

Agenda Item #1

SUBJECT: CHANGE ORDER #1 FOR REMOVAL OF UNDERGROUND FUEL TANKS REMOVAL

A contract for the above referenced project was awarded to National Vacuum Corp., 408 47th Street Niagara Falls NY 14304, on September 4, 2012, in the amount of \$93,754.85.

Subsequent to the start of the project, soils containing petroleum-based products (gasoline, diesel fuels) were encountered and required legal disposal, as mandated by NYSDEC.

Costs associated with the disposal of petroleum-containing soils were based upon competitively obtained unit prices and totaled \$25,021.25.

Additionally, a concrete slab not originally slated for removal was added to the project's scope, bringing the total dollar amount of additional work performed to \$26,671.52. However, underrung in contractual bid items not used will allow the net dollar amount for #1 and Final Change Order for this contract to equal \$2,421.67. Funding is available in an existing bond in code H0811.2008.0811.0419.006.

Will the Council vote to so approve?

Agenda Item #2

RE: DEPARTMENT OF CODE ENFORCEMENT – EXPENSES INCURRED IN REPAIR, DEMOLITION OR BOARD OF STRUCTURES WITHIN THE CITY FROM APRIL 1, 2012 TO MARCH 31, 2013

In accordance with Chapter 1133, Section 1133.08 of the City of Niagara Falls Codified Ordinances, we hereby submit a report relative to certain privately owned properties upon which the City has incurred expenses or Community Development funds have been expended for each property which remain unpaid and in accordance with the above noted Section (the) Council shall “order an assessment against said premises for several sums herein reported”.

We recommend that all the costs incurred by the City of Niagara Falls that remain unpaid upon certain privately owned properties be assessed against said properties in the manner as prescribed in the above City provisions of the City of Niagara Falls Codified Ordinances.

A list of all chargeable costs incurred is attached. A complete record of all costs incurred and included in this report shall remain permanently on file in the office of the Department of Code Enforcement.

Will the Council so order?

Agenda Item #3

RE: Memorandum of Understanding between the City of Niagara Falls and United Steelworkers, Local 9434-02 (Seasonal Labor Agreement)

Council Members:

Enclosed please find the Memorandum of Understanding between the City of Niagara Falls, New York and the United Steelworkers, Local 9434-02. This agreement amends the current Seasonal Labor Agreement between the City and Local 9434-02, by increasing the regular wages of Seasonal Laborers from \$8.00 to \$10.00 per hour, without benefits, and providing that union dues will now be deducted from all seasonal positions in Parks and Public Works that are classified within the Hourly Union.

Please be aware that this agreement will not lead to any increase in the Department of Public Works budget.

Will the Council so approve?

Agenda Item #4

SUBJECT: Bid #03-13 Sale of Street Millings

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

TO: LaFarge North America
75 Pineview Drive, Suite 100
Amherst, NY 14228

FOR: Sale of approximately 11,950 tons of street millings
generated during the 2013 paving season: \$1.26/ton

The City Purchasing Division 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 four (4) vendors. Three (3) bids were received. The above referenced Company submitted the highest price for the millings. Two other bids were received; Modern Landfill, Inc. (\$1.15/ton) and Armand Cerrone, Inc. (\$.76/ton).

Agenda Item #5

SUBJECT: Bid #05-12 Clearing of Vacant Lots

At its meeting of April 2, 2012, the Council awarded the above referenced bid to Niagara Grass Cutting (see attached agenda item).

According to the agreement, the contract may be extended for one additional year under the same terms, conditions and specifications. We have received a request from Niagara Grass Cutting to exercise this option. The City mutually agrees and recommends the extension for one additional year.

Funds for this expenditure are available by transferring \$50,000 from account code A.1620.2340.0449.004 (Special Security) to account code A.8510.0000.0449.080 (Clean Neighborhood/Grass Cutting).

Will the Council so approve?

Agenda Item #6

RE: Overtime for DPW crew to move bandstand for City events

Council Members:

It is requested that \$5,383.00 (inclusive of FICA) be made available for City DPW crews to move the City-owned bandstand to various locations during year 2013 for City events. Funding is available by transferring \$5,383.00 from Tourism Fund Balance to the Special Events line A.9550.0000.0140.000.

Will the Council so approve?

Agenda Item #7

RE: Funding for senior citizen event in the fall of 2013

Council Members:

Funding in the amount of \$1,500.00 was not included in the 2013 budget to fund the annual senior citizen event in the fall of 2013. It is now requested that \$1,500.00 be transferred from the Tourism Fund Balance to the General Fund to allow for this event to take place.

Will the Council so approve?

Agenda Item #8

RE: Addendum to Advertising Agreement pertaining to Hyde Park Golf Course

Council Members:

During the City Council meeting on October 1, 2012, the City Council approved an agreement with CRC Enterprise to market certain signage at the Hyde Park Golf Course for a period of three (3) years in exchange for consideration to be paid of \$4,000. CRC Enterprise has requested that an additional sign face located near the clubhouse be included in this signage advertising agreement. CRC Enterprise proposes to pay the City 25% of gross amounts received by it through the golf season ending in 2015 with a three (3) year renewal term provided the City and CRC Enterprise are able to reach agreement on terms. This proposal is acceptable to the Department of Public Works.

Will the Council so approve and authorize the Mayor to execute an agreement acceptable to the Corporation Counsel?

Agenda Item #9

RE: Pothole Killer

Council Members:

Kindly recall that Patch Management, Inc. allowed the City the opportunity during year 2012 to avail itself of two pothole killer trucks, operators, materials, services and support and also allowed the City to defer the payment due of \$70,000.00 for this until such time as the City receives its share of casino revenues due from the State of New York.

The City finds itself once again in need of the services of the pothole killers. Attached hereto is a copy of a proposal from Patch Management, Inc. to provide trucks, operators and materials for 320 patching hours at a cost of \$70,000.00. The DPW Director will coordinate with Patch Management, Inc. for the commencement and conclusion of services.

Funds budgeted from the Capital Account A0812 can be transferred to Pothole Account H0825.2008.0825.0442.003 to pay the outstanding invoice for year 2012 in the amount of \$70,000.00, as well as the invoice to be generated for year 2013 also in the amount of \$70,000.00, for a total of \$140,000.00. I take this opportunity to once again remind the Council that Patch Management, Inc. is a sole source item.

Will the Council so approve?

Agenda Item #10

RE: Approval to pay Medical Expenses of Kimberly Stanek in the amount of \$71.04

Council Members:

The above claimant has incurred medical expenses for personal injuries suffered by her when she was a passenger in a City police vehicle which was involved in a motor vehicle accident on November 12, 2011.

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. 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 check:

<u>Provider</u>	<u>Date of Service</u>	<u>Amount</u>
Cardamone Chiropractic	4/17- 4/18/2013	\$71.04

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?

RESOLUTION No. 2013

RELATIVE TO RECOGNIZING THE ARMENIAN GENOCIDE

By: Council Chair Glenn Choolokian
Council Member Robert A. Anderson, Jr.
Council Member Sam Fruscione
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, between 1915 and 1923, the government of Turkey (Ottoman Empire) and the Young Turk Party launched a premeditated campaign of extermination against the indigenous Armenian population of Asia Minor by massacres, death marches, rapes, and looting, causing the death of one and a half million men, women, and children and scattering survivors around the world in a global Diaspora; and which succeeded in the elimination of the over 2,500-year presence of Armenians in their historic homeland.

WHEREAS, the Niagara Falls NY City Council is on record joining Armenian-Americans, the international community and all people who care about justice, in their remembrance of the Armenian Genocide and their desire to ensure that the crime of genocide must never be legitimized or forgotten, wherever and whenever it occurs; and

WHEREAS, the Niagara Falls City Council has called upon the United States Congress and the President of the United States to recognize that the horrific crimes against humanity committed by the Ottoman government from 1915 to 1923 must accurately and unequivocally be characterized as genocide.

THEREFORE BE IT RESOLVED, that the Niagara Falls City Council, on this ninety-eighth anniversary of the Armenian Genocide, commend the Armenian community for bringing awareness to the genocide and crimes against humanity and to ask the Niagara Falls City Council to publicly endorse efforts to educate the world about the Armenian Genocide and reject efforts to deny this crime; and,

BE IT FURTHER RESOLVED that the Niagara Fall City Council shall send a copy of this resolution to:

President Barack Obama, to New York State Congressional Delegation: Brian D Higgins, Chris Collins, Louise Slaughter, Tom Reed, Daniel D. Maffei, Richard Hanna, Bill Owens, Paul D. Tonko, Chris Gibson, Sean Patrick Maloney, Nita Lowey, Eliot Engel, Jose E. Serrano, Joseph Crowley, Charles B. Rangel, Carolyn Maloney, Michael Grimm, Jerrold Nadler, Yvette D. Clarke, Hakeem Jeffries, Nydia Velazquez, Grace Meng, Gregory Meeks, Carolyn McCarthy, Steve Israel, Pete King, Timothy Bishop. United State Senators Charles Schumer and Kirsten Gillibrand. State Senate George Maziarz and State Assemblyman John Ceretto

Anderson _____ Fruscione _____ Grandinetti _____ Walker _____ Choolokian _____

Agenda Item #12

Resolution declaring April 24, 2013 Armenian Genocide Remembrance Day in the City of Niagara Falls

WHEREAS, one and one-half million men, women, and children of Armenian descent were victims of the brutal genocide perpetrated by the Turkish Ottoman Empire from 1915 to 1923; and

WHEREAS, Armenians worldwide annually commemorate this tragic event on April 24th, the day that 600 Armenian leaders, writers, thinkers, and professionals in Constantinople and major cities throughout Turkey were first rounded up, deported, and massacred; and

WHEREAS, the Armenian genocide and massacres of the Armenian people have been recognized as an attempt to eliminate a thriving and noble civilization more than 3000 years old; and

WHEREAS, the people and government of the United States of America extended enormous aid and relief to the survivors of this tragedy; and

WHEREAS, to this day, revisionists still inexplicably deny the existence of these horrific events; and

WHEREAS, modern Turkey continues to deny and distort the facts of this genocide and honors as national heroes the perpetrators of that crime against humanity; and

WHEREAS, recognition of the anniversary of this genocide to the Armenian population is crucial to guarding against the recurrence of genocide and provides the American people with a greater understanding of its heritage; and

WHEREAS, Armenian-Americans living in Niagara Falls N.Y have greatly enriched this city through their leadership in business, agriculture, academia, government, and the arts;

NOW, THEREFORE, BE IT RESOLVED that the City of Niagara Falls join with the Armenian community of Niagara Falls N.Y to declare April 24 as an official day of remembrance of the anniversary of the Armenian Genocide and honor those who were mercilessly sacrificed.

Monday April 29, 2013 - Council Meeting

PRESENTATIONS:

ADMINISTRATIVE UPDATE:

1. Lewiston Road - road work
2. Buffalo Avenue - road work
3. Tenth Street - road work