

Agenda Item #1

The following is a report of the licenses issued and collections made in the Office of the City Clerk during the month of JUNE 2011.

		<u>CONTROLLER</u>	<u>T</u>
A1255-001			
A012	Vital Statistics	\$ 4,580.00	\$ 4,580.00
A1255-004			
A013	Copies of Records	\$ 663.88	\$ 663.88
A1255-004			
A013	Certificates of Marriage	\$ 1,030.00	\$ 1,030.00
A2501-006			
A042	Tour Agency	\$ 350.00	\$ 350.00
A2501-006			
A042	Tour Agency Additional Site	\$ 200.00	\$ 200.00
A2501-006			
A042	Tour Attendant	\$ 550.00	\$ 550.00
A2501-006			
A042	Tour Driver/Guide	\$ 950.00	\$ 950.00
A2501-011			
A044	Peddler	\$ 275.00	\$ 275.00
A2501-014			
A046	Electrician - Exam Fee	\$ 125.00	\$ 125.00
A2501-016-A047	BOILERS	\$ 50.00	\$ 50.00
A2542-000			
A053	Dogs/NYS Agr.& Mkts	\$ 691.00	\$ 691.00
A2542-000			
A053	Additional Dogs	\$ 6,326.50	\$ 6,326.50
A2545-001			
A054	Marriage License/NYSHD	\$ 2,317.50	\$ 3,090.00
A1255-002			
A123	Commissioners of Deeds	\$ 80.00	\$ 80.00
A2545-010			
A128	Petroleum - Retail	\$ 280.00	\$ 280.00
A2545-010			
A128	Petroleum - Storage	\$ -	\$ -
A2545-021			
A316	Vending	\$ 25.00	\$ 25.00
A2545-023			
A318	Hunters/NYS DEC RAU	\$ 634.91	\$ 634.91
A2545-023			
A318	Hunters Fees	\$ 37.09	\$ 37.09
A1255-003			
A499	Notary Fee	\$ 12.00	\$ 12.00
A1255-005			
A528	Dog Release	\$ 350.00	\$ 350.00

TA63008				
A597	Marriage Performance		\$ 775.00	\$ 775.00
A1255-006-				
A696	Photos/passport-license		\$ 99.00	\$ 99.00
A2550-001				
A056	Loading Zones		\$ 1,570.00	\$ 1,570.00

TOTAL: \$ 2,674.33 \$ 17,530.97 \$ 22,744.38

Check #	<u>53636</u>	NYS Dept.of Arg. & Mkts	\$ 691.00
Check #	<u>53617</u>	NYS Health Department	\$2,317.50
Check #	<u>ET</u>	NYS DEC RAU	\$ 634.91

Agenda Item #2

TO: United Materials
3949 Forest Parkway
Suite 400
North Tonawanda, NY 14120

FOR: Concrete 3500 PSI, ASTM size 7: \$94.58/cu. yd.
Concrete 3500 PSI, ASTM size 67: 94.58/cu. yd.
Concrete 4000 PSI ASTM size 7: 96.92/cu. yd.

Additional charges:

Heated Aggregate: 10/15-10/31 and 4/15-4/30 (hot water): 4.00/cu. yd.
Heated Aggregate: 11/1-4/15 (winter charge): 8.00/cu. yd.
Retarder Agent 3500#: 2.37/cu. yd.
Retarder Agent 4000#: 2.57/cu. yd.
Calcium (1% dosage) 3500#: 7.22/cu. yd.
Calcium (1% dosage) 4000 #: 7.82/cu. yd.
Short Load Charge, 6 cu. yd. and under: 75.00/load
Waiting Time: 1.25/minute
Fuel Surcharge: 10.00/load

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 two (2) vendors. One bid was received.

Funds for these expenditures are available in various departments
Construction/Repair Materials code: .0419.006.

Agenda Item #3

The City municipal parking lot between 27th and 28th Street is largely blocked from view from Pine Avenue. The 2011 Community Development budget includes funds to acquire 2727 Pine Avenue, to demolish the improvements, and to landscape and illuminate the vacant land. This will provide visibility and access for the patrons using the parking lot.

2727 Pine Avenue is 27 feet by 74 feet. The property is identified as SBL number 159.26-2-11. The property is improved by an apartment building with street level retail. The building is in generally poor condition and is condemned by the Department of Code Enforcement. The property is owned by Carl DeFranco. The full market value determined by the City Assessor is \$41,400. Mr. DeFranco has agreed to sell the property to the City for \$31,000.00. The City will pay the normal buyer costs of closing.

Section 504 of the City Charter provides that the City shall not acquire any real property until the acquisition has first been referred to the Planning Board for a report. On July 13, 2011, the Planning Board recommended that the City acquire 2727 Pine Avenue for the purposes set forth herein.

Will the Council vote to approve the acquisition of 2727 Pine Avenue as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Agenda Item #4

Vincent Morello Senior Housing, L.P. (the "Partnership") currently owns and operates the Vincent Morello complex at 400-95th Street. The property is exempt from taxes under Article V of the Private Housing Finance Law ("PHFL"), and is subject to a PILOT agreement. Rent for this low income housing tax credit project is limited by the federal Internal Revenue Code and NYS Division of Housing and Community Renewal (DHCR). The tax exemption and PILOT are necessary for the economic feasibility of the project with the rent limitations.

On October 13, 1998 the City Council approved granting a real property tax exemption to the property under §125 of the PHFL, and authorized the Mayor to enter into a Payment in Lieu of Taxes Agreement with the Partnership. The PILOT provides for exemption of the Property from real property taxes and payment of amounts in lieu of taxes for a period of 15 years, commencing with the 2000 taxes, as set forth therein. The Property is subject to a Low-Income Housing Tax Credit Regulatory Agreement with NYS Division of Housing and Community Renewal (DHCR), now New York Homes and Community Renewal, limiting the rent which can be charged. The regulatory agreement is for an initial period of 15 years, and an additional period of 25 years, for a total of 40 years. Section 125 of the PHFL allows for extension of the tax exemption for a total exempt period of up to 50 years.

The Partnership has requested the extension of the tax exemption and will accept an extension for an additional 10 years, to facilitate refinancing for the Property. The exemption grant will also extend the PILOT agreement, with the initial payment of \$17,833.02, which is the final payment under the original PILOT plus 2%, with 2% annual increases thereafter.

Will the Council vote to approve the tax exemption and PILOT agreement extension as for an additional 10 years set forth herein, and authorize the Mayor to execute documents necessary to effectuate the same?

Agenda Item #5

The Police Department wishes to install surveillance cameras on traffic signal poles located two (2) intersections in the City. The City would be responsible to install, operate, maintain, and eventually remove the said cameras. The Police Superintendent advises that these cameras will assist the NFPD in its fight against crime.

Will the Council authorize the City to enter into a Placement Agreement with the New York State Department of Transportation in form satisfactory to the Corporation Counsel and authorize the Mayor to execute the same?

Agenda Item #6

During the course of performing water main and sewer line repairs, the Niagara Falls Water Board (NFWB) occasionally damages pavement, curbing and sidewalks. The City's Engineering Department produces a shared bid for the repair and/or replacement of said pavement, curbing and sidewalks and, ultimately, the City will perform those repairs. It is recommended that the City continue to perform those repairs as needed provided that the cost of those repairs does not exceed \$20,000.00 for the term of this agreement which shall commence on June 23, 2011 and end on December 31, 2011.

Will the Council authorize the City to enter into such an agreement and authorize the Mayor to execute such an agreement subject to approval of the Corporation Counsel?

Agenda Item #7

The City has received a request from the New York Power Authority (NYPA) to install a monitoring well at the Royal Avenue Fire Hall premises located at 320 Hyde Park Boulevard. NYPA is requesting a preferred location as well as a secondary location if the preferred location is not feasible. Attached hereto is a letter of explanation together with a map identifying the locations.

The purpose of the monitoring well will be to monitor ground water levels along the Falls Street Tunnel (FST) where the FST crosses NYPA's underground conduits. This is in connection with the Niagara Falls Water Board's project to reduce ground water infiltration in the FST.

Representatives from the Fire Department have been consulted and have no problem with either location. The well will be properly abandoned after it is no longer needed. It is anticipated that it will be needed for a period of at least two (2) years and possibly as long as five (5) years. Appropriate insurance, indemnification, and property restoration agreements will be developed in form satisfactory to the Corporation Counsel.

Will the Council so approve?

Agenda Item #8

The Sheraton Hotel has applied for an encroachment to allow an emergency exit door to open outward onto the City's right-of-way. The Planning Board has reviewed this and has recommended that the City Council approve this encroachment. The Planning Board's recommendation is attached hereto and includes the requirement that the City be named as an additional insured, that the City be indemnified, and that the City may revoke this encroachment on 60 days notice.

Will the Council so approve?

Agenda Item #9

The new contract period for ASO cost projection for dental coverage for retirees runs from October 1, 2011 through September 30, 2012. The ASO retention fee will increase to \$5.19 per contract per month, an increase of \$.24 per contract per month. This is a contractual benefit for retired employees.

Will the Council authorize the City to enter into this agreement and authorize the Mayor to execute the same?

Agenda Item #10

A contract for the above referenced project was awarded to J.R. Swanson Plumbing Corp. 413 103rd St. Niagara Falls NY 14304, on July 8, 2010 in the amount of \$60,725.00.

During the course of work and in light of the current conditions of the structure, it was determined additional costs related to project delays and scope changes be approved.

To that end, please allow this (\$0.00) Change Order request to facilitate the payment of \$2,719.00 that this project has amassed to date. Sufficient funds presently exist within this contract that been under spent so the existing contract will experience a net \$0.00 change.

Will the council vote to so approve?

Agenda Item #11

A contract for the above referenced project was awarded to J.R. Swanson Plumbing Corp. 413 103rd St. Niagara Falls NY 14304, on July 8, 2010 in the amount of \$55,100.00.

During the course of work and in light of the current conditions of the structure, it was determined additional costs related to project delays and scope changes be approved.

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of \$2,693.00 be approved bringing the total contract amount to \$57,793.00. Sufficient funds presently exist in Code H0401.2002.0401.0449.599.

Will the council vote to so approve?

Agenda Item #12

A contract for the above referenced project was awarded to Industrial Power and Lighting, 701 Seneca St. Buffalo NY 14210, on July 8, 2010 in the amount of \$139,000.00.

Subsequent to the start of work, it was determined that underground electrical service would need to be replaced. Some of this cost would be offset by a conduit deletion credit and the net cost to the City would be \$388.00.

It is the recommendation of the undersigned that Change Order #1 be approved in the amount of \$388.00. Sufficient funds presently exist in Code H0401.2002.0401.0449.599.

Will the council vote to so approve?

Agenda Item #13

A contract for the above referenced project was awarded to Resetarits Construction Corp. 1115 Delaware Ave Buffalo NY 14209, on July 8, 2010 in the amount of \$1,838,250.00.

During the course of work and in light of the current conditions of the structure, it was determined additional work and training for low level radioactive excavation be approved.

Therefore, it is the recommendation of the undersigned that Change Order #2 in the amount of \$10,697.48 be approved. Sufficient funds presently exist in Code H0401.2002.0401.0449.599 .

Will the council vote to so approve?

Agenda Item #14

The following was the result of bids received on July 14, 2011, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Joseph A. Sanders & Sons, Inc P.O. Box 814 Buffalo, NY 14240	\$ 89,552.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Joseph A. Sanders & Sons, Inc., at their Base Bid \$89,552.00. Funding is available in H0827.2008.0827.0449.599.

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 #15

A contract for the above referenced project was awarded to Mark Cerrone, Inc. on September 23, 2010 in the amount of \$4,215,484.73.

Subsequent to the start of roadway excavation, unstable soil conditions were discovered requiring substantial excavation and fill materials to be installed. In addition, geotextile fabrics were also used to create separation and provide extra support. The costs associated with these subbase stabilization measures total \$79,240.00. However, sufficient funding currently exists for contractual items not currently installed which will allow for a net \$0.00 change to the contract total at this time.

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

Agenda Item #16

The contract for the above referenced project was awarded to Mark Cerrone Inc. 2368 Maryland Avenue, Niagara Falls, NY 14305 on September 29, 2008 in the amount of \$4,376,043.00.

During the course of work, additional quantity overruns and repairs were deemed necessary for the completion for this project in the amount of \$48,222.28. This closes out the project to date. Funding is available through an agreement with USA Niagara.

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 #17

A contract for the above referenced project was awarded to a contractor for a total bid amount of \$269,500.00

Subsequent to the award of the contract, the contractor has indicated that they cannot complete the project and have withdrawn.

Therefore, it is the recommendation of the undersigned that this project be awarded to the second low bidder Morris Masonry Restoration, at their Base Bid amount of \$438,000.00 and Alternate #1 amount of \$40,000.00, for a total of \$478,000.00. Funding is available in Code H0611.2006.0611.0449.599. Matching funds for this project is available from the New York State Office of Parks, Recreation and Historic Preservation.

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 #18

The City has been asked once again to co-sponsor with the Hard Rock Café the New Year's Eve Guitar Drop Event to occur on December 31, 2011, in downtown Niagara Falls on Old Falls Street, adjacent to the Hard Rock Café. The City has been asked to contribute the sum of \$50,000.00 to the cost of this event, all pursuant to the terms and conditions of an Agreement which will be in form and substance acceptable to the Corporation Counsel. Funding is available through Casino Revenues.

Will the Council so approve?

Agenda Item #19

The City has been asked to help sponsor the 3rd Annual Alumni Basketball Game between LaSalle High School and Niagara Falls High School alumni. The City is able to contribute the sum of \$1,000 toward the expenses for this event. Funding is available from Tourism Fund Balance. Event organizers must enter into an agreement to be prepared by the Corporation Counsel which, among other things, will require event organizers to show receipts for the expenditure of City funds.

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

Agenda Item #20

The Superintendent of Police is requesting \$20,400.00 to purchase the following items for the Emergency Response Team:

1. Tactical vests
2. Sniper range finders
3. Tactical slings for new rifles
4. Lights with lasers for new handguns
5. Fiber optic scopes
6. Medical packs for individual ERT members

Funding is available from Special Projects Fund Balance.
Will the Council so approve?

Agenda Item #21

The City has now completed its review of the various lighting options available for Pine Avenue and has come to the conclusion that the preferred option would be the "Niagara Standard 25 foot" pole with "Delaware Luminaire". It will be necessary to replace 72 pole assemblies at an estimated total cost of \$75,600.00 plus National Grid fees amounting to \$27,000.00 for a total cost of \$102,600.00. The removal of existing poles will be a separate item. Funding is available from Special Projects Fund Balance.

Will the Council so approve and authorize the Mayor to correspond with National Grid to effectuate this change in lighting?

Agenda Item #22

The Director of the Department of Code Enforcement would like to conduct a series of code enforcement blitzes at various times. It is requested that the sum of \$3,000.00 plus FICA and related expenses be transferred into that Department's overtime line to enable these blitzes to occur. Funding is available from A.1990.7650.0449.000.

Will the Council so approve?

Agenda Item #23

The Niagara Falls Police Department has received an award from the State of New York for \$318,900 for Operation IMPACT during July 1, 2011 through June 30, 2012.

No matching funds are required for this grant.

Will the Council approve the acceptance of this grant and authorize the Mayor and Police Chief to execute any documentation necessary to receive the grant?

Agenda Item #24

During the start up process for the air conditioning capital improvement project it was discovered that repairs and replacements are necessary for variable frequency drives for the fans and pumps in the air conditioning unit. The amount requested in order to address these issues is \$8,388.00. Funding is available from Special Projects Fund Balance (Account #H0904.2004.0904.0443.000).

Will the Council so approve?

Agenda Item #25

The Main Street Business and Professional Association had previously installed flower planters at various locations along Main Street. Those planters have deteriorated and the Association wishes to install new planters along 16 locations on Main Street. Attached is the Planning Board recommendation and location map. The Association is interested in installing additional planters at various other locations, which will require further Planning Board review. The Association will also provide a certificate of insurance naming the City as an additional insured.

Will the Council approve these flower planter encroachments?

Agenda Item #26

At a Traffic Advisory Commission meeting held on June 29, 2011, the Commission recommended APPROVAL of the following item:

INSTALL "NO STANDING ANYTIME" SIGNS APPROXIMATELY 20' EAST & WEST OF THE DRIVEWAYS AT 7713 & 7723 BUFFALO AVENUE (BOULEVARD KAR MART)

The request was made because driveway access is being blocked by parked cars, and to provide sight distance for vehicles exiting the driveways of traffic on Buffalo Avenue.

Submitted By: Frank D'Agostino, Boulevard Kar Mart, 7723 Buffalo Avenue

It is requested that City Council approve this recommendation.

Agenda Item #27

Please be advised that Mayor Paul A. Dyster on July 12, 2011, duly approved the following:

Resolution 2011-58, relative to Adopting Chapter 366 of the Codified Ordinances Entitled "Pedicab and Pedicab Drivers".

Agenda Item #28

WHEREAS, the City of Niagara Falls is applying for a Park Development and Planning Program- Environmental Protection Fund grant for the above referenced project with a total cost of \$800,000 with State assistance in the amount of \$400,000 and a local share of \$400,000; and

WHEREAS, matching funds will be available from Power Authority greenway funding.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this grant application and authorizes the Mayor to act on behalf of the City in all matters related to the application and grant and is further authorized to execute any and all documentation related to this grant.

Agenda Item #29

WHEREAS, the City of Niagara Falls is applying for a Park Development and Planning Program- Environmental Protection Fund grant for the above referenced project with a total cost of \$500,000 with State assistance in the amount of 400,000 and a local share of \$100,000; and

WHEREAS, matching funds will be available from Power Authority greenway funding.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this grant application and authorizes the Mayor to act on behalf of the City in all matters related to the application and grant and is further authorized to execute any and all documentation related to this grant.

Agenda Item #30

WHEREAS, the City of Niagara Falls is applying for a Park Development and Planning Program- Environmental Protection Fund grant for the above referenced project with a total cost of \$207,000 with State assistance in the amount of \$103,500 and a local share of \$103,500; and

WHEREAS, matching funds will be available from Power Authority greenway funding.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this grant application and authorizes the Mayor to act on behalf of the City in all matters related to the application and grant and is further authorized to execute any and all documentation related to this grant.

Agenda Item #31

WHEREAS, the City of Niagara Falls has received a Four Thousand Dollar (\$4,000.00) Subgrant New York State Office of Parks, Recreation and Historic Preservation to conduct an historic structure survey in Hyde Park; and

WHEREAS, matching funds in the amount of \$1,800.00 will be available through in-kind services.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby accepts this grant and authorizes the Mayor to act on behalf of the City in all matters related to the application and grant and is further authorized to execute any and all documentation related to this grant.

Agenda Item #32

WHEREAS, the adjoining property owner has requested the abandonment of a portion of 15th street adjacent to 208 and 210 15th street; and

WHEREAS, the Planning Board of the City of Niagara Falls approved the abandonment; and

WHEREAS, this Council declares its intention to abandon said street part.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, that a public hearing be held relative to the abandonment of the aforementioned street portion, said public hearing to be held at a meeting of the Council to be held at the Council Chambers in City Hall on September 6, 2011 at 7:00 p.m. daylight savings time and the City Clerk is hereby directed to publish notice of intention to discontinue and abandon the said street portion in the official newspaper once a week for two (2) successive weeks preceding September 6, 2011.