

Item #1

**SUBJECT: RECONSTRUCTION OF LEWISTON ROAD NYS FROM BATH
AVENUE TO NIAGARA FALLS NORTH CITY LINE - PIN 5045.24
CHANGE ORDER #3 - \$0.00**

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.

Subsequent to the contract's award, it was determined by the New York State Department of Health that that the contractor, (Man O'Trees, Inc.) perform all necessary radiation scanning and related work originally slated for the Engineer. These costs for additional licensing and monitoring, totaling \$78,254.59, were not included in the Contractor's original scope of work. However, current underruns and items not presently in use will allow this additional work to be performed with no change (\$0.00) to the existing contract at this time.

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

Item #2

**SUBJECT: RECONSTRUCTION OF LEWISTON ROAD NYS FROM BATH
AVENUE TO NIAGARA FALLS NORTH CITY LINE - PIN 5045.24
CHANGE ORDER #2 - \$0.00**

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.

In order to mitigate public concerns regarding radioactive material storage and to more appropriately utilize the City's right-of-way, it was determined by the City's consultant, and agreed to by the undersigned, to move the radioactive material storage area from the Findley Avenue intersection to Bath Avenue. The cost associated with this move is \$25,127.11. However, current cost underruns and items not presently in use will allow this additional work to be performed with no change (\$0.00) to the existing contract total.

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

Item #3

RE: License and Code Compliance Inspector

Council Members:

In order to provide for inspections for licensing compliance of coin operated amusement games and vending machines it is requested that the Council appropriate \$2,000.00 from Casino Interest to fund a part time License and Code Compliance Inspector in the City Clerk's Office.

Will the Council so approve?

Item #4

RE: Administrative Services Agreement and Business Associate Agreements with HealthNow New York, Inc. and Brown & Brown of New York, Inc.

Council Members:

The City's health insurance plan is being administered by HealthNow New York, Inc. (the parent of Blue Cross and Blue Shield of Western New York). The City and HealthNow need to enter into an administrative services agreement which sets forth the various duties and responsibilities of the parties in providing health insurance to current City employees and City retirees.

In addition, recent amendments to the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") require the City to enter into revised business associate agreements with both HealthNow and Brown & Brown of New York, Inc.

Will the Council so approve and authorize the Mayor to execute the administrative services agreement and business associate agreements in forms acceptable to the Corporation Counsel?

Item #5

RE: Staff Reorganization at Department of Public Works

Council Members:

In anticipation of an upcoming retirement, it is requested that the Council approve the changes in the clerical staffing at the Department of Public Works on the attached summary. The Civil Service Commission has approved the changes. The net savings to the DPW budget on an annual basis is approximately \$14,700.00. Funding to cover the transition is available in the Special Projects Fund Balance.

Will the Council so approve?

Item #6

SUBJECT: Bid #19-10 Traffic Marking Paint

At its meeting of May 3, 2010, the Council awarded the above referenced bid to Sherwin Willaims Co. (see attached letter). Due to a severe shortage of resin Sherwin Williams has advised the City that the manufacturer of traffic marking paint has been temporarily suspended for two to three months. The City required delivery within 30 days. We contacted the second low bidder, Ennis Paint, Inc. and they have advised us that they will honor their bid prices.

Therefore, we respectfully request you re-award the above referenced bid as follows:

TO: Ennis Paint, Inc.
PO Box 404
Ennis, TX 75120

FOR: Traffic Marking Paint:
White: \$45.00/pail
Yellow: \$45.00/pail

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 (3) bids were received. The above referenced company submitted the lowest bid.

Funds for this expenditure are available in budget code A3310.0000.0419.008.

Item #7

SUBJECT: Bid #24-10 Rental of Equipment

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

TO: Admar Supply Co., Inc.
1394 Main Street
Buffalo, NY 14217

FOR: Item #'s 11, 44-46, 51 and 53 per the attached tally sheet.

TO: Monroe Tractor
5035 Genesee Street
Buffalo, NY 14225

FOR: Item #'s 21, 23, 26, 27, 34, 38 and 43 per the attached tally sheet.

TO: Villani's Equipment, inc.
6405 Packard Road
Niagara Falls, NY 14304

FOR: Item #'s 1-4, 6, 7, 9, 20, 22, 24, 25, 28-30, 35-37, 39, 40, 54, and 55 per the attached tally sheet.

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 (3) bids were received.

Funds for this expenditure are available in the various department equipment rental codes: .0442.003 and .0442.599.

Item #8

RE: RE: Contract for services with National Development Council

Council Members:

In order to obtain specialized expertise and professional advice in the financing, development, design and, implementation of City economic development projects, the City Administration proposes to enter into an agreement with National Development Council in the amount of \$72,000 for one year from the 2010 Casino Capital Plan for Economic Development.

Will the Council so approve?

Item #9

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

Louis E. Muzzillo 509 Third St. Niagara Coins & Collectibles

Will Council so approve?

Item #10

RE: Resolution 2010-37

Please be advised that Mayor Paul A. Dyster on May 19, 2010, duly approved Resolution 2010-37 relative to Adopting Chapter 341 of the Codified Ordinances entitled "Vendors & Peddlers" adopted by Council on April 5, 2010.

Item #11

RE: Resolution 2010-38

Please be advised that Mayor Paul A. Dyster on May 19, 2010 duly approved Resolution 2010-38 relative to Adopting Chapter 178 of the Codified Ordinances entitled "City of Niagara Falls Discrimination and Harassment Policy" adopted by Council on May 17, 2010.

Item #12

Local Law #1 & #2

Local Law #1 for the Year 2010 which was adopted by Council on May 3, 2010 and duly approved by Mayor Paul A. Dyster on May 10, 2010 was Received and Filed by the New York State Department of State on May 18, 2010.

Local Law #2 for the Year 2010 which was adopted by Council on May 3, 2010 and duly approved by Mayor Paul A. Dyster on May 10, 2010 was Received and Filed by the New York State Department of State on May 18, 2010.

Item #13

RELATIVE TO THE STANDARD WORK DAY AND REPORTING RESOLUTION

BY:

Council Chair Samuel Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steven Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, the City of Niagara Falls, New York hereby establishes the following as standard work days for elected officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body; and

Title	Name	Standard Work day	Term begins/ends	Participates in Employer's time keeping system	Days/Month
Elected Officials					
Council Member	Charles A.Walker	6	1/1/2010 - 12/31/2013	N	15.5

WHEREAS, the clerk of this governing body of the State of New York does hereby certify that he/she has compared the foregoing with the original resolution passed by this governing body as part of the minutes of such meeting and that same is a true copy thereof and the whole of such original; and

WHEREAS, the clerk certifies that such members were present at such meeting and the council members voted in favor of the above resolution.

THEREFORE BE IT RESOLVED, that the above is adopted by the Niagara Falls City Council and that the information be submitted to the New York State Comptroller and the clerk of the governing body to be maintained for at least 10 years.

RELATIVE TO HONORING
SALUSTIANO "SHORTY" SANCHES ON HIS
108TH BIRTHDAY



BY:

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

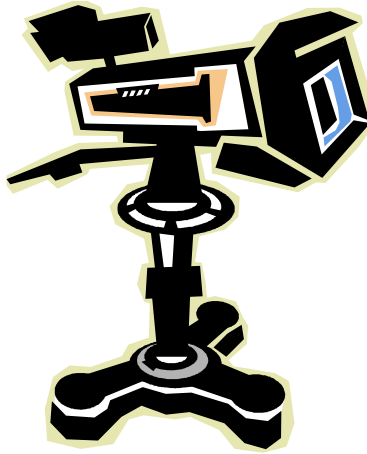
WHEREAS, Salustiano Sanches, "Shorty" to his family and friends, will be 108 years old in June of 2010. Mr. Sanches lived in the City of Niagara Falls for over 55 years and currently resides at the Elderwood Health Care Center on Grand Island; and

WHEREAS, Mr. Sanches settled in Niagara Falls to raise his family and spent many hours working the factories in and around Niagara Falls. He always found time to grow his vegetable and grape gardens at their home on Ashland Avenue; and

WHEREAS, Mr. Sanches is 75% deaf, having lost his hearing at a young age while working at a Niagara Falls factory. He communicates with everyone using a chalkboard, and enjoys keeping up with local and national news and reading several newspapers and an array of magazines and books.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York, wishes Mr. Salustiano "Shorty" Sanches a Happy 108th Birthday and recognizes him for his love and dedication to the Niagara Falls community.

RELATIVE TO HONORING
ANTONIO GRUKA AND SARA CAMPANA
OF NIAGARA FALLS HIGH SCHOOL



BY:

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

WHEREAS, the Our Schools Channel is an Educational Access Channel. The programming that it creates or accepts from schools and colleges to be broadcast is educational in nature. The station is operated by the NFHS students who are part of the Media Production Program. The mission of the OSC is to promote the better understanding in the community by providing quality educational programming and to provide an outstanding educational experience by offering NFHS media production students unique opportunities to develop technical and communication skills through the operation of an actual television station; and

WHEREAS, Antonio Gruka and Sara Campana are both seniors at Niagara Falls High School and are the backbone of the Niagara Falls City Council meeting tapings.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York, recognizes the hard work and dedication of students Antonio Gruka and Sara Campana for bringing this government programming into the Niagara Community.

Item #16

RELATIVE TO
RE-APPOINTMENT TO THE
HUMAN RIGHTS COMMISSION

BY:

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

BE IT RESOLVED, that the following individuals are hereby re-appointed to the Human Rights Commission for the expiration date of which appears opposite their names:

<u>RE-APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Rev. Richard Hague 1152 Fairfield Avenue Niagara Falls, NY 14305 284-7498	6/1/2013
Joanne Lorenzo-Sherwood 1943 Whitney Avenue Niagara Falls, NY 14301 282-0908	6/1/2013

Item #17

RELATIVE TO THE 45TH ANNIVERSARY OF THE
AQUARIUM OF NIAGARA



BY:

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

WHEREAS, the mission of the Aquarium of Niagara is to broaden the public's awareness of aquatic ecosystems through innovative and stimulating exhibits, displays, and educational and recreational programs that promote conservation and support research; and

WHEREAS, the Aquarium of Niagara opened on June 12, 1965 and it quickly became a model for the operation of inland aquaria. Technology was applied for the first time on a large scale in the preparation, handling and management of synthetic seawater; and

WHEREAS, the Aquarium of Niagara is a critical part of the City of Niagara Falls and has been approved in their Master Plan. A regional facility, the Aquarium reaches out to families, tourists and organizations and is open 363 days of the year; and

WHEREAS, **the Honorable Paul A. Dyster, Mayor of the City of Niagara Falls, New York** has proclaimed June 12th, 2010 as AQUARIUM OF NIAGARA DAY in the City of Niagara Falls, New York to celebrate their 45th Anniversary.

NOW THEREFORE BE IT RESOLVED, that the **City Council of the City of Niagara Falls, New York** congratulates the Aquarium of Niagara on their 45th Anniversary and continues to support the Aquarium as a tourist destination as well as a regional and educational destination for everyone.

BE IT FURTHER RESOLVED that **the Niagara Falls City Council** asks the citizens of Niagara Falls, New York to join them in celebrating the 45th Anniversary of the Aquarium and to participate in the all the activities that the Aquarium has to offer.

RELATIVE TO HONORING
NIAGARA FALLS FIRE CHIEF
BILL MACKAY



BY:

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

WHEREAS, on Friday, June 11th, 2010, Niagara Falls Fire Chief Bill Mackay will be leaving the City of Niagara Falls to take a new post in Virginia; and

WHEREAS, Chief Mackay came to Niagara Falls a little more than four years ago, and is proud of his accomplishments which include modernizing the department's equipment and beefing up the number of firefighters on the line; and

WHEREAS, among those accomplishments were his increased community outreach which he has done on a personal level as well as a department level. A big advocate of smoke detectors, Chief Mackay spoke often to community groups, block clubs and youth groups about the importance of fire safety.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York, congratulates Fire Chief Bill Mackay on his new position. He was well known in the Niagara community, a good fire chief and will be sorely missed.

Item #19

RELATIVE TO COMPENSATION FOR
PLANNING BOARD MEMBERS

BY: Council Chairman Samuel Fruscione
Council Member Kristen Grandinetti

WHEREAS, Local Law No. 1 for the Year 2010 allowed for salaries for members of the Planning Board to be set by the City Council.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that compensation to Planning Board members will be set at \$25.00 per duly scheduled meeting attended.

Item #20

RELATIVE TO COMPENSATION FOR
ZONING BOARD OF APPEALS MEMBERS

BY: Council Chairman Samuel Fruscione
Council Member Kristen Grandinetti

WHEREAS, Local Law No. 2 for the Year 2010 allowed for salaries for members of the Zoning Board of Appeals to be set by the City Council.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that compensation to Zoning Board of Appeals members will be set at \$25.00 per duly scheduled meeting attended.

Item #21

RELATIVE TO AUTHORIZING THE IMPLEMENTATION AND FUNDING
IN THE FIRST INSTANCE 100% 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.

CITY OF NIAGARA FALLS SFY 2010-11 BRIDGE CLEANING AND
BRIDGE DECK SEALING PROJECT, VARIOUS LOCATIONS IN
THE CITY OF NIAGARA FALLS, NIAGARA COUNTY, PIN 5759.66

BY: Council Chairman Samuel Fruscione

WHEREAS, the City of Niagara Falls SFY 2010-11 Bridge Cleaning and Bridge Deck Sealing Project. Various Locations in the City of Niagara Falls, Niagara County, PIN 5759.66 (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; 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 Preliminary Engineering (Design I-VI) phase of the project PIN 5759.66 .

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 in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering <Design I-VI) phase of the Project or portions thereof; and it is further

RESOLVED, that the sum of \$ 15,000 is hereby appropriated from H0925.2009.0925.0449.599 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 amount required to pay the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-VI) 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 New York State Department of Transportation thereof, and it is further

Item #22

RELATIVE TO AUTHORIZING THE IMPLEMENTATION AND FUNDING
IN THE FIRST INSTANCE 100% 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.

CITY OF NIAGARA FALLS SFY 2010-11 BRIDGE JOINT REPLACEMENT
PROJECT, VARIOUS LOCATIONS, CITY OF NIAGARA FALLS,
NIAGARA COUNTY, PIN 5759.67

BY: Council Chairman Samuel Fruscione

WHEREAS, the City of Niagara Falls SFY 2010-11 Bridge Joint Replacement Project, Various Locations, City of Niagara Falls, Niagara County, PIN 5759.67 (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; 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 Preliminary Engineering (Design I-VI) phase of the project PIN 5759.67

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 in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) phase of the Project or portions thereof; and it is further

RESOLVED, that the sum of \$ 20,000 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 amount required to pay the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-VI) 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 New York State Department of Transportation thereof, and it is further

Item #23

RELATIVE TO AUTHORIZING THE IMPLEMENTATION AND FUNDING
IN THE FIRST INSTANCE 100% 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.

REPLACE THE CSX RAILROAD BRIDGES OVER NY ROUTE 104,
MAIN STREET BINS 7036261 & 7036262 AND TO RECONSTRUCT
NY ROUTE 104, MAIN STREET BENEATH THE CSX BRIDGES FROM
BATH AVENUE TO ONTARIO AVENUE INCLUDING INTERSECTION
IMPROVEMENTS IN THE CITY OF NIAGARA FALLS,
NIAGARA COUNTY, PIN 5757.92

BY: Council Chairman Samuel Fruscione

WHEREAS, a Project to Replace the CSX Railroad Bridges over NY Route 104, Main Street BINS 7036261 & 7036262 and to Reconstruct NY Route 104, Main Street beneath the CSX Bridges from Bath Avenue to Ontario Avenue including Intersection Improvements, in the City of Niagara Falls, Niagara County, PIN 5757.92 , (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; 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 Construction & Construction Inspection phase of the project, PIN 5757.92 .

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 in the first instance 100% of the Federal and Non-Federal shares of the cost of the Construction & Construction Inspection phase of the Project or portions thereof; and it is further

RESOLVED, that the sum of \$ 1,194,000 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