

Item #1

The following claims have been filed in the Office of the City Clerk during the month of May, 2008. The claims were subsequently referred to the Office of the Corporation Counsel.

NOTICE OF CLAIM

ALLEGED DAMAGE

Patrick A. Thompson II
8407 Frontier Avenue

Automobile damage sustained from a pothole in a City street

Janet Kinan
602 72nd Street

Automobile damage sustained form a pothole in a City street

Ada L. Williams
2813 13th Street

Property damage sustained from a backed up sewer

Fred Cole
686 Chilton Avenue #4

Automobile damage sustained from a pothole in a City street

Robert Serpa
729 15th Street

Automobile damage sustained from a pothole in a City street

Adam Bowman
1810 Saunders Settlement Road

Automobile damage sustained from a pothole in a City street

Cecile J. McGreath
1735 Whitney Avenue

Automobile damage sustained from a pothole in a City street

Richard Abel
1605 Ferry Avenue #320

Automobile damage sustained from a pothole in a City street

Irene J. Pike
1235 89th Street

Automobile damage sustained from a pothole in a City street

Jaquinda Coleman
4600 Hyde Park Boulevard, Apt. 155

Personal injuries, etc. sustained from an incident with City police officers

Ruth Read
6170 Hoover Road
Sanborn, NY 14132

Property damage and personal injuries sustained from a fall on a City sidewalk

Dan Wyno
1536 Youngstown-Wilson Road
Youngstown, New York 14174

Automobile damage sustained from a pothole in a City street

Kenneth Redmond
1529 Benjamin Drive

Automobile damage sustained from a pothole in a City street

Sherri Greaves
1132 W. 20th Street
Erie, PA 16502

Automobile damage sustained from a pothole in a City street

Denise & Shawn Glasure
8097 Curry Drive
Malvern, Ohio 44644

Personal injuries sustained form a fall on a City sidewalk

Lila Rankin
631 27th Street

Automobile damage sustained form a pothole in a City street

Tim O. Willard
2685 Hess Road
Appleton, New York 14008

Demolition of a structure on the Claimant's property

Ronald J. Polka
836 91st Street

Automobile damage sustained from cuts in a City street

Nancy Dolan
1311 Norwood Avenue

Personal injuries and automobile damage sustained in an accident with a City fire vehicle

SUMMONS AND COMPLAINT

Ronald A. Hawes
1425 Ferry Avenue

Index No. 133432

CitiMortgage, Inc. Successor by merger to
CitiFinancial Mortgage Company, Inc.
F/K/A Associates Home Equity Services, Inc.
1111 North Point
Coppell, Texas 75019

Index No. 133692

Item #2

The following is a report of the licenses issued and collections made in the Office of the City Clerk during the month of May, 2008

			<u>CONTROLLER</u>		<u>TOTAL</u>
A1255-001					
A012	Vital Statistics		\$ 6,801.30	\$	6,801.30
A1255-004					
A013	Certificates of Marriage		\$ 730.00	\$	730.00
A1255-004					
A013	Copies of Records		\$ 413.00	\$	413.00
A2501-006					
A042	Tour Agency		\$ 1,050.00	\$	1,050.00
A2501-006					
A042	Tour Agency Additional Site		\$ 300.00	\$	300.00
A2501-006					
A042	Tour Attendant		\$ 1,050.00	\$	1,050.00
A2501-006					
A042	Tour Driver/Guide		\$ 1,200.00	\$	1,200.00
A2501-007					
A043	Auction		\$ 150.00	\$	150.00
A2501-011					
A044	Peddler		\$ 1,050.00	\$	1,050.00
A2501-014					
A046	Electrician- Exam Fee		\$ 125.00	\$	125.00
A2501-016					
A047	Stationary Engineers		\$ 100.00	\$	100.00
A2501-016					
A047	Stationary Engineers Test Fee		\$ 40.00	\$	40.00
A2501-016					
A047	Boilers		\$ 350.00	\$	350.00
A2542-000					
A053	Dogs/N County Treasurer	\$ 288.35	\$ -	\$	288.35
A2542-000					
A053	Dogs/NYS Agr. & Mkts	\$ 123.00	\$ -	\$	123.00
A2542-000					
A053	Additional Dogs		\$ 1,700.65	\$	1,700.65
A2545-001					
A054	Marriage License/NYSHD	\$1,642.50	\$ 547.50	\$	2,190.00
A1255-002					
A123	Commissioners of Deeds		\$ 25.00	\$	25.00
A2545-010					
A128	Petroleum- Retail		\$ 70.00	\$	70.00
A2501-015	Home Improvement		\$ 8,500.00	\$	8,500.00

A266				
A2545-023				
A318	Hunters/NYS DEC RAU	\$ 696.31	\$ -	\$ 696.31
A2545-023				
A318	Hunters Fees		\$ 40.69	\$ 40.69
A1255-003				
A499	Notary Fee		\$ 6.00	\$ 6.00
A1255-005				
A528	Dog Release		\$ 400.00	\$ 400.00
A2501-027				
A597	Marriage Performance		\$ 300.00	\$ 300.00
A2501-027				
A696	Photos / Passport - License		\$ 279.00	\$ 279.00
TOTAL:		<u>\$2,750.16</u>	<u>\$ 25,228.14</u>	<u>\$ 27,978.30</u>

Check #	<u>36502</u>	Niagara County Treasurer	\$ 288.35
Check #	<u>36555</u>	NYS Dept.of Arg. & Mkts	\$ 123.00
Check #	<u>36498</u>	NYS Health Department	\$ 1,642.50
		NYS DEC	
Check #	<u>ET</u>	RAU	\$ 696.31

Item 33

RE: Mayor's Approval of Resolution 2008-58

Please be advised that on June 6, 2008 Mayor Paul A. Dyster duly approved Resolution 2008-58, relative to amending Chapter 173 of the Codified Ordinances entitled "Leaves of Absence Without Pay".

Item #4

RE: Local Law 1-2008

Please be advised that Local Law No. 1-2008 relative to Amending Empire Zone Properties approved by City Council on May 5, 2008 and duly signed by Mayor Paul A. Dyster on May 14, 2008 was received and filed by New York State, Department of State on May 22, 2008.

APPROVAL OF RECOMMENDATION TO CITY COUNCIL
Zoning Map Amendment

Pursuant to action taken by the Niagara Falls Planning Board on the 14th day of May 2008, your request is hereby **DENIED**.

NAME OF APPLICANT: *Niagara DuPont Employees Credit Union*

ADDRESS OF ACTION: *655-73rd Street*

PURPOSE: *Zoning Map Amendment (change parcels from R-1 to C-2)*

This application is hereby **denied**.

RESOLUTION
Report to the Niagara Falls City Council
By the Niagara Falls Planning Board

Regarding the Zoning Map Amendment
655-73rd Street, Niagara Falls, New York

WHEREAS, The Planning Board has reviewed DuPont Credit Union's petition and application for rezoning of 655-73rd Street (SBL #160.12-2-86) as represented by Stephen Schmitt, from its current classification of One Family Residential District (R-1) to General Commercial District (C-2), and;

WHEREAS, the Planning Board has fully considered the issues and discussed the various alternatives to amending the Zoning Map, and;

WHEREAS, the Planning Board has determined that the actions would not likely be injurious to the surrounding neighborhood, and;

WHEREAS, the Planning Board has determined that the most prudent course would be to amend the Zoning Map, and;

WHEREAS, The Planning Board has determined that the proposed action furthers the goals and objectives within the City of Niagara Falls Comprehensive Plan, and;

WHEREAS, the Planning Board held a Public Hearing April 9, 2008 with notice of such hearing duly advertised in both the Niagara Gazette and by mailing to all properties within 500' of the subject site regarding said petition, and;

WHEREAS, the Planning Board has reviewed an environmental assessment under NYS SEQRA and hereby accepts a finding for no significant adverse environmental impact, and;

WHEREAS, the petitioner's proposed use for 655-73rd Street is found to meet the intent and purpose of the General Commercial District (C-2),

NOW THEREFORE BE IT RESOLVED, that the Planning Board, having followed those procedures as prescribed under Chapter 1308 of the City Zoning Ordinance, hereby recommends that the Niagara Falls City Council amend the Official Zoning Map as attached.

Item #6

SUBJ: AGENDA ITEM – Certification of Base Percentages, Current Percentages and Current Base Proportions for Homestead & Non-Homestead Assessment Roll

In accordance with Section 1903 of the Real Property Tax Law, the City Council must certify the attached referenced percentages and proportions.

Assessing units using Article 19 Homestead option must certify percentages and proportions when final class equalization rates are established by the Office of Real Property Services.

The certification is now due and the attached represents the necessary certifications.

Will Council certify the attached percentages and proportions?

**SUBJECT: LETTER OF AWARD FOR CONSULTANT FOR PLANNING, DESIGN
AND ENGINEERING SERVICES FOR FORMER “Century Club” PROPERTY**

The Council previously approved a resolution appropriating \$50,000 in the 2008 Capital Budget for consultant services to establish a master plan and specifications for an expanded public park at the current LaSalle Waterfront Park site. The master plan shall specifically incorporate the former “Century Club” property at 6611 Buffalo Avenue into a new comprehensive park development.

The Planning Division received proposals for the consultant services from three firms as follows:

❖ Wendel Duchscherer, Architects & Engineers, PC	\$47,700
❖ Environmental Design & Research	\$50,000
❖ Joy Kuebler Landscape Architect, PC	\$62,080

An evaluation process whereby each firm’s proposed scope of services submission was scored by criteria, which includes cost. City staff evaluated the best fit between stated qualifications, proposed scope of work, and record of past projects, against the expectations and goals of the City. It is the determination of staff that the contract be awarded to Wendel Duchscherer, Architects & Engineers, PC.

Wendel Duchscherer has performed similar work and is responsive to the needs of the City. The cost of up to \$50,000 is in keeping with the budget for this work.

Funding is available in Code H0816.2008 (for planning activities).

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

Item #8

RE: Appointment of Board Members to the Bellevue Local Development Corporation

Council Members:

I hereby appoint Thomas Pryce and Laurie Davis to the Board of Bellevue Local Development Corporation.

Will the Council so approve?

Item #9

RE: City of Niagara Falls and United Steelworkers, Local 9434-02
Settlement of all outstanding grievances

Council Members:

Please be advised that the City and the Steelworkers Union have agreed to settle all of the Union's outstanding grievances against the City for the sum of \$9,000 plus all related benefits to be divided equally among the members of the bargaining unit.

From the years 2000 through 2007, there were over 100 grievances filed by the hourly union, which had not been resolved to the Union's satisfaction. This settlement would be made in full satisfaction of all outstanding grievances filed by the hourly union, with the exception of those filed by employee Christopher Scrivano and those filed in the calendar year 2008. The settlement will also have no precedential affect.

Funding is available in the 2006 Fund Balance.

Will the Council so approve?

Item #10

RE: City of Niagara Falls and United Steelworkers, Local 9434-02
Settlement of Grievance No. 2626-Employee Steve Juzwicki

Council Members:

Please be advised that the City and the Union have agreed to settle the aforementioned grievance for the sum of \$5,000 plus all related benefits, payable to the grievant, Steve Juzwicki. This settlement covers the period between December, 2001 and August, 2006 where Mr. Jurwicki was mistakenly placed in a lower civil service classification following his transfer from the Niagara Falls Convention Center.

This settlement is to be made without prejudice and without precedential affect.

Funding is available in the 2006 Fund Balance.

Will the Council so approve?

Item #11

RE: The Point-Comfort Inn vs. Board of Assessment Review, et al.
Index No. 130327

Council Members:

The above referenced tax certiorari was filed by the property owner challenging the \$3,700,000 assessment as set by the Board of Assessment Review for the 2007 assessment roll. The property owner is seeking an assessed value \$2,490,000 and after considerable negotiation involving the Court, a proposed settlement has been reached.

The settlement will reduce the assessment to \$3,162,000.

It is the recommendation of the City Assessor and this office that this settlement be approved.

Will the Council so approve?

Item #12

SUBJECT: AGENDA ITEM:

At a Traffic Advisory Commission meeting held on May 28, 2008, the Commission recommended **APPROVAL** of the following item:

**INSTALL A 42' LOADING ZONE (8AM – 5 PM) ON 27TH STREET, WEST SIDE,
JUST NORTH OF PINE AVENUE (ALONGSIDE OF 2626 PINE AVENUE)**

Request was made to facilitate the loading/unloading of deliveries on the 27th Street side of street starting at the alley.

Submitted By: Anthony Fasciano & Paulie Talarico, Owners, Shorty's Ultimate
Sports Bar & Grill, 2626 Pine Avenue

It is requested that City Council approve this recommendation.

Item #13

SUBJECT: AGENDA ITEM:

At a Traffic Advisory Commission meeting held on May 28, 2008, the Commission recommended **APPROVAL** of the following item:

INSTALL A 25' LOADING ZONE (8AM – 5 PM) ON 78TH STREET, WEST SIDE, JUST NORTH OF BUFFALO AVENUE (ALONGSIDE OF 7724 BUFFALO AVENUE)

Request was made to facilitate the delivery of steel shipments at the side entrance of Northknight Logistics, Inc.

Submitted By: John Rendle, Northknight Logistics, Inc., 7724 Buffalo Avenue

It is requested that City Council approve this recommendation.

Item # 14

SUBJECT: **AGENDA ITEM:**

At a Traffic Advisory Commission meeting held on May 28, 2008, the Commission recommended **APPROVAL** of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON 86TH STREET BETWEEN LINDBERGH AVENUE & PERSHING AVENUE

A Petition from the residents of this block was received with 60% signatures.

Submitted By: Sara Debole, 8607 Lindbergh Avenue, and Petition/Residents of Block

It is requested that City Council approve this recommendation.

Item #15

SUBJECT: **AGENDA ITEM:**

At the Traffic Advisory Commission meeting held on May 28, 2008, the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 1964 MACKENNA AVENUE**

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

Submitted By: Ramon L. Torres, 1964 Mackenna Avenue

It is requested that City Council approve this recommendation.

Item #16

SUBJECT: AGENDA ITEM:

At the Traffic Advisory Commission meeting held on May 28, 2008, the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 1937 CUDABACK AVENUE**

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

Submitted By: Edward Raymond, 1937 Cudaback Avenue

It is requested that City Council approve this recommendation.

Item #17

SUBJECT: AGENDA ITEM:

At a Traffic Advisory Commission meeting held on May 28, 2008, the Commission recommended **APPROVAL** of the following item:

INSTALL “NO STANDING ANYTIME” RESTRICTION ON 21ST STREET, WEST SIDE, FROM NIAGARA STREET NORTH TO ALLEY

A request was made after a meeting between the 400 block club of 21st Street and Gross Contracting in order to reduce congestion at the entrance to 21st Street due to vehicles parking on both sides of the street.

Submitted By: Ron Anderluh, Revitalization Coordinator, Niagara Street Business Association, on behalf of David Gross Contracting Corp.

It is requested that City Council approve this recommendation.

Item #18

SUBJECT: AGENDA ITEM:

At a Traffic Advisory Commission meeting held on May 28, 2008, the Commission recommended **APPROVAL** of the following item:

**INSTALL ALTERNATE OVERNIGHT PARKING ON MAPLE AVENUE
BETWEEN DEVEAUX STREET AND BELL STREET**

A Petition from the residents of this block was received with 85% signatures.

Submitted By: Daniel Trane, 1217 Maple Avenue, and Petition/Residents of Block

It is requested that City Council approve this recommendation.

Item #19

SUBJECT: AGENDA ITEM:

At a Traffic Advisory Commission meeting held on May 28, 2008, the Commission recommended **APPROVAL** of the following item:

**INSTALL ALTERNATE OVERNIGHT PARKING ON MAPLE AVENUE
BETWEEN MCKOON AVENUE & DEVEAUX STREET**

A Petition from the residents of this block was received with 100% signatures.

Submitted By: Daniel Trane, 1217 Maple Avenue, and Petition/Residents of Block

It is requested that City Council approve this recommendation.

Item #20

SUBJECT: AGENDA ITEM:

At a Traffic Advisory Commission meeting held on May 28, 2008, the Commission recommended **APPROVAL** of the following item:

**INSTALL ALTERNATE OVERNIGHT PARKING ON DEVEAUX STREET
BETWEEN ROSELLE AVENUE & MAPLE AVENUE**

A Petition from the residents of this block was received with 75% signatures.

Submitted By: Daniel Trane, 1217 Maple Avenue, and Petition/Residents of Block

It is requested that City Council approve this recommendation.

RESOLUTION No. 2008–

RELATIVE TO ESTABLISHING NATIONAL
“DUMP THE PUMP DAY”

BY:

Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Chris Robins
Council Member Charles Walker

WHEREAS June 19, 2008 marks the Third Annual National Dump the Pump Day, a day that encourages people to ride public transportation to save money, conserve gasoline, and help reduce greenhouse gases; and

WHEREAS by “dumping the pump” and taking Metro instead of driving a car, people can make a difference and help improve the environment; and

WHEREAS by “dumping the pump” and taking public transportation instead of driving a car, people can save money consuming less gasoline, and reduce our nation’s overall dependence on foreign oil; and

WHEREAS public transportation plays an important role in protecting air quality by reducing smog-producing pollutants and greenhouse gases; and

WHEREAS public transportation reduces the country’s carbon footprint by 37 million metric tons, the equivalent of 4.9 million households using electricity in a year.

NOW THEREFORE BE IT RESOLVED, that the Niagara Falls City Council, along with Mayor Paul A. Dyster, proclaim June 19, 2008 as NATIONAL DUMP THE PUMP DAY and encourages the citizens of the City of Niagara Falls to join with transit agencies and participate in the Third Annual National Dump the Pump Day to encourage transit ridership on June 19, 2008.

ALSO BE IT RESOLVED, that by using public transportation, people can help to improve the environment, while helping to reduce our country’s dependence on foreign oil by conserving gasoline. Public transportation is an important part of our nation’s transportation system and people want to have other options than driving a car.

RESOLUTION No. 2008–

RELATIVE TO THE ADDITION TO THE GOLF PASSES AND RATES

BY:

Council Member Chris Robins

Whereas, in 2005, the Niagara Falls City Council approved a Fee Schedule for various fees providing services to the residents of the City of Niagara Falls; and

Whereas, the City Council wishes to add the following new golf passes and rates as follows:

1. Disability Pass

Includes: This pass would include unlimited golf and cart from the time purchased until the end of the golf season.

Monitoring: A normal golf pass with cart would be issued.

Restriction: This pass would be restricted to any person who is disabled and has a valid New York State Access Card.

Price: \$500.00 for the entire year. (This would be valid for both residents and non-residents).

2. 18-Hole Senior/Disability Rate

Currently: We have a nine hole senior rate at \$9 which is valid Monday thru Friday before 4pm. There is no 18-hole senior rate.

Includes: This proposal would allow people with disabilities who possess a New York State Access Card to receive the senior/disability rate regardless of their age. Also, a new rate of \$13.00 for 18 holes for a senior and/or disabled person presenting this card.

Monitoring: This sale could be put in the computer as a walk up sale

Price: \$9 for 9 holes: \$13 for 18 holes. The price of the cart would remain the same.

Now, therefore be it resolved by the City Council of the City of Niagara Falls, New York that the above new golf passes and rates be added to the fee schedule for the Niagara Falls Golf Course.

RESOLUTION No. 2008–

RELATIVE TO HONORING THE
PINE AVENUE BUSINESS ASSOCIATION’S
2008
SPECIAL CITIZENS OF PINE AVENUE

BY:

Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Chris Robins
Council Member Charles Walker

WHEREAS, on Saturday, August 2nd and Sunday, August 3rd, 2007, the Pine Avenue Business Association will hold their Annual Italian Festival; and

WHEREAS, during the festival, PABA will honor eight individuals of Italian decent between the ages of 75 and 91 who have lived and/or worked the majority of their lives in the Pine Avenue business area or neighborhood. These “Cittadini Speciali” or Special Citizens of Pine Avenue were instrumental in making Pine Avenue a vibrant and viable business district; and

WHEREAS, the following Special Citizens will be honored:

Mario Beccari
Frank Brusino
Angelo D’Aloise
Daniel Giancola
Celia Grant
Vincent Lanzetta
John Niedda
Raffael Tarantino

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 above-named Special Citizens as PABA’s “Cittadini Speciali” for 2008.

RESOLUTION No. 2008–

TO AMEND RESOLUTION 2008-53

BY:

Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Chris Robins
Council Member Charles Walker

WHEREAS, on June 2nd, 2008, Resolution 2008-53 reappointed Mr. Willie Fields to the Niagara Falls Civil Service Commission with an expiration date of 6/01/14; and

WHEREAS, the expiration date for Resolution 2008-53 needs to be amended to 5/31/14.

RESOLUTION No. 2008–
RELATIVE TO GRANT APPLICATION FOR
OPEN SPACE INVENTORY

BY: Council Chairman Samuel Fruscione

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Paul A. Dyster, as Mayor of the City of Niagara Falls, is hereby authorized and directed to file an application for funds from the New York State Department of State under Title 11 of the New York State Environmental Protection Fund Local Waterfront Revitalization Program, in an amount not to exceed \$200,000 with a City match of \$100,000 from the 2007 Designated Special Project Fund Balance, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the City of Niagara Falls to undergo a complete open space inventory in furtherance of the City's local waterfront revitalization program.

RESOLUTION No. 2008–

RELATIVE TO GRANT APPLICATION FOR
CUSTOMSHOUSE INTERIOR RENOVATIONS

BY: Council Chairman Samuel Fruscione

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Paul A. Dyster, as Mayor of the City of Niagara Falls, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$300,000 with a City match of \$150,000 from the 2007 Designated Special Project Fund Balance, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the City of Niagara Falls for the interior restoration of the Customshouse and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

RESOLUTION No. 2008–

RELATIVE TO GRANT APPLICATION FOR
BUFFALO AVENUE STREETScape PROJECT

BY: Council Chairman Samuel Fruscione

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Paul A. Dyster, as Mayor of the City of Niagara Falls, is hereby authorized and directed to file an application for funds from the New York State Department of Transportation in accordance with the provisions of through the Transportation Enhancements Program, in an amount not to exceed \$2,500,000 with a City match of \$554,000 from the 2007 Designated Special Project Fund Balance, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the City of Niagara Falls for the generalized streetscaping of the Buffalo Avenue Heritage District to include Third Street North, Fourth Street North, Sixth Street North and Holly Place/Riverside Drive.