

Item #1

A contract for the above referenced consultant services agreement was awarded to DiDonato Associates in the amount of \$294,822.00

Subsequent to the start of construction, the Engineering Department requests to enter into an agreement with DiDonato and Associates for full-time inspection services in an amount not to exceed \$85,000.00. Included in this amount is coordination and reimbursement of special inspections.

Funding for this change order is available in Code H0819.2008.0819.0451.000.

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

**Item #2**

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

TO: Beau Enterprises, Inc.  
4250 Williams Road  
Ransomville, NY 14131

FOR: Landscaping and maintenance of the medians along: \$57,095.00  
Niagara Street, John B. Daly Boulevard, Rainbow  
Boulevard and the traffic circle, including Alternate 1 thru 4:

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. Five (5) 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.

Item #3

We respectfully request you award a contract for fireworks display as follows:

TO: Skylighters of Western new York, Inc.  
3362 Baker Road  
Orchard Park, NY 14127

FOR: Fireworks displays on July 4<sup>th</sup> at Hyde Park: \$25,000.00

Requests for proposals were sent to four (4) companies. The above referenced company provided our July 4<sup>th</sup> fireworks display last year. Proposals were also received from Zambelli Fireworks and Bay Fireworks.

Funds are available in the Tourism Fund account code T6410.0000.0449.599.

Item #4

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

TO: The Sherwin Williams Co.  
7895 Niagara Falls Boulevard  
Niagara Falls, NY 14304

FOR: Traffic Marking Paint:

White:	\$39.45/pail
Yellow:	\$38.75/pail

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 (3) bids were received. The above referenced company submitted the lowest bid.

Funds for this expenditure are available in budget code A3310.0000.0419.008.

## Item #5

The International Festival will be held once again this year on August 21, 2010 and August 22, 2010. The Festival is being sponsored by the Niagara Street Business Association. The City has been asked to contribute the sum of \$1,000 toward the cost of this Festival. Funding is available from the Tourism Fund balance.

Will the Council so approve?

## Item #6

The African-American Festival will be held once again this year on either July 24, 2010 or July 31, 2010. The City has been asked to contribute the sum of \$1,000.00 toward the cost of this event. Funding is available from the Tourism Fund balance.

Will the Council so approve?

## Item #7

The Italian Festival will be held once again this year on July 31, 2010 and August 1, 2010. This Festival is being sponsored by the Pine Avenue Business Association. The City has been asked to contribute the sum of \$1,000 toward the cost of this Festival. Funding is available from the Tourism Fund balance.

Will the Council so approve?

**Item #8**

The Gospel Festival will be held once again this year at the NACC on July 17, 2010. The City has been asked to contribute the sum of \$1,000 for the expense of this Festival. Funding is available from the Tourism Fund balance.

Will the Council so approve?

## Item #9

Arts in the Park will be held once again this year on July 25, 2010. This event is being sponsored by the NACC and Niagara Falls Memorial Hospital. The City has been asked to contribute the sum of \$2,000 toward the cost of this event. Funding is available from the Tourism Fund balance.

Will the Council so approve?

## Item #10

As per the presentation to the City Council on April 19, 2010 by representatives of USA Niagara Development Corporation, it is in the City's best interest to participate in the Microgrant Program Initiative. The City's contribution in this Program is \$50,000. Funding is available from Special Projects Fund balance. Attached hereto is a copy of the Funding Agreement.

Will the Council authorize the City to contribute \$50,000 to this initiative and authorize the Mayor to execute the same?

**Item #11**

*RE: Request for Approval to Settle and Pay Claim of Lawrence J. Debo  
705 Gardenwood, Lockport, New York*

Council Members:

Date Claim Filed:	October 16, 2009
Date Action Commenced:	N/A
Date of Occurrence:	October 13, 2009
Location:	Pine Avenue and Main Street
Nature of Claim:	Damage to automobile due to failure to mark hazard during paving project.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	\$232.21
Make Check Payable to:	Lawrence J. Debo
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?

**Item #12**

*RE: Request for Approval to Settle and Pay Claim of Gregory Colangelo  
793 VanRensselaer Avenue, Niagara Falls, New York*

Council Members:

Date Claim Filed:	August 28, 2008
Date Action Commenced:	N/A
Date of Occurrence:	July 4, 2008
Location:	Niagara Falls Golf Course
Nature of Claim:	Damage to vehicle resulting from accident with City vehicle.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interest of City to pay claim.
Amount to be Paid:	\$655.70
Make Check Payable to:	Gregory Colangelo
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?

Item #13

RE: Approval to pay medical expenses of Rosemary Cassano in the amount of \$1,604.52

Council Members:

The above claimant has incurred medical expenses for personal injuries suffered by her when, while a pedestrian, she was struck by a police vehicle owned by the City of Niagara Falls, New York. The driver of the police vehicle was Officer Matthew Szczepanec.

Under the New York State No-Fault Law, the City of Niagara Falls, as a self-insured entity, is obligated to pay the claimant's medical expenses arising out of this incident. Additionally, claimant had to pay \$30,00 out of pocket for a wrist splint and hand exerciser prescribed by her physician. This amount must be reimbursed pursuant to said No-Fault Law. If the same meets with your approval, please vote to direct the City Clerk to draw a warrant on the City Controller directing her to issue the following checks:

<u>Provider</u>	<u>Date of Service</u>	<u>Amount</u>
Niagara Falls Memorial Medical Center	10/16/09 - 10/17/09	\$ 608.27
	10/19/09	\$ 400.00
Niagara Radiologists	10/16/09	\$ 21.62
FDR Medical Services, PC	10/16/09	\$ 161.71
	10/19/09	\$ 215.00
Niagara Orthopaedic	12/17/09	\$ 35.00
	01/07/10	\$ 47.54
	01/28/10	\$ 85.38
Rosemary Cassano	01/07/10	\$ 30.00
Total Amount		\$1,604.52

Please be advised that there may be further medical bills which will have to be paid pursuant to the New York State No-Fault Law.

Will the Council so approve?

Item #14

RE: Request for Approval to Settle and Pay Liberty Mutual Insurance Company  
a/s/o Robert Ware  
2950 Expressway Drive S, Suite 100, Islandia, NY 11722

Council Members:

Date Claim Filed:	March 11, 2008
Date Action Commenced:	June 9, 2008
Date of Occurrence:	January 24, 2008
Location:	520 Hyde Park Boulevard, Niagara Falls, NY
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	James Galie
Status of Action:	Pretrial stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	\$759.92
Make Check Payable to:	Liberty Mutual Insurance Company a/s/o Robert Ware
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 #15

RELATIVE TO  
RE-APPOINTMENT TO THE  
MUNICIPAL CIVIL SERVICE COMMISSION

BY:

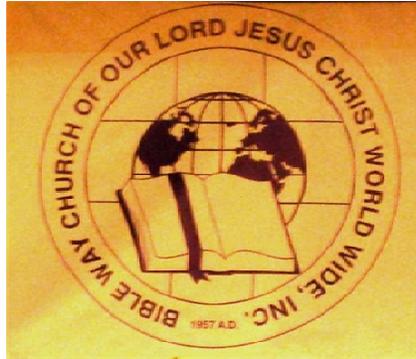
Council Chair Sam Fruscione  
Council Member Robert A. Anderson, Jr.  
Council Member Steve Fournier  
Council Member Kristen Grandinetti  
Council Member Charles Walker

BE IT RESOLVED, that the following individual is hereby reappointed to the Municipal Civil Service Commission for the expiration date of which appears opposite her name:

<u>RE-APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Ms. Josephine A. Tavano 953 Lafayette Avenue Niagara Falls, NY 14305 282-5608	5/31/16

Item #16

RELATIVE TO HONORING NICOLE BASS,  
BY THE ABUNDANT LIFE DELIVERANCE TEMPLE



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 Saturday, May 8<sup>th</sup>, 2010, the Abundant Life Deliverance Temple will honor Nicole Bass for her volunteer services to the community; and

**WHEREAS**, Nicole spearheads the "Lets Talk" teen girls program for the Niagara Falls Housing Authority. She also teaches etiquette and is an avid volunteer for her church as well as the community.

**NOW THEREFORE BE IT RESOLVED**, that the City Council of the City of Niagara Falls, New York, congratulates Ms. Nicole Bass for her generosity and dedication to the community of Niagara, making it a better place to live.

Item #17



**RELATIVE TO THE DEDICATION OF FAMILY AND CHILDREN'S SERVICES OF NIAGARA, INC.**

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 Thursday, May 13, 2010, Family and Children's Service of Niagara will hold dedication services of their "One Stop Family Center"; and

WHEREAS, Family and Children's Service of Niagara is a private, non-profit family service agency which has been at work in the Niagara Community since 1895, providing strength, support and assistance to individuals and families in need; and

WHEREAS, in May of 2008, Family and Children's Service launched their capital project to consolidate their five Niagara Falls locations into this new facility on Main Street in the heart of Niagara Falls. With the completion of this project, their services will truly be available under one roof in their new "One Stop Family Center" which will provide for the needs of the entire family; and

WHEREAS, it will bring together staff members under one roof, will improve access and eliminate stress for individuals seeking service, will be handicapped accessible and will provide space for group services. This will lead to new and improved service collaborations. The Center will be energy and technologically efficient and eliminate the duplication of operational costs and will provide new investment in community services across the county from operational savings.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York, congratulates Family and Children's Service of Niagara with the dedication of their new "One Stop Family Center" which will become an anchor in the redevelopment of Main Street in Niagara Falls, New York.

Item #18

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, to fill the unexpired term of Millard Smallwood who has since resigned.

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Theresa Costanzo 1223 Norwood Avenue Niagara Falls, NY 14305	9/30/2013

Item #19

RESOLUTION RELATIVE TO AMENDING CHAPTER 923  
OF THE CODIFIED ORDINANCES ENTITLED "PARKS"

By: Council Chairman Samuel Fruscione

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 923 of the Codified Ordinances entitled AParks@ is hereby amended by amending Section 923.03 to read as follows:

923.03 RECREATIONAL REGULATIONS.

The following provisions shall apply within any parks in the City to aviation, bathing, boating, coasting, games, picnics, horses, meetings, exhibitions, parades, skating and sledding:

. . . .

(c) **Boating. Boating is permitted in Hyde Park Lake. Such boating shall be limited to recreational rowboats, canoes and kayaks provided such rowboats, canoes and kayaks are not powered by gasoline driven motors or engines. Fishing boats powered by electric motors are also permitted. With respect to all other park waters in the City, with the exception of [Excepting]** holders of boating privileges, no person shall place or operate or have for hire any boat, canoe or raft, in any park waters in the City, without the written permit of the Director of Parks. All boats used under the permit or boating privileges shall be plainly marked as to their capacity, and no person shall exceed the maximum marked capacity. This subsection shall not apply to bodies of water bordering on parks or to toy boats used by children.

. . . .

Bold and Underlining indicate **Additions.**  
Bold and Brackets indicate **[Deletions].**

Item #20

NIAGARA FALLS LOCAL LAW NO. \_\_\_\_\_ FOR THE YEAR 2010

A Local Law to amend the Niagara Falls City Charter as amended, by amending Section 503 of Article XVIII of the Charter, entitled ADepartment of Planning, Economic Development and Environmental Services@.

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 Section 503 to read as follows:

Section 503. PLANNING BOARD, APPOINTMENT OF. There shall be appointed by the City Council nine (9) members of a Planning Board, who shall **[serve without compensation] be compensated at the rate set by Resolution of the City Council from time to time.** Of the members of the Planning Board appointed under the provisions hereof, the appointment of as nearly as possible of one-third of the members of the Board shall be for a term of one year, one-third for a term of two years and one-third for a term of three years. At the expiration of such terms, the terms of office of their successors shall be three years, so that the term of office of one-third of such members of such Board, as nearly as possible, shall expire each year. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired term.

. . .

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.

Item #21

NIAGARA FALLS LOCAL LAW NO. \_\_\_\_\_ FOR THE YEAR 2010

A Local Law to amend the Niagara Falls City Charter as amended, by amending Section 350 of Article XV of the Charter, entitled ABoard of Appeals, Jurisdiction as to certain Zoning Matters and the Official City Map@.

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 Section 350 to read as follows:

Section 350. Board of Appeals, appointment of: There shall be appointed by the City Council seven members of a Board of Appeals, who shall **[serve without compensation]** be compensated at the rate set by Resolution of the City Council from time to time. The present six members of the Board of Appeals shall continue to serve for the respective terms for which they were appointed, and their successors shall continue to be appointed for a term to expire December 31, 1991 and his successor shall thereafter be appointed for a term of three years. The Board of Appeals shall annually select a chairman from its own members and shall appoint a secretary whose compensation, if any, shall be fixed by the City Council. The Board shall hold meetings on regular dates to be fixed by the Board or at the call of its chairman.

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.