

Agenda Item

The following is a report of the licenses issued and collections made in the Office of the City Clerk during the month of October, 2012

			<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001				
A012	Vital Statistics		\$ 4,325.00	\$ 4,325.00
A1255-004				
A013	Copies of Records		\$ 599.00	\$ 599.00
A1255-004				
A013	Certificates of Marriage		\$ 1,110.00	\$ 1,110.00
A2501-011				
A044	Peddler		\$ 150.00	\$ 150.00
A2501-014				
A046	Electrician - Exam Fee		\$ 800.00	\$ 800.00
A2501-021				
A048	Amusement Games		\$ 100.00	\$ 100.00
A2542-000				
A053	Dogs/NYS Agr.& Mkts	\$ 328.00	\$ -	\$ 328.00
A2542-000				
A053	Additional Dogs		\$ 3,239.00	\$ 3,239.00
A2545-001				
A054	Marriage License/NYSHD	\$ 2,497.50	\$ 832.50	\$ 3,330.00
A1255-002				
A123	Commissioners of Deeds		\$ 30.00	\$ 30.00
A2545-021				
A316	Vending		\$ 1,730.00	\$ 1,730.00
A2545-023				
A318	Hunters/NYS DEC RAU	\$ 1,289.79	\$ -	\$ 1,289.79
A2545-023				
A318	Hunters Fees		\$ 75.21	\$ 75.21
A1255-003				
A499	Notary Fee		\$ 4.00	\$ 4.00
A1255-005				
A528	Dog Release		\$ 350.00	\$ 350.00
TA63008				
A597	Marriage Performance		\$ 1,675.00	\$ 1,675.00
A1255-006-	Photos/passport-license		\$ 9.00	\$ 9.00

A696

**TOTAL:** \$ 4,115.29 \$ 15,028.71 \$ 19,144.00

Check #	<u>60508</u>	NYS Dept.of Arg. & Mkts	\$ 328.00
Check #	<u>60471</u>	NYS Health Department	\$2,497.50
		NYS DEC	
Check #	<u>ET</u>	RAU	\$1,289.79

## Agenda Item #2

Based on the New York State Department of Transportation mandated consultant selection process, please be advised that the firm of Greenman-Pederson, Inc. has been selected as the City's consultant for the design portions of the above referenced projects. The "Lump Sum per Task" fees associated with each project are:

PIN 5760.18 - \$15,000.00

PIN 5760.19 - \$25,000.00

Funding is available in code H1110.2011.1110.0449.599 and H1113.2011.1113.0449.599 respectively.

Please note that existing agreements already in place between the City and NYSDOT allow for a maximum 80% reimbursement of any design funds expended.

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

## Agenda Item #3

The following was the result of bids received on October 3, 2012, for the above referenced project:

<b><u>CONTRACTOR</u></b>	<b><u>BASE BID</u></b>
Gardenville Landscape & Nursery, LLC 3069 Clinton St. West Seneca, NY 14224	\$ 215,399.73
Scott Lawn Yard , Inc.	\$ 239,951.00
Mark Cerrone, Inc.	\$ 247,330.00
Yarussi Construction, Inc.	\$ 256,590.00
Sicoli Construction Services, Inc.	\$ 268,689.00
Hydrolawn of Buffalo, Inc.	\$ 269,708.68

Per the contract documents, award is determined by the lowest base bid making Gardenville Landscape & Nursery, LLC this project's successful contractor. In addition, the City has opted to include select alternate bid items totaling \$8,042.50 to the base bid amount, making the total contract award amount \$223,442.23.

Funding is available under a combination of Greenway Funding code H0813.2008.0813.0449.599. and a grant from the New York State Environmental Protection Act.

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

#### Agenda Item #4

A contract for the above referenced project was awarded to CATCO on May 29, 2012 in the amount of \$9,979,999.00.

Subsequent to the start of the project, the contractor has exceeded the contract quantity estimated for groundwater containment, testing and disposal. The cost associated with the additional groundwater handling to date is \$240,000.00. However, sufficient funds presently exist for contractual items not currently installed which will allow for a net \$0.00 change to the contract 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 #5

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

TO: Armand Cerrone, Inc.  
4625 Witmer Road  
Niagara Falls, NY 14305

FOR: Item #'s: 1 – 56 as per the attached tally sheet.

TO: George & Swede Sales & Service, Inc.  
7155 Big Tree Road  
Pavilion, NY 14525

FOR: Item #'s: 33 – 35 as 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 Four (4) vendors. Two (2) bids were received. Unlike most bids in which the low bidder for each item is awarded the bid, we are asking you to award each item to all those vendors who bid on that item. By doing so, when snow removal equipment is needed the City will have several sources from which to obtain equipment. The order in which vendors will be contacted will be based on their bid price.

Funds for this expenditure will be made available in the Department of Parks and Public Works, Snow Removal Equipment code: A5142.0000.0442.003.

Agenda Item #6

During the construction of the train station project the tracks carrying trains to Canada will be temporarily relocated so the construction may proceed. To allow this, the City has been asked to grant a temporary easement as shown on the attached map.

As the construction is completed, the tracks will be removed from City property.

The Planning Board has reviewed this request and recommends its approval.

Will the Council approve the granting of the Temporary Easement to Amtrak with terms and conditions acceptable to the Corporation Counsel and authorize the Mayor to execute the same?

Agenda Item #7

I hereby appoint the following individual to the Niagara Falls Library Board:

<i>Appointment:</i>	<i>Term Expires:</i>
Noreen K. Hill	12/31/2015
536 17 <sup>th</sup> Street	
Niagara Falls, NY 14301	

Kindly review the attached resume of Ms. Hill.

Will the Council so approve?

Agenda Item #8

As the Council is aware, the New York State Department of Transportation is in the process of reconstructing the two bridges that carry Interstate 190 over Buffalo Avenue. As part of this process, the DOT is seeking a Utility Work Agreement with the City to allow for the relocation of City-owned street light poles in the construction area.

A copy of the agreement is attached.

Will the Council so approve and authorize the Mayor to execute same?

Agenda Item #9

At the Traffic Advisory Commission meeting held on November 7, 2012 the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 460 – 23<sup>RD</sup> STREET**

**[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]**

Submitted By: David Snyder, 460 – 23<sup>rd</sup> Street

It is requested that City Council approve this recommendation.

Agenda Item #10

At the Traffic Advisory Commission meeting held on November 7, 2012 the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 357 SPRUCE AVENUE**

**[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]**

Submitted By: Sabrina Arbatosky, on behalf of her father Charles, 357 Spruce Avenue

It is requested that City Council approve this recommendation.

Agenda Item #11

At a Traffic Advisory Commission meeting held on November 7, 2012 the Commission recommended APPROVAL of the following item:

**INSTALL OVERNIGHT PARKING ON THE EAST SIDE OF 88TH STREET  
BETWEEN LINDBERGH AVENUE AND THE DEAD END**

A Petition from the residents of this block of 88<sup>th</sup> Street and 87<sup>th</sup> Street (who have the rear of their properties on the west side of the street) was received with 100% signatures.

Submitted By: Rene Hudak, on behalf of her father Dominic Niccola, 8800 Lindbergh Avenue & Petition/Residents of Block

It is requested that City Council approve this recommendation.

Agenda Item #12

At the Traffic Advisory Commission meeting held on November 7, 2012, the Commission:

**DENIED:**

- 1) Request submitted by Robert Anderson to **INSTALL ALL WAY STOP SIGNS** at intersections of Edison Avenue and 72<sup>nd</sup> Street, Perry Avenue and 72<sup>nd</sup> Street and Perry Avenue and 77<sup>th</sup> Street.

The “Federal Manual of Uniform Traffic Control Devices” (MUTCD) guidelines warrant either five right angle or turning collision accidents in any twelve consecutive months or volumes of 300 + vehicles per hour on the major road and 200 + vehicles per hour on the minor road for any eight hours of the day. A study of these intersections revealed:

Accidents (right angle/turning collision):

77 <sup>th</sup> /Perry:	2008 – 1, 2009 – 0, 2010 – 0, 2011 – 0, 2012 (thru 11/1) – 1
72 <sup>nd</sup> /Perry:	2008 – 0, 2009 – 0, 2010 – 0, 2011 – 0, 2012 (thru 11/1) – 1
72nd/Edison:	2008 – 1, 2009 – 1, 2010 – 1, 2011 – 0, 2012 (thru 11/1) – 2

Volumes:

77 <sup>th</sup> /Perry:	77 <sup>th</sup> – peak hour – 139; 8 <sup>th</sup> highest hour – 100 Perry – peak hour – 42; 8 <sup>th</sup> highest hour – 24
72 <sup>nd</sup> /Perry:	72 <sup>nd</sup> – peak hour – 180; 8 <sup>th</sup> highest hour – 104 Perry – peak hour – 21; 8 <sup>th</sup> highest hour – 11
72 <sup>nd</sup> /Edison:	72 <sup>nd</sup> – peak hour – 180; 8 <sup>th</sup> highest hour – 104 Edison – peak hour 50; 8 <sup>th</sup> highest hour - 26

In addition Police Traffic Captain Sal Pino said speeding was not an issue in these areas. These intersections fall far short of the MUTCD Minimum Warrants for the placement of “ALL WAY” stop signs. The homeowner at Perry Avenue and 77<sup>th</sup> Street (south east corner) will be contacted to trim high hedges which could obstruct sight. Therefore the Commission denied this request.

Agenda Item #13

The following have requested City Council approval for Commissioner of Deeds for a term from January 1, 2013 to December 31, 2014.

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

Thomas Ewing	NFPD
Shawn Larrabee	NFPD
Margaret M. Van Deusen	141 80 <sup>th</sup> St., NF, NY 14304
Helen K. Frye-Gallaher	543 16 <sup>th</sup> St., NF, NY 14301
Kathy E. Kephart	5737 Locust St Ext., Lockport, NY 14094
Rosemary E. Lozano	1370 South Park Ave., Buffalo, NY 14220
Lisa Ann Smith	2260 78 <sup>th</sup> St., NF, NY 14304
Jennifer L. Weigel	355 37 <sup>th</sup> St., NF, NY 14303
Ida Searight	2736 21 <sup>st</sup> . NF, NY 14305
Vincent Mameli	462 77 <sup>th</sup> St., NF NY 14304
Gary Bevilacqua	4290 Riverwalk Dr S., Youngstown, NY 14174
Christina Pecoraro	2368 Maryland Ave., NF NY 14305
Denise Garlitz	2249 Grand Ave., NF, NY 14301
Paige Treat	6870 Sy Rd., NF, NY 14304

Agenda Item #14

BE IT RESOLVED, that the following individual is hereby reappointed to the City of Niagara Falls Planning Board effective immediately:

**REAPPOINTMENT** **TERM:**

Richard Smith 12/31/2015  
1021 – 96<sup>th</sup> Street  
Niagara Falls, New York 14304

Agenda Item #15

**WHEREAS**, the New York State Division of Parole has indicated a desire to move its office from its present location on Third Street to another area; and

**WHEREAS**, since Third Street is a destination for tourists and others who seek entertainment, this City Council supports a move to a different location; and

**WHEREAS**, this City Council understands that several suitable sites are being considered, including a building in the vicinity of Sixth Street and Walnut Avenue.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Niagara Falls, supports the removal of State parole operations from Third Street to another suitable location in the City as determined by the Division of Parole including a building in the vicinity of Sixth Street and Walnut Avenue; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be forwarded to New York State Senator George Maziarz, New York State Assemblyman John Ceretto and Barbara Gray, Real Estate Project Manager, New York State Office of General Services.

Agenda Item #16

**WHEREAS**, the City Council of the City of Niagara Falls desires to abandon a portion of the alley running east-west between Third Streets and Fourth Streets, South of Rainbow Boulevard and North of Buffalo Avenue in order to facilitate the development of the real estate; and

**WHEREAS**, the Planning Board of the City of Niagara Falls, at its meeting on November 14, 2012, approved the abandonment of a portion of the aforementioned alley (a copy of the Planning Board resolution is attached hereto); and

**WHEREAS**, the City Council did, by resolution, give notice of its intention to abandon a portion of the aforementioned alley and did direct the City Clerk to publish notice of such intention and that a public hearing would be held by the City Council at its meeting to be held in the Council Chambers on November 26, 2012 at 7:00 p.m. standard daylight time and advise that all persons interested would be heard there on that said time and place; and

**WHEREAS**, the hearing was duly held on November 26, 2012 at 7:00 p.m. standard daylight time in regards to said abandonment.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Niagara Falls, New York, that a portion of the alley running east-west between Third Street and Fourth Street, South of Rainbow Boulevard and North of Buffalo Avenue is hereby abandoned, the said abandoned alley portion subject, however, to reservation of right of and for the City of Niagara Falls, the Niagara Falls Water Board and any utility companies, their successors and assigns to use, maintain, repair, replace and continue to maintain their services and operations in said abandoned alley. The said alley portion is bounded and described as follows:

Commencing at the point of intersection of the south line of the alley running east-west between Third and Fourth Streets, south of Rainbow Boulevard and north of Buffalo Avenue with the west line of Fourth Street; thence westerly along the south line of said alley a distance of 217.8 feet to a point, which is also the point of intersection, of said south line with the west line of SBL 159.53-1-12.2; thence north at a 90 degree angle a distance of 27 feet to a point on the north line of said alley, thence easterly to the point of intersection of said north alley line with the west line of Fourth Street, thence south along the west line of Fourth Street a distance of 27 feet to the point and place of beginning; and

**BE IT FURTHER RESOLVED**, that the abandonment of the alley is contingent upon the successful closing of a certain real estate contract dated October 9, 2012 by the between Frank Deni and JFD Holdings LP and Plati Niagara Inc.; and

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be filed in the Office of the Clerk of the County of Niagara and that the Mayor may sign deeds or other documents desirable to effectuate this abandonment.

Agenda Item #17

TO: City Clerk, Carol Antonucci

The enforceability of this ordinance is highly questionable. It is more likely to lead to expensive litigation than to collection of any revenue. Even if the revenues were collectible the amounts received would be insignificant compared to the millions of dollars of casino revenue owed to the City of Niagara Falls. Therefore, I have no choice but to veto this legislation.

Paul A. Dyster

11/13/2012

BE IT RESOLVED, by the City Council of Niagara Falls, New York that Chapter 252 of the Codified Ordinances entitled "Public Works Fees and Fire Protection Special Assessments" is hereby adopted as attached hereto.

CHAPTER 252  
PUBLIC WORKS FEES AND FIRE  
PROTECTION SPECIAL ASSESSMENTS

**252.01 SPECIAL ASSESSMENTS FOR FIRE DEPARTMENT CALLS**

(a) There shall be a fee for every call made to a specific location or address by the Niagara Falls Fire Department. The amount of the fee is set forth in the fee schedule at 252.02

(b) The fees shall be charged to the owner of the real property to which the Department responds. The fees shall apply only to the Seneca Niagara Casino Complex, including the hotel, parking lots and associated properties, Niagara Falls State Park, Whirlpool State Park, Devils Hole State Park or to any other real property which is wholly exempt from real property taxation and is not subject to a payment in lieu of tax agreement.

**252.02 AMOUNT OF FIRE DEPARTMENT CALL FEES**

(a) Fees For Hazardous Material Calls

i. Multiple Apparatus Hazardous Material Response. \$528.00 per hour for Multiple Apparatus Response. If the response lasts more than an hour, an additional \$528.00 will be assessed per hour after the initial response hour. Multiple apparatus response includes 2-Fire Engines, 1-Ladder Truck, 1-Rescue Vehicle and 1- Command Vehicle. Any additional vehicles called to scene will be an additional cost of \$224.00 for each additional Ladder Truck or Fire Engine, \$74.00 for each additional Command Vehicle, \$53.00 for each additional Rescue Vehicle all at per hour rate at time and a half for manpower. Fire Chief responding to scene \$40.34 per hour or any Office staff responding will be billed at their Ranks wage per hour.

ii. Single Apparatus Hazardous Material Response. \$148.00 per hour for Single Apparatus Response (Fire Engine or Fire Truck). If the response lasts more than an hour an additional \$148.00 will be assessed per hour after the initial hour. If additional apparatus is called to the scene to assist it will be at a rate of \$224.00 per Fire Engine, Fire Truck, and \$74.00 for a Command Vehicle or \$73.00 for Rescue Vehicle all at per hour rate at time and a half for man power. Fire Chief responding to scene \$40.34 per hour or any Office Staff responding will be billed at their Ranks wage per hour.

(b) Fees For False Alarms.

i. Multiple Apparatus False Alarm Response. \$528.00 per hour for Multiple Apparatus Response. If the response lasts more than an hour, an additional \$528.00 will be assessed per hour after the initial response hour. Multiple

apparatus response includes 2-Fire Engines, 1-Ladder Truck, 1-Rescue Vehicle and 1- Command Vehicle. Any additional vehicles called to scene will be an additional cost of \$224.00 for each additional Ladder Truck or Fire Engine, \$74.00 for each additional Command Vehicle, \$53.00 for each additional Rescue Vehicle all at per hour rate at time and a half for manpower. Fire Chief responding to scene \$40.34 per hour or any Office staff responding will be billed at their Ranks wage per hour.

ii. Single Apparatus False Alarm Response. \$148.00 per hour for Single Apparatus Response (Fire Engine or Fire Truck). If the response lasts more than an hour an additional \$148.00 will be assessed per hour after the initial hour. If additional apparatus is called to the scene to assist it will be at a rate of \$224.00 per Fire Engine, Fire Truck, and \$74.00 for a Command Vehicle or \$53.00 for Rescue Vehicle all at per hour rate at time and a half for man power. Fire Chief responding to scene \$40.34 per hour or any Office Staff responding will be billed at their Ranks wage per hour.

(c) Fees For Emergency Medical Calls. \$148.00 per hour for Single Apparatus Response (Fire Engine or Fire Truck). If the response lasts more than an hour an additional \$148.00 will be assessed per hour after the initial hour. If additional apparatus is called to the scene to assist it will be at a rate of \$224.00 per Fire Engine, Fire Truck, and \$74.00 for a Command Vehicle or \$73.00 for Rescue Vehicle all at per hour rate at time and a half for man power. Fire Chief responding to scene \$40.34 per hour or any Office Staff responding will be billed at their Ranks wage per hour.

(d) Fees For Lockouts. \$148.00 per hour for Single Apparatus Response (Fire Engine or Fire Truck). If the response lasts more than an hour an additional \$148.00 will be assessed per hour after the initial hour. (If additional apparatus is called to the scene to assist it will be at a rate of \$224.00 per Fire Engine, Fire Truck, and \$74.00 for a Command Vehicle or \$73.00 for Rescue Vehicle all at per hour rate at time and a half for man power. Fire Chief responding to scene \$40.34 per hour or any Office Staff responding will be billed at their Ranks wage per hour.

(e) Fees For Rescues (Including But Not Limited to High Angle Rescues and Elevator Rescues)

i. Multiple Apparatus Rescue Response. \$528.00 per hour for Multiple Apparatus Response. If the response lasts more than an hour, an additional \$528.00 will be assessed per hour after the initial response hour. If additional apparatus is called to the scene to assist it will be at a rate of \$224.00 per Fire Engine, Fire Truck, and \$74.00 for a Command Vehicle or \$73.00 for Rescue Vehicle all at per hour rate at time and a half for man power. Fire Chief responding to scene \$40.34 per hour or any Office Staff responding will be billed at their Ranks wage per hour.

ii. Single Apparatus Rescue Response. \$148.00 per hour for Single Apparatus Response (Fire Engine or Fire Truck). If the response lasts more than an hour an additional \$148.00 will be assessed per hour after the initial hour. If additional apparatus is called to the scene to assist it will be at a rate of \$224.00 per Fire Engine, Fire Truck, and \$74.00 for a Command Vehicle or \$73.00 for Rescue Vehicle all at per hour rate at time and a half for man power. Fire Chief responding to scene \$40.34 per hour or any Office Staff responding will be billed at their Ranks wage per hour.

(f) Fees For Assistance Calls. Single Apparatus Rescue Response. \$148.00 per hour for Single Apparatus Response (Fire Engine or Fire Truck). If the response lasts more than an hour an additional \$148.00 will be assessed per hour after the initial hour. If additional apparatus is called to the scene to assist it will be at a rate of \$224.00 per Fire Engine, Fire Truck, and \$74.00 for a Command Vehicle or \$73.00 for Rescue Vehicle all at per hour rate at time and a half for man power.

Fire Chief responding to scene \$40.34 per hour or any Office Staff responding will be billed at their Ranks wage per hour.

(g) Fees For Smoke Odor Investigations. Single Apparatus Rescue Response. \$148.00 per hour for Single Apparatus Response (Fire Engine or Fire Truck). If the response lasts more than an hour an additional \$148.00 will be assessed per hour after the initial hour. If additional apparatus is called to the scene to assist it will be at a rate of \$224.00 per Fire Engine, Fire Truck, and \$74.00 for a Command Vehicle or \$73.00 for Rescue Vehicle all at per hour rate at time and a half for man power. Fire Chief responding to scene \$40.34 per hour or any Office Staff responding will be billed at their Ranks wage per hour.

(h) Fees For Building Fires.

i. Multiple Apparatus Building Fires Response. \$528.00 per hour for Multiple Apparatus Response. If the response lasts more than an hour, an additional \$528.00 will be assessed per hour after the initial response hour. If additional apparatus is called to the scene to assist it will be at a rate of \$224.00 per Fire Engine, Fire Truck, and \$74.00 for a Command Vehicle or \$73.00 for Rescue Vehicle all at per hour rate at time and a half for man power. Fire Chief responding to scene \$40.34 per hour or any Office Staff responding will be billed at their Ranks wage per hour.

ii. Single Apparatus Building Fire Response. \$148.00 per hour for Single Apparatus Response (Fire Engine or Fire Truck). If the response lasts more than an hour an additional \$148.00 will be assessed per hour after the initial hour. If additional apparatus is called to the scene to assist it will be at a rate of \$224.00 per Fire Engine, Fire Truck, and \$74.00 for a Command Vehicle or \$73.00 for Rescue Vehicle all at per hour rate at time and a half for man power. Fire Chief responding to scene \$40.34 per hour or any Office Staff responding will be billed at their Ranks wage per hour.

(i) Fees For Vehicle Fires. Multiple Apparatus Response. \$331.00 per hour for Multiple Apparatus Response. If the response lasts more than an hour, an additional \$331.00 will be assessed per hour after the initial response hour. If additional apparatus is called to the scene to assist it will be at a rate of \$224.00 per Fire Engine, Fire Truck, and \$74.00 for a Command Vehicle or \$73.00 for Rescue Vehicle all at per hour rate at time and a half for man power. Fire Chief responding to scene \$40.34 per hour or any Office Staff responding will be billed at their Ranks wage per hour.

(j) Fees For Rubbish Fires. Single Apparatus Response. \$148.00 per hour for Single Apparatus Response (Fire Engine or Fire Truck). If the response lasts more than an hour an additional \$148.00 will be assessed per hour after the initial hour. If additional apparatus is called to the scene to assist it will be at a rate of \$224.00 per Fire Engine, Fire Truck, and \$74.00 for a Command Vehicle or \$73.00 for Rescue Vehicle all at per hour rate at time and a half for man power. Fire Chief responding to scene \$40.34 per hour or any Office Staff responding will be billed at their Ranks wage per hour.

(k) Fees For Materials or Damaged Equipment. Materials used or equipment that was damaged while responding or on the emergency scene will be billed to property owner at current replacement cost plus shipping. Equipment that can be repaired will be billed at cost for parts and labor to property owner.

## 252.03 SPECIAL ASSESSMENTS FOR PUBLIC WORKS SERVICES

(a) There shall be a fee for every public works service made to a specific location or address. The amount of the fee is set forth in the fee schedule at 252.04

(b) The fees shall be charged to the owner of the real property or adjacent to the location to which the Department of Public Works responds. The fees shall be charged to the owner of the real property to which the Department responds. The fees shall apply only to the Seneca Niagara Casino Complex, including the hotel, parking lots and associated properties, Niagara Falls State Park, Whirlpool State Park,

Devils Hole State Park or to any other real property which is wholly exempt from real property taxation and is not subject to a payment in lieu of tax agreement.

## 252.04 AMOUNT OF PUBLIC WORKS FEES

Service Provided	Detail Per Episode	Fee
Fireworks		
July 3rd	Labor	\$1,833
Support & Cleanup	(Driver 13 hrs, Laborer 8 hrs)	
Holiday pay	Truck Use (13 hr)	\$260
		<b>\$2,093</b>
Snow Removal		
1 hr Per Episode	Operating Engineer (2 men 1 hr)	\$100
	Payloader	\$54
		<b>\$154</b>
Salting Roads		
1/2 hr per Episode	Motor Equipment Operator	\$25
	Materials (10 tons of salt)	\$600
	Salt Truck	\$14
		<b>\$639</b>
Patching		
8 hrs., 2 times a year	Laborers (3)	\$2,400
(16 hours)	Motor Equipment Operator	\$800
	Truck Use	\$432
	Materials (3 ton of top)	\$198
		<b>\$3,830</b>
Street Cleaning		
3 times a week	Motor Equipment Operator (3 hr)	\$150
Cost per Episode	Sweeper Equipment (3 hr)	\$81
	Motor Equipment Operator(1 hr)	\$50
	Service Truck (1 hr)	\$27
		<b>\$308</b>

## 252.05. EXEMPTIONS FROM ASSESSMENTS

- (a) The fees set forth in this chapter shall not apply or be charged to residential real property.
- (b) The fees set forth in this chapter shall not apply or be charged to real property exempt from real property taxation under Article 4, Title 2 of the Real Property Tax Law, including real property held for religious, charitable, hospital, educational, or moral or mental improvement of men, women or children purposes.
- (c) The fees set forth in this chapter shall not apply to taxable non-residential real property which is not wholly exempt from real property taxation or is subject to a payment in lieu of tax agreement.

## 252.06. ENFORCEMENT

- (a) The Fire Chief and the Director of Public Works shall cause a report for each fire department call made or public works service provided to a property to which fees are to be charged under this Chapter to be made to the City Controller. The City Controller shall bill the owner of the real property to which the call made service is provided for the fire protection fees or public works services fees established under this Chapter.
- (b) On or after October 15 of each year, the City Controller shall report to the City Council all unpaid fire protection fees or public works fees, whereupon the City Council shall order each unpaid fees to be assessed against the real property to which the fire call was made or the public works service was provided.

Witness my hand and seal this  
30th day of October 2012

Carol A. Antonucci  
City Clerk

Mayor's Approval \_\_\_\_\_  
Mayor's Veto x /s/ Paul A. Dyster  
Date 11/13/2012

NIAGARA FALLS LOCAL LAW NO. \_\_\_\_ FOR THE YEAR 2012

A Local Law to amend the Niagara Falls City Charter as amended, by amending Section 294-a of Article XI by amending the Board of Library Trustees from five (5) members to not less than Five (5) members nor more than Nine (9) members.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NIAGARA FALLS, NEW YORK, as follows:

Section 1. The Niagara Falls City Charter, as amended, is hereby amended by amending Section 294-a to read as follows:

ARTICLE XI

LIBRARY BOARD

SECTION 294-a. **[Five] Not less than Five (5) members nor more than Nine (9)** members of the Board of Library Trustees, appointed as hereinbefore provided, shall hereafter constitute the Board of Library Trustees. Subject to the provisions of this act, said Board shall have power and it shall be their duty to maintain a free public library, to provide rooms for their use, to employ librarians and other employees and to have the care and supervision of the library building and rooms and the books and other publications belonging thereto and to superintend the letting out and return thereof and to exercise the same discretion as to disposition of the moneys provided by law for the purchase of libraries as is conferred upon the inhabitants of school districts, and to elect from its members a president, clerk and such other officers as it may by resolution determine. The records of the proceedings of said Board or a transcript thereof, certified by its president and clerk, shall be received in all courts and places as *prima facie* evidence of the facts therein stated. (As added by L. 1917, Ch. 442; Amended L.L. 1959, No. 2.)

Section 2. This Local Law shall take effect as provided in the Municipal Home Rule Law.

**Underlining** and **Bold** indicates additions.  
**Bold** and **[Brackets]** indicates deletions.