

Item #1

The following claims have been filed in the Office of the City Clerk during the month of January 2010. The claims were subsequently referred to the Office of the Corporation Counsel.

**NOTICE OF CLAIM**

**ALLEGED DAMAGE**

Chapman, Emma  
1514 Main Street

Water damage caused by refusal of Parks Department to remove a tree

Fortunate, Anna M  
144- Havenwood Lane  
Grand Island, NY 14072

Personal injuries sustained on bike path behind Buffalo Ave and 4<sup>th</sup> Street

Pugh, Earl F. Jr.  
1618 Cleveland Ave

Automobile damage caused by hitting object in street.

Stranges, Peter  
527-23<sup>rd</sup> St.

Automobile damage caused by City vehicle

McNamara, Kaelie Ann  
C/O Cellino & Barnes, PC  
2500 Main Place Tower  
350 Main St.  
Buffalo, NY 14202

Personal injuries and damages resulting from motor vehicle accident caused by City vehicle

McIntyre, James M.  
729 Main St.  
Niagara Falls, NY 14301

Property damage caused by City employee during snow removal

**SUMMONS**

Allstate Insurance Company  
a/s/o Emonielle M. Wynn

Index No.: 139391

David M. Fiori and Melissa Fiori  
C/O Sharon M. Heim, Esq.  
42 Delaware Ave., Suite 120  
Buffalo, NY 14202

Index No.: 139588

Item #2

**SUBJECT: TENTH STREET RECONSTRUCTION PROJECT - PIN 5757.17**

The following was the result of bids received on January 7, 2010, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Sue-Perior Concrete & Paving 752 Wildwood Ave Salamanca NY 14779	\$ 3,523,000.00
Mark Cerrone, Inc.	\$ 3,748,765.00
Accadia Site	\$ 3,849,286.20
CATCO, Inc.	\$ 3,899,058.95
DiPizio Construction	\$ 4,139,000.00
Sicar Construction	\$ 4,642,502.75

It is the recommendation of the undersigned that this project be awarded to Sue-Perior Concrete & Paving at its Base Bid of \$ 3,523,000.00. Funding is available under Capital Code H0632.2006.0632.0449.599.

Our design consultant Foit Albert Associates has reviewed and recommended award of this project to the above-referenced contractor. Similarly, the New York State Department of Transportation has reviewed the proposal package and granted permission to award. Please note that this award is contingent pending receipt of an executed agreement between the City of Niagara Falls and New York State Department of Transportation.

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

Item #3

**SUBJECT: CHANGE ORDER #2 - TENTH STREET/CEDAR AVENUE RECONSTRUCTION  
FOIT- ALBERT ASSOCIATES DESIGN CONTRACT FOR CONSULTANT SERVICES AGREEMENT  
- PIN 5757.17**

A contract for the above referenced project was awarded to Foit-Albert Associates, P.C. on May 29, 2007 in the amount of \$555,000.00. Change Order #1 was approved by City Council on September 29, 2008, in the amount of \$232,000.00, bringing the new contract total to \$787,000.00.

Following the successful bid and pending award for the construction portion of the above referenced project, please approve this request for additional contract administration and construction inspection services. Those services are commensurate with all federally-funded "pass-thru" projects and are 95% reimbursable through our existing Federal and New York State Department of Transportation agreements. The cost for these services is \$494,854.00, bringing Foit-Albert's Professional Services contract with the City for this project to a total of \$1,281,854.00.

Please note that this change order is contingent upon actual receipt of the finalized, executed agreement from New York State Department of Transportation. Therefore, it is the recommendation of the undersigned that Change Order #2 be approved in the amount of \$494,854.00.

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

**Item #4**

**SUBJECT: CHANGE ORDER #1 - FENCE REPLACEMENT AT HYDE PARK BALLFIELDS**

A contract for the above referenced project was awarded to Fox Fence, Inc., 2637 Lockport Road, Niagara Falls, New York 14305, on June 15, 2009, in the amount of \$65,425.00.

Subsequent to the start of the project, the City requested a quotation for additional fencing to be added to the scope of the above-referenced contract. The quotation for this extra work - 373' of additional 4' high chain link fencing - totaled \$6,519.00, bringing the new contract total to \$71,944.00.

It is the recommendation of the undersigned that Change Order #1 be approved in the amount of \$71,944.00, Funding for the additional tasks is available under Casino Funds.

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

Item #5

**SUBJECT: HYDE PARK TENNIS COURTS RESURFACING AND REPAIRS  
CHANGE ORDER #1 - \$0.00**

A contract for the above referenced project was awarded to American Paving & Excavating, Inc., 5880 Thompson Road, Clarence Center, New York 14032, on May 12, 2009, in the amount of \$90,935.00.

Prior to project completion, the City opted to improve the playing surfaces' finished texture and drainage with the application of a supplemental sealing and leveling coat. This additional coating minimized the potential for standing water locations and their severity. The costs associated with the extra coating are \$8107.50. However, cost under runs in other remedial tasks performed for this project will allow the net change to the contract to be \$0.00.

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

## Item #6

**RE:                   AGENDA ITEM:           Amendment to 2009 Funding Agreements with  
Center City NDC, Niagara Falls NHS and Highland Community Revitalization  
Committee**

### **Council Members:**

The City of Niagara Falls enters into annual funding agreements with various sub-grantees with the intent of outlining the terms and conditions governing the use of Community Development Block Grant funding. The annual funding agreements generally commence on January 1st and expire on December 31<sup>st</sup> of each fiscal year. The Department of Community Development has previously requested and received Council approval to modify many of the agreements to commence on July 1st and expire on June 30<sup>th</sup>, to more closely match the anticipated receipt of federal funding.

We are now recommending that this same transition in the funding cycle be approved for the above named sub-grantees. We are requesting that City Council approve an amendment to the 2009 funding agreements to extend the period covered by said agreements to June 30, 2010. This would provide Center City, NHS and Highland CRC the ability to use unexpended funding previously allocated by the City to pay ongoing administrative and project costs through June 30, 2010.

The 2010 annual funding agreement and subsequent agreements with these sub-grantees will thereafter begin on July 1<sup>st</sup> and expire on June 30<sup>th</sup>. If approved, this modification does not provide any additional funding to the sub-grantees. Rather, it extends the current 2009 agreement, revises the funding cycle for all future agreements and allows the sub-grantees to pay ongoing expenses with previously appropriated funding.

Will the Council vote to so approve the amendment to the 2009 funding agreements and authorize the Mayor to execute the agreements?

Item #7

**RE: City Council Agenda Item:  
Preservation Studios  
Conduct Four Historic Restoration Workshops  
For \$7,000.00 (Certified Local Government Grant)**

**Council Members:**

The City received a \$7,000.00 State Certified Local Government grant to pay for a portion of the costs of conducting workshops to demonstrate historic restoration methods. Pursuant to the grant requirements, proposals were solicited from Preservation Studios, LLC, KTA Preservation Specialists (Kerry L. Traynor) and Clinton Brown Company Architecture, PC, to conduct the workshops. Each proposal was for a total price of \$7,000.00. KTA and Preservation Studios specified \$4,000.00 to be paid to the preservation company conducting the workshops, \$2,000.00 to be paid, through the consultant, to contractors who participate in the workshops (carpenters, masons, etc,) and \$1,000.00 for materials. Clinton Brown Architecture quoted a flat fee of \$7,000.00.

The City will provide in-kind services in connection with the workshops, as required by the grant. The CLG grant will be used to pay the \$7,000.00 costs.

Preservation Studios is a local company owned by Thomas Yots. Mr. Yots will present four workshops: one on historic preservation tax credits, one on windows, one on masonry, and one on porches and siding. Preservation Studios proposes to use some local contractors to provide the demonstrations at the workshops. The City has worked successfully with Preservation Studios in the past. The City Historic Preservation Commission reviewed the proposals and recommends that the City hire Preservation Studios to conduct the workshops.

Will the Council vote to approve hiring Preservation Studios to conduct the historic restoration methods workshops at a cost not to exceed \$7,000.00 as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

**Item #8**

**SUBJECT:** Carpeting in the EEOC Offices

In preparing the offices in Room 16 at City Hall for the new EEOC staff it has been determined that the carpet which was installed at least 25 years ago is in need of replacement. The cost is \$1,935.00.

Will the Council authorize the use of Casino interest for this expenditure?

**Item #9**

*RE: CGI Communications, Inc.*

**Council Members:**

The City is in receipt of an offer from CGI Communications, Inc. that promotes a community video tour book. There is no cost to the City and this relationship is terminable on 60 days written notice. The purpose is to include a website welcome video from City officials to promote the quality of life in the City of Niagara Falls. The website video is approximately one minute in duration.

Will the Council authorize the Mayor to execute this agreement?

## Item #10

*RE: Appraisal Report for 399 Rainbow Boulevard South*

Council Members:

In an effort to move forward with the relocation of the Niagara County Community College Culinary Institute to the Rainbow Mall, it was necessary to obtain an appraisal of the building/Cordish lease. It was originally estimated that the cost of that appraisal would be no more than \$10,000 and the City Council authorized payment of one-half of that expense, i.e., \$5,000. The appraisal amount came in at \$18,500 and it is requested that the City pay an additional \$4,250 for a total payment for this appraisal of \$9,250 that equals one-half of the total appraisal amount. Funding for this additional \$4,250 is available through Economic Development Casino Funds.

Will the Council so approve?

## Item #12

RE: Amendment to Consultant Agreement with Wendel Duchscherer Architects & Engineers for the Niagara Falls International Rail Station and Intermodal Transportation Center

### Council Members:

The City previously entered into an agreement with Wendel Duchscherer to provide engineering services for the above referenced project. An amendment is necessary to bring the project to completion of the final design.

This will increase the contract by \$3.5 Million and the funding for this has previously been agreed to in agreements with the New York State Department of Transportation.

Will the Council so approve and authorize the Mayor to execute Amendment No. 1 in a form acceptable to the Corporation Counsel?

## Item #12

*RE: Temporary help for Department of Code Enforcement*

Council Members:

It is requested that the Council approve a temporary position of Electrical Inspector (Grade 22) and also create the temporary position of Chief Plumbing Inspector (Grade 23B).

Funding for these positions will be available from the Department's temporary line.

Will the Council so approve?

## Item #13

*RE: Building Inspections*

Council Members:

In order to continue the level of service required in the Department of Code Enforcement, it is necessary to transfer \$35,000.00 (inclusive of benefits if needed) from Account No. A.1990.7650.0449.000 to the undesignated service account line and/or the temporary services account line in the Department of Code Enforcement budget to be used in the discretion of the Director of the Department of Code Enforcement.

Will the Council so approve?

**Item #14**

*RE: Niagara Military Affairs Council*

Council Members:

At the City Council meeting of January 25, 2010, the City Council approved a contribution of \$2,500 to the Niagara Military Affairs Council (NIMAC). At that meeting, Merrell A. Lane, Chairman, appeared and made a presentation on behalf of NIMAC and the many projects it is involved in. Attached hereto is a copy of a summary of Mr. Lane's presentation. Mr. Lane is asking for an additional contribution of \$40,000. Funding is available from 2009 Economic Development Casino Funds.

Will the Council so approve?

## Item #15

*RE: Display Cabinet*

Council Members:

In recent years the City has been the recipient of a number of items of memorabilia. The City Hall building will be enhanced if these items of memorabilia can be displayed for public viewing. Therefore, it is desirable that a display cabinet be installed in City Hall. Attached is a specification from a Niagara Falls cabinet maker to construct and install such a display cabinet. The cost for this cabinet will not exceed \$8,640.00. Funding is available from Casino Interest.

Will the Council so approve?

Item #16

RE: Request for Approval to Settle and Pay Claim of Joseph M. Naab  
4091 North Ridge Road, Lockport, New York

Council Members:

Date Claim Filed:	May 14, 2009
Date Action Commenced:	N/A
Date of Occurrence:	May 6, 2009
Location:	100 <sup>th</sup> Street near Blackcreek Drive
Nature of Claim:	Vehicle damage.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	\$972.39
Make Check Payable to:	Joseph M. Naab
Conditions:	General Release to City, approved by Corporation Counsel.

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

## Item #17

*RE: Encroachment into City right-of-way at 24 Buffalo Avenue, Niagara Falls, New York*

Council Members:

The new owner of 24 Buffalo Avenue seeks to renovate the building into a banquet and bar facility and wishes to make improvements in the basement area that will result in a banquet hall, dining room and kitchen. The New York State Building Code requires that the building become ADA compliant. In order to do so, the owner is requesting the installation of an ADA compliant ramp along the front of the building on Buffalo Avenue, which will encroach 1.8 feet into the City right-of-way. Attached hereto is a letter of explanation and architect's drawing which illustrates the intended encroachment. The owner will be required to indemnify and hold the City harmless and provide proof of insurance in form and amount to be approved by the Corporation Counsel.

Will the Council so approve?

Item #18

NIAGARA FALLS PLANNING BOARD

**RECOMMENDATION TO CITY COUNCIL**  
*Disposal of Property*

Pursuant to action taken by the Niagara Falls Planning Board on the 27<sup>th</sup> day of January 2009 the request for a recommendation to the disposition of the property listed below is hereby granted.

**NAME OF OWNER:** *City of Niagara Falls*

**ADDRESS OF ACTION:** *2818 Highland Avenue*

**PURPOSE:** *Sell vacant property to Niagara Falls  
Housing Authority*

*The application is hereby granted.*

## Item #19

*RE: Sale of 2818 Highland Avenue*

Council Members:

The City has received a request from the Niagara Falls Housing Authority to purchase the above-referenced vacant lot for the assessed value of \$300.00.

This request has been reviewed by appropriate City staff and the Planning Board all of whom recommend its approval.

Will the Council so approve and authorize the Mayor to execute a Quit Claim Deed in a form acceptable to the Corporation Counsel?

Item #20

RESOLUTION No. 2010-

RELATIVE TO THE SISTERHOOD ANNUAL  
"KEEP OUR DREAM ALIVE AWARDS DINNER"

BY:

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

**WHEREAS**, on Friday, February 26<sup>th</sup>, 2010, the SISTERHOOD is hosting their first annual "Keep our dream alive" Awards dinner as part of their Annual Rev. Dr. Martin Luther King Jr. Celebration; and

**WHEREAS**, the SISTERHOOD is a sorority built upon the values of confidence, loyalty, religion, community service, education and friendship, trying to make a difference in our community; and

**WHEREAS**, they will be honoring the following community servants for their many contributions:

*Mother Alice T. Jordan*  
*Mr. Owen Steed Sr.*  
*Senator Antoine Thompson*  
*Ms. Denise Easterling*  
*Mrs. Yolanda Walker-Price*  
*Mrs. Stephanie W. Cowart*  
*Minister Kyron Averhart*  
*Miss Delores Periera*

**NOW THEREFORE BE IT RESOLVED**, that the City Council of the City of Niagara Falls, New York, joins in this celebration and congratulates the honorees for making the community a better place to live.

Item #21

RESOLUTION 2010-

RESOLUTION RELATIVE TO AMENDING CHAPTER 1107  
ENTITLED "PERMITS, FEES AND CERTIFICATES"

By: Council Chairman Samuel Fruscione

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1107 of the Codified Ordinances entitled APermits, Fees and Certificates@ is hereby amended by amending Section 1107.10 entitled "Permit Fees" to read as follows:

1107.10 PERMIT FEES.

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

. . .

5. Miscellaneous

. . . k. Solar panel systems installation:

<u>Residential</u>	<u>\$100.00</u>
<u>Commercial and Industrial</u>	<u>\$500.00</u>