

Agenda 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 April 2011

			<u>CONTROLLER</u>	<u>TOTAL</u>
	Vital		\$	\$
A1255-001 A012	Statistics		4,950.00	4,950.00
			\$	\$
A1255-004 A013	Copies of Records		704.00	704.00
	Certificates of		\$	\$
A1255-004 A013	Marriage		460.00	460.00
			\$	\$
A2501-006 A042	Tour Agency		1,400.00	1,400.00
			\$	\$
A2501-006 A042	Tour Agency Additional Site		400.00	400.00
			\$	\$
A2501-006 A042	Tour Driver/Guide		700.00	700.00
			\$	\$
A2501-011 A044	Peddler		275.00	275.00
			\$	\$
A2501-016 A047	Stationary Engineers		100.00	100.00
			\$	\$
A2501-016-A047	Boilers		300.00	300.00
		\$	\$	\$
A2542-000 A053	Dogs/NYS Agr.& Mkts	263.00	-	263.00
			\$	\$
A2542-000 A053	Additional Dogs		2,668.50	2,668.50
		\$	\$	\$
A2545-001 A054	Marriage License/NYSHD	1,035.00	345.00	1,380.00
			\$	\$
A2501-024 A120	Ambulance - Vehicle		300.00	300.00
			\$	\$
A2501-024 A120	Ambulance - Driver		640.00	640.00
			\$	\$
A1255-002 A123	Commissioners of Deeds		45.00	45.00
			\$	\$
A2501-005 A126	Junk Dealers		900.00	900.00
			\$	\$
A2545-010 A128	Petroleum - Retail		140.00	140.00
			\$	\$
A2545-010 A128	Petroleum - Storage		60.00	60.00
			\$	\$
A2545-010 A128	Petroleum - Wholesale		300.00	300.00
			\$	\$
A2501-599 A130	Theatre		100.00	100.00
		\$	\$	\$
A2545-023 A318	Hunters/NYS DEC RAU	537.55	-	537.55

A2545-023 A318	Hunters Fees		\$	\$
			31.45	31.45
A1255-003 A499	Notary Fee		\$	\$
			12.00	12.00
A1255-005 A528	Dog Release		\$	\$
TA63008			400.00	400.00
A597	Marriage Performance		\$	\$
			450.00	450.00
A1255-006-A696	Photos/passport-license		\$	\$
			18.00	18.00
		\$	\$	\$
<b>TOTAL:</b>		<u>1,835.55</u>	<u>15,698.95</u>	<u>17,534.50</u>

Check #	<u>52792</u>	NYS Dept.of Arg. & Mkts	\$	263.00
Check #	<u>52771</u>	NYS Health Department	\$	1,035.00
Check #	<u>ET</u>	NYS DEC RAU	\$	537.55

Agenda Item #2

The following claims have been filed in the Office of the City Clerk during the month of April 2011. The claims were subsequently referred to the Office of the Corporation Counsel.

**NOTICE OF CLAIM**

Stanek, Denise  
2213 Weston Ave  
One Niagara  
c/o Paul A. Grenga, Esq.  
One Niagara  
c/o Paul A. Grenga, Esq.  
Golombek, Katie  
4368 Crescent Drive  
Hinton, Roy Charles  
2158 North Ave  
Genovese-Scullion, Mary Beth  
7253 Erica Lane  
N. Tonawanda, NY 14120  
Brenda, Nicole & Michael  
PO Box 3022  
Fall River, MA 02722  
McCollum, Gregory & Josephine  
8805 Pershing Ave  
Sirekis, Hope  
8031 Packard Road  
Stephens, Rutha  
10410 Marine Memorial Dr  
Beninge, Linda  
605-29<sup>th</sup> Street  
Moore, Vonda  
1667 Linwood Ave  
D'Aloise, Christine  
3515 North Ave.  
Alston, Carlvettea  
2013-16<sup>th</sup> Street  
George, Annie  
  
626 Walnut Ave  
Colucci, John  
468-19<sup>th</sup> St  
Gentile, Carmella  
146-60<sup>th</sup>  
Customer Bench Advertising  
PO Box 296  
Korson, Nathan & Elena  
c/o Tronolone & Surgalla, P.C.  
Marino, Ann S. & Smeraldo  
1355 Ashland Ave.  
Slenk, Carl  
  
653 Main Street

**ALLEGED DAMAGE**

Automobile damages caused by hitting pot hole  
Conduct of Niagara Falls, New York  
Conduct of Niagara Falls, New York  
Automobile damages caused by hitting pot hole  
Automobile damages caused by hitting pot hole  
Automobile damages caused by hitting pot hole.  
Automobile damages caused by hitting pot hole  
Property damages caused by tree being cut down.  
Automobile damages caused by hitting pot hole.  
Property damage caused to mailbox when was hit by snow plow  
Property damage caused by branches hitting house  
Automobile damages caused by hitting pot hole.  
Property damages caused by tree roots.  
Automobile damages caused by hitting pot hole.  
Personal injuries sustained when stepped in hole in Library parking lot  
Property damages caused by police entering apartment  
Automobile damages caused by level change in road.  
Property damages caused by snow plow.  
Personal injuries sustained by negligence of City of Niagara Falls, New York  
Property damages caused by city workers  
Personal injuries sustained by tripping on sidewalk

**NOTICE OF PETITION**

JMD Environmental Inc.  
c/o Magavern Magavern Grimm LLP

Petition # 143814

**SUMMONS**

Whalen, Michelle

Index: 143629



Agenda Item #3

A contract for the above referenced consultant services agreement was awarded to DiDonato Associates in the amount of \$108,000.00 on July 19, 2010.

After bidding the construction documents, it was deemed necessary to have a full-time inspection and construction administration of the project. DiDonato proposes these scopes of work in the amount of \$96,800.00. Funding for this change order is available in Code H0819.2008.0819.0451.000.

It is the recommendation of the undersigned that Change Order #1 in the amount of \$96,800.00 be approved revising the contract sum to \$204,800.00.

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

City Council previously approved an allocation of \$85,000 in HPRP funding to the YWCA of Niagara, Inc and \$92,811.23 to Neighborhood Legal Services, Inc for services to be provided relative to the administration of the HPRP Program. The grant agreements that were executed covered the period of October 1, 2010 to September 30, 2011.

The HPRP Program has provided financial assistance to homeless persons in the City and we have expended almost the entire amount allocated for such assistance. We now find it necessary to reduce the amount allocated to both the YWCA and Neighborhood Legal Services in order to continue to have funding available to meet ongoing financial assistance needs for homeless clients.

It is our recommendation that the sub-grants to YWCA of Niagara and Neighborhood Legal Services be reduced from the original amounts allocated to \$60,000 each, of which \$5,000 is reserved for administrative costs for each organization. All other terms and conditions of the grant agreement will remain in effect. We estimate that the recaptured funding will allow the City to continue to process financial assistance requests and allow both sub-grantees to continue to provide caseworker services through July 2011.

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

## Agenda Item #5

In 2006, the City and the Town of Wilson entered into a Coordinated Assessment Program as provided for under Section 579 of the New York State Real Property Tax Law. The agreement provided for the City Assessor to also be Town Assessor and because of the upcoming retirement of the City Assessor, the City and Wilson have discussed amending the current agreement to provide that the City Assessor would still be Town Assessor, but would also provide that Wilson will employ a real property appraiser to assist with services at no cost to the City and the Town would pay the City \$5,000 (plus retirement and FICA) annually for the services of the City Assessor. A copy of the proposed amended agreement is attached.

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

## Agenda Item # 6

The City's agreement with NTCC for parking spaces at the City owned parking lot at 105 Rainbow Boulevard expired at the end of March. The NTCC has requested that the City accommodate visitors to its building by allowing parking for these visitors at this City owned lot. An arrangement has been made with NTCC for visitors to their building to pay a \$1.00 charge to the City when visiting the NTCC building. A visitor is limited to one (1) hour of parking for \$1.00.

Will the Council so approve and authorize the Mayor to enter into an agreement reciting the terms and conditions which will be prepared by the Corporation Counsel?

Agenda Item #7

It is requested that new window blinds be purchased for installation at the LaSalle Branch Library. The existing blinds are in a state of disrepair. The sum of \$5,568.00 is requested for this purpose. Quotes were solicited and the lowest quote was selected. Funding is available from Casino Revenues.

Will the Council so approve?

## Agenda Item #8

A contract for the above referenced project was awarded to Apollo Dismantling Services, LLC, Inc on December 13, 2010 in the amount of \$445,308. Change Order #1, was approved by Council on February 22, 2011 in the amount of \$12,700, increasing the contract amount to \$458,008.

Change Order #2 includes the following items:

- 1925 Niagara Street - Subsequent to the start of the demolition process, the Department of Code Enforcement made a determination that the building was structurally unsound and should be reclassified as a "controlled demolition". The additional cost to proceed in this manner is \$7,800.
- 1344 Ashland Avenue - additional Asbestos Containing Material (ACM) not identified in the original survey performed by JMD Environmental Services was subsequently found by Stohl Environmental. The additional cost is \$5,200.
- 1344 ½ Ashland Avenue - additional Asbestos Containing Material (ACM) not identified in the original survey performed by JMD Environmental Services was subsequently found by Stohl Environmental. The additional cost is \$4,350.
- 2261 Niagara Street - additional Asbestos Containing Material (ACM) not identified in the original survey performed by JMD Environmental Services was subsequently found by Stohl Environmental. The additional cost is \$500.
- 741 8<sup>th</sup> Street - additional Asbestos Containing Material (ACM) not identified in the original survey performed by JMD Environmental Services was subsequently found by Stohl Environmental. The additional cost is \$2,200.
- 447 19<sup>th</sup> Street - additional Asbestos Containing Material (ACM) not identified in the original survey performed by JMD Environmental Services was subsequently found by Stohl Environmental. The additional cost is \$3,300.
- 1827 Whitney Avenue - deleted from contract. Credit to City to be determined based on contract bid price less expenses incurred by contractor.
- 1657 Cleveland Avenue - deleted from contract. Credit to City to be determined based on contract bid price less expenses incurred by contractor.
- 1910 16<sup>th</sup> Street - deleted from contract. Credit to City to be determined based on contract bid price less expenses incurred by contractor.

It is our recommendation that Change Order #2 in the total amount of \$23,350 be approved. Casino Revenue funding is available in budget code H0910.2009.0910.0449.599

Will the Council vote to so approve and authorize the Mayor to execute Change Order #2 with Apollo Dismantling LLC. in the amount of \$23,350?

## Agenda Item #9

A consultant services agreement was awarded to TVGA Consultants, 1000 Maple Road, Elma, NY 14059 on December 4, 2006 at their proposed price of \$92,000.00.

The Project's initial contract was slated to be performed through preliminary design phase. Subsequently additional funding has been secured to allow this Federally Funded, locally administered project to move forward through the final design phase. The additional funding necessary to advance this project is \$48,000.00, bringing the revised design contract sum to \$140,000.00.

This is a Federally Funded Project at 80% reimbursable via the NYSDOT and eligible for Marchiselli funding that provides an additional 15% reimbursement. The City is ultimately responsible for only 5% of total project costs. Funding is available in Code H0630.2006.0630.0453.000.

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 #10

During the City Council meeting on March 21, 2011 the City Council approved a contract with Patch Management Inc. for Patch Management Inc. to supply one (1) truck and one (1) operator for the months of May and June 2011 at a cost of \$70,000.00. Patch Management Inc. now has a second pothole killer truck with an operator available to commence work immediately in the City of Niagara Falls. There is no change in the amount of the contract nor is there a change in the number of hours the pothole killers will operate. This will expedite the road repair schedule.

Will the Council so approve this amendment to the agreement with Patch Management Inc.?

## Agenda Item #11

The City is prepared to move forward with the Cayuga Trail Canoe Launch. Wendel Duchscherer has submitted a proposal for design, permitting (SEQRA), construction bidding and construction monitoring, all for \$14,450.00. Funding is available for 100% of this cost under a Niagara County Economic Development Fund grant in the amount of \$85,000.00. The balance of the grant will be used to pay the cost of construction.

Will the Council vote to approve an agreement with Wendel Duchscherer for design, permit and construction services as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Agenda Item #12

Please be advised that Mayor Paul A. Dyster on May 3, 2011 duly approved the following:

1. Resolution 2011-32, relative to Adopting Chapter 720 of the Codified Ordinances Entitled "Prohibition of Graffiti and Providing for Eradication, enforcement and Penalties."

## Agenda Item #13

### RELATIVE TO WOMEN OF DISTINCTION CLASS OF 2011

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 May 17<sup>TH</sup>, 2011, the Niagara Gazette will celebrate their 2011 Women of Distinction Awards Ceremony for women who make significant contributions to their communities.

#### Honorees will be:

**Diane Quarantello**  
Niagara Falls Boys & Girls Club  
Coalition

**Denise Easterling**  
Niagara Community Center

**Teresa Torre**  
Hanci

**Marilyn Lojek**  
NF School District, Retired

**Patricia Wrobel**  
Niagara University

**Michelle VanStrom**  
North Main St/Wild Ones

**Nancy Gara**  
HSBC

**Lynn Wolfgang Catalano**  
Mt. St. Mary's Hospital

**Ann Marie Tucker**  
NF Memorial Medical Center

#### High School Honorees:

**Courtney Corbetta**  
LEWISTON PORTER

**Alexandra Coleman**  
NIAGARA CATHOLIC

**Mariska Raglow-DeFranco**  
NIAGARA WHEATFIELD

**Holly Ivancic**  
NIAGARA FALLS

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it extends its congratulations on behalf of all the citizens of the City of Niagara Falls in honoring the recipients of the 2011 Women of Distinction Awards.

RESOLUTION RELATIVE TO AMENDING CHAPTER 1121  
OF THE CODIFIED ORDINANCES ENTITLED  
"SIGNS AND BILLBOARDS"

By: Council Chairman Samuel Fruscione

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1121 of the Codified Ordinances entitled "Signs and Billboards" is hereby amended by amending Section 1121.05 entitled "Zoning" to read as follows:

1121.05 Zoning

. . .

B. Signs Permitted in Commercial Zoning Districts.

1. General Provisions

. . .

f. All existing billboards shall be permitted in a commercial district. Except as allowed under subsection h below **and subsection g below**, no permits shall be issued for new billboards or new billboard locations in a commercial district, unless there is a reduction in the number of billboards or billboard due to loss of location, then said billboards or billboard shall be allowed to be replaced one for one in a commercial district at a location approved by the City. Any new billboards will comply with the provisions of Section 1121.05(c). Permitted billboards may be modified to contain graphics and/or motion.

g. No more than **five (5) new billboards and** five (5) new rooftop billboards will be allowed in the Downtown Commercial District. **A permit for a new billboard or a new rooftop billboard shall not be issued by the sign inspector unless the applicant obtains a special permit from the Board of Appeals. In order for a special permit to be issued, the Board of Appeals must find that the new billboard or new rooftop billboard is in compliance with the provisions of Section 1121.05(c) with the exception that the new billboards may be no closer than one hundred feet (100') rather than the 1,000 feet required by Section 1121.05(c)(2)(b). The new rooftop signs will comply with the requirements in subsection g.** A permit fee in the amount of \$5,000 is required. An annual inspection fee of \$500 is required. Properly signed or sealed engineering or architectural drawings for each **[sign] billboard** must be submitted to the Department of Engineering and Inspections showing the structural integrity of the building and proposed sign. No such billboard shall exceed two (2) faces. No such billboard may face a residential district. Rooftop **[signs] billboards** may not extend over the structural walls of the building. The height of any rooftop **[sign] billboard** may not exceed the lesser of twenty (20) feet or difference between the height of the existing building and the maximum height allowed by City Ordinances.

. . .

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