

Agenda Item #1

NOTICE OF CLAIM

Atallah, Linda
25 Schuler Ave
Tonawanda, NY 14150

Bouley (Rieker), Candice
2901 Ontario Ave

Borgese, Helen
180 Sabre Park

Reynolds, Joanne
611 6th Street

ALLEGED DAMAGE

Automobile damages caused by hitting pot hole

Automobile damages caused when hit curb to avoid
police car.

Personal injuries sustained when she fell in
front of Library.

Automobile damages caused by snow plow hitting
side view mirror.

NOTICE OF PETITION

Accadia Site Contracting Inc.
c/o Lipsitz Green Scime Cambria LLP

Petition #143016

SUMMONS

Miller, Charles
c/o Lipsitz Green Scime Cambria LLP

Personal injuries sustained when
tripped on sidewalk.

Agenda Item #2

A contract for the above referenced project was awarded to Accadia Site Contracting, Incorporated, 5636 Transit Road, Depew N.Y., on July 26, 2010 in the amount of \$852,968.35.

During the course of work, various quantities of items overran the initial estimates. In order of the City to reap the full benefits of this project, it was deemed necessary to increase the contact amount by \$58,004.26 bringing the contract total to \$910,972.61.

This project is NYSDOT reimbursable at 80% and Marchiselli reimbursable at 15%. Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of \$58,004.26 be approved.

Will the council vote to so approve?

Agenda Item #3

The City Council has designated Mr. Eugene Ochal and Mr. Frederick Pucci as City Marshals with terms expiring on December 31, 2010. It is recommended that these two individuals be reappointed to terms expiring on December 31, 2012.

They will continue to provide satisfactory insurance coverage naming the City as Additional Insured and their remuneration will continue to be limited to the fees they collect for service of process.

Will the Council so approve?

Agenda Item #4

It is recommended that an overtime line be created for the John Duke Center under the Senior Services Department. It is anticipated that this overtime will not exceed \$2,368 including FICA. Funding is available from Special Projects Fund Balance.

Will the Council so approve?

Agenda Item #5

It is necessary to replace a motor in the elevator at the LaSalle Branch Library which is anticipated to cost not more than \$3,000.00. It is also necessary to purchase and install a water back flow preventer valve which is estimated not to cost more than \$2,000.00. The total of these two (2) items is anticipated not to cost more than \$5,000.00. Funding is available from Casino Revenues.

Will the Council so approve?

Agenda Item #6

As a result of temporary leaves of absence in the City Clerk's Office it is recommended that a Junior Account Clerk, Grade 3, be compensated for assuming additional duties as an Account Clerk during a period of time which is anticipated not to exceed six (6) months. The City Clerk will assign these additional duties. This additional compensation will not exceed \$360.00. Funding is available from the City Clerk's Bi-weekly Line.

Will the Council so approve?

Agenda Item #7

The City has received a request from the property owner to allow a sign at 1410 Main Street that would extend into the City's Right-of-Way.

This has been reviewed by the appropriate Departments and the Planning Board who recommend its approval, subject to the owner receiving all applicable permits and inspections and the conditions on the attached recommendation from the Planning Board.

Will the Council so approve?

Agenda Item #8

The 2011 budget contains appropriations of \$2,500 for NIMAC; \$5,000 for the Niagara Falls Beautification Commission; \$10,000 for the Niagara Falls Block Club Council; \$30,000 for NACC; and \$10,000 for OSC21. In order to effectuate these, appropriation agreements with the respective agencies are required.

Will the Council so approve and authorize the Mayor to execute an agreement in form acceptable to the Corporation Counsel?

Agenda Item #9

The 2011 budget contains an appropriation of \$27,500 for NIACAP. In order to effectuate this, an appropriation agreement with NIACAP is required.

Will the Council so approve and authorize the Mayor to execute an agreement in form acceptable to the Corporation Counsel?

Agenda Item #10

There is \$10,554 remaining in Account H0912.2009.0912.0449.599 for median enhancements. It is recommended that an additional \$50,000 be made available for this purpose. Funding is available from Casino Revenues.

Will the Council so approve?

Agenda Item #11

In order to enhance the enforcement of City Ordinances involving the City Clerk's Office, it is requested that \$12,918 be transferred from the Tourism Fund Balance to City Clerk Account No. A.1410.0000.0130.000.

Will the Council so approve?

Agenda Item #12

RELATIVE TO APPOINTMENT TO THE
NIAGARA FALLS BOARD OF APPEALS

BY:

Council Chair Sam Fruscione

BE IT RESOLVED, that the following individual is hereby appointed to the
City of Niagara Falls Board of Appeals,
for the expiration date, which appears opposite his name:

APPOINTMENT

James Maxwell
5669 Frontier Avenue
Niagara Falls, New York 14304
990-0100

12/31/2013

Agenda Item #13

**Relative to support of the Grant Application by the
Niagara Falls and River Region Chapter of
Wild Ones Native Plants, Natural Landscapes**

2011 Pollinator Pathway Niagara Falls

By:

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

WHEREAS, pollinator species provide significant environmental benefits that are necessary for maintaining healthy, biodiverse ecosystems; and

WHEREAS, pollination plays a vital role in the health of our national forests and grasslands, which provide forage, fish and wildlife, timber, water, mineral resources, and recreational opportunities as well as enhanced economic development opportunities for communities; and

WHEREAS, pollinator species such as birds and insects are essential partners of gardeners and farmers in producing much of our food supply; and

WHEREAS, there exists a national proclamation, National Pollinator Week, that recognizes the global importance of pollinators, and

WHEREAS, the State of New York has managed wildlife habitats and public lands such as forests and grasslands for decades; and

WHEREAS, the State of New York provides producers with conservation assistance to promote wise conservation stewardship, including the protection and maintenance of pollinators and their habitats on working lands and wild lands; and

WHEREAS, the City of Niagara Falls has State public wild lands located within the Niagara River Greenway at Reservation State Park, DeVeaux Woods State Park, Whirlpool State Park, Devil Hole's State Park, and has old growth oak forests on the Niagara Gorge Rim and old growth cedars growing in the Niagara River Gorge, and

WHEREAS, these public lands are important connections to the municipal, commercial and residential districts, the Niagara River Greenway, the Niagara National Heritage Area, all areas that border the Niagara River and are located within the City municipal limits and

WHEREAS, the Niagara River is a recognized globally significant important bird area and an international fly zone for migrating birds dependent upon pollinators as a food resource, and

Agenda Item #14

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1111 of the Codified Ordinances entitled APlumbing Code of the City of Niagara Falls" is hereby amended by amending Section 1111.03 entitled "Permits" and Section 1111.10 entitled "Registration and Licensing of Master Plumbers" to read as follows:

1111.03 Permits

. . .

(c) To Whom Permits May be issued.

- (1) (A) Permits covering plumbing work in the City of Niagara Falls shall only be issued to a master plumber registered with the Clerk of the Plumbing Board, except as provided in paragraph (2) hereof.

(B) Permits covering mechanical work in the City of Niagara Falls shall only be issued to a master plumber or mechanical contractor registered with the Clerk of the Plumbing Board, except as provided in paragraph (2) hereof.

- (2) Nothing herein contained shall prohibit any bona fide owner of a single family dwelling from personally performing plumbing or mechanical work within such owner's residence, provided that such owner shall:

(A) Sign an affidavit showing the applicant to be the owner and occupant; that he or she will personally perform the plumbing or mechanical for which the application is made and is reasonably familiar with the requirements of the Code and capable of performing the installation in accordance with the Code.

1111.10 Registration and Licensing of Master Plumbers

. . .

(c) Applications.

- (1) Applications shall be advertised at least once each year at the discretion of the Board.

- (2) Applications from qualified candidates for examinations shall be filed with the Clerk of the Board at least 60 days prior to the examination. **[Each application shall be accompanied by the appropriate fee. This application fee is nonrefundable.]**

- (3) The Clerk shall present said application at the next regular meeting of the Board. At this time the Board shall review the application and shall determine the qualifications of the applicant to sit for the examination. Notice of the Board's action shall be sent to the applicant within 30 days of said meeting. An applicant who qualifies must then pay **[a]** nonrefundable application and examination fees.

Bold and Underlining indicate Additions.

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

Agenda Item #15

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1113 of the Codified Ordinances entitled AElectrician Licensing and Regulations@ is hereby amended by amending Section 1113.05 to read as follows:

1113.05 APPLICATION FEE, ELIGIBILITY, EXAMINATION AND ISSUANCE

(a) Any person desiring a license to engage in the business of electrical work as a Master Electrician shall file in the Office of the City Clerk an application for such license **[together with an application fee in the sum of \$125.00. The applicant shall also pay at the time of application all fees required by the outside agency, firm or person conducting the licensing examination. Said application fee is not refundable, but shall be applied to the initial license fee should the applicant successfully complete the examination].**

(b) No person shall be eligible to sit for the examination for a master electrician license unless he shall have first satisfied one of the following combinations of education and experience:

. . .

(c) Prior to permitting any person to sit for the examination, the Board may require said person to appear before the Board of answer questions concerning his qualifications and to produce satisfactory documentation to enable the Board to determine whether he meets the eligibility requirements under subsection (b) hereof. **After the Board has determined that an applicant is eligible to sit for the examination, the applicant shall pay an application fee in the sum of \$125.00 together with all fees required by the outside agency, firm or person conducting the licensing examination. Said application fee is not refundable, but shall be applied to the initial license fee should the applicant successfully complete the examination.**

. . .

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Bold and Brackets indicate [Deletions].