

Agenda Item #1

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

**NOTICE OF CLAIM**

**ALLEGED DAMAGE**

Abbo-Bradley, Joann  
c/o Daniel G. Tronolone, Esq

Personal injuries sustained by negligence  
of the City of Niagara Falls, New York.

Herr, Zachary & Melanie  
c/o Daniel G. Tronolone, Esq

Personal injuries sustained by negligence  
of the City of Niagara Falls, New York

Mayhew, Christopher  
1 Walker Ave  
St.Catharines, Ontario  
L2N 3L5 CANADA

Automobile damages caused by hitting pothole

Wilson, Chelsey  
c/o Mercury Casualty Company

Property damages caused by fallen tree.

Walker, Joshua and Jessica  
c/o Maxwell Murphy .  
Attorney at Law

Personal injuries caused by planks that shifted.

Morris, Charles  
1122 Garden Ave

Property damages caused by tree falling on fence.

Mitro, Patriciann  
2427 South Ave.

Automobile damages caused by hitting pot hole.

Cowan, Walter  
1645 Weston Ave

Property damages caused by city workers

**SUMMONS**

Mezhir, Patricia & James  
c/o Matthew T. Mosher, Esq. Viola,  
Cummings & Lindsay, LLP

Summons #143813

The following have requested City Council approval for Commissioner of Deeds for a term from July 1, 2011 to June 30, 2013.

Ciccarelli, Patrick	Inspections
Dal Porto, Brian	NFPD
Davis, Mary	Billing & Collection
Gemuend, Victoria	Engineering
Reynolds, Patrick	NFPD
Stack, Patrick	NFPD
Thomson, William	NFPD
Trane, Michael	NFPD

Augustino, Linda	7995 Crestiview Dr., Niagara Falls, NY 14304
Aversa, Ralph	851 College Terrrace, Niagara Falls, NY 14305
Castillo, Baltazar	9129 Rivershore Dr., Niagara Falls, NY 14304
Castillo, Patricia	9129 Rivershore Dr., Niagara Falls, NY 14304
Gonzalez, Barbara	2412 North Ave., Niagara Falls, NY 14305
Joyce, Cindy-Lou	2744 Thornwood Dr., Niagara Falls, NY 14304
Kimble, Renea	3302 Hyde Park Blvd., Niagara Falls, NY 14305
Ochal, Eugene	6117 Stephenson Ave., Niagara Falls, NY 14304
Pucci, Frederick	2991 McKoon Ave., Niagara Falls, NY 14305
Panasyuk, Yelena	1335 Sisson Dr., North Tonawanda, NY 14120
Payne, Catherine	2458 Washington St., Niagara Falls, NY 14305
Hamilton, Shirley	1155 Ontario Ave., Niagara Falls, NY 14305
Steinman, Kathleen	2242 Grand Ave, Niagara Falls, NY 14301
Thomason, Richard	2470 LaSalle Ave, Niagara Falls, NY 14301
Thomason, Candra	2470 LaSalle 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 #3

The following was the result of bids received on May 18, 2011, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>	<u>ALT. 1</u>	<u>ALT. 2</u>
Joseph A. Sanders & Sons, Inc P.O. Box 814 Buffalo, NY 14240	\$ 134,407.00	\$7,903.00	\$3,334.00
Progressive Roofing, Inc.	\$ 144,560.00	\$6,000.00	\$5,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Joseph A. Sanders & Sons, Inc., at the Base Bid and Alternate # 2 combination of \$137,741.00. Funding is available H0904.2004.0904.0443.000.

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

## Agenda Item #4

Niagara Falls Housing Authority, in conjunction with Norstar Development, is embarking on Phase II of the Center Court Park project. The real estate is currently owned by NFHA and is tax exempt. The operating entity for the project will be a limited liability company, with the property owner being Center Court Housing Development Fund Corp. The Project will qualify under Article 11 of the NYS Private Housing Finance Law (PHFL), and may obtain a real property tax exemption for up to forty years from the City.

Rent for this low income housing tax credit project is limited by the federal Internal Revenue Code and NYS Division of Housing and Community Renewal (DHCR). The tax exemption and PILOT are necessary for the economic feasibility of the project with the rent limitations.

The proposed PILOT will require payment of 10% of the "shelter rents" for the Phase II units, with 2% increases each year thereafter. The PILOT will remain in effect for 30 years (the length of the rent regulatory agreement), after which the property will be fully taxable.

The Article 11 of the PHFL provides for the Project owners to enter into a regulatory agreement with the Commissioner of Housing and Community Renewal. The grant of exemption will take effect upon transfer of the real property to the HDFC, and will continue only so long as the Project is operated in compliance with DHCR requirements. In the event of default of payment of the PILOT, or noncompliance with DHCR requirements, the tax exemption and PILOT will terminate. The PILOT agreement and tax exemption will also terminate on transfer of the property.

The tax exemption will be effective upon the transfer of the property to the entity which qualifies under Article 11 of the PHFL. If this transfer does not take place before December 31, 2011, this grant of exemption will expire.

The City Council generally approved the grant of tax exemptions for both phases of this project on April 24, 2006, so long as the project qualifies for exemption. The Council specifically authorized the Phase I tax exemptions in November 2006. We are now asking the Council specifically to authorize the Phase II exemptions.

Will the Council vote to approve the Phase II tax exemption and PILOT agreement as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Agenda Item #5

**SUBJECT: LETTER OF AWARD FOR NIAGARA FALLS CITY HALL EXTERIOR RESTORATION PHASE 2**

The following was the result of bids received on May 16, 2011, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>	<u>ALTERNATE #1</u>	<u>ALTERNATE #2</u>
Sicoli Construction Services 4800 Hyde Park Boulevard Niagara Falls NY 14305	\$250,500.00	\$19,000.00	\$49,300.00
Morris Masonry Restoration	\$438,000.00	\$40,000.00	\$75,500.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Sicoli Construction Services, at their Base Bid amount of \$250,500.00 and Alternate #1 amount of \$19,000.00, for a total of \$269,500.00. Funding is available in Code H0611.2006.0611.0449.599.

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

Agenda Item #6

The Director of Code Enforcement advised that his budget line item to conduct demolitions is rapidly being depleted. He is requesting that \$700,000 be transferred to his demolitions budget line to fund future demolitions. Funding is available from Special Projects Fund Balance. Casino Revenues, when received, will be used to replenish this funding source.

Will the Council so approve?

Agenda Item #7

The Director of the Department of Code Enforcement is requesting funds to purchase necessary office furniture/equipment. Specifically, he would like to purchase two (2) legal size file cabinets for the Landlord Licensing Program in the amount of \$446.00, three (3) chairs at a cost of \$533.00 and two (2) cameras at a cost of \$550.00 for a total of \$1,529.00. Funding is available from Casino Interest.

Will the Council so approve?

## Agenda Item #8

The Library Director has recommended that window blinds/shades be installed in the windows in the section of the library that contains the local history collection. The purpose of these blinds/shades is to protect the collection from UV rays. Proposals were solicited and it is recommended that the low proposal of \$3,321.00 be accepted. Funding is available from Casino Revenues.

Will the Council so approve?

Agenda Item #9

The City has entered into agreements with the New York State Department of Transportation for the above referenced federal aid eligible bridge projects.

As these projects involve bridges over CSX rail lines, it is necessary to enter into engineering agreements with CSX for them to review the plans.

Will the Council authorize the Mayor to enter into an agreement with CSX for each of these projects and post the advance of \$8,000 for each of the projects and authorize the Mayor to execute agreements in forms acceptable to the Corporation Counsel?

Agenda Item #10

The owner of the above referenced property has applied for awning and sign encroachments into the City's Right-Of-Way. This has been reviewed by the appropriate City departments and the Planning Board recommends that it be granted subject to the attached conditions.

Will the Council so approve?

Agenda Item #11

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

TO: Villani's Landscape Equipment, Inc.  
6405 Packard Road  
Niagara Falls, NY 14305

FOR: Item #'s 1-5, 7-9, 12, 14, 20-22, 26, 28, 30, 38 and 40 per the attached tally sheet.

TO: George & Swede Sales & Service, Inc.  
7155 Big Tree Road  
Pavilion, NY 14525

FOR: Item #'s 6, 25, 27 and 32-35 per the attached tally sheet.

TO: National Vacuum Corporation  
408 47<sup>th</sup> Street  
Niagara Falls, NY 14304

FOR: Item #'s 10, 23 and 36 per the attached tally sheet.

TO: North American Industrial  
8555 Packard Road  
Niagara Falls, NY 14304

FOR: Item #'s 11 and 37 per the attached tally sheet.

TO: Monroe Tractor, Inc.  
5035 Genesee Street  
Buffalo, NY 14225

FOR: Item #'s 13, 15-19, 29 and 31 per the attached tally sheet.

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 Eight (8) vendors. Five (5) bids were received.

Funds for this expenditure are available in the various department equipment rental codes: .0442.003 and .0442.599.

Agenda Item #12

The City is prepared to move forward with the Blueway Trail planning and development along the Niagara River and Little River from the eastern city line to the North Grand Island Bridge. Peter J. Smith & Company has submitted a proposal for the Trail's development and for the public consultation and engagement process, as well as, canoe launch design and specifications including for permitting and for SEQR. Other aspects of the project include tree survey and husbandry for shoreline areas, and construction supervision as may be required.

The cost of the proposal for professional services on the project is \$130,230.00. Funding is available for 50% of this cost under a 2008 New York State Environmental Protection Fund grant in the amount of \$92,500.00. The balance of the cost-share will be paid with Niagara River Greenway funding, which was previously approved for \$105,000. The balance of the funding available to cover any of the identified husbandry, construction, landscaping, lighting or similar hard costs associated with the project.

Will the Council vote to approve an agreement with Peter J. Smith & Company, Inc. for professional services, and authorize the Mayor to execute any documents necessary to effectuate the same?

## Agenda Item #13

The Main Street Business Association is sponsoring its 1<sup>st</sup> Annual Arts & Music Festival scheduled to take place on June 25 and June 26, 2011. The event will be held at the corner of Main and Linwood through and including Main and Niagara Avenue. The event will feature numerous artists and live music. It is recommended that the City contribute the sum of \$3,000 to the cost of this event. Funding is available from Tourism Fund Balance.

Will the Council so approve?

Agenda Item #14

Through an agreement with the Niagara County Office for the Aging, the City provides information and assistance service for persons 60 years and older who reside in Niagara County and meet Office for the Aging eligibility criteria. The City receives reimbursement from the County in the amount of \$9, 025.00.

Will the Council authorize the Mayor to execute an Information & Assistance Program Agreement in form satisfactory to the Corporation Counsel?

Agenda Item #15

It is the recommendation of the undersigned that the firm Clough-Harbour and Associates (CHA) perform, on an hourly basis, the requisite review and approvals for above-referenced program at a not to exceed amount of \$7,500.00. Funding is available in the Engineering Department's Consultant services budget line via City Council action of May 31, 2011.

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

Agenda Item #16

It is necessary to relocate a National Grid pole in order to proceed with construction work at the Hyde Park Ice Pavilion Phase 2 Project. The cost to relocate this pole is \$16,274.00. Funding is available from Special Projects Fund Balance.

Will the Council so approve?

**RESOLUTION AUTHORIZING THE CONVEYANCE OF THE CENTER COURT HOUSING PROJECT BY THE  
NIAGARA FALLS HOUSING AUTHORITY  
BY: Council Member Charles Walker**

**WHEREAS**, the Niagara Falls Housing Authority (the "Authority") is the owner of certain real property and improvements commonly known as the Center Court housing project, located at Beech Avenue and Center Avenue in the City of Niagara Falls, County of Niagara, New York (the "Project"); and

**WHEREAS**, the physical condition of the Project has dilapidated and deteriorated over time; and

**WHEREAS**, the Authority does not have sufficient resources available to remedy such dilapidation and deterioration; and

**WHEREAS**, the Authority desires to redevelop the Project in order to provide the current residents and others with improved, safe, decent and affordable housing; and

**WHEREAS**, the infusion of private enterprise and private capital are essential components to such redevelopment and the continued success and long-term viability of the Project; and

**WHEREAS**, the Authority has indicated that the transfer of the Project by the Authority is a sale or lease of the Project in connection with federal program of assistance for low income housing, to wit, a sale to a limited liability company, a housing development fund company or similar entity in order for the Project to obtain the benefits of low-income housing tax credits and to otherwise accomplish the redevelopment of the Project; and

**WHEREAS**, the sale or lease is subject to prior approval of the New York State Commissioner of Homes and Community Renewal; and

**WHEREAS**, by Resolution 2006-42, on April 24, 2006 the City Council acknowledged its support of the redevelopment of the Project, and the Project is now ready to proceed with that phase which will require such transfer of the Project; and

**WHEREAS**, Section 58-b of the New York Public Housing Law authorizes the Authority to sell or lease the Project upon the satisfaction of certain conditions, including the approval of the City Council;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Niagara Falls, New York, that the sale or lease of the Project by the Authority in connection with federal program of assistance for low income housing, to wit, a sale to a limited liability company, a housing development fund company or similar entity in order for the Project to obtain the benefits of low-income housing tax credits and to otherwise accomplish the redevelopment of the Project by a limited liability company, a housing development fund company or a similar entity designated by the Authority is hereby authorized and approved; and be it further

**RESOLVED**, that the Mayor of the City of Niagara Falls be and hereby is authorized and directed to take any and all actions and execute any and all documents or instruments that may be necessary to carry out the intent of the foregoing resolution; and be it further

**RESOLVED**, that this resolution shall take effect immediately.

Agenda Item #18

**RELATIVE TO THE  
BETHANY MISSIONARY BAPTIST CHURCH**

BY:

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

**WHEREAS**, Bethany Missionary Baptist Church has acquired a new location for their Church; and

**WHEREAS**, the celebration move will be to 2002 Forest Avenue in the City of Niagara Falls, New York; and

**WHEREAS**, the celebration for this move took place on Sunday, June 5<sup>th</sup>, 2011 with special services to commemorate this exciting time; and

**WHEREAS**, Pastor Raymond H. Allen hosted the final dedication service on Sunday afternoon along with Rev. Harvey Kelly and the Congregation of New Hope who were their guests.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Niagara Falls, New York, that congratulations go out to Bethany Missionary Baptist Church, its congregation and especially to Pastor Raymond H. Allen for acquiring 2002 Forest Avenue as the new location for their Church; and wish them success from their dedication services on Sunday, June 5<sup>th</sup>, 2011.

## Agenda Item #19

RELATIVE TO OPPOSITION TO THE SENECA STREET EXIT ONTO THE ROBERT MOSES PARKWAY

BY:

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

WHEREAS, Assemblyman John Ceretto announced that upcoming construction on a Seneca Street entrance ramp onto the Robert Moses Parkway is scheduled for completion prior to the season opening at Earl W. Brydges Artpark; and

WHEREAS, the Niagara Tourism Advisory Board has expressed their opposition to this construction stating that the new exit will force a portion of that traffic onto the parkway's two remaining exits in Niagara Falls leaving residents with unwanted traffic late at night; and

WHEREAS, the new exit will force all those cars in one direction when actually, the traffic at Artpark naturally disperses. The traffic will not have a positive economic effect since it won't reach the City of Niagara Falls until 11pm at night; and

WHEREAS, advocates for the removal of the section of the Robert Moses Parkway from Findlay Drive to Devil's Hole state that this removal will promote tourism in the City of Niagara Falls and allow the City to reconnect with its waterfront. The Robert Moses Parkway situation as it stands now is not safe and is not a reliable transportation route for our tourists and residents.

NOW, THEREFORE, BE IT RESOLVED, by the Niagara Falls City Council, that we, along with the Niagara Falls Tourism Advisory Board, oppose the creation of the Seneca Street entrance ramp onto the Robert Moses Parkway as it will create an unsafe driving environment as well as a conflict with the environmental, cultural and community groups who advocate creating new and enhancing connections with the Niagara Gorge Corridor.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the NYS Office of Parks, Recreation and Historic Preservation; the NYS Department of Transportation; NYS Senator Mark Grisanti; NYS Assemblyman John Ceretto and the Niagara Falls Tourism Advisory Board.

**RELATIVE TO HONORING THE  
CITY OF NIAGARA FALLS  
AND THE  
AAA COMMUNITY TRAFFIC SAFETY PROGRAM**



BY:

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

Whereas, in the Summer 2011 Member Connection Magazine for AAA members, the City of Niagara Falls was recognized in the News and Notes Section of the Magazine; and

Whereas, the AAA Community Traffic Safety Program is an awards and recognition program for communities of all sizes nationwide that identify and seek to address their local traffic safety issues; and

Whereas, nine local communities were the recipients of 2010 AAA Community Traffic Safety Program Awards and the **City of Niagara Falls received the Silver Award** for submitting and improving their basic crash statistics, presence of a traffic safety leadership group, traffic safety programs, projects and their measured effectiveness.

Now Therefore Be It Resolved, that the members of the Niagara Falls City Council congratulates Superintendent John R. Chella and the Traffic Department of the Niagara Falls Police Department upon receiving this most prestigious award.

RESOLUTION RELATIVE TO THE APPROVAL OF THE  
ACQUISITION OF PROPERTY RELATED TO THE  
RECONSTRUCTION OF BUFFALO AVENUE BETWEEN  
VETERANS DRIVE AND INTERSTATE I-190 (PIN NO. 5460.28)

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

**WHEREAS**, the City of Niagara Falls is currently progressing a project to reconstruct Buffalo Avenue between Veterans Drive and I-190; and

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

**WHEREAS**, one parcel of land required for this project is owned by the State of New York through the New York State Department of Transportation; and

**WHEREAS**, a map of the required parcel of land has been completed by the City Engineer and reviewed and approved by the New York State Department of Transportation as to form; and

**WHEREAS**, this map is noted as Map 6001-C, Parcel 6001.

**NOW THEREFORE BE IT RESOLVED** that the City of Niagara Falls will assume ownership and maintenance responsibility of said parcel 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.

Agenda Item #22

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 THEREFOR.

CITY OF NIAGARA FALLS BRIDGE MINOR MAINTENANCE  
PROJECT: THREE (3) BRIDGE DECK OVERLAY, BINS 2043870, 2060200 AND 2260900 ONE  
(1) JOINTS REPLACED, WASH & SEAL AND BEARING LUBRICATED,  
BIN 2260880, CITY OF NIAGARA FALLS,  
NIAGARA COUNTY, PIN 5760.19

BY: Council Chairman Samuel Fruscione

WHEREAS, the City of Niagara Falls Bridge Minor Maintenance Project: Three (3) Bridge Deck Overlays, BINS 2043870, 2060200 and 2260900 One (1) Bridge Joint Replacement, Wash & Seal and Bearing Lubrication, Bin 2260880, City of Niagara Falls, Niagara County, PIN 5760.19 (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 Preliminary Engineering (Design I-VI) phase of the project PIN 5760.19

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 Preliminary Engineering (Design I-VI) phase of the Project or portions thereof; and it is further

RESOLVED, that the sum of \$ 25,000 is hereby appropriated from Special Projects Fund Balance 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 the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-VI) phase exceeds the amount appropriated above, the City of Niagara Falls shall convene its 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 be and 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 therefor 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.

## Agenda Item #23

RELATIVE TO APPLICATION FOR LANDS  
NOW OR FORMERLY UNDERWATER FOR  
LASALLE WATERFRONT PARK

BY: Council Member Charles Walker

WHEREAS, the City of Niagara Falls has previously acquired the former Century Club property; and

WHEREAS, the City has designated this as parkland to be known as the LaSalle Waterfront Park; and

WHEREAS, there is a parcel of land adjacent to the shoreline which is under the jurisdiction of the State of New York, Office of General Services, as land now or formerly underwater and identified as Parcel A on the attached map; and

WHEREAS, the City intends to apply for the transfer of this parcel from the State to the City to be included within the LaSalle Waterfront Park.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that it approves the acquisition of this property from the State; and.

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute any required applications or other documentation required to further this process; and

BE IT FURTHER RESOLVED, that the City Clerk is directed to publish any required notices in the official newspaper.