meeting of April 4, 2011.

Yeas 4
Nays 0
ADOPTED

Mike Connor of Desman Associates spoke on a Parking Management Program for the City. He had met with various City Department Heads to discuss concerns about the previous parking meters that were installed. Chairman Fruscione asked that the chosen system be user friendly, and City Controller Maria Brown addressed savings in employee costs with a metered system, and concerns about the method of handling cash collections.

Dr. Tom Chambers, Chairman of the Niagara Falls National Heritage Area Commission, spoke on the appointments of the 17 members that make up the Commission, what the Commission has accomplished and what will happen in the future.

Mayor Paul Dyster informed the Council Members that City Administrator Donna Owens was attending a conference in Chicago. He asked Police Superintendent John Chella, who was acting as City Administrator until Ms. Owens return, to give the Administrative Update.

In the Administrative Update:
1. Director of Business Development Fran Iusi said that she was working with USA Niagara and the building owner to market the Power City Building. An RFP was sent out for the building before approval was granted for the Culinary Institute Project to be located in the Rainbow Center, so a new RFP would be prepared. Chairman Fruscione asked if the possibility of locating the Aerospace Museum in the building had been researched, and Mayor Dyster said that preliminary inquiries had been made by the City, but the building owner had his own ideas for use of the building.
2. Ms. Iusi also reported that the concerns of the adjoining property owners for the Storefront Project were being addressed, and the Project was moving forward for opening by the beginning of July.
3. Civil Engineer Robert Buzzelli said that the options for Pine Avenue Street lights that were submitted by National Grid were being reviewed by the Administration. Also, in response to Council Member Anderson, the lights in front of the school on Buffalo Avenue should be installed by the start of school in September.
4. Director of Public Works David Kinney informed the Council Members that the ZOOM Kickoff would be at 9 AM on May 3, and the ten targeted locations would each be worked on for two weeks.
5. Director of Community Development Robert Antonucci said that the Project for 27th Street and Pine Avenue had been budgeted in the CD Budget for 2011, but, due to cuts in funding by the Federal Government, the Project cannot proceed at this time. A revised CD Budget will need to be adopted by Council.

Director of Code Enforcement Dennis Virtuoso spoke on issues regarding property in the area of 24th Street and Monroe Avenue, and he and Chief Chella are working to address the issues.

Corporation Counsel Craig Johnson distributed copies of an Item to be added to the Agenda relative to a Change Order in CD Demolition Contract 2010-2.

Council Member Fournier moved to add the Item to the Agenda.

Yeas 4
Nays 0

MOTION TO ADD ITEM TO AGENDA APPROVED

The Item was added to the Agenda as #21.

Chairman Fruscione asked Mr. Johnson if forgiving delinquent tax and water bills were included in approving Agenda Item #6, relative to the Greenpac Mill Project, and Mr. Johnson said that they would not be waived.

Chairman Fruscione also asked Mr. Johnson what the property was in Agenda Item #15, and Mr. Johnson responded that it was the Bank of America building.

This Session ended at 5:00 PM

Chairman Fruscione reconvened the Meeting at 7:08 p.m. in the Council Chambers with Council Member Charles Walker absent. 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:

Mike Parsnick  Agenda Item #20
Dave Houghton  Agenda Item #19
Debbie Donato  Agenda Item #20
Paul Gromosiak  The full moon over the weekend, Oakwood Cemetery improvements, DeVeaux Woods Park, Emphasized the good things in the City of
David Bieksza  24th St/Monroe Avenue conditions
Debby Rybarczyk  24th St/Monroe Avenue conditions
Dan Morissette  24th St/Monroe Avenue conditions
Vince Sandonato  Buffalo Ave. Business Opportunity Zone

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK:

Agenda Item #1
City Clerk’s Claim Report for the Month of March 2011
THIS ITEM WAS RECEIVED AND FILED

Agenda Item #2
City Clerk’s Report for the Month of March 2011
THIS ITEM WAS RECEIVED AND FILED
THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

PURCHASE: STREET MILLINGS, SALE, DERN LANDFILL, INC AND LAFARGE NORTH AMERICA

Agenda Item #3

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

TO: LaFarge North America
75 Pineview Drive, Suite 100
Amherst, NY 14228

FOR: Sale of Street Millings in excess of 15,000 tons generated during the 2011 paving season (approx. 20,000 tons): $.75/ton

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

FOR: Sale of 15,000 tons of street millings generated during the 2011 paving season: $4.76/ton

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law. Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to four (4) vendors. Three (3) bids were received. Modern’s bid was for 15,000 tons only. Therefore, we recommend award of the bid to Modern for that amount and the remaining amount to the next highest bidder; LaFarge. A bid was also received from Armand Cerrone, Inc. ($.51/ton). Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0

APPROVED

PURCHASE: BOARDING UP OF VARIOUS DILAPIDATED AND FIRE DAMAGED BUILDINGS, SANTO CANDELLA CONST. CO., INC.

Agenda Item #4

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

TO: Santo Candella Const. Co., Inc.
118 74th Street
Niagara Falls, NY 14304

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

Price per square foot of sheathing used: $1.67/sq. ft.

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law. Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Three (3) vendors. The above referenced company submitted the only bid.

Funds for this expenditure are available in the Department of Code Enforcement code: H0910.2009.0910.0449.599. Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0

APPROVED

04/18/2011
CONTRACT: SIDEWALK REPLACEMENTS AT VARIOUS LOCATIONS-2011, VALERI CONCRETE CONSTRUCTION, INC.

Agenda Item #5
The following is the result of bids received on April 5, 2011, for the above referenced project:

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>BASE BID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valeri Concrete Construction, Inc.</td>
<td>$264,002.00</td>
</tr>
<tr>
<td>6655 Errick Road</td>
<td></td>
</tr>
<tr>
<td>North Tonawanda NY 14120</td>
<td></td>
</tr>
<tr>
<td>Campobello Construction, Inc.</td>
<td>$336,640.00</td>
</tr>
<tr>
<td>Ventry Concrete Construction, Inc.</td>
<td>$256,610.00*</td>
</tr>
</tbody>
</table>

* NOTE: Apparent low bid rejected due to lack of bid security provided at time of opening

It is the recommendation of the undersigned that this contract be awarded to the firm Valeri Concrete Construction, Inc. in the amount of $264,002.00. Please note all costs are totally reimbursable by New York State CHIPS Funds.

Additionally, the Contractor has agreed to extend the unit prices of his bid to complete sidewalk replacements for the Niagara Falls Water Authority, for an amount not to exceed $20,000.00, for a final contract total award amount to Valeri Concrete Construction, Inc. of $284,002.00.

Will the Council vote to so approve and authorize the Mayor to execute a contract for the City Of Niagara Falls portion of this work, in a form acceptable to the Corporation Counsel?

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

Yeas 4
Nays 0
APPROVED

GREENPAC MILL, LLC PROJECT

Agenda Item #6
As the Council is aware, a new paper manufacturer under the name Greenpac Mill, LLC is proposed for a portion of the current Norampac Industries site on Packard Road.

It is proposed that Greenpac acquire approximately 17.99 acres of the Norampac site, demolish certain vacant structures, conduct some Brownfield remediation and construct a linerboard mill.

In 1987 the City entered into agreements with the Niagara County Industrial Development Agency and Norampac, which was at that time known as Cascades, Niagara Falls, Inc. These agreements included a mortgage of the entire Norampac parcel and other agreements to secure the payment of delinquent taxes and water and sewer charges which were included in Cascades’s bankruptcy proceeding. There are approximately six (6) years of remaining payments under these agreements.

In order to facilitate the Greenpac project, the City has been requested to release the 17.99 acre parcel from the mortgage (the rest of the Norampac site will continue to be covered by the mortgage and be security for the payments) and to also release the Greenpac parcel from an assignment that also covers the Norampac site and is additional security for the mortgage payments. It is also requested that the City mortgage be subordinated to a reciprocal easement agreement being executed between Norampac and Greenpac to govern operation of their adjoining parcels.

These documents have been reviewed and recommended for approval.

Will the Council so approve and authorize the Mayor to execute a release of lien on mortgaged premises, the amendment to the assignment and the subordination agreement together with any other necessary documents in forms acceptable to the Corporation Counsel?

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

Yeas 4
Nays 0
APPROVED

04/18/2011
GOOD NEWS GOSPEL FESTIVAL/HEALTH FAIR ARTS IN THE PARK, EQUIPMENT USAGE AND CONTRIBUTION

Agenda Item #7
The Niagara Falls Memorial Medical Center is planning its 5th annual Good News Gospel Festival/Health Fair to be held on July 16, 2011 from 12:00 noon to 6:00 p.m. The festival will be held in front of the Library this year and would like the City to provide the use of the old Convention Center stage for entertainment along with ten (10) tables and one hundred (100) chairs. It is requested that the City contribute the sum of $1,500.00 towards the cost of this event to help cover entertainment and sound techs.

The Arts in the Park event will also take place on July 16, 2011 at Schoellkopf Park. It is requested that the City contribute the sum of $1,500.00 for this event as well.

Funding is available from Tourism Fund Balance.

Will the Council so approve?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0
APPROVED

RELAY FOR LIFE, CO-SPONSOR

Agenda Item #8
The City has once again been requested by the Niagara Falls School District to co-sponsor with it and the American Cancer Society the “Relay for Life” in Niagara Falls which will be held on May 20, 2011 from 3:30 pm to 10:00 pm. The City’s contribution to this event as a co-sponsor will be the use of the City owned bandstand and two (2) golf carts at no cost. The terms of this co-sponsorship will be memorialized in an agreement prepared by the Corporation Counsel.

Will the Council so approve and authorize the Mayor to execute an agreement?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0
APPROVED

ITALIAN FESTIVAL, PINE AVENUE BUSINESS ASSOCIATION, CONTRIBUTION

Agenda Item #9
The Pine Avenue Business Association will once again sponsor the annual Italian Festival which will take place on Saturday, July 30, 2011 and Sunday, July 31, 2011.

The City has been requested to contribute the sum of $3,000.00 towards the cost of the entertainment for this two (2) day event. Funding is available from the Tourism Fund Balance.

Will the Council so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0
APPROVED
OLD FALLS STREET, CONVEYANCE TO THE CITY FROM USA NIAGARA DEVELOPMENT CORP.

Agenda Item #10

USA Niagara Development Corporation acquired the premises the Wintergarden was constructed on from Wintergarden Redevelopment Group, LLC and East Mall Entertainment, LLC. The Wintergarden structure was removed and what is now Old Falls Street was developed. It is now appropriate for the City and USA Niagara Development Corporation to enter into an agreement for the City to acquire the Old Falls Street premises from USA Niagara Development Corporation. Nominal consideration (one dollar) will be paid for this real estate. The Planning Board has approved this proposal and recommends the conveyance of the real property to the City. Attached hereto (on file in the Clerk’s Office) is the recommendation of the Niagara Falls Planning Board.

Will the Council approve the conveyance of the Old Falls Street portion which was beneath the Wintergarden to the City and authorize the Mayor to execute an agreement of purchase and sale in form satisfactory to the Corporation Counsel?

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

Yeas 4
Nays 0
APPROVED

LEGENDS COURTS, 2011 COMMUNITY INTERVENTION INITIATIVE, FUNDING

Agenda Item #11

On March 7, 2011 the City Council adopted a resolution which approved an appropriation of $30,000.00 to fund a 2011 Community Intervention Initiative revolving around the Legends Basketball Courts. In order to accomplish the initiative it is recommended that the City enter into Memorandums of Understanding described as follows:

1. A Memorandum of Understanding with the entity “Winning Because I Tried Enterprises, Inc.” in an amount not to exceed $10,000.00 for the purpose of providing youth mentoring program services;
2. A Memorandum of Understanding with the Niagara Falls Housing Authority in the amount of $4,106.80 for gym rental at the Family Resource Building;
3. A Memorandum of Understanding with Eric Davis and Jermaine Davis in an amount not to exceed $10,000.00 for the purpose of running the Cataract City Summer Basketball Tournament inclusive of all costs and expenses.

Will the Council authorize the City to enter into these Memorandums of Understanding in form acceptable to the Corporation Counsel and authorize the Mayor to execute the same?

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

Yeas 4
Nays 0
APPROVED
CODE ENFORCEMENT, EXPENSES INCURRED IN REPAIR, DEMOLITION OR BOARD OF STRUCTURES WITHIN THE CITY

Agenda Item #12
In accordance with Chapter 1133, Section 1133.08 of the City of Niagara Falls Codified Ordinances, we hereby submit a report relative to certain privately owned properties upon which the City has incurred expenses or Community Development funds have been expended for each property which remain unpaid and in accordance with the above noted Section (the) Council shall “order an assessment against said premises for several sums herein reported”.

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

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

Will the Council so order?

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

Yeas 4
Nays 0
APPROVED

NIAGARA STREET BUSINESS ASSOCIATION, INTERNATIONAL FESTIVAL, CONTRIBUTION

Agenda Item #13
The Niagara Street Business Association is sponsoring the International Festival again this year. It will be held on June 25, 2011 and June 26, 2011 at Gill Creek Park. The City has been requested to contribute the sum of $3,000.00 to apply to the entertainment budget. Funding is available through the Tourism Fund Balance.

Will the Council so approve?

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

Yeas 4
Nays 0
APPROVED

CONTRACT: DRAINAGE STRUCTURE REPLACEMENT AND REPAIR PROJECT (VARIOUS LOCATIONS), SOCKO CONTRACTING, INC.

Agenda Item #14
The following was the result of bids received on April 8, 2011, for the above referenced project:

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>BASE BID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Socko Contracting, Inc.</td>
<td>$ 299,977.00</td>
</tr>
<tr>
<td>1999 Frontier Ave.</td>
<td></td>
</tr>
<tr>
<td>Niagara Falls NY 14304</td>
<td></td>
</tr>
<tr>
<td>Yarussi Construction Inc.</td>
<td>$ 309,140.00</td>
</tr>
<tr>
<td>Mark Cerrone, Inc.</td>
<td>$ 313,808.00</td>
</tr>
</tbody>
</table>

It is the recommendation of the undersigned that this project be awarded to the low bidder Socko Contracting, Inc. at their Base Bid of $299,977.00. Please note all costs are totally reimbursable by New York State CHIPS Funds.

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

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

Yeas 4
Nays 0
APPROVED

04/18/2011
418 THIRD STREET/425 SECOND STREET, ASSESSMENT

Agenda Item #15
The owner of the building at 418 Third Street and the adjacent parking lot at 425 Second Street filed challenges to the 2009 and 2010 tax assessment.

The Board of Assessment Review set the total assessment for the two (2) parcels at $585,000.00 for each of the two (2) years.

Justice Boniello ruled the value to be a total of $350,000.00. Based on applicable equalization rates this would set the total assessment for 2009 at $325,500.00 and for 2010 at $329,000.00.

Will the Council approve the revisions to the 2009 and 2010 assessment rolls in accordance with Justice Boniello’s decision and authorize the appropriate refunds?

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

Yeas
Nays
APPROVED

CLAIM: WEHRMEYER, GEORGE R.

Agenda Item #16
Date Claim Filed: February 17, 2011
Date Action Commenced: N/A
Date of Occurrence: February 4, 2011
Location: 8324 Laughlin Drive, Niagara Falls, NY
Nature of Claim: Automobile damage sustained in an accident with City vehicle.
City Driver: David K. Barr
Status of Action: Claim stage.
Recommendation/Reason: Best interests of City to pay claim.
Amount to be Paid: $3,912.29
Make Check Payable to: “George R. Wehrmeyer”
Conditions: General Release to City, approved by Corporation Counsel.

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

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

Yeas
Nays
APPROVED

THE FOLLOWING ITEM WAS SUBMITTED BY THE CITY CLERK

Agenda Item #17
Please be advised that Mayor Paul A. Dyster on April 5, 2011 duly approved the following:

1. Resolution 2011-26, relative to Amending Chapter 341 of the Codified Ordinances Entitled “Vendors and Peddlers” (map)
2. Resolution 2011-27, relative to Amending Chapter 341 of the Codified Ordinances Entitled “Vendors and Peddlers”, Amending Ordinance

THIS ITEM WAS RECEIVED AND FILED
RESOLUTION: TAXING STATE PROPERTY, 2011-28
By: Council Chair Samuel Fruscione
    Council Member Robert Anderson

Agenda Item #18
WHEREAS, Assemblyman John Ceretto has sponsored NYS Assembly
(#6154A) which is a bill seeking to place tax exempt land owned by the
State of New York in Niagara County on the local tax rolls; and
WHEREAS, the fact is that the tax-free status of this land shifts
the burden to local taxpayers and deprives local municipalities of much-
needed revenues. This bill (#6154A) would place these properties back
on the city and county tax rolls and would bring in more revenue; and
WHEREAS, Assemblyman Ceretto’s bill (#6154A) would include several
large New York State-owned properties and would generate millions of
dollars in property tax revenue to local municipalities, including the
City of Niagara Falls and the County of Niagara; and
WHEREAS, unfunded mandates on local governments and school
districts have lead to high property taxes while the State of New York
enjoys tax-exempt status from local property taxes. This bill will
provide much needed relief to taxpayers while raising revenues to help
pay for local services; and
WHEREAS, the City of Niagara Falls alone could generate almost $3
Million in property tax revenues from the Niagara Falls State Park.
Struggling economically for many years, this revenue would allow
communities to renovate and repair much of the infrastructure in their
areas and also to reduce the property tax burden on local business
owners and residents.
NOW, THEREFORE, BE IT RESOLVED, by the Niagara Falls City Council,
that we support Assemblyman John Ceretto’s bill (#6154A) regarding the
taxation of tax exempt land owned by the State of New York which will
bring much needed tax revenue to local municipalities in the State.
BE IT FURTHER RESOLVED, that a copy of this resolution be
forwarded to the Leadership of the New York State Legislature and the
local state representatives in Niagara County.

Yeas 4
Nays 0
ADOPTED
RESOLUTION: NUMBER OF SEX OFFENDERS IN THE CITY OF NIAGARA FALLS, 2011-29

By: Council Member Kristen Grandinetti

Agenda Item #19

WHEREAS, in a recent newspaper article, Senator George Maziarz stated that the number of registered sex offenders in the City of Niagara Falls appears to have helped keep the city above the critical 50,000 population benchmark tied to state and federal funding; and Senator Maziarz went on to criticize the housing market in the city stating that because homes in some neighborhoods sell for roughly $15,000, the city has become a welcoming housing market for low-income residents, including sex offenders; and

WHEREAS, the constant negative attention brought onto the City of Niagara Falls is detrimental to the progress of our community. It is common knowledge that the success of the city and its people will improve the entire region; and

WHEREAS these remarks are not only offensive and hurtful to the children and families of this fine city, who are struggling to thrive in these difficult times, but actually discourage developers and other people from considering relocation and return to our city; and

WHEREAS, these statements could not be further from the truth. The administration of the City of Niagara Falls has helped bring population growth to the city in recent years and is working to redouble its efforts to try to reverse the decline in our region. The City is currently addressing the population growth issue by creating a higher quality of life, adding parks, promoting the arts and trying to retain young people in the area; and

WHEREAS, the City of Niagara Falls has worked with the NYS Division of Parole in relocating these offenders away from the proximity of a school. The City has done all it can to address this problem...but the initial problem is in the laws of the State of New York. In 2007, a “watered-down version” of the civil confinement law was passed focusing less on security and monitoring. The State of New York is failing on how to relocate these individuals. The blame, therefore, is with the State of New York and the legislators that make the laws, and not the City of Niagara Falls.

NOW, THEREFORE, BE IT RESOLVED, by the Niagara Falls City Council, that we ask the New York State Legislature to revisit this Law and do more to keep children from sex offenders, in particular, the City of Niagara Falls.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Leadership of the New York State Legislature and the local state representatives in Niagara County.

Yeas 4
Nays 0
ADOPTED
RESOLUTION: CARRIAGE HOUSE AT DEVEAUX WOODS STATE PARK, 2011-30
By: All Council Members

Agenda Item #20
WHEREAS, the Carriage House was built in 1863 at the DeVeaux campus which was founded by Judge Samuel DeVeaux; and
WHEREAS, in May of 1863 the Carriage House burned down, but was immediately rebuilt of brick and the shed wood house was added in the Summer of 1863; and
WHEREAS, over the course of time, the Carriage House was used for storage, horses, carriages and then automobiles; and
WHEREAS, the NYS Office of Parks, Recreation and Historic Preservation has owned the property since the year 2000. The DeVeaux School Historic District was listed on the National Register of Historic Places in 1974 and it is a National Historic District. Designation of the district was made as a local Historic Landmark in the year 2004; and
WHEREAS, since then, the park has fallen into disarray and is in deplorable condition. It has become an eyesore to the area and the State of New York has placed it on their Capital Needs Assessment list for demolition; and
WHEREAS, the City of Niagara Falls is asking the State of New York and the Office of Parks, Recreation and Historic Preservation to preserve the Carriage House and save it from demolition. The City of Niagara feels that demolition would be a waste of money and would rather see these funds preserve, renovate and maintain the Carriage House and the DeVeaux Woods State Park.

NOW, THEREFORE, BE IT RESOLVED, by the Niagara Falls City Council, along with Mayor Paul A. Dyster of the City of Niagara Falls, that we ask the State of New York and the Office of Parks, Recreation and Historic Preservation to remove the Carriage House from the demolition list and rather, to use the funds to preserve, renovate and maintain the Carriage House and the DeVeaux Woods State Park, which presently is in deplorable condition and would preserve the quality of life for the members of that community and the residents of the City of Niagara Falls.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Governor, Senate Majority and Minority Leaders, Assembly Speaker and Minority Leader, Senator Mark Grisanti, Assemblyman John Ceretto, and the New York State Office of Parks, Recreation and Historic Preservation.

Yeas 4
Nays 0
ADOPTED
Agenda Item #21

A contract for the above referenced project was awarded to Yarussi Construction Co., Inc on July 12, 2010 in the amount of $229,800.

Subsequent to the start of the demolition process, the Department of Code Enforcement made a determination that the building located at 423 4th Street was structurally unsound and should be reclassified as a "controlled demolition". The additional cost to proceed in this manner is $160.00.

At 434 10th Street, approximately 160 s.f. of ACM floor tile, 150 s.f. of ACM pipe insulation, 60 windows with ACM and 25 light fixtures with ACM, were discovered that require abatement. The additional cost is $14,950.

It is our recommendation that Change Order #1 in the total amount of $15,110 be approved for the referenced contract. Community Development funds are available in budget code CD1.8602.0000.0450.500 (CRM 299)

Will the Council vote to so approve and authorize the Mayor to execute Change Order #1 with Yarussi Construction, Inc. in the amount of $15,110?

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

Yeas 4
Nays 0
APPROVED

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

Carol A. Antonucci
City Clerk
The first session of the May 2, 2011 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:03 p.m. in the Council Chambers.


Also present: Mayor Paul A. Dyster, City Administrator Donna D. Owens, 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 April 18, 2011.

Yeas: 5
Nays: 0
APPROVED

In the Administrative Update:

1. City Administrator Donna Owens commended and thanked staff members for their response to the windstorm last week.

2. Director of Business Development Fran Iusi said that talks are continuing with the property owners adjoining the downtown storefronts, and positive steps are being taken. Chairman Fruscione said that it is the Council’s intent that the Project move forward.

3. City Engineer Thomas Radomski reported that National Grid is trying to schedule the installation of the lights on Pine Avenue, but they are behind schedule due to the windstorm last week. Chairman Fruscione said that the Project needs to move forward quickly.

4. Director of Public Works David Kinney said that there has just been too much rain for the alley repaving program to continue; his crews are working with the Water Board on manhole covers and catch basins; the Pothole Killer was working today, but the sealer can’t be used in this weather; and, in response to citizen complaints about the quality of material used in street repairs, the DOT determines the type of material that is used.

5. Director of Code Enforcement Dennis Virtuoso reported that, relative to issues in the area of 24th Street, the contractor has re-attached the fence, and the owner has applied for a permit to erect a 6’ fence, replace the roof and remodel the apartments at the building at the center of complaints by residents of the area.

6. Ken Hamilton spoke on the Legends Basketball Park Opening Day Ceremony and Programs for the Court.

7. City Administrator Owens informed the Council that the Fire Chief position was advertised again, and 24 resumes were received. Mayor Paul Dyster added that he is considering making an interim appointment while the process continues. City Administrator Owens added that she continues to meet with the Battalion Chiefs who are supervising the Fire Department. Council Member Fournier asked how many of the applicants for the position were City residents, and he was informed that quite of few of the applicants were City residents. Mayor Dyster also added that he is moving forward quickly to fill the vacant Battalion Chief position, and the resulting Captain’s position.
Corporation Counsel Craig Johnson distributed copies of two Items to be added to the Agenda:

1. A communication relative to approval of creation of temporary MW-2 position for DPW in the Street Maintenance Division.
   Council Member Fournier 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 #22.

2. A Resolution relative to National Elks Youth Week.
   Council Member Anderson moved to add the Resolution to the Agenda.
   Yeas 5
   Nays 0
   MOTION TO ADD RESOLUTION TO AGENDA APPROVED
   The Resolution was added to the Agenda as #23.

Council Member Grandinetti moved to amend Agenda Item #1 by adding the names of Jerry Genova and John Briglio to the list for appointment.
   Yeas 5
   Nays 0
   MOTION TO AMEND APPROVED

Chairman Fruscione asked if the City was required by contract with USA Niagara to provide parking at the Ramp only, and the amount of funding approved for the Parking Ramp Management Study (Agenda Item #7) could be reduced, and Mr. Johnson responded.

Council Member Grandinetti questioned Mr. Kinney on some of the equipment purchases under the DPW Capital Plan (Agenda Item #10), and a discussion followed on the cost of leasing certain equipment instead of purchasing it, bonding for the purchase, and need for the equipment. Council Member Grandinetti also asked about the status of building a storage unit to protect new equipment from the elements, and Mr. Radomski responded that the RFP was out, and City Controller Maria Brown added that Bonds would be used once the cost of the storage building was determined.

Council Member Anderson asked Mr. Kinney if a total of the costs incurred from the windstorm had been determined and if any of those costs would be reimbursed to the City by the Federal government, and Mr. Kinney responded that he did not yet have the total costs, and paperwork would be submitted to the government for reimbursement.

This Session ended at 4:55 PM
Chairman Fruscione reconvened the Meeting at 7:04 p.m. in the Council Chambers with all Council Members present (Council Member Robert Anderson, Jr. left the meeting at 8:00 PM). The prayer was said by Council Member Fournier and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

Roger Spurback               Agenda Item #19
Norma Higgs                   Agenda Item #19
Ron Anderluh                  Agenda Items #8, #14, #17, #18, #19
Rick Smith                    Agenda Item #8, spoke on behalf of Legislature
Vince Sandonato
Nicholas D’Agostino           Agenda Items #8, #18, #19
Diane Tattersall              Agenda Items #7, #8, #19 and Legends Basketball Court
Paul Gromosiaik               upcoming anniversaries of Historic Events
Ron Anderluh                  contributions of National Grid for enhancements
                             at Gill Creek Park and private clubs in Niagara St. area
Nicholas D’Agostino           private clubs on Niagara St., disposing of cigarette butts
Gerald Skrlin                 conditions on Buffalo Ave., Bed & Breakfast zone & Carriage House neglect
Carl Paladino                 Parole Office location at 6th & Walnut
Dorothy West                  against Charter Schools

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK:

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #1
The following have requested City Council approval for
Commissioner of Deeds for the term from June 1, 2011 to May 31, 2013:
This is in accordance with provision of the Niagara Falls City Charter, Article II, Section 7, Subdivision 5.

Wasson, Nadine         City Clerk’s Office
Frame, Peggy            8403 Buffalo Ave. #3, Niagara Falls, NY 14304
Friend, Kenneth R.     616-73rd St., Niagara Falls, NY 14304
Joyce, James           2744 Thornwood Dr., Niagara Falls, NY 14304
Merino, Gail            9365 Rivershore Dr., Niagara Falls, NY 14304
Shaffer, Brian         1401 Lafayette Ave., Niagara Falls, NY 14304
Smith, Pam              628 Chestnut Ave., Niagara Falls, NY 14305
Trimmer, Maureen       3622 Chapin Ave., Niagara Falls, NY 14301
Genova, Jerauld        757 Seymour Ave., Niagara Falls, NY 14305
Briglio, John          8808 Munson Ave., Niagara Falls, NY 14304

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

Yeas                      4
Nays                      0
APPROVED
THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT:  72ND STREET, REPAVING AND WATER MAIN REPLACEMENT, ACCADIA SITE CONTRACTING

Agenda Item #2

A contract for the above referenced project was awarded to Accadia Site Contracting, Inc. on May 17, 2010 in the amount of $2,564,587.50.

Subsequent to the start of construction, soil stabilization issues and sewer lateral relocation, encountered throughout the length of the project, presented the necessity for extra excavation and additional pipe installations. Although the quantity and locations were undetermined prior to starting, the existence of those issues was anticipated, and contractually-obligated “contingency items” that were included in this project’s proposal, to assure the City a predetermined, controlled unit price.

Additionally, extra work necessitated by current storm water pollution control regulations and the discovery/removal of potential sanitary hazard predating the annexation of LaSalle, was also performed during this project. The total extra cost to the contract is $395,055.64, bringing the final contract total to $2,959,643.14.

It is important to note that approximately $381,640.00 of the final contract total above is reimbursable to the City by the Niagara Falls Water Board as a result of an existing inter-agency agreement.

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

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

Yeas 4
Nays 0

APPROVED
Agenda Item #3

The Department of Community Development recently issued a Request for Proposal (RFP) for architectural services relating to the City’s Commercial Façade Program. The scope of services to be provided include design renderings, cost estimates, construction drawings and project monitoring.

The following proposals were received by the Department and were rated based on compliance with the required elements of the RFP, including the ability to deliver services in a timely manner, prior experience and the fee schedule.

<table>
<thead>
<tr>
<th>Firm Name</th>
<th>Staff</th>
<th>Hourly Rate</th>
<th>Scope of Work</th>
<th>Max. Fee Per Building</th>
</tr>
</thead>
<tbody>
<tr>
<td>Giusiana Architects</td>
<td>architect</td>
<td>$40</td>
<td>Minor: $750</td>
<td></td>
</tr>
<tr>
<td>Lewiston, New York</td>
<td></td>
<td></td>
<td>Moderate: $1,800</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Substantial: $2,500</td>
<td></td>
</tr>
<tr>
<td>David Deboy, Architect</td>
<td>Architect</td>
<td>$75</td>
<td>Minor: $1,120</td>
<td></td>
</tr>
<tr>
<td>Buffalo, New York</td>
<td>Designer</td>
<td>$65</td>
<td>Moderate: $2,280</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Production</td>
<td>$45</td>
<td>Substantial: $4,510</td>
<td></td>
</tr>
<tr>
<td>Flynn/Battaglia PC</td>
<td>Architect</td>
<td>$100</td>
<td>Minor: $1,600</td>
<td></td>
</tr>
<tr>
<td>Buffalo, New York</td>
<td>&amp; staff</td>
<td>Avg hrly rate</td>
<td>Moderate: $4,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Substantial: $6,000</td>
<td></td>
</tr>
<tr>
<td>Left Coast Design</td>
<td>manager</td>
<td>$60</td>
<td>Minor: $2,000</td>
<td></td>
</tr>
<tr>
<td>Lancaster, New York</td>
<td>architect</td>
<td>$75</td>
<td>Moderate: $3,600</td>
<td></td>
</tr>
<tr>
<td></td>
<td>draftsper son</td>
<td>$45</td>
<td>Substantial: $4,600</td>
<td></td>
</tr>
<tr>
<td>HHL Architects,</td>
<td>architect</td>
<td>$95</td>
<td>Minor: $4,000</td>
<td></td>
</tr>
<tr>
<td>Buffalo, New York</td>
<td>&amp; staff</td>
<td>Avg.hrly rate</td>
<td>Moderate: $8,500</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Substantial: $10,500</td>
<td></td>
</tr>
<tr>
<td>TRM Architect</td>
<td>Architect</td>
<td>$140</td>
<td>Minor: $5,000</td>
<td></td>
</tr>
<tr>
<td>Buffalo, New York</td>
<td>Assoc. $120.</td>
<td></td>
<td>Moderate: $10,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$85 Arch.</td>
<td></td>
<td>Substantial: $20,000</td>
<td></td>
</tr>
</tbody>
</table>

Based on our review of the proposals submitted, it is our recommendation that a two (2) year contract be awarded to Giusiana Architects, with a maximum upset fee of $40,000. Our department has worked successfully with this firm in the past and we feel confident in their ability to manage this project in conjunction with the City. Community Development funds are available in budget code CD1.8603.0000.0450.500.

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

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

Yeas 4
Nays 0
APPROVED
Agenda Item #4
The following are the result of bids received on April 19, 2011, for the above referenced project:

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>BASE BID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apollo Dismantling Services, LLC</td>
<td>$1,462,000.00</td>
</tr>
<tr>
<td>4511 Hyde Park Boulevard</td>
<td></td>
</tr>
<tr>
<td>Niagara Falls, NY 14305</td>
<td></td>
</tr>
<tr>
<td>Metro Contracting &amp; Environmental</td>
<td>$1,488,700.00</td>
</tr>
<tr>
<td>Mark Cerrone, Inc.</td>
<td>$1,629,000.00</td>
</tr>
<tr>
<td>Scott Lawn Yard, Inc.</td>
<td>$1,794,786.00</td>
</tr>
<tr>
<td>Cambria Contracting Inc.</td>
<td>$2,833,000.00</td>
</tr>
<tr>
<td>Sabre Demolition</td>
<td>$1,158,000.00*</td>
</tr>
</tbody>
</table>

*NOTE: Apparent low bidder requested to withdraw their bid

Upon review of the lowest bidder’s submission and confirmation of scope of work, it was determined an error occurred in their estimating. Therefore, the City accepted Sabre Demolition’s request to withdraw their bid.

It is the recommendation of the undersigned that this project be awarded to the lowest qualified bidder, Apollo Dismantling Services, LLC, at their Base Bid of $1,462,000.00 due to the withdrawal of Sabre Demolition. Funding is available in Code H1014.2010.1014.0449.599 that is being funded by USA Niagara.

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

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

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>0</td>
</tr>
</tbody>
</table>

APPROVED

Agenda Item #5
The following are the result of bids received on April 19, 2011, for the above referenced project:

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>BASE BID</th>
</tr>
</thead>
<tbody>
<tr>
<td>JMD Environmental Inc.</td>
<td>$24,900.00</td>
</tr>
<tr>
<td>P.O. Box 821</td>
<td></td>
</tr>
<tr>
<td>Grand Island, NY 14072</td>
<td></td>
</tr>
</tbody>
</table>

It is the recommendation of the undersigned that this project be awarded to the low bidder, JMD Environmental Inc., at their Base Bid of $24,900.00. Funding is available in Code H1014.2010.1014.0449.599 that is being funded by USA Niagara.

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

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

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>0</td>
</tr>
</tbody>
</table>

APPROVED
FIREWORKS, CONTRIBUTION

Agenda Item #6
The City has been asked by the Niagara Parks Commission of Niagara Falls, Ontario, Canada to partner with it and 13 other stakeholders in the weekly fireworks displays over Niagara Falls during the 2011 tourist season. The fireworks will commence in late May, 2011 and run through Labor Day, 2011. The displays will take place on Friday nights, Sunday nights and holidays. Wednesdays may be added as a value "add on" by the fireworks vendor depending upon proposals. The City has been asked to contribute the sum of $5,000 to this event. Any contribution by the City will be subject to the development of a funding agreement satisfactory to the Corporation Counsel. Funding is available from the Tourism Fund.

Will the Council approve this funding request and authorize the Mayor to sign an agreement satisfactory to the Corporation Counsel?

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

Yeas 4
Nays 0
APPROVED

CONTRACT: PARKING MANAGEMENT STUDY, DESMAN ASSOCIATES

Agenda Item #7
Several companies with experience in parking management and equipment responded to the Request for Proposals circulated by the City. Meetings were held with three of these companies. The unanimous selection of those interviewing the responders was Desman Associates from New York City. The proposed cost for their services, inclusive of expenses for travel and lodging, is $47,330.00. Funding is available from Casino Funds – Economic Development.

Will the Council authorize the City to engage Desman Associates, appropriate the cost for services as proposed, and authorize the Mayor to execute an engagement letter?

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

Yeas 3
Fournier, Grandinetti, Walker
Nays 1
Fruscione
APPROVED

LASALLE BUSINESS ASSOCIATION, REVITALIZATION COORDINATOR, APPOINTMENT AND FUNDING

Agenda Item #8
The LaSalle Business Association has requested that a Revitalization Coordinator be appointed in the LaSalle area, much like other business associations in the City. The purpose of this Revitalization Coordinator position is to accommodate and enhance economic development and neighborhood revitalization. The annual compensation for a Coordinator is $12,000. This would be prorated for the balance of year 2011. Funding is available from Casino Funds – Economic Development.

Will the Council so approve?

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

Yeas 4
Nays 0
APPROVED
RAINFOREST MALL, SECURITY/UTILITIES, FUNDING

Agenda Item #9
During the period of time the City was transitioning into the Rainforest Mall, the City utilized the security services provided by the Cordish Company. That arrangement ended on March 31, 2011. The City is now utilizing Morris Security for those security services pursuant to an agreement in place. The monthly charge for those services is approximately $10,304.40. Utilities have also been switched over. The Culinary School is in the process of addressing its utility needs as construction commences. The City has been invoicing NCCC for one-third of security charges, as well as utilities. This arrangement will continue until further notice. It is estimated that the City’s cost for the balance of 2011 (April 1 – December 31, 2011) will be approximately $80,000.00. Funding is available from Special Projects Fund Balance.

Will the Council so approve?
Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED

PUBLIC WORKS, CAPITAL PLAN, EQUIPMENT FUNDING

Agenda Item #10
Attached hereto (on file in the City Clerk’s Office) is a list of equipment for the department deemed necessary by the Director. The cost to acquire these items totals $662,221.63. Funding is available from Special Projects Fund Balance.

Will the Council so approve?
Council Member Grandinetti moved to table the communication.
Yeas 4
Nays 0
TABLED

CONTRACT: TROLLEY SERVICE, FUNDING FOR 2011

Agenda Item #11
It is desirable to reinstitute again this year Trolley Service in the City in cooperation with the Niagara Frontier Transportation Authority. Attached (on file in the City Clerk’s Office) is a proposed agreement and map showing the trolley route. The total cost is estimated to be $418,225.00. Funding is available from the Tourism Fund.

Will the Council so approve?
Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED

05/02/2011
CITY PROPERTY: 916 CLEVELAND AVENUE, BEDROCK GROUNDWATER MONITORING WELL, INSTALLATION

Agenda Item #12
The City has received a request from the New York State Department of Environmental Conservation to install a monitoring well in the City parking lot at 916 Cleveland Avenue.

The well is part of the Department’s responsibility for characterizing any potential off-site bedrock groundwater contamination that may have come from the Civic Building site.

It is anticipated that the well will only be installed on a temporary basis and after some testing will be removed and the site restored.

Will the Council so approve and authorize the Mayor to execute any documentation necessary to effectuate this in a form acceptable to the Corporation Counsel?

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

Yeas 4
Nays 0
APPROVED

BOYS AND GIRLS CLUB, ANNUAL 5-K “RUN IN THE MIST”, CONTRIBUTION

Agenda Item #13
The Niagara Falls Boys and Girls Club will be sponsoring its 4th Annual 5-K “Run in the Mist” to be held on Wednesday, June 22nd, at 7:00 p.m. This event is attended by over 500 runners, walkers and friends of the Niagara Falls Boys and Girls Club.

A contribution from the City in the amount of $1,000.00 would go far to make this event a success. Funding is available from Tourism Fund Balance.

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

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

Yeas 4
Nays 0
APPROVED

CONTRACT: 24 BUFFALO AVENUE, PARKING FOR PATRONS

Agenda Item #14
The owner of 24 Buffalo Avenue is in the process of opening a new restaurant in the building and is also in the process of opening a tourist service related business as well. There is no parking available for visitors to 24 Buffalo Avenue that is controlled by this owner. Therefore, this owner has requested use of the City-owned municipal parking lot located at the corner of First Street and Buffalo Avenue and the use of vouchers for the convenience of patrons of 24 Buffalo Avenue. A price per voucher of $2.50 was negotiated. It is anticipated that a patron using a voucher would park in this lot for not more than three hours.

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

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

Yeas 4
Nays 0
APPROVED
CONTRACT: FIREWORKS DISPLAYS, ZAMBELLI FIREWORKS MFG. CO.

Agenda Item #15
We respectfully request you award a contract for fireworks display as follows:
TO: Zambelli Fireworks Mfg. Co.
PO Box 1463
New Castle, PA 16103
FOR: Fireworks displays on July 4th at Hyde Park: $25,000.00
Requests for proposals were sent to four (4) companies. The above referenced company has provided our July 4th fireworks displays previously. Proposals were also received from Skylighters of Western New York and Pyrotechnico.
Funds are available in the Tourism Fund account code T6410.0000.0449.599.
Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED

PURCHASE: OILS & LUBRICANTS, NOCO ENERGY CORPORATION AND SUPERIOR LUBRICANTS CO., INC.

Agenda Item #16
We respectfully request you award the above referenced bid as follows:
TO: NOCO Energy Corporation
2440 Sheridan Drive
Tonawanda, NY 14150
FOR: Items 3, 4, 5, 10 and 11 per the attached tally sheet (on file in the City Clerk’s Office).
TO: Superior Lubricants Co., Inc.
32 Ward Road
North Tonawanda, NY 14120
FOR: Items 1, 2, 6, 7, 8 and 9 per the attached tally sheet (on file in the City Clerk’s Office).
The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.
Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Three (3) vendors. Three (3) bids were received. The above referenced companies submitted the lowest bids for each respective item.
Funds for these expenditures are available in the Central Garage code: MV0055.0000.0414.000.
Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED
Agenda Item #17
In accordance with Section 1903 of the Real Property Tax Law, the City Council must certify the attached (on file in the City Clerk’s Office) referenced percentages and proportions.
Assessing units using Article 19 Homestead option must certify percentages and proportions when final class equalization rates are established by the Office of Real Property Services.
The certification is now due and the attached represents the necessary certifications.
Will Council certify the attached percentages and proportions?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yea 4
Nay 0
APPROVED

RESOLUTION: SEX OFFENDERS, ADDITIONAL RESTRICTIONS ON PAROLE AND RELOCATION, 2011-31
BY: Council Chair Samuel Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker
Agenda Item #18
WHEREAS, Assemblyman John Ceretto has sponsored NYS Assembly Bill #1993A, which is a bill to amend the Correction Law, in relation to establishing additional restrictions on parole and relocation for certain sex offenders; and
WHEREAS, the purpose of this bill is to allow localities to limit the number of high-risk sex offenders who are placed or located within residential areas of a municipality or portion of a municipality that already contains a high concentration of such individuals; and
WHEREAS, this measure would help prevent high concentrations of sex offenders from being placed in any one particular community. Municipalities would be authorized to accept or reject the placement of additional high-risk level 2 and level 3 sex offenders within their communities based upon the guidelines established by appropriate state agencies; and
WHEREAS, Assemblyman Ceretto noted that families and community leaders in his district have voiced concerns regarding the safety of their children. This legislation would empower local municipalities to determine where individuals will be housed and exactly where they will be placed in order to protect public safety; and
WHEREAS, the Niagara Falls City Council applauds Assemblyman Ceretto for the sponsorship of this bill and other sponsored legislation regarding requirements for sex offenders.
NOW, THEREFORE, BE IT RESOLVED, by the Niagara Falls City Council, that we fully support Assembly Bill #1993A and urges the colleagues of Mr. Ceretto to pass this legislation which will give enhanced powers to municipalities regarding this issue.
BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Leadership of the New York State Legislature and the local state representatives in Niagara County.
Yea 4
Nay 0
ADOPTED
RESOLUTION: ADOPTING CHAPTER 720 OF THE CODIFIED ORDINANCES
“PROHIBITION OF GRAFFITI AND PROVIDING FOR ERADICATION, ENFORCEMENT AND
PENALTIES”, 2011-32
By: Council Chairman Samuel Fruscione
Council Member Robert Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

Agenda Item #19
BE IT RESOLVED by the City Council of Niagara Falls, New York that
Chapter 720 of the Codified Ordinances entitled "Prohibition of Graffiti
and Providing for Eradication, Enforcement and Penalties" is hereby
adopted to read as follows:

CHAPTER 720
PROHIBITION OF GRAFFITI
AND PROVIDING FOR ERADICATION,
ENFORCEMENT AND PENALTIES

720.01 Purpose
720.02 Definition
720.03 Prohibited Acts
720.04 Sale of Aerosol Spray Paint Cans, Broad-
Tipped Markers And Etching Acids
720.05 Graffiti Placement Penalties
720.06 Parental Responsibility; Civil Responsibility
720.07 Notice to Remove Graffiti
720.08 Penalties for the Failure to Remove Graffiti
720.09 Enforcement
720.10 Severability

720.01 PURPOSE
The City of Niagara Falls and its neighborhoods have
negatively impacted by the spreading plaque of illegal graffiti.
Graffiti is a public nuisance and destructive of the rights and values
of property owners as well as the City’s neighborhoods by promoting
blight and encouraging further acts of vandalism. Pursuant to New York
State Law, the practice of making graffiti is illegal and, therefore,
the City must discourage the act of illegal placement of graffiti,
reverse its removal from public and private property and apprehend those
responsible for its placement.

720.02 DEFINITION
Graffiti - The etching, scratching, painting, covering,
drawing upon or otherwise placing of a mark upon public or private
property, without the consent and express permission of the owner or
proprietor thereof or, in the case of public property, of the person
having charge, custody or control thereof.

Deface - To mar the face or surface or disfigure, injure or
spoil the appearance of.

Broad-Tipped Marker - Any felt-tip marker or similar implement
containing a fluid or coloring matter that is not water soluble and
which has a flat or angled writing surface of 1/2 inch or greater.

Etching Acid - Any liquid, cream, paste or similar substance
that can be used to etch, carve, engrave, or otherwise impair the
physical integrity of glass or metal.

720.03 PROHIBITED ACTS
A. No person shall write, paint or draw any word, inscription,
design, figure or mark, or otherwise mar or deface any property, real or
personal, public or private, nor any building, church, synagogue, place
of worship, statue, monument, office, passenger or commercial vehicle,
bridge, dwelling or structure of any kind, including those in the course
of construction or any portion thereof, without the consent and express
permission of the owner or proprietor thereof or, in the case of public
property, of the person having charge, custody or control thereof.
B. No person shall carry an aerosol spray paint can, broad-
tipped indelible marker, or etching acid into any public building or
other public facility with the intent of violating the provisions of the
foeigning Subsection A of this section.
C. It shall be unlawful for any person, firm or corporation owning or otherwise being in control of any real property within the City of Niagara Falls to maintain, permit or allow any graffiti to be placed upon any structure located on such property when the graffiti is visible from the street or other public or private property after notice, in writing, has been given to such person, firm or corporation in control of said property.

720.04 Sale of Aerosol Spray Paint Cans, Broad-Tipped Markers and Etching Acids

No person shall sell or offer to sell an aerosol spray paint can, broad-tipped indelible marker or etching acid to any person under 18 years of age.

720.05 Graffiti Placement Penalties

Any person, firm or corporation who is convicted of violating Section 720.03 or 720.04 of this Chapter shall be guilty of a violation and shall be punished by a fine not to exceed Two Hundred Fifty Dollars ($250.00) or by imprisonment not to exceed fifteen (15) days or both such fine and imprisonment. The Court may suspend or probate a portion or its entire sentence upon such conditions to include, but not be limited to, the restoring of the property so defaced, damaged or destroyed, or other remedial action.

720.06 Parental Responsibility; Civil Responsibility

The parent or legal guardian, other than the State of New York, Niagara County Department of Social Services or Court appointed foster parent, of any minor over the age of 10 and under the age of 18 that violates any provision of this Chapter shall be liable for any damages and/or remediation costs resulting from said violation.

720.07 Notice to Remove Graffiti

It shall be unlawful for the owner of any property or for any person, firm, corporation or utility owner acting as a manager, tenant or agent for the owner of the property, to fail to remove graffiti within the time period specified in the written notice given by the City.

Whenever the City becomes aware of the existence of graffiti or other unsightly conditions on any property, including structures or improvements within the City, a police officer or code enforcement officer shall give or cause to be given, written notice to the property owner, and/or owner’s agent, tenant or manager to remove such graffiti or other unsightly condition there from.

The notice requirement by this section may be accomplished by personal service or regular mail addressed to the owner or the last known address of said owner. If this address is unknown, the notice will be sent to the property address. Such notice shall require removal of identified graffiti within a reasonable time period as specified in the written notice, not to exceed 10 days from the date of the notice.

For the purposes of giving notice to the owner of the property, the person shown as the owner of said property according to the tax records kept by the City Assessor shall be sent notice at the address shown thereon unless the City receives actual notice that another person owns said property. In addition, the owner may notify the City that the tenant, pursuant to a written lease, has control of the property or has control of that portion of the building which is the subject matter of this ordinance and, in the event the City receives such notice, the City shall notify the tenant of the notice of removal as provided in this ordinance and proceed against the tenant and not the owner. Provided, however, as to any violation of this ordinance in existence prior to the date of approval of this ordinance, any notice of removal shall give twenty (20) days for the removal thereof.

A property owner that has received proper written notice of the presence of graffiti on his/her property shall remove the graffiti themselves or through the use of a private contractor within the time period specified in the notice.
720.08 PENALTIES FOR THE FAILURE TO REMOVE GRAFFITI
A. A property owner that fails to remove graffiti before the expiration of the time period indicated in the written notice as provided by this ordinance shall be issued a summons to appear in Niagara Falls City Court in order to have there determined whether the property owner is in violation of the provisions of this ordinance. A property owner that is adjudged to be in violation of this ordinance shall be guilty of a violation and shall be subject to a fine of Two Hundred Fifty Dollars ($250.00) or by imprisonment not to exceed fifteen (15) days, or both such fine and imprisonment. Each day in which any such violation shall continue beyond the expiration of the time period indicated in the written notice as provided by this ordinance shall be deemed a separate offense.
B. Any person, firm, or corporation violating any of the provisions of this Chapter shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation, and the City may maintain an action against such person, firm or corporation to recover for such expense, loss or damage, together with the costs of executing such notice or orders required. This shall include, but not be limited to, costs associated with correcting or remediating any violation of this Chapter.
720.09 ENFORCEMENT
The Director of Code Enforcement or his designee and/or any other law enforcement agency are hereby authorized to issue appearance tickets in the enforcement of this Chapter.
720.10 SEVERABILITY
If any term, part, provision, section, subdivision or paragraph of this article shall be held unconstitutional, invalid or ineffective, in whole or in part, such determination shall not be deemed to invalidate the remaining.

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

Yeas 4
Nays 0
ADOPTED

RESOLUTION: PAWN BROKERS/SECOND-HAND DEALERS, EXTENDING MORATORIUM 2011-33
BY: Council Chairman Samuel Fruscione

Agenda Item #20
WHEREAS, at its November 1, 2010 meeting this Council imposed a 90-day Moratorium on the consideration of applications for pawn broker and second-hand dealer licenses; and
WHEREAS, this Moratorium was extended at the January 24, 2011 Council meeting; and
WHEREAS, this Moratorium expires on April 30, 2011; and
WHEREAS, the review of the Ordinances is not yet completed.
NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that: the Moratorium on the consideration of applications for pawn brokers and second-hand dealer licenses be extended to July 31, 2011.

Yeas 4
Nays 0
ADOPTED
RESOLUTION:  PROJECT TO PAINT THE PORTER ROAD BRIDGE, 2011-34
BY:  Council Member Charles Walker

Agenda Item #21
WHEREAS, the Project to Paint the Porter Road Bridge over the CSX Railroad, BIN 2039560, in the City of Niagara Falls, Niagara County, PIN 5760.18, (the Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) Phase of the project PIN 5760.18.

NOW, THEREFORE, the City Council of the City of Niagara Falls, duly convened does hereby
RESOLVE, that the City Council of the City of Niagara Falls hereby approves the above-subject project; and it is hereby further
RESOLVED, that the City Council of the City of Niagara Falls hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) Phase of the Project or portions thereof; and it is further
RESOLVED, that the sum of $ 15,000 is hereby appropriated from Casino Revenue and made available to cover the cost of participation in the above phase of the Project; and it is further
RESOLVED, that in the event the amount required to pay the full Federal and Non-Federal shares of the cost of the project’s Preliminary Engineering (Design I-VI) Phase exceeds the amount appropriated above, the City of Niagara Falls shall convene its City Council as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further
RESOLVED, that the Mayor of the City of Niagara Falls be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the City of Niagara Falls with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and it is further
RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further
RESOLVED, this Resolution shall take effect immediately.
Yeas 4
Nays 0
ADOPTED

PUBLIC WORKS, MW-2 POSITION, TEMPORARY CREATION

Agenda Item #22
In an effort to enhance the DPW Street Maintenance Program it is requested that an MW-2 position be temporarily created, upgrading from an MW-1 position, for a six (6) month period of time. The total funding required is $874.49, inclusive of FICA. Funding is available from account # A.5110.0200.0110.000. This will not adversely affect the DPW budget.

Will the Council so approve?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas
Nays
APPROVED

05/02/2011
RESOLUTION: NATIONAL ELKS YOUTH WEEK, 2011-35
By: Council Chair Samuel Fruscione
    Council Member Robert A. Anderson, Jr.
    Council Member Steve Fournier
    Council Member Kristen Grandinetti
    Council Member Charles Walker

Agenda Item #23

WHEREAS, The Benevolent and Protective Order of Elks has designated the first week in May, as Youth Week to honor America’s Junior Citizens for their accomplishments, and to give fitting recognition of their services to Community, State and Nation; and

WHEREAS, The Benevolent and Protective Order of Elks, Lodge 346, will sponsor observances during the Month of May in tribute to the Junior Citizens of this Community; and

WHEREAS, no event could be more deserving of our support and participation than one dedicated to these young people who represent the nation’s greatest resource, and who in the years ahead will assume the responsibility for the advancement of our free society; and

WHEREAS, our Youth need the guidance, inspiration and encouragement which we alone can give in order to help develop those qualities of character essential for future leadership; and go forth to serve America; and

WHEREAS, to achieve this worthy objective, we should demonstrate our partnership with Youth, our understanding of their hopes and aspirations and a sincere willingness to help prepare them in every way for the responsibilities and opportunities of citizenship.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council of the City of Niagara Falls, New York, along with Mayor Paul Dyster, declare May 1st thru May 7th, 2011 as National Elks Youth Week and urges all departments of government, civic and fraternal and patriotic groups, and our citizens generally, to participate wholeheartedly in its observance.

Yeas 4
Nays 0
ADOPTED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 8:15 p.m.

Carol A. Antonucci
City Clerk
The first session of the May 16, 2011 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

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

Council Member Fournier moved to approve the Minutes from the City Council Meeting of May 2, 2011.

Lisa Routhier spoke on the Budget for the LaSalle Blues Festival, which she estimated at $4,000.

In the Administrative Update:
1. Director of Business Development Fran Iusi said that talks are continuing with the adjoining property owners of the downtown storefronts, and the property owners are considering the development of indoor retailing. If that happens, the City’s development of outside retailing would not be feasible. Either development would probably not be ready by the July 4th holiday, and Mayor Paul Dyster and Corporation Counsel Craig Johnson added that they expect a Memorandum of Understanding to be ready within two weeks. Council Member Grandinetti asked about development at The Pointe, and Ms. Iusi responded that she did not have any information about it.
2. Civil Engineer Robert Buzzelli and Mayor Dyster spoke about the lights on Pine Avenue, and said that National Grid has a few options for the City to try. Chairman Fruscione also noted that there are streetlights out on Pine Avenue between 18th and 20th Streets.
3. Regarding residency, Mr. Johnson reported that there are two pending open files that the City is waiting for the Hearing Officer to make a recommendation to the City Administrator on, and an additional employee was served last week. Chairman Fruscione asked that the investigation include all employees.
4. Regarding One Niagara, Mr. Johnson stated that the Planning Board had issued a Site Plan approved, subject to certain conditions; the property taxes due for 2006, 2007 and 2008 amounted to $1,517,080.10; and the 2009 and 2010 Assessments had been challenged.
5. Superintendent of Police John Chella said that the Department is charting activities of clubs and bars that are operating illegally in the City, and he would report the findings to the Council and Administration in the near future.

Mr. Johnson distributed copies of two Items to be added to the Agenda:
1. A communication relative to approval of repairs to elevators at the Carnegie Building and City Hall.
2. A communication relative to approval of repairs to elevators at the Carnegie Building and City Hall.

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

Yeas 5
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #15.
2. A communication relative to approval of contribution of up to $16,000 for Gospel Concert Performance at Legends Court on July 16, 2011.

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

Yeas 5
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED
The communication was added to the Agenda as #16.

Director of Community Development Robert Antonucci addressed Agenda Item #8, relative to a change order in a contract for demolitions, and Acting Building Commissioner Dennis Virtuoso explained the process for awarding demolition contracts.

Council Member Anderson questioned funding that was set aside in the past for the LaSalle Boat Launch and not used. He asked about using that funding for the Cayuga Trail Canoe Launch (Agenda Item #11), and a discussion followed with Mayor Dyster and Council Member Walker on the use of grant money that was specific to a certain Project, and the use of Greenway Funds.

This Session ended at 4:40 PM

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

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

Nicholas A. D’Agostino  Agenda Item #10
Diane Tattersall        Agenda Item #16
Jason Chilcote         Agenda Item #10
Paul Gromosiak         Falls State Park Film crew
Lisa Vitelo            Artpark ramp to Robert Moses Pkwy.
Earl Robinson          One Niagara
Nicholas D’Agostino     Thanks to National Grid for work done at Gill Creek Park, Charter School public hearing
Asholic Muni           One Niagara
Tony Farina            One Niagara
Ashley Crutchfield     One Niagara
Angelo Onevelo         One Niagara
Tony Soluri            One Niagara
Rick Horn              One Niagara
Paul Grenga            One Niagara
Dick Soluri            One Niagara
Rich Meranto           Artpark Ramp to Robert Moses Pkwy.
Jason Chilcote         One Niagara

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK:

Agenda Item #1
City Clerk’s Report for the Month of April 2011
THIS ITEM WAS RECEIVED AND FILED

Agenda Item #2
City Clerk’s Claims Report for the Month of April 2011
THIS ITEM WAS RECEIVED AND FILED

05/16/2011
THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: HYDE PARK ICE COMPLEX LOCKER ROOM ADDITION, CONSULTANT SERVICES, DIDONATO ASSOCIATES

Agenda Item #3

A contract for the above referenced consultant services agreement was awarded to DiDonato Associates in the amount of $108,000.00 on July 19, 2010.

After bidding the construction documents, it was deemed necessary to have a full-time inspection and construction administration of the project. DiDonato proposes these scopes of work in the amount of $96,800.00. Funding for this change order is available in Code H0819.0819.0451.000.

It is the recommendation of the undersigned that Change Order #1 in the amount of $96,800.00 be approved revising the contract sum to $204,800.00.

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

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

Yeas 5
Nays 0
APPROVED

HOMELESS PREVENTION AND RAPID RE-HOUSING PROGRAM, GRANT AGREEMENT REVISION, HPRP PROGRAM

Agenda Item #4

City Council previously approved an allocation of $85,000 in HPRP funding to the YWCA of Niagara, Inc and $92,811.23 to Neighborhood Legal Services, Inc for services to be provided relative to the administration of the HPRP Program. The grant agreements that were executed covered the period of October 1, 2010 to September 30, 2011.

The HPRP Program has provided financial assistance to homeless persons in the City and we have expended almost the entire amount allocated for such assistance. We now find it necessary to reduce the amount allocated to both the YWCA and Neighborhood Legal Services in order to continue to have funding available to meet ongoing financial assistance needs for homeless clients.

It is our recommendation that the sub-grants to YWCA of Niagara and Neighborhood Legal Services be reduced from the original amounts allocated to $60,000 each, of which $5,000 is reserved for administrative costs for each organization. All other terms and conditions of the grant agreement will remain in effect. We estimate that the recaptured funding will allow the City to continue to process financial assistance requests and allow both sub-grantees to continue to provide caseworker services through July 2011.

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

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

Yeas 4
Nays 0
Abstain 1
Grandinetti
APPROVED
CONTRACT: COORDINATED ASSESSMENT PROGRAM, SHARED SERVICE WITH TOWN OF WILSON

Agenda Item #5
In 2006, the City and the Town of Wilson entered into a Coordinated Assessment Program as provided for under Section 579 of the New York State Real Property Tax Law. The agreement provided for the City Assessor to also be Town Assessor and because of the upcoming retirement of the City Assessor, the City and Wilson have discussed amending the current agreement to provide that the City Assessor would still be Town Assessor, but would also provide that Wilson will employ a real property appraiser to assist with services at no cost to the City and the Town would pay the City $5,000 (plus retirement and FICA) annually for the services of the City Assessor. A copy of the proposed amended agreement is attached (filed in the City Clerk’s Office).

Will the Council so approve and authorize the Mayor to execute same?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

CONTRACT: NTCC, PARKING SPACES, 105 RAINBOW BLVD.

Agenda Item #6
The City’s agreement with NTCC for parking spaces at the City owned parking lot at 105 Rainbow Boulevard expired at the end of March. The NTCC has requested that the City accommodate visitors to its building by allowing parking for these visitors at this City owned lot. An arrangement has been made with NTCC for visitors to their building to pay a $1.00 charge to the City when visiting the NTCC building. A visitor is limited to one (1) hour of parking for $1.00.

Will the Council so approve and authorize the Mayor to enter into an agreement reciting the terms and conditions which will be prepared by the Corporation Counsel?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

PURCHASE: LASALLE BRANCH LIBRARY, WINDOW BLINDS

Agenda Item #7
It is requested that new window blinds be purchased for installation at the LaSalle Branch Library. The existing blinds are in a state of disrepair. The sum of $5,568.00 is requested for this purpose. Quotes were solicited and the lowest quote was selected. Funding is available from Casino Revenues.

Will the Council so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

05/16/2011
CONTRACT: DEMOLITIONS, APOLLO DISMANTLING SERVICES

Agenda Item #8

A contract for the above referenced project was awarded to Apollo Dismantling Services, LLC, Inc on December 13, 2010 in the amount of $445,308. Change Order #1, was approved by Council on February 22, 2011 in the amount of $12,700, increasing the contract amount to $458,008.

Change Order #2 includes the following items:

- 1925 Niagara Street - Subsequent to the start of the demolition process, the Department of Code Enforcement made a determination that the building was structurally unsound and should be reclassified as a “controlled demolition”. The additional cost to proceed in this manner is $7,800.
- 1344 Ashland Avenue - additional Asbestos Containing Material (ACM) not identified in the original survey performed by JMD Environmental Services was subsequently found by Stohl Environmental. The additional cost is $5,200.
- 1344 ½ Ashland Avenue - additional Asbestos Containing Material (ACM) not identified in the original survey performed by JMD Environmental Services was subsequently found by Stohl Environmental. The additional cost is $4,350.
- 2261 Niagara Street - additional Asbestos Containing Material (ACM) not identified in the original survey performed by JMD Environmental Services was subsequently found by Stohl Environmental. The additional cost is $500.
- 741 8th Street - additional Asbestos Containing Material (ACM) not identified in the original survey performed by JMD Environmental Services was subsequently found by Stohl Environmental. The additional cost is $2,200.
- 447 19th Street - additional Asbestos Containing Material (ACM) not identified in the original survey performed by JMD Environmental Services was subsequently found by Stohl Environmental. The additional cost is $3,300.
- 1827 Whitney Avenue - deleted from contract. Credit to City to be determined based on contract bid price less expenses incurred by contractor.
- 1657 Cleveland Avenue - deleted from contract. Credit to City to be determined based on contract bid price less expenses incurred by contractor.
- 1910 16th Street - deleted from contract. Credit to City to be determined based on contract bid price less expenses incurred by contractor.

It is our recommendation that Change Order #2 in the total amount of $23,350 be approved. Casino Revenue funding is available in budget code H0910.0910.0449.599

Will the Council vote to so approve and authorize the Mayor to execute Change Order #2 with Apollo Dismantling LLC. in the amount of $23,350?

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

Yeas: 2
Grandinetti, Walker
Nays: 3
Anderson, Fournier, Fruscione

DEFEATED
CONTRACT: TRAFFIC SIGNAL REPLACEMENT PROJECT, DESIGN SERVICES, TVGA CONSULTANTS

Agenda Item #9

A consultant services agreement was awarded to TVGA Consultants, 1000 Maple Road, Elma, NY 14059 on December 4, 2006 at their proposed price of $92,000.00.

The Project’s initial contract was slated to be performed through preliminary design phase. Subsequently additional funding has been secured to allow this Federally Funded, locally administered project to move forward through the final design phase. The additional funding necessary to advance this project is $48,000.00, bringing the revised design contract sum to $140,000.00.

This is a Federally Funded Project at 80% reimbursable via the NYSDOT and eligible for Marchiselli funding that provides an additional 15% reimbursement. The City is ultimately responsible for only 5% of total project costs. Funding is available in Code H0630.2006.0630.0453.000.

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

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

Yeas 5
Nays 0
APPROVED

CONTRACT: POTHOLE KILLER TRUCKS, PATCH MANAGEMENT

Agenda Item #10

During the City Council meeting on March 21, 2011 the City Council approved a contract with Patch Management Inc. for Patch Management Inc. to supply one (1) truck and one (1) operator for the months of May and June 2011 at a cost of $70,000.00. Patch Management Inc. now has a second pothole killer truck with an operator available to commence work immediately in the City of Niagara Falls. There is no change in the amount of the contract nor is there a change in the number of hours the pothole killers will operate. This will expedite the road repair schedule (letter on file in City Clerk’s Office).

Will the Council so approve this amendment to the agreement with Patch Management Inc.?

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

Yeas 5
Nays 0
APPROVED
Agenda Item #11
The City is prepared to move forward with the Cayuga Trail Canoe Launch. Wendel Duchscherer has submitted a proposal for design, permitting (SEQRA), construction bidding and construction monitoring, all for $14,450.00. Funding is available for 100% of this cost under a Niagara County Economic Development Fund grant in the amount of $85,000.00. The balance of the grant will be used to pay the cost of construction.

Will the Council vote to approve an agreement with Wendel Duchscherer for design, permit and construction services as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas 3
Fournier, Grandinetti, Walker
Nays 1
Fruscione
Abstain
Anderson

THE FOLLOWING ITEM WAS SUBMITTED BY THE CITY CLERK

Agenda Item #12
Please be advised that Mayor Paul A. Dyster, on May 3, 2011, duly approved the following:
1. Resolution 2011-32, relative to Adopting Chapter 720 of the Codified Ordinances Entitled “Prohibition of Graffiti and Providing for Eradication, Enforcement and Penalties”

THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: WOMEN OF DISTINCTION CLASS OF 2011, HONORING, 2011-39
By: All Council Members

Agenda Item #13
WHEREAS, on May 17th, 2011, the Niagara Gazette will celebrate their 2011 Women of Distinction Awards Ceremony for women who make significant contributions to their communities.

Honorees will be:   Denise Easterling
Diane Quarantello Niagara Falls Boys & Girls Club
Teresa Torre Niagara Community Center Coalition
HANI   Marilyn Lojek
Patricia Wrobel NF School District, Retired
Niagara University Michelle VanStrom
Nancy Gara North Main St/Wild Ones
HSBC Lynn Wolfgang Catalano
Ann Marie Tucker Mt. St. Mary’s Hospital
NF Memorial Medical Center
High School Honorees:   Alexandra Coleman
Courtney Corbetta LEWISTON PORTER
Mariiska Raglow-DeFranco NIAGARA CATHOLIC
NIAGARA WHEATFIELD NIAGARA FALLS
NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it extends its congratulations on behalf of all the citizens of the City of Niagara Falls in honoring the recipients of the 2011 Women of Distinction Awards.

Yeas 5
Nays 0

ADOPTED

05/16/2011
RESOLUTION: SIGNS AND BILLBOARDS, ORDINANCE AMENDMENT, 2011-37
By: Council Chairman Samuel Fruscione

Agenda Item #14
BE IT RESOLVED by the City Council of Niagara Falls, New York that
Chapter 1121 of the Codified Ordinances entitled “Signs and Billboards”
is hereby amended by amending Section 1121.05 entitled “Zoning” to read
as follows:

1121.05 Zoning
B. Signs Permitted in Commercial Zoning Districts.
      f. All existing billboards shall be permitted in a commercial district. Except as allowed
      under subsection h below and subsection g below, no permits shall be issued for new billboards or new billboard
      locations in a commercial district, unless there is a reduction in the number of billboards or billboard due to
      loss of location, then said billboards or billboard shall be allowed to be replaced one for one in a commercial
      district at a location approved by the City. Any new billboards will comply with the provisions of Section
      1121.05(c). Permitted billboards may be modified to contain graphics and/or motion.
      g. No more than five (5) new billboards and
         five (5) new rooftop billboards will be allowed in the
         Downtown Commercial District. A permit for a new billboard
         or a new rooftop billboard shall not be issued by the sign
         inspector unless the applicant obtains a special permit
         from the Board of Appeals. In order for a special permit
         to be issued, the Board of Appeals must find that the new
         billboard or new rooftop billboard is in compliance with
         the provisions of Section 1121.05(c) with the exception
         that the new billboards may be no closer than one hundred
         feet (100’) rather than the 1,000 feet required by Section
         1121.05(c)(2)(b). The new rooftop signs will comply with
         the requirements in subsection g. A permit fee in the
         amount of $5,000 is required. An annual inspection fee of
         $500 is required. Properly signed or sealed engineering or
         architectural drawings for each [sign][billboard] must be
         submitted to the Department of Engineering and Inspections
         showing the structural integrity of the building and
         proposed sign. No such billboard shall exceed two (2)
         faces. No such billboard may face a residential district.
         Rooftop [signs][billboards] may not extend over the
         structural walls of the building. The height of any
         rooftop [sign][billboard] may not exceed the lesser of
         twenty (20) feet or difference between the height of the
         existing building and the maximum height allowed by City
         Ordinances.

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

Yeas 5
Nays 0
ADOPTED
ELEVATOR REPAIRS, CARNEGIE BUILDING AND CITY HALL, FUNDING

Agenda Item #15
The elevators at both the Carnegie Building and City Hall are not functioning and are in need of repair. The estimated cost to repair the elevator in the Carnegie Building is $3,666.00 and the estimated cost to repair the elevator at City Hall is $2,950.00. These repair costs total $6,616.00. Funding is available from Special Projects Fund Balance (estimates on file in City Clerk's Office).

Will the Council so approve?
Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

LEGENDS BASKETBALL COURT, GOSPEL CONCERT, FUNDING

Agenda Item #16
An opportunity has been presented for the City to host in concert Harvey Watkins, Jr. and the Carton Spirituals and Tony Pittman and the Harmony Winds. This Concert is scheduled to take place on July 16, 2011 from 12:00 noon through 6:00 p.m. at the Legends Courts. The cost to the City for this event will not exceed $16,000.00. Funding is available from Tourism Fund Balance. This event will be subject to the development of a Performance Agreement satisfactory to the Corporation Counsel.

Will the Council so approve and authorize the Mayor to execute an agreement subject to the approval of the Corporation Counsel?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
Abstain 1
Walker
APPROVED

PUBLIC WORKS, CAPITAL PLAN, EQUIPMENT FUNDING

Agenda Item #17
Attached (on file in City Clerk’s Office) hereto is a list of equipment for the department deemed necessary by the Director. The cost to acquire these items totals $662,221.63. Funding is available from Special Projects Fund Balance.

Will the Council so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED
There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 8:05 p.m.

Carol A. Antonucci
City Clerk
The first session of the May 31, 2011 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:03 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

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

Richard Crogan, President of the Main Street Business & Professional Association, spoke on the upcoming Music Fest and Garden Walk events sponsored by the organization.

In the Administrative Update:
1. City Administrator Donna Owens spoke on the Task Force for Events that has been formed to help organizers in planning events in the City.
2. Director of Business Development Fran Iusi said that a draft Memorandum of Understanding between the City and the Williams Group for the downtown storefronts has been prepared, and Corporation Counsel Craig Johnson added that the document should be ready for the Agenda for the next Council Meeting. Ms. Iusi also reported that the Retail Manager of the Comfort Inn storefronts informed her that there are no plans to develop the storefronts. Chairman Fruscione asked about development of the “dead space” around the Conference Center, and Mayor Paul Dyster said that space was being re-visited. A lengthy discussion followed on development of storefronts for downtown tourists.
3. Mr. Johnson reported that the Police Club had filed two improper practice charges relative to the City’s residency requirement, PERB had ruled in favor of the Club, and the matter was on appeal. He also spoke on the resignation of a Department Head this past week, and the “voluntary resignation” of two clerical employees as a result of the residency issue.
4. Senior Planner Thomas DeSantis reported that the Boundary Waters Monument would be placed at First Street and Rainbow Boulevard, at a cost of $14,000 for the stone on which the plaque would be mounted and surrounding landscaping.
5. Public Works Director David Kinney informed the Council Members that his Department maintains 28 small parks in the City, as well as Hyde Park, the Legends Court and the park at South Junior, and, due to the amount of rain, upkeep on Park maintenance has been difficult; Chairman Fruscione asked that picnic tables be added to Jayne Park; Council Member Anderson asked about a canoe launch, and Mr. Kinney responded that it would not be located at Jayne Park; and the Council also asked for “No Dumping” signs to be placed at Jayne Park. Council Member Fournier also asked that Mr. Kinney provide an update on revenue at the Parking Ramp.
6. Superintendent of Police John Chella spoke on the Business District Crime Initiative, which will include additional Police patrols, safe shopping days, a registry of businesses and use of the paddy wagon to secure prisoners. Chairman Fruscione questioned Mr. Kinney on air conditioning in the Council Chambers, and a lengthy discussion followed. Mr. Kinney will work with the City Administrator to address the issue.
Council Member Anderson asked the Mayor if additional funding for the Engineering Department (Agenda Item #3) would address the lighting in front of the middle school on Buffalo Avenue, and the Mayor responded that the Projects being undertaken by the Department are being done as quickly as they can be due to the staffing issues in the Department. Chairman Fruscione questioned who the engineering consultants would be if this Item was approved, and the Mayor responded that the City has three engineering firms that are used on a consultant basis.

Mayor Dyster reported that the City Engineer position has been advertised, and he hoped to fill the position as quickly as possible.

City Controller Maria Brown advised the Council that $20,000 has already been budgeted for the Niagara Falls Blues Festival, and only $10,000 will come from Casino funds, not the entire $30,000 (Agenda Item #4). Mayor Dyster thanked the organizers of the Festival for their work.

Mr. Johnson distributed copies of an amendment to Agenda Item #13, which would change the boundaries of the Zone.

Council Member Anderson moved to amend the Item.

Yeas

Nays

MOTION TO AMEND APPROVED

Mr. Johnson distributed copies of four Items to be added to the Agenda:

1. A communication relative to a change order in the contract for the restoration of the windows at the LaSalle Library.

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

Yeas

Nays

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #16.

2. A communication relative to reorganization at the Department of Public Works.

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

Yeas

Nays

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #17.

3. A communication relative to obtaining labor and material required for maintenance of transformers at the Corporation Yard on an emergency basis.

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

Yeas

Nays

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the agenda as #18.

4. A Memoranda with three City labor unions and proposed Budget Amendment with regard to employees not covered by collective bargaining agreements.

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

Yeas

Nays

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #19.
Mayor Dyster thanked all those involved in bringing about these agreements, and added that the City Administrator, Council Members and he had decided to forgo raises for themselves.

This Session ended at 5:00 PM

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

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

Ron Anderluh, Agenda Item #14
Ray Trotta/Mohamed Razak, Agenda Item #10
Vince Sandonato, Agenda Item #13
Daria Sterner, Agenda Item #4
Paul Gromosiak, Niagara Falls movie
Ron Anderluh, Parking Revenue
Andrea Galey, Support for Main St. Art & Music Festival

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT:  BRIDGE PREVENTION MAINTENANCE PROGRAM, PROFESSIONAL SERVICES, ABATE ASSOCIATES

Agenda Item #1

Based upon the New York State Department of Transportation standard merit selection process, please be advised that Abate Associates, Engineers and Surveyors, P.C. has been selected as the City’s consultant for the above-referenced program.

It is the recommendation of the undersigned that the scoping, estimating and administration necessary to continue management of the City’s Bridge Maintenance Program to Abate Associates at the proposed price of $15,000.00.

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

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

Yeas 4
Nays 0
APPROVED

CONTRACT:  DEMOLITIONS, CNF 2010-1, APOLLO DISMANTLING LLC

Agenda Item #2

A contract for the above referenced project was awarded to Apollo Dismantling Services, LLC, Inc., on December 13, 2010 in the amount of $445,308. Change Order #1, was approved by Council on February 22, 2011 in the amount of $12,700, increasing the contract to $458,008.

During the course of asbestos abatement at several properties, Stohl Environmental, the City’s current asbestos project monitor, discovered numerous instances where asbestos containing material was present but not cited in the original surveys conducted by JMD Environmental. JMD was the City’s project monitor prior to Stohl Environmental. The properties that are affected are as follows:

- 1344 Ashland Avenue - additional Asbestos Containing Material (ACM) not identified in the original survey. The additional cost is $5,200.
• 1344 ½ Ashland Avenue – additional Asbestos Containing Material (ACM) not identified in the original survey. The additional cost is $4,350.
• 2261 Niagara Street – additional Asbestos Containing Material (ACM) not identified in the original survey. The additional cost is $500.
• 741 8th Street – additional Asbestos Containing Material (ACM) not identified in the original survey. The additional cost is $2,200.
• 447 19th Street – additional Asbestos Containing Material (ACM) not identified in the original survey. The additional cost is $3,300.

Additionally, the following property was reclassified by the Department of Code Enforcement:
• 1925 Niagara Street - Subsequent to the start of the demolition process, the Department of Code Enforcement made a determination that the building was structurally unsound and should be reclassified as a “controlled demolition”. The additional cost to proceed in this manner is $7,800.

Finally, it was determined that certain structures required “site specific variances” to proceed with asbestos abatement due to unusual conditions present at the sites. We were unable to successfully negotiate an acceptable price with the contractor and we recommend that the following properties be deleted from contract CNF 2010-1:
• 1827 Whitney Avenue – deleted from contract. Credit to City to be determined based on contract bid price less expenses incurred by contractor.
• 1657 Cleveland Avenue – deleted from contract. Credit to City to be determined based on contract bid price less expenses incurred by contractor.
• 1910 16th Street – deleted from contract. Credit to City to be determined based on contract bid price less expenses incurred by contractor.

It is our recommendation that Change Order #2 in the total amount of $23,350 be approved. Casino Revenue funding is available in budget code H0910.2009.0910.0449.599

Will the Council vote to so approve and authorize the Mayor to execute Change Order #2 with Apollo Dismantling LLC. in the amount of $23,350?

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

Yeas 4
Nays 0

APPROVED

ENGINEERING, CONSULTANTS, FUNDING

Agenda Item #3

Because of the large number of significant projects that are in process, it is recommended that the sum of $50,000.00 be made available to the Engineering Department’s Consultant line for the purpose of engaging consultant engineers for these various projects on a case by case basis. Funding is available from Special Project Fund Balance.

Will the Council so approve?

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

Yeas 4
Nays 0

APPROVED
BLUES FESTIVAL, NIAGARA FALLS

Agenda Item #4
The Niagara Falls Blues Festival is being planned for Friday evening, September 9, 2011, Saturday, September 10, 2011 and Sunday, September 11, 2011. The Niagara Festival & Entertainment Group Inc. (the “Sponsor”) is sponsoring the event once again. The location for the music venue is to be Old Falls Street and Downtown Niagara Falls. It is recommended that the City contribute the sum of $30,000.00 to this event to help defray the costs of this event. The City contributed a like amount to the cost of this festival in 2010. Funding is available from Casino Revenues. The City’s contribution to this event is contingent upon the Sponsor providing a budget showing the City’s contribution of $30,000.00 and the Sponsor using the City’s contribution for performers, sound projection, staging and lighting. Requests for reimbursement by the Sponsor must be substantiated by receipts and requests for payment of any of these expenses must be in form and substance satisfactory to the City Controller and the Corporation Counsel. The City’s contribution is also subject to the terms and conditions to be contained in a Funding Agreement in form and substance satisfactory to the Corporation Counsel and to be prepared by the Corporation Counsel. The Sponsor’s budget must also include at least three (3) performers who are “nationally” known.

Will the Council so approve this funding and authorize the Mayor to execute a Funding Agreement?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas
Nays
APPROVED

BLUES FESTIVAL, LASALLE

Agenda Item #5
The LaSalle Business and Professional Association is once again sponsoring its Blues Festival to be held on July 24, 2011 at Griffon Boat Docks from 1:00 p.m. to 7:00 p.m. It is recommended that the City contribute the sum of $3,000.00 to this event. Funding is available from the Tourism Fund. A Funding Agreement is required in form and content satisfactory to the Corporation Counsel.

Will the Council so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas
Nays
APPROVED

TENTH STREET RECONSTRUCTION PROJECT

Agenda Item #6
Tenth Street near Niagara Falls Memorial Medical Center is in the process of reconstruction. It is recommended that improvements incidental to that reconstruction project be made at the same time in order to enhance the project. It is requested that up to $165,000.00 be made available for this purpose. Funding is available from Special Projects Fund Balance.

Will the Council so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas
Nays
APPROVED

05/31/2011
NFC, FUND TRANSFER

Agenda Item #7

Dollars were previously earmarked for transfer to NFC for downtown development projects. It is now recommended that a transfer of $550,000.00 to NFC be accomplished in order to fund projects should they come to fruition. Funding is available from Casino Economic Development Funds.

Will the Council so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0
APPROVED

POLICE BUSINESS DISTRICT INITIATIVE

Agenda Item #8

In order to enhance the Police presence in the Pine Avenue Business District, Niagara Street Business District, Main Street Business District, Downtown Business District, Route 62 Business District and LaSalle Business District it is requested that a total of $110,000.00 be made available to the Police Department overtime line for this purpose. This will include the utilization of the paddy wagon at times to be determined by the Police Superintendent. This program will consist of uniform and plain clothes patrol, promotion of the safe shopping initiative as well as business registry through community services to address business concerns. This program is scheduled to begin June 1, 2011 and run for fifteen (15) weeks. 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
Nays 0
APPROVED

PUBLIC WORKS, REIMBURSEMENT FOR STREET OPENING LINE

Agenda Item #9

The City Council previously approved $100,000.00 to the DPW budget for a street opening line item. The sum of $83,025.00 was expended from this line for repairs that were necessary to the parking lot at the Hyde Park Ice Pavilion. It is requested that this line item be reimbursed. Funding is available from Special Projects Fund Balance. Attached is a spreadsheet (on file in the Clerk’s Office) pertaining to the use of funds from the street opening line for necessary repairs at the Hyde Park Ice Pavilion parking lot.

Will the Council so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0
APPROVED

118

05/31/2011
MEMORIAL MEDICAL CENTER EXPANSION PROJECT

Agenda Item #10
As part of the Medical Center’s expansion project, it is proposing a redesign of its lobby entrance which will involve encroachments onto the City’s right-of-way. Attached is a communication from the Medical Center which explains this (on file in the Clerk’s Office).
This request has been reviewed by appropriate City departments and concerns have been addressed or are in the process of being addressed. This is also subject to a recommendation by the Planning Board and this matter is on the Planning Board’s agenda for its May 25, 2011 meeting.
Will the Council so approve the encroachment subject to a positive recommendation by the Planning Board and the requirements that the Medical Center agree to defend and indemnify the City from any liability caused by the encroachment, add the City as an additional insured to its liability policy, that the encroachment comply with all building code and other legal requirements and that the City retains the right to terminate the encroachment on six (6) months written notice?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas
Anderson, Grandinetti, Fruscione
Nays
Abstain
Walker
APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

SIGNS & BILLBOARDS, ORDINANCE AMENDMENT, MAYOR’S APPROVAL

Agenda Item #11
Please be advised that Mayor Paul A. Dyster on May 20, 2011, duly approved the following:
1. Resolution 2011-37, relative to Amending Chapter 1121 Of the Codified Ordinances Entitled “Signs and Billboards”
THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: HUMAN RIGHTS COMMISSION, APPOINTMENT/REAPPOINTMENT, 2011-38
By: Council Member Charles Walker

Agenda Item #12
BE IT RESOLVED, that the following individuals are hereby re-appointed to the Human Rights Commission effective immediately for the expiration date of which appears opposite their names:

<table>
<thead>
<tr>
<th>RE-APPOINTMENT</th>
<th>TERM EXPIRES:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Angela Bray</td>
<td>12/31/2014</td>
</tr>
<tr>
<td>3050 Orleans Avenue</td>
<td></td>
</tr>
<tr>
<td>Niagara Falls, NY 14303</td>
<td></td>
</tr>
<tr>
<td>Lee Whitaker</td>
<td>12/31/2014</td>
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<tr>
<td>1324 Calumet Avenue</td>
<td></td>
</tr>
<tr>
<td>Niagara Falls, NY 14305</td>
<td></td>
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</tbody>
</table>

Yeas
Nays
ADOPTED
RESOLUTION: OPPORTUNITY ZONE, EXTENDING BOUNDARIES, 2011-39
By: Council Chair Samuel Fruscione
    Council Member Robert Anderson, Jr.
    Council Member Steve Fournier

Agenda Item #13
WHEREAS, the Niagara County Center for Economic Development has created an opt-in program for three urban municipal centers of Niagara County. The cities of Niagara Falls, North Tonawanda and Lockport were invited to designate areas within their boundaries as OPPORTUNITY ZONES, including but not exclusive to those areas designated as Economically Distressed by the U.S. Census Bureau; and
WHEREAS, OPPORTUNITY ZONES provide various tax policy incentives for businesses, including those in the tourism and retail sectors; and
WHEREAS, the economic revitalization of the City of Niagara Falls requires that all business corridors should have the opportunity to grow and expand, and that businesses electing to locate on said corridors have the resources to hire new employees and purchase new equipment.

THEREFORE BE IT RESOLVED, that the Niagara Falls City Council places into law the extension of the boundaries of the Niagara Falls OPPORTUNITY ZONE to include the Buffalo Avenue Business District, extending from 65th Street along Buffalo Avenue easterly to the city line bordering the Town of Wheatfield, northerly along the city line with the Town of Wheatfield, northwest along the city line bordering the Town of Niagara, and south along 65th Street, returning to its point of origin; and
BE IT FURTHER RESOLVED, that the City of Niagara Falls will take immediate steps to incorporate the expanded geographic boundaries of the Niagara Falls OPPORTUNITY ZONE defined above into the OPPORTUNITY ZONE Program, including updating of reports, maps and any other necessary documents (additional information/map on file in Clerk’s Office); and
BE IT FURTHER RESOLVED, that copies of this resolution be sent to the City of Niagara Falls Economic Development Department, the Niagara County Industrial Development Agency and Niagara County Legislator Vincent M. Sandonato, Chair of the Economic Development Committee.

Yeas 4
Nays 0
ADOPTED
RESOLUTION:  SEX OFFENDERS, ADDITIONAL RESTRICTIONS, 2011-40
By:  All Council Members

Agenda Item #14
WHEREAS, Senator Mark Grisanti has co-sponsored a companion bill in the NYS Senate, Senate Bill 1856 to that sponsored by Assemblyman Thiele in the NYS Assembly, to address the concerns over placement of sex offenders in municipalities such as Niagara Falls; and
WHEREAS, similar to Assembly Bill A2087, it enhances the authority of municipalities to determine the placement of sex offenders; and
WHEREAS, guidelines of this bill include: 1. That municipalities be allowed to reject the placement of additional sex offenders in such municipality; 2. That municipalities shall be permitted to allow or reject a secure community residence for sex offenders within such municipality; 3. That municipalities shall be allowed to restrict the number of sex offenders at a residence; and
WHEREAS, this measure would help prevent high concentrations of sex offenders from being placed in any one particular community; and
WHEREAS, Senator Grisanti has asked that this bill shall take effect immediately.
NOW, THEREFORE, BE IT RESOLVED, by the Niagara Falls City Council, that we fully support Senate Bill 1856 and urges the colleagues of Senator Grisanti to pass this legislation which will give enhanced powers to municipalities regarding this issue.
BE IT FURTHER RESOLVED, that a copy of this resolution is forwarded to the Leadership of the New York State Legislature and the local state representatives in Niagara County.
Yeas 4
Nays 0
ADOPTED

RESOLUTION:  JOHN A. DUKE NIAGARA FALLS SENIOR CITIZEN CENTER, 29TH ANNIVERSARY, 2011-41
By:  All Council Members

Agenda Item #15
WHEREAS, the John A. Duke Niagara Falls Senior Citizen Center will celebrate their 29th Anniversary on Thursday, May 26th, 2011 at the Center’s Anniversary Dance; and
WHEREAS, the actual Anniversary of the John A. Duke Center was on May 20th; and
WHEREAS, the Center received its first grant from the Niagara County Office for the Aging in 1986 as part of the Niagara Nutrition for the Elderly Program in 1987; and
WHEREAS, the Center changed its name from the Niagara Falls Senior Citizen Center to the John A. Duke Niagara Falls Senior Citizen Center in 1988 and dedicated a new shelter, bocce courts and horseshoe pit in 1992 and its newest addition in 1997; and
WHEREAS, the Senior Center staff coordinates services/activities with outside non-for-profit senior services to provide a variety of activities to our City’s elderly population; and
WHEREAS, the Center has expanded from providing senior services to becoming a community resource benefiting all age groups, with educational, recreational and health related programs; provides assistance in obtaining needed services to seniors and their families and provides a meeting place for groups providing support to seniors and their families.
NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that the John A. Duke Niagara Falls Senior Citizen Center has been a vital asset to the community through the years and we congratulate them on their anniversary of 29 years of operation and service to the City.
Yeas 4
Nays 0
ADOPTED
Agenda Item #16

A contract for the above referenced project was awarded to Allstate General Contracting, Inc. on December 27, 2010 in the Amount of $152,080.00.

During the course of work, it was deemed necessary to avoid future damage to the restored windows, that (3) windows be modified. The work will also allow for proper roof flashing and will improve the conditions when the new roof is installed. Subsequent work for these windows is $5,040.00 for a total contract amount of $157,120.00.

It is the recommendation of the undersigned that Change Order #1 in the amount of $5,040.00 be approved. Sufficient funds exist in Code H0904.2004.0904.0443.000.

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

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

Yeas 4
Nays 0

APPROVED

PUBLIC WORKS, REORGANIZATION

Agenda Item #17

There is presently a funded Crew Leader position in the DPW budget. There is presently an Assistant Foreman position in the DPW budget which is funded in the amount of $1.00. It is requested that the funding for the Crew Leader position be reduced to $1.00 for the balance of the year 2011 and the balance of that salary applied to the Assistant Foreman position for the balance of 2011, together with an additional amount of $1,476.29, inclusive of benefits. It is further requested that this Assistant Foreman position be a provisional appointment at this time, pending a Civil Service test. Funding is available from the DPW bi-weekly salary line. It is desirable to do this in order to provide more flexibility in the deployment of manpower for DPW projects.

Will the Council so approve?

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

Yeas 4
Nays 0

APPROVED

CORPORATION YARD, MAINTENANCE OF TRANSFORMERS

Agenda Item #18

It is necessary on an emergency basis to obtain labor and material required for the maintenance of the transformers at the Corporation Yard. These transformers support the solar panel system located on top of the garages. Attached is a proposal which totals $6,334.00. Funding is available from Special Projects Fund Balance.

Will the Council so approve?

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

Yeas 4
Nays 0

APPROVED
LABOR UNIONS, PROPOSED MEMORANDA, BUDGET AMENDMENT

Agenda Item #19
Attached please find the following:

1. Proposed Memorandum of Agreement between the City of Niagara Falls, New York and the United Steelworkers, Local 9434-00, covering the period January 1, 2009 through December 31, 2013.


4. The proposed amendment to the 2011 City of Niagara Falls budget relative to employees not covered by collective bargaining agreements.

   (NOTE: ATTACHMENTS 1, 2, 3 WERE PROVIDED WITH THIS ITEM AND ARE ON FILE IN THE CLERK’S OFFICE)

Will the Council so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0

APPROVED
There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:45 p.m.

Carol A. Antonucci
City Clerk
The first session of the June 13, 2011 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:10 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker
Also present: Mayor Paul A. Dyster, City Administrator Donna D. Owens, 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 Meetings of May 16 and May 31, 2011.

Dr. David Taylor from Niagara University and Avery Bates spoke on the work of the Task Force for a Healthier Niagara Falls Community, and announced a Grant of $300,000 from the Oishei Foundation.

In the Administrative Update:
1. Mayor Paul Dyster thanked retired City Assessor Dom Penale for his years of service, and introduced the new City Assessor James Bird. Mr. Bird expressed his appreciation to the Council Members and Department Heads who were helpful to him as he began in his new position.
2. Director Business Development Fran Iusi informed the Council Members that the Memorandum of Understanding relative to the downtown storefronts had been received today from the Attorneys for the Williams Group, and it was being reviewed.
3. Mayor Dyster reported that Engineering was trying to get a sample light for Pine Avenue so that it could be installed and studied; the specs for the stoplight should be in within the next few days; and, the light in front of the school on Buffalo Avenue should be in place by the end of August.
4. Public Works Director David Kinney said that $24,750 was collected in parking fees over the Memorial Day weekend; Desman Associates, the City’s consultant for parking management issues, began work last week; work that had started on Chilton Avenue had to be stopped when the road began to sink, and additional work was needed; and, his Department has started putting playground equipment in place.

Chairman Fruscione asked that Mr. Kinney remove the FBI parking signs on Third Street, and put signs in place for parking for patrons of Third Street businesses.

City Administrator Owens said that the City had been designated as a “Playful City”, and a grant had been applied for to purchase additional playground equipment.

Mayor Dyster invited those present to attend an unveiling ceremony for the Boundary Waters plaque in Centennial Circle.

Council Member Anderson asked Mr. Kinney about the start of the summer programs in the City’s Parks for children, and Mr. Kinney responded that will be in approximately two weeks, once school is out. Mayor Dyster commended Patricia Travis, Associate Director of the Youth Bureau, and the DPW staff for their work at Hyde Park on June 4th during the Wildlife Festival and fishing contest.
Chairman Fruscione asked Mayor Dyster to look into the use of extension cords by downtown vendors. Chairman Fruscione questioned Mr. Kinney about the rental of heavy equipment (Agenda Item #11), and Mr. Kinney replied that this was done every year.

Mayor Dyster noted that the Council would be invited to a groundbreaking ceremony at the Ice Pavilion once the renovations are a little farther along.

This Session ended at 4:45 PM

Chairman Fruscione reconvened the Meeting at 7:00 p.m. in the Council Chambers with all Council Members present. The Chairman said the Prayer and also 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:

Lisa Vitello Agenda Item #19
Paul Gromosiak Complimented Website of City Historian; against performing stunts at the Falls; Parkway exit into the Falls
Ron Anderluh Gill Creek Park vandalism
Jennifer Pries Road repairs at Royal & 47th, diverting traffic through residential area
James Collins Road repairs at Royal & 47th, diverting traffic through residential area
Josephine Thomas Potholes/parking issues behind Niagara III apartment complex
Jason Chilcote pedestrians walking in streets; road conditions, Probation office, housing of prisoners
George Baldon amenities needed in Highland/Garden Park; repair RR tracks at Highland & College Ave.
Alesia Young Hope VI contractor who has not been paid

THE FOLLOWING ITEMS WERE SUBMITTED BY THE CITY CLERK:

Agenda Item #1
City Clerk’s Claim Report for the Month of May 2011
THIS ITEM WAS RECEIVED AND FILED

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #2
The following have requested City Council approval for Commissioner of Deeds for a term from July 1, 2011 to June 30, 2013.

Ciccarelli, Patrick Inspections
Dal Porto, Brian NFPD
Davis, Mary Billing & Collection
Gemuend, Victoria Engineering
Reynolds, Patrick NFPD
Stack, Patrick NFPD
Thomson, William NFPD
Trane, Michael NFPD
Augustino, Linda 7995 Crestview Dr., Niagara Falls, NY 14304
Aversa, Ralph 851 College Terrrace, Niagara Falls, NY 14305
Castillo, Baltazar 9129 Rivershore Dr., Niagara Falls, NY 14304
Castillo, Patricia 9129 Rivershore Dr., Niagara Falls, NY 14304
Gonzalez, Barbara 2412 North Ave., Niagara Falls, NY 14305
Joyce, Cindy-Lou 2744 Thornwood Dr., Niagara Falls, NY 14304
Kimble, Renea 3302 Hyde Park Blvd., Niagara Falls, NY 14305
Ochal, Eugene 6117 Stephenson Ave., Niagara Falls, NY 14304

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06/13/2011
Agenda Item #3
The following was the result of bids received on May 18, 2011, for the above referenced project:

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>BASE BID</th>
<th>ALT. 1</th>
<th>ALT. 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joseph A. Sanders &amp; Sons, Inc.</td>
<td>$134,407.00</td>
<td>$7,903.00</td>
<td>$3,334.00</td>
</tr>
<tr>
<td>P.O. Box 814</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buffalo, NY 14240</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Progressive Roofing, Inc.</td>
<td>$144,560.00</td>
<td>$6,000.00</td>
<td>$5,000.00</td>
</tr>
</tbody>
</table>

It is the recommendation of the undersigned that this project be awarded to the low bidder Joseph A. Sanders & Sons, Inc., at the Base Bid and Alternate #2 combination of $137,741.00. Funding is available HO904.2004.0904.0443.000.

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

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

Yeas: 5
Nays: 0
APPROVED

Agenda Item #4
Niagara Falls Housing Authority, in conjunction with Norstar Development, is embarking on Phase II of the Center Court Park project. The real estate is currently owned by NFHA and is tax exempt. The operating entity for the project will be a limited liability company, with the property owner being Center Court Housing Development Fund Corp. The Project will qualify under Article 11 of the NYS Private Housing Finance Law (PHFL), and may obtain a real property tax exemption for up to forty years from the City.

Rent for this low income housing tax credit project is limited by the federal Internal Revenue Code and NYS Division of Housing and Community Renewal (DHCR). The tax exemption and PILOT are necessary for the economic feasibility of the project with the rent limitations.

The proposed PILOT will require payment of 10% of the “shelter rents” for the Phase II units, with 2% increases each year thereafter. The PILOT will remain in effect for 30 years (the length of the rent regulatory agreement), after which the property will be fully taxable.
The Article 11 of the PHFL provides for the Project owners to enter into a regulatory agreement with the Commissioner of Housing and Community Renewal. The grant of exemption will take effect upon transfer of the real property to the HDFC, and will continue only so long as the Project is operated in compliance with DHCR requirements. In the event of default of payment of the PILOT, or noncompliance with DHCR requirements, the tax exemption and PILOT will terminate. The PILOT agreement and tax exemption will also terminate on transfer of the property.

The tax exemption will be effective upon the transfer of the property to the entity which qualifies under Article 11 of the PHFL. If this transfer does not take place before December 31, 2011, this grant of exemption will expire.

The City Council generally approved the grant of tax exemptions for both phases of this project on April 24, 2006, so long as the project qualifies for exemption. The Council specifically authorized the Phase I tax exemptions in November 2006. We are now asking the Council specifically to authorize the Phase II exemptions.

Will the Council vote to approve the Phase II tax exemption and PILOT agreement as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: CITY HALL EXTERIOR RESTORATION, PHASE 2, SICOLI CONSTRUCTION SERVICES

Agenda Item #5
The following was the result of bids received on May 16, 2011, for the above referenced Project:

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>BASE BID</th>
<th>ALTERNATE #1</th>
<th>ALTERNATE #2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sicoli Construction Serv.</td>
<td>$250,500.00</td>
<td>$19,000.00</td>
<td>$49,300.00</td>
</tr>
<tr>
<td>4800 Hyde Park Boulevard</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Niagara Falls NY 14305</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Morris Masonry Restoration</td>
<td>$438,000.00</td>
<td>$40,000.00</td>
<td>$75,500.00</td>
</tr>
</tbody>
</table>

It is the recommendation of the undersigned that this project be awarded to the low bidder Sicoli Construction Services, at their Base Bid amount of $250,500.00 and Alternate #1 amount of $19,000.00, for a total of $269,500.00. Funding is available in Code H0611.2006.0611.0449.599.

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

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

Yeas 5
Nays 0
APPROVED

CODE ENFORCEMENT: DEMOLITIONS, FUNDING

Agenda Item #6
The Director of Code Enforcement advised that his budget line item to conduct demolitions is rapidly being depleted. He is requesting that $700,000 be transferred to his demolitions budget line to fund future demolitions. Funding is available from Special Projects Fund Balance. Casino Revenues, when received, will be used to replenish this funding source.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

06/13/2011
CODE ENFORCEMENT, FURNITURE, FUNDING

Agenda Item #7
The Director of the Department of Code Enforcement is requesting funds to purchase necessary office furniture/equipment. Specifically, he would like to purchase two (2) legal size file cabinets for the Landlord Licensing Program in the amount of $446.00, three (3) chairs at a cost of $533.00 and two (2) cameras at a cost of $550.00 for a total of $1,529.00. Funding is available from Casino Interest.

Will the Council so approve?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

EARL BRYDGES PUBLIC LIBRARY, WINDOW BLINDS, FUNDING

Agenda Item #8
The Library Director has recommended that window blinds/shades be installed in the windows in the section of the library that contains the local history collection. The purpose of these blinds/shades is to protect the collection from UV rays. Proposals were solicited and it is recommended that the low proposal of $3,321.00 be accepted (bids on file in Clerk’s Office). Funding is available from Casino Revenues.

Will the Council so approve?
Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CSX, BRIDGE PROJECTS

Agenda Item #9
The City has entered into agreements with the New York State Department of Transportation for the above referenced federal aid eligible bridge projects.

As these projects involve bridges over CSX rail lines, it is necessary to enter into engineering agreements with CSX for them to review the plans.

Will the Council authorize the Mayor to enter into an agreement with CSX for each of these projects and post the advance of $8,000 for each of the projects and authorize the Mayor to execute agreements in forms acceptable to the Corporation Counsel?

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

Yeas 5
Nays 0
APPROVED

300 THIRD STREET, AWNING & SIGN ENCROACHMENT

Agenda Item #10
The owner of the above referenced property has applied for awning and sign encroachments into the City’s Right-Of-Way. This has been reviewed by the appropriate City departments and the Planning Board recommends that it be granted subject to the attached conditions (on file in the Clerk’s Office).

Will the Council so approve?
Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

06/13/2011
CONTRACT: HEAVY EQUIPMENT RENTAL, VARIOUS COMPANIES

Agenda Item #11
TO: Villani’s Landscape Equipment, Inc.
6405 Packard Road
Niagara Falls, NY 14305
FOR: Item #'s 1-5, 7-9, 12, 14, 20-22, 26, 28, 30, 38 and 40 per the attached tally sheet.

TO: George & Swede Sales & Service, Inc.
7155 Big Tree Road
Pavilion, NY 14525
FOR: Item #'s 6, 25, 27 and 32-35 per the attached tally sheet.

TO: National Vacuum Corporation
408 47th Street
Niagara Falls, NY 14304
FOR: Item #'s 10, 23 and 36 per the attached tally sheet.

TO: North American Industrial
8555 Packard Road
Niagara Falls, NY 14304
FOR: Item #'s 11 and 37 per the attached tally sheet.

TO: Monroe Tractor, Inc.
5035 Genesee Street
Buffalo, NY 14225
FOR: Item #'s 13, 15-19, 29 and 31 per the attached tally sheet.

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law. Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Eight (8) vendors. Five (5) bids were received (on file in Clerk’s Office).

Funds for this expenditure are available in the various department equipment rental codes: .0442.003 and .0442.599.

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

Yeas 5
Nays 0
APPROVED

CONTRACT: BLUEWAY TRAIL PROJECT, PROFESSIONAL SERVICES, PETER J. SMITH & COMPANY, INC.

Agenda Item #12
The City is prepared to move forward with the Blueway Trail planning and development along the Niagara River and Little River from the eastern city line to the North Grand Island Bridge. Peter J. Smith & Company has submitted a proposal for the Trail’s development and for the public consultation and engagement process, as well as, canoe launch design and specifications including for permitting and for SEQR. Other aspects of the project include tree survey and husbandry for shoreline areas, and construction supervision as may be required.

The cost of the proposal for professional services on the project is $130,230.00. Funding is available for 50% of this cost under a 2008 New York State Environmental Protection Fund grant in the amount of $92,500.00. The balance of the cost-share will be paid with Niagara River Greenway funding, which was previously approved for $105,000. The balance of the funding available to cover any of the identified husbandry, construction, landscaping, lighting or similar hard costs associated with the project.

Will the Council vote to approve an agreement with Peter J. Smith & Company, Inc. for professional services, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas 5
Nays 0
APPROVED

06/13/2011
ARTS & MUSIC FESTIVAL, MAIN STREET BUSINESS ASSOCIATION

Agenda Item #13
The Main Street Business Association is sponsoring its 1st Annual Arts & Music Festival scheduled to take place on June 25 and June 26, 2011. The event will be held at the corner of Main and Linwood through and including Main and Niagara Avenue. The event will feature numerous artists and live music. It is recommended that the City contribute the sum of $3,000 to the cost of this event. Funding is available from Tourism Fund Balance.
Will the Council so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

NIAGARA COUNTY OFFICE FOR THE AGING, REIMBURSEMENT

Agenda Item #14
Through an agreement with the Niagara County Office for the Aging, the City provides information and assistance service for persons 60 years and older who reside in Niagara County and meet Office for the Aging eligibility criteria. The City receives reimbursement from the County in the amount of $9,025.00.
Will the Council authorize the Mayor to execute an Information & Assistance Program 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: STORMWATER POLLUTION PREVENTION PROGRAM REVIEW, CONSULTANT SERVICES, CLOUGH-HARBOUR & ASSOCIATES (CHA)

Agenda Item #15
It is the recommendation of the undersigned that the firm Clough-Harbour and Associates (CHA) perform, on an hourly basis, the requisite review and approvals for above-referenced program at a not to exceed amount of $7,500.00. Funding is available in the Engineering Department’s Consultant services budget line via City Council action of May 31, 2011.
Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

ICE PAVILION, RELOCATION OF NATIONAL GRID POLE

Agenda Item #16
It is necessary to relocate a National Grid pole in order to proceed with construction work at the Hyde Park Ice Pavilion Phase 2 Project. The cost to relocate this pole is $16,274.00. Funding is available from Special Projects Fund Balance.
Will the Council so approve?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

06/13/2011
RESOLUTION: CENTER COURT HOUSING PROJECT, 2011-42
By: Council Member Charles Walker

Agenda Item #17
WHEREAS, the Niagara Falls Housing Authority (the “Authority”) is the owner of certain real property and improvements commonly known as the Center Court housing project, located at Beech Avenue and Center Avenue in the City of Niagara Falls, County of Niagara, New York (the “Project”); and
WHEREAS, the physical condition of the Project has dilapidated and deteriorated over time; and
WHEREAS, the Authority does not have sufficient resources available to remedy such dilapidation and deterioration; and
WHEREAS, the Authority desires to redevelop the Project in order to provide the current residents and others with improved, safe, decent and affordable housing; and
WHEREAS, the infusion of private enterprise and private capital are essential components to such redevelopment and the continued success and long-term viability of the Project; and
WHEREAS, the Authority has indicated that the transfer of the Project by the Authority is a sale or lease of the Project in connection with federal program of assistance for low income housing, to wit, a sale to a limited liability company, a housing development fund company or similar entity in order for the Project to obtain the benefits of low-income housing tax credits and to otherwise accomplish the redevelopment of the Project; and
WHEREAS, the sale or lease is subject to prior approval of the New York State Commissioner of Homes and Community Renewal; and
WHEREAS, by Resolution 2006-42, on April 24, 2006 the City Council acknowledged its support of the redevelopment of the Project, and the Project is now ready to proceed with that phase which will require such transfer of the Project; and
WHEREAS, Section 58-b of the New York Public Housing Law authorizes the Authority to sell or lease the Project upon the satisfaction of certain conditions, including the approval of the City Council;
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York, that the sale or lease of the Project by the Authority in connection with federal program of assistance for low income housing, to wit, a sale to a limited liability company, a housing development fund company or similar entity in order for the Project to obtain the benefits of low-income housing tax credits and to otherwise accomplish the redevelopment of the Project by a limited liability company, a housing development fund company or a similar entity designated by the Authority is hereby authorized and approved; and be it further
RESOLVED, that the Mayor of the City of Niagara Falls be and hereby is authorized and directed to take any and all actions and execute any and all documents or instruments that may be necessary to carry out the intent of the foregoing resolution; and be it further
RESOLVED, that this resolution shall take effect immediately.
Yeas 5
Nays 0
ADOPTED

06/13/2011
RESOLUTION: BETHANY MISSIONARY BAPTIST CHURCH, 2011-43
By: All Council Members

Agenda Item #18
WHEREAS, Bethany Missionary Baptist Church has acquired a new location for their Church; and
WHEREAS, the celebration move will be to 2002 Forest Avenue in the City of Niagara Falls, New York; and
WHEREAS, the celebration for this move took place on Sunday, June 5th, 2011 with special services to commemorate this exciting time; and
WHEREAS, Pastor Raymond H. Allen hosted the final dedication service on Sunday afternoon along with Rev. Harvey Kelly and the Congregation of New Hope who were their guests.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that congratulations go out to Bethany Missionary Baptist Church, its congregation and especially to Pastor Raymond H. Allen for acquiring 2002 Forest Avenue as the new location for their Church; and wish them success from their dedication services on Sunday, June 5th, 2011.

Yeas
Nays

ADOPTED

RESOLUTION: ROBERT MOSES PARKWAY, SENECA STREET EXIT, OPPOSITION 2011-44
By: All Council Members

Agenda Item #19
WHEREAS, Assemblyman John Ceretto announced that upcoming construction on a Seneca Street entrance ramp onto the Robert Moses Parkway is scheduled for completion prior to the season opening at Earl W. Brydges Artpark; and
WHEREAS, the Niagara Tourism Advisory Board has expressed their opposition to this construction stating that the new exit will force a portion of that traffic onto the parkway’s two remaining exits in Niagara Falls leaving residents with unwanted traffic late at night; and
WHEREAS, the new exit will force all those cars in one direction when actually, the traffic at Artpark naturally disperses. The traffic will not have a positive economic effect since it won’t reach the City of Niagara Falls until 11pm at night; and
WHEREAS, advocates for the removal of the section of the Robert Moses Parkway from Findlay Drive to Devil’s Hole state that this removal will promote tourism in the City of Niagara Falls and allow the City to reconnect with its waterfront. The Robert Moses Parkway situation as it stands now is not safe and is not a reliable transportation route for our tourists and residents.

NOW, THEREFORE, BE IT RESOLVED, by the Niagara Falls City Council, that we, along with the Niagara Falls Tourism Advisory Board, oppose the creation of the Seneca Street entrance ramp onto the Robert Moses Parkway as it will create an unsafe driving environment as well as a conflict with the environmental, cultural and community groups who advocate creating new and enhancing connections with the Niagara Gorge Corridor.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the NYS Office of Parks, Recreation and Historic Preservation; the NYS Department of Transportation; NYS Senator Mark Grisanti; NYS Assemblyman John Ceretto and the Niagara Falls Tourism Advisory Board.

Yeas
Nays

ADOPTED
RESOLUTION: AAA COMMUNITY TRAFFIC SAFETY PROGRAM, HONORING, 2011-45
By: All Council Members

Agenda Item #20
Whereas, in the Summer 2011 Member Connection Magazine for AAA members, the City of Niagara Falls was recognized in the News and Notes Section of the Magazine; and
Whereas, the AAA Community Traffic Safety Program is an awards and recognition program for communities of all sizes nationwide that identify and seek to address their local traffic safety issues; and
Whereas, nine local communities were the recipients of 2010 AAA Community Traffic Safety Program Awards and the City of Niagara Falls received the Silver Award for submitting and improving their basic crash statistics, presence of a traffic safety leadership group, traffic safety programs, projects and their measured effectiveness.
Now Therefore Be It Resolved, that the members of the Niagara Falls City Council congratulates Superintendent John R. Chella and the Traffic Department of the Niagara Falls Police Department upon receiving this most prestigious award.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: BUFFALO AVENUE, RECONSTRUCTION, ACQUISITION OF PROPERTY, 2011-46
By: All Council Members

Agenda Item #21
WHEREAS, the City of Niagara Falls is currently progressing a project to reconstruct Buffalo Avenue between Veterans Drive and I-190; and
WHEREAS, the City of Niagara Falls is required to procure land to reconstruct said highway; and
WHEREAS, one parcel of land required for this project is owned by the State of New York through the New York State Department of Transportation; and
WHEREAS, a map of the required parcel of land has been completed by the City Engineer and reviewed and approved by the New York State Department of Transportation as to form; and
WHEREAS, this map is noted as Map 6001-C, Parcel 6001.
NOW THEREFORE BE IT RESOLVED that the City of Niagara Falls will assume ownership and maintenance responsibility of said parcel to construct said project; and
BE IT FURTHER RESOLVED that the City of Niagara Falls will continue to own and maintain Buffalo Avenue; and
BE IT FURTHER RESOLVED that the Mayor of the City of Niagara Falls is authorized to execute any agreements or documents necessary to effectuate the purposes of this resolution.

Yeas 5
Nays 0
ADOPTED
RESOLUTION: BRIDGE MINOR MAINTENANCE PROJECT, IMPLEMENTATION AND FUNDING, 2011-47
By: Council Chairman Samuel Fruscione

Agenda Item #22

WHEREAS, the City of Niagara Falls Bridge Minor Maintenance Project: Three (3) Bridge Deck Overlays, BINs 2043870, 2060200 and 2260900- One (1) Bridge Joint Replacement, Wash & Seal and Bearing Lubrication, Bin 2260880, City of Niagara Falls, Niagara County, PIN 5760.19 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) phase of the project PIN 5760.19

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

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

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

RESOLVED, that the sum of $25,000 is hereby appropriated from Special Projects Fund Balance and made available to cover the cost of participation in the above phase of the Project; and it is further

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

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

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

RESOLVED, this Resolution shall take effect immediately.

Yeas 5
Nays 0
ADOPTED

06/13/2011
RESOLUTION: LASALLE WATERFRONT PARK, APPLICATION FOR LANDS NOW OR FORMERLY UNDERWATER, 2011-48
By: Council Member Charles Walker

Agenda Item #23

WHEREAS, the City of Niagara Falls has previously acquired the former Century Club property; and
WHEREAS, the City has designated this as parkland to be known as the LaSalle Waterfront Park; and
WHEREAS, there is a parcel of land adjacent to the shoreline which is under the jurisdiction of the State of New York, Office of General Services, as land now or formerly underwater and identified as Parcel A on the attached map; and
WHEREAS, the City intends to apply for the transfer of this parcel from the State to the City to be included within the LaSalle Waterfront Park.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that it approves the acquisition of this property from the State; and.
BE IT FURTHER RESOLVED, that the Mayor is authorized to execute any required applications or other documentation required to further this process; and
BE IT FURTHER RESOLVED, that the City Clerk is directed to publish any required notices in the official newspaper.

Yeas

Nays

ADOPTED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:45 p.m.

Carol A. Antonucci
City Clerk
The first session of the June 27, 2011 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker. Also present: Mayor Paul A. Dyster, City Administrator Donna D. Owens, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Fournier moved to approve the Minutes from the City Council Meeting of June 13, 2011.

City Controller Maria Brown introduced Randy Shepard, CPA., of Bonadio & Co., and they gave a presentation on the City’s 2010 Audited Financials.

In the Administrative Update:

1. Mayor Paul Dyster spoke on the ribbon cutting ceremony to celebrate the opening of the TGIF (Friday’s) Restaurant in the Four Points Sheraton Hotel. He also informed the Council Members that NORAMPAC will be building a new facility in Niagara Falls at a cost of $430M, and which will have 108 new jobs. He thanked the New York Power Authority, the Empire State Development Corporation and City Departments that worked together to bring this Project to the City.

2. Director of Business Development Fran Iusi said that the City had received the Memorandum of Understanding relative to the downtown storefronts, and discussions were taking place with a positive attitude. Chairman Fruscione requested that Corporation Counsel Craig Johnson work toward presenting the matter to the Council for a vote by the last Meeting in July before the Council’s August recess.

3. Mayor Dyster reported that it would not be possible for National Grid to install a sample light on Pine Avenue, so National Grid will provide locations where the lights are already installed so that those interested can view them, and installation can begin after the Pine Avenue Italian Festival. Chairman Fruscione asked for a timeline report and cost estimate for the next Council Meeting, so that the Council can vote on the installation at the last Meeting in July before the August Recess. Mayor Dyster added that additional lighting will be installed on Tenth Street in conjunction with the hospital’s renovation project.

4. Director of Public Works David Kinney said that picnic tables have been placed at all the Parks, but additional picnic tables are needed to replace those that have been vandalized; the 2011 Recreation Program began today, and flyers have been printed giving the events and hours. The Council Members asked that the media also be notified of the schedule for the Parks, and that lunches are being served to children in the Parks.

Mayor Dyster explained that the change orders on the Agenda for the Lewiston Road Project (Agenda Items 2, 3 and 9) were to cover additional costs in the price for asphalt and removal of radioactive materials that were found after the work had begun. These additional costs are reimbursable to the City.

Mrs. Brown explained the process of bonding for various Projects (Agenda Items 16 and 17).

Chairman Fruscione asked that the Trolley also include the Four Points Sheraton on Buffalo Avenue and Casale’s Motel on its route. This Session ended at 5:00 PM.
Chairman Fruscione reconvened the Meeting at 7:00 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member 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:

Paul Gromosiak          Edward Dean Adams Power Plant Transformer House Museum
Ron Anderluh            Thanked Council for support for International Festival; volunteer patrol at Gill Creek Park; Funding for additional police officer to patrol Parks
Ken Hamilton            Hold concerts at Hyde Park instead of Hard Rock; Ambulance service contract
Dorothy West            Neighborhood issues

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK:

Agenda Item #1
City Clerk’s Report for the Month of May 2011
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT:  LEWISTON ROAD, RECONSTRUCTION, MAN O’TREES

Agenda Item #2
A contract for the above referenced project was awarded to Man O’Trees, Inc. on June 29, 2009 in the amount of $ 7,713,000.00. As the project was developed, underground utility work has been found which required either repair or relocation. The costs associated with this utility work totals $20,965.07. However, funding currently exists for contractual items not currently installed which allows for 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 Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT:  LEWISTON ROAD, RECONSTRUCTION, MAN O’TREES

Agenda Item #3
A contract for the above referenced project was awarded to Man O’Trees, Inc. on June 29, 2009 in the amount of $ 7,713,000.00. Subsequent to the start of the project, additional existing water lines found to be in conflict with the proposed New Road construction were abandoned and replaced. The costs associated with the water line replacement and abandonment is $71,710.00 and $22,022.00, respectively. Also addressed at this time are contractually obligated reimbursements compensating the contractor for asphalt and fuel cost adjustments and related expenses as dictated by NYSDOT specifications these contractual cost equal $ 177,485.20, bringing the total of this change order to $271,217.20* (see below).

It is important to note that the dollars noted above are available elsewhere in this contract at this time, making the total net change to the contract $0.00.

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

* All of which is eligible for 95% reimbursement via State Agreements.

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

Yeas 5
Nays 0
APPROVED

06/27/2011
COMMUNITY DEVELOPMENT, BUDGET MODIFICATIONS

Agenda Item #4
On October 18, 2010, City Council approved the FY’ 2011 Consolidated Annual Plan which includes the budgets for the Community Development, HOME, and Emergency Shelter Grant programs. These budgets were prepared based on anticipated revenue from the U.S. Department of HUD. Listed below are the actual 2011 grants:

- CDBG funding was estimated at $2,500,000 – the actual 2011 grant is $2,287,090
- HOME funding was estimated at $640,000 – the actual 2011 grant is $566,925
- ESG funding was estimated at $110,000 – the actual 2011 grant is $110,985

The reduction in CDBG funding from 2010 to 2011 was 16.5%. However, anticipated revenue was conservatively estimated, therefore, reductions to the budget adopted by Council are not quite as severe as they could have been. It is our recommendation that the following budget line items be revised to reflect the actual HUD grants awarded to the City:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Original Allocation</th>
<th>Revised Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>City (CD) Housing Rehabilitation</td>
<td>306,750</td>
<td>250,000</td>
</tr>
<tr>
<td>NHS Housing Rehabilitation</td>
<td>281,750</td>
<td>200,000</td>
</tr>
<tr>
<td>Center City Housing Rehabilitation</td>
<td>231,750</td>
<td>200,000</td>
</tr>
<tr>
<td>HCRC Housing Rehabilitation</td>
<td>91,750</td>
<td>75,000</td>
</tr>
<tr>
<td>Fire/Life Safety Coordinator</td>
<td>50,000</td>
<td>41,000</td>
</tr>
<tr>
<td>Clean Neighborhood</td>
<td>25,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Demolition</td>
<td>600,000</td>
<td>598,090</td>
</tr>
<tr>
<td>City (HOME)</td>
<td>150,000</td>
<td>283,463</td>
</tr>
<tr>
<td>Center City (HOME)</td>
<td>245,000</td>
<td>283,462</td>
</tr>
<tr>
<td>NHS (HOME)</td>
<td>245,000</td>
<td>0</td>
</tr>
<tr>
<td>Carolyn’s House (ESG)</td>
<td>20,000</td>
<td>20,985</td>
</tr>
</tbody>
</table>

Will Council vote to so approve and authorize the Community Development Director to make the necessary budget adjustments?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

COMMUNITY DEVELOPMENT, STAFF REORGANIZATION

Agenda Item #5
The Department of Community Development is proposing the following staff reorganization plan to more effectively manage the federal grant programs funded through the U.S. Department of Housing and Urban Development. The department currently has a vacant Principal Clerk position (Grade 12). We are recommending that this position be eliminated. The department also has a Leased Housing Intake position (Grade 4) that is funded 50% with HPRP funding. HPRP is a 2009 ARRA grant with funding set to expire within the next few months. When funding does expire, we would be forced to use Casino Revenues previously appropriated to continue the position. In lieu of that plan, we recommend that the Leased Housing Intake position also be eliminated and a Community Development/Section 8 Office Assistant be created at Grade (5). The Office Assistant would be funded 50% with CDBG funds and 50% with Section 8 funding, the latter commencing once HPRP funds have been exhausted.
This realignment will provide a seamless transition of duties in the office. The CD Administrative Assistant will assume certain duties formerly provided by the Principal Clerk, and the remaining duties will be assumed by the Office Assistant. The realignment will also provide a significant cost savings to the CDBG and Section 8 grants at a time when HUD funding has been reduced.

Will the Council vote to so approve the staff realignment as outlined above?

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

Yeas 5
Nays 0
APPROVED

RAINBOW CENTRE RAMP, BRIDGE COMMISSION ADDITIONAL PARKING

AGENDA item #6

On September 7, 2010, the Council approved additional parking in the Rainbow Centre ramp for the Bridge Commission for Rainbow Bridge employees (Bridge Commission, Customs, Immigration and other Rainbow Bridge employees). The new parking is to be located on the third floor, directly below the secure fourth floor area used by the Commission. The agreement is for three years, at a cost of $1,600.00 per month (40 spaces at $40 per month), and was to commence September 15, 2010.

Due to discussions concerning the renovation of the ramp, the agreement was never signed. We are now on the verge of starting the ramp renovations. A new start date is proposed for the three year agreement. The parking will start as soon as the agreement can be signed (it takes a while for Bridge Commission signature, as GSA must also sign off on the agreement). This modification also will make explicit the fact that all the spaces (the new and old spaces) will have to be relocated temporarily in connection with the ramp renovations going on this summer. The new spaces will not be secured until after the renovations are complete.

Will the Council vote to approve the parking agreement modification as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas 5
Nays 0
APPROVED

LEGENDS BASKETBALL COURT, BUDGET AMENDMENT, 2011 COMMUNITY INTERVENTION INITIATIVE

Agenda Item #7

The City Council approved an agenda item during its meeting on March 7, 2011 which, among other things, approved the budget for the 2011 Community Intervention Initiative in the amount of $30,000.00. It has now been determined that an error was made in computing the line item for Referees. That line item should have been $10,000.00 rather than $5,000.00. Accordingly, the budget for the entire program should have been $35,000.00 rather than $30,000.00. Attached hereto is an amended budget which shows the corrected line item (on file in the City Clerks Office). Funding for this additional $5,000.00 cost is available from A.1990.7650.0449.000.

In addition, as part of the 2011 Community Intervention Initiative there will be “Beat the Streets” basketball program to take place on Friday, July 8, Saturday, July 9 and Sunday, July 10, 2011 presented by the Niagara Christian Basketball Program. Motivational speakers will be present each day to put on programs for participants in the program. The Corporation Counsel is in the process of preparing a Memorandum of Understanding between the City and the Niagara Christian Basketball Program. There will be no additional City funding required for this basketball program.

06/27/2011
Will the City Council approve the amendment to the budget for 2011 Community Intervention Initiative as requested and authorize the Mayor to execute a Memorandum of Understanding with the Niagara Christian Basketball Program subject to approval of the Corporation Counsel?

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

Yeas 5
Nays 0
APPROVED

JOHN DUKE CENTER, FALL FEST 2011, CONTRIBUTION

Agenda Item #8
It is requested that the City again sponsor a “Fall Fest” at the John Duke Center. The “Fall Fest” held in 2010 was extremely successful as it hosted 494 seniors. Attached hereto is a copy of the proposed budget for the 2011 event (on file in the City Clerks office). The event will be scheduled and coordinated by the Senior Services Program Coordinator. The City has been requested to contribute the sum of $2,500.00 to this event. Funding is available from A.1990.7650.0449.000.

Will the Council so approve?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: LEWISTON ROAD, RECONSTRUCTION, MAN O’TREES, INC.

Agenda Item #9
A contract for the above referenced project was awarded to Man O’Trees, Inc. on June 29, 2009 in the amount of $7,713,000.00.

Subsequent to the start of the project, the Contractor has encountered two substantial issues which constitute a change in conditions that were not included in the initial scope of this contract. Additional quantities of radioactive material, requiring both specialized handling and disposal, have forced the contractor to incur additional costs. The total quantity-based reimbursement, as determined by the City’s consultant, as well as the anticipated costs going forward for radioactive materials encountered as the project continues, would add an additional $295,695.90 to the existing contract.

The second issue constituting a changed condition involves a post-award request by the New York State Department of Environmental Conservation to provide air quality monitoring on a continuous basis for all excavation activities – regardless of the presence of radioactive materials – throughout the project. The costs for the additional air monitoring have been estimated to reach a NTE amount of $8,000.00 for a 200 day interval.

In all, the additional costs via this change order for the issues noted above are $303,695.90.

It is important to note that the dollars noted above are available elsewhere in this contract at this time, making the total net change to the contract $0.00.

Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED
CONTRACT: LASALLE WATERFRONT EXPANSION PROJECT, GENERAL CONTRACTOR, SCOTT LAWN YARD

Agenda Item #10
The following was the result of bids received on June 1, 2011, for the above referenced project:

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>BASE BID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scott Lawn Yard</td>
<td>$1,021,552.60</td>
</tr>
<tr>
<td>5552 Townline Rd.</td>
<td></td>
</tr>
<tr>
<td>Sanborn NY 14132</td>
<td></td>
</tr>
<tr>
<td>Yarussi Construction Co., Inc.</td>
<td>$1,081,088.90</td>
</tr>
<tr>
<td>Mark Cerrone, Inc.</td>
<td>$1,297,797.50</td>
</tr>
<tr>
<td>Patrick Construction Co. Inc.</td>
<td>$1,299,722.12</td>
</tr>
<tr>
<td>Sicoli &amp; Massaro Co. Inc.</td>
<td>$1,876,281.50</td>
</tr>
</tbody>
</table>

Per the contract documents, award is determined by the lowest base bid making Scott Lawn Yard, Inc. this project’s successful contractor. In addition, the City has opted to include select alternate bid items totaling $128,374.65 to the base bid amount, making the total contract award amount $1,149,927.20.

Funding is available under a combination of Greenway Funding code H0813.2008.0813.0449.599 and a grant from the New York State Environmental Protection Fund Act.

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

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

Yeas 5
Nays 0
APPROVED

CONTRACT: LASALLE WATERFRONT EXPANSION PROJECT, ELECTRICAL CONTRACT, M&M ELECTRIC CONSTRUCTION Co.

Agenda Item #11
The following was the result of bids received on June 1, 2011, for the above referenced project:

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>BASE BID</th>
</tr>
</thead>
<tbody>
<tr>
<td>M&amp;M Electric Construction Co.</td>
<td>$48,145.00</td>
</tr>
<tr>
<td>4819 Henry Avenue</td>
<td></td>
</tr>
<tr>
<td>Niagara Falls, NY 14304</td>
<td></td>
</tr>
<tr>
<td>CIR Electric Co., Inc.</td>
<td>$51,300.00</td>
</tr>
</tbody>
</table>

It is the recommendation of the undersigned that this project be awarded to M&M Electric Construction Co. at its Base Bid of $48,145.00. Funding is available under a combination of Greenway Funding code H0813.2008.0813.0449.599 and a grant from the New York State Environmental Protection Fund Act.

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

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

Yeas 5
Nays 0
APPROVED

06/27/2011
CONTRACT: LASALLE WATERFRONT EXPANSION PROJECT, PLUMBING CONTRACT, J.R. SWANSON PLUMBING CO., INC

Agenda Item #12
The following was the result of bids received on June 1, 2011, for the above referenced project:

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>BASE BID</th>
</tr>
</thead>
<tbody>
<tr>
<td>J.R. Swanson Plumbing Co. Inc.</td>
<td>$ 9,955.00</td>
</tr>
<tr>
<td>413 103rd Street</td>
<td></td>
</tr>
<tr>
<td>Niagara Falls, NY 14304</td>
<td></td>
</tr>
</tbody>
</table>

Ackerman Plumbing Co., Inc. $ 22,622.00

It is the recommendation of the undersigned that this project be awarded to J.R. Swanson Plumbing Co., Inc. at its Base Bid of $9,955.00. Funding is available under a combination of Greenway Funding code H0813.2008.0813.0449.599 and a grant from the New York State Environmental Protection Fund Act.

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

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

Yeas 5
Nays 0
APPROVED

CONTRACT: SPCA, ADDITIONAL EXTENSION OF CONTRACT

Agenda Item #13
The City and the Niagara County SPCA have not yet concluded negotiations about a new agreement and therefore it is recommended that the agreement that expired on December 31, 2009 be extended once again through December 31, 2011.

Will the Council authorize such an extension and further authorize the Mayor to execute an Extension Agreement?

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

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY ASSESSOR

2011 GENERAL ASSESSMENT ROLL

Agenda Item #14
Listed below are the taxable totals of the General Assessment Roll for the City of Niagara Falls, New York, as now constituted and completed by the Board of Assessment Review for the year 2011 and will be filed with the City Clerk on July 1, 2011.

Also, attached, (on file in the City Clerks Office, please find the exemption summary for the 2011 roll.

<table>
<thead>
<tr>
<th>Total Taxable Assessed Value</th>
<th>$1,272,468,991</th>
</tr>
</thead>
<tbody>
<tr>
<td>Homestead</td>
<td>$872,234,749</td>
</tr>
<tr>
<td>Non-Homestead</td>
<td>400,234,242</td>
</tr>
<tr>
<td>Total</td>
<td>$1,272,468,991</td>
</tr>
</tbody>
</table>

THIS ITEM WAS RECEIVED AND FILED

06/27/2011
RESOLUTION: HYDE PARK ICE PAVILION, STONE BUILDING, EPA GRANT, 2011-49
By: Council Chairman Samuel Fruscione

Agenda Item #15

WHEREAS, the City of Niagara Falls has received a One Hundred Twenty-Five Thousand Dollar ($125,000.00) Grant from the Environmental Protection Funds for renovation of the stone building at the Hyde Park Ice Pavilion; and

WHEREAS, this Grant requires no City match.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, that it hereby accepts this Grant on behalf of the City of Niagara Falls; and BE IT FURTHER RESOLVED, that the Mayor is authorized to execute any and all documents necessary to receive this Grant in a form acceptable to the Corporation Counsel.

Yeas

Nays

ADOPTED

RESOLUTION: RECONSTRUCTION OF ROADS, ISSUANCE OF BONDS, 2011-50
By: All Council Members

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 of roads, in and for said City, consisting of Buffalo Avenue, 97th Street and Royal Avenue, in and for the City of Niagara Falls, Niagara County, New York, including sidewalks, curbs, gutters, drainage, landscaping, grading or improving the rights-of-way, as well as other incidental improvements and expenses in connection therewith, there are hereby authorized to be issued $4,762,000 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 object or purpose is $4,762,000, which is hereby authorized.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen (15) years, pursuant to subdivision 20(c) 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) The provisions of law which should be complied with at the date of publication of this bond resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 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 5
Nays 0
ADOPTED

RESOLUTION: TRUCK STORAGE FACILITY FOR DPW, ISSUANCE OF BONDS, 2011-51
By: All Council Members

Agenda Item #17

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 construction of a truck storage facility for the Department of Public Works, in and for the City of Niagara Falls, Niagara County, New York, including incidental improvements and expenses in connection therewith, there are hereby authorized to be issued $750,000 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 object or purpose is $750,000, which is hereby authorized.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen (15) years, pursuant to subdivision 11(c) 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) The provisions of law which should be complied with at the date of publication of this bond resolution are not substantially complied with,
and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 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 5
Nays 0
ADOPTED
RESOLUTION: BUFFALO AVENUE RECONSTRUCTION, PHASE I, 2011-52
By: All Council Members

Agenda Item #18
WHEREAS, a Project, the Reconstruction of NY Route 384, Buffalo Avenue, Phase I: from Veterans Drive to I-90, the Niagara Expressway, in the City of Niagara Falls, Niagara County, PIN 5460.28 ("the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the City of Niagara Falls desires to advance the project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (scoping & Design I-VI), Right-of-Way (Incidentals & Acquisition) and Construction & Construction Inspection phases of the project, PIN 5460.28.

NOW, THEREFORE, the City Council of the City of Niagara Falls, duly convened does hereby
RESOLVE, that the City Council of the City of Niagara Falls hereby approves the above subject project; and it is hereby further
RESOLVED, that the City Council of the City of Niagara Falls hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Scoping & Design I-VI), Right-of-Way (Incidentals & Acquisition) and Construction & Construction Inspection phases of the Project or portions thereof; and it is further
RESOLVED, that the sum of $3,040,000 is hereby appropriated from bond funds (in addition to $500,000 previously appropriated for the project’s Preliminary Engineering (Scoping & Design I-VI) and Right-of-Way (Incidental & Acquisition) phases via a City Resolution No.2004-15 adopted on February 2, 2004) and made available to cover the cost of participation in the above phases of the project; and it is further
RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project’s Preliminary Engineering (Scoping & Design I-VI), Right-of-Way (Incidental & Acquisition) and Construction & Construction Inspection phases exceeds the amount appropriated, $3,540,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the project’s Preliminary Engineering (Scoping & Design I-VI), Right-of-Way (Incidental & Acquisition) and Construction & Construction Inspection phases exceeds $17,695,100, the City of Niagara Falls shall convene its City Council as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further
RESOLVED, that the Mayor of the City of Niagara Falls be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the City of Niagara Falls with New York State Department of Transportation in connection with the advancement or approval of the project and providing for the administration of the Project and the municipality’s first instance funding of project costs and permanent funding of the local share of Federal-Aid and State-Aid eligible Project costs and all Project costs within appropriation therefore that are not so eligible, and it is further
RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further
RESOLVED, this Resolution shall take effect immediately.

Yea \(5\)
Nay \(0\)

ADOPTED

06/27/2011
RESOLUTION: LEGENDS PARK, CREATION OF ADVISORY COMMITTEE, 2011-53
By: Council Member Charles Walker

Agenda Item #19

WHEREAS, the City of Niagara Falls has constructed new basketball courts located at Portage Road and 11th Street, Niagara Falls, New York; and

WHEREAS, these new basketball courts have been named “Legends Park”; and

WHEREAS, the City Council intends that Legends Park not only be a place where the game of basketball may be played but also a place where young people in the community may interact with positive role models.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, hereby creates the City of Niagara Falls Legends Park Advisory Committee which is a volunteer group that will meet monthly to discuss the events and status of Legends Park and make periodic recommendations to the City Council regarding Legends Park; and

BE IT FURTHER RESOLVED, that there is hereby created a City of Niagara Falls Legends Park Athletic Hall of Fame which, among other things, will recognize individuals who have made an outstanding contribution to his or her sport in the City of Niagara Falls; and

BE IT FURTHER RESOLVED, that there is hereby created a City of Niagara Falls Legends Park Athletic Hall of Fame Committee to make determinations as to nominees to the Niagara Falls Legends Park Hall of Fame.

BE IT FURTHER RESOLVED, that the Legends Park Advisory Committee and the City of Niagara Falls Legends Park Hall of Fame Committee be organized pursuant to recommendations from the Corporation Counsel and reviewed from time to time by the City Council.

Yeas 5
Nays 0

ADOPTED

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

Carol A. Antonucci
City Clerk
The first session of the July 11, 2011 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:05 p.m. in the Council Chambers.

Absent, Council Member Kristen Grandinetti.

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

Council Member Fournier moved to approve the Minutes from the City Council Meeting of June 27, 2011.
Yeas
Nays

APPROVED

Spencer Freedman of the Attorney General’s Office spoke on the Consent Decree with the City as it relates to the Police Department, and recommended a review of the Department’s policies and procedures by an independent Auditor (Agenda Item #4). Chairman Fruscione asked if this would in any way diminish the power of the Police Department, and Mr. Freedman responded that it would not.

In the Administrative Update:
1. Director of Business Development Fran Iusi said that discussions are continuing relative to the downtown storefronts, and the City will move forward with the Project whether the Williams proposal is approved or not. The City will start to remove the glass panels that are part of another Project in the Rainbow Center, and Civil Engineer Robert Buzzelli added that he is working on an RFP for the removal of the escalator and glass doors. Ms. Iusi said that the City has been clear about committing the amount of $200,000 to the Project, and Corporation Counsel Craig Johnson added that he has been working with the Williams Group on the Memorandum of Understanding for the Project.

2. Mayor Dyster and Mr. Buzzelli spoke on the lights for Pine Avenue. There will be a Resolution on the Council Agenda for July 25 for the lights, and installation will begin after the Italian Festival. The cost for each light is $1,050, the City will remove and keep the existing poles, and the installation will be phased in over a period of 10 - 16 weeks. Council Member Walker asked about installing a traffic light at Pine Avenue and 22nd Street, and Mayor Dyster responded that the need for the traffic light would be studied after the new street lights were installed. Council Member Walker said that the traffic light was needed along with the new street lights.

3. Mr. Buzzelli said that the 10th Street-Cedar Avenue repaving Project was 3 - 4 weeks behind schedule, but work was progressing.

4. Code Enforcement Director Dennis Virtuoso said that his Department is continuing a Sign blitz, and issuing permits for A-frame sidewalk signs, and the blitz will continue throughout the summer. He has been requested to conduct another Code Violation blitz, and will meet with Chairman Fruscione to discuss funding needs.
5. Director of Public Works David Kinney gave a street resurfacing/paving update, and also reported that conditions at the Golf Course are good. He said that he had to wait to get sand delivered before workers could work on the condition of the sand traps, and new workers were being trained on equipment to maintain the Course.

6. City Controller Maria Brown reported that parking revenues are down from 2009 thru the present, as well as the number of parking tickets issued.

7. Administrative Captain John DeMarco reported that the Police Department is continuing to investigate the event that occurred at the Rapids Theater over the July 4th weekend, and City Administrator Donna Owens commended the Police, Fire and Public Works Departments for all their efforts over the holiday weekend.

During a lengthy discussion on parking revenues, City Administrator Owens said that a plan needs to be developed to direct people where to park downtown, Council Member Anderson said that the City needs to be more competitive with it’s parking rates, and Council Member Fournier added that the Bridge Commission needs to cooperate with the City as far as parking fees.

Mayor Dyster complemented those involved with the Niagara Christian Basketball Tournament that was held over the weekend at the Legends Court.

Mr. Johnson explained two amendments to the Ordinance relative to Pedicabs and Pedicab Drivers (Agenda Item #24).

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MOTION TO AMEND APPROVED

Mr. Johnson distributed copies of five Items to be added to the Agenda:

1. A Resolution relative to designating routes for pedicab operation. Council Member Fournier moved to add the Resolution to the Agenda.

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MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #25.

2. A communication relative to the transfer of Economic Development Casino funds to NFC.

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

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MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #26.

3. A communication relative to funding for continuation of millings & overlays program.

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

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MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #27.

4. A communication relative to funding for continuation of use of zipper machine.

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

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MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #28.
5. A Resolution relative to support of Nik Wallenda to walk a high wire across Niagara Falls.
   Council Member Fournier 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 #29.

Chairman Fruscione asked that the Council be give more notice when Items involving large sums of money are placed on the Agenda for Council approval (Agenda Items #27 & 28), and Mrs. Brown explained where the funding would come from for these two Items.

Mr. Kinney explained that the majority of funding for Agenda Item #28 would be spent on repairs on Buffalo Avenue and in LaSalle.

Samuel Ferraro of the Niagara County Economic Development Department and Industrial Development Agency spoke on the formation of a stakeholders group to market the Niagara Falls International Airport, and how funds are spent (Agenda Item #10).

Chairman Fruscione noted that business owners had expressed concerns over approval of Agenda Item #13, relative to installation of “No Standing Anytime” signs at 7713/7723 Buffalo Avenue.

This Session ended at 5:10 PM

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

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

Paul Gromosiak               Agenda Item #29
Ron Anderluh                 Agenda Item #7
Tammy Copolla/Ted Jackson    Agenda Item #13
Ken Hamilton                 Agenda Items #15, 21, 23, 24
Dan Boland                   Agenda Item #6
Bill Evans                   Gulf Course conditions & suggestions
Ron Anderluh                 Signage Ordinance, Volunteer patrol for Gill Creek Park, additional Police Officer for the Parks, parking authority
Ken Hamilton                 Legends Park Weekend event, great Parks in the City of Niagara Falls
Gloria Dolson                Increase parking revenues, rest room Facilities in Parks, 17Th St. accident

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK:

Agenda Item #1
City Clerk’s Claim Report for the Month of June 2011
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: 11TH STREET BASKETBALL COURTS (LEGENDS COURT), SCOTT LAWN YARD

Agenda Item #2
A contract for the above referenced project was awarded to Scott Lawn Yard, Inc. on July 6, 2010 in the amount of $262,195.00. Subsequent to the start of the project, additional areas were selected for turf establishment in lieu of new pavement and parking lot access improvements adding $2310.00 to the work performed. However, quantity under-runs in existing contract items will allow this work to be performed for a $0.00 change to the contract total.

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

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

Yeas 5
Nays 0
APPROVED

07/11/2011
Agenda Item #3
The City has received a request to allow access to the above referenced properties from Honeywell International, Inc.
Honeywell has been identified by the New York State Department of Environmental Conservation as a potentially responsible party for hazardous substances at the property due to historic activities of a company Honeywell acquired in 1979.
Honeywell wishes to perform certain preliminary design, treatability work and remedial design work for the property.
Honeywell has agreed to provide insurance coverage and to indemnify the City in relation to this access.
Will the Council approve granting access to Honeywell and its consultants and authorize the Mayor to sign an Access License Agreement in a form acceptable to the Corporation Counsel?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas
Nays
APPROVED

POLICE DEPARTMENT, INDEPENDENT AUDITOR, WARSHAW & ASSOCIATES
Agenda Item #4
Pursuant to the Stipulated Order on Consent entered into with the New York State Office of the Attorney General, the City is required to retain a qualified individual or organization from outside the Niagara Falls Police Department (NFPD) to serve as an INDEPENDENT AUDITOR, who shall be primarily responsible for consulting with designated NFPD Officials in the creation and revision of the policies and training protocols referenced in the Order and for auditing the NFPD’s compliance with the terms of the order. Several resumes were reviewed with the Attorney General’s Office and telephone interviews were conducted. The Attorney General’s Office, NFPD administrative staff and the Corporation Counsel agreed that Warshaw & Associates Inc. are well qualified to perform this function. Attached hereto (on file in the Clerk’s Office) is a copy of the proposal submitted by Warshaw & Associates Inc.
It is anticipated that much of the initial work in this project will be accomplished during the first 90 days. The cost for the first 90 days is not anticipated to exceed $57,000.00. Additional funding will be requested in October of 2011 at which time the scope of additional services provided by Warshaw & Associates Inc. will be known. Funding is available from Special Projects Fund Balance (H0816.2008.0816.0451.000).
Will the Council so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas
Nays
APPROVED

CONTRACT: EMPLOYEE ASSISTANCE PROGRAM, FAMILY & CHILDREN’S SERVICES,
Agenda Item #5
Attached (on file in the Clerk’s Office) is a proposed Agreement with Family and Children’s Service of Niagara Inc. to provide an Employee Assistance Program for non-uniform employees of the City of Niagara Falls. Funding is included in the 2011 budget and will also be provided for in the 2012 budget.
Will the Council so approve and authorize the Mayor to execute the same?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas
Nays
APPROVED
PURCHASE: FIRE DEPARTMENT, EQUIPMENT

Agenda Item #6
The Fire Department requests permission to purchase certain pieces of equipment in order to better perform its duties. These items consist of the following:

1. Fire Hoses - $8,500.00
2. Nozzles - $5,800.00
3. Small Tools - $3,000.00
4. Smoke Ejectors (fans used to remove smoke and gases from fired buildings) - $3,000.00
5. Escape Harnesses (New York State mandated) - $30,000.00
6. Oxygen Filling Stations (New York State mandated) - $10,000.00

Total: $60,300

Funding is available from Special Projects Fund Balance.

Will the Council so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

EDWARD BYRNE MEMORIAL ASSISTANCE GRANT PROGRAM, 2011

Agenda Item #7
The County of Niagara and the City of Niagara Falls have jointly received $58,803 under the above referenced program. Attached is a proposed agreement with the County and the proposed budget for the program which sets forth the allocation of these funds. There is no City match required.

Will the Council so approve and authorize the Mayor to execute the attached Memorandum of Understanding (on file in Clerk’s Office) and any other documentation necessary to effectuate this grant?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

BYRNE JUSTICE ASSISTANCE GRANT

Agenda Item #8
The Police Department has received the above referenced grant in the amount of $40,000.

No City match is required under this grant.

Will the Council approve acceptance of this grant and authorize the Mayor to execute any required documentation?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

07/11/2011
CITY PROPERTY: 1909 PINE AVENUE, AWNING/SIGN ENCROACHMENT

Agenda Item #9
The City has received a request from the property owner to allow an awning/sign at 1909 Pine Avenue that would extend into the City’s right-of-way. This has been reviewed by the appropriate departments who recommend its approval.

It is recommended that the Council approve this subject to:
1. The owner receiving all applicable permits and inspections.
2. The owner agrees to defend and indemnify the City from liability related to the encroachment.
3. The owner adding the City as an additional insured on its liability insurance policy.
4. The license for the encroachment be revokable on sixty (60) days notice.
5. Subject to a positive recommendation from the Planning Board. This item is on the Planning Board’s July 13, 2011 agenda.

Will the Council so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

NIAGARA FALLS INTERNATIONAL AIRPORT, MARKETING, CONTRIBUTION

Agenda Item #10
In an effort to increase tourism in the City, it is recommended that the City contribute the sum of $50,000.00 towards the airport’s efforts to provide incentives for air service development. Funding is available from Special Projects Fund Balance.

Will the Council so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CLAIM: COMISSO, COSMO A.

Agenda Item #11
Date Claim Filed: March 17, 2008
Date Action Commenced: May 11, 2009
Date of Occurrence: February 28, 2008
Location: Intersection of 19th Street and Pine Avenue
Nature of Claim: Automobile damage sustained in an accident with City vehicle
City Driver: Matthew Szczepaniac
Status of Action: In litigation
Recommendation/Reason: Best interests of City to pay claim.
Amount to be Paid: $8,000.00
Make Check Payable to: New York Central Mutual Fire Insurance Company a/s/o Cosmo A. Comisso
Conditions: Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

07/11/2011
THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

2173 SENECA AVENUE, HANDICAPPED ACCESS SPACE

Agenda Item #12
At the Traffic Advisory Commission meeting held on June 29, 2011 the Commission recommended APPROVAL of the following item:
INSTALL A 5’ HANDICAPPED ACCESS SPACE IN FRONT OF 2173 SENECA AVENUE
[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]
Submitted By: Lawrence Quigliano, on behalf of his wife Shirley, 2173 Seneca Avenue
It is requested that City Council approve this recommendation.
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

7713/7723 BUFFALO AVENUE, INSTALL “NO STANDING ANYTIME” SIGNS

Agenda Item #13
At a Traffic Advisory Commission meeting held on June 29, 2011, the Commission recommended APPROVAL of the following item:
INSTALL “NO STANDING ANYTIME” SIGNS APPROXIMATELY 20’ EAST & WEST OF THE DRIVEWAYS AT 7713 & 7723 BUFFALO AVENUE (BOULEVARD KAR MART)
The request was made because driveway access is being blocked by parked cars, and to provide sight distance for vehicles exiting the driveways of traffic on Buffalo Avenue.
Submitted By: Frank D’Agostino, Boulevard Kar Mart, 7723 Buffalo Avenue
It is requested that City Council approve this recommendation.
Council Member Fournier moved to table the communication
Yeas 5
Nays 0
TABLED

CEDAR AVENUE, RESCIND PREVIOUSLY APPROVED ITEM, REVERT BACK TO “NO STANDING ANYTIME”

Agenda Item #14
At a Traffic Advisory Commission meeting held on June 29, 2011, the Commission recommended APPROVAL of the following item:
RESCIND THE PREVIOUSLY APPROVED ITEM FROM THE 7/7/10 TAC MEETING WHICH ALLOWED TWO SIDED PARKING WITH ALTERNATE OVERNIGHT PARKING & REVERT BACK TO “NO STANDING ANYTIME” ON THE SOUTH SIDE, WITH ONE (NORTH) SIDED OVERNIGHT PARKING ONLY & A “NO PARKING TUESDAY 7 A.M. - 1 P.M.” RESTRICTION ON CEDAR AVENUE FROM 7TH STREET TO THE ALLEY BETWEEN 8TH/9TH STREETS
The request was made to conform the lane widths to Federal & State Minimum Design Standards.
Submitted By: City of Niagara Falls Engineering Department based on the recommendation of Foit-Albert Associates
It is requested that City Council approve this recommendation.
Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

07/11/2011
GIRARD AVENUE, PAINT CROSSWALK/INSTALL CROSSWALK SIGNAGE

Agenda Item #15
At a Traffic Advisory Commission meeting held on June 29, 2011, the Commission recommended **APPROVAL** of the following item:

**PAINT A CROSSWALK & INSTALL THE APPROPRIATE CROSSWALK SIGNAGE ON GIRARD AVENUE, WEST OF 66TH STREET (CONNECTING THE SIDEWALKS/HANDICAPPED RAMPS BETWEEN THE SCHOOL DISTRICT'S CENTRAL OFFICE & CATARAECT ELEMENTARY SCHOOL)**

The request was made to provide a safe (marked & signed) crossing point for students, employees and parents between the School District's two buildings.

Submitted By:  Mark Laurrie, Deputy Superintendent, School District of the City of Niagara Falls, NY

It is requested that City Council approve this recommendation.

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

Yeas 5
Nays 0
APPROVED

22ND STREET, INSTALL ALTERNATE OVERNIGHT PARKING

Agenda Item #16
At a Traffic Advisory Commission meeting held on June 29, 2011 the Commission recommended **APPROVAL** of the following item:

**INSTALL ALTERNATE OVERNIGHT PARKING ON 22ND STREET, BETWEEN CENTRE AVENUE AND TENNESSEE AVENUE (TWO BLOCKS)**

A Petition from the residents of this block was received with 59% signatures.

Submitted By:  Mary Dewysocki, Property Manager, Niagara I, II, & II Apartments, Kenmore Development

It is requested that City Council approve this recommendation.

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

Yeas 5
Nays 0
APPROVED

1105 20TH STREET, INSTALL HANDICAPPED ACCESS SPACE

Agenda Item #17
At the Traffic Advisory Commission meeting held on June 29, 2011 the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE IN FRONT OF 1105 - 20TH STREET (WOODLAWN AVENUE SIDE)**

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

Submitted By:  Carol Gariano, on behalf of her mother Anne Garabedian, 1105 - 20th Street

It is requested that City Council approve this recommendation.

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

Yeas 5
Nays 0
APPROVED

156

07/11/2011
1186 HAEBERLE AVENUE, INSTALL HANDICAPPED ACCESS SPACE

Agenda Item #18
At the Traffic Advisory Commission meeting held on June 29, 2011 the Commission recommended APPROVAL of the following item:
INSTALL A 5’ HANDICAPPED ACCESS SPACE IN FRONT OF 1186 HAEBERLE AVENUE
[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]
Submitted By: Jean Roemer, Niagara County Health Department, Public Health Nursing & Homecare Services, on behalf of Carolyn Gayton, 1186 Haerberle Avenue
It is requested that City Council approve this recommendation.
Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

2424 GRAND AVENUE, INSTALL HANDICAPPED ACCESS SPACE

Agenda Item #19
At the Traffic Advisory Commission meeting held on June 29, 2011 the Commission recommended APPROVAL of the following item:
INSTALL A 5’ HANDICAPPED ACCESS SPACE IN FRONT OF 2424 GRAND AVENUE
[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]
Submitted By: Assunta Tecchio, 2424 Grand Avenue
It is requested that City Council approve this recommendation.
Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

RESOLUTION: HOME RULE LAW FOR THE CITY OF NF FIRE DEPT., 2011-54
BY: COUNCIL CHAIRMAN SAMUEL FRUSCIONE
COUNCIL MEMBER ROBERT A. ANDERSON, JR.

Agenda Item #20
WHEREAS, the City Council of the City of Niagara Falls has the utmost respect and admiration for those men and women who have chosen to serve our city and its residents as members of the Niagara Falls Fire Department; and
WHEREAS, said individuals protect life and property every single day in the City of Niagara Falls, often having to abandon care or concern for their own well being and safety; and
WHEREAS, in 2009, New York State hastily enacted legislation creating a new Tier V retirement plan for public employees who participate in the state retirement system, including members of the City of Niagara Falls Fire Department; and
WHEREAS, the Tier V legislation inadvertently included a clause that unintentionally and adversely affected new hires to the City of Niagara Falls Fire Department effective July of 2009 causing new hires to go without the benefit of the long recognized and adhered to “non-contributory” agreement which had heretofore been afforded members of fire departments statewide in recognition of the peril they face on a daily basis in service to those in need; and
WHEREAS, this consequence punitively applied to new hires due to the absence of a current and effective collective bargaining agreement between the City of Niagara Falls and the members of the City of Niagara Falls Fire Department; and

07/11/2011
WHEREAS, currently before both houses of the state legislature, a bill has been proposed and supported by members of the Western New York delegation to grant equity and fairness to those mistakenly and wrongfully affected by the aforementioned Tier V legislation. It has been acknowledged that the results, as they pertain to the members of the Niagara Falls Fire Department, were indeed mistakenly punitive and unintended.

NOW THEREFORE BE IT RESOLVED, that this honorable body does hereby recognize, acknowledge and support Assembly Bill (A.5564.A) and Senate Bill (S.5378) and its passage to correct and offer the benefits sought by said bills. This honorable body also requests that the rights and privileges reserved by the City of Niagara Falls and guaranteed by the State of New York as stated by Home Rule Law, be recognized and adhered to in this instance, and

BE IT FURTHER RESOLVED, that the City Council of the City of Niagara Falls does hereby request swift passage of said bills in both the Assembly and Senate and additionally requests approval from the Governor of the State of New York. Certified copies of this Home Rule request be forwarded to the NYS Governor Andrew Cuomo; Assembly Speaker Sheldon Silver; Senate Majority Leader Dean Skelos; Assemblyman Dennis Gabryszak; Senator Dennis Gallivan; Chair of the Governmental Employees Committee, Assembly Peter J. Abbate, Jr.; and Chair of the Civil Service and Pensions Committee Senator Martin Goldman; and

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

RESOLUTION: APPOINTMENT OF MARRIAGE OFFICER, 2011-55
BY: COUNCIL CHAIRMAN SAMUEL FRUSCIONE

Agenda Item #21
WHEREAS, Niagara Falls has an international reputation as The Honeymoon Capitol; and
WHEREAS, couples arrive at the City Clerk’s Office from all over the world to obtain a marriage license; and
WHEREAS, it is advantageous for the City and convenient to the couple to have these marriages solemnized within the municipal boundaries of the City of Niagara Falls; and
WHEREAS, the Council finds it appropriate to add an additional Marriage Officer.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that in accordance with Section 11-c of the New York Domestic Relations Law, Kristen Grandinetti, a resident of the City of Niagara Falls, New York, be appointed as a Marriage Officer for the City of Niagara Falls for a term of four years.

Council Member Fournier moved to amend the Resolution that the appointed term will become effective immediately and end at the completion of the appointed official’s elected term.

Yeas 4
Anderson, Fournier, Walker, Fruscione
Abstain 1
Grandinetti
Nays 0
AMENDMENT APPROVED

Yeas 4
Anderson, Fournier, Walker, Fruscione
Abstain 1
Grandinetti
Nays 0
ADOPTED

07/11/2011
RESOLUTION: BOARD OF APPEALS, APPOINTMENT, 2011-56
BY: COUNCIL CHAIRMAN SAMUEL FRUSCIONE

Agenda Item #22
BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Board of Appeals, to fill the unexpired term of Mr. James Maxwell who is relocating his residence out of the City of Niagara Falls:

APPOINTMENT
John Pallaci 12/31/2013
2711 Linwood Avenue
Niagara Falls, New York 14305

Yeas 5
Nays 0
ADOPTED

RESOLUTION: PAWN BROKERS/SECOND-HAND DEALERS, EXTENDING MORATORIUM, 2011-57
BY: COUNCIL CHAIRMAN SAMUEL FRUSCIONE

Agenda Item #23
WHEREAS, at its November 1, 2010 meeting, this Council imposed a 90-day Moratorium on the consideration of applications for pawn broker and second-hand dealer licenses; and
WHEREAS, this Moratorium was extended at the May 2nd, 2011 Council meeting; and
WHEREAS, this Moratorium will expire on July 31st, 2011; and
WHEREAS, the review of the Ordinance is not yet completed.
NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that: the Moratorium on the consideration of applications for pawn brokers and second-hand dealer licenses be extended to October 31, 2011.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: PEDICAB/PEDICAB DRIVERS, ADOPTING CHAPTER 366, 2011-58
BY: COUNCIL CHAIRMAN SAMUEL FRUSCIONE

Agenda Item #24
BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 366 of the Codified Ordinances entitled “Pedicab and Pedicab Drivers” is hereby adopted to read as follows:

CHAPTER 366
PEDICAB AND PEDICAB DRIVERS
366.01 License Required
366.02 Application for Owner’s License
366.03 Application for Driver’s License
366.04 Issuance of License
366.05 Fees
366.06 Construction of Provisions
366.07 Suspension or Revocation of License
366.08 Failure to Comply
366.09 Operating Regulations

366.01 LICENSE REQUIRED.
A. No person, firm, corporation or legal entity shall engage in the business for profit or otherwise of operating a pedicab for hire in the City of Niagara Falls without first obtaining an owner’s license as described in this chapter.
B. No person shall act as a driver of a pedicab without first obtaining a driver’s license as described in this chapter.

366.02 APPLICATION FOR OWNER’S LICENSE.
A. An application for an owner’s license under this chapter shall be filed in the Office of the City Clerk. The application shall be signed and sworn to by the applicant and shall contain the following information:

07/11/2011
1. The name, address, and telephone number of the applicant, and, if the applicant is a partnership or operating under an assumed name, a certified copy of the certificate of partnership or assumed name or names, and, if the applicant is a corporation, the names and addresses of all corporate officers and stockholders.

2. A publicly listed telephone number or cell phone number maintained by the applicant.

3. The name, home address, telephone number and date of birth of each driver who will drive pedicabs for the applicant, and a copy of each driver’s valid New York State motor vehicle driver’s license.

4. Insurance.
   (a) Proof of commercial general liability insurance, including personal injury liability insurance specific to pedicabs for hire in the amount of $1,000,000 per occurrence and $2,000,000 aggregate. The City shall be included as an additional insured on said insurance.
   (b) Proof of statutory workers’ compensation and employer’s liability insurance for all employees.
   (c) A fully executed hold harmless agreement, in a form satisfactory to the City, by which the applicant shall indemnify and save harmless the City and its agents and employees from and against all claims, damages, loss and expense (including but not limited to attorney’s fees) arising out of or resulting from the licensed activity, sustained by any person or persons, provided that any such claims, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of property caused by the tortious or negligent act or omission of the applicant, or the applicant’s employees, agents, or subcontractors.

5. One or more photographs of each pedicab to be used by the applicant, and a description of each such vehicle, including length, width, and passenger capacity.

6. A New York State tax identification certificate.

7. Proof that the applicant is the holder of a valid motor vehicle driver’s license.

8. A copy of the applicant’s driving record obtained from the Department of Motor Vehicles.

9. An affidavit from the applicant stating that each vehicle for which a license is required complies with all requirements of the New York Vehicle and Traffic Law.

10. A set of the applicant’s fingerprints, or, if the applicant is a legal entity other than an individual, a set of fingerprints of the chief executive officer or chief representative of that legal entity, to be taken by the City of Niagara Falls Police Department.

B. The Niagara Falls Police Department (NFPD) shall investigate the applicant’s qualifications and background. The NFPD shall initiate a criminal history record search through the State Division of Criminal Justice Services (DCJS) by submitting the applicant’s fingerprints and required procedures fee, which shall be paid by the applicant, to the DCJS. The results of the criminal history record search shall be reviewed by the Superintendent of Police, or by a member of the NFPD designated by the Superintendent of Police.

366.03 APPLICATION FOR PEDICAB DRIVER’S LICENSE

A. An applicant for a pedicab driver’s license shall be filed in the Office of the City Clerk. The application shall be signed and sworn to by the applicant and shall contain the following information:
   1. Proof that the applicant is at least 18 years old.
   2. Proof that the applicant is the holder of a valid motor vehicle driver’s license.
   3. A copy of the applicant’s driving record obtained from the Department of Motor Vehicles.
   4. A statement that the applicant is in good health and not subject to any infirmity of mind or body that might render the applicant incapable or unfit to safely operate a pedicab.
5. A statement that the applicant is able to communicate effectively in English.

6. Proof that the applicant has passed a test evidencing his knowledge of the City, the history of the Niagara area and area scenic attractions, such test to be in such form and administered by such agency as may be designated by the City Clerk.

7. A statement that the applicant does not unlawfully use any drug or controlled substance.

8. A set of the applicant’s fingerprints, or, a set of fingerprints of the chief executive officer or chief representative of that legal entity, to be taken by the Niagara Falls Police Department.

B. The NFPD shall investigate the applicant’s qualifications and background. The NFPD shall initiate a criminal history record search through the State Division of Criminal Justice Services (DCJS) by submitting the applicant’s fingerprints and required procedures fee, which shall be paid by the applicant, to the DCJS. The results of the criminal history record search shall be reviewed by the Superintendent of Police, or by a member of the NFPD designated by the Superintendent of Police.

C. No pedicab driver’s license shall be issued to any applicant who fails to meet the standards established in Article 23-A of the Corrections Law of the State of New York. In addition to and not in limitation of the foregoing, no pedicab driver’s license shall be issued to any applicant who is at the time of application under indictment for a felony anywhere in the United States, or who has been convicted of a felony anywhere in the United States within the past five years preceding the application, or who has been convicted of two or more misdemeanors within the past two years preceding the application, or who has been convicted of more than one moving violation in the past year.

D. No pedicab driver’s licenses shall be issued to any applicant who has been convicted of any of the following crimes: robbery, rape, sexual abuse, aggravated sexual abuse, or course of sexual conduct against a child, or of the crime of assault with intent to commit any of the aforementioned crimes.

E. No pedicab driver’s license shall be issued to any applicant who has been convicted of the crime of criminal sale of a controlled substance, in any degree as established in the Penal Law.

366.04 ISSUANCE OF LICENSE.
Upon consideration of the factors listed in ’366.02 and 366.03 above, the City Clerk may issue a license to the applicant. Each license shall expire on December 31 in the year issued. The City Clerk shall have authority to impose reasonable conditions upon any license issued. The City Clerk may also refuse to issue a license to an applicant based upon a determination that the applicant fails to satisfactorily meet the requirements stated in those sections. Denial of an application shall be sent to the applicant in writing at the address indicated on the application. Upon the applicant’s written request, a hearing may be conducted by the City Clerk at which the applicant may provide evidence that he or she should be issued a license.

366.05 FEES.
The following fees shall be paid for licenses under this chapter:

<table>
<thead>
<tr>
<th>License</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner’s License</td>
<td>$250.00, plus $50.00 for each additional vehicle</td>
</tr>
<tr>
<td>Driver’s License</td>
<td></td>
</tr>
<tr>
<td>Initial application</td>
<td>$35.00</td>
</tr>
<tr>
<td>Each renewal</td>
<td>$10.00</td>
</tr>
</tbody>
</table>

07/11/2011
366.06 CONSTRUAL OF PROVISIONS.
Nothing in this chapter shall be construed so as to supersede any provision of the New York State Vehicle and Traffic Law, and/or any regulation of the New York State Insurance Department. No license granted under this chapter shall be construed so as to give permission to the licensee to do any act or engage in any activity contrary to the aforementioned state laws.

366.07 SUSPENSION OR REVOCATION OF LICENSE.
The City Clerk may, upon due notice and following a hearing, revoke, suspend or refuse to renew any license issued for a violation of any of the provisions of this chapter or for any other act or omission that demonstrates the licensee’s inability to safely and properly conduct the licensed activity. When a license shall be revoked or suspended, no refund of any portion of the license fee shall be made. Notice of such revocation, suspension or refusal to renew and the reason or reasons therefor in writing shall be served by the City Clerk upon the licensee or mailed to the licensee’s address as stated on the application.

366.08 FAILURE TO COMPLY WITH CITY, STATE AND FEDERAL LAWS.
Every pedicab owner and/or driver licensed under this chapter shall comply with all City, State and Federal laws. Failure to do so will justify the suspension or revocation of a license.

366.09 OPERATING REGULATIONS.
Every pedicab operated under this chapter shall comply with the following regulations:
A. Each pedicab driver shall be in a physical condition to safely operate and control the pedicab at all times.
B. Each pedicab shall be equipped with a radio or cellular communication device.
C. Each pedicab shall be equipped with a battery- or generator-powered white front light visible for at least 500 feet, red taillights visible for at least 300 feet, at least one light on each side visible for at least 200 feet, reflective tires or wheels, brake lights, a horn or other audible signal that can be heard for at least 100 feet, and hydraulic or mechanical brakes capable of causing the vehicle to skid on dry clean pavement.
D. Pedicabs shall illuminate headlights and taillights when operating after sunset, and when operating in fog or in inclement weather.
E. No person shall attach any trailer, sidecar, or other auxiliary vehicle to any pedicab.
F. All pedicabs shall follow established schedules as adopted in Addendum B.
G. Pedicabs shall be driven in the traffic lane closest to the curb, except when necessary in emergencies to make way for vehicular and pedestrian traffic.
H. Pedicabs shall not operate between the hours of 1:00 a.m. and 7:00 a.m.
I. Passengers and drivers shall remain seated at all times while the pedicab is in motion. No person shall stand on any part of a pedicab while the pedicab is in motion. No person shall ride on the back of any pedicab.
J. Pedicabs shall be equipped with seat belts for all passengers under age five and helmets for all passengers under age 14.
K. Pedicabs shall be equipped with a reflective orange triangle as required for slow-moving vehicles.
L. Pedicabs shall be kept clean and in good working order.
M. Pedicabs shall be of heavy steel-frame construction with wheels not less than 26 inches in diameter. No pedicab shall be operated under this chapter that is not, in the opinion of the NFPD, safe for use upon the public highways.
N. Each pedicab shall have a sign affixed to the back reading “Keep Back 25 feet” in letters not less than three inches high.
O. No pedicab shall be left unattended unless locked and with brakes activated.
P. Each pedicab driver shall wear neat and clean attire and shall display his or her pedicab driver’s license on his or her person.
Q. Each pedicab driver shall carry a copy of this chapter while on duty.
R. Each pedicab driver shall notify police in case of accident or injury.
S. Each driver shall post a schedule of fares, if any, in the pedicab and shall give a receipt to each passenger upon request.
T. No owner or driver shall allow passengers to smoke or to drink alcoholic beverages. Each pedicab shall feature a sign or logo indicating that smoking and drinking alcoholic beverages is prohibited.
U. The City Clerk shall have authority to reject or cause the removal of any banners, noisemakers, pennants, flags, or other devices attached to any pedicab that would, in the City Clerk’s judgment, obstruct or distract drivers and/or pedestrians so as to cause a danger or hazard.
V. Each pedicab shall be subject to inspection at all times by the NFPD.
W. No pedicab shall be in any manner leased, loaned, given, or transferred for use by any person, firm, corporation, or legal entity, unless and until such person, firm, corporation or legal entity is duly licensed and insured as an owner or driver under this chapter.

**ADDENDUM B**

1. Pedicabs shall operate only on routes designated as permitted routes on a map approved by the City Council, as may be amended by the Council from time to time, and placed on file in the Office of the City Clerk.
2. Pedicabs shall pick up and discharge passengers only in parking lots or similar off-street areas. The Niagara Falls Police Department shall have authority to determine if an area is unsafe for picking up and discharging passengers. Intentional pick-up or discharge of passengers anywhere other than in a parking lot or similar off-street area, or intentional use of an area designated as unsafe shall be cause for revocation or suspension of an owner’s or driver’s license under this chapter.

**RESOLUTION: PEDICAB OPERATION, ROUTES DESIGNATED, 2011-59**

**BY: COUNCIL CHAIRMAN SAMUEL FRUSCIONE**

Agenda Item #25
WHEREAS, the City Council has adopted a resolution adopting Chapter 366 pertaining to pedicabs and pedicab drivers in the City of Niagara Falls; and
WHEREAS, the City Council wishes to allow pedicabs to operate only within certain geographic sections of the City of Niagara Falls.
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York hereby designates that pedicabs may be operated only within the boundary areas in the City of Niagara Falls, New York shown on the map attached (on file in Clerk’s Office) hereto and appearing within the green borders, bounded by Pine Avenue, Hyde Park Boulevard, Packard Road, Falls Street, John Daly Boulevard, Buffalo Avenue, Main Street, Prospect Street and Rainbow Boulevard.

Yeas
Nays

ADOPTED

163
NFC DEVELOPMENT CORPORATION, TRANSFER OF ECONOMIC DEVELOPMENT FUNDS

Agenda Item #26
It is requested that the sum of $368,581.00 of Economic Development Casino Funds be transferred to NFC Development Corporation so that NFC Development Corporation has funds available for various pending and future projects.
Will the Council so approve?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

PUBLIC WORKS, MILLINGS & OVERLAYS, CONTINUATION OF FUNDING

Agenda Item #27
The Director of the Department of Public Works is requesting that the sum of $1,500,000.00 be made available to continue the department’s millings and overlays projects. Funding is available from Special Projects Fund Balance (Account# H0812.2008.0812.0419.006)
Will the Council so approve?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

PUBLIC WORKS, ZIPPER MACHINE, FUNDING FOR CONTINUATION OF USE

Agenda Item #28
The Director of the Department of Public Works is requesting the sum of $111,000.00 in order to continue the activity of the zipper machine. Funding is available from Casino Revenues.
Will the Council so approve?
Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED
RESOLUTION: HIGH WIRE WALK, NIK WALLENDA, 2011-60
BY: COUNCIL CHAIRMAN SAMUEL FRUSCIONE,
COUNCIL MEMBER ROBERT ANDERSON
COUNCIL MEMBER STEVE FOURNIER

Agenda Item #29
WHEREAS, Niagara Falls is an international destination of unprecedented majesty and magnificence that draws millions of visitors each year, and
WHEREAS, Nik Wallenda, a seventh generation member of the Great Wallendas is hoping to walk across the falls on a high wire for his Discovery Channel series, Life on a Wire, and
WHEREAS, high wire acts have been a great part of the history of Niagara Falls, with French acrobat Jean Francois Gravelot, also known as "The Great Blondin," having made the more than 300-metre trip across the falls on a tightrope more than nine times beginning in 1859, and
WHEREAS, the last person to walk across the falls was in 1910, and
WHEREAS, a walk across Niagara Falls by Nik Wallenda would draw international attention while helping to bolster tourism for the region that has been experiencing a decade-long economic slump, and
WHEREAS, leaders from both Niagara Falls, New York and Niagara Falls, Ontario, including New York State Senators George Maziarz and Mark Grisanti, New York State Assemblymen John Ceretto and Dennis Gabryszak and Niagara Falls, Ontario Mayor Jim Diodati, have embraced Wallenda’s plan to walk a high wire across the falls, and
WHEREAS, while New York lawmakers have already passed legislation to approve the walk, final approval must come from the Niagara Parks Commission in Canada and New York Gov. Andrew Cuomo, therefore be it
RESOLVED, that the Niagara Falls City Council does hereby formally support Nik Wallenda’s plan to walk across the falls, and be it further
RESOLVED, that the Niagara Falls City Council does hereby request that Governor Andrew Cuomo review and sign the legislation before him to approve the walk across the falls by Nik Wallenda, and be it further
RESOLVED, that copies of this legislation be sent to Governor Andrew Cuomo, New York State Parks, Recreation and Historic Preservation Commissioner Rose Harvey, New York State Senators George Maziarz and Mark Grisanti, New York State Assemblymen John Ceretto and Dennis Gabryszak and Niagara Falls, Ontario Mayor Jim Diodati, Legislative Assembly of Ontario member Kim Craitor and the Niagara Parks Commission.

Yeas 5
Nays 0
ADOPTED

07/11/2011
There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:55 p.m.

Carol A. Antonucci
City Clerk
The first session of the July 25, 2011 Niagara Falls City Council Meeting was called to order by Acting Council Chairman Charles Walker at 4:00 p.m. in the Council Chambers.

Present:  Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker
Absent:  Council Chairman Samuel Fruscione

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

Council Member Fournier moved to approve the Minutes from the City Council Meeting of July 11, 2011.

Yeas  
Nays  
APPROVED

City Administrator Donna Owens introduced and welcomed City Engineer Jeffrey Skurka.

In the Administrative Update:
1.  Director of Public Works David Kinney gave an update on sidewalk and paving repairs.
2.  Corporation Counsel Craig Johnson reported that he was in discussion with the Attorneys for Falls Street Leasing relative to the downtown storefronts, and expected the Memorandum of Understanding to be agreed on within the next day or so, and if it is not agreed on, the City will move forward on its own.  Morton Abramowitz, Special Counsel to the City Council, added that he had looked over the Memorandum of Understanding, and it would be in the City’s best interest to move forward with it.
3.  Civil Engineer Robert Buzzelli noted that there is an Item on the Council Agenda for lights on Pine Avenue, and after Council approval, National Grid will move forward with the Project.
4.  Mr. Buzzelli suggested renting a traffic light for installation on Pine Avenue by the Como Restaurant to see how that works out before committing to purchasing a traffic light.
5.  Mr. Buzzelli also said that bids should be received Wednesday for the traffic light by LaSalle Middle School, and the City should then be able to move forward to have the light installed by the start of the school year.  Mayor Paul Dyster commended Mr. Buzzelli for his work on the traffic light issues.
6.  MIS Director John Cahill explained that the recent telephone service problems were caused when the City changed service carriers, and the old carrier shut off service before the new carrier turned service on.  City Administrator Donna Owens added that Purchasing Agent Dean Spring was looking into a pro-rated bill for service.
7.  Mr. Johnson informed the Council Members that he was working with Police Superintendent John Chella and Code Enforcement Director Dennis Virtuoso on drafting an Ordinance relative to regulating private parties held by promoters.  Until the Ordinance can be enacted, current Fire and Building Codes are being enforced when inspecting buildings before events are held.
Mr. Johnson distributed copies of five Items to be added to the Agenda:

1. A communication relative to the sale of 3825 DeVeaux Street.
   Council Member Grandinetti moved to add the communication to the Agenda.
   Yeas 4
   Nays 0
   MOTION TO ADD COMMUNICATION TO AGENDA APPROVED
   The communication was added to the Agenda as #33.

2. A communication relative to the repaving and water main replacement on 97th Street.
   Council Member Grandinetti moved to add the communication to the Agenda.
   Yeas 4
   Nays 0
   MOTION TO ADD COMMUNICATION TO AGENDA APPROVED
   The communication was added to the Agenda as #34.

3. A communication relative to an amendment to the Agreement for the Niagara River Greenway Project.
   Council Member Grandinetti moved to add the communication to the Agenda.
   Yeas 4
   Nays 0
   MOTION TO ADD COMMUNICATION TO AGENDA APPROVED
   The communication was added to the Agenda as #35.

4. A communication relative to a Memorandum of Understanding with Falls Street Leasing.
   Council Member Grandinetti moved to add the communication to the Agenda.
   Yeas 4
   Nays 0
   MOTION TO ADD COMMUNICATION TO AGENDA APPROVED
   The communication was added to the Agenda as #36.

5. A Resolution relative to honoring the Pine Avenue Business Association’s 2011 Special Citizens.
   Council Member Anderson 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 #37.

Council Member Grandinetti asked what the cost was to place flower planters along Main Street (Agenda Item #25), and Mrs. Brown responded that the City would incur no costs.

This Session ended at 4:25 PM.

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

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

Ron Anderluh  Agenda Items #5, 18
Jim Cancemi   Agenda Item #5
Ron Anderluh  Events Licensing; Parking revenues/too much free parking downtown
Doug Brown    Falls St. concerts limit access to businesses in the Area

07/25/2011
Jim Cancemi        commended Ken Hamilton on his work on the Veterans Memorial

Ken Hamilton       Veterans Memorial Committee, cameras in crime areas; Create jobs to reduce crime; name Niagara St. School For Bloneva Bond; pedestrian crossing where Parks are Located

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK:

Agenda Item #1
City Clerk’s Report for the Month of June 2011
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

PURCHASE: CONCRETE, UNITED MATERIALS

Agenda Item #2
We respectfully request you award the above references bid as follows:
TO: United Materials
3949 Forest Parkway
Suite 400
North Tonawanda, NY  14120

FOR: Concrete 3500 PSI, ASTM size 7: $94.58/cu. yd.
Concrete 3500 PSI, ASTM size 67:  94.58/cu. yd.
Concrete 4000 PSI ASTM size 7:  96.92/cu. yd.

Additional charges:
Retarder Agent 3500#:  2.37/cu. yd.
Retarder Agent 4000#:  2.57/cu. yd.
Calcium (1% dosage) 3500#:  7.22/cu. yd.
Calcium (1% dosage) 4000 #:  7.82/cu. yd.
Short Load Charge, 6 cu. yd. and under:  75.00/load
Waiting Time:  1.25/minute
Fuel Surcharge:  10.00/load

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law. Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to two (2) vendors. One bid was received. Funds for these expenditures are available in various departments


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

Yeas 4
Nays 0

APPROVED

2727 PINE AVENUE, ACQUISITION

Agenda Item #3
The City municipal parking lot between 27th and 28th Street is largely blocked from view from Pine Avenue. The 2011 Community Development budget includes funds to acquire 2727 Pine Avenue, to demolish the improvements, and to landscape and illuminate the vacant land. This will provide visibility and access for the patrons using the parking lot.
2727 Pine Avenue is 27 feet by 74 feet. The property is identified as SBL number 159.26-2-11. The property is improved by an apartment building with street level retail. The building is in generally poor condition and is condemned by the Department of Code Enforcement. The property is owned by Carl DeFranco. The full market value determined by the City Assessor is $41,400. Mr. DeFranco has agreed to sell the property to the City for $31,000.00. The City will pay the normal buyer costs of closing.

Section 504 of the City Charter provides that the City shall not acquire any real property until the acquisition has first been referred to the Planning Board for a report. On July 13, 2011, the Planning Board recommended that the City acquire 2727 Pine Avenue for the purposes set forth herein (information on file in Clerk’s Office).

Will the Council vote to approve the acquisition of 2727 Pine Avenue as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas 4
Nays 0
APPROVED

MORELLO, VINCENT SENIOR HOUSING, L.P., TAX EXEMPTION AND PILOT AGREEMENT EXTENSION

Agenda Item #4

Vincent Morello Senior Housing, L.P. (the “Partnership”) currently owns and operates the Vincent Morello complex at 400-95th Street. The property is exempt from taxes under Article V of the Private Housing Finance Law (“PHFL”), and is subject to a PILOT agreement. Rent for this low income housing tax credit project is limited by the federal Internal Revenue Code and NYS Division of Housing and Community Renewal (DHCR). The tax exemption and PILOT are necessary for the economic feasibility of the project with the rent limitations.

On October 13, 1998 the City Council approved granting a real property tax exemption to the property under §125 of the PHFL, and authorized the Mayor to enter into a Payment in Lieu of Taxes Agreement with the Partnership. The PILOT provides for exemption of the Property from real property taxes and payment of amounts in lieu of taxes for a period of 15 years, commencing with the 2000 taxes, as set forth therein. The Property is subject to a Low-Income Housing Tax Credit Regulatory Agreement with NYS Division of Housing and Community Renewal (DHCR), now New York Homes and Community Renewal, limiting the rent which can be charged. The regulatory agreement is for an initial period of 15 years, and an additional period of 25 years, for a total of 40 years. Section 125 of the PHFL allows for extension of the tax exemption for a total exempt period of up to 50 years.

The Partnership has requested the extension of the tax exemption and will accept an extension for an additional 10 years, to facilitate refinancing for the Property. The exemption grant will also extend the PILOT agreement, with the initial payment of $17,833.02, which is the final payment under the original PILOT plus 2%, with 2% annual increases thereafter.

Will the Council vote to approve the tax exemption and PILOT agreement extension as for an additional 10 years set forth herein, and authorize the Mayor to execute documents necessary to effectuate the same?

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

Yeas 4
Nays 0
APPROVED

170

07/25/2011
POLICE DEPARTMENT, INSTALLATION OF CAMERAS

Agenda Item #5
The Police Department wishes to install surveillance cameras on traffic signal poles located two (2) intersections in the City. The City would be responsible to install, operate, maintain, and eventually remove the said cameras. The Police Superintendent advises that these cameras will assist the NFPD in its fight against crime.

Will the Council authorize the City to enter into a Placement Agreement with the New York State Department of Transportation in forms satisfactory to the Corporation Counsel and authorize the Mayor to execute the same?

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

Yeas
4

Nays
0

APPROVED

WATER BOARD, SIDEWALK REPAIRS

Agenda Item #6
During the course of performing water main and sewer line repairs, the Niagara Falls Water Board (NFWB) occasionally damages pavement, curbing and sidewalks. The City’s Engineering Department produces a shared bid for the repair and/or replacement of said pavement, curbing and sidewalks and, ultimately, the City will perform those repairs. It is recommended that the City continue to perform those repairs as needed provided that the cost of those repairs does not exceed $20,000.00 for the term of this agreement which shall commence on June 23, 2011 and end on December 31, 2011.

Will the Council authorize the City to enter into such an agreement and authorize the Mayor to execute such an agreement subject to approval of the Corporation Counsel?

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

Yeas
4

Nays
0

APPROVED

FIRE HALL, 320 HYDE PARK BLVD., MONITORING WELL

Agenda Item #7
The City has received a request from the New York Power Authority (NYPA) to install a monitoring well at the Royal Avenue Fire Hall premises located at 320 Hyde Park Boulevard. NYPA is requesting a preferred location as well as a secondary location if the preferred location is not feasible. Attached hereto is a letter of explanation together with a map identifying the locations (on file in Clerk’s Office).

The purpose of the monitoring well will be to monitor ground water levels along the Falls Street Tunnel (FST) where the FST crosses NYPA’s underground conduits. This is in connection with the Niagara Falls Water Board’s project to reduce ground water infiltration in the FST.

Representatives from the Fire Department have been consulted and have no problem with either location. The well will be properly abandoned after it is no longer needed. It is anticipated that it will be needed for a period of at least two (2) years and possibly as long as five (5) years. Appropriate insurance, indemnification, and property restoration agreements will be developed in forms satisfactory to the Corporation Counsel.

Will the Council so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas
4

Nays
0

APPROVED

07/25/2011
CITY PROPERTY: SHERATON HOTEL, EMERGENCY EXIT DOOR EGRESS ENCROACHMENT

Agenda Item #8
The Sheraton Hotel has applied for an encroachment to allow an emergency exit door to open outward onto the City’s right-of-way. The Planning Board has reviewed this and has recommended that the City Council approve this encroachment. The Planning Board’s recommendation is attached hereto (on file in Clerk’s Office) and includes the requirement that the City be named as an additional insured, that the City be indemnified, and that the City may revoke this encroachment on 60 days notice.

Will the Council so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0
APPROVED

RETIREES, DENTAL COVERAGE, ASO COST PROJECTION INCREASE

Agenda Item #9
The new contract period for ASO cost projection for dental coverage for retirees runs from October 1, 2011 through September 30, 2012. The ASO retention fee will increase to $5.19 per contract per month, an increase of $.24 per contract per month (letter on file in Clerk’s Office). This is a contractual benefit for retired employees.

Will the Council authorize the City to enter into this agreement and authorize the Mayor to execute the same?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0
APPROVED

CONTRACT: CUSTOMHOUSE RESTORATION PROJECT, PLUMBING CONTRACTOR, J.R. SWANSON PLUMBING CORP.

Agenda Item #10
A contract for the above referenced project was awarded to J.R. Swanson Plumbing Corp. 413 103rd St. Niagara Falls NY 14304, on July 8, 2010 in the amount of $60,725.00.

During the course of work and in light of the current conditions of the structure, it was determined additional costs related to project delays and scope changes be approved.

To that end, please allow this ($0.00) Change Order request to facilitate the payment of $2,719.00 that this project has amassed to date. Sufficient funds presently exist within this contract that been under spent so the existing contract will experience a net $0.00 change.

Will the Council vote to so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0
APPROVED
CONTRACT: CUSTOMHOUSE RESTORATION PROJECT, PLUMBING CONTRACTOR, J.R. SWANSON PLUMBING CORP.

Agenda Item #11
A contract for the above referenced project was awarded to J.R. Swanson Plumbing Corp. 413 103rd St. Niagara Falls NY 14304, on July 8, 2010 in the amount of $55,100.00.

During the course of work and in light of the current conditions of the structure, it was determined additional costs related to project delays and scope changes be approved.

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of $2,693.00 be approved bringing the total contract amount to $57,793.00. Sufficient funds presently exist in Code H0401.2002.0401.0449.599.

Will the Council vote to so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED

CONTRACT: CUSTOMHOUSE RESTORATION PROJECT, ELECTRICAL CONTRACTOR, INDUSTRIAL POWER AND LIGHTING

Agenda Item #12
A contract for the above referenced project was awarded to Industrial Power and Lighting, 701 Seneca St. Buffalo NY 14210, on July 8, 2010 in the amount of $139,000.00.

Subsequent to the start of work, it was determined that underground electrical service would need to be replaced. Some of this cost would be offset by a conduit deletion credit and the net cost to the City would be $388.00.

It is the recommendation of the undersigned that Change Order #1 be approved in the amount of $388.00. Sufficient funds presently exist in Code H0401.2002.0401.0449.599.

Will the Council vote to so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED

CONTRACT: CUSTOMHOUSE RESTORATION PROJECT, GENERAL CONTRACTOR, RESETARITS CONSTRUCTION CORP.

Agenda Item #13
A contract for the above referenced project was awarded to Resetarits Construction Corp. 1115 Delaware Ave Buffalo NY 14209, on July 8, 2010 in the amount of $1,838,250.00.

During the course of work and in light of the current conditions of the structure, it was determined additional work and training for low level radioactive excavation be approved.

Therefore, it is the recommendation of the undersigned that Change Order #2 in the amount of $10,697.48 be approved. Sufficient funds presently exist in Code H0401.2002.0401.0449.599.

Will the Council vote to so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED
CONTRACT: 72ND STREET FIREHALL, ROOF REPLACEMENT, JOSEPH A. SANDERS & SONS, INC.

Agenda Item #14

The following was the result of bids received on July 14, 2011, for the above referenced project:

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>BASE BID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joseph A. Sanders &amp; Sons, Inc</td>
<td>$89,552.00</td>
</tr>
<tr>
<td>P.O. Box 814</td>
<td></td>
</tr>
<tr>
<td>Buffalo, NY 14240</td>
<td></td>
</tr>
</tbody>
</table>

It is the recommendation of the undersigned that this project be awarded to the low bidder Joseph A. Sanders & Sons, Inc., at their Base Bid $89,552.00. Funding is available in H0827.2008.0827.0449.599.

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

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

Yeas 4
Nays 0
APPROVED

CONTRACT: CSX BRIDGE, REPLACEMENT, MARK CERRONE, INC.

Agenda Item #15

A contract for the above referenced project was awarded to Mark Cerrone, Inc. on September 23, 2010 in the amount of $4,215,484.73.

Subsequent to the start of roadway excavation, unstable soil conditions were discovered requiring substantial excavation and fill materials to be installed. In addition, geotextile fabrics were also used to create separation and provide extra support. The costs associated with these subbase stabilization measures total $79,240.00. However, sufficient funding currently exists for contractual items not currently installed which will allow for a net $0.00 change to the contract total 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 Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0
APPROVED

CONTRACT: WEST MALL PROJECT, OLD FALLS STREET, MARK CERRONE, INC.

Agenda Item #16

The contract for the above referenced project was awarded to Mark Cerrone Inc. 2368 Maryland Avenue, Niagara Falls, NY 14305 on September 29, 2008 in the amount of $4,376,043.00.

During the course of work, additional quantity overruns and repairs were deemed necessary for the completion for this project in the amount of $48,222.28. This closes out the project to date. Funding is available through an agreement with USA Niagara.

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

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

Yeas 4
Nays 0
APPROVED
CONTRACT: CITY HALL EXTERIOR RESTORATION, REVISED, MORRIS MASONRY RESTORATION

Agenda Item #17
A contract for the above referenced project was awarded to a contractor for a total bid amount of $269,500.00
Subsequent to the award of the contract, the contractor has indicated that they cannot complete the project and have withdrawn.
Therefore, it is the recommendation of the undersigned that this project be awarded to the second low bidder Morris Masonry Restoration, at their Base Bid amount of $438,000.00 and Alternate #1 amount of $40,000.00, for a total of $478,000.00. Funding is available in Code H0611.2006.0611.0449.599. Matching funds for this project is available from the New York State Office of Parks, Recreation and Historic Preservation.
Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED

HARD ROCK CAFÉ, NEW YEAR’S EVE GUITAR DROP, CONTRIBUTION

Agenda Item #18
The City has been asked once again to co-sponsor with the Hard Rock Café the New Year’s Eve Guitar Drop Event to occur on December 31, 2011, in downtown Niagara Falls on Old Falls Street, adjacent to the Hard Rock Café. The City has been asked to contribute the sum of $50,000.00 to the cost of this event, all pursuant to the terms and conditions of an Agreement which will be in form and substance acceptable to the Corporation Counsel. Funding is available through Casino Revenues.
Will the Council so approve?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED

ALUMNI BASKETBALL GAME, 3RD ANNUAL LUV-4-SELF, CONTRIBUTION

Agenda Item #19
The City has been asked to help sponsor the 3rd Annual Alumni Basketball Game between LaSalle High School and Niagara Falls High School alumni. The City is able to contribute the sum of $1,000 toward the expenses for this event. Funding is available from Tourism Fund Balance.
Event organizers must enter into an agreement to be prepared by the Corporation Counsel which, among other things, will require event organizers to show receipts for the expenditure of City funds.
Will the Council so approve and authorize the Mayor to execute such an agreement?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED

175
PURCHASE: POLICE DEPT., EQUIPMENT FOR EMERGENCY RESPONSE TEAM

Agenda Item #20
The Superintendent of Police is requesting $20,400.00 to purchase the following items for the Emergency Response Team:
1. Tactical vests
2. Sniper range finders
3. Tactical slings for new rifles
4. Lights with lasers for new handguns
5. Fiber optic scopes
6. Medical packs for individual ERT members
Funding is available from Special Projects Fund Balance.
Will the Council so approve?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED

PINE AVENUE, REPLACEMENT OF STREET LIGHTS

Agenda Item #21
The City has now completed its review of the various lighting options available for Pine Avenue and has come to the conclusion that the preferred option would be the “Niagara Standard 25 foot” pole with “Delaware Luminaires”. It will be necessary to replace 72 pole assemblies at an estimated total cost of $75,600.00 plus National Grid fees amounting to $27,000.00 for a total cost of $102,600.00. The removal of existing poles will be a separate item. Funding is available from Special Projects Fund Balance.
Will the Council so approve and authorize the Mayor to correspond with National Grid to effectuate this change in lighting?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED

CODE ENFORCEMENT, OVERTIME

Agenda Item #22
The Director of the Department of Code Enforcement would like to conduct a series of code enforcement blitzes at various times. It is requested that the sum of $3,000.00 plus FICA and related expenses be transferred into that Department’s overtime line to enable these blitzes to occur. Funding is available from A.1990.7650.0449.000.
Will the Council so approve?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED

POLICE DEPARTMENT, OPERATION IMPACT, GRANT

Agenda Item #23
The Niagara Falls Police Department has received an award from the State of New York for $318,900 for Operation IMPACT during July 1, 2011 through June 30, 2012.
No matching funds are required for this grant.
Will the Council approve the acceptance of this grant and authorize the Mayor and Police Chief to execute any documentation necessary to receive the grant?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED
LIBRARY, EARL W. BRYDGES, REPAIRS TO AIR CONDITIONING UNIT

Agenda Item #24
During the start up process for the air conditioning capital improvement project it was discovered that repairs and replacements are necessary for variable frequency drives for the fans and pumps in the air conditioning unit. The amount requested in order to address these issues is $8,388.00. Funding is available from Special Projects Fund Balance (Account #H0904.2004.0904.0443.000).
Will the Council so approve?
   Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED

MAIN STREET, INSTALLATION OF FLOWER PLANTERS

Agenda Item #25
The Main Street Business and Professional Association had previously installed flower planters at various locations along Main Street. Those planters have deteriorated and the Association wishes to install new planters along 16 locations on Main Street. Attached is the Planning Board recommendation and location map (on file in Clerk’s Office). The Association is interested in installing additional planters at various other locations, which will require further Planning Board review. The Association will also provide a certificate of insurance naming the City as an additional insured.
   Will the Council approve these flower planter encroachments?
   Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

7713/7723 BUFFALO AVENUE, INSTALL “NO STANDING ANYTIME” SIGNS

Agenda Item #26
NO MOTION TO REMOVE FROM THE TABLE, ITEM REMAINS ON THE TABLE

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

PEDICAB AND PEDICAB DRIVERS, ORDINANCE AMENDMENT, MAYOR’S APPROVAL

Agenda Item #27
Please be advised that Mayor Paul A. Dyster, on July 12, 2011, duly approved the following:
   Resolution 2011-58, relative to Adopting Chapter 366 of the Codified Ordinances Entitled “Pedicab and Pedicab Drivers”

THIS ITEM WAS RECEIVED AND FILED
RESOLUTION: GRIFFON PARK, PARK DEVELOPMENT AND PLANNING PROGRAM ENVIRONMENTAL PROTECTION FUND APPLICATION, 2011-61
BY: ALL COUNCIL MEMBERS

Agenda Item #28
WHEREAS, the City of Niagara Falls is applying for a Park Development and Planning Program-Environmental Protection Fund grant for the above referenced project with a total cost of $800,000 with State assistance in the amount of $400,000 and a local share of $400,000; and
WHEREAS, matching funds will be available from Power Authority greenway funding.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this grant application and authorizes the Mayor to act on behalf of the City in all matters related to the application and grant and is further authorized to execute any and all documentation related to this grant.
Yeas 4
Nays 0
ADOPTED

RESOLUTION: HYDE PARK ICE PAVILION, STONE COMFORT STATION, PARK DEVELOPMENT AND PLANNING PROGRAM ENVIRONMENTAL PROTECTION FUND, APPLICATION, 2011-62
BY: ALL COUNCIL MEMBERS

Agenda Item #29
WHEREAS, the City of Niagara Falls is applying for a Park Development and Planning Program-Environmental Protection Fund grant for the above referenced project with a total cost of $500,000 with State assistance in the amount of 400,000 and a local share of $100,000; and
WHEREAS, matching funds will be available from Power Authority greenway funding.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this grant application and authorizes the Mayor to act on behalf of the City in all matters related to the application and grant and is further authorized to execute any and all documentation related to this grant.
Yeas 4
Nays 0
ADOPTED

RESOLUTION: LASALLE WATERFRONT PARK, PARK DEVELOPMENT AND PLANNING PROGRAM ENVIRONMENTAL PROTECTION FUND, APPLICATION, 2011-63
BY: ALL COUNCIL MEMBERS

Agenda Item #30
WHEREAS, the City of Niagara Falls is applying for a Park Development and Planning Program-Environmental Protection Fund grant for the above referenced project with a total cost of $207,000 with State assistance in the amount of $103,500 and a local share of $103,500; and
WHEREAS, matching funds will be available from Power Authority greenway funding.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this grant application and authorizes the Mayor to act on behalf of the City in all matters related to the application and grant and is further authorized to execute any and all documentation related to this grant.
Yeas 4
Nays 0
ADOPTED
RESOLUTION: HYDE PARK, ACCEPTANCE OF CERTIFIED LOCAL GOVERNMENT GRANT TO COMPLETE AN HISTORIC STRUCTURE SURVEY, 2011-64
BY: ALL COUNCIL MEMBERS

Agenda Item #31

WHEREAS, the City of Niagara Falls has received a Four Thousand Dollar ($4,000.00) Subgrant New York State Office of Parks, Recreation and Historic Preservation to conduct an historic structure survey in Hyde Park; and

WHEREAS, matching funds in the amount of $1,800.00 will be available through in-kind services.

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

Yeas
Nays

ADOPTED

RESOLUTION: 15TH Street, ABANDONMENT OF A PORTION ADJACENT TO 208 AND 210 15TH STREET, 2011-65
BY: ALL COUNCIL MEMBERS

Agenda Item #32

WHEREAS, the adjoining property owner has requested the abandonment of a portion of 15th street adjacent to 208 and 210 15th street; and

WHEREAS, the Planning Board of the City of Niagara Falls approved the abandonment; and

WHEREAS, this Council declares its intention to abandon said street part.

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 September 6, 2011 at 7:00 p.m. daylight savings 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 September 6, 2011.

Yeas
Nays

ADOPTED

CITY PROPERTY: 3825 DEVEAUX STREET, SALE

Agenda Item #33

The City has received an offer for the purchase of 3825 DeVeaux Street for $38,000.00. This property was previously sold by the City through the Urban Homesteading Program, and then re-acquired by the City through mortgage foreclosure. The Planning Board approved the sale of this property on September 17, 2009.

The offer is a cash offer with the property in “as is” condition. The purchaser qualifies under the HUD Median Income Limits and occupancy requirements, which HUD has advised us govern this sale. The net sale proceeds will be Community Development Department program income.

The property was offered for sale to the public by the Community Development Department, and then listed with Hooper Realty. City Charter §59 requires that real property be sold at public auction to the highest bidder. This public offer does not technically meet that requirement. Approval of the sale requires that Council determine that the best interest of the city shall be subserved by dispensing with a sale at public auction.

07/25/2011
This property has been listed for some time, and this is the only offer which we have received from a qualified purchaser. Will the Council vote to determine that the best interest of the city shall be subserved by dispensing with a sale at public auction and to approve sale of 3825 DeVeaux Street as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same. Council Member Anderson that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0
APPROVED

CONTRACT: 97TH STREET, REPAVING/WATERMAIN REPLACEMENT, CATCO, INC.

Agenda Item #34
R.P. #173 & W.C. #880

The following was the result of bids received on July 21, 2011, for the above referenced project:

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>BASE BID</th>
</tr>
</thead>
<tbody>
<tr>
<td>CATCO, Inc.</td>
<td>$1,223,678.00</td>
</tr>
<tr>
<td>1266 Townline Road</td>
<td></td>
</tr>
<tr>
<td>Alden NY 14004</td>
<td></td>
</tr>
<tr>
<td>Yarussi Construction Inc.</td>
<td>$1,282,090.00</td>
</tr>
<tr>
<td>L.J. Quigliano</td>
<td>$1,287,899.40</td>
</tr>
<tr>
<td>Accadia Site</td>
<td>$1,349,445.00</td>
</tr>
<tr>
<td>Mark Cerrone Inc.</td>
<td>$1,428,230.00</td>
</tr>
</tbody>
</table>

It is the recommendation of the undersigned that this project be awarded to CATCO, Inc. at its Base Bid of $1,223,678.00. Funding is available through Funding Code H1116.2011.1116.0449.599.

Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel? Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0
APPROVED

NIAGARA RIVER GREENWAY PROJECT, AMENDMENT TO AGREEMENT

Agenda Item #35

At your September 20, 2010 meeting you approved $25,000.00 of funding to fund two (2) of the tasks in the above referenced project which is being mostly funded through the Ecological Standing Committee for the Niagara River Greenway. The funding agreement was with the project sponsor Wild Ones Native Plans, Natural Landscapes working through its local chapter.

The agreement provided that the project would be completed by June 30, 2011. The Wild Ones national organization has now taken over responsibility for the study and it is requested that the Council authorize an amendment to the Agreement reflecting the change to national organization and extending completion date to December 31, 2011.

Will the Council so approve and authorize the Mayor to execute an amendment in a form acceptable to the Corporation Counsel? Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0
APPROVED
OLD FALLS ST. PEDESTRIAN WALKWAY, FALLS STREET LEASING

Agenda Item #36
The City has been in discussions with Falls Street Leasing regarding a cooperative arrangement to develop retail businesses along Old Falls Street focusing on the existing pedestrian walkway. Proposals and written comments have been exchanged and it is believed that the City and Falls Street Leasing are very close to a mutually agreeable understanding.

Will the Council authorize the City to enter into a Memorandum of Understanding with Falls Street Leasing satisfactory to the Corporation Counsel and authorize the Mayor to execute the same?

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

Yeas 4
Nays 0
APPROVED

RESOLUTION: PINE AVE. BUSINESS ASSOCIATION, HONORING, 2011-66
BY: ALL COUNCIL MEMBERS

Agenda Item #37
WHEREAS, on Saturday, July 30th and Sunday, July 31st, 2011, the Pine Avenue Business Association will hold their Annual Italian Festival; and
WHEREAS, during the festival, PABA will honor individuals of Italian decent who have lived and/or worked the majority of their lives in the Pine Avenue business area or neighborhood. These “Cittadini Speciali” or Special Citizens of Pine Avenue were instrumental in making Pine Avenue a vibrant and viable business district; and
WHEREAS, the following Special Citizens will be honored:
Louise Digregorio
Joseph Costanzo, Jr.
Mauro “Buzz” Buzzelli
Tony Scricco
Peter Marra
James Giardino
Sam Fruscione

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it extends its congratulations on behalf of all the citizens of the City of Niagara Falls in honoring the above-named Special Citizens as PABA’s “Cittadini Speciali” for 2011.

Yeas 4
Nays 0
ADOPTED

PROMISE NEIGHBORHOODS PROGRAM, APPLICATION FOR GRANT

Agenda Item #38
It is the intention of the City in a partnership consisting of Niagara University, Niagara Falls Board of Education and the City of Niagara Falls to make application for a planning grant under the Promise Neighborhoods Program (CFDA #84.215P), US Department of Education, Office of Innovation and Development.

Will the Council so approve and authorize the Mayor to sign a Memorandum of Understanding with the above parties in a form acceptable to Corporation Counsel to apply for this grant?

Council Member Grandinetti moved to add Item to the Agenda

Yeas 4
Nays 0
APPROVED

The Item was added to the Agenda as #38
Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0
APPROVED
There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:40 p.m.

Carol A. Antonucci
City Clerk
The first session of the 2011 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:07 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

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

Council Member Fournier moved to approve the Minutes from the City Council Meeting of July 25, 2011

Yeas
5

Nays
0

APPROVED

Peter Leach, Sr. Vice President of Monteagle Ridge Apartments, spoke on the acquisition of the property by his company, the improvements that would be done to the apartments by local labor unions, and asked that the PILOT Agreement be extended for another 30 years.

City Controller Maria Brown spoke on the increase in pension costs, and suggested the Council mandate a hiring freeze in order to offset the additional expense. Mayor Paul Dyster commended Mrs. Brown and her staff for their work in managing the City’s finances.

Chris Schoepflin of USA Niagara spoke on the expenses incurred to date by the City and USA Niagara for the Holiday Market. He noted that the Market will create additional seasonal jobs, as well as an increase in bed and sales taxes. Chairman Fruscione asked that the local trades unions be included in the Project.

In the Administrative Update:

1. Director of Business Development Fran Iusi reported that the City was not able to reach an agreement with the developer for the downtown storefronts, and the City will move forward on its own. The glass fronts will be kept in place for possible use by Holiday Market vendors, and the storefronts will be ready for vendors in the spring for the tourist season.

2. City Engineer Jeffrey Skurka said that he had met with National Grid regarding the lights on Pine Avenue, and the installation will be done as National Grid’s schedule allows. Chairman Fruscione noted that the Pine Avenue businesses are concerned as the daylight hours are getting shorter.

3. Mr. Skurka also reported that he had met with the owner of Man O’Trees regarding the Lewiston Road Project. Mayor Dyster spoke on a report he had received from the Department of Environmental Conservation that addressed the radioactive material on the site of the Project. Chairman Fruscione asked what the City’s strategy was concerning the cost and timeline for the Project, and Corporation Counsel Craig Johnson responded that the contract called for the Project to be completed by September 16, and the City had a plan in place, but he could not discuss it in a public forum.

4. Mr. Skurka and Civil Engineer Robert Buzzelli said that the Como traffic light was the subject of a traffic study, and a temporary light should be available around the beginning of October for the study to begin.
5. Mr. Buzzelli also added that he had not been able to get done the work needed for the traffic light to be placed in front of the school on Buffalo Avenue, but he hoped to have it done by the end of September.

6. Mrs. Brown also addressed the overtime lines for both the Police and Fire Departments, along with Police Superintendent John Chella and Fire Battalion Chief Daniel Boland. Both Departments are doing well in controlling overtime costs, and, with the end of summer, overtime costs should be reduced.

7. Environmental Assistant Alan Nusbaum spoke on the new Flood Zone Map, and said that the map was developed by FEMA as a nationwide mandate.

Mayor Dyster informed the Council Members that he had been named to the Regional Economic Development Council, and a meeting would be held locally on September 15 for public input.

Mr. Johnson asked that Agenda Item #18, relative to the release of the Casino cash payments, be amended.

Council Member Walker moved to amend the Resolution by changing the words “demand” to “urge”.

Yeas
Nays

MOTION TO AMEND APPROVED

Mr. Johnson also asked to add to the Agenda a communication from the Traffic Advisory Commission relative the installation of “No Standing Anytime” signs on Buffalo Avenue that was tabled at the July 11, 2011 Council Meeting.

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

Yeas
Nays

MOTION TO REMOVE COMMUNICATION FROM TABLE APPROVED

Council Member Fournier moved to amend the communication by changing the distance from 20’ to 15’, and deleting the reference to the address 7713 Buffalo Avenue.

Yeas
Nays

MOTION TO AMEND COMMUNICATION APPROVED

Council Member Anderson noted the number of claims for damage caused by potholes (Agenda Item #2), and also expressed his concern for the safety of students walking to the high school as he also noted a claim for a damage by a golf ball. Council Member Fournier questioned how claims for pothole damage were addressed, and Mr. Johnson responded.

Council Member Anderson questioned the need for a consultant for roof repairs (Agenda Item #3), and Mr. Buzzelli responded that the consultant prepares the specs and scope of the project before it is put out to bid. Chairman Fruscione noted that the project needs to move along quickly before any more damage is done to the building.

Council Member Anderson questioned a change order (Agenda Item #4) and asked who authorized the contractor to perform the additional work. Mr. Buzzelli provided the information.

Council Member Anderson also asked about the purchase of equipment only from local dealers (Agenda Items 6 & 7), and Purchasing Agent Dean Spring answered that the equipment is delivered by a local dealer so that dealer can provide service as needed.

This Session ended at 5:20 PM

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Chairman Fruscione reconvened the Meeting at 7:06 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Walker and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

Dan Boland  
Agenda Items #7, #10

Charles Ellsmore  
Flood Zone designation

Charles Learn  
Flood Zone designation

John Lasut  
Flood Zone designation

Sal Giarrizzo  
Flood Zone designation

Jason Chilcote  
Street repairs, shootings in City, need more Police Officers

Jean Golba  
Carriage House repairs, Niagara Ave. repairs

Donald Supon  
Lewiston Rd. Project

Debbie Mellon  
Zoning Ordinance Compliance Issues

Susan Woodward  
Zoning Ordinance Compliance Issues

Diane Tattersall  
Commended those involved with Legends Park & KABOON Fun Day

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK:

Agenda Item #1  
City Clerk’s Report for the Month of July 2011  
THIS ITEM WAS RECEIVED AND FILED

Agenda Item #2  
Claim Report for the Month of July 2011  
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: FIRE DEPARTMENT, ADMINISTRATION BUILDING ROOF REPLACEMENT AND FAÇADE REPAIR PROJECT, CONSULTANT SERVICES, LIRO, INC.

Agenda Item #3  
It is the recommendation of the undersigned that the firm LiRo Inc. perform the scoping, environmental investigation/analysis, design and creation of reproducible, original bid document tasks necessary for the above-referenced project. Fee will be rendered on a “lump sum per task” basis for a total of $14,200.00. Additionally, a not to exceed amount of $5,000.00 will be added for project related direct non-salary reimbursables, bringing the contract total to $ 19,200.00. Funding is available in the Engineering Department’s Consultant Services budget line via City Council action of May 31, 2011.

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

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

Yeas  
5

Nays  
0

APPROVED
CONTRACT: DRAINAGE STRUCTURE REPLACEMENT & REPAIR PROJECT, SOCKO CONTRACTING

Agenda Item #4

A contract for the above referenced project was awarded to Socko Contracting, Inc. on April 8, 2011 in the amount of $299,977.00. Subsequent to the start of the project, the Contractor was directed to install additional select fill materials as a temporary pavement product. The installation of this material was not a portion of the contract’s original scope. The costs associated with this extra work and materials are set at a not-to-exceed limit of $3,200.00. However, existing underruns in existing contract items allows this change to occur without an increase to the contract.

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

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

Yeas 5  
Nays 0  
APPROVED

PURCHASE: FORKLIFT, BUFFALO MATERIALS HANDLING

Agenda Item #5

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

TO: Buffalo Materials Handling  
2745 Broadway  
Buffalo, NY 14227

FOR: One (1) Nissan Model PF80YLP forklift $38,976.00

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law. Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to six (6) vendors. Four (4) bids were received. The above referenced company submitted the lowest bid to meet our specifications.

Funds for this expenditure are available in the Capital budget code: H0912.2009.0912.0230.000

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

Yeas 5  
Nays 0  
APPROVED

PURCHASE: TANDEM CHASSIS WITH TRAILER & HEAVY DUTY WRECKER, KENWORTH OF BUFFALO, NY. INC.

Agenda Item #6

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

TO: Kenworth of Buffalo, NY, Inc.  
100 Commerce Drive  
Buffalo, NY 14218

FOR: Tandem Chassis with Trailer & Heavy Duty Wrecker ($263,537.00), Extended Day Cab Option ($2,850.00), Transmission Extended Warranty ($625.00).

Credit for Trade-in of Giant Diamond Reo: (3,500.00)

TOTAL: $263,512.00

09/06/2011
The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to five (5) vendors. Two (2) bids were received. The above referenced company submitted the lowest.

Funds for this expenditure are available in the Capital budget code: H0912.2009.0912.0230.000

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

Yeas: 5
Nays: 0
APPROVED

PURCHASE: FIRE TRUCK, EMPIRE EMERGENCY APPARATUS, INC. (ROSENBAUER)

Agenda Item #7
We respectfully request you award the above referenced bid as follows:
TO: Empire Emergency Apparatus, Inc. (Rosenbauer)
3995 Lockport Road
Niagara Falls, NY 14305
FOR: One (1) 1500 GPM pumper:
   Base Price: $322,153.00
   Additional Lettering: 2,000.00
   Delete Intercom System: (3,500.00)
GRAND TOTAL: $320,653.00

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Nine (9) vendors. The above referenced company submitted the only bid.

Funding for this expenditure is included as a separate item on the Council agenda.

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

Yeas: 5
Nays: 0
APPROVED

LIBRARY, LASALLE, RENOVATIONS, FUNDING

Agenda Item #8
The Niagara Falls Public Library is in the process of applying for a State Construction Grant for renovations. The grant will require a 50% match in funding from the City. The project includes the installation of energy efficient lighting and doors (front side and back) at the LaSalle Library at an estimated cost of $16,650.00. The City match is estimated to be $8,325.00. Funding is available from Casino Revenues.

Will the Council so approve?

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

Yeas: 5
Nays: 0
APPROVED

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09/06/2011
LEGENDS COURT INITIATIVE, AGREEMENT TERMINATED WITH WBITE & REINSTATED WITH PAL

Agenda Item #9
At its meeting on March 7, 2011 the City Council approved funding for the 2011 Community Intervention Initiative revolving around basketball at the Legends Courts. A part of the Initiative was an agreement with Winning Because I Tried Enterprises Inc. (“WBITE”) to conduct a youth mentoring program. Eight (8) weeks into this program, the City, because of circumstances, terminated the program. The Police Athletic League (PAL) offered to complete the remaining weeks of the program within the City’s budget parameters for the original program.

Will the City Council confirm the termination of the agreement with WBITE and the completion of the program by PAL and authorize the City to compensate PAL for services rendered pursuant to a budget for program completion within the original budget parameters previously authorized by the City Council, all pursuant to an agreement prepared by the Corporation Counsel and authorize the Mayor to execute the same?

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

Yeas 5
Nays 0
APPROVED

PURCHASE: PUMPER TRUCK, FIRE DEPARTMENT

Agenda Item #10
It is recommended that the Fire Department continue with its program to upgrade firefighting apparatus with the addition of a new pumper truck. The estimated cost of this vehicle is $320,653.00. Delivery will not take place until sometime in 2012 at which time payment will be due. Funding is available from Casino Revenues.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

CONTACT: TENTH STREET RECONSTRUCTION PROJECT, SUE-PERIOR CONCRETE AND PAVING

Agenda Item #11
A contract for the above referenced project was awarded to Sue-Perior Concrete and Paving on February 8, 2010 in the amount of $3,523,000.00, per funding code H0632.2006.0632.0449.599.

Subsequent to the start of the project, various existing water main valves were discovered to be either non-functioning or leaking below grade. In conjunction with the Niagara Falls Water Board, a decision was made to replace the defective valves during the sub-base preparation phase of the project, providing for both the elimination of a need to excavate and replace the valves in question at a later date and protect the integrity of the new road bed. These valve replacements were not in the contractor’s original scope of work and constitute a net change to the contract of $9054.50. However, existing funds for work slated for completion in future phases will allow payment of the additional water valve work without a change to the existing contract total ($0.00 net change) at this time. Additionally, pending Water Board action, all costs associated with the water valve replacements will be completely reimbursed at a future date.

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

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

Yeas 5
Nays 0
APPROVED
PUBLIC WORKS, ADDITIONAL FUNDING

Agenda Item #12
In order to continue various projects it is requested that additional funds be made available to the department of Public Works as follows:

Overtime totaling $58,670.00, inclusive of FICA for the following:
- Streets Division ($40,000.00)
- Trades Division ($7,000.00)
- Small Parks Division ($7,500.00)

Gasoline for Street Construction ($50,000)
$20,927.16 to be transferred into the DPW temporary line to hire nine (9) temporary employees ($9.00 per hour, 40 hours per week) for six (6) weeks commencing August 21, 2011 and ending on September 30, 2011.

The total amount requested is $129,597.16. Funding is available from Special Projects Fund Balance.

Will the Council so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: NIAGARA FALLS HOUSING AUTHORITY, NEW JERUSALEM REPORTING CENTER

Agenda Item #13
The City has been approached by the Niagara Falls Housing Authority to partner with it in closing a funding gap so that the New Jerusalem Reporting Center for Boys may continue to operate. The Housing Authority, under the offices of its People and Possibilities Program, a 501 (c) (3) Entity, will oversee the continuation of this program. The City has been requested to contribute the sum of $50,000.00 to the continuation of this program on a “one-time” only basis. As this program promotes public safety, Casino Revenues are the source of the funding. The City’s contribution would be subject to an agreement between all parties which agreement will be in form and substance satisfactory to the Corporation Counsel.

Will the Council so approve and authorize the Mayor to execute a Funding Agreement?
Council Member Fournier moved to table the communication

Yeas 5
Nays 0
TABLED

CLAIM: ROBINSON, PIERCE

Agenda Item #14
Date Claim Filed: June 9, 2011
Date Action Commenced: N/A
Date of Occurrence: February 10, 2011
Location: Niagara Falls Municipal Complex
Nature of Claim: Misplaced personal property.
Status of Action: Claim stage.
Recommendation/Reason: Best interests of City to pay.
Amount to be Paid: $87.02
Make Check Payable to: Pierce Robinson
Conditions: General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve?
Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

09/06/2011
Agenda Item #15

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #15

The following have requested City Council approval for
Commissioner of Deeds for a term from October 1, 2011 to September 30, 2013.

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

Cain, Carlton  Niagara Falls Police Dept.
Carter, Kimberly  Engineering
DalPorto, Brian  Niagara Falls Police Dept
Herbert, Latricia  City Clerk
Jones, Daniel  Niagara Falls Police Dept.
Reynolds, James  Niagara Falls Police Dept.
Stack, Patrick  Niagara Falls Police Dept.
vanEgmond, James  Niagara Falls Police Dept.
Cannello, Leonard M.  9141 Rivershore Dr., Niagara Falls, NY 14304
Conti, Irene  603-38th St., Niagara Falls, NY 14301
Green, Kirstian  459 13th St., Niagara Falls, NY 14303
Hohle, Ronald  2027 River Rd., Niagara Falls, NY 14304
Mayes, William  243-77th St., Niagara Falls, NY 14304
Nolan, Patricia  880-80th St., Niagara Falls, NY 14304
Shank, Victoria  1839 Niagara Ave., Niagara Falls, NY 14305
Thomas, Duane  419 12th St., Niagara Falls, NY 14303
Trimmer, Maureen  3611 Chapin Ave., Niagara Falls,

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

Yeas  5
Nays  0
APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE HISTORIC PRESERVATION
COMMISSION

RESOLUTION: DEVEAUX BARN, (CARRIAGE HOUSE) 3180 DEVEAUX WOODS DRIVE

Agenda Item #16

WHEREAS, the Historic Preservation Commission has reviewed the
recommendations and documentation of DeVeaux Barn Task Force; and,
WHEREAS, the Historic Preservation Commission recognizes that the
DeVeaux Barn circa1863, and is also known as the “Carriage House,” is a
rare and unique barn assembled entirely from brick and is further
significant for the high degree of architectural integrity of the
exterior of the building; and,
WHEREAS, the DeVeaux Barn is an important link to the original
DeVeaux School campus which was once a significant institution for the
Niagara Frontier and the City of Niagara Falls; and,
WHEREAS, the DeVeaux Barn is eligible to be listed in both the New
York State and National Registers of Historic places; and,
WHEREAS, structural engineers have inspected the DeVeaux Barn on
behalf of both Preservation Buffalo Niagara and the City of Niagara
Falls, and, both structural engineers have determined that while some
repairs are needed to the DeVeaux Barn that the structure is secure and
does not present a serious health or safety risk; that the brick walls
are not failing and bricks are not disintegrating; and,

09/06/2011
WHEREAS, the City of Niagara Falls has a need for storage on site; and,

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has stated that they would partner with an organization with a viable plan for use of the DeVeaux Barn; and,

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has further stated that they will seek to demolish the DeVeaux Barn at the end of the 2011 construction season in absence of an acceptable plan, and time is of the essence to initiate an agreement with the Office of Parks, Recreation and Historic Preservation;

NOW THEREFORE BE IT RESOLVED, that the Historic Preservation Commission hereby recommends that the City Council directs the administration to enter into an agreement acceptable to both the City the New York State Office of Parks, Recreation and Historic Preservation which provides appropriate permission to cover its use and to allow the City to affect repairs of the DeVeaux Barn for the purpose of storage on site.

THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: "EMPOWER NIAGARA", PETITION, 2011-67
BY: Council Member Robert A. Anderson, Jr.

Agenda Item #17

WHEREAS, the New York Power Authority (NYPA) is a public benefit corporation established in 1931, and

WHEREAS, the Authority was created by the Public Authorities Law, the Power Authority Act, Article 5 -Public Utility Authorities Title 1 - Power Authority of the State of New York, Section 1002, as a body corporate and politic and as a public benefit corporation of the State of New York, and

WHEREAS, the New York Power Authority By-Laws states that Public Authorities Law, Section 1004 authorizes the number, terms, appointment and process of filling vacancies of trustees, and

WHEREAS, currently the NYPA Board of Trustees consist of seven members, none of which are from Niagara County, and

WHEREAS, the Niagara Power Project is currently the largest generator of power of any NYPA facility, Niagara County deserves to have at least one permanent seat on the NYPA Board of Trustees to represent the needs, interests and the concerns of the County of Niagara, and

WHEREAS, the “Empower Niagara” petitions Governor Cuomo to appoint a Niagara County Resident to the Board of Trustees of the New York Power Authority.

NOW THEREFORE BE IT RESOLVED, that the Niagara Falls City Council does support the “Empower Niagara” petition and its goal of having a Niagara County representative on the Board of Trustees of the New York Power Authority.

BE IT FURTHER RESOLVED, that the City of Niagara Falls shall forward copies of this Resolution to Governor Andrew Cuomo, Senate Majority Leader Dean Skelos, Senator Mark Grisanti, Senator George Maziarz, Senator Tim Kennedy, Assembly Speaker Sheldon Silver, Assemblyman John Ceretto, Assemblyman Robin Schimminger, Assemblyman Jim Hayes, Assemblywoman Jane Corwin, Gil Quiniones, Interim President & CEO, New York Power Authority, and Michael J. Townsend, Acting Chairman, New York Power Authority Board of Trustees, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to Senator Charles E. Schumer, Senator Kirsten Gillibrand, Congresswoman Louise M. Slaughter, Congressman Brian Higgins, and Congresswoman Kathy Hochul.

Yeas 5
Nays 0
ADOPTED

09/06/2011
RESOLUTION: CASINO CASH PAYMENTS, 2011-68  
BY: Council Chairman Samuel Fruscione

Agenda Item #18  
WHEREAS, The City Council of the City of Niagara Falls, New York is very much aware of the ongoing conflict between the Seneca Niagara of Indians and the State of New York and the action taken by the Seneca Nation in withholding “exclusivity payments” to the State as required by the Nation-State Gaming Compact; and  
WHEREAS, The City Council of the City of Niagara Falls, New York is concerned that the City of Niagara Falls will suffer if payments due pursuant to the Compact continue to be withheld; and  
WHEREAS, according to the NYS Division of Budget, the Seneca’s now owe local governments $36.8 million from the Seneca Niagara Casino, $15.3 Million from the Seneca Allegany Casino and $5.1 million from the Seneca Buffalo Creek Casino; and  
WHEREAS, As Chairman of the Niagara Falls City Council, I, along with my colleagues, strongly demands that the State of New York and the Seneca Nation of Indians come to a mutually agreeable solution to release these funds to the host communities.  
NOW THEREFORE BE IT RESOLVED, That I, as the Chairman of the Niagara Falls City Council, along with my colleagues, strongly demand an end to this disagreement between the State of New York and the Seneca Nation of Indians and to release the funds due to the City of Niagara Falls by December 31, 2011.  
BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Governor Andrew Cuomo, Senator George Maziarz and Senator Mark Grisanti, Assemblyman John Ceretto and to the Seneca Nation of Indians.

Yeas 5  
Nays 0  
ADOPTED

RESOLUTION: HUMAN RIGHTS COMMISSION, APPOINTMENT, 2011-69  
BY: Council Member Charles Walker

Agenda Item #19  
BE IT RESOLVED, that the following individual is hereby appointed to the Human Rights Commission effective immediately for the expiration date of which appears opposite their name:  

<table>
<thead>
<tr>
<th>APPOINTMENT</th>
<th>TERM EXPIRES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charles A. Searcy</td>
<td>12/31/2014</td>
</tr>
<tr>
<td>1030 Garden Avenue</td>
<td>Niagara Falls, NY 14305</td>
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</tbody>
</table>

Yeas 5  
Nays 0  
ADOPTED

RESOLUTION: JOYCE MARDON-SERIANI, RECOGNIZING, 2011-70  
BY: All Council Members

Agenda Item #20  
WHEREAS, Joyce Mardon-Serianni will be retiring from the City of Niagara Falls on August 31, 2011; and  
WHEREAS, Joyce was appointed as the Human Resources Director & Secretary for the Civil Service Commission for the City of Niagara Falls on January 1, 2004 and has served in those positions ever since; and  
WHEREAS, Joyce started with the City in the Ceta Program on May 10, 1976 holding titles of Youth Counselor, Manpower Counselor and Manpower Program Coordinator. On September 14th, 1981, she was appointed as Research/Planner Consultant in the Youth Bureau and on January 5, 1984, she was appointed to the position of Personnel Technician in the Human Resources Department.  
NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council of the City of Niagara Falls, New York, recognize the 35 years of service of Joyce Mardon-Serianni with the City of Niagara Falls and wish her well on her retirement.

Yeas 5  
Nays 0  
ADOPTED

09/06/2011
RESOLUTION: NIAGARA FALLS SIGNAL PROJECT, IMPLEMENTATION/FUNDING, 2011-71

BY: Council Chairman Samuel Fruscione

Agenda Item #21

WHEREAS, a Project, (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Scoping & Design I-VI) and Construction & Construction Inspection phases of the Project, PIN 5755.42.

NOW, THEREFORE, the City Council of the City of Niagara Falls, duly convened does hereby RESOLVE, that the City Council of the City of Niagara Falls hereby approves the above subject project; and it is hereby further RESOLVED, that the City Council of the City of Niagara Falls hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Scoping & Design I-VI) and Construction & Construction Inspection phases of the Project or portions thereof; and it is further RESOLVED, that the sum of $190,000 has been appropriated pursuant to (§ 92,000 for the project's Preliminary Engineering phase via City Resolution Nos. 2001-36, 2004-17 and 2006-80 adopted March 26th, 2001, February 17th, 2004 and July 17th, 2006, respectively and § 98,000 for the project's Preliminary Engineering and Construction & Construction Inspection phases via City Resolution Nos. 2008-51 adopted May 19th, 2008) and made available to cover the cost of participation in the above phases of the Project; and it is further RESOLVED, that the Mayor of the City of Niagara Falls is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Niagara Falls with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the Local share of Federal Aid and State Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further RESOLVED, this Resolution shall take effect immediately.

Yeas 5
Nays 0

ADOPTED

09/06/2011
Agenda Item #22  
At a Traffic Advisory Commission meeting held on June 29, 2011, the Commission recommended **APPROVAL** of the following item:

**INSTALL “NO STANDING ANYTIME” SIGNS APPROXIMATELY 15’ EAST & WEST OF THE DRIVEWAY AT 7723 BUFFALO AVENUE (BOULEVARD KAR MART)**

The request was made because driveway access is being blocked by parked cars, and to provide sight distance for vehicles exiting the driveways of traffic on Buffalo Avenue.

Submitted By:  Frank D’Agostino, Boulevard Kar Mart, 7723 Buffalo Avenue

It is requested that City Council approve this recommendation.

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

<table>
<thead>
<tr>
<th>Yeas</th>
<th>5</th>
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<tbody>
<tr>
<td>Nays</td>
<td>0</td>
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</table>

APPROVED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 8:20 p.m.

Carol A. Antonucci  
City Clerk
The first session of the September 19, 2011 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:07 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

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

Mark Rivers gave a Presentation on the Holiday Market, and thanked the Council for their support. He spoke on the Concerts, Food & Wine Festival and Christmas tree lighting that would be part of the Market, and said that he would continue to provide monthly status reports to the Council. Chairman Fruscione commended Mr. Rivers for reaching the benchmarks that the Council had set for him.

In the Administrative Update:
1. Director of Public Works David Kinney reported that to date, repair work on 20 streets has been completed, and 96th Street will be the next street to be worked on; both streets and alleys have been repaired during the day, and pothole repairs have been done at night by using overtime funds; and, 165 trees have been removed in-house, with an additional 43 trees removed by an outside contractor. City Administrator Donna Owens commended Mr. Kinney and his crews for the work they have done, and also thanked the Council for providing the necessary funding.

2. Superintendent of Police John Chella spoke on the work done by his Department in addressing the crime issues in the City’s 7 Business Districts, and said that the funding that remained for this Initiative would be used during the Holiday Season to address crime issues.

3. Mayor Paul Dyster spoke on the Lewiston Road Project, and said that the information received from the DEC regarding the handling of the radioactive material at the site was correct. Chairman Fruscione expressed safety concerns with the submerged dock at the Waterfront Park, and asked the Mayor to move quickly on resolving the issue.

4. Council Member Anderson asked about the traffic light in front of the school on Buffalo Avenue, and City Engineer Jeffery Skurka responded that RFP’s had been sent out for the light.

5. Chairman Fruscione questioned the illegal use of City property along the Robert Moses Parkway, and the Mayor replied that he would have Corporation Counsel Craig Johnson look into the matter.

Mr. Johnson asked to have a communication relative to funding for the New Jerusalem Reporting Center for Boys that was tabled at the September 6 Council Meeting removed from the table.

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

Yeas: 5
Nays: 0

MOTION TO REMOVE COMMUNICATION FROM TABLE APPROVED

The communication was added to the Agenda as #13.
Mayor Dyster also questioned Agenda Item #3, relative to a bid that was received for the electrical work at the Rainbow Centre Parking Ramp 2, and noted that the low bid price was less than half the bid of the other bidder. Mr. Skurka responded that contractor was interviewed to assure that the scope of work was able to be completed at the price bid, and the contractor understood the scope of the work.

This Session ended at 4:45 PM

Chairman Fruscione reconvened the Meeting at 7:07 p.m. in the Council Chambers with Council Member Steve Fournier absent. The prayer was said by Council Chairman Fruscione 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:

Arthur Garabedian   sewer line damage by Private Contractor
Michael Madden      sewer repairs in home
Jim Briggs          comments by Controller regarding Union Members

Council Member Walker moved to approve the Minutes from the City Council Meeting of September 6, 2011.
Yeas 4
Nays 0
APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK:

Agenda Item #1
City Clerk’s Report for the Month of August 2011
THIS ITEM WAS RECEIVED AND FILED

Agenda Item #2
Claim Report for the Month of August 2011
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT:  RAINBOW CENTRE PARKING RAMP 2, RENOVATION/REHABILITATION (ELECTRICAL CONTRACTOR), CIR ELECTRIC

Agenda Item #3
The following was the result of bids received on September 7, 2011, for the above referenced project:

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>BASE BID</th>
<th>ALTERNATE #1</th>
<th>TOTAL BID</th>
</tr>
</thead>
<tbody>
<tr>
<td>CIR Electric</td>
<td>$275,000.00</td>
<td>$19,800.00</td>
<td>$294,800.00</td>
</tr>
<tr>
<td>400 Ingham Ave.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buffalo NY 14218</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ferguson Electric</td>
<td>$577,500.00</td>
<td>$2,400.00</td>
<td>$579,900.00</td>
</tr>
</tbody>
</table>

It is the recommendation of the undersigned that this project be awarded to the low bidder CIR Electric at their Total Bid of $294,800.00. Funding is available in Code H1014.2010.1014.0449.599 which is being funded by USA Niagara.
Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas 4
Nays 0
APPROVED

196

09/19/2011
CONTRACT: RAINBOW CENTRE PARKING RAMP 2, RENOVATION/REHABILITATION
(HVAC CONTRACTOR), J.R. SWANSON PLUMBING, INC.

Agenda Item #4
The following was the result of bids received on September 7, 2011,
for the above referenced project:

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>BASE BID</th>
</tr>
</thead>
<tbody>
<tr>
<td>J.R. Swanson Plumbing Inc.</td>
<td>$39,470.00</td>
</tr>
<tr>
<td>413 103rd St.</td>
<td></td>
</tr>
<tr>
<td>Niagara Falls NY 14304</td>
<td></td>
</tr>
</tbody>
</table>

It is the recommendation of the undersigned that this project be
awarded to the sole bidder J.R. Swanson Plumbing Inc. at their Base Bid
of $39,470.00. Funding is available in Code H1014.2010.1014.0449.599.
which is being funded by USA Niagara.

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

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

Yeas 4
Nays 0
APPROVED

CONTRACT: RAINBOW CENTRE PARKING RAMP 2, RENOVATION/REHABILITATION
(PLUMBING CONTRACTOR), J.R. SWANSON PLUMBING, INC.

Agenda Item #5
The following was the result of bids received on September 7, 2011,
for the above referenced project:

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>BASE BID</th>
</tr>
</thead>
<tbody>
<tr>
<td>J.R. Swanson Plumbing Inc.</td>
<td>$249,940.00</td>
</tr>
<tr>
<td>413 103rd St.</td>
<td></td>
</tr>
<tr>
<td>Niagara Falls NY 14304</td>
<td></td>
</tr>
<tr>
<td>MLP Plumbing &amp; Mechanical</td>
<td>$303,500.00</td>
</tr>
<tr>
<td>Ackerman Plumbing Inc.</td>
<td>$346,590.00</td>
</tr>
</tbody>
</table>

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
$249,940.00. Funding is available in Code H1014.2010.1014.0449.599
which is being funded by USA Niagara.

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

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

Yeas 4
Nays 0
APPROVED
Agenda Item #6

The following was the result of bids received on September 7, 2011, for the above referenced project:

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>BASE BID</th>
<th>TOTAL ALTERNATES</th>
<th>TOTAL BID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Huber Cons. Inc.</td>
<td>$6,132,000.00</td>
<td>$1,441,000.00</td>
<td>$7,573,000.00</td>
</tr>
<tr>
<td>136 Taylor Dr.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scrufari Const. Inc.</td>
<td>$6,572,000.00</td>
<td>$1,188,000.00</td>
<td>$7,760,000.00</td>
</tr>
<tr>
<td>136 Taylor Dr.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

It is the recommendation of the undersigned that this project be awarded to the low bidder Huber Construction Inc., at their Total Bid of $7,573,000.00. Funding is available in Code H1014.2010.1014.0449.599 which is being funded by USA Niagara.

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

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

Yeas 4
Nays 0

APPROVED

Agenda Item #7

A contract for the above referenced project was awarded to Man O’Trees, Inc. on June 29, 2009 in the amount of $7,713,000.00.

The factors included for this time extension resulted from the requirement for the contractor to obtain a Radioactive Materials License by the New York State Department of Health (NYSDOH) pursuant to the Public Health Law, Part 16 of the New York State Sanitary Code, Industrial Code Rule 38, as well as for the installation of an additional waterline as directed by the City of Niagara Falls under Article VI of the Construction Contract.

This change order will have additional costs associated with the time extension given including additional fees charged by Wendel for contract administration and construction management and a possible increase in construction costs resulting from increases in material and fuel charges typically allowed to a contractor for the necessary working days to complete construction.

Based on the delay incurred and due to the need to obtain the NYSDOH Radioactive Materials Handling License, as well as the addition of waterline replacement work, Man O’Trees should be given an extension to their original time for completion of 184 days. The original Contract Completion date is September 16, 2011. This extension would make the new date for completion March 18, 2012.

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

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

Yeas 4
Nays 0

APPROVED

09/19/2011
NIAGARA HOLIDAY MARKET

Agenda Item #8

Pursuant to the resolution adopted by the Niagara Falls City Council during its meeting on March 21, 2011 and pursuant to the terms and conditions contained in a certain Memorandum of Understanding dated June 2, 2011 entered into by and between the City of Niagara Falls New York, BRIX Niagara and USA Niagara Development Corporation, BRIX Niagara has submitted to the City information for review by City Officials pertaining to the development of the Niagara Holiday Market including cash sponsorships, in-kind sponsorships, programmatic commitments including concerts, scheduled events and activities as well as vendor commitments and expressions of interest. City Officials also reviewed expense reports and backup submitted by Global Spectrum LP.

USA Niagara Development Corporation has received similar financial information and its Board of Directors has voted to approve additional funding for the Niagara Holiday Market in the amount of $185,000.00.

Based on the financial information submitted by BRIX Niagara and Global Spectrum LP together with the commitment of USA Niagara Development Corporation to contribute an additional $185,000.00 to the Niagara Holiday Market project, it is recommended that the City Council approve additional funding for the Niagara Holiday Market project in the amount of $185,000.00. Funding is available from Casino Revenues.

Will the Council so approve?

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

Yeas 4
Nays 0

APPROVED

MONTEAGLE RIDGE APARTMENTS, PILOT AGREEMENT

Agenda Item #9

Monteagle Ridge Apartments, 4600 Hyde Park Blvd. contains 150 units. The new owner has proposed to invest approximately $4.8 Million to renovate the apartments, including new kitchens, bathrooms, plumbing, flooring, windows and energy efficient appliances. Renovations to the foundations are also necessary. The complex has not been renovated since it was constructed in the 1970's. The renovations will allow the apartments to continue providing quality rental housing to Niagara Falls residents.

The Monteagle Ridge Apartments are currently tax exempt and subject to a payment-in-lieu-of-tax (PILOT) agreement, which is due to expire this year. The developer has requested a 40 year extension of the tax exemption and PILOT agreement. After negotiation, the developer has agreed to accept a 30 year extension.

The City is authorized to grant the exemption under Article XI of the Private Housing Finance Law. If granted, the exemption will take effect when the property is conveyed to a qualified Housing Development Fund Company. The formation of the company must be approved by the State Commissioner of Homes and Community Renewal. The developer must provide us with a copy of the certificate of incorporation with the Commissioner approval, and a copy of the deed conveying the property to the qualified company.

The Monteagle Ridge Apartments is currently assessed for $2,125,000.00. If the property were fully taxable, the total annual taxes paid to the City, School District and County, would be $124,560.00. The current PILOT provides for payment of 18% of the gross rental income. In 2009, the payment was $191,436.00 and in 2010 the payment was $182,761.00.

The proposed payment for the new PILOT would start at $175,000.00 for 2012 and 2013, and thereafter increase by 3% each year, with a final payment of $400,387. The PILOT agreement will give the developer certainty for the 30 year life of the agreement exemption.

The Property will be subject to a Rent Regulatory Agreement with NYS Division of Homes and Community Renewal, limiting the rent which can be charged. The developer must provide us with a copy of the regulatory agreement.
The PILOT agreement will be for 30 years, and will contain our customary protections. The exemption will expire in the event of default in payment for 2 years. The tax exemption will expire in the event that the property is not subject to a rent regulatory agreement, and the exemption will expire in the event of conveyance of the property to a non-qualifying entity.

Will the Council vote to approve tax exemption and PILOT agreement as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas 4
Nays 0
APPROVED


Agenda Item #10

The current Court Cleaning and Minor Repairs Contract between the Unified Court System and the City of Niagara Falls is effective for a 5-year term running from April 1, 2008 through March 31, 2013 and is divided into annual 1-year periods.

Under Section 1 of the Contract, we are entering into a Renewal Contract for a 1-year period commencing on April 1, 2011 and terminating on March 31, 2012.

The maximum compensation for this Renewal Contract period shall be $345,092.

Will the Council so approve and authorize the Mayor to execute any required documentation to effectuate same?

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

Yeas 4
Nays 0
APPROVED

CONTRACT: RAINBOW MALL/CULINARY INSTITUTE, DEVELOPMENT OF BALLOON LAUNCH PARCEL

Agenda Item #11

The next step to continue with the development of the Niagara County Community College Culinary Institute and the redevelopment of the Rainbow Mall premises owned and now controlled by the City, as well as the development of the Balloon Launch Parcel now owned by the City is for the City to enter into a Development Agreement with Niagara County Community College (the “College”) and USA Niagara Development Corporation (“USAN”). This Development Agreement has been mentioned on several occasions during the course of this project and will describe the obligations of all parties. Among the terms and conditions contained in this Agreement (which is in the process of finalization) are the following:

1. The parties to the Development Agreement will be the College, USAN and the City.
2. The redevelopment project described in the Development Agreement consists of four (4) phases. Phase one (1) is the interior demolition and hazardous waste abatement within the entire Rainbow Mall Premises. Phase two (2) is the reconstruction and repair of the parking ramp. Phase three (3) is the construction of the hospitality and tourism Institute (the “Institute”). Phase four (4) is the development of the Balloon Launch Parcel as well as the redevelopment of the portion of the Rainbow Mall not containing the Institute premises.
3. The Development Agreement will allow for the College to market and sell naming rights for the Institute with the stipulation that the word “Niagara” or “Niagara Falls” be included in the name. The College may also sell naming rights to its interior spaces such as lecture halls, laboratories, etc.
4. The financial contributions by each party to the Development Agreement to the project are as follows:

City - $2,500,000.00
USAN - $4,353,500.00
College - $9,246,500.00

In addition, Niagara County is contributing $1,000,000.00, Empire State Development Corporation is contributing $9,000,000.00 and the College through its various funding sources, inclusive of grants, is contributing the balance of the funding for this $26,100,000.00 project.

$9,000,000.00 is dedicated to renovations recommended at the City parking ramp.

5. Because the College is located in the Rainbow Mall and shares the parking ramp with the City, the College will pay to the City an amount each year for five (5) years toward the cost of common area charges. The amount to be paid each year is being finalized but will be in the approximate amount of $96,000.00. These dollars will be reinvested by the City into parking ramp operation and maintenance.

6. As part of the Phase four (4) redevelopment of the City owned and controlled portion of the Rainbow Mall as well as the development of the City owned Balloon Launch Parcel, the City will provide USAN with the exclusive right to market and develop those parcels for a three (3) year period of time. Any development plan must be approved by the City Council.

7. The City is required to submit to USAN each year for ten (10) consecutive years a plan for operating and maintaining the renovated parking ramp together with a capital expenditure plan for such operation and maintenance.

8. In consideration for the College Foundation gifting to the City the Ground Lease encumbering the Rainbow Mall premises previously held by Rainbow Square Two Limited Partnership, excluding the real estate transferred by the City to Niagara County for the Institute, together with the Balloon Launch Parcel previously owned by Rainbow Square Two Limited Partnership, the City is agreeing to allow the College use of 400 parking spaces for a five (5) year period of time at no charge. This is consistent with terms and conditions containing in the Transfer Agreement between the parties which was previously approved and executed. After that period of time, the College and the City will negotiate a fair and reasonable annual parking fee for these spaces.

9. The Development Agreement also contains reverter language which calls for the Institute premises to revert back to the City in the event that construction of the Institute does not take place as agreed. Similarly, in the event that construction of the Institute is completed and it is not operated as an educational institution for an extended period of time, the Institute premises would be disposed of in accordance with the regulations of the State University of New York. This is consistent with language contained in the deed conveying to Niagara County the premises to be occupied by the Institute as well as the previously approved Transfer Agreement which specified the various transfers to take place at such time as Rainbow Square Two Limited Partnership donated its interest in the Rainbow Mall Premises and the Balloon Launch Parcel to the Niagara County Community College Foundation.

Will the Council authorize the City to enter into the Development Agreement as described herein and be in form and substance acceptable to the Corporation Counsel and authorize the Mayor to execute the same?

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

Yeas 4
Nays 0

APPROVED

09/19/2011
RESOLUTION: NIAGARA FALLS NAMES “A PLAYFUL CITY USA” RECOGNIZING THE CREATION OF LEGENDS BASKETBALL COURT AND PARK, 2011-72
BY: ALL COUNCIL MEMBERS

Agenda Item #12

RELATIVE TO THE CITY OF NIAGARA FALLS NAMED “A PLAYFUL CITY USA” RECOGNIZING THE CREATION OF LEGENDS BASKETBALL COURT AND PARK

BY:
Council Chairman Samuel Fruscione
Council Member Robert Anderson
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, With only 1-in-5 children in the U.S. currently living within walking distance of a park or playground, 151 cities and towns, including the City of Niagara Falls, New York, earned recognition from national non-profit KaBOOM! as 2011 Playful City USA communities for their efforts to increase play opportunities for children; and

WHEREAS, A primary goal of Playful City USA is to encourage cities and towns to share creative ideas, concepts and programs in an effort to increase play opportunities for children. The City initiatives include:

The City of Niagara Falls, New York for constructing a new basketball court through a joint-use agreement and initiated mentorship program in conjunction with the new facility. The 2011 Community Intervention Initiative is designed to develop a sense of teamwork, community and responsibility among local youth.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York, recognizes the efforts of the Legends Court Committee Co-chaired by Council Member Charles Walker and NF Youth Bureau Director Patricia Travis, as well as the KaBOOM Committee initiated by Mayor Paul A. Dyster and Co-chaired by Council Member Robert Anderson and Deputy DPW Director John Caso. Together we would also like to recognize the efforts of the Department of Parks and Public Works, and the young people of the City who have participated in the Legends events. Their hard work and dedication helped to create the Legends Basketball Court and Park for all residents, both young and old, of the City of Niagara Falls to enjoy for many years to come.

Yeas

Nays

ADOPTED
CONTRACT: NIAGARA FALLS HOUSING AUTHORITY, NEW JERUSALEM REPORTING CENTER

Agenda Item #13

The City has been approached by the Niagara Falls Housing Authority to partner with it in closing a funding gap so that the New Jerusalem Reporting Center for Boys may continue to operate. The Housing Authority, under the offices of its People and Possibilities Program, a 501 (c) (3) Entity, will oversee the continuation of this program. The City has been requested to contribute the sum of $50,000.00 to the continuation of this program on a “one-time” only basis. As this program promotes public safety, Casino Revenues are the source of the funding. The City’s contribution would be subject to an agreement between all parties which agreement will be in form and substance satisfactory to the Corporation Counsel.

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

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

Yeas 4
Nays 0
APPROVED

FREEDOM TRAIL FESTIVAL, CONTRIBUTION

Agenda Item #14

The City Council approved a contribution of $1,000.00 to the cost of the annual Freedom Trail Festival to be held on September 24, 2011 on the grounds of the NF Public Library.

Sponsors of the Festival are Niagara University and Main Street Business and Professional Association.

Funding from Tourism Fund Balance.

Council Member Grandinetti moved that the communication be added to the Agenda.

Yeas 4
Nays 0
APPROVED

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

Yeas 4
Nays 0
APPROVED
There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:30 p.m.

Carol A. Antonucci
City Clerk
REGULAR COUNCIL MEETING

OCTOBER 3, 2011
NIAGARA FALLS, NEW YORK

The first session of the October 3, 2011 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

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

Council Member Fournier moved to approve the Minutes from the City Council Meeting of September 19, 2011.

Yeas

5

Nays

0

APPROVED

Mayor Paul A. Dyster spoke before presenting his Proposed 2012 Budget to the Council Members.

Dear Honorable Members of the Niagara Falls City Council:

I am happy to present to you today the recommended Municipal Budget for the City of Niagara Falls. As a result of sound fiscal management and self-imposed discipline, the City has been able to preserve financial stability through the last several years in spite of a great deal of turbulence in the State and National economies. Nevertheless, I know that there is great trepidation in the community about what the future may hold. The Great Recession that took hold in the spring of 2008 continues its icy grip on the nation’s fortunes. Closer to home, chronic economic problems forced the State to adopt a 2% Tax Cap on municipalities, and State unions have been asked to adopt contracts with wage and benefit concessions, mandatory furloughs and other stern measures. CSEA agreed; PEF, at least so far, has not. Municipal officials across the state are scrambling from seminar to seminar, comparing notes as they try to fathom how to reconcile the consequences of the tax cap with arbitration-driven personnel cost increases, escalating health care costs and whopping increases in the state pension bill that they somehow have to shoulder.

In Chautauqua County, County Executive Greg Edwards is proposing a 12% tax increase, layoffs, service cuts and dipping into the county’s fund balance. In Erie County, County Executive Chris Collins is holding the line on property taxes, but at the expense of 308 positions: 153 of them vacant, but 155 currently filled, mostly in the Department of Social Services. In the Town of Lewiston, Supervisor Steve Reiter has scheduled a public meeting amidst doubts about meeting the tax cap. There are budget problems just about everywhere. But here in Niagara Falls, we are up to Governor Cuomo’s challenge that “New York has no future as tax capital of the nation.”

As I noted last year, all levels of government face a set of challenges that are almost unprecedented in the history of our nation, our state and our city. But as I also pointed out last year, these are not unanticipated challenges, at least not to us here in the City of Niagara Falls. We saw it coming, and we prepared. By late spring of 2008, we were already anticipating and planning for multiple years of hard times and tough budgets. Led by the City Controller, with strong and unwavering support from the City Administrator and City Council, we began taking steps then to deal with the hard times we face now. Our
motto is that prior planning prevents poor performance.

In October 2008, we held the tax levy steady, but I warned it was likely the calm before the storm. In 2009, I reported a tsunami of tough economic news, but that we would be able to hold the line again in 2010. So from 2008 to 2010, we held the tax levy steady at $27,374,235, doing more with less each year to make up for inflation. For 2011, facing an initial $7 million budget gap, we reluctantly had to increase the levy to $28,116,518. This year, we propose to keep the tax levy flat at $28,116,518, with essentially no increase in homestead or non-homestead tax rates for 2012. That means that for the entire period from 2008 to 2012, the levy will have increased barely 1/2% per year — far less than the rate of inflation. We didn’t need Albany to tell us to cap taxes; we did it ourselves, at a lot less than 2%.

Throughout the first three years of my administration, we have consistently sought to control and where possible reduce spending already in the budget pipeline, in order to generate fund balance to be re-appropriated for subsequent budgets. Through much of 2010 we operated under a spending freeze, avoiding discretionary spending across budget account lines and trying to hold the line on upgrades and stipends even if well-deserved; that has been the strategy again for much of 2011. For the last four years, we have been building Special Project Fund balance, created initially to fund the Fire SAFER grant and infrastructure projects, including roads. This was critical, as we learned in 2008 that State AIM aid would be cut rather than increased as promised. Despite that, we generated over $10 million in savings through 2009 and 2010, so that even after part was used as planned for major paving and other capital projects, we were able in 2011 to use Special Project Fund Balance to deal with emerging fiscal threats. With responsible, multi-year financial planning, we have had the ability to buffer economic shocks and protect our city from fiscal instability.

What are the threats?

First, our total obligation for wages increased by over $1.5 million from 2010 to 2011, and by over $1.7 million from 2011 to 2012. The majority of this is in the Police and Fire Departments, which are subject to compulsory arbitration—basically, a way of getting a third-party to weigh-in when the parties are unable to agree on their own what the right numbers are. In this administration, we expanded front-line manpower in both Police and Fire, using federal COPS and SAFER grants to pave the way. I’m proud we did, because the taxpayers told me it was what they wanted. We have positive results to show. But there are ongoing costs that must be met. There is no free lunch.

Second, pension expenses (again, mostly police and fire) had already increased about $1.3 million from 2010 to 2011, as the state pension fund, in which we participate, was hit by lower returns on the fund’s Wall Street investments. Looking forward to 2012, we were facing an additional increase of about $640,000 in Employee Retirement System (ERS) retirement costs and over $1.7 million in police and fire retirement. In order to prevent this whopping increase of over $2.4 million from destabilizing other aspects of our plan, we will amortize the cost over ten years. As a result of our generally sound financial position, as reflected in our bond ratings, we are able to finance this at 3.75% interest without bond costs. This reduces our 2012 cost for ERS to about $150,000 less than the 2011 budget, and reduces the projected increase in police and fire pension costs to about $900,000 more than 2011. By using an amortization strategy essentially similar to the flattening strategy that the State Comptroller’s Office adopted in 2008 when faced with the initial shock to Wall Street, we reduce 2012 outlay for pension costs by over $1.6 million.

Our third major area of concern is health care costs. This is a concern for all residents of the City, regardless of how they are covered, as evidenced by our vigorous implementation of the Mayor’s Task Force for a Healthier Niagara Falls, which seeks to improve care and reduce costs by creating a model involving increased use of Preventive and Primary care. The City’s own contractual health insurance expenses increased over $1.25 million from 2010 to 2011, driven largely by contractual retiree health care obligations. We had already played the card, in 2009 of switching to self-insurance and changing health care...
brokers, while continuing the same coverage for our employees. We
had to budget an additional $633,000 for 2012 to cover cost increases in
retiree health care. My goal is to sit down with our City unions as
soon as possible and discuss how we can cooperatively lower our future
health care costs; we need to do that as soon as possible after this
budget is passed.

In last year’s budget process, we asked department heads to
tighten their belts and seek to eliminate unnecessary spending; this
resulted in an estimated $1.2 million dollars in cuts from an already
bare-bones budget. We asked them to go back this year and look again;
they found an additional $175,000 on top of what they found last year.

In spite of the extreme challenge we faced, we have a balanced
budget, meeting our responsibilities to provide services, limiting the
impact to taxpayers, with no layoffs of public safety or other
personnel, and with the absolute minimum tax possible under the
circumstances. In addition, we were able to do so without backsliding
on our past policy of equalizing homestead and non-homestead tax
proportions as a way to stimulate job creation and business investment.
This was achieved without using the reassessment process as a back-door
method of increasing taxes. We have had no reassessment since 2006.
How did we do it?

In 2011, we paid debt obligations in the budget using $1.5 million
from a debt service fund that, after a careful review, had funds left
over from capital projects that had already been completed and paid for.
We will use $1.5 million from that fund again this year.

State AIM aid, begun in 2005 as a supposedly stable source of
general fund revenues, was supposed to increase 9% each year. We didn’t
believe it, so we set aside funds in the good years for property tax
relief, one of the purposes of the AIM program. When AIM was cut, we
started parsing out this AIM fund balance: $3 million in 2009, $1.5
million in 2010, and the last $756,000 in 2011. As we spent down AIM
fund balance, we decided to begin using Special Project Fund Balance as
a source of funds for property tax relief in the 2011 budget. We used
$2.5 million last year, and will use $2.5 million again this year,
consistent with last year’s policy of adding property tax relief to the
other restricted purposes (e.g., paving and other capital projects) for
which we use these funds.

In the City of Niagara Falls, we do not believe in increasing
anyone’s taxes unless and until we have used up every dime we have
collected from them in the past. That’s why we conducted a review of
our capital accounts to look for funds that had been reserved for past
capital projects that have now been fully paid off. For many years,
coordination between the engineering and finance d
epartments was not as
good as it is now, resulting in the accumulation of excess bond funds.
We will take $3.9 million of these funds to the bottom line this year to
help us achieve our goal of no new tax increases.

As we pursue our goal of no new taxes, we also strive to deliver
the maximum services to our taxpayers in the form of cops that patrol
the streets, firefighters we count on in an emergency, and DPW workers
that are rebuilding our infrastructure and keeping the City functioning
smoothly every day. We work every day to create new job opportunities
in the private sector, but we need to keep our public sector employees
on the job too. That’s why this budget proposes not only no new taxes,
but no layoffs of City employees. Our crime-fighting programs,
firefighting and fire prevention, road and sidewalk repair, youth
recreation, library, senior programs, economic development and other
vital programs need to be strong, because we are going to continue to
move this City forward, not backwards. We are headed in the right
direction, and we are not going to quit.

While we were blessed to add $22.7 million of new business
properties to the tax rolls in 2010, we have seen slight drops in the
business tax rolls for 2011 and 2012. The homestead valuation was up, a
pleasant surprise to be sure. Although we saw a slight drop in non-
homestead valuation this year, there are several variables that affect
these numbers. These include the effect of PILOTs, reductions in
assessed value granted by the Board of Assessment Revue, and reductions
imposed by the State for Special Franchise parcels. There is good news
for the future, however.
We will soon see a huge impact from the many new businesses coming into the City, especially along Military Road. The new Olive Garden and Buffalo Wild Wings were not complete as of taxable status date, March 1, 2011, and so are taxed at only partial value this year. They will come fully on to the rolls for next year. Along with these two, the new Hobby Lobby and Walgreens will be completed soon, and will also add to our non-homestead figure in future years. While not coming quite in time to impact this year’s budget, these developments will help increase revenues and reduce the burden on other taxpayers—especially other businesses—in future years. Other good news is that several IDA properties are soon coming off their PILOTs, and will be put back on the non-homestead totals over the next few years. Combined with other commercial and industrial projects currently under construction (like Greenpac, the PILOT for which is new revenue) or projects on the drawing boards, there is indeed a light at the end of the tunnel for future revenues. The message here: hang on, help is on the way.

In 2011, we took a step to help give every business property owner in the City, not just those able to qualify for grants or subsidized loans under our economic development programs, some compensation for the extra burden they have carried since properties were taken off the tax rolls for the Seneca casino. So we used $455,000 of casino revenues to create the Business Tax Relief for Economic Development Fund last year, and will fund it again this year with $449,000. (This number is derived from the non-homestead base proportion, and is used to “buy down” the non-homestead levy.) In spite of our multi-year efforts to equalize homestead and non-homestead tax rates, businesses still pay much more per thousand dollars of assessed value. This year, we will do a 20% equalization, seeking to regain lost ground from previous years when we did not meet our long-term goal. Between equalization efforts and the fund, we will make sure that the burden of balancing the budget doesn’t fall disproportionately on the backs of our hard-working small business owners.

Cities across New York State are struggling to adapt to changing fiscal realities. We are by no means immune to the same ills they face. But we have prided ourselves on sound financial management, and therefore have funds available now because of past good decisions that can help us weather the storm. Through our commitment to multi-year financial planning, we have in effect provided our own safety net. We are well aware that, like municipalities all across our state, we will be in the business of reinventing government for several years yet to come. But just as we have had a multi-year financial plan to deal with the crisis we face today, in the future we will continue to rise to the challenge of effective, responsible government.

For all but the first three months of my administration, I have had to deal with the consequences of the worst recession since the Great Depression. Despite this, we have consistently improved on City services, kept taxes down, and improved our reputation for stability and sound fiscal planning. All plans must react to unanticipated catastrophes, from natural disasters to outside economic and budgetary pressures beyond our control. Whatever the future may hold, those who plan for it wisely will fare better than those who don’t. This year, with no increase in the tax levy, we have balanced the budget without layoffs or service cuts. We are proposing essentially no increase in either the homestead or non-homestead tax rate. This very significant accomplishment has been achieved without touching the undesignated fund balance, that we keep as the City’s “rainy day” fund.

We still face many challenges ahead. As I noted earlier, next year will be a year when cities across the state are going to have to rethink the way we do business. That’s not a bad thing; we know some things have to change if our state is to regain its prominence and prosperity. But nothing lasts forever, not the good times in life, but luckily not the bad times, either. Good decisions we have made in the past few years are enabling us to keep our heads above water while we work toward long-term solutions for problems that are largely not of our own making. Make no mistake about this: we will get by; we will survive.

When I was a kid my late mom used to read us a story about the ant and the grasshopper. When summer was in full bloom and living was easy,
the grasshopper ate his fill and spent most of his time lazing about. He made fun of the ant. Instead of taking it easy, the ant kept busy carrying kernels of grain and other foodstuffs down into his underground nest. Of course you know how the story turned out: when the winter came, the ant lived off the stores he had accumulated, and he survived.

The grasshopper starved. I'm happy to report to the citizens, taxpayers and employees of the City of Niagara Falls that, in spite of some very wintry economic conditions out there, we ants still have grain down in the nest, enough, we hope and believe, to make it til spring.

Thanks to our City Administrator, our City Controller, all the Department heads and their staff who have helped make this possible. I look forward to working with the City Council, who have had input in the process from the very beginning, to finalize the 2012 budget. My administration presents you with a lean but balanced budget, with no layoffs, no reductions in services, and no tax increases. Hopefully that makes our lift going forward a very light one. God bless you, and keep planning for a better tomorrow.

In the Administrative Update:
1. City Engineer Jeffrey Skurka reported that the temporary traffic light for the Como will be available October 15, and a proposal for the light by the school on Buffalo Avenue should be on the next Council Agenda for approval.
2. Mr. Skurka also reported that he has been working with National Grid’s Customer Service Representative on the Pine Avenue street lights, and a construction order for the lights is not ready yet. It will be approximately 16 weeks after the order is written before the installation process can begin. Mayor Dyster noted that this will require no capital outlay from the City. Chairman Fruscione asked that the Administration meet with the business owners regarding the situation.
3. Director of Code Enforcement Dennis Virtuoso said that approximately 45 demolitions should be completed by the end of the year, at a cost of $1M.
4. The ZOOM update by the Department of Public Works was postponed.
5. Director of Business Development Fran Iusi said that the environmental evaluation has been done for the downtown storefronts, and further studies are needed regarding the findings, as well as an investigation of electrical issues.

Mayor Dyster spoke on an Item to be added to the Agenda regarding a KABOOM Grant for Griffon Park, and thanked the Council for their support of various recreation projects. Chairman Fruscione asked about the issues at the Park at Caravelle Drive, and the Mayor responded that a plan needed to be put together to address this Park. The Mayor also spoke on “Niagara Day” as part of the National Trust For Historic Preservation Conference, and thanked former City Administrator Bill Bradberry and Louise Yots for their work.

Chairman Fruscione asked Director of Public Works David Kinney to look into sidewalk issues at the corner of Highland and Garden Avenues; asked the Mayor to clarify the date and time for Halloween to be celebrated in the City; and asked if the salary for an exempt position had been corrected.

Corporation Counsel Craig Johnson distributed copies of four Items to be added to the Agenda:
1. A communication relative to a change order in the repaving of 72nd Street.

Council Member Fournier 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 #11.

10/03/2011
2. A communication relative to acceptance of the Let’s Play Grant and allocation of Greenway funding for the local share.
   Council Member Fournier 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 #12.

3. A Resolution relative to Ms. Pearl Lewis.
   Council member Fournier 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 #13.

4. A Resolution relative to calling for a Public Hearing on the abandonment of a portion of Quay Street.
   Council Member Fournier 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 #14.

Chairman Fruscione noted that Agenda Item #1 was for a third extension of the contract with Modern Disposal Services. A discussion followed with Purchasing Agent Dean Spring on other options for the City to investigate, including Council Member Anderson’s suggestion that the City provide garbage totes for residents.

This Session ended at 5:02 PM

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

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

- Ron Anderluh: Agenda Item #9, suggested Public Comment period after each Budget Session
- Candice Corsaro: Agenda Item #12, noted that Griffon Park is not within walking distance for children
- Paul Gromosiak: Nik Wallenda walk, tribute to Iney Wallens
- Doug Brown: No City funding for Falls St. concerts
- Ron Anderluh: increase parking revenues for 2012; need more new businesses (Economic Development); reduce non-homestead proportion; downtown concerts should be relocated to Hyde Park; dedicated Police Officer to patrol Parks; Niagara St. Business Association Dinner
- Angela Bray: Commended Corporation Counsel; lack of enforcement for Handicap Accessibility
- Mary Elizabeth Snook: Waterfront Park coming along beautifully
- Tony Scricco: Buffalo Ave. Hereitage District cleanliness
- Arthur Garabedian: Buffalo Ave. Hereitage District cleanliness
- Gerald Skrlin: Buffalo Ave. Hereitage District cleanliness

10/03/2011
THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: BULK WASTE COLLECTION/DISPOSAL/RECYCLING SERVICES, EXTENSION OF BID, MODERN DISPOSAL SERVICES.

Agenda Item #1

At its meeting of November 24, 2003 the City Council awarded Modern Disposal Services, Inc. the above referenced bid (see attached agenda item) (on file in City Clerk's Office). The initial term of the agreement was for five (5) years.

One of the provisions of the bid allows the agreement to be renewed annually under the same terms, conditions and specifications for up to five (5) additional years. The contract has been extended three of those five years and will expire at the end of this year if not renewed.

Modern Disposal Services, Inc. has submitted a request to renew the contract for the final two option years in lieu of another one year extension (copy attached). The request offers certain enhancements to the contract which are to the City's benefit. We believe it is in the City's best interest to agree to this two year renewal.

Therefore, we recommend extension of this agreement thru December 31, 2013.

Funds for this expenditure are included in the Proposed 2012 budget code A8160.0000.0449.003.

Council Member Fournier moved that the communication be Tabled.

Yeas 5

Nays 0

TABLED

CONTRACT: CULINARY INSTITUTE PROJECT: USE OF SPACE IN RAINBOW MALL, CIMINELLI DEVELOPMENT

Agenda Item #2

Ciminelli Development, the construction manager for the NCCC Culinary Institute project in the Rainbow Mall, is asking permission to locate a trailer in the City-owned portion of the Rainbow Mall to serve as its headquarters during construction. Ciminelli will provide appropriate insurance, indemnification language and hold harmless provisions, all satisfactory to the Corporation Counsel. Attached is a first floor plan showing proposed locations which will be determined by the City (on file in the City Clerk's Office).

Will the Council so approve?

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

Yeas 5

Nays 0

APPROVED

CONTRACT: PARKING TICKET FINES, USE OF CREDIT CARDS, MUNITRAX

Agenda Item #3

It is recommended that the City enter into an agreement with MuniTrax so as to allow recipients of City parking tickets to pay the fines online. This will also require a separate agreement with Global Payments Direct, Inc., the New York State Office of General Services' contract awardee for electronic value transfer or some other payment process. This will allow parking ticket recipients to use various credit cards to pay these fines. This will be at no cost to the City. Any agreements with MuniTrax and any payment processor will be subject to the approval of the Corporation Counsel.

Will the Council authorize the City to enter into agreements contemplated herein and authorize the Mayor to execute the same?

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

Yeas 5

Nays 0

APPROVED

211

10/03/2011
CONTRACT: SIDEWALK REPLACEMENT/TREE REMOVAL PROJECT, YARUSSI CONSTRUCTION INC.

Agenda Item #4
The following was the result of bids received on September 1, 2011, for the above referenced project:

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>BASE BID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yarussi Construction Inc.</td>
<td>$105,425.00</td>
</tr>
<tr>
<td>5650 Simmons Ave.</td>
<td></td>
</tr>
<tr>
<td>Niagara Falls, NY 14304</td>
<td></td>
</tr>
<tr>
<td>Masters Construction, Inc.</td>
<td>$111,550.00</td>
</tr>
<tr>
<td>Campobello Construction Co.</td>
<td>$140,900.00</td>
</tr>
<tr>
<td>CVF Inc.</td>
<td>$174,732.50</td>
</tr>
<tr>
<td>Scott Lawn Yard, Inc.</td>
<td>$177,887.50</td>
</tr>
</tbody>
</table>

Subsequent to the bid opening and with the concurrence of the low bidder, the City has opted to perform the tree removal portion of the project in-house with existing parks and Public Works employees. This will allow a gross saving to the project cost of $25,000.00, resulting in an award amount of $80,425.00. Funding is available in Code H1114.2001.1114.0449.599 ($71,207.00) and additional Casino funds needed of $34,218.00.

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

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

Yeas: 5
Nays: 0
APPROVED

CONTRACT: RAINBOW CENTRE PARKING RAMP 2 RENOVATION/REHABILITATION (ELECTRICAL CONTRACTOR), CIR ELECTRIC

Agenda Item #5

At your September 19, 2011 meeting, you awarded:

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>BASE BID</th>
<th>ALTERNATE #1</th>
<th>TOTAL BID</th>
</tr>
</thead>
<tbody>
<tr>
<td>CIR Electric</td>
<td>$275,000.00</td>
<td>$19,800.00</td>
<td>$294,800.00</td>
</tr>
<tr>
<td>400 Ingham Ave.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buffalo NY 14218</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Due to an oversight, Alternate #1 was awarded. It was not intended to award any alternates.

It is recommended that the award be amended to reflect this:

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>BASE BID</th>
</tr>
</thead>
<tbody>
<tr>
<td>CIR Electric</td>
<td>$275,000.00</td>
</tr>
<tr>
<td>400 Ingham Ave.</td>
<td></td>
</tr>
<tr>
<td>Buffalo NY 14218</td>
<td></td>
</tr>
</tbody>
</table>

Therefore, it is the recommendation of the undersigned that this project be awarded to the low bidder CIR Electric at their Base Bid of $275,000.00. Funding is available in Code H1014.2010.1014.0449.599 which is being funded by USA Niagara.

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

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

Yeas: 5
Nays: 0
APPROVED

10/03/2011
CONTRACT: RAINBOW CENTRE PARKING RAMP 2 RENOVATION/REHABILITATION
(GENERAL CONTRACTOR), HUBER CONSTRUCTION, INC.

Agenda Item #6

At your September 19, 2011 meeting, you awarded:

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>BASE BID</th>
<th>TOTAL ALTERNATES</th>
<th>TOTAL BID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Huber Construction Inc.</td>
<td>$6,132,000.00</td>
<td>$1,441,000.00</td>
<td>$7,573,000.00</td>
</tr>
<tr>
<td>136 Taylor Dr. Depew NY 14043</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Due to an oversight, all alternates be awarded. It was intended to only award the following three alternates:

- GC-1: Reflective Ceiling Coating for the Ground Level and Level 1 of the Helix - $105,000.00
- GC-2: Paint Exterior Railings - $37,000.00
- GC-3: Stair Hall Interior Coating - $35,000.00

**Total Alternates $177,000.00**

It is the recommended that the award be amended to reflect this:

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>BASE BID</th>
<th>TOTAL ALTERNATES</th>
<th>TOTAL BID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Huber Construction Inc.</td>
<td>$6,132,000.00</td>
<td>$177,000.00</td>
<td>$6,309,000.00</td>
</tr>
<tr>
<td>136 Taylor Dr. Depew NY 14043</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Therefore, it is the recommendation of the undersigned that this project be awarded to the low bidder Huber Construction, Inc., at their Total Bid of $6,309,000.00. Funding is available in Code H1014.2010.1014.0449.599 which is being funded by USA Niagara.

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

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

Yeas 5
Nays 0

APPROVED

CLAIM: LEFFLER, MARINA D.

Agenda Item #7

Council Members:

- **Date Claim Filed:** November 2, 2010
- **Date Action Commenced:** N/A
- **Date of Occurrence:** September 4, 2010
- **Location:** 431 21st Street
- **Nature of Claim:** Damage sustained to residence from fallen tree.
- **Status of Action:** Claim stage.
- **Recommendation/Reason:** Best interests of City to pay claim.
- **Amount to be Paid:** $1,841.93
- **Make Check Payable to:** State Farm Fire and Casualty Company.
- **Conditions:** General Release to City, approved by Corporation Counsel.

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

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

Yeas 5
Nays 0

APPROVED
CLAIM: OTT, DAWN

Agenda Item #8
Council Members:

Date Claim Filed: March 15, 2011
Date Action Commenced: N/A
Date of Occurrence: February 7, 2011
Location: 1868 Michigan Avenue
Nature of Claim: Automobile damage sustained in an accident with City vehicle.
Status of Action: Claim stage.
Recommendation/Reason: Best interests of City to pay claim.
Amount to be Paid: $1,785.00
Make Check Payable to: Dawn Ott
Conditions: General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve? Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

RESOLUTION: BUDGET MEETING SCHEDULE, 2011-73
BY: COUNCIL CHAIRMAN SAMUEL FRUSCIONE

Agenda Item #9
RELATIVE TO THE BUDGET MEETING SCHEDULE
BY: Council Chairman Samuel Fruscione

BE IT RESOLVED, By the City Council of the City of Niagara Falls, New York, that it hereby schedules Budget Meetings to commence at 4:00pm in the Council Chambers on:

October 12, 13, 19, 20; and November 16, 17 and 22.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: ASSESSMENT REVIEW BOARD, REAPPOINTMENT, 2011-74
BY: COUNCIL CHAIRMAN SAMUEL FRUSCIONE

Agenda Item #10
RELATIVE TO RE-APPOINTMENT TO THE BOARD OF ASSESSMENT REVIEW
BY: Council Chairman Samuel Fruscione

BE IT RESOLVED, that the following individual is re-appointed to the Board of Assessment Review effective immediately for the expiration date of which appears opposite his name:

<table>
<thead>
<tr>
<th>RE-APPOINTMENT</th>
<th>TERM EXPIRES:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. J. Gary DiLaura</td>
<td>9/30/16</td>
</tr>
<tr>
<td>7605 West Rivershore Drive</td>
<td></td>
</tr>
<tr>
<td>Niagara Falls, New York 14304</td>
<td></td>
</tr>
</tbody>
</table>

Yeas 5
Nays 0
ADOPTED
Agenda Item #11

A contract for the above referenced project was awarded to Accadia Site Contracting, Inc. on May 17, 2010 in the amount of $2,564,587.50. Change Order #1 was approved by City Council on May 2, 2011 in the amount of $395,055.64.

After the completion of the watermain installation and paving phases of the project, it was determined that two residential sewer laterals were inadvertently severed from a formerly-active, private sewer trunk that had been abandoned in place. An estimate for all labor, equipment, materials and incidentals (inc. restoration) associated with the connection of the affected properties has been solicited from the contractor. The total addition to the contract is a not-to-exceed amount of $30,800.00, bringing the contract total to a maximum of $2,990,443.14.

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

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

Yeas: 5  
Nays: 0  

AGREED

GRIFFON PARK: LET’S PLAY GRANT/GREENWAY FUNDING

Agenda Item #12

At your July 25, 2011 meeting you approved an application to the New York State Environmental Protection Fund for a Grant to improve Griffon Park with a local share of $400,000.00 which was to come from Power Authority Greenway Funds. The scope of work came in at a reduced cost allowing the local share to be $200,000.00.

The City has been awarded a $20,000.00 Let’s Play Grant from Dr Pepper Snapple Group and KaBOOM! for playground construction at Griffon Park.

A $10,000.00 local share is required and it is requested that the Council authorize that this be funded from Power Authority Greenway funding which would make the total of $210,000.00 from Greenway funds.

Will the Council authorize the acceptance of the Let’s Play Grant and allocation of Greenway Funding and authorize the Mayor to execute any documents necessary to effectuate this in a form acceptable to the Corporation Counsel?

Council Member Fournier moved that the communication be Tabled.

Yeas: 5  
Nays: 0  

TABLED

RESOLUTION: LEWIS, PEARL, HONORING, 2011-75

Agenda Item #13

RELATIVE TO RECOGNIZING MS. PEARL LEWIS

BY:  Council Chairman Samuel Fruscione  
Council Member Robert A. Anderson, Jr.  
Council Member Steve Fournier  
Council Member Kristen Grandinetti  
Council Member Charles Walker

WHEREAS, it has been said that knowledge of ability is the introduction of responsibility, and the greatest tragedy in life is not death, but life...life that fails to fulfill its purpose and potential; and

WHEREAS, previously, the Mt. Erie Baptist Church has honored Ms. Pearl Lewis as the “Mother of the Mt. Erie Baptist Church”; and

WHEREAS, as it has been noted, there are not many people around like Ms. Lewis who is celebrating her 100th Birthday this month; and

WHEREAS, Ms. Lewis is a gifted woman with years of knowledge and continues to daily fulfill her purpose by sharing the wisdom God has given her.

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10/03/2011
NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that we consider it an honor and a privilege to join Ms. Lewis’s Church, Family and Friends in congratulating Ms. Pearl Lewis on her 100th Birthday. May she have much joy and peace on this day; and may she have many, many more.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: QUAY STREET, ABANDONMENT, PUBLIC HEARING, 2011-76
BY: CHAIRMAN SAMUEL FRUSCIONE

Agenda Item #14
RELATIVE TO CALLING FOR A PUBLIC HEARING FOR THE ABANDONMENT OF PORTION OF QUAY STREET FROM RAINBOW BOULEVARD TO THE ALLEY
BY: Council Chairman Samuel Fruscione

WHEREAS, the adjoining property owner has requested the abandonment of a portion of Quay Street from Rainbow Boulevard to the alley; and
WHEREAS, the Planning Board of the City of Niagara Falls approved the abandonment; and
WHEREAS, this Council declares its intention to abandon said street part.

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 October 17, 2011 at 7:00 p.m. daylight savings 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 October 17, 2011.

Yeas 5
Nays 0
ADOPTED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 8:05 p.m.

Carol A. Antonucci
City Clerk

10/03/2011
The October 12, 2011 Budget Work Session of the Niagara Falls City Council was called to order at 4:04 p.m. in the Council Chambers.


Also present: City Administrator Donna D. Owens, Corporation Counsel Craig H. Johnson, and City Controller Maria Brown.

Police Superintendent John Chella and Administrative Captain John DeMarco spoke. Challenges in Burglary, such as copper thefts, are continuing. The Task Force is doing a tremendous job. There are 155 officers with 4 openings in the Department, and it is difficult to anticipate openings. The Academy, through Niagara University, will be starting September 2012. Chairman Fruscione asked that questions be line by line. Chief Chella stated they’ve used 64% in the Overtime line, which is well within the limit. Captain DeMarco stated that there was no increase in upgrades in positions but there were modest increases in training. Chairman Fruscione asked about the line for Consultants, and Corporation Counsel Craig Johnson explained that this was related to the settlement with the Attorney General’s Office. Council Member Fournier questioned prisoner meals, which are provided by Burger King at less than $2.00 per meal as per their bid. Council Chairman Fruscione questioned the Budget for the Substation, and Mrs. Brown answered his questions. Chairman Fruscione questioned the increase in Overtime for Traffic, and Chief Chella said the overtime is being used for concerts and community events. Mrs. Brown stated that Police overtime used for the concerts should be charged to the “S” Code. She will discuss this with Captain DeMarco to make sure there are separate time sheets for this, and she will share the information with Chairman Fruscione.

Chairsman Fruscione stated we are running out of Casino Funds for next year and he wants to discuss the remaining balance in an Executive Session. Roberta Sitzman, Acting Director of Personnel, gave her presentation. She would like to have the amount originally requested for books and magazines to be reinstated because there are always changes in Civil Service Laws, and the Department needs to be kept updated; and, the Local Meeting Costs line should be funded at least at $100.00. Council Member Walker asked about the decrease in the line for Training, and Mrs. Sitzman stated this is needed, and she would like to have it reinstated. She also said that there is a City/State policy for drug testing, and this cost shouldn’t be decreased. Chairman Fruscione questioned this since the City is not hiring at this time.

John Cahill, MIS Director, gave his presentation. He stated that the budget is the same as last year except for the increase in payroll. Chairman Fruscione asked about the increase for repairs of equipment and Mr. Cahill stated that this is due to the equipment getting older.

Tom DeSantis, Senior Planner, said there was very little in changes except the increase in salaries. Per Controller Maria Brown, the cuts in advertising, postage, books were as much as they could cut. The salary for Tourism Manager is paid for from Casino Funds; 2012 is the last year for the North Star Coordinator and is considered a Grant Funded position. Chairman Fruscione asked about the cut in compensation for Planning Board Members and Mr. DeSantis stated some of them declined payment but are still on the Board.
There being no further business to come before the Council, Chairman Fruscione adjourned the meeting at 5:00 PM.

Carol A. Antonucci
City Clerk
The October 13, 2011 Budget Work Session of the Niagara Falls City Council was called to order at 4:08 p.m. in the Council Chambers.


Also present: City Administrator Donna D. Owens, Corporation Counsel Craig H. Johnson, and City Controller Maria Brown.

Dean Spring, Purchasing Agent, explained what his Department does. Mr. Spring stated there were no changes, and that the Budget is a little lower than last year. There is one position that was removed but the Department is doing OK. Council Secretary Geri Mondi asked Mr. Spring about getting the carpeting done in the Counsel Chambers in August of 2012, and Mr. Spring said he will get estimates closer to that date.

James Bird, City Assessor, stated there was one new hire this year and there were minor reductions made. There was a cut of $1500.00 in Appraisals. Chairman Fruscione asked about the stipend for the Assessor, Mr. Bird stated that it’s covered by the Town of Wilson. Chairman Fruscione asked about the licenses and permits for $900.00, and Mr. Bird stated this is needed for membership in different organizations.

Council Member Anderson asked about using some Casino funds for tax relief. Mr. Bird will check on this for him.

Craig H. Johnson, Corporation Counsel, noted that the Legal Secretary position was eliminated in the 2011 Budget. Little overtime has been used and that was cut to $100.00. Mr. Johnson spoke of the residency investigation, and said that two people were let go, but their cases are presently in Supreme Court. He stated that there are 8 pending cases against the City. He also stated that there are 26-30 matters to be submitted to arbitration for the Police Department. Council Member Walker asked if the Attorney General cases have ended, and Mr. Johnson said yes.

Council Member Anderson commented that, speaking for the entire Council, they are very pleased on the work Mr. Johnson and his Department have been doing.

Thomas O’Donnell, Risk Manager, stated that not too much has changed in that Department. Chairman Fruscione asked if the City is stuck with the Consultant costs for the Water Board, and Mr. O’Donnell responded that the Consultant works three days for the City, and two days for the Water Board. Council Member Grandinetti asked what the Consultant does, and Mr. O’Donnell responded that he goes to Safety Meetings, and PERMA’s main reason for taking the City as a client was our Safety Record.
Maria Brown, Controller, stated her office is a revenue generated office. They get monies from the Board of Education, Water Board and Bed Tax, and collect approximately $198,000.00 in reimbursements from these three. Her office is reimbursed for Overtime by Community Development for accounting work, and her Department also monitors Grants. Audits are clean, and Mrs. Brown is the only person who administers Casino funds. Staff is worked to the fullest. A temp has been hired as a floater within the Department, and there are vacancies that she would like to have filled with the permission of the Council. As far as the Budget for her Department, she couldn’t cut a lot, everything is basically the same and he asked that nothing be cut in her office. Council Member Fournier asked about the computer services. Mrs. Brown explained that New World Software handles all the computer work in her office. She doesn’t have MIS take care of her Department except for e-mail problems. She also added that the lines for phone extension charges are up for all Departments, due to maintenance agreements.

There being no further business to come before the Council, Chairman Fruscione adjourned the meeting at 4:40 p.m.

Carol A. Antonucci
City Clerk
The first session of the October 17, 2011 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:03 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

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

Council Member Fournier moved to approve the Minutes from the City Council Meeting of October 3, 2011.

Yeas
Nays

APPROVED

In the Administrative Update:

1. Police Superintendent John Chella commended three Police Officers from his Department, spoke on the well deserved honor they were receiving for their assistance to a person in medical distress and applauded the recognition the Mayor and Council bestowed on them. Mayor Paul Dyster spoke about how pleased he is to honor our Police Officers and to give them congratulations from the City of Niagara Falls before reading the proclamation that was given to the Police Officers. Superintendent Chella spoke on the outstanding work the men & women of the City’s Police Department do.

2. Senior Planner Thomas DeSantis spoke on the LaSalle Waterfront Park, and said there is a big change starting to take shape, but some issues are throwing off the time table a bit. Chairman Fruscione asked about the dock, and Mr. DeSantis stated that the dock will be taken out & stored. Chairman Fruscione asked on the status of the concrete block building, and City Engineer Jeffrey Skurka said the old building permits are still being worked on by his Department and there should be a decision tomorrow, October 18. Chairman Fruscione asked about the purpose of the building, and Mr. DeSantis said it was to store the floating dock. He added that, right now, it’s too expensive to add concessions, but there was enough area around the building for summer concessions. The Park will not be open 24/7.

3. Director of Public Works David Kinney said it was a bad Spring, and they are hoping to raise revenue from Winter Golf to make up for the Spring revenue losses. Winter Golf rates have not been determined yet but he hopes they will be set by the Council. The course will be open from 9:00 AM until 4:00 PM. It will cost $2100 to keep a temp worker there for one month and this includes fringe benefits. The last time the course was opened in the Winter, the revenue was $3000 for one week, but the course was only open for one week due to the weather. The cost for advertising will be set up by Mr. Kinney and he will talk to the Gazette about the price. Mr. Kinney said that he appreciates the Controller’s Office working with his Department on the costs of running Winter Golf. City Controller Maria Brown stated that the Golf Course is behind in revenue due to the rainy Spring, the course is supplemented by Property taxes, and it will take approximately three years for the course to make money.
Mayor Dyster informed the Council Members that he attended a Conference at LeMoyne College in Syracuse regarding the Department of Defense again looking at closing some air bases. Senator Kirsten Gillibrand is putting forth an effort to keep our base open. He said that Senator Charles Schumer & Live Nation had exploratory meetings concerning entertainment in downtown Niagara Falls. Senator Schumer is sending the Operations President, Vice President of Booking and General Manager of Live Nation to meet with the Mayor. The National Trust Historic Preservation Conference is offering tours of the Niagara Falls area, and the Mayor thanked Tom & Louise Yots & Bill Bradberry for this.

The Concerts associated with the Holiday Market are being held during the Holiday Market dates, and ticket sales for these concerts will be coming up. The promoter is working with the local Hotels on packages for these events. Also, there will be approximately 40 High School choruses from the US & Canada that are coming here for a competition modeled after American Idol. A forum sponsored by NCCC will be held Tuesday, October 25 in Niagara Falls, and details are coming shortly. There will be meetings with the representatives from National Grid relative to the lights on Pine Avenue, and the design period for the lights is approximately 4-6 weeks. The light fixtures have been ordered, and should be received in about 14 weeks, but the City is hoping it will be sooner.

Superintendent Chella said there will be training exercises this Wednesday, October 19, which will have a live shooter with hostages. It will take place at the Old Police Station at Hyde Park & is funded by the Federal Government.

Council Member Anderson said that about two weeks ago there was an update from M & M Electric, relative to the light at the school on Buffalo Avenue, and he wanted to know if there has been any news yet. City Engineer Skurka stated that as soon as we get the parts we will install the lights.

Corporation Counsel Craig Johnson distributed copies of a Resolution relative to honoring Mrs. Ruth Ware to be added to the Agenda.

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

Yeas

Nays

MOTION TO ADD RESOLUTION TO THE AGENDA APPROVED

The Resolution was added to the Agenda as #22.

This Session ended at 4:45 PM.

Chairman Fruscione reconvened the Meeting at 7:05 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Fournier and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman announced a Special Order of Business, a Public Hearing relative to the Abandonment of a Portion of Quay Street from Rainbow Boulevard to the Alley, and asked if there were any speakers relative thereto. There were no speakers.

Corporation Counsel Craig Johnson distributed copies of a Resolution to be added to the Agenda relative to honoring the Rotary Club of Niagara Falls.

Council Member Grandinetti moved to add the Resolution to the Agenda:

Yeas

Nays

MOTION TO ADD RESOLUTION TO THE AGENDA APPROVED

The Resolution was added to the Agenda as #23.
The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Gretchen Leffler  Agenda Item #21; thanked Council for this Resolution; acknowledged Council Member Walker for leading the charge

Deb Pettibone  Agenda Item #21; offered the designs for signs that can be put up in the Parks

Ron Anderluh  Agenda Item #4

Vince Sandonato  Agenda Item #21; this is not the right thing to do, cannot ban smoking in Public Parks

Carmen R. Hamilton  submitted Agenda Item #23; wants to declare 10/28/11 Niagara Falls Rotary International Day

Ken Hamilton  Agenda Items #8, #20, #21; spoke on the abandonment of a Portion of Quay Street

Candice Corsaro  Having a concert for Juvenile Diabetes on Saturday 5-12-2012, asking for support of $80,000 from Casino Funds. After expenses, the balance will be split between Juvenile Diabetes and the Hyde Park Association. Mr. Erias spoke about giving scholarships for kids in the area; would like this proposal to be considered

Ron Anderluh  Applauded 2 NF workers, that were provided by Dave Kinney, Trades, for their work at Gill Creek Park; bricks can be purchased by NF citizens & their Family name can be put on them, the park will be called Heritage Park; the profits from the sale of the bricks is being put back into Gill Creek Park

Louise Morden  Has souvenir shops on Falls St. & on 7-4-11, there was an extreme loss of revenue due to the road being closed for a concert; went to the Mayor, no response; presented problems at the Mayor’s Monthly Meeting, felt ignored; she would like the Concerts to be at Hyde Park; we need to help local businesses by using them for City Projects.

Ken Hamilton  Memorial Day event on 11/11/11; the foundation has been poured for the Veterans Memorial; agrees that work for the City should be by City companies

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK:

Agenda Item #1
City Clerk’s Report for the Month of September 2011
THIS ITEM WAS RECEIVED AND FILED

Agenda Item #2
Claim Report for the Month of September 2011
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

PURCHASE: STREET SWEEPER PARTS, VARIOUS COMPANIES

Agenda Item #3
We respectfully request you award the above reference bid as follows:
TO: Lacal Equipment, Inc.
    901 West Pike Street
    Jackson Center, OH   45334
FOR: Items 5, 6, 7 and 11 as per the attached tally sheet (on file in the Clerk’s Office).
TO: Cyncon Equipment, Inc.
    7494 West Henrietta Road
    Rush, NY   14543
FOR: Item 1 as per the attached tally sheet (on file in the Clerk’s Office).

10/17/2011
TO: Joe Johnson Equipment
62 LaGrange Avenue
Rochester, NY   14613

FOR: Item 2, 3, 4, 8, 9, 10 and 12 as per the attached tally sheet (on file in the Clerk’s Office).

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to six (6) vendors. Four (4) bids were received. The above referenced companies submitted the lowest bids for each respective item.

Funds for this expenditure are available in the Department of Parks & Public Works, Street Cleaning code: A8170.0000.0419.005

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

Yea 5
Nay 0

APPROVED

DEPARTMENT OF COMMUNITY DEVELOPMENT: 2012 ANNUAL PLAN & BUDGET
Agenda Item #4

Attached is a copy of the proposed 2012 Community Development Department budget (on file in the Clerk’s Office) together with a detailed breakdown of program administrative costs. The proposed budget is part of the City’s 2012 Annual Plan and Strategy, a HUD mandated planning document that assesses community needs and identifies how the City will address those needs.

The 2012 Annual Plan is the end result of a lengthy and detailed citizen participation process that included neighborhood based meetings designed to encourage comments, suggestions and ideas from various community groups, residents, businesspersons and other interested parties. The planning process began in June and concluded with the expiration of the public comment period on September 30, 2011.

A public hearing was held in the City Council Chambers on August 31, 2011 to review the specifics of the plan and the proposed 2012 budget. A copy of the public hearing minutes is included with this agenda item.

The Department of Community Development will directly administer the federal grant programs listed below. The funding levels indicated are projected revenues for 2012 that may change once Congressional funding appropriations are announced.

Community Development Block Grant (CDBG) $2,000,000
CDBG Program Income 295,000
HOME Investment Partnership Program 550,000
HOME Program Income 62,000
Emergency Shelter Grant 110,000
Section 8 Leased Housing Program 3,100,000

PROJECTED FEDERAL REVENUE $6,117,000

The HUD grant allocations to the City were substantially reduced in 2011 as part of the federal budget process. We have prepared our 2012 budget anticipating that additional reductions will be made. Considering those reductions together with sizeable increases in employee salaries and benefits, the Community Development Program will be unable to pay current administrative costs without relief from the City in the form of Casino Revenues. We project that the Department will require the following level of Casino funding to balance the shortfall in 2011 and to sustain operations in 2012:

Anticipated 2011 shortfall for CD Administration, Program Delivery and Section 8 Administration $160,828
2012 CD Administration $153,947
2012 CD Rehab Program Delivery $110,662
2012 Section 8 Administration $118,465

Total $543,902

10/17/2011
The Consolidated Plan, including the proposed budgets, must be adopted by City Council and submitted to the U.S. Department of Housing and Urban Development by November 15, 2011. HUD must review and approve the Consolidated Plan in order to establish our letter of credit with the US Treasury. Therefore, Council’s approval at this time will represent the officially adopted Community Development, HOME and Emergency Shelter budgets for FY’ 2012. The Section 8 Leased Housing Budget is renewed automatically by HUD but must be adopted at this time by City Council.

Will Council vote to so approve the 2012 Annual Plan & Budget and authorize the Mayor to implement all activities specifically identified in the plan? Any activity not specifically identified in the plan will be returned to Council for approval.

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

Yeas 5
Nays 0
APPROVED

HOMELESS PREVENTION AND RAPID RE-HOUSING PROGRAM, GRANT EXTENSIONS

Agenda Item #5
The YWCA of Niagara and Niagara County Legal Aid have provided caseworker and paralegal services to the City to aid in processing HPRP applications. The agreements to pay for those services expired on September 30, 2011. It was anticipated that the City would have expended all HPRP funding by that time.

The City still has a small amount of HPRP grant funds available to pay financial assistance to qualified applicants. It is our recommendation that the grant agreements with YWCA of Niagara and Neighborhood Legal Services (the parent organization of Niagara County Legal Aid) be extended on a month-to-month basis until the City expends all HPRP grant funds. The grants will continue to be used to pay a portion of the caseworker and paralegal salaries.

There shall be no additional administrative funds in this extension. The maximum monthly payment to each organization shall be $3,500.00.

This extension will allow the City to expend the remaining HPRP funds in budget code CD9 8694.0000.0450.500.

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

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

Yeas 5
Nays 0
APPROVED

CONTRACT: UTILITY ABANDONMENT, ASBESTOS ABATEMENT & DEMOLITION OF VARIOUS PROPERTIES, REGIONAL ENVIRONMENTAL DEMOLITION, INC.

Agenda Item #6
The following bids were received by the Department of Community Development on October 11, 2011 for the demolition of twenty-four (24) structures identified on the attached list (on file in the Clerk’s Office).

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional Environmental Demolition, Inc.</td>
<td>$483,456</td>
</tr>
<tr>
<td>Empire Dismantlement</td>
<td>$510,500</td>
</tr>
<tr>
<td>Scott Lawn Yard</td>
<td>$561,099</td>
</tr>
<tr>
<td>Apollo Dismantling Services, LLC</td>
<td>$592,500</td>
</tr>
<tr>
<td>Metro Contracting &amp; Environmental, Inc.</td>
<td>$612,200</td>
</tr>
<tr>
<td>Mark Cerrone, Inc.</td>
<td>$672,449</td>
</tr>
<tr>
<td>Buffalo Environmental Consulting/AFI</td>
<td>$936,000</td>
</tr>
</tbody>
</table>

10/17/2011
It is our recommendation that a contract be awarded to the low bidder, Regional Environmental Demolition, Inc., 3695 Pine Avenue, Niagara Falls, NY 14301, at their base bid amount of $483,456. Community Development Block Grant funding is available in budget code CD1.8666.0000.0450.500.

Will the Council vote to award Demolition Contract CD 2011-1 to Regional Environmental Demolition, Inc., and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

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

Yeas

Nays

APPROVED

HYDE PARK, BOCCE COURTS SHELTER REPAIRS, FUNDING

Agenda Item #7

The shelter near the Hyde Park Bocce Courts is in a state of disrepair. The cost to make necessary repairs to this shelter is estimated not to exceed $4,000.00. Funding is available from Parks Improvement Capital Project Bond Budget Line #H0622.2006.0622.0419.006

Will the Council so approve?

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

Yeas

Nays

APPROVED

LIBRARY, EARL W. BRYDGES, FURNITURE UPHOLSTERING FOR CHILDREN’S ROOM, FUNDING

Agenda Item #8

The Library Director advises that the upholstery on the furniture in the Children’s Room at the Earl W. Brydges Public Library is in very poor condition. She has determined that it will be less expensive to arrange for reupholstering rather than replacing the furniture. It is estimated that the cost to reupholster all pieces of furniture will not exceed $4,160.00. 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

Nays

APPROVED

CONTRACT: YOUTH BOARD, VARIOUS ENTITIES, 2011

Agenda Item #9

The City’s Youth Board enters into funding contracts with various entities. The City is reimbursed for the funding of these agreements by the State of New York.

The proposed agreements for 2011 are as follows:

Potter’s House $2,000

The New Jerusalem Center $1,000

Niagara Falls Boys & Girls Club $3,907

Magdalena Project – Kidz Club $1,000

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

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

Yeas

Nays

APPROVED
POLICE DEPARTMENT, ELIMINATE VIOLENCE AGAINST WOMEN GRANT

Agenda Item #10
The Police Department has applied for a $32,250.00 grant under the Eliminate Violence Against Women Program for the period 4/1/12 through 3/31/13.

The City match of $10,760.00 is included in the Police Department budget.

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

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

Yeas 5
Nays 0
APPROVED

POLICE DEPARTMENT, MOTOR VEHICLE THEFT & INSURANCE FRAUD PREVENTION GRANT, 2012

Agenda Item #11
The Police Department has received a grant of $38,475.00 for the calendar year 2012 under the above-referenced grant program.

No City match is required.

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

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

Yeas 5
Nays 0
APPROVED

CLAIM: ESCHBORN, KYLE

Agenda Item #12
The above claimant has incurred medical expenses for personal injuries suffered by him when he, while on a bicycle, struck a City vehicle on Porter Road on July 25, 2011.

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

<table>
<thead>
<tr>
<th>Provider</th>
<th>Date of Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Erie County Medical Center</td>
<td>07/25/11</td>
<td>$435.26</td>
</tr>
<tr>
<td></td>
<td>08/03/11</td>
<td>$33.93</td>
</tr>
<tr>
<td></td>
<td>08/31/11</td>
<td>$29.85</td>
</tr>
<tr>
<td>Rural/Metro Medical Services</td>
<td>07/25/11</td>
<td>$1,830.73</td>
</tr>
<tr>
<td>University Orthopaedic Service</td>
<td>08/03/11</td>
<td>$476.80</td>
</tr>
<tr>
<td>Kyle Eschborn</td>
<td>07/25/11</td>
<td>$29.97</td>
</tr>
<tr>
<td>(mileage reimbursement)</td>
<td>08/03/11</td>
<td>$29.97</td>
</tr>
<tr>
<td><strong>Total Amount</strong></td>
<td></td>
<td><strong>$2,870.51</strong></td>
</tr>
</tbody>
</table>

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

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED
CLAIM: GRENKE, JANE

Agenda Item #13
Date Claim Filed: July 8, 2011
Date Action Commenced: N/A
Date of Occurrence: May 25 & 26, 2011
Location: 2211 Linwood Avenue, Niagara Falls, NY
Nature of Claim: Property damage when City tree fell during windstorm.
Status of Action: Claim stage.
Recommendation/Reason: Best interests of City to pay claim.
Amount to be Paid: $890.95
Make Check Payable to: Jane Grenke
Conditions: General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve?
Council Member moved Walker that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

CLAIM: PARSNICK, MICHAEL A.

Agenda Item #14
Date Claim Filed: July 13, 2011
Date Action Commenced: N/A
Date of Occurrence: April 28, 2011
Location: 4217 McKoon Avenue, Niagara Falls, NY
Nature of Claim: Damage caused by City tree from windstorm.
Status of Action: Claim stage.
Recommendation/Reason: Best interests of City to pay claim.
Amount to be Paid: $489.00
Make Check Payable to: Michael A. Parsnick
Conditions: General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve?
Council Member Walker moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED
CLAIM: CLARK, JEAN M.

Agenda Item #15

Date Claim Filed: June 21, 2011
Date Action Commenced: N/A
Date of Occurrence: May 26, 2011
Location: 2205 Linwood Avenue, Niagara Falls, NY
Nature of Claim: Property damage sustained in windstorm when City tree fell.
Status of Action: Claim stage.
Recommendation/Reason: Best interests of City to pay claim.
Amount to be Paid: $49.98
Make Check Payable to: Jean M. Clark
Conditions: General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve? Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CLAIM: BENINGO, LINDA

Agenda Item #16

Date Claim Filed: April 19, 2011
Date Action Commenced: N/A
Date of Occurrence: April 11, 2011
Location: 605 29th Street, Niagara Falls, NY
Nature of Claim: Damage to residence caused by City tree.
Status of Action: Claim stage.
Recommendation/Reason: Best interests of City to pay claim.
Amount to be Paid: $2,342.43
Make Check Payable to: Linda Beningo
Conditions: General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve? Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

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10/17/2011
CLAIM: CASSANO, ROSEMARY

Agenda Item #17
Date Claim Filed: December 14, 2009
Date Action Commenced: March 18, 2010
Date of Occurrence: October 16, 2009
Location: Intersection of 19th Street and Pine Avenue
Nature of Claim: Personal injuries sustained in an accident with City vehicle.
City Driver: Matthew Szczepaniec
Status of Action: Pretrial stage.
Recommendation/Reason: Best interests of City to pay.
Amount to be Paid: $100,000.00
Make Check Payable to: Lipsitz Green Scime Cambria LLP, as attorneys
Conditions: Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above be paid under the terms set forth above. Will the Council so approve?
Council Member Walker moved that the communication be received and filed and the recommendation approved. Yeas 5 Nays 0 APPROVED

CLAIM: MCCOLLUM, GREGORY & JOSEPHINE

Agenda Item #18
Date Claim Filed: April 19, 2011
Date Action Commenced: N/A
Date of Occurrence: April 14, 2011
Location: 8805 Pershing Avenue
Nature of Claim: Damage to electrical service by Forestry crew.
Status of Action: Claim stage.
Recommendation/Reason: Best interests of City to pay.
Amount to be Paid: $333.45
Make Check Payable to: Gregory McCollum and Josephine McCollum
Conditions: General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve?
Council Member Walker moved that the communication be received and filed and the recommendation approved. Yeas 5 Nays 0 APPROVED

10/17/2011
RESOLUTION: POLICE OFFICERS, HONORING, 2011-77
BY: Council Chairman Samuel Fruscione
    Council Member Robert A. Anderson, Jr.
    Council Member Steve Fournier
    Council Member Kristen Grandinetti
    Council Member Charles Walker

Agenda Item #19

RELATIVE TO HONORING OFFICERS OF THE NIAGARA FALLS POLICE DEPARTMENT

WHEREAS, On September 11, 2011 at approximately 1445 hours, Officers Paul Kudela, Jon Schuster and Franco Tallarico were assisting Christine Depadre who had fallen near the old Rainbow Center Mall; and

WHEREAS, while waiting for the ambulance to arrive, Ms. Depadre began to have several seizures and began to turn blue. Officer Kudela did complete a sternum rub in an attempt to wake Depadre but had negative results. He then checked Depadre’s vital signs and could find no pulse as her skin tone began to turn blue. At this time, Officer Kudela opened Depadre’s airway and then administered approx. 10-15 chest compressions. Depadre then took a large breath and began to breathe again. Shortly thereafter, Rural Metro ambulance arrived and transported Depadre to Niagara Falls Memorial Medical Center for treatment where she was listed in stable condition; and

WHEREAS, Officers Kudela, with the assistance of Officers Schuster and Tallarico, probably saved the life of Christine Depadre who was obviously in severe medical distress.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council of the City of Niagara Falls, New York, honor Officers Paul Kudela, Jon Schuster and Franco Tallarico for a job well done and exemplifying the professionalism of the Niagara Falls Police Department.

Yeas
5

Nays
0

ADOPTED

231

10/17/2011
RESOLUTION: 2012 EXECUTIVE BUDGET/PUBLIC HEARING, NOTICE OF SUBMISSION, 2011-78
BY: Council Chairman Samuel Fruscione
    Council Member Robert A. Anderson, Jr.
    Council Member Steve Fournier
    Council Member Kristen Grandinetti
    Council Member Charles Walker

Agenda Item #20

RELATIVE TO NOTICE OF SUBMISSION OF PROPOSED 2012 EXECUTIVE BUDGET AND PUBLIC HEARING

WHEREAS, on October 3, 2011, the Mayor of the City of Niagara Falls duly submitted to the City Council the proposed 2012 Executive Budget for the City of Niagara Falls; and
WHEREAS, pursuant to Section 5.6a of the Niagara Falls City Charter, this Council shall cause public notice of submission of said Executive Budget to be published together with a copy of a summary of said budget (on file in Clerk’s Office), and notice of the time and place of a public hearing thereon.
NOW THEREFORE BE IT RESOLVED, by the City Council of Niagara Falls, New York, NOTICE IS HEREBY GIVEN that on October 3, 2011, the proposed 2012 Executive Budget, a summary of which is attached hereto and made a part hereof, was duly submitted to this Council; and
BE IT FURTHER RESOLVED, that a public hearing be held on November 1, 2011 at 7p.m. Daylight Saving Time in the Council Chambers of the City of Niagara Falls, New York pertaining to the adoption of the Proposed 2012 Executive Budget, at which time the Mayor, Administrator and Controller shall be present, at which time any person may be heard for or against the proposed budget; and
BE IT FURTHER RESOLVED, that a copy of this resolution calling for a hearing, together with the budget summary, be published in the Niagara Gazette at least one week prior to the date of said hearing; and
BE IT FURTHER RESOLVED, that copies of said proposed budget be made available for inspection in the office of the City Clerk.

Yeas 5
Nays 0
ADOPTED
RESOLUTION: ESTABLISHING TOBACCO-FREE PARKS/PLAYGROUNDS, 2011-79
BY: Council Chairman Samuel Fruscione
     Council Member Robert Anderson, Jr.
     Council Member Steve Fournier
     Council Member Kristen Grandinetti
     Council Member Charles Walker

Agenda Item #21
RELATIVE TO ESTABLISHING TOBACCO-FREE PARKS AND PLAYGROUNDS IN THE CITY OF NIAGARA FALLS, NEW YORK

WHEREAS, the results of a recent study in the City of Niagara Falls conclusively demonstrated that residents of the City of Niagara Falls support substantially smoke-free parks and recreation areas; and
WHEREAS, smoking is responsible for the premature deaths of over 430,000 Americans each year from lung cancer, heart disease, respiratory illness and other diseases; and
WHEREAS, secondhand smoke is responsible for over 50,000 deaths among nonsmokers each year; and
WHEREAS, tobacco kills more Americans each year than alcohol, cocaine, crack, heroin, homicide, suicide, accidents, fires and AIDS combined; and
WHEREAS, 80% of smokers started smoking before the age of 18, and the average initiation age is 12 years old; and
WHEREAS, every day an estimated 3,900 young people under the age of 18 try their first cigarette and one-third of these children will die prematurely from tobacco-related illnesses; and
WHEREAS, to help role model nonsmoking behavior to children and youth, to provide children, youth and their families with a safe, smoke-free environment:
NOW THEREFORE BE IT RESOLVED that the City Council of the City of Niagara Falls, New York is committed to provided a high quality of living to all residents; and be it further
RESOLVED that the City Council of the City of Niagara Falls believes:
   1. There is no safe level of exposure to secondhand smoke. It can cause asthma, respiratory infections, cancer and cardiovascular disease. Children should be able to play and exercise in City of Niagara Falls’ parks and recreation areas without being exposed to harmful effects of secondhand smoke.
   2. Tobacco product use in the proximity of children, youth and adults engaging in or watching recreational activities is unhealthy and detrimental to the health of both the participants and observers.
   3. Tobacco products, once consumed in public spaces, are often discarded on the ground, thus posing a risk of ingestion to children and causing a litter problem.
And be it further
RESOLVED that the City Council of the City of Niagara Falls adopts a policy that all City of Niagara Falls’ parks and recreation areas will be substantially smoke-free; and be it further
RESOLVED that excluded from this smoke-free policy are areas in City parks and recreation areas reserved for private parties not open to the general public, and be it further
RESOLVED that enforcement of this policy is through voluntary compliance by the users of the City of Niagara Falls’ parks and recreation areas and that City of Niagara Falls’ parks and recreation areas will be posted with signs indicating that the parks and recreation areas are smoke-free; and be it further
RESOLVED that the Director of the City of Niagara Falls’ Department of Public Works will cause signs to be posted designating City of Niagara Falls’ parks and recreation areas as smoke-free.

Yeas 5
Nays 0
ADOPTED 233

10/17/2011
RESOLUTION: RELATIVE TO RECOGNIZING THE 90TH BIRTHDAY OF MRS. RUTH WARE, 2011-80

BY: Council Chairman Samuel Fruscione
   Council Member Robert A. Anderson, Jr.
   Council Member Steve Fournier
   Council Member Kristen Grandinetti
   Council Member Charles Walker

Agenda Item #22

RELATIVE TO RECOGNIZING THE 90TH BIRTHDAY OF MRS. RUTH WARE

Whereas, on Saturday, October 22nd, 2011, the family of Mrs. Ruth Ware will honor her and celebrate her 90th Birthday; and

Whereas, it has been said that “life is a gift, and the quality of that life is a much greater gift”; and

Whereas, Mrs. Ware has been a resident of the city of Niagara Falls for seventy years. She has resided at 1126 Fairfield Avenue for 55 years. Mrs. Ware was born in Andalusia, Alabama and made her home in Niagara Falls over seventy years ago. She has been a mother in her home, in her community and in her church; and

Whereas, Mrs. Ware was one of the founding members of the Mt. Sinai Missionary Baptist Church, a church that has served the Niagara Falls community well in encouraging and uplifting those who struggle in their everyday lives.

Now therefore be it resolved, that the Niagara Falls City Council recognizes Mrs. Ruth Ware on celebrating her 90th Birthday and thank her for her inspiration to young people over the years. We congratulate her along with her entire family on this happy occasion.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: RELATIVE TO HONORING THE ROTARY CLUB OF NIAGARA FALLS, 2011-81

Agenda Item #23

WHEREAS, the mission of Rotary International is to provide services to others, to promote high ethical standards, and to advance world understanding, goodwill, and peace through its fellowship of business, professional and community leaders; and

WHEREAS, Rotary values and encourages “service above self” as a means of serving others and improving the world in which we live; and

Whereas, the Rotary Club of Niagara Falls, New York, which was founded in 1905 and has been consistently serving this community ever since; and

WHEREAS, the Rotary Club of Niagara Falls, New York will be hosting the Rotary International District 7090 Annual Conference in the City of Niagara Falls, New York on October 28th-30th with Rotarians coming from Clubs from as far away as Simcoe, Canada and Amherst, New York, including Buffalo and the Great City of Niagara Falls, New York.

NOW THEREFORE BE IT RESOLVED that we do hereby proclaim October 28th–October 30th as Rotary International Days in the City of Niagara Falls, New York.

Yeas 5
Nays 0
ADOPTED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 8:04 p.m.

Carol A. Antonucci
City Clerk

234

10/17/2011
The October 19, 2011 Budget Work Session of the Niagara Falls City Council was called to order at 4:08 p.m. in the Council Chambers.


Also present: City Administrator Donna D. Owens, City Controller Maria Brown.

Battalion Chiefs Daniel Boland and Mark Gray spoke on the Fire Department Budget. They noted that the Department is at full strength, with the exception of the vacancy in the Chief’s position. The overtime line has been reduced, in anticipation of the Chief’s position being filled in 2012, and, therefore, the overtime for the Battalion Chiefs to Act as Chief will no longer be needed. Other than an increase in the line for data usage and contractual items, the Budget remained pretty much the same.

Equal Employment Opportunity Officer Ruby Pulliam thanked the Council for their assistance and support during her Department’s first year in operation. She noted an increase in the line for software, due to licensing and maintenance fees for training programs for her Department. Council Member Walker asked the status of meeting mandates set by the Attorney General’s Office, and she responded that the Attorney General’s Office is very pleased with the progress her Department has made to date.

Code Enforcement Officer Dennis Virtuoso noted an increase in revenues for his Department in the line for permit fees. Council Member Walker asked that additional funding be allotted for demolitions when the Casino funds are received. Council Member Walker also suggested the Mr. Virtuoso develop a plan for housing rehabilitation rather than demolition. Mr. Virtuoso has submitted a suggested schedule of fees for his Department, and Chairman Fruscione said that the Council will address the fees in November.

Library Director Michelle Petrazzoulo thanked the Council for their support. She noted that the Budget for the Library shows a small increase in 2012. In 2012, she plans to introduce a “teen” space in the Library and provide additional resources for users of electronic reading devices. Council Member Anderson asked that she address handicap accessibility issues at the Library.

City Engineer Jeffrey Skurka spoke on Projects that his Department is involved in. Chairman Fruscione questioned the budget line for consultants, and City Controller Maria Brown added that the line was the same amount as budgeted for 2011. Council Member Fournier asked about vehicles used by the Engineering Department. Council Member Grandinetti asked about the 10th Street and Lewiston Road Projects, and Mr. Skurka responded that his Department is not involved with those Projects.
City Clerk Carol Antonucci reported revenue increases in her Department for dog licensing, marriage licensing and marriage ceremonies. She requested an increase in the fee paid to Election Party Representatives to keep in line with the fee paid by other municipalities in the County. She noted that the funding in the temporary line is paid to the License and Code Compliance Inspector, who monitors compliance with City Ordinances in licensing through the Clerk’s Office that is revenue generating.

There being no further business to come before the Council, Chairman Fruscione adjourned the meeting at 5:30 p.m.

Carol A. Antonucci
City Clerk
The October 20, 2011 Budget Work Session of the Niagara Falls City Council was called to order at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione (left the session at 4:20 PM), Council Members Robert Anderson Jr., Steve Fournier, Kristen Grandinetti, Charles Walker - 5.

Also present: City Administrator Donna D. Owens, Corporation Counsel Craig H. Johnson, and City Controller Maria Brown.

Public Works Director David Kinney spoke on the Budget for the various divisions of his Department. He noted that, per the City Administrator’s direction, he reduced every line in his Budget by 15%.

He said that:

1. The City still has to maintain the old Public Safety Building.
2. The Trades Division needs overtime in order to handle any calls that are received after normal working hours.
3. The lines for fuel in each of his divisions is over budget, and he had directed that vehicles NOT be kept running.
4. The expenditures at the Courts are fully reimbursable to the City. City Controller Maria Brown added there is funding remaining from the construction that can be used for repairs. Council Member Anderson asked about holding the contractor responsible for repairs within certain timeframes, and Corporation Counsel Craig Johnson said that he would look into that.
5. The Carnegie Building needs roof repairs, and Mrs. Brown suggested using Casino funds, when received, could be used for that.
6. Security at the Rainbow Mall has to be funded starting in September, 2012.
7. The phone lines and security monitoring at the Ice Pavilion need to be funded.
8. The Parking Ramp will be closed on December 1 in order to begin repair work.
9. Electric carts would be more cost effective for the Golf Course.
Council Member Anderson suggested that flashing lights be placed in the areas where the ZOOM Team is working for the safety of the workers.

There being no further business to come before the Council, Chairman Fruscione adjourned the meeting at 5:20 p.m.

Carol A. Antonucci
City Clerk
The first session of the November 1, 2011 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

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

Council Member Fournier moved to approve the Minutes from the City Council Meeting of October 17 and the Budget Work Sessions of October 12, 13, 19 and 20th.

Yeas 5
Nays 0
ADOPTED

Patrick Corsaro, License and Code Compliance Inspector for the City Clerk’s Office, gave a presentation on revenues and violations on licensing through the Clerk’s office. He suggested amending the Ordinance relating to Tour Sales by making the Clerk’s Office the “one stop” for all the requirements for the license, and also noted a decrease in revenue to the City by exempting Vendors for the Holiday Market from the requirements of the City Ordinance.

Richard Meranto, Chairman of the Cable Commission, thanked the Council for their support of the school students by giving funds to purchase camera equipment for the student-run Channel OSC 21, and asked that, if possible, the amount of funding be increased.

In the Administrative Update:

1. City Engineer Jeffrey Skurka reported that his research indicates traffic guidelines and analyses do not indicate that a traffic light in front of the Como Restaurant is needed, and he would look into installing a handicap accessible crosswalk. The Council Members told Mr. Skurka that they expected a traffic light to be installed. Mr. Skurka also reported that the vendor for the pole for the light to be installed in front of the school on Buffalo Avenue is on order, and is not expected to be received for at least another 16 weeks. Council Member Anderson thanked Civil Engineer Robert Buzzelli for information he had provided to him regarding the traffic light issues.

2. Corporation Counsel Craig Johnson spoke on the residency issues, and said that two employees had been terminated, but they had filed legal challenges to the terminations, and three pending residency issues were moving forward.

3. City Administrator Donna Owens spoke on the garbage contract, and asked that the current contract be extended for one year in order to get out an RFP. A lengthy discussion followed, and the Council Members asked that a letter sent to the Administration from Modern regarding options to renewing the contract be forwarded to the Council.
Mr. Johnson distributed copies of an amendment to Agenda Item #8, a Resolution regarding the abandonment of a portion of Quay Street, by adding certain conditions to the abandonment.

Council Member Grandinetti moved to amend the Resolution.

Yeas 5
Nays 0

MOTION TO AMEND RESOLUTION APPROVED

This Session ended at 4:40 PM

Chairman Fruscione reconvened the Meeting at 7:06 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Grandinetti and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman announced a Special Order of Business, a Public Hearing relative to the Mayor’s Proposed 2012 Budget, and asked if there were any speakers relative thereto. Ron Anderluh and Doug Brown spoke.

Mayor Paul A. Dyster & City Controller Maria Brown were present for the Public Hearing.

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

Ken Hamilton    Agenda Item #9; Modern Contract; Street Lights
Paul Gromosiak Halloween; War of 1812
Ken Hamilton    Legends Court; Veterans Day Ceremony

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

BILLING & COLLECTIONS DEPARTMENT, REORGANIZATION

Agenda Item #1

As a result of a personnel change, a vacancy exists in an Account Clerk position in the Billing & Collections division of the City Controller’s office. The City Controller has recommended that the Account Clerk position be abolished and that a new Cashier position be created. The City Controller has advised that the duties contained in the Cashier job description are more appropriate for the duties required for the vacant position in that division. There will be no change in the rate of pay. The Civil Service Commission has approved this change.

Will the Council so approve?

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

Yeas 5
Nays 0

APPROVED

CONTRACT: COUNTY OF NIAGARA, IN REM

Agenda Item #2

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

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

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

Yeas 5
Nays 0

APPROVED
THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

2250 INDEPENDENCE AVENUE, HANDICAPPED ACCESS SPACE

Agenda Item #3
At the Traffic Advisory Commission meeting held on October 20, 2011 the Commission recommended APPROVAL of the following item:

INSTALL A 5’ HANDICAPPED ACCESS SPACE
IN FRONT OF 2250 INDEPENDENCE AVENUE

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

Submitted By: Anna Alberico, 2250 Independence Avenue
It is requested that City Council approve this recommendation. Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

2251 FOREST AVENUE, HANDICAPPED ACCESS SPACE

Agenda Item #4
At the Traffic Advisory Commission meeting held on October 20, 2011 the Commission recommended APPROVAL of the following item:

INSTALL A 5’ HANDICAPPED ACCESS SPACE
IN FRONT OF 2251 FOREST AVENUE

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

Submitted By: Anne Pino, 2251 Forest Avenue
It is requested that City Council approve this recommendation. Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

LASALLE AVENUE, 2200 BLOCK, ONE-SIDED OVERNIGHT PARKING, DENIED

Agenda Item #5
At the Traffic Advisory Commission meeting held on October 20, 2011, the Commission:

DENIED:

Request submitted by Timothy McSweeney, 2250 LaSalle Avenue to CHANGE THE EXISTING RESTRICTIONS OF ONE-SIDED OVERNIGHT PARKING WITH “NO PARKING WEDNESDAY 7AM – 1PM” ON THE SOUTH SIDE, AND “NO STANDING ANYTIME” ON THE NORTH SIDE, SO THAT PARKING IS ALLOWED ON THE STREET ON WEDNESDAYS AT THE 2200 BLOCK OF LASALLE AVENUE. This request is in opposition to the City’s Ordinances and the current overnight parking system currently in place in the City. This roadway is only 24’ wide and cannot accommodate cars parking on both sides of the street at any time. In addition, removal of the “NO PARKING WEDNESDAY 7 AM – 1 PM” restriction would enable vehicles 24 hours/7 days a week on the south side and prevent the City crews from providing plowing, sweeping, etc. to this side of the street. Therefore the Commission denied this request.

THIS ITEM WAS RECEIVED AND FILED

11/01/2011
Agenda Item #6

At the Traffic Advisory Commission meeting held on October 20, 2011 the Commission recommended **APPROVAL** of the following item:

**INSTALL A 25’ LOADING ZONE (8A.M. - 6P.M.) IN FRONT OF 2508 NIAGARA STREET**

Request was made to facilitate a place for clientele to have in and out service and delivery vehicles to load/unload in front of 2508 Niagara Street.

Submitted By: Catherine Rotella, Owner, Piccirillo’s Florist, 2508 Niagara Street

It is requested that City Council approve this recommendation. Council Member Anderson moved that the communication be received and filed and the recommendation approved.

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APPROVED

Agenda Item #7

At a Traffic Advisory Commission meeting held on October 20, 2011 the Commission recommended **APPROVAL** of the following item:

**INSTALL “NO STANDING HERE TO CORNER” RESTRICTION TO APPROXIMATELY 35’ NORTH OF THE STOP SIGN AT 29TH STREET, WEST SIDE, JUST NORTH OF MICHIGAN AVENUE (ALONGSIDE OF 2820 MICHIGAN AVENUE)**

Request was made to keep the front sidewalk open for pickup/drop off of parishioners at Dominion Life Christian Center, 2820 Michigan Avenue.

Submitted By: Jeff Nowak, Church Maintenance, Dominion Life Christian Center, 2820 Michigan Avenue

It is requested that City Council approve this recommendation. Council Member Fournier moved that the communication be received and filed and the recommendation approved.

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APPROVED

RESOLUTION: QUAY STREET, ABANDONMENT OF PORTION, 2011-82

BY: Council Chairman Samuel Fruscione

Agenda Item #8

WHEREAS, the City Council of the City of Niagara Falls desires to abandon a portion of Quay Street between Rainbow Boulevard and the alley running east-west between Rainbow Boulevard and Buffalo Avenue; and

WHEREAS, the Planning Board of the City of Niagara Falls approved the abandonment of the aforementioned street part; and

WHEREAS, the City Council did by resolution give notice of its intention to abandon the aforementioned street part and direct the City Clerk to publish notice of such intention and that a public hearing would be held by the City Council at its meeting to be held in the Council Chambers on October 17, 2011 at 7 p.m. daylight savings time and advise that persons interested would be heard thereon at set time and place; and

WHEREAS, the hearing was duly held on October 17, 2011 at 7 p.m. daylight savings time in regards to said abandonment;

11/01/2011
NOW, THEREFORE, BE IT RESOLVED, that the portion of Quay Street south of Rainbow Boulevard and north of the alley running east west between Rainbow Boulevard and Buffalo Avenue is hereby abandoned, the said abandoned street portion subject however to reservation of right of and for the City of Niagara Falls, the Niagara Falls Water Board and any utility companies, their successors and assigns, to use, maintain, repair, replace and continue, and to maintain their services and operation in said abandoned street. The said street portion is bounded and described as follows:

Commencing at the point of intersection of the South Line of Rainbow Boulevard with the East Line of Quay Street, thence westerly along the South Line of Rainbow Boulevard a distance of 50 feet to the point of intersection with the West Line of Quay Street, thence southerly along the West Line of Quay Street 176.86 feet to the point of intersection with the North Line of the alley running east-west between Rainbow Boulevard and Buffalo Avenue thence easterly along the North line of said alley extended east a distance of 50 feet to the intersection of the North alley line with the East line of Quay Street thence northerly along the East line of Quay Street to the point and place of beginning.

BE IT FURTHER RESOLVED, that construction of any kind over the abandoned street portion is prohibited without the written permission of the City Engineer and on the express understanding that if any fence or other structure must be removed for access under the above easement, that it will be the owner’s responsibility to reinstall it.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be filed in the office of the Clerk at the County of Niagara and that the Mayor may sign Deeds or other documents desirable to effectuate this abandonment.

The Following Amendment was added to the Resolution at the Committee of the Whole Meeting

The following conditions shall be satisfied in conjunction therewith:

1) Survey: An exact demarcation of the parcel to be abandoned shall be submitted to the Planning Office for review and sign-off prior to filing
2) Compliance: Comply with all applicable conditions of the Site Plan approval dated June 14, 2006 (attached) (on file in the Clerk’s Office)
3) Lot/Boundary lines: The proposed lot shall be legally amalgamated into a single lot/SBL number, pursuant to regulations, prior to filing for a building permit.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: PAWN BROKERS/SECOND-HAND DEALERS, EXTENDING THE MORATORIUM, 2011-83
BY: Council Chairman Samuel Fruscione

Agenda Item #9
WHEREAS, at its November 1, 2010 meeting this Council imposed a 90-day Moratorium on the consideration of applications for pawn broker and second-hand dealer licenses; and
WHEREAS, this Moratorium was extended at the January 24, 2011 Council meeting and subsequently extended; and
WHEREAS, this Moratorium expires on October 31, 2011; and
WHEREAS, the review and amendment of the Ordinances is not yet completed.
NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that: the Moratorium on the consideration of applications for pawn brokers and second-hand dealer licenses be extended to January 31, 2012.

Yeas 5
Nays 0
ADOPTED

11/01/2011
There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:45 p.m.

Carol A. Antonucci
City Clerk
The first session of the November 14, 2011 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

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

Council Member Fournier moved to approve the Minutes from the City Council Meeting of November 1, 2011.

Yeas 5
Nays 0
ADOPTED

Mayor Paul Dyster informed the Council Members that City Administrator Donna Owens could not be present due to illness.

In the Administrative Update:

1. City Engineer Jeffrey Skurka said that the pole for the traffic light at the LaSalle Jr. High School could possibly be received in 10 - 12 weeks. He also said that he had spoken to Mr. Colucci from the Como about the light at that location, and had two possibilities for the type of light to be used. The Council Members chose the pedestrian activated light they wanted to be used, and asked that Mr. Skurka have it installed as soon as possible.

2. Director of Public Works David Kinney said that from December 1 to March 31, his crews will work 5 shifts, 24 hours a day, 7 days a week, and the crews and equipment are ready for the winter weather. He also gave an update on leaf removal and paving, and said that many have taken advantage of the Winter Golf at the course, resulting in more revenue than was anticipated.

3. Mayor Dyster said that he had met with officials from the NYS Department of Transportation to discuss the construction of the 190 bridges over Buffalo Avenue and resulting traffic detours.

4. Council Member Anderson questioned the slow progress of the roof repairs at the 72nd Street Fire Hall, and Mr. Skurka responded that he would check with the contractor about the delay. Battalion Chief Daniel Boland also noted that the repairs are progressing very slowly.

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

1. A Resolution relative to Holiday Decorating and Lighting.
   Council Member Walker moved to add the Resolution to the Agenda.
   Yeas 5
   Nays 0
   MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #14.

2. A Resolution relative to the Main Street Business and Professional Association’s Annual Awards Dinner.
   Council Member Anderson 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 #15.
3. A Resolution relative to amending the Zoning Ordinance.

Council Member Grandinetti 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 #16.

Chairman Fruscione asked for an explanation of Agenda Item #5, relative to the implementation of a Flexible Benefits Plan. City Controller Maria Brown responded that this would benefit both the City and the employees, and would not change any Health Care Plans.

This Session ended at 4:35 PM

Chairman Fruscione reconvened the Meeting at 7:05 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Walker and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

Nicholas D’Agostino  Agenda Items #6, #14
Ron Anderluh  Homestead/Non-Homestead equalization rates;
               Downtown concerts; parking lot revenue
Nicholas D’Agostino  Thanking all for Southend improvements; expand
               use of Trolley; smoke free parks; monitor
               junk yards
Russ Petrozzi  Thanking all for improvements throughout the City;
               Homestead/Non-Homestead equalization rates

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

Agenda Item #1
City Clerk’s Report for the Month of October 2011
THIS ITEM WAS RECEIVED AND FILED

Agenda Item #2
Claim Report for the Month of October 2011
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: SNOW REMOVAL EQUIPMENT, RENTAL, ARMAND CERRONE, INC
NIAGARA LAWN & GARDEN EQUIPMENT, INC.

Agenda Item #3

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

TO: Armand Cerrone, Inc.
    4625 Witmer Road
    Niagara Falls, NY 14305

FOR: Item #’s: 1 – 56 as per the attached tally sheet.

TO: Niagara Lawn & Garden Equipment, Inc.
    4835 Saunders Settlement Road
    Niagara Falls, NY 14305

FOR: Item #’s: 4 – 7, 16 – 42 and 48 – 56 as per the attached tally sheet.

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11/14/2011
The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law. Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Nine (9) vendors. Three (3) bids were received. Unlike most bids in which the low bidder for each item is awarded the bid, we are asking you to award each item to all those vendors who bid on that item with the exception of George & Swede Sales & Service for the reason noted on the tally sheet (on file in the Clerk's Office). By doing so, when snow removal equipment is needed, the City will have several sources from which to obtain equipment. The order in which vendors will be contacted will be based on their bid price.

Funds for this expenditure will be made available in the Department of Parks and Public Works, Snow Removal Equipment code: A5142.0000.0442.003.

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

Yeas 5
Nays 0
APPROVED

ELECTRICIANS, BOARD OF EXAMINERS, REAPPOINTMENTS

Agenda Item #4
I hereby reappoint the following to the Board of Examiners of Electricians for the terms indicated

Reappointments:                  Term:
Mark Grozio (Journeyman)    11/13/13
John Signorelli (Master Electrician) 11/13/13
Kevin Coram (Master Electrician) 11/13/14

Will the Council so confirm?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

BENEFITS PLAN, IMPLEMENTATION

Agenda Item #5
It is recommended that the City enter into an agreement with EBS-RMSCO, Inc. in order to implement a flexible benefits plan. This flexible benefits plan, commonly known as a cafeteria plan, will allow eligible employees to pay for their portion of certain benefits, such as health care premiums, on a pre-tax basis. This will result in savings to employees and will also benefit the City as it will reduce the City's FICA tax burden. The cost to the City to begin this plan is not anticipated to exceed $17,350.00. If approved, this will be an annual charge going forward and will be factored into the budget process. Funding is available from the City Controller's consultant and FICA Tax Savings.

Such a flexible benefits plan is authorized by Section 125 of the Internal Revenue Code.

Will the Council so approve?
Council Member Fournier moved to table the communication.

Yeas 5
Nays 0
TABLED

11/14/2011
POLICE DEPARTMENT, STATE BUFFER ZONE PROTECTION PROGRAM, GRANT AGREEMENT

Agenda Item #6
The Police Department has received a grant from the New York State Division of Homeland Security and Emergency Services in the amount of $158,350.00 for the purchase of allowable critical infrastructure equipment and training in the proper use and placement of the equipment.

No City match is required for this grant.

Will the Council approve acceptance of the grant and authorize the Mayor to execute the grant agreement and any other documentation necessary to effectuate the acceptance of this grant?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: HEALTHNOW, RETIREE DRUG SUBSIDY

Agenda Item #7
In order to continue receiving subsidies pursuant to the Medicare Part D prescription drug coverage, the City has previously entered into an agreement with HealthNow to provide administrative services in relation to the drug subsidy for the City’s retirees.

Will the Council approve the continuation of this agreement for the period January 1, 2011 through December 31, 2012 and authorize the Mayor to execute an agreement in a form acceptable to the Corporation Counsel?

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

Yeas 5
Nays 0
APPROVED

CONTRACT: 2727 PINE AVE, DEMOLITION/SITE IMPROVEMENTS, METRO CONTRACTING & ENVIRONMENTAL, INC.

Agenda Item #8
The following bids were received by the Department of Community Development on November 2, 2011 for Demolition and Site Improvements at 2727 Pine Avenue.

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>BASE BID</th>
<th>Alt#1 (sidewalks)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metro Contracting &amp; Environmental, Inc.</td>
<td>$34,525</td>
<td>$1,880</td>
</tr>
<tr>
<td>Apollo Dismantling Services, LLC</td>
<td>$47,740</td>
<td>$3,055</td>
</tr>
<tr>
<td>National Vacuum Corp.</td>
<td>$55,250</td>
<td>$3,740</td>
</tr>
<tr>
<td>Regional Environmental Demolition, Inc.</td>
<td>$58,400</td>
<td>$4,750</td>
</tr>
<tr>
<td>Mark Cerrone, Inc.</td>
<td>$62,105</td>
<td>$7,050</td>
</tr>
<tr>
<td>Scott Lawn Yard</td>
<td>$66,800</td>
<td>$4,098.40</td>
</tr>
<tr>
<td>Newcal Construction</td>
<td>$104,330</td>
<td>$4,700</td>
</tr>
</tbody>
</table>

It is our recommendation that a contract be awarded to the low bidder, Metro Contracting & Environmental, Inc., Inc., 2939 Lockport Road, Niagara Falls, NY 14305, at their base bid amount of $34,525 plus Alternate #1 (sidewalks) in the amount of $1,880 for a total contract award of $36,405. Community Development Block Grant funding is available in budget code C1.8662.0000.0450.500

Will the Council vote to award the contract for Demolition and Site Improvements at 2727 Pine Avenue to Metro Contracting & Environmental, Inc., in the amount of $36,405, and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

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

Yeas 5
Nays 0
APPROVED
CONTRACT: LIBRARY, LASALLE, ROOF REPLACEMENT, JOSEPH A. SANDERS & SONS, INC., CHANGE ORDER

Agenda Item #9
A contract for the above referenced project was awarded to Joseph A. Sanders & Sons, Inc., PO Box 814, Buffalo, N.Y., on June 13, 2011 in an amount of $137,741.00.

This Change Order is comprised of three items of requested and unanticipated work. Total cost for unanticipated work is $1,673.80 (opening of the roof and bee removal [$1,159.00] & drain cleaning for downspout connection [$514.80]) and the additional requested works is $1,174.00 for temporary roof protection prior to the start of this contract, for a total of $2,847.80.

Therefore, it is the recommendation of the undersigned that Change Order # 1 in the amount of $2847.80 be approved. Funding is from casino allocation to Library.

Will the council vote to so approve?

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

Yeas 5
Nays 0
APPROVED

CLAIM: DOLAN, NANCY

Agenda Item #10
RE: Request for Approval to Settle and Pay Claim of Nancy Dolan
1311 Norwood Avenue, Niagara Falls, New York 14305

Date Claim Filed: May 27, 2008
Date Action Commenced: October 15, 2008
Date of Occurrence: March 7, 2008
Location: Intersection of Pine Avenue and Portage Road
Nature of Claim: Automobile damage sustained in an accident with City vehicle.
City Driver: Joseph J. Kinney
Status of Action: Pre-Trial
Recommendation/Reason: Best interests of City to pay claim.
Amount to be Paid: $45,000.00
Make Check Payable to: Cantor Lukasik Dolce Panepinto and Nancy Dolan
Conditions: Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.

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

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

Yeas 5
Nays 0
APPROVED

11/14/2011
CLAIM: COWAN, WALTER

Agenda Item #11
RE: Request for Approval to Settle and Pay Claim of Walter Cowan
60 Fredericka Street A/2, North Tonawanda, New York 14120

Date Claim Filed: May 24, 2011
Date Action Commenced: N/A
Date of Occurrence: April 27, 2011
Location: 1645 Weston Avenue, Niagara Falls, NY
Nature of Claim: Tree limb was dropped on claimant’s fence.

Status of Action: Claim stage.
Recommendation/Reason: Best interests of City to pay.
Amount to be Paid: $888.84
Make Check Payable to: Walter Cowan
Conditions: General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve? Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

RESOLUTION: CURCIONE, ARTHUR V., HONORING, 2011-84
BY: Council Chairman Samuel Fruscione
    Council Member Robert A. Anderson, Jr.
    Council Member Steve Fournier

Agenda Item #12
RELATIVE TO HONORING ARTHUR V. CURCIONE

WHEREAS, Mr. Arthur V. Curcione has lived at his address on Walnut Avenue for 57 years; and
WHEREAS, Mr. Curcione was a legislator in the Niagara County Legislature, representing the 6th District, for 20 years. He was a past member of the Niagara Falls Traffic Advisory Commission, past President and member of the Pine Avenue Business Association and Past Chairman of the Niagara Falls Zoning Board of Appeals; and
WHEREAS, Mr. Curcione was the Past President of Art Curcione & Sons United Floor Covering for 35 years; a member of the Board of Directors of the Niagara Falls Boys and Girls Club for 40 years where he received the Distinguished Service Award; an active member of the Cristoforo Colombo Society for 30 years where he received the Columbian Award; an active member of the Sertoma Club for 40 years; a past member of the Arthritis Foundation, past member of the Knights of Columbus and past member of the Board of Directors Civilian Conservation Corps; and
WHEREAS, Mr. Curcione, the father of three, grandfather of six and great-grandfather of three is a member and former usher at Our Lady of Mount Carmel Church. He served in World War II as a member of the United States Navy; and
WHEREAS, Mr. Curcione, has voluntarily helped to maintain the small park area, shown on the map attached hereto (on file in Clerk’s Office), in front of his home at no cost to the city, cutting the grass, weeding and keeping the area clean, showing pride in this area of the city.
NOW THEREFORE BE IT RESOLVED, that a sign be placed in this area of the park honoring Mr. Arthur V. Curcione for his dedication to the City of Niagara Falls, and to the park surrounding the Walnut Avenue area.

Yeas 5
Nays 0
ADOPTED
RESOLUTION: ZONING ORDINANCE, AMENDING, 4661 PORTER RD., 2011-85
BY: ALL COUNCIL MEMBERS

Agenda Item #13
RELATIVE TO AMENDING SCHEDULE 8 OF THE “ZONING ORDINANCE”

WHEREAS, the Planning Board has recommended that the Council adopt certain amendments to the Zoning Ordinance as outlined on the attached recommendation (on file in Clerk’s Office) to Council and Planning Board resolution.
NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby adopt the attached zoning map amendment changing 4661 Porter Road (SBL #145.13-1-3) from OS – Open Space to I1 – Business Park.
Yeas 5
Nays 0
ADOPTED

RESOLUTION: HOLIDAY DECORATING/LIGHTING, 2011 HOLIDAY SEASON, 2011-86
BY: COUNCIL MEMBER KRISTEN GRANDINETTI

Agenda Item #14
RELATIVE TO HOLIDAY DECORATING AND LIGHTING FOR THE 2011 HOLIDAY SEASON

WHEREAS, with the Niagara Holiday Market coming to downtown Niagara Falls, this will be an exciting holiday season. This event will be a 37-day calendar of shopping, dining, entertainment and family fun along Old Falls Street; and
WHEREAS, the Niagara Beautification Commission is sponsoring a Holiday Decorating and Lighting Competition throughout the City with the judging to take place December 4th through December 11th; and
WHEREAS, in staying with the spirit of the season, we are asking all residents and businesses throughout the City of Niagara Falls to decorate their properties to light up our city during this festive time.
NOW BE IT FURTHER RESOLVED, that we all get together with the local business associations and the local block clubs and light up all the neighborhoods in our City to welcome the Niagara Holiday Market event and to support the Niagara Beautification Commissions decorating competition.
BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Main Street, Pine Avenue, Niagara Street, Downtown Niagara Falls, Hyde Park, LaSalle and Highland Avenue Business Associations and to the Niagara Falls Block Club Council.
Yeas 5
Nays 0
ADOPTED
RESOLUTION: MAIN ST BUSINESS/PROFESSIONAL ASSOCIATION ANNUAL AWARDS DINNER, 2011-87
BY: ALL COUNCIL MEMBERS

Agenda Item #15
RELATIVE TO THE MAIN STREET BUSINESS AND PROFESSIONAL ASSOCIATION’S ANNUAL AWARDS DINNER

WHEREAS, on November 18th, 2011, the Main Street Business and Professional Association will hold its annual dinner; and
WHEREAS, Rhoney Funeral Home will be honored as the Business of the Year; and
WHEREAS, Doug Collins, Main Automotive will be honored as the Business Person of the Year; and
WHEREAS, Michelle Petrazzoulo, Director of the NF Public Library will be the recipient of the President’s Award; and
WHEREAS, Rick Crogan, will be the recipient of the George Kurtzman Award; and
WHEREAS, Lewiston Kiwanis Club will be the recipient of the Michael A. Brundidge Community Service Award; and
WHEREAS, Andrea Galey, Ron Lascelle, Michael Murphy and Mary Jo Zacher will be the recipients of the Special Recognition Award; and
WHEREAS, Family & Children’s Service of Niagara will be the recipient of the Rainbow Award; and
WHEREAS, Margaret Topor will be the recipient of the Beautification Award; and
WHEREAS, Theresa Brockman, Louise Coney and Patricia Frederick will be the recipients of Angel Awards.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it extends its congratulations on behalf of all the citizens of the City of Niagara Falls in honoring the recipients of the Main Street Business and Professional Association’s 2011 Annual Awards Dinner.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: ZONING ORDINANCE, AMENDING, 8652 BUFFALO AVENUE, 2011-88
BY: ALL COUNCIL MEMBERS

Agenda Item #16
RELATIVE TO AMENDING SCHEDULE 8 OF THE “ZONING ORDINANCE”

WHEREAS, the Planning Board has recommended that the Council adopt certain amendments to the Zoning Ordinance as outlined on the attached recommendation (on file in Clerk’s Office) to Council and Planning Board resolution.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby adopt the attached zoning map amendment changing 8652 Buffalo Avenue (SBL #167.70-1-48.1) from C1-A – Neighborhood Commercial to C1-C – Neighborhood C

Yeas 5
Nays 0
ADOPTED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:20 p.m.

Carol A. Antonucci
City Clerk

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11/14/2011
NOVEMBER 16, 2011
BUDGET WORK SESSION
NIAGARA FALLS, NEW YORK

The November 16, 2011 Budget Work Session of the Niagara Falls City Council was called to order at 4:08 p.m. in the Council Chambers.


Also present: Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O’ Donnell, and City Controller Maria Brown.

The Council adopted 38 Budget Amendment Resolutions.

There being no further business to come before the Council, Chairman Fruscione adjourned the Budget Session at 4:28 p.m. until the November 28, 2011 Council Meeting.

Carol A. Antonucci
City Clerk
RESOLUTION ADOPTING THE 2012 PROPOSED EXECUTIVE BUDGET WITH AMENDMENTS AND
DIRECTING TRANSMISSION OF THE SAME TO THE MAYOR, 2011-89
BY: All Council Members

WHEREAS, on October 3, 2011, the Mayor duly presented this Council
with the Proposed Executive Budget for 2012, including a capital plan; and
WHEREAS, the required public hearing on said proposed executive
budget was held on November 1, 2011, at which the Council and the City
Controller were present, notice of which was published on October 25,
2011; and
WHEREAS, this Council thereafter met and considered the said Proposed
Executive Budget and after due deliberation amended the same; and
WHEREAS, Section 5.6 (d) of the Niagara Falls City Charter requires
the Council to transmit the Executive Budget to the Mayor with any
amendments on or before December 1, 2011;
NOW, THEREFORE, BE IT RESOLVED, by the City Council of Niagara Falls,
New York, that the Proposed Executive Budget for 2012 is hereby adopted as
amended, which amendments, identified as budget resolutions numbers 1
through 43 inclusive, numbers 1, 31, and 41 requiring no action by the
Mayor, are attached hereto and made a part hereof; and be it further
RESOLVED, that the Clerk of this Council is directed to immediately
transmit a copy of this resolution, together with the aforesaid amendments,
to the office of the Mayor on or before the end of December 1, 2011; and be
it further
RESOLVED, that in the event that the Mayor shall approve all of the
aforesaid amendments to the executive budget, the executive budget as
amended and heretofore adopted shall become operative without further
action by this Council, and the Mayor is thereupon directed to spread the
sum amounting to Twenty-Seven Million, Nine Hundred Thirty-Two Thousand,
Eight Hundred Forty One Dollars ($27,932,841) upon all taxable property
within the City at such rates as will be sufficient to raise said sum,
which sum shall be certified to him by the City Clerk, together with such
amounts of unpaid local assessments, water, sewer, sidewalk charges and
other charges provided by law, as may be certified by the Controller and
the Director of Public Works and the Niagara Falls Water Board upon the
assessment rolls of the City of Niagara Falls as prescribed by law; and
be it further
RESOLVED, that upon reconsideration and action by this Council on any of the aforesaid amendments which the Mayor may have vetoed, the executive budget as amended and heretofore adopted shall become operative without further action by this Council, but in the event any veto is not overridden, the amounts thereof shall be adjusted by the Controller, by adding or subtracting, as the case may be, from the foregoing sum directed to be levied, without further action by this Council, which sum as adjusted shall be certified by the City Clerk to the Mayor, and the Mayor is thereupon directed to spread said sum as adjusted upon the taxable property within the City at such rates as will be sufficient to raise the sum required.

Yeas 5
Nays 0
ADOPTED

Council Member Fournier moved to approve the Minutes from the City Council Meeting/Budget Work Session of November 14, and November 16, 2011.

Yeas 5
Nays 0
APPROVED

Mark Thomas, Regional Director for the New York State Office of Parks, Recreation and Historical Preservation, spoke on renovations to be done by his Department and the Department of Transportation on the Robert Moses Parkway, and the State Park. The Council Members expressed their concerns about the lack of maintenance in the areas, and Mr. Thomas responded that he would work together with the City to address their concerns. The Mayor asked if Greenway funds could be used for these Projects.

Mayor Paul Dyster will prepare a contract extension with Modern for the next Council Meeting, to incorporate the Council’s Budget Amendment.

In the Administrative Update, City Administrator Donna Owens reported that: the roof at the 72nd Street Fire Hall is almost finished; the City Hall Tree Lighting will be on November 29; and the Holly Trolley tour of the City will be December 2.

Mayor Dyster reported that the kickoff weekend for the Holiday Market went very well with a lot of visitors, and the Tree Lighting downtown would be held today.

Council Member Anderson asked when the work around City Hall would be completed so that the handicapped entrance would be open, and City Engineer Jeffrey Skurka said he would check into that.

Council Member Walker noted the lack of lighting in the Center Court area, and asked that Mr. Skurka look into a temporary solution for the safety of the residents.

Corporation Counsel Craig Johnson said there was an amendment to Agenda Item #15, to change the fee for the reinstatement of a Mechanical Contractor’s License from $200 to $175.

Council Member Grandinetti moved to amend the Item.

Yeas 5
Nays 0
MOTION TO AMEND APPROVED

Mr. Johnson distributed copies of a Resolution to be added to the Agenda relative to a moratorium on site plan and building permit applications for group homes.

Council Member Grandinetti 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 #16.

This Session ended at 4:40 PM

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11/28/2011
Chairman Fruscione reconvened the Meeting at 7:05 p.m. in the Council Chambers with all Council Members present. The Chairman said the Prayer and led the gathering in the Pledge of Allegiance to the Flag.

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

Ron Anderluh       Agenda Item #14, fees still too high
Paul Gromosiak     Funding for Niagara Experience Center
Ron Anderluh       Commended Council for supporting Holiday Market; Homestead/Non-Homestead Equalization Rates; City parking lots filled for the Weekend; Funding for downtown concerts

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #1
The following have requested City Council approval for Commissioner of Deeds for a term from 1-1-2012 to 12-21-2013.

Conti, John     Niagara Falls Police Department
Myles, Bridgette Law Department
Rizzo, Kelly    Niagara Falls Police Department
Volk, Thomas    Niagara Falls Police Department
Franz, Thomas    NYS Parks Police
Marcyan, John   NYS Parks Police
Moriarty, Patrick NYS Parks Police
Doty, Clyde     NYS Parks Police
Mikula Jr., John NYS Parks Police
Nisbet, Brian   NYS Parks Police
Riddle, James   NYS Parks Police
Russell, Brian  NYS Parks Police
Daniels, Lora   WWTP
Corsaro, Candance 1826 North Ave., Niagara Falls, NY 14303
Kurilovitch, Teresa 9311 Niemel Dr., Niagara Falls, NY 14304

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

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

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT:  WATCHMAN SERVICES, MORRIS PROTECTIVE SERVICES, INC., RENEWAL OF BID

Agenda Item #2
At its meeting of December 14, 2009, the Council awarded the above referenced bid to Morris Protective Services, Inc. (see attached copy of Council letter) (on file in Clerk’s Office). The contract was in effect for one year thru December 31, 2010. If mutually agreeable, the agreement may be extended annually for up to two additional years thru December 31, 2012 under the same terms, conditions and specifications. Last year the first year’s extension was exercised. Morris Protective Service, Inc. has requested we now exercise the final year’s extension.

Therefore, we recommend the Council approve extension of this agreement for one final year.
Funds for this expenditure are included in the 2012 proposed budget in the Public Works Department:
Administration code: A1490.0001.0449.004.
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

CONTRACT: RAINBOW CENTRE INTERIOR DEMOLITION, APOLLO DISMANTLING SERVICES, LLC, CHANGE ORDER

Agenda Item #3

A contract for the above referenced project was awarded to Apollo Dismantling Services, LLC on April 19, 2011 in the amount of $1,462,000.00. Subsequent to the start of the project, additional tasks were performed by the contractors that were not included in the project’s original scope. These additional tasks are the result of discoveries made during demolition - double layers of asbestos-containing flooring, electrical schematic differing from existing record drawings and anomalies in the fountain area - that would have negatively impacted the second phase of the Rainbow Centre work, namely the creation of the Community College’s Culinary Arts facility and the City's parking ramp rehabilitation. Additionally, the City has commissioned the contractor to proceed with the demolition and removal of the adjacent elevated walkway over First Street. Costs associated with this additional work and the restoration/protection of structures slated to remain are $136,000.00, bringing the total additional costs for extra work to $162,461.20 and the contract total to $1,624,461.20.

It is important to note that funding for this project is ultimately supplied by USA Niagara via a separate agreement. Will the Council vote to so approve and authorize the Mayor to edit the existing contract in a form acceptable to the Corporation Counsel?

Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

CONTRACT: CSX BRIDGE REPLACEMENT, MARK CERRONE, INC., CHANGE ORDER

Agenda Item #4

A contract for the above referenced project was awarded to Mark Cerrone, Inc. on September 23, 2010 in the amount of $4,215,484.73. Subsequent to the start of the project and during the abatement replacement phase of the work, the Contractor had encountered radioactive contaminated materials. In light of both established handling procedures and the potential for excessive quantities of this material, the Contractor will be required to create/modify the segregation area(s) to accommodate storage of this material. The cost associated with this requisite alteration is $9,588.00. However, tasks not completed will allow this change order to be processed at the time for $0.00.

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

Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED
CONTRACT: LEWISTON ROAD NYS RECONSTRUCTION, MAN O’TREES, INC, CHANGE ORDER

Agenda Item #5
A contract for the above referenced project was awarded to Man O’Trees, Inc. on June 29, 2009 in the amount of $7,713,000.00.

As detailed in earlier change orders, additional water main replacement has been authorized to accommodate proposed changes in finished grade throughout the project area. In the course of installation, rock excavation and disposal not originally included on the project’s scope was encountered and handled on a “time and material” basis. The cost associated with the rock excavation and removal is $31,502.45. However, existing funds allocated for work slated for completion in future phases will allow this work to be added to the contract without a change to the contract total ($0.00) at this time.

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

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

Yeas 5
Nays 0
APPROVED

POLICE DEPARTMENT, NYS OPERATION KICKOFF, GRANT AGREEMENT

Agenda Item #6
The Police Department has received a grant from the New York State Division of Homeland Security and Emergency Services in the amount of $6,427.00 for overtime and fringe benefits for Operation Kickoff.

No City match is required for this grant.

Will the Council approve acceptance of the grant and authorize the Mayor to execute the grant agreement and any other documentation necessary to effectuate the acceptance of this grant?

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

Yeas 5
Nays 0
APPROVED

IN REM, 2007, RECONVEYANCE OF TITLE TO FORMER OWNERS OF PARCELS

Agenda Item #7
The City is in the process of acquiring title to a number of parcels through the 2007 In Rem Tax Foreclosure. These properties will be auctioned on December 12, 2011. Frequently, the former owners attempt to redeem their property by paying all outstanding or delinquent City, School and County taxes with penalties and interest prior to the auction. Although this is not a legal right, this has been allowed by the City Council in the past to avoid unnecessary hardship. Accordingly, we are recommending that this Council authorize the reconveyance of title to those former owners who pay all outstanding City, School and County taxes with penalties and interest, and any applicable recording fees on or before the close of business on December 9, 2011.

Will the Council so approve and authorize the execution and delivery of deeds by the Mayor to any property owners who tender payment as set forth?

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

Yeas 5
Nays 0
APPROVED
LIBRARY REPAIRS, LASALLE BRANCH/EARL BRYDGES

Agenda Item #8
The Library Director has requested that the fire alarm system for the LaSalle Branch Library be upgraded. That upgrade is estimated to cost $8,868.00. In addition, replacement parts are needed for the heating system at the Earl Brydges Library. These parts are estimated to cost $2,255.70. Funding is available from Special Projects Fund Balance. Will the Council so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

NORTH STAR PROJECT, PROJECT COORDINATOR POSITION, CONTINUATION

Agenda Item #9
Pursuant to an Agreement that became effective March 3, 2009, the City and NYSOPRHP agreed on certain terms and conditions for the hiring of a Project Coordinator to facilitate and carry out the North Star Project. That Agreement expired on March 3, 2011. The City and NYSOPRHP desire to renew that Agreement for a period of one (1) year commencing March 3, 2011 through March 2, 2012. Will the Council so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

CLAIM: SPANBAUER, MARY

Agenda Item #10
The above claimant has incurred medical expenses for personal injuries suffered by her when she was being transported back to Niagara Falls High School in a police vehicle after serving as a volunteer at the City's recent Emergency Drill on November 16, 2011. Under the New York State No-Fault Law, the City of Niagara Falls, as a self-insured entity, is obligated to pay the claimant’s medical expenses arising out of this incident. If the same meets with your approval, please vote to direct the City Clerk to draw a warrant on the City Controller directing her to issue the following check:

<table>
<thead>
<tr>
<th>Provider</th>
<th>Date of Service</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>Federico Doldan MD</td>
<td>11/16/11</td>
<td>$1,393.36</td>
</tr>
</tbody>
</table>

Please be advised that there may be further medical bills which will have to be paid pursuant to the New York State No-Fault Law. Will the Council so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

THE FOLLOWING ITEM WAS SUBMITTED BY THE CITY CLERK

Agenda Item #11
Please be advised that Mayor Paul A. Dyster on November 15, 2011 duly approved the following:
1. Resolution 2011-85, relative to Amending Schedule 8 of the “Zoning Ordinance” for 4661 Porter Road
2. Resolution 2011-88, relative to Amending Schedule 8 of the “Zoning Ordinance” for 8652 Buffalo Avenue

THIS ITEM WAS RECEIVED AND FILED

11/28/2011
RESOLUTION: KIMBLE, RENAE, HONORING, 2011-90
BY: ALL COUNCIL MEMBERS

Agenda Item #12
RELATIVE TO HONORING NIAGARA COUNTY LEGISLATOR RENAE KIMBLE

WHEREAS, Niagara County Legislator Renae Kimble will be leaving the Niagara County Legislature on December 31, 2011; and
WHEREAS, Ms. Kimble was elected in November of 1992. She was the first African-American woman elected to the Niagara County Legislature and has served as the Deputy Leader of the Legislature’s democratic minority caucus. She was a past Majority Leader and has been honored as a “Woman making History” by Utopiann Euphoria, a Buffalo-based event planning company; and
WHEREAS, as former Director of the Niagara Falls Human Rights Commission, she was an advocate for the rights of all people. She worked very hard to prevent a merger between Niagara Falls Memorial Medical Center and Mount St. Mary’s Hospital by founding a community group opposing the move; and
WHEREAS, during her time on the Industrial Development Agency board, she created the Microenterprise Assistance Program which has supplied dozens of small and start-up businesses with loans and management training. She also pushed successfully for the redevelopment of the Unity Park housing complex in the City of Niagara Falls.
NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council ask the citizens of the City of Niagara Falls to join them in thanking Legislator Kimble for her service to the Niagara Falls Community and the County of Niagara. We wish her well in all her future endeavors.

Yeas
5

Nays
0

ADOPTED
RESOLUTION: PLUMBING CODE, AMENDING, 2011-91
BY: COUNCIL CHAIRMAN SAMUEL FRUSCIONE

Agenda Item #13
RELATIVE TO AMENDING CHAPTER 1111 OF THE CODIFIED ORDINANCES
ENTITLED "PLUMBING CODE OF THE CITY OF NIAGARA FALLS, NY"

BE IT RESOLVED by the City Council of Niagara Falls, New York that
Chapter 1111 of the Codified Ordinances entitled "Plumbing Code of the
City of Niagara Falls, New York" is hereby amended by deleting Appendix I
in its entirety and amending 1111.20 to read as follows:

1111.20 FEES FOR LICENSES AND PERMITS
The fees for licensing and plumbing work permits set
forth in Section 1107.10(B)(10 of Chapter 1107 of the
Codified Ordinances shall be paid prior to the issuance of
any license or permit [which fees are set forth on Appendix
1 to this Chapter].

Yeas 5
Nays 0
ADOPTED

RESOLUTION: SIGNS AND BILLBOARDS ORDINANCE, AMENDING, 2011-92
BY: COUNCIL CHAIRMAN SAMUEL FRUSCIONE

Agenda Item #14
RELATIVE TO AMENDING CHAPTER 1121 OF THE CODIFIED ORDINANCES
ENTITLED "SIGNS AND BILLBOARDS"

BE IT RESOLVED by the City Council of Niagara Falls, New York that
Chapter 1121 of the Codified Ordinances entitled ASigns and Billboards@ is hereby amended by amending Section 1121.07 entitled “Prohibited Signs”
to read as follows:

1121.07 PROHIBITED SIGNS
The following types of signs are expressly prohibited
in all districts, except as otherwise provided by this code:

F."A" Frame Signs.
1."A" frame or sandwich board, sidewalk or curb
signs are prohibited, except as described in paragraph
2 of this section.
2.Signs described in paragraph 1 above will be
permitted in a commercial or industrial district
[during the period from the Friday before Memorial Day
to Labor Day]. No more than one such sign may be
displayed at a premises. The sign will display the
address of the premises as contained on the permit
application. Such signs shall be of steel
construction and shall be no higher than forty-one
inches (41") and no wider than twenty-one inches (21")
and shall weigh no less than twenty (20) pounds. The
permit fee for such sign shall be [Two Hundred Dollars
($200.00)] Seventy-five Dollars ($75.00). The City of
Niagara Falls will be indemnified and named as an
additional insured on the property or business owner’s
liability insurance in a minimum amount of $1 Million
and in a form acceptable to the Corporation Counsel.
Signs pursuant to this subdivision must be placed so

11/28/2011
as not to interfere with ingress and egress to vehicles parked along the street or to the premises and with the passage of pedestrians on the City sidewalk. The City Engineer, or his designee, may order a sign to be moved or removed if, in his determination, it interferes with ingress and egress and/or the safe flow of pedestrians on the sidewalk or otherwise unsafe to the public.

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

Yeas 5
Nays 0
ADOPTED

RESOLUTION: PERMITS, FEES AND CERTIFICATES ORDINANCE, AMENDING, 2011-93
BY: COUNCIL CHAIRMAN SAMUEL FRUSCIONE

Agenda Item #15
RELATIVE TO AMENDING CHAPTER 1107 OF THE CODIFIED ORDINANCES
ENTITLED “PERMITS, FEES AND CERTIFICATES”
BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1107 of the Codified Ordinances entitled APermits, Fees and Certificates@ is hereby amended by amending Section 1107.10 entitled “Permit Fees” to read as follows:

1107.10 PERMIT FEES
No permit shall be issued by the Director of Inspections until fees hereinafter prescribed have been paid to the City Controller and for which receipt has been noted on the application for the permit. No fee shall be required for work undertaken by the City of Niagara Falls, New York, the School District of Niagara Falls, the State of New York, the County of Niagara or the United States government. The fees to be paid for permits shall be as follows(on file in the City Clerk’s Office).

Yeas 5
Nays 0
ADOPTED

RESOLUTION: GROUP HOMES, MORATORIUM ON BUILDING PERMIT APPLICATIONS/SITE PLAN APPLICATIONS, 2011-94
BY: ALL COUNCIL MEMBERS

Agenda Item #16
WHEREAS, the operation of group homes, rooming houses, half-way houses, homeless residential facilities, homeless shelters, hostels and similar facilities (collectively referred to herein as “group homes” has dramatically increased over the last several years; and
WHEREAS, the Zoning Ordinance and Comprehensive Plan for the City of Niagara Falls requires that land be used in the City in the most beneficial and convenient manner, preserving relationships among the residential, commercial, industrial and recreational areas within the City, and further requires that the value of land throughout the City be protected and conserved in a manner appropriate to the various districts established by the Zoning Ordinance, and further requires the pursuit of gradual conformity of the uses of land in buildings throughout the City and the minimizing of conflicts among the uses of land and buildings in the City; and
WHEREAS, without a comprehensive and detailed plan by the City to address the setup and operation of group homes in the City of Niagara Falls, the above purposes and requirements will be severely jeopardized.
NOW THEREFORE IT IS HEREBY RESOLVED, by the City Council of the City of Niagara Falls, New York that:
1. There is hereby imposed from the date of enacting of this Resolution a 90-day moratorium on the Planning Board’s consideration of site plan applications and/or the consideration of building permit applications by the Department of Code Enforcement for the operation of group homes.
2. This moratorium is imposed to enable the City to develop a comprehensive and detailed plan which is in concert with the Comprehensive Plan and Zoning Ordinances for the City of Niagara Falls concerning the establishment and operation of group homes within the City of Niagara Falls.

Yeas 5
Nays 0
ADOPTED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:30 p.m.

Carol A. Antonucci
City Clerk
December 12, 2011

Members of the City Council
And
Carol Antonucci, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on Monday, December 12, 2011 at 4:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. To reconsider and act upon all amendments to the proposed budget vetoed by the Mayor.

Respectfully submitted,

Samuel Fruscione
Council Chairman

The December 12, 2011 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Sam Fruscione at 4:06 PM. in the Council Chambers.


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

Council Member Grandinetti moved to Override Mayor’s Veto of Budget Amendment Resolution #6 to reduce salary of City Administrator

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Council Member Fournier moved to Override Mayor’s Veto of Budget Amendment Resolution #13 to reduce salary of City Engineer

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VETO SUSTAINED

There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 4:08 PM.

Carol A. Antonucci
City Clerk
The first session of the December 12, 2011 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:08 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

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

Council Member Fournier moved to approve the Minutes from the City Council Meeting of November 28, 2011.

City Administrator Donna Owens, and Chris Robins, Chairman of the TaxiCab Advisory Commission, gave a presentation on recommendations of the Commission to amend the TaxiCab Ordinance. They noted that the amendments would generate additional revenue for the City, no additional medallions would be issued, and a new process was suggested for issuance of medallions that are no longer being used and are turned in to the City. Council Member Fournier added that when he recently had a need to use a taxicab, the driver was using his cell phone while he was driving. Superintendent of Police John Chella said that his Department has had cell phone use blitzes.

Mayor Paul Dyster informed the Council Members that:
1. Senator Charles Schumer had held a Press Conference today to announce his help to fast track the Project to renovate the Fallside Hotel.
2. The locker rooms at the Ice Pavilion had been renovated, and a tour would be held on December 14 at 10 AM. The next phase of the Project would be to renovate the Stone Building at the Ice Pavilion.
3. The Regional Economic Development Council had allocated funding for several Projects in the Western New York Area, but the Niagara Experience Center was not included for funding.

In the Administrative Update:
1. Director of Business Development Fran Iusi said that the adjacent property owners along the walkway by the downtown storefronts want the glass façade removed, and there are tenants who are ready to locate in the spaces. The demo work can begin in approximately two months, and the storefronts should be ready for the tourist season. Council Member Grandinetti expressed concern about the types of businesses that may be located there, and Council Member Walker added that the City will spend the money to ready the site, then have no say about the businesses that locate there. Chairman Fruscione wants the project to keep moving along to be ready for the 2012 tourist season.
2. City Engineer Jeffrey Skurka said that he is working with National Grid and the design engineer to get street lights in the Center Court area as soon as possible. Planning Board Chairman Richard Smith also spoke on the issue, and a lengthy discussion followed.
3. Chairman Fruscione noted that the City Hall entrance work had been completed, so an update was not needed.

Council Member Walker moved to remove Agenda Item #10, relative to the Lets Play Grant and Allocation of Greenway Funding, from the table.

Yeas 5
Nays 0

MOTION TO REMOVE ITEM FROM TABLE APPROVED

267
Council Member Grandinetti moved to remove Agenda Item #11, relative to extension of the bid with Modern Disposal, from the table.

Yeas 5
Nays 0

MOTION TO REMOVE ITEM FROM TABLE APPROVED

Council Member Fournier moved to amend the Item to extend the contract for a two year period.

Yeas 5
Nays 0

MOTION TO AMEND APPROVED

Corporation Counsel Craig Johnson distributed copies of a communication to be added to the Agenda relative to approval for an awning/sign encroachment at 8676 Buffalo Avenue.

Council Member Grandinetti 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 #19.

Council Member Grandinetti asked who researched the fee increases for the Golf Course (Agenda Item #7), and Deputy Director of Public Works John Caso responded that the rates have not been raised in many years, and the new rates were in line with other courses in the area.

Chairman Fruscione asked about the source of funding for the Parks Inventory and Trail Design Project (Agenda Item #9), and Sherry Shepherd-Corulli informed him that Greenway funds and City Special Projects funds would be used. Mayor Dyster commended her and the others who worked with her on the Project.

This Session ended at 5:03 PM

Chairman Fruscione reconvened the Meeting at 7:07 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 Items #4, 5, 6, 9, 10, 18
Diane Tattersall  Agenda Items #5, 9; street light on 10th & Walnut
Nick Dalacu  support from City for Niagara Science Museum
Nicholas D'Agostino  Agenda Items #5, 6, 7, 9, 10
Ken Hamilton  Agenda Items #6; Center Court Street Lights; Moving computer program from Trott to Rainbow Mall; Taxi Cab Commission Members
Linda Goodman  Center Court Street Lights
Nicholas D'Agostino  Police K-9 Rocky; retirement of Police Chief
Ken Hamilton  Niagara Science Center; copper thefts; crosswalks at All Parks; City Engineer is doing a good job

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

Agenda Item #1
Claim Report for the Month of November 2011
THIS ITEM WAS RECEIVED AND FILED

12/12/2011
THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CULINARY INSTITUTE, EASEMENTS FOR PLACEMENT/ACCESS TO GARBAGE DUMPSTERS

Agenda Item #2
Attached (on file in the City Clerk’s Office) is a recommendation to grant easements to the Community College for the placement and access to garbage dumpsters for the Culinary Institute.
Will the Council so approve?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yees 5
Nays 0
APPROVED

CULINARY INSTITUTE, ENCROACHMENTS

Agenda Item #3
Attached (on file in the City Clerk’s Office) is a recommendation from the Planning Board related to the granting of the noted encroachments for the Culinary Institute.
Will the Council grant the encroachments subject to the conditions set forth on the Planning Board recommendation?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yees 5
Nays 0
APPROVED

CONTRACT: CONSULTING SERVICES, MORTON ABRAMOWITZ

Agenda Item #4
Attached (on file in City Clerk’s Office) is a proposed agreement for Morton Abramowitz to provide consulting services to the City Council at a cost of $848.00 per month.
Will the Council so approve and authorize the Mayor to execute same?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yees 5
Nays 0
APPROVED

ZOOM TEAM PROGRAM, FUNDING, 2012

Agenda Item #5
In order for the City to continue the various activities conducted by the ZOOM team, it is necessary to fund this program. Please recall that in the past, this program has been funded from Casino Revenues which, at this point in time, are not available. It is proposed to fund this program for 2012 with funds from Special Project Fund Balance to be reimbursed to that fund when Casino Revenues arrive. The total amount requested is $268,821.00 as per the attached schedule (on file in the City Clerk’s Office).
Will the Council so approve?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.
Yees 5
Nays 0
APPROVED

269

12/12/2011
HARD ROCK CAFÉ, CO-PROMOTIONS, SUMMER CONCERT SERIES, 2012

Agenda Item #6
The City has been asked once again by Hard Rock Café to partner with the Hard Rock in presenting outdoor concerts during 2012 featuring live music. The dates have not yet been determined. As in the past, it is anticipated that Co-Promotion Agreements for each concert will be developed in form and in substance satisfactory to the Corporation Counsel. The City has been asked to contribute $150,000 for these concerts. The amount for each concert may vary, depending upon the entertainment featured and will be described in each Co-Promotion Agreement but in no event will the City’s contribution for all concerts exceed $150,000. Funding will be from Casino Funds.

Will the Council authorize the expenditure of $150,000 for these Hard Rock Concert events and authorize the Mayor to execute Co-Promotion Agreements for each event in form and substance satisfactory to the Corporation Counsel?

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

Yeas 5
Nays 0
APPROVED

GOLF COURSE/PARKS DEPT. FEES, 2012

Agenda Item #7
Attached (on file in the City Clerk’s Office) are charts showing the current and proposed golf course and Parks Department fees.

Will the Council vote to adopt the proposed fees?

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

Yeas 5
Nays 0
APPROVED

ENGINEERING, CONSULTANT LINE, FUNDING

Agenda Item #8
The City is ready to move forward on the demolition of the pedestrian walkway facing Old Falls Street between First Street and Third Street. It is anticipated that the Engineering costs to design and oversee the demolition of the walkway, including the preparation of bid specification will not exceed $25,500.00. Funding is available from Special Projects Fund Balance.

Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED

270
CONTRACT: PARKS/OPEN SPACE GRANT PROJECT, BERGMANN ASSOCIATES, INC.

Agenda Item #9

The City is prepared to move forward with the parks inventory and open space master plan project. Bergmann Associates, Inc. has submitted a proposal to inventory all parks and open spaces, making recommendations for improvement where necessary, and to develop a trail linking the parks to each other and the waterfront, including design and community outreach for $265,000.00. Funding is available for 50% of this cost under a 2008 New York State Environmental Protection Fund grant in the amount of $132,500.00. The balance of the cost will be paid with Power Authority Greenway funding previously approved in the amount of $75,000.00 and the 2007 Designated Special Project Fund Balance in the amount of $57,500.00.

Will the Council vote to approve an agreement with Bergmann Associates, Inc. for these services as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas 5
Nays 0
APPROVED

GRIFFON PARK, LET’S PLAY GRANT/GREENWAY FUNDING

Agenda Item #10

At your July 25, 2011 meeting you approved an application to the New York State Environmental Protection Fund for a Grant to improve Griffon Park with a local share of $400,000.00 which was to come from Power Authority Greenway Funds. The scope of work came in at a reduced cost allowing the local share to be $200,000.00.

The City has been awarded a $20,000.00 Let’s Play Grant from Dr Pepper Snapple Group and KaBOOM! for playground construction at Griffon Park.

A $10,000.00 local share is required and it is requested that the Council authorize that this be funded from Power Authority Greenway funding which would make the total of $210,000.00 from Greenway funds.

Will the Council authorize the acceptance of the Let’s Play Grant and allocation of Greenway Funding and authorize the Mayor to execute any documents necessary to effectuate this in a form acceptable to the Corporation Counsel?

Council Members Fournier and Walker moved that the communication be removed from the Table and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: MODERN DISPOSAL SERVICES, INC., EXTENSION OF BID

Agenda Item #11

At its meeting of November 24, 2003 the City Council awarded Modern Disposal Services, Inc. the above referenced bid (see attached agenda item). The initial term of the agreement was for five (5) years.

One of the provisions of the bid allows the agreement to be renewed annually under the same terms, conditions and specifications for up to five (5) additional years. The contract has been extended three of those five years and will expire at the end of this year if not renewed.

Modern Disposal Services, Inc. has submitted a request to renew the contract for the final two option years in lieu of another one year extension (copy attached). The request offers certain enhancements to the contract which are to the City’s benefit. We believe it is in the City’s best interest to agree to this two year renewal.

Therefore, we recommend extension of this agreement thru December 31, 2013 (all pertinent data on file in the City Clerk’s Office).

Funds for this expenditure are included in the Proposed 2012 budget code A8160.0000.0449.003.
Amendment:
Two year extension, 2012 and 2013
*CPI increase only on collection service, allowed under contract at 2% starting 2012
*Reduce the seasonal bulk item collection rate by 50 percent.
*Provide 1,000 larger size 18 gallon recycling bins so residents can recycle more.
*Continue to offer 65 gallon wheeled carts for recyclable to City residents at cost.
*Continue to provide all other value added collection and recycling service as per normal.
*Continued access to our disposal facility for Niagara Falls residents.
*Provide a Recycling Rewards incentive program for residents. Participants can earn discount coupons to local business as they recycle. The City benefits when residents recycle because there is less waste to dispose of, local businesses win because rewards program will drive customers through their door.
*Provide a direct, shared mail package each year which will include a current recycling menu and newsletter from the Council featuring recycling trends and updates.

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

Yeas 5
Nays 0
APPROVED

CONTRACT: HYDE PARK ICE PAVILION, LOCKER ROOM ADDITION-PHASE 2, CIR ELECTRICAL CORP., CHANGE ORDER

Agenda Item #12
A contract for the above referenced project was awarded to CIR Electrical Corp., 400 Ingham Avenue, Buffalo, N.Y., on April 4, 2011 in an amount of $106,800.00.

Subsequent to the completion of the above referenced project the City requested additional work related to fire and security protection at the facility. The total cost of the work is $7,394.79 bring the contract total to $114,194.79.

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of $7,394.79 be approved. Sufficient funds presently exist in Code H0819.2008.0819.0449.599.

Will the council vote to so approve?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: HYDE PARK ICE PAVILION, LOCKER ROOM ADDITION-PHASE 2, SICOLI CONSTRUCTION SERVICES, INC., CHANGE ORDER

Agenda Item #13
A contract for the above referenced project was awarded to Sicoli Construction Services Incorporated, 4800 Hyde Park Blvd., Niagara Falls, N.Y., on April 4, 2011 in an amount of $743,900.00.

During the course of work the project required various revisions for unanticipated and necessary work that was required beyond the original scope. The total cost of the work is $6,098.00 bring the contract total to $749,998.00.

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of $6,098.00 be approved. Sufficient funds presently exist in Code H0819.2008.0819.0449.599.

Will the council vote to so approve?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

12/12/2011
CLAIM: VLASOW, VERNITA

Agenda Item #14
Date Claim Filed: June 27, 2011
Date Action Commenced: N/A
Date of Occurrence: May 23-24, 2011
Location: 2220 Linwood Avenue, Niagara Falls, NY
Nature of Claim: Property damage sustained in windstorm when City tree fell.
Status of Action: Claim stage.
Recommendation/Reason: Best interests of City to pay claim.
Amount to be Paid: $555.12
Make Check Payable to: Vernita Vlasow
Conditions: General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve? Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CLAIM: BISSETT, WALTER C.

Agenda Item #15
Date Claim Filed: September 6, 2011
Date Action Commenced: N/A
Date of Occurrence: August 29, 2011
Location: 10113 Cayuga Drive
Nature of Claim: Tar damage to automobile related to road paving.
Status of Action: Claim stage.
Recommendation/Reason: Best interests of City to pay.
Amount to be Paid: $477.63
Make Check Payable to: Walter C. Bissett
Conditions: General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve? Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

12/12/2011
CLAIM: DOBSON, DANNY R.

Agenda Item #16

Date Claim Filed: July 14, 2011
Date Action Commenced: N/A
Date of Occurrence: June 28, 2011
Location: 121 74th Street, Niagara Falls, NY
Nature of Claim: Automobile damage sustained in windstorm when City tree fell.

Status of Action: Claim stage.
Recommendation/Reason: Best interests of City to pay claim.
Amount to be Paid: $165.00
Make Check Payable to: Danny R. Dobson
Conditions: General Release to City, approved by Corporation Counsel.

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

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

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

Agenda Item #17

Please be advised that Mayor Paul A. Dyster, on November 30, 2011, duly approved the following:
2. Resolution 2011-92, relative to Amending Chapter 1121 of the Codified Ordinances Entitled “Signs and Billboards”
3. Resolution 2011-93, relative to Amending Chapter 1107 of the Codified Ordinances Entitled “Permits, Fees and Certificates”

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY ASSESSOR

HOMESTEAD & NON-HOMESTEAD PROPORTIONS, 2012

Agenda Item #18

In accordance with Resolution 1998-140 relative to the two-tier property tax system that was adopted November 24, 1998 and Section 1903-4c of the Real Property Tax Law, I have calculated the locally adjusted proportions for the City of Niagara Falls 2012 tax levy:

City of Niagara Falls

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This calculation represents a 20% shift to the homestead class. Will the Council so approve?

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

Yeas 5
Nays 0
APPROVED
8676 BUFFALO AVENUE, AWNING/SIGN ENCROACHMENT

Agenda Item #19
The City has received a request from the property owner to allow an awning/sign at 8676 Buffalo Avenue that would extend into the City’s right-of-way. This has been reviewed by the appropriate departments who recommend its approval.

It is recommended that the Council approve this subject to:
1. The owner receiving all applicable permits and inspections.
2. The owner agrees to defend and indemnify the City from liability related to the encroachment.
3. The owner adding the City as an additional insured on its liability insurance policy.
4. The license for the encroachment be revokable on sixty (60) days notice.
5. Subject to a positive recommendation from the Planning Board. This item is on the Planning Board’s December 14, 2011 agenda.

Will the Council so approve?
Council Member Fournier moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED
There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:50 p.m.

Carol A. Antonucci
City Clerk
DECEMBER 27, 2011

REGULAR COUNCIL MEETING
NIAGARA FALLS, NEW YORK

The first session of the December 27, 2011 Niagara Falls City Council Meeting was called to order by Council Chairman Samuel Fruscione at 4:07 p.m. in the Council Chambers.

Present: Council Chairman Samuel Fruscione, Council Members Robert Anderson, Steve Fournier, Kristen Grandinetti and Charles Walker

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

Council Member Fournier moved to approve the Minutes from the City Council Meeting and the Special Meeting of December 12, 2011.

Yeas 5
Nays 0

ADOPTED

Council Member Robert Anderson presented a gift to Council Member Steve Fournier to recognize his four years of serving on the Council.

Mayor Paul Dyster informed the Council Members that the Requests for Proposals for the Balloon Parcel had been received, and he felt the proposals were good news. The proposals will be reviewed, and an announcement would be made in approximately one month on the decision for use of the Parcel.

In the Administrative Update:
1. City Administrator Donna Owens reported that the Mayor will be giving his State of the City Address at the end of January; the Mayor will be filling Department Head vacancies; she looks forward to working together with the Council; she expressed to Council Member Fournier that it had been a pleasure to work with him; the City will celebrate the New Year with a guitar drop on Old Falls Street; and the Mayor will be sworn in for his second term at 11 AM on January 2.

2. Director of Economic Development Fran Iusi noted that there is an Item on the Agenda (Agenda Item #5) relative to the downtown storefronts for consulting services for the demolition of the pedestrian walkway. She added that the adjoining property owners are working with potential tenants for the space once the work is completed.

3. Mayor Dyster said that National Grid is working on the installation of the Center Court lights so that the work can be done as soon as possible.

4. The City Administrator also reported that the lights for Pine Avenue should be in by the end of February, and National Grid will hire a contractor to install the lights. The City may also hire the same contractor to remove the old light poles in order to make the Project proceed more efficiently.

5. Council Member Anderson inquired about the lights in front of the school on Buffalo Avenue, and City Engineer Jeffrey Skurka responded that M & M Electric began the installation of the foundation last week, but encountered a gas line that had to be removed first.

Corporation Counsel Craig Johnson advised that Agenda Item #10, relative to the 2012 City Council Agenda and Meeting Schedule, and Agenda Item #11, relative to honoring Police Superintendent John Chella, were pulled from the Agenda.
Mr. Johnson distributed copies of two Items to be added to the Agenda:

1. A Resolution relative to an appointment to the Traffic Advisory Commission.
   Council Member Fournier 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 #19.

2. A Resolution relative to honoring former Niagara Falls Fire Chief Carmen T. Morreale, Sr.
   Council Member Fournier 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 #20.

This Session ended at 4:25 PM

Chairman Fruscione reconvened the Meeting at 7:05 p.m. in the Council Chambers with all Council Members present. The prayer was said by Council Member Fournier and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Chairman Fruscione noted that this will be the last meeting for Council Member Fournier and thanked him for his service to the City.

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

Ron Anderluh
Agenda Item #5
Landlord Registration Ordinance Fees; commended Council Member Fournier & Superintendent Chella

Doug Brown
Funding for Downtown Summer Concerts; location for Holiday Market Skating Rink; New Years Eve Guitar Drop

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

Agenda Item #1
City Clerk’s Report for the Month of November 2011
THIS ITEM WAS RECEIVED AND FILED
THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT:  BRIDGE MAINTENANCE PROJECTS, FINAL DESIGN/CONSTRUCTION PHASE SERVICES, ABATE ASSOCIATES ENGINEERS & SURVEYORS

Agenda Item #2
A contract for the above referenced project was awarded to Abate Associates Engineers and Surveyors, PC, 4455 Genesee Street, PO Box 218, Buffalo, NY 14225-0218 on September 21, 2009 in the amount of $18,000. Funding is through casino revenue.

Subsequent to the completion of the scoping and preliminary design phases of the above referenced projects, the recent receipt of a fully executed NYSDOT agreement allows the city to permit the consultant, Abate Associates, to perform the requisite final design tasks necessary to complete the project and proceed to the constructional portion of the program. Additionally, the consultant will perform any/all contract administration and inspection tasks required. The costs associated with these phases of professional services for both projects are $84,897.00, bringing the total contract amount to $102,897.00. Please note that these costs are fully reimbursable via an existing agreement between the city and NYSDOT.

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

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

Yeas 5
Nays 0
APPROVED

PURCHASE:  CREW CAB CHASSIS WITH STAKE BODY, WEST HERR FORD

Agenda Item #3
We respectfully request you award the above referenced bid as follows:

TO:  West Herr Ford
     5025 Camp Road
     Hamburg, NY 14075

FOR:  2012 Ford F450 Chassis with a 9' Stake Body and Liftgate: $44,201.00

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to twelve (12) vendors. Five (5) bids were received (on file in the City Clerk’s Office). The above referenced company submitted the lowest bid price.

Funds for this expenditure are available in the Capital budget code:  H0625.2006.0625.0230.000

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

Yeas 5
Nays 0
APPROVED

12/27/2011
CONTRACT: GRANT WRITING SERVICES, 2012, FUNDING

Agenda Item #4

Last year the City entered into a non-exclusive consulting agreement with an individual to provide grant writing and grant administration services to the City. The fee for those services was not to exceed $30,000.00 for 2011 and has not exceeded that sum. It is recommended that the City enter into a similar agreement with the same individual with an amount that will not exceed $30,000.00 for 2012. Funding is available from Special Projects Fund Balance.

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

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

Yea 5
Nay 0
APPROVED

CONTRACT: PEDESTRIAN WALKWAY, DEMOLITION, CONSULTING SERVICES, LIRO ENGINEER’S INC.

Agenda Item #5

The City has received a proposal from LiRo Engineer’s, Inc. to provide the consulting services for demolition of the walkway adjacent to Old Falls Street.

The total cost is a not to exceed amount of $25,500.00 which includes updating the asbestos survey, design work, bidding specifications and award and project monitoring for asbestos.

At the December 12, 2011 meeting, City Council appropriated $25,500.00 from the Special Projects Fund Balance for this project.

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

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

Yea 5
Nay 0
APPROVED

CITY CONTROLLER, GASB 54, REDEFINING POLICIES

Agenda Item #6

The City presently has policies in place pertaining to “Special Projects Fund Balance Use,” “Undesignated Fund Balance” and “Undesignated Fund Balance Usage.” The City Controller advised that GASB 54 has now been issued which changes the way these items are identified and referenced. Special Projects Fund Balance and Use will now be referred to as “Assigned Fund Balance Policy & Use,” “Undesignated Fund Balance” will now be referred to as “Unassigned Fund Balance” and “Undesignated Fund Balance Usage” will now be referred to as “Unassigned Fund Balance Usage.” Available for review in the office of the City Controller are revised proposed policies which are intended to supersede the existing polices.

Will the Council so approve?

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

Yea 5
Nay 0
APPROVED
PUBLIC WORKS, REORGANIZATION

Agenda Item #7
As a result of a retirement in the Department, the Director of the Department of Public Works requests that the position of Senior Account Clerk in the Central Garage be abolished and that an Account Clerk position in Central Garage be established. Factoring in FICA and benefits, this will result in a cost savings of $12,116.00.

Will the Council so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

CONTRACT: LEWISTON ROAD, RECONSTRUCTION, WENDEL DUCHSCHERER, PC, CHANGE ORDER

Agenda Item #8
A contract for the above referenced project was awarded to Wendel Duchscherer, PC on October 9, 2001. The Revised Contract Amount including previous Change Orders #1-3 is $3,223,030.45.

This Change Order is for Additional Construction Phase Services related to an extension of the Time of Completion for the Construction Contract and includes two line item adjustments to the existing Contract. The first adjustment would transfer $20,000.00 from the Direct Non-Salary Cost (DNSC) Reimbursables line item to the Construction Administration line item. The second adjustment would transfer $80,000.00 from the DNSC Reimbursables line item to the Construction Administration line item. However, existing funds allocated for work slated for completion for completion in future phases will allow this work to be added to the contract without a change to the contract total ($0.00) at this time.

Will the Council vote to approve and authorize the Mayor to execute a change order in a form acceptable to the Corporation Counsel?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

CLAIM: STANEK, KIMBERLY

Agenda Item #9
The above claimant has incurred medical expenses for personal injuries suffered by her when she was a passenger in a City police vehicle which was involved in a motor vehicle accident on November 12, 2011.

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

<table>
<thead>
<tr>
<th>Provider</th>
<th>Date of Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural/Metro Medical Services</td>
<td>11/12/2011</td>
<td>$917.70</td>
</tr>
<tr>
<td>FDR Medical Services, PC</td>
<td>11/12/2011</td>
<td>$112.76</td>
</tr>
<tr>
<td>Niagara Falls Memorial Medical Center</td>
<td>11/12/2011</td>
<td>$670.92</td>
</tr>
</tbody>
</table>

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

Will the Council so approve?
Council Member Anderson moved that the communication be received and filed and the recommendation approved.
Yeas 5
Nays 0
APPROVED

281

12/27/2011
RESOLUTION: 2012 COUNCIL MEETING SCHEDULE
BY: ALL COUNCIL MEMBERS

Agenda Item #10
THIS ITEM WAS PULLED FROM THE AGENDA—THERE WAS NO ACTION TAKEN ON THIS ITEM

RESOLUTION: CHELLA, JOHN R. POLICE DEPARTMENT, HONORING
BY: ALL COUNCIL MEMBERS

Agenda Item #11
THIS ITEM WAS PULLED FROM THE AGENDA—THERE WAS NO ACTION TAKEN ON THIS ITEM

RESOLUTION: NIAGARA HONEYMOON SWEETS MEDALLIONS, OFFICIAL CHOCOLATE OF NIAGARA, 2011-95
BY: ALL COUNCIL MEMBERS

Agenda Item #12

WHEREAS, the Niagara’s Honeymoon Sweets, LLC was founded in Niagara Falls, New York, “the Honeymoon Capital of the World.” They are a family owned and operated business led by Mary Ann Hess; and
WHEREAS, Niagara’s Honeymoon Sweets, LLC holds a patent to the only chocolate mold featuring a finely detailed embossing of Niagara Falls; and
WHEREAS, Niagara’s Honeymoon Sweets serves local customers in Niagara Falls, New York and the surrounding areas of Western New York.
NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council declare and name Niagara’s Honeymoon Sweets embossed Medallion of Niagara Falls as the official Chocolate of Niagara.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: CABLE COMMISSION, REAPPOINTMENT, 2011-96
BY: COUNCIL CHAIRMAN SAMUEL FRUSCIONE

Agenda Item #13
BE IT RESOLVED, that the following individual is hereby reappointed to the City of Niagara Falls Cable Commission effective December 31, 2011, for the expiration date, which appears opposite his/her name:

<table>
<thead>
<tr>
<th>APPOINTMENT</th>
<th>TERM EXPIRES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lewis Rotella</td>
<td>12/31/2014</td>
</tr>
<tr>
<td>8950 Rivershore Drive</td>
<td>Niagara Falls, NY 14304</td>
</tr>
</tbody>
</table>

Yeas 5
Nays 0
ADOPTED
RESOLUTION: PLANNING BOARD, REAPPOINTMENTS, 2011-97
BY: COUNCIL CHAIRMAN SAMUEL FRUSCIONE

Agenda Item #14
BE IT RESOLVED, that the following individuals are hereby reappointed to the City of Niagara Falls Planning Board effective January 1, 2012 and for the expiration date, which appears opposite their names:

<table>
<thead>
<tr>
<th>REAPPOINTMENT</th>
<th>TERM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harold (Hal) Faba</td>
<td>12/31/2014</td>
</tr>
<tr>
<td>3010 Macklem Avenue</td>
<td></td>
</tr>
<tr>
<td>Niagara Falls, NY 14305</td>
<td></td>
</tr>
<tr>
<td>Tony Palmer</td>
<td>12/31/2014</td>
</tr>
<tr>
<td>1612 South Avenue</td>
<td></td>
</tr>
<tr>
<td>Niagara Falls, NY 14305</td>
<td></td>
</tr>
<tr>
<td>Timothy Polka</td>
<td>12/31/2014</td>
</tr>
<tr>
<td>4020 Barton Avenue</td>
<td></td>
</tr>
<tr>
<td>Niagara Falls, NY 14305</td>
<td></td>
</tr>
<tr>
<td>Randy Ubriaco</td>
<td>12/31/2014</td>
</tr>
<tr>
<td>837 - 15th Street</td>
<td></td>
</tr>
<tr>
<td>Niagara Falls, NY 14301</td>
<td></td>
</tr>
</tbody>
</table>

Yeas 5
Nays 0
ADOPTED

RESOLUTION: TRAFFIC ADVISORY COMMISSION, REAPPOINTMENT, 2011-98
BY: COUNCIL CHAIRMAN SAMUEL FRUSCIONE

Agenda Item #15
BE IT RESOLVED, that the following individual is hereby reappointed to the Traffic Advisory Board for the expiration date of which appears opposite his name:

<table>
<thead>
<tr>
<th>RE-APPOINTMENT</th>
<th>TERM EXPIRES:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. William Williamson</td>
<td>12/31/2016</td>
</tr>
<tr>
<td>818 Vanderbilt Avenue</td>
<td></td>
</tr>
<tr>
<td>Niagara Falls, NY 14305</td>
<td></td>
</tr>
</tbody>
</table>

Yeas 5
Nays 0
ADOPTED
RESOLUTION: TRAFFIC SIGNAL, VICINITY OF 2220 PINE AVE., INSTALLATION, 2011-99
BY: ALL COUNCIL MEMBERS

Agenda Item #16
WHEREAS, the City Council has been made aware of certain traffic accidents involving pedestrians in the vicinity of 2220 Pine Avenue, Niagara Falls, New York.
WHEREAS, this City Council takes the safety and well being of its residents and visitors to the City of Niagara Falls very seriously.
WHEREAS, this City Council, through the visual observations of its members as well as comments made by people in the community, believes that many pedestrians attempt to cross Pine Avenue at all times of the year in the vicinity of 2220 Pine Avenue and that particular location is a busy area in the City.
WHEREAS, the City Council believes that the safety and well being of City residents and visitors to the City will be enhanced by the presence of a traffic signal in the vicinity of that location which will halt the flow of vehicles on Pine Avenue when necessary, so as to allow pedestrians to cross the street, thereby improving safety conditions.
NOW THEREFORE BE IT RESOLVED, that the City Council hereby requests the City Engineer of the City of Niagara Falls, New York to take whatever steps are necessary, including retaining the services of an Engineer who specializes in the installation of traffic control devices such as traffic signals, expeditiously install a traffic signal in the vicinity of 2220 Pine Avenue, Niagara Falls, New York
Yeas
Nays
ADOPTED

RESOLUTION: TAXICABS & TAXICAB DRIVERS, ORDINANCE AMENDING, 2011-100
BY: COUNCIL CHAIRMAN SAMUEL FRUSCIONE
COUNCIL MEMBER ROBERT ANDERSON, JR.

Agenda Item #17
BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 365 of the Codified Ordinances entitled “Taxicabs and Taxicab Drivers” is hereby amended as attached hereto (on file in the City Clerk’s Office):
Yeas
Nays
ADOPTED

RESOLUTION: NIAGARA COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN, ADOPTING, 2011-101
BY: ALL COUNCIL MEMBERS

Agenda Item #18
WHEREAS, the City of Niagara Falls with the assistance from Ecology & Environment, Inc. has gathered information and prepared the Niagara County Multi-jurisdictional Hazard Mitigation Plan; and
WHEREAS, the Niagara County Multi-jurisdictional Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and
WHEREAS, the City of Niagara Falls is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and
WHEREAS, the City of Niagara Falls has reviewed the Plan and affirms that the Plan will be updated no less than every five years;
NOW THEREFORE BE IT RESOLVED by the City Council of the City of Niagara Falls, that the City of Niagara Falls adopts the Niagara County Multi-jurisdictional Hazard Mitigation Plan as this Jurisdiction’s Natural and Manmade Hazard Mitigation Plan, and resolves to execute the actions in the Plan.
Yeas
Nays
ADOPTED

12/27/2011
RESOLUTION: TRAFFIC ADVISORY COMMISSION, APPOINTMENT, 2011-102
BY: COUNCIL CHAIRMAN SAMUEL FRUSCIONE

Agenda Item #19
BE IT RESOLVED, that the following individual is hereby appointed to the Traffic Advisory Board for the expiration date of which appears opposite his name:

<table>
<thead>
<tr>
<th>APPOINTMENT</th>
<th>TERM EXPIRES:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Robert Ventry</td>
<td>12/31/2016</td>
</tr>
<tr>
<td>1884 Niagara Avenue</td>
<td></td>
</tr>
<tr>
<td>Niagara Falls, NY 14305</td>
<td></td>
</tr>
</tbody>
</table>

Yeas 5
Nays 0
ADOPTED

RESOLUTION: MORREALE, SR., CARMEN T. FORMER FIRE CHIEF, HONORING, 2011-103
BY: ALL COUNCIL MEMBERS

Agenda Item #20

WHEREAS, on December 24th, 2011, former Niagara Falls Fire Chief Carmen T. Morreale, Sr. passed away; and
WHEREAS, Mr. Morreale graduated from Niagara Falls High School in 1949 and served with the 45th Division of the U.S. Army during the Korean War; and
WHEREAS, the former Fire Chief served as a Niagara Falls firefighter from 1955 to 1980, when he became the Deputy Fire Chief and in 1987, he became the Fire Chief until his retirement in December of 1991; and
WHEREAS, Mr. Morreale participated on many boards including the Niagara Falls Board of Education for seven years from 1973 to 1980 and was President for three of those years. He was a past member of the International Association of Fire Chiefs and served as President of the Niagara Falls Firefighters Union. Carmen was also a member of the Niacap Board of Directors for 20 years and was past president for two years. He was also a 3rd degree member of the Knights of Columbus Council #247.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council remembers former Fire Chief Carmen T. Morreale, Sr. and send condolences to his loving family.

Yeas 5
Nays 0
ADOPTED

12/27/2011
There being no further business to come before the Council, Chairman Fruscione adjourned the Meeting at 7:30 p.m.

Carol A. Antonucci
City Clerk
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#### NIAGARA FALLS, NEW YORK

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