

Item #1

The following claims have been filed in the Office of the City Clerk during the month of February, 2009. The claims were subsequently referred to the Office of the Corporation Counsel.

NOTICE OF CLAIM

ALLEGED DAMAGE

Bowman, Sandra
1212 Roselle Ave

Damages and loss of compensation and benefits due to wrongful termination from employment with the City

Spors, Paul E.
156 Wexham Court South
Tonawanda, NY 14150

Personal injuries caused by fall in parking lot of Hyde Park Ice Pavilion

Gardner, Scott
8518 Frontier Ave

Damages to two automobiles caused by fallen City tree

Shanks, Jason P.
1311 Garrett Ave

Damage to automobile from City plow truck

Dusen, Robert E.
1814 Hyde Park Blvd.

Damage to automobile from pothole

Amato, Vito
401-66 Terrace Drive
Oshawa, Canada L1G2Z2

Damage to automobile from pothole

Schmitz, Patricia Marie
3350 D St.

Damage to fence from City plow

Cook, Avon M.
1759 Virginia Ave.

Damage to automobile caused by pothole

White, Rae E.
2932 Nevada Ave

Damage to automobile caused by pothole

Derrett, Ronald J. Jr. and Kelly A.
458 Grover Cleveland Hwy.
Egbertsville, NY 14226

Damage to automobile caused by sunken road and raised railroad tracks

Knight, Garry J.
2235 Forest Ave.

Damages caused by blocked sewer main

Crowell, Timothy
800 Niagara Ave #419

Damages caused by negligence of the City and Police Department in publishing claimant's photograph in newspaper

Abrams, Judith E.
1642 Cleveland Ave.

Damage to automobile caused by accident with City fire truck

Tarnowski, Steven J.
2022 Swann Road
Ransomville, NY

Damage to automobile caused by airborne pebble from passing City fire truck

Klaczyc, Stephen
8521 Porter Rd. Apt. 7A

Damages to automobile when struck by Police vehicle

Mohr, Mary Ann
4525 Lewiston Rd.

Damages to automobile caused by fallen City tree limb

Alter, Jonathan P.
3626 Ross Street
Riverside, CA. 92503

Property damage caused by unreasonable search and seizure

Shimmel, Michael A.
2486 LaSalle Ave.

Automobile damage caused by pothole

Sparks, Paul D.
714 Augustus Pl.

Automobile damage caused by pothole

State Farm Insurance Company
a/s/o Rae E. White

Automobile damage caused by potholes

Gervasi, Vincent
619 Pasadena Ave

Property damage caused by fallen City tree limbs

Willis, Deborah
3750 McKoon Ave.

Automobile damage caused by pothole

Cheff, Joseph
236-74th St.

Property damage occurring to personal tools kept in
City garage

NOTICE OF PENDENCY

General Electric Capital Corporation

Index No.: 136220

General Electric Capital Corporation

Index No.: 136220

General Electric Capital Corporation

Index No.: 136221

SUMMONS AND COMPLAINT

Tucker, Charles E.

Case No.: 08 CV 0812(S)

Coleman, Jaquinda

Civil Action No.: 09 CV 157-S

Item #2

**SUBJECT: LETTER OF AWARD FOR CONSULTANT SERVICES FOR
HYDE PARK ICE COMPLEX PROJECT**

Based on the New York State Department of Transportation mandated merit selection process, please be advised that DiDonato Associates has been selected as the City's Consultant on the above noted project.

It is the recommendation of the undersigned that the scoping and design phases of this project be awarded to DiDonato Associates at its Proposal Price of \$294,822.00. Funding is available through Casino Revenue.

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

**RE: City Council Agenda Item:
Red Coach Inn
\$50,000 Casino Revenues Grant**

Council Members:

The Red Coach Inn has been an anchor of the downtown area since 1923. It's unique architectural design has enticed visitors to its restaurant and hotel accommodations for years. In 1986, Mr. Tom Reese purchased the property and has continued to renovate and improve the facility, winning many awards.

Having been in the business for many years, Mr. Reese sees a demand for additional hotel rooms in the downtown area. To this end, he is proposing to convert current office space to an additional twelve new luxury guest rooms at his hotel. The project costs are estimated at approximately \$900,000. Because of the nature of the business and the economy, Mr. Reese needs assistance from the City to make this project doable.

This grant will improve and maintain a longtime business located in our downtown area. It also provides much needed hotel accommodations in the area. In addition to additional bed taxes, this project will also provide increased employment.

The project qualifies under economic development criteria of State Finance Law 99-h for the expenditure of the annual casino revenues. Grant funds will be disbursed for capital renovation costs. The applicant must demonstrate the availability of the grants, loans and equity necessary to complete the project. The project must be complete by December 31, 2009.

Funding is available for this project from 2007 casino revenues. Will the Council vote to authorize the transfer of \$50,000 to Niagara Falls Urban Renewal Agency, for transfer to N.F.C. Development Corp. for a grant of casino revenues as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Item #4

**RE: City Council Agenda Item:
Ashland Advanced Materials
\$80,000 Grant request**

Council Members:

The original grant request was tabled at a 2008 council meeting pending further information regarding the expected use of the funds. As such, a new council item is required.

Attached for your review are

- 1) Copy of the Landscape Architects renderings for the planned landscaping
- 2) Estimates from multiple landscaping companies for the work to be completed at the site.
- 3) An opinion of probable construction cost worksheet prepared by an outside landscape architectural firm.
- 4) Costs for the two fences installed at the site by Ashland.

The total projected costs for the above work is \$149,455. Our contribution will be approximately 53% of the costs for these enhancements

Funds for this grant are available under the URA sub allocation approved for 2008.

Will the Council vote to approve the grant request of up to \$80,000 subject to the plant opening and the completion of the landscaping and installation of the fencing and authorize the Mayor to execute any documents necessary to effectuate the same?

Item #5

SUBJECT: Bid #4-09 Janitorial Supplies

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

TO: Harpor Paper Company
2403 Hyde Park Blvd.
Niagara Falls, NY 14305

FOR: Item #'s: 6, 7, 10, 11, 14, 15, 16 and 17 per the attached tally sheet.

TO: Dobmeier Janitorial
354 Englewood Avenue
Buffalo, NY 14223

FOR: Item #'s: 1, 2, 3, 4, 8, 9, 12, 13 and 18 per the attached tally sheet.

TO: Niagara Supply Corporation
4825 Tomson Avenue
Niagara Falls, NY 14304

FOR: Item #: 5 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 Five (5) vendors. Three (3) bids were received. The above referenced companies submitted the lowest bids to meet our specifications for each respective item.

Funds for this expenditure are available in various Departments, Cleaning & Sanitary Supplies code: .0419.003.

	EST. QNTY.	UNIT	DESCRIPTION	NIAGARA SPLY 4825 TOMSON NIA. FALLS, NY	HARPOR PAPER 2403 H.P. BLVD NIA. FALLS, NY	DOBMEIER 354 ENGLEWOOD BUFF., NY
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1.	100	Bag	Oil Dry, 50# bags, Maximum Density of 38 lbs./cu.ft.	8.69	8.05	7.69
2.	5	Ea.	Squeegee, 24" heavy duty floor squeegee with handle	14.65	16.00	10.88
3.	70	Ea.	Wet Mop, 16 oz. cotton wet mop heads:	3.03	1.95	1.90
4.	170	Ea.	Wet Mop, 20 oz., cotton wet mop heads:	3.49	2.19	2.03
5.	10	Ea.	Heavy Duty wood quick way mop handle, 60":	5.89	7.20	6.53
6.	50	Ea.	Toilet bowl brush, black nylon with plastic handle:	3.89	1.18	1.31
7.	5	Ea.	Corn broom, heavy duty industrial & janitorial:	7.85	4.35	5.50
8.	15	Ea.	Street broom, with handle, bassie fiber:	9.80	10.89	8.99
9.	10	Ea.	Floor broom, soft bristle (for terrazzo), with handle:	15.00	12.84	9.39
10.	165	Cs.	38" x 58", minimum 3.0 mil, low density plastic bag:	no bid	33.90	no bid
11.	20	Cs.	38" x 58", minimum 2.5 mil, low density plastic bag"	no bid	33.90	no bid
12.	130	Cs.	40" x 46" minimum 1.25 mil, low density plastic bag:	no bid	24.60	15.48
13.	50	Cs.	30" x 36", minimum 1.25 mil, low density plastic bag:	no bid	39.50	27.50
14.	25	Cs.	24" x 23", minimum 1.25 mil, low density plastic bag:	no bid	35.70	no bid
15.	5	Cs.	Cleaning cloths, chemically treated, 24" x 24":	no bid	69.95	77.60
16.	20	Ea.	Abrasive sponges:	no bid	.43 ¹	.43 ¹
17.	210	Ea.	Block sponges, 1 11/16" x 4 1/2" x 6", natural color:	1.12	.65	.665
18.	70	Ea.	Pistol grip sprayer, with 16 oz. plastic cylinder bottle:	no bid	1.95	.72

1. Tie bid. Harpor Paper Co. is located in Niagara Falls. Dobmeier Janitorial Supply Inc. is located in Buffalo. In cases of tie bids, all else being equal, companies located in Niagara Falls are given preference. Therefore, we recommend award of item 16 to Harpor Paper Co.

Item #6

SUBJECT: Bid #7-09 Tree Removal Services

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

TO: Affordable Tree & Excavating, Inc.
432 Mandeville Street.
Utica, NY 13502

FOR: Removal of Seventy-One (71) trees on City margins;
including stump removal and ground restoration: \$42,900.00

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 eight (8) vendors. Four (4) bids were received. The above referenced company submitted the lowest bid.

A separate item is on the Council's agenda requesting approval of the funding source for this expenditure.

Item #7

SUBJECT: Hyde Park Restaurant Concession

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

TO: John T. Kwarciak Sr.
3105 Baseline Road
Grand Island, NY 14072

FOR: Operation of the Hyde Park "Greens Restaurant" Concession
for a period of five (5) years with annual payments as follows:

2009	\$3,600.00
2010	3,750.00
2011	3,900.00
2012	4,050.00
2013	4,200.00

Award of the agreement will be contingent upon the concessionaire agreeing to a contract acceptable to the Corporation Counsel.

The request for proposals was advertised in the Niagara Gazette and RFP's were sent to seven (7) interested parties. The above referenced individual submitted the only proposal.

**RE: City Council Agenda Item: Park Place Historic District
Preservations Studios, LLC \$2,800 Signage Contract**

Council Members:

The City received a \$2,800 State grant under the certified local government program for the Park Place Historic District. The grant provides for “topper” signs to go on top of the street signs, district monument signs and a walking tour/historic district information pamphlet.

Listed below is a proposal for design services from Tom Yots of Preservation Studios, LLC for the design of the signs and the pamphlet. City staff will install the signs and place the district monument signs on City-provided metal plaques. The city services will fulfill the in kind services requirement of the grant.

PROPOSAL FROM THOMAS YOTS, PRESERVATION STUDIOS, LLC

Re: Historic District Signage and Pamphlet Project Proposal

Budget:

Consulting Services (Sign)*	\$1,000.00
Consulting Services (Pamphlet)**	500.00
3' x 4' sign decals (4)	500.00
Sign toppers (6) @ \$125	750.00
Camera/print ready pamphlet materials	50.00
	<hr/>
	\$2,800.00

Revenue:

Grant:	\$2,800.00
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*Consulting Services: Sign Design Management:

- Completion of sign design
- Preparation of images: sketches and/or photographs
- Coordination with sign company for production of the sign decal and street sign toppers.
- Coordination with the appropriate City departments for construction and installation of the signs
- Communication with neighborhood and Veterans groups regarding sign placement.

**Consulting Services: Pamphlet preparation/editing

- Preparation of images: sketches and/or photographs
- Editing of Historic District walking tour pamphlet text and layout

Will the Council vote to approve the contract for services as set forth herein, and authorize the Mayor to execute the contract necessary to effectuate the same?

**RE: God's Woman Vanessa Scott Outreach Ministries, Inc.
 Amendment to Grant Agreement**

Council Members:

On February 25, 2008 City Council approved the use of \$4,800 in Emergency Shelter Grant funds for a roof replacement at the House of Ruth, a shelter operated by God's Woman Vanessa Scott Outreach Ministries, Inc. The roof replacement was completed at total cost of \$3,100 leaving a balance of approximately \$1,700 in the account. During the course of the work being completed, the Community Development monitor assigned to the project noticed that that electrical service to the building was in dire need of an upgrade. We requested and received proposals to upgrade the service, the low bid submitted being \$810.00.

It is our recommendation that City Council approve an amendment to the existing grant agreement allowing the use of the unexpended ESG funding for the replacement of the electrical service at the House of Ruth. Any unexpended funds remaining after the completion of this work will be transferred to the ESG unprogrammed budget for a future eligible activity.

Will Council vote to so approve an amendment to the August 19, 2008 grant agreement between the City and God's Woman Vanessa Scott Outreach Ministries, Inc. authorizing the use of Emergency Shelter Grants Funds in budget code ESG073 for the upgrade of the electrical service at the House of Ruth and extending the date for the expenditure of funds to July 30, 2009?

Item #10

SUBJECT: LETTER OF AWARD FOR 93RD STREET PEDESTRIAN BRIDGE REPLACEMENT

The following was the result of bids received on February 26, 2009, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Armand Cerrone 4625 Witmer Road Niagara Falls, NY 14305	\$ 66,666.00
Hohl Industrial Services, Inc.	\$ 77,730.00

It is the recommendation of the undersigned that this project be awarded to Armand Cerrone, Inc. at its Base Bid of \$66,666.00. Funding is available under Capital Code H0960.2009.0960.0449.599.

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

Respectfully submitted,

Item #11

**SUBJECT: RECONSTRUCTION OF 77TH STREET BETWEEN STEPHENSON AVENUE AND NIAGARA FALLS
BOULEVARD R.P. 159A \$0.00 CHANGE ORDER**

A contract for the above referenced project was awarded to Yarussi Construction Co. Inc. on August 20, 2008 in the amount of \$. \$ 1,718,420.00.

Subsequent to the start of work, conditions in the existing subgrade and unanticipated private utility alterations necessitated changes in this project's scope. The addition of tree removals and their subsequent replacement, as well as additions to our stormwater collection system, totaled \$79,800.00. However, planned extra excavations and private lateral alterations were below the anticipated worst-case scenario that was included within the original contract, allowing the contract award amount to adequately absorb the extra work noted above. Therefore, the total additional funds needed are \$0.00.

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

RE: Upgrade Request - Auditor

Council Members:

The Senior Auditor in the Department of Community Development will be retiring from his position in September 2009. The accounting performed for the federal grants administered by this department is unique and requires extensive training to be proficient. In consultation with the City Controller, we have mutually agreed that the most viable alternative is to promote from within the system and to bring the employee on as soon as possible to receive adequate training.

In order to accomplish this transition and based on the assumption of additional duties I am requesting that we upgrade the position of Auditor, currently held by Robert Donner, from Grade 20 to Grade 21. The Auditor will be responsible for the CDBG, HOME, ESG and Miscellaneous Revenues accounts in the Department of Community Development. The Senior Auditor is classified at Grade 22, however, due to the extensive learning curve required to manage these federal grants, the Section 8 account will be omitted from the job duties for the upgraded position. The City Controller has agreed to assign an employee from her department to assume the Section 8 accounting and to bill that fund for hours allocated to the work or as a stipend.

The retirement of the Senior Auditor also affects the NFC Development Corp. and Urban Renewal Agency as the Senior Auditor received a stipend to perform this accounting work. Historically, NFC and URA had their own accountants, the current being arrangement enacted after the Senior Auditor had sufficient time to learn the CDBG programs. This will no longer be possible as the Auditor will be totally consumed in learning the Community Development Block Grant, HOME and Emergency Shelter Grant Programs.

Therefore, based on the foregoing, it is our recommendation that the position of Auditor, currently occupied by Robert Donner in the City Controller's Office, be upgraded from Grade 20 to Grade 21 in the Department of Community Development. Community Development funds are available in Budget Code CAD026 to pay for the Auditor and the Senior Auditor on a simultaneous basis.

Will the Council vote to so approve the upgrade request as described herein?

Item #13

RE: Small Equipment Purchase for Parks and Golf Course

Council Members:

The Council has previously designated Casino funding for various small equipment.

Since the approval of those lists it has been determined that a higher priority in the Hyde Park Mechanic Shop is a new compressor to replace the 49 year old one currently being used at a cost of \$2,500 and for the gulf course a ball washer at a cost of \$1,095.

Will the Council approve amending the pending equipment lists to include these items?

Item #14

RE: Eliminate Violence Against Women Grant

Council Members:

The Police Department has been awarded a \$34,425 grant under the Eliminate Violence Against Women Program.

The City's match of \$11,475 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 #15

RE: Designation of Casino Funds for Tree Removal

Council Members:

Pursuant to discussions between the Administration and Council it was agreed that the City would seek bids for removal of 71 trees. The City has solicited bids and the award appears elsewhere on your agenda.

It is requested that the Council designate \$42,900 of Casino funds to fund this tree removal.

Will the Council so approve?

Item #16

RE: Designation of Casino Funds for Street Design Work

Council Members:

The City has received \$3.6 Million in Federal Stimulus funding for various street projects located in the City.

The rules for the expenditure of the Federal Stimulus funds do not allow it to be used for the design work required for the projects. Therefore, it is requested that the Council designate up to \$300,000 of Casino funds for design work related to these street projects.

Will the Council so approve?

Item #17

RE: Promotional Video Production

Council Members:

The City has been approached by David Hodge to produce a promotional video and related economic development marketing material for the City of Niagara Falls.

The cost of the production of this video will be \$150,000 and the Niagara Tourism and Convention Corporation has been approached to provide \$75,000 of this funding.

Will the Council authorize expenditure of \$75,000 of casino funds for the production of this material and authorize the Mayor to execute an agreement with David Hodge in a form acceptable to the Corporation Counsel and contingent upon approval of the \$75,000 in funding by the NTCC?

Item #18

*RE: Request for Approval to Settle and Pay Claim of Joseph W. Chmiel
3322 Church Street, Niagara Falls, New York*

Council Members:

Date Claim Filed:	January 9, 2009
Date Action Commenced:	N/A
Date of Occurrence:	December 21, 2008
Location:	3322 Church Street, Niagara Falls, NY
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	Brian S. Raymond
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$2,160.52
Make Check Payable to:	Joseph W. Chmiel
Conditions:	General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve?

RESOLUTION No. 2009–

RELATIVE TO APPOINTMENTS TO THE
SENIOR CITIZEN COUNCIL

BY:
Council Chair Chris Robins

BE IT RESOLVED, that the following individuals are hereby reappointed or appointed to the City of Niagara Falls Senior Citizen Council effective immediately for the expiration date, which appears opposite their names:

REAPPOINTMENT **TERM EXPIRES:**

George Kralick 12/21/2011
512 – 82nd Street
Niagara Falls, NY 14304 - 283-9312

Elsie Golanka 12/31/2011
2441 Linwood Avenue
Niagara Falls, NY 14305 - 297-8688

APPOINTMENT **TERM EXPIRES:**
(including a vacancy due to resignation of Josephine Minervino)

Joseph Paonessa 12/31/2009
1064 – 96th Street
Niagara Falls, NY 14304
297-8824

Llewellyn Sasyn 12/31/2010
822 – 92nd Street
Niagara Falls, NY 14304
283-1069

Robert Snyder 12/31/2010
721 – 85th Street
Niagara Falls, NY 14304
283-5184

Robert Ramos 12/31/2011
2481 South Avenue
Niagara Falls, NY 14305
284-1694

Bea DiNunzio 12/31/2011
2658 Niagara Avenue
Niagara Falls, NY 14305
297-4307

Harold Fox 12/31/2011
2243 Cleveland Avenue
Niagara Falls, NY 14305
282-1954

Item #20

RESOLUTION No. 2009-

RELATIVE TO APPOINTMENT TO THE
NIAGARA FALLS BOARD OF ASSESSMENT REVIEW

BY:

Council Chair Chris Robins

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

REAPPOINTMENT **TERM EXPIRES:**

Mr. Millard E. Smallwood 516 College Avenue Niagara Falls, NY 14305 285-5048	9/30/2013
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RESOLUTION No. 2009–

RELATIVE TO TOBACCO POINT OF PURCHASE RESOLUTION

BY:

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

WHEREAS, tobacco products are addictive and contribute to the premature illnesses and deaths of our citizens. The Surgeon General has concluded that tobacco product marketing encourages people to use tobacco, especially our young people; and

WHEREAS, in 2005, tobacco companies spent \$13 billion to market cigarettes in the United States, most of which was spent at point of sale. The economic impact of tobacco use is a drain on our community keeping taxes high and making employers spend more money on health insurance which reduces jobs in our region; and

WHEREAS, the vast majority of tobacco users regret their decision to start smoking and find their ability to quit using tobacco constrained because of nicotine addiction. We have a responsibility to protect the public's health, especially those who are young and most vulnerable. An estimated 1/3 of adolescent experimentation with smoking can be directly attributed to tobacco advertising and promotional activities.

NOW THEREFORE BE IT RESOLVED, that **the City Council of the City of Niagara Falls, New York, together with Mayor Paul A. Dyster**, hereby supports the efforts of the Erie-Niagara Tobacco-Free Coalition and to protect the children of Erie and Niagara Counties and the City of Niagara Falls, USA, by asking local retailers to reduce tobacco advertising by doing the following:

- No price promotions or discounts
- Removing all tobacco brand advertising inside and outside of their store
- Keeping tobacco displays out of view of customers
- Agreeing to place material in their store advertising smoking customers where they can get assistance to stop using tobacco products

NOW THEREFORE BE IT FURTHER RESOLVED, that a copy of this resolution be sent to NYS Senators Antoine Thompson and George Maziarz; NYS Assemblypersons Francine DelMonte and Sam Hoyt; and Erie-Niagara Tobacco-Free Coalition Director Anthony G. Billoni and the Roswell Park Cancer Institute.

RESOLUTION No. 2009–

RELATIVE TO OPPOSITION TO WINE SALES IN SUPERMARKETS

BY:

Council Member Steve Fournier

WHEREAS, on December 16th, 2008, Governor Paterson proposed to allow grocery stores to sell wine in his 2009-2010 state budget. This proposal must be stopped because it will cost New York thousands of jobs and contribute to a significant increase in underage drinking; and

WHEREAS, over 1,000 small businesses – wine sellers, liquor stores, wineries and others – will be forced to close. This translates into a loss of over 4,000 jobs. New York already leads the U.S. in job losses and this could reach the hundreds of thousands over the next two years; and

WHEREAS, Small business retailers have indicated that 65-80% of their overall sales are devoted to wine – putting their store’s livelihood and employees’ jobs at great risk; and

WHEREAS, New York has independently owned licensees, legally responsible for preventing youth from purchasing alcohol. This law would undermine current regulations and controls put in place to protect the public and minors. Law enforcement agencies oppose this proposal because it will lead to an increase in underage drinking, drunk driving accidents and fatalities. Parent and student groups like Students Against Destructive Decisions (SADD) fear an increase in underage drinking; and

WHEREAS, Small wineries from every region of the State fear losing access to customers because in spite of being told this proposal will help wineries, they know that only the most popular vineyards will get space on crowded supermarket shelves, leaving them out in the cold; and

WHEREAS, the State Liquor Authority’s ability to police rowdy bars and stop illegal alcohol sales will be overwhelmed by the dramatic increase in outlets selling wine; and

WHEREAS, it is unimaginable why the State of New York would support putting thousands more New Yorkers out of work and at the same time create an environment that would increase alcohol fatalities.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York, does not support the proposal by Governor Paterson to allow wine to be sold in supermarkets and urges the Governor, the Assembly and the Senate to stop this proposal and keep New York’s small businesses, jobs and teenagers out of harm’s way; and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to NYS Governor David Paterson, NYS Assemblywoman Francine DelMonte, NYS Senators Antoine Thompson and George Maziarz and NYS Budget Director Laura L. Anglin.

RESOLUTION No. 2009–

RELATIVE TO “WORLD KIDNEY DAY” - 2009

BY:

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

WHEREAS, more than 26 million Americans, about one in nine adults, suffer from chronic kidney disease; and

WHEREAS, 170,000 Western New Yorkers have Chronic Kidney Disease and another 170,000 are at risk and don't know it; and

WHEREAS, 1,600 Western New Yorkers are on dialysis and nearly 500 Western New Yorkers are awaiting a kidney transplant. Approximately 40 percent are African American and 16 percent are Hispanic; and

WHEREAS, the two main causes of chronic kidney disease are diabetes and high blood pressure, which are responsible for up to two-thirds of the cases; and

WHEREAS, the National Kidney Foundation of WNY has a health screening program to identify people in the early stages of kidney disease. The mission of the National Kidney Foundation of WNY is to prevent kidney and urinary tract diseases, improve the health and well-being of individuals and families affected by these diseases, and increase the availability of all organs for transplantation; and

WHEREAS, **the Honorable Paul A. Dyster of the City of Niagara Falls, New York** has proclaimed March 12th, 2009 as “World Kidney Day” in the City of Niagara Falls, New York in the hope that all possible support will continue to be extended to Chronic Kidney Disease patients in New York and throughout the country and the world.

NOW THEREFORE BE IT RESOLVED, by **the Niagara Falls City Council**, that we recognize and applaud the work of the National Kidney Foundation of WNY which helps to create awareness about chronic kidney disease and educates the public regarding diet, exercise, lifestyle management, and proper nutrition to help slow the progression of chronic kidney disease.

BE IT FURTHER RESOLVED that **the Niagara Falls City Council** asks the citizens of Niagara Falls, New York to join them in spreading awareness about this devastating disease by commemorating March 12th, 2009 as “World Kidney Day.”

NIAGARA FALLS LOCAL LAW NO. _____ FOR THE YEAR 2009

A Local Law to amend the Niagara Falls City Charter as amended, by amending Section 5 entitled “Breach of Residency Requirement” of Local Law #7 for the year 1984 and Local Law #3 for the year 1996 entitled “Residency of Employees@.

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 5 of Local Law #7 for the year 1984 and Local Law #3 for the year 1996 entitled “Residency of Employees” to read as follows:

Section 5. BREACH OF RESIDENCY REQUIREMENT.

Should it be alleged that an employee is not in compliance with Section 3 of this Local Law, the City Administrator, upon becoming aware of the allegation, shall provide the employee written notice of his alleged violation and shall allow the employee seven (7) calendar days in which to respond. Where there is a failure to respond or where a response is not, in the judgment of the City Administrator, sufficient to satisfy the requirements of this Local Law, the City Administrator shall designate an officer or board to set a hearing date to hear the charge of non-residency and to make a record of the hearing. An employee establishing residency to the satisfaction of the City Administrator prior to the hearing date shall result in a cancellation of the hearing authorized by this section.

The employee shall be sent a notice of the hearing date at least fifteen (15) days prior to the hearing. The hearing record and the determination of the hearing officer or board conducting the hearing as to whether the employee is a non-resident in violation of this Local Law shall be referred to the City Administrator for his review and decision. Should the City Administrator decide that the employee is a non-resident in violation of this Local Law, the employee shall be deemed to have voluntarily resigned from employment. **[Upon re-establishing residency, an individual having so resigned may apply for reinstatement to his or her former position and shall be reinstated if the position is vacant].**

The City Administrator will file a report of all allegations against employees made under this section together with the disposition of the allegations with the Personnel Department. This report will be included with the regular Personnel Actions Report filed with the City Council.

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

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