

SUBJECT: BRIDGE MAINTENANCE PROJECT – SOUTH MILITARY ROAD OVER CAYUGA CREEK, SOUTH 86TH STREET BRIDGE OVER LITTLE NIAGARA RIVER JOINT REPLACEMENT, BEARING REPLACEMENT AND BRIDGE WASHING & SEALING PROJECT PIN 5760.19

The following was the result of bids received on February 26, 2013, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Paul J. Gallo Contracting, Inc. 4242 Ridge Lea Road Amherst, NY 14226	\$ 155,049.00
Yarussi Construction, Inc.	\$ 163,110.00
Nichol's Long & Moore Construction	\$ 193,031.25

It is the recommendation of the undersigned that this project be awarded to Paul J. Gallo Contracting, Inc. at its Base Bid of \$ 155,049.00 Funding is available under Code H1113.2011.1113.0449.599.

Our design consultant Greenman-Pederson, Inc. has reviewed and recommended award of this project to the above-referenced contractor. Similarly, the New York State Department of Transportation has reviewed the proposal package and granted permission to award. Please note that this award is 80% reimbursable through the State of New York.

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

Agenda Item #2

SUBJECT: LETTER OF AWARD - 2013 SIDEWALK REPLACEMENTS AT VARIOUS LOCATIONS

The following is the result of bids received on March 19, 2013, for the above referenced project:

CONTRACTOR	BASE BID
Valeri Concrete Construction, Inc. 6655 Errick Road North Tonawanda NY 14120	\$217,400.00
Campobello Construction, Inc.	\$243,498.00
Mark Cerrone, Inc.	\$344,750.00

It is the recommendation of the undersigned that this contract be awarded to the low bidder, Valeri Concrete Construction, Inc. in the amount of \$217,400.00. Please note all costs are totally reimbursable by New York State CHIPS Funds.

Additionally, the Contractor has agreed to extend the unit prices of his bid to complete sidewalk replacements for the Niagara Falls Water Board, to a not-to-exceed amount of \$20,000.00, pending the execution of a standard inter-agency agreement between the City and the Niagara Falls Water Board. Therefore, the City of Niagara Falls will enter into a contract with Valeri Concrete Construction, Inc. for a total of 237,400.00 at this time.

Will the Council vote to so approve and authorize the Mayor to execute a contract for the City Of Niagara Falls portion of this work, in a form acceptable to the Corporation Counsel?

SUBJECT: LETTER OF AWARD FOR 2013 DRAINAGE STRUCTURE REPLACEMENT AND REPAIR PROJECT (VARIOUS LOCATIONS)

The following was the result of bids received on March 19, 2013, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Yarussi Construction Inc. 5650 Simmons Ave. Niagara Falls NY 14304	\$ 131,910.00
N.F.P. Trucking & Excavating	\$ 133,490.00
Mark Cerrone, Inc.	\$ 143,525.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Yarussi Construction Inc. at their Base Bid of \$131,910.00. Please note all costs are totally reimbursable by New York State CHIPS Funds.

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

Subject: Change Order #1 Reconstruction of NYS Route 104 Main Street and Lewiston Road From Ontario Avenue to Niagara Falls North City Line, P.I.N. 5045.24 Contract No. RP# 169B

A contract for the above referenced project was awarded to Accadia Site Contracting, Inc. on October 1, 2102, in the total amount of \$4,359,854.00.

During the course of construction it was determined that additional corrective work should be implemented prior to the installation of surface course asphalt on Lewiston Road. This work is required to correct non-conforming profile and cross slope variations associated with base and binder asphalt courses that were placed by Man O' Trees. Generally, additional areas requiring corrective work includes the balance of the pavement installed by Man O' Trees.

Wendel has developed a program for this corrective work. Corrective work includes the following:

- Production and Miscellaneous Cold Milling of Bituminous Concrete to remove the non-conforming pavement.
- Altering Manholes, Drainage Structures and Valve Boxes to facilitate milling and paving operations.
- Installation of Tack Coat and Type 3 Binder Course.

The cost for this corrective work is based on Accadia's Contract Unit Price Items. The total estimated cost is approximately \$ 130,000. Since this work is necessary to correct non-conforming work performed by Man O' Trees, it is not eligible for Federal Aid Reimbursement.

This Change Order will increase their contract to approximately \$4,489,854.00. Funding is available from H0812 fund balance.

It is the recommendation of the undersigned that Change Order #1 be approved not to exceed the amount of \$130,000.00 and thus compensating the contractor on a unit price basis for the additional work actually completed to perform this corrective work.

Will the Council vote to so approve Change Order #1.

**RE: City Council Agenda Item:
United States Department of Housing and Urban Development (HUD)
Annual Action Plan Budget Amendments
(a) 2013 Community Development Block Grant (CDBG) Budget Revision –
1212 Niagara Street Repayment
(b) 2011 Part B through 2013 Emergency Solutions Grant (ESG) Program
Budget Amendment**

Council Members:

The Community Development Department (CD) requests Council approval of the following budget revisions. Both revisions are required by HUD, and the information was made available to the community at a public hearing on March 15, 2013.

**(a) 2013 Community Development Block Grant (CDBG) Budget Revision –
1212 Niagara Street Repayment**

On January 22, 2013, the City Council approved the use of \$27,300 of Community Development miscellaneous revenue to repay United States Department of Housing and Urban Development (HUD) for the 1212 Niagara Street project (Year 2000), which was never completed. The HUD line of credit must be repaid because the national objective was never met. HUD will not accept CD's recent request to use miscellaneous revenue for the repayment. However, HUD did accept our request to use 2013 CDBG funds, instead of general fund dollars, to repay the line of credit.

The \$27,300 reduction will impact both the public services cap of 15 percent of the CDBG amount and the administrative cap of 20 percent. Attachment one includes proposed reductions to ensure that both capped amounts are within the guidelines. All HUD CDBG sub-recipients are notified that their level of HUD funding is not finalized until the actual appropriation is released by the federal government. We make that known in order to anticipate situations like this one, and or unscheduled reductions to HUD funding.

(b) 2011 Part B through 2013 Emergency Solutions Grant (ESG) Program Budget Amendment

HUD has revised the program formerly known as the Emergency Shelter Grant Program, and re-launched it as the Emergency Solutions Grant Program (ESG). The City, as the official ESG recipient, must meet specific rapid rehousing and essential services percentage caps. This requested amendment does not change the amount of available funding in each federal fiscal year. However, it does change sources and uses. CD has met with all sub-recipients impacted by these revisions, and this plan as seen as the most responsible course of action given the new HUD guidelines. The changes are detailed in Attachment two.

Will the Council vote to approve this \$27,300 budget amendment and ESG budget amendment as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Agenda Item #6

RE: Agreement with CSX Transportation, Inc. related to DOT funded Porter Road bridge painting project PIN 5760.18

Council Members:

The City Council has previously approved an agreement with the New York State Department of Transportation for the above project which is related to a bridge over CSX facilities.

In order to progress the project it is necessary to enter into a construction agreement with CSX Transportation. For CSX to review and perform work related to the Porter Road Bridge Painting project the agreement requires an advanced deposit in the amount of \$30,519.00.

This amount is included in the previously approved overall budget for the project.

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

Agenda Item #7

RE: REPLACEMENT OF BULBS AND BALLASTS AT THE EARL BRYDGES LIBRARY

Michelle Petrozullo, the Director of Library Services, requested that the Engineering Department investigate alternatives to increase the level of light around the Earl Brydges Library for security purposes.

(GEL) Currently the Engineering Department has a proposal from Global Energy and Lighting where they will send us three ceramic halide bulbs and ballasts, which they have sole proprietary rights to the ballasts, for thirty days to perform a test to determine if this emerging technology can solve the lighting and security issue at the library without the large construction expense of have a contractor install new poles. Another advantage is that this equipment can be changed out by DPW personnel.

As claimed by GEL, not only do these ballasts and light provide more visible light by increasing the frequency at which bulbs operate which in effect reduces the amplitude of the power being delivered to the bulb thereby reducing the temperature at which the bulb operates making the bulb more efficient. Therefore, given the reduction in power being used by this technology, over time the equipment will pay for itself over the life of the equipment installed.

Also, by reducing the temperature and increasing the frequency, the light is softer and not as harsh. In addition, rather than producing a bright spot directly under the light fixture, the light is more diffuse over a greater area that is not found with metal halide bulbs

Another advantage of this technology is that by increasing the frequency at which the light bulb is operating they are finding that the resolution of security cameras is improved thereby improving the security system without making any other modifications.

If this test proves to perform to the satisfaction of the City, this technology has other applications such as Hyde Park, inside the ice rinks, the golf course, and any other lighting fixtures that are owned by the city.

The total cost to complete the replacement of the bulbs and ballasts is \$9,324.00. Funding for this project is available in Code: H0912.2009.0912.0449.599.

Will the City Council so vote to approve the funding for this project if the test proves to be satisfactory and perform as anticipated?

Agenda Item #8

RE: Costs to Operate City Pools and Spray Park

Council Members:

The DPW Director has provided an estimate of the amount of money required to operate the City pools and spray park for year 2013. Attached hereto is that request estimated to total \$77,262.71. Funding is available from A.1990.7630.0449.599 (Council Contingency).

Will the Council so approve?

RE: Special Inspections – Equipment Storage Building at New Road Corporation Yard

Special inspections proposals were solicited from four companies. Of these, three submitted proposals (APEX Consulting, PSI Engineering, Empire GeoServices, Inc.) for the New York State Building Code mandated services.

The cost for these services is to be borne by the City.

Upon comparison of rates, Empire GeoServices, Inc. was found to provide the lowest cost when rates and estimated hours of service were compiled.

The expected expenditure is \$3,000.00-\$4,000.00, so it is suggested that a contract amount not-to-exceed \$5,000.00 be set aside for possible contingencies. Funding is available in the project code H1119.2011.1119.0449.599.

Therefore, it is the recommendation of the undersigned that a contract for special inspections be approved in an amount not to exceed \$5,000.00, and thus compensating the Empire GeoServices, Inc. on a unit price basis for the work actually completed per their proposal.

Will the Council vote to so approve and authorize the Mayor to execute a contract with Empire GeoServices, Inc. in a form acceptable to the Corporation Counsel?

RE: Retention of Rink Specialists as a consultant for services pertaining to the renovation of Rink 1 at the Hyde Park Ice Pavilion

Council Members:

Rink 1 at the Hyde Park Ice Pavilion was constructed approximately 42 years ago. Significant problems have been identified at Rink 1 including but not limited to numerous pipes in the manifold pit being severely corroded at the concrete wall of the manifold pit. This corrosion is starting to cause pinhole leaks in the refrigeration lines under the ice surface. Also, due to the rink being in service on a twelve month basis permafrost heaving under the rink, absent of subterranean heating system under the refrigeration lines, has caused substantial heaving which has the potential to break the refrigeration lines under the concrete surface which is also some 42 years old.

The City Engineer began searching for a consultant with much experience in the design and construction of ice rinks and surfaces and located Rink Specialists. Preliminary conversations have taken place with Rink Specialists pertaining to the scope of services to be provided in designing and managing the renovations to Rink 1. Attached is a proposal from Rink Specialists. The cost for these consultant services is not anticipated to be more than \$85,500.00. Approximately 3 ½ years ago, the City began making significant improvements to the Hyde Park Ice Pavilion and set money aside from Special Projects Fund Balance (approximately \$650,000) to fund further renovation projects at the Ice Pavilion. Although all the renovations required for Rink 1 at this time were not recognized at that time, it is clear that these renovations are needed now in order to secure the future viability of Rink 1. Funding for these consultant services is available from those dollars.

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

*RE: Request for Approval to Settle and Pay Claim of Lisa A. Smith
2416 Monroe Avenue, Niagara Falls, NY 14303*

Council Members:

Date Claim Filed:	January 22, 2013
Date Action Commenced:	N/A
Date of Occurrence:	December 30, 2012
Location:	2416 Monroe Avenue, Niagara Falls, NY
Nature of Claim:	Damage to fence caused by snowplow.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$350.00
Make Check Payable to:	Lisa A. Smith
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?

RE: Request for Approval to Settle and Pay Claim of Greg A. Syposs
600 81st Street, Niagara Falls, New York 14304

Council Members:

Date Claim Filed:	January 2, 2013
Date Action Commenced:	N/A
Date of Occurrence:	December 27, 2012
Location:	600 block of 81 st Street, Niagara Falls, NY
Nature of Claim:	Automobile damage sustained in an accident with City vehicle.
City Driver:	Jason Klein
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$90.94
Make Check Payable to:	Greg A. Syposs
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?

*RE: Request for Approval to Settle and Pay Claim of Shawn DeLong
PO Box 2282, Niagara Falls, New York 14302*

Council Members:

Date Claim Filed:	November 19, 2012
Date Action Commenced:	N/A
Date of Occurrence:	November 11, 2012
Location:	Mackenna Avenue and 20 th Street
Nature of Claim:	Automobile damage sustained in an accident with falling City equipment.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$500.00
Make Check Payable to:	Shawn DeLong
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?

**RELATIVE TO ADDITIONAL AMENDMENT TO THE TIME OF THE CITY COUNCIL
LEGISLATIVE MEETING ON A TEMPORARY BASIS AND UNTIL FURTHER NOTICE FOR
THE REMAINDER OF CALENDAR YEAR 2013**

BY: Council Member Samuel Fruscione

WHEREAS, during its meeting on March 18, 2013 the City Council amended the time of its Committee of the Whole meeting for each regularly scheduled City Council meeting during the remainder of calendar year 2013 from 4:00 p.m. to 5:00 p.m. and also amended the commencement of the Legislative session to begin 15 minutes subsequent to the conclusion of the Committee of the Whole meeting; and

WHEREAS, upon further reflection, this City Council wishes to further amend the time of the commencement of the Legislative session to designate the Legislative session to commence at 6:00 p.m. in an effort to be consistent with the time many other City boards, such as the Planning Board and the Tourism Advisory Board, commence their business; and

WHEREAS, such an amendment to the time of the Legislative session is intended to be on a temporary basis and until further notice, so as to give this City Council an opportunity to gage public participation.

NOW, THEREFORE, BE IT RESOLVED, that this City Council does hereby restate the commencement of the Committee of the Whole meeting to take place at 5:00 p.m. as previously resolved and does further amend the commencement of the time of the Legislative session from commencing 15 minutes following the conclusion of the Committee of the Whole meeting to commencing at 6:00 p.m.; and

BE IT FURTHER RESOLVED, that at or before the 6:00 p.m. Legislative session this City Council will provide ample time for members of the public to sign up to speak on agenda items or on matters for the good of the community; and

BE IT FURTHER RESOLVED, that these amendments in the time of commencement of the Committee of the Whole meeting and the Legislative session are to be on a temporary basis and until further notice so as to give this City Council the opportunity to gage public participation; 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 15, 2013.

RELATIVE TO AMENDING CHAPTER 178 OF THE CODIFIED
ORDINANCES ENTITLED “CITY OF NIAGARA FALLS
POLICY AGAINST DISCRIMINATION AND HARASSMENT”

BY:

Council Chairman Glenn Choolokian
Council Member Robert Anderson
Council Member Samuel Fruscione
Council Member Kristen Grandinetti
Council Member Charles Walker

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 178 of the Codified Ordinances entitled “City of Niagara Falls Policy against Discrimination and Harassment” is hereby amended as follows:

Section 178.01 INTRODUCTION

The City of Niagara Falls recognizes the right of all persons to equal opportunities and recognizes that all employees have the right to work in an environment free from discrimination and harassment. In this regard, it is the City’s responsibility and practice to protect and safeguard the rights and opportunities of any person who might seek or obtain employment with the City **or who might participate in the City’s process for licenses and/or permits.** Solely for the purposes of this policy, the term "employee" shall also include a volunteer **or a member of a board, commission and committee.**

Section 178.02 POLICY STATEMENT

The City shall not tolerate employment discrimination. The City’s policy is to provide equal ~~employment~~ opportunity without regard to age, race, creed, color, national origin, sex, sexual orientation, gender identity or expression, religion, disability, predisposing genetic characteristics, marital status, military status, or domestic violence victim status. All ~~employment~~ decisions shall be non-discriminatory, including, **but not limited to,** decisions regarding hiring, promotions, terminations, and other terms and conditions of employment, **examinations and the granting of licenses and/or permits.** The City also prohibits the discriminatory harassment of its employees or officers in any form. The City will take all steps necessary to prevent and stop the occurrence of any illegal discrimination or harassment in the workplace. Specifically:

•••

(d) This policy applies to all City officers and employees and all individuals who serve as contractors to the City. This Policy may also apply to the conduct of individuals who are not officers, employees or contractors of the City over whom the City exercises sufficient control, **including members of boards, commissions and committees.** This policy applies to any City facility and all work-related settings and locations where City employees are assigned to work.

**CITY OF NIAGARA FALLS
COMPLAINT OF DISCRIMINATION OR HARASSMENT**

Name of Complainant: _____

Address: _____

Home Phone: _____ Work Phone: _____

Date of Hire: _____

Job Title: _____

Department: _____

Department Head: _____

Name of Person Complained Of: _____

Date of Incident(s): _____ Time: _____

Description of Incident(s): (Use additional sheets if necessary)

Are you still employed by or volunteering for the City of Niagara Falls: _____

Action you are seeking: _____

SIGNATURE _____ DATE _____

Forward Original to: ~~DISCRIMINATION/HARASSMENT COMMITTEE~~

Forward copy to: ~~EEO OFFICER FOR COMPLIANCE AND WORKFORCE DIVERSITY~~

~~CITY OF NIAGARA FALLS
WITHDRAWAL OF DISCRIMINATION OR HARASSMENT COMPLAINT~~

Name of complainant: _____

Date complaint was filed: _____

Department Head notified: _____

~~I HEREBY WITHDRAW THIS COMPLAINT AND AGREE THAT NO FURTHER ACTION IS
REQUIRED ON IT.~~

SIGNATURE: _____ DATE: _____

~~Forward Original to: DISCRIMINATION/HARASSMENT COMMITTEE~~

~~Forward copy to: EEO OFFICER FOR COMPLIANCE AND WORKFORCE DIVERSITY~~

CITY OF NIAGARA FALLS
COMPLAINT OF DISCRIMINATION/HARASSMENT FORM

Name of Complainant: _____

Address: _____

Home Phone: _____ **Work Phone:** _____

Employee **Volunteer** **Applicant (for Exams, Licensing, Permits)**

If an employee of the City of Niagara Falls:

Job Title: _____ **Department:** _____

Supervisor (if different from Dept. Head): _____

Date of Hire: _____

If an applicant:

Date of Application: _____

Name and department, board, commission or committee that you believe discriminated against you:

Please indicate the basis for the alleged discrimination:

- | | |
|--|--|
| <input type="checkbox"/> Age | <input type="checkbox"/> Gender Identity or Expression |
| <input type="checkbox"/> Race | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Creed | <input type="checkbox"/> Disability |
| <input type="checkbox"/> Color | <input type="checkbox"/> Predisposing Genetic Characteristics |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Marital Status |
| <input type="checkbox"/> Sex | <input type="checkbox"/> Military Status |
| <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Domestic Violence Victim Status |
| <input type="checkbox"/> Retaliation | |

Date(s) & Times of Incident(s): _____

Description of Incident(s): (Use additional sheets if necessary)

What actions have you taken concerning the alleged discrimination?

Are you still employed by or volunteering for the City of Niagara Falls: Yes No

What action(s) are you seeking?

Signature _____ Date _____

In filing this complaint, you are saying that the allegations you are making are true and correct to the best of your knowledge. You acknowledge that the information may be used by the City of Niagara Falls to further investigate the complaint.

Forward to: EEO Officer for Compliance and Workforce Diversity
City Hall
745 Main Street, Room 16
Niagara Falls, NY 14302

Bold and Underlining indicate Additions.
Strikethrough indicates ~~Deletions~~

Monday April 1, 2013 - Council Meeting

PRESENTATIONS:

Thermo Source – Geo-Ice (Ice Pavilion)

ADMINISTRATIVE UPDATE:

1. 2013 financial plan regarding debt payment
2. Sidewalk program for 2013 – Public Works
3. Forestry program for 2013 – Public Works
4. 2013 City demolition schedule – Seth Piccirillo