

Agenda Item #1

A1255-001			\$	\$
A012	Vital Statistics		3,807.00	3,807.00
A1255-004			\$	\$
A013	Copies of Records		465.25	465.25
A1255-004			\$	\$
A013	Certificates of Marriage		500.00	500.00
A2501-007			\$	\$
A043	Auction		150.00	150.00
A2501-014			\$	\$
A046	Electrician - Active		4,225.00	4,225.00
A2501-014			\$	\$
A046	Electrician - Inactive		800.00	800.00
A2501-014			\$	\$
A046	Electrician - Exam Fee		400.00	400.00
A2501-016			\$	\$
A047	Stationary Engineers		2,590.00	2,590.00
A2501-021			\$	\$
A048	Amusement Games		100.00	100.00
A2542-000			\$	\$
A053	Dogs/NYS Agr.& Mkts	\$ 248.00	-	248.00
A2542-000			\$	\$
A053	Additional Dogs		2,689.50	2,689.50
A2545-001			\$	\$
A054	Marriage License/NYSHD	\$ 1,125.00	375.00	1,500.00
A1255-002			\$	\$
A123	Commissioners of Deeds		15.00	15.00
A2545-021			\$	\$
A316	Vending		1,070.00	1,070.00
A2545-023		\$	\$	\$
A318	Hunters/NYS DEC RAU	4.72	-	4.72
A2545-023			\$	\$
A318	Hunters Fees		0.28	0.28
A1255-003			\$	\$
A499	Notary Fee		4.00	4.00
A1255-005			\$	\$
A528	Dog Release		500.00	500.00
TA63008	Marriage Performance		\$	\$

A597 1,150.00 1,150.00

TOTAL: \$ 1,377.72 \$ 18,841.03 \$ 20,218.75

Check #	<u>56167</u>	NYS Dept.of Arg. & Mkts	\$ 248.00
Check #	<u>56143</u>	NYS Health Department	\$1,125.00
Check #	<u>ET</u>	NYS DEC	\$
		RAU	4.72

Agenda Item #2

The Community Awareness Committee has requested that the City contribute the cost of the production of the black history month celebration to take place February 3, 2012 and February 4, 2012 at the Niagara Arts and Cultural Center (NACC). It appears that the sum of \$2,000.00 may be made available to help fund this event from the Tourism Fund. Any contribution will be subject to the terms and conditions contained in a funding agreement satisfactory to the Corporation Counsel.

Will the Council so approve?

Agenda Item #3

The City is the owner of 159-13th Street and 340-12th Street. The above referenced companies, which are subsidiaries of Niagara Falls Redevelopment (NFR), own 426-13th Street, 426 ½-13th Street, 432-13th Street and 412-10th Street. The Director of Code Enforcement believes that it would be in the best interest of both parties to accomplish the exchange of the City's parcels for the NFR controlled parcels. It appears that this may be mutually beneficial as the City's parcels to be acquired by the NFR subsidiaries are in the NFR development "footprint" and the parcels to be acquired by the City are located in an area of the City that the City is attempting to redevelop.

There will be no exchange of money as these parcels are relatively similar in value; the structures erected on the parcels to be acquired by these NFR subsidiaries will be demolished within 12 months after closing. The exchange of these parcels will be accomplished pursuant to the terms and conditions contained in a Property Transfer Agreement acceptable to the Corporation Counsel.

The Planning Board recommends that these real estate exchanges be accomplished. Attached is a recommendation from the Niagara Falls Planning Board. Will the Council confirm the acceptance of the parcels to be transferred to the City from the NFR subsidiaries and find that the best interest of the City will be subserved by dispensing with the sale of the City owned parcels at public auction and authorize the conveyance of the City owned properties to the NFR subsidiaries and authorize the Mayor to execute a real estate exchange agreement satisfactory to the Corporation Counsel and also authorize the Mayor to execute appropriate documents/deeds in form satisfactory to the Corporation Counsel in order to accomplish the conveyances/acquisitions?

Agenda Item #4

It is requested that the sum of \$500,000.00 be transferred to the Law Department's budget line for outside consultants. The purpose for this is so that dollars will be available to the Law Department should unique situations present themselves which require specialized legal services as well as necessary lobbying. It is understood that any of those dollars not utilized during 2012 will fall back to fund balance.

Will the Council so approve?

Agenda Item #5

I hereby appoint the following to the Home Improvement Board:

<u>Name & Address</u>	<u>Term Expires</u>
Ernest Lucantonio (Businessman) 2450 Forest Avenue Niagara Falls, NY 14301	12/13/13
Timothy Polka (Design Professional) 4020 Barton Avenue Niagara Falls, NY 14305	12/13/13
Joseph Luna (Carpenter) 1220 – 9 th Street Niagara Falls, NY 14305	12/31/12
Scott Heisner (Contractor) 1248 – 95 th Street Niagara Falls, NY 14304	12/31/14
John Pallaci (Retired) 2711 Linwood Avenue Niagara Falls, NY 14305	12/31/13

Will the Council so approve?

Agenda Item #6

In 2002 the Council approved a request from American Refuel (the owner of the cogeneration plant at the time) to allow an encroachment in the 47th Street right-of-way for the construction of a pipe bridge and steam line and related return condensate line between its plant and the Norampac plant. The current owner of the energy plant is asking for an additional encroachment along the same right-of-way to allow an additional steam line and return condensate line for the new Greenpac facility. The Planning Board has approved this proposal and subject to the following provisions, it is recommended that the Council approve same:

1. Covanta Energy LP will indemnify and hold harmless the City for any injuries or damage related to the Pipe Bridge or encroachment and will provide an indemnification agreement in a form acceptable to the Corporation Counsel.
2. Covanta and any contractors will provide insurance certificates with the City's usual coverage requirements naming the City as an additionally insured.
3. After approval by the City Council, all the appropriate permits must be obtained.
4. Construction within the right-of-way is subject to the review and approval of the City Engineer.

Will the Council so approve?

Agenda Item #7

The above claimant has incurred medical expenses for personal injuries suffered by her when she was a passenger in a City police vehicle which was involved in a motor vehicle accident on November 12, 2011.

Under the New York State No-Fault Law, the City of Niagara Falls, as a self-insured entity, is obligated to pay the claimant's medical expenses arising out of this incident. If the same meets with your approval, please vote to direct the City Clerk to draw a warrant on the City Controller directing her to issue the following check:

<u>Provider</u>	<u>Date of Service</u>	<u>Amount</u>
Cardamone Chiropractic	12/19/2011 – 01/06/2012	\$299.57
Niagara Family Medicine Associates	11/23/2011 & 12/14/2011	\$98.42

Please be advised that there may be further medical bills which will have to be paid pursuant to the New York State No-Fault Law.

Will the Council so approve?

Agenda Item #8

Attached is the list of bids from the December 12, 2011 Auction (on file in the City Clerk's Office).

With respect to Schedule A serial numbers 13, 23, 24, 25, 107, 127, 137, 169, 209, 248, 253, 282, 342, 348, 364, 372, 380, 404, 422, 423, 467, 496, 503, 531, 532, 542, 543, 544, 545, 567, 568, 574, 622, we recommend approval of the bids subject to payment of any delinquent taxes on other properties within 30 days. If the taxes are not paid by that time the bids are rejected and deposits and auctioneer fees forfeited pursuant to the terms of sale.

With regard to Schedule A, we recommend that the bids for serial numbers 120 and 363 be rejected.

With the exception of the above we recommend that the bids on Schedule A be approved. The bids on Schedule B do not require Council approval and are submitted for your information.

With respect to Schedule B serial numbers 74, 131, 256, 525, the bids are subject to the payment of any delinquent taxes on other properties within 30 days.

Will the Council so approve and authorize the Mayor to execute deeds to the successful bidders in accordance with the terms of sale?

Agenda Item #9

At a Traffic Advisory Commission meeting held on January 11, 2012 the Commission recommended **APPROVAL** of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON VANDERBILT AVENUE BETWEEN LEWISTON ROAD AND MACKLEM AVENUE (2 BLOCKS)

Petitions were received from the residents of these blocks with 100% signatures from residents of Lewiston Road to Washington Street and 83.3% from residents of Washington Street to Macklem Avenue.

Submitted By: Michael Gawel, 919 Vanderbilt Avenue and Petition/Residents of Blocks

It is requested that City Council approve this recommendation.

Agenda Item #10

At the Traffic Advisory Commission meeting held on January 11, 2012 the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 1806 NIAGARA STREET**

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

Submitted By: Charlene Heller, 1806 Niagara Street
It is requested that City Council approve this recommendation.

Agenda Item #11

At a Traffic Advisory Commission meeting held on January 11, 2012, the Commission recommended **APPROVAL** of the following item:

INSTALL 5' HANDICAPPED ACCESS SPACE SIGNS TO PREVENT CARS FROM PARKING/BLOCKING THE "LEAD IN" SIDEWALKS IN FRONT OF 710 & 722 CEDAR AVENUE

This request was made to allow handicapped clients of Family and Children's Service of Niagara easier access to their facility. Signs will be installed for the lead in walks: (1) in front of 710 Cedar Avenue & (2) at the western end of 722 Cedar Avenue.

Submitted By: Debra Aloian, Residential Services Coordinator, Family & Children's Service of Niagara, 1522 Main Street

It is requested that City Council approve this recommendation.

Agenda Item #12

Pursuant to the Empire Zone Local Law approved by Council 2001, the City Council appoints eight members of the Empire Zone Board. Each appointment is for a one year period. The appointments are to be made from a list submitted to the City Council by the Empire Zone Board Chairperson.

All of the current board members wish to remain for an additional year. Accordingly, Mrs. W. Lee Whitaker, Mr. Thomas Pryce, Mr. Art Ray Sr., Mr. Abdul Labi, Mrs. Lucy Muto, Mr. Eddie Palmore and Mr. Thomas Bruss are proposed for reappointment to the Niagara Falls Empire Zone Board for 2012.

Will the Council vote to appoint the eight individuals to the Empire Zone Board through December 31, 2012

Agenda Item #13

WHEREAS, at its November 1, 2010 meeting this Council imposed a 90-day Moratorium on the consideration of applications for pawn broker and second-hand dealer licenses; and

WHEREAS, this Moratorium was extended at the January 24, 2011 Council meeting and subsequently extended; and

WHEREAS, this Moratorium expires on January 31, 2012; and

WHEREAS, the review and amendment of the Ordinances is not yet completed.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that: the Moratorium on the consideration of applications for pawn brokers and second-hand dealer licenses be extended to April 30, 2012.

Agenda Item #14

WHEREAS, the City of Niagara Falls, along with the cities of Buffalo and Salamanca, are beneficiaries of a certain compact (the “Compact”) executed by and between the State of New York (the “State”) and the Seneca Nation of Indians (the “Senecas”) on or about August 18, 2002 which authorizes casino gambling in certain Seneca owned geographic areas in the State of New York; and

WHEREAS, pursuant to legislation adopted arising from the execution of this Compact, the City of Niagara Falls is designated to receive dollars each year (“Casino Revenues”) for various purposes, including economic development purposes; and

WHEREAS, State and the Senecas are embroiled in a dispute over the Compact involving allegations by the Senecas that the State violated various provisions contained in the Compact; and

WHEREAS, as a result of this dispute, rather than tender the money due the State pursuant to the Compact, the Senecas advise that they have paid that money into an escrow account pending the resolution of the dispute with State; and

WHEREAS, as a result of this action by the Senecas, the City of Niagara Falls has not received its allocation of Casino Revenues since March of 2010 which was money earned in year 2008; the City of Niagara Falls is now due and owing its allocation of Casino Revenues for years 2009, 2010 and 2011 which totals approximately Sixty Million Dollars (\$60,000,000); and

WHEREAS, this City Council strongly believes that the City of Niagara Falls must receive the Casino Revenues due it as those dollars are critical to the implementation and success of programs and projects developed by the Mayor and the City Council to improve the quality of life for the taxpayers and residents of the City of Niagara Falls; and

WHEREAS, this City Council believes that the City of Niagara Falls must escalate its efforts to obtain the Casino Revenues due the City of Niagara Falls that are being held in escrow by the Senecas by any means legally available to it.

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby create an ad hoc lobbying committee to consist of three (3) individuals appointed by this City Council to assist the City Council in its efforts to obtain the Casino Revenues due the City of Niagara Falls; and .

BE IT FURTHER RESOLVED that the members of this ad hoc lobbying committee must have the background and qualifications required by the City Council in order to advance the City’s position in this regard; and

BE IT FURTHER RESOLVED that the individuals serving on this ad hoc committee will not be compensated for services rendered but rather out-of-pocket expenses incurred may be reimbursed in the discretion of this City Council.

Agenda Item #15

WHEREAS, Niagara Falls has an international reputation as “The Honeymoon Capitol”; and

WHEREAS, couples arrive at the City Clerk’s Office from all over the world to obtain a marriage license; and

WHEREAS, it is advantageous for the City and convenient to the couple to have these marriages solemnized within the confines of the City of Niagara Falls.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that in accordance with Section 11-c of the New York State Domestic Relations Law the following employee in the City Clerk’s Office, Leonard G. Lapp, Jr. be appointed as Marriage Officer for the City of Niagara Falls for a term of four years; and be it further

RESOLVED, that the fee for such marriage service shall be \$100.00; and be it further

RESOLVED, that the fees for all marriages performed by said Marriage Officers during normal business hours be deposited to the credit of the City of Niagara Falls.