

Agenda Item #1

NOTICE OF CLAIM

Satarian, George
2325 Pine Ave.

Sawyer, John
9305 Ridge Rd
Middleport, NY 14105

Howard, Andre
522 6th St.

Langdon, Stephen
c/o Government Employees Ins. C.

Bronschidle, Paul
5812 West St
Sanborn, NY 14132

ITI Property, Inc.
c/o William J. Costello II, Esq.

Martin, Darryl
c/o William Mattar, PC

Ham, Felicia
c/o Hogan Willig Attorneys at Law

Weist, Barry
5779 West St
Sanborn, NY 14132

Mettler, Shannon
c/o Allstate Insurance

Stefanilli, Patricia
6959 Lakeside Drive
Wheatfield, NY 14304

Bosley, Franklin
219 72nd St

McDowell, Roy
1626 Ferry Ave

Wilson Harris, Donna
1369 Ontario Ave

SUMMONS

Cannan, Tammy Sue
c/o Fanizzi & Barr, P.C.
2303 Pine Ave

Shepherd, Evie
c/o The Carey Firm, LLC

Altissima Limited
c/o Philip B. Abramowitz, Esq.

Anthony Restino
Ranisha Litten and James Litten
c/o :o[sotz Green Scime Cambria LLP

ALLEGED DAMAGE

Property damages caused by tree removal

Automobile damages caused by tree falling.

Automobile damages caused by exposed manhole cover.

Automobile damages caused by golf cart in Rainbow Parking Ramp.

Automobile damages caused by driving over uncovered manhole.

Property damage caused by demolition of house.

Personal injuries caused by negligence of city.

Personal injuries caused by pot hole.

Automobile damages caused by hitting a pot hole

Automobile damages caused by tree branch falling

Personal injuries caused by falling at Library

Property damages caused by broken sewer line

Property damages caused by city tree.

Property damages caused by city tree.

#145448

#145209/2011

#145557

#145553

#145001

Agenda Item #2

Attached is a recommendation to grant easements to the Community College for the placement and access to garbage dumpsters for the Culinary Institute. (on file in City Clerk's Office)

Will the Council so approve?

Agenda Item #3

Attached is a recommendation from the Planning Board related to the granting of the noted encroachments for the Culinary Institute. (on file in City Clerk's Office)

Will the Council grant the encroachments subject to the conditions set forth on the Planning Board recommendation?

Agenda Item #4

Attached is a proposed agreement for Morton Abramowitz to provide consulting services to the City Council at a cost of \$848.00 per month. (on file in City Clerk's Office)

Will the Council so approve and authorize the Mayor to execute same?

Agenda Item #5

In order for the City to continue the various activities conducted by the ZOOM team, it is necessary to fund this program. Please recall that in the past, this program has been funded from Casino Revenues which, at this point in time, are not available. It is proposed to fund this program for 2012 with funds from Special Project Fund Balance to be reimbursed to that fund when Casino Revenues arrive. The total amount requested is \$268,821.00 as per the attached schedule. (on file in City Clerk's Office).

Will the Council so approve?

Agenda Item #6

The City has been asked once again by Hard Rock Café to partner with the Hard Rock in presenting outdoor concerts during 2012 featuring live music. The dates have not yet been determined. As in the past, it is anticipated that Co-Promotion Agreements for each concert will be developed in form and in substance satisfactory to the Corporation Counsel. The City has been asked to contribute \$150,000 for these concerts. The amount for each concert may vary, depending upon the entertainment featured and will be described in each Co-Promotion Agreement but in no event will the City's contribution for all concerts exceed \$150,000. Funding will be from Casino Funds.

Will the Council authorize the expenditure of \$150,000 for these Hard Rock Concert events and authorize the Mayor to execute Co-Promotion Agreements for each event in form and substance satisfactory to the Corporation Counsel?

Agenda Item #7

Attached are charts showing the current and proposed golf course and Parks Department fees. Will the Council vote to adopt the proposed fees? (on file in Clerk's Office)

Agenda Item #8

The City is ready to move forward on the demolition of the pedestrian walkway facing Old Falls Street between First Street and Third Street. It is anticipated that the Engineering costs to design and oversee the demolition of the walkway, including the preparation of bid specification will not exceed \$25,500.00. Funding is available from Special Projects Fund Balance.

Will the Council so approve?

Agenda Item #9

The City is prepared to move forward with the parks inventory and open space master plan project. Bergmann Associates, Inc. has submitted a proposal to inventory all parks and open spaces, making recommendations for improvement where necessary, and to develop a trail linking the parks to each other and the waterfront, including design and community outreach for \$265,000.00. Funding is available for 50% of this cost under a 2008 New York State Environmental Protection Fund grant in the amount of \$132,500.00. The balance of the cost will be paid with Power Authority Greenway funding previously approved in the amount of \$75,000.00 and the 2007 Designated Special Project Fund Balance in the amount of \$57,500.00.

Will the Council vote to approve an agreement with Bergmann Associates, Inc. for these services as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Agenda Item #10

TO REMOVE FROM THE TABLE

At your July 25, 2011 meeting you approved an application to the New York State Environmental Protection Fund for a Grant to improve Griffon Park with a local share of \$400,000.00 which was to come from Power Authority Greenway Funds. The scope of work came in at a reduced cost allowing the local share to be \$200,000.00

The City has been awarded a \$20,000.00 Let's Play Grant from Dr Pepper Snapple Group and KaBOOM! for playground construction at Griffon Park.

A \$10,000.00 local share is required and it is requested that the Council authorize that this be funded from Power Authority Greenway funding which would make the total of \$210,000.00 from Greenway funds.

Will the Council authorize the acceptance of the Let's Play Grant and allocation of Greenway Funding and authorize the Mayor to execute any documents necessary to effectuate this in a form acceptable to the Corporation Counsel?

Agenda Item #11

TO REMOVE FROM THE TABLE

At its meeting of November 24, 2003 the City Council awarded Modern Disposal Services, Inc. the above referenced bid (see attached agenda item). The initial term of the agreement was for five (5) years.

One of the provisions of the bid allows the agreement to be renewed annually under the same terms, conditions and specifications for up to five (5) additional years. The contract has been extended three of those five years and will expire at the end of this year if not renewed.

Modern Disposal Services, Inc. has submitted a request to renew the contract for the final two option years in lieu of another one year extension (copy attached). The request offers certain enhancements to the contract which are to the City's benefit. We believe it is in the City's best interest to agree to this two year renewal.

Therefore, we recommend extension of this agreement thru December 31, 2013.

Funds for this expenditure are included in the Proposed 2012 budget code A8160.0000.0449.003.

Agenda Item #12

A contract for the above referenced project was awarded to CIR Electrical Corp., 400 Ingham Avenue, Buffalo, N.Y., on April 4, 2011 in an amount of \$106,800.00.

Subsequent to the completion of the above referenced project the City requested additional work related to fire and security protection at the facility. The total cost of the work is \$7,394.79 bring the contract total to \$114,194.79

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of \$7,394.79 be approved. Sufficient funds presently exist in Code H0819.2008.0819.0449.599.

Will the council vote to so approve?

Agenda Item #13

A contract for the above referenced project was awarded to Sicoli Construction Services Incorporated, 4800 Hyde Park Blvd., Niagara Falls, N.Y., on April 4, 2011 in an amount of \$743,900.00.

During the course of work the project required various revisions for unanticipated and necessary work that was required beyond the original scope. The total cost of the work is \$6,098.00 bring the contract total to \$749,998.00

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of \$6,098.00 be approved. Sufficient funds presently exist in Code H0819.2008.0819.0449.599.

Will the council vote to so approve?

Agenda Item #14

Date Claim Filed:	June 27, 2011
Date Action Commenced:	N/A
Date of Occurrence:	May 23-24, 2011
Location:	2220 Linwood Avenue, Niagara Falls, NY
Nature of Claim:	Property damage sustained in windstorm when City tree fell.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$555.12
Make Check Payable to:	Vernita Vlasow
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 #15

Date Claim Filed:	September 6, 2011
Date Action Commenced:	N/A
Date of Occurrence:	August 29, 2011
Location:	10113 Cayuga Drive
Nature of Claim:	Tar damage to automobile related to road paving.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	\$477.63
Make Check Payable to:	Walter C. Bissett
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 #16

Date Claim Filed:	July 14, 2011
Date Action Commenced:	N/A
Date of Occurrence:	June 28, 2011
Location:	121 74 th Street, Niagara Falls, NY
Nature of Claim:	Automobile damage sustained in windstorm when City tree fell.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$165.00
Make Check Payable to:	Danny R. Dobson
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 #17

Please be advised that Mayor Paul A. Dyster on November 30, 2011, duly approved the following:

1. Resolution 2011-91, relative to Amending Chapter 1111 of the Codified Ordinances Entitled "Plumbing Code of the City of Niagara Falls, New York
2. Resolution 2011-92 relative to Amending Chapter 1121 of the Codified Ordinances Entitled "Signs and Billboards"
3. Resolution 2011-93 relative to Amending Chapter 1107 of the Codified Ordinances Entitled "Permits, Fees and Certificates"

Agenda Item #18

In accordance with Resolution 1998-140 relative to the two-tier property tax system that was adopted November 24, 1998 and Section 1903-4c of the Real Property Tax Law, I have calculated the locally adjusted proportions for the City of Niagara Falls 2012 tax levy:

City of Niagara Falls

Homestead	55.07407
Non-Homestead	44.92593

This calculation represents a 20% shift to the homestead class.

Will the Council so approve?

Members of the City Council
and
Carol Antonucci, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on Monday, December 12, 2011 at 4:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. To reconsider and act upon all amendments to the proposed budget vetoed by the Mayor.

Respectfully submitted,

SAMUEL FRUSCIONE,
Council Chair