

ITEM #1

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

NOTICE OF CLAIM

ALLEGED DAMAGE

Leffler, Marina
c/o Allstate Insurance

Property damage sustained when tree fell on house.

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

Personal injuries sustained when tripped on drainage system.

Lee, Angela N.
c/o William Mattar

Personal injuries sustained to her father from automobile accident.

Donino, Victor
Giove Law Office, P.C.

Automobile damages caused to vehicle when hit pot hole.

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

Personal injuries sustained when tripped on drainage system.

Litten, Ranisha and James
c/o Lipsitz Green Scime Cambrian LLP

Personal injuries sustained when slipped and fell.

Harris, Yvonne
1888 Weston Ave

Property damages caused by tree falling on electric pole then falling on her house.

Bauerlein, Crystal
7210 Stephenson

Property damages from tree roots in sewer line

ORDER OF DISMISSAL

Erskine v. A.O. Smith Water Products Index No. 138493/2009

STATEMENT OF CLAIMANT

Accent Stripe Inc.
c/o The Hanover Insurance Co.

Claim Number: 14-00493453 002

NOTICE OF INTENTION TO FILE A CLAIM

Douvlos, Sherri L.
5279 Comstock Rd
Lockport, NY 14094

Improper and unlawful disclosure of claimant's medical records.

ORDER OF DISMISSAL

Erskine v. A.A. Smith Water Products, et., al. Index No. 138493/2009
c/o Harris Beach PLLC

SUMMONS

LaMarca, Jennifer M.
c/o Jon Ross R. Esq. of Counsel

Index #141728

Sawyer, George
c/o Robert J. O'Toole, Esq.

Index #141902

Vails, Roderick
2108 Ontario Ave.

Expenses incurred when tripped on sidewalk

Agenda Item #2

A contract the above referenced project was awarded to Joseph A. Sanders & Sons, Inc. on July 26, 2010 in the amount of \$292,552.00.

During the course of construction, existing and unforeseen conditions were discovered and required remedial actions prior to roofing installation. The bulk of the added expense was the replacement of all framing, sheathing and vinyl siding at the Royal Avenue Firehall. Various masonry and substrate work was necessary in order to achieve a 20-year warranty at all three locations.

It is the recommendation of the undersigned that Change Order #1 be approved in the amount of \$46,168.00 for the revised contract sum of \$338,720.00. Funds are available in the original account H027.2008.0827.0449.599.

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 #3

A contract for the above referenced project was awarded to New York State Fence, Inc. on September 7, 2010 in the amount of \$25,980.00.

During the course of work the Director of Public Works requested: additional bottom fence rails in order to support the extension of new fence mesh and added full replacement of protective fencing surrounding the 16th tee. The total increase to the contract is \$4,330.00, bringing the total revised contract sum to \$30,310.00.

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

Agenda Item #4

The following bids were received by the Department of Community Development on December 2, 2010 for the demolition of twenty-four (24) structures identified on the attached list.

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Apollo Dismantling Services, LLC	\$445,308
Empire Dismantlement	\$517,000
Mark Cerrone, Inc.	\$562,662
Metro Contracting & Environmental, Inc.	\$593,353
Scott Lawn Yard	\$872,000

It is our recommendation that a contract be awarded to the low bidder, Apollo Dismantling Services, LLC, 4451 Hyde Park Blvd., Niagara Falls, NY 14305, at their base bid amount of \$445,308. Funding is available in budget code H0910.2009.0910.0449.599

Will the Council vote to award contract CNF 2010-1 to Apollo Dismantling Services, LLC. and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Demolition Contract CNF 2010-1

1. 1344 Ashland Avenue
2. 1344½ Ashland Avenue
3. 7702 Buffalo Avenue
4. 1657 Cleveland Avenue
5. 1953 Cudaback Avenue
6. 2220 Cudaback Avenue
7. 2222 Cudaback Avenue
8. 1776 Falls Street
9. 2228 Lockport Street
10. 2426 Mackenna Avenue
11. 1925 Niagara Street
12. 2261 Niagara Street
13. 1334 Pierce Avenue
14. 1821 Pierce Avenue
15. 1827 Whitney Avenue
16. 1524 Willow Avenue
17. 741 - 8th Street
18. 1210 - 13th Street
19. 1925 - 15th Street
20. 1910 - 16th Street
21. 447 - 19th Street
22. 239 - 24th Street
23. 418 - 77th Street
24. 5666 Frontier Avenue

Agenda Item #5

The Director of the Department of Public Works is requesting funds to hire four temporary MEO-2s to work from January 1, 2011 through March 31, 2011 (64 working days). The total cost, including benefits, will not exceed \$30,500.00. Funding is available from Special Projects fund balance.

Will the Council so approve?

Agenda Item #6

The Director of the Department of Public Work is requesting the sum of \$100,000 to be utilized for street openings. Funding is available from Casino Revenues. Will the Council so approve?

Agenda Item #7

As the Council is aware, the City has received an appropriation of \$16,500,000 under the above referenced program for the relocation of the Amtrak Passenger Terminal and establishment of specialized border inspection facilities for the Niagara Falls International Rail Station/Intermodal Transportation Center.

This funding does not require any additional City match.

Will the Council approve the acceptance of this grant and authorize the Mayor to execute any agreements or other documentation necessary to effectuate same and in a form acceptable to the Corporation Counsel?

Agenda Item #8

In order to continue the Zoom Project, funding is requested for year 2011. As per the attached spreadsheet detailing expenses, funding is requested in the amount of \$280,000. Funding is available from Casino Revenues.

Will the Council so approve?

Agenda Item #9

The City has been asked once again by Hard Rock Café to partner with the Hard Rock in presenting outdoor concerts during 2011 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 \$180,000 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 \$180,000. Funding will be from Casino Funds.

Will the Council authorize the expenditure of \$180,000 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 #10

On September 24, 2010 the City received the New York State Comptroller's report in connection with the above referenced matter. The City is required to submit a Corrective Action Plan to the State Comptroller. A draft has been developed and is in the process of being finalized.

Will the Council approve the Corrective Action Plan and authorize the Mayor to execute this Corrective Action Plan provided the same is in form and substance acceptable to the Corporation Counsel?

Agenda Item #11

In an effort to continue with the development of the above described project, representatives of the Niagara County Community College Foundation have requested that the City proceed to subdivide that portion of the Rainbow Mall premises proposed to be occupied by the Culinary Institute into its own address on Rainbow Boulevard and also acquire its own tax i.d. number. It is also requested that the City Council authorize the conveyance of this parcel of real property to Niagara County to be held in trust for Niagara County Community College. The City of Niagara Falls Planning Board is considering both of these actions at its meeting on December 8, 2010.

In the event the Planning Board votes to recommend the subdivision and conveyance as described, will the Council approve the requested subdivision and conveyance?

Agenda Item #12

Due to the upcoming retirement of the person the City utilizes for grant writing purposes, it is necessary to retain the services of an individual to perform those services on a part-time basis. Those services for the City can be done on a part-time basis at a fee which is not anticipated to exceed \$30,000. Funding is available from Economic Development Casino Revenues.

Will the Council so approve?

Agenda Item #13

NFMMC has requested that the City contribute the sum of \$250,000 towards NFMMC's transformation strategic plan. Attached hereto is a copy of a summary of the plan which was provided by NFMMC. Funding is available from Casino Revenues.

Will the Council so approve?

Agenda Item #14

Date Claim Filed:	January 14, 2009
Date Action Commenced:	March 19, 2009
Date of Occurrence:	November 23, 2008
Location:	N/A
Nature of Claim:	Defamation
Status of Action:	Pretrial stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$8,000.00
Make Check Payable to:	Timothy Crowell and Myers, Quinn & Schwartz, LLP, as attorneys
Conditions:	Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above action be paid under the terms set forth above. Will the Council so approve?

Agenda Item #15

Date Claim Filed:	November 13, 2009
Date Action Commenced:	N/A
Date of Occurrence:	August 29, 2009
Location:	8111 West Rivershore Drive, Niagara Falls, New York
Nature of Claim:	Damage to fence hit by City vehicle.
City Driver:	Eugene Minicucci
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$486.00
Make Check Payable to:	Robert Kendzia
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

The following have requested City Council approval for Commissioner of Deeds for a term from January 1, 2011 to December 31, 2012.

This is in accordance with provision of the Niagara Falls City Charter, Article II, Section 7, Subdivision 5.

Thomas Ewing	Niagara Falls Police Department
Shaw Larrabee	Niagara Falls Police Department
Humphrey, John	Niagara Falls Police Department
Denise Garlitz	2247 Grand Ave, Niagara Falls, NY 14304
Robin Letty	487 26 th St., Niagara Falls, NY 14303
Paige Treat	6870 Sy Road, Niagara Falls, NY 14304
Christina Cerrone	7114 Bear Ridge Rd., North Tonawanda, NY 14120
Bevilacqua, Gary	4290 Riverwalk Dr.S., Youngstown, NY 14174

RELATIVE TO REAPPOINTMENT TO THE
NIAGARA FALLS HISTORIC PRESERVATION COMMISSION

BY:

Council Chair Sam Fruscione

BE IT RESOLVED, that the following individual is hereby reappointed to the
City of Niagara Falls Historic Preservation Commission effective December 31, 2010
for the expiration date, which appears opposite her name:

<u>REAPPOINTMENT</u>	<u>TERM EXPIRES:</u>
Anne Smith 1021 - 96 th Street Niagara Falls, NY 14304	12/31/2014

Agenda Item #18

RELATIVE TO AMENDING CHAPTER 1313 AND SCHEDULE 8
OF THE "ZONING ORDINANCE"

BY: Council Chairman Samuel Fruscione

WHEREAS, at its July 13, 2009 meeting, the City Council adopted a new Zoning Ordinance; and

WHEREAS, the Planning Board has recommended that the City Council adopt certain amendments to the Zoning Ordinance as outlined on the attached resolution and recommendation to the City Council from Planning Board.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby adopt the attached amendments to Section 1313.3, Section 1313.4 and Schedule 8 as set forth on the attached Planning Board recommendation.

Agenda Item #19

RESOLUTION RELATIVE TO TECHNICAL AMENDMENTS
TO "ZONING ORDINANCE"

By: Council Chairman Samuel Fruscione

WHEREAS, at its July 13, 2009 meeting the City Council adopted a new Zoning Ordinance; and

WHEREAS, the Planning Board has recommended that the Council adopt certain technical amendments to the Zoning Ordinance as outlined on the attached memo from Thomas J. DeSantis dated August 4, 2010.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby adopt the attached changes to the Zoning Ordinance Table of Contents, Chapter 1301, Chapter 1302, Chapter 1317, Chapter 1322 and Chapter 1325.