

Agenda Item #1

The following claims have been filed in the Office of the City Clerk during the month of December 2011. The claims were subsequently referred to the Office of the Corporation Counsel.

**NOTICE OF CLAIM**

**ALLEGED DAMAGE**

Mettler, Shannon  
2548 Jerauld Ave.

Automobile damages caused by city tree.

Menke, Amanda  
2449 Grand Ave.

Automobile damages caused by city vehicle

Mettler, Shannon  
c/o Allstate Insurance

Automobile damages caused by city tree.

Chuilli, Catherine  
5728 Stephenson Ave

Automobile damages caused by city vehicle

Jones, Joyce  
3223 Dudley Ave.

Automobile damages caused by hitting a pot hole

Pan, Raymond  
PO Box 1411

Compensation from City for shortening his driveway

Slipko Sr., Gordon  
841 College Terrace

Automobile damages caused by hitting pot hole

Shimmel, Martin J.  
5347 Elm Drive  
Lewiston, NY 14092

Automobile damages caused by hitting pot hole.

Agenda Item #2

The 2012 N.F.C. Development Corp. operating budget requires an additional \$6,890 to meet anticipated expenses. As you recall, NFC is being funded entirely with casino revenues. Funds are available from the local share of casino revenues received by the City. State Finance Law 99-h states funds may be used to accommodate and enhance economic development.

Will the Council vote to approve the operating grant as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

### Agenda Item #3

Mark Cerrone, Inc., the demolition contractor for contract CD 2010-3, contacted Community Development in early 2011. The contractor stated that they had removed an additional 1,000 square feet of plaster containing asbestos from 1128 Linwood Avenue, one of the houses demolished in December, 2010. The contractor had removed the plaster without contacting the City for authorization. The report of JMD Environmental, Inc., the City asbestos services contractor which monitored the demolition, did not indicate that additional asbestos containing material had been removed.

Mark Cerrone, Inc., was asked to provide some documentation of the additional material. On August 2, 2011, Mark Cerrone, Inc. provided a revised project monitor final inspection report from JMD Environmental, Inc. for 1128 Linwood. The revised report stated that all ACM (asbestos containing materials) that was listed on the initial survey was removed, plus an additional 1,000 square feet of plaster. JMD also submitted a revised asbestos survey listing the additional plaster.

During August, the City was in litigation with JMD Environmental over the award of the 2011-2012 asbestos services contract. In that litigation, the City successfully defended its award of the 2011-2012 asbestos services agreement through RFP, without sealed bids. Since the litigation is now resolved, it is felt that the City can rely on the documentation provided by Mark Cerrone, Inc. and JMD Environmental, Inc. to approve the change order. The charge for the removal and disposal of the additional 1,000 square feet of plaster containing asbestos is \$8,999.00. Funds to pay for the additional cost are available for project CDR 399 in budget line CD1.8666.0000.0450.500.

Will the Council vote to approve change order and payment as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

#### Agenda Item #4

The City has received a \$200,000.00 grant from the Niagara County Brownfield Development Corporation for asbestos abatement at the former 39<sup>th</sup> Street School.

No City match is required under the grant.

Will the Council approve acceptance of the grant and authorize the Mayor to execute grant agreements and other documentation in a form acceptable to the Corporation Counsel?

Agenda Item #5

The Director of the Department of Public Works is requesting the sum of \$100,000 to be utilized for street openings. Funding is available from Special Projects Fund Balance to be replenished when Casino Revenues become available.

Will the Council so approve?

Agenda Item #6

The above claimant has incurred medical expenses for personal injuries suffered by her when she was being transported back to Niagara Falls High School in a police vehicle after serving as a volunteer at the City's recent Emergency Drill on November 16, 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>
Niagara Frontier Radiology	11/16/11	\$16.42
Federico Doldan MD	12/20/2011	\$914.73
Mount Saint Mary's Hospital	12/20/2011	\$1187.97

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 #7

Please be advised that Mayor Paul A. Dyster, on December 29, 2011, duly approved the following:  
Resolution 2011-100, relative to Amending Chapter 365 of the Codified  
Ordinances Entitled "Taxicabs & Taxicab Drivers"

Agenda Item #8

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 16<sup>th</sup>, 2012 will mark the 26<sup>th</sup> 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 16, 2012 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 #9

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 2012;

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, 2012 for the expiration date which appears opposite their names:

<b><u>APPOINTMENTS</u></b>	<b><u>TERM EXPIRES:</u></b>
Adrienne Bedgood - 2256 South Avenue/Niagara Falls,NY 14305	12/31/2012
Denise Easterling – 1306 Willow Avenue/Niagara Falls,NY 14305	12/31/2012
Jerauld Genova – 757 Seymour Avenue/Niagara Falls,NY 14305	12/31/2012
Charles Knoll – 5820 Buffalo Avenue/Niagara Falls, NY 14304	12/31/2012
Mark Mistriner - NCCC Niagara Culinary Institute 3111 Saunders Settlement Road - Sanborn, NY 14132	12/31/2012
Vince Mamelì – 462 – 77 <sup>th</sup> Street/Niagara Falls,NY 14304	12/31/2012
Gay Molnar – 2114 River Road/Niagara Falls,NY 14304	12/31/2012
Randy Ubriaco – 837 – 15 <sup>th</sup> Street/Niagara Falls,NY 14301	12/31/2012
Lisa Vitello – 4859 Terrace Drive/Niagara Falls,NY 14305	12/31/2012
Laurie Davis – 1316 – 24 <sup>th</sup> Street/Niagara Falls,NY 14301	12/31/2012
Phillip Villella – 795 Rainbow Blvd/Niagara Falls,NY 14303	12/31/2012
Robert Ventry – 1884 Niagara Avenue/Niagara Falls,NY 14305	12/31/2012