

Agenda Item #1

The following is a report of the licenses issued and collections made in the Office of the City Clerk during the month of June 2012

			<u>CONTROLLER</u>		<u>TOTAL</u>
A1255-001					
A012	Vital Statistics		\$ 4,580.00	\$	4,580.00
A1255-004					
A013	Copies of Records		\$ 766.25	\$	766.25
A1255-004					
A013	Certificates of Marriage		\$ 1,110.00	\$	1,110.00
A2501-006					
A042	Tour Agency		\$ 350.00	\$	350.00
A2501-006					
A042	Tour Attendant		\$ 250.00	\$	250.00
A2501-006					
A042	Tour Driver/Guide		\$ 600.00	\$	600.00
A2501-011					
A044	Peddler		\$ 10,825.00	\$	10,825.00
A2501-014					
A046	Electrician - Exam Fee		\$ 500.00	\$	500.00
A2542-000			\$		
A053	Dogs/NYS Agr. & Mkts	\$ 579.00	-	\$	579.00
A2542-000					
A053	Additional Dogs		\$ 5,038.50	\$	5,038.50
A2545-001					
A054	Marriage License/NYSHD	\$ 2,497.50	\$ 832.50	\$	3,330.00
A2550-001					
A056	Loading Zone		\$ 1,680.00	\$	1,680.00
A1255-002					
A123	Commissioners of Deeds		\$ 80.00	\$	80.00
A2545-010					
A128	Petroleum - Storage		\$ 60.00	\$	60.00
A2545-023			\$		
A318	Hunters/NYS DEC RAU	\$ 468.60	-	\$	468.60
A2545-023					
A318	Hunters Fees		\$ 27.40	\$	27.40
A1255-003					
A499	Notary Fee		\$ 12.00	\$	12.00
A1255-005					
A528	Dog Release		\$ 300.00	\$	300.00
TA63008					
A597	Marriage Performance		\$ 1,075.00	\$	1,075.00
A1255-006-					
A696	Photos/passport-license		\$ 9.00	\$	9.00

TOTAL:

\$ 3,545.10

\$ 28,095.65

\$ 31,640.75

Check #	<u>58803</u>	NYS Dept.of Arg. & Mkts	\$ 579.00
Check #	<u>58774</u>	NYS Health Department	\$2,497.50
Check #	<u>ET</u>	NYS DEC RAU	\$ 468.60

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 1: \$95.79/cu. yd.
Concrete 3500 PSI, ASTM size 67: 95.79/cu. yd.
Concrete 4000 PSI ASTM size 69: 98.16/cu. yd.

Additional charges:

Heated Aggregate: 10/15-10/31 and 4/15-4/30 (hot water): 4.00/cu. yd.
Heated Aggregate: 11/1-4/15 (winter charge): 8.00/cu. yd.
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 Construction/Repair Materials code: .0419.006.

Agenda Item #3

A contract for the above referenced project was awarded to Scott Lawn Yard, Inc. on June 27, 2011 in the amount of \$1,149,927.20.

During the course of the project, additional site work necessitated by field conditions was completed. The total cost of this additional work is \$104,976.97. Subtracting \$32,639.30 in contract quantity under-runs, the net addition to the contract is \$72,337.67, bringing the total revised contract sum to \$1,222,264.87.

Funding for this change order is available through the Greenway Host Community Standing Committee. These changes come at no cost to the City.

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

Agenda Item #4

A contract for the above referenced project was awarded to M&M Electric Construction Company, Inc. on June 27, 2011 in the amount of \$48,145.00.

During the course of work, it became necessary to move the existing electrical service pole to allow for widening of the asphalt bike pathway. Also, a GFCI receptacle was added to the waterside gazebo. The total increase to the contract for these changes is \$5,850.00, bringing the total revised contract sum to \$53,995.00.

Funding for this change order is available through the Greenway Host Community Standing Committee. These changes come at no cost to the City.

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

Agenda Item #5

A contract for the above referenced project was awarded to Morris Masonry Restoration LLC, 441 Bailey Ave., Buffalo, N.Y., on July 25, 2011 in an amount of \$478,000.00.

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 \$24,693.00 bring the contract total to \$502,693.00.

CHANGE REQUEST #1

Unanticipated Items

Foundations under stair tread at stairs #6 & #7	8,064.00
Grade beam at stair #6	3,113.00
Concrete riser foundation at stair #3	2,016.00
CMU backup at stairs #2,3,4,6,& 7 @ \$900 ea.	<u>4,500.00</u>
	\$17,693.00

CHANGE REQUEST #2

Chimney re-pointing	\$2,800.00
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CHANGE REQUEST #3

New door & frame @ boiler rm.	\$4,200.00
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Total Cost of Additional Work **\$24,693.00**

This work has been submitted to New York State Office of Parks, Recreation and Historic Preservation, for 75% reimbursement under the current grant (EPF#E09043). Including this change order, the contract does not exceed the original Grant Contract budget amount of \$536,506.00.

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of \$24,693.00 be approved. Sufficient funds presently exist in Code H0611.2006.0611.0449.599.

Will the council vote to so approve?

Agenda Item #6

On February 6, 2012 the City Council passed a resolution directing the City Engineer "to take whatever steps necessary, including retaining the services of an Engineer who specializes in the installation of traffic control devices such as signals, expeditiously install a traffic signal in the vicinity of 2200 Pine Avenue, Niagara Falls New York." Given that directive the City Engineer interviewed several Traffic Engineering firms and based upon the objectives outlined by the City Council it was determined that Urban Engineers of New York, PC would best meet the criteria defined and Urban Engineers provided a professional services agreement in a form acceptable to the Corporation Council that was then signed by Mayor Dyster.

Currently, the City Controller is requesting concurrence from the City Council before expending those funds for design services as provided by Urban Engineers.

It is the recommendation of the undersigned that fees for scoping preliminary design and final construction documents and design phases of this project be paid to Urban Engineers of New York, PC at its Proposal Price of \$10,500.00 as they complete the design phases of the project outlined in their proposal. Funding is available through Funding Code H1115.2011.1115.0449.599.

Will the Council vote to so approve and authorize the City Controller to expend funds as allocated to Urban Engineers of New York of New York?

Agenda Item #7

At its December 12, 2011 meeting, the City Council appropriated \$25,500.00 from the Special Projects Fund Balance for the above referenced project. The City Administration, with the approval of the City Council, then entered into agreement with LiRo Engineers. They have since completed the work by providing plans and specifications for the demolition of the pedestrian walkway. Because of an oversight the funds allocated were charged against the Consultant Line of the 2011 Engineering Department Budget.

The total cost for the related consulting engineering services for the project was not to exceed the \$25,500.00 design budget which included updating the asbestos survey, design work, bidding specification and award and project monitoring for asbestos. Since a portion of the work was completed and the payment request made in 2012 for the Consultant Line fund from the 2011 Engineering Budget cannot be used, those funds went back to the General Fund Balance.

Since the project was never awarded and the balance due, LiRo is requesting \$19,750.00. Currently, funds that were set aside for the demolition of the walkway can be used for the consultant services provided by LiRo Engineers.

Therefore, it is the recommendation of the undersigned that fees for updating the asbestos survey, design work, bidding specification and award and project monitoring for asbestos be paid to LiRo Engineer, Inc. for \$19,750.00 as they completed the design phases of the project outlined in their proposal.

Will the Council vote to so approve and authorize the City Controller to expend funds as allocated to Urban Engineers of New York of New York?

Agenda Item #8

A contract for the above referenced project was awarded to CIR Electrical Construction Corp. on September 19, 2011 in the amount of \$275,000. Subsequent to the start of the project, the Contractor has encountered some substantial items which constitute a change in conditions that were not included in the initial scope of this contract. Please note that the City will be fully reimbursed for all costs associated with the below items through a funding agreement with USA Niagara Development Corporation.

Issue 1: Work Change Directive #00011 -Reconnect H wall pack fixtures \$10,740.00
Re-connect power to "H" wall pack fixtures on Level #3 and #4 (south end of ramp). Power to fixtures cut by NCCC demo contractor. Replace damaged/missing concealed raceway system, including conduit and wire on both sides of ramp at 3rd Level along column line "U" to the light fixtures. Provide branch circuit wiring to lighting fixtures as required. Connect Type "H" fixtures and existing lighting fixtures to time switch/photocell controlled lighting circuit having adequate spare capacity. Provide raceway and branch circuit wiring as required in order to make light fixtures functional.

Issue 2: Work Change Directive #00012 - Conduit repair@Old Falls St. \$3,417.00
Due to conduit being crimped during Phase 1 work for the Rainbow Mall, CIR replaced the (2) crimped rigid conduit and convert to PVC located under the sidewalk at Old Falls St.

Issue 3: Work Change Directive #00013 - Power to stair tower #7 \$3,792.00
This work was added in order to provide a new branch circuit wiring at Stair #7 to connect branch circuit wiring to existing circuit serving Stair #6. This power was cut during Phase 1 work.

Issue 4: Work Change Directive #00014 - Stair 3 & 7 Egress add'tl F/A work \$3,419.00
This work added in order to install the fire alarm system including fire alarm station and fire alarms at Stairs 3 and 7 in order to provide NCCC's stairwells to be code compliant. And also to complete demolition work where existing fire alarms were not needed.

Issue 5: Work Change Directive #00015 - Stair# 2 path of egress \$3,347.00
This work was Added in order to provide (2) exit signs - (1) from the vacant mall space above the new door opening; (1) in the exit passageway to indicate path of egress to existing exterior door. Tie into existing exit light circuit. Adding a new wall fixture and fire alarm in Stair #2.

Issue 6: Work Change Directive #00016 - Exist. Elev. tracing phone lines \$1,295.00
This work was completed in order to verify the (4) communication lines from 5th floor down to the 1st floor electrical room and also verify that the phone lines ring out at the Rainbow Elevators.

Issue 7: Work Change Directive #00017- Exist. Elevator smoke alarms \$16,418.00
Proceed with all work associated with furnishing and installing the smoke alarms in the existing elevator lobby's.

Issue 8: Work Change Directive #00018 - Fire alarm panels ramp to NCC \$19,954.00
This work was added in order to connect the fire alarm panels from the ramp to NCC's panel. This work is to include connecting the 4100ES FACP on the ramp to be networked to the NCCC Space and related 4100ES Panel there.

Issue 9: Work Change Directive #00019 - Expander Panel \$8,463.00
This work is associated with adding an Expander Panel in order to provide the necessary circuits required for the fire alarm devices at Stair #7. Due to the conditions of the existing Rainbow Elevators and in order to make them safe prior to their rehabilitation, circuits for Stairs #7 devices were utilized. Adding an expander panel to be installed in order to accommodate the additional fire alarm devices.

Issue 10: Work Change Directive #00020 - Exist Elev. Phone line to mech.room
\$4,013.00

This work was added in order to provide (1) Cat-5e cable in 3/4" conduit from telcom enclosure on north wall of Security Office to elevator machine room. Provide 30' loop of cable in elevator machine room for connection to elevator equipment. Properly secure existing telcom enclosure to wall in Security Office.

Issue 11: Work Change Directive #00021- FACP (2) Future Dedicated phone line
\$2,431.00

Proceed with (1) Cat-5e cable in 3/4" conduit for (2) dedicated phone lines from existing telcom enclosure on north wall of Security Office to new fire alarm control panel. Provide terminations and connections as required

Issue 12: Work Change Directive #00022- Dedicated phone for emergency call \$927.00
This work was added to install cable in 3/4" conduit from existing telcomm enclosure on north wall of Security Office to new emergency call system control panel. Provide terminations and connections as required.

Issue 13: Work Change Directive #00023-Removal of video wiring & PVC 1,789.02
This work was issued in order to remove video conduit as required on Levels 3 through 5 that were left behind from the existing mall.

Issue 14: Work Change Directive #00024-GFI outlet & lighting@ Elevator \$1,420.00
This work was added in order to provide a GFI outlet and adequate lighting be provided in the new elevator machine room.

Issue 15: Work Change Directive #00025-F/A in existing security office \$4,096.00
This work was added in order to furnish and install an F/A Horn & Strobe device in the existing security office on the southwall. Also, install a Smoke Device in the closet where the FACP is located.

In all, the additional costs via this change order for the issues noted above are **\$85,521.02**

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

Agenda Item #9

A contract for the above referenced project was awarded to J.R. Swanson Co. on September 19, 2011 in the amount of \$249,940.00. Subsequent to the start of the project, the Contractor has encountered some substantial items which constitute a change in conditions that were not included in the initial scope of this contract

Issue 1: Work Change Directive #005 -Re-testing of 6 stacks \$2,048.35
JR Swanson was directed to replace rises at the following locations: Stack B, Stack C, Stack D, Stack H, Stack I, and Stack L. Re-testing of the stacks is required at these 6 locations that received repairs.

Issue 2: Work Change Directive #008 - Stack K Repairs \$1,099.77
On 11/14/11, Swanson performed an airt test on Stack K. The test failed and Swanson attempted to soap up the entire stack to locate any and all leaks. No leaks were able to be found during the soap test. Per review of the stack with Urban Engineers and the City of Niagara Falls Enginner, it appears that the fitting on level 4 (just below ceiling) might be compromised. Proceed with the work to remove this fitting, examine the existing conditions and replace with a new fitting.

Issue 3: Work Change Directive #009 - Leaking Floor Drain Above Store \$2,249.98
The 6" stack at column A was unable to hold the air pressure test. The line was plugged inside the store and filled with water from the 1st floor drain above the store (drain A4). Upon performing the water test at drain A4, it was found that the drain was leaking. The work was completed to repair the piping to drain A4 above the store.

Issue 4: Work Change Directive #012 - Drain Clean-Out at Ground Floor Entrance \$933.96
It was discovered that the existing floor drain at the ground level Helix area, located at the circle, was found to be plugged at the start of the project. Proceed with unplugging and cleaning out of the existing drain to allow for proper drainage of the area.

Issue 5: Work Change Directive #013 - Drain Repairs at Ground Floor of Helix \$16, 467.94
This work was added in order to repair the drain at the ground floor of the helix which included excavation/backfill, fabric, piping, stone, and concrete.

Issue 6: Work Change Directive #014 - Additional drain clean out on 3 & 5 \$1,480.96
During the testing of stacks H and G, it was discovered that the drains were plugged with debris on both the third and fifth floor. The contractor was directed to proceed on the drain clean out on the 3rd and 5th floors at Stacks H and G.

Issue 7: Work Change Directive #015 - Add hanger at storm stack F \$437.42
Upon further investigation, the current conditions at the expansion joints on levels 4 and 4 required additional and modified scope of work.

Issue 8: Work Change Directive #016 - Credit for unused allowances (\$144,000.00)
This work change directive was issued in order to recoup back unused allowances.

In all, there is a credit via this change order for the issues noted above are **(119,281.62)**.

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

Agenda Item #10

A contract for the above referenced project was awarded to Huber Construction Inc. on September 19, 2011 in the amount of \$6,309,000.00. Subsequent to the start of the project, the Contractor has encountered some substantial items which constitute a change in conditions that were not included in the initial scope of this contract.

Issue 1: Work Change Directive #003 – Use of 10-60 Expansion Joints (\$107,667.69)
This work was performed in order to install BASF 10-60 Structural Repair Mortar in lieu of the specified Wabocrete Elastomeric concrete at the following expansion joints: Level 3 – Gridlines 10.2, H & Q and Level 4 – Gridlines 10.2, H & Q east of 10.2. This is a credit work change directive.

Issue 2: Work Change Directive #004 – 2 Additional Skylights and Tube Steel \$14,093.04
This work was performed in order to install two (2) new additional skylights and include the steel framing south of Q-line. Change the elevation of the tube steel support, lowering it to the bottom of the panel elevation and add wood blocking at the top of the tube steel. Per Addendum #01.

Issue 3: Work Change Directive #005 – Detail for Roof Skylight \$13,857.50
This work was added in order to add steel, strapping and panel at the Eave/Soffit and Endwall in order to add proper support.

Issue 4: Work Change Directive #009 – Waterproof Membrane on Level 3 \$45,620.77
It was discovered during construction that there is an existing waterproof membrane between the concrete precast and topping on level 3, which did not show on the Contract Documents. The additional work was added in order to replace the membrane in kind at all concrete patch locations within level 3.

Issue 5: Work Change Directive #012 – SJB Cost for Additional Services (\$850.00)
This change is being issued to deduct the cost associated with SJB's additional inspection services for Saturday, 1/28/12. This is a credit change directive.

Issue 6: Work Change Directive #014 – Light Pole Base at Column S-4.1 \$2,876.16
The contract drawings called to have the existing light pole removed at column line S-4.1 (level 5) and a new light pole to be installed on the existing base. The existing base that was called to be re-used has been modified and used by the NCCC project for the installation of their steel and can no longer be used for the light pole. The scope of work is to create a new light post pedestal.

Issue 7: Work Change Directive #015 – Expansion Joints on 5 and part of 4 \$102,306.44
Upon further investigation, the current conditions at the expansion joints on levels 4 and 4 required additional and modified scope of work.

Issue 8: Work Change Directive #016 – Added Access Doors at Elevator \$934.90
This work was performed in order to add 5 steel access doors at the new elevator lobbies in order to access the fire hose valves.

Issue 9: Work Change Directive #017 – Sleeve for Fire Protection \$0.00
There wasn't a sleeve around the fire protection line at column line B-14 within the Helix. The existing fire protection line at this location is compromised and requires to be repaired. In order to protect the piping (once it's replaced) where it passes through the slab, a sleeve must be added before the concrete patches are installed.
This is a zero cost change.

Issue 10: Work Change Directive #018 – Curbs on Level 3 \$1,916.48

The existing curbs on the 3rd level were found to not contain any reinforcing in them. Per the response to RFI #0079, proceed with the work to add #4 rebar in the new curbs around the columns.

Issue 11: Work Change Directive #020 Quad Tee Replacement Detail Change (\$4,800)
Per the contract drawings, the quad tee replacement referenced repair detail E6 on S-513. This detail called to have an 8' section completely removed and replaced. Per returned submittal 03-9300-008, Urban Engineers issued sketch A1 which was for an alternate method for the Quad Tee Replacement. The new detail now calls for only a partial replacement, with only a 2' section being removed and the addition of FRP wrapping for additional support. Due to this alternate method, additional pull testing will be required at (8) eight locations, to be determined by Urban Engineers. This is a credit work change directive.

Issue 12: Work Change Directive #020 –Additional Fire Extinguisher Cabinets. \$4,418.00
The contract documents showed a total of 10 new fire extinguishers and cabinets to be installed during the project and a total of 19 are needed. This was issued to order 9 new fire extinguishers and cabinets at the proper locations throughout the ramp.

Issue 13: Work Change Directive #021- Base Coat at Stairwells \$29,997.00
Due to the tinted anti-graffiti paint not covering the existing stains and paint in the stairwells, proceed with installing the Lexon paint as a primer under anti-graffiti coating on all stairwell walls. The contractor made sure all stains and existing paint on the walls is fully covered and not able to be seen once the finish product is installed.

Issue 14: Work Change Directive #022- Demo of Overhead Doors \$16,348.73
This was issued by the City in order to demo of the overhead doors at both Rainbow Blvd Entrance and First St. This work includes removing the overhead doors and keeping the tube steel in place and painting the tube steel.

Issue 15: Work Change Directive #023- Additional Services Back charge (\$12,000.00)
This is a Deduct Change Order for the Owner's costs associated with the delay in Substantial Completion. To provide costs associated with the Construction Manger being on site.

Issue 16: Work Change Directive #025- Stair #2 Path of Egress \$14, 896.39
This was issued in order to add a 2-hour rated wall at the bottom of Stair #2 that was demolished in Phase 1 by Apollo Steel and is needed in order to provide proper egress out of the ramp.

Issue 17: Work Change Directive #026- Removing steel brackets at railings \$1,864.17
This work was completed in order to remove all the steel brackets at the outside railings that held up all existing signage.

Issue 18: Work Change Directive #027- Elevator Security Partition \$2,965.22
This work was added in order to install an Elevator security partition in the elevator machine room due to code reasons.

Issue 19: Work Change Directive #028- Stair #3 and #7 egress and additional work \$9,554.00
This work was added in order to infill doors at Stairs 3 and 7, add door hardware and ensure egress at Stairs 3 and 7 which is shared by NCCC.

Issue 20: Work Change Directive #029- Flashing at 5th level west side skylight \$7,094.00
This work was completed in order to install flashing on the 5th floor at the west side of the skylight between columns O and R on 7.1 line.

Issue 21: Work Change Directive #030- Credit for Concrete Repair Work (\$104,609.33)

This is a credit change order in order to recoup the money for concrete repair work that was not performed.

Issue 22: Work Change Directive #031- Credit for Unused Allowances

(\$227,000.00)

This is a credit change order in order to recoup the money for the unused allowances.

Issue 23: Work Change Directive #032- Rescope of Sealant Joints at Stairs \$0.00

In lieu of the joint replacement at the underside of the stair / landing sections, the contractor shall remove the existing sealant and backer rod at all vertical joints and all horizontal base of wall / deck joints located at the exterior precast wall panels for the stairhalls on Level 5.

Issue24: Work Change Directive #034- Level 3 exterior openings at Mech. Spaces \$23,810.48

In lieu of the joint replacement at the underside of the stair / landing sections, the contractor shall remove the existing sealant and backer rod at all vertical joints and all horizontal base of wall / deck joints located at the exterior precast wall panels for the stairhalls on Level 5.

Issue25: Work Change Directive #035- Girder Reinforcing and Column Strengthening

\$27,863.88

This work was installed in order to add concrete patching at the missing girder reinforcing and adding additional FRP wrap at column on the 3rd floor shear wall.

Issue26: Work Change Directive #036- Steel Railing at Stair #4

\$9,857.21

A new steel railing was added due to the existing railing being too deteriorated to be salvaged.

Issue27: Work Change Directive #038- Paint at new lobby's

\$1,718.21

The existing precast walls at the new elevator lobby didn't call for paint on the finish schedule. Paint was added to the precast walls to match the new masonry walls.

Issue28: Work Change Directive #039- Patching 5" Holes for Conduits

\$4,436.00

This additional patching work was added in order to fill the holes of the video wiring that went through levels 3, 4 and 5.

Issue29: Work Change Directive #040- Adding Control Joints on the 4th level

\$16,710.00

This additional patching work was added in order to fill the holes of the video wiring that went through levels 3, 4 and 5.

Issue30: Work Change Directive #041- Barricading Existing Doors on Level 3

\$1,306.49

This additional work was added in order to barricade the existing doors on level 3 that used to be mechanical rooms for safety reasons.

In all, there is a credit via this change order for the issues noted above are (102,781.37).

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

Agenda Item #11

The City's agreement with the entity that presently operates the Hyde Park Ice Pavilion ends on July 31, 2012. In April of this year, the City issued a request for qualifications for an entity to make a proposal to the City to either operate the Hyde Park Ice Pavilion pursuant to a license agreement with the City or a management agreement. Four entities responded to this request. City personnel reviewed each response and interviewed representatives from each entity that submitted responses. After reviewing each entity's proposal and presentation and considering criteria such as experience, ability and financial benefit to the City, it is recommended that Niagara Sports Tournaments, Inc. ("NST") be designated as the entity to have the opportunity to participate in negotiations with the City for a license agreement for the operation of the Hyde Park Ice Pavilion. NST's designation as Licensee is contingent upon NST and the City agreeing on the terms and conditions to be contained in a License Agreement. Time is of the essence in moving this matter forward. In the event that discussions and a final proposed license agreement are not concluded with NST within a reasonable period of time, the City will cease negotiations and select one of the other entities that responded to the City's request for qualifications.

The terms and conditions of any license agreement developed will be contingent upon approval of the City Council and in a form acceptable to the Corporation Counsel.

Will the Council so approve?

Agenda Item #12

The Committee for the Freedom Trail Festival has requested a contribution from the City to put toward the expenses incurred in organizing and carrying out the annual Freedom Trail Festival. This Festival is an “all age affair” that attracts local residents as well as visitors from out of town. The Festival is due to take place on September 22, 2012. \$2,500.00 is available from Tourism Fund Balance.

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

Agenda Item #13

A contract for the above referenced project was awarded to J.R. Swanson Co. on September 19, 2011 in the amount of \$39,470.00. Subsequent to the start of the project, the Contractor has encountered some items which constitute a change in conditions that were not included in the initial scope of this contract. Please note that the City will be fully reimbursed for all costs through a funding agreement with USA Niagara Development Corporation.

Issue 1: Work Change Directive #001 – \$932.35
This work change directive is being issued in order to disconnect the wall thermostats and install line voltage thermostats in units. Located at 4 locations in the new elevator lobbies. This work is being completed in order to avoid damage and tampering with by the public.

In all, the additional costs via this change order for the issues noted above are **\$932.35**

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

Agenda Item #14

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

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

<u>Provider</u>	<u>Date of Service</u>	<u>Amount</u>
Cardamone Chiropractic	5/23/12 - 7/11/12	\$390.72

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?

Agenda Item #15

*RE: Request for Approval to Settle and Pay Claim of Kolleen Ziolo
36 Deuro Drive, Niagara Falls, New York 14304*

Council Members:

Date Claim Filed:	September 22, 2011
Date Action Commenced:	N/A
Date of Occurrence:	September 21, 2011
Location:	36 Deuro Drive, Niagara Falls, New York
Nature of Claim:	Automobile damage sustained during road repair.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	\$678.45
Make Check Payable to:	Kolleen Ziolo
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?

Agenda Item #16

Chapter 338 of the Codified Ordinances states: “338.03...City Council may grant a license to carry on the business of secondhand dealer within the City...”

The following have submitted applications for secondhand dealer license and Pawnbroker Dealer license. These applications have all been approved by the Niagara Falls Police Department.

Rubens Buy & Sell Shop	2101 Pine Ave	Michael Giangreco
Niagara Metals	4861 Packard Rd	Michael Sheehan

Will the Council So approve?

Agenda Item #17

At a Traffic Advisory Commission meeting held on July 11, 2012 the Commission recommended **APPROVAL** of the following item:

**INSTALL ALTERNATE OVERNIGHT PARKING ON 83RD STREET BETWEEN
PERSHING AVENUE & LINDBERGH AVENUE**

A Petition from the residents of this block was received with 100% signatures.

Submitted By: Erin Cavanaugh, 815 – 83rd Street and Petition/Residents of Block

It is requested that City Council approve this recommendation.

Agenda Item #18

At the Traffic Advisory Commission meeting held on July 11, 2012 the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 2475 MACKENNA AVENUE**

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

Submitted By: Marjorie Tatroe
2475 Mackenna Avenue

It is requested that City Council approve this recommendation.

Agenda Item #19

At a Traffic Advisory Commission meeting held on July 11, 2012 the Commission recommended **APPROVAL** of the following item:

CHANGE “NO STANDING ANYTIME” RESTRICTION & ALLOW 15 MINUTE PARKING (8AM to 6PM) FOR SIX SPACES TOTAL ON THE THIRD STREET SIDE OF 225 OLD FALLS STREET (POWER CITY BUILDING) & 101 OLD FALLS STREET (NIAGARA FALLS CONFERENCE & EVENT CENTER)

Request was made to allow pick up/drop off on the Third Street side of the buildings, and would exclude the 30' surrounding the hydrant at the south end of this area (per NYS Vehicle & Traffic Law) and the 12' driveway area between the two buildings.

Submitted By: Anthony Girasole, Owner, Power City Building, 225 Old Falls Street and Ryan Coate, General Manager, Niagara Falls Conference & Event Center, 101 Old Falls Street

It is requested that City Council approve this recommendation.

Agenda Item #20

At a Traffic Advisory Commission meeting held on July 11, 2012 the Commission recommended **APPROVAL** of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON 74TH STREET BETWEEN FRONTIER AVENUE & LINDBERGH AVENUE

A Petition from the residents of this block was received with 80% signatures.

Submitted By: Mr. & Mrs. Bruce Schlager, 462 – 74th Street and Petition/Residents of Block

It is requested that City Council approve this recommendation.

Agenda Item #21

At the Traffic Advisory Commission meeting held on July 11, 2012 the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 1343 WILLOW AVENUE**

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

Submitted By: Brandon Jansma
1343 Willow Avenue

It is requested that City Council approve this recommendation.

**“WE EMPOWER. WE ENRICH.
WE BUILD STRONG COMMUNITIES!”**

WHEREAS, the Niagara Falls Housing Authority is committed to removing as many obstacles as possible to empower individuals and families to reach these goals; and

WHEREAS, on September 27th, 2012, the Niagara Falls Housing Authority will celebrate 70 years of providing safe and affordable housing; and

WHEREAS, the Niagara Falls Housing Authority supports and manages dozens of program initiatives to benefit our residents and the entire Niagara Falls community; and

WHEREAS, programs are available for kids and youths, adults, seniors and for residents in the Community.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council do hereby support and congratulate the Niagara Falls Housing Authority on their 70th Anniversary.

Agenda Item #23

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Zoning Board of Appeals, to fill the unexpired term of Mr. Antonio Restaino:

APPOINTMENT

John A. Cooper
540 – 12th Street
Niagara Falls, New York 14301
(716) 371-8710

12/31/2012

Agenda Item #24

BE IT RESOLVED, that the following individuals are hereby reappointed to the
City of Niagara Falls Senior Council:

<u>REAPPOINTMENT</u>	<u>TERM EXPIRES</u>
Elsie Golanka 2442 Linwood Avenue Niagara Falls, NY 14305 297-8688	12/31/2014
Georg Kralick 512 82 nd St Niagara Falls, NY 14304	12/31/2014
Llwellyn Sasyn 822 92 nd St Niagara Falls NY 14304	12/31/2014
Lucy Hermera 3019 Welch Ave Niagara Falls NY 14303	12/31/2014
Robert Ramos 2481 South Avenue Niagara Falls, NY 14305 284-1694	12/31/2014
Harold Fox 2243 Cleveland Avenue Niagara Falls, NY 14305 282-1954	12/31/2014

WHEREAS, The City of Niagara Falls holds public auctions to offer for sale properties in its existing inventory deemed saleable; however, these auctions are held yearly and most times, are focused on the sale usable properties; and

WHEREAS, Some vacant lots in the city are landlocked and unable to support the building of new homes because they have less than 50 feet of frontage; and

WHEREAS, Residents would like to purchase these “unbuildable” lots to be used primarily as yard space for their adjacent property; and

WHEREAS, Creating a next door lot auction will assist in the elimination of abandoned or blighted properties, spur neighborhood reinvestment, save the City in maintenance costs, put vacant unusable properties back on the tax rolls and build wealth within neighborhoods.

NOW THEREFORE BE IT RESOLVED, that the Niagara Falls City Council requests that the City of Niagara Falls conduct a landlocked vacant lot auction for vacant lots with less than 50 feet of frontage to be used as yard space or adjacent property enhancement for the adjacent property, and that adjacent property owners be given a right of first refusal to purchase the adjacent lot offered at auction; and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the City of Niagara Falls Assessor’s Office; the Finance Office, the Law Office and the Billing and Collection office.

Agenda Item #26

WHEREAS, the City Council of Niagara Falls, New York recognizes the efforts made by the Main Street Business and Professional Association to revitalize the Main Street area of the City of Niagara Falls; and

WHEREAS, the City Council further recognizes the initiatives of the Main Street Business and Professional Association, such as the promotion and carrying out of its second Main Street Music and Arts Festival; and

WHEREAS, the City Council wishes to promote the development of Main Street and wishes to designate the Main Street area shown on the attached map as the Main Street Entertainment and Business District; and

WHEREAS, the City Council recognizes that this designated area contains a high concentration of business and entertainment venues; and

WHEREAS, the intent of the designation is to stimulate neighborhood revitalization, improve the attractiveness and safety of the area, stimulate business activity and attract residents and visitors to build the tax base.

NOW, THEREFORE, BE IT RESOLVED, that this City Council does hereby designate the Main Street area shown on the attached map as the City of Niagara Falls' Main Street Entertainment and Business District.

Agenda Item #27

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1328 of the Codified Ordinances entitled “Special Permit Requirements” is hereby amended by deleting in its entirety Section 1328.4 entitled “Group Living” and by adopting Section 1328.4 entitled “Group Living” as attached hereto.