

Item #1

The following claims have been filed in the Office of the City Clerk during the month of November 2009. The claims were subsequently referred to the Office of the Corporation Counsel.

NOTICE OF CLAIM

ALLEGED DAMAGE

LaMarca, Jennifer
C/O Jon Louis Wilson, Esq.
111 Ontario St
Lockport, NY 14094

Damages for sexual discrimination, harassment,
and/or retaliation in hiring by the City of Niagara
Falls, and NF Police Department

Gazy, Albert
1423-99th St.

Damage to mailbox caused by City leafsweeper

Kendzia, Robert
8111 W. Rivershore Dr.

Property damage to City vehicle

Thomas, Marsha
1815 Ontario Ave

Damage to automobile caused by raised manhole
cover

Kashishian, Debra D.
128 Ferndale Ave
Kenmore, NY 14217

Personal injuries due to a trip and fall caused by
raised and uneven sidewalk

SUMMONS IN A CIVIL ACTION

Coates, Daniel
C/O David J. Seeger, Esq.
69 Delaware Ave
Buffalo, NY 14202

Civil Action No.: 09 CV 0933

Rankin, Paul
C/O Christina Agola, Esq.
28 East Main St
Rochester, NY 14614

Civil Action No.: 09 CV 974A

SUMMONS

Christy, Richard F., Jr.
2410 Cudaback Ave.

Index No.: 138968

ORDER TO SHOW CAUSE

Tayden Properties, LLC

Index No. 139103

Item #2

**SUBJECT: CHANGE ORDER #1:
Community Development 2009 Street Resurfacing Project**

A contract for the above referenced project was awarded to Yarussi Construction Co., Inc on September 8, 2009 in the amount of \$668,361.00

Subsequent to the start of the project, extra costs associated with catch basin removal and replacement and the correction of non-compliant sidewalk access ramps were incurred by the contactor at the City's direction. Additionally, the City requested resurfacing operations be undertaken at City Parking Lot #9 and the adjacent alley, located at 8th Street and Linwood Avenue. The cost associated with all additional work is \$95,253.70, bringing the final contract total to \$763,614.70. Funding for this change order is available in the following budget codes:

\$85,429.73	HO309.2009.0309.0419.006
<u>\$9,823.97</u>	<u>CD8.8693.0000.0450.500</u>
\$95,253.70	TOTAL CHANGE ORDER #1

Will the Council vote to so approve and authorize the Mayor to execute Change Order #1 in the amount of \$95,253.70?

Item #3

SUBJECT: Bid #45-09 Security Guard Services

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

TO: Morris Protective Service, Inc.
975 Hertel Avenue, 2nd Floor
Buffalo, NY 14216

FOR: Watchman services at the Corporation Yard.
Contract in effect thru December 31, 2010.
If mutually agreeable, it may be extended
thru December 31, 2011.

Estimated number of hours per year (8,760): \$13.85/hr.

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Eight (8) companies. Five (5) bids were received. The above referenced company submitted the lowest bid. Bids were also received from Securitas Security Services USA, Inc. (\$14.55/hr.), Command Security Corp. (\$15.19/hr.), U.S. Security Associates, Inc. (\$15.44/hr.) and Sentrex Security, Inc. (\$15.49/hr.).

Funds for this expenditure are available in the Public Works Department, Administration code:
A1490.0001.0449.004.

Item #4

SUBJECT: Furniture for the Purchasing Division Offices

We respectfully request the Council authorize the transfer of \$4,000.00 from the Casino Interest account into the Purchasing Division budget code A1345.0000.0210.000 for the purchase of furniture.

The Council has approved creation of a new position in the Purchasing Division in the 2010 budget (Records/Asset Clerk). This individual will be located in the same office as the Records/Asset Control Officer. The furniture in that office primarily consists of furniture other departments have turned in as surplus. It is not conducive to an efficient use of space. With the addition of another employee in that office the furniture is completely inadequate.

Will the Council so approve?

Item #5

RE: Culinary Institute

Council Members:

Please recall that at the City Council meeting held on October 14, 2008 the Council authorized the sum of \$1.5 million in casino revenues to be set aside for the placement of the Niagara Community College Culinary Institute in a location in an around the Crowne Plaza Hotel in Downtown Niagara Falls. \$1 million dollars is available from the 2008 casino revenues and \$500,000 is available from 2009 casino revenues.

The Crowne Plaza Hotel in downtown Niagara Falls will no longer be the site of the Culinary Institute but rather discussions and negotiations are underway to locate the Culinary Institute in the Rainbow Mall. Attached is a copy of a Memorandum of Understanding for signature by involved parties that recites the basic terms of this arrangement moving forward.

Will the Council authorize the Mayor sign the Memorandum of Understanding and reaffirm the Councils commitment of \$1.5 million dollars in casino revenues for the Niagara Community College Culinary Institute project?

Item #6

**RE: 533 Tenth Street – Evelyn Apartments
Historic Preservation Commission Recommended Historic
Designation of Building Exterior**

Council Members:

Attached (on file in City Clerk's Office) is the report and November 4, 2009 resolution from the Niagara Falls Historic Preservation Commission recommending designation of 533 Tenth Street, the Evelyn Apartments, as an historic landmark under the City Historic Preservation Ordinance. The elements designated for landmark status will be the building exterior. This proposed designation was approved with the participation of the building owner.

The Historic Preservation ordinance provides:

133.05-02(I) At its next scheduled meeting after receipt of any recommendation from the Commission, the City Council shall consider the designation or acquisition of the landmark site or historic structure, or the designation of the historic district. A majority vote shall be required by the City Council for the designation or acquisition. The Mayor shall approve or veto said designation or acquisition as provided by law.

Will the Council vote to approve the designation of the exterior of 533 Tenth Street, the Evelyn Apartments, and forward the designation to the Mayor for approval, as provided by City Ordinance?

Item #7

SUBJ: *AGENDA ITEM: Locally-Adjusted Homestead & Non-Homestead Proportions*

In accordance with Resolution 1998-140 relative to the two-tier property tax system that was adopted November 24, 1998 and Section 1903-4c of the Real Property Tax Law, I have calculated the locally adjusted proportions for the City of Niagara Falls 2010 tax levy:

City of Niagara Falls

Homestead	54.42545
Non-Homestead	45.57455

This calculation represents a 10% shift to the homestead class.

Will the Council so approve?

Item #8

RESOLUTION No. 2009–

RELATIVE TO THE REAPPOINTMENT TO THE
NIAGARA FALLS CABLE COMMISSION

BY:
Council Member Sam Fruscione

BE IT RESOLVED, that the following individual is hereby reappointed to the
City of Niagara Falls Cable Commission effective December 31, 2009, for the
expiration date, which appears opposite his/her name:

<u>REAPPOINTMENT</u>	<u>TERM EXPIRES:</u>
Jerauld Genova 757 Seymour Avenue Niagara Falls, NY 14305	12/31/2012

RESOLUTION No. 2009–

RELATIVE TO REAPPOINTMENTS TO THE
NIAGARA FALLS YOUTH BUREAU

BY:

Council Chair Chris Robins

BE IT RESOLVED, that the following individuals are hereby reappointed to the
City of Niagara Falls Youth Bureau effective immediately for the
expiration date, which appears opposite his/her name:

<u>REAPPOINTMENT</u>	<u>TERM EXPIRES:</u>
Ashley LaSota 919 – 92 nd Street Niagara Falls, NY 14304	12/31/2012
Joseph Celenza 525 Riverside Drive Niagara Falls, NY 14303	12/31/2012
Jeanette Stypa 717 – 87 th Street Niagara Falls, NY 14304	12/31/2012

Item #10

**RESOLUTION CALLING FOR A PUBLIC HEARING ON NIAGARA FALLS CORE CITY
URBAN RENEWAL PLAN**

RESOLUTION 2009-

BY: COUNCIL CHAIR CHRIS ROBINS

RESOLVED, that a public hearing be held on the 28th day of December, 2009 at 7:00 PM Eastern Standard Time, in the City Hall Chambers of the City of Niagara Falls, New York at City Hall, 745 Main Street, and that the required notice of said hearing be published in the Niagara Gazette preceding said hearing. The purpose of the hearing is to hear public comments regarding the proposed Niagara Falls Core City Urban Renewal Plan, a copy of which is on file in the City Clerk's Office, City Hall, 745 Main Street, Niagara Falls, NY, and be it further

RESOLVED, that the City Clerk publish the notice of said hearing in the Niagara Gazette preceding said public hearing.

Item #11

RESOLUTION No. 2009–

RELATIVE TO THE APPOINTMENT
TO THE NIAGARA FALLS HUMAN RIGHTS COMMISSION

BY:

Council Member Charles A. Walker

BE IT RESOLVED, that the following individual is hereby appointed
to the City of Niagara Falls Human Rights Commission effective immediately.

APPOINTMENT

TERM EXPIRES:

Angela Bray
3050 Orleans Avenue
Niagara Falls, NY 14303

6/1/2011

Resolution 2009 - ____

**RELATIVE TO THE RESIGNATION
OF JOHN PERCY, PRESIDENT OF THE NTCC**

**By: Council Member Robert Anderson, Jr.
Council Member Samuel Fruscione**

WHEREAS, the City of Niagara Falls is the largest funding source of the Niagara Tourism and Convention Corporation (NTCC); and

WHEREAS, the NTCC has been reluctant to provide the City of Niagara Falls complete and itemized details regarding the how and where it expends its revenue; and

WHEREAS, John Percy, as President of the NTCC, has refused to make available to the City of Niagara Falls any detailed information regarding budgeting, finances, salaries, detailed travel expenses or operational expenses of the NTCC despite repeated requests that he do so; and

WHEREAS, John Percy, as President of the NTCC, has refused to work in concert with the City of Niagara Falls to better promote Niagara Falls as a premier tourist destination; and

WHEREAS, John Percy, as President of the NTCC, has refused to make efforts to hire minority employees despite requests to do so.

THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls asks that John Percy resign as President of the NTCC, effective immediately.

NIAGARA FALLS LOCAL LAW NO. _____ FOR THE YEAR 2009

A Local Law to amend the Niagara Falls City Charter as amended, by amending Article XX by changing the title of said Article from “Department of Inspections” to “Department of Code Enforcement” and by amending Section 510 entitled “Department of Inspections”, Section 511 entitled “Building Commissioner, Powers” and Section 512 entitled “Electrical and Plumbing Inspections”.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NIAGARA FALLS, NEW YORK, as follows:

Section 1. The Niagara Falls City Charter, as amended, is hereby amended by amending Article XX to read as follows:

ARTICLE XX

[DEPARTMENT OF INSPECTIONS]

DEPARTMENT OF CODE ENFORCEMENT

SECTION 510 **[Department of Inspections] Department of Code Enforcement**

There is hereby created a **[Department of Inspections] Department of Code Enforcement** under the control and supervision of the **[Director of Inspections] Director of Code Enforcement**, who shall be appointed by the City Administrator.

SECTION 511 BUILDING COMMISSIONER, POWERS.

(a) The **[Director of Inspections] Director of Code Enforcement** shall be the Building Commissioner of the City of Niagara Falls, and shall have all the power, rights, privileges and authority previously held or exercised by the Director of Building, Housing and Rehabilitation **or Director of Inspections** and the **[Director of Inspections] Director of Code Enforcement** shall be deemed the Director of Building, Housing and Rehabilitation **or Director of Inspections** whenever reference shall be made to the Director of Building, Housing and Rehabilitation **or Director of Inspections**.

(b) The **[Director of Inspections] Director of Code Enforcement** shall have the powers and duties which state law, city ordinances or other sections of the city charter specify as the powers and duties of the Building Commissioner. In addition thereto, the **[Director of Inspections] Director of Code Enforcement** shall be the administrative head of the department and shall carry out his duties under the direction of the City Administrator. He shall be responsible for the enforcement of all minimum housing standards. It shall be his duty to enforce the laws of the state and the ordinances of said city relating to the construction, alteration or removal of all buildings or structures erected or to be erected within said City of Niagara Falls, and in so doing he may revoke any building permit issued by him therefor. Application for permission to construct, alter or remove buildings or structures within said City of Niagara Falls shall be made to the said **[Director of Inspections] Director of Code Enforcement** upon forms to be provided by said city, and shall be accompanied by plans and specifications therefor. He shall investigate such application and examine such plans and specifications and report the same to the City Administrator with his recommendation thereon when required, and without unnecessary delay shall complete said investigation and examination and thereupon forthwith grant or refuse said permit. It shall be the duty of the **[Director of Inspections]**

Director of Code Enforcement to exercise administrative control over plumbing inspections so as to coordinate plumbing inspection with the total building inspection program.

SECTION 512 ELECTRICAL AND PLUMBING INSPECTIONS.

(a) Within said Department there shall be a Chief Electrical Inspector. The Chief Electrical Inspector shall be appointed by the City Administrator and it shall be his duty, under the direction of the **[Director of Inspections] Director of Code Enforcement**, to grant and refuse permits relating to electrical wiring construction and the use thereof in said city except the electrical power stations and facilities operated by electrical power utilities and under the jurisdiction of the Public Service Commission of the State of New York. He shall inspect the electrical wiring of all buildings subject to his jurisdiction and if the work performed and materials furnished shall not be in accordance with the statutes of said state and ordinances and rules of said city, he shall cause the same to be done in accordance therewith. He shall enforce all ordinances of said city and statutes of said state relating to matters within his jurisdiction. All permits issued by said Chief Electrical Inspector shall be countersigned by the **[Director of Inspections] Director of Code Enforcement**. Electricity shall not be turned on in any building within the said City of Niagara Falls, subject to the jurisdiction and visitation of the Chief Electrical Inspector, without written permission of said Chief Electrical Inspector and the city shall furnish blanks for that purpose. Anyone aggrieved by the refusal of said Chief Electrical Inspector to grant such permit or permission may appeal by written notice to the City Administrator who shall forthwith investigate and confirm such refusal, or reverse the same and direct the granting of the permit or permission.

(b) Within said Department there shall also be a Plumbing Inspection section which shall be composed of the Plumbing Inspectors of the City of Niagara Falls who shall, in addition to discharging the duties prescribed for them by the General City Law and the laws of the State of New York, before any plumbing, sewers or drains are constructed or altered in any premises in said City, approve the plans and specifications therefor, and shall issue to the owner or party applying therefor a written permit to be countersigned by the **[Director of Inspections] Director of Code Enforcement** when such plans and specifications are approved by him, and the construction or alteration of any plumbing, drains or sewers by any owner or person on any premises within said city without first obtaining such written permit of said Plumbing Inspectors, shall be unlawful and is hereby declared to be a misdemeanor and the unauthorized plumbing, sewerage or drains shall be deemed a nuisance and shall be reconstructed or altered as directed and permitted by said Plumbing Inspectors. Said Plumbing Inspectors shall discharge such other duties in addition to those herein imposed upon them or imposed upon them by the laws of the State of New York or the **[Director of Inspections] Director of Code Enforcement**.

(c) The Examining Board of Plumbers of the City of Niagara Falls is continued and is hereby designated to carry out the provisions of sections forty-five-b and forty-seven of the General City Law of the State of New York and the said Examining Board of Plumbers shall possess the power, duties and authority set forth in said sections conferred upon said Examining Board of Plumbers, such Board being duly designated by Local Law.

Every master plumber, journeyman plumber and apprentice plumber shall register with the Examining Board of Plumbers under such rules as the said Board shall pass upon.

Section 2. This Local Law shall take effect as provided in the Municipal Home Rule Law.

Underlining and **Bold** indicate additions.

Bold and **[Brackets]** indicate deletions.