

The following claims have been filed in the Office of the City Clerk during the month of August 2010. The claims were subsequently referred to the Office of the Corporation Counsel.

NOTICE OF CLAIM

ALLEGED DAMAGE

Zito, Janet
c/o Peter Zito
3351 Ely Ave

Fire damage to property caused by fire from City owned property

Pyda, Steve
1138 Ashland Ave

Damages from trip on sidewalk

Lincoln, James F.

Damages and personal injuries caused by defective 3259 Jerauld Ave street pavement

Hernandez, Jessica
2262 Niagara Ave.#1

Damages to automobile caused by golf ball from golf course

Molnar, Gay B.
2114 River Road

Personal injuries from fallen tree branch

Wynes, James
2965 Michigan Ave

Damages to automobile struck by rock that was propelled by lawnmower

Foss, Clyde &
Foss, Michelle
308 Hyland Ave
Depew, NY 14043

Personal injuries sustained after being hit by vehicle while working on city property

Gabriele, Margaret
1114 James Ave

Automobile damages caused when struck by city vehicle.

Call, Tammy
205 62nd Street

Automobile damages caused by over exposed manhole.

Huffman, Ethel
1936 Whitney Ave

Automobile damages caused by tree falling limb.

Crisakulli, Rachel
2423 Linwood Ave

Automobile damages caused by hitting two pot holes

Scott, Diane
1615 Niagara Ave.

Personal injuries sustained after tripping in parking lot at Hyde Park.

Baldassaree, Gina
c/o State Farm Insurance

Automobile damage caused by exposed manhole cover

Pearson, Pauline
126 78th St

Damages to light post caused by fallen city tree limb.

NOTICE OF PETITION

Upstate Associates
c/o Wolfgang & Weinmann, LLP

Index No.: 141455

418 Third Street Associates
c/o Wolfgang & Weinmann, LLP

Index No.: 14152

M & T Bank
C/O Wolfgang & Weinmann, LLP

Index No.: 141454

ORDER TO SHOW CAUSE WITH TEMPORARY RESTAINING ORDER

Adams, Jessica as Administratrix of the estate of
John Adams
C/O Peter M. Kooshoian, Esq.

Index No.: 84427

PETITION – Small Claims Assessment Review

Fries, Philip M.
634-26th St

SBL No: 159 26 1 13

SUMMONS

Suzanne M. Macri
C/O Connie M. Lozinsku, Esq.

Index No.: 141625

HSBC BANK USA, NATIONAL ASSOCIATION
c/o Rupp, Baase, Pfalzgraf, Cunningham & Coppola LLC

Index No.: 141736

Yours truly,

Carol A. Antonucci
CAA/lp

Council Members:

The following is a report of the licenses issued and collections made in the Office of the City Clerk during the month of August 2010

		<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001 A012	Vital Statistics	\$ 5,834.00	\$ 5,834.00
A1255-004 A013	Copies of Records	\$ 489.25	\$ 489.25
A1255-004 A013	Certificates of Marriage	\$ 1,070.00	\$ 1,070.00
A2501-006 A042	Tour Driver/Guide	\$ 50.00	\$ 50.00
A2542-000 A053	Dogs/N County Treasurer \$ 480.70	\$ -	\$ 480.70
A2542-000 A053	Dogs/NYS Agr. & Mkts \$ 228.00	\$ -	\$ 228.00
A2542-000 A053	Additional Dogs	\$ 2,755.30	\$ 2,755.30
A2545-001 A054	Marriage License/NYSHD \$ 2,407.50	\$ 802.50	\$ 3,210.00
A1255-002 A123	Commissioners of Deeds	\$ 35.00	\$ 35.00
A2545-021 A316	Vending	\$ 490.00	\$ 490.00
A2545-023 A318	Hunters/NYS DEC RAU \$ 2,295.74	\$ -	\$ 2,295.74
A2545-023 A318	Hunters Fees	\$ 114.26	\$ 114.26
A1255-003 A499	Notary Fee	\$ 36.00	\$ 36.00
A1255-005 A528	Dog Release	\$ 400.00	\$ 400.00
TA63008 A597	Marriage Performance	\$ 2,325.00	\$ 2,325.00
A1255-006-A696	Photos/passport-license	\$ 36.00	\$ 36.00
TOTAL:		<u>\$ 5,411.94</u>	<u>\$ 14,437.31</u>
		<u>\$ 14,437.31</u>	<u>\$ 19,849.25</u>

Check #	<u>49412</u>	Niagara County Treasurer	\$ 480.70
Check #	<u>49426</u>	NYS Dept.of Arg. & Mkts	\$ 228.00
Check #	<u>49411</u>	NYS Health Department	\$ 2,407.50
Check #	<u>ET</u>	NYS DEC RAU	\$ 2,295.74

RE: Economic Development Projects and Undertakings

Council Members:

It is requested that the sum of \$420,000.00 be transferred to the NFC Development Corporation for the purpose of undertaking various Economic Development projects and undertakings separate and apart from loans and grants. Any such projects and undertakings must be recommended by the Director of Economic Development. Funding is available from the Special Projects Fund Balance.

Will the Council so approve?

Anderson _____ Fournier _____ Grandinetti _____ Walker _____ Fruscione _____

RE: Storefront Creation on Old Falls Street

Council Members:

It is requested that the sum of \$200,000.00 be transferred from the Special Projects Fund Balance to an account code designated by the City Controller for the purpose of accomplishing renovation and development of storefronts along Old Falls Street. This effort is undertaken by the Department of Economic Development.

Will the Council so approve?

Anderson _____ Fournier _____ Grandinetti _____ Walker _____ Fruscione _____

CITY OF NIAGARA FALLS, NEW YORK

Council Members:

Niagara Falls Memorial Medical Center has requested assistance in acquiring a cardiac telemetry monitoring system. The system allows the monitoring of heart functions of cardiac patients. The system costs approximately \$343,000.00. NFMCC is requesting a grant of \$250,000.00 to pay a portion of the costs of the system. NFMCC has funds available to pay the balance of the purchase price.

Cardiac disease is one of the leading causes of death in Niagara Falls. This monitoring system will allow NFMCC to improve its cardiac services.

A grant of casino revenues to NFMCC to pay a portion of the cost of acquiring the cardiac telemetry monitoring system will enhance public health. Funds for a \$250,000.00 grant are available from the local share of 2008 casino revenues received by the City in 2009. State Finance Law §99-h funds may be used to enhance public health.

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

Council Members:

The Niagara Falls and River Region Chapter of the Wild Ones Native Plants, Native Plants, Natural Landscaping; (“Wild Ones”) has received a “consistency” ruling from the Niagara River Greenway Commission, and New York State Office of Parks, Recreation and Historic Preservation Environmental Protection Fund Grant Program is encouraging collaboration among municipalities and citizens in implementing acquisition and development of park lands to protect natural and historical resources, and to enhance our cultural-tourism infrastructure. Wild Ones has subsequently received funding through the appropriate Niagara River Greenway Standing Committee to partially undertake “The Regional Economic Growth Through Ecological Restoration of the Niagara Gorge Rim Project.”

The City of Niagara Falls, together with the other Robert Moses Parkway Memorandum of Understanding (MOU) entities support the reconfiguration of the Robert Moses Parkway and the restoration of the Niagara River gorge rim and associated landscapes as more fully described in the City of Niagara Falls 2009 Comprehensive Plan, as well as, other prior waterfront and area plans prepared on behalf of the City. The Hydraulic Canal Park will reveal the historic importance of the former canal as part of the unique story of technology and the evolution of electric power generation that is Niagara.

The reconfiguration of the Robert Moses Parkway and the restoration of the Niagara River gorge rim will improve the quality of our natural and historical resources; enhance the community’s economic prospects, will be best accomplished by completing the full scope of work contained in the Regional Economic Growth Through Ecological Restoration of the Niagara Gorge Rim Project (attached hereto). The Niagara River greenway funding does not provide for Task #4: the Circulation Plan and Task #5: the Park Urban Interface Plan, which are essential work products necessary to address these and other issues during the State of New York’s Transportation “Project Scoping” exercise, which will lead to the design and implementation.

The Niagara Falls and River Region Chapter of the Wild Ones Native Plants, Native Plants, Natural Landscaping has requested that the City of Niagara Falls provide \$25,000 to fund these tasks.

Will the Council approve this funding by appropriating \$25,000 from the 2010 Capital Program and authorize the Mayor to execute an agreement with Niagara Falls and River Region Chapter of the Wild Ones Native Plants, Native Plants, Natural Landscaping, in a form acceptable to the Corporation Counsel?

Anderson_____ Fournier _____ Grandinetti _____ Walker _____ Fruscione _____

At its March 8, 2010 meeting the City Council approved accepting a grant from the New York State Community Capital Assistance Program in the amount of \$250,000 for the restoration of the customhouse. Please be advised that Riggs Ward 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 Riggs Ward at its Proposal Price of \$185,875. Matching funds have been authorized by the Niagara Falls Underground Railroad Heritage Commission in the amount of \$40,000. The non-commission funds are available through Funding Code: S.8020.4720.0449.599.

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

Council Members:

The FBI is one of the tenants of Ellicott Development. Additional agents will be stationed in Niagara Falls temporarily during renovations at the FBI headquarters in Buffalo. The City has been requested to provide temporary off-street parking as an accommodation to a government agency.

Parking will be reserved at the 13 space City lot at 458-462 Third Street from 7 AM to 5 pm Monday through Friday from October, 2010 through March, 2011. The payment for this parking will be \$520.00 per month, payable in advance. Reserved parking signs will be paid for by Ellicott Development and approved by the City. The agreement will be month to month. If Ellicott Development finishes the renovation in Buffalo early, they may opt out of this agreement before it expires.

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

Peter Kay, Director of Economic Development

Anderson _____ Fournier _____ Grandinetti _____ Walker _____ Fruscione _____

RE: New Year's Eve – Hard Rock Guitar Drop Event

Council Members:

The City has been asked once again to co-sponsor with the Hard Rock Café the New Year's Eve Guitar Drop Event to occur on December 31, 2010, in downtown Niagara Falls on Old Falls Street, adjacent to the Hard Rock Café. The City is willing to contribute the sum of \$50,000.00 to the cost of this event, all pursuant to the terms and conditions of an Agreement which will be in form and substance acceptable to the Corporation Counsel. Funding is available through casino revenues.

Will the Council so approve?

Anderson _____ Fournier _____ Grandinetti _____ Walker _____ Fruscione _____

We respectfully request you authorize the Mayor to enter into a contract for residential energy auditing services with:

TO: Home Performance Professionals, Inc.
133 Marjorie Drive
Tonawanda, NY 14223

FOR: Provision of residential energy auditing services for the residents of the City of Niagara Falls through the Energy Efficiency and Conservation Block Grant

Notice that proposals were to be received was advertised in the Niagara Gazette and requests for proposals were sent to twenty-five (25) vendors. The above referenced company submitted the only proposal.

Funds are available through Funding Code: S8400.8401.0449.599.

RE: Request for Approval to Settle and Pay Claim of Patrick Gray
406 Hawthorne Place, Youngstown, NY 14174

Council Members:

Date Claim Filed:	N/A
Date Action Commenced:	January 5, 2010
Date of Occurrence:	Retroactive to May 16, 2007
Location:	N/A
Nature of Claim:	Claimant sought reinstatement of GML§207-(a) benefits following award of New York State Disability Retirement.
City Driver:	N/A
Status of Action:	Action Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$110,000.00
Make Check Payable to:	Patrick Gray, Jon P. Getz, as attorney
Conditions:	General Release and a Stipulation of Discontinuance to the City approved by Corporation Counsel.

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

Please be advised that Mayor Paul A. Dyster on September 9, 2010 duly approved Resolution 2010-720 relative to Amending Chapter 1137 of the Codified Ordinances Entitled "Landlord Rental and Property Registration" adopted by Council on September 9, 2010.

Council Members:

Attached is the report and September 1, 2010 resolution from the Niagara Falls Historic Preservation Commission recommending designation of 822 Cleveland Avenue, the First Congregational United Church of Christ, as an historic landmark under the City Historic Preservation Ordinance. The elements designated for landmark status will be the building exterior and the interior public areas (the nave, transepts, apse, choir loft and narthex). Other parts of the interior are not designated.

This proposed designation was approved based on the application of the property owner.

The Historic Preservation ordinance provides:

133.05-02(I) At its next scheduled meeting after receipt of any recommendation from the Commission, the City Council shall consider the designation or acquisition of the landmark site or historic structure, or the designation of the historic district. A majority vote shall be required by the City Council for the designation or acquisition. The Mayor shall approve or veto said designation or acquisition as provided by law.

Will the Council vote to approve the historic landmark designation of the building exterior and interior public areas (nave, transepts, apse, choir loft and narthex) of 822 Cleveland Avenue, and forward the designation to the Mayor, as provided by City Ordinance?

Anderson_____ Fournier _____ Grandinetti _____ Walker_____ Fruscione _____

Council Members:

Attached is the report and September 1, 2010 resolution from the Niagara Falls Historic Preservation Commission recommending designation of 930 Grove Avenue, aka Davitt House, as an historic landmark under the City Historic Preservation Ordinance. The elements designated for landmark status will be the building exterior.

This proposed designation was approved based on the application of the property owner, Kimberly R. Webster.

The Historic Preservation ordinance provides:

133.05-02(I) At its next scheduled meeting after receipt of any recommendation from the Commission, the City Council shall consider the designation or acquisition of the landmark site or historic structure, or the designation of the historic district. A majority vote shall be required by the City Council for the designation or acquisition. The Mayor shall approve or veto said designation or acquisition as provided by law.

Will the Council vote to approve the historic landmark designation of the exterior of 930 Grove Avenue, and forward the designation to the Mayor, as provided by City Ordinance?

Anderson_____ Fournier _____ Grandinetti _____ Walker_____ Fruscione _____

WHEREAS, on September 28th, 2010, the YWCA of Niagara will celebrate their 2010 Niagara Awards Nominations with “A Tribute to Women” dinner.

Nominees are:

Cheryl A. Antkowiak

Town of Lockport

Brooke Bodine

Student – Barker Middle School

Marianna Cantella

Student – Barker Middle School

Lyn M. Dyster, Ph.D

Kinex Pharmaceuticals, LLC

Susan Manfredo

Samuel’s Grande Manor

Mariska Raglow-DeFranco

Student – Niagara Wheatfield High School

Rosemary Rongo

Orleans/Niagara BOCES

Brittany Sample

Student – Barker Middle School

Barbara Scirto Sullivan

Scirto’s Awards & Gifts

Virginia Wolbert

Mt. St. Mary’s Hospital & Health Center

Anna Barrett

Lockport City School District

Maria C. Brown

City of Niagara Falls, New York

Kelsey Comstock

Advantage Physical Therapy

Clara Kroetsch (posthumous recognition)

Horizon Health Services & Niagara University

Mary B. Montani

Community Volunteer

Hayley Richbart

Student – Barker Middle School

Bonnie Rose, Ph.D.

Niagara University

Deborah L. Schutt

Community Missions, Inc.

Caroline Wojtaszek

Office of the Hon. Sara Sheldon Sperrazza

Also honored will be **Priscilla Addoms, recipient of the 2010 Lifetime Achievement Award.**

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 2010 Niagara Award Nominees and the recipient of the 2010 Lifetime Achievement Award.

RESOLVED, that Local Law No. 4 for the year 2010 be introduced, and that a public hearing be held on such Local Law on the 4th day of October, 2010 at 7:00 P.M. Daylight Saving Time, in the Council Chambers of the City of Niagara Falls, New York, and that three (3) days notice of said hearing be published in the Niagara Gazette preceding said hearing relative to adopting a Local Law relative to prohibiting the use of groundwater as a potable water supply or for other purposes by the installation or use of water supply wells.

WHEREAS, Chapter 171 provides for benefits of employees not covered by Collective Bargaining Agreements; and

WHEREAS, the City Council wishes to treat employees equally with respect to benefit as described in that chapter and specifically provide for the inclusion of all Municipal Civil Service Commissioners as recipients of those benefits;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that Chapter 171.01 is amended to read as follows:

171.01. DEFINITIONS a.

The term “City employee”, as used in this Chapter, shall include all full-time employees of the City of Niagara Falls not covered by Collective Bargaining Agreements, excepting seasonal employees, members of the City boards and commissions. For the purpose of retirement system membership, health and dental insurance, life insurance and worker’s compensation benefits only, elected officials shall be considered City employees as defined above. For the purpose of health, dental, and life insurance benefits only, Municipal Civil Service Commissioners shall be considered City employees as defined above; and

BE IT FUTHER RESOLVED that the Mayor and City Administrator are authorized to execute any documents required to implement this amendment.