

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 February, 2013.

			<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001				
A012	Vital Statistics		\$ 5,022.00	\$ 5,022.00
A1255-004				
A013	Copies of Records		\$ 463.25	\$ 463.25
A1255-004				
A013	Certificates of Marriage		\$ 410.00	\$ 410.00
A2501-016				
A047	Stationary Engineers		\$ 340.00	\$ 340.00
A2542-000				
A053	Dogs/NYS Agr.& Mkts	\$ 269.00	\$ -	\$ 269.00
A2542-000				
A053	Additional Dogs		\$ 2,750.50	\$ 2,750.50
A2545-001				
A054	Marriage License/NYSHD	\$ 922.50	\$ 307.50	\$ 1,230.00
A1255-002				
A123	Commissioners of Deeds		\$ 105.00	\$ 105.00
A2501-009				
A127	Helicopter		\$ 750.00	\$ 750.00
A2545-010				
A128	Petroleum - Retail		\$ 700.00	\$ 700.00
A2545-010				
A128	Petroleum - Storage		\$ 720.00	\$ 720.00
A2545-010				
A128	Petroleum - Wholesale		\$ 200.00	\$ 200.00
A2545-021				
A316	Vending		\$ 60.00	\$ 60.00
A2545-023				
A318	Hunters/NYS DEC RAU	\$ 32.12	\$ -	\$ 32.12
A2545-023				
A318	Hunters Fees		\$ 1.88	\$ 1.88
A1255-003				
A499	Notary Fee		\$ 14.00	\$ 14.00

A1255-005 A528 TA63008 A597 A1255-006- A696	Dog Release Marriage Performance Photos/passport-license		\$ 250.00 \$ 425.00 \$ 18.00	\$ 250.00 \$ 425.00 \$ 18.00
TOTAL:		<u>\$ 1,223.62</u>	<u>\$ 12,537.13</u>	<u>\$ 13,760.75</u>

Check #	<u>62026</u>	NYS Dept.of Arg. & Mkts	\$ 269.00
Check #	<u>62010</u>	NYS Health Department NYS DEC	\$ 922.50
Check #	<u>ET</u>	RAU	\$ 32.12

Agenda Item #2

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

NOTICE OF CLAIM

Harris, Tessia
c/o Geico

Automobile damages sustained from accident
with City vehicle

Ognibene, Melissa
9 D. Packard Court

Automobile damages sustained from pothole.

Fanizzi & Barr
See attached list of names

Personal Injury and or Damage to property or
Loss of property in the near future.

Allen, Chanita C.
Mother and Natural Guardian of
Shakera C. McCalister, an Infant
c/o Lipsitz Green Scime Cambria

Personal injuries sustained from an automobile
accident with a snow plow.

Quinn, Renee and Robert
c/o Nationwide Insurance

Property damages sustained from fallen
tree branch.

Alexander Jr., James & Alexander Mary
c/o Metlife Auto & Home

Automobile damages sustained from a City
plow.

Quinn, William
209 60th St.

Property damages sustained from city tree.

SUMMONS

Gigiovanni-Vogel, Anna
c/o Allstate Insurance Company

Index No.: E149132/13

Agenda Item #20

SUBJECT: INFORMATIONAL ITEM

At the Traffic Advisory Commission meeting held on March 7, 2013, the Commission:

DENIED:

1) Request submitted by Amanda Buonopane, 123 - 4th Street to **INSTALL ALL WAY STOP SIGNS AT THE INTERSECTION OF BUFFALO AVENUE & 4TH STREET.** This intersection has previously been studied in 2007 & 2009 and the traffic volumes counted at peak times during the summer have fallen far short of MUTCD Minimum Warrants for the placement of "ALL WAY" stop signs. In addition, only four total right angle/turning collision accidents have occurred in the last two and one half years which also falls short of these warrants. All sight distances and stop signs were observed as clear and unobstructed and therefore the Commission denied this request.

2) Request submitted by Trudy Christman, Public Relations & Marketing, Oakwood Cemetery Association, 763 Portage Road to **INSTALL TRAFFIC SIGNAL INDICATIONS FOR EXITING OAKWOOD CEMETERY AS PART OF THE EXISTING TRAFFIC SIGNAL SYSTEM AT THE INTERSECTION OF PORTAGE ROAD AND CEDAR AVENUE.** Per MUTCD guidelines, a minimum of two sets of red/yellow/green signal faces would be required on any approach to an intersection and they would need to be installed within specific alignment requirements to provide uninterrupted visibility to motorists. The existing mast arm layout, plus the geometry of this intersection with the stone pillars at the cemetery's narrow driveway will not allow these requirements to be met. Engineering has examined the existing mast arms and adding the weight of hanging additional equipment was not recommended. The combination of visibility and structural concerns, along with zero accidents having occurred here for vehicles exiting the cemetery during the three plus years that were studied (starting 1/1/10) and that any new mast arms/signal equipment which would need to be installed to satisfy these requirements would cost over \$20,000 led the Commission to deny this request.

**RELATIVE TO AMENDMENT TO THE TIME OF THE CITY COUNCIL COMMITTEE OF THE
WHOLE MEETING AND LEGISLATIVE MEETING FOR EACH CITY COUNCIL MEETING
SCHEDULED FOR THE REMAINDER OF CALENDAR YEAR 2013**

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

WHEREAS, this City Council wishes to be more efficient in its use of time to conduct public business and make it more convenient for the public to attend both the City Council Committee of the Whole meeting as well as the Legislative session; and

WHEREAS, this City Council desires to change the time for the commencement of the Committee of the Whole meeting for each regularly scheduled City Council meeting during calendar year 2013 from 4:00 p.m. to 5:00 p.m., briefly recess for 15 minutes at the conclusion of the Committee of the Whole meeting and then commence the Legislative session thereafter in an effort to promote efficiency and make it more convenient for those present for the Committee of the Whole meeting to also be present for the Legislative session; and

WHEREAS, such an amendment will allow and encourage Department Heads, the Mayor and the City Administrator to be present for both the Committee of the Whole meeting as well as the Legislative meeting; and

WHEREAS, this amendment will likely result in a reduction of overtime for the Police Officer who attends both City Council sessions by shortening the amount of time he is required to be on duty in City Hall and/or free him or her up to participate in the Police patrol rotation.

NOW, THEREFORE, BE IT RESOLVED, that this City Council does hereby amend the commencement of the Committee of the Whole meeting from 4:00 p.m. to 5:00 p.m. and does further amend the commencement of the time of the Legislative session from 7:00 p.m. to a time immediately following the conclusion of the Committee of the Whole meeting and a 15 minute recess; and

BE IT FURTHER RESOLVED, that such time amendments shall apply for each regularly scheduled City Council meeting for the balance of calendar year 2013 commencing with the next regularly scheduled City Council meeting on April 1, 2013.

RESOLUTION No. 2013

RELATIVE TO

THE PAVING OF OAK PLACE AND SIMILAR STREETS IN NIAGARA FALLS

BY:

Council Chair Glenn Choolokian
Council Member Robert A. Anderson, Jr.
Council Member Sam Fruscione

Whereas, Oak Place, 94th Street and other unimproved streets in the LaSalle neighborhood of Niagara Falls are in need of paving, and

Whereas, the current residents of these streets should not be penalized by being made to pay for this paving, and

Whereas, there is a precedent for allowing such relief to residents on an unimproved street with one such example being the paving of Point Avenue several years ago that was paved at no cost to the residents

NOW, THEREFORE, BE IT RESOLVED, that these streets be added to the list of streets to be paved during the 2013 paving season, and

BE IT FURTHER RESOLVED, that said paving costs will not be passed on to the residents of Oak Place, 94 Street and similar LaSalle neighborhood streets.

Agenda Item #3

RE: Reorganization of Purchasing Department

Council Members:

It is requested that certain adjustments be made in the City Purchasing Department which are intended to increase efficiency and, at the same time, achieve a savings of \$9,616.00. Attached hereto is a spreadsheet reflecting these changes.

Will the Council so approve?

Agenda Item #4

RE: City Council Agenda Item:
NFC Development Corp NY Main Street Grant
Streetscape Maintenance and Release

Council Members:

N.F.C. Development Corp. obtained a New York Main Street grant for planting on Main Street from 1509-1705 Main Street. One condition of the grant is a declaration that the improvements will be maintained. A second grant condition is to give to the state a publicity release to take pictures of the improvements and to publish those pictures. Since the improvements are in the public right of way, the City, not NFC, will be maintaining the improvements and the City, not NFC, has authority to grant the permission to photograph the improvements.

Will the Council vote to approve the maintenance covenant and publicity release as described herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Agenda Item #5

RE: Agreement with Chelsea Information Systems

Council Members:

Chelsea Information Systems currently provides the Tee Time Reservation Software and Point of Sale Software for the Golf Course.

Attached is a proposed agreement which would provide for substantial updating and improvements to both systems and by utilizing the option of providing for a third party VOIP system for golf reservations resulting in significant savings to the City.

It is the recommendation of both the DPW and MIS Departments that the City enter into this agreement. Funding is available from account# GC.7250.0200.0444.007.

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

Agenda Item #6

RE: Grant Agreement with the Community Foundation for Greater Buffalo

Council Members:

The City has applied for and received a grant from the Community Foundation for Greater Buffalo in the amount of \$4,000.

The grant is to pay the City's membership in the Great Lakes and St. Lawrence Cities Initiative (GLSLCI) for 2013. No City match is required.

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

Agenda Item #7

RE: Mutual Aid - Fire Protection Agreement with Air Base

Council Members:

The Fire Chief advises that the City has had a mutual aid arrangement in place for quite some time with the Niagara Falls Air Base and that it is desirable to reduce that arrangement to writing. It is recommended that the City enter into this agreement as the Air base has resources available to it that NFFD does not have and that are occasionally necessary.

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

Agenda Item #8

RE: *Planned Maintenance Agreement with Cummins Northeast, LLC*

Council Members:

The Department of Public Works recommends that the City enter into this agreement with Cummins Northeast, LLC for the purpose of maintaining the emergency standby generating and/or associated equipment to provide the best possible operation conditions when needed. Attached hereto is a copy of the planned maintenance agreement.

Funding is available from account# A.1620.2325.0444.000

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

Agenda Item #9

RE: Approval of Project Labor Agreement for the construction of the new train station

Council Members:

A project labor agreement has been negotiated with all of the local construction trades for the construction of the train station. The City is not a signatory to this agreement but, by approving it and incorporating it into the bid specifications, it allows for the construction of the train station without having the separate prime contracts ordinarily required under the Wicks Law, and will result in cost savings to the project.

Will the Council approve the attached project labor agreement and direct its incorporation into the bid documents for the train station?

Agenda Item #10

*RE: Train Station right of entry agreements with Canadian National
Railway Company, Amtrak and the Niagara Falls
Bridge Commission*

Council Members:

Because of the close proximity of property owned by the Canadian National Railway Company, Amtrak and the Niagara Falls Bridge Commission, it is appropriate to have right of entry agreements allowing City contractors to enter onto the adjacent property to perform construction related activities for the new train station.

Will the Council authorize right of entry agreements with Canadian National Railway Company, Amtrak and the Niagara Falls Bridge Commission and authorize the Mayor to execute right of entry agreements with each entity in forms acceptable to the Corporation Counsel?

Agenda Item #11

RE: Approval of a party wall agreement with Amtrak related to the new train station

Council Members:

When the construction of the new train station is complete, a portion of the passenger platform and the CSX bridge over Main Street will adjoin, and to clarify ownership and maintenance issues, it is appropriate to establish a party wall agreement setting forth the respective rights and responsibilities of the parties.

The City has negotiated this agreement with Amtrak and it is recommended that the Council approve the agreement establishing the party wall between Amtrak and the City and authorize the Mayor to execute an agreement in a form acceptable to the Corporation Counsel.

Will the Council so approve?

Agenda Item #12

RE: Approval of agreement with the Commissioner of the New York State Department of Transportation for the obligation of New York State 2009 Passenger Freight Rail Imports Funds in the amount of \$2,500,000

Council Members:

The New York Department of Transportation has designated \$2,500,000 of 2009 Passenger Freight Rail Imports Funds for the train station project.

In order to fully obligate these funds for the project, it is necessary to enter into an agreement with the Commissioner of the New York State Department of Transportation.

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

Agenda Item #13

RE: Agreement with Wendel for bidding phase services for the Niagara Falls International Railway and Intermodal Transportation Center

Council Members:

The City has received the attached proposal from Wendel to perform the services outlined.

The funding for this will be available under the agreement with the New York State Department of Transportation, which appears elsewhere on this Council agenda.

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

Agenda Item #14

RE: Request for Approval to Settle and Pay Claim of George Satarian 2325 Pine Avenue, Niagara Falls, New York 14301

Council Members:

Date Claim Filed:	November 4, 2011
Date Action Commenced:	September 17, 2012
Date of Occurrence:	August 24, 2011
Location:	2325 Pine Avenue, Niagara Falls, NY
Nature of Claim:	Property damage sustained during tree removal.
Status of Action:	Pretrial stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$1,750.00
Make Check Payable to:	George Satarian
Conditions:	Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.

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

Agenda Item #15

RE: Request for Approval to Settle and Pay Tracy Gruka as PNG of Dominic Gualtieri, an Infant

Council Members:

Date Claim Filed:	July 9, 2008
Date Action Commenced:	April 21, 2009
Date of Occurrence:	May 4, 2008
Location:	2310 Hyde Park Boulevard, Niagara Falls, NY
Nature of Claim:	Injuries suffered during arrest.
Status of Action:	Pretrial stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	\$25,000.00
Make Check Payable to:	Rosenthal, Siegel & Muenkel, LLP and Dominic Gualtieri
Conditions:	Stipulation of Discontinuance and General Release to City, 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?

Agenda Item #16

RE: Approval to pay Medical Expenses of Kimberly Stanek in the amount of \$49.21

Council Members:

The above claimant has incurred medical expenses for personal injuries suffered by her when she was a passenger in a City police vehicle which was involved in a motor vehicle accident on November 12, 2011.

Under the New York State No-Fault Law, the City of Niagara Falls, as a self-insured entity, is obligated to pay the claimant's medical expenses arising out of this incident. If the same meets with your approval, please vote to direct the City Clerk to draw a warrant on the City Controller directing her to issue the following check:

<u>Provider</u>	<u>Date of Service</u>	<u>Amount</u>
Niagara Family Medicine Assoc.	1/28/2013	\$49.21

Please be advised that there may be further medical bills which will have to be paid pursuant to the New York State No-Fault Law.

Will the Council so approve?

Agenda Item #17

SUBJECT: AGENDA ITEM:

At a Traffic Advisory Commission meeting held on March 7, 2013 the Commission recommended **APPROVAL** of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON 13TH STREET BETWEEN GARDEN AVENUE & CENTRE AVENUE

A Petition from the residents of this block was received with 67% signatures.

Submitted By: Angela Ellison, 1161 Garden Avenue and Petition/Residents of Block

It is requested that City Council approve this recommendation.

Agenda Item #18

SUBJECT: AGENDA ITEM:

At the Traffic Advisory Commission meeting held on March 7, 2013 the Commission recommended **APPROVAL** of the following item:

**INSTALL A 40' LOADING ZONE (8A.M. - 3P.M.) IN FRONT OF 2811
HIGHLAND AVENUE**

Request was made to facilitate a place for clientele to have in and out service and delivery vehicles to load/unload in front of 2811 Highland Avenue.

Submitted By: Rahsheena Jones, RTR Grocery & Deli, 2811 Highland Avenue

It is requested that City Council approve this recommendation.

Agenda Item #19

At the Traffic Advisory Commission meeting held on March 7, 2013 the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 2498 FOREST AVENUE**

**[Physician verification of wheelchair dependency and/or severe
restriction of movement, has been received]**

Submitted By: Marge Lostracco, 2498 Forest Avenue

It is requested that City Council approve this recommendation.

Monday March 18, 2013 - Council Meeting

PRESENTATIONS:

Annual Easter egg Hunt - Dave Kinney

ADMINISTRATIVE UPDATE:

1. Library - outdoor light replacement/repair
2. 2013 financial plan regarding debt payment
3. Engineer - Lewiston Road and Buffalo Avenue update