

NO. 1

**PROCEEDINGS
OF THE
CITY OF BUFFALO
JANUARY 10, 2012**

MAYOR
Hon. Byron W. Brown

COMPTROLLER
Mark J.F. Schroeder

COMMON COUNCIL
PRESIDENT OF THE COUNCIL
LOVEJOY DISTRICT
RICHARD A. FONTANA

PRESIDENT PRO TEMPORE
UNIVERSITY DISTRICT
BONNIE E. RUSSELL

MAJORITY LEADER
MASTEN DISTRICT
DEMONE A. SMITH

DISTRICT COUNCIL MEMBERS
DAVID A. FRAN CZYK-FILLMORE
JOSEPH GOLOMBEK JR. – NORTH
MICHAEL P. KEARNS-SOUTH
MICHAEL J. LO CURTO – DELAWARE
DARIUS PRIDGEN -ELLCOTT
DAVID A. RIVERA- NIAGARA

REGULAR COMMITTEES

CIVIL SERVICE COMMITTEE: Bonnie E. Russell Chairman, David A. Franczyk, Michael P. Kearns, Demone A. Smith- Members

CLAIMS COMMITTEE: David A. Rivera Chairman, Joseph Golombek, Jr., Michael J. LoCurto, Bonnie E. Russell - Members

COMMUNITY DEVELOPMENT COMMITTEE: Joseph Golombek, Jr., Michael J. LoCurto, Darius G. Pridgen, David A. Rivera, Demone A. Smith - Members

FINANCE COMMITTEE: Michael J. LoCurto, Chairman, Michael P. Kearns, Darius G. Pridgen, Bonnie E. Russell, Demone A. Smith- Members.

LEGISLATION COMMITTEE: Darius G. Pridgen, Chairman, David A. Franczyk, Joseph Golombek, Jr., David A. Rivera, Bonnie E. Russell, - Members.

RULES COMMITTEE: Richard A. Fontana, Chairman, Bonnie E. Russell, Demone A. Smith - Members

SPECIAL COMMITTEES

BUDGET COMMITTEE: Demone A. Smith, Chairman, Joseph Golombek, Jr., Michael P. Kearns, Darius G. Pridgen, David A. Rivera - Members

EDUCATION COMMITTEE: Demone Smith, Chairman, Joseph Golombek, Jr., Michael P. Kearns, Darius Pridgen -Members

MINORITY BUSINESS ENTERPRISE COMMITTEE: Demone Smith Chairman, Joseph Golombek Jr., David A. Rivera, Bonnie E. Russell – Members

PARKS OVERSIGHT: Demone A. Smith, Chairman, Richard A. Fontana, Michael P. Kearns, Michael J. LoCurto - Members

POLICE OVERSIGHT: Joseph Golombek, Jr., Chairman, David A Franczyk, David A. Rivera, Bonnie E. Russell – Members

PUBLIC TRANSPORTATION: Michael P. Kearns, Chairman, Michael J. LoCurto, David A. Rivera, Bonnie E. Russell- Members

WATERFRONT DEVELOPMENT COMMITTEE: Michael P. Kearns, Chairman, David A. Franczyk, Joseph Golombek, Jr., Demone A. Smith- Members

MAYOR

MAYOR – EXECUTIVE

1. Cit Serv-Permission to Scrap Vehicles _____ APP
2. Plan Bd-SEQRA-Negative Declaration-550 Colvin Ave(Del) _____ R&F
3. Plan Bd-SEQRA-Negative Declaration-12 Summer St(Nia) _____ R&F

COMPTRROLLER

4. Bflo Mun Water Authority Financial Statements Y/E 6/30/2011 _____ FIN
5. Bflo Water Bd Financial Statements Y/E 6/30/2011 _____ FIN
6. Comprehensive Annual Financial Report Y/E 6/30/2011 _____ FIN
7. Appoint Deputy Comptroller (Exempt)(Forti-Sciarrino) _____ R&F
8. Appoint City Accountant(Exempt)(Ferguson) _____ R&F
9. Appoint Special Assistant to the Comptroller(Exempt)(Curry) _____ R&F
10. Appoint Secretary to the Comptroller(Exempt)(Kemp) _____ R&F
11. Appoint Assistant Auditor(Temp)(5th Step)(Wachowski) _____ CS

PUBLIC WORKS

12. Change in Contract-City Court Basement Detention Center _____ APP
13. Perm to Enter Agreements for Design and Construction for Bridge Painting _____ APP
14. Perm to Hire Consultant-Kleinhaus- Plumbing & Fire Protection(Nia) _____ APP
15. Perm to Hire Consultant-Engineering Services Pearl St _____ APP
16. Perm to Increase Consultant Contract DiDonato Assoc _____ APP
17. Perm to Increase Consultant Contract Watts Architectural _____ APP
18. Perm to Reduce Retention-STC Construction South Basin Imp Project _____ APP
19. Report of Bids-Johnnie B. Wiley Sports Pavilion-Phase I(Ell) _____ APP
20. Report of Bids-Emergency 36" and 16" Water Main Repair-Starin & Parkside _____ APP
- 21- 20A Response Public Skating at City Ice Rinks _____ LEG

POLICE

- 22- 21. Drug Asset Forfeiture Wire Transfers _____ R&F

PERMITS AND INSPECTIONS

- 23- 22. Food Store (New)-139 Vermont(Nia) _____ APP
- 24- 23. Food Store (New)-279 Virginia(Ell) _____ LEG
- 25- 24. Used Car Dealer-1267 Bailey(Lov)(10 car limit) _____ APP

COMMUNITY SERVICES

- 26- 25. Appoint Youth Counselor(Perm)(Step 2)(Davis) _____ CS

BUFFALO SEWER AUTHORITY

- 27- 26. Annual Comprehensive Financial Report-2010-11 _____ FIN

CITY CLERK

- 28- 27. Items returned by Mayor without Approval/Disapproval(ccp# 59, 12/13) _____ FIN
- 29- 28. Liquor License Applications _____ R&F
- 30- 29. Appoint Deputy City Clerk(Exempt)(Baldwin) _____ ADOPT
- 31- 30. Appoint Deputy City Clerk of Vital Records(Castro) _____ ADOPT
- 32- 31. Appoint Legislative Assistant to the City Clerk(Adler) _____ ADOPT
- 33- 32. Appoint Assistant Legislative Aide II(Burks) _____ ADOPT
- 34- 33. Appoint Senior Legislative Assistant(Staff)(Rivera) _____ ADOPT
- 35- 34. Appoint Legislative Aide(Ellicott)(Williams) _____ ADOPT
- 36- 35. Notices of Appointments-Council Interns _____ ADOPT
- 37- 36. Notices of Appointment-Seasonal _____ R&F
- 38- 37. Notices of Appointments- Temp/Prov/Perm _____ CS

MISCELLANEOUS

- 39- 37A R. Fontana-R. Stroh-Issues With New Water Bill Format _____ FIN
- 40- 38. M. Kearns-T. Scherr-COB Employee Discount The Parking Spot _____ R&F
- 41- 39. M. Kooshoian-Info Ord Amend Ch 316-Peddling &

Soliciting-Mobile Food Vendors_____LEG

42- 40. K. Linder-BSA CAFR Now Available Online_____R&F

43- 41. Eli Mundy-Am-Pol Letter requesting Use of Paper for Advertisements_____R&F

44- 42. B. Russell-NFTA Bus Route Elimination/Cuts_____LEG

PETITIONS

45- 43. P. Tsouflidis, Owner, Use 708 Elmwood to Extend into the Second
Floor of an Existing Restaurant(hrg 1/17)(Del)_____LEG

46- 44. G. Ponmapalam, Agent, Use 427 Elmwood to Convert a Salon to a Sit
In Restaurant and Outdoor Café(hrg 1/17)(Nia)_____LEG, CPBD

47- 45. P. Strada, Agent, Use 761 Hertel Ave to Place a Pole Sign at
Scrap Yard(no hrg)(North)_____LEG,CPBD

RESOLUTIONS

65- 45A. Fontana Excuse Mr. LoCurto From Meeting_____ADOPT

66- 46. Golombek The Influence of Unlimited Corporate Money on Elections____ADOPT

67- 46A Golombek Ordinance Amendment-Ch 316-Peddling and Soliciting
Mobile Food Truck Vendors_____LEG

68- 47. Kearns Survey South Buffalo Public School Parents_____ED

69- 48. LoCurto, etc Urging NYS to Adopt a Plan to Fund NFTA_____ADOPT

70- 49. Pridgen Closing of William St USPS_____ADOPT RES'S,REM TO LEG

71- 50. Pridgen Disch Leg, CCP# 15, 12/27/11-Second Hand Dealer
147 W. Tupper aka 332 S. Elmwood(Fill)_____ADOPT D/C APP

72- 51. Pridgen Ordinance Amend Ch 511 Article XVI-Zoning Sp Districts__LEG

73- 52. Smith Comm of Deeds Public Duties_____ADOPT

TABLE ITEMS

-----Waterfront Neighborhood Community Development Agreement
(ccp #3, 8/14/2010)

SUBMISSION LIST OF COMMITTEE ITEMS FOR THE COUNCIL MEETINGS

CIVIL SERVICE

- 48- 1. Com 8 Dec 27 Appoint Assistant Corporation Counsel I(Hannibal IV)(CC)_____ R&F
49- 2. Com 21 Dec 27 Notices of Appointments-Temp/Prov/Perm(Cty Clk)_____ R&F

FINANCE

- 50- 3. No 24 Dec 27 R. Graber-EC Leg's Res Approving Consolidation of
Vital Records for VA WNY Districts# 1498 With the Registrar
of the COB District 1401_____ R&F

COMMUNITY DEVELOPMENT

- 51- 4. Com 8 June 28 Report of Sale 694 Northumberland(Masten)(Strat Plan)_____ R&F
52- 5. No 98 June 8 Report of Sale-218 Orlando (Fill)(Strat Plan)(#9, 5/25)_____ R&F

LEGISLATION

- 53- 6. No 31 Dec 27 J. Forster, Owner, Use 423 Elmwood to Convert a Diner to a Retail
Store(Nia)(Hrg 1/4)_____ APP
54- 7. Com 9 Dec 27 Food Store License (New) 314 Hampshire aka 318 Hampshire(Nia)(EDPI)___ APP
55- 8. Com 11 Dec 27 Food Store License(New) 177 Riley(Ell)(EDPI)_____ APP
56- 9. Com 2 Dec 13 Application for Landmark Status-Erie Freight House-9 Ohio AKA
411 Ohio St(South)(Pres Bd)(PUB HRG 1/4/12)_____ APP
57- 10. Res 158 April 19 LL-In Relation to the Qualifications of the COB
Police Commissioner_____ RECOMMIT, HR
58- 11. No 35 Feb 8 J. Pajak-Response HRM-Req Leg Pass Bill Amending Vehicle & Traffic
Law Directing COB to Adjudicate Traffic Infractions_____ R&F
59- 12. No 41 Dec 14 B. Bray-J. Burin, NYSCMA Endorses Council Manager Form of Gov't for COB_ R&F
60- 13. Res107 Sept 7 Implementing a Professional City Manager Form of Gov_____ ADOPT
61- 14. Res 97 Feb 2 Filling Common Council Vacancies Via Special Election_____ R&F
62- 15. Res 81 Oct 13 Renewing Efforts to Give Voters the Option of Nonpartisan Elections_ RECOMMIT
63- 16. Res105 Sept 30 Council Manager Form of Gov't for COB(exc 2nd & 3rd res)_____ ADOPT
64- 17. Res106 Sept 30 Exploring Alternative Forms of Gov't For COB_____ R&F

**CORPORATION PROCEEDINGS
COMMON COUNCIL
CITY HALL - BUFFALO
TUESDAY, JANUARY 10, 2012
AT 2:00 P.M.**

Present – Richard A. Fontana, President of the Council, and Councilmembers: Franczyk, Golombek Jr., Kearns, Pridgen, Rivera, Russell, Smith – 8

Absent – LoCurto - 1

On a motion by Mr. Smith, Seconded by Mrs. Russell, the minutes of the stated meeting held on December 27, 2011 were approved.

**FROM THE MAYOR
FROM THE MAYOR - EXECUTIVE DEPARTMENT
FROM THE OFFICE OF CITIZEN SERVICES
NO. 1
CIT SERV-PERMISSION TO SCRAP VEHICLES**

The Division of Citizen Services is requesting permission to dispose of the following listed vehicles by means of salvage:

- 1) CD – 15 Trailer
2) CD – 10 John Deere Green Tractor Mower Model: 455
3) CDI – 2041995 Ford Van Aerostar License: K12225
4) CDI – 2051995 Ford Van Aerostar License: K12224
5) Ransome Mower Model: XT3101 Serial Number: 001067
6) Ferris Mower Model: H1920B Serial Number: 05470

The above listed vehicles are damaged, obsolete, and irreparable. They have been determined to be unsafe and not road worthy.

Mr. Smith moved:

That the above listed vehicles may be disposed of by means of Salvage by the Division of Citizen Services as they are damaged, obsolete and unrepairable.

PASSED

AYES - 8 NOES - 0

**FROM THE CITY PLANNING BOARD
NO. 2
PLAN BD-SEQRA-NEGATIVE DECLARATION-550 COLVING AVE(DEL)
SEQRA NOTICE OF DETERMINATION
NON SIGNIFICANCE
NEGATIVE DECLARATION**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article fi (SEQR - State Environmental Quality Review) of the Environmental Conservation Law.

Lead Agency: City of Buffalo Planning Board
Room 901, City Hall
65 Niagara Square
Buffalo New York 14202

As per the provisions of SEQR, the Lead Agency has reviewed the following action as it relates to the environment:

Action Title: Wesselman Cleaners Warehouse Expansion
Location: 550 Colvin Avenue
Type of Action: Unlisted- Uncoordinated

Description: Daryl Martin, Architect/Planners on behalf of Wesselman Cleaners is proposing the construction of a warehouse on the property located at 550 Colvin Avenue, Buffalo New York. The proposed building will be approximately 11,000 Square Foot pre-engineered featuring concrete block, stucco and painted steel as exterior finishes. The owner will be the only tenant for the new space. The owners plan on using the new space to store warehouse specialty clothing that requires handling after being cleaned and packaged. The site is adjacent to the Wesselman Cleaners current location. New landscaping and a small parking area with new fencing will also be installed. The project is privately financed in the amount of 425,000 dollars.

As a result of this Environmental Review, the Lead Agency has determined the undertaking of this action will not have a significant adverse affect on the quality of the environment. No further environmental review of this action will be conducted prior to project implementation and a Draft Environmental Impact Statement will not be prepared.

Reasons Supporting This Determination: The facts and reasons for this decision are as follows: the project will allow a long standing successful business remain in the City of Buffalo as well as enhance the appearance of the property. The identified potential negative impacts appear to be primarily short-term site preparation and construction related activities, and do not appear to be significant in magnitude or effect. There are no actions, which will have a significant adverse impact on the environment.

For further information relative to this Negative Declaration contact Mr. Martin Grunzweig, Land Use Controls Coordinator, Room 901 City Hall, Buffalo New York 14202 - 716 851-5085

Dated: December 20, 2011

RECEIVED AND FILED

NO. 3
PLAN BD-SEQRA-NEGATIVE DECLARATION-12 SUMMER ST(NIA)
SEQRA NOTICE OF DETERMINATION
NON SIGNIFICANCE
NEGATIVE DECLARATION

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (SEQR - State Environmental Quality Review) of the Environmental Conservation Law.

Lead Agency: City of Buffalo Planning Board
Room 901, City Hall
65 Niagara Square
Buffalo New York 14202

As per the provisions of 8EQR, the Lead Agency has reviewed the following action as it relates to the environment:

Action Title: Ace Hardware/Schuele Paint Company Building Addition
Location: 12 Summer Street
Type of Action: Type I - Uncoordinated

Description: Silvestri Architects on behalf of Schuele Paint Company owner is proposing the construction of a building addition on the property located at 12 Summer Street, Buffalo New York. The proposed addition to the existing building will consist of a 749 sq. ft. building with a handicap accessible ramp and new landscaping. The building will be finished with face brick and an aluminum storefront glazing system. On November 15, 2011, Silvestri Architects on behalf of the owner met with the Linwood Preservation District & Friends Association with the project receiving favorable comments from the group. The Preservation group did ask that any signage that is being proposed be sensitive to the Linwood Preservation district that the project

• immediately abuts to the west, The listed property is contiguous to a local Historic district as well as an area that could be nominated to the National Register of Historic Places as recommended by the New York State Office of Parks, Recreation and Historic Preservation Funding will be private with a total cost of \$260,000 dollars.

As a result of this Environmental Review, the Lead Agency has determined the undertaking of this action will not have a significant adverse affect on the quality of the environment. No further environmental review of this action will be conducted prior to project implementation and a Draft Environmental Impact Statement will not be prepared.

Reasons Supporting This Determination: The facts and reasons for this decision are as follows: the project should have a positive impact in the surrounding area as well as providing for a more walkable community as the surrounding residents can now walk to a neighborhood hardware store for their purchases as well as helping to keep a long standing Buffalo bus ness successful and profitable. The identified potential negative impacts appear to be primarily short-term site preparation and construction related activities, and do not appear to be significant in magnitude or effect. There are no actions, which will have a significant adverse impact on the environment.

For further information relative to this Negative Declaration, contact Mr. Martin Grunzweig, Land Use Controls Coordinator, Room 901 City Hall, Buffalo New York 14202 - 716 851-5085

Dated: December 20, 2011

RECEIVED AND FILED

FROM THE COMPTROLLER
NO. 4
BUFFALO MUNICIPAL WATER FINANCE AUTHORITY
BASIC FINANCIAL STATEMENTS AND REQUIRED
SUPPLEMENTARY INFORMATION AS OF AND FOR THE
YEAR ENDED JUNE 30, 2011

This is to advise that copies of the Audited Financial Statements and Other Financial Information of the Buffalo Municipal Water Finance Authority for the year ended June 30, 2011, and Report of Independent Auditors, Drescher & Malecki LLP, have been distributed to members of the Buffalo Municipal Water Finance Authority, the Buffalo Fiscal Stability Authority, the City Clerk, the Mayor, the Comptroller, the Division of Accounting and the Budget Office.

This report is available as a public record for inspection by all interested parties.

Pursuant to Section 35 of the General Municipal Law, the Common Council of the City of Buffalo may, at its discretion, prepare a written response to the report of external audit and file such response with the City Clerk as a public record for inspection by all interested persons.

Copy available for review in the City Clerk's Office
REFERRED TO THE COMMITTEE ON FINANCE

NO. 5
BUFFALO WATER BOARD BASIC FINANCIAL STATEMENTS AND REQUIRED
SUPPLEMENTARY INFORMATION AS OF AND FOR THE YEAR ENDED JUNE 30, 2011

This is to advise that copies of the Audited Financial Statements and Other Financial Information of the Buffalo Water Board for the year ended June 30, 2011, and Report of Independent Auditors, Drescher & Malecki. LLP, have been distributed to members of the Buffalo Water Board, the Buffalo Fiscal Stability Authority, the City Clerk, the Mayor, the Comptroller, the Division of Accounting and the Budget Office.

This report is available as a public record for inspection by all interested parties.

Pursuant to Section 35 of the General Municipal Law, the Common Council of the City of Buffalo may, at its discretion, prepare a written response to the report of external audit and file such response with the City Clerk as a public record for inspection by all interested persons.

Copy available for review in the City Clerk's office
REFERRED TO THE COMMITTEE ON FINANCE

NO. 6
COMPREHENSIVE ANNUAL FINANCIAL REPORT
FOR THE FISCAL YEAR ENDED JUNE 30, 2011

This is to advise that copies of the Comprehensive Annual Financial Report of the Comptroller of the City of Buffalo for the fiscal year ending June 30, 2011 have been delivered to each Councilmember, the Common Council Chief of Staff, the City Clerk, the Mayor and the Budget Office. Included therein is the Audit Report of Drescher & Malecki LLP.

This report is available as a public record for inspection by all interested parties.

Pursuant to Section 35 of the General Municipal Law, the Common Council of the City of Buffalo may, at its discretion, prepare a written response to the report of external audit and file such response with the City Clerk as a public record for inspection by all interested parties not later than March 29 2012.

Copy available for review in the City Clerk's Office
REFERRED TO THE COMMITTEE ON FINANCE

NO. 7
APPOINT DEPUTY COMPTROLLER (EXEMPT)(FERGUSON)
Certificate of Appointment

Appointment effective January 3, 2012 in the Department of Audit and Control Division of Comptroller to the Position of Deputy Comptroller Appointment Exempt Flat Starting salary of \$87,215.

Anne Forti-Sciarrino, 28 Blantyre Rd. Buffalo NY 14216

RECEIVED AND FILED

NO. 8
APPOINT CITY ACCOUNTANT (EXEMPT)(FERGUSON)
Certificate of Appointment

Appointment effective January 9, 2012 in the Department of Audit and Control Division of Accounting to the Position of City Accountant Exempt Flat Starting salary of \$86,685

William D. Ferguson, 339 Starin Avenue, Buffalo 14216

RECEIVED AND FILED

NO. 9
APPOINT SPECIAL ASSISTANT TO THE COMPTROLLER(EXEMPT)(CURRY)
Certificate of Appointment

Appointment effective January 3, 2012 in the Department of Audit and Control Division of Comptroller to the Position of Special Assistant to the Comptroller Pending Exempt Status Flat Starting salary of \$63,676.

Patrick Curry, 17 Mount Vernon Avenue, Buffalo 14210

RECEIVED AND FILED

NO. 10
APPOINT SECRETARY TO THE COMPTROLLER(EXEMPT)(KEMP)
Certificate of Appointment

Appointment effective January 3, 2012 in the Department of Audit and Control Division of Comptroller to the Position of Secretary to the Comptroller Appointment Exempt Flat Starting salary of \$41,448.

Whitney B. Kemp, 176 Richmond Avenue, Buffalo 14222

RECEIVED AND FILED

NO. 11
APPOINT ASSISTANT AUDITOR(TEMP)(5TH STEP)(WACHOWSKI)
Certificate of Appointment

Appointment effective January 4, 2012 in the Department of Audit and Control Division of Audit to the Position of Assistant Auditor Temporary Promotion 5th Step Starting salary of \$44,375.

Ronald L. Wachowski, 134 Weimar Street, Buffalo 14206

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

FROM THE COMMISSIONER OF PUBLIC WORKS, PARKS AND STREETS

NO. 12
CHANGE IN CONTRACT-CITY COURT BASEMENT DETENTION CENTER
JOB #1043 ELLICOTT DISTRICT

I hereby submit to Your Honorable Body the following changes for City Court, Basement Detention Center, Wilsandra Construction, C #93000815.

1. Deletion of property closet coat rod & officer workstation millwork.	Deduct \$	778.00
2. Add plumbing chase at women's locker room.		\$ 0
3. Access panel for toilet at B-108.	Add	\$ 1,212.00
4. Interview Room - Add door, frame and hardware to officer workstation B106.		
5. Reduce height of walls at Sallyport B147, add hard ceiling.	Deduct \$	975.45
6. Add bullring at Interview Room B106.	Add	\$ 417.00
7. Change wall to 6" stud to accommodate electrical panel at Copy Room.		\$ 0

8. Add ACP ceiling w/soffit at Data Room B109.	Add	\$ 510.00
9. Reconstruction at sheet pile & severed electrical conduit/power feed.	Add	\$ 11,797.09
10. Demolish balance of existing ceiling and replace in full at room adjacent to B-5G.	Add	\$ 1,257.22
11. Replace/provide ACP ceiling tiles and grids as needed in rooms B148 and B150.	Add	\$ 1,968.00
12. Move asbestos enclosure to allow access to fire alarm panels.	Add	\$ 780.62
13. Battery backup on elevator emergency.	Add	\$ 2,640.00
The foregoing changes result in a net increase in the contract of Twenty Thousand Six Hundred Forty and 70/100 Dollars (\$20,640.70).		
Summary: Original Contract Amount		\$1,364,000.00
Amount of This Change Order (#1)		\$ 20,640.70
Revised Contract Amount		\$1,384,640.70

Mr. Smith moved that the Commissioner of Public Works, Parks Streets is hereby authorized to issue a Change Order in the Amount of \$20,640.70 for the City Court, Basement Detention Center contract with Wilsandra Construction, C#93000815.

Costs have been reviewed by the consultant (Kideney Architects) and the Department of Public Works, Parks & Streets and were found to be fair and equitable. Funds for this work are available in 34323006 445100 - Buildings.

PASSED

AYES - 8 NOES - 0

NO. 13

PERMISSION TO ENTER INTO AGREEMENTS FOR THE DESIGN AND CONSTRUCT FOR BRIDGE PAINTING

The Federal Highway Administration (FHWA) have designated \$470,000.00 for the design, construction and construction inspection for bridge painting of the Lincoln Parkway Bridge over Scajaquada Creek and the Cazenovia Street Bridge over Cazenovia Creek in the City of Buffalo This project is listed on the New York State Regional Transportation Improvement Program (TIP) under PIN 5759.69.

In order to move this project forward, this Department is requesting that Your Honorable Body authorize the Mayor and/or this Department to enter into all necessary agreements with the FHWA and the NYSDOT. These agreements would enable this Department to administer this project and will cover all necessary work needed to complete the design and construction of this project

Mr. Smith moved that the Mayor be authorized to enter into all necessary agreements with the FHWA and the NYSDOT for the design, construction and construction inspection for the bridge painting of the Lincoln Parkway Bridge over Scajaquada Creek and the Cazenovia Street Bridge over Cazenovia Creek.

PASSED

AYES - 8 NOES - 0

NO. 14

PERMISSION TO HIRE CONSULTANT KLEINHANS MUSIC HALL HVAC, PLUMBING & FIRE PROTECTION UPGRADES JOB #1206 NIAGARA DISTRICT

Permission is hereby requested from Your Honorable Body to retain a consultant for the architectural and engineering services for Kleinhans Music Hall, HVAC, Plumbing & Fire Protection Upgrades. Funds are available in 33320906 445100 - Buildings.

Mr. Smith moved that the Commissioner of Public Works, Parks and Streets is hereby authorized to retain a consultant for the architectural and engineering services for Kleinhans Music Hall, HVAC, Plumbing & Fire Protection Upgrades. Funds are available in 3320906 445100 – Buildings.

PASSED

AYES - 8 NOES - 0

NO. 15

PERMISSION TO HIRE CONSULTANT FOR ENGINEERING SERVICES CONVERSION OF PEARL STREET TO 2-WAY TRAFFIC ELLICOTT AND FILLMORE DISTRICTS

I hereby request permission from Your Honorable Body to hire an Engineering Consultant for the design, construction management and inspection of the conversion of Pearl Street from one-way to two-way traffic in the Ellicott and Fillmore Districts. The funds for these services are available in our Capitol Accounts.

In order to move this project forward, this department is requesting permission to take proposals and hire an engineering consultant for the design, construction management and inspection of this project. It is also necessary for Your Honorable Body to authorize the Mayor and/or this department to enter into all necessary agreements. These agreements would enable this department to administer the project and will cover all other necessary tasks needed to complete the project.

Mr. Smith moved that the Commissioner of Public Works, Parks and Streets is authorized to take proposals and hire an engineering consultant for the design, construction management and inspection of the conversion of Pearl Street from one-way to two-way traffic in the Ellicott & Fillmore Districts.

PASSED

AYES - 8 NOES - 0

NO. 16

PERMISSION TO INCREASE CONSULTANT CONTRACT DIDONATO ASSOCIATES ENGINEERING P.C. PIPES ON VARIOUS BRIDGES - CITY OF BUFFALO CONTRACT # 93000722

I hereby submit to your Honorable Body the following change for this contract. DiDonato Associates Engineering & Architecture, P.C. is the engineering consultant for Water Distribution Improvements- Pipes on Various Bridges in the City of Buffalo.

This increase is necessary for services related to additional design, construction administration (CA), construction inspection (CI) and record drawings necessary to include the 8" pipe replacement on the Best Street Bridge over Rt. 33. The 8" steel pipe recently failed @ the bridge abutment and is currently out of service requiring replacement.

Original Contact Amount	\$150,000.00
This Change Order #1:	\$ 19,700.00
Total:	\$169,700.00

I certify that this increase is fair and equitable for the work involved and respectfully request that your Honorable Body approve the subject change order and authorize the Commissioner of Public Works, Parks and Streets to issue said increase for \$19,700.00. The funds will be available in Division of Water account 53220736 445100, an account(s) to be named at a later date.

Mr. Smith moved that the Commissioner of Public Works, Parks & Streets is hereby authorized to issue Change Order #1 to DiDonato Engineering & Architecture PC for Water Distribution Improvements –Pipes on various bridges in the City of Buffalo in the amount of \$19,700 for Contract #93000722.

PASSED

AYES - 8 NOES - 0

NO. 17

**PERMISSION TO INCREASE CONSULTANT CONTRACT WATTS ARCHITECTURAL AND
ENGINEERING SERVICES INC. DISTRIBUTION IMPROVEMENTS-VARIOUS LOCATIONS #2
CONTRACT # 93000177**

I hereby submit to your Honorable Body the following change for this contract. Watts Architectural and Engineering Services Inc. is the engineering consultant for Water Distribution Improvements- Various Locations #2.

This increase is necessary for services related to additional construction administration (CA) and construction inspection (CI) of the presently ongoing contract work for Various Locations #3 (current phase) which was bid on April 16th, 2010. Also additional CA and CI is required due to complications and delays in the easement required for Tyson Foods (ECIDA) for the Perry Street water main which has yet to be completed under Phase 1 of the Various Locations #2 project work originally bid in May of 2009.

Additional design services are required to coordinate RR permit applications for CSX and NS RR under So. Park Avenue; using boring and jacking methods. Additional costs are required for the CA and CI associated with the new 8" water main installed on Weyand Ave. Finally additional costs associated with preparing contract documents and bidding for the next phase of water main replacement work (phase 3) for the nine streets previously designed for water main replacement under this current contract.

Original Contract Amount: \$105,653.00
 Previous Cost Increase: \$ 94,200.00
 Previous Cost Increase: \$169,395.00
 This increase \$138,973.00
 Total: \$508,221.00

I certify that this increase is fair and equitable for the work involved and respectfully request that your Honorable Body approve the subject change order and authorize the Commissioner of Public Works, Parks and Streets to issue said increase for \$138,973.00. The funds will be available in Division of Water account 53220736 445100, an account(s) to be named at a later date.

Mr. Smith moved that the Commissioner of Public Works, Parks and Streets is authorized to issue Change Order #2 in the amount of \$138,973 for Distribution Improvements Various Locations #2 Contract #93000177 to Watts Architectural and Engineering Services.

PASSED

AYES - 8 NOES - 0

NO. 18

**PERMISSION TO REDUCE RETENTION STC CONSTRUCTION, INC.
COL WARD PUMPING STATION CONTRACT 2 - SOUTH BASIN IMPROVEMENTS PROJECT
CONTRACT # 93000640**

I hereby submit to your Honorable Body a request to reduce the retention for the above mentioned contract from 5% to 1% and respectfully request that Your Honorable approve this request.

The reduction represents work already completed and accepted by the Department. There are no outstanding claims or liens. This reduction is being requested to keep the contract open to allow for the completion of this project.

Mr. Smith moved that the Commissioner of Public Works, Parks & Streets is hereby authorized to reduce the retention from 5% to 1% for STC Construction Inc 's Contract with the City for Col. Ward Pumping Station Contract 2-South Basin Improvements Project #93000640.

PASSED

AYES - 8 NOES - 0

NO. 19

**REPORT OF BIDS JOHNNIE B. WILEY SPORTS PAVILION INTERIOR ALTERATIONS,
PHASE 1 JOB #1051A - GENERAL CONSTRUCTION ONLY
ELLCOTT DISTRICT**

I advertised for on December 6, 2011, and received the following formal sealed bids for the Johnnie B. Wiley Sports Pavilion. Interior Alterations, Phase 1, General Construction ONLY, which were publicly opened and read on December 21, 2011.

	<u>Base Bid</u>	<u>+ Alt #1</u>
Miller Enterprises 12 Newfield. Buffalo NY	\$302,000.00	\$10,000.00
Ledge Creek Development 10100 County Rd, Clarence Ctr, NY	\$329,000.00	\$12,000.00
Wilsandra Construction 300 Camden, Buffalo, NY	\$342,000.00	\$ 9,400.00
S & W Contracting of WNY 701 Seneca, Buffalo, NY	\$370,000.00	\$ 8,500.00
R, B Mac Construction Co. 6688 Lincoln. Lockport, IVY	\$398,700.00	\$ 9,350.00
Allstate General Contracting 31 Ransier, West Seneca, NY	\$143,500.00	\$10,200.00
C. Nichter Construction 30 Wildwood. Lancaster, NY	\$454,000.00	\$14,000.00
Mark Cerrone, Inc. 2368 Maryland, Niagara Falls, NY	\$468,616.00	\$15,480.00
Hadala Construction 325 Grote, Buffalo, NY	\$490,000.00	\$ 9,500.00

Alternate #1 is for exterior sealant work at the building facade and concrete flatwork.

I hereby certify that the foregoing is a true and correct statement of all bids received and that Miller Enterprises, with a base bid of \$302,000.00, add Alternate #1 for \$10,000.00, for a total bid of Three Hundred Twelve Thousand and 00/100 Dollars (\$312,000.00), is the lowest responsible bidder in accordance with the plans and specifications.

I recommend that Your Honorable Body authorize the Commissioner of Public Works, Parks & Streets to order on the basis of the lowest responsible bid. Funding for this project is available in 33320806 451000 - Buildings.

Mr. Smith moved that the Commissioner of Public Works, Parks and Streets is hereby authorized to order work on the basis of the lowest responsible bid for the Johnny B. Wiley Sports Pavilion, Interior Alterations, Phase #1 General Construction from Miller Enterprises for \$312,000.00

PASSED

AYES - 8 NOES - 0

NO. 20

**REPORT OF BIDS FOR EMERGENCY 36" & 16" WATER MAIN REPAIR
STARIN AVENUE @ PARKSIDE AVENUE**

This is to advise your Honorable Body that I have received informal bids on, January 3, 2012 for the Emergency Repair of the 36" and 16" water mains at the intersection of Parkside Ave. and Starin Ave. in the City of Buffalo. The lowest bid received is from Visone Construction Co. Inc. at \$ 38,816.00.

The following bids were received:

1-Visone Construction Inc. 79 Sheldon Ave. Depew, N.Y. 14043	\$38,816.00
2-Pinto Construction Services, Inc. 1 Babcock Street Buffalo, N.Y.	\$44,810.00
3-Kendey Company Inc. 19 Ransier Dr. West Seneca, N.Y. 14224	\$64,936.00*

* Denotes the corrected bid amount (\$1.00 calculation error in contractor bid).

Engineers' estimate: \$ 47,400.00

I hereby certify that the lowest responsible bidder is Visone Construction, Inc. Also, I respectfully recommend that your Honorable Body authorize the informal bid award in the amount \$ 38,816.00 Plus 10% Contingency of \$3,881.60 for a Total Contract Amount of \$42,697.60. The funds are available in a Division of Water account #53220736-445100.

Mr. Smith moved that the Commissioner of Public Works, Parks and Streets is authorized to order work on the basis of the lowest responsible bid for emergency 36" & 16" Water Main Repair at Starin & Parkside Avenue to Visone Construction in the amount of \$42,697.60.

PASSED

AYES - 8 NOES - 0

**NO. 21
RESPONSE PUBLIC SKATING AT CITY ICE RINKS**

Mark Jaskula
Common Council Legislative Staff
65 Niagara Square
Room 1413, City Hall
Buffalo, New York 14202

RE: "Public Skating at City Ice Rinks" (#49 C.C.P. Dec. 27, 2011)

Dear Mr. Jaskula,

This letter is in response to correspondence received from your office dated December 28, 2011, regarding "Public Skating at City Ice Rinks" (#49 C.C.P. Dec. 27, 2011).

The Department of Public Works, Parks and Streets does not believe it is operationally feasible for all three rinks to be open for public skating every day they are open for business (which is 7 days a week) from 3 - 5pm as stated in the proposed Common Council resolution

Public skating hours have already been increased in the current management agreements as compared with the previous agreements in place from 2004-2010. Hours have been coordinated between the three city-owned facilities to provide consistent public skating alternatives across the City of Buffalo throughout the week. These hours are posted clearly at each facility and are as follows:

Lafayette (North Buffalo) Rink:

Mon: 11:30am-1:30pm
Tue: 4:30pm - 6:00pm
Wed: 4:30pm-6:00pm
Thur: 11:30am-1:30pm
Fri: 7:00pm - 9:00pm
Sat: 7:00pm - 8:00pm
Sun: 7:00pm - 9:00pm

Bud Bakewell (Riverside) Rink:

Mon: 3:00pm-5:00pm
Tue: none
Wed: none
Thur: 5:00pm-7:00pm
Fri: 2:00pm - 4:00pm
Sat: 2:00pm - 4:00pm
Sun: 2:00pm - 4:00pm

Timothy J. Burvid (Cazenovia) Rink:

Mon: 1:00pm-3:00pm
Tue: none
Wed: none
Thur: 6:00pm-8:00pm
Fri: 7:00pm - 9:00pm
Sat: 7:00pm - 9:00pm
Sun: 2:00pm - 4:00pm

The vendors that operate each facility are contractually obligated to reserve previously scheduled blocks of time for this winter's season with local elementary schools, high schools and other youth hockey leagues for practices and games, as well providing the free Hasek's Heroes program and SABAH services.

I have requested a schedule of programming from the Dominik Hasek Youth Hockey League, Inc. to determine if it is possible to include additional public skating hours at Riverside and Cazenovia rinks on Tuesdays and Wednesdays, without conflicting with already scheduled youth programming offered at each facility this winter season.

A review will be conducted both with the Dominik Youth Hockey League and the North Buffalo Bison Hockey Association after the season is completed to determine if any changes to the public skating schedule are required for next year.

Please don't hesitate to contact me at [716] 851 - 9672 if you require further information.

REFERRED TO THE COMMITTEE ON LEGISLATION

**FROM THE COMMISSIONER OF POLICE
NO. 22
DRUG ASSET FORFEITURE WIRE TRANSFERS**

Prior Council Reference: Item No. 104, C.C.P. 2/2/88
11-DEA-549136 C2-11-0130 4,079.58

11-DEA-551153	C2-11-0149	1,265.58
11-DEA-549038	C2-10-0145	942.37
11-DEA-550204	C2-10-0010	179.97
11-DEA-550528	C2-10-0081	1,044.00
11-DEA-551125	C2-11-0145	614.66
11-DEA-551790	C2-11-0154	3,851.58
11-DEA-551321	C2-11-0144	1,215.18
11-DEA-549791	C2-11-0131	1,737.78
11-DEA-551863	C2-11-0151	1,211.58
11-DEA-542225	C2-11-0060	622.08
11-DEA-545322	C2-11-0100	3,123.79
11-FBI-004035	245D-BF-40329	27,766.77
11-FBI-004035	245D-BF-40329	8,233.23 (15% SAFF)
	TOTAL	\$54,888.15

The Drug Enforcement Administration (DEA), U.S. Customs and/or the FBI has administratively forfeited the above referenced property. The funds were received by this Department through wire transfers and duly deposited in the Trust & Agency Account, #20010000-389001. 15% of the DEA funds have been deposited into SAFF account 10465 for fulfilling year 6 expenditures under SAFF legislation. The remaining funds will be placed into one or more of the following accounts as deemed necessary by the Commissioner of Police: Educational Training, Seminar, Confidential Funds. Materials and Supplies, Firearms and Weapons, Communications and Computers, Electrical Surveillance, Purchase of Services, Improvements, Vehicles, Operating Equipment
If you have any questions regarding the above mentioned, please contact Inspector Joseph Strano at 851-4624.
RECEIVED AND FILED

**FROM THE COMMISSIONER OF ECONOMIC DEVELOPMENT AND PERMIT &
INSPECTION SERVICES
NO. 23**

FOOD STORE (NEW) 139 VERMONT(NIAGARA)

Pursuant to Chapter 194 of the City of Buffalo Ordinances. please be advised that I have examined the attached application for a Food Store License located at 139 Vermont (Mt. Everest Grocery/Om Mishra) and find that as to form is correct. I have caused an investigation into the premises for which said application for a food store license is being sought and according to the attached reports from the Zoning Office, Fire Department, Building Inspections, Police Department and Collection Office I find it complies with all regulations and other applicable laws. This request is submitted for your approval or whatever action you deem appropriate.
Mr. Smith moved that Pursuant to Chapter 194 of the City Code, the Commissioner of Permits & Inspections Services is authorized to issue a Food Store License to Om Mishra d/b/a Mt. Everest Grocery located at 137 Vermont.
PASSED
AYES - 8 NOES - 0

**NO. 24
FOOD STORE (NEW) 279 VIRGINIA(ELLCOTT)**

Pursuant to Chapter 194 of the City of Buffalo Ordinances, please be advised that I have examined the attached application for a Food Store License located at 279 Virginia St (El Pueblo Corner Mart/Halah Yahia and Abdullah M Qasem) and find that as to form is correct. I have caused an investigation into the premises for which said application for a food store license is being sought and according to the attached reports from the Zoning Office, Fire Department. Building Inspections, Police Department and Collection Office I find it complies with all regulations and other applicable laws. This request is submitted for your approval or whatever action you deem appropriate.
REFERRED TO THE COMMITTEE ON LEGISLATION

**NO. 25
USED CAR DEALER-1267 BAILEY(LOVEJOY)**

Pursuant to Chapter 254 of the City of Buffalo Ordinances, please be advised that I have examined the attached application for a Used Car Dealer License located at 1267 Bailey and find that as to form is correct. I have caused an investigation into the premises for which said application for a used car dealer license is being sought and according to the attached reports from the Zoning Office, Fire Department and Building Inspections; I find it complies with all regulations and other applicable laws. I have caused an investigation by the Police Department into the moral character of Jim Mazzariello. The attached thereto for Jim Mazzariello/dba/Jim Mazz Auto Inc. This request is submitted for your approval or whatever action you deem appropriate.
Mr. Smith moved
That pursuant to chapter 254 of the Charter of the City Code, The Commissioner of Permits and Inspection services is hereby authorized to issue a Used Car Dealer to Jim Mazzariello d/b/a Jim Mazz Auto, Inc upon the condition that no more than 10 vehicles be displayed or stored on the premises at any time.
PASSED
AYES - 8 NOES - 0

**FROM THE COMMISSIONER OF COMMUNITY SERVICES & RECREATIONAL
PROGRAMMING
NO. 26**

APPOINT YOUTH COUNSELOR, (PERM)(2ND STEP)(DAVIS)

Appointment effective January 3, 2012 in the Department of Community Services, Division of Youth to the position of Youth Counselor, Permanent appointment at the 2nd Step of \$43,282
Lashawn Davis, 279 Minnesota Ave, Buffalo, NY 14215
REFERRED TO THE COMMITTEE ON CIVIL SERVICE

**FROM THE BUFFALO SEWER AUTHORITY
NO. 27
ANNUAL COMPREHENSIVE FINANCIAL REPORT 2010-11**

Mr. Gerald Chwalinski
City Clerk
1308 City Hall
Buffalo, NY 14202
Dear City Clerk:

The Buffalo Sewer Authority's 2010-2011 Comprehensive Annual Financial Report is now available on the Authority's website. The 2010-2011 CAFR can be downloaded at www.city-buffalo.com/files/1211BSA/IntranetFiles/10-11_CAFR.pdf. The 2010-2011 CAFR was approved by the Board of the Buffalo Sewer Authority on-December 7, 2011. Item available for review in the City Clerk's Office
REFERRED TO THE COMMITTEE ON FINANCE.

FROM THE CITY CLERK

NO. 28

ITEM RETURNED TO CITY CLERK BY MAYOR WITHOUT APPROVAL OR DISAPPROVAL

I hereby inform you that the following Item which were passed by the Common Council on December 13, 2011 No 7, C.C.P. October 4, 2011 – Report of Sale 328 Woltz (Strat Plan) Were presented to the Mayor on December 16, 2011 and returned to the City Clerk on January 5, 2012 without approval or disapproval
REFERRED TO THE COMMITTEE ON FINANCE

NO. 29

LIQUOR LICENSE APPLICATIONS

Attached hereto are communications from persons applying for liquor licenses from the Erie County Alcohol Beverage Control Board

Address	Business Name	Owner's Name
191 Allen St	Cantina Loco	MTMES Corp
75 Hamburg St	Matthew Conron	First Ward Brewing Co

RECEIVED AND FILED

NO. 30

APPOINT DEPUTY CITY CLERK(EXEMPT)(BALDWIN)

Appointment effective 1/4/2012 in the Department of Common Council, Division of City Clerk to the position of Deputy City Clerk, Exempt at the flat salary of \$54,719.00

Mary H. Baldwin, 15 University Avenue, Buffalo, NY 14215

ADOPTED

NO. 31

APPOINT DEPUTY CITY CLERK(EXEMPT)(CASTRO)

Appointment effective 1/4/2012 in the Department of Common Council, Division of City Clerk to the position of Deputy City Clerk of Vital Records, Exempt at the flat salary of \$54,719.00

Mildred Castro, 303 Jersey, Buffalo, NY 14201

ADOPTED

NO. 32

APPOINT LEGISLATIVE ASSISTANT TO THE CITY CLERK(UNCLASSIFIED)(ADLER)

Appointment effective 1/04/2012 in the Department of Common Council, Division of City Clerk to the position of Legislative Assistant to the City Clerk, Unclassified at the flat salary of \$40,808.00

Sharon Adler, 114 Argus St, Buffalo, NY 14207

ADOPTED

NO. 33

APPOINT ASSISTANT LEGISLATIVE AIDE II(UNCLASSIFIED)(BURKS)

Appointment effective 1/4/2012 in the Department of Common Council, Division of City Clerk to the position of Assistant Legislative Aide II, Unclassified at the flat salary of \$31,397.00

Tashares Burks, 63 Thorton Ave, Buffalo, NY 14215

ADOPTED

NO. 34

APPOINT SENIOR LEGISLATIVE ASSISTANT(UNCLASSIFIED)(FLAT)(RIVERA)

Appointment effective 1/4/2012 in the Department of Common Council, Division of Council Staff to the Position of Senior Legislative Assistant, Unclassified at the flat salary of \$46,083.00

Nelson Rivera, 75 16th St, Buffalo, NY 14213

ADOPTED

NO. 35

APPOINT SENIOR LEGISLATIVE ASSISTANT(UNCLASSIFIED)(FLAT)(RIVERA)

Appointment effective 1/4/2012 in the Department of Common Council, Ellicott District to the Position of Legislative Aide, Unclassified at the flat salary of \$36,242.00

Felicia A. Williams, 100 Oxford Avenue, Buffalo, NY 14209

ADOPTED

NO. 36

NOTICES OF APPOINTMENTS - COUNCIL INTERNS

I transmit herewith appointments to the position of Council Intern.

Mr. Fontana moved the approval of the appointments to the position of Council Intern.

ADOPTED,

CERTIFICATE OF APPOINTMENT

Appointment effective in the Department of Common Council, Division of City Clerk, to the position of Intern VI, Unclassified at the flat salary of \$10.00/hr

Deborah Tucker, 83 Urban St, Buffalo, NY 14211

NO. 37

NOTICES OF APPOINTMENTS - SEASONAL FLAT

I transmit herewith certificates received by me, reporting seasonal and flat salary appointments made in various departments.

RECEIVED AND FILED.

CERTIFICATE OF APPOINTMENT

Appointment effective 1/03/2012 in the Department of Strategic Planning, Division of Real Estate to the Position of Laborer II, Seasonal at the flat salary of \$11.87/hr
Mark Welch, 22 Rex Place, Buffalo, NY 14211

NO. 38

APPOINTMENTS - TEMPORARY, PROVISIONAL OR PERMANENT

I transmit herewith Appointments in the various departments made at the Minimum (Temporary, Provisional or Permanent) (as per contract requirements).
REFERRED TO THE COMMITTEE ON CIVIL SERVICE.

CERTIFICATE OF APPOINTMENT

Appointment effective 12/27/2011 in the Department of Public Works, Parks and Streets, Division of Streets to the Position of Truck Driver, Permanent Appointment at the minimum Salary of \$22,447.00
Kevin Aurnick, 38 Richfield Ave, Buffalo, NY 14220

**NON-OFFICIAL COMMUNICATIONS, PETITIONS AND REMONSTRANCES
NON-OFFICIAL COMMUNICATIONS**

NO. 39

R. FONTANA-R. STROH-ISSUES WITH NEW WATER BILL FORMAT

Dear Councilman Richard Fontana:
I am writing to you to complain about my water bill. I used less water during the fourth quarter of 2011 than the previous quarter but my bill listen dollars and twenty cents (\$10.20) more. There was no notification of an increase in the water rates.
The new bill format does not explain the rates. It looks like the Buffalo Water Board slipped hidden charges into the bill. I have enclosed copies of the bills for the two quarters. I request an investigation into this issue.
REFERRED TO THE COMMITTEE ON FINANCE

NO. 40

M. KEARNS-T. SCHERR-COB EMPLOYEE DISCOUNT THE PARKING SPOT

Mr. Kearns:
Thanks for the return call. Attached is a custom City of Buffalo link (hold down CTRL and left click to open) that would give a 20% discount to all city employees that would park with the Parking Spot directly across from Buffalo International and points each stay toward free parking.
They can simply show proof of employment with the city upon exit that can be attached to the ticket they pulled upon entry. Or they can easily apply for a no cost Spot Club Executive Card that would be mailed to them after filling out the simple form on the link. To my knowledge this has not been communicated. This discount and card can be used for business or leisure.
The second attachment is information about our company which is the largest off-airport parking company in the U.S. Thanks for your any assistance you may give.
RECEIVED AND FILED

NO. 41

M. KOOSHOIAN-INFO ORD AMEND CH 316 PEDDLING & SOLICITING-MOBILE FOOD VENDORS

Dear Council Members,
The recent "compromise" proposal for food truck legislation shows that an effort is being made to bring this discussion to a close. In an effort to expedite this process, in the past we asked for a committee to be formed. After one meeting that committee apparently disbanded and a proposal was offered by the "Food Truck" group and then we were encouraged to respond with our own proposal: Finally, the current proposal from Councilman Golombek has been offered.
In the past, streets were considered multi-use public spaces, then with the addition of motor vehicles, streets have become solely used as transportation corridors. Mobile vending represents a shift to the multi uses of the past, but must also be balanced with current uses and issues of public interest. I have enclosed an article from the New York Times that gives a fair summary of the positive and negative effects of mobile vending and of the position in which you, as legislators, find yourselves.
Our main concern from the beginning has been to address the congestion in the Hertel Avenue and Elmwood Avenue areas of the City. Food trucks will enter these areas and add to this congestion, like any other food business. The City Charter recognizes that food businesses in these defined zones add to problems with congestion, illegal parking and other quality of life and public safety issues. In response to these effects on public health and safety, the City Charter places extra restrictions on food businesses in these areas.
While the current proposal offers no response to issues in congested areas, the solution is simple. There is no need to add signs for specific locations, to restrict vendors to definite areas, to add extra permitting processes or to add fees to operate in these areas. The legislation can recognize these areas as congested, apply the geographical boundaries from the zoning laws, apply whatever proximity ban is approved, and limit the trucks to no more than one per block face at the same time in these areas recognized as congested. This will allow "Food Trucks" access to the congested areas, but in a manner that hopefully does not over burden the streets. Also, as kitchens close throughout the time of day, more areas would open up for vendors as congestion reduces. This would be a way to introduce the pilot program to the area and, as the "Food Truck" industry grows, anticipate and address potential issues that have already arisen in other cities. It will address concerns of all businesses and residents in these areas. The Council is already aware of concerns with congestion on Hertel and Elmwood Avenues as recognized in the City Charter's zoning laws. Further, this limit in congested areas would encourage the grouping of vendors in areas that are not already congested, something other cities are trying to do now in response to this growing industry's effects on already busy areas.
Once these congested areas are recognized and some precaution is taken, the conversation can shift towards the distance of a proximity ban. We have not engaged in that discourse because a proximity ban alone does not solve issues in congested areas. From the beginning, "Food Trucks" have proposed that they stay 100 feet from a restaurant. However, when it comes to a City sanctioned event, 500 feet is the required distance. We do not think it is unreasonable to request a proximity ban of half as much as the City is giving itself. Therefore the requested distance is 250 feet.
While we have heard quite a bit of discussion at public hearings about these issues, we look forward to hearing your discussions and to a resolution to this matter for the year. Thank you for your time.
REFERRED TO THE COMMITTEE ON LEGISLATION.

NO. 42

K. LINDER-BSA CAFR NOW AVAILABLE ONLINE

Dear Mr. Chwalinski,
Please file the attached document for the upcoming Common Council Session to be held on January 10, 2012.
Thank you in advance for your assistance in this matter.
Dear Chief of Staff:
The Buffalo Sewer Authority's 2010-2011 Comprehensive Annual Financial Report is now available on the Authority's website. The 2010-2011 CAFR can be downloaded at www.city-buffalo.com/files/1_2_1/BSA/IntranetFiles/10-11_CAFR.pdf.
The 2010-2011 CAFR was approved by the Board of the Buffalo Sewer Authority on December 7, 2011.
RECEIVED AND FILED

NO. 43

ELI MUNDY-AM POL LETTER REQUESTING USE OF PAPER FOR ADVERTISEMENTS

Attached please find a copy of Roger Puchalski's letter to City Clerk Gerald Chwalinski regarding the Am-Pol Eagle's request to be included as one of the City of Buffalo's official newspapers regaling the publication of all official notices and advertising matters, as well as announcements relative to the city's receipt of federal and/or state grants.

Am-Pol Eagle's advertising rate for these announcements is 70 cents per line. I trust you will not hesitate to let me know if you or your staff have any questions regarding this request and/or require additional information.

On behalf of everyone at the "Voice of Polonia", best wishes to you and your family as well as your staff for continued success throughout the New Year!

RECEIVED AND FILED

NO. 44

B. RUSSELL-NFTA BUS ROUTE ELIMINATIONS/CUTS

Dear Mr. Chwalinski:

Attached please find correspondence regarding the proposed NFTA bus route changes. Please file the attachment for the Common Council meeting scheduled for January 10, 2012.

From: Charlotte Hsu

Sent: Thursday, December 22, 2011 11:29 AM

To: Councilmember Russell; Councilmember Pridgen

Subject: Bus route elimination

Dear Councilmembers Russell and Pridgen,

I am a resident in Ms. Russell's district, but I am emailing you both because you both seem quite active in responding to the needs of city residents.

I was told that there is no time for public comment during the regular meetings of the full Common Council. However, I wondered if it would be possible to make time on a future agenda to allow residents to comment on the NFTA's plans to severely reduce bus service in and around Buffalo. I realize that the Common Council does not have any authority over the NFTA, but I hoped that the council might hear the concerns of the citizens and lobby the NFTA on our behalf.

Personally, I live in the University District and ride the metro rail line frequently and depend on the 204 Line to get me to the airport when I need to fly out of Buffalo for business or personal matters. In the past, when I lived in Parkside, I took the 32, 11 and 20 with some frequency. In the past, when I've needed to go somewhere new, I've been pleased to find that other times have been available.

If ridership is at an all-time high, it seems to me that the NFTA has some long-term, structural problems relating to their budget that they need to resolve. I don't think consistently raising fees and cutting service is available, long-term solution, and I suspect that other riders would agree. One thing I find particularly ridiculous: The public transportation available from the airport to anywhere in Western New York is already limited, and the new service cuts would eliminate direct service from the airport to the city. In addition, while I am lucky enough to own a car, many residents do not own vehicles and seriously depend on the NFTA to get to work and to enjoy the city. By cutting buses, NFTA will hurt the city's poorest residents, making it even more difficult for people in need to get and keep jobs.

Please let me know your thoughts on whether it would be possible for the public to comment on this issue at a future council meeting. I appreciate your consideration of this request.

REFERRED TO THE COMMITTEE ON LEGISLATION.

PETITIONS

NO. 45

P. TSOUFLIDIS, OWNER, USE 708 ELMWOOD TO EXTEND INTO THE SECOND FLOOR OF AN EXISTING RESTAURANT (HRG 1/17)(DEL)

REFERRED TO THE COMMITTEE ON LEGISLATION

NO. 46

G. PONMAPALAM, AGENT. USE 427 ELMWOOD TO CONVERT A SALON TO A SIT IN RESTAURANT AND OUTDOOR CARE (HRG 1/17)(NIA)

REFERRED TO THE COMMITTEE ON LEGISLATION AND THE CITY PLANNING BOARD

NO. 47

P. STRADA, AGEM, USE 761 HERTEL AVE TO PLACE POLE SIGN AT SCRAP YARD (NO HRG)(NORTH)

REFERRED TO THE COMMITTEE ON LEGISLATION AND THE CITY PLANNING BOARD

REGULAR COMMITTEES

CIVIL SERVICE

(BONNIE E. RUSSELL, CHAIRPERSON)

NO. 48

APPOINT ASSISTANT CORPORATION COUNSEL I (HANNIBAL)(CC) CCP#8, 12/27

Mrs. Russell moved

That the above item be the same and hereby is Received and Filed

ADOPTED

NO. 49

NOTICES OF APPOINTMENTS-TEMP/PROV/PERM(CITY CLK) CCP#21.12/27

Mrs. Russell moved

That the above item be the same and hereby is Received and Filed

ADOPTED

FINANCE

(MICHAEL J. LOCURTO CHAIRMAN)

NO. 50

R..GRABER-EC LEG'S RES APPROVING CONSOLIDATION OF VITAL RECORDS FOR VA WNY DISTRICT# 1498 WITH THE REGISTRAR OF THE COB DISTRICT 1401 CCP#24, 12/27

Mr. LoCurto moved

That the above item be the same and hereby is Received and Filed

ADOPTED

COMMUNITY DEVELOPMENT

(JOSEPH GOLOMBEK, JR., CHAIRMAN)

NO. 51
REPORT OF SALE 694 NORTHUMBERLAND(MASTEN)(STRAT PLAN)
(#8, 6/28)

Mr. Golombek moved:
That the above item be the same and hereby is Received and Filed
ADOPTED

NO. 52
REPORT OF SALE-218 ORLANDO(FILL)(STRAT PLAN)
(#9, 5/25)(#98, 6/8)

Mr. Golombek moved:
That the above item be the same and hereby is Received and Filed
ADOPTED

LEGISLATION
(DARIUS G. PRIDGEN, CHAIRMAN)
NO. 53

J. FORSTER, OWNER, USE 423 ELMWOOD AVENUE TO CONVERT A DINER TO A RETAIL STORE
(ITEM NO. 31, C.C.P., DECEMBER 27, 2011)

That the above item be, and the same hereby is returned to the Common Council with a recommendation for approval.

Reverend Pridgen moved:

That the application of J. Forster, Owner, to convert 423 Elmwood Avenue from a Diner into a Retail Store within the Elmwood Avenue Special District is hereby approved.

PASSED

AYES - 8 NOES - 0

NO. 54
FOOD STORE LICENSE (NEW) - 314 HAMPSHIRE A/K/A 318 HAMPSHIRE (NIA) (EDPI)
(ITEM NO. 9 C.C.P. DECEMBER 27, 2011)

That the above item be and is returned to the Common Council with a recommendation for approval:

Reverend Pridgen moved:

That pursuant to Chapter 194 of the City Ordinances, the Commissioner or Permits and Inspections Services is hereby authorized to issue a Food Store License to Thabet Mashoor Alawi d/b/a "Bill's Comer" located at 314 Hampshire a/k/a 318 Hampshire.

PASSED

AYES - 8 NOES - 0

NO. 55
FOOD STORE LICENSE (NEW) - 177 RILEY (ELL) (EDPI)
(ITEM NO. 11 C.C.P. DECEMBER 27, 2011)

That the above item be and is returned to the Common Council with a recommendation for approval:

Reverend Pridgen moved:

That, pursuant to Chapter 194 of the Ordinances of the City of Buffalo, the Commissioner or Permits and Inspections Services is hereby authorized to issue a Food Store License to Saleh A. Waled d/b/a "Union Market" located at 177 Riley.

PASSED

AYES - 8 NOES - 0

NO. 56
APPLICATION FOR LANDMARK STATUS - ERIE FREIGHT HOUSE - 411(AKA 9) OHIO STREET
(ITEM NO. 2 C.C.P. DECEMBER 13,2011)

That the above item be and is returned to the Common Council with a recommendation for approval:

PASSED

AYES - 8 NOES - 0

NO. 57
L.L. - IN RELATION TO THE QUALIFICATIONS OF THE COB POLICE COMMISSIONER
(ITEM NO. 158 C.C.P. APRIL 19, 2011)

That the above item be and is returned to the Common Council with a recommendation for approval:

Reverend Pridgen moved:

That, the above-entitled item is hereby re-committee and sent to the Commissioner of Human Resources for an analysis of comparable qualifications for Police Commissioners throughout the country.

RECOMMITTED AND REFERRED TO THE COMMISSIONER OF HUMAN RESOURCES

NO. 58
J. PAJAK-RESPONSE HRM-REQ LEG PASS BILL AMENDING VEHICLE & TRAFFIC LAW DIRECTING COB
TO ADJUDICATE TRAFFIC INFRACTIONS (#35, 2/8)

Mr. Pridgen moved:
That the above item be the same and hereby is Received and Filed
ADOPTED

NO. 59
B. BRAY-J. BURIN, NYSCMA ENDORSES COUNCIL MANAGER FORM OF GOV'T FOR COB
(#41, 12/14)

Mr. Pridgen moved:
That the above item be the same and hereby is Received and Filed
ADOPTED

NO. 60
IMPLEMENTING A PROFESSIONAL CITY MANAGER FORM OF GOVERNMENT
(ITEM NO. 107 C.C.P. SEPTEMBER 7, 2010)

That the above item be and is returned to the Common Council with a recommendation for adoption:

Reverend Pridgen moved:

That, the Common Council supports the creation of a commission consisting of public and private sector representatives appointed by the Common Council President to research the adoption of a City Manager form of Government.

ADOPTED.

NO. 61
FILLING COMMON COUNCIL VACANCIES VIA SPECIAL ELECTION
(ITEM NO. 97 C.C.P. FEBRUARY 2, 2010)

That the above item be and is returned to the Common Council with a recommendation for adoption:

Reverend Pridgen moved:

To Receive and File above item

ADOPTED

NO. 62
RENEWING EFFORTS TO GIVE VOTERS THE OPTION OF NON-PARTISAN ELECTIONS
(ITEM NO. 81 C.C.P. OCTOBER 13, 2009)

That the above item be and is returned to the Common Council with a recommendation for adoption:

Mr. Pridgen moved that the above item be recommitted to the Committee on Legislation

ADOPTED

NO. 63
COUNCIL MANAGER FORM OF GOV'T FOR COB
(ITEM NO. 105 C.C.P. SEPTEMBER 30, 2008)

That the above item be and is returned to the Common Council with a recommendation for adoption:

Reverend Pridgen moved:

That, the Common Council supports the creation of a commission consisting of public and private sector representatives appointed by the Common Council President to research the adoption of a Council Manager form of Government.

ADOPTED.

NO. 64
EXPLORING ALTERNATIVE FORMS OF GOV'T FOR COB
(#106, 9/30)

Mr. Pridgen moved:

That the above item be the same and hereby is Received and Filed

ADOPTED

RESOLUTIONS
NO. 65

BY: MR. FONTANA

COUNCIL MEMBER LOCURTO EXCUSED FROM COUNCIL MEETING

RESOLVED:

That Council Member Michael LoCurto be and hereby is excused from attendance at the Common Council Meeting of Tuesday, January 10, 2012.

ADOPTED

NO. 66

BY: MR. GOLOMBEK

THE INFLUENCE OF UNLIMITED CORPORATE MONEY ON ELECTIONS

WHEREAS: The U.S. Supreme Court's 5-4 ruling in Citizens United v. the Federal Election Commission rolled back legal restrictions on corporate spending in the electoral process, allowing unlimited corporate spending to influence elections, candidate selection, and policy decisions, thereby threatening the voices of "We the People", and the very foundation of our democracy; and

WHEREAS: Corporations are not mentioned in the United States Constitution and the First Amendment was never intended to let nonhuman business corporations spend unlimited corporate cash to influence our elections; and

WHEREAS: U.S. Supreme Court Justice Hugo Black in a 1938 Opinion stated, "I do not believe the word 'person' in the Fourteenth Amendment includes corporations"; and

WHEREAS: Money affects the quality and quantity of speech and is NOT, in itself, speech; and allowing corporations with great wealth to use it as speech effectively drowns out the protected free speech of the People in our diverse society; and

WHEREAS: Corporations were already spending considerable amounts of money to influence elections, but Citizens United v. FEC allows CEOs to dip into corporate treasuries and spend as much as they want to buy pro-corporate lawmakers and punish those who stand up for the public interest; and

WHEREAS: Most of this new spending will be hidden from the public. Corporate front groups will sponsor cynical advertisements supporting industry-friendly candidates and attacking public servants who stand up to corporations; the public will not know who is funding the ads; and

WHEREAS: Corporations are not people. They do not vote, and they should not be allowed to have such an overwhelming influence on elections; and

NOW THEREFORE, BE IT RESOLVED:

That the Buffalo Common Council supports the adoption of a Constitutional Amendment and other legislative actions ensuring that only human beings, not corporations, are endowed with constitutional rights and that money is not speech, and therefore the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech.

ADOPTED

NO. 67

BY MR. GOLOMBEK

CHAPTER 316 - PEDDLING AND SOLICITING
THE COMMON COUNCIL OF THE CITY OF BUFFALO DOES HEREBY ORDAIN AND AMEND CHAPTER 316 OF THE
BUFFALO CITY CODE BY ADDING ARTICLE IX;
"MOBILE FOOD VEHICLE VENDORS"

That Chapter 316 of the Code of the City of Buffalo be amended to read as follows: **ARTICLE IX : MOBILE FOOD**

VEHICLE VENDORS (§§316-50--316-57)

316-50 DEFINITIONS

MOBILE FOOD VEHICLE ("MFV"): A commercially manufactured, self-contained, motorized, mobile food unit in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for service, sale or distribution.

MOBILE FOOD VEHICLE VENDOR ("MFVV"): The owner of a mobile food vehicle or the owner's agent; hereinafter referred to as "vendor."

316-51 RESTRICTIONS

A. It shall be unlawful for any person to operate a mobile food vehicle within the public rights of way or on public property within the City of Buffalo without first having obtained a valid mobile food vending license as prescribed in this Article. Operation of a Mobile Food Vehicle on private property shall continue to be regulated and prohibited in accordance with all applicable provisions of the City Code.

B. Any Mobile Food Vehicle Vendor operating within the Special Downtown District shall abide by Article VIII of this Chapter within said District and the restrictions enumerated herein shall only apply to all areas outside of said District.

C. It shall be unlawful for a Mobile Food Vehicle Vendor to park, stand, or operate in a location which is adjacent to or within a one hundred (100') foot radius of the nearest edge of any building or section of a of a building comprising a licensed food establishment, excluding any patio, awning or temporary enclosure attached thereto, the kitchen of which is open for serving food to patrons. This requirement may be waived if the application is submitted together with the written consent of the proprietor of the adjacent licensed food establishment.

D. Each and every MFVV must at all times carry on the vehicle a "measuring wheel" with a measuring capacity of no less than 500 feet, as a condition of its licensure. The failure of any MFVV to carry such "measuring wheel" or abide by the proximity-distance conditions included in this Chapter, shall constitute a violation of this Ordinance pursuant to §316-55 of this Code.

E. All Mobile Food Vehicle Vendors must abide by all Parking and Vehicle and Traffic Laws, Ordinances, Rules and Regulations at all times, except that a Mobile Food Vehicle that is of such a length that it occupies all or a portion of two vehicle parking spaces, may park in said spaces so long as it abides by all other Parking Restrictions, including any two hour maximum durational requirements in force and effect at that time and location.

F. It shall be unlawful for any Mobile Food Vehicle Vendor to operate within five hundred (500') feet of the boundary line of any fair, carnival, circus, festival, special event or civic event that is licensed or sanctioned by the City, except when the vendor has obtained a permit to so operate from the City of Buffalo in accordance with Chapter 414 of this Code.

G. It shall be unlawful for any Mobile Food Vehicle vendor to operate within 100 feet of any hot dog vendor, licensed to vend hot dogs within the City of Buffalo.

H. All signage must be permanently affixed to the Mobile Food Vehicle. No accessory signage shall be placed outside or around the Mobile Food Vehicle.

I. All Mobile Food Vehicles must be equipped with trash receptacles of a sufficient capacity that shall be changed as necessary to prevent overflow or the creation of litter or debris. Each Mobile Food Vehicle Vendor shall be responsible for abiding by Section 216-9 of this Code, any violation of which shall be punished in accordance with Section 216-11 of this Code.

316-52 LICENSE REQUIRED~ APPLICATION:

A. Any person desiring to operate a mobile food vehicle shall make a written application for such License to the Department of Permits and Inspections Services, Office of Licenses. The application for such license shall be on forms provided by the Commissioner of Permits and Inspections Services or his designee, and shall include the following:

1. Name, signature and address of each applicant and each corporate officer of the Mobile Food Vehicle Vending Corporation.

2. A valid copy of all necessary licenses, permits or certificates required by the County of Erie, the State of New York or any subsidiary enforcement agencies or departments thereof, including, but not limited to: a valid New York State Department of Motor Vehicle Registration and Certificate of Inspection and valid Driver's Licenses of all vehicle operators.

3. A signed statement that the vendor shall hold harmless the City and its officers and employees, and shall indemnify and hold harmless the City and its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the license. Vendor shall furnish and maintain such public liability, food products liability, mad property insurance, as will protect vendor and the City from all claims for damage to property or bodily injury, including death, which may arise from the operations under the license or in connection therewith. Such insurance shall provide coverage of not less than one million dollars (\$1,000,000.00) per occurrence. The policy shall further provide that it may not be cancelled except upon thirty (30) days written notice served upon the City of Buffalo Office of Licenses. A license issued pursuant to the provisions of this section shall be invalid at any time the insurance required herein is not maintained and evidence of continuing coverage is not filed with City of Buffalo Office of Licenses.

4. All license applicants shall submit to a Buffalo Police Department background check into the moral character of the applicant for convictions related to the proposed activity that would indicate that he or she is not a suitable licensee. A license application may be refused by the Commissioner of Permits and Inspections Services or his designee, if, in his or her discretion, a prior criminal conviction demonstrates that he or she is not a suitable licensee.

316-53 FORM AND CONDITION OF LICENSE

Every Mobile Food Vehicle Vending License shall contain the following conditions:

A. Each Mobile Food Vehicle Vending License shall expire on April 1st of every year.

B. The license shall not be transferrable to from person to person without the written approval of the Director of Licenses.

C. The license is valid for one (1) vehicle only.

D. There shall be issued to each Vendor a suitable decal that shall be permanently and prominently affixed to the vehicle.

316-54 LICENSE FEE

All vendors licensed under this Chapter shall pay an annual license fee of One Thousand Dollars (\$1,000.00).

316-55 SUSPENSION, REVOCATION & FINE SCHEDULE:

A. The owner/operator of any Mobile Food Vehicle licensed by the City of Buffalo shall Comply with all provisions of federal, state and local laws and ordinances.

B. The owner/operator of any Mobile Food Vehicle licensed by the City of Buffalo shall comply with all notices, orders, decisions and rules and regulations made by the Department of Permit and Inspection Services, Buffalo Police Department or any other City of Buffalo Department and or Agency.

C. Any person, firm, corporation or other entity violating the provisions of this chapter may be liable for penalties as prescribed below and elsewhere in this Code, and may be subject to immediate closure by the Buffalo Police Department and/or the Department of Permit and Inspection Services, pending an Administrative Hearing, which will be scheduled within sixty (60) days of said immediate closure: The Licensee shall have the right to operate in accordance with this Chapter between the time of the alleged violation and the hearing and the final determination regarding the same.

D. For violations solely of the provisions of this Chapter, the following fine schedule shall apply

1st Offense: \$200.00 fine after a finding or plea of guilt before the City of Buffalo's Bureau of Administrative Adjudication.
2nd Offense: \$350.00 fine after a finding or plea of guilt before the City of Buffalo's Bureau of Administrative Adjudication.
3rd Offense: License revocation after a finding or plea of guilt before the City of Buffalo's Bureau of Administrative Adjudication.

316-56 CLOSURE FOR OPERATION WITHOUT A LICENSE

Any establishment operating without the required City of Buffalo license shall be immediately closed by order of the Buffalo Police Department or the Department of Permit and Inspection Services. Every day of operation without a license shall constitute a separate violation and shall be punishable by a fine of \$1500 per violation.

316-57 SUNSET PROVISION

This Article shall sunset on April 1, 2013, meaning that it shall no longer continue to be effective without subsequent action by the Common Council of the City of Buffalo to renew, amend or modify the same.

APPROVED AS TO FORM Asst. Corporation Counsel

NOTE: Matter underlined is new, matter in brackets is to be deleted.

REFERRED TO THE COMMITTEE ON LEGISLATION

BY: MR. KEARNS

NO. 68

SURVEY SOUTH BUFFALO PUBLIC SCHOOL PARENTS.

Whereas: Both as a parent of a student and as the South District representative on the Common Council, I am well aware of the value of a Buffalo Public School education; and

Whereas: Discovery, Lorraine Academy, Hillery Park Academy and Southside Elementary have recently been renovated and updated to 21st Century standards ; and

Whereas: These schools have served to stabilize South Buffalo neighborhoods by giving parents a unique and innovative option in selecting a primary education institution for their children; and

Whereas: As a result, nearby home values have increased, and more South Buffalo parents are choosing to send their children to public schools; and

Whereas: While parents have many neighborhood choices at the elementary school level, as families begin exploring options for high schools their choice for public education is limited; and

Whereas: For years Discovery School parents have advocated for a high school to continue the Discovery model of hands on learning; and

Whereas: Additional high school options in South Buffalo would give primary school parents the opportunity to continue their children's education in the neighborhood; and

Now, Therefore, Be It Resolved:

That the Common Council of the City of Buffalo requests the Board of Education to do a survey of sixth to eighth grade families to gauge their input on educational options in their community; and

Be it Further Resolved:

That copies of this resolution be sent to the Superintendent of Schools, the Board of Education and all South Buffalo Public Schools for their comments and recommendations.

REFERRED TO THE SPECIAL COMMITTEE ON EDUCATION

NO. 69

SPONSOR: MICHAEL J. LOCURTO; DAVID A. RIVERA AND ALL COUNCILMEMBERS

URGING THE NEW YORK STATE LEGISLATURE TO ADOPT A PLAN TO RESTORE FUNDING TO THE NIAGARA FRONTIER TRANSPORTATION AUTHORITY (NFTA).

Whereas: The NFTA is the state's second largest transit provider, and the only provider outside of New York City with a light rail system, and,

Whereas The NFTA's state transit operating assistance has been cut six times for a total of \$4.3 million since 2009; and
Whereas At the same time, workers compensation costs rose 35%, health insurance costs rose 17%, and maintenance and repair costs rose over 12%. These converging trends put the NFTA at fiscal cross roads; and,

Whereas The NFTA had a \$15 million deficit just a few months ago, even after implementing \$10 million in savings from 2009 to 2011; and,

Whereas To close the gap, the NFTA implemented work force reductions, and other efficiencies to reduce that deficit to \$7 million. On December 19. the NFTA Board decided to close that gap with the same amount of service reductions, without a fare increase; and,

Whereas The NFTA needs additional state intervention to navigate these difficult economic times;
and,

Whereas In 2009, the state approved a \$2.26-billion rescue plan for the MTA. The NFTA's request for \$10 million in deficit reduction assistance and eight additional megawatts of low cost NYPA power is reasonable and equitable in comparison;
and,

Now, Therefore Be It Resolved:

That the Buffalo Common Council urges the New York State Legislature to adopt a plan to restore funding to the Niagara Frontier Transportation Authority; and

Be It Further Resolved:

That copies of this resolution be forwarded to Governor Cuomo, Senate Majority Leader Dean Skelos, Assembly

Speaker Sheldon Silver and the Western New York Delegation.

ADOPTED

NO. 70

BY: COUNCILMEMBER PRIDGEN

CLOSING OF WILLIAM STREET UNITED STATES POSTAL STATION

Whereas Buffalo is the second largest city in New York State; and

Whereas Buffalo is closer in proximity than any other city in New York State to Toronto, the financial Capital of Canada; and

Whereas The Buffalo Niagara Region has 2 International airports and 5 International bridges in addition to functional rail yards; and

Hundreds of jobs at the William Street Post Office will be lost if this facility is closed; and

Whereas The loss of hundreds jobs would negatively impact the economy of the City of Buffalo; and

Whereas The proposed changes by the Postal service would result in the elimination of overnight delivery of first-class mail in favor of a two-to-three day delivery process; and

Whereas The City of Buffalo is receiving 1 billion dollars from NY State for development throughout the city as announced by Governor Cuomo along with the expansion of the Medical Corridors in downtown Buffalo which are already underway.

Now, Therefore, Be It Resolved That:

The federal representation from the City of Buffalo ensure that the William Street location of the United States Postal Service remains open.

Now, Therefore, Be It Further Resolved That:

The Common Council request that Congressman Brian Higgins organizes a meeting with all local elected officials in the City of Buffalo to discuss a plan to keep the facility open.

ADOPT RESOLVES REMAINDER REFERRED TO THE COMMITTEE ON LEGISLATION

NO. 71

BY: MR. PRIDGEN

RE: DISCHARGE LEGISLATION COMMITTEE

ITEM #15, C.C.P. DEC. 27, 2011

**"SECOND HAND DEALER 147 W TUPPER AKA 332 S. ELMWOOD
(FILL)(EDPI)"**

The above item is currently in the Legislation Committee; and
It is no longer necessary for this item to be considered by that committee;

Now, Therefore Be it Resolved:

That this Common Council does hereby discharge the Legislation Committee from further consideration of Item #15, C.C.P. Dec. 27, 2011 "Second Hand Dealer 147 W Tupper aka 332 S. Elmwood (Fill)(EDPI)" and said item is now before the Common Council for its consideration.

ADOPT DISCHARGE APPROVE

PASSED

AYES - 8 NOES - 0

NO. 72

BY: COUNCILMEMBER DARIUS PRIDGEN

ORDINANCE AMENDMENT

CHAPTER 511: ZONING

ARTICLE XVI : SD SPECIAL ZONING DISTRICTS (§511-54-511-68.[5]6

The Common Council of the City of Buffalo does hereby ordain as follows:

That Chapter 511 of the Code of the City of Buffalo be amended to read as follows:

§511-68.6

A. The Downtown Entertainment Review District, as hereinafter limited and described shall be known as the "Downtown Entertainment Review District."

B. Limits and Description. The Downtown Entertainment Review District shall include all properties within the area bounded: on the North, by the centerline of Tupper Street, on the East by all properties fronting on the East Side of Main Street, on the West by all properties fronting on the West Side of Elmwood Avenue and on the South by the Center line of Seneca Street.

C. Legislative Intent.

(1) The Common Council finds that, in the Downtown Entertainment Review District, there has been an increase in the amount of alcohol-related, criminal and violent activities involving individuals under the age of twenty-one years of age who have been illegally served alcohol in this district, resulting in confrontations and criminal activity within the public fights-of-way and open spaces located within this district.

(2) The Common Council further finds that this increase in alcohol-related, violent and criminal activity has threatened the vitality of the district and that the balance between the general public's right to use and enjoy these public spaces and to legally patronize establishments that serve alcohol and the right of those under 21 years of age to use and enjoy said public spaces is being jeopardized by these alcohol-related incidents.

(3) The Common Council further finds that events which permit co-mingling of patrons who are under or over 21 years of age without adequate security plans or personnel to insure that those under the age of twenty-one are not served or able to consume alcohol has increased the likelihood of criminal activity against pedestrians, motorists and property and resulted in excessive noise, annoyance, vandalism and interference with the general public's right to use and enjoy these public spaces, particularly between the hours of 10:00 pm at night and 4:00 am the following morning.

D. Permitted Uses. Any of the uses which presently are permitted pursuant to this Chapter of the Code of the City of Buffalo or which may be established or extended as a matter of right pursuant to said Code, except those uses herein restricted, shall be permitted uses within the Downtown Entertainment Review District.

E. Restricted Uses. Any person licensed to serve alcohol at a particular establishment by the New York State Liquor Authority shall not permit the entry of or continued presence of patrons under the age of 21 years of age at any such establishment within the Downtown Entertainment Review District between the hours of 10:00 pm at night and 4:00 a.m. the following morning without first having applied for and received a restricted use permit in accordance with this section.

F. Application for Restricted Use Permit: Any person seeking to hold a single event, a series of events or a reoccurring event, which would permit the entry or continued presence of patrons under the age of twenty-one on his or her premises, while alcohol is being served to those patrons over the age of twenty-one, between the hours of 10:00 pm and 4:00 am the following morning within the Downtown Entertainment Review District, shall file an application for a Restricted Use Permit on forms to be supplied by the City Clerk at least fourteen days prior thereto. Said forms shall be filled out by the applicant and approved as to Form by the Department of Permits and Inspections' Office of Licenses. The City Clerk shall forward the application to the Common Council immediately after the filing of the application.

G. Said forms shall include the name, date and time of the event, whether the event is one time only or recurring, how many people are anticipated to attend said event, how many security personnel will be utilized to provide security at said event, any promoter that has been retained to promote said event, the proposed times during which the event shall start and end, what safeguards will be undertaken to insure that all patrons under the age of 21 years of age are easily identifiable as such and any other information deemed pertinent to City Clerk and included on said Restricted Use Permit Application Form for the Downtown Entertainment Review District.

H. Decision by the Common Council. The Common Council may authorize and direct the approval or denial of the issuance of the restricted use permit on the basis of the effect of such a permit on the public health, safety or general welfare within the Downtown Entertainment Review District. The Common Council shall attach to such permit such restrictions as are

necessary to or desirable in its judgment to ensure the compatibility of the proposed use with the surrounding area and the overall health, safety, welfare and development of the community.

I. Compliance: Any person found in violation of this Section shall be immediately have the premises closed by any Buffalo Police Officer or any officer of the Department of Permits and Inspection Services and shall not be allowed to reopen until the following business day.

J. Revocation: Upon submission to the Common Council of a written report of the enforcing official of the City that a restricted use permit holder or any other business owner in the Downtown Entertainment Review District is in violation of this Ordinance or the conditions established, a hearing shall be scheduled by the Office of Licenses, at which time any Licensee or Restricted Use Permit Holder in the Downtown Entertainment Review District shall have the opportunity to appear and dispute the charge. The Office of Licenses shall then make a recommendation to the Commissioner of Permits and Inspections Services, who shall have the authority to revoke and/or all licenses issued by the Department of Permits and Inspections Services.

K. Exceptions: This Section shall not prohibit any person from allowing co-mingling on Thursday nights between 10:00 pm on said Thursday night and 4:00 a.m. Friday morning within the Downtown Entertainment Review District.

APPROVED AS TO FORM

Asst. Corporation Counsel

NOTE: Matter underlined is new, matter in brackets is to be deleted.

REFERRED TO THE COMMITTEE ON LEGISLATION

NO. 73

BY: DEMONE A SMITH

APPOINTMENTS COMMISSIONERS OF DEEDS REQUIRED FOR THE PROPER PERFORMANCE OF PUBLIC DUTIES

That the following person(s) are hereby appointed as Commissioner of Deeds for the term ending December 31, 2012, conditional upon the persons so appointed certifying under oath to their qualifications and filing same with the City of Buffalo

- Sharon R. Adler
- Mary H. Baldwin
- Edward Beck
- Nelson Rivera
- David Szprygada

TOTAL 5

ADOPTED

NO. 74

ANNOUNCEMENT OF COMMITTEE MEETINGS

The following meetings are scheduled. All meetings are held in the Common Council Chambers, 13th floor City Hall, Buffalo, New York, unless otherwise noted.

Regular Committees

Committee on Civil Service	Tuesday, January 17, 2012 at 9:45 o'clock A.M.
Committee on Finance following Civil Service	Tuesday, January 17, 2012 at 10:00 o'clock A.M.
Committee on Comm. Dev.	Tuesday, January 17, 2012 at 1:00 o'clock P.M.
Committee on Legislation	Tuesday, January 17, 2012 at 2:00 o'clock P.M.

Special Committees

Committee on Education	Tuesday January 17, 2012 at 11:00 o'clock A.M.
------------------------	--

(Public Disclaimer): All meetings are subject to change and cancellation by the respective Chairmen of Council Committees. In the event that there is sufficient time given for notification, it will be provided. In addition, there may be meetings set up whereby the City Clerk's Office is not made aware; therefore, unless we receive notice from the respective Chairmen, we can only make notification of what we are made aware.

NO. 75

ADJOURNMENT

On a motion by Mr. Smith, Seconded by Mr. Rivera the Council adjourned at 3:13 P.M.

GERALD A. CHWALINSKI

CITY CLERK

January 10, 2012