

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 August, 2008

			<u>CONTROLLER</u>		<u>TOTAL</u>
A1255-001 A012	Vital Statistics		\$ 7,338.00	\$	7,338.00
A1255-004 A013	Certificates of Marriage		\$ 1,050.00	\$	1,050.00
A1255-004 A013	Copies of Records		\$ 704.00	\$	704.00
A2501-006 A042	Tour Attendant		\$ 150.00	\$	150.00
A2501-006 A042	Tour Driver/Guide		\$ 100.00	\$	100.00
A2501-011 A044	Peddler		\$ 700.00	\$	700.00
A2501-021 A048	Amusement Games		\$ 50.00	\$	50.00
		\$			
A2542-000 A053	Dogs/N County Treasurer	376.60	\$ -	\$	376.60
		\$			
A2542-000 A053	Dogs/NYS Agr. & Mkts	159.00	\$ -	\$	159.00
A2542-000 A053	Additional Dogs		\$ 2,213.40	\$	2,213.40
		\$			
A2545-001 A054	Marriage License/NYSHD	2,362.50	\$ 787.50	\$	3,150.00
A1255-002 A123	Commissioners of Deeds		\$ 45.00	\$	45.00
A2501-015 A266	Home Improvement		\$ 625.00	\$	625.00
A2545-021 A316	Vending		\$ 300.00	\$	300.00
		\$			
A2545-023 A318	Hunters/NYS DEC RAU	2,789.10	\$ -	\$	2,789.10
A2545-023 A318	Hunters Fees		\$ 139.90	\$	139.90
A1255-003 A499	Notary Fee		\$ 6.00	\$	6.00
A1255-005 A528	Dog Release		\$ 600.00	\$	600.00
A2501-027 A597	Marriage Performance		\$ 900.00	\$	900.00
A2501-027 A696	Photos / Passport - License		\$ 99.00	\$	99.00
		\$			
TOTAL:		<u>5,687.20</u>	<u>\$ 15,807.80</u>	<u>\$</u>	<u>21,495.00</u>

Check #	<u>37937</u>	Niagara County	\$
		Treasurer	376.60
Check #	<u>37968</u>	NYS Dept. of Arg. & Mkts	\$
		NYS Health	159.00
Check #	<u>37935</u>	Department	\$
		NYS DEC	2,362.50
Check #	<u>ET</u>	RAU	\$
			2,789.10

Item #2

RE: Mayor's Approval of Ordinances 2008-82, 2008-83, 2008-84 and 2008-85

Please be advised that on September 11, 2008 Mayor Paul A. Dyster duly approved Resolution 2008-82, relative to amending Chapter 1308 of the Codified Ordinances entitled "District exceptions, modifications, and amendments", Resolution 2008-83 relative to amending Chapter 361 of the Codified ordinances entitled "Stationary engineers and fireman" and Resolution 2008-84 relative to amending Chapter 303 of the Codified ordinances entitled "Licensing & regulation of coin-operated vending machines".

Please be advised that on September 12, 2008 Mayor Paul A. Dyster also duly approved Resolution 2008-85 relative to amending Chapter 1107 of the Codified ordinances entitled "Permits, fees and certificates" and Chapter 1111 of the Codified Ordinances entitled "Plumbing Code of the City of Niagara Falls, New York"

Item #3

SUBJECT: CHANGE ORDER #1 – TENTH STREET RECONSTRUCTION NIAGARA STREET TO CEDAR AVENUE PIN 5757.17

A contract for consultant services for the above referenced project was awarded to Foit-Albert Associates, P.C. on May 29, 2007 in the amount of \$555,000.00.

Subsequent to the start of the design process, funding became available to add Cedar Avenue from 10th Street to Main Street, to the scope of this project. The Council, in its January 14, 2008 session, approved the funding agreement between the City and NYSDOT and directed this Administration to execute and process the appropriate documents.

With that funding agreement now fully executed and returned, please allow this Change Order to augment our present contract with our designers for this project, Foit-Albert Associates, P.C. The additional cost associated with the incorporation of Cedar Avenue is \$232,000.00

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

**RE: Demolition Contract CD 2008-1
Change Order #1**

Council Members:

National Vacuum, Inc has submitted a change order proposal for additional asbestos abatement required at two properties contained in the above referenced demolition contract. The additional asbestos was identified during the course of dismantling the structures located at 545 24th Street and 248 24th Street. Approximately 48 sq. ft. of asbestos containing material was discovered in the kitchen wall cavity at 545 24th Street and 180 sq. ft. of asbestos floor tile was discovered at 248 24th Street. In both instances the asbestos containing material was not previously identified and represents additional unforeseen work to be performed by the contractor.

The total cost to remove the asbestos containing material is \$15,872. Community Development funds are available in Community Development Budget Code CDR099 (Demolition). Will the Council vote to so approve the change order and authorize the Director of Community Development to effectuate same.

Item #5

**RE: Approval of Encroachments on City Property at:
 1019 Main Street (Chu's Restaurant)
 2432 Niagara Street (Dairy Queen)**

Council Members:

The owners of the two properties referenced above are participating in the Department of Community Development's commercial façade rebate program. Both properties will be significantly improved as a result of the proposed facade renovations with substantial private investment in addition to the Community Development grant. Included as an attachment to this agenda item are copies of the architectural renderings depicting the scope of the proposed renovation plans.

The proposed renovations at both locations include canvas awnings that will encroach over the City right-of-way by 1'4". It is our recommendation that Council approve the encroachments at both 1019 Main Street and 2432 Niagara Street. Council approval will be contingent on the owner's submission of insurance coverage in a form acceptable to the City of Niagara Falls.

Will the Council vote to so approve the encroachments on City property and authorize the Director of Community Development to effectuate same.

Item #6

SUBJECT: Bid #35-03 Bulk Waste Collection/Disposal and Recycling Services

At its meeting of November 24, 2003 the City Council awarded Modern Disposal Services, Inc. the above referenced bid (see attached agenda item)(on file in City Clerk's Office). The current bid expires on December 31st 2008.

One of the provisions of the bid allows the agreement to be renewed annually under the same terms, conditions and specifications for up to five (5) additional years if mutually agreeable. Modern Disposal Services has expressed its desire to extend this agreement one (1) additional year, thru December 31, 2009. In addition, Modern will accept garbage from private citizens from the City at its facility at Model City. While they have been providing this service for the past few years it was not addressed in our agreement. Also, Modern will increase the number of recycling bins provided to the City at no charge from 500 per year, as specified in the agreement, to 1,000 bins per year.

We believe it is in the City's best interest to agree to this renewal.

Therefore, we recommend extension of this agreement for one additional year thru December 31, 2009.

Funds for this expenditure will be budgeted in the 2009 budget code A8160.0000.0449.003.

Item #7

SUBJECT: Bid #29-08 Refuse Collection Truck

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

TO: Delacy Ford, Inc.
3061 Transit Road
Elma, NY 14059

FOR: One (1) rear loading refuse collection body
mounted on a 4x2 chassis: \$78,826.00

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 eleven (11) vendors. Three (3) bids were received. The above referenced dealer submitted the lowest price to meet our specifications.

Funds for this expenditure are available in the 2008 Capital budget code:
H0820.2008.0820.0230.000.

Item #8

RE: Budget Amendment for Purchasing Department

Council Members:

The Purchasing Department has exhausted its overtime budget due to work on grants. I am requesting that the Council amend the budget to increase the Purchasing Department overtime by an additional \$6,245.00. Funds are available from the Designated Special Project fund.

Will the Council so approve?

Item #9

RE: Forestry Budget Amendment

Council Members:

There is a high number of backlogged work requests in the Forestry Department. It is recommended that the use of additional overtime will allow for this backlog to be reduced. It is therefore requested that \$10,000 be appropriated from Fund Balance to A8560.0000.0140.000 (\$9,300 Forestry overtime) and A8560.0000.0810.000 (\$700 Forestry FICA).

Will the Council so approve?

Item #10

RE: Budget Amendment related to the Niagara Power Coalition

Council Members:

Due to increase in expenses related to the Mark Zito litigation against the Power Coalition, the City's share of the costs of the Coalition has increased.

Will the Council vote to appropriate \$26,500.00 of fund balance to cover this increased expense?

Item #11

RE: Tourism Budget

Council Members:

The City spent an additional \$3,000.00 in advertising for the various concert events that it sponsored over the course of the summer and also incurred expenses of \$1,625.00 for portable restrooms for the Eddie Money concert and \$150.00 for portable toilets and a cost for Master of Ceremonies of \$150.00 for the Ontario House Festival.

Will the Council appropriate \$4,925.00 from the Tourism fund budget in order to pay these expenses?

Item #12

RE: Records Management Grant for Inspections

Council Members:

The City has received a grant from the New York State Archives in the amount of \$62,854.00 to microfilm and scan architectural drawings in the Inspections Department. This work will be done under the direction of the Records Asset/Control Officer Sherry Shepherd-Corulli. No City funds are required.

Will the Council so approve?

Item #13

*RE: Approval of Memorandum of Agreement between the City of Niagara Falls
and the International Brotherhood of Teamsters, Local 264*

Council Members:

Enclosed please find the proposed Memorandum of Agreement between the International Brotherhood of Teamsters, Local 264 and the City of Niagara Falls. This agreement would settle PERB Case No. U-27756, an improper practice charge filed by the Union. The basis for the charge stems from the City's use of female police officers on the female side of the Niagara Falls City Jail, work which has historically and exclusively been that of the Teamsters. By using female police officers, the Union members were deprived of the opportunity to work numerous overtime assignments between the period of June 1, 2007 and January 15, 2008. As such, the City proposes to pay the Union \$10,000 in back pay as well as stipulate that it will no longer use non-bargaining unit employees to perform the Union's exclusive work.

Will the Council so approve?

Item #14

***RE: Funding Agreement with USA Niagara for
West Mall Reconstruction Project***

Council Members:

Attached is a proposed Funding Agreement with USA Niagara. The award of the bid for the construction contract appears elsewhere on your agenda.

Will the Council so approve and authorize the Mayor to execute the Funding agreement?

SUBJECT: RECONSTRUCTION OF OLD FALLS STREET - WEST MALL

The following was the result of bids received on September 16, 2008, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>	<u>ALT. 1</u>	<u>ALT.2</u>	<u>ALT.3</u>	<u>ALT.4</u>
Mark Cerrone, Inc. 2368 Maryland Ave. Niagara Falls, NY 14304	\$ 4,096,178.00	(305,465.00) (deduct)	209,600.00	49,000.00	21,400.00
CATCO, Inc.	\$ 4,108,571.50	(89,550.00)	216,150.00	45,000.00	26,750.00
Accadia Site Contracting, Inc.	\$ 4,619,704.36	(378,100)	284,925.00	51,000.00	37,450.00
Yarussi Construction, Inc.	\$ 4,825,023.00	(129,350.00)	262,000.00	45,000.00	21,400.00
Oakgrove Construction, Inc.	\$ 4,984,975.50	(309,445.00)	203,705.00	91,000.00	107,000.00

It is the recommendation of the undersigned that this project be awarded to Mark Cerrone, Inc. at its **Base Bid of \$ 4,096,178.00** plus **Alternate 2** in the amount of **\$209,600.00** and **Alternate 3** in the amount of **\$49,000.00** and **Alternate 4** in the amount of **\$21,400.00** which will result in a **total award of \$4,376,043.00**.

Funding will be provided under the Agreement with USA Niagara which appears elsewhere on the Council agenda.

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

Item #16

**RE: Request for Approval to Settle and Pay
Matsulavage V. City of Niagara Falls, et al.;**
Index No. 41023

Council Members:

Nature of Claim:	Personal Injury
Status of Action:	Litigation stage.
Recommendation:	Best interests of City to pay.
Amount to be Paid:	\$25,000.00
Make Check Payable to:	<i>“David J. Seeger, Esq, as attorney”</i>
Conditions:	General Release and Stipulation of Discontinuance 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 #17

SUBJECT: AGENDA ITEM:

At a Traffic Advisory Commission meeting held on September 10, 2008, the Commission recommended **APPROVAL** of the following item:

**INSTALL ALTERNATE OVERNIGHT PARKING ON 97TH STREET BETWEEN
MARINE MEMORIAL DRIVE & 98TH STREET**

A Petition from the residents of this block was received with 67% signatures.

Submitted By: Christine Edwards, 1514 – 97th Street and Petition/Residents of Block

It is requested that City Council approve this recommendation.

Item #18

SUBJECT: AGENDA ITEM:

At a Traffic Advisory Commission meeting held on September 10, 2008, the Commission recommended **APPROVAL** of the following item:

**INSTALL ALTERNATE OVERNIGHT PARKING ON BOLLIER AVENUE
BETWEEN MILITARY ROAD & CAYUGA DRIVE**

A Petition from the residents of this block was received with 63% signatures.

Submitted By: Pamela Casero, 8706 Bollier Avenue and Petition/Residents of Block

It is requested that City Council approve this recommendation

Item #19

SUBJECT: AGENDA ITEM:

At a Traffic Advisory Commission meeting held on September 10, 2008, the Commission recommended **APPROVAL** of the following item:

**INSTALL ALTERNATE OVERNIGHT PARKING ON BRANDI DRIVE BETWEEN
CAYUGA DRIVE & 96TH STREET**

A Petition from the residents of this block was received with 81% signatures.

Submitted By: Claudia Deuro, 1231 Brandi Drive and Petition/Residents of Block

It is requested that City Council approve this recommendation.

Item #20

SUBJECT: AGENDA ITEM:

At the Traffic Advisory Commission meeting held on September 10, 2008, the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 2925 WESTON AVENUE**

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

Submitted By: Robert Longhine, 2925 Weston Avenue

It is requested that City Council approve this recommendation.

Item #21

SUBJECT: AGENDA ITEM:

At the Traffic Advisory Commission meeting held on September 10, 2008, the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 2250 WOODLAWN AVENUE**

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

Submitted By: Bruno Watroba, 2250 Woodlawn Avenue

It is requested that City Council approve this recommendation.

RESOLUTION No. 2008–

RELATIVE TO HONORING THE MEMORY OF
MR. WILLIE C. FIELDS, SR.

BY:

Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Chris Robins
Council Member Charles Walker

WHEREAS, on Friday, September 19, 2008, Mr. Willie C. Fields passed away at the age of 92; and

WHEREAS, Mr. Fields was educated in Baton Rouge, LA and attended Leland College. He served in the United States Army until his honorable discharge in 1945. He built a grocery store on the corner of 20th Street and Center Avenue (Fields' Food Market). This was the first minority owned grocery store in the City of Niagara Falls. He also received the first retail liquor license issued to a minority in Niagara County.

WHEREAS, Mr. Fields was employed by the City of Niagara Falls from 1951 until his retirement in 1981. In 1986, Mr. Fields came out of retirement to work for the New York State Department of Parks and Recreation where he was employed until August of 2004.

Mr. Fields was appointed to the Human Rights Commission where he served for 10 years, and on June 1, 1987, he was appointed to the Civil Service Commission where he served faithfully and honorably until his death; and

WHEREAS, Mr. Fields was given recognition of his service to the community including the Levy Brothers Award for Outstanding Achievement in Civic Affairs; the Pauline L. Brown Commissioner's Award; the Niagara Falls City Democratic Committee's Democrat of the Year Award; the Niagara County Black Achiever's Community Service Award; and the Niagara Falls Community Housing Resource Board Family Focus Award.

WHEREAS, Mr. Fields was married to his wife Doris for 66 years and dedicated their lives to family and community.

NOW THEREFORE BE IT RESOLVED, by **the Niagara Falls City Council along with Mayor Paul Dyster**, that we recognize the life accomplishments of Mr. Willie C. Fields, Sr. and recognize that he will be sorely missed by everyone who had the opportunity to know him.

RESOLUTION No. 2008-

RELATIVE TO THE APPOINTMENT TO THE
NIAGARA FALLS CIVIL SERVICE COMMISSION

BY:

Council Chair Sam Fruscione
Council Member Robert Anderson, Jr.
Council Member Steve Fournier
Council Member Chris Robins
Council Member Charles Walker

BE IT RESOLVED, that the following individual is hereby appointed to the
City of Niagara Falls Civil Service Commission effective immediately to fill the
unexpired appointment of Mr. Willie C. Fields who is recently deceased.

APPOINTMENT

TERM EXPIRES:

Mr. Lewis Rotella
8950 Rivershore Drive
Niagara Falls, NY 14304

5/31/14