

Agenda Item #1

The following claims have been filed in the Office of the City Clerk during the month of November 2012
The claims were subsequently referred to the Office of the Corporation Counsel.

NOTICE OF CLAIM

Scales, Vivian & Annie
3312 Ely Avenue
Property damages sustained from city tree.

Krawczyk, Henry
5959 John Ave
Various damages as outlined.

Hennegan, Patrick
128 68th St
Personal injuries sustained from tripping in
a pot hole.

DeLong, Shawn
1925 Mackenna Ave
Automobile damages sustained from fallen
electric box.

Freeman, Warren G.
800 Niagara Ave #812
Personal injuries sustained from falling
on sidewalk.

9020 South Military LLC
9020 South Military
Property damages sustained from City tree.

SUMMONS

Sue-Perior Contrete Paving, Inc.
c/o John P. Bartolomei, Esq.
Index#E148400/2012

Felicia Ham and Christopher Ham
c/o Katherine V. Markel, Esq.
Index#148474

Iroquois Bar Corp.
c/o Seth L. Hibbert, Esq.
Index#148446

Darryl K. Martin
c/o C. Daniel McGillicuddy, Esq.
Index#148521

Peggy Whitenight and
Larry Whitenight, her spouse
c/o Thomas M. Mercure, Esq.
Index#148603

**NOTICE REGARDING AVAILABILITY OF ELECTRONIC FILING SUPREME COURT
CASES**

Sue-Perior Conctete
c/o John O. Bartolomei
Index#E148400/2012

Agenda Item #2

For the past few years, the City has co-sponsored with HRC an outdoor New Year's Eve event which, among other things, included live music and a guitar drop. In the past, the City has not only provided support services such as police presence, emt/fire presence and portable restrooms but also a financial contribution to the event. This year, HRC has offered to promote and undertake most of the costs of the event including but not limited to payment of the performing artist fees, stage and scaffolding of the guitar drop with the City's sponsorship participation being limited to any cost required for police presence, emt/fire presence and portable restrooms as well associated clean up. Funding is available from Tourism Fund Balance.

Will the Council so approve and authorize the Mayor to execute any documents that must be in form and content acceptable to the Corporation Counsel?

Agenda Item #3

It is requested that DPW purchase cold patch and hot patch for the purpose of patching roads where necessary and for patching water and sewer cuts. The cost for cold patch is \$3,916.01 and the cost for hot patch is \$1,142.35 for a total of \$5,058.36.

Funding is available from reallocated Casino Funds in Account# H. 0912.2009.0912.0449.599.

Will the Council so approve?

Agenda Item #4

It is necessary to remove the boat docks and gangways from the water for the winter and store them somewhere. Anchor Marine has submitted a proposal in the total amount of \$2,145.50 which is attached (on file in the City Clerk's Office). This contemplates storage of the docks and gangways at Anchor Marine which is less expensive than storing them on site. The reason for this is that special equipment would have to be brought to the site to remove them from the water. Under the proposal, the docks and gangways will be towed to Anchor Marine. Funding for this service is available from reallocated Casino Funds in Account# H.0912.2009.0912.0449.599.

Will the Council so approve?

Agenda Item #5

As the Council is aware, Wendel Duchscherer Architects & Engineers, P.C. has contracts with the City to provide services related to the Intermodal Transportation Center, the reconstruction of NY Route 104, the replacement of the CSX Bridge over NYS Route 104, LaSalle Waterfront Park Planning Services and the Griffon Park Car Top Launch.

Wendel Duchscherer Architects & Engineers, P.C. and its related companies are undertaking corporate restructuring and have asked the City to consent to the assignment of the contracts for these projects to Audubon Architecture, Engineering, Land Surveying & Landscape Architecture P.C. This will result in no change of the services the City receives under its various agreements and at the completion of the restructuring the entity will be known as Wendel Duchscherer Architects, Engineers, Land Surveying and Landscape Architect, P.C.

Will the Council so approve and authorize the Mayor to execute the City's consent to the attached assignment (on file in the City Clerk's Office)?

Agenda Item #6

Community Health Center of Buffalo (CHC) has received a federal grant in the amount of \$5,000,000.00 for the construction of a new health center in the City of Niagara Falls. After considering several different locations, CHC determined that the City owned lot located at 2715 Highland Avenue (the "Premises") will be the most appropriate location for its new health center. The Premises was acquired by the City as a result of the In-Rem tax foreclosure process in 1991. CHC is proposing to pay the City the assessed value of this vacant parcel which is \$14,000.00.

The construction of this new health center will not only be a welcome development in the City but will also relieve the City DPW of the obligation to maintain it. Attached is a copy of the Planning Board's approval.

The terms and conditions of sale will be contained in an Agreement to be prepared by the Corporation Counsel.

Will the Council so approve and find that the proposed sale of the premises to CHC is in the best interest of the City, that the best interest of the City will be subserved by dispensing with a sale at public auction and that the sale of the premises take place pursuant to terms and conditions contained in a contract satisfactory to the Corporation Counsel and authorize the Mayor to execute such a contract as well as any and all documents necessary to accomplish the sale?

Agenda Item #7

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>
Cardamone Chiropractic	10/24/2012 – 11/29/2012	\$71.04

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 #8

Attached (on file in the City Clerk's Office) is a list of bids from the October 25, 2012 auction. With respect to Schedule A, Ward/Pro 13/3414 and Schedule C, 09/2360 and 09/3005, we recommend approval of the bids subject to payment of any delinquent taxes on other properties within 30 days. If the taxes are not paid by that time, or suitable arrangements made, the bids are rejected and deposits and auctioneer's fees forfeited pursuant to the Terms of Sale.


With regard to Schedule A, we recommend that the bids for Ward/Pro 05/0978, 08/0064, 09/2384 and 09/3070 and Schedule C, 05/2768, 14/3393 and 14/3394 be rejected.

With the exception of the above, we recommend that the bids on Schedules A and C be approved.

The bids on Schedules B and D do not require Council approval and are submitted for your information. With regard to Schedule D, Ward 13, Pro 0220 the bid has been rejected.

Will the Council so approve and authorize the Mayor to execute deeds to the successful bidders in accordance with the Terms of Sale?

**CITY OF NIAGARA FALLS
NEW YORK
OFFICE OF THE CITY ASSESSOR**

DATE: December 10, 2012
TO: City Council Members
FROM: James R. Bird 
City Assessor
SUBJ: *AGENDA ITEM: Locally-Adjusted Homestead & Non-Homestead Proportions*

In accordance with Resolution 1998-140 relative to the two-tier property tax system that was adopted November 24, 1998 and Section 1903-4c of the Real Property Tax Law, I have calculated the locally adjusted proportions for the City of Niagara Falls 2013 tax levy:

City of Niagara Falls

Homestead	54.61976
Non-Homestead	45.38024

Will the Council so approve?

Fruscione _____ *Choolokian* _____ *Grandinetti* _____ *Walker* _____ *Anderson* _____

Agenda Item #10

BE IT RESOLVED, that the following individual is hereby reappointed to the City of Niagara Falls Planning Board effective immediately:

REAPPOINTMENT

TERM:

Lisa Vitello
4859 Terrace Drive
Niagara Falls, New York 14305

12/31/2015

Agenda Item #11

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York,
that it hereby adopts the following 2013 City Council Meeting dates as the official
2013 CITY COUNCIL AGENDA AND MEETING SCHEDULE.

4PM ---- Work Session --7pm --- Council Meeting

January 7 (Reorganization Meeting)
January 22 - Tuesday

February 4
February 19 - Tuesday

March 4
March 18

April 1
April 15
April 29

May 13
May 28 - Tuesday

June 10
June 24

July 8
July 22

AUGUST RECESS

September 3 - Tuesday
September 16
September 30

October 15 - Tuesday
October 28

November 12 - Tuesday
November 25

December 9
December 23

Agenda Item #12

WHEREAS, the current Confidential City Council Secretary will be retiring effective Monday, December 31, 2012.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that pursuant to the authority of Section 3.2.e of the City Charter, Kevin Ormsby is hereby appointed as Confidential Secretary to the City Council **effective Tuesday, January 1, 2013.**

Agenda Item #13

WHEREAS, in prior years, the City Council has authorized the City to enter into a Funding Agreement with USAN which, among other things, required the City pay to USAN annually a sum not to exceed \$1,000,000 for projected Conference Center and Old Falls Street operating deficits during each year and further required the City to pay to USAN an additional sum equal to up to \$2,100,000, depending upon dollars received by the City from the State of New York in its annual budget, to be applied by USAN to support economic development projects related to the Conference Center and projects in the USAN development district; and

WHEREAS, the amount to be paid to USAN by the City for projected Conference Center and Old Falls Street operating deficits is subject to receipt by the City of State funds appropriated to the City in the States budget or from the local share of revenues received by the City from the operations of the Seneca Niagara Casino for the prior year; and

WHEREAS, while the City has received payments from the State in the State's annual budget, the City has received no payments since 2009 from the operations of the Seneca Niagara Casino; and

WHEREAS, the lack of payments from the operations of the Seneca Niagara Casino, approximating \$60,000,000, has created a financial disaster for the City of Niagara Falls in attempting to finalize the City's 2013 budget; and

WHEREAS, the City is simply not in a position to fund USAN in 2013 in the amount of \$3,100,000 to pay for projected Conference Center and Old Falls Street operating deficits for calendar year 2013 and also to support USAN's economic development projects in 2013.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, that the Funding Agreement – Convention and Conference Center Agreement and Management of Old Falls Street Agreement expiring on December 31, 2012 entered into by and between USAN and the City dated October 21, 2009 and expiring on December 31, 2012 will not be renewed.