

Item #1

SUBJECT: Bid #11-08 Rental of Equipment

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

TO: North American Industrial Services.
4870 Packard Road
Niagara Falls, NY 14304

FOR: Item #'s 12, 13, and 50 per the attached tally sheet.

TO: Admar Supply Co., Inc.
1394 Main Street
Buffalo, NY 14217

FOR: Item #45 per the attached tally sheet.

TO: Monroe Tractor
5035 Genesee Street
Buffalo, NY 14225

FOR: Item #'s 26, 27, 41a, 43, 44, and 47 per the attached tally sheet.

TO: National Vacuum Corp.
408-47th Street
Niagara Falls, NY 14304

FOR: Item #51 per the attached tally sheet.

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 Ten (10) vendors. Four (4) bids were received.

Funds for this expenditure are available in the various department equipment rental codes: .0442.003 and .0442.599.

Item #2

SUBJECT: Bid #12-08 Clearing of Vacant Lots

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

TO: Niagara Grass Cutting
2637 Niagara Falls Boulevard
Niagara Falls, NY 14304.

FOR: Furnishing of proper equipment and experienced manpower to clear, cut and/or mow all vegetation (weeds, brush, etc.) on privately and City-owned lots in the City of Niagara Falls.

- | | |
|----------------------------------|----------------|
| 1. up to 35' frontage | \$ 15.00/lot |
| 2. 36' to 50' frontage | 15.00/lot |
| 3. 51' to 100' frontage | 10.00/lot |
| 4. 101' to 1 acre | 10.00/lot |
| 5. over 1 acre | 35.00/lot |
| 6. margins and improved property | 15.00/man hour |

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 Four (4) vendors. The above referenced company submitted the only bid.

Funds for this expenditure are available in the Community Beautification code: A8510.0000.0449.080.

Item #3

RE: Health Insurance Opt-out Arbitration Award

Council Members:

At your September 12, 2007 meeting, you approved an appropriation of fund balance to pay for one employee awarded opt-out payments under the City's health insurance plan following an arbitration between the City and its unions.

Since that time, the arbitrator has revised his opinion to include three other similarly situated employees. In order to fund the retroactive payments and the continuing payments for the balance of this year, an appropriation of \$46,100 from fund balance is necessary.

Will the Council so approve?

Item #4

SUBJECT: LETTER OF AWARD FOR FENCE REPLACEMENT AT VARIOUS CITY BALLFIELDS

The following was the result of bids received on April 23, 2008, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Fox Fence, Inc. 2637 Lockport Road Niagara Falls, NY 14305	\$ 65,400.00
New York State Fence, Inc.	\$ 75,480.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Fox Fence Inc., at their Base Bid of \$65,400.00. Funding is available in Code A.7110.3460.0443.000.

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

Item #5

*RE: Niagara International Transportation Technology Coalition
Memorandum of Understanding*

Council Members:

The City has been a participant in the Niagara International Transportation Technology Coalition, which is made up of municipalities and transportation entities on both the U.S. and Canadian side of the Niagara River, and was formed to enhance transportation flow and traffic management for traffic on both sides of the international border.

The City makes no financial contribution to the Coalition.

The Coalition has drafted a Memorandum of Understanding amongst all of the member entities to govern its structure and organization.

Will the Council approve the continued participation of the City in the Coalition and authorize the Mayor to execute the Memorandum of Understanding?

Item #6

RE: Budget Amendment for Tourism Fund

Council Members:

It is requested that the following sums be allocated from the Tourism Fund for the events listed:

1. \$1,000 to Main Street Business Association for “Positively Main Street” Festival Entertainment on July 5, 2008
2. \$1,000 to Pine Avenue Business Association for concert series and Italian Festival Entertainment during July and August, 2008.
3. \$1,000 to Niagara Street Business Association concert series and International Festival Entertainment during August, 2008.

Will the Council so approve?

Item #7

RE: Budget Amendment for renovations for Mayor's Office

Council Members:

It has been a number of years since the Mayor's Offices have been updated and furniture purchased for the offices.

Renovations and upgrades for the office, the conference room and the secretary's office, including carpet, would cost \$15,000.

Will the Council vote to appropriate \$15,000 from Fund Balance to pay for the renovations and furniture?

Item #8

RE: Budget amendment for City Administrator

Council Members:

As the Council is aware, the Community Foundation for Greater Buffalo's Build a Better Niagara Fund has agreed to fund the nationwide search for candidates for certain City positions, including the City Administrator, and to also subsidize any increased salary that is required to attract the preferred candidate.

The 2008 proposed budget contained a proposed salary of \$78,000 for City Administrator, which was reduced by Council amendment to \$60,000 with the \$18,000 being put into a contingency account.

The salary that was negotiated with the successful candidate is \$110,000 annually.

Will the Council vote to establish the salary for the City Administrator at \$110,000 annually, commencing with the start of employment of the new City Administrator on or about July 1, 2008 and will the Council vote to appropriate \$18,000 from the contingency fund to help fund the increased salary? The difference will be provided by the Build a Better Niagara Fund.

Item #9

RE: Agreement for restoration of northend playground

Council Members:

Attached hereto is a proposed agreement amongst the City, Niagara University and the Northend Block Club to improve the northend playground.

This agreement is necessary as \$100,000 of private funds has been donated to the University to help pay for the installation of the playground and other improvements to the park.

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

Item #10

SUBJECT: Bid #09-08 Two (2) Multi-use Tandem Chassis with Hooklift
Roll-off Hoist System, Plow & Plow Frame

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

TO: Hunter Buffalo Peterbilt
2370 Walden Avenue
Buffalo, NY 14225

FOR: Two (2) Peterbilt Model 340 chassis with
Palift hooklift system and Wausau plow equipment: \$156,888.00 ea. \$313,776.00

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 Ten (10) vendors. Three (3) bids were received. The above referenced dealer submitted the lowest bid to meet our specifications.

Funds for this expenditure are available in the 2008 Capital budget code:
H0822.2008.0822.0230.000.

Item #11

SUBJECT: Pothole Repair Services

We respectfully request you authorize the Mayor to enter into an agreement for the following services:

WITH: Patch Management, Inc.
8841 Old Route 13
Morrisville, PA 19067

FOR: One (1) month rental of three (3) PK2000
Pothole Killer trucks with operators as per
the attached proposal: \$110,000.00

Funds for this expenditure are available from 2006 Casino revenue.

Item #12

RE: Request for Approval to Settle and Pay Claim of Paul and Annette Jaroszewski
4111 McKoon Avenue, Niagara Falls, New York

Council Members:

Date Claim Filed:	February 13, 2008
Date Action Commenced:	N/A
Date of Occurrence:	January 9, 2008
Location:	4111 McKoon Avenue
Nature of Claim:	Property damage caused by City tree.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$339.00
Make Check Payable to:	Paul Jaroszewski and Annette Jaroszewski
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 #13

RE: Request for Approval to Settle and Pay Claim of Huston Carter
1735 North Avenue, Niagara Falls, New York

Council Members:

Date Claim Filed:	March 11, 2008
Date Action Commenced:	N/A
Date of Occurrence:	March 9, 2008
Location:	1735 North Avenue, Niagara Falls, NY
Nature of Claim:	Automobile damage sustained in an accident with City vehicle.
City Driver:	Gerald G. Strassburg
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$1,328.18
Make Check Payable to:	"Huston Carter"
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 #14

RE: Request for Approval to Settle and Pay Claim of Daniel F. Harrigan
2467 South Avenue, Niagara Falls, New York

Council Members:

Date Claim Filed:	February 4, 2008
Date Action Commenced:	N/A
Date of Occurrence:	February 1, 2008
Location:	2467 North Avenue, Niagara Falls, NY
Nature of Claim:	Automobile damage sustained in an accident with City vehicle.
City Driver:	Steven Gemuend
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$1,265.00
Make Check Payable to:	"Daniel F. Harrigan"
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

RE: Request for Approval to Settle and Pay Claim of Laila Nader
7811 Niagara Falls Boulevard, Niagara Falls, New York

Council Members:

Date Claim Filed:	March 18, 2008
Date Action Commenced:	N/A
Date of Occurrence:	March 7, 2008
Location:	7811 Niagara Falls Blvd., Niagara Falls, NY
Nature of Claim:	Property damage caused by City plowing.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$2,854.63
Make Check Payable to:	“Laila Nader”
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?

RESOLUTION No. 2008–

RELATIVE TO THE FEDERAL WATERFRONT BROWNFIELDS REVITALIZATION ACT

BY:

Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Chris Robins
Council Member Charles Walker

WHEREAS, Representative Louise M. Slaughter introduced H.R. 5469, the Waterfront Brownfields Revitalization Act to the United States House of Representatives on February 14, 2008; and

WHEREAS, the proposed Waterfront Brownfields Revitalization Act will help local committees across the nation reconnect with their waterfronts after decades of environmental contamination stemming from the nation's industrial heritage. Waterfront brownfield sites create barriers that threaten to derail community efforts to revitalize their downtowns and attract tourist to the waterfront areas; and

WHEREAS, under the Waterfront Brownfields Revitalization Act, the United States Environmental Protection Agency (USEPA) would be authorized to establish a waterfront brownfields pilot demonstration program to provide local communities with grants up to \$500,000 per grantee for cleanup of waterfront brownfield sites. It also establishes an interagency taskforce on waterfront brownfields restoration which will include representation from several federal agencies, state and local governments, community-based organizations, and stakeholder organizations involved in waterfront organization.

NOW THEREFORE BE IT RESOLVED; that the Niagara Falls City Council, along with Mayor Paul A. Dyster, fully supports the Waterfront Brownfields Revitalization Act; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Congresswoman Louise M. Slaughter, Congressman Thomas M. Reynolds, Senator Charles E. Schumer, Senator Hillary R. Clinton, and that a response be requested from each elected official.

RESOLUTION No. 2008–

RELATIVE TO THE LASALLE BUSINESS & PROFESSIONAL ASSOCIATION
ANNUAL DINNER

BY:

Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Chris Robins
Council Member Charles Walker

WHEREAS, on May 8th, 2008, the LaSalle Business & Professional Association will conduct its annual Installation and Awards Dinner; and

WHEREAS, **the Niagara Falls Bridge Commission** will be honored as the Business of the Year; and

WHEREAS, **John Gross** will be honored as the Business Person of the Year; and

WHEREAS, **Terry Woods** will be the recipient of the LaSalle Community Service Award; and

WHEREAS, **Gail Bimont** will be the recipient of LaSalle's Community Service Award.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it extends its congratulations on behalf of all the citizens of the City of Niagara Falls in honoring the recipients of the LaSalle Business & Professional Association's 2008 Business and Community Service Awards.

RESOLUTION No. 2008–

RELATIVE TO THE SAFE HAVEN
SUPERVISED VISITATION CENTER OF NIAGARA, INC.

BY:

Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Chris Robins
Council Member Charles Walker

WHEREAS, on Friday, May 9th, 2008, the Safe Haven of Niagara Falls will hold their Grand Opening, Ribbon Cutting and Open House at their facility located at 600 – 56th Street; and

WHEREAS, the mission statement of the Safe Haven Supervised Visitation Center of Niagara, Inc. is to provide a safe and neutral environment for parent-child relationships to occur; and

WHEREAS, the program provides a continuation of services for the family when obstacles to healthy family interactions are increased;

WHEREAS, Safe Haven will provide access to services that will help parents and children have appropriate contact with one another, assuring safety for all parties; and

WHEREAS, benefits to the Safe Haven Supervised Visitation Center of Niagara, Inc. are focusing on building a relationship with the parent and the child and gives an opportunity for visits to occur on a timely and safe manner with qualified staff and security working at the center.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council, along with Mayor Paul A. Dyster, acknowledge the opening of the Safe Haven Supervised Visitation Center of Niagara, Inc. and their goal to help the families in the Niagara area.

RESOLUTION NO. 2008-
RELATIVE TO PRESERVATION LEAGUE OF NEW YORK
APPLICATION FOR MAIN STREET HERITAGE STUDY

By: Council Chairman Samuel Fruscione
Council Member Robert Anderson, Jr.
Council Member Steve Fournier
Council Member Chris Robins
Council Member Charles Walker

WHEREAS, the City of Niagara Falls has applied for a Preserve New York grant for the above referenced project with a total cost of \$15,000 with Preservation League of New York State and New York State Council on the Arts assistance in the amount of \$7,500 and a local share of \$7,500; and

WHEREAS, matching funds will be available from casino interest revenue.

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.

Item #20

RESOLUTION No. 2008–

RELATIVE TO THE CLEAN UP OF DOWNTOWN COMMERCIAL DISTRICT

BY:

Council Chair Sam Fruscione

WHEREAS, on April 26th, 2008, the City of Niagara Falls, along with numerous Community organizations, sponsored Clean Sweep 2008 to clean up the City of Niagara Falls, particularly the downtown city district area; and

WHEREAS, since tourism season is almost upon us, we are asking developers and landlords to clean up their areas and bring their properties up to code before Memorial Day 2008; and

WHEREAS, the City of Niagara Falls is prepared to issue citations and fines for those properties that do not comply to this request and will, in turn, have the city clean up the properties and bill the owners for all costs incurred.

NOW THEREFORE BE IT RESOLVED, that the Tourism Season begins in less than 30 days and the City of Niagara Falls will no longer tolerate these violations.

RESOLUTION No. 2008–

RELATIVE TO THE NIAGARA USA/NTCC VISITOR CENTER

BY:

Council Chair Sam Fruscione

WHEREAS, on Friday, May 9th, 2008, the Niagara Tourism & Convention Corporation is planning a groundbreaking for the new Niagara USA Visitor Center at Rainbow Boulevard & First Street in the City of Niagara Falls; and

WHEREAS, locating the center at this location will disrupt the arrangements for the patrons of the Niagara Club, a taxpaying business whose customers pay for parking in the lot across from their Club; and

WHEREAS, locating the visitor's center at Rainbow Boulevard & First Street will also reduce the parking revenue substantially for the City of Niagara Falls, especially since this lot is a profitable lot for our city.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council do not support the placement of this temporary visitor center at the City Parking lot and recommend that the NTCC locates their temporary information center at the former Flights of Angels site, or elsewhere in the Downtown Commercial District area.

RESOLUTION 2008-

RESOLUTION RELATIVE TO AMENDING CHAPTER 502
OF THE CODIFIED ORDINANCES ENTITLED
“TOWING – RULES AND REGULATIONS”

By: Council Member Steve Fournier

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 502 of the Codified Ordinances entitled ATowing – Rules and Regulations@ is hereby amended by amending Section 502.14 to read as follows:

502.14 Fee Schedule.

Authorized city towing service shall not charge more than the following fees for the respective services:

A. Passenger vehicles and light trucks:

- | | |
|--|----------|
| (1) Standard [vehicles up to ten thousand (10,000) pounds]
<u>(fee includes sweeping, speedy dry and debris cleanup)</u> | \$125.00 |
| (2) Flat bed | \$125.00 |
| (3) Additional fees for labor, recovery and towing: | |
| (a) <u>Additional</u> truck and driver hourly rate | \$ 55.00 |
| (b) Dolly wheels | \$ 25.00 |
| (c) Trailer for motorcycle, ATV, snowmobile | \$ 25.00 |
| (d) Winching [per one fourth (1/4) hour] | \$ 25.00 |
| (4) Storage (per [day] <u>24 hour period</u>) | |
| Inside (<u>if requested by police</u>) | \$ 40.00 |
| Outside | \$ 30.00 |
| (5) Releasing after 5:00 p.m. weekdays or other than required
business hours on Saturday, Sunday and holidays | \$ 35.00 |

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Bold and Underlining indicate **Additions.**
Bold and Brackets indicate **[Deletions].**