

Item #1

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

**LETTER PRECEDING NOTICE OF CLAIM**

Erie Insurance Company  
a/s/o unknown

**ALLEGED DAMAGE**

Letter preceding Notice of Claim  
for damage to insured's automobile

**NOTICE OF CLAIM**

Niagara Mohawk Power Corp.  
d/b/a National Grid

**ALLEGED DAMAGE**

Property damage sustained when City tree  
being cut down hit and damaged an overhead  
electrical wire

Maxwell, Kecia L.  
545 Tronolone Pl # 2

Automobile damage caused by raised manhole cover  
on unpaved City street

National Fuel Gas Distribution Corp.  
6363 Main Street  
Williamsville, NY 14301

Damage to underground facilities caused by  
excavation

Smith, Ryan S.  
1013 ½ Grove Ave. Apt.1-2

Damages caused by assault , battery, false arrest,  
unlawful imprisonment, violation of constitutional rights caused by  
members of Niagara Falls Police Department

Smith, Ryan  
1013½ Grove Ave

Damages caused by assault and battery, violation of  
constitutional rights, false arrest etc. caused by  
City of Niagara Falls, its agents, servants & employees

**SUMMONS AND COMPLAINT**

Richardson, Mary  
c/o David J. Seeger, Esq.  
69 Delaware Ave. Suite 1100  
Buffalo, NY 14302-0069

Index No.: 09 CV 0824

Item #2

**SUBJECT: ROYAL AVENUE FIREHALL SEWER SERVICE IMPROVEMENTS - CHANGE ORDER #1**

A contract for the above referenced project was awarded to David Gross Contracting Co. on May 18, 2009 in the amount of \$26,577.75.

Subsequent to the start of the project, and at the request of the City Engineer, the contractor was directed to work extra hours/overtime to complete the underground portion of the project in as short a period as was possible. The costs for this "premium-time" work totaled \$1,088.00 increasing the contract total to \$27,665.75. Funding for this change order is available in Casino funds (A.1620.2320.0443.000).

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

Item #3

**SUBJECT: ROLLER SKATING FACILITY AND PARK IMPROVEMENTS AT  
STEPHENSON AVENUE PARK - CHANGE ORDER #1**

A contract for the above referenced project was awarded to Pinto Construction Services, Inc. on July 7, 2009 in the amount of \$62,655.00.

Subsequent to the start of the project, the City exercised an option to further standardize on the type of benches that were installed as a portion of the work included in this contract. The change in benches, eight in total, amounted to a net change of \$1,060.00 increasing the contract total to \$63,715.00. Funding for this change order is available in H066.2006.0622.0419.006.

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

Item #4

**SUBJECT: REPAIR OF CHILLER SYSTEM AT E.W. BRYDGES LIBRARY - CHANGE ORDER #1**

A contract for the above referenced project was awarded to Gerster Trane on July 13, 2009 in the amount of \$17,500.00.

Subsequent to the start of the project, it was determined that in addition to the repairs specified, an additional 400 lbs of refrigerant (R-11) was required for maximum operational benefit. The cost for this extra material is \$6,200.00, bringing the new contract total to \$23,700.00 this contract. Funding for this change order is available in H0904.2004.0904.0443.000.

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 – FENCE REPLACEMENT AT HYDE PARK BALLFIELDS**

A contract for the above referenced project was awarded to Fox Fence, Inc., 2637 Lockport Road, Niagara Falls, New York 14305, on June 15, 2009, in the amount of \$65,425.00.

Subsequent to the start of the project, the City requested a quotation for additional fencing to be added to the scope of the above-referenced contract. The quotation for this extra work – 373' of additional 4' high chain link fencing – totaled \$6,519.00, bringing the new contract total to \$71,944.00.

It is the recommendation of the undersigned that Change Order #1 be approved in the amount of \$71,944.00, Funding for the additional tasks is available under Casino Funds.

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

**SUBJECT: LETTER OF AWARD FOR GILL CREEK NATURE TRAIL LIGHTING**

The following was the result of bids received on October 7, 2009, for the above referenced project:

<b><u>CONTRACTOR</u></b>	<b><u>BASE BID</u></b>
O'Connell Electric Co., Inc. 830 Phillips Road Victor NY 14564	\$ 93,140.00
Fredrock Electric Co., Inc.	\$ 98,485.00
CIR Electric Co., Inc.	\$115,800.00
M&M Electric Co., Inc.	\$119,970.00
Scott Lawn Yard	\$129,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder O'Connell Electric Co., Inc., at their Base Bid of \$93,140.00. Funding is available in Code H0962.2009.0962.0449.599.

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

Item #7

**SUBJECT: CORPORATION YARD ROOF REPLACEMENTS - CHANGE ORDER #1**

A contract for the above referenced project was awarded to Danny Thompson Inc. on October 14, 2008 in the amount of \$572,052.00.

Subsequent to the start of work, numerous deficiencies were discovered upon the removal of the existing roofing systems on **both** the City's salt dome and the former Sanitation Department's garage. In each case, substantial structural framing and/or docking replacement had to occur to return the structures in question to a safe and dry condition while reversing to the most cost-effective point possible, the water damage that had taken place since the roofing system's initial failures. The cost associated with the reframing and redocking of both structures is \$104,195.70 bringing the total contract cost to \$676,247.70. Please note that although substantial, the new contract total is still well in excess of \$110,000.00 below the next-lowest competitive bidder. Funding for this change order is available in Casino funds (H0827).

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

Item #8

***RE: Niagara Falls Police Motor Vehicle Theft and Insurance Fraud Prevention Grant***

Council Members:

The Police Department has received a grant of \$43,175.00 for the calendar year 2010 under the above-referenced grant program.

No City match is required.

Will the Council approve acceptance of the grant and authorize the Mayor to execute any Agreements or other documents necessary to effectuate this?

Item #9

**SUBJECT: LETTER OF AWARD FOR INSTALLATION OF PLAYGROUND AT SOUTH JR. HIGH SCHOOL**

**DATE: October 19, 2009**

The following was the result of bids received on October 9, 2009, for the above referenced project:

<b><u>CONTRACTOR</u></b>	<b><u>BASE BID</u></b>
Gardenville Landscape & Nursery 3069 Clinton St. West Seneca, NY 14224	\$ 96,057.00
Titan Development Inc.	\$ 99,430.00
Yarussi Construction Inc.	\$109,985.00
American Paving & Excavating	\$119,765.00
Scott Lawn Yard	\$127,465.00
Sicoli Construction Services, Inc.	\$152,895.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Gardenville Landscape & Nursery, at their Base Bid of \$96,057.00. Funding is available in the following budget codes :

TR.1999.0000.0449.599 Casino Revenue	\$27,000.00
CPW 072 Community Dev.)	\$69,057.00

It will also be necessary to approve a budget transfer of \$912.00 from Community Development Budget Code CML099 to provide the balance of funding required to purchase the playground equipment and ground matting for this project.

Will the Council vote to so approve the budget transfer for the purchase of equipment and authorize the Mayor to execute a contract with Gardenville Landscape & Nursery in a form acceptable to the Corporation Counsel?

Item #10

*RE: Linwood Avenue*

Council Members:

It is in the City's best interest to pave a City-owned lot located on Linwood Avenue between 8<sup>th</sup> Street and alley/Linwood, as well as the alley between Main Street and 8<sup>th</sup> Street (from Division to Linwood). The paving of this lot and alley will serve people visiting various businesses and agencies in the vicinity of Main Street and Linwood Avenue including the Family and Children's Service's new building. The cost to pave this City-owned lot and alley will not exceed \$137,500. Immediate funding is coming from budget line H0309.2009.0309.0419.006. It is requested that \$137,500 be transferred from the Special Project Fund balance to this budget line to reimburse it for the cost of paving.

Will the Council so approve?

Item #11

*RE: Niagara County Community College Culinary Institute*

Council Members:

In an effort to advance the relocation of the Niagara County Community College Culinary Institute to the Rainbow Mall location, it is necessary to retain the services of an appraiser to calculate the value of the ground lease, building, etc. The estimated cost for such an appraisal is approximately \$10,000 and the City has been asked to pay for one-half of this cost, i.e., \$5,000. Funding for this \$5,000 expense is available from Economic Development Casino Funds.

Will the Council so approve?

Item #12

*RE: Ice Pavilion Fire Alarm System*

Council Members:

Additional deficiencies have been identified in the operation of the fire alarm system at the Ice Pavilion. It is estimated that the total amount to perform these additional repairs will not exceed \$12,000. An estimate has been prepared by M & M Electric Construction Co., Inc., which is attached hereto as a change order to its earlier estimate. Funding to perform these repairs is available from HO819.2008.0819.0449.599. The source of funds is bond proceeds and casino revenues previously designated for ice pavilion repairs.

Will the Council so approve?

Item #13

RE: Request for Approval to Settle and Pay Estate of Arthur P. Wagner  
536 24<sup>th</sup> Street, Niagara Falls, NY

Council Members:

Date Claim Filed:	November 2, 2006
Date Action Commenced:	November 2, 2007
Date of Occurrence:	August 9, 2006
Location:	Hyde Park Boulevard, Niagara Falls, NY
Nature of Claim:	Automobile damage and personal injuries sustained in an accident with City vehicle.
City Driver:	Patrolman David Kelly
Status of Action:	Pretrial stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	\$200,000.00
Make Check Payable to:	Law Office of Jon Louis Wilson and Estate of Arthur P. Wagner
Conditions:	Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above be paid under the terms set forth above. Will the Council so approve?

Item #14

RE: Request for Approval to Settle and Pay Claim of Allstate Insurance Company  
a/s/o Michele Schreiner, PO Box 650271, Dallas, TX 75265

Council Members:

Date Claim Filed:	April 25, 2008
Date Action Commenced:	N/A
Date of Occurrence:	March 10, 2008
Location:	9501 Colvin Boulevard, Niagara Falls, NY
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	Brian Raymond
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$1,493.79
Make Check Payable to:	Allstate Insurance Company a/s/o Michele Schreiner
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?

Item #15

**SUBJECT: INFORMATIONAL ITEM**

At the Traffic Advisory Commission meeting held on October 6, 2009, the Commission:

**DENIED:**

1] Request submitted by Amanda Davis, 123 – 4<sup>th</sup> Street, to **INSTALL ALL-WAY STOP SIGNS AT THE INTERSECTION OF BUFFALO AVENUE & 4<sup>TH</sup> STREET.** The intersection was studied with the following results: Right-angle/turning collision accidents – 2004/3, 2005/1, 2006/3, 2007/2, 2008/1, 2009/1 (thru mid September). In addition, the low traffic volume and pedestrian crossings (4<sup>th</sup> Street: 43/vehicles, 1/pedestrian per hour and Buffalo Avenue: 83 vehicles, 1/pedestrian per hour) indicates that this intersection falls far short of the NYSDOT MUTCD minimum warrants for placement of this type of signage. This item was previously denied by the Commission at their November 8, 2007 meeting. Thomas Miklejn advises the following safety measures have been implemented with successful results: 1) “STOP AHEAD” sign exiting the Parkway; (2) tree trimming in advance of stop signs (north & southbound); (3) speed limit signs on Buffalo Ave.; (4) radar on Buffalo Ave. by NFPD/Traffic Division; and (5) crosswalk & stop bar pavement markings.

**TABLED:**

1) Request submitted by Gerald Koziol, on behalf of his wife, Janet, 3670 Sherwood Avenue to **INSTALL A 5' HANDICAPPED ACCESS SPACE IN FRONT OF 3670 SHERWOOD AVENUE.** Physician verification of wheelchair dependency and/or severe restriction of movement, has not been received, therefore, the Commission tabled this request, pending the receipt of further information from her physician.

Item #16

**SUBJECT:            AGENDA ITEM:**

At the Traffic Advisory Commission meeting held on October 6, 2009, the Commission recommended **APPROVAL** of the following item:

**RELOCATE THE EXISTING TRAFFIC SIGNAL FROM PINE AVENUE & TRONOLONE PLACE TO PINE AVENUE & 15<sup>TH</sup> STREET**

Submitted By:     Arthur Briglio, President, Bocce Block Club (15<sup>th</sup> Street between Pine Avenue & Walnut Avenue)

The existing signal was originally moved from 15<sup>th</sup> Street to Tronolone Place in 1978 because of a request received from St. Joseph's School. The intersection was studied, with the following results: Right-angle accidents – 2006/0, 2007/1, 2008/0, 2009/2 (thru 9/23). In addition, the low side street traffic volume and numbers of pedestrians crossing (Pine Avenue: 12,326/vehicles/day, 8<sup>th</sup> highest hour/784 and 15<sup>th</sup> Street: 1982/vehicles/day, 8<sup>th</sup> highest hour/112) indicates that this intersection falls short of eight different FHWA signal warrants for installation of a traffic signal which include: 8 hour volume, 4 hour volume, peak hour volume, pedestrian volume, school crossing, coordinated signal system, crash experience and roadway network. After using these guidelines, the study indicates it does not warrant a traffic signal. Therefore, Thomas Miklejn recommends denial of this request.

The Commission advises that the relocation of a traffic signal would be costly. The design and installation of the signal and removal of the old signal could cost approximately \$100,000 according to estimates from the Engineering Department; therefore the Commission approved this request pending allocation of funding by the City Council.

Item #17

**SUBJECT:            AGENDA ITEM:**

At the Traffic Advisory Commission meeting held on October 6, 2009, the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 2235 FOREST AVENUE**

**[Physician verification of wheelchair dependency and/or severe  
restriction of movement, has been received]**

Submitted By:     Patricia Knight on behalf of Helen Bell, 2235 Forest Avenue

It is requested that City Council approve this recommendation.

Item #18

**SUBJECT:            AGENDA ITEM:**

At the Traffic Advisory Commission meeting held on October 6, 2009, the Commission recommended **APPROVAL** of the following item:

**INSTALL A 37' LOADING ZONE (9A.M. – 5P.M.) IN FRONT OF 1912 PINE AVENUE**

Request was made to facilitate pickup and delivery in front of 1912 Pine Avenue.

Submitted By:     Enzo Luciani, Owner, Pine Avenue Hardware, 1912 Pine Avenue

It is requested that City Council approve this recommendation.

Item #19

**SUBJECT:            AGENDA ITEM:**

At the Traffic Advisory Commission meeting held on October 6, 2009, the Commission recommended **APPROVAL** of the following item:

**WAIVE THE ALTERNATE OVERNIGHT PARKING RULE ON 33<sup>RD</sup> STREET BETWEEN PINE AVENUE AND WALNUT AVENUE AND ALLOW TWO SIDED OVERNIGHT PARKING FROM APRIL 1<sup>ST</sup> THRU NOVEMBER 30<sup>TH</sup> EACH YEAR**

A Petition from the residents of this block was received with 91% signatures.

Submitted By:     Petition/Residents of 33<sup>rd</sup> Street

The Commission has made a special exception approving this request due to the road being 30 feet in width with daytime parking being allowed on both sides of the street and houses located only on one side of the street (all with shared driveways). Parking will only be allowed on both sides of the street from April 1<sup>st</sup> thru November 30 on a one year trial basis.

It is requested that City Council approve this recommendation.

RESOLUTION 2009-

RESOLUTION RELATIVE TO AMENDING CHAPTER 1121  
OF THE CODIFIED ORDINANCES ENTITLED  
“SIGNS AND BILLBOARDS”

By: Council Chairman Chris Robins  
Council Member Robert Anderson, Jr.  
Council Member Steve Fournier  
Council Member Samuel Fruscione  
Council Member Charles Walker

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1121 of the Codified Ordinances entitled ASigns and Billboards@ is hereby amended by amending Section 1121.03 entitled “Permits, Fees, Inspection and Indemnification” to read as follows:

1121.03 Permits, Fees, Inspection and Indemnification.

• • •

6. Permit Fees. Application for permits shall be filed with the Sign Inspector, together with the permit fee for each sign as specified below; **provided, however, that the minimum fee for a permit shall be Fifty Dollars (\$50.00).**

(a) Signs Where Permitted, New or Additional, Including Alterations to Existing Signs.

- i. Up to 100 sq. ft. (each sign face)  
(this fee includes any electrical fee required.) \$50.00**
- ii. Each additional 100 sq. ft. (per face) \$15.00**
- iii. Moving signs on the same premises \$25.00**
- iv. Relocating signs to new premises \$25.00**
- v. Awnings and canopies without signage.  
First \$1,000 cost of labor and material \$25.00  
Each additional \$1,000 or fraction thereof \$10.00**
- vi. Signage on an awning or canopy (flat fee) \$25.00**
- vii. Permit renewal/Inspection \$25.00**

**The fees for permits are as set forth in Section 1107.10(B)(6) of Chapter 1107 of the Codified Ordinances and shall be paid prior to the issuance of any permit.**

(b) The calculation of square footage shall be based on both faces of the sign.

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

RESOLUTION 2009-

RESOLUTION RELATIVE TO AMENDING CHAPTER 173  
OF THE CODIFIED ORDINANCES ENTITLED  
“LEAVES OF ABSENCE WITHOUT PAY”

By: Council Chairman Chris Robins  
Council Member Robert Anderson, Jr.  
Council Member Steve Fournier  
Council Member Samuel Fruscione  
Council Member Charles Walker

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 173 of the Codified Ordinances entitled ALeaves Of Absence Without Pay@ is hereby amended by amending Section 173.09 entitled “Family and Medical Leave”, Section 173.19 entitled “Vacation Before Leave” and Section 173.20 entitled “Health Insurance Benefits End” to read as follows:

173.09 FAMILY AND MEDICAL LEAVE.

Family and medical leaves shall be granted to employees in accordance with the Family and Medical Leave Act of 1993. Employees meeting the eligibility requirements will be allowed to take time off for up to 12 workweeks in a leave year for the following conditions:

• • •

**Military Family Leave shall be granted to eligible employees in accordance with the National Defense Authorization Act of 2008. Employees meeting the eligibility requirements will be allowed to take time off as indicated below for the following conditions:**

**5. Qualifying Exigency Leave. An eligible employee is entitled to up to 12 workweeks of job-protected leave in the applicable 12-month period because of “any qualifying exigency” arising out of the fact that the employee’s spouse, son, daughter or parent is on active duty or called to active status as a member of the National Guard or Reserves in support of a contingency operation.**

**6. Military Caregiver Leave. An eligible employee who is a spouse, son, daughter, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious illness or injury is entitled to up to a total of 26 workweeks of unpaid leave during a “single 12-month period” to care for the service member.**

Family and medical leave is not a separate leave, but is charged to annual leave in accordance with current leave policies.

173.19 VACATION BEFORE LEAVE.

Any employee can be required to use any vacation or compensation time accrued to such employee before being granted a leave of absence hereunder. **An employee will be required to exhaust all accrued sick time prior to being granted a leave for health reasons or because of their own serious health condition under FMLA.**

173.20 HEALTH INSURANCE BENEFITS END.

No employee granted a leave of absence shall be entitled to medical and/or dental benefits after the first **[thirty days of] day of the month following the month in which** any leave of absence hereunder granted to such employee **initiates** unless provided for by law, regulation, collective bargaining agreement or ordinance.

Bold and Underlining indicate **Additions.**

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

RESOLUTION 2009-

RESOLUTION AUTHORIZING THE IMPLEMENTATION AND FUNDING OF THE FEDERAL-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT, TO FULLY FUND THE LOCAL SHARE OF FEDERAL-AID ELIGIBLE AND INELIGIBLE PROJECT COSTS AND APPROPRIATING FUNDS THEREFOR.

By: Council Chairman Chris Robins  
Council Member Robert Anderson, Jr.  
Council Member Steve Fournier  
Council Member Samuel Fruscione  
Council Member Charles Walker

**WHEREAS**, a Project, The Niagara Falls Intermodal Transportation Center Project, in the City of Niagara Falls, Niagara County, PIN 5756.28 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds or 100% Federal funds, depending on the Source of Federal funds; and

**WHEREAS**, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the New York State Department of Transportation (NYSDOT) administered portion of the Right-of-Way phase of the project PIN 5756.28 .

**NOW, THEREFORE**, the City Council of the City of Niagara Falls, duly convened does hereby

**RESOLVE**, that the City Council of the City of Niagara Falls hereby approves the above-subject project; and it is hereby further

**RESOLVED**, that the City Council of the City of Niagara Falls hereby authorizes the City of Niagara Falls to pay the Non-Federal share of the cost of the NYSDOT administered portion of the Right-of-Way phase of the Project or portions thereof, with the Federal share of such costs to be applied directly by the NYSDOT pursuant to Agreement; and it is further

**RESOLVED**, that the sum of \$ 86,052 is hereby appropriated from Casino Funds and made available to cover the cost of participation in the above phase of the Project; and it is further

**RESOLVED**, that in the event the Non-Federal share of the cost of the NYSDOT administered portion of the project's Right-of-Way phase exceeds the amount appropriated above, the City of Niagara Falls shall convene its Council as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and it is further

**RESOLVED**, that the Mayor of the City of Niagara Falls be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the City of Niagara Falls with the NYSDOT in connection with the advancement or approval of the Project and with the NYSDOT providing for the administration of the Project and the Municipality's funding of the local share of Federal-Aid Eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and it is further

**RESOLVED**, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

**RESOLVED**, this Resolution shall take effect immediately.

RESOLUTION 2009-

RESOLUTION RELATIVE TO THE APPROVAL OF THE  
ACQUISITION OF PROPERTY RELATED TO THE  
RECONSTRUCTION OF BUFFALO AVENUE BETWEEN  
VETERANS DRIVE AND INTERSTATE I-190 (PIN NO. 5757.16)

By: Council Chairman Chris Robins  
Council Member Robert Anderson, Jr.  
Council Member Steve Fournier  
Council Member Samuel Fruscione  
Council Member Charles Walker

**WHEREAS**, the City of Niagara Falls is currently progressing a project to reconstruct Buffalo Avenue between Veterans Drive and I-190; and

**WHEREAS**, the City of Niagara Falls is required to procure land to reconstruct said highway; and

**WHEREAS**, two parcels of land required for this project are owned by the State of New York through the New York State Department of Transportation; and

**WHEREAS**, maps of the required parcels of land have been completed by the City Engineer and reviewed and approved by the New York State Department of Transportation as to form; and

**WHEREAS**, these maps are noted as Map 5001-C, Parcel 5001 and Map 5001-C, Parcel 5002.

**NOW THEREFORE BE IT RESOLVED** that the City of Niagara Falls will assume ownership and maintenance responsibility of said parcels to construct said project; and

**BE IT FURTHER RESOLVED** that the City of Niagara Falls will continue to own and maintain Buffalo Avenue; and

**BE IT FURTHER RESOLVED** that the Mayor of the City of Niagara Falls is authorized to execute any agreements or documents necessary to effectuate the purposes of this resolution.