

Item #1

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

**NOTICE OF CLAIM**

**ALLEGED DAMAGE**

Liberty Mutual Insurance Co.  
a/s/o Steven Buck  
5050 W. Tilghman St.  
Suite 200  
Allentown, PA.

Property damage due to water main break and subsequent flooding

Agnello, John  
9147 Buffalo Ave

Automobile damage caused by pothole

James, Gussie May  
2954-9<sup>th</sup> St

Automobile damage caused by pothole

Whittaker, Benjamin  
2119 Main St. #4

Property damage caused by City crew

Maryann Fernandez  
Celenza Florist  
1412 Pine Ave

Property damage caused by City snowplows

Antonette Licata  
5124 Dana Dr.  
Lewiston, Ny 14092

Automobile damage caused by a pothole

Ferguson, Lola  
C/O Paul Bender, Esq.  
68 Niagara St  
Buffalo, NY 14202

Personal injuries caused by negligence and carelessness of the City

Sacco, Justine  
2207 Fox Chase Rd.  
Lakeview, NY 14085

Damage to automobile caused by pothole

Pullo, Evelyn M.  
535-10<sup>th</sup> St.

Damages caused by blocked sewer line

Litz, Carl-Mack and Linda  
5660 Devlin Ave

Damages in cellar caused by water

Hamilton, Adam J.  
C/O Robert Ross Fogg, Esq.  
69 Delaware Ave, Suite 600  
Buffalo, NY 14202

Damages due to false arrest, negligence, etc. by the City of Niagara Falls and the NFPD

Turk, Stephanie  
C/O David P. Feldman  
69 Delaware Ave # 711  
Buffalo, NY 14302

Personal injuries and damages caused by the Niagara Falls Police Department, et al.

Hamilton, Adam J. C/O Robert Ross Fogg, Esq. 69 Delaware Ave #600 Buffalo, N.Y.	Personal injuries caused by negligence of City of Niagara Falls and Niagara Falls Police Dept.
Colosi, Diane and Steven 3571 Sherwood Ave.	Personal injuries caused by a fall on a sidewalk
Smith, Jonathan J. 2503 Welch Ave.	Personal injuries caused by a fall
Allen, Connie Ruth 455-13 <sup>th</sup> St.	Automobile damage caused by a pothole
Lucantonio, Ronald M. 2440 Forest Ave.	Automobile damage caused by a pothole
Bauer, Sharon 3711 Rhode Island Ave.	Automobile damage caused by a pothole
Tate, Annette L. and Nicholas R. 802 Morley Ave. C/O Samuel J. Civileto, Esq.	Personal injuries caused by fall at NF Public Library
Naab, Joseph M. 4091 North Ridge Rd. Lockport, N.Y.	Automobile damage caused by unmarked manholes during road resurfacing
Ford, Cleveland 2314 Michael Ct. C/O Andres, Bernstein & Maranto	Personal injuries caused by fall on a pothole
Pelligra, Giovanna 1244-91 <sup>st</sup> St.	Property damage caused by City plows
Hall, Cristy 475-81 <sup>st</sup> St.	Water/sewer line replacement due to a neighbor's work
Works, Robert & Rosie 5621 Devlin Ave.	Property damage due to water main break
Shomers, Christina M. 519-15 <sup>th</sup> Street	Damage to automobile caused by potholes
Streeter, Doris 2417-21 <sup>st</sup> St.	Damage to automobile caused by potholes
Spacone, Sandra 2929 Niagara Ave.	Damage to automobile caused by potholes
Streeter, Doris 2417-21 <sup>st</sup> St.	Resubmitted claim (see above) – damage to automobile from pothole
Venne', Christopher and Samantha 2247 Willow Ave. Apt. 1	Automobile damage caused by a pothole

Freeman, Amber  
3006 McKoon Ave  
Niagara Falls, N.Y. 14305

Automobile damage caused by City crew

Crowe, George T.  
2046 Long Road  
Grand Island, N.Y. 14072-1326

Automobile damage caused by pothole

**SUMMONS AND COMPLAINT**

Gruka, Tracy, as PNG Dominic Gualtieri  
1308 Linwood Ave

Index No.: 136859

New York Central Mutual Fire Ins. Co  
a/s/o Cosmo A. Commisso  
3815 California Rd.  
Orchard Park, New York 14127

Index No.: 137083

**ORDER TO SHOW CAUSE**

Cataract Tours & Sightseeing, Inc.  
C/O Roscetti & DeCastro, P.C.

Index No.: 137045

Smith, Ryan S.  
C/O Christopher J. O'Brien, Esq.

Index No.: 137073

**AFFIRMATION**

Smith, Ryan S.  
By: Christopher J. O'Brien

Index No.: 137073

Smith, Ryan S.  
By: Balkin, Patrick M. Esq.

Index No.: 137073

**AMENDED COMPLAINT**

Calabro, Charles V.  
C/O Viola, Cummings & Lindsay  
770 Main St.  
P.O. Box 984

Index No.: 136494

Item #2

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

		<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001			
A012	Vital Statistics	\$ 9,149.00	\$ 9,149.00
A1255-004			
A013	Copies of Records	\$ 667.25	\$ 667.25
A1255-004			
A013	Certificates of Marriage	\$ 770.00	\$ 770.00
A2501-006			
A042	Tour Agency	\$ 350.00	\$ 350.00
A2501-006			
A042	Tour Attendant	\$ 400.00	\$ 400.00
A2501-006			
A042	Tour Driver/Guide	\$ 700.00	\$ 700.00
A2501-011			
A044	Peddler	\$ 1,275.00	\$ 1,275.00
A2501-014			
A046	Electrician - Exam Fee	\$ 125.00	\$ 125.00
A2501-016			
A047	Stationary Engineers	\$ 470.00	\$ 470.00
A2542-000		\$	
A053	Dogs/N County Treasurer	326.77	\$ 326.77
A2542-000		\$	
A053	Dogs/NYS Agr. & Mkts	153.00	\$ 153.00
A2542-000			
A053	Additional Dogs	\$ 1,911.73	\$ 1,911.73
A2545-001		\$	
A054	Marriage License/NYSHD	1,732.50	\$ 2,310.00
A2550-001A054	Loading Zone	\$ 225.00	\$ 225.00
A1255-002			
A123	Commissioners of Deeds	\$ 60.00	\$ 60.00
A2545-010			
A128	Petroleum - Retail	\$ 140.00	\$ 140.00
A2545-010	Petroleum- Wholesale	\$ 100.00	\$ 100.00

A128			
A2501-015			
A266	Home Improvement	\$ 9,375.00	\$ 9,375.00
A2545-021			
A316	Vending	\$ 30.00	\$ 30.00
A2545-023		\$	
A318	Hunters/NYS DEC RAU	676.46	\$ 676.46
A2545-023			
A318	Hunters Fees	\$ 32.54	\$ 32.54
A1255-003			
A499	Notary Fee	\$ 6.00	\$ 6.00
A1255-005			
A528	Dog Release	\$ 500.00	\$ 500.00
TA63008			
A597	Marriage Performance	\$ 1,000.00	\$ 1,000.00
A1255-006-			
A696	Photos/passport-license	\$ 261.00	\$ 261.00
		\$	
<b>TOTAL:</b>		<u>2,888.73</u>	<u>\$ 28,125.02</u>
			<u>\$ 31,013.75</u>

Check #	<u>42135</u>	Niagara County	\$
		Treasurer	326.77
Check #	<u>42165</u>	NYS Dept.of Arg. &	\$
		Mkts	153.00
Check #	<u>42134</u>	NYS Health	
		Department	\$1,732.50
Check #	<u>ET</u>	NYS DEC	\$
		RAU	676.46

Item #3

**SUBJECT:** Bid #29-09 Sodium Hypochlorite (Chlorine)  
& Hydrochloric (Muriatic) Acid

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

TO: Riverside Chemical Co.  
871 River Road

North Tonawanda, NY 14120

FOR: Sodium hypochlorite in bulk deliveries (est. 2,600 gals):	\$2.67/gal
Sodium hypochlorite in 55 gal. drums (est. 2,200 gals.):	1.98/gal
Hydrochloric (muriatic) acid in 140# drums (est. 2,000 lbs):	.27/lb

TO: Chemical Distributors, Inc.  
80 Metcalfe Street  
Buffalo, NY 14206

FOR: Hydrochloric (muriatic) acid in 500# drums (est. 2,100 lbs):	\$.24/lb.
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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. Two (2) bids were received. The above referenced companies submitted the lowest price for each respective item.

Funds for this expenditure are available in the Swimming Pools Maintenance/Repair code:  
A7146.0200.0419.009.

Item #4

**SUBJECT:** Lease of Mail System Equipment

We respectfully request you authorize the Mayor to sign an agreement as follows:

WITH: Pitney Bowes  
27 Waterview Drive  
Shelton, CT 06484

FOR: 51 month lease of a Pitney Bowes

DM 1100 mailing system:	\$859.00/mth	\$43,809.00
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This new equipment is replacing equipment currently leased from Pitney Bowes.

Funds for this expenditure are available in the City Clerk's budget code: A1410.0000.0440.599.

Item #5

*RE: Design Fees for "Green" Parking Lot Grant*

Council Members:

In order to apply for a grant that will allow for the repaving of several City parking lots using the more environmentally friendly permeable paving method it was necessary to obtain the service of an outside design firm. Due to the short time frame to apply for the grant, the Engineering Department retained this consultant using some of the its budgeted funds.

Because this is an extraordinary expense, that falls within the parameters of the special project funds it is requested that the Council authorize the transfer of \$5,000 from the special projects fund to reimburse the Engineering Department for this expense.

Will the Council so approve?

Item #6

*RE: MUCIP*

Council Members:

The City, for many years, participated in the Niagara County Mutual Self-Insurance Plan hereinafter ("MUCIP"). By resolution dated July 31, 2001; the City Council adopted a resolution to withdraw from the MUSIP effective September 1, 2001. Effective January 1, 2002 the City became responsible for all workers compensation claims which arose in the City and the City established its own workers compensation self-insurance plan. The City then became responsible for its workers compensation claims open on or after September 1, 2001. The City has been negotiating with the County since it withdrew from the MUSIP and has now reviewed data obtained independently and from the County and has verified that the City owes Niagara County the Sum of \$1,110,004.66 for claims administered through the MUSIP from the City's initial participation in the MUSIP up through and including the time the City elected to withdraw from the MUCIP. The City Controller's office has known about this outstanding obligation since the City withdrew from the MUCIP and has budgeted all but \$7,971.64 to reimburse Niagara County. The attached (on file in the City Clerk's Office) Agreement memorializes in writing the settlement between the City and Niagara County.

Will the Council authorize \$7,971.64 to be paid to the County of Niagara to be funded by the Mayor's contingency expense line account number A.1990.7630.0449.599 together with budgeted dollars in the amount of \$1,102,033.02 to be paid to the County of Niagara in order to settle this workers compensation issue?

Item #7

*RE: Approval for the Administrative Services for Retiree Drug Subsidy*

Council Members:

In order to continue receiving pursuant to the Medicare Part D prescription drug coverage, the City has previously entered into an Agreement with HealthNow to provide administrative services in relation to the drug subsidy for the City's retirees.

Will the Council approve the continuation of this Agreement for the period starting January 1, 2009 and authorize the Mayor to execute an Agreement in a form acceptable to the Corporation Counsel?

Item #8

*RE: Agreement with Hard Rock Café for Concert to be held on July 11, 2009*

Council Members:

As part of the Concert series between the City and the Hard Rock Café the City is planning to co-promote a concert on July 11, 2009. The City would provide permitting, security barriers, traffic control and security/EMT, garbage pickup and portable restrooms in need for the concert together with the artist and production fees.

\$40,000 from the Casino Economic Development fund is being appropriated for this concert.

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

Item #9

*RE: Change-order for Landscaping Services*

Council Members:

The City Council recently awarded a bid for landscaping services for the downtown streets in the amount of \$25,000. The landscape architect is recommending additional plantings in Centennial Circle pursuant to the attached planting design at an additional cost of \$5,000. In addition, \$4,000 is requested for additional plantings in downtown medians. The Controller has identified the funding source to be "Street-scape" funds.

Will the Council authorize a \$5,000 change-order for the Centennial Circle contract and an additional \$4,000 for additional planting in downtown medians for a total of \$9,000?

Item #10

**SUBJECT: CHANGE ORDER #3 – CONTRACTOR RECONSTRUCTION OF LEWISTON ROAD/NY ROUTE  
104 – PIN 5045.24**

A contract for the above referenced project was awarded to Wendel-Duchscherer, Architects and Engineers, Inc., 95 John Muir Drive, Suite 100, Amherst, New York on October 9, 2001 in the amount of \$1,395,000.00. Funding is currently available in Capital Project Account H0421.2001.0421. Please note that the City is reimbursed for 80 percent of all costs incurred from Federal funds, with an additional 15 percent reimbursement via State Marchiselli funds.

Subsequent to the start of the design process, the project has undergone numerous scope changes, as both the environmental and reconstructive aspects of the design have warranted. As we approach the start of the actual construction phases of this job, and await the additional funding agreements to do so, there are ancillary bookkeeping and fund transfers that are necessary to close out the design phase of this project.

To that end, please allow this (\$0.00) Change Order request to facilitate the payment of \$20,617.96 in “direct non-salary reimbursables” that this project has amassed to date. Sufficient funds presently exist within other items that have been underspent so that the existing agreement will experience a net \$0.00 change leaving the current design total at \$1,395,000.00.

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

Item #11

**SUBJECT: LETTER OF AWARD FOR FENCE REPLACEMENT AT HYDE PARK BALLFIELDS**

The following was the result of bids received on June 9, 2009, for the above referenced project:

<b><u>CONTRACTOR</u></b>	<b><u>BASE BID</u></b>
Fox Fence, Inc. 2637 Lockport Road Niagara Falls, NY 14305	\$ 65,425.00
New York State Fence, Inc.	\$ 70,930.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Fox Fence Inc., at their Base Bid of \$65,425.00. Funding is available in Code A.7110.3450.0443.000.

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

Item #12

*RE: Healthcare Administration*

Council Members:

The City has been asked to participate in a task force to work on community health related issues which are aimed at the preservation of Niagara Falls Memorial Medical Center and its new community oriented patient care health system. To support this initiative the City has the opportunity to obtain an individual qualified in healthcare administration from the National Urban Fellows Program for a period of 9 months to assist the City in researching community health related issues and focus on urban based patient care. There is an open interview process conducted by the National Urban Fellows Organization and the City of Niagara Falls. The individual will begin work in September of 2009 and work for 9 months thereafter.

This opportunity will give the City the benefit of a person to help in restructuring community healthcare and the system that is in place. The total cost for this individual is \$63,000 with the City's share being \$21,000. Funding is available through the 2007 Casino funds.

Will the Council so approve?

Item #13

RE: Request for Approval to Settle and Pay Claim of NFT Metro  
181 Ellicott Street, Buffalo, NY 14203

Council Members:

Date Claim Filed:	March 21, 2007
Date Action Commenced:	N/A
Date of Occurrence:	February 15, 2007
Location:	Corner of Main Street and Third Street
Nature of Claim:	Vehicle damage sustained in an accident with City vehicle
City Driver:	Police Officer Tarapczynski
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$4,608.10
Make Check Payable to:	NFT Metro
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

SUBJECT: Commissioner of Deeds

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The following have requested City Council approval for Commissioner of Deeds for a term from July 1, 2009 to June 30, 2011.

Castillo, Baltazar                    9129 Rivershore Dr., Niagara Falls, N.Y. 14304

Castillo, Patricia J.                9129 Rivershore Dr., Niagara Falls, N.Y. 14304

Eugene Ochal                        6117 Stephenson Avenue, Niagara Falls, N.Y. 14304

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

Item #15

RESOLUTION No. 2009–

RESOLUTION CALLING FOR A PUBLIC HEARING REGARDING THE ABANDONMENT OF  
THE ALLEY RUNNING  
NORTH/SOUTH BETWEEN MAIN AND 8TH STREETS,  
SOUTH OF LINWOOD AVENUE

BY:

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

WHEREAS, the adjoining property owner has requested the abandonment of the alley running north/south between Main and 8<sup>th</sup> Streets, south of Linwood Avenue; and

WHEREAS, the Planning Board has recommended to Council that this request be approved; and

WHEREAS, this Council declares its intention to abandon said alley.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that a public hearing be held relative to the abandonment of the aforementioned alley, said public hearing to be held at a meeting of the Council to be held in the Council Chambers in City Hall on June 29, 2009 at 7:00 p.m. Eastern Daylight Time, and the City Clerk is hereby directed to publish notice of intention to discontinue and abandon the said alley in the official newspaper once a week for two successive weeks preceding June 29, 2009.

RESOLUTION No. 2009–

RELATIVE TO THE OPPOSITION OF SEX OFFENDERS FROM  
OTHER COMMUNITIES

BY:

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

WHEREAS, a convicted North Tonawanda sex offender was released under supervision last week and sent to live in Niagara Falls; and

WHEREAS, this person was sent to Niagara Falls on the recommendation of the NYS Division of Parole by State Supreme Court; and

WHEREAS, the person will reside on Niagara Street which is a major concern not only to Niagara Street residents, but also the fact that close to 40 Level 2 and 3 registered sex offenders are living within a 1-mile radius of Niagara Street Elementary School; and

WHEREAS, even though the courts found this offender not dangerous, the court found the offender to have a mental abnormality, putting him at risk of repeat offense; and

WHEREAS, the effectiveness of the new release conditions remains to be seen since the new law has only been in effect for two years; and

WHEREAS, even though the offenders will be ordered to remain in their residence between the hours of 9pm and 8am; the daytime is the most vulnerable time for the elementary students in the area.

NOW THEREFORE BE IT RESOLVED, that the **City Council of the City of Niagara Falls, New York** absolutely opposes the placing of sex offenders from one community into another, especially so close to an elementary school and asks the court to reconsider.

Item #17

RESOLUTION NO.2009-

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

**Authorizing the implementation and funding in the first instance 100% of the Federal-Aid eligible costs, of a Transportation Federal-Aid Project, to fully fund the local share of Federal-Aid eligible and ineligible project costs, and appropriating funds therefore.**

WHEREAS, The Economic Recovery Project for the Pavement Resurfacing, Mill and Overlay, of Pine Avenue (US Route 62A) from Main Street to Hyde Park Boulevard and 24<sup>th</sup> Street from Pine Avenue to Ontario Avenue, in the City of Niagara Falls, Niagara County , PIN 5759.23 (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 100% Federal funds and 0% Non-Federal funds; and

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

RESOLVED, that the City Council of the City of Niagara Falls hereby approves the above-subject project PIN 5759.23; and it is hereby further

RESOLVED, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the Non-Federal share (if any) of the costs of the Construction & Construction Inspection phase of the project or portions thereof with the Federal share of such costs to be applied by the New York State Department of Transportation pursuant to the State/Local Project Agreement; 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 Construction & Construction Inspection phase of the Project or portions thereof; and it is further

RESOLVED, that the sum of \$ 313,000 is hereby appropriated and made available to cover the cost of participation in the above phase 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 Construction & Construction Inspection phase exceeds the amount appropriated above, \$ 313,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Construction & Construction Inspection phase exceeds \$1,204,000, the project's current Total Cost, 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 be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the City of Niagara Falls (subject to the City of Niagara Falls Attorney's approval as to Form and Content) with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Project Agreement 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 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 is filed with the New York State Commissioner of Transportation by attaching it to any necessary State/Local Project Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

Item #18

RESOLUTION NO. 2009-

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

**Authorizing the implementation and funding in the first instance 100% of the Federal-Aid eligible costs, of a Transportation Federal-Aid Project, to fully fund the local share of Federal-Aid eligible and ineligible project costs, and appropriating funds therefore.**

WHEREAS, The Economic Recovery Project for the Pavement Resurfacing, Mill and Overlay, of Packard Road from Niagara Falls Boulevard to the CSX Railroad Bridge (BIN 2263830), 56<sup>th</sup> Street from Buffalo Avenue to Stephenson Avenue, Lindbergh Avenue from 77<sup>th</sup> Street to Cayuga Drive and Highland Avenue from Garden Avenue to Profit Lane, in the City of Niagara Falls, Niagara County , PIN 5759.22 (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 100% Federal funds and 0% Non-Federal funds; and

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

RESOLVED, that the City Council of the hereby approves the above-subject project PIN 5759.22; and it is hereby further

RESOLVED, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the Non-Federal share (if any) of the costs of the Construction & Construction Inspection phase of the project or portions thereof with the Federal share of such costs to be applied by the New York State Department of Transportation pursuant to the State/Local Project Agreement; 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 Construction & Construction Inspection phase of the Project or portions thereof; and it is further

RESOLVED, that the sum of \$ 192,000 is hereby appropriated and made available to cover the cost of participation in the above phase 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 Construction & Construction Inspection phase exceeds the amount appropriated above, \$ 192,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Construction & Construction Inspection phase exceeds \$1,204,000, the project's current Total Cost, 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 be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the City of Niagara Falls (subject to the City of Niagara Falls Attorney's approval as to Form and Content) with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Project Agreement 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 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 is filed with the New York State Commissioner of Transportation by attaching it to any necessary State/Local Project Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

Item #19

RESOLUTION NO. 2009-

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

**Authorizing the implementation and funding in the first instance 100% of the Federal-Aid eligible costs, of a Transportation Federal-Aid Project, to fully fund the local share of Federal-Aid eligible and ineligible project costs, and appropriating funds therefore.**

WHEREAS, The Economic Recovery Project for the Pavement Resurfacing, Mill and Overlay, of Main Street (NY Route 104) from Walnut Avenue to Ontario Avenue, Ontario Avenue from Lockport Street to Hyde Park Boulevard and 11th Street from Lockport Street to Ontario Avenue, in the City of Niagara Falls, Niagara County , PIN 5759.21 (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 100% Federal funds and 0% Non-Federal funds; and

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

RESOLVED, that the City Council of the City of Niagara Falls hereby approves the above-subject project PIN 5759.21; and it is hereby further

RESOLVED, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the Non-Federal share (if any) of the costs of the Construction & Construction Inspection phase of the project or portions thereof with the Federal share of such costs to be applied by the New York State Department of Transportation pursuant to the State/Local Project Agreement; 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 Construction & Construction Inspection phase of the Project or portions thereof; and it is further

RESOLVED, that the sum of \$ 241,000 is hereby appropriated and made available to cover the cost of participation in the above phase 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 Construction & Construction Inspection phase exceeds the amount appropriated above, \$ 241,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Construction & Construction Inspection phase exceeds \$1,204,000, the project's current Total Cost, 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 be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the City of Niagara Falls (subject to the City of Niagara Falls Attorney's approval as to Form and Content) with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Project Agreement 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 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 is filed with the New York State Commissioner of Transportation by attaching it to any necessary State/Local Project Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.