

Item #1

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

TO: Coyne Textile Services
111 James E. Casey
Buffalo, NY 14206

FOR: Item #'s 2, 4 - 13 and 16 - 23 per the attached tally sheet.

TO: Morgan Services
325 Louisiana Street
Buffalo, NY 14204

FOR: Item #'s 1, 3, 14, 15 and 24 - 27 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. Four (4) bids were received. The above referenced companies submitted the lowest bids for each respective item.

Funds for this expenditure are available in various Departments, Laundry and Cleaning code: .0465.000.

Item #2

Niagara Falls Memorial Medical Center has requested that the City consider funding improvements to the hospital's main entrance at 620 10th Street. The proposed improvements are designed to protect patients and visitors from the elements through the construction of a "Kalwall" canopy to be added to the building's entrance, walkways and drop-off areas. Lighting will be installed to illuminate walkways, entrances and the street between the entrance and the parking ramp. Specific design elements utilized at Schoellkopf Park ER One and the Heart Center including, benches, trash receptacles and landscaping will be incorporated into the restored drop-off areas.

Niagara Falls Memorial Medical Center serves a disproportionately large share of elderly and low income persons and this project will benefit elderly patients, visitors and neighborhood residents alike. The project will enhance neighborhood safety and provide improved accessibility.

The total project cost is estimated to be \$300,000. The Medical Center will contribute \$50,000 and is requesting \$250,000 from the City. This project was submitted for funding consideration as part of the 2011 CDBG budget process; however, due to limited resources it was not included in the spending plan.

It is our recommendation \$250,000 in Community Development Miscellaneous Revenue funds be approved for this project from budget code CD3 6980.0000.0450.500.

Will the Council vote to approve and authorize the Mayor to execute an agreement to provide funding for this project in a form acceptable to the Corporation Counsel?

Item #3

Family and Children's Service of Niagara has successfully operated the PASSAGE House for many years. This facility provides a safe, sheltered environment for women that are victims of domestic violence. In previous years, City Council has approved the use of Emergency Shelter Grant Funds for the rehabilitation of the shelter and to offset operating costs incurred by Family & Children's Service.

Family & Children's Service has informed the Department of Community Development that the heating system servicing the 2nd floor of the facility is in dire need of replacement. The 1st and 3rd floors of the facility have a separate heating system that is functioning well. The low price submitted to replace the 2nd floor heating/AC system was \$3,800.

It is our recommendation that \$3,800 of Emergency Shelter Grant funds be approved by Council for this project. Emergency Shelter Grant Funds are available in budget code CD7 8691.0000.0450.500

.Will the Council vote to approve and authorize the Mayor to execute any documents necessary to effectuate the same?

Item #4

The owner of the above referenced property has applied for an entrance awning encroachment 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?

Item #5

The owner of the above referenced property has applied for a canopy sign encroachment 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?

Item #6

The City has participated in the above referenced Coalition for a number of years. Attached is the restated Memorandum of Understanding for the Coalition's activities for the next two years. The purpose of the Coalition is to improve the flow of traffic throughout the areas adjoining the border and across the international boundary.

The City is not committing any funds to the operation of this consortium but will only be a participant.

Will the Council so approve and authorize the Mayor to execute the attached Memorandum of Understanding?

Item #7

A contract for the above referenced project was awarded to J.W. Danforth on April 5, 2010 in the amount of \$737,000.00.

Due the course of construction, existing and unforeseen conditions were discovered and required immediate attention for the best interests of the City. Additional work totaled \$14,011.00 for these various tasks. Payment for this additional work is available in the current project's contingency line set up with casino funds.

It is the recommendation that Change Order #1 be approved on the amount of \$14,011.00 establishing the new contract amount to \$751,011.00.

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

Item #8

A contract for the above referenced project was awarded to J.R. Swanson Plumbing Co. on April 5, 2010 in the amount of \$421,900.00.

Due the course of construction, existing and unforeseen conditions were discovered and required immediate attention for the best interests of the City. Additional work totaled \$42,893.18 for these various tasks. Payment for this additional work is available in the current project's contingency line set up with casino funds.

It is the recommendation that Change Order #1 be approved on the amount of \$42,893.18 establishing the new contract amount to \$464,793.18.

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

Item #9

A contract for the above referenced project was awarded to Sicoli Construction Services on April 5, 2010 in the amount of \$1,514,400.00.

During the course of construction, existing and unforeseen conditions were discovered and required immediate attention in the best interests of the City. Additional work totaled \$104,997.41 for these various tasks. Payment for this additional work is available in the current project's contingency line set up with casino funds.

It is the recommendation that Change Order #1 be approved on the amount of \$104,997.41 establishing the new contract amount to \$1,619,397.41.

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

Item #10

A contract for the above referenced project was awarded to CIR Electric on April 5, 2010 in the amount of \$423,000.00.

Due the course of construction, existing and unforeseen conditions were discovered and required immediate attention for the best interests of the City. Additional work totaled \$23,687.59 for these various tasks. Payment for this additional work is available in the current project's contingency line set up with casino funds.

It is the recommendation that Change Order #1 be approved on the amount of \$23,687.59 establishing the new contract amount to \$446,687.59.

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

Item #11

In an effort to continue and enhance the ZOOM Program, it is requested that the new position of Associate Deputy Director-Clean Neighborhood and ZOOM be created. This will be effective November 2, 2010. This position will be considered exempt. The funding for this new position for the balance of 2010 is available from casino revenues in an amount not to exceed \$12,000.00.

Will the Council so approve?

Item #12

In order to further advance the Culinary Institute Project it is necessary for the City to enter into a Development Agreement with Niagara County Community College and USA Niagara Development Corporation which, among other things, will describe the selection process for a construction manager, describe the various phases of the project and address the development of that portion of the Rainbow Mall premises not used for the Culinary Institute project and the Balloon Launch Parcel. The agreement will also describe the financial participation of each of the parties, including the City. In this regard, during its meeting on October 14, 2008, the City Council authorized \$1.5 million of casino revenues to be appropriated for the Culinary Institute Project. That money remains in place and is available for the Culinary Institute Project. At this time, it is requested that the City contribute an additional \$1 million to the Culinary Institute Project. Funding is available from casino revenues in the amount of \$500,000 and from Special Projects Fund Balance in the amount of \$500,000. Therefore, the City's total contribution to the Culinary Institute Project will be \$2.5 million. The incentives for the City's financial participation in the project are that it is believed that the development of the Culinary Institute in the long vacant Rainbow Mall premises will be an economic development catalyst for the City as well as the commitment from USA Niagara Development Corporation to make substantial improvements to the City owned parking ramp, the cost of which will be approximately \$8 million.

Will the City Council authorize the Mayor to execute a Development Agreement in form and substance satisfactory to the Corporation Counsel and also reaffirm its October 14, 2008 appropriation of \$1.5 million in Casino Revenues for the Culinary Institute Project together with an additional \$1 million for the Culinary Institute Project?

Item #13

Please recall that at the City Council meeting held on October 4, 2010 the Council approved the reclassification of the position of "Administrative Assistant" in the Risk Management division of the Department of Law to Administrative Aide-Law. This was classified as a Grade 12 position. The Annual savings were projected for 2011 to be \$16,618.00. After further review it is requested that the position be further reclassified to "Worker's Compensation/Law Aide" at a Grade 7. This will result in additional savings of \$10,092.00. This is to be effective November 2, 2010. In addition, it is requested that the position of Account Clerk be created at a Grade 7 (\$22,919.00) and that the salary of Junior Account Clerk be reduced to \$1. This will be effective November 2, 2010. Attached hereto is a worksheet which shows the action to be taken and the resulting savings. The savings for the balance of year 2010 will be \$1488.13 and the total savings for 2011 will be \$26,922.74.

Will the Council so approve?

Item #14

Please be advised that Mayor Paul A. Dyster, on October 6, 2010, duly approved the following:

1. Resolution 2010-80, relative to Amending Chapter 1113 of the Codified Ordinances entitled "Electrician Licensing and Regulations" which was adopted by Council on October 4, 2010.
2. Resolution 2010-81, relative to Amending Chapter 1111 of the Codified Ordinances entitled "Plumbing Code" which was adopted by Council on October 4, 2010.

Also, Resolution 2010-76, relative to Amending Chapter 171 of the Codified Ordinances pertaining to "Benefits of Employees not covered by Collective Bargaining Agreements" was neither approved nor disapproved by the Mayor within the required 10 days and is therefore deemed Approved.

Item #15

Please be advised that Mayor Paul A. Dyster on October 19, 2010 duly approved the Following:

1. Resolution 2010-83 relative to Amending Chapter 1313 and Schedules 8, 12 and 13 of the Codified Ordinances entitled "Zoning Ordinance" which was adopted by Council on October 18, 2010
2. Resolution 2010-84 relative to Amending Chapter 1314 and Schedule 1 of the Codified Ordinances entitled "Zoning Ordinance" which was adopted by Council on October 18, 2010

Item #16

Please be advised that Local Law No. 4 for the year 2010, relative to prohibiting the use of groundwater as a potable water supply or for other purposes by the installation or use of water supply wells, which was adopted by Council on October 4, 2010 and duly approved by Mayor Paul A. Dyster on October 14, 2010, was received and filed by the NYS Department of State on October 21, 2010.

Item #17

WHEREAS, on October 27th, 2010, the Niagara Street Area Business and Professional Association held their annual dinner; and

WHEREAS, **M.J. Colucci & Sons** were honored as the Business of the Year; and

WHEREAS, **Imad Issa - Andy's Quick Stop** was honored as the Business Person of the Year; and

WHEREAS, **James Voutour, Niagara County Sheriff and Samuel Ferraro, Executive Director of the Niagara County IDA** were the recipients of the Leadership Award; and

WHEREAS, **William Ross, Chairman, NC Legislature** was the recipient of the Statesman Award; and

WHEREAS, **Niagara Street School and Cal Babcock** were the recipients of a Special Award; and

WHEREAS, **Gail Bimont, NF Community Development** was the recipient of the President's Award; and

WHEREAS, **Russell Petrozzi and the NF School Board; Robert Antonucci, Director of NF Community Development; Detective Shawn Bosi, Officer Mike Corcoran, Officer Dan Bird and Officer Nick Ligammari, NF Police Department** were the recipients of the Appreciation Award; and

WHEREAS, **The Street/Sidewalk Division, Traffic Engineering Division, Street Cleaning Division and the Parks/Forestry/Trades Division of the City of Niagara Falls** were the recipients of the Boots on the Ground Award.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it extends its congratulations on behalf of all the citizens of the City of Niagara Falls in honoring the recipients of the **Niagara Street Area Business and Professional Association's 2010 Business and Community Service Awards.**

Item #18

WHEREAS, on November 19th, 2010, the Main Street Business and Professional Association will hold its annual dinner; and

WHEREAS, **Bishara Realty** will be honored as the Business of the Year; and

WHEREAS, **John Hutchins** will be honored as the Business Person of the Year; and

WHEREAS, **Michelle Vanstrom** will be the recipient of the George Kurtzman Award; and

WHEREAS, **Ken Sass** will be the recipient of the President's Distinguished Service Award; and

WHEREAS, **Norma Higgs** will be the recipient of the Michael A. Brundidge Community Service Award; and

WHEREAS, **Hutch Enterprises/The Rapids Theater** will be the recipient of the Rainbow Award; and

WHEREAS, **Artie Vanderpool & Scott Akdogan** will be the recipients of the Beautification Award; and

WHEREAS, **Rick Crogan, Angelo Tecchio, and Allison Pasquantino** will be the recipients of Angel Awards.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it extends its congratulations on behalf of all the citizens of the City of Niagara Falls in honoring the recipients of the Main Street Business and Professional Association's 2010 Annual Awards Dinner.

Item #19

WHEREAS, the number of pawn brokers and second-hand dealers located within the City of Niagara Falls has dramatically increased over the last several years; and

WHEREAS, the Zoning Ordinance and Comprehensive Plan for the City of Niagara Falls requires that land be used in the City in the most beneficial and convenient manner, preserving relationships among the residential, commercial, industrial and recreational areas within the City, and further requires that the value of land throughout the City be protected and conserved in a manner appropriate to the various districts established by the Zoning Ordinance and further requires the pursuit of gradual conformity of the uses of land and buildings throughout the City and the minimizing of conflicts among the uses of land and buildings in the City; and

WHEREAS, it appears that pawn brokers and second-hand dealers are concentrating in certain areas of the City and without a comprehensive and detailed plan by the City to address the location and approval of pawn brokers and second-hand dealers, the above purposes and requirements will be severely jeopardized.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that:

1. There is hereby imposed from the date of enactment of this Resolution a 90-day moratorium on the consideration of applications for pawn brokers and second-hand dealer licenses.
2. This moratorium is imposed to enable the City to develop a comprehensive and detailed plan which is in concert with the Comprehensive Plan and Zoning Ordinance for the City of Niagara Falls concerning the location and approval of pawn brokers and second-hand dealer locations.

Item #20

WHEREAS, the City Council of the City of Niagara Falls, New York is very much aware of the ongoing conflict between the Seneca Nation of Indians and the State of New York and the action taken by the Seneca Nation in withholding "exclusivity payments" to the State as required by the Nation-State Gaming Compact; and

WHEREAS, the City Council of the City of Niagara Falls, New York is concerned that the City of Niagara Falls, New York will suffer if payments due pursuant to the Compact are withheld; and

WHEREAS, the City Council of the City of Niagara Falls, New York is in receipt of a copy of correspondence dated October 14, 2010 from Peter J. Kiernan, Counsel to the Governor, written to the Seneca Nation of Indians in which he proposes that the State will advance payments to the host communities and that the Seneca Nation of Indians repay that exact amount to the State within two (2) weeks of the State making payments to the host communities.

NOW, THEREFORE, the City Council of the City of Niagara Falls, New York hereby supports the proposal made by the State of New York to the Seneca Nation of Indians in its correspondence dated October 14, 2010, a copy of which is attached hereto; and

BE IT FURTHER RESOLVED that the City Council of the City of Niagara Falls, New York urges the Seneca Nation of Indians and the State of New York to come to a mutually agreeable solution based on the October 14, 2010 correspondence.