

Agenda Item #1

The following claims have been filed in the Office of the City Clerk during the month of February 2011. The claims were subsequently referred to the Office of the Corporation Counsel.

**NOTICE OF CLAIM**

**ALLEGED DAMAGE**

Boesken, Barry  
246-71<sup>st</sup> Street

Automobile damages caused by hitting potholes.

Kitchen, Keenan  
floor.  
2309 21<sup>st</sup> Street

Personal injuries sustained when fell in gym

Morris, Jeremy and Kristy  
310 Oak Park Drive  
Moneta, VA 24121

Fire arms being held by Niagara Falls Police Department.

NFT Metro System, Inc  
shelter  
181 Ellicott Street  
Buffalo, NY 14203

Property damages caused by plow hitting bus

NFT Metro System, Inc  
shelter  
181 Ellicott Street  
Buffalo, NY 14203

Property damages caused by plow hitting bus

McLeod, Michael  
1341 101<sup>st</sup> Street

Automobile damages caused by hitting pot hole

Lampkin, Andre  
sidewalk  
2202 Niagara Street

Personal injuries sustained when tripped on

Insana, Ann-Marie E.  
2492 Woodlawn Ave

Automobile damages caused by hitting pothole.

Wehrmeyer, George  
8324 Laughlin Drive

Automobile damages caused by fire truck.

Sriois, Richard  
1111 Ontario Ave

Personal injuries sustained when fell on ramp entrance at City Hall.

Morreale, Geraldine  
5909 Grauer Road

Automobile damages sustained when hit pot hole

Stanek, Kimberly  
2213 Weston Ave

Automobile damages sustained when hit pot hole

Ross, Betty  
10326 Loretta Drive

Automobile damages sustained when hit pot hole

**SUMMONS**

Lilley, Daniel  
c/o Lipsitz Green Scime Cambria LLP

Summons #143108

## Agenda Item #2

The following is a report of the licenses issued and collections made in the Office of the City Clerk during the month of February 2011.

			<u>CONTROLLER</u>	<u>TOTAL</u>
	Vital		\$	\$
A1255-001 A012	Statistics		4,512.00	4,512.00
			\$	\$
A1255-004 A013	Copies of Records		528.50	528.50
	Certificates of		\$	\$
A1255-004 A013	Marriage		410.00	410.00
			\$	\$
A2501-006 A042	Tour Agency		350.00	350.00
			\$	\$
A2501-016 A047	Stationary Engineers		120.00	120.00
			\$	\$
A2542-000 A053	Dogs/NYS Agr. & Mkts	249.00	-	249.00
	Additional		\$	\$
A2542-000 A053	Dogs		2,601.50	2,601.50
			\$	\$
A2545-001 A054	Marriage License/NYSHD	922.50	307.50	1,230.00
			\$	\$
A1255-002 A123	Commissioners of Deeds		65.00	65.00
			\$	\$
A2501-009 A127	Helicopter		750.00	750.00
			\$	\$
A2545-010 A128	Petroleum - Retail		210.00	210.00
			\$	\$
A2545-010 A128	Petroleum - Storage		540.00	540.00
			\$	\$
A2545-010 A128	Petroleum - Wholesale		200.00	200.00
			\$	\$
A2545-023 A318	Hunters/NYS DEC RAU	175.74	-	175.74
			\$	\$
A2545-023 A318	Hunters Fees		10.26	10.26
			\$	\$
A1255-003 A499	Notary Fee		10.00	10.00
			\$	\$
A1255-005 A528	Dog Release		450.00	450.00
TA63008			\$	\$
A597	Marriage Performance		725.00	725.00
	Photos/passport-		\$	\$
A1255-006-A696	license		18.00	18.00

<b>TOTAL:</b>			\$	\$	\$
			<u>1,347.24</u>	<u>11,807.76</u>	<u>13,155.00</u>
Check #	<u>51931</u>	NYS Dept.of Arg. & Mkts	\$	249.00	
Check #	<u>51951</u>	NYS Health Department	\$	922.50	
Check #	<u>ET</u>	NYS DEC RAU	\$	175.74	

Agenda Item #3

The following have requested City Council approval for Commissioner of Deeds for a term from 4/1/2011 to 3/31/2013.

Travis, Jane

Sandonato, Fifi

Restino JR, Anthony

Law Department

Waterboard

2478 Forest Ave., Niagara Falls, NY 14301

This is in accordance with provision of the Niagara Falls City Charter, Article II, Section 7, Subdivision 5.

Agenda Item #4

Four grants of \$12,000 each are proposed for the 2011 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 State Finance Law §99-h casino revenues 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?

Agenda Item #5

We respectfully request you authorize the Mayor to enter into the following agreement:

WITH: The Catering Crew

542 6<sup>th</sup> Street

Niagara Falls, NY 14301

FOR: Concession to Operate the Snack Stand at City Hall

Attached is a copy of the proposal received. The Catering Crew is operated out of Carolyn's House, a housing program operated by the YWCA of Niagara.

The City solicited proposals (twice) for operation of the snack stand on the ground floor of City Hall. The Catering Crew submitted the only proposal.

It is anticipated the snack stand will be open on or about April 1<sup>st</sup>.

Agenda Item #6

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

TO: Andre & Son, Inc.  
2 Mill Street  
Montrose, PA 18801

FOR: Items: 1, 2, 4 and 6 as per the attached tally sheet. \$ 3,750.20

TO: John Deere Landscapes  
1301 East 9<sup>th</sup> Street  
Suite 1300  
Cleveland, OH 44114-1849

FOR: Items 7, 8 and 10 as per the attached tally sheet. 11,015.00

TO: Professional Turf Surfaces, inc.  
8704 Brickhouse Drive  
Corfu, NY 14036

FOR: Items 3, 5, 9 and 11 as per the attached tally sheet. 8,430.00

**TOTAL: \$23,195.20**

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 bid requests were sent to Four (4) vendors. Four (4) bids were received. The above referenced companies submitted the lowest bids to meet our specifications for each respective item.

Agenda Item #7

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

TO: K.J. Smith Enterprises  
3616 Highland Avenue  
Niagara Falls, NY 14305

FOR: Landscaping and maintenance of the medians along: \$33,102.00  
Niagara Street, John B. Daly Boulevard, Rainbow  
Boulevard:

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 eleven (11) vendors. Four (4) bids were received. The above referenced company submitted the lowest bid.

Funds for this expenditure are available in the Capital budget code: H0912.2009.0449.599.

Agenda Item #8

The Niagara Falls Junior Purple Eagles is an age 12 and under traveling baseball team which will be competing in a tournament at Cooperstown Dreams Park. As is protocol at tournaments of this nature, players from around the country and the world who participate in this tournament exchange pins decorated with the logo representing their hometowns. The Junior Purple Eagles seek to have pins made which will have Niagara Falls as the backdrop. This is viewed as an effort to promote the City of Niagara Falls and foster and encourage tourism. The City has been asked to contribute the sum of \$1,600 toward the cost of these pins as per the attached correspondence. Funding is available from Tourism Fund balance. This contribution is subject to the terms and conditions contained in a funding agreement to be prepared by the Corporation Counsel.

Will the Council so approve

Agenda Item #9

Attached is a proposal from Patch Management, Inc. to provide two trucks and operators for the month of April, 2011 at a cost of \$70,000.00.

It is recommended that casino revenue be used to fund this.

Will the Council so approve and authorize the Mayor to execute the agreement on behalf of the City?

Agenda Item #10

As the Council is aware, the Police Department is using increasing amounts of intellectual technology and with that, increasing number of systems issues arise, which require the creation of an IT Systems Engineer position in the Police Department.

On an annual basis the salary and benefits total \$64,724.00 which is available in account A.1990.7590.0449.000.

Will the Council so approve?

Agenda Item #11

The owner of the Third Street Liquor Store has requested permission to relocate the sign which encroaches to the see right-of-way of Third Street from its current location at 435 Third Street to its new location at 455 Third Street.

This request has been reviewed by the appropriate City Departments who recommend its approval.

This is also subject to a recommendation by the Planning Board and this matter is on the Planning Board agenda for its March 23 meeting.

Will the Council approve the encroachment subject to a positive recommendation by the Planning Board and the requirements that the owner agree to defend and indemnify the City from any liability caused by the sign, add the City as an additional insured to its liability policy, that the sign installation comply with all building code and other legal requirements and that the City retains the right to terminate the encroachment on six (6) months written notice?

Agenda Item #12

The above position has been created in the City Clerk's Office to perform numerous duties including vendor inspection, ATC and also ensure compliance on Old Falls Street and with the pedestrian walkway which hopefully will be operational this season. In order for the individual working in that position to be more effective, it is desirable for that person to have a City cell phone. Therefore it is requested that a line item be created in the City Clerk's budget for a cell phone which is anticipated to cost \$240.00 for the balance of this year. Funding is available through A.1990.7650.0449.000.

Because of the increased duties and responsibilities anticipated for this position, it is requested that the rate of pay be increased to \$15.00 per hour from \$13.00 per hour. Funding already exists in the City Clerk's budget in order to accomplish this.

Will the Council so approve?

Agenda Item #13

The Police Department has received the above referenced Agreement in the amount of \$40,000.00 through the New York State Division of Criminal Justice Services.

The Grant will be used to fund the Pawn Shops/Burglary Initiative and no City match is required.

Will the Council approve acceptance of the Grant and authorize the Mayor to execute any Agreements necessary to effectuate the same?

Agenda Item #14

RE: Request for Approval to Settle and Pay Claim of NFT Metro System, Inc.  
181 Ellicott Street, Buffalo, New York

Council Members:

Date Claim Filed:	February 14, 2011
Date Action Commenced:	N/A
Date of Occurrence:	December 13, 2010
Location:	Pine Avenue and Packard Road
Nature of Claim:	Bus shelter damage sustained in an accident with City vehicle
City Driver:	Anthony Marino
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$716.00
Make Check Payable to:	NFT Metro System, Inc.
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 #15

RE: Request for Approval to Settle and Pay Claim of Joanne E. Reynolds  
611 Sixth Street, Niagara Falls, New York

Council Members:

Date Claim Filed:	January 28, 2011
Date Action Commenced:	N/A
Date of Occurrence:	January 23, 2011
Location:	Across from 611 Sixth St., Niagara Falls, NY
Nature of Claim:	Automobile damage sustained in an accident with City vehicle.
City Driver:	Francis Bue
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$327.76
Make Check Payable to:	Joanne E. Reynolds
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

RELATIVE TO APPOINTMENT TO THE  
NIAGARA FALLS BOARD OF ASSESSMENT REVIEW

BY:

Council Chair Samuel Fruscione

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:

<b><u>APPOINTMENT</u></b>	<b><u>TERM EXPIRES:</u></b>
George Noto 8421 Buffalo Avenue #29 Niagara Falls, NY 14304 283-0427	9/30/2015

RELATIVE TO THE PRESERVATION OF LEGISLATIVE DISTRICTS IN THE  
CITY OF NIAGARA FALLS

BY:

Council Chair Sam Fruscione

WHEREAS, the Niagara County Legislature is in the process of downsizing the Niagara County Legislature and is also in the process of redistricting the lines of the legislative districts; and

WHEREAS, the Niagara County Redistricting Commission was created by the Legislature to oversee the process of reducing the number of county legislative districts from 19 to 15 districts. Commission members will draw the new district lines based on U.S. Census data and public input; and

WHEREAS, the City of Niagara Falls needs to receive fair and equally appropriate representation that reflects the status of the county's largest city; and

WHEREAS, the City of Niagara Falls draws millions of tourists each year and is the most populated area of Niagara County. That calls for fair representation in the county legislature, which would be four (4) complete legislative districts.

NOW, THEREFORE, BE IT RESOLVED, by the Niagara Falls City Council, that we ask the Niagara County Redistricting Commission to create four (4) whole districts in the City of Niagara Falls. This would create a strong voice for the City of Niagara Falls in County Government.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the members of the Niagara County Redistricting Commission as well as all the members of the Niagara County Legislature.

RELATIVE TO THE NEW YORK STATE PAROLE OFFICE

BY:

Council Chair Sam Fruscione

WHEREAS, currently there are plans to relocate the state parole office in the City of Niagara Falls; and

WHEREAS, residents of the City have asked the Niagara Falls City Council to step in and look at the relocation plans before the state's Division of Parole moves out of its current office on Third Street into the former school district administrative building at the corner of Sixth Street and Walnut Avenue; and

WHEREAS, public input has shown concern that the move would have a negative impact on the community, especially with the children living in the neighborhood and clients of Carolyn's House, an assisted living facility for homeless women and children that is located just a few doors down from the proposed parole office location; and

WHEREAS, the building has been viewed by the state Division of Parole as a potential home for a new agency office.

NOW, THEREFORE, BE IT RESOLVED, by the Niagara Falls City Council, that the Council is on record as opposing any transfer of state parole operations to the Walnut Avenue Administration Building. Carolyn's House was built as a safe haven for the women and children of the area and the Niagara Fall City Council, again, opposes this move.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the NYS Senator Mark Grisanti, NYS Senator George Maziarz, NYS Assemblyman John Ceretto and Barbara Gray, Real Estate Project Manager, NYS Office of General Services.

RELATIVE TO  
RESOLUTION FOR USE OF POLLING PLACE FOR THE  
ANNUAL SCHOOL ELECTION

BY:

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

WHEREAS, the Annual School Election will be held on Tuesday, May 17<sup>th</sup>, 2011.

Attached is a communication from the School District of the City of Niagara Falls, New York requesting approval for the use of polling places in the City of Niagara Falls, New York.

FREEZE ON DISCRETIONARY SPENDING

By: Council Chairman Samuel Fruscione  
Council Member Robert Anderson  
Council Member Steve Fournier  
Council Member Kristen Grandinetti  
Council Member Charles Walker

WHEREAS, the City of Niagara Falls, New York administration is beginning the process of developing the City budget for the year 2012; and

WHEREAS, any fund balance remaining at the end of year 2011 will be helpful in balancing the budget projected for year 2012;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Niagara Falls, New York as follows:

Commencing with the adoption of this Resolution and continuing through December 31, 2011, the City Council requests that the Mayor and City Administrator direct all City Department Heads as follows:

1. Cease spending on discretionary items regardless of the fact that surplus may exist in their respective budgets from which to access funds.
2. Non-discretionary spending and spending that must occur pursuant to agreements and contractual issues may continue to occur pursuant to agreements and contracts in place.
3. In the event that a Department Head believes an item which is the subject of discretionary spending to be necessary, he or she may apply to the Mayor and City Administrator on a case by case basis in order to obtain permission for such an expenditure.
4. This resolution shall not apply to the spending of casino revenues pursuant to future resolutions adopted by the City Council.