

Item #1

RE:           **RE:           Agenda Item:  
CDBG-R Substantial Amendment to 2008 Consolidated Plan**

The City of Niagara Falls has been awarded \$678,361 in American Recovery and Reinvestment Act Funds, identified by HUD as CDBG-R funding. The City is required to submit a Substantial Amendment to the 2008 Consolidated Plan indicating the proposed use of the CDBG-R funding and certifications that we are in compliance with our Citizen Participation Plan and other federal requirements. The primary purpose of the funding is to stimulate the economy through measures that modernize infrastructure, improve energy efficiency, and expand education and health care. Selected projects should be “shovel ready” as we are required to enter into construction contracts within 120 days of HUD funding approval. Based on the foregoing, we are recommending that CDBG-R funding be dedicated to milling and resurfacing of City streets in CD low/mod income target areas of the City as detailed on the attached(on file in City Clerk’s Office) spreadsheet.

To meet the citizen participation requirements, the Department of Community Development held a public hearing on the proposed use of CDBG-R funding on May 14, 2009. We also complied with the required 7-day post hearing comment period to receive additional comments. The only comment received dealt with a correction in the description of streets to be paved. C Street was incorrectly identified and has been changed to D Street.

Will Council vote to so approve and authorize the Mayor to submit the CDBG-R Substantial Amendment and to sign the required application for funding and program certifications?





Item #2

**SUBJECT:** Bid #26-09 Combination Air Conditioning/Humidifier Units

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

TO: Parise Mechanical, Inc.

1106 Sheridan Drive

Tonawanda, NY 14150

FOR: Two (2) air conditioning/humidity control units

for the MIS Department's computer room:

\$27,589.00

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 ten (10). Two (2) bids were received. The above referenced company submitted the lowest bid. Bids were also received from Greater Niagara Mechanical, Inc. (\$31,890.00) and H.W. Bryk and Sons, Inc. (\$32,475.00).

Funds for this expenditure are available in Budget code: A1620.2300.0250.000.

Item #3

*RE: Elimination of Auditor and Creation of Auditor I Position*

Council Members:

As part of the reassignment of job duties due to the upcoming retirement of an Auditor it is requested that the Council create an Auditor I position and to abolish the current Auditor position.

Part of the savings from this change is being used for the upgrades from Junior Account Clerk to Account Clerk positions that were previously approved by Council.

Will the Council so approve?

Item #4

*RE: Niagara Falls Boys and Girls Club*

Council Members:

The Niagara Falls Boys and Girls Club have requested that the City contribute money toward the cost of preparation of a tourism related book of recipes unique to the Niagara Falls area and its residents. This tourism related book will be called a "Stir in the Mist" and will be widely marketed, thus promoting Niagara Falls, NY. Funding for this contribution in the amount of \$4,000 is available from tourism fund balance.

Will the Council so approve?

Item #5

*RE: Creation of Temporary Crew Leader Position in Small Parks*

Council Members:

It is requested that a temporary crew leader position be created so that the second shift will be supervised during the height of the season.

The position will be filled from May 17 to October 2 covering holiday weekends. It is crucial to have this position placed to properly supervise employees who plan to schedule in the evenings and weekends in outlining parks in the downtown area. The estimated cost will be \$1,100 which includes benefits and funding would be transferred from the overtime account A7110.3460.0140.0000.

Will the Council so approve?

Item #6

*RE: Agreement with Greater Niagara Sports Group, Inc*

Council Members:

As you are aware, members of the City Law Department have been attempting to recover certain premises at Hyde Park which previously supported the golf dome.

A partial settlement has been reached with Greater Niagara Sports Group, Inc. to allow the City to reclaim the real property and allow the City to redevelop same. As part of this agreement, either party may pursue contractual claims against the other. This agreement will not require any further expenditures on the part of the City of Niagara Falls.

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

Respectfully submitted,

Item #7

*RE: Portion of Hyde Park Golf Course Clubhouse used for the  
Operation of the Greens Restaurant*

Council Members:

The tenant in the above referenced premises has been declared by the City to be in default of its agreement with the City dated July 15, 2005, as amended (the "Agreement"). The tenant is alleged to owe approximately \$12,499.96 in back rent. Additionally, Cazu, Inc. had incurred an obligation in the amount \$6,000 which was in the form of a grant from the City to Cazu, Inc. evidenced by a promissory note dated March 17, 2006. After negotiations among all parties, the tenant has offered to give to the City a nearly new awning for the restaurant building which has been inspected by City officials and determined to be in excellent condition, together with a hot dog stand which has also been inspected by City officials and determined to be in good condition. Both of these items, combined, approximate the amount due the City. The principals of Cazu have agreed, in addition to giving the City the awning and hotdog stand, to repay the City the sum of \$1,800 with interest over the course of 18 months in an amount of \$102.39 per month. This settlement is in the best of the City as the City has an immediate need for the awning and hotdog stand, and it alleviates the need to litigate this matter and attempt to collect the monies from the parties. Further, Cazu, Inc. may have certain legal defenses against the City which could delay the resolution of this matter for one year or more. Accordingly, it is requested that the Mayor sign the attached(on file in City Clerk's Office) settlement agreement.

Will the Council so approve?

Item #8

*RE: Niagara Police Athletic League*

Council Members:

The Niagara Police Athletic League has requested that the City contribute dollars to help sponsor its programs benefiting the youth of Niagara Falls. These programs are programs that have been run in the community for many years and have wide participation. Funding for this contribution is available through casino interest dollars.

Will the Council authorize the contribution of \$10,000 to the Police Athletic League to help fund its programs?

Item #9

*RE: Rainbow Square Litigation Settlement*

Council Members:

As you may recall, the City was sued by Rainbow Square, Ltd. in 2008 over the Rainbow Centre Mall. The Administration and Rainbow have agreed that consultation and cooperation will yield more benefits than contentious litigation.

Accordingly, presented herewith to the City Council is a settlement agreement under which the litigation will be discontinued. The settlement agreement does not require the payment of any money and does not create new obligations. The agreement wipes clean any past allegations of violation, and sets the stage for what we hope to be cooperation well into the future.

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

RESOLUTION No. 2009–

RELATIVE TO THE IMPORTANCE OF PLAY AREAS  
IN THE COMMUNITY

BY:

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

WHEREAS, “play” is instrumental in the development of children; and

WHEREAS, playgrounds and play areas are needed in a community in order for the children to thrive. Many communities are lacking with regards to available playground areas that are within walking distance for neighborhood children; and

WHEREAS, there is a national trend in which we are seeing children spending less time and fewer recreational hours in traditional unstructured outdoor play. There is an added national trend of childhood obesity which will, if not addressed, result in serious health consequences for tomorrow’s young adults; and

WHEREAS, children that play, recreate and engage in physical activity have been proven to perform at a higher level not only physically but also perform better emotionally in school related studies; and

WHEREAS, **the Honorable Paul A. Dyster, Mayor of the City of Niagara Falls, New York** has proclaimed Friday, July 10<sup>th</sup>, 2009 to be “**Play Day**” in the City of Niagara Falls.

NOW THEREFORE BE IT RESOLVED, that the **City Council of the City of Niagara Falls, New York** recognizes the importance of play areas in a community and realizes the significant role such play areas hold in raising happy and healthy children in our community and in our nation.

RESOLUTION No. 2009–

RELATIVE TO OPPOSITION TO NEW PROPOSAL ALLOWING  
WINE SALES IN SUPERMARKETS  
BY:

Council Member Steve Fournier  
Council Member Sam Fruscione

**WHEREAS, a new proposal to sell wine in New York supermarkets has surfaced in Albany after liquor store interests helped kill an earlier bill; and**

**WHEREAS, Assemblyman Joseph Morelle of Monroe County has included measures in a new proposal aimed at grocery store chains that want to legalize wine sales in their stores;**

WHEREAS, liquor store owners fear the measure would drive out one of the states last vestiges of mom-and-pop retail. 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, 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 new proposal by Assemblyman Joseph Morelle** to re-address the issue of allowing wine to be sold in supermarkets and urges 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, Assemblyman Joseph Morelle and NYS Budget Director Laura L. Anglin.