

Item #1

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

NOTICE OF CLAIM

ALLEGED DAMAGE

Samuel J. Licata 2948 Jerauld Avenue	Automobile damage sustained from a City plow
Jessica Barzac 2212 Cayuga Drive Ext. Apt 3	Automobile damage sustained from a pothole in a City street
David J. Venditti 2602 Niagara Street	Property damage sustained from a City snow plow
Jean R. Rajczak 9521 Cayuga Drive	Property damage sustained from a City snow plow
Liberty Mutual Insurance Company A/S/O Robert Ware	Automobile damage sustained from a City police vehicle
Huston Carter 1735 North Avenue	Automobile damage sustained from a City snow plow
Jennifer Strack 2420 Pierce Avenue	Automobile damage sustained from a pothole in a City street
Carol I. Allen 1017 20 th Street	Automobile damage sustained from a City snow plow
Keith W. Eberly Jr. 2722 Cleveland Avenue	Automobile damage sustained from a pothole in a City street
Wendy Maloney 1017 20 th Street Scarborough, Ontario M1C 4H5	Personal injuries sustained from a fall in a City parking lot
John Petrishin 261 65 th Street	Automobile damage sustained from a pothole in a City street
John Barbera 2915 Porter Road	Automobile damage sustained from a pothole in a City street
Nicole McCumber Geneva Street	Automobile damage sustained from a manhole 48 cover in a City street
John A. Manzare LaSalle Avenue	Automobile damage sustained from an open 2439 manhole in a City street
New York Central Mutual Insurance a A/S/O Cosmo A. Commisso	Automobile damage sustained in an accident with City police vehicle
Laila Nader 7811 Niagara Falls Blvd.	Property damage sustained from a City snow plow
Patricia Johnson Washington City 17D Jordan Gardens	Personal injuries sustained from a pothole in a street
Luka Auzina P.O. Box 2778 Niagara Falls, NY 14302	Automobile damage sustained from a pothole in a City street
Jane Parker 1539 LaSalle Avenue	Automobile damage sustained from a pothole in a City street
Curtis DuBois 10325 Cayuga Drive	Property damage sustained from a City snow plow

Carmella Gentile 146 60 th Street	Automobile damage sustained from a pothole in a City street
John Barbera 2915 Porter Road	Automobile damage sustained from a pothole in a City street
Robert J. Fera 527 Tronolone Place	Automobile damage sustained from a pothole in a City street
Ivette Trinidad 1547 Whitney Avenue	Automobile damage sustained from a pothole in a City street
Kenneth J. Snider 9 Heritage Estate Albion, NY 14411	Automobile damage sustained from a pothole in a City street
Response Insurance Todd Collins 610 30 th Street	Automobile damage sustained from a City A/S/O: snow plow
Shirley A. Glica 828 Castlebar Drive North Tonawanda, NY 14120	Automobile damage sustained from a pothole in a City street
Nick A. Daloise plow 632 15 th Street Apt. A	Automobile damage sustained from a City snow
Lawrence R. Smith 818 Sunnyside Drive	Automobile damage sustained from a pothole in a City street
Michelle C. Smith 476 Portage Road	Automobile damage sustained from a pothole in a City street
Robert L. Rosati 3265 Parkwood Lane	Automobile damage sustained from a pothole in a City street
Jason T. Sutor 117 Hinman Street Youngstown, New York 14174	Automobile damage sustained from a pothole in a City street
Andrew Federspiel 63 Expressway Village	Automobile damage sustained from a pothole in a City street
Liberty Mutual Insurance Company A/S/O: Rhonda Harris 2219 Weston Avenue	Property damage sustained from a City snow plow

SUMMONS AND COMPLAINT

Michael J. Schmidt
121 South Main Street, Apt. #3
Warsaw, New York 14569

Index No. 132718

Item #2

On October 22, 2007, City Council approved the FY' 2008 Community Development Budget that included the Community Development Block Grant, HOME Investment Partnership Program and the Emergency Shelter Grant Program. The budget that was approved by Council was based on projected revenue to be received from the federal government. The City has recently been notified of the actual grants awarded by the U.S. Department of HUD as listed below:

- the projected CDBG Grant was \$2,600,000; the actual award was \$2,497,886 or a \$102,114 decrease
- the projected HOME Grant was \$600,000; the actual award was \$578,809 or a \$21,191 decrease
- the projected ESG Grant was \$110,000; the actual award was \$112,133 or a \$2,133 increase

We are proposing the following budget modifications to account for the revised federal grants:

FEDERAL GRANT	BUDGET LINE ITEM	APPROVED AMOUNT	PROPOSED AMOUNT
Community Development Block Grant (CDBG)	Demolition	\$485,000	\$400,000
	Clean Neighborhood	\$35,000	\$17,886
HOME Investment Partnership Program (HOME)	CD Owner Occupied Rehabilitation	\$200,000	\$178,809
Emergency Shelter Grant Program (ESG)	Carolyn's House	\$15,000	\$17,133

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

Item #4

RE: *Employees Sick Bank*

One of the employees in the Fire Department has depleted his sick time and has continuing health concerns. Other employees have requested the opportunity to donate sick time to a sick bank for the benefit of this employee.

Will the Council authorize the establishment of a sick bank and allow employees to donate up to two (2) days of sick time to the bank?

Any time donated that is not used by this employee will remain in the sick bank for future use by other employees.

Will the Council so approve?

Item #5

Re: Approval of budget amendment to realign staff in the Assessor's Office

An upcoming retirement and resignation has allowed for the reallocation of job duties and the following changes are proposed in the Assessor's Office expense account A1355.0000.0110.00.

- Assessor Technician position with a 2008 budgeted salary of \$35,468.81 plus benefits would be abolished effective June 27, 2008.
- Assessor's Information Clerk would be created at a budgeted salary at \$29,742.61 plus benefits effective May 5, 2008.
- Junior Account Clerk position with a 2008 budgeted salary of \$25,191.32 plus benefits would be abolished effective April 7, 2008.
- Assessor Data Clerk would be created at a budgeted salary of \$28,213.63 plus benefits effective April 8, 2008.
- Assessor Data Clerk with a 2008 budgeted salary of \$28,623.36 plus benefits would be upgraded effective April 8, 2008 to a Senior Assessor's Data Clerk with a salary of \$31,984.15 plus benefits.

This realignment will result in an added \$656.11 annually. In addition, there may be a benefits adjustment. The incumbent in the Junior Account Clerk position is currently provided single coverage and the new hire may request family coverage and is projected at an additional \$11,005.84 annually according to the Controller. Funding is available in A1355.0000.0130.000.

Will Council so approve?

Anderson _____ Fournier _____ Robins _____ Walker _____ Fruscione _____

Item #6

RE: Agreement with the Health Association of Niagara County, Inc.

The City staff recommends that the City renew the agreement with the Health Association of Niagara County, Inc. to provide recreation services for adults sixty years of age and older.

The City's expenses of this program will be in an amount not to exceed \$10,000.00 during the period of April 1, 2008 through March 31, 2009. Funds are included in the 2008 budget.

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

Item #7

RE: SPCA Contract

Enclosed is the proposed contract with the SPCA for the calendar year 2008.

Funds are included in the 2008 budget.

Will the Council so approve and authorize the Mayor to execute the attached Agreement?

Item #8

RE: Additional temporary funding for street construction and parks crew leader

In order to provide additional manpower for repairing potholes and street repaving, it is requested that the Council appropriate the following sums from the 2006 fund balance:

Street Construction Temporary	\$75,440
Street Construction FICA	<u>5,772</u>
	\$81,212

The funding for the Parks Department is to allow the creation of a second shift, seven days a week to better control garbage and cleanup in the downtown commercial district:

Parks: Temporary Wages	\$ 1,617
FICA	<u>124</u>
	\$ 1,741

Funding will come from the 2006 fund balance.

Will the Council so approve?

Item #9

RE: Budget amendment to reclassify cleaner to MW1 at the Carneige Building

In order to provide better service to the building and grounds at the Carneige Building, it is requested that the cleaner position be reclassified to a MW1 position. This will allow the employee to perform additional tasks, such as clearing sidewalks and doing landscaping, which are not included in the cleaner job specifications.

The additional cost for the remainder of 2008 is \$958 plus benefits, which will be reimbursed by the Community Development Department.

Will the Council so approve?

Item #10

RE: Eliminate Violence Against Women Grant

The Police Department has been awarded a \$35,600 grant under the Eliminate Violence Against Women Program.

The City's match of \$11,867 for in-kind services is included in the police budget as wages and fringe benefits.

Will the Council approve acceptance of the grant and authorize the Mayor to execute any agreements or other documents necessary to effectuate this?

Item #11

RE: Host Community Greenway Fund Standing Committee Protocols

Attached are the proposed Host Community Standing Committee Protocols.

This Committee is comprised of the seven host communities (City of Niagara Falls, Niagara County, Towns of Lewiston and Niagara and the City of Niagara Falls, Lewiston, Porter and Niagara-Wheatfield School Districts) and the New York Power Authority.

These protocols set in place the mechanism for providing funding from the \$3 Million per year designated to the host communities under the host community settlement agreement for the greenway recreation tourism fund.

The Standing Committee has recommended the adoption of these protocols.

Will the Council so approve?

Item #12

RE: Second Hand Dealers License

Chapter 338 of the Codified Ordinances states: "338.03...City Council may grant a license to carry on the business of secondhand dealer within the City..."

The following have submitted applications for secondhand dealer licenses. These applications have all been approved by the N.F. Police Department.

Nora V. Guerrero - Casino Buy & Sell - 2008 Pine Avenue

Will Council so approve?

Item #13

RESOLUTION No. 2008-

RELATIVE TO THE HOPE VI PROJECT FUNDS
BY:

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

WHEREAS, The Center Court HOPE VI Revitalization Plan is a comprehensive strategy that targets an isolated, severely distressed and obsolete family public housing development for demolition to develop a mixed-income/multi-generational community with family rental and homeownership opportunities. Also included in the project is a high-tech community center and a much-needed mix of affordable housing stock which together will create an enticing development linking isolated resources and serving as a catalyst for the redevelopment of the City's North End and especially the Highland Avenue Neighborhood; and

WHEREAS, with the construction of approximately 282 new energy efficient and affordable housing units, the plan ends the superblock configuration and develops a broad mix of additional housing units to ensure a vibrant neighborhood that features rental and homeownership opportunities and a high tech resource center linking the neighborhood to valuable resources including a city park, a city swimming pool and economic initiatives fostered by the HUD Renewal Community, Community Outreach Partnership Center and the Empire Zone; and

WHEREAS, to accomplish the implementation of this plan, NFHA procured Norstar Development USA, a successful HOPE VI private development firm for the development and construction of the project; and

WHEREAS, the Center Court HOPE VI site is a welcoming entranceway to a residential section of Niagara Falls that is in the early phase of a comprehensive City and State supported plan for revitalization and the creation of viable communities through five district, yet collaborative initiatives: the development of Unity Park II, the Highland Avenue Redevelopment Plan, the Niagara Falls HUD Urban Renewal Community, the New York State Empire Zone and the Weed and Seed initiative; and

WHEREAS, on January 8, 2007, the Niagara Falls City Council unanimously passed a resolution to set up an agreement with the NFHA and to disburse \$3 million in casino funds for the HOPE VI project; and

WHEREAS, by agreement entitled "HOPE VI Grant Agreement" dated February 7, 2007, the City and NFHA agreed that \$3 million of casino funds would be allocated and disbursed to the NFHA for use in the HOPE VI project; and

WHEREAS, the City is working with New York State Urban Development Corporation, D/B/A Empire State Development Corporation ("ESD") to cause ESD to disburse to NFHA \$1 million of casino funds currently held by ESD; and

WHEREAS, the City has received \$2 million of casino funds, of which \$1 million has been disbursed to NFHA and \$1 million is currently held by the City in one or more accounts; and

WHEREAS, the intention of the HOPE VI Grant Agreement is to disburse all \$3 million of casino funds to NFHA as soon as possible to assist NFHA with funding the HOPE VI project.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council request that this Administration take all actions as are necessary or appropriate to disburse to NFHA as soon as possible the \$1 million of casino funds that are currently held in one or more accounts of the City, including presenting an amended funding agreement to the Council and that this Administration continue to take all actions as are necessary or appropriate to cause the ESD to disburse the \$1 million of casino funds that it is holding directly to the NFHA pursuant to the HOPE VI Grant Agreement as contemplated by the HOPE VI Grant Agreement.

Item #14

RESOLUTION No. 2008-

RELATIVE TO APPOINTMENT TO THE
TOURISM ADVISORY BOARD

BY:
Council Chair Sam Fruscione

BE IT RESOLVED, that the following individual is hereby appointed to the
City of Niagara Falls Tourism Advisory Board effective immediately for the
expiration date, which appears opposite her name:

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Laurie Davis 1316 - 24 th Street Niagara Falls, NY 14301 285-9681	12/31/2008

Item #15

RESOLUTION No. 2008-

RELATIVE TO SMALL BUSINESS WEEK
May 11th - 17th, 2008

BY:

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

WHEREAS, for more than 40 years, the SBA's Small Business Week has recognized outstanding small business owners for their contributions to the nation's economy and for their personal achievements. The SBA will celebrate Small Business Week from May 11th - 17, 2008; and

WHEREAS, small businesses have driven America's economy, transformed their communities, created jobs and enabled people to realize their entrepreneurial dreams. It is through small businesses that we see innovation thrive and grow to become successful companies; and

WHEREAS, small businesses take risks that others just would not take because they believe in a vision and because they know that they will match every dollar of equity they put into the businesses with an equivalent \$10 of sweat equity; and

WHEREAS, it takes an enormous amount of energy, creativity and determination to succeed as a small business owner today, and Small Business Week 2008 provides us with an opportunity to recognize excellence in entrepreneurship.

NOW THEREFORE BE IT RESOLVED, by the Niagara Falls City Council, that we recognize and applaud the efforts and good works of small businesses as an example of success to be respected and emulated by all of us. During Small Business Week and throughout the year, we must continue to inspire a new generation toward excellence in entrepreneurship; and

*BE IT FURTHER RESOLVED that the **Niagara Falls City Council** asks the citizens of Niagara Falls, New York to join them, along with **Mayor Paul A. Dyster** in proclaiming **May 11th to May 17th as Small Business Week 2008. This week is everyone's opportunity to showcase and recognize all the small businesses in the City of Niagara Falls, New York.***

Item #16

RESOLUTION No. 2008-

RELATIVE TO THE AMERICAN BUSINESS WOMEN'S ASSOCIATION

BY:

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

Whereas, the Spring Conference of the American Business Women's Association of Niagara Falls, New York will be held May 16-17, 2008; and

Whereas, the American Business Women's Association mission is to bring together business women of diverse occupations and to provide opportunities for them to help themselves and others grow personally and professionally through Leadership, Education, Networking support and National recognition; and

Whereas, the "Regional Spring Business Conference" is hosted along with the National Association of ABWA at the Niagara Falls Conference Center. The theme of this conference is "Meet Women of Excellence." This is indeed an opportunity for hundreds of accomplished business professionals to attend "cutting-edge seminars."

Now therefore be it resolved, that the Niagara Fall City Council, along with Mayor Paul A. Dyster, hereby proclaim May 16-17, 2008 as American Business Women's Week in the City of Niagara Falls and offer support for their Regional Spring Business Conference.

Item #17

RESOLUTION No. 2008 -

CALLING FOR A PUBLIC HEARING
WITH RESPECT TO AMENDING THE CITY CHARTER RELATIVE TO
PROPERTIES LOCATED IN THE EMPIRE ZONE

BY: Council Chair Samuel Fruscione

RESOLVED, that Local Law No. _____ for the year 2008 be introduced, and that a public hearing be held on such Local Law on the 21st day of April, 2008 at 7:00 p.m. Eastern Daylight Time, in the City Council Chambers of the City of Niagara Falls, New York, at City Hall, 745 Main Street, and that at least five (5) days notice of said hearing be published in the Niagara Gazette preceding said hearing relative to amending the properties to be located in the Niagara Falls Empire Zone.