

Clerk

The following is a report of the licenses issued and collections made in the Office of the City Clerk during the month of October, 2009

		<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001 A012	Vital Statistics	\$ 4,226.00	\$ 4,226.00
A1255-004 A013	Copies of Records	\$ 763.47	\$ 763.47
A1255-004 A013	Certificates of Marriage	\$ 600.00	\$ 600.00
A2501-011 A044	Peddler	\$ 550.00	\$ 550.00
A2501-014 A046	Electrician - Exam Fee	\$ 250.00	\$ 250.00
A2501-016 A047	Stationary Engineers	\$ 1,680.00	\$ 1,680.00
A2542-000 A053	Dogs/N County Treasurer	\$ 345.05	\$ 345.05
A2542-000 A053	Dogs/NYS Agr. & Mkts	\$ 138.00	\$ 138.00
A2542-000 A053	Additional Dogs	\$ 2,088.95	\$ 2,088.95
A2545-001 A054	Marriage License/NYSHD	\$ 450.00	\$ 1,800.00
A2550-001 A056	Loading Zone	\$ 170.00	\$ 170.00
A1255-002 A123	Commissioners of Deeds	\$ 70.00	\$ 70.00
A2501-015 A266	Home Improvement	\$ 500.00	\$ 500.00
A2545-021 A316	Vending	\$ 2,780.00	\$ 2,780.00
A2545-023 A318	Hunters/NYS DEC RAU	\$ 2,212.53	\$ 2,212.53
A2545-023 A318	Hunters Fees	\$ 122.47	\$ 122.47
A1255-003 A499	Notary Fee	\$ 8.00	\$ 8.00
A1255-005 A528	Dog Release	\$ 100.00	\$ 100.00
TA63008 A597	Marriage Performance	\$ 1,000.00	\$ 1,000.00
A2501-027 A696	Photos/passport-license	\$ 72.00	\$ 72.00
<b>TOTAL:</b>		<u>\$4,045.58</u>	<u>\$15,430.89</u>

Check #	<u>44570</u>	Niagara County Treasurer	\$ 345.05
Check #	<u>44599</u>	NYS Dept.of Arg. & Mkts	\$ 138.00
Check #	<u>44568</u>	NYS Health Department	\$1,350.00
Check #	<u>ET</u>	NYS DEC RAU	\$2,212.53

Item #2

The following claims have been filed in the Office of the City Clerk during the month of October, 2009. The claims were subsequently referred to the Office of the Corporation Counsel.

**NOTICE OF CLAIM**

**ALLEGED DAMAGE**

Maurer, Susan  
724-8<sup>th</sup> St. Rear

Personal injuries sustained while walking  
on City street

Isom, Jewell  
711- 8<sup>th</sup> St.

Automobile damage caused by fallen City tree

Hill, Antoine  
1658 Niagara Ave # 1

Violation of rights

Florence, Kathleen G.  
4800 Lewiston Rd.

Damage to automobile caused by raised manhole  
cover during road resurfacing

Johnson, Cheryl  
1211 Ethel Ave.

Personal injuries and automobile damage caused  
by City vehicle

Sawyer, George  
1942 Welch Ave.

Loss of property confiscated by City employees

State Farm Insurance Companies  
a/s/o Debra Bateman  
115 Niagara Ave

Damage to property caused by fallen City tree

Debo, Lawrence J.  
705 Gardenwood  
Lockport, NY 14094

Damage to automobile caused by a manhole cover

Caldwell, Zelice  
1342 North Ave.

Damage to automobile caused by manhole

Government Employees Ins. Co.  
a/s/o Cheryl Johnson

Damage to automobile caused by Police vehicle

Traveler's Insurance Co.  
a/s/o Richard and Debra Prohaska

Damage to automobile caused by Department of  
Public Works

Thames, Floyd  
3221-9<sup>th</sup> St

Damage to automobile caused by exposed pipe  
during road construction

Guerin, LeAnne  
3563-21 East Manhattan  
Toledo, Ohio 43611-2836

Damage to automobile caused by pothole

Plennert, Chris  
4627 Porter Center Rd.  
Lewiston, NY 14092

Replacement of water service at 2789 McKoon Ave.

Thomas George Associates, Ltd.  
For Liberty Mutual Insurance Co.  
a/s/o Amber Freeman

Automobile damage caused by fallen City tree limbs  
while being trimmed by City crew

Travelers Property and Casualty  
a/s/o Richard and Debra Prohaska  
PO 3022  
Fall River, MA 02721

Automobile damage caused by fallen City tree

Crowell, Raymond  
1149 Garden Ave

Property damage caused by fallen City tree

Pecoraro, Martin  
235 Old Lyme Dr.  
Williamsville, NY 14221

Damage to automobile caused by pothole/raised  
manhole cover

C. Keith Stahlman  
7416 Sunnydale Dr.

Damage to automobile caused by voter at  
Firehouse #7

**SUMMONS IN A CIVIL ACTION**

Payne-Davis Chanikka

No.: 09CV6363FE

**SUMMONS AND COMPLAINT**

Colosi, Diane and Steven

Index No.: 138574

Colosi, Diane and Steven

Index No.: 138574

Item #3

**SUBJECT: CHANGE ORDER #1 – SIDEWALK REPLACEMENTS AT VARIOUS LOCATIONS - 2009**

A contract for the above referenced project was awarded to Valeri Concrete Construction, Inc., 6655 Errick Road, North Tonawanda, New York on May 4, 2009 in the amount of \$206,752.00. Please note all costs are totally reimbursable by New York State CHIPS Funds.

Subsequent to the start of the project the City requested additional sidewalk to be placed at two specific locations – 2<sup>nd</sup> Street and Linwood Avenue. The costs associated with the additional sidewalk requested is \$57,192.00 bringing the contract total to \$307,192.00

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

**SUBJECT:** Bid #41-09 Prisoner Transport Vehicle

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

TO: W.N.Y. Bus Parts  
dba Gorman Enterprises  
691 Bullis Road  
Elma, NY 14059.

FOR: One (1) Prisoner Transport Vehicle: \$95,672.00

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. Three (3) bids were received. The above referenced company submitted the lowest bid to meet our specifications.

Funds for this expenditure are available in the 2008 Capital Budget code: H0816.2008.0816.0230.000.

Item #5

*RE: Inspections Department*

Council Members:

Please recall that as a result of the investigation of the City's Inspections Department by the Federal Bureau of Investigation (FBI), Chief Plumbing Inspector George Amendola and Chief Electrical Inspector Peter Butry have been placed on paid administrative leave. Mr. Amendola and Mr. Butry were each paid annual stipends in the amount of \$1,200 over and above their salaries to compensate them for attendance at meetings of the Board of Plumbing and the meetings of the Electrical Board, respectfully. This also includes time spent on correspondence, preparation of licensing exams as well as the administration and grading of those exams. As these individuals are not performing those duties currently it would appear that these stipends should be removed for each of them.

Will the Council so approve?

Item #6

*RE: Order on Consent*

Council Members:

As you are aware, representatives from a State Investigatory Agency have been reviewing City policies and procedures concerning employment practices, etc. for quite some time. This process has now reached a conclusion and the City will be implementing new policies and procedures to address identified deficiencies in existing practices. An Agreement in the form of a fully negotiated Order on Consent is being developed and will be finalized in a form and substance satisfactory to the Corporation Counsel.

Will the Council so authorize and approve the Mayor's execution of this Order on Consent?

Item #7

**RE: City Council Agenda Item:  
KTA Preservation Specialists  
Conduct Four Historic Restoration Workshops  
For \$7,000.00 (Certified Local Gov't. Grant)**

**Council Members:**

The City received a \$7,000.00 State Certified Local Government grant to defray a portion of the costs of conducting workshops to demonstrate historic restoration methods. We have received a proposal from Kerry L. Traynor d/b/a KTA Preservation Specialists, to conduct the workshops.

**PROPOSAL FROM KTA PRESERVATION SPECIALIST**  
**Historic Restoration Workshops Proposal**

Conduct four workshops of approximately two hours each, covering tax credits and vinyl siding, restoring wooden windows, masonry and mortar joints, and exterior porches, carpentry and siding	\$4,000.00
Hire contractors to demonstrate methods	2,000.00
Building materials	<u>+ 1,000.00</u>
<b>TOTAL</b>	<b>\$7,000.00</b>

The City will provide in-kind services in connection with the workshops, as required by the grant. The CLG grant will be used to pay the costs as set forth above. The City has worked with KTA Preservation Specialists in the past, especially in connection with Customs House matters. The Customs House may be the site of one or more of the workshops.

Will the Council vote to approve hiring KTA Preservation Specialists to conduct the historic restoration methods workshops at a cost not to exceed \$7,000.00 as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Item #8

*RE: Request for Approval to Settle and Pay Joseph Paulk, Emmett Cox, Richard Hill, William C. Wilson, Bruce A. Palmer and Hugh E. Leftwich*

Council Members:

Date Claim Filed:	June 24, 2003
Date Action Commenced:	November 12, 2003
Date of Occurrence:	Various dates from 2000 to present.
Location:	Various locations in the City of Niagara Falls.
Nature of Claim:	Discrimination.
Status of Action:	In litigation.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	\$240,000.00
Make Checks Payable to:	See attached Schedule A.
Conditions:	General Releases to City and executed Settlement Agreement, approved by Corporation Counsel.

It is the recommendation of this Department that the above be paid under the terms set forth above.  
Will the Council so approve?

Item #9

RE: Resolution 2009-89

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Please be advised that Mayor Paul A. Dyster duly approved Resolution 2009-89, relative to the Amendment of the Official Zone Map, Schedule 8 of Chapter 1300 of the Codified Ordinances approved by Council on November 3, 2009.

Item #10

SUBJECT: Commissioner of Deeds

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The following have requested City Council approval for Commissioner of Deeds for a term from January 1, 2010 to December 31, 2011.

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

Conti, John	NFPD
Jaroszewski, Mark	NFPD
Volk, Thomas	NFPD
Anello, Vincenette	2451 Independence Ave., Niagara Falls, NY 14301
Comfort, James D.	NYS Parks Police, P.O. Box 1132, Niagara Falls, NY 14303
Corsaro, Candace J.	1826 North Ave., Niagara Falls, NY 14305
Daniels, Lora	7105 Colonial Dr., Niagara Falls, NY 14305
Doty, Clyde W.	NYS Parks Police, P.O. Box 1132, Niagara Falls, NY 14303
Franz, Thomas	NYS Parks Police, P.O. Box 1132, Niagara Falls, NY 14303
Heim, Kathleen	2851 Stenzel Ave., North Tonawanda, NY 14120
Kurilovitch, Theresa	9311 Niemel Drive, Niagara Falls, NY 14304
Marcy, John L.	NYS Parks Police, P.O. Box 1132, Niagara Falls, NY 14303
Mikula, John Jr.	NYS Parks Police, P.O. Box 1132, Niagara Falls, NY 14303
Nisbet, Brian P.	NYS Parks Police, P.O. Box 1132, Niagara Falls, NY 14303
Radwanski, Peter A.	NYS Parks Police, P.O. Box 1132, Niagara Falls, NY 14303
Riddle, James W., Jr.	NYS Parks Police, P.O. Box 1132, Niagara Falls, NY 14303
Tyson, Charletta	1744 Tennessee Ave., Niagara Falls, NY 14305
Weigel, Jennifer L.	625-3 <sup>rd</sup> Street, Niagara Falls, NY 14301

Item #11

**RE: 533 Tenth Street – Evelyn Apartments  
Historic Preservation Commission Recommended Historic  
Designation of Building Exterior**

**Council Members:**

Attached is the report and November 4, 2009 resolution from the Niagara Falls Historic Preservation Commission recommending designation of 533 Tenth Street, the Evelyn Apartments, as an historic landmark under the City Historic Preservation Ordinance. The elements designated for landmark status will be the building exterior. This proposed designation was approved with the participation of the building owner.

The Historic Preservation ordinance provides:

133.05-02(I) At its next scheduled meeting after receipt of any recommendation from the Commission, the City Council shall consider the designation or acquisition of the landmark site or historic structure, or the designation of the historic district. A majority vote shall be required by the City Council for the designation or acquisition. The Mayor shall approve or veto said designation or acquisition as provided by law.

Will the Council vote to approve the designation of the exterior of 533 Tenth Street, the Evelyn Apartments, and forward the designation to the Mayor for approval, as provided by City Ordinance?