

Item #1

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

NOTICE OF CLAIM

ALLEGED DAMAGE

Kaczowski, Peter J.
C/O Marc C. Panepinto
1600 Main Place Tower
350 Main Street
Buffalo, NY 14202

Personal injuries from a motor vehicle accident while working for a City contractor

Vails, Roderick
2108 Orleans Ave

Personal injuries and damages caused by fall on City sidewalk

Gordon, Justin
119-79th St

Personal injuries to victim struck by claimant's automobile caused by unsalted road

SUMMONS

Garfalo, Nadina
c/o Edward L. Smith III, Esq.
1600 Main Place Tower
350 Main Street
Buffalo, NY 14202

Index No.: 139194

Sally, Charlotte
c/o Edward L. Smith III, Esq.
1600 Main Place Tower
350 Main Street
Buffalo, NY 14202

Index No.: 139193

Insalaco, Stephanie & Michael
C/O Rolaand M. Cercone, Esq.
484 Delaware Ave
Buffalo, NY 14202

Index No.: I 2009014296

NOTICE OF PETITION

Deborah Mellon, Brian and Mary Sykes,
and Michael and Susan Woodward
C/O Daniel E. Seaman, Esq.
76 West Ave.
Lockport, NY 14094

Index No.: 139321

Item #2

**SUBJECT: CHANGE ORDER #1:
2009-2010 Asbestos Services Contract**

A contract for the above referenced project was awarded to JMD Environmental Inc. on November 24, 2008 in the amount of \$123,300.00

This contract was awarded using Community Development Block Grant funds as the source of funding. Due to the fact that a substantial portion of the demolitions are also being funded with Casino revenues, the costs associated with the required asbestos surveys and air monitoring must also be paid with Casino revenues.

Therefore, it is our recommendation that \$50,000.00 in Casino revenues in budget code H.0910.2009.0449.599 be dedicated to asbestos related costs incurred in the demolition process. This may most easily be accomplished by authorizing a change order to the existing Community Development contract with JMD Environmental Inc.

Will the Council vote to so approve and authorize the Mayor to execute Change Order #1 to the above referenced contract in the amount of \$50,000.00?

Item #3

SUBJECT: Bid #52-09 Vinyl Floor Tile Installation at the Municipal Services Complex

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

TO: Heritage Contract Flooring LLC
29 Depot Street
Buffalo, NY 14206

FOR: Vinyl floor tile installation at the Municipal Services Complex: \$13,995.00

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 six (6) vendors. Three bids were received. The above referenced company submitted the lowest bid. Bids were also received from Pro Carpet, Inc. (\$25,595.00) and Mooradian Rug Co. (\$47,795.00).

Funds for this expenditure are available in the Capital budget code: H0629.2006.0629.0443.000.

Item #4

SUBJECT: Change Order #1 – City Hall Flooding Study

A contract for consultant services for the above referenced project was awarded to Watts Architecture & Engineering, P.C. on September 8, 2009 in the amount of \$21,500.00.

Subsequent to the start of the field investigation portion of the study, specific dimensions and field measurements alluded to the existence of additional buried piping. The piping in question is not presently depicted on existing record drawings and therefore not presently a portion of the Consultant's scope of work. The costs associated with the additional video inspection and analysis is \$7,000.00, bringing the total study contract amount to \$28,500.00. Funding is available from 2009 fund balance.

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

Item #5

RE: Hard Rock Café

Council Members:

The City has been asked once again by Hard Rock Café to partner with the Hard Rock in presenting six (6) outdoor concerts during 2010 featuring live music. The locations for each of these six concerts have not yet been precisely determined but will be in the vicinity of the Hard Rock Café. The dates have also not yet been determined. As in the past, it is anticipated that Co-Promotion Agreements for each of the six concerts will be developed for each concert in form and in substance satisfactory to the Corporation Counsel. The City has been asked to contribute \$180,000 for these six concerts. The amount for each concert may vary, depending upon the entertainment featured and will be described in each Co-Promotion Agreement but in no event will the City's contribution for all six concerts exceed \$180,000. Funding is available as follows: \$53,573 from 2007 Casino Funds and \$126,427 from 2008 Casino Funds.

Will the Council authorize the expenditure of \$180,000 for these six Hard Rock Concert events and authorize the Mayor to execute co-promotion Agreements for each event in form and substance satisfactory to Corporation Counsel?

Item #6

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 #7

RE: Eliminate Violence Against Women Grant

Council Members:

The Police Department has applied for \$36,422 grant under the Eliminate Violence Against Women Program for the period 4/1/10 through 3/31/11.

There is no City match required.

Will the Council approve acceptance of the grant and authorize the Mayor to execute any agreements or other documents necessary to effectuate same?

Item #8

RE: Bicentennial Celebration Legacy Council

Council Members:

The City is planning to partner with Canada in planning for the Bicentennial War of 1812. The City will be coordinating an effort with the Bicentennial Celebration Legacy Council. The City has been asked to contribute \$25,000 toward this planning effort. Funding is available from the first half of 2009 Casino revenues. This is subject to the preparation of an Agreement in a form and content satisfactory to the Corporation Counsel.

Will the Council so approve?

Item #9

RE: Local Law #2-2009

Please be advised that Local Law No. 2 for the year 2009, relative to Changing the name of “Inspections Department” to “Department of Code Enforcement”, which was adopted by the City Council on December 14, 2009, and duly approved by Mayor Paul A. Dyster on December 21, 2009, was received and filed by the NYS Department of State on December 29, 2009.

Item #10

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:

Mr. Jon Culbert
7703 West Rivershore Drive
Niagara Falls, NY 14304
283-2855

9/30/2014

RESOLUTION No. 2010-

RELATIVE TO APPOINTMENTS TO THE NIAGARA FALLS
SENIOR CITIZEN COUNCIL

BY:
Council Chair Sam Fruscione

BE IT RESOLVED, that the following individuals are hereby appointed to the
City of Niagara Falls Senior Citizen Council effective immediately for the
expiration date, which appears opposite their names:

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Ann Wehrmeyer 2913 Weston Avenue Niagara Falls, NY 14305 – 297-6520	12/31/2010
Lucy Hamera 3019 Welch Avenue Niagara Falls, NY 14303 – 284-6638	12/31/2012
Anne Hesson 3640 Ferry Avenue Niagara Falls, NY 14301 – 285-5142	12/31/2012
Myral Gilmore 2053 Virginia Avenue Niagara Falls, NY 14305 – 285-9276	12/31/2012
Cecelia Alati 2728 Woodlawn Avenue Niagara Falls, NY 14301 – 297-5032	12/31/2012
Joseph Paonessa 1064 – 96 th Street Niagara Falls, NY 14304 – 297-8824	12/31/2012

RESOLUTION No. 2010-

RELATIVE TO APPOINTMENT AND RE-APPOINTMENT TO THE
NIAGARA FALLS BOARD OF APPEALS

BY:

Council Member Steve Fournier

BE IT RESOLVED, that the following individuals are hereby re-appointed to the
City of Niagara Falls Board of Appeals effective immediately,
for the expiration date, which appears opposite their names:

RE-APPOINTMENT **TERM EXPIRES:**

Antonio Restaino 12/31/2012
2478 Forest Avenue
Niagara Falls, NY 14301
284-4934

Vincent Spadorcia 12/31/2012
1319 Willow Avenue
Niagara Falls, NY 143053
284-6579

APPOINTMENT

Christopher M. Stoianoff 12/31/2012
2126 North Avenue
Niagara Falls, NY 14305
523-2838

RESOLUTION No. 2010–

RELATIVE TO HONORING DR. MARTIN LUTHER KING, JR.

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 Rev. Dr. Martin Luther King Jr. was born January 15, 1929 and died April 4, 1968 from an assassins bullet. Our world, our nation, our city, our community suffered a tremendous loss; and

Whereas, the legacy of Dr. King who sacrificed in the struggle to create a just world, is important to all who seek to make America that sweet land of liberty; and

Whereas, the Rev. Dr. Martin Luther King Jr. who was considered our countries greatest advocate of nonviolent liberation went to Memphis to build a coalition to redirect our nations spending from fighting wars to creating jobs and ending poverty; and

Whereas, many wondered how the dream would survive without the dreamer, but history records that sadness and anxiety gave way to determination and action. So much so that 40 years after the human rights activist was assassinated, this country elected the first African American President of the United States of America; and

Whereas, as we also recognize that there is much to be done, just as Dr. King did when in the wake of historic gains in civil and voting rights, he sought to direct our attention to the need for fundamental changes in the political and economic life of the nation, so that justice could truly prevail and opportunity could flow to every American.

Therefore, we the Niagara Falls City Council join our nation on January 18, 2010 in celebration of the Life and Legacy of the Rev. Dr. Martin Luther King Jr., and ask all citizens on this day and in his memory, to commemorate Dr. King's vision and at the same time, invigorate ourselves with resolve and forbearance to make his dream a reality from sea to shining sea.

RESOLUTION No. 2010-

RELATIVE TO HONORING
NIAGARA FALLS
POLICE DETECTIVE FRANK J. CONEY

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 January 23, 2010, Detective Frank J. Coney will celebrate 42 years of service with his retirement from the Niagara Falls Police Department; and

WHEREAS, Detective Coney began working as an M.P. in the military when he decided he wanted to become a Police Officer. He began working on the streets as a member of the Niagara Falls Police Department's Tactical Patrol Unit. Just two years after that, he was promoted to the detective bureau because the chief at the time "wanted some young guys there." Detective Coney threw himself into the investigative work and in just a few years was tapped to join Niagara County's Major Crimes Task Force. Detective Coney and his partners were soon criss-crossing the country tracking down criminals from Denver to Dallas and Las Vegas to numerous other places; and

WHEREAS, Detective Coney's departure from the detective bureau is a real change for those who remain. He will be remembered as an unbelievable teacher. His experience and demeanor helped to guide everyone in the bureau. Detective Coney's legacy will live on because of the detectives he has trained.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council congratulate Detective Frank Coney upon his retirement from the Niagara Falls Police Department and wish him the best in enjoying everyday life.

RESOLUTION No. 2010-

RELATIVE TO APPOINTMENT AND RE-APPOINTMENT TO THE
NIAGARA FALLS PLANNING BOARD

BY:

Council Chair Sam Fruscione
Council Member Kristen Grandinetti

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

<u>RE-APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Richard Smith 1021 – 96 th Street Niagara Falls, NY 14304 298-1950	12/31/2012
<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Lisa Vitello 4859 Terrance Drive Niagara Falls, NY 14305 285-3184	12/31/2012

RESOLUTION No. 2010-

RELATIVE TO THE CONTINUATION OF THE NIAGARA FALLS TOURISM ADVISORY BOARD
AND ITS APPOINTMENTS

BY:

Council Chair Sam Fruscione

WHEREAS, the Niagara Falls Council by this Resolution, re-establishes the Tourism Advisory Board and by Resolution - set its membership at sixteen (16); and

WHEREAS, the Council deems it desirable to continue the Tourism Advisory Board during 2010.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York continues the Tourism Advisory Board consisting of sixteen (16) members appointed by the City Council; and

BE IT FURTHER RESOLVED that the Board in its function shall cease one (1) year from the date of the adoption of this Resolution.

BE IT FURTHER RESOLVED that the following individuals are hereby appointed to the City of Niagara Falls Tourism Advisory Board effective January 1, 2010 for the expiration date which appears opposite their names:

<u>APPOINTMENTS</u>	<u>TERM EXPIRES:</u>
Adrienne Bedgood - 2256 South Avenue/Niagara Falls, NY 14305	12/31/2010
Vince Catanzaro – 2256 Forest Avenue/Niagara Falls, NY 14301	12/31/2010
Denise Easterling – 1306 Willow Avenue/Niagara Falls, NY 14305	12/31/2010
Jerauld Genova – 757 Seymour Avenue/Niagara Falls, NY 14305	12/31/2010
Mark Mistriner - NCCC Niagara Culinary Institute 3111 Saunders Settlement Road - Sanborn, NY 14132	12/31/2010
Vince Mameli – 462 – 77 th Street/Niagara Falls, NY 14304	12/31/2010
Gay Molnar – 2114 River Road/Niagara Falls, NY 14304	12/31/2010
Randy Umbriaco – 837 – 15 th Street/Niagara Falls, NY 14301	12/31/2010
Lisa Vitello – 4859 Terrace Drive/Niagara Falls, NY 14305	12/31/2010
Laurie Davis – 1316 – 24 th Street/Niagara Falls, NY 14301	12/31/2010
Bob Drozdowski – 2554 Falls Street/Niagara Falls, NY 14303	12/31/2010
Phillip Villella – 795 Rainbow Blvd/Niagara Falls, NY 14303	12/31/2010
Robert Ventry – 1884 Niagara Avenue/Niagara Falls, NY 14305	12/31/2010
Joseph Urso – 1887 Niagara Avenue/Niagara Falls, NY 14305	12/31/2010

Item #17

RESOLUTION NUMBER: _____

RELATIVE TO AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, TO FULLY FUND THE LOCAL SHARE OF FEDERAL-AID ELIGIBLE AND INELIGIBLE PROJECT COSTS, AND APPROPRIATING FUNDS FOR THE PAVEMENT RESURFACING, MILL AND OVERLAY, OF BUFFALO AVENUE FROM VETERANS DRIVE TO 24TH STREET, CAYUGA DRIVE FROM TUSCARORA ROAD TO MILITARY ROAD AND PACKARD ROAD FROM NIAGARA FALLS BOULEVARD TO HYDE PARK BOULEVARD, IN THE CITY OF NIAGARA FALLS, NIAGARA COUNTY, PIN 5758.91

BY: COUNCIL CHAIRMAN SAMUEL FRUSCIONE

WHEREAS, a Project for Pavement Resurfacing, Mill and Overlay, of Buffalo Avenue from Veterans Drive to 24th Street, Cayuga Drive from Tuscarora Road to Military Road and Packard Road from Niagara Falls Boulevard to Hyde Park Boulevard, in the City of Niagara Falls, Niagara County, PIN 5758.91, (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80 % Federal funds and 20 % Non-Federal funds; and

WHEREAS, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Construction & Construction Inspection phase of the project PIN 5758.91 .

NOW, THEREFORE, the City Council of the City of Niagara Falls, duly convened does hereby

RESOLVE, that the City Council of the City of Niagara Falls hereby approves the above-subject project; and it is hereby further

RESOLVED, that the City Council of the City of Niagara Falls hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Construction & Construction Inspection phase of the Project or portions thereof; and it is further

RESOLVED, that the sum of \$ 221,000 is hereby appropriated from 2010 Casino Revenues earned in 2009 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Construction & Construction Inspection phase exceeds the amount appropriated, \$ 221,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Construction & Construction Inspection phase exceeds \$ 1,103,000 , the City of Niagara Falls shall convene its City Council as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, that the Mayor of the City of Niagara Falls is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the City of Niagara Falls with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

RESOLUTION 2010-

RESOLUTION RELATIVE TO THE APPROVAL OF THE
ACQUISITION OF PROPERTY RELATED TO THE
RECONSTRUCTION OF BUFFALO AVENUE

By: Council Chairman Samuel Fruscione

WHEREAS, the City of Niagara Falls is currently progressing a project to reconstruct Buffalo Avenue; and

WHEREAS, the City of Niagara Falls is required to procure land to reconstruct said highway; and

WHEREAS, two parcels of land required for this project are owned by the State of New York through the New York State Department of Transportation; and

WHEREAS, maps of the required parcels of land have been completed by the City and reviewed and approved by the New York State Department of Transportation as to form; and

WHEREAS, these maps are noted as Map 6001-C, Parcels 6001 and 6002 (PIN No. 5460.28).

NOW THEREFORE BE IT RESOLVED that the City of Niagara Falls will assume ownership and maintenance responsibility of said parcels to construct said project; and

BE IT FURTHER RESOLVED that the City of Niagara Falls will continue to own and maintain Buffalo Avenue; and

BE IT FURTHER RESOLVED that the Mayor of the City of Niagara Falls is authorized to execute any agreements or documents necessary to effectuate the purposes of this resolution.