

## Agenda Item #1

The following claims have been filed in the Office of the City Clerk during the month of August 2013 the claims were subsequently referred to the Office of the Corporation Counsel.

### **NOTICE OF CLAIM**

Gordon, Symobea 1327 LaSalle Ave.	Tree and power wires fell on automobile.
Simon, Kellyann 1325 94 <sup>th</sup> St	Personal injuries sustained from falling on an uneven sidewalk.
Adkiatico, Dolores 615 27 <sup>th</sup> St	Personal injuries sustained from falling on City sidewalk
Martin, Andrew C. 4002 Deveaux St.	Automobile damages sustained from City tree.
Lauzon, Diane L. P.O.Box 390 Sanborn, NY 14132-0390	Personal injuries sustained from being forcibly removed from home.
Blevins Jr., Lewis F. 421-419 71 <sup>st</sup>	Property damages sustained from City of Niagara Falls replacing sidewalk
Water Kraus LLC See attached list of names Harris III, Felton c/o Walsh Roberts & Grace Attorney with a Police Vehicle.	Personal injury and/or damage to property or loss of property for the individuals included on the attached list Personal injuries sustained from an automobile accident
Weatherby, Lisa M. 3401 Walnut Ave.	Property damages sustained from sewer back up.
CECOS International, Inc., f/k/a NEWCO Chemical Waste Services, Inc. Lisa Pierini, c/o Webster Szanyi, LLP Attorney at Law	Construction and infrastructure in connection with the Love Canal remediation
CECOS International, Inc., f/k/a NEWCO Chemical Waste Services, Inc. Joann Abbo-Bradley, c/o Webster Szanyi, LLP Attorney at Law	Construction and infrastructure in connection with the Love Canal remediation
Torre, Joseph c/o Jason J. Cafarella, Esq.	Property value loss sustained from rezoning.

**NOTICE OF PETITION**

Niagara Tourism and Convention Corp      Index#150720  
c/o Bond, Schoeneck & King, PLLC

**NOTICE OF SUMMONS**

Bradley,      David J.      Index#150743  
c/o Matthew T. Mosher, Esq.

Geico a/s/o Tessia Harris      Index#CV-0578-13  
C/O Michael R. Vaccaro, Esq.

Hamilton, Carlene      Index#15077  
As parent and natural guardian of  
Malia S. Hamilton, an infant  
c/o Sara T. Wallitt, Esq.

**NOTICE OF AMENDED SUMMONS**

Tammy Sue Cannan      Index#145448  
c/o Fanizzi & Barr PC

The following is a report of the licenses issued and collections made in the Office of the City Clerk during the month of August, 2013.

		<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001			
A012	Vital Statistics	\$ 4,826.20	\$ 4,826.20
A1255-004			
A013	Copies of Records	\$ 887.25	\$ 887.25
A1255-004			
A013	Certificates of Marriage	\$ 1,550.00	\$ 1,550.00
A2501-006			
A042	Tour Driver/Guide	\$ 100.00	\$ 100.00
A2542-000			
A053	Dogs/NYS Agr.& Mkts	\$ 350.00	\$ 350.00
A2542-000			
A053	Additional Dogs	\$ 3,447.00	\$ 3,447.00
A2545-001			
A054	Marriage License/NYSHD	\$ 3,487.50	\$ 1,162.50
A1255-002			
A123	Commissioners of Deeds	\$ 25.00	\$ 25.00
A2545-010			
A128	Petroleum - Storage	\$ 60.00	\$ 60.00
A2545-010			
A128	Petroleum - Wholesale	\$ 100.00	\$ 100.00
A2545-023			
A318	Hunters/NYS DEC RAU	\$ 2,386.21	\$ -
A2545-023			
A318	Hunters Fees	\$ 112.79	\$ 112.79
A1255-003			
A499	Notary Fee	\$ 10.00	\$ 10.00
A1255-005			
A528	Dog Release	\$ 400.00	\$ 400.00
TA63008			
A597	Marriage Performance	\$ 2,450.00	\$ 2,450.00
A1255-006-			
A696	Photos/passport-license	\$ 9.00	\$ 9.00



Agenda Item #3

**RE: City Council Agenda Item: Award of Demolition Contract CD2013-2  
Utility Abandonment, Asbestos Abatement and Demolition of Various Properties**

**Council Members:**

The following bids were opened by the Department of Community Development on September 5, 2013 for the demolition of twenty (20) structures identified on the attached list.

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Regional Environmental Demolitions, Inc.	\$578,222.00
Apollo Dismantling, Inc.	649,880.00
Mark Cerrone, Inc.	756,000.00
Empire Dismantling, Inc.	934,000.00
Metro Contracting, Inc.	994,036.00

It is our recommendation that a contract be awarded to the low bidder, Regional Environmental Demolitions, at their base bid amount of \$578,222.00. Funding is available in the following budget codes:

CD1.8666.0000.0450.500 (CDR399)	\$491,489.00
H.0910.2009.0910.0449.599 (Code Enforcement)	<u>+ 86,733.00</u>
Total	\$578,222.00

Will the Council vote to award contract CD2013-12 to Regional Environmental Demolitions, Inc. and authorize the Mayor to execute any documents necessary to effectuate the same?

Demolition Contract CD2013-2  
Structures to be Demolished

1. 1515 Ashland Avenue (Front Structure)
2. 1515½ Ashland Avenue (Rear Structure)
3. 730 Cedar Avenue
4. 925 Center Avenue
5. 2828 McKoon Avenue
6. 446 Memorial Parkway
7. 1320 Michigan Avenue
8. 1128 Pierce Avenue
9. 1402 – 18<sup>th</sup> Street
10. 1142 Willow Avenue
11. 579 – 82<sup>nd</sup> Street
12. 1024 Ferry Avenue
13. 529 Memorial Parkway
14. 1302 Niagara Street
15. 1311 Pierce Avenue (Front Structure)
16. 1311½ Pierce Avenue (Rear Structure)
17. 1363 Pierce Avenue
18. 1150 Whitney Avenue (Front Structure)
19. 1150½ Whitney Avenue (Rear Structure)
20. 1139 Willow Avenue

Agenda Item #4

*RE: Niagara Military Affairs Council (NIMAC)*

Council Members:

The NIMAC has been involved in various activities that it deems necessary in order to help secure the future of the Niagara Falls Air Reserve Station, Niagara County's largest employer. Attached hereto is a copy of a letter from John A. Cooper Sr., Chairman of NIMAC and Merrell A. Lane, Vice Chairman of NIMAC addressing concerns about future attempts to close this Air Base.

In the past, the City has made Casino Revenues available to NIMAC in order to help support NIMAC's efforts. NIMAC is requesting the City to contribute the sum of \$40,000.00 toward these activities, which include administrative items such as website development, community mailings and community education. Funding is available from Casino Revenues.

Will the Council so approve?

Agenda Item #5

*RE: Access to 2715 Highland Avenue, Niagara Falls, New York*

Council Members:

The City and Community Health Center of Buffalo, Inc. (“CHC”) entered into a contract wherein the City agreed to sell and CHC agreed to purchase 2715 Highland Avenue, Niagara Falls, New York (the “Premises”). As is customary, a phase I environmental investigation of the Premises was performed. The results of that phase I investigation recommended a limited phase II environmental investigation which will involve certain soil borings on the Premises. The reason for this recommendation is that there was a school located on the Premises that was demolished and there is a concern that certain debris may have been buried at the Premises.

Any Agreement to allow site access to CHC for this purpose will require indemnification, insurance and a restoration of the Premises to its condition prior to access by CHC.

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

Agenda Item #6

**SUBJECT: CHANGE ORDER #3 FOR THE RECONSTRUCTION OF BUFFALO AVENUE  
PIN 5460.28**

The existing Professional Services Contract between the City and Clough Harbour & Associates currently totals \$4,868,900.00 and encompasses all facets of Design, Construction Inspection and Contract Administration for the above-referenced project, including the very involved environmental monitoring tasks involved with work in this area.

In order to advance this project through to completion without undue interruption, it is the designers request at this time to reallocate a not-to-exceed amount of \$200,000.00 from General Construction Inspection Services not yet encumbered to the requisite direct reimbursement categories necessary to maintain continued environmental monitoring resulting in a net \$0.00 change to the contract total at this time. Therefore, it is the recommendation that Change Order # 3 be approved in the amount of \$0.00.

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

Agenda Item #7

*RE: Agreement with the Niagara Falls Youth Bureau and Family & Children's Service of Niagara, Inc. (FACS)*

Council Members:

The City, through the Niagara Falls Youth Bureau (NFYB), has been requested by FACS to enter into an Agreement which establishes protocols to be followed with respect to referrals, inclusive of mutual releases and adherence to HIPAA requirements. This Agreement may be cancelled by either party on 60 days prior written notice.

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

Agenda Item #8

***RE: Approval to pay Medical Expenses of Kimberly Stanek in the amount of \$35.52***

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	08/28/2013	\$ 35.52

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 #9

**BE IT RESOLVED**, that the following individual is hereby appointed to the City of Niagara Falls Civil Service Commission to fill the unexpired term of John Fiori, Sr. which expires on the date which appears opposite his name:

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
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Ronald Mang	
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	05/31/2017
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Agenda Item #10

**BE IT RESOLVED**, that the following individual is hereby appointed to the City of Niagara Falls Zoning Board of Appeals to fill the unexpired term of Zachary R. Casale which expires on the date which appears opposite his name:

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Robert Ventry	12/31/2013

Agenda Item #11

**BE IT RESOLVED**, that the following individual is hereby appointed to the City of Niagara Falls Zoning Board of Appeals to fill the unexpired term of Anthony Scricco, Sr. which expires on the date which appears opposite his name:

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
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Samuel Archie	12/31/2013
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Agenda Item #12

**BE IT RESOLVED**, that the following individual is hereby appointed to the City of Niagara Falls Historic Preservation Commission to fill the expired term of Andrea M. Galey which expires on the date which appears opposite his name:

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Alan Nusbaum	12/31/2016

Monday September 16, 2013 Council Meeting

PRESENTATIONS:

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ADMINISTRATIVE UPDATE:

Lewiston Road – final report

Sanitation/garbage removal contract update