

October 17, 2016

Monday – October 17, 2016 Council Meeting

**PRESENTATIONS:**

1. City of Niagara Falls - ESPRI/Pre-Apprentice Training Program Update  
Seth Piccirillo, Director of Community Development

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**ADMINISTRATIVE UPDATE:**

None

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 September 2016.

				<b><u>CONTROLLER</u></b>	<b><u>TOTAL</u></b>
A1255-001 A012		Vital Statistics		\$ 5,093.00	\$ 5,093.00
A1255-004 A013		Copies of Records		\$ 489.75	\$ 489.75
A1255-004 A013		Certificates of Marriage		\$ 820.00	\$ 820.00
A2501-006 A042		Tour Driver/Guide		\$ 50.00	\$ 50.00
A2501-011 A044		Peddler		\$ 25.00	\$ 25.00
A2542-000 A053		Dogs/NYS Agr.& Mkts	\$ 291.00	\$ -	\$ 291.00
A2542-000 A053		Additional Dogs		\$ 2,911.50	\$ 2,911.50
A2545-001 A054		Marriage License/NYSHD	\$ 1,845.00	\$ 615.00	\$ 2,460.00
A1255-002 A123		Commissioners of Deeds		\$ 5.00	\$ 5.00
A2501-599 A130		Pawn Broker		\$ 300.00	\$ 300.00
A2545-023 A318		Hunters/NYS DEC RAU	\$ 2,412.23	\$ -	\$ 2,412.23
A2545-023 A318		Hunters Fees		\$ 140.77	\$ 140.77
A1255-003 A499		Notary Fee		\$ 14.00	\$ 14.00
A1255-005 A528		Dog Release		\$ 550.00	\$ 550.00
TA63008 A597		Marriage Performance		\$ 400.00	\$ 400.00
<b>TOTAL:</b>			<b><u>\$ 4,548.23</u></b>	<b><u>\$ 11,414.02</u></b>	<b><u>\$ 15,962.25</u></b>
Check #	<u>21451</u>	NYS Dept.of Arg. & Mkts	\$ 291.00		
Check #	<u>21438</u>	NYS Health Department	\$1,845.00		
Check #	<u>ET</u>	NYS DEC RAU	\$2,412.23		

Agenda Item #2

The following claims have been filed in the Office of the City Clerk during the month of September 2016. The claims were subsequently referred to the Office of the Corporation Counsel.

**NOTICE OF CLAIM**

Kumar, Neera J.  553 15 <sup>th</sup> Street	In reference to the cost associated from the towing of his vehicle.
Morcom, Barbara  1487 100 <sup>th</sup> Street	In reference to a large yellow jacket nest in City tree.
Schultz, Michelle  1511 Cleveland Avenue	In reference to vehicle damage caused by a pot hole.
Drain, Helen  534 25 <sup>th</sup> Street	In reference to property damage caused by a City tractor.
Jones, Alon  3018 Orleans Avenue	In reference to vehicle damage caused by a limb from a City tree.
Porter, Andre  2002 LaSalle Avenue. Apt. 2	In reference to personal issues.
Williams, Danelle  Parent of Evan White, infant  2456 South Avenue	In reference to personal injuries caused by recently paved City road.

Swanson, Fatema 1707 Ferry Avenue	In reference to vehicle damage caused by tree branch from a City tree
Hamilton, Rondell 602 25 <sup>th</sup> Street	In reference to vehicle damage caused by a tree branch from a City tree.
Kinney, Jordan 3530 Sherwood Avenue	In reference to vehicle damage caused by a depression in the road.
Sibilio, Samantha 563 75 <sup>th</sup> Street	In reference to vehicle damage caused by City road work.
Galvez, Melanie Ardila, an infant by Katherine Galvez, her parent, and Katherine Galvez as an individual	In reference to personal injury.
Molano, Janniece 417 9 <sup>th</sup> Street	In reference to personal injuries.
Barksdale, Linda 1528 Calumet Avenue c/o Fanizzi & Barr P.C.	In reference to personal injuries.
Meyer, Melissa 145 Sixteenth Street Buffalo, NY 14213	In reference to vehicle being towed and ticketed.
Portugues, Brittany 1336 Elmwood Avenue	In reference to vehicle damage caused by a City Police car.

National Fuel Gas Distribution Corporation

In reference to property  
damage to underground  
facilities, gas loss and cost  
of the repair

6363 Main Street

Williamsville, NY 14221

c/o Kenneth M. Gossel, Esq.

Toledo, Antonio

In reference to personal injuries.

484 19<sup>th</sup> Street

c/o Paul K. Barr

Fanizzi & Barr P.C.

**NOTICE OF COMMENCEMENT OF ACTION SUBJECT TO MANDATORY ELECTRONIC FILING**

David LeGault et al

Index # E159578/2016

**SUMMONS**

New York Central Mutual Fire Insurance Company

Index No. CV -758-16

as Subrogee of Paul Groomes

1899 Central Plaza East

Edmeston, New York 13335

Griffin, Christopher R.

Index No. E159647/2016

1807 Main Street

c/o Law Office of Robert H. Perk, And

the Cochran Firm, Attorneys

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**CITY OF NIAGARA FALLS**  
*NEW YORK*

**TO:** The Council  
**FROM:** Mayor Paul A. Dyster  
**DATE:** October 11, 2016  
**SUBJECT:** Bid #2016-21 Tree Removal Services

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

**TO:** Bentley Tree Care LLC  
P.O. Box 841  
Ripley, NY 14775

**FOR:** Tree Removal Services at several locations throughout city: \$ 85,612.00

The City Purchasing Division 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 six (6) vendors. One (1) bid was received. The above referenced company submitted the lowest bid.

Funding is available through casino funds.

Will the Council so approve?

Agenda Item #4

**SUBJECT: CHANGE ORDER #1 – Bid #2016-03 Clearing of Vacant Lots  
Additional Landscaping Services**

A contract for the above reference project was awarded to K.J. Smith Enterprises, Inc. on April 4, 2016 for clearing of vacant lots & related services.

The City solicited quotes for additional landscaping services on City owned land south of the Train Station site. K.J. Smith's quote for Additional Landscaping Services on City property. The price of \$22,605.00 was lower and more complete than that of Scrufari Construction Inc.

Therefore it is the recommendation of the undersigned that Change Order #1 in the amount of **\$22,605.00** be approved.

Existing funding is available in the City's Train Station Contingency account previously approved by City Council for this project.

Will the council vote to so approve?

Agenda Item #5

**SUBJECT: CHANGE ORDER #2 – ON-STREET PARKING  
BER-NATIONAL AUTOMATION INC. (\$0.00)**

A contract for the above referenced project was awarded to Ber-National Automation, Inc. on March 7, 2016 in the amount of \$355,190.00.

Subsequent to the start of the project, small incremental changes to programming, parking locations and actual machine alterations/repairs have been necessitated by the startup of the entire on-street metering program. The cost of the alterations required to date come to a not-to-exceed amount of \$2,200.00. However, existing underruns in actual bid item quantities will allow this requested change without an increase in the contract total.

Will the council vote to approve and authorize the Mayor to execute a change order in a form acceptable to the Corporation Counsel?

Agenda Item #6

*RE: Acceptance of grant in order to obtain bullet proof vests*

Council Members:

The Superintendent of Police advises that the City is the recipient of an award in the amount of \$50,864.70 under the fiscal year 2016 Bullet Proof Vest Partnership solicitation. This will enable the NFPD to acquire 129 bullet proof vests.

Will the Council vote to accept this award and authorize the Mayor to execute any agreements or documents required in order to obtain the award provided that the same are in form and content acceptable to the Corporation Counsel?

Agenda Item #7

RE: Request for Approval to Settle and Pay Claim of Bonnie Lee Rendler  
P.O. Box 4046, Niagara Falls, New York 14304

Council Members:

Date Claim Filed:	June 9, 2015
Date Action Commenced:	June 26, 2016
Date of Occurrence:	May 11, 2015
Location:	Adjacent to grass-covered island between Porter Road and Niagara Falls Boulevard
Nature of Claim:	Property damage sustained during grass cutting
City Driver:	N/A
Status of Action:	Pre-trial Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$495.72
Make Check Payable to:	Bonnie Lee Rendler
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?

Agenda Item #8

RE: Request for Approval to Settle and Pay Claim of Michael Petrosian  
456 Fuller Place, Lewiston, New York 14092

Council Members:

Date Claim Filed:	April 13, 2016
Date Action Commenced:	N/A
Date of Occurrence:	April 6, 2016
Location:	200 block of Main Street
Nature of Claim:	Automobile damage sustained in accident with City vehicle
City Driver:	Robert Bruno
Status of Action:	Claim Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$2,113.77
Make Check Payable to:	Michael Petrosian
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?

Agenda Item #9

RE: Request for Approval to Settle and Pay Claim of Cynthia Lindaman  
2462 LaSalle Avenue, Niagara Falls, New York 14301

Council Members:

Date Claim Filed:	July 5, 2016
Date Action Commenced:	N/A
Date of Occurrence:	June 22, 2016
Location:	Alley between LaSalle Avenue and Whitney Avenue
Nature of Claim:	Automobile damage sustained during alley resurfacing
City Driver:	N/A
Status of Action:	Claim Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$1, 315.54
Make Check Payable to:	Cynthia Lindaman
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?

Agenda Item #10

SUBJECT: Second Hand Dealers

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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 has submitted an application for a secondhand dealer license. This application has been approved by the Niagara Falls Police Department.

Old House Treasures  
2016 Pine Ave  
Niagara Falls, NY 14301

Will the Council so approve?

Agenda Item #11

**THE CREATION OF THE CITY OF NIAGARA FALLS, NEW YORK (NFNY) SPORTS COUNCIL**

BY:

**COUNCIL MEMBER CHARLES WALKER**

**WHEREAS**, the City of Niagara Falls, New York, recognize the need and the value in developing and creating a sports council; and

**WHEREAS**, the mission of the Niagara Falls New York (NFNY) Sports Council would be to positively impact the economy and quality of life of the Niagara Falls community and Greater Niagara Region. The Sports Council would attract and promote professional and amateur sporting events and programs. This council will also support community development through the promotion of these spectator sports programs while increasing the participation of the youth in sports and community-building as well as molding them into outstanding citizens; and

**WHEREAS**, the NFNY Sports Council will be created as an advisory board, and a 15-member voting board of directors, all volunteers, approved by the Niagara Falls City Council and Mayor. Each member will serve a 2-year term and after 2 years the council structure will be reviewed and board members will be re-appointed. The Niagara Falls Youth Board Director will serve as the city's representative to the Sports Council, as the council will create a youth and sports development commission to formulate policies and integrated youth and sports development programs; and

**WHEREAS**, the NFNY Sports Council will be responsible for generating its funds. Financial support comes from private investments from corporate members, investors, event sponsors, individual members, event and program revenues, civic contributions and a city re-investment of a percentage of tourism dollars directly generated by sporting events (tournaments); and

**WHEREAS**, supporting the Sports Council is a valuable community investment that will not only provide the city of Niagara Falls with home field advantage but will reward investors with tangible membership value and being a part of the team that will make sporting events in Niagara Falls a premier destination for all; and

**WHEREAS**, the council will have a game plan, they will work with sports organizations, the school district and others to bid on, attract and host major sporting events that meet objectives such as, economic development, tourism impact, quality of life enhancement and international exposure for Niagara Falls.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Niagara Falls, New York, that this City Council does hereby approve the creation of the Niagara Falls New York Sports Council.