

Agenda Item #1

The bids for utility abandonment, asbestos abatement and demolition of 20 buildings in the City were opened on January 26, 2012. The bid results are as follows:

S.C. Martin Group, Inc.....	\$499,763.00
Metro Contracting & Environmental, Inc.	501,300.00
Regional Environmental Demolition, Inc.	514,000.00
Mark Cerrone, Inc.	658,858.00
Empire Dismantlement Corp.....	714,600.00
Newcal Construction, Inc.....	980,000.00

The S.C. Martin bid was incomplete. There was no bid bond and no price for individual buildings. At the bid opening, the Martin representative was advised that the bid was incomplete and would be rejected. He agreed with the rejection of the bid.

As the bids were totaled, it was discovered that the bid amount of the Metro Contracting bid did not include one of the pages of individual properties. If the page of properties was added, the bid would be \$715,350.00. A representative of Metro emailed a letter to the Community Development office advising of the error and withdrawing the bid.

Accordingly it is our recommendation that the contract be awarded to Regional Environmental Demolition, Inc., as the responsible bidder which submitted the lowest responsible bid. Funds are available in budget line H0910.2009.0910.0449.599. Will the Council vote to approve the award of contract CNF 2012-1 to Regional Environmental Demolition, Inc. as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Agenda Item #2

The CITY proposes to transfer Tract I and Tract II, consisting of 23± acres, to Brightfields, LLC which will undertake to remediate and develop the real property. 18.5 acres of the site is known as Tract II. Tract II is a New York State Superfund site, and is eligible to be remediated under the New York State Incentive Hazardous Waste Site Program. Tract II is currently designated a Class 2 site (ID Number 932136). An Interim Remedial Measure Work Plan has been submitted to DEC and is awaiting approval. The remediation is being undertaken in concert with Honeywell, which is paying remediation costs.

The real property is generally described as: a 23± acre parcel of real property and identified as tax lot SBL Nos. 144.06-2-2 (3201 Highland Avenue), 144.06-2-25 (3001 Highland Avenue), 144.06-2-26 (3079 Highland Avenue), 144.06-2-27 (3123 Highland Avenue), 144.23-1-8 (3121 Highland Avenue), 144.23-1-9 (3115 Highland Avenue), 144.23-1-10 (3109 Highland Avenue) and 144.23-1-11 (3103 Highland Avenue). A property list and diagram of the Real Property is annexed hereto.

After remediation, the property will be developed with commercial development consistent with a DEC-approved remediation plan and the City's Comprehensive Plan. Five acres of the property will be conveyed back to the City to become a City Park. This park will replace the Center Court Park land which became part of the HOPE VI housing development.

The sale will be for \$1.00. The remediation, commercial development and park development will be additional consideration. The conveyance will have a reverter clause, revesting title in the City if the agreed upon work is not completed.

The Planning Board acted on a recommendation for the proposed sale at its February 1, 2012 special meeting. The report of the Planning Board will be provided to Council on February 6, 2012 prior to Council action.

Due to the fact that the purpose of the sale is to accommodate the remediation, the best interest of the City shall be subserved by dispensing with a sale at public auction.

Will the Council vote to find that the best interest of the city are subserved by dispensing with a sale at public auction, to approve sale as set forth herein, and to authorize the Mayor to execute any documents with Corporation Counsel approval necessary to effectuate the same?

Agenda Item #3

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

TO: Taylor Supply LLC
125 Palmetto Drive
Davenport, FL 33897

FOR: One (1) Hipped Roof, 30' x 44' metal picnic shelter kit: \$37,000.00

This structure will be assembled by City Staff. 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 six (6) vendors. Three bids were received. The above referenced company submitted the lowest bid.

Funds for this expenditure are available from Community Development Block Grant funds (CPW073).

Agenda Item #4

The Niagara Fine Arts Program Inc. has submitted a proposal to the City to undertake and carry out the Summer 2012 Friday at the Falls Concert Series consisting of ten (10) events at a total cost of \$14,000.00. The Niagara Fine Arts Program Inc. has also submitted a proposal to undertake and carry out the Sunday on the Steps of the NACC Concert Series consisting of eight (8) events plus a special event to take place on August 26, 2012 which will be the Ontario House Jazz Tribute. The total cost for these nine (9) events will be \$16,200.00.

Proposals for both of these programs are attached.

Funding is available from budgeted funds and Tourism Fund Balance.

Will the Council so approve?

Agenda Item #5

The City Council has previously approved the creation of the position of City Marshal to serve as an independent contractor for the purpose of serving process and other duties as the City Marshall of the City of Niagara Falls. Currently, the City has two individuals serving this capacity. It is requested that the appointment be extended to a third person in order to make performance of duties more efficient and effective.

It is recommended that Gary A. Bevilacqua be designated as a City Marshal for a term to commence upon execution of his contract and to expire on December 31, 2014 and that said individual be required to provide proof of insurance, naming the City of Niagara Falls as an additional insured in a form satisfactory to the Corporation Counsel in connection with the performance of his duties. Mr. Bevilacqua's resume is available for your review.

Will the Council so approve and authorize the Mayor to contract with the above for the term and on the conditions specified?

Agenda Item #6

The City Engineer advises that he has secured a proposal from a Traffic Engineer for both the design component and the construction component of a pedestrian crossing light on Pine Avenue. The total cost of these items is estimated to be \$80,500.00. Funding is available from Special Projects Fund Balance.

Will the Council so approve?

Agenda Item #7

The City Council has previously approved agreements with the New York State Department of Transportation for the above projects which are related to bridges over CSX facilities.

In order to progress the project it is necessary to enter into construction agreements with CSX Transportation. For CSX to review and perform work related to the projects the bridge cleaning and deck sealing agreement requires an advanced deposit in the amount of \$25,187 and the 11th Street bridge repair project requires an advance deposit in the amount of \$33,024.

These amounts are included in the previously approved overall budget for the projects.

Will the Council approve the construction agreements and authorize the Mayor to execute both agreements in a form acceptable to the Corporation Counsel?

Agenda Item #8

Annually the City enters into the above referenced agreement to provide information & assistance services for a person 60 years and older. This agreement will cover the period from January 1, 2012 through December 31, 2012 and total payments shall not exceed \$9,025.00.

Will the Council so approve and authorize the Mayor to execute the attached agreement?

Agenda Item #9

The 2012 Budget contains appropriations of \$2,500.00 for NIMAC; \$5,000.00 for the Niagara Falls Beautification Commission; \$10,000.00 for the Niagara Falls Block Club Council; \$30,000.00 for the Niagara Arts & Cultural Center; \$10,000.00 for OSC-21. In order to effectuate these, appropriation agreements with each respective agency is required.

Will the Council so approve and authorize the Mayor to execute an agreement in form acceptable to the Corporation Counsel for each non-profit agency?

Agenda Item #10

The 2012 Budget contains an appropriation in the amount of \$27,500.00 for the Niagara Community Action Program Inc. so that it may continue to provide assistance to qualified City residents during fiscal year 2012. This will require that the City enter into a Funding Agreement with this entity.

Will the Council so approve and authorize the Mayor to execute a Funding Agreement in form satisfactory to the Corporation Counsel?

Agenda Item #11

I hereby reappoint and appoint the following to the Niagara Falls Library Board:

<u>Reappointment:</u>	<u>Term Expires:</u>
Dolores Marino 3202 Ontario Avenue Niagara Falls, NY 14305	12/31/2016

<u>Appointment:</u>	<u>Term Expires:</u>
Alicia Laible 250 Rainbow Blvd., Apt. 408 Niagara Falls, NY 14303	12/31/2015

Will the Council so approve?

Agenda Item #12

In connection with the reconstruction of Old Falls Street between First Street and Prospect Street there have been portions of the Eurocobble units which have deteriorated and are in need of repair/replacement. A Memorandum of Agreement has been developed which addresses the repair and replacement of these Eurocobbles going forward. This Agreement stipulates that USA Niagara will make available any remaining funds currently held for project contingencies for the maintenance/repair of these Eurocobble units. There are sufficient USA Niagara project contingency funds available to cover a program of maintenance/repair of Eurocobble units through the established term of the Memorandum of Agreement which is the fall of 2013. It is requested that the City be authorized to expend \$10,000.00 at this time to purchase Eurocobble units. This sum will be reimbursed by USA Niagara.

Will the Council so approve and authorize the Mayor to execute a Memorandum of Agreement satisfaction to the Corporation Counsel?

Agenda Item #13

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>
Mount Saint Mary's Hospital	11/16/2011	\$3645.00
Advanced Care Physical Therapy	1/16 & 1/18/2012	\$152.89

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 #14

RELATIVE TO RESCHEDULING FEBRUARY 21, 2012 COUNCIL MEETING

By: Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Glenn Choolokian
Council Member Kristen Grandinetti
Council Member Charles Walker

BE IT RESOLVED by the City Council of the City Niagara Falls, New York that the council meeting scheduled for February 21, 2012 will be held on **Wednesday February 22, 2012** with the work session at 4 p.m. and the regular meeting at 7 p.m.

RELATIVE TO RECOGNIZING TOPS FRIENDLY MARKETS



BY:

Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Glenn Choolokian
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, on February 8th, 2012, Tops Friendly Markets will have their 50th Anniversary Kick-off Celebration of being “TOPS” in the WNY Community. Founded in 1962, Tops Friendly Markets has never stopped saving customers money, providing quality selection and service and giving back to the community; and

WHEREAS, headquartered in Williamsville, NY, Tops operates 126 full-service supermarkets and five franchise supermarkets. Tops is a leading full-service grocery retailer in upstate New York, and northern Pennsylvania, and the company shows no signs of slowing down; and

WHEREAS, Tops considers its stores to have a “neighborhood grocer” feel – each store customized to fit the community it surrounds. It strives to meet the dynamic needs of the time-sensitive consumer with such amenities as in-store pharmacies, in-store butchers, in-store bakeries and ready to eat prepared foods in the stores’ Carry Out Cafe; and

WHEREAS, part of the plan for the future of Tops is an extensive remodel and expansion plan over the next five to seven years. Tops will continue to build on its successes in its core market areas with an increased emphasis on value, health and wellness, technology and customer convenience.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council congratulates TOPS FRIENDLY MARKETS in celebrating their 50th Anniversary in the WNY Community and its goal to keep the same close-knit customer association and neighborhood feeling as a vital part of its success, just as it did in the beginning.

**RESOLUTION REGARDING CREATION OF AD HOC COMMITTEE PERTAINING TO ICE
PAVILLION**

**By: Council Member Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Glenn Choolokian
Council Member Kristen Grandinetti
Council Member Charles Walker**

WHEREAS, the City of Niagara Falls owns an ice pavilion in Hyde Park; and

WHEREAS, on July 25, 2002 the City of Niagara Falls entered into an agreement with a third-party which allowed that third-party to exclusively operate the ice pavilion; and

WHEREAS, the City of Niagara Falls, over the past few years, has spent \$5,513,971.95 to upgrade the ice pavilion; and

WHEREAS, the agreement allowing this third party to operate the ice pavilion expires on July 31, 2012; and

WHEREAS, this City Council believes that the City of Niagara Falls should circulate a Request for Qualifications/Request for Proposals for the operation of the ice pavilion going forward.

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby create an ad hoc committee to make recommendations to the City regarding the future operation of the ice pavilion and the details to be included in any kind of request for proposals.

BE IT FURTHER RESOLVED, that this ad hoc committee will consist of five (5) individuals to be selected and appointed by this City Council.

BE IT FURTHER RESOLVED, that this ad hoc committee will serve in an advisory capacity only and meet on an "as needed" basis.