

Item #1

FROM: Carol A. Antonucci, City Clerk  
RE: Informational Item: City Clerk's Report  
DATE: August 2, 2011

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

			<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001				\$
A012	Vital Statistics		\$ 5,040.00	5,040.00
A1255-004				\$
A013	Copies of Records		\$ 601.50	601.50
A1255-004				\$
A013	Certificates of Marriage		\$ 1,300.00	1,300.00
A2501-006				\$
A042	Tour Agency		\$ 350.00	350.00
A2501-006				\$
A042	Tour Attendant		\$ 100.00	100.00
A2501-006				\$
A042	Tour Driver/Guide		\$ 660.00	660.00
A2501-011				\$
A044	Peddler		\$ 750.00	750.00
A2501-014				\$
A046	Electrician - Exam Fee		\$ 125.00	125.00
A2501-016				\$
A047	Stationary Engineers		\$ 50.00	50.00
A2542-000				\$
A053	Dogs/NYS Agr.& Mkts	\$ 327.00	\$ -	327.00
A2542-000				\$
A053	Additional Dogs		\$ 3,259.50	3,259.50
A2545-001				\$
A054	Marriage License/NYSHD	\$ 2,925.00	\$ 975.00	3,900.00
A2550-001				\$
A056	Loading Zone		\$ 390.00	390.00
A1255-002				\$
A123	Commissioners of Deeds		\$ 5.00	5.00
A2545-010				\$
A128	Petroleum - Retail		\$ 70.00	70.00

A2545-010				\$	
A128	Petroleum - Storage		\$	60.00	60.00
A2501-599				\$	
A130	Horse Drawn Carriages		\$	100.00	100.00
A2545-023				\$	
A318	Hunters/NYS DEC RAU	\$ 252.26	\$	-	252.26
A2545-023				\$	
A318	Hunters Fees		\$	14.74	14.74
A1255-003				\$	
A499	Notary Fee		\$	22.00	22.00
A1255-005				\$	
A528	Dog Release		\$	350.00	350.00
TA63008				\$	
A597	Marriage Performance		\$	1,350.00	1,350.00
A1255-006-				\$	
A696	Photos/passport-license		\$	9.00	9.00
				\$	
<b>TOTAL:</b>		<u>\$ 3,504.26</u>		<u>\$ 15,581.74</u>	<u>19,086.00</u>

Check #	<u>54021</u>	NYS Dept.of Arg. & Mkts	\$	327.00
Check #	<u>54008</u>	NYS Health Department		\$2,925.00
Check #	<u>ET</u>	NYS DEC	\$	
		RAU		252.26

## Item #2

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

### NOTICE OF CLAIM

### ALLEGED DAMAGE

Walker, Vanessa  
cover.  
c/o Nationwide Insurance

Automobile damages caused by hitting pothole

McGrady, Duane  
1807 Pierce Ave  
Grenke, Jane  
2211 Linwood Ave  
Laughlin, Mary Jo  
2346 Niagara Road  
Holloway, Kelvin  
6773 Rapids Road #1  
Lockport, NY 14094

Expenses from automobile being towed when stolen.

Property damages caused by power outage.

Parsnick, Michael  
4217 McKoon Ave  
Ronzi, James

Automobile damages caused by hitting pot hole.

Automobile damages caused by hitting pot hole.

Property damages caused by wind storm.

189 Danbury Drive  
Cheektowaga, NY 14225

Automobile damages caused by hitting pot hole.

Dobson, Danny R  
121 74<sup>th</sup> St.

Automobile damages caused by city tree branch.

Sudan, Rashad  
1245 Calumet

Automobile damages caused by hitting hole in street

Stretch Jr., Michael  
6020 Buffalo Ave #2

Automobile damages caused by hitting pothole.

Walker, Vanessa  
c/o Nationwide Insurance

Automobile damages caused by hitting manhole.

Smith, Lisa  
226-78<sup>th</sup> Street

Automobile damages caused by hitting pothole

Tierney, Marti  
4090 Seneca Parkway

Automobile damages caused by hitting pothole

Johnson, Kevin  
c/o Brown Chiari

Personal injuries caused by uncovered construction hole

Manning, James  
132 78<sup>th</sup> St

Automobile damages caused by hitting pot hole

Taylor, Marvella  
c/o Law Offices of Eugene C. Tenney

Personal injuries caused by tripping over loose wiring.

Howard, Christopher  
hole.

Automobile damages caused by hitting pot

2922 22<sup>nd</sup> Street

Nickens, Edward  
c/o LoTempio & Brown, PC

Personal injuries caused by being arrested.

Taylor, Marvella  
c/o Law Offices of Eugene C. Tenney

Personal injuries caused by tripping over loose wiring.

Lawson, Katherine  
PO Box 0848  
Niagara University, NY 14109

Automobile damages caused by hitting pot hole.

Jerin, Varshese  
ball

Automobile damages caused by flying golf

6 Alex Grant Place  
St.Catharines, Ontario  
L2P 0A2

**NOTICE OF APPLICATION  
TO REVIEW TAX ASSESSMENT**

One Niagara, LLC  
c/o Anthony D. Parone, ESQ.

#144554

**NOTICE OF PETITION**

Olin Corporation

Index # E144508/2011

**SUMMONS**

Duke, Holzman, Photiadis & Gresens LLP

Summons Index # 144414

Accadia Site Contracting, Inc.

Summons Index # I-2010-012014

Lincoln, James  
c/o Cantor, Lukasik, Dolce & Panepinto

Summons Index #144464

Item #20

**WHEREAS,** Joyce Mardon-Serianni will be retiring from the City of Niagara Falls on August 31, 2011; and

**WHEREAS,** Joyce was appointed as the Human Resources Director & Secretary for the Civil Service Commission for the City of Niagara Falls on January 1, 2004 and has served in those positions ever since; and

**WHEREAS,** Joyce started with the City in the Ceta Program on May 10, 1976 holding titles of Youth Counselor, Manpower Counselor and Manpower Program Coordinator. On September 14<sup>th</sup>, 1981, she was appointed as Research/Planner Consultant in the Youth Bureau and on January 5, 1984, she was appointed to the position of Personnel Technician in the Human Resources Department.

**NOW THEREFORE BE IT RESOLVED,** that the members of the Niagara Falls City Council of the City of Niagara Falls, New York, recognize the 35 years of service of Joyce Mardon-Serianni with the City of Niagara Falls and wish her well on her retirement.

Item #21

WHEREAS, a Project, (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Scoping & Design I-VI) and Construction & Construction Inspection phases of the Project, PIN 5755.42 .

NOW, THEREFORE, the City Council of the City of Niagara Falls, duly convened does hereby

RESOLVE, that the City Council of the City of Niagara Falls hereby approves the above-subject project; and it is hereby further

RESOLVED, that the City Council of the City of Niagara Falls hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Scoping & Design I-VI) and Construction & Construction Inspection phases of the Project or portions thereof; and it is further

RESOLVED, that the sum of \$190,000 has been appropriated pursuant to 1 (\$ 92,000 for the project's Preliminary Engineering phase via City Resolution Nos. 2001-36, 2004-17 and 2006-80 adopted March 26<sup>th</sup>, 2001, February 17<sup>th</sup>, 2004 and July 17<sup>th</sup>, 2006, respectively and \$ 98,000 for the project's Preliminary Engineering and Construction & Construction Inspection phases via City Resolution Nos. 2008-51 adopted May 19<sup>th</sup>, 2008) and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event. the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Scoping & Design I-VI) and Construction & Construction Inspection phases exceeds the amount appropriated, \$ 190,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Scoping & Design I-VI) and Construction & Construction Inspection phases exceeds \$ 629,000, the City of Niagara Falls shall convene its Council as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Mayor of the City of Niagara Falls is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Niagara Falls with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the Local share of Federal Aid and State Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

Item #3

It is the recommendation of the undersigned that the firm LiRo Inc. perform the scoping, environmental investigation/analysis, design and creation of reproducible, original bid document tasks necessary for the above-referenced project. Fee will be rendered on a "lump sum per task" basis for a total of \$14,200.00. Additionally, a not to exceed amount of \$5,000.00 will be added for project related direct non-salary reimbursables, bringing the contract total to \$ 19,200.00. Funding is available in the Engineering Department's Consultant Services budget line via City Council action of May 31, 2011.

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

Item #4

A contract for the above referenced project was awarded to Socko Contracting, Inc. on April 8, 2011 in the amount of \$299,977.00.

Subsequent to the start of the project, the Contractor was directed to install additional select fill materials as a temporary pavement product. The installation of this material was not a portion of the contract's original scope. The costs associated with this extra work and materials are set at a not-to-exceed limit of \$3,200.00. However, existing underruns in existing contract items allows this change to occur without an increase to the contract.

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

Item #5

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

TO: Buffalo Materials Handling  
2745 Broadway  
Buffalo, NY 14227

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FOR: One (1) Nissan Model PF80YLP forklift \$38,976.00

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 six (6) vendors. Four (4) bids were received. The above referenced company submitted the lowest bid to meet our specifications.

Funds for this expenditure are available in the Capital budget code:  
H0912.2009.0912.0230.000

Item #6

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

TO:	Kenworth of Buffalo, NY, Inc. 100 Commerce Drive Buffalo, NY 14218	
FOR:	Tandem Chassis with Trailer & Heavy Duty Wrecker (\$263,537.00), Extended Day Cab Option (\$2,850.00), Transmission Extended Warranty (\$625.00).	\$267,012.00
	Credit for Trade-in of Giant Diamond Reo:	<u>(3,500.00)</u>
<b>TOTAL:</b>		<b>\$263,512.00</b>

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 five (5) vendors. Two (2) bids were received. The above referenced company submitted the lowest.

Funds for this expenditure are available in the Capital budget code:  
H0912.2009.0912.0230.000

Item #7

TO: Empire Emergency Apparatus, Inc. (Rosenbauer)  
3995 Lockport Road  
Niagara Falls, NY 14305

FOR: One (1) 1500 GPM pumper:  
Base Price: \$322,153.00  
Additional Lettering: 2,000.00  
Delete Intercom System: (3,500.00)

**GRAND TOTAL: \$320,653.00**

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 Nine (9) vendors. The above referenced company submitted the only bid.

Funding for this expenditure is included as a separate item on the Council agenda.

Item #8

The Niagara Falls Public Library is in the process of applying for a State Construction Grant for renovations. The grant will require a 50% match in funding from the City. The project includes the installation of energy efficient lighting and doors (front side and back) at the LaSalle Library at an estimated cost of \$16,650.00. The City match is estimated to be \$8,325.00. Funding is available from Casino Revenues.

Will the Council so approve?

Item #9

At its meeting on March 7, 2011 the City Council approved funding for the 2011 Community Intervention Initiative revolving around basketball at the Legends Courts. A part of the Initiative was an agreement with Winning Because I Tried Enterprises Inc. ("WBITE") to conduct a youth mentoring program. Eight (8) weeks into this program, the City, because of circumstances, terminated the program. The Police Athletic League (PAL) offered to complete the remaining weeks of the program within the City's budget parameters for the original program.

Will the City Council confirm the termination of the agreement with WBITE and the completion of the program by PAL and authorize the City to compensate PAL for services rendered pursuant to a budget for program completion within the original budget parameters previously authorized by the City Council, all pursuant to an agreement prepared by the Corporation Counsel and authorize the Mayor to execute the same?

Item #10

It is recommended that the Fire Department continue with its program to upgrade firefighting apparatus with the addition of a new pumper truck. The estimated cost of this vehicle is \$320,653.00. Delivery will not take place until sometime in 2012 at which time payment will be due. Funding is available from Casino Revenues.

Will the Council so approve?

Item #11

A contract for the above referenced project was awarded to Sue-Perior Concrete and Paving on February 8, 2010 in the amount of \$3,523,000.00, per funding code H0632.2006.0632.0449.599.

Subsequent to the start of the project, various existing water main valves were discovered to be either non-functioning or leaking below grade. In conjunction with the Niagara Falls Water Board, a decision was made to replace the defective valves during the sub-base preparation phase of the project, providing for both the elimination of a need to excavate and replace the valves in question at a later date and protect the integrity of the new road bed. These valve replacements were not in the contractor's original scope of work and constitute a net change to the contract of \$9054.50. However, existing funds for work slated for completion in future phases will allow payment of the additional water valve work without a change to the existing contract total (\$0.00 net change) at this time. Additionally, pending Water Board action, all costs associated with the water valve replacements will be completely reimbursed at a future date.

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

Item #12

In order to continue various projects it is requested that additional funds be made available to the department of Public Works as follows:

Overtime totaling \$ 58,670.00, inclusive of FICA for the following:

- Streets Division (\$40,000.00)
- Trades Division (\$7,000.00)
- Small Parks Division (\$7,500.00)

Gasoline for Street Construction (\$50,000)

\$20,927.16 to be transferred into the DPW temporary line to hire nine (9) temporary employees (\$9.00 per hour, 40 hours per week) for six (6) weeks commencing August 21, 2011 and ending on September 30, 2011.

The total amount requested is \$129,597.16. Funding is available from Special Projects Fund Balance.

Will the Council so approve?

Item #13

The City has been approached by the Niagara Falls Housing Authority to partner with it in closing a funding gap so that the New Jerusalem Reporting Center for Boys may continue to operate. The Housing Authority, under the offices of its People and Possibilities Program, a 501 (c) (3) Entity, will oversee the continuation of this program. The City has been requested to contribute the sum of \$50,000.00 to the continuation of this program on a "one-time" only basis. As this program promotes public safety, Casino Revenues are the source of the funding. The City's contribution would be subject to an agreement between all parties which agreement will be in form and substance satisfactory to the Corporation Counsel.

Will the Council so approve and authorize the Mayor to execute a Funding Agreement?

Item #14

Council Members:

Date Claim Filed:	June 9, 2011
Date Action Commenced:	N/A
Date of Occurrence:	February 10, 2011
Location:	Niagara Falls Municipal Complex
Nature of Claim:	Misplaced personal property.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	\$87.02
Make Check Payable to:	Pierce Robinson
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?

Item #15

The following have requested City Council approval for Commissioner of Deeds for a term from October 1, 2011 to September 30, 2013.

This is in accordance with provision of the Niagara Falls City Charter, Article II, Section 7, Subdivision 5.

Cain, Carlton	Niagara Falls Police Dept.
Carter, Kimberly	Engineering
DalPorto, Brian	Niagara Falls Police Dept
Herbert, Latricia	City Clerk
Jones, Daniel	Niagara Falls Police Dept.
Reynolds, James	Niagara Falls Police Dept.
Stack, Patrick	Niagara Falls Police Dept
VanEgmond, James	Niagara Falls Police Dept.
Cannello, Leonard M.	9141 Rivershore Dr., Niagara Falls, NY 14304
Conti, Irene	603-38 <sup>th</sup> St., Niagara Falls, NY 14301
Green, Kirstian	459 13 <sup>th</sup> St., Niagara Falls, NY 14303
Hohle, Ronald	2027 River Rd., Niagara Falls, NY 14304
Mayes, William	243-77 <sup>th</sup> St., Niagara Falls, NY 14304
Nolan, Patricia	880-80 <sup>th</sup> St., Niagara Falls, NY 14304
Shank, Victoria	1839 Niagara Ave., Niagara Falls, NY 14305
Thomas, Duane	419 12 <sup>th</sup> St., Niagara Falls, NY 14303
Trimmer, Maureen	3611 Chapin Ave., Niagara Falls, NY 14301

Item #16

**WHEREAS**, the Historic Preservation Commission has reviewed the recommendations and documentation of DeVeaux Barn Task Force; and,

**WHEREAS**, the Historic Preservation Commission recognizes that the DeVeaux Barn circa 1863, and is also known as the "Carriage House," is a rare and unique barn assembled entirely from brick and is further significant for the high degree of architectural integrity of the exterior of the building; and,

**WHEREAS**, the DeVeaux Barn is an important link to the original DeVeaux School campus which was once a significant institution for the Niagara Frontier and the City of Niagara Falls; and,

**WHEREAS**, the DeVeaux Barn is eligible to be listed in both the New York State and National Registers of Historic places; and,

**WHEREAS**, structural engineers have inspected the DeVeaux Barn on behalf of both Preservation Buffalo Niagara and the City of Niagara Falls, and, both structural engineers have determined that while some repairs are needed to the DeVeaux Barn that the structure is secure and does not present a serious health or safety risk; that the brick walls are not failing and bricks are not disintegrating; and,

**WHEREAS**, the City of Niagara Falls has a need for storage on site; and,

**WHEREAS**, the New York State Office of Parks, Recreation and Historic Preservation has stated that they would partner with an organization with a viable plan for use of the DeVeaux Barn; and,

**WHEREAS**, the New York State Office of Parks, Recreation and Historic Preservation has further stated that they will seek to demolish the DeVeaux Barn at the end of the 2011 construction season in absence of an acceptable plan, and time is of the essence to initiate an agreement with the Office of Parks, Recreation and Historic Preservation;

**NOW THEREFORE BE IT RESOLVED**, that the Historic Preservation Commission hereby recommends that the City Council directs the administration to enter into an agreement acceptable to both the City the New York State Office of Parks, Recreation and Historic Preservation which provides appropriate permission to cover its use and to allow the City to affect repairs of the DeVeaux Barn for the purpose of storage on site.

Item #17

WHEREAS, the New York Power Authority (NYPA) is a public benefit corporation established in 1931, and

WHEREAS, the Authority was created by the Public Authorities Law, the Power Authority Act, Article 5 -Public Utility Authorities Title 1 - Power Authority of the State of New York, Section 1002, as a body corporate and politic and as a public benefit corporation of the State of New York, and

WHEREAS, the New York Power Authority By-Laws states that Public Authorities Law, Section 1004 authorizes the number, terms, appointment and process of filling vacancies of trustees, and

WHEREAS, currently the NYPA Board of Trustees consist of seven members, none of which are from Niagara County, and

WHEREAS, the Niagara Power Project is currently the largest generator of power of any NYPA facility, Niagara County deserves to have at least one permanent seat on the NYPA Board of Trustees to represent the needs, interests and the concerns of the County of Niagara, and

WHEREAS, the "Empower Niagara" petitions Governor Cuomo to appoint a Niagara County Resident to the Board of Trustees of the New York Power Authority.

NOW THEREFORE BE IT RESOLVED, that the Niagara Falls City Council does support the "Empower Niagara" petition and its goal of having a Niagara County representative on the Board of Trustees of the New York Power Authority.

BE IT FURTHER RESOLVED, that the City of Niagara Falls shall forward copies of this Resolution to Governor Andrew Cuomo, Senate Majority Leader Dean Skelos, Senator Mark Grisanti, Senator George Maziarz, Senator Tim Kennedy, Assembly Speaker Sheldon Silver, Assemblyman John Ceretto, Assemblyman Robin Schimminger, Assemblyman Jim Hayes, Assemblywoman Jane Corwin, Gil Quiniones, Interm President & CEO, New York Power Authority, and Michael J. Townsend, Acting Chairman, New York Power Authority Board of Trustees, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to Senator Charles E. Schumer, Senator Kirsten Gillibrand, Congresswoman Louise M. Slaughter, Congressman Brian Higgins, and Congresswoman Kathy Hochul.

Item #18

WHEREAS, The City Council of the City of Niagara Falls, New York is very much aware of the ongoing conflict between the Seneca Niagara of Indians and the State of New York and the action taken by the Seneca Nation in withholding "exclusivity payments" to the State as required by the Nation-State Gaming Compact; and

WHEREAS, The City Council of the City of Niagara Falls, New York is concerned that the City of Niagara Falls will suffer if payments due pursuant to the Compact continue to be withheld; and

WHEREAS, according to the NYS Division of Budget, the Seneca's now owe local governments \$36.8 million from the Seneca Niagara Casino, \$15.3 Million from the Seneca Allegany Casino and \$5.1 million from the Seneca Buffalo Creek Casino; and

WHEREAS, As Chairman of the Niagara Falls City Council, I, along with my colleagues, **strongly demands** that the State of New York and the Seneca Nation of Indians come to a mutually agreeable solution to release these funds to the host communities.

NOW THEREFORE BE IT RESOLVED, That I, as the Chairman of the Niagara Falls City Council, along with my colleagues, **strongly demand** an end to this disagreement between the State of New York and the Seneca Nation of Indians and to release the funds due to the City of Niagara Falls by December 31, 2011.

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 the Seneca Nation of Indians.

Item # 19

BE IT RESOLVED, that the following individual is hereby appointed to the Human Rights Commission effective immediately for the expiration date of which appears opposite their name:

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
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Charles A. Searcy 1030 Garden Avenue Niagara Falls, NY 14305	12/31/2014
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