

Agenda Item #1

The following claims have been filed in the Office of the City Clerk during the month of March 2012
The claims were subsequently referred to the Office of the Corporation Counsel.

NOTICE OF CLAIM

Wythe, Charles
1124 Maple Ave

Property damages caused by city tree.

Stiner, Susan
129 Main St Apt #2
Groton, NY 13073

Automobile damages caused by pot hole

Vogel, Louis & Anna
c/o Allstate Insurance Agency

Automobile damages caused by falling traffic light

Carl, Alan
2813 Whirpool St.

Automobile damages caused by tree limb

NOTICE OF PETITION

One Niagara
c/oAnthony D. Parone, Esq.

#146531

SUMMONS

Jason Sykes
Marc Martinez
Todd Faddoul
Shawn Arndt
c/o Edward P. Pearlman Esq

#146546

Bieksza, David
c/o Difilippo, Flaherty & Steinhaus

#146401

Agenda Item #2

The following is a report of the licenses issued and collections made in the Office of the City Clerk during the month of March 2012.

		<u>CONTROLLER</u>		
A1255-001 A012	Vital Statistics		\$ 5,510.00	\$ 5,510.00
A1255-004 A013	Copies of Records		\$ 458.25	\$ 458.25
A1255-004 A013	Certificates of Marriage		\$ 450.00	\$ 450.00
A2501-006 A042	Tour Agency		\$ 1,400.00	\$ 1,400.00
A2501-006 A042	Tour Agency Additional Site		\$ 300.00	\$ 300.00
A2501-006 A042	Tour Attendant		\$ 50.00	\$ 50.00
A2501-006 A042	Tour Driver/Guide		\$ 700.00	\$ 700.00
A2501-011 A044	Peddler		\$ 100.00	\$ 100.00
A2501-014 A046	Electrician - Exam Fee		\$ 40.00	\$ 40.00
A2501-016 A047	Stationary Engineers		\$ 590.00	\$ 590.00
A2501-021 A048	Amusement Games		\$ 100.00	\$ 100.00
A2542-000 A053	Dogs/NYS Agr.& Mkts	\$ 306.00	\$ -	\$ 306.00
A2542-000 A053	Additional Dogs		\$ 3,072.00	\$ 3,072.00
A2545-001 A054	Marriage License/NYSHD	\$ 1,012.50	\$ 337.50	\$ 1,350.00
A1255-002 A123	Commissioners of Deeds		\$ 10.00	\$ 10.00
A2501-005 A126	Junk Dealers		\$ 300.00	\$ 300.00
A2545-010 A128	Petroleum - Retail		\$ 420.00	\$ 420.00
A2545-010 A128	Petroleum - Storage		\$ 60.00	\$ 60.00
A2545-010 A128	Petroleum - Wholesale		\$ 100.00	\$ 100.00
A2501-599 A130	Theatre		\$ 100.00	\$ 100.00
A2545-021 A316	Vending		\$ 640.00	\$ 640.00
A2545-023 A318	Hunters/NYS DEC RAU	\$ 992.10	\$ -	\$ 992.10
A2545-023 A318	Hunters Fees		\$ 57.90	\$ 57.90
A1255-003 A499	Notary Fee		\$ 24.00	\$ 24.00
A1255-005 A528	Dog Release		\$ 650.00	\$ 650.00
TA63008 A597	Marriage Performance		\$ 775.00	\$ 775.00
A1255-006-A696	Photos/passport-license		\$ 9.00	\$ 9.00
TOTAL:		<u>\$ 2,310.60</u>	<u>\$ 16,253.65</u>	<u>\$ 18,564.25</u>

Check #	<u>57561</u>	NYS Dept.of Arg. & Mkts	\$ 306.00
Check #	<u>57541</u>	NYS Health Department	\$1,012.50
Check #	<u>ET</u>	NYS DEC RAU	\$ 992.10

Agenda Item #3

We respectfully request you award the above referenced bid as follows:

TO: PSNF, Inc. (McDonalds)
1726 Pine Avenue
Niagara Falls, NY 14301

FOR: Meals for prisoners at the Municipal Svcs. Building:	Breakfast (est. 3,000)	\$1.00
	Lunch (est. 6,700)	1.65
	Supper (est. 2,200):	1.65

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to three (3) vendors. The above referenced company submitted the lowest bid. One other bid was received from Frankies Donuts, Inc. (Breakfast \$1.00, Lunch \$1.75 and Supper \$1.75).

Funds for this expenditure are available in A3120.0001.0449.010.

Agenda Item #4

We respectfully request you award the above referenced bid as follows:

TO: LaFarge North America
75 Pineview Drive, Suite 100
Amherst, NY 14228

FOR: Sale of approximately 18,000 tons of Street Millings
generated during the 2012 paving season: \$.76/ton

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to four (4) vendors. Two (2) bids were received. The bid from LaFarge North America, Inc. was for \$0.00 (i.e. they would accept the material at no charge to the City).

Agenda Item #5

The City has received an offer from Jonathon Lootawon to purchase 2105 Ferry Avenue for \$18,000.00. This property was previously sold by the City through the Urban Homesteading Program, and was obtained by the City through mortgage foreclosure. The Planning Board approved the sale of this property on September 17, 2009.

The property was offered for sale to the public by the Community Development Department, and then listed with Hooper Realty. The property has been listed since 2009. It is a HUD requirement that the property be sold only to someone whose income does not exceed 80% of the median income of our metropolitan statistical area. This has limited the options in selling the property.

It appears the Mr. Lootawon will qualify under the guidelines. The sale will be subject to final income verification and qualification. The house will be owner-occupied. The house will continue to be subject to income guidelines. If resold before September 2, 2019, the home can be sold only to a qualifying individual.

Although the house was secured, there has been vandalism and the plumbing is inoperable. The sale will be in "as is" condition. This will be a cash sale.

City Charter §59 requires that real property be sold at public auction to the highest bidder. This public offer does not technically meet that requirement. Approval of the sale requires that Council determine that the best interest of the city shall be subserved by dispensing with a sale at public auction.

Will the Council vote to determine that the best interest of the city shall be subserved by dispensing with a sale at public auction, to approve sale of 2105 Ferry Avenue as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Agenda Item #6

National Grid is preparing to commence work to install street lights in the new HOPE VI Center Court complex. The roadways eventually will be dedicated to the City as public rights-of-way, but are now private property owned by Center Court I, LLC, the entity created by the Housing Authority to hold title to the complex.

The City retains the playground and park next to the proposed Eagle Heights. Some of the lighting work may take place on City property, although the lights will be installed in the right-of-way. National Grid has asked the City to grant an easement for the light installation. Rather than delay while the exact location of the work is established, we feel it is prudent to grant the easement so the work can proceed. The proposed easement is attached hereto.

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

Agenda Item #7

A contract for the above referenced project was awarded to Huber Construction Inc. on September 19, 2011 in the amount of \$6,309,000.00. Subsequent to the start of the project, the Contractor has encountered some substantial items which constitute a change in conditions that were not included in the initial scope of this contract. Please note that the City will be fully reimbursed for all costs associated with the below items through a funding agreement with USA Niagara Development Corporation. As detailed below, state funds to cover these items would come from already-established contingency accounts and/or project allowances created to cover unforeseen issues.

Issue 1: Work Change Directive #001 – Additional Abatement and Demo at Curtail Wall \$94,622.10
This work was performed to expedite work required for the NCCC project. The scope included asbestos abatement and curtain wall removal included in LP Ciminelli's bid package. Contractor provided a hard weather-tight enclosure at opening per request of LP Ciminelli. Abatement cost of \$19,749 to be applied towards Abatement Allowance GC-1, and remaining cost of \$74,873.10 to be funded by NCCC project fund.

Issue 2: Work Change Directive #006 – Stepped Roof Curtain Wall Detail \$0.00
In lieu of installing detail A3/S706 on the Contract Drawings, the Contractor was directed to proceed with revised detail A3/S706 R1 for the curtail wall supports. This change is a zero cost add.

Issue 3: Work Change Directive #007 – Roof Floor Drain Patching \$5,870.00
The existing concrete around two (2) floor drains at the 5th level require additional patching due to the current conditions of the slab. The repairs consist of repairing a minimum of 30" x 30" area. The cost for this change is applied towards Structural Allowance GC-2.

Issue 4: Work Change Directive #008 – Additional Curtain Wall Clips \$9,962.25
Upon removal of the roof decking at the cube, it was discovered that the existing curtain wall was not securely fastened at the top. The Contractor was to add temporary clips to allow for the contract work at the roof area to move forward.

Issue 5: Work Change Directive #010 – Topping Material Change Near Elevator Areas \$0.00
During the topping removal at levels 2, 4 and 5, it was discovered that the topping is approximately only 1" thick near the elevator. This thickness does not allow enough depth for the new topping material that was submitted to be installed. Contractor was directed to install 4000 PSI Lightweight Concrete at these locations due to the existing thickness. This change is a zero cost add.

Issue 6: Work Change Directive #011 – Precast Stem Repairs at NCCC Project Side \$6,380.79
Additional concrete repair work is required at the NCCC project side, as it was found that two (2) precast tee stems had cracking in the stems and flanges of the tees. The repairs were made per the detail on the contract drawings for similar repairs.

In all, the additional costs via this change order for the issues noted above are **\$116,835.14**.

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 #8

A contract for the above referenced project was awarded to CIR Electrical Construction Corp. on September 19, 2011 in the amount of \$275,000. Subsequent to the start of the project, the Contractor has encountered some substantial items which constitute a change in conditions that were not included in the initial scope of this contract. Please note that the City will be fully reimbursed for all costs associated with the below items through a funding agreement with USA Niagara Development Corporation. As detailed below, state funds to cover these items would come from already-established contingency accounts and/or project allowances created to cover unforeseen issues.

Issue 1: Work Change Directive #001 - LED Bulbs at 5th Level Light Poles \$21,180.00
Per direction of the City of Niagara Falls and Department of Public Works, the Contractor was directed to replace the specified bulbs in the new light poles at the 5th level to LED bulbs. The LED bulbs were to be model ARE-120-5-525ma.

Issue 2: Work Change Directive #002-Heat Trace Power at 2 Locations in Helix \$5,304.00
Two existing drain stack within the Helix were found to require new power for the heat trace at the piping. The Contractor was directed to disconnect the existing power and replace with new back to the electrical room at the first floor.

Issue 3: Work Change Directive #003 - Additional Type "C" Fixtures \$25,174.00
There are an additional twenty-eight (28) existing light fixtures located at the stairwells that required to be replaced with new. The Contractor was directed to furnish and install these additional type "C" fixtures at the stairwells, per response to their RFI.

Issue 4: Work Change Directive #004 - HP-1 Panel Feed \$329.00
The existing fused switch labeled "spare" at the ramp electrical room was found to be active (with the current load unknown), and there is no other fused switch with adequate capacity available in this electrical room. The Contractor was directed to provide a new feed to panel HP-1 in the new elevator machine room from the mall electrical room switchgear.

Issue 5: Work Change Directive #005 - Stairwell Detail #2 \$11,954.00
Detail 2/A (stairwell detail for first level retail at stair #'s 2, 3, 4, and 7) on drawing E-106 was revised to properly reflect existing conditions found during construction. As a result of the change and what was found, additional electrical components were now required. The Contractor was directed to furnish and install additional emergency lighting, exit signs, fire alarm stations, and fire alarm signals/strobes at the four (4) stairwells per the updated detail drawing.

Issue 6: Work Change Directive #006 - 8 Additional Receptacles at Stairwells \$0.00
There were an additional eight (8) existing receptacles within the stairwells that were found during the construction project. The Contractor agreed to replace the receptacles with new at no additional cost to the project.

Issue 7: Work Change Directive #007 - Additional Conduit/Wire for Lights at Helix \$62,997.00
There were seventy (70) light fixtures in the Helix between the ground level and level 1 that were to remain intact. However, due to the patch work at the Helix in this area and the existing topping level thickness, the conduit/wire (which is inside the topping slab at this area) feeding these fixtures has been cut in various locations and required replacement. The Contractor was directed to replace the conduit and wire for these fixture with surface mounted conduit. In addition, there are four (4) additional fixtures on the 2nd level and twelve (12) fixtures on the 4th level that will require new power run to them as well.

Issue 8: Work Change Directive #008 - Heat Trace Note #2, 277V Heat Trace \$3,894.00
Once exposed, the existing heat trace power was found to be 120V coming out of a 120/208V panel. The new heat trace is 277V and cannot be wired to the same panel as the existing heat trace was. The Contractor was directed to wire the new 277V heat

trace to available spare breakers in panel "X" and panel "A" at the ramp electrical room. Contractor to turn off the existing heat trace panel and label not in use.

Issue 9: Work Change Directive #009 - Light Fixture Interference at Helix \$1,330.08
Upon preparing to start the concrete repairs at the Helix ceiling on the ground level, it was discovered that there are six (6) existing light fixtures in the way of the repairs. Three (3) light fixtures are located at the Helix exit to Rainbow Street and the other three (3) light fixtures are located at the exit to 1st Street. Due to way the existing fixtures were installed, they could not be removed and reinstalled. The Contractor was directed to remove the six (6) fixtures and replace with new.

Issue 10: Work Change Directive #010 - Conduit in Light Pole Base Extension \$456.00
The contract drawings called to have the existing light pole removed at column line S-4.1 (level 5) and a new light pole to be installed on the existing base. The existing base that was called to be re-used has been modified and used by the NCCC Project for the installation of their steel and can no longer be used for the light pole. The Contractor was directed to extend the existing electrical conduit and wiring to the new light pole pedestal being installed by the General Trades Contractor. This cost is to be funded by the NCCC Project fund.

In all, the additional costs via this change order for the issues noted above are **\$132,618.08**.

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

A contract for the above referenced project was awarded to J.R. Swanson Co. Inc. on September 19, 2011 in the amount of \$249,940.00. Subsequent to the start of the project, the Contractor has encountered some substantial items which constitute a change in conditions that were not included in the initial scope of this contract. Please note that the City will be fully reimbursed for all costs associated with the below items through a funding agreement with USA Niagara Development Corporation. As detailed below, state funds to cover these items would come from already-established contingency accounts and/or project allowances created to cover unforeseen issues.

Issue 1: Work Change Directive #001 - Credit for Insulation on Roof Drain(\$1,333.36)
The NCCC project will be relocating the 2 southernmost rain water leaders inside the building at levels 1 and 2. The Contractor was asked to provide a credit for the insulation at these levels that was shown on the contract drawings.

Issue 2: Work Change Directive #002 - Replacement of Test-T's at NCCC Side \$8,290.88
Two (2) test-t's at the south end of the ramp where found to be corroded and would not allow for the pressure test of the piping to take place. The Contractor was directed to replace the two (2) test-t's and associated 5' of piping required to allow for proper use and function of the test-t's. The cost for this change is applied towards Stack Replacement Allowance PC-1.

Issue 3: Work Change Directive #003 - Replace Rises at 8 Drain Locations \$2,930.74
The existing rises to the floor drains were found to be compromised and leaking at eight (8) locations. The Contractor was directed to replace the piping at these locations and retest the piping. Air pressure tests passed after completion of this work. The cost for this change is applied towards Stack Replacement Allowance PC-1.

Issue 4: Work Change Directive #004 - Replacement of Vent Piping at SE Corner \$3,775.02
The existing vent piping at the south-east corner was removed by the demo contractor during the Phase 1 interior mall demolition. The Contractor was directed to supply and install a new 3" diameter sanitary vent piping for the floor drain piping system.

Issue 5: Work Change Directive #007 - Replacement of Test-T at Stack B \$4,005.88
Due to the existing condition of the test-t at drain stack B, the Contractor was directed to replace the test-t with new. The existing test-t was found to be deteriorating due to the age of it. The cost for this change is applied towards Stack Replacement Allowance PC-1.

Issue 6: Work Change Directive #010 - 4 Additional Floor Drains at Helix \$5,118.88
There are an additional four (4) existing floor drains located at the Helix that requires replacement due the condition of the existing drains over their life span. The Contractor was directed to replace these existing floor drains at the intermediate levels between floor 1 & 2, and 2 & 3. The cost for this change is applied towards Stack Replacement Allowance PC-1.

Issue 7: Work Change Directive #011 - Insulation Through Sleeves \$2,638.33
Due to the existing size of the sleeves, the Contractor could not install the specified 1" insulation around the piping where it passes through the slabs. To allow for insulation coverage at the sleeves, the Contractor was directed to install an expandable single-component polyurethane foam sealant between the storm stacks and edge of precast concrete. The cost for this change is applied towards Stack Replacement Allowance PC-1.

In all, the additional costs via this change order for the issues noted above are **\$25,426.17**.

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 #10

In order to service the NCCC Culinary Institute, it is necessary for National Grid to install certain installations in the City's right-of-way in the vicinity of Rainbow Boulevard near the location of the Culinary Institute. The easement agreement is being prepared by National Grid.

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

Agenda Item #11

NTCC has requested that the City renew its Parking Agreement for visitors to the NTCC's building at 10 Rainbow Boulevard. The arrangement proposed is identical to the arrangement which worked well last year. Five (5) undesignated spaces in the City lot at the corner of First Street and Buffalo Avenue are made available to visitors identifying themselves as patrons of the NTCC. A visitor is permitted to park for a maximum of one (1) hour for a fee of \$1.00. In the event that one (1) hour is exceeded, that visitor pays the full daily rate. This will be subject to an agreement containing terms and conditions satisfactory to the Corporation Counsel.

Will the Council so approve and authorize the Mayor to execute such an agreement?

Agenda Item #12

The City has once again been requested by the Niagara Falls School District to co-sponsor with it and the American Cancer Society the "Relay for Life" in Niagara Falls which will be held on May 18, 2012 from 3:30 pm to 10:00 pm. The City's contribution to this event as a co-sponsor will be the use of the City owned bandstand and two (2) golf carts at no cost. The terms of this co-sponsorship will be memorialized in an agreement prepared by the Corporation Counsel.

Will the Council so approve and authorize the Mayor to execute an agreement?

Agenda Item #13

At your September 20, 2010 meeting, you approved \$25,000.00 of City funding for partial funding of the above study, the majority of which is being funded through the Ecological Standing Committee under the Greenway portion of the Niagara Power Project Relicensing Agreements. The funding was being provided through the Niagara Falls and River Region Chapter of Wild Ones (a copy of the 2010 Council item is attached). Since Council approval and the City's entering into a contract with the Local Chapter, the national Wild Ones Organization has assumed responsibility for overseeing the entire study project.

It is requested that the Council authorize an amendment to the City's agreement to reflect the role of the national Wild Ones Organization in overseeing and certifying the completion of the study.

Will the Council so approve and authorize the Mayor to execute an amendment in a form acceptable to the Corporation Counsel?

**CITY OF NIAGARA FALLS
NEW YORK
April 16, 2012**

TO: City Council

FROM: Mayor Paul A. Dyster

SUBJECT: Contract Amendment #2: Urban Engineers of New York, P.C.
Consultant Services for the former Rainbow Centre Mall/City Parking Ramp II -
Final Design, Construction Documents, and Construction Administration.

A contract for consultant services for the above referenced project is currently in place with Urban Engineers of New York, P.C. ("Urban"), 403 Main Street, Suite 530, Buffalo, New York 14203 in the amount of \$752,820.00. This work is intended to facilitate Niagara County Community College to develop Niagara Falls Culinary Institute in a portion of the former Rainbow Centre Mall, which is scheduled to open in Fall 2012. This work has involved final design, construction documents, and construction administration services for two phases of work: Phase I, which involves interior demolition of the former Rainbow Mall and Phase II, which involves a large rehabilitation of City Parking Ramp II.

In order to advance an aggressive schedule to complete the project, Urban was requested to submit a scope of work and fee estimate for a contract amendment to undertake necessary design/construction documents for a contract amendment to the Phase I demolition effort to raze the pedestrian bridge that crossed First Street and to undertake addition design/coordination efforts to ensure continuity with NCCC Culinary Project. Urban has submitted a scope of services and fee estimate in the amount of \$83,347.00.

Funding is currently available in Capital Project Account Code H1014 (Culinary Institute/Ramp). Please note that the City will be fully reimbursed for all costs incurred for services under this contract amendment through a funding agreement with USA Niagara Development Corporation; the state funds to cover this amendment would come the already-established contingency account to cover unforeseen costs for the Project.

Therefore, it is the recommendation of the undersigned that Contract Amendment #2 for the contract between the City of Niagara Falls and Urban Engineers of New York, P.C. for an amount not to exceed \$83,347.00 be approved.

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

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**CITY OF NIAGARA FALLS
NEW YORK
April 16, 2012**

TO: City Council

FROM: Mayor Paul A. Dyster

SUBJECT: Contract Amendment #3: Urban Engineers of New York, P.C. Additional Consultant Services for the former Rainbow Centre Mall/City Parking Ramp II - Design Development, Final Design/Contract Documents, and Construction Administration Services for Rehabilitation/Upgrades the Rainbow Boulevard Elevator Tower

A contract for consultant services for the above referenced project is currently in place with Urban Engineers of New York, P.C. ("Urban"), 403 Main Street, Suite 530, Buffalo, New York 14203. This work is facilitating the development Niagara Falls Culinary Institute in a portion of the former Rainbow Centre Mall ("Mall"), which is scheduled to open in Fall 2012, and involves design services for the interior demolition/abatement of the former Mall and rehabilitation of the adjoining City Parking Ramp II (the "Ramp").

While design for the rehabilitation of the Ramp's four-car elevator tower (and associated lobbies) fronting on Rainbow Boulevard was not originally included in Urban's scope of work, recent events have triggered the need to now advance these design efforts, particularly the upcoming development at 310 Rainbow Boulevard, which would primarily utilize the Rainbow Boulevard Elevator Tower to access parking in the Ramp.

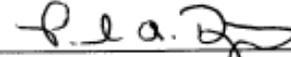
Urban was requested to submit a scope of work and fee estimate for a contract amendment to undertake necessary design development/construction administration services associated with upgrading the Rainbow Boulevard Elevator Tower. Urban has submitted a scope of services and fee estimate in the amount of \$90,000.00.

On March 28, 2012, the Board of Directors of the USA Niagara Development Corporation ("USAN") authorized the President of the Corporation to enter into a funding agreement with the City of Niagara Falls to provide funding for this work. The City will be fully reimbursed for all costs incurred for services under this contract amendment.

Therefore, it is the recommendation of the undersigned be authorized to enter into a funding agreement with USAN and that Contract Amendment #3 for the contract between the City of Niagara Falls and Urban Engineers of New York, P.C. be approved for an amount not to exceed \$90,000.00.

Will the Council vote to so approve and authorize the Mayor to enter into the funding agreement and execute a contract in a form acceptable to the Corporation Council?

Respectfully submitted,

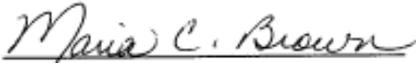


Mayor Paul A. Dyster



Donna Owens, City Administrator

Funding Approval:



Maria C. Brown, City Controller
Council Meeting: April 16, 2012

Anderson ____ Choolokian ____ Grandinetti ____ Walker ____ Fruscione ____

APR 16 2012

NIAGARA FALLS
CITY CLERK
12 APR 11 AM 10:32

Agenda Item #16

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 checks:

<u>Provider</u>	<u>Date of Service</u>	<u>Amount</u>
Cardamone Chiropractic	3/23 - 4/05/2012	\$177.60

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 #17

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 checks:

<u>Provider</u>	<u>Date of Service</u>	<u>Amount</u>
Niagara Falls Memorial Medical	2/28/2012	\$47.15
Excelsior Orthopaedics LLP	2/28/2012	\$126.66
MF Surgery Center LLC	3/16/2012	\$1,411.03
Maple-Gate Anesthesia	3/16/2012	\$130.26

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 #18

Please be advised that Mayor Paul A. Dyster on April 3, 2012 duly approved the following:

1. Resolution 2012-29, relative to Amending Chapter 337 of the Codified Ordinances entitled "Collateral Loan Brokers A/K/A/ Pawnbrokers."
2. Resolution 2012-30, relative to Amending Chapter 338 of the Codified Ordinances entitled "Secondhand Dealers."

Agenda Item #19

At the Traffic Advisory Commission meeting held on April 4, 2012 the Commission recommended **APPROVAL** of the following item:

INSTALL ALL WAY STOP SIGNS AT THE INTERSECTION OF BEECH AVENUE AND 17TH STREET AND ELIMINATE PARKING ON THE SOUTH SIDE OF BEECH AVENUE BOTH 50' WEST AND 120' EAST OF THIS INTERSECTION

Although this intersection falls short of the Federal MUTCD Minimum Warrants for the placement of "ALL WAY" stop signs, its geometry is unusual as Beech Avenue curves as it crosses 17th Street. In addition, Kalfas Elementary School is on the northeast corner and new housing from the Hope VI project is being added on the south side of Beech Avenue, which will create more traffic in the area. Therefore, due to these extraordinary circumstances and for safety this request was approved by the Commission.

Submitted By: Ken Hamilton, 3609 Highland Avenue

It is requested that City Council approve this recommendation.

Agenda Item #20

At the Traffic Advisory Commission meeting held on April 4, 2012 the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 415 - 25TH STREET**

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

Submitted By: Joanne Thuman, on behalf of her daughter, Raven Thuman 415 - 25th Street

It is requested that City Council approve this recommendation.

Agenda Item #21

At the Traffic Advisory Commission meeting held on April 4, 2012 the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 1115 PIERCE AVENUE**

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

Submitted By: Charlene Hill, 1115 Pierce Avenue

It is requested that City Council approve this recommendation.

Agenda Item #22

At the Traffic Advisory Commission meeting held on April 4, 2012 the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 1315 - 22ND STREET**

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

Submitted By: April Vernone, on behalf of her son, Zarrian Stellrecht,
1315 - 22nd Street, Apt. 2

It is requested that City Council approve this recommendation.

NIAGARA FALLS PLANNING BOARD

RECOMMENDATION TO CITY COUNCIL
Disposition of Real Property: Abandonment

Pursuant to action taken by the Niagara Falls Planning Board on the 28th day of March 2012, your request is hereby **DENIED**.

NAME OF OWNER: *City of Niagara Falls*

ADDRESS OF ACTION: *Portion of Alley south of Seneca Avenue in the vicinity of 2543 Seneca Avenue*

PURPOSE: *To expand property located at 2543 Seneca Avenue*

This application is hereby DENIED for the following reasons:

- 1) Applicant or representative not present at Planning Board meeting
- 2) Applicant did not indicate the intent of the use of the property
- 3) Excessive garbage and water problem in area

Agenda Item #24

TO: Niagara Falls (NF) City Council

FROM: Bill Bradberry, Chairman, NF Underground Railroad Heritage Area Commission
Thomas DeSantis, AICP, Secretary, NF Planning Board

DATE: April 23, 2012

RE: Niagara Falls Underground Railroad Heritage Area Management Plan— Adoption

Attached hereto is the resource management report, Niagara Falls Underground Railroad Heritage Area Management Plan, prepared by *edr companies, inc.* on behalf of the Niagara Falls Underground Railroad Heritage Area Commission.

The Niagara Falls Underground Railroad Heritage Area represents a partnership between the New York State Office of Parks, Recreation and Historic Preservation, the City of Niagara Falls, and local stakeholders, under the guidance of the Niagara Falls Underground Railroad Heritage Area Commission.

The purpose of the Niagara Falls Underground Railroad Heritage Area Management Plan is to identify, communicate and celebrate resources within the Heritage Area associated with historic and contemporary experiences with the Underground Railroad. The Commission, working with project consultants and local stakeholders, has crafted the Plan as the initial step in directing the management and future operations of the Heritage Area. In keeping with all New York State Heritage Areas, the four main goals of the Plan are: historic preservation, interpretation and education, recreation, and economic revitalization through heritage tourism.

The Niagara Falls Underground Railroad Heritage Area (and Commission) is defined in Article 35 (Section 35.03) of the New York State Parks, Recreation, and Historic Preservation Law, and includes the entirety of the municipal limits of the City of Niagara Falls, located in Niagara County, New York (see attached Map 2 from the Heritage Area Management Plan).

The production of this Niagara Falls Underground Railroad Heritage Area Management Plan is a requirement of that legislation, as is the adoption by the City of Niagara Falls City Council. In preparation for City Council action, at its March 28, 2012 regular meeting, the NF Planning Board, acting as lead agency under SEQRA, acted to accept and approve The Niagara Falls Underground Railroad Heritage Area Management Plan Environmental Assessment and further acted to unanimously recommend its adoption.

Will the Council vote to adopt the Niagara Falls Underground Railroad Heritage Area Management Plan, and forward the adopted plan to the Secretary of State, for the State of New York, as provided by Article 35 (Section 35.03) of the New York State Parks, Recreation, and Historic Preservation Law?



City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

March 28, 2012

NIAGARA FALLS PLANNING BOARD

- RECOMMENDATION TO CITY COUNCIL**
Adoption of Niagara Falls Underground Railroad Heritage Area Management Plan

Pursuant to action taken by the Niagara Falls Planning Board on the 28th day of March 2012, your request is hereby granted.

NAME OF APPLICANT: Niagara Falls Underground Railroad Heritage Commission

ADDRESS OF ACTION: N/A

PURPOSE: Adoption of Niagara Falls Underground Railroad Heritage Area Management Plan

This application is hereby granted.

Agenda Item #25

Whereas, on June 13, 2011, the Niagara Falls, New York Chamber of Commerce was incorporated; and

Whereas, on March 8, 2012, the inaugural Board of Directors was seated for the Niagara Falls, New York Chamber of Commerce; and

Whereas, the City of Niagara Falls, New York has been without a stand-alone Chamber of Commerce since 2004; and

Whereas, the city's approximately 400 businesses deserve strong support and representation; and

Whereas, the city's six business associations deserve an agency that respects their history and supports their strong future; and

Whereas, affordable health care and a strong unified web presence is imperative for the success of local businesses; and

Whereas, the encouragement and support of start-up and entrepreneurial ventures is crucial to the growth and financial health of our great city. The marketing of local businesses, both within and separate from regional efforts, is paramount to the future of all residents of the Cataract City.

Now Therefore Be It Resolved, that the City Council of the City of Niagara Falls proclaims its support for the Niagara Falls, New York Chamber of Commerce and urges every business in the city to support this organization and their mandates for a strong business base in Niagara Falls.

Agenda Item #26

WHEREAS, this City Council has previously gone on record in the form of a resolution adopted on September 6, 2011 regarding the ongoing dispute between the State of New York and the Seneca Nation of Indians with respect to the lack of Casino Revenues being released to the City of Niagara Falls, the City of Buffalo, and the City of Salamanca and the necessity for the release of those Casino Revenues; and

WHEREAS, on September 6, 2011, when the City Council adopted its resolution regarding this matter it warned that the City of Niagara Falls will suffer if payments due pursuant to the Compact and Section 99-h of the State Finance Law were not paid to the City of Niagara Falls; and

WHEREAS, during a presentation to the City Council made on April 2, 2012, City Controller Maria Brown advised the City Council that the City is now suffering from the failure of Casino Revenues to be paid to the City and that the City has now reached a point where it can no longer afford to cover expenses for items tied to Casino Revenues; and

WHEREAS, this City Council understands that while the State of New York and the Seneca Nation of Indians may not be able to resolve the substance of their dispute short of the arbitration process, this City Council believes that the State of New York and the Seneca Nation of Indians can somehow reach agreement on releasing Casino Revenues due to the host

communities of Niagara Falls, Buffalo and Salamanca without jeopardizing any claims each may have against the other.

WHEREAS, the City has abided by its responsibilities under the Compact and Section-99h of the State Finance Law as the host community for the Seneca Niagara Casino and has provided operational support to the Seneca Niagara Casino since its development.

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby implore the State of New York and Seneca Nation of Indians to somehow agree upon a method to release Casino Revenues so desperately needed by the City of Niagara Falls, City of Buffalo and City of Salamanca before any further detrimental financial damage is done to each respective community.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Governor Andrew Cuomo, Senator George Maziarz and Senator Mark Grisanti, Assemblyman John Ceretto and to President Robert Odawi Porter of the Seneca Nation of Indians.