



# City of Niagara Falls, New York

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

July 15, 2013

Members of the City Council  
and  
Carol Antonucci, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on Wednesday, July 24, 2013 at 5:00 p.m. and 6:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. To act on the City Council agenda for the July 22, 2013- 5:00 p.m. and 6:00 p.m. meetings.

Respectfully submitted,

GLENN CHOOLOKIAN

Council Chairperson

NIAGARA FALLS  
CITY CLERK  
13 JUL 16 AM 10:47

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, 2013.

			<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001				\$
A012	Vital Statistics		\$ 3,690.00	3,690.00
A1255-004				\$
A013	Copies of Records		\$ 585.50	585.50
A1255-004				\$
A013	Certificates of Marriage		\$ 910.00	910.00
A2501-006				\$
A042	Tour Attendant		\$ 250.00	250.00
A2501-006				\$
A042	Tour Driver/Guide		\$ 555.00	555.00
A2501-011				\$
A044	Peddler		\$ 2,005.00	2,005.00
A2501-014				\$
A046	Electrician - Active		\$ 170.00	170.00
A2501-016				\$
A047	Stationary Engineers		\$ 100.00	100.00
				\$
A2501-016-A047	BOILERS		\$ 150.00	150.00
A2542-000		\$		\$
A053	Dogs/NYS Agr.& Mkts	572.00	\$ -	572.00
A2542-000				\$
A053	Additional Dogs		\$ 5,123.00	5,123.00
A2545-001		\$		\$
A054	Marriage License/NYSHD	2,047.50	\$ 682.50	2,730.00
A2550-001				\$
A056	Loading Zone		\$ 1,735.00	1,735.00
A1255-002				\$
A123	Commissioners of Deeds		\$ 10.00	10.00
A2545-010				\$
A128	Petroleum - Wholesale		\$ 100.00	100.00
A2545-023		\$		\$
A318	Hunters/NYS DEC RAU	302.32	\$ -	302.32

A2545-023				\$
A318	Hunters Fees		\$ 17.68	17.68
A1255-003				\$
A499	Notary Fee		\$ 42.00	42.00
A1255-005				\$
A528	Dog Release		\$ 250.00	250.00
TA63008				\$
A597	Marriage Performance		\$ 600.00	600.00
A1255-006-				\$
A696	Photos/passport-license		\$ 18.00	18.00
				\$
<b>TOTAL:</b>			<u>\$ 2,921.82</u>	<u>\$ 16,993.68</u>
				<u>\$ 19,915.50</u>

Check #	<u>63467</u>	NYS Dept.of Arg. & Mkts	\$ 572.00
Check #	<u>63458</u>	NYS Health Department	\$2,047.50
Check #	<u>ET</u>	NYS DEC RAU	\$ 302.32

Agenda Item #2

*RE: Hope VI, Phase II Project, Dedication Deed*

Council Members:

Attached is a proposed Dedication Deed for the streets and alleys in Phase II of the Hope VI Project.

On July 28, 2010 the Planning Board approved the revised subdivision plan setting forth these streets.

This Dedication Deed has been approved by the Corporation Counsel as to form and execution and by the City Engineering Department.

It is recommended that Council accept this Deed and direct the City Clerk to have the Deed filed in her office and recorded in the Niagara County Clerk's Office.

Will the Council so approve?

Agenda Item #3

**RE: City Council Agenda Item:  
Demolition Contract CD-2013-1  
Decreased Cost Change Order #1  
Remove 442 Fifth Street**

**Council Members:**

Supreme Court signed an order enjoining the City from demolishing the structure at 442 Fifth Street. The building was included in demolition contract CD 2013-1. The bid price was \$19,000.00. Under the contract, the City has the right to remove properties from the contract. Upon removal, the contract amount will be reduced by \$19,000.00

Will the Council vote to approve change order number 1 to demolition contract CD 2013-1, removing 442 Fifth Street from the contract, with a reduction of the total contract price by \$19,000.00, and authorize the Mayor to execute any documents necessary to effectuate the same?

Agenda Item #4

***RE: Patio Encroachment – 307 Prospect Street***

Council Members:

A new business in the City has requested a patio encroachment for outdoor dining, weather permitting. While the address is designated as 307 Prospect, the business storefront is on Old Falls Street. Attached hereto (on file in the City Clerk's Office) is a copy of the Planning Board recommendation in support of this encroachment. The Planning Board approval contains five conditions that the owner must abide by.

Will the Council so approve?

Agenda Item #5

***RE: Overtime for DPW***

Council Members:

The Director of the Department of Public Works is requesting that \$25,000.00 be made available to the Department's budget line A.7550.0000 for overtime in order to accomplish cleanup after various events and support services for events in the City including moving the City owned bandstand. The FICA amount here will be \$1,913.00 for a total of \$26,913.00.

The funding for this initiative is available from tourism fund balance (account code T.0000.5031.A)

Will the Council so approve?

Agenda Item #6

***RE: Reorganization in Office of City Controller***

Council Members:

The City Controller has requested that an Account Clerk title in the Billing and Collection Department in her office be changed to the title Billing and Collection Clerk. There is no change in grade (both are grade 7 positions) and no change in money. The reason for this is that this change in title will provide more job function versatility.

Will the Council so approve?

Agenda Item #7

***RE: Overtime for NFPD***

Council Members:

The Superintendent of Police is requesting that \$30,000.00 be transferred into the NFPD Administration overtime line that is necessitated by internal policy revision and implementation. The FICA cost is \$2,295.00 for a total of \$32,295.00. This is to be deposited into account code A.3120.0001.0140.000. In addition, the Superintendent is requesting that \$30,000.00 be transferred into the NFPD overtime control line in order to increase police patrols driven by need. The FICA amount here will be \$2,295.00 for a total for a total of \$32,295.00. This will be transferred into account code A.3120.2700.0140.000.

Finally, the Superintendent is requesting that the sum of \$25,000.00 be transferred into the NFPD budget line A.3120.2700 for overtime required for officers to provide protection at City events. The FICA amount here is \$1913.00 for a total of \$26,913.00.

The total funding amount required here is \$91,503.00 and such funding is available from tourism fund balance (T.0000.4999.000).

Will the Council so approve?

Agenda Item #8

***RE: Niagara Mohawk Power Corporation Easement***

Council Members:

The City of Niagara Falls School District is in the process of constructing new facilities. It is in need of electric service for its new field house to be located at 4455 Porter Road. The real estate in question is owned by the City of Niagara Falls and is subject to a 99 year lease with the School District. Niagara Mohawk Power Corporation is requesting that in addition to the School District giving this easement, the City join with the School District in giving the easement because the City is the owner of the underlying real estate.

Attached hereto (on file in the City Clerk's Office) is a copy of the Planning Board recommendation in support of this easement together with a copy of the letter of request from the School District as well as a diagram showing the proposed easement location.

Will the Council so approve and authorize the Mayor to execute the easement?

Agenda Item #9

***RE: Disposal of Dredged Sediment at Porter Road parcel***

Council Members:

The New York Power Authority (NYPA) is in the process of transferring ownership of an approximate 50 acre parcel located along Porter Road to the City as part of the Host Community Relicensing Settlement Agreement. At this same time, NYPA is preparing to commence construction of another relicensing/based project which will involve the dredging of the Niagara River sediment and is expected to generate approximately 9,000 cubic yards of river sediment for offsite disposal. NYPA is requesting that it place this dredged sediment on the Porter Road parcel. Both the Porter Road parcel and the river sediment have been tested. The City Office of Environmental Services advises that the river sediments will not impair the soil on the Porter Road parcel similarly, the City Planning Department advises that based on testing performed by NYPA, the Porter Road parcel is "clean." NYPA is seeking the City's permission to dispose of this river sediment on the Porter Road parcel because it has agreed to transfer ownership of that parcel to the City at some point in the future.

In the event that the City consents to this disposal option, river sediment could begin arriving at the site in July 2013 and shipments will cease in July 2014. Attached hereto (on file in the City Clerk's Office) is a copy of the NYPA letter of request.

Will the Council so approve and authorize the Mayor to execute a letter of consent in form satisfactory to the Corporation Counsel?

Agenda Item #10

**SUBJECT: CHANGE ORDER #1 & FINAL – WENDEL  
PIN 5757.92: RECONSTRUCTION OF CSX BRIDGE OVER RT. 104 -  
CONSTRUCTION INSPECTION & ADMINISTRATION SERVICES**

A contract for the above referenced project was awarded to Wendel on November 29, 2010 in the amount of \$677,020.00.

The consultant for this project incurred costs well beyond their contractual obligations as a result of both changes in scope and delays, both seasonal and administrative. The total for extra work due Wendel is \$419,900.00, bringing their total fee to \$1,096,920.00

It is important to note that these costs are 95% reimbursable and form half the basis for a pending Supplemental Agreement from the New York State Department of Transportation approved by this Council on May 28<sup>th</sup> of this year. This particular Council action today will allow the City to make use of the funds when they become available later this summer.

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

Agenda Item #11

**SUBJECT: CHANGE ORDER #6 & FINAL – MARK CERRONE, INC.  
PIN 5757.92: RECONSTRUCTION OF CSX BRIDGE OVER RT. 104 -  
CONSTRUCTION**

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.

The contractor for this project incurred costs well beyond their contractual obligations as a result of both changes in scope and lost time delays. The costs associated with the extra tasks performed totals \$385,684.11, bringing the total construction cost due Mark Cerrone, Inc. to \$4,601,168.87.

It is important to note that these costs are 95% reimbursable and form half the basis for a pending Supplemental Agreement from the New York State Department of Transportation approved by this Council on May 28<sup>th</sup> of this year. This particular Council action today will allow the City to make use of the funds when they become available later this summer.

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

Agenda Item #12

***RE: Contribution to Pax Romana Commission of Pine Avenue Toward Expenses incurred In Connection with The Italian Festival***

Council Members:

A request has come in to my office from the Pax Romana Commission of Pine Avenue soliciting a \$2,500.00 contribution toward expenses incurred by the Commission in organizing and carrying out the Italian Festival proposed to take place on August 2, 2013 thru August 4, 2013 on Pine Avenue. Attached hereto (on file in the City Clerk's Office) is a copy of that communication. Funding is available from casino interest.

Will the Council so approve?

Agenda Item #13

***RE: Employee Assistance Program Agreement with Family & Children's Service of Niagara, Inc.***

Council Members:

The City has contracted with Family & Children's Service of Niagara, Inc. in the past to provide an Employee Assistance Program for City employees. The City has had this agreement in place with Family and Children's Service of Niagara, Inc. for quite some time and it is now up for renewal. The term is for one (1) year. The cost for this is \$2,500.00 per year. Funding is available for this in the Human Resources Department Budget.

Will the Council so approve?

Agenda Item #14

RE: Approval of the sale of 437 Tenth Street to Sandra Lohm for the sum of \$500.00

Council Members:

The City has received a request from the adjoining property owner to purchase the above referenced City-owned property for the sum of \$500.00. This property was approved for sale by the Planning Board (on file in the City Clerk's Office).

Will the Council approve the sale of this premises for this price in an "as is" condition and with the requirement to combine the property, with the closing to be performed within 30 days, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill, and further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

Agenda Item #15

RE: Approval of the sale of 456 Tenth Street to Ursula Szucs for the sum of \$450.00

Council Members:

The City has received a request from the adjoining property owner to purchase the above referenced City-owned property for the sum of \$450.00. This property was approved for sale by the Planning Board (on file in the City Clerk's Office).

Will the Council approve the sale of this premises for this price in an "as is" condition and with the requirement to combine the property, with the closing to be performed within 30 days, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill, and further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

Agenda Item #16

RE: Approval of the sale of 407 Ninth Street to Frank Fusarelli and Geraldine Fusarelli  
for the sum of \$100.00

Council Members:

The City has received a request from the adjoining property owner to purchase the above referenced City-owned property for the sum of \$100.00. This property was approved for sale by the Planning Board (on file in the City Clerk's Office).

Will the Council approve the sale of this premises for this price in an "as is" condition and with the requirement to combine the property, with the closing to be performed within 30 days, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill, and further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

Agenda Item #17

RE: Approval of the sale of 1357 and 1361 Ontario Avenue to Robert A. Hull, II for the sum of \$600.00

Council Members:

The City has received a request from the adjoining property owner to purchase the above referenced City-owned properties for the sum of \$600.00. These properties were approved for sale by the Planning Board (on file in the City Clerk's Office).

Will the Council approve the sale of these premises for this price in an "as is" condition and with the requirement to combine the properties, with the closing to be performed within 30 days, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill, and further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

Agenda Item #18

*RE: Sale of City Property  
3224 North Avenue*

Council Members:

The above referenced property is a structure that has been condemned by the Inspections Department. The City has received a request to purchase the property from Howard Welch for \$1,000.00. Mr. Welch plans to rehabilitate the structure.

This has been reviewed by the appropriate City departments and the Planning Board recommends the sale be approved, subject to the conditions attached to the Planning Board item (on file in the City Clerk's Office).

Will the Council so approve, subject to the attached conditions, and authorize the Mayor to execute a deed in a form acceptable to the Corporation Counsel?

Agenda Item #19

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The following have requested City Council approval for Commissioner of Deeds for a term from July 9, 2013 to June 30, 2015 .

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

Patrick Ciccarelli

Inspections

Agenda Item #20

RELATIVE TO OVERNIGHT PARKING ON WILLOW AVENUE SOUTH SIDE  
FROM 27<sup>TH</sup> STREET TO HYDE PARK BOULEVARD WITH NO PARKING  
ON MONDAYS FROM 7:00 A.M. TO 1:00 P.M.

BY: Council Chairman Glenn Choolokian  
Council Member Robert Anderson, Jr.  
Council Member Samuel Fruscione

WHEREAS, it has been called to the attention of the City Council that passenger vehicles are not permitted to park parallel to the curb between the hours of 3:00 a.m. and 6:00 a.m. on Willow Avenue from 27<sup>th</sup> Street to Hyde Park Boulevard; and

WHEREAS, residents have contacted the City Council requesting such overnight parking so as to be similar to and consistent with the parking permitted on various other blocks of Willow Avenue; and

WHEREAS, in the past, a petition from residents of this block was received with more than one half supporting a request for overnight parking which was not approved by the City Council; and

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby approve the following:

Install overnight parking on Willow Avenue South Side from 27<sup>th</sup> Street to Hyde Park Boulevard with no parking on Mondays from 7:00 a.m. to 1:00 p.m.

Wednesday July 24, 2013 Council Meeting

PRESENTATIONS:

Recognition of Laborers' International Union of North America Local 91  
Seth Piccirillo-"Niagara Falls Open House -Vacant Home Ownership Auction"

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ADMINISTRATIVE UPDATE:

Purchasing Department – environmental concerns