

Item #1

The following claims have been filed in the Office of the City Clerk during the month of May 2010. The claims were subsequently referred to the Office of the Corporation Counsel.

NOTICE OF CLAIM

ALLEGED DAMAGE

McKeehan, Mark
17 Faragut Ave
Tonawanda, NY 14150

Automobile damage caused by Police officer during an investigation

DePonceau, Douglas
tree
3017 Orleans Ave.

Property damage caused by fallen City

Lau, Randy
6817 Niagara Falls Blvd.

Property damage and loss of revenue caused by NFPD during arrest

Yorio, Louis
1093-98th St

Loss of personal property caused by workplace accident

Klos, Rebecca
2115 Countyline Rd.
Barker, NY 14012

Automobile damage caused by bump from construction

Roffle, Christina
546-25th St.

Automobile damage caused by pothole

Hill, Chrisheena
1848 Cleveland Ave, Apt A2

Automobile damage caused by pothole

Galvez, William
5826 Stephenson Ave

Property damage caused by erosion due to road construction

Calandrelli, Gina M.
232-70th St

Automobile damage caused by City vehicle

Wilson, Malcolm
4600 Hyde Park Blvd.

Automobile damage caused by bolt/screw on road

LoCurto, Paul
729 Main St.

Automobile damage caused by black top matt during road construction

Item #2

| | | <u>CONTROLLER</u> | <u>TOTAL</u> | |
|---------------|--------------|--------------------------|--------------------|---------------------|
| A1255-001 | A012 | Vital Statistics | \$ 5,128.00 | \$ 5,128.00 |
| A1255-004 | A013 | Copies of Records | \$ 538.05 | \$ 538.05 |
| A1255-004 | A013 | Certificates of Marriage | \$ 680.00 | \$ 680.00 |
| A2501-006 | A042 | Tour Agency | \$ 350.00 | \$ 350.00 |
| A2501-006 | A042 | Tour Attendant | \$ 400.00 | \$ 400.00 |
| A2501-006 | A042 | Tour Driver/Guide | \$ 450.00 | \$ 450.00 |
| A2501-011 | A044 | Peddler | \$ 750.00 | \$ 750.00 |
| A2501-016 | A047 | BOILERS | \$ 350.00 | \$ 350.00 |
| A2501-021 | A048 | Amusement Games | \$ 200.00 | \$ 200.00 |
| | | \$ | | |
| A2542-000 | A053 | Dogs/N County Treasurer | \$ 222.72 | \$ 222.72 |
| | | \$ | | |
| A2542-000 | A053 | Dogs/NYS Agr. & Mkts | \$ 90.00 | \$ 90.00 |
| A2542-000 | A053 | Additional Dogs | \$ 1,407.78 | \$ 1,407.78 |
| A2545-001 | A054 | Marriage License/NYSHD | \$1,530.00 | \$ 2,040.00 |
| A1255-002 | A123 | Commissioners of Deeds | \$ 20.00 | \$ 20.00 |
| A2545-010 | A128 | Petroleum - Storage | \$ 60.00 | \$ 60.00 |
| A2545-010 | A128 | Petroleum - Wholesale | \$ 100.00 | \$ 100.00 |
| A2545-021 | A316 | Vending | \$ 80.00 | \$ 80.00 |
| A2545-023 | A318 | Hunters/NYS DEC RAU | \$ 648.13 | \$ 648.13 |
| A2545-023 | A318 | Hunters Fees | \$ 37.87 | \$ 37.87 |
| A1255-003 | A499 | Notary Fee | \$ 12.00 | \$ 12.00 |
| A1255-005 | A528 | Dog Release | \$ 100.00 | \$ 100.00 |
| TA63008 | | | | |
| A597 | | Marriage Performance | \$ 875.00 | \$ 875.00 |
| A1255-006 | A696 | Photos/passport-license | \$ 144.00 | \$ 144.00 |
| TOTAL: | | <u>\$2,490.85</u> | <u>\$12,192.70</u> | <u>\$ 14,683.55</u> |
| Check # | <u>47881</u> | Niagara County Treasurer | \$ 222.72 | |
| Check # | <u>47909</u> | NYS Dept.of Arg. & Mkts | \$ 90.00 | |
| Check # | <u>47880</u> | NYS Health Department | \$1,530.00 | |
| Check | <u>ET</u> | NYS DEC RAU | \$ 648.13 | |

Item #3

**SUBJECT: CHANGE ORDER #2:
2009-2010 Asbestos Services Contract**

A contract for the above referenced services was awarded to JMD Environmental Inc. on November 24, 2008 in the amount of \$123,300, utilizing Community Development Block Grant funding. City Council subsequently approved Change Order #1 in the amount of \$50,000 in December 2009 to include Casino funded demolition projects.

The total demolition budget authorized by City Council for 2010 is \$1,640,000, comprised of \$1,000,000 in Casino funding and \$640,000 in CD funding. In order to complete all of the required asbestos surveys, bulk sample analysis and air monitoring for these demolitions it will be necessary to add additional funding to the Asbestos Services Contract with JMD Environmental. We estimate that up to 60 structures will be demolished in 2010. It is our recommendation that the following allocations be approved as Change Order # 2 to the 2009-2010 Asbestos Services Contract:

\$60,000 CDBG Funds in budget code CD1.8666.0000.0450.500

\$85,000 Casino Funds in budget code H0910.2009.0449.599

Will the Council vote to so approve and authorize the Mayor to execute Change Order #2 to the above referenced contract in the amount of \$145,000.00?

Item #4

**RE: City Council Agenda Item:
Ezekiel Project**

On July 13, 2009, the Council approved additional funds to facilitate the transfer of 931 Michigan Avenue from Zion Lutheran Church to HANCI. While no specific CDBG or State Finance Law §99-h requirements limit the right to transfer, the grant agreements prohibit the transfer and require the Church to devote the building to community uses. The agenda item presented to Council did not specifically authorize the transfer.

In connection with the transfer, all contractors who have presented claims will be paid. Some real estate taxes which accrued after the Church took title but before the real estate exemption commenced will be paid. HANCI will devote to building to community uses. HANCI has agreed to limit its right to transfer 931 Michigan Avenue and to require continued community use for five years.

Will the Council vote to approve transfer of 931 Michigan Avenue by Zion Lutheran Church to HANCI and release the Church from any liability to the City pursuant to the grant agreements as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Item #5

SUBJECT: Bid #25-10 Spin/Relief Grinder

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

TO: Moffett Turf Equipment, Inc.
33 Thruway Park Drive
West Henrietta, NY 14586

FOR: One (1) Spin/relief grinder:
\$21,751.71

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 three (3) vendors. Two bids were received. The above referenced company submitted the lowest bid. A bid was also received from Grassland Equipment (\$24,000.00).

Funds for this expenditure are available in the Capital budget code: H0912.2009.0912.0250.000

Item #6

SUBJECT: Bid #28-10 Sidewalk Street Sweeper

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

TO: Joe Johnson Equipment, Inc.
62 LaGrange Avenue
Rochester, NY 14613

FOR: One (1) Sidewalk Street Sweeper:
\$78,342.86

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. The above referenced company submitted the only bid.

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

Item #7

SUBJECT: Bid #29-10 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. 3,700 gals):

\$2.77/gal

Sodium hypochlorite in 55 gal. drums (est. 2,500 gals.): 2.04/gal

TO: Chemical Distributors, Inc.

80 Metcalfe Street

Buffalo, NY 14206

FOR: Hydrochloric (muriatic) acid in 500# drums (est. 1,500 lbs):

\$.19/lb.

Hydrochloric (muriatic) acid in 140# drums (est. 840 lbs): .29/lb

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 three (3) vendors. Three (3) 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 #8

RE: BrownfieldsRedevelopment PILOT Agreement UnitedStates Environmental
Protection Agency Agreement No. BP99268501

Council Members:

As the Council is aware, the City has previously entered into the
above referenced agreement.

The City needs to enter into an amendment to the above referenced
agreement to extend the project completion period to December 31, 2010.

This does not impact the funding for the project.

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

Item #9

RE: TVGA Change order \$54,100, Highland Area Site A
and Site Brownfield Testing

TVGA Consultants is the consultant to conduct Environmental Phase I and Phase II site investigations for parcels in the Highland Area under the City of Niagara Falls USEPA Brownfield Pilot program (an Amendment to that Grant Agreement appears elsewhere on your agenda).

It is recommended that this agreement be amended to include additional site investigation work and additional administrative services required by the EPA.

The total cost of these changes is \$54,100 and funds are available through EPA Grant S.8989.3067.0449.599.

Will the Council vote to approve the change order as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Item #10

RE: Appointments to Board of Examiners of Electricians

I hereby reappoint and appoint the following to the Board of Examiners of Electricians for the terms indicated

| <u>Reappointments:</u> | <u>Term:</u> |
|--------------------------------------|--------------|
| Kevin Coram (Master Electrician) | 11/13/11 |
| John Signorelli (Master Electrician) | 11/13/10 |
| David Naus (Journeyman) | 11/13/11 |

| <u>Appointments:</u> | <u>Term:</u> |
|----------------------------|--------------|
| Mark Grozio (Journeyman) | 11/13/10 |
| Rafael Roffle (Lay Person) | 11/13/12 |

Will the Council so confirm?

Item #11

RE: Edward Byrne Memorial Assistance Grant Program
Fiscal Year 2010

Council Members:

The County of Niagara and the City of Niagara Falls have jointly received \$83,414 under the above referenced program.

Attached is a proposed agreement with the County and the proposed budget for the program which sets forth the allocation of these funds.

There is no City match required.

Item #12

RE: SPCA Extension Agreement

The SPCA has now appointed a new Executive Director and negotiations have begun regarding a new agreement with the SPCA. In the meantime, it is recommended that the agreement which expired December 31, 2009 be extended through December 31, 2010 while negotiations continue on a new contract. Attached is a copy of the Additional Extension Agreement.

Will the Council so approve?

Item #13

RE: Lighting Improvements to Niagara Falls Parking Ramp

The City has the opportunity to participate in a program with National Grid to replace the lights in the City of Niagara Falls Parking Ramp with new energy efficient lighting. The cost to the City will not exceed \$36,000; that amount will be matched by National Grid. The new energy efficient lighting will result in annual savings to the City of approximately \$19,000. Attached hereto is a copy of an agreement to implement this program as well as energy saving projections prepared by National Grid. Funding for the City's share is available through Special Projects Fund balance.

Will the Council authorize the Mayor to enter into the attached agreement with National Grid to implement the program and also fund the program?

Item #14

RE: New York State Grant for Gun Reduction Initiative
Contract No. BJ10-1023-D00

The Police Department has received a grant in the above referenced program in the amount of \$50,000.

No City match is required.

Will the Council approve acceptance of the grant and authorize the Mayor to execute any agreements or other documentation in a form acceptable to the Corporation Counsel?

Item #15

RE: New York State Community Capital Assistance Program Grant for
Police Vehicle and Video Surveillance Cameras

The City has received a grant in the amount of \$100,000 in the above referenced program.

No City match for this grant is required.

Will the Council authorize the Mayor and City Administrator to file the necessary certification with the Dormitory Authority of the State of New York, which is administering the grant and execute any other documents in a form acceptance to the Corporation Counsel?

Item #16

RE: Niagara Homecoming Event

Niagara Rises will once again be sponsoring the Niagara Homecoming event to be held in the City of Niagara Falls from June 24, 2010 through June 27, 2010. Attached is a summary of the events. Because this event promotes and features the City of Niagara Falls, the City has been asked for a contribution to the cost of this event. Attached hereto is a list of event sponsors and an event budget. The City contributed the sum of \$6,000 in 2009 for the cost of this event. The sum of \$7,500 is available from Casino Interest to help sponsor the 2010 event. Funding will be made available pursuant to an agreement to be prepared by the Corporation Counsel.

Will the Council so approve?

Item #17

RE: Old Stone Chimney

In connection with the upcoming celebration of the Bi-Centennial of the War of 1812, the City has an opportunity to showcase the Old Stone Chimney which historians believe dates back to the year 1750 and the construction of Fort Du Portage. The Old Stone Chimney is presently located near the Robert Moses Parkway. In order to proceed, it is necessary for the City to retain the services of a consultant to provide advice on relocating the two story chimney which weighs approximately 60 tons, but also to consult on design work relative to landscaping and interpretation of this historic resource. Funding of up to \$50,000 for these consulting services is available from Special Project Fund balance.

Will the Council so approve?

Item #18

RE: Byrne Justice Assistance Grant to Niagara Falls Police Department
Contract BJ-09632175

The Police Department has received the above referenced grant in the amount of \$50,000 for its gun violence reduction initiative.

No City match is required under this grant.

Will the Council approve acceptance of this grant and authorize the Mayor to execute any required documentation?

Item #19

RE: Application for Grant under the Promised Neighborhoods Program

It is the intention of the City in a partnership consisting of Niagara University, Niagara Falls Board of Education and the City of Niagara Falls to make application for a planning grant under the Promise Neighborhoods Program (CFDA #84.215P), US Department of Education, Office of Innovation and Development.

Will the Council so approve and authorize the Mayor to sign a Memorandum of Understanding with the above parties in a form acceptable to Corporation Counsel to apply for this grant?

Item #20

RE: Request for Approval to Settle and Pay Claim of Wanda Kozlowski
2004 Hyde Park Boulevard, Niagara Falls, NY

| | |
|------------------------|---|
| Date Claim Filed: | March 18, 2010 |
| Date Action Commenced: | N/A |
| Date of Occurrence: | February 18, 2010 |
| Location: | Cleveland Avenue & Hyde Park Boulevard |
| Nature of Claim: | Damage sustained by snow thrown by City plows. |
| Status of Action: | Claim stage. |
| Recommendation/Reason: | Best interests of City to pay claim. |
| Amount to be Paid: | \$1,434.00 |
| Make Check Payable to: | Wanda Kozlowski |
| 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 #21

**RE: Request for Approval to Settle and Pay Claim of Peter Stranges
527 23rd Street, Niagara Falls, NY 14301**

| | |
|------------------------|---|
| Date Claim Filed | January 19, 2010 |
| Date Action Commenced: | N/A |
| Date of Occurrence: | January 14, 2010 |
| Location: | Pine Avenue & Hyde Park Boulevard |
| Nature of Claim: | Automobile accident with City vehicle |
| City Driver: | Anthony M. Marino |
| Status of Action: | Claim stage. |
| Recommendation: | Best interests of City to pay claim. |
| Amount to be Paid: | \$436.10 |
| Make Check Payable to: | "Peter Stranges" |
| 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 #22

RE: Paul Chatmon

At your September 21, 2009 meeting, you approved the payment of \$1,475.98 to Paul A. Chatmon. This approval was contingent on Mr. Chatmon resolving a workers' compensation claim with PERMA, the City's third-party administrator, and that funding would come from the Police Patrol Bi-Weekly line.

Mr. Chatman has resolved his workers' compensation claim with PERMA and it is recommended that City payment be made from the City's Insurance Reserve Fund.

Will the Council so approve and authorize payment in the amount of \$1,475.98 to Lewis & Lewis, PC, as attorneys for Paul A. Chatmon?

Item #23

SUBJECT: Second Hand Dealers License

Chapter 338 of the Codified Ordinances states: "338.03...City Council may grant a license to carry on the business of secondhand dealer within the City..."

The following have submitted applications for secondhand dealer licenses. These applications have all been approved by the N.F. Police Department.

Nora V. Guerrero & Susan M. West - El Casino Gold Mine - 2008 Pine Avenue
Will Council so approve?

Item #24

RE: Resolution 2010-50

Please be advised that Mayor Paul A. Dyster on June 2, 2010 duly approved Resolution 2010-50 relative to Amending Section 338.05 and Section 338.06 of Chapter 338 of the Codified Ordinances entitled "Secondhand Dealers" adopted by Council on June 1, 2010.

RESOLUTION No. 2010-

**RELATIVE TO THE 125th ANNIVERSARY OF THE
NIAGARA FALLS STATE PARK**



BY:

Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, established on July 15th, 1885, the Niagara Falls State Park will celebrate its 125th Anniversary. The Niagara Falls State Park is the model from which all other state parks were created; and

WHEREAS, during the Industrial Revolution of the early 19th Century, the natural beauty of Niagara Falls began to suffer as eager industrialists built mills and factories along the river to harness its power. By the late 1860s, a small group concerned about the preservation of the falls founded the Free Niagara movement, which held that the natural beauty of the land surrounding the falls should be protected from exploitation and free to the public. Members urged New York State to reclaim the falls and the surrounding area; and

WHEREAS, after more than 15 years of pressure, the Free Niagara crusaders won their battle. The Niagara Appropriations Bill was signed into law in 1885, creating the Niagara Reservation and signifying possibly the most important event in Niagara Falls history. The leader of the Free Niagara movement was America's first landscape architect, Frederick Law Olmsted, perhaps better known for designing New York City's Central Park. Olmsted believed that parks should be places of natural beauty, where "the masses could be renewed." This philosophy was applied throughout Niagara Falls State Park, with an entire network of footpaths through wooded areas and along the banks of the Niagara River. Today, the park retains Olmsted's vision by staying committed to maintaining native vegetation, unparalleled vistas and access to the general public. It's a fitting tribute to the man who believed that Niagara Falls belongs to all of us.

WHEREAS, the Honorable Paul A. Dyster, Mayor of the City of Niagara Falls, New York along with the City Council of the City of Niagara Falls recognizes that the Niagara Falls State Park is the oldest state park in the United States which plays host to millions of visitors each year.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York congratulates the Niagara Falls State Park and the Falls at Niagara which was preserved by farseeing visionaries over one hundred years ago, allowing it to remain free and open to the people of the world.

RESOLUTION No. 2010-

RELATIVE TO DOWNTOWN SIGNAGE

BY: Council Chairman Samuel Fruscione
Council Member Charles Walker

WHEREAS, tourism in the City of Niagara Falls, New York is extremely important to the local economy and, indirectly, the economy of the State of New York in that Niagara Falls, New York is visited by approximately 8 million to 10 million people on an annual basis; and

WHEREAS, signage is critical for people visiting Niagara Falls, New York to find their way to local venues, including attractions, businesses, hotels and restaurants; and

WHEREAS, the signage in Niagara Falls, New York is woefully inadequate for a number of reasons, including those attributable to Federal regulations, State regulations; and

WHEREAS, the City, in conjunction with USA Niagara Development Corporation (USAN) and the City of Niagara Falls Tourism Advisory Board (T.A.B.), embarked on a planning/design process to install an integrated system of vehicular and pedestrian wayfinding signs to help facilitate travel by the 8-10 million annual visitors; and

WHEREAS, the State and Federal authorities have not responded to the City, USAN and T.A.B. proposal.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York requires the State and Federal authorities to work with City officials, USAN as well as the City's Tourism Advisory Board to remove unnecessary signs and advance the signage program developed by the City, USAN and the T.A.B.; and

BE IT FURTHER RESOLVED, that State and Federal authorities respond to the City Council's mandate within ten days of the adoption of this resolution.