

Agenda Item #1

The following claims have been filed in the Office of the City Clerk during the month of September, 2014.

The claims were subsequently referred to the Office of the Corporation Counsel.

NOTICE OF CLAIM

Felton Harris III 2129 North Avenue	personal injuries
William Schildhauer 3640 Haseley Drive	auto damage when his vehicle was struck by debris while driving past a City worker using a weed wacker
Henry Krawczyk 5659 John Avenue	items allegedly taken from his residence
Henry Krawczyk 5659 John Avenue	various matters
Nakesha Bradley 2724 South Avenue	auto damage from hitting a pothole
Dawn Garbutt 441 Sixth Street	expenses incurred for repairs at a City owned property
Douglas Roffle 893 Gabbey Rd., Corfu	personal injury to an employee of a contractor working for the City
Paula Dennard 800 Niagara Avenue, #805	personal injuries received in a fall on a City sidewalk
Victor A. Buchalski 10104 Cayuga Drive, #4	personal injury on a City sidewalk
Michael Clark 3006 Savannah Street	auto damage on a City street
Erie Insurance Company A/S/O Jack and Bozena Vail 1111 - 91 st Street	damages caused by a City tree

SUMMONS AND COMPLAINT

Felton Harris III 2129 North Avenue	personal injuries
James and Dawn Marasco 4810 Lewiston Road	sewer repairs
Ryan MacDonald 5260 Rogers Rd., Apt.#F2 Hamburg	personal injuries received on the bike path parallel to the Robert Moses Parkway

Agenda Item #2

RE: Replacement of Blinds and Carpeting in Planning Department

Council Members:

The City's Planner advises that the deteriorated condition of the window blinds and carpeting in the Planning Department office necessitates the replacement of both. Attached hereto are estimates to accomplish this which total \$6,175.00.

Funding is available from Casino interest.

Will the Council so approve?

ATT. Ms Bonnie Smith

STORE COPY

MOORADIAN RUG CO.

The All Year Floor Covering Retail
 610 - 58th STREET - N.A.SARA P.O., S. NY - 1104
 PH 718-283-7995 - FAX 718-283-7667

3moorad@verizon.net

SOLD TO CITY OF NF.
 STREET 745 MAIN ST
 CITY NF NY 14302

DATE 9/3/14
 NEAR MS BONNIE SMITH
 PHONE 286-4470
 Fax 286-4485

ENTERED SALES
 ASSIGNED
 DEDUCTED
 INVENTORY

ITEM	QTY	UNIT	PRICE	TOTAL	REMARKS
Skylines 2202	1	color 15	Seattle Fox Room 305		
			14 Atlantic City Room 326		
INSTALL ALL WALL TO WALL IN ALL AREAS					
REQUESTED DIRECT GLUE DOWN					
REMOVE OLD CARPET + BASE					
REMOVE & REPLACE FURNITURE - MOORADIAN'S DOESN'T					
DISCONNECT ELECTRICAL RUGS + COMPUTERS					
ROPER 4" RUBER BASE					

WORK MUST BE DONE DURING REGULAR HOURS	CASH PRICE	4950
	SALES TAX	
	TOTAL	4950
	CASH DOWN PAYMT	
	CASH ON DEL	
	UNPAID BAL	
	CREDIT CHG.	
	BALANCE	

Accepted Customer's Signature _____ Date _____

All merchandise shall remain property of seller until fully paid for. ALL ORDERS TAKEN SUBJECT TO THE APPROVAL OF OUR SALES AND CREDIT DEPARTMENTS.
 It is understood that we are to have the free use (without any charge to us) of necessary heat, light and/or electric service, including fuel, water, electrical current and storage space.
 Surfaces over which materials are to be laid shall be properly cleaned and cleared by the purchaser. Any furniture, machinery, fixtures, doors, floor or wall coverings, etc. that be removed by us at the purchaser's risk and at an additional charge to purchaser. If any carpet and pad has to be laid on top, there will be an extra charge.
 IF THIS PROPOSAL IS BASED UPON MEASUREMENTS TAKEN FROM BLUEPRINTS OR PURCHASER'S ARCHITECTS, THE PARTY ADOPTING IT IS THE PURCHASER'S RISK OF SUBJECT TO CHANGE IN THE EVENT THAT ACTUAL MEASUREMENTS ARE AT VARIANCE WITH THOSE SUBMITTED.
 All pricing and amount otherwise not specified shall be of an additional charge.
 Unless otherwise specifically mentioned in writing, orders are to be laid to the discretion of the manufacturer.
 QUOTE ARE DELIVERED ONLY. BAGS ARE BOUND ON CUT QUOTE UNLESS OTHERWISE SPECIFIED.
 MOORADIAN DOES NOT CUT BOARDS.
 All carpets are subject to variation in shading, coloring, etc. Samples are for reference only. Color match to sample submitted and/or supplied are not guaranteed.
 WHEN TWO WAYS OF CARPETING ARE USED WE CANNOT GUARANTEE COLOR MATCH.
 ALL MATERIALS CUT OR DIED TO ORDER. SPECIAL OR CUT ORDERS ARE NOT SUBJECT TO CANCELLATION. Stock can be ordered from wall to special order covered in same form.
 All materials installed in accordance with standards registered by the Institute of Carpet Manufacturers of America. It is understood that we are not to be responsible for any defects which may develop by reason of imperfect or corrupt surfaces or improper treatment of the materials.
 All merchandise subject to price cuts.

Agenda Item #3

RE: Equipment for Department of Public Works ("DPW")

Council Members:

The Director of DPW has requested the sum of \$144,000.00 be made available for the replacement of a clam bucket, a one-man packer truck and a crew cab stake body with lift gate and dump through. Attached is a spread sheet showing the cost of each piece of equipment, the justification for the purchase and the ramification if the purchase is not made.

Funding is available with Casino revenues.

Will the Council so approve?

EQUIPMENT	COST	JUSTIFICATION FOR PURCHASE	RAMIFICATIONS IF NOT PURCHASED
Clam Bucket	\$17,000	To replace broken clam bucket Short clam bucket for loader use	Old clam bucket is broken beyond repair Without it they will not be able to perform job duties

EQUIPMENT	COST	JUSTIFICATION FOR PURCHASE	RAMIFICATIONS IF NOT PURCHASED
One Man Packer Truck	\$88,500	To replace the 2008 vehicle which is needing more frequent repairs (#594)	Older vehicle needs more frequent/costly repairs Trade in value decreases over time

EQUIPMENT	COST	JUSTIFICATION FOR PURCHASE	RAMIFICATIONS IF NOT PURCHASED
Crew Cab Stake Body w/ Lift Gate & Dump Through	\$38,500	To replace 2006 truck which can be used for the Clean Team (#269)	Truck is having more frequent lift gate problems and is in more frequent need of repairs. It is used daily to move office furniture equipment and other things to/from our facilities.

Agenda Item #4

RE: Agreement with Niagara County regarding Youth Development Program

Council Members:

It is recommended that the City undertake and carry out the Niagara Falls Youth Board Recreation Program on behalf of the Niagara County Department of Social Services and the Niagara County Youth Bureau (the "County"). The City will be undertaking certain recreational activities for City youth on behalf of the County. In consideration for the City undertaking and carrying out these recreational programs, the County will pay the City an amount not to exceed \$24,850.00. The term of this agreement will be from January 1, 2014 through December 31, 2014.

Will the Council so approve and authorize the Mayor to execute an agreement in form and content satisfactory to the Corporation Counsel?

Agenda Item #5

RE: Designation of Preferred Licensee to Manage and Operate Sal Maglie Stadium

Council Members:

The City's Agreement with the Niagara Falls School District ("NFSD") for NFSD to utilize Sal Maglie Stadium expired on June 30, 2014. In anticipation of this occurrence, early in 2014 the City commenced a request for qualifications ("RFQ") process and a request for proposals ("RFP") process to locate a suitable entity to manage and operate Sal Maglie Stadium. The RFQ was circulated to eight (8) entities and was also published in the Niagara Gazette. The only entity responding affirmatively to the RFQ with a proposal to serve as Stadium operator was Ward Food Service LLC. Raymond Ward, from Ward Food Service LLC, was interviewed and an RFP was provided to him. His response addressed the material issues requested in the RFP.

It is requested that the City Council designate Ward Food Service LLC as the preferred licensee and authorize appropriate City officials to proceed with negotiations with Ward Food Service LLC in an effort to develop and finalize the terms and conditions that will form the basis of a license agreement. It is understood that any such license agreement must be approved by the City Council. In the event that City officials are not able to reach an agreement with Ward Food Service LLC by November 15, 2014, the preferred licensee designation shall expire and be of no force and effect.

Will the Council so approve?

Agenda Item #6

RE: Transfer of Community Development Block Grant funds from Neighborhood Housing Services, Inc. to Highland Community Revitalization Committee, Inc.

Both Neighborhood Housing Services, Inc. (NHS) and Highland Community Revitalization Committee, Inc. (HCRC) are funded by the United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program on an annual basis. Each allocation is approved by the Niagara Falls City Council as a component of the annual action plan.

The Niagara Falls Community Development Department requests council approval of the transfer of \$115,000 of CDBG funds from NHS to HCRC. This allocation will retain the same permitted use of housing renovation.

NHS has unspent CDBG funds available from prior year funding. Per HUD guidelines, Niagara Falls Community Development is dedicated to the expenditure of HUD funds within two years of allocation. NHS has been consulted about this transfer, and the action does not jeopardize or delay any NHS housing renovation projects.

Will the Council approve this funding transfer?

Agenda Item #7

RE: Payment to Niagara Falls Water Board ("NFWB") for Hydrant Services

Council Members:

The City has been invoiced by NFWB for services rendered for 2,088 fire hydrants throughout the City. In 2011, the fee per hydrant was increased by Water Board Regulation from \$25 dollars per hydrant to \$103 dollars per hydrant. The City Controller's office investigated this and found that the Regulation was enacted by Water Board Regulation in 2011 and became effective January 1, 2012. The result to the City is that commencing in 2012, the City's obligation to the NFWB increased from \$57,175 annually to \$215,064 annually. In 2012 the City paid the NFWB \$57,175; therefore, the City owes the NFWB \$157,889 for 2012 and \$215,064 for 2013 for a total balance due the NFWB of \$372,953. The City resisted paying this amount until it was certain that it was owed. This has now been verified. Attached hereto is a copy of the most recent invoice from the NFWB.

The NFWB is also including penalties in its invoice totaling \$32,407.17. The City does not believe it is appropriate for the NFWB to impose this penalty because the City has been attempting to work with NFWB representatives to resolve several aspects of this matter since the rates were increased such as the authority and process followed to raise the rate and the actual number of hydrants in service as well as billing clarifications. For this reason, it is requested that the City Council approve only a payment to the NFWB of \$372,953 at this time while the City attempts to resolve the penalty issue with the NFWB.

Funding is available from Fund balance.

Will the Council approve the payment of this \$372,953 obligation to the NFWB?



Transaction Statement

Service Address

745 MAIN ST
NIAGARA FALLS, NY 14301

Mailing Address

CITY OF NF
PO BOX 69
NIAGARA FALLS, NY 14302

Account Number	Amount Due
FS CNF-001	\$405,360.17

Account Number	From - Through
FS CNF-001	9/28/2012 - 9/17/2014

Services
Fire Service

Service Address

745 MAIN ST
NIAGARA FALLS, NY 14301

Beginning Balance

\$0.00

Date	Type	Amount	Running Balance	Description
09/28/2012	Payment	(\$57,175.00)	(\$57,175.00)	Payment Type: Check
10/01/2012	Bill	\$215,000.00	\$157,825.00	Due Date 10/20/2012
10/31/2012	Penalty	\$9,469.50	\$167,294.50	
10/01/2013	Bill	\$215,000.00	\$382,294.50	Due Date 10/21/2013
10/22/2013	Penalty	\$22,937.67	\$405,232.17	
09/17/2014	Adjustment	\$128.00	\$405,360.17	Adjustment Reason: Billing Adjustment

Total Due	\$405,360.17
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Account Number: FS CNF-001

Transaction Statement

Agenda Item #8

SUBJECT: LETTER OF AWARD FOR LUTHER JAYNE PARK IMPROVEMENTS

The following were the result of bids received on October 7, 2014 for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Scott Lawn Yard, Inc. 5552 Townline Rd. Sanborn NY 14132	\$269,115.00
Hydrolawn of Buffalo, Inc.	\$279,801.25
Yarussi Construction, Inc.	\$290,000.00
Titan Development, Inc.	\$293,855.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Scott Lawn Yard, Inc. at their total bid of \$269,115.00. Funding will be made available through a combination of a grant with the Environmental Protection Fund (EPF) and General City Fund Balance code H0612.2006.0612.0449.599.

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 #9

RE: Approval to pay Medical Expenses of Kimberly Stanek in the amount of \$71.04

Council Members:

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	9/22/2014	\$ 35.52
Cardamone Chiropractic	9/24/2014	<u>35.52</u>
		\$ 71.04

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 #10

RE: Request for Approval to Settle and Pay Claim of Eileen Carter

172 81st Street, Niagara Falls, New York 14304

Council Members:

Date Claim Filed:	July 23, 2012
Date Action Commenced:	N/A
Date of Occurrence:	July 13, 2012
Location:	172 81 st Street, Niagara Falls, New York
Nature of Claim:	Property damage due to falling tree limb.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	\$500.00
Make Check Payable to:	Eileen Carter
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 #11

RELATIVE TO RECOGNIZING ANDREW PYSKA
FOR HIS ATTAINMENT OF THE RANK OF EAGLE SCOUT

BY:

Council Member Glenn Choolokian

October 14, 2014

WHEREAS, the rank of Eagle Scout is the highest rank attainable in the boy scouting program of the Boy Scouts of America, and

WHEREAS, those who are awarded the rank of Eagle Scout have demonstrated good citizenship, well-developed character, and personal fitness, and

WHEREAS, city residents who possess these qualities help to make Niagara Falls a stronger, safer, and healthier community, and

WHEREAS, Mr. Andrew Pyska of Troop 849 in Niagara Falls has successfully advanced through the ranks of tiger, bobcat, wolf, bear, and webelos, and

WHEREAS, Mr. Pyska has shown dedication to community service and to improving himself through scouting, having earned 32 merit badges, including the Arrow of Light, Light of Christ, and Parvuli Dei Catholic Awards, and

WHEREAS, Mr. Pyska has now attained the rank of Eagle Scout, now

THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby recognizes Mr. Andrew Pyska of Troop 849, Niagara Falls, for his attainment of the rank of Eagle Scout, and

BE IT FURTHER RESOLVED, that the City Council of the City of Niagara Falls wishes Mr. Pyska the best of luck in his future endeavors, with confidence in his ability to achieve the goals he sets for himself.

Agenda Item #12

RELATIVE TO THANKING ALL THOSE WHO SHOWED COURAGE, SELFLESSNESS, AND PROFESSIONALISM IN RESPONSE TO THE GREENPAC-NORAMPAC FIRE, SEPTEMBER 2014

BY:

Council Chairman Charles A. Walker
Council Member Robert A. Anderson Jr.
Council Member Glen Choolokian
Council Member Kristen Grandinetti
Council Member Andrew Touma

October 14, 2014

WHEREAS, on the afternoon of Saturday, September 20, 2014, a fire broke out at the Greenpac mill in Niagara Falls, NY, and burned for several days, and

WHEREAS, the Niagara Falls Fire Department, led by Fire Chief Thomas Colangelo, was tasked with controlling and extinguishing the blaze while keeping city residents safe from harm, and

WHEREAS, the Niagara Falls Fire Department was supported by the Niagara Falls Police Department, as well as numerous partners from around Western New York, including the Niagara Falls Air Reserve Station, Upper Mountain Volunteer Fire Company, Frontier Volunteer Fire Company, Niagara Active Hose Volunteer Fire Company, Bergholz Volunteer Fire Company, Sanborn Fire Company, Lewiston #2 Volunteer Fire Company, Lewiston #1 Volunteer Fire Company, St. Johnsburg Volunteer Fire Company, Wright's Corners Fire Company, Barker Fire Department, Cambria Volunteer Fire Company, Pekin Fire Company, Terry's Corners Volunteer Fire Company, Wolcottsville Volunteer Fire Company, Akron Fire Company, Alabama Volunteer Fire Company, Newstead Fire Company, Shelby Volunteer Fire Company, Crittenden Volunteer Fire Company, Oakfield Volunteer Fire Company, Youngstown Volunteer Fire Company, Shawnee Volunteer Fire Company, Tri-Community Volunteer Fire Company, Ransomville Volunteer Fire Company, and the Niagara Falls Department of Public Works, and

WHEREAS, these brave firefighters and their community partners stepped up to the challenge before them and performed admirably in the face of danger, successfully containing and extinguishing the fire at Greenpac mill while protecting the people of Niagara Falls, now

THEREFORE, BE IT RESOLVED, that the City Council of Niagara Falls, New York hereby recognizes the courage, selflessness, and professionalism of the city's first responders, as well as all those who supported their efforts, whether through personnel, equipment, or supplies, and

BE IT FURTHER RESOLVED, that the City Council of Niagara Falls, New York extends a sincere and heartfelt "thank you" on behalf of the citizens of Niagara Falls to the above-named organizations and expresses its admiration for our region and its people, who have demonstrated the strength of our commitment to one another's well-being in the face of crisis.

Agenda Item #13

RELATIVE TO SUPPORTING PROJECT LABOR AGREEMENTS TO BENEFIT
CONSTRUCTION AND ECONOMIC DEVELOPMENT PROJECTS

BY: Council Chairman Charles Walker
Council Member Kristen Grandinetti
Council Member Andrew Touma

WHEREAS, there are a number of construction projects presently in progress in the City which are having a positive impact on the local economy; and

WHEREAS, there are construction projects in the planning stages which will also benefit local economy; and

WHEREAS, the City's recent Way to Wellville grant award also has the potential to have a positive impact on the local economy; and

WHEREAS, this City Council believes it is imperative that the City do all it can to make sure that economic development projects in the City benefit City residents; and

WHEREAS, this City Council believes that one way for City residents to benefit from these construction and economic development projects is with the use of Project Labor Agreements ("PLA"); and

WHEREAS, this City Council believes that PLAs are a useful tool to benefit the local work force because of the skill and diligence and quality provided by the local work force as well as the scheduling flexibility and labor peace that exists during a construction project for the use of a PLA.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the City of Niagara Falls encourages the use of PLAs in construction and economic development projects whenever it is possible and feasible to utilize a PLA.

October 14, 2014

PRESENTATIONS:

None

ADMINISTRATIVE UPDATE:

NONE