

Item #1

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

NOTICE OF CLAIM

ALLEGED DAMAGE

Andrzejewski, Robert W.
427-18th St.

Personal injuries due fall caused by icy conditions
in City Hall parking lot

Sciarrino, Louis and Patricia
2926 Grand Avenue

Property damage due sewer backup caused by City
tree roots

Chmiel, Joseph
3322 Church St.

Damage to automobile from City plow while parked
on City street

Pidgeon, Shelley
175 Queeston Apt. 2
St. Catherines, Ontario CANADA

Damage to automobile from potholes.

McCalister, Barbara & Reed, Calvin
746 Spruce Ave.

Damage to automobile and house due to fallen City
tree

Cronwell, Rosaria
7210 Williams Rd. Apt. 315

Damage to automobile caused by pothole

Clemens, Deborah S.
42 D St.

Damage to grass caused by snowplowing

Bennett, Frank J.
2975 McKoon Ave. #2

Damage to automobile caused by pothole

Davis, Mareasa
629-9th St. Apt.1

Damage to automobile caused by pothole

Punturo, Albert S.
1335-104th Street

Damage to mailbox caused by City snowplow

Overton, Marcellus
9071 St. Johns Parkway, Apt. 11

Personal injuries due to police brutality

Estell, Basilee
144 Lovering Avenue
Buffalo, NY 14216-1814

Damage to automobile due to pothole

Curtis, Nolen D.
131-74th Street

Damage to automobile due to fallen City tree limb

Alter, Jonathan P.
3626 Ross St.
Riverside, Ca. 92503

Damage to property caused by Police Department

Gervasi, Vincent
619 Pasadena Ave

Damage to property caused by fallen City tree

Thomas, James
P.O. Box 322
Niagara Falls, NY 14302

Damage to property and loss of property caused by
City crew

Sweet, Deborah
331 Laurel Ave
Olean, NY 14760

Damage to property and sewer line caused by City
tree roots

Hayes, Evangeline
3027 Petroleum Street
Niagara Falls, NY 14305

Damage to automobile from City plow truck

Harrington, Brenda J.
1213 Dogwood Place
Niagara Falls, NY 14304

Damage to automobile from pothole

Russell, Eston and Debbie
2526 Jerauld Ave
Niagara Falls, NY 14305

Damage to property from broken sewer

Robinson, Patricia
8746 Frontier Ave.
Niagara Falls, NY 14304

Damage to automobile caused by City plow

Item #2

SUBJECT: Bid #1-09 Radio Console System

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

TO: FM Communications, Inc.
1914 Colvin Boulevard
Tonawanda, NY 14150

FOR: Radio Console System for E-911 and Dispatching
at the new Municipal Services Building: \$209,737.05

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. Two (2) bids were received. Kenilworth Electronics Co. submitted a bid of \$224,199.00.

We also request the Council authorize the use of 2007 Casino funds for this expenditure.

Item #3

SUBJECT: Bid #2-09 Street Sweepers

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

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

FOR: Three (3) Elgin pelican street sweepers: \$147,535.00 ea. \$442,605.00

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 two (2) companies. One (1) bid was received.

Funds for this expenditure are available in the 2008 Capital budget code:
H0820.2008.0820.0230.000 (\$147,535.00) and the 2009 Capital budget code:
H0912.2009.0912.0230.000 (\$295,070.00).

Item #4

SUBJECT: Bid #3-09 Towing of Abandoned Vehicles

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

TO: Satarian Auto Parts

4250 Witmer Road

Niagara Falls, NY 14305

FOR: Towing of abandoned vehicles within the City: \$101.00/vehicle

The price given is what is to be paid to the City for removal of the vehicles.

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. Bids were also received from Niagara Metals LLC (\$90.00 per vehicle) and Page's Automotive (\$75.30 per vehicle).

Item #5

SUBJECT: Voice & Data Communications Funding for the
New Municipal Services Building

We respectfully request the Council authorize the use of no more than \$43,207.00 of 2007 Casino funds for costs related to voice and data communications that will be incurred as a result of the move to the new Municipal Services Building.

The total costs are not expected to exceed \$140,207.00. However, \$97,000.00 is still available from the 2004 Capital budget reserved for improvements to the City's telecommunications system. Therefore, no more than \$43,207.00 from 2007 Casino funds will be needed.

Item #6

SUBJECT: Bid #6-09 Oils & Lubricants

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

TO: Superior Lubricants Co., Inc.
32 Ward Road
North Tonawanda, NY 14120

FOR: Item #'s 1 thru 11 per the attached tally sheet.

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 (2) bids were received. The above referenced companies submitted the overall low bid.

Funds for these expenditures are available in the Central Garage code: MV0055.0000.0414.000.

Item #7

RE: Agreement with Niagara Fine Arts Program, Inc.

Council Members:

Niagara Fine Arts Program, Inc. has once again organize and provide a Memorial Day Parade as well as it's Concert Programs during the months of July and August on Friday evening in the Downtown area and on Sunday evenings at the steps of the NACC. The cost to the City for the Memorial Day Parade will be \$5,000.00 and the cost to the City for the Concert Programs on Friday evenings in the Downtown will be \$12,000.00 and the cost to the City of the Concert Series on Sunday evenings will be \$12,000.00.

\$20,000.00 is available in the Concert line of the Tourism budget (.0449.068), and \$9,000.00 is available in the Tourism Fund balance (.4999.000).

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

Item #8

*RE: Funding for City Hall Restroom
ADA Compliance*

Council Members:

To make the ground floor public restrooms in City Hall ADA compliant it requires a number of Capital expenditures but the work can be done in- house prior to the Spring Season. Therefore, it is requested that \$13,000.00 be appropriated from casino funds to fund the equipment purchases for this project.

Will the Council so approve?

Item #9

RE: 1801 South Avenue

Council Members:

At the June, 2007 City Auction the above-referenced property was purchased by Hilda and Jackie Rogers. At the time of the purchase there was a structure on the property. This property was inadvertently left on the auction list even though it was subject to demolition and shortly after the Rogers purchased the property the structure was demolished by a City contractor.

Due to this, it is recommended that the Rogers purchase price and property tax payments in the total amount of \$1780.17 be refunded to them.

The Rogers will deed the property to the City of Niagara Falls and execute a general release in a form acceptable to the Corporation Counsel.

Will the Council so approve?

Item #10

RE: Amendment to Sal Maglie Stadium Use Permit

Council Members:

The Use Permit between the City and the Board of Education provides for the Board to pay utility costs for the stadium.

The Board has requested that the utility costs for the months of June, July and August when the District does not use the Stadium be deleted from the Agreement.

Based on the mutual benefits to the City and the Board of this relationship it is recommended that this request be approved and that the Mayor be authorized to sign an Amendment in a form acceptable to the Corporation Counsel.

Will the Council so approve?

Item #11

RE: Agreements with Niagara County Office for the Aging

Council Members:

Annually the City enters into agreements with the Niagara County Office for the Aging to allow the County to lease space in the LaSalle Facility for the operation of its nutrition site in exchange for annual lease payments totaling \$2,431.00, and to reimburse the City in the amount of \$9,025 for the City's operation of an information and assistance services program.

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

NIAGARA FALLS PLANNING BOARD

RECOMMENDATION TO CITY COUNCIL
Zoning Map Amendment

Pursuant to action taken by the Niagara Falls Planning Board on the 28th day of January 2009, your request is hereby granted.

NAME OF OWNER: *Mt. St. Mary's Hospital*

ADDRESS OF ACTION: *3001 Ninth Street, 3216 Highland Avenue,
3226 Highland Avenue*

PURPOSE: *Zoning Map Amendment (change parcels
from C-3 to R-3)*

This application is hereby granted (Resolution & Map attached).(on file in City Clerk's Office)

RESOLUTION No. 2009–

RELATIVE TO THE PINE AVENUE BUSINESS
ASSOCIATION ANNUAL DINNER

BY:

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

WHEREAS, on March 7th, 2009, the Pine Avenue Business Association will conduct its annual Director's Dinner Dance; and

WHEREAS, **McDonalds** will be honored as the Business of the Year; and

WHEREAS, **Lucy Muto** will be honored as the Business Person of the Year; and

WHEREAS, **Michael Cimino** will be the recipient of Pine Avenue's Biggest Asset Award; and

WHEREAS, **Zach Andrejcek, Gail Bimont, Detective Shawn Bosi, Clarence Bradley, Zach Casale, Judge Frank Caruso, Lisa Routhier, Matthew Zacher** will be the recipients of PABA's Community Service Award; and

WHEREAS, **Pete's Market House** will be the recipient of the Lifetime Achievement Award; and

WHEREAS, **Univera Health Care** will be the recipient of the President's Award.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it extends its congratulations on behalf of all the citizens of the City of Niagara Falls in honoring the recipients of Pine Avenue Business Association's 2009 Business and Community Service Awards.

RESOLUTION No. 2009–

RELATIVE TO REAPPOINTMENTS TO THE
TOURISM ADVISORY BOARD

BY:

Council Member Sam Fruscione

BE IT RESOLVED, that the following individuals are hereby reappointed to the
City of Niagara Falls Tourism Advisory Board effective immediately for the
expiration date, which appears opposite their names:

<u>REAPPOINTMENT</u>	<u>TERM EXPIRES:</u>
Laurie Davis 1316 – 24 th Street Niagara Falls, NY 14301 285-9681	12/31/2009
Bob Drozdowski 2554 Falls Street Niagara Falls, NY 14303 940-4525	12/31/2009

RESOLUTION No. 2009–

RELATIVE TO APPOINTMENTS TO THE
NIAGARA FALLS YOUTH BUREAU

BY:

Council Chair Chris Robins

BE IT RESOLVED, that the following individuals are hereby appointed to the
City of Niagara Falls Youth Bureau effective immediately for the
expiration date, which appears opposite his/her name:

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Bryan M. Rotella 2453 Woodlawn Avenue Niagara Falls, NY 14301	12/31/2011
Noreen Chatmon 444 Memorial Pkwy Niagara Falls, NY 14303	12/31/2010
<u>Youth Appointment:</u> Ashley LaSota 919 – 92 nd Street Niagara Falls, NY 14304	12/31/2009

RESOLUTION No. 2009–

RELATIVE TO TIME CHANGE FOR
THE MONDAY, FEBRUARY 23RD
REGULAR COUNCIL MEETING

BY:

Council Chair Chris Robins

BE IT RESOLVED, By the City Council of the City of Niagara Falls, New York, that the regular

Council meeting on February 23rd, 2009 will commence immediately following the conclusion of

the 4pm Committee of the Whole Meeting.

RESOLUTION 2009

RESOLUTION RELATIVE TO THE AMENDMENT OF THE
OFFICIAL ZONING MAP IN SECTION 1306.04
OF THE CODIFIED ORDINANCES

By: Council Chairman Chris Robins

WHEREAS, the Niagara Falls Planning Board has received a request to rezone certain property;
and

WHEREAS, the Planning Board held a public hearing on such request and has voted to
recommend this change to the City Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New
York that the boundaries shown on the City's Zoning Map adopted pursuant to Section 1306.04 of the
Codified Ordinances, is hereby amended to change the properties located at 3001 Ninth Street, Niagara
Falls, New York (SBL #144.06-1-1), 3226 Highland Avenue, Niagara Falls, New York (SBL #144.23-1-
1) and 3216 Highland Avenue, Niagara Falls, New York (SBL #144.23-1-52) from their current
classification district of Heavy Commercial (C-3) to Multi-family Residential (R-3).