

Agenda Item #1

The following have requested City Council approval for Commissioner of Deeds for a term from 1-1-2012 to 12-21-2013.

Conti, John	Niagara Falls Police Department
Myles, Bridgette	Law Department
Rizzo, Kelly	Niagara Falls Police Department
Volk, Thomas	Niagara Falls Police Department

Franz, Thomas	NYS Parks Police
Marcy, John	NYS Parks Police
Moriarty, Patrick	NYS Parks Police
Doty, Clyde	NYS Parks Police
Mikula Jr., John	NYS Parks Police
Nisbet, Brian	NYS Parks Police
Riddle, James	NYS Parks Police
Russell, Brian	NYS Parks Police

Daniels, Lora	WWTP
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Corsaro, Candance	1826 North Ave., Niagara Falls, NY 14303
Kurilovitch, Teresa	9311 Niemel Dr., Niagara Falls, NY 14304

This is in accordance with provision of the Niagara Falls City Charter, Article II, Section 7, Subdivision 5.

Agenda Item #2

At its meeting of December 14, 2009, the Council awarded the above referenced bid to Morris Protective Services, Inc. (see attached copy of Council letter). The contract was in effect for one year thru December 31, 2010. If mutually agreeable, the agreement may be extended annually for up to two additional years thru December 31, 2012 under the same terms, conditions and specifications. Last year the first year's extension was exercised. Morris Protective Service, Inc. has requested we now exercise the final year's extension.

Therefore, we recommend the Council approve extension of this agreement for one final year.

Funds for this expenditure are included in the 2012 proposed budget in the Public Works Department, Administration code: A1490.0001.0449.004.

Agenda Item #3

A contract for the above referenced project was awarded to Apollo Dismantling Services, LLC on April 19, 2011 in the amount of \$1,462,000.00.

Subsequent to the start of the project, additional tasks were performed by the contractors that were not included in the project's original scope. These additional tasks are the result of discoveries made during demolition – double layers of asbestos-containing flooring, electrical schematic differing from existing record drawings and anomalies in the fountain area – that would have negatively impacted the second phase of the Rainbow Centre work, namely the creation of the Community College's Culinary Arts facility and the City's parking ramp rehabilitation.

Additionally, the City has commissioned the contractor to proceed with the demolition and removal of the adjacent elevated walkway over First Street. Costs associated with this additional work and the restoration/protection of structures slated to remain are \$136,000.00, bringing the total additional costs for extra work to \$162,461.20 and the contract total to \$1,624,461.20.

It is important to note that funding for this project is ultimately supplied by USA Niagara via a separate agreement.

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

Agenda Item #4

A contract for the above referenced project was awarded to Mark Cerrone, Inc. on September 23, 2010 in the amount of \$4,215,484.73.

Subsequent to the start of the project and during the abatement replacement phase of the work, the Contractor had encountered radioactive contaminated materials. In light of both established handling procedures and the potential for excessive quantities of this material, the Contractor will be required to create/modify the segregation area(s) to accommodate storage of this material. The cost associated with this requisite alteration is \$9,588.00. However, tasks not completed will allow this change order to be processed at the time for \$0.00.

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

Agenda Item #5

A contract for the above referenced project was awarded to Man O'Trees, Inc. on June 29, 2009 in the amount of \$ 7,713,000.00.

As detailed in earlier change orders, additional water main replacement has been authorized to accommodate proposed changes in finished grade throughout the project area. In the course of installation, rock excavation and disposal not originally included on the project's scope was encountered and handled on a "time and material" basis. The cost associated with the rock excavation and removal is \$31,502.45. However, existing funds allocated for work slated for completion in future phases will allow this work to be added to the contract without a change to the contract total (\$0.00) at this time.

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

Agenda Item #6

The Police Department has received a grant from the New York State Division of Homeland Security and Emergency Services in the amount of \$6,427.00 for overtime and fringe benefits for Operation Kickoff.

No City match is required for this grant.

Will the Council approve acceptance of the grant and authorize the Mayor to execute the grant agreement and any other documentation necessary to effectuate the acceptance of this grant?

Agenda Item #7

The City is in the process of acquiring title to a number of parcels through the 2007 In Rem Tax Foreclosure. These properties will be auctioned on December 12, 2011. Frequently, the former owners attempt to redeem their property by paying all outstanding or delinquent City, School and County taxes with penalties and interest prior to the auction. Although this is not a legal right, this has been allowed by the City Council in the past to avoid unnecessary hardship. Accordingly, we are recommending that this Council authorize the reconveyance of title to those former owners who pay all outstanding City, School and County taxes with penalties and interest, and any applicable recording fees on or before the close of business on December 9, 2011.

Will the Council so approve and authorize the execution and delivery of deeds by the Mayor to any property owners who tender payment as set forth?

Agenda Item #8

The Library Director has requested that the fire alarm system for the LaSalle Branch Library be upgraded. That upgrade is estimated to cost \$8,868.00. In addition, replacement parts are needed for the heating system at the Earl Brydges Library. These parts are estimated to cost \$2,255.70. Funding is available from Special Projects Fund Balance.

Will the Council so approve?

Agenda Item #9

Pursuant to an Agreement that became effective March 3, 2009, the City and NYSOPRHP agreed on certain terms and conditions for the hiring of a Project Coordinator to facilitate and carry out the North Star Project. That Agreement expired on March 3, 2011. The City and NYSOPRHP desire to renew that Agreement for a period of one (1) year commencing March 3, 2011 through March 2, 2012.

Will the Council so approve?

Agenda Item #10

The above claimant has incurred medical expenses for personal injuries suffered by her when she was being transported back to Niagara Falls High School in a police vehicle after serving as a volunteer at the City's recent Emergency Drill on November 16, 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>
Federico Doldan MD	11/16/11	\$1,393.36

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 #11

Please be advised that Mayor Paul A. Dyster on November 15, 2011, duly approved the following:

1. Resolution 2011-85, relative to Amending Schedule 8 of the “Zoning Ordinance” for 4661 Porter Road
2. Resolution 2011-88, relative to Amending Schedule 8 of the “Zoning Ordinance” for 8652 Buffalo Avenue

RELATIVE TO HONORING
NIAGARA COUNTY LEGISLATOR RENA E KIMBLE



BY:

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

WHEREAS, Niagara County Legislator Renae Kimble will be leaving the Niagara County Legislature on December 31, 2011; and

WHEREAS, Ms. Kimble was elected in November of 1992. She was the first African-American woman elected to the Niagara County Legislature and has served as the Deputy Leader of the Legislature's democratic minority caucus. She was a past Majority Leader and has been honored as a "Woman making History" by Utopiann Euphoria, a Buffalo-based event planning company; and

WHEREAS, as former Director of the Niagara Falls Human Rights Commission, she was an advocate for the rights of all people. She worked very hard to prevent a merger between Niagara Falls Memorial Medical Center and Mount St. Mary's Hospital by founding a community group opposing the move; and

WHEREAS, during her time on the Industrial Development Agency board, she created the Microenterprise Assistance Program which has supplied dozens of small and start-up businesses with loans and management training. She also pushed successfully for the redevelopment of the Unity Park housing complex in the City of Niagara Falls.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council ask the citizens of the City of Niagara Falls to join them in thanking Legislator Kimble for her service to the Niagara Falls Community and the County of Niagara. We wish her well in all her future endeavors.

Agenda Item #13

RESOLUTION RELATIVE TO AMENDING
CHAPTER 1111 OF THE CODIFIED ORDINANCES ENTITLED
“PLUMBING CODE OF THE CITY OF NIAGARA FALLS, NEW YORK”

By: Council Chairman Samuel Fruscione

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1111 of the Codified Ordinances entitled “Plumbing Code of the City of Niagara Falls, New York” is hereby amended by deleting Appendix I in its entirety and amending 1111.20 to read as follows:

1111.20 FEES FOR LICENSES AND PERMITS

The fees for licensing and plumbing work permits set forth in Section 1107.10(B)(10) of Chapter 1107 of the Codified Ordinances shall be paid prior to the issuance of any license or permit **[which fees are set forth on Appendix 1 to this Chapter]**.

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

By: Council Chairman Samuel Fruscione

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 1121.07 entitled “Prohibited Signs” to read as follows:

1121.07 PROHIBITED SIGNS

The following types of signs are expressly prohibited in all districts, except as otherwise provided by this code:

• • •

F. “A” Frame Signs.

1. “A” frame or sandwich board, sidewalk or curb signs are prohibited, except as described in paragraph 2 of this section.
2. Signs described in paragraph 1 above will be permitted in a commercial or industrial district **[during the period from the Friday before Memorial Day to Labor Day]**. No more than one such sign may be displayed at a premises. The sign will display the address of the premises as contained on the permit application. **Such signs shall be of steel construction and shall be no higher than forty-one inches (41”) and no wider than twenty-one inches (21”) and shall weigh no less than twenty (20) pounds.** The permit fee for such sign shall be **[Two Hundred Dollars (\$200.00)] Seventy-five Dollars (\$75.00)**. The City of Niagara Falls will be indemnified and named as an additional insured on the property or business owner’s liability insurance in a minimum amount of \$1 Million and in a form acceptable to the Corporation Counsel. Signs pursuant to this subdivision must be placed so as not to interfere with ingress and egress to vehicles parked along the street or to the premises and with the passage of pedestrians on the City sidewalk. The City Engineer, **or his designee,** may order a sign to be moved or removed if, in his determination, it interferes with ingress and egress and/or the safe flow of pedestrians on the sidewalk **or otherwise unsafe to the public.**

Agenda Item #15

RESOLUTION RELATIVE TO AMENDING CHAPTER 1107
OF THE CODIFIED ORDINANCES ENTITLED
"PERMITS, FEES AND CERTIFICATES"

By: Council Chairman Samuel Fruscione

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1107 of the Codified Ordinances entitled APermits, Fees and Certificates@ is hereby amended by amending Section 1107.10 entitled "Permit Fees" to read as follows:

1107.10 PERMIT FEES

No permit shall be issued by the Director of Inspections until fees hereinafter prescribed have been paid to the City Controller and for which receipt has been noted on the application for the permit. No fee shall be required for work undertaken by the City of Niagara Falls, New York, the School District of Niagara Falls, the State of New York, the County of Niagara or the United States government. The fees to be paid for permits shall be as follows:

B. Other Work

10.Plumbing, Drain and Sewer Cleaning and Mechanical Contracting Permit Fees:

Fixtures and Appurtenances, each	\$ 10.00
Water Heaters	
[Up to 40 gallons	\$10.00]
Up to 50 gallons <u>in storage</u>	[\$15.00]
<u>\$10.00</u>	
[Up to 75 gallons	\$20.00
Over 75 gallons-fee same as installation cost]	
 [Sewer mains, laterals and related piping	
Per each 50 ft. or fraction thereof	
Up to 6 inches in diameter	\$25.00
Over 6 inches in diameter	\$30.00]
 <u>Installation of sanitary or storm sewer</u>	
<u> piping for each 50 feet or fraction thereof</u>	<u>\$30.00</u>
 [Water mains, laterals and related piping	
Per each 50 ft or fraction thereof	
Up to 2 inches in diameter	\$25.00
Over 2 inches in diameter	\$30.00]
 <u>Water service and distribution piping for</u>	
<u> each 50 feet or fraction thereof</u>	<u>\$30.00</u>
 <u>For each backflow device certifying, testing</u>	
<u> and/or repairing</u>	
<u> Up to 2 inches in size</u>	<u>\$ 5.00</u>
<u> Over 2 inches in size</u>	<u>\$10.00</u>
 [Catch basins, manholes, meter vaults,	
Miscellaneous	\$15.00]
 <u>For each manhole, vault, interceptor,</u>	

Over 150 amps to 200 amps	\$ 75.00	[\$100.00]	<u>\$125.00</u>
[\$150.00] <u>\$250.00</u>			
Over 200 amps to 400 amps	\$100.00	[\$125.00]	<u>\$150.00</u>
[\$200.00] <u>\$300.00</u>			
Over 400 amps to 1000 amps	\$150.00	[\$175.00]	<u>\$250.00</u>
[\$250.00] <u>\$350.00</u>			
Over 1000 amps	\$225.00	[\$250.00]	<u>\$350.00</u>
[\$500.00] <u>\$700.00</u>			
Additional meters	\$ 10.00	\$ 15.00	\$ 25.00
Each additional panel	\$.00	\$ 15.00	\$ 25.00
Security and Fire Alarms	\$ 35.00	[\$ 50.00]	<u>\$ 75.00</u>
[\$75.00] <u>\$100.00</u>			

Additional Electrical Fees:

Renewal of Electrical Contractor's License - Active	\$125.00
Renewal of Electrical Contractor's License - Inactive	\$ 40.00
Initial issuance of Electrical Contractor's License	\$225.00
Application to take Electrical Contractor's Exam	\$125.00