

Item #1

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

NOTICE OF CLAIM

ALLEGED DAMAGE

Freeman, Angeline 1353-104 th St.	Property damage caused by City snowplow
McNamara, Kaelie A a/s/o State Farm Insurance Company	Automobile damage caused by City vehicle
Terrana, Joyce 572-78 th St.	Automobile damage caused by pothole
Walker, Willie L., III 1-A Jordan Gardens (Easton Drive)	Damages caused by parking tickets issued in error
Bertozzi, Jessica	Personal injuries and automobile damages caused by
Walsh, Roberts & Grace 400 Rand Building 14 Lafayette Sq. Buffalo, NY 14203	City snowplow
Grasso, Anthony 274 Joseph Dr Tonawanda, NY 14150	Automobile damage caused by City truck

SUMMONS

Heisner, Michael J. 1181 Saunders Settlement Rd Niagara Falls, NY 14305	Index No.: 137189
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Liberty Mutual Insurance Company a/s/o Brent Nice 2950 Expressway Drive South, Suite 100 PO Box 9004 Islandia, NY 11722	Index No.: 10-56009
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Item #2

SUBJECT: City Hall Lateral Repairs (Phase 1) Extra Sewer Main Repair Work

Prior to the completion of the above-referenced project, competitively bid and awarded to J.R. Swanson, a pre-existing sewer main failure was discovered that necessitated immediate repair. With the time-sensitive A.R.R.A. funded resurfacing of Main Street slated to commence the next day, it was determined by the Engineering Department, and confirmed by the Administration, to have the same licensed and insured contractor initiate repairs to the sewer that afternoon. The cost associated with the extra excavation, shoring, pipe removal and replacement, backfilling and requisite traffic control at premium time is \$28,465.41, which is within 10% of typical repairs of this type performed elsewhere via standard practices.

It is the request of the undersigned that the City Council allow payment of the amount above in compliance with any/all Corporation Counsel requirements. Funding is available from the 2008 Casino funds.

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

Item #3

Council Members:

Attached is the February 22, 2010 memorandum from Richard Zucco to me concerning a potential conflict of interest issue in the Homeless Prevention and Rapid Re-Housing Program. You may recall, disclosure of this potential conflict was made to Council in December of last year. We applied to HUD for an exception to the conflict of interest provisions. HUD has advised that the disclosure should include more information. This disclosure includes additional information concerning the conflict of interest. Given the name and nature of the program ("rapid re-housing"), we will re-apply to HUD for an exception to the conflict of interest provisions. The exception will only apply should the problem arise.

This matter is brought to the Council's attention for your information, for the purpose of making public disclosure of the potential conflict of interest and for the purpose of advising of the intention to seek this exception.

Please accept this as a review and file matter.

Item #4

SUBJECT: Consultant Services for Jayne Park Restoration

At its Jan. 14, 2008 meeting the City Council approved accepting a matching grant from the New York State Environmental Protection Fund in the amount of \$145,000 for the restoration of Jayne Park. The total cost of the project is \$290,000. Please be advised that Peter J. Smith & Company, Inc. has been selected as the City's Consultant on the above noted project.

It is the recommendation of the undersigned that the scoping and design phases of this project be awarded to Peter J. Smith & Company at its Proposal Price of \$29,780. Funding is available through Funding Code: H0612.2006.0612.0453.000.

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

Item #5

**SUBJECT: CHANGE ORDER #1 - NEW ROAD CORPORATION YARD FUEL DISPENSING FACILITY
CONSTRUCTION INSPECTION & ADMINISTRATION**

A contract for consultant services for the above referenced project was awarded to Foit-Albert Associates on November 12, 2008 in the amount of \$34,250.00.

As the City and its consultant prepare to solicit bids for the construction of the above-referenced project, it is the Engineering Department's responsibility at this time to secure the requisite construction inspection/contract administration services from our consultant, Foit-Albert Associates. The fee for the additional professional services is \$44,800.00, bringing the total contract amount with the consultant to \$79,050.00

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

Item #6

**RE: AGENDA ITEM:
Real Estate Listing for 2105 Ferry Avenue and 3825 DeVeaux Street**

Council Members:

The Department of Community Development recently foreclosed the mortgages on the above referenced properties that were rehabilitated with federal funds as part of our Urban Homestead Program. Title to the properties has reverted to the City of Niagara Falls. We have been attempting to sell the properties by distributing brochures to local agencies, placing for sale signs on the premises and advertising in the local print media. We have had several inquiries, none of which has resulted in a bona-fide purchase offer.

In an attempt to expedite the sales process we are recommending that both properties be offered for exclusive sales listing to Hooper Real Estate, 742 Main Street, Niagara Falls, New York. Hooper Real Estate has agreed to list the properties at a reduced sales commission of 5.5%. Proceeds from the sale will pay the sales commission at closing. The remaining sales proceeds will be treated as HOME program income and will be used to rehabilitate a home(s) for income eligible homeowners.

Will the Council vote to so approve the listing of the City-owned properties with Hooper Real Estate for six months, with a 5.5% sales commission, and authorize the Mayor to execute the required contract?

Item #7

SUBJECT: Approval of use of Funds from the 2008 Capital Budget

At its meeting of March 10, 2008, the Council approved the 2008 capital plan, including \$796,500.00 for various Police vehicles and equipment. All vehicles and equipment originally authorized have been purchased for the Police Department.

The actual cost for these items was less than the amount approved by the Council. The Police Department is now in need of an SUV. Therefore, we request the Council approve \$28,512.00 of the unused amount in the capital budget to fund the purchase of the SUV.

Elsewhere on this agenda is a request to award a bid for the above mentioned SUV.

Item #8

SUBJECT: Bid #4-10 Hybrid 4 x 4 Compact Sport Utility Vehicle

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

TO: DeLacy Ford, Inc.
3061 Transit Road
Elma, NY 14059

FOR: New and unused gasoline/electric hybrid 4x4
compact sport utility vehicle: \$28,512.00

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 ten (10) vendors. Five bids were received. The above referenced company submitted the lowest bid. Bids were also received from Vision Ford-Rochester, NY (\$28,972.00.00), Van Bortel Ford-Rochester, NY (\$29,140.00), West Herr Ford-Hamburg, NY (\$29,607.00) and Howell Motors-Lockport, NY (\$30,038.00).

Funds for this expenditure are available in the Capital Budget code H0816.2008.0816.0230.000 subject to Council approval.

Item #9

SUBJECT: Bid #3-10 Towing of Abandoned Vehicles

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

TO: Page's Automotive & Towing, Inc.
2961 Lockport Road
Niagara Falls, NY 14305

FOR: Towing of abandoned vehicles within the City: \$135.50/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 three (3) vendors. A bid was also received from Satarian Auto Parts (\$115.00 per vehicle).

Item #10

SUBJECT: Bid #-05 Janitorial Supplies

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

TO: Harpor Paper Company
2403 Hyde Park Blvd.
Niagara Falls, NY 14305

FOR: Item #'s: 1, 16 and 17 per the attached tally sheet.

TO: Corr Distributors, Inc.
89 Pearce Avenue
Tonawanda, NY 14150

FOR: Item #'s: 2 - 9 and 18 per the attached tally sheet.

TO: Niagara Supply Corporation
4825 Tomson Avenue
Niagara Falls, NY 14304

FOR: Item #: 15 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 Eight (8) vendors. Six (6) bids were received. The above referenced companies submitted the lowest bids to meet our specifications for each respective item. We recommend the bids received for plastic bags (items 10 - 14) be rejected. New bids will be solicited for that commodity.

Funds for this expenditure are available in various Departments, Cleaning & Sanitary Supplies code: .0419.003.

Item #11

RE: Proposal from Patch Management
Use of Pothole Killer Trucks

Council Members:

Attached is a proposal from Patch Management, Inc. to provide two trucks and operators for the month of April, 2010 at a cost of \$70,000.00.

It is recommended that casino revenue be used to fund this.

Will the Council vote to appropriate \$70,000 of casino revenue for this project and authorize the Mayor to execute the agreement on behalf of the City?

Shared services proposal between **PATCH MANAGEMENT, INC.**, 451 Tyburn Rd., Fairless Hills, PA 19030 ("PMI") and the **CITY OF NIAGARA FALLS**, 1785 New Road, P. O. Box 69, Niagara Falls, NY 143002-0069.

INTENT: This agreement provides a comprehensive program to repair potholes, alligator areas, edge erosion and utility cuts on the streets and roadways in the City of Niagara Falls, NY.

SCOPE:

- PMI will provide two (2) PK-2000 Patcher Trucks, two (2) Operators, the very highest quality of Materials, and GPS recordings of all repairs for a period of 1 Month, April 2010.

2 Trucks, All Materials, 2 PMI Operators, **320 Total Work Hours**

RENTAL: \$70,000.00

Material: Approx. 2,000 gal (winter) emulsion
Approx. 100 tons aggregate
For Approx \$11,000 total emulsion and aggregate.

TOTAL: \$70,000.00

- Local summer emulsion is not available until May 15, 2010 or later, therefore, these prices reflect the time period of April 1, 2010 to May 31, 2010.

Paul Dyster, Mayor, City of Niagara Falls

Date

Scott Kleiger, Patch Management, Inc.

Date

Item #12

RE: Fireworks for Boom Day

Council Members:

The Niagara River Boom Day event will be held on April 17, 2010 at the LaSalle Yacht Club. The City has been asked to contribute \$1,000 toward the cost of the fireworks display as part of the festivities. Funding is available in the Tourism Fund balance. The City will be invoiced directly by the fireworks company for its portion of the cost.

Will the Council so approve?

Item #13

RE: Casino Funds for Economic Development

Council Members:

NFC is the City's funding mechanism to promote economic development in the City of Niagara Falls. It is desirable that the City transfer the sum of \$400,000 to NFC to be used to promote economic development projects. Funding is available from economic development casino revenues.

Will the Council so approve?

Item #14

RE: City Market

Council Members:

As the Council is aware, the City Market is leased to Muto Development, LLC and the area covered by the lease includes the McDonald's Restaurant.

McDonald's has requested permission to tear down the existing restaurant and build a new one. The City's Planning Board has approved a site plan, which includes the demolition of a small utility structure located behind the existing restaurant.

Muto Development has also approved this configuration and request for a new restaurant.

It is requested that the Council approve the demolition of this structure at no cost to the City and authorize the Mayor to execute any documents to effectuate this in a form acceptable to the Corporation Counsel.

Will the Council so approve?

Item #15

RE: New York State Community Capital Assistance Program Grants for
Custom House Restoration, Duke Center Parking Lot, LaSalle
Library Acoustics Upgrade, LaSalle Library Roof Replacement

Council Members:

The City has received four grants in the above referenced program:

Custom House Restoration	\$250,000
Duke Center Parking Lot	\$150,000
LaSalle Library Acoustics Upgrade	\$100,000
LaSalle Library Roof Replacement	\$125,000

No City match for these grants is required.

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

Item #16

RE: Niagara Falls Blues Festival

Council Members:

The Niagara Falls Blues Festival is being planned for September 9, 10, and 11th, 2010 in Downtown Niagara Falls, New York. The Niagara Festival & Entertainment Group, Inc. is sponsoring the event once again. The City has been asked to contribute a sum of money not to exceed \$40,000 to help defray the cost of this event. The precise location for this event in Downtown Niagara Falls has yet to be determined. Funding is available as follows: \$30,000 from 2007 Casino Funds and \$10,000 from 2010 Tourism Fund Account No. T.6410.0000.0449.070. The City's contribution is subject to the terms and conditions to be contained in a funding Agreement in form and substance satisfactory to the Corporation Counsel and to be prepared by the Corporation Counsel.

Will the Council approve funding and authorize the Mayor to execute a funding Agreement?

Item #17

RE: In Rem Auction

Council Members:

At your January 25, 2010 meeting, you approved the sale of property at 2001 Buffalo Avenue to Jesse Louis.

Due to an error in the database, the name of the bidder was incorrect and, therefore, it is requested that you rescind the approval of the sale to Jesse Louis and approve the sale of this property to the correct bidder, William Bilson, Jr.

Will the Council so approve?

Item #18

RELATIVE TO APPOINTMENTS TO THE
NIAGARA FALLS HISTORIC PRESERVATION COMMISSION

BY:

Council Member Kristen M. Grandinetti

BE IT RESOLVED, that the following individuals are hereby appointed to the City of Niagara Falls Historic Preservation Commission effective immediately to fill the unexpired terms of 1. Geraldine Donovan and 2. Patrick Kuciewski:

<u>APPOINTMENTS</u>	<u>TERM EXPIRES:</u>
1. Anne Smith 1021 - 96 th Street Niagara Falls, NY 14304 807-6973	12/31/2010
2. Donna L. Brok 664 Orchard Parkway Niagara Falls, NY 14301 285-5668	12/31/2012

Item #19

RELATIVE TO
RESOLUTION FOR USE OF POLLING PLACE FOR THE
ANNUAL SCHOOL ELECTION

BY:

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

WHEREAS, the Annual School Election will be held on Tuesday, May 18th, 2010.
Attached is a communication from the School District of the City of
Niagara Falls, New York requesting approval for the use of polling places
in the City of Niagara Falls, New York.

Item #20

RELATIVE TO AUTHORIZATION FOR PROJECT APPLICATION
FOR STATE AID FOR RECREATION AND YOUTH SERVICES

BY: Council Chairman Samuel Fruscione
Council Member Robert Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby authorizes the application for funds as set forth on the attached Project Application/Resolution Certification Form.

Item #21

RESOLUTION RELATIVE TO AMENDING CHAPTER 701
OF THE CODIFIED ORDINANCES ENTITLED
"ANIMALS, FOWL AND DOGS"

By: Council Chairman Samuel Fruscione

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 701 of the Codified Ordinances entitled AAnimals, Fowl and Dogs@ is hereby amended by deleting Section 701.03 as follows:

701.01 FOWL AND LIVESTOCK PROHIBITED IN RESIDENTIAL DISTRICTS

No person shall keep or cause or allow to be kept upon any property in the City or in any building located thereon, which property is classified in the Zoning Ordinances as a residential district, any bees, pigeons, chickens, geese, ducks, turkeys or livestock.

. . .

[701.03 EXCEPTIONS FOR PIGEONS.

Section 701.01 shall not apply to the keeping of a homing and/or racing pigeon loft within the City.]

. . .

Bold and Underlining indicate Additions.
Bold and Brackets indicate **[Deletions]**.