

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 December 2009.

		<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001 A012	Vital Statistics	\$ 4,730.00	\$ 4,730.00
A1255-004 A013	Copies of Records	\$ 537.50	\$ 537.50
A1255-004 A013	Certificates of Marriage	\$ 380.00	\$ 380.00
A2501-011 A044	Peddler	\$ 150.00	\$ 150.00
A2501-014 A046	Electrician - Active	\$ 3,675.00	\$ 3,675.00
A2501-014 A046	Electrician - Inactive	\$ 600.00	\$ 600.00
A2501-016 A047	Stationary Engineers	\$ 3,110.00	\$ 3,110.00
A2501-021 A048	Amusement Games	\$ 400.00	\$ 400.00
A2542-000 A053	Dogs/N County Treasurer	\$ 257.45	\$ 257.45
A2542-000 A053	Dogs/NYS Agr. & Mkts	\$ 93.00	\$ 93.00
A2542-000 A053	Additional Dogs	\$ 1,653.55	\$ 1,653.55
A2545-001 A054	Marriage License/NYSHD	\$ 855.00	\$ 1,140.00
A2501-015 A266	Home Improvement	\$ 125.00	\$ 125.00
A2545-021 A316	Vending	\$ 40.00	\$ 40.00
A2545-023 A318	Hunters/NYS DEC RAU	\$ 106.76	\$ 106.76
A2545-023 A318	Hunters Fees	\$ 6.24	\$ 6.24
A1255-003 A499	Notary Fee	\$ 6.00	\$ 6.00
A1255-005 A528	Dog Release	\$ 150.00	\$ 150.00
TA63008 A597	Marriage Performance	\$ 900.00	\$ 900.00
A1255-006-A696	Photos/passport-license	\$ 54.00	\$ 54.00
TOTAL:		<u>\$ 1,312.21</u>	<u>\$16,802.29</u>
			<u>\$18,114.50</u>

Check #	<u>45466</u>	Niagara County Treasurer	\$ 257.45
Check #	<u>45513</u>	NYS Dept.of Arg. & Mkts	\$ 93.00
Check #	<u>45464</u>	NYS Health Department	\$ 855.00
		NYS DEC	
Check #	<u>ET</u>	RAU	\$ 106.76

Item #2

**RE: City Council Agenda Item:
\$48,000 Economic Development Grants
State Finance Law 99-h Casino Revenues
Economic Development Coordinators**

Council Members:

Four grants of \$12,000 each are proposed for the 2010 economic development/neighborhood revitalization coordinators for Pine Avenue Business Association, Inc., Main Street Business and Professional Association, Inc., Niagara Street Area Business Association and Downtown Niagara Falls Business Association. Funds are available from 2008 State Finance Law §99-h casino revenues received in 2009 and designated for economic development.

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

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

Item #3

**RE: AGENDA ITEM:
Approval of Budget Amendment for Community Development
Section 8 Staff Realignment**

Council Members:

The recent retirement of the Leased Housing Counselor in the Section 8 Division of the Department of Community Development allows for the realignment of staff to administer the program in a more cost effective manner. This will be accomplished at a net savings to the program. It is our recommendation that Council approve the following realignment of staff positions:

- maintain the position of the retired Leased Housing Counselor, Grade 13, unfilled and funded at \$1 in the budget.
- the Department currently has one (1) Associate Leased Housing Counselor at Grade 10. We are proposing the creation a second Associate leased Housing Counselor to be filled on a provisional basis by promoting the current Leased Housing Intake Technician from a Grade 4.
- leave the vacancy created at Leased Housing Intake Technician unfilled and funded at \$1 until the Associate Leased Housing Counselor is tested and appointed from the Civil Service List
- create a second Intake Technician at Grade 4 effective January 25, 2010

This realignment will result in a net savings and will not increase the number of staff positions in the Section 8. Will the Council vote to so approve the staff realignment as outlined above?

Item #4

SUBJECT: Bid #51-09 Backhoe Loader

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

TO: Five Star Equipment, Inc.
284 Ellicott Road
Orchard Park, NY 14127

FOR: One (1) John Deere Model 310 backhoe loader:	\$79,560.00
Power Train & Hydraulics extended warranty:	<u>1,175.00</u>
TOTAL:	\$80,735.00

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to seven (7) vendors. Four (4) bids were received. The above referenced company submitted the lowest bid to meet our specifications.

Funds for this expenditure are available in the Capital code: H0912.2009.0230.000

Item #5

**SUBJECT: RECONSTRUCTION OF LEWISTON ROAD NYS FROM BATH
AVENUE TO NIAGARA FALLS NORTH CITY LINE – PIN 5045.24
CHANGE ORDER #1 - \$0.00**

A contract for the above referenced project was awarded to Man O'Trees, Inc. on June 29, 2009 in the amount of \$ 7,713,000.00.

Subsequent to the start of work, it was determined that to best preserve the traveled roadway surface during construction, temporary cold-weather asphalt material be utilized at locations determined by the construction manager. The "not-to-exceed" dollar amount for this material equals \$43,527.00. However, current cost underruns in other bid items in this contract will allow the introduction and use of the temporary asphalt material with no change (\$0.00) to the existing contract total.

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

Item #6

RE: United States Census Bureau

Council Members:

The United States Census Bureau will be conducting the 2010 Census and has asked the City to donate space for this purpose. Space is available on the ground floor of City Hall. The Census Bureau advises that peak usage will extend from March 19, 2010 thru April 19, 2010. The City will make available space for the entire month of March and the entire month of April. Attached is a donor form.

Will the City Council authorize the Mayor to execute this form?

Item #7

Re: Contract Between the City of Niagara Falls, New York (the "City") and the
Niagara County Society for the Prevention of Cruelty to Animals (the "SPCA")

Council Members:

The SPCA is in the process of attempting to hire a new Executive Director. The City's contract with the SPCA expired on December 31, 2009. The City and the interim Director of the SPCA have discussed a new contract and a continuation of the existing contract until a new Director is hired who will negotiate with the City in the development of a new contract. It is desirable to extend the existing contract thru April 30, 2010 in order to give the SPCA sufficient time to hire a new Executive Director and enter into discussions with the City. Attached is an extension Agreement which will accomplish this.

Will the City Council authorize the Mayor to execute the extension Agreement?

Item #8

RE: Council Chamber Upholstery

Council Members:

It is necessary to repair the upholstery on various chairs in the City Council Chambers that is torn. The cost to perform these repairs will not exceed \$6,860.00. Funding is available through Casino interest for the Buildings/City Hall Account No. A1620.2300.0449.599.

Will the Council so approve?

Item #9

RE: Agreement with Niagara Fine Arts Program, Inc.

Council Members:

Niagara Fine Arts Program, Inc. has once again offered to organize and provide Concert Programs during the months of July and August on Friday evening in the Downtown area and on Sunday evenings at the steps of the NACC. The cost to the City for the Concert Programs on Friday evenings in the Downtown area will be \$12,000.00 and the cost to the City of the Concert Series on Sunday evenings will be \$12,000.00.

Funding is available as follows: \$20,000 from the concert line of the Tourism budget (T.6410.0000.0449.068) and \$4,000 from Casino interest.

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

Item #10

RE: NIACAP

Council Members:

The 2010 budget contains an appropriation of \$27,500 for NIACAP. In order to effectuate this, an appropriation agreement with NIACAP is required.

Will the Council so approve and authorize the Mayor to execute an agreement in this amount in forms acceptable to the Corporation Counsel?

Item #11

RE: Nonprofit Agreements

Council Members:

The 2010 budget contains an appropriations of \$2,500 for NIMAC; \$5,000 for the Niagara Falls Beautification Commission; \$10,000 for the Niagara Falls Block Club Council; \$30,000 for NACC; and \$10,000 for OSC21. In order to effectuate these, appropriation agreements with the respective agencies are required.

Will the Council so approve and authorize the Mayor to execute an agreement in this amount in forms acceptable to the Corporation Counsel?

Item #12

RE: Purchase of Asphalt Paver and Trailer

Council Members:

The Director of the Department of Public Works has identified a need for the purchase of a small asphalt paver and trailer. The cost for this asphalt paver and trailer will not exceed \$135,000. Funding is available through the Motor Vehicle Equipment Account No. H0912.2009.0912.0230.000.

Will the Council so approve?

Item #13

RE: Renewal of Security Agreement

Council Members:

The City has received a renewal contract for a 5-year period commencing on April 1, 2009 and terminating March 31, 2014 with the Unified Court System.

The 5-year term is divided into annual 1-year renewal periods and the initial period would run from April 1, 2009 through March 31, 2010. As most security services for the Niagara Falls City Court are now provided directly by the Unified Court System the maximum amount of reimbursement for this period will be \$51,400.

Will the Council so approve and authorize the Mayor to sign any required documentation?

Item #14

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 #15

RE: Sign and Zoning Inspector

Council Members:

In order to continue the duties of a Sign and Zoning Inspector while certain employees in the Department of Code Enforcement are on administrative leave, it is necessary to approve a stipend for an employee to perform those duties. The amount of this stipend is \$3,000.00. Funding is available in the City Council Contingency Account No. A.1990.7630.0449.000.

Will the Council so approve?

Item #16

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 #17

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 #18

RE: Grant for City Hall Next Year Restoration

Council Members:

The City has previously entered into a Grant Agreement with New York State through the Office of Parks Recreation and Historic Preservation to restore the exterior of City Hall. The State share under this grant was \$274,899 and the local match was an equal amount of \$274,899.

The initial engineering work that was performed under this grant found structural issues with regard to the steps of City Hall and the City has asked that the grant be amended to focus mainly on the steps and front facade. The State has approved this and forwarded attached amendment.

This amendment increases the City share by \$94,101 and funding is available in _____

Will the Council so approve and authorize the Mayor to execute same?

Item #19

**SUBJECT: PINE AVENUE RESURFACING AND ROADWAY IMPROVEMENTS FROM HYDE PARK
BOULEVARD TO WALNUT AVENUE CHANGE ORDER #1**

A contract for the above referenced project was awarded to Armand Cerrone, Inc. on July 21, 2009 in the amount of \$564,780.00.

At the project's outset, it was the City's intention to utilize any cost underruns to extend the work limits to as close to Walnut Avenue as possible. In an attempt to realize that initial goal, additional costs of \$7,050.00 - approximately 1.25% - were incurred, bringing the project's final cost to \$571,530.00 (Please note that upon project closeout, portions of this additional cost are reimbursable from the Niagara Falls Water Board).

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

Item #20

**SUBJECT: RAINBOW CENTRE, CITY PARKING RAMP II
Conditions Assessment Update and
Preliminary Design Services Agreement**

The recent Memorandum of Understanding for the Proposed New NCCC Culinary School puts the responsibility on the City to undertake an updated Assessment of Ramp II and to engage in the necessary repairs needed, to the structure, which will allow the School Build-Out to occur.

In 2003, the City awarded a contract for Conditional Appraisal and Repair Options to Urban Engineers of New York for the City's Parking Ramps I and II. The recommendations of that assessment indicated that *both* Ramps were in need of major repair and subsequently the City undertook a demolition contract for Ramp I in lieu of repairs based on the condition of that structure. The City took no action with regards to Major Repairs for Ramp II and conditions have worsened over the last 7 years.

The City has been in discussions with Urban Engineers since 2006 for engineering services that would provide updates for cost with regards to construction estimates based on the 2003 study. Because of the accelerated decay since the original study and the stringent time lines and because of their initial involvement in 2003 on the previous studies, the City asked Urban Engineers for a proposal for engineering services for a New Conditions Assessment and Preliminary Design Services. Urban Engineers after a preliminary walk through and an expanded scope have provided us with a cost estimate to undertake this new work on a Time and Materials Contract, NOT TO EXCEED \$175,000.00. Their proposed fees are for Condition Assessments (Existing and New Scopes), Cost Estimates, Prioritization of Work, Executive Summary and Final Reports, which in turn would be needed to structure Contract Documents for bidding the actual repair work.

The City will be reimbursed for the Engineering Assessments Cost through a funding agreement with USA Niagara Corporation.

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

Item #21

RE: Niagara Falls Blues Festival

Council Members:

The Niagara Falls Blues Festival is being planned for September 9, 10, and 11th, 2010 in Downtown Niagara Falls, New York. The Niagara Festival & Entertainment Group, Inc. is sponsoring the event once again. The City has been asked to contribute a sum of money not to exceed \$40,000 to help defray the cost of this event. The precise location for this event in Downtown Niagara Falls has yet to be determined. Funding is available as follows: \$30,000 from 2007 Casino Funds and \$10,000 from 2010 Tourism Fund Account No. T.6410.0000.0449.070. The City's contribution is subject to the terms and conditions to be contained in a funding Agreement in form and substance satisfactory to the Corporation Counsel and to be prepared by the Corporation Counsel.

Will the Council approve funding and authorize the Mayor to execute a funding Agreement?

Item #22

RE: Approval of In Rem Auction Bids from December 15, 2009

Council Members:

Attached is a list of bids from the December 15, 2009 auction.

With respect Schedule A serial numbers 0011, 0024, 0030, 0031, 0044, 0061, 0071, 0074, 0081, 0092, 0093, 0094, 0097, 0120, 0142, 0143, 0146, 0170, 0171, 0173, 0174 and 0175 and Schedule C serial numbers 0111, 0332, 0336, and 0418, we recommend approval of the bids subject to payment of any delinquent taxes on other properties within 30 days. If the taxes are not paid by that time, the bids are rejected and deposits and auctioneer's fees be forfeited pursuant to the terms of sale.

We also request, the rejection of the bid on Schedule A serial number 0159, and that the deposit and auctioneer's fee be refunded to the bidder and to approve the redemption and reconveyance to the prior owner as all outstanding taxes and fees have been paid.

We also recommend with regard to Schedule A that the bids for serial numbers 0147 and 0148 and Schedule C serial numbers 0358, 0359, 0360, 0389, 0421, 0533, 0534, 0535, and 0581 be rejected.

We also recommend that Schedule A serial numbers 0130, 0536, 0537, 0538, 0539, 0540, 0541, 0542, 0543, 0544 be rejected and if the bidder pays the delinquent taxes on other properties within 30 days, that the deposits and auctioneer's fees be refunded and if the delinquent taxes are not paid that the deposits and auctioneer's fee be forfeited in accordance with the terms of sale.

With the exception of the above, we recommend that the bids on Schedules A and C be approved. The bids on schedules B and D do not require Council approval and are submitted for your information. With respect to Schedule B serial numbers 0085, 0089 and Schedule D serial numbers 0042, 0204, 0267 and 0313, the bids are subject to payment of any delinquent taxes on other properties within 30 days. If the taxes are not paid by that time, the bids are rejected and deposits and auctioneers fees forfeited pursuant to the terms of sale.

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

Respectfully submitted,

Item #23

RE: Request for Approval to Settle and Pay Lawsuit of Estate of Jonah R. Drisdorn
145 Green Street, Lockport, New York 14094

Council Members:

Date Claim Filed:	December 17, 1997
Date Action Commenced:	September 15, 1998
Date of Occurrence:	April 17, 1997
Location:	600 block of Tenth Street, Niagara Falls, NY
Nature of Claim:	Personal injuries and death sustained during an altercation.
Status of Action:	Pretrial stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	\$225,000.00
Make Check Payable to:	Estate of Jonah R. Drisdorn and The Law Office of Jon Louis Wilson.
Conditions:	Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.

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

Item #24

SUBJECT: INFORMATIONAL ITEM

At the Traffic Advisory Commission meeting held on January 13, 2010, the Commission:

DENIED:

1) Request submitted by Gerald Koziol, on behalf of his wife, Janet, 3670 Sherwood Avenue to **INSTALL A 5' HANDICAPPED ACCESS SPACE IN FRONT OF 3670 SHERWOOD AVENUE.** This item was tabled at the 10/6/09 TAC meeting pending the receipt of physician verification. Mrs. Koziol's physician did submit additional paperwork, but would not verify her wheelchair dependency and/or severe restriction of movement. Therefore, the Commission denied this request.

2) Request submitted by Sandra Barlow, Chilton Avenue Block Club, 702 Chilton Avenue, to **CHANGE THE EXISTING RESTRICTIONS ON CHILTON AVENUE BETWEEN WHIRLPOOL STREET AND MAIN STREET FROM ONE-SIDED OVERNIGHT PARKING WITH "NO PARKING TUESDAY 7A.M. TO 1P.M." ON THE SOUTH SIDE AND "NO STANDING ANYTIME" ON THE NORTH SIDE TO ALLOW OVERNIGHT PARKING MONDAY NIGHTS ONLY & PARKING TUESDAY DURING THE DAY ON THE NORTH SIDE OF THE STREET.** This request is in opposition to the City's Ordinances and the current overnight parking system currently in place in the City. In addition, this roadway is only 25' wide and cannot accommodate cars parking on both sides of the street at any time. Therefore the Commission denied this request.

Item #25

SUBJECT: AGENDA ITEM:

At a Traffic Advisory Commission meeting held on January 13, 2010 the Commission recommended **APPROVAL** of the following item:

REMOVE TWO-HOUR (8A.M. TO 6P.M.) PARKING RESTRICTION ON 9TH STREET, EAST SIDE, FROM PINE AVENUE NORTH TO DEAD END

The request was made to accommodate the residents of Spallino Towers to park their cars on 9th Street with no restrictions.

Submitted By: Residents of Spallino Towers, 720 – 10th Street, to Mayor Paul Dyster

It is requested that City Council approve this recommendation.

Item #26

SUBJECT: AGENDA ITEM:

At the Traffic Advisory Commission meeting held on January 13, 2010 the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 529 – 9TH STREET**

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

Submitted By: Margaret Elsberry, 529 – 9th Street

It is requested that City Council approve this recommendation.

Item #27

SUBJECT: AGENDA ITEM:

At the Traffic Advisory Commission meeting held on January 13, 2010 the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 2727 INDEPENDENCE AVENUE**

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

Submitted By: Katie Boncore, on behalf of her child, Katie Coleman, 2727
Independence Avenue

It is requested that City Council approve this recommendation.

Item #28

SUBJECT: AGENDA ITEM:

At a Traffic Advisory Commission meeting held on January 13, 2010, the Commission recommended **APPROVAL** of the following item:

**CHANGE THE EXISTING “NO STANDING ANYTIME” RESTRICTION TO
ALLOW PARKING ON LOCKPORT STREET, NORTHWEST SIDE, BETWEEN
MAIN STREET & 10TH STREET**

Request was made to provide parishioners of Covenant of Grace Ministries with a place to park during church events. “No Standing” restrictions will remain in place within 65’ of the Main Street intersection and 40’ of the 10th Street intersection to allow the free flow of traffic and to maintain sight distances.

Submitted By: Bertha Brinson, Trustee, Covenant of Grace Ministries, 1509 Main
Street

It is requested that City Council approve this recommendation.

Item #29

SUBJECT: AGENDA ITEM:

At the Traffic Advisory Commission meeting held on January 13, 2010 the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 2478 FOREST AVENUE**

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

Submitted By: Niagara County Legislator Dennis Virtuoso on behalf of Anthony Restaino, 2478 Forest Avenue

It is requested that City Council approve this recommendation.

Item #30

RESOLUTION No. 2010-

RELATIVE TO APPOINTMENT TO THE
NIAGARA FALLS BOARD OF ASSESSMENT REVIEW

BY:

Council Member Robert A. Anderson, Jr.

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

APPOINTMENT

TERM EXPIRES:

Candace Corsaro
1826 North Avenue
Niagara Falls, NY 14305
990-8916

9/30/2014

Item #31

RESOLUTION No. 2010-

RELATIVE TO APPOINTMENT TO THE
ILLUMINATION BOARD FOR THE CITY OF NIAGARA FALLS

BY:

Council Chair Sam Fruscione

BE IT RESOLVED, that the following individual is hereby appointed to the
City of Niagara Falls Illumination Board effective immediately.

APPOINTMENT

Ms. Kristen M. Grandinetti
Member
Niagara Falls City Council
745 Main Street/PO Box 69
Niagara Falls, NY 14302
(716) 286-4301

Item #32

RESOLUTION No. 2010-

RELATIVE TO APPOINTMENT TO THE
NIAGARA FALLS BOARD OF APPEALS

BY:

Council Member Steve Fournier

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

APPOINTMENT

Richard Kindzia
9115 Buffalo Avenue
Niagara Falls, NY 14304
(716) 283-1740

12/31/2012