

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>
A1255-001 A012	Vital Statistics	\$ 4,950.00	\$ 4,950.00
A1255-004 A013	Copies of Records	\$ 704.00	\$ 704.00
A1255-004 A013	Certificates of 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
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	\$ 400.00	\$ 400.00
TA63008		\$	\$
A597	Marriage Performance	\$ 450.00	\$ 450.00
A1255-006-A696	Photos/passport-license	\$ 18.00	\$ 18.00
TOTAL:		\$ 1,835.55	\$ 15,698.95
			\$ 17,534.50

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

<u>NOTICE OF CLAIM</u>	<u>ALLEGED DAMAGE</u>
Stanek, Denise 2213 Weston Ave One Niagara c/o Paul A. Grenga, Esq.	Automobile damages caused by hitting pot hole
One Niagara c/o Paul A. Grenga, Esq.	Conduct of Niagara Falls, New York
Golombek, Katie 4368 Crescent Drive Hinton, Roy Charles 2158 North Ave	Conduct of Niagara Falls, New York
Genovese-Scullion, Mary Beth 7253 Erica Lane N. Tonawanda, NY 14120	Automobile damages caused by hitting pot hole
Brenda, Nicole & Michael PO Box 3022 Fall River, MA 02722	Automobile damages caused by hitting pot hole.
McCollum, Gregory & Josephine 8805 Pershing Ave	Property damages caused by tree being cut down.
Sirekis, Hope 8031 Packard Road Stephens, Rutha 10410 Marine Memorial Dr	Automobile damages caused by hitting pot hole.
Beninge, Linda 605-29 th Street	Property damage caused to mailbox when was hit by snow plow
Moore, Vonda 1667 Linwood Ave	Property damage caused by branches hitting house
D'Aloise, Christine 3515 North Ave.	Automobile damages caused by hitting pot hole.
Alston, Carlvettea 2013-16 th Street	Property damages caused by tree roots.
George, Annie 626 Walnut Ave	Automobile damages caused by hitting pot hole.
Colucci, John 468-19 th St	Personal injuries sustained when stepped in hole in Library parking lot
Gentile, Carmella 146-60 th	Property damages caused by police entering apartment
Customer Bench Advertising PO Box 296	Automobile damages caused by level change in road.
Korson, Nathan & Elena c/o Tronolone & Surgalla, P.C.	Property damages caused by snow plow.
Marino, Ann S. & Smeraldo 1355 Ashland Ave.	Personal injuries sustained by negligence of City of Niagara Falls, New York
Slenk, Carl 653 Main Street	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 8th 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 19th 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 16th 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 17TH, 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

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B. Signs Permitted in Commercial Zoning Districts.

1. General Provisions

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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.

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Bold and Underlining indicate **Additions**.

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