

Clerks s report

The following is a report of the licenses issued and collections made in the Office of the City Clerk during the month of September 2009.

			<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001 A012	Vital Statistics		\$ 5,076.00	\$ 5,076.00
A1255-004 A013	Copies of Records		\$ 811.50	\$ 811.50
A1255-004 A013	Certificates of Marriage		\$ 740.00	\$ 740.00
A2501-006 A042	Tour Attendant		\$ 50.00	\$ 50.00
A2501-011 A044	Peddler		\$ 630.00	\$ 630.00
A2501-016 A047	Stationary Engineers		\$ 50.00	\$ 50.00
A2501-021 A048	Amusement Games		\$ 4,400.00	\$ 4,400.00
A2542-000 A053	Dogs/N County Treasurer	\$ 488.40		\$ 488.40
A2542-000 A053	Dogs/NYS Agr. & Mkts	\$ 228.00		\$ 228.00
A2542-000 A053	Additional Dogs		\$ 2,650.60	\$ 2,650.60
A2545-001 A054	Marriage License/NYSHD	\$ 1,665.00	\$ 555.00	\$ 2,220.00
A2501-015 A266	Home Improvement		\$375.00	\$375.00
A2545-021 A316	Vending		\$ 5,530.00	\$ 5,530.00
A2545-023 A318	Hunters/NYS DEC RAU	\$ 6,805.30		\$ 6,805.30
A2545-023 A318	Hunters Fees		\$ 221.70	\$ 221.70
A1255-003 A499	Notary Fee		\$ 18.00	\$ 18.00
A1255-005 A528	Dog Release		\$ 350.00	\$ 350.00
TA63008 A597	Marriage Performance		\$ 400.00	\$ 400.00
A1255-006-A696	Photos/passport-license		\$ 45.00	\$ 45.00
TOTAL:		<u>\$ 9,186.70</u>	<u>\$21,902.80</u>	<u>\$31,089.50</u>

Check #	<u>44126</u>	Niagara County Treasurer	\$ 488.40
Check #	<u>44160</u>	NYS Dept.of Arg. & Mkts	\$ 228.00
Check #	<u>44124</u>	NYS Health Department	\$1,665.00
		NYS DEC	
Check #	<u>ET</u>	RAU	\$6,805.30

Item #2

SUBJECT: #40-09 Smith & Wesson Pistols

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

TO: Smith & Wesson Corp.
2100 Roosevelt Avenue
Springfield, MA 01104

FOR: 167 ea. Smith & Wesson M & P 40, .40 S & W semi-automatic pistols with night sights and three 15-round magazines for each pistol:	\$298.44 ea	\$49,838.48
50 ea. Smith & Wesson M & P 40, .40 S&W, 15 round magazines:	16.50 ea	825.00
162 ea. Trade-ins of Smith & Wesson SW40E, semi-automatic pistols with night sights and three high capacity law enforcement magazines for each pistol:	<u>195.00</u> ea	<u>-31,590.00</u>
TOTAL:		\$19,074.48

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. The above referenced company submitted the only bid.

Funds for this expenditure are available in Grant code: S3120.2816.0250.001.

Item #3

RE: United Way Holiday Festival of Lights

Council Members:

Attached is the proposed License Agreement to allow the United Way to use facilities at Hyde Park for the Holiday Festival of Lights.

Will the Council so approve and authorize the Mayor to execute same?

Item #4

RE: Request from Niagara Falls Memorial Medical Center for Encroachment to Place Bollards on Walnut Avenue

Council Members:

The City has received a request from Niagara Falls Memorial Medical Center to place bollards in the Walnut Avenue right-of-way adjacent to two National Grid poles next to the hospital. A Homeland Security Grant that the hospital has received will fund this.

The appropriate departments have reviewed this request and there is no objection to the placement of the bollards. It is on the October 28 Planning Board Agenda for recommendation to Council.

The hospital will be required to indemnify the City from any liability due to the placement of the bollards and will name the City as an additional insured on its liability insurance.

In addition, the hospital will have to comply with any requirements imposed by either National Grid or the New York State Department of Transportation, which has jurisdiction on Walnut Avenue.

Will the Council so approve?

Item #5

**SUBJECT: Old Falls Street- West Mall Project Phase II, Time Extension
CHANGE ORDER #3 (No Cost Change Order)**

The contract for the above referenced project was awarded to Mark Cerrone Inc. 2368 Maryland Avenue, Niagara Falls, NY 14305 on September 29, 2008 in the amount of \$4,376,043.00.

Subsequent to the start of work for Phase II of this project, there was a delay to the start of demolition work for the Wintergarden caused by the previous owner's failure in closing on a prescribed date. The delay has impacted the finish date of phase II of this project. An extension of forty five (45) working days, rather than a new arbitrary completion date, was agreed upon by the Contractor (Mark Cerrone Inc.), USAN (Funding Source) and the City of Niagara Falls.

This No Cost Change Order #3 will allow the contractor the necessary working days to complete construction that cannot take place during the winter months. It allows the completion date and all associated bonuses and penalties to be moved to the Spring of 2010.

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: New Year's Eve Event

Council Members:

The City's participation in the Hard Rock Concert Series this past summer proved successful in several different ways including the generation of substantial amounts of revenue in the City's parking ramp. The City has the opportunity once again to participate in a Hard Rock event to be held on December 31, 2009 (New Year's Eve). The location of this event is presently speculated to be at the mall downtown near the Hard Rock. City officials are currently in discussions with Hard Rock representatives to work out the details. The cost to the City is presently estimated not to exceed \$50,000. Funding for the City's participation in this event is available from 2008 Casino spending plan. The form and content of any agreement with the Hard Rock for this New Year's Eve event is subject to approval of the Corporation Counsel.

Will the Council so approve?

Item #7

**RE: AGENDA ITEM: LETTER OF AWARD: Contract CD2009-2
Utility Abandonment, Asbestos Abatement and Demolition of Various Properties -**

Council Members:

The following bids were received by the Department of Community Development on October 13, 2009 for the demolition of nineteen (19) structures identified on the attached list.

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Scott Lawn Yard, Inc.	\$422,600
Empire Dismantlement Corp.	\$478,800
Mark Cerrone, Inc.	\$517,234
Cambria Contracting, Inc.	\$830,500

It is our recommendation that a contract be awarded to the low bidder, Scott Lawn Yard, Inc., at their base bid amount of \$422,600. Funding is available in the following budget codes:

CDR199 (CDBG)	\$200,000
H0910.2009.0910.0449.599 (Casino Revenue)	\$122,600
<u>MRV099 (Misc. Revenue)</u>	<u>\$100,000</u> (reimbursed with NYS NSP Funds)
Total	\$422,600

Will the Council vote to award contract CD2009-2 to Scott Lawn Yard, Inc. and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Item #8

RE: Agreement to prepare the nomination of Orchard Parkway/Chilton Avenue as a State or National Register Historic District, in order to take advantage of Historic Preservation Residential Tax Credit Programs

Council Members:

In June of 2009, New York State approved a new Rehabilitation Tax Credit for Homeowners in State or National Register historic districts (or buildings). This program, notwithstanding other federal programs, is specifically intended to provide a 20% tax credit up to a maximum of \$50,000 to assist homeowners in the rehabilitation and/or renovation of their historic properties.

The 2005 Historic Resources Survey identified Orchard Parkway/Chilton Avenue as a potential State or National Register Historic District. In order to take advantage of these new tax credits it will be necessary to successfully nominate Orchard Parkway/Chilton Avenue as a State or National Register Historic District.

The City has funding in the amount of \$13,150.00 from 06-07 Economic Development Casino Funds.

The City has received a proposal by Clinton Brown Company Architecture to undertake the necessary research, education of property owners with respect to Historic Preservation generally, and New York State Tax Credits Programs specifically, and soliciting the input of affected residents in forming a recommendation prior to making a formal application to the New York State Historic Preservation Officer (SHPO) for a State and/or National Register Historic District designation.

Will the Council authorize the City to enter into an Agreement with Clinton Brown Company Architecture, P.C. to perform these services in an amount not to exceed \$13,150.00 and authorize the Mayor to execute an agreement in a form acceptable to the Corporation Council?

Item #9

RE: Agreement to prepare the nomination of Park Place/Fourth Street District as a State or National Register Historic District, in order to take advantage of Historic Preservation Residential Tax Credit Programs

Council Members:

In June of 2009, New York State approved a new Rehabilitation Tax Credit for Homeowners in State or National Register historic districts (or buildings). This program, notwithstanding other federal programs, is specifically intended to provide a 20% tax credit up to a maximum of \$50,000 to assist homeowners in the rehabilitation and/or renovation of their historic properties.

The 2005 Historic Resources Survey identified Park Place/Fourth Street as a potential State or National Register Historic District. The Park Place Historic District is a Locally-Designated Historic District. In order to take advantage of these new tax credits it will be necessary to successfully nominate Park Place/Fourth Street as a State or National Register Historic District. The City has funding in the amount of \$6,250.00 from the 06-07 Economic Development Casino Funds.

The City has received a proposal by Thomas J. Yots of Preservation Studios LLC to undertake the necessary research, education of property owners with respect to Historic Preservation generally, and New York State Tax Credits Programs specifically, and soliciting the input of affected residents in forming a recommendation prior to making a formal application to the New York State Historic Preservation Officer (SHPO) for a State and/or National Register Historic District designation.

Will the Council authorize the City to enter into an Agreement for these services with Preservation Studios, LLC in an amount not to exceed \$6,250.00 and authorize the Mayor to execute an Agreement in a form acceptable to the Corporation Counsel?

Item #10

RE: Resolution 2009-83 & 2009-84

Please be advised that Mayor Paul A. Dyster on October 20, 2009 duly approved Resolution 2009-83 relative to Amending Chapter 1121 of the Codified Ordinances entitled "Signs & Billboards" and Resolution 2009-84 relative to Amending Chapter 173 of the Codified Ordinances entitled "Leaves of absences without pay" approved by Council on October 19, 2009.

Item #11

SUBJECT: Second Hand Dealers License

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 application for secondhand dealer license. This application has been approved by the N.F. Police Department.

Terry's Flea Market - 739-19th Street

Will Council so approve?

RESOLUTION No. 2009–

RELATIVE TO THE MAIN STREET BUSINESS AND PROFESSIONAL
ASSOCIATION'S ANNUAL AWARDS 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 November 13th, 2009, the Main Street Business and Professional Association will hold its annual dinner; and

WHEREAS, **Beeton's Cyclery** will be honored as the Business of the Year; and

WHEREAS, **Donald Masocco** will be honored as the Business Person of the Year; and

WHEREAS, **Janelle Jeness Montazolli** will be the recipient of the George Kurtzman Award; and

WHEREAS, **Michele Vanstrom** will be the recipient of the President's Distinguished Service Award; and

WHEREAS, **Sister Barbara Pfohl** will be the recipient of the Michael A. Brundidge Community Service Award; and

WHEREAS, **HSBC Bank Main Street Branch** will be the recipient of the Rainbow Award; and

WHEREAS, **the Niagara Beautification Commission and Niagara Habitat for Humanity** will be the recipients of the Beautification Award; and

WHEREAS, **Rev. Calvin Babcock and Thomas DeSantis** will receive Special Recognition Awards; and

WHEREAS, **Dale Campbell, Sister Beth Niederpruem and Jessica Trainor** will be the recipients of Angel Awards.

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 the Main Street Business and Professional Association's 2009 Annual Awards Dinner.

Resolution 2009 - ____

**RELATIVE TO AUTHORIZING APPLICATION FOR FUNDS FOR CONTINUATION OF THE
HIGHLAND COMMUNITY AREA AND BUFFALO AVENUE INDUSTRIAL CORRIDOR
PROJECTS PURSUANT TO THE NEW YORK STATE BROWNFIELD OPPORTUNITY AREA
GRANT PROGRAM**

By: Council Chairman Chris Robins
Council Member Charles Walker

WHEREAS, the City's goals are for understanding potential impairment issues, performing remediation, redeveloping and reusing Brownfield areas; and

WHEREAS, under previous and existing EPA Brownfield Redevelopment Assessment Pilot Programs, the City of Niagara Falls has completed several environmental assessments of brownfields in the Highland Area, and parts of the Buffalo Avenue Industrial Corridor, including the completed Master Redevelopment Plan for the Highland Area; and

WHEREAS, The City is currently an active participant in the Department of State's Brownfield Opportunity Program with a Step1 Pre-Nomination Study in the Buffalo Avenue Industrial Corridor and a Step 2 Nomination Study in the Highland Area; and

WHEREAS, New York State's Department of State, in conjunction with the Department of Environmental Conservation, administers the Brownfields Opportunity Area Grant program for assessing these impaired areas as well as developing full remediation, redevelopment and implementation plans; and

WHEREAS, the two selected areas for this Brownfields Opportunity Area Grant (the Highland Area and the Buffalo Avenue Industrial Corridor) are specifically identified as priority project areas in the Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council strongly supports the City's continuing participation in the New York State Brownfield Opportunity Area program in achieving the goal of brownfield redevelopment, and hereby authorizes the administration to make application for funding the next steps.