

Agenda Item #1

The following claims have been filed in the Office of the City Clerk during the month of December 2010. The claims were subsequently referred to the Office of the Corporation Counsel.

NOTICE OF CLAIM

ALLEGED DAMAGE

Austin, Regina
1706 Ferry Ave

Automobile damages caused by DPW workers in field across where car was parked.

Clark, David
1474 Sheridan Drive
Kenmore, NY 14217

Damages sustained when police failed to inform him of automobile being recovered.

Henneman, Clair
c/o Gross, Shuman,
Brizdle & Gilfillan

Personal injuries sustained when stop sign fell.

Henneman, Clair
c/o Lippma O'Connor

Personal injuries sustained when stop sign fell. 50-h hearing February 2, 2011 10:00 AM.

Bak, William
c/o Joshua E. Dubs, Esq.

Property damages sustained when city employees broke window.

Porfilio, Brad
55 East Monroe
Chicago, IL 60603

Automobile damages caused by hitting pot hole.

Lee (Palmer), Angelo H.
c/o William Mattar

Personal injuries caused by a car accident.

Bergey, Dennis
8202 Buffalo Ave

Automobile damages caused by hitting a pot hole.

SUMMONS IN A CIVIL ACTION

Watts, Perez Dishara

Civil Action No. 10-CV-440

Agenda Item #2

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

TO: Biel's Info Technology Systems
 1201 Indian Church Road
 Buffalo, NY 14224

FOR: Microfilming of Architectural Drawings
 -Cost Per Image for Microfilming/Scanning: \$.80

-Cost for Document Preparation, if needed (per hour): 30.00

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 five (5) vendors. Three bids were received. The above referenced company submitted the lowest bid.

Funds for this expenditure are available in New York State Records Management Grant, Microfilming Services code: S1460.0000.0447.000. Funds were awarded for this expenditure through the New York State Archives in the amount of \$25,001.00 for the above referenced work. This grant does not require matching funds on the part of the City.

**BID #2-10
 MICROFILMING OF ARCHITECTURAL DRAWINGS**

	Cost Per Image	Documentation Preparation Cost Per Hour (if needed)
Biel's Info Technology Systems 1201 Indian Church Road Buffalo, NY 14224	\$.80/image	\$30.00
Amtek Corporation 4 Adler Drive East Syracuse, NY 13057	1.25/image	15.00
Computer and Source Microfilming 145 Midler Park Drive Syracuse, NY 13206	1.50/image	20.00

Agenda Item # 11

Please be advised that Mayor Paul A. Dyster on December 28, 2010 duly approved the Following:

1. Resolution 2010-104, relative to Amending Chapter 701 of the Codified Ordinances Entitled "Animals, Fowl and Dogs"

Agenda Item #11

Whereas, the Rev. Dr. Martin Luther King Jr. was born January 15, 1929 and died April 4, 1968 from an assassins bullet. Our world, our nation, our city, our community suffered a tremendous loss; and

Whereas, the legacy of Dr. King who sacrificed in the struggle to create a just world, is important to all who seek to make America that sweet land of liberty; and

Whereas, the Rev. Dr. Martin Luther King Jr. who was considered our countries greatest advocate of nonviolent liberation went to Memphis to build a coalition to redirect our nations spending from fighting wars to creating jobs and ending poverty; and

Whereas, January 17th, 2011 will mark the 25th anniversary of the Rev. Martin Luther King federal holiday. The campaign for a federal holiday in King's honor began soon after his assassination. Former President Ronald Reagan signed the holiday into law in 1983, and it was first observed in 1986; and

Whereas, as we also recognize that there is much to be done, just as Dr. King did when in the wake of historic gains in civil and voting rights, he sought to direct our attention to the need for fundamental changes in the political and economic life of the nation, so that justice could truly prevail and opportunity could flow to every American.

Therefore, we the Niagara Falls City Council join our nation on January 17, 2011 in celebration of the Life and Legacy of the Rev. Dr. Martin Luther King Jr., and ask all citizens on this day and in his memory, to commemorate Dr. King's vision and at the same time, invigorate ourselves with resolve and forbearance to make his dream a reality from sea to shining sea.

Agenda Item #12

WHEREAS, the Niagara Falls Council by this Resolution, re-establishes the Tourism Advisory Board and by Resolution - set its membership at sixteen (16); and

WHEREAS, the Council deems it desirable to continue the Tourism Advisory Board during 2011;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York continues the Tourism Advisory Board consisting of sixteen (16) members appointed by the City Council; and

BE IT FURTHER RESOLVED that the Board in its function shall cease one (1) year from the date of the adoption of this Resolution.

BE IT FURTHER RESOLVED that the following individuals are hereby appointed to the City of Niagara Falls Tourism Advisory Board effective January 1, 2011 for the expiration date which appears opposite their names:

APPOINTMENTS

TERM EXPIRES:

Adrienne Bedgood - 2256 South Ave/NF, NY 14305	12/31/2011
Denise Easterling - 1306 Willow Ave/NF, NY 14305	12/31/2011
Jerauld Genova - 757 Seymour Ave/NF, NY 14305	12/31/2011
Charles Knoll - 5820 Buffalo Ave/NF, NY 14304	12/31/2011
Mark Mistriner - NCCC Niagara Culinary Inst. 3111 Saunders Settlement Road - Sanborn, NY 14132	12/31/2011
Vince Mameli - 462 - 77 th St/NF, NY 14304	12/31/2011
Gay Molnar - 2114 River Road/Niagara Falls, NY 14304	12/31/2011
Randy Umbriaco - 837 - 15 th St/NF, NY 14301	12/31/2011
Lisa Vitello - 4859 Terrace Dr/NF, NY 14305	12/31/2011
Laurie Davis - 1316 - 24 th St/NF, NY 14301	12/31/2011
Phillip Villella - 795 Rainbow Blvd/NF, NY 14303	12/31/2011
Robert Ventry - 1884 Niagara Ave/NF, NY 14305	12/31/2011
Joseph Urso - 1887 Niagara Ave/NF, NY 14305	12/31/2011

Agenda Item #13

BE IT RESOLVED, by the City Council of Niagara Falls, New York, that the designation of the Niagara Gazette as the official newspaper of the City of Niagara Falls, New York for purposes of printing and/or publishing of all legal notices, public hearing notices and any other matters required by law or by the City Council or the Boards of the City to be printed and/or published is hereby continued.

BE IT FURTHER RESOLVED, that this designation shall be in effect for the year 2011, but such designation shall not thereafter lapse until superseded.

Agenda Item #14

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 701 of the Codified Ordinances entitled "Animals, Fowl and Dogs" is hereby amended by amending Section 701.03 entitled "Consent of Property Owners to Keep Pets; Permit", Section 701.10 entitled "Exceptions for Litters" and Section 701.11 to read as follows:

CHAPTER 701 ANIMALS, FOWL AND DOGS

Section 701.03 Consent of Property Owners to Keep Pets; Permit.

Notwithstanding the provisions of Section ~~[701.01]~~ 701.02, the Building Commissioner may issue a permit which may allow the keeping of such animals or fowl as pets in such residential districts providing the occupants of the properties on each side and in the rear of the property involved consent that such a permit be issued.

Section 701.10 Exceptions for Litters.

The owner or person who has custody of a dog or cat may retain the puppies or kittens born of said dog or cat exceeding the permissible numbers set forth in ~~[subsection 2 of this section]~~ Section 701.09 for a period not exceeding 12 weeks after the birth of the animals. ...

Section 701.11 Any person who lawfully owned more than the number of dogs and/or cats permitted by Section ~~[701.08]~~ 701.09 prior to the enactment of this ordinance may retain their animals provided the same are properly licensed with the provisions of this chapter, provided, however, that any combination of dogs or cats shall at no time exceed four (4) animals. ...

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

Agenda Item #3

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

TO: Kenworth of Buffalo, NY, Inc.
 100 Commerce Drive
 Buffalo, NY 14218

FOR: Two (2) Peterbilt tandem axle dump trucks with plows: \$169,850.00 ea.

TOTAL: \$339,700.00

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. Three (3) bids were received. The above referenced company submitted the lowest bid to meet our specifications.

Funds for this expenditure are available in the Capital budget code:
 H0912.2009.0912.0230.000

Bid #48-10 Tandem Axle Dump Trucks W/Plows (Purchase of Two (2))	
Kenworth of Buffalo, NY, Inc. 100 Commerce Drive Buffalo, NY 14218	\$339,700.00 (169,850.00 ea.)
Hunter Buffalo, Peterbilt, LLC 2370 Walden Avenue Buffalo, NY 14225	328,270.00 ¹ . (164,135.00 ea.)
Regional International of WNY 2425 Walden Avenue Buffalo, NY 14225	341,940.00 \$170,970.00 ea.)

1. Hunter Buffalo Peterbilt's truck did not meet our specifications in the following areas and therefore cannot be considered for award:
 - a. The front axle specification required a minimum 22,000 lb. The Peterbilt truck bid by Hunter Buffalo has a smaller front axle with a 20,000 lb. maximum.
 - b. The frame rail specifications require a minimum of 2,683,000 RBM's. The Peterbilt truck does not meet the minimum.
 - c. The specifications require a minimum 9 liter engine. The Peterbilt truck has an 8.3 liter engine.

Agenda Item #4

The City was recently contacted by the Office of Congresswoman Louise Slaughter to advise that the Congresswoman's office is in need of office space on a temporary basis from Tuesday, January 11, 2011 through April 30, 2011. Space is available in the lower level of the Carnegie Building at a price to be mutually agreed to between the City and the Office of Congresswoman Slaughter. The terms of occupancy will be memorialized in an agreement to be prepared by the Office of the Corporation Counsel.

Will the Council so approve?

Agenda Item #5

It is desirable that the City Council have unlimited access to legal services which the City Corporation Counsel's Office may not be in a position to provide. Accordingly, it is desirable to continue the consulting services provided by Morton H. Abramowitz. The cost of such services is \$800.00 per month (\$9,600.00 per year). Funding is available from the City Council consultant budget line.

Will the Council so approve and authorize the Mayor to execute the enclosed Consulting Services Agreement?

Agenda item #6

The City's EEO office must invest in new technology/software in order to accomplish the reporting and training requirements the City agreed to implement in the Assurance Of Discontinuance document executed by and between the City and the New York State Attorney General's Office. Attached hereto is a technology needs assessment prepared by the EEO Officer together with a product order form which shows the initial cost of this technology to be \$27,400.00. Funding is available from account #A.1990.7650.0449.000. The annual recurring cost of approximately \$19,900.00 will be included in the 2012 budget prepared by the EEO department.

Will the Council so approve?

Agenda Item #7

The YWCA of Niagara County, Inc. has successfully operated Carolyn's House at 542 6th Street for many years. Carolyn's House provides assistance to women (single and with children) that are either homeless or displaced due to family violence, incarceration, or transitioning from a crisis situation. The YWCA has recently been informed that New York State budget issues will result in the reduction of funding for operating costs at Carolyn's House in the amount of \$65,000. This reduction is scheduled to take effect in February 2011.

City Council previously approved a \$25,000 allocation of 2010 Community Development Block Grant funds to Carolyn's House for the construction of an outdoor greenhouse designed to provide fresh fruits and vegetables on a year-round basis to support the culinary training program at the facility.

Recognizing the urgent need for the YWCA to recoup a portion of the lost New York State revenue for 2011, we are recommending that City Council approve the re-allocation of \$25,000 of CDBG funds originally intended for the greenhouse to be used to offset operating costs at Carolyn's House.

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

Agenda Item #8

A contract for consultant services for the above referenced project was awarded to Urban Engineers of New York, P.C. ("URBAN"), 403 Main Street, Suite 530, Buffalo, New York 14203 on July 12, 2010 in the amount of \$175,000.00. This work involved updating a 2003 conditions assessment for City Parking Ramp II as well as additional architectural/engineering assessments of components of the former Rainbow Centre Mall. This work in 2010 was intended to facilitate overall planning prompted by a proposed project by Niagara County Community College to adaptively re-use roughly a third of the former mall to house its culinary arts program in an off-campus facility to be known as the Niagara Falls Culinary Institute. In late 2010, a series of approvals and agreements were adopted by the City, Niagara County, NCCC, the Empire State Development Corporation ("ESDC") and its subsidiary in Niagara Falls, the USA Niagara Development Corporation ("USAN"), to fund and jointly develop the Culinary Institute, including roughly \$8 million in programmed capital maintenance and upgrade items identified by Urban in 2010 for City Parking Ramp II.

In order to advance an aggressive schedule to complete the project, Urban was requested to submit a scope of work and fee estimate for a contract amendment to undertake necessary final design, preparation of construction documents for public bidding, and construction administration services. Urban has submitted a scope of services and fee estimate in the amount of \$577,820.00.

Funding is currently available in Capital Project Account Code H1014.2010.1014.0449.599. Please note that the City will be fully reimbursed for all costs incurred for services under this contract amendment through a funding agreement with USAN, and/or its parent corporation ESDC, in conjunction with ESDC funds awarded toward completion of the Culinary Institute project.

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 #9

Date Claim Filed:	November 21, 2007
Date Action Commenced:	July 3, 2008
Date of Occurrence:	October 18, 2007 - October 21, 2007
Location:	Niagara Falls, New York
Nature of Claim:	Defamation.
Status of Action:	Pretrial stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	\$20,000.00
Make Check Payable to:	John S. Taddeo and Chiacchia & Fleming, LLP
Conditions:	Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.