

Agenda Item #1

The following claims have been filed in the Office of the City Clerk during the month of June, 2013 the claims were subsequently referred to the Office of the Corporation Counsel.

NOTICE OF CLAIM

Waterskraus LLC See attached list of names	Personal injury and/or Damage to Property or Loss of Property for the individuals included On the attached list. (on file in the Clerk's Office)
Saraceno, Domonic c/o Thomas Mercure, Esq.	Personal injuries sustained from falling in a sewer grate area.
Beccari, Constance 2821 Lewiston Rd	Automobile damages sustained from narrow entrance into alley.
Malinoswki, Breanna c/o Paul K. Barr Esq.	Personal injuries sustained from an automobile accident.
Bonvissuto, Deborah c/o Theresa M. Walsh, Esq.	Personal injuries sustained from a divot in the sidewalk
United States Postal Service 1200 William St Buffalo, NY 14240	Automobile damages sustained from accident with City vehicle
Serianni-Barber, Deborah 729 Pasadena Ave.	Automobile damages sustained from road work
Skurka, Jeffrey 10653 Hammond Hill Rd East Otto, NY 14729	Personal injuries and damages he sustained through the intentional and retaliatory actions of the City of Niagara Falls.
Jones, Jennifer 3829 E. Mallory St. Mesa, AZ 85215	Personal injuries sustained from an opening in the sidewalk
Waterkraus LLC See attached list	Personal injury and/or Damage to Property or Loss of Property for the individuals included on attached list
Logel, Roland c/o Liberty Mutual	Automobile damages sustained from falling tree limb.
Miott, John 309 Spruce Ave	Personal injuries sustained from Rural Metro taking over 30 minutes.
Allman, Jeremy 95 Perry St.#204 Buffalo, NY 14202	Personal injuries sustained from crossing at Rainbow Bridge Plaza.

Florence, Kathleen
4800 Lewiston Rd

Property damages from plugged sewer.

NOTICE OF ORDER TO SHOW CAUSE

Haylor Properties LLC
c/o Ryan P. Hanna
Attorney for Petitioner

Index#150317

NOTICE OF PETITION

CATCO
Duke, Holzman, Photiadis
& Gresens LLP

Index#150378

SUMMONS

Gloria L. Mack
c/o Thomas M. Mercure, Esq.

Index#I2013-1675

Yours truly,

Carol A. Antonucci

CAA/lp

Agenda Item #2

**SUBJECT: BUFFALO AVENUE RECONSTRUCTION PROJECT FROM
VETERANS DRIVE TO 63RD STREET
PIN 5460.28 – R.P. 175
CHANGE ORDER # 3 - \$0.00**

A contract for the above referenced project was awarded to CATCO on May 29, 2012 in the amount of \$9,979,999.00.

As the project continues, additional groundwater handling and disposal costs continue to amass, and are typically paid for on a quarterly basis. The cost associated with groundwater disposal this quarter (ending June 30, 2013) is \$225,000.00.

Additionally, as we transition away from sub-surface construction-utilities and related deeper excavation installation-and toward roadbed and paving preparations, ancillary costs by the contractor during the utility phases of the project can be processed and compensated. Those ancillary costs result primarily from extra-depth excavations required during sewer installations, additional traffic control measures requested by both the New York State Department of Transportation and the City, and encountering underground piping, conduit and structures pre-dating municipal records. The total for the incidental work to date is \$75,200.00, bringing the total extra work to be paid for via this change order to \$300,200.00.

However, sufficient funding currently exists in contractual items not currently installed which will allow for a net \$0.00 change to the contract at this time.

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

Agenda Item #3

**SUBJECT: CHANGE ORDER #3 - \$0.00
PIN 5045.24 – RECONSTRUCTION OF RT. 104 MAIN STREET &
LEWISTON ROAD**

A contract for the above-referenced project was awarded to Accadia Site Contracting, Inc. on October 1, 2012 in the amount of \$4,359,854.00.

Subsequent to the start of the project, the contractor has encountered several instances of extra work/installation of extra materials as a result of existing underground conditions. These extra tasks, consisting primarily of poor subbase removal and granular fill installation, are outside or above the contractor's original scope of work. However, existing contractual quantity underruns on item's like decorative concrete and curb margin restoration will allow the quantity overruns at approximately \$337,300.00, to be paid with no increase to the contract total.

Please note that this quantity adjustment will allow the City to maximize the funding available at this time and will help minimize the size of Supplemental Agreements we will need to pursue upon project completion.

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

Agenda Item #4

SUBJECT: REMEDIATION AND DEMOLITION AT 555 39TH ST. (FORMER 39TH STREET SCHOOL)

In December of 2011, the Niagara County Brownfield Development Corporation (NCBD) awarded funding, with no City funds required, to the City of Niagara Falls for asbestos abatement, remediation, and as necessary, demolition of the former 39th Street school (555 39th St). The City Council approved acceptance of the grant on January 9, 2012.

The following is the result of bids received on June 28, 2013 for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>	<u>ALTERNATE 1</u>	<u>ALTERNATE 2</u>
Regional Environmental Demolition, Inc 3695 Pine Avenue Niagara Falls, NY 14301	\$94,222.00	\$114,222.00	\$18,000.00
Mark Cerrone, Inc	\$166,000.00	\$258,900.00	\$28,000.00
Apollo Dismantling Services, LLC	\$216,024.00	\$282,000.00	\$12,000.00
Empire Dismantlement Corp	\$226,000.00	\$187,000.00	\$17,000.00
Niagara Environmental & Wrecking, Inc	\$230,000.00	\$130,000.00	\$9,950.00
Metro Contracting & Environmental, Inc	\$519,000.00	\$645,000.00	\$33,000.00

It is the recommendation of the undersigned that this contract be awarded to the low bidder, Regional Environmental Demolition, Inc. in the amount of \$226,444.00 (total of base bid plus alternate tasks) to bring the site to shovel-ready status. Funds for the base bid and Alternate 2 are available directly from the NCBD, with no funds required from the City. Alternate task 1 is awarded contingent upon receipt of additional funds from USEPA through the NCBD.

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 #5

RE: Turn Out Gear for Fire Department

Council Members:

The Fire Chief has advised that he has very little money left in his budget line to purchase turn out gear and related equipment. He advises that it is necessary to purchase turn out gear for new recruits as well as replace some gear for existing fire fighters. The Fire Chief advises that the sum of \$30,000.00 is needed for this purpose. Funding is authorized from budget transfer expense TR.9901.0000.0900.A.

Will the Council so approve?

Agenda Item #6

RE: Temporary Operating Engineer

Council Members:

During the City Council meeting held on June 24, 2013 the Council approved a request from the Director of the Department of Public Work (DPW) to hire a Temporary Equipment Operator to help facilitate the accomplishment of various tasks. The request to hire a Temporary Equipment Operator was erroneous. This should have been a request to hire a Temporary Operating Engineer. There is no change in dollars.

Will the Council amend its action to allow the hiring of a Temporary Operating Engineer rather than a Temporary Equipment Operator?

Agenda Item #7

RE: DPW Street Openings

Council Members:

The Director of the Department of Public Works (DPW) is requesting that the sum of \$30,000.00 be transferred into the Department's street opening line. The purpose for this is to pay for zipper machine paving materials and patching materials. Funding for this is available from account code A.1990.7630.0449.599 and should be transferred into the DPW street opening budget line A.5110.0200.0419.013.

Will the Council so approve?

Agenda Item #8

RE: Extension of Agreement with Niagara Tourism and Convention Corporation (NTCC)

Council Members:

The New York State Tax Law authorizes the City to adopt a local law to impose a per diem tax on each hotel room rented in the City. On December 12, 1991 the City did in fact adopt such a local law implementing this “bed tax,” and pursuant to law, the tax was established at the rate of four percent (4%) per day. The State Law was subsequently amended to allow the City to enact a local law imposing the bed tax to be five percent (5%) per day on each room rented in the City. The City subsequently amended its local law on August 15, 2006 to increase the bed tax to five percent (5%) per day.

Section 1202-l of the New York State Tax Law, as amended, reads “from the first four percent (4%), eighty percent (80%) of such revenue from this tax shall be allocated and paid to a not-for-profit corporation under contract with the County for the promotion of tourism in the County.” The NTCC entered into a contract with Niagara County for the promotion of tourism in the County. On or about June 1, 2003, an agreement was entered into between the City and the NTCC which was for a ten year (10) term and described the services that NTCC would perform in exchange for its receipt from the City of these bed tax dollars. That agreement, a copy of which is attached, expired on May 31, 2013. The Agreement NTCC had with Niagara County also expired.

On or about June 18, 2013 the Niagara County Legislature voted to extend its Agreement with NTCC for a one (1) year period of time. That extended Agreement will expire on June 18, 2014. The NTCC is now requesting that its expired Agreement with the City be extended through June 18, 2014. Attached hereto (on file in the City Clerk’s Office) is a copy of the proposed Extension Agreement.

Will the Council so approve and authorize the Mayor to execute the Extension Agreement?

Agenda Item #9

RE: Operation IMPACT

Council Members:

The Niagara Falls Police Department has received an award from the State of New York for \$317,800 for Operation IMPACT during July 1, 2013 through June 30, 2014.

No matching funds are required for this grant.

Will the Council approve the acceptance of this grant and authorize the Mayor and Police Chief to execute any documentation necessary to receive the grant?

Agenda Item #10

RE: Improvements to Caravelle Drive Park/Playground

Council Members:

The Director of the Department of Public Works advises that it is necessary and desirable to make improvements to the park/playground located on Caravelle Drive, pursuant to the attached "Caravelle Park Playground Build Proposal." The materials and equipment needed for these improvements are anticipated to cost approximately \$54,245.00. There is \$64,776.00 available from a Parks Improvement Bond to pay for these materials and equipment, (funding code H0622.) The labor (on an overtime basis) to make these improvements is estimated to cost \$24,162.00 plus FICA in the amount of \$700.90 for a total of \$24,862.90. Funding for this is available from account number A.1990.7630.0449.599.

Will the Council so approve?

Agenda Item #11

RE: Phase 2 Improvements to Legends Park

Council Members:

The Director of the Department of Public Works is recommending that Phase 2 improvements be made to Legends Park. These improvements will include the installation of a new asphalt running/walking track as well as the installation of an ADA compliant drinking fountain and four (4) benches. The materials and equipment needed for these improvements are anticipated to cost approximately \$28,407.00. Funding is available from line HO962. The labor (on an overtime basis) to make these improvements is estimated to cost \$28,140.00 plus FICA in the amount of \$1,234.71 for a total of \$29,374.71. Funding for this is available from account number A.1990.7630.0449.599.

Will the Council so approve?

TO: City Council

FROM: Mayor Paul A. Dyster

DATE: July 3, 2013

RE: Proposed Development Agreement among City of Niagara Falls, USA Niagara Development Corporation, and Hamister Development Company, LLC pertaining to 310 Rainbow Boulevard

The City owns certain real property located in the City of Niagara Falls, New York consisting of a parcel approximately 0.88 acre in size commonly known as **310 Rainbow Boulevard, Tax Parcel No. 158.12-1-4.111**, more particularly described in **Exhibit "A"** attached hereto (the "Property").

The Property is located within the Downtown Development District established by USA Niagara Development Corporation, a subsidiary of New York State Urban Development Corporation ("UDC"), d/b/a Empire State Development ("ESD"), a New York public benefit corporation ("USAN").

By the terms of a Development Agreement dated November 30, 2011 by and among Niagara County Community College, USAN, and the City (the "2011 Development Agreement"), the City granted USAN exclusive development rights with respect to the Property on the terms and conditions specified in the 2011 Development Agreement.

In accordance with the 2011 Development Agreement, USAN issued a Request for Proposal dated October 5th, 2011 (the "Request for Proposal") seeking proposals for development of the Property.

In response to USAN's Request for Proposal, Hamister Development Company, LLC, a Delaware limited liability company (the "Developer") submitted to USAN its proposal dated December 9, 2011 (as thereafter amended, the "Response to Request for Proposal") to serve as designated developer of the Property.

In its Response to Request for Proposal, the Developer proposed developing the Property with a mixed-use project that would include, among other things, a 100-room hotel, 24 apartment units, and street-level retail space.

USAN selected the Developer as its designated developer for the Property, subject to certain terms and conditions.

Anderson _____ Fruscione _____ Grandinetti _____ Walker _____ Choolokian _____

Agenda Item #13

*RE: Request for Approval to Settle and Pay Claim of **SHAWN P.MILLER**
2422 Eggert Road, Tonawanda, New York 14150*

Council Members:

Date Claim Filed:	January 4, 2013
Date Action Commenced:	N/A
Date of Occurrence:	December 29, 2012
Location:	Niagara Falls Blvd and 98 th Street
Nature of Claim:	Property damage to vehicle from accident with City plows
City Driver:	N/A
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$1042.12
Make Check Payable to:	Shawn P. Miller
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?

Agenda Item #14

*RE: Request for Approval to Settle and Pay Claim of Michael W. Evans
702 Vanderbilt Avenue, Niagara Falls, New York 14305*

Council Members:

Date Claim Filed:	April 12, 2013
Date Action Commenced:	N/A
Date of Occurrence:	January 20, 2013
Location:	702 Vanderbilt Avenue
Nature of Claim:	Portion of City-owned tree fell onto house.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	\$1,125.00
Make Check Payable to:	Michael W. Evans
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?

SUBJECT: AGENDA ITEM:

At the Traffic Advisory Commission meeting held on June 26, 2013 the Commission recommended **APPROVAL** of the following item as amended:

INSTALL ALL WAY STOP SIGNS AT THE INTERSECTION OF CALUMET AVENUE AND DIAMOND PARK LANE

Although this intersection falls far short of MUTCD warrants for the placement of All Way Stop Signs, Calumet Avenue runs just over ¼ of a mile from end to end of the new Hope VI Housing Project without a Stop Sign. This will establish a safer traffic pattern by stopping traffic once at the mid point (Diamond Park Lane) of this uncontrolled stretch. A similar request for All Way Stop Signs at the intersection of Greenview Terrace and Calumet Avenue was denied as this intersection also falls far short of the MUTCD warrants for the placement of All Way Stop Signs and is very close (within 150') of the previously approved intersection.

Submitted By: Kim Kuebler, Property Manager, Center Court Homes, 1710 Calumet Avenue

It is requested that City Council approve this recommendation.

Agenda Item #18

SUBJECT: AGENDA ITEM:

At the Traffic Advisory Commission meeting held on June 26, 2013 the Commission recommended **APPROVAL** of the following item:

INSTALL A 30' LOADING ZONE (9A.M. – 9P.M.) ON THE 19TH STREET SIDE OF 1825 PINE AVENUE

Request was made to facilitate a place for clientele to have in and out service and delivery vehicles to load/unload on the 19th Street side of 1825 Pine Avenue.

Submitted By: Yousef Omar, Owner, NYC Apparel & Wireless, 1825 Pine Avenue

It is requested that City Council approve this recommendation.

Agenda Item #19

SUBJECT: AGENDA ITEM:

At the Traffic Advisory Commission meeting held on June 26, 2013 the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 2215 LASALLE AVENUE**

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

Submitted By: Shirlee Snyder, 2215 LaSalle Avenue

It is requested that City Council approve this recommendation.

Agenda Item #20

SUBJECT: AGENDA ITEM:

At the Traffic Advisory Commission meeting held on June 26, 2013 the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 2023 LASALLE AVENUE**

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

Submitted By: Frederick Fields, 2023 LaSalle Avenue

It is requested that City Council approve this recommendation.

Agenda Item #21

SUBJECT: AGENDA ITEM:

At the Traffic Advisory Commission meeting held on June 26, 2013 the Commission recommended **APPROVAL** of the following item:

INSTALL A 30' LOADING ZONE (8A.M. – 5P.M.) IN FRONT OF 1522 MAIN STREET

Request was made to facilitate a place for clientele and handicapped individuals to have in and out service in front of 1522 Main Street.

Submitted By: Vickie Shank, Family & Children's Service of Niagara, 1522 Main Street

It is requested that City Council approve this recommendation.

Agenda Item #22

SUBJECT: AGENDA ITEM:

At the Traffic Advisory Commission meeting held on June 26, 2013 the Commission recommended **APPROVAL** of the following item:

**REMOVE “NO STANDING ANYTIME” RESTRICTION AND ALLOW AN
ADDITIONAL 72’ OF TWO HOUR (8A.M. – 6P.M.) PARKING IN FRONT OF
2001 MAIN STREET (FORMER ARBY’S BUILDING JUST NORTH OF
CLEVELAND AVENUE)**

Request was made to allow additional needed parking spaces in the 2000 block of Main Street.

Submitted By: Laurie Davis, Main Street Business & Professional Association, 1824
Main Street

It is requested that City Council approve this recommendation.

Agenda Item #23

SUBJECT: INFORMATIONAL ITEM

At the Traffic Advisory Commission meeting held on June 26, 2013, the Commission:

DENIED:

1) Request submitted by Laurie Davis, Main Street Business & Professional Association, 1824 Main Street to **STRIPE A CROSSWALK, ACROSS MAIN STREET, AT LINCOLN PLACE IN FRONT OF 1925 MAIN STREET (CITY OF NIAGARA FALLS MUNICIPAL BUILDING)**. This would be a mid block crossing, with no handicapped sidewalks currently present and no funding available to hire a contractor to install them. In addition, per Niagara Falls Police Department Superintendent Dalporto, no problems have been encountered with pedestrians crossing here, with the main parking lot located in the rear of the building. Therefore, the Commission denied this request.

RELATIVE TO UNIFORM NOTICE OF CLAIM ACT

BY: Council Chairman Glenn Choolokian
Council Member Robert Anderson, Jr.
Council Member Samuel Fruscione
Council Member Kristen Grandinetti
Council Member Charles A. Walker

WHEREAS, Governor Andrew Cuomo has recently signed the “Uniform Notice of Claim Act” into law, amending New York State’s General Municipal Law to allow Notices of Claim against Cities and Villages to be served on the New York Secretary of State as Agent for New York’s Public Corporations; and

WHEREAS, to effectuate this new method of service of Notice of Claims, the New York State Legislature has added General Municipal Law Section 53 which requires each City to file with the New York State Department of State a certificate that designates the New York Secretary of State as the local government’s agent for service of Notices of Claims, provides the name and address of an officer, person or designee, nominee or other agent in fact to which the Secretary of State will forward any Notices of Claim, and provides the applicable time limit for filing a Notice of Claim on the City; and

WHEREAS, in order to comply with the requirements of General Municipal Law Section 53, this Council is asked to adopt a Resolution approving the designation and appointing the individual to whom the Secretary of State must mail Notices of Claim.

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Niagara Falls, New York does hereby designate the New York Secretary of State as the City’s Agent for service of Notices of Claim and provides that the Niagara Falls City Clerk, whose office is located at City Hall, 745 Main Street, Niagara Falls, New York 14302, as the City’s Officer to which the Secretary of State will forward any Notices of Claim and further provides that the applicable time limit for filing a Notice of Claim on the City of Niagara Falls is the ninety (90) day limit provided for in General Municipal Law Section 50-e; and

BE IT FURTHER RESOLVED, that the Clerk of this Council is directed to file the Certificates of Designation of Notice of Claim as provided for and required by the New York Secretary of State.

RELATIVE TO NAMING THE NIAGARA FALLS VETERANS MEMORIAL COMMISSION, INC. (NOT-FOR-PROFIT) 501 c (3) ORGANIZATION AS THE CITY'S SOLE ADMINISTRATOR OF THE VETERANS MEMORIAL SITE AND THE TRACT OF LAND DEDICATED FOR THE PURPOSE OF DEVELOPING A VETERANS MEMORIAL AS DESIGNATED IN COUNCIL RESOLUTIONS 2009-54 AND 2008-21 AND AS OUTLINED ON THE ATTACHED CITY MAP THAT THE INTENT OF THIS RESOLUTION IS TO CLARIFY ANY AND ALL AMBIGUITY AS TO THE RESPONSIBILITY AND AUTHORITY OF THE NIAGARA FALLS VETERANS MEMORIAL COMMISSION, INC.

BY: Council Chairman Glenn Choolokian
Council Member Robert Anderson, Jr.
Council Member Samuel Fruscione
Council Member Kristen Grandinetti
Council Member Charles A. Walker

WHEREAS, The Niagara Falls Veterans Memorial Commission, Inc. not-for-profit 501 c (3) organization was established to create and develop a Memorial in the City of Niagara Falls, New York to honor the memory of those brave men and women from the City of Niagara Falls, New York who gave their lives in defense of this great Country. And to honor all veterans who served honorably in the United States Military; and

WHEREAS, in keeping with the Niagara Falls City Council Resolution previously adopted and the responsibility associated with the development of the Memorial, The Commission has been appointed the entity responsible for all veterans events, parades, and special services in the City of Niagara Falls, New York to include but not limited to all other matters which involve the Memorial; and

WHEREAS, all civic activities not related to a military or veteran event, and in keeping with dignity and respect of the fallen warriors in whose honor this Monument was built, such civic organization prior to commencement of any activity in and around the Veterans Memorial as outlined in that tract of land so designated in City Council Resolution 2009-54 and 2008-21, said organization will submit a written request to the Niagara Falls Veterans Memorial Commission, Inc. and obtain approval prior to commencement of the event; and

WHEREAS, the City of Niagara Falls, New York, Department of Public Works, and Parks Division will provide maintenance of grounds, and operational support to the Commission in the execution of their duties and responsibilities.

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council hereby designates the Niagara Falls Veterans Memorial Commission, Inc. not-for-profit, 501 c (3) organization as the administrator for the tract of land situated in Hyde Park and as outlined in previous Resolutions of the City of Niagara Falls, New York.

Agenda Item #26

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 COST AND APPROPRIATING FUNDS THEREFOR.

BY: Council Chairman Glenn Choolokian
Council Member Robert Anderson, Jr.
Council Member Samuel Fruscione
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, the Project to Paint the Porter Avenue Bridge over the CSX Railroad, BIN 2039560, in the City of Niagara Falls, Niagara County, PIN 5760.18 (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) and Construction & Construction Inspection phases of the project PIN 5760.18 .

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

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

RESOLVED, that the 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) and Construction & Construction Inspection phases of the Project or portions thereof; and it is further

RESOLVED, that the sum of \$ 46,000 is hereby appropriated from H0912.9901.0000.0900 (in addition to \$ 15,000 previously appropriated for the project's Preliminary Engineering (Design I-VI) phase, via City Resolution No. 2011-34 adopted on May 2nd, 2011 and \$ 67,000 previously appropriated for the project's Construction & Construction Inspection phase, via City Resolution No. 2012-91 adopted on November 13th, 2012) and made available to cover the cost of participation in the above phases 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 Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases exceeds the amount appropriated, \$ 128,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases exceeds \$ 577,000, the project's current Total Cost, 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.

Monday July 8, 2013 Council Meeting

PRESENTATIONS:

Audit 2012- Bonadio Group
Wireless Controls, Inc

ADMINISTRATIVE UPDATE:

Legends Park, Caravelle Park - D. Kinney
Median maintenance - John Daly Boulevard and Niagara Street
Pine Avenue/Como traffic light