

Item #1

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

			<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001 A012	Vital Statistics		\$ 6,623.00	\$ 6,623.00
A1255-004 A013	Copies of Records		\$ 584.85	\$ 584.85
A1255-004 A013	Certificates of Marriage		\$ 960.00	\$ 960.00
A2501-006 A042	Tour Attendant		\$ 50.00	\$ 50.00
A2501-006 A042	Tour Driver/Guide		\$ 200.00	\$ 200.00
A2501-007 A043	Auction		\$ 200.00	\$ 200.00
A2501-011 A044	Peddler		\$ 770.00	\$ 770.00
A2501-021 A048	Amusement Games		\$ 50.00	\$ 50.00
A2542-000 A053	Dogs/N County Treasurer	\$ 492.17	\$ -	\$ 492.17
A2542-000 A053	Dogs/NYS Agr.& Mkts	\$ 198.00	\$ -	\$ 198.00
A2542-000 A053	Additional Dogs		\$ 2,821.33	\$ 2,821.33
A2545-001 A054	Marriage License/NYSHD	\$ 2,160.00	\$ 720.00	\$ 2,880.00
A1255-002 A123	Commissioners of Deeds		\$ 50.00	\$ 50.00
A2545-010 A128	Petroleum - Retail		\$ 140.00	\$ 140.00
A2545-010 A128	Petroleum - Storage		\$ 60.00	\$ 60.00
A2501-015 A266	Home Improvement		\$ 750.00	\$ 750.00
A2545-021 A316	Vending		\$ 120.00	\$ 120.00
A2545-023 A318	Hunters/NYS DEC RAU	\$ 3,814.53	\$ -	\$ 3,814.53
A2545-023 A318	Hunters Fees		\$ 141.47	\$ 141.47
A1255-003 A499	Notary Fee		\$ 16.00	\$ 16.00
A1255-005 A528	Dog Release		\$ 400.00	\$ 400.00
TA63008 A597	Marriage Performance		\$ 1,300.00	\$ 1,300.00
A2501-027 A696	Photos/passport-license		\$ 126.00	\$ 126.00
TOTAL:		<u>\$ 6,664.70</u>	<u>\$16,082.65</u>	<u>\$ 22,747.35</u>

Check #	<u>43559</u>	Niagara County	
Check #	<u>43608</u>	Treasurer	\$ 492.17
Check #	<u>43557</u>	NYS Dept.of Arg. & Mkts	\$ 198.00
Check #	<u>ET</u>	NYS Health Department	\$2,160.00
		NYS DEC RAU	\$3,814.53

Item #2

**RE: Re-Programming of \$40,000 in CDBG funds
 from Nor-Loc Park to South Junior Park**

Council Members:

City Council previously denied a request to use \$40,000 in CDBG funding for the installation of a basketball court at Nor-Loc Park. This funding was set-aside in the 2007 Community Development budget and has gone unexpended since that time. In order to comply with HUD mandated timely expenditure requirements we must take action to re-program those funds.

It is our recommendation that \$40,000 in CDBG funding currently allocated to Nor-Loc Park, in budget line item CPW 068, be re-programmed to the proposed South Junior Park. As Council members will recall, \$75,000 in 2009 CDBG funding was previously committed to this park for playground equipment. The additional funding will be used to pay for unfunded project costs such as installation of the equipment, fencing and landscaping.

Will the Council vote to so approve and authorize the Community Development Director to make the necessary budget adjustment?

Item #3

**RE: Lease Agreement for 496 19th Street Police Substation
 Between City of Niagara Falls, NY and Carl F. DeFranco**

Council Members:

The City Council approved 2009 CDBG funding for a police substation in the Niagara Street/19th Street area. We have examined several locations as candidates for the substation and have concluded that 496 19th Street offers the best alternative for the community. HUD has recently issued their 2009 CDBG grant agreements allowing the City to obligate funding for this project.

Carl F. DeFranco is in the process of purchasing the building housing a former tavern and apartments at 498 19th Street, which is the Assessor's Office address for the entire unit. This intersection of Ferry Avenue and 19th Street is ideal for a police substation devoted to police operations.

Mr. DeFranco is making repairs to the property, including installing a firewall, painting, installing new carpeting, making some plumbing and electrical repairs and separating the two storefront commercial units. The storefront known as 496 19th Street would be available for the substation.

The property owner has agreed to lease the aforementioned space for \$400.00 per month plus utilities. Funds are available in the Community Development budget in budget line CPS 031.

It is our recommendation that City Council approve a one-year lease with Carl F. DeFranco for a commercial unit located at 496 19th Street at \$400.00 per month plus utilities. The lease will commence upon completion of the repairs.

Will the Council vote to so approve and authorize the Mayor to execute the required lease agreement?

Item #4

SUBJECT: Bid #35-03 Bulk Waste Collection/Disposal and Recycling Services

At its meeting of November 24, 2003 the City Council awarded Modern Disposal Services, Inc. the above referenced bid (see attached agenda item). The initial term of the agreement was for five (5) years, terminating on December 31, 2008.

One of the provisions of the bid allows the agreement to be renewed annually under the same terms, conditions and specifications for up to five (5) additional years if mutually agreeable. Last year the agreement was extended through December 31, 2009. Modern Disposal Services has expressed its desire to extend this agreement one (1) additional year, thru December 31, 2010.

We believe it is in the City's best interest to agree to this renewal.

Therefore, we recommend extension of this agreement for one additional year thru December 31, 2010.

Funds for this expenditure will be included in the Proposed 2010 budget code A8160.0000.0449.003.

Item #5

**RE: City Council Agenda Item:
\$7,000 Certified Local Government Grant
Historic Preservation Commission Workshops**

Council Members:

The City has received notification of a \$7,000.00 grant through the State Certified Local Government program. The grant will be used to hire a consultant to conduct four historic restoration workshops, stressing historic preservation rights and responsibilities for owners of residential and commercial historic structures. The consultant contract will require Council approval. The grant will also be used for historic restoration materials, advertising, print materials and video taping the workshops. The \$3,000.00 City match is available from in-kind services of City employees.

Will the Council vote to approve the grant as set forth herein, and authorize the Mayor to execute the grant agreement and any documents necessary to effectuate the same?

Item #6

RE: Department of Inspections

Council Members:

At your July 27, 2009 meeting you appropriated up to \$70,000 from fund balance to fund temporary electrical and plumbing inspector positions through the end of 2009.

Because it has not been possible to fill these temporary positions until September 14, 2009 there is \$12,824 remaining from the “up to \$70,000” appropriated from fund balance on July 27, 2009. Because of this department’s participation in the Zoom Program, it is requested that this excess \$12,824 be made available to the overtime line necessitated by participation in the Zoom Program. It is also requested that an additional \$19,470 (inclusive of all fringe benefits) be appropriated from fund balance to fund overtime required because of short staffing and participation in the Zoom Program. Once again, funding is available from fund balance.

Will the Council so approve?

Item #7

RE: Hard Rock Concerts

Council Members:

Invoices have recently been received by the City for the use of portable comfort facilities used during the City's co-promotion of Hard Rock concerts on July 11, 2009 and August 22, 2009. Expenses for the use of these comfort stations were not anticipated at the time the Agreements were prepared. The total amount due to vendors is \$3,600. Funding is available to pay these invoices through the Tourism fund balance.

Will the Council so approve?

Item #8

RE: Police Officer Paul A. Chatmon

Council Members:

The above individual was hired by the City as a police officer on September 22, 2008. While attending classes at the Police Academy, Mr. Chatmon was injured. This occurred on or about April 22, 2009. Mr. Chatmon has not returned to work as a City employee and has a workman's compensation claim pending.

Mr. Chatmon is not interested in returning to work as a City of Niagara Falls Police Officer. It is in the best interest of the City to obtain Mr. Chatmon's resignation from the City and obtain a general release from him in connection with this matter. Factoring in compensation owed to Mr. Chatmon as well as deductions of his portion of Health Insurance premiums, etc. it is recommended that the City pay Mr. Chatmon the sum of \$1,475.98 in order to obtain Mr. Chatmon's written resignation as well as a general release. Funding is in the Police Patrol bi-weekly line number A.3120.2700.0110.000. This recommendation is subject to Mr. Chatmon resolving his workman's compensation claim with PERMA, the City's third party Administrator.

Will the Council so approve?

Item #9

*RE: Police Department Grant from NYS Department of Homeland Security
WM07152473*

Council Members:

The Police Department has received a grant in the amount of \$3,584 from the NYS Office of Homeland Security for overtime expenses in providing additional security along the international border. There is no City match required.

Will the Council approve acceptance of the grant and authorize the Mayor to execute any agreements or other documents in a form acceptable to the Corporation Counsel?

Item #10

**SUBJECT: LETTER OF AWARD FOR CONSULTANT SERVICES FOR
BRIDGE PREVENTABLE MAINTENANCE PLAN**

Based on the New York State Department of Transportation mandated merit selection process, please be advised that Abate Associates Engineers & Surveyors, P.C. has been selected as the City's Consultant on the above noted project.

It is the recommendation of the undersigned that the scoping and design phases of this project be awarded to Abate Associates Engineers & Surveyors, P.C. at its Proposal Price of \$18,000.00. Funding is available through casino revenue.

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

Respectfully submitted,

Item #11

**SUBJECT: LETTER OF AWARD FOR CONSULTANT SERVICES FOR
INSTALLATION OF AIR CONDITIONING AT THE LASALLE BRANCH LIBRARY PROJECT
GRANT #0386-09-0049**

Based on the New York State Department of Transportation mandated merit selection process, please be advised that Watts Architecture & Engineering, P.C. has been selected as the City's Consultant on the above noted project.

It is the recommendation of the undersigned that the scoping and design phases of this project be awarded to Watts Architecture & Engineering, P.C. at its Proposal Price of \$12,800.00. Funding is available through Funding Code H0904.2004.0904.0451.000.

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

Item #12

RE: LiRo Engineers, Inc.

Council Members:

The City has received a proposal from LiRo Engineers, Inc. to provide additional services to the Engineering Department to assist with its various ongoing projects.

The cost of these services is not to exceed \$50,000 and funding is available in the Engineering Department budget.

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

Item #13

RE: 2010 Capital Equipment Items for Department of Public Works

Council Members:

The City's multi year capital plan set forth the purchase of a ten ton roller and a paving machine as part of the 2010 capital year.

Due to the lengthy lead time in obtaining this equipment, it is requested that the Council authorize the City to move forward with the purchase of these items at this point so that they can be delivered in time for the 2010 paving season. The estimated cost of the paver is \$500,000 and the estimated cost of the roller is \$91,000.

Funding for this purchase will come from 2008 Casino funds paid in the first half of 2009.

Will the Council so approve?

Item #14

RE: Additional Capital Equipment Items for Department of Public Works

Council Members:

Attached is a memo from the Director of Public Works requesting the purchase of the equipment listed as part of phase II of the 2009 Capital Equipment Plan.

The estimated cost of this equipment is \$408,650.

There is \$33,000 remaining from the first phase account H0912.220.912.023.000 which can be applied to this equipment. Funding for the rest of this phase will be from the Special Projects fund balance.

Will the Council so approve?

Item #15

**SUBJECT: SUPPLEMENTAL SCOPE & BUDGET FOR PROFESSIONAL ENGINEERING SERVICES
MILL & OVERLAY STIMULUS PROJECT CHANGE ORDER #1**

At its March 23, 2009 meeting, the City Council awarded the scoping and design phases of the ARRA Stimulus Mill and Overlay projects Urban Engineers of New York P.C.

It is the recommendation of the undersigned that the scoping and design phases of this project be increased in an amount not to exceed \$98,000.00 to perform work for additional streets that have become eligible for Federal stimulus funding. \$50,000.00 of the funding is available in the Special Projects fund balance and the remainder will be reimbursed under the stimulus funding.

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

Item #16

SUBJECT: INSTALLATION OF WATER SUB-METERING AT THE HYDE PARK ICE PAVILION CHANGE ORDER #1

A contract for the above referenced project was awarded to J.R. Swanson Plumbing Co. Inc. on July 20, 2009 in the amount of \$17,000.00.

Subsequent to the completion of this project and during the course of work, the contractor encountered extra work beyond the initial scope of this contract. Additional water service was discovered which needs to be metered in order for the water metering system to be properly read. It was reviewed by the Engineering Department and the City's consultant and found acceptable, deemed necessary, and the cost associated with the extra work is appropriate.

It is the recommendation of the undersigned that Change Order #1 be approved in the amount of \$5,200.00; increasing the contract total to \$22,200.00. Funding for these services is available under Capital Code H0819.2008.0819.0449.599, originally appropriated for this project.

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

Item #17

RE: Request for Approval to Settle and Pay Ronald Meyer and Joanne Meyer
7000 Rebecca Drive, Niagara Falls, NY 14304

Council Members:

Date Claim Filed:	January 24, 2005
Date Action Commenced:	November 3, 2005
Date of Occurrence:	December 11, 2004
Location:	Intersection of Seventh Street and Niagara Street, Niagara Falls, New York
Nature of Claim:	Personal injuries sustained in an automobile accident with City vehicle
City Driver:	Patrolman Sean Dunn
Status of Action:	Pre-arbitration stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	\$800,000. \$750,000 to be paid from City's self-insured retention and \$50,000 to be paid by City's excess liability insurance carrier.
Make Check Payable to:	Ronald Meyer, Joanne Meyer and Grossman and Civileto, as attorneys.
Conditions:	Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above be paid under the terms set forth above. Will the Council so approve?

Item #18

RE: Request for Approval to Settle and Pay Claim of Patricia Robinson
8746 Frontier Avenue, Niagara Falls, New York

Council Members:

Date Claim Filed:	January 30, 2009
Date Action Commenced:	N/A
Date of Occurrence:	January 29, 2009
Location:	500 block of 88 th Street, Niagara Falls, NY
Nature of Claim:	Automobile damage sustained in an accident with City vehicle.
City Driver:	William C. Wilson
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$1,468.28
Make Check Payable to:	Patricia Robinson
Conditions:	General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve?

Item #19

RE: Resolution 2009-69 & Resolution 2009-70

Please be advised that Mayor Paul A. Dyster on September 9, 2009 duly approved Resolution 2009-69 relative to Amending Chapter 178 of the Codified Ordinances entitled “City of Niagara Falls Discrimination and Harassment Policy” and resolution 2009-70 adopting Chapter 179 of the Codified ordinances entitled “City of Niagara Falls, New York Policy concerning Individuals with Disabilities” approved by Council on September 8, 2009.

RESOLUTION NO. 2009-

ADOPTION OF NOTICE OF THE AMERICANS WITH DISABILITIES ACT

By: Council Chairman Chris Robins
Council Member Robert Anderson, Jr.
Council Member Steve Fournier
Council Member Samuel Fruscione
Council Member Charles Walker

WHEREAS, the City has entered into a Settlement Agreement with the United States Department of Justice under the Americans with Disabilities Act which became effective on July 30, 2009; and

WHEREAS, the Agreement provides for the adoption of the attached notice.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby adopts on behalf of the City the attached notice under the Americans with Disabilities Act; and

BE IT FURTHER RESOLVED that the notice be distributed and published as set forth in the Agreement with the Department of Justice; and

BE IT FURTHER RESOLVED that the Mayor is authorized to update the contact information contained in the notice as necessary and distribute updated notices as appropriate.

RESOLUTION 2009-

RESOLUTION RELATIVE TO AMENDING CHAPTER 1113
OF THE CODIFIED ORDINANCES ENTITLED
“ELECTRICIAN LICENSING AND REGULATIONS”

By: Council Chairman Chris Robins

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

1113.05 APPLICATION FEE, ELIGIBILITY, EXAMINATION AND ISSUANCE.

...

(d) The test for the master electrician license shall be given annually at a time and place to be decided by the Board of Examiners. All applications shall be filed no later than the thirtieth day of June prior to the date on which the examination is scheduled, **except that for the 2009 examination all applications must be filed by October 5, 2009.**

...

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