

			<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001				\$
A012	Vital Statistics		\$ 3,872.00	3,872.00
A1255-004				\$
A013	Copies of Records		\$ 717.13	717.13
A1255-004				\$
A013	Certificates of Marriage		\$ 1,360.00	1,360.00
A2501-006				\$
A042	Tour Attendant		\$ 50.00	50.00
A2501-011				\$
A044	Peddler		\$ 275.00	275.00
A2501-014				\$
A046	Electrician - Exam Fee		\$ 1,325.00	1,325.00
A2501-021				\$
A048	Amusement Games		\$ 3,950.00	3,950.00
A2542-000		\$		\$
A053	Dogs/NYS Agr. & Mkts	483.00	\$ -	483.00
A2542-000				\$
A053	Additional Dogs		\$ 5,043.50	5,043.50
A2545-001		\$		\$
A054	Marriage License/NYSHD	3,060.00	\$ 1,020.00	4,080.00
A2550-001				\$
A056	Loading Zone		\$ 55.00	55.00
A2545-021				\$
A316	Vending		\$ 8,280.00	8,280.00
A2545-023		\$		\$
A318	Hunters/NYS DEC RAU	3,349.74	\$ -	3,349.74
A2545-023				\$
A318	Hunters Fees		\$ 170.26	170.26
A1255-003				\$
A499	Notary Fee		\$ 16.00	16.00
A1255-005				\$
A528	Dog Release		\$ 550.00	550.00
TA63008				\$
A597	Marriage Performance		\$ 1,525.00	1,525.00
A1255-006-				\$
A696	Photos/passport-license		\$ 9.00	9.00

TOTAL:		\$		\$
		<u>6,892.74</u>		<u>35,110.63</u>
			<u>\$ 28,217.89</u>	

Check #	<u>54985</u>	NYS Dept.of Arg. & Mkts	\$	483.00
Check #	<u>54961</u>	NYS Health Department		\$3,060.00
Check #	<u>ET</u>	NYS DEC RAU		\$3,349.74

Agenda Item #2

The following claims have been filed in the Office of the City Clerk during the month of September 2011. The claims were subsequently referred to the Office of the Corporation Counsel.

NOTICE OF CLAIM

ALLEGED DAMAGE

Bissett, Walter
6752 Luther Street

Automobile damages caused by road tar.

West, Annie
1157 Ontario Ave

Property damages caused when house next door was demolished.

Coleman, Doreen
c/o Michael Anthony Rossi, Esq.

Personal injuries caused by police car hitting her vehicle.

Hall, Marlo
16 Euclid Ave
Buffalo, NY 14211

Vehicle damage caused by parking meter falling.

Keith, Elizabeth
20 Virginia St
Tonawanda, NY 14150

Automobile damages caused by construction zone

Cooper, Latasha
9502 Memorial Drive#7

Automobile damages caused by hitting pot hole

O'Neill, William
800 Niagara Ave #817

Automobile damages caused by city workers

Ziolo, Kolleen
36 Deuro

Automobile damages caused by road being paved

Golightly, Susanna
8110 Buffalo Ave.

Automobile damages caused by pot holes

Wojnerowicz, Agnieszka
525 9th St

Automobile damages caused by city worker

NOTICE OF PETITION

One Niagara

Index #144804

ORDER TO SHOW CAUSE

Marvella Taylor
c/o Law Offices of Eugene C. Tenney

Index# 144860

PETITION - Small Claims Assessment Review

Angel Alexis
c/o E. Joseph Giroux Jr., Esq.

#145108

Sandra Bowman
c/o E. Joseph Giroux Jr., Esq.

#145107

SUMMONS

Agenda Item #3

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

TO: Lacial Equipment, Inc.
901 West Pike Street
Jackson Center, OH 45334

FOR: Items 5, 6, 7 and 11 as per the attached tally sheet.

TO: Cyncon Equipment, Inc.
7494 West Henrietta Road
Rush, NY 14543

FOR: Item 1 as per the attached tally sheet.

TO: Joe Johnson Equipment
62 LaGrange Avenue
Rochester, NY 14613

FOR: Item 2, 3, 4, 8, 9, 10 and 12 as 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 six (6) vendors. Four (4) bids were received. The above referenced companies submitted the lowest bids for each respective item.

Funds for this expenditure are available in the Department of Parks & Public Works, Street Cleaning code: A8170.0000.0419.005

Agenda Item #4

Attached is a copy of the proposed 2012 Community Development Department budget together with a detailed breakdown of program administrative costs. The proposed budget is part of the City's 2012 Annual Plan and Strategy, a HUD mandated planning document that assesses community needs and identifies how the City will address those needs.

The 2012 Annual Plan is the end result of a lengthy and detailed citizen participation process that included neighborhood based meetings designed to encourage comments, suggestions and ideas from various community groups, residents, businesspersons and other interested parties. The planning process began in June and concluded with the expiration of the public comment period on September 30, 2011.

A public hearing was held in the City Council Chambers on August 31, 2011 to review the specifics of the plan and the proposed 2012 budget. A copy of the public hearing minutes is included with this agenda item.

The Department of Community Development will directly administer the federal grant programs listed below. The funding levels indicated are projected revenues for 2012 that may change once Congressional funding appropriations are announced.

Community Development Block Grant (CDBG)	\$2,000,000
CDBG Program Income	295,000
HOME Investment Partnership Program	550,000
HOME Program Income	62,000
Emergency Shelter Grant	110,000
Section 8 Leased Housing Program	3,100,000
<hr/>	<hr/>
PROJECTED FEDERAL REVENUE	\$6,117,000

The HUD grant allocations to the City were substantially reduced in 2011 as part of the federal budget process. We have prepared our 2012 budget anticipating that additional reductions will be made. Considering those reductions together with sizeable increases in employee salaries and benefits, the Community Development Program will be unable to pay current administrative costs without relief from the City in the form of Casino Revenues. We project that the Department will require the following level of Casino funding to balance the shortfall in 2011 and to sustain operations in 2012:

Anticipated 2011 shortfall for CD Administration, Program Delivery and Section 8 Administration	\$160,828
2012 CD Administration	\$153,947
2012 CD Rehab Program Delivery	\$110,662
2012 Section 8 Administration	\$118,465
<hr/>	<hr/>
Total	\$543,902

The Consolidated Plan, including the proposed budgets, must be adopted by City Council and submitted to the U.S. Department of Housing and Urban Development by November 15, 2011. HUD must review and approve the Consolidated Plan in order to establish our letter of credit with the US Treasury. Therefore, Council's approval at this time will represent the officially adopted Community Development, HOME and Emergency Shelter budgets for FY' 2012. The Section 8 Leased Housing Budget is renewed automatically by HUD but must be adopted at this time by City Council.

Will Council vote to so approve the 2012 Annual Plan & Budget and authorize the Mayor to implement all activities specifically identified in the plan? Any activity not specifically identified in the plan will be returned to Council for approval.

Agenda Item #5

The YWCA of Niagara and Niagara County Legal Aid have provided caseworker and paralegal services to the City to aid in processing HPRP applications. The agreements to pay for those services expired on September 30, 2011. It was anticipated that the City would have expended all HPRP funding by that time.

The City still has a small amount of HPRP grant funds available to pay financial assistance to qualified applicants. It is our recommendation that the grant agreements with YWCA of Niagara and Neighborhood Legal Services (the parent organization of Niagara County Legal Aid) be extended on a month-to-month basis until the City expends all HPRP grant funds. The grants will continue to be used to pay a portion of the caseworker and paralegal salaries.

There shall be no additional administrative funds in this extension. The maximum monthly payment to each organization shall be \$3,500.00.

This extension will allow the City to expend the remaining HPRP funds in budget code CD9 8694.0000.0450.500.

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

Agenda Item #6

The following bids were received by the Department of Community Development on October 11, 2011 for the demolition of twenty-four (24) structures identified on the attached list.

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Regional Environmental Demolition, Inc.	\$483,456
Empire Dismantlement	\$510,500
Scott Lawn Yard	\$561,099
Apollo Dismantling Services, LLC	\$592,500
Metro Contracting & Environmental, Inc.	\$612,200
Mark Cerrone, Inc.	\$672,449
Buffalo Environmental Consulting/AFI	\$936,000

.
It is our recommendation that a contract be awarded to the low bidder, Regional Environmental Demolition, Inc., 3695 Pine Avenue, Niagara Falls, NY 14301, at their base bid amount of \$483,456. Community Development Block Grant funding is available in budget code CD1.8666.0000.0450.500

Will the Council vote to award Demolition Contract CD 2011-1 to Regional Environmental Demolition, Inc., and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Agenda Item #7

The shelter near the Hyde Park Bocce Courts is in a state of disrepair. The cost to make necessary repairs to this shelter is estimated not to exceed \$4,000.00. Funding is available from Parks Improvement Capital Project Bond Budget Line #H0622.2006.0622.0419.006

Will the Council so approve?

Agenda Item #8

The Library Director advises that the upholstery on the furniture in the Children's Room at the Earl W. Brydges Public Library is in very poor condition. She has determined that it will be less expensive to arrange for reupholstering rather than replacing the furniture. It is estimated that the cost to reupholster all pieces of furniture will not exceed \$4,160.00. Funding is available from Casino Revenues.

Will the Council so approve?

Agenda Item #9

The City's Youth Board enters into funding contracts with various entities. The City is reimbursed for the funding of these agreements by the State of New York.

The proposed agreements for 2011 are as follows:

Potter's House	\$2,000
The New Jerusalem Center	\$1,000
Niagara Falls Boys & Girls Club	\$3,907
Magdalena Project - Kidz Club	\$1,000

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

Agenda Item #10

The Police Department has applied for a \$32,250.00 grant under the Eliminate Violence Against Women Program for the period 4/1/12 through 3/31/13.

The City match of \$10,760.00 is included in the Police Department budget.

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

Agenda Item #11

The Police Department has received a grant of \$38,475.00 for the calendar year 2012 under the above-referenced grant program.

No City match is required.

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

Agenda Item #12

The above claimant has incurred medical expenses for personal injuries suffered by him when he, while on a bicycle, struck a City vehicle on Porter Road on July 25, 2011.

Under the New York State No-Fault Law, the City of Niagara Falls, as a self-insured entity, is obligated to pay the claimant's medical expenses arising out of this incident. If the same meets with your approval, please vote to direct the City Clerk to draw a warrant on the City Controller directing her to issue the following checks:

<u>Provider</u>	<u>Date of Service</u>	<u>Amount</u>
Erie County Medical Center	07/25/11	\$ 439.26
	08/03/11	\$ 33.93
	08/31/11	\$ 29.85
Rural/Metro Medical Services	07/25/11	\$ 1,830.73
University Orthopaedic Service	08/03/11	\$ 476.80
Kyle Eschborn	07/25/11	\$ 29.97
(mileage reimbursement)	08/03/11	\$ 29.97
Total Amount		\$2,870.51

Please be advised that there may be further medical bills which will have to be paid pursuant to the New York State No-Fault Law.

Will the Council so approve?

Agenda Item #13

*RE: Request for Approval to Settle and Pay Claim of Jane Grenke
2211 Linwood Avenue, Niagara Falls, New York 14305*

Council Members:

Date Claim Filed:	July 8, 2011
Date Action Commenced:	N/A
Date of Occurrence:	May 25 & 26, 2011
Location:	2211 Linwood Avenue, Niagara Falls, NY
Nature of Claim:	Property damage when City tree fell during windstorm.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$890.95
Make Check Payable to:	Jane Grenke
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?

Agenda Item #14

*RE: Request for Approval to Settle and Pay Claim of Michael A. Parsnick
4217 McKoon Avenue, Niagara Falls, New York 14305*

Council Members:

Date Claim Filed:	July 13, 2011
Date Action Commenced:	N/A
Date of Occurrence:	April 28, 2011
Location:	4217 McKoon Avenue, Niagara Falls, NY
Nature of Claim:	Damage caused by City tree from windstorm.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$489.00
Make Check Payable to:	Michael A. Parsnick
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?

Agenda Item #15

*RE: Request for Approval to Settle and Pay Claim of Jean M. Clark
2205 Linwood Avenue, Niagara Falls, New York 14305*

Council Members:

Date Claim Filed:	June 21, 2011
Date Action Commenced:	N/A
Date of Occurrence:	May 26, 2011
Location:	2205 Linwood Avenue, Niagara Falls, NY
Nature of Claim:	Property damage sustained in windstorm when City tree fell.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$49.98
Make Check Payable to:	Jean M. Clark
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?

Agenda Item #16

*RE: Request for Approval to Settle and Pay Claim of Linda Beningo
605 29th Street, Niagara Falls, New York 14301*

Council Members:

Date Claim Filed:	April 19, 2011
Date Action Commenced:	N/A
Date of Occurrence:	April 11, 2011
Location:	605 29 th Street, Niagara Falls, NY
Nature of Claim:	Damage to residence caused by City tree.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$2,342.43
Make Check Payable to:	Linda Beningo
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?

Agenda Item #17

RE: Request for Approval to Settle and Pay Rosemary Cassano
627 17th Street, Niagara Falls, New York 14301

Council Members:

Date Claim Filed: December 14, 2009
Date Action Commenced: March 18, 2010
Date of Occurrence: October 16, 2009
Location: Intersection of 19th Street and Pine Avenue
Nature of Claim: Personal injuries sustained in an accident
with City vehicle.
City Driver: Matthew Szczepaniec
Status of Action: Pretrial stage.
Recommendation/Reason: Best interests of City to pay.
Amount to be Paid: \$100,000.00
Make Check Payable to: Lipsitz Green Scime Cambria LLP, as
attorneys
Conditions: Stipulation of Discontinuance and General
Release to City, approved by Corporation
Counsel.

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

Agenda Item #18

RE: Request for Approval to Settle and Pay Claim of Gregory McCollum
and Josephine McCollum
8805 Pershing Avenue, Niagara Falls, New York 14304

Council Members:

Date Claim Filed:	April 19, 2011
Date Action Commenced:	N/A
Date of Occurrence:	April 14, 2011
Location:	8805 Pershing Avenue
Nature of Claim:	Damage to electrical service by Forestry crew.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	\$333.45
Make Check Payable to:	Gregory McCollum and Josephine McCollum
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?

**RELATIVE TO HONORING OFFICERS OF THE
NIAGARA FALLS POLICE DEPARTMENT**

BY:

Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

Whereas, On September 11, 2011 at approximately 1445 hours, Officers Paul Kudela, John Shuster and Franco Tallarico were assisting Christine Depadre who had fallen near the old Rainbow Center Mall; and

Whereas, while waiting for the ambulance to arrive, Ms. Depadre began to have several seizures and began to turn blue. Officer Kudela did complete a sternum rub in an attempt to wake Depadre but had negative results. He then checked Depadre's vital signs and could find no pulse as her skin tone began to turn blue. At this time, Officer Kudela opened Depadre's airway and then administered approx. 10-15 chest compressions. Depadre then took a large breath and began to breathe again. Shortly thereafter, Rural Metro ambulance arrived and transported Depadre to Niagara Falls Memorial Medical Center for treatment where she was listed in stable condition; and

Whereas, Officers Kudela, with the assistance of Officers Shuster and Tallarico, probably saved the life of Christine Depadre who was obviously in severe medical distress.

Now Therefore Be It Resolved, that the members of the Niagara Falls City Council of the City of Niagara Falls, New York, honor Officers Paul Kudela, John Shuster and Franco Tallarico for a job well done and exemplifying the professionalism of the Niagara Falls Police Department.

RELATIVE TO NOTICE OF SUBMISSION OF PROPOSED
2012 EXECUTIVE BUDGET AND PUBLIC HEARING

BY:

Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, on October 3, 2011, the Mayor of the City of Niagara Falls duly submitted to the City Council the proposed 2012 Executive Budget for the City of Niagara Falls; and

WHEREAS, pursuant to Section 5.6a of the Niagara Falls City Charter, this Council shall cause public notice of submission of said Executive Budget to be published together with a copy of a summary of said budget, and notice of the time and place of a public hearing thereon.

NOW THEREFORE BE IT RESOLVED, by the City Council of Niagara Falls, New York, NOTICE IS HEREBY GIVEN that on October 3, 2011, the proposed 2012 Executive Budget, a summary of which is attached hereto and made a part hereof, was duly submitted to this Council; and

BE IT FURTHER RESOLVED, that a public hearing be held on November 1, 2011 at 7p.m. Daylight Saving Time in the Council Chambers of the City of Niagara Falls, New York pertaining to the adoption of the Proposed 2012 Executive Budget, at which time the Mayor, Administrator and Controller shall be present, at which time any person may be heard for or against the proposed budget; and

BE IT FURTHER RESOLVED, that a copy of this resolution calling for a hearing, together with the budget summary, be published in the Niagara Gazette at least one week prior to the date of said hearing; and

BE IT FURTHER RESOLVED, that copies of said proposed budget be made available for inspection in the office of the City Clerk.

Agenda Item #21

RELATIVE TO ESTABLISHING TOBACCO-FREE PARKS AND
PLAYGROUNDS IN THE CITY OF NIAGARA FALLS, NEW YORK

BY:

Council Chairman Samuel Fruscione
Council Member Robert Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, the results of a recent study in the City of Niagara Falls conclusively demonstrated that residents of the City of Niagara Falls support substantially smoke-free parks and recreation areas; and

WHEREAS, smoking is responsible for the premature deaths of over 430,000 Americans each year from lung cancer, heart disease, respiratory illness and other diseases; and

WHEREAS, secondhand smoke is responsible for over 50,000 deaths among nonsmokers each year; and

WHEREAS, tobacco kills more Americans each year than alcohol, cocaine, crack, heroin, homicide, suicide, accidents, fires and AIDS combined; and

WHEREAS, 80% of smokers started smoking before the age of 18, and the average initiation age is 12 years old; and

WHEREAS, every day an estimated 3,900 young people under the age of 18 try their first cigarette and one-third of these children will die prematurely from tobacco-related illnesses; and

WHEREAS, to help role model nonsmoking behavior to children and youth, to provide children, youth and their families with a safe, smoke-free environment:

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Niagara Falls, New York is committed to provided a high quality of living to all residents; and be it further

RESOLVED that the City Council of the City of Niagara Falls believes:

1. There is no safe level of exposure to secondhand smoke. It can cause asthma, respiratory infections, cancer and cardiovascular disease. Children should be able to play and exercise in City of Niagara Falls' parks and recreation areas without being exposed to harmful effects of secondhand smoke.

2. Tobacco product use in the proximity of children, youth and adults engaging in or watching recreational activities is unhealthy and detrimental to the health of both the participants and observers.

3. Tobacco products, once consumed in public spaces, are often discarded on the ground, thus posing a risk of ingestion to children and causing a litter problem.

And be it further

RESOLVED that the City Council of the City of Niagara Falls adopts a policy that all City of Niagara Falls' parks and recreation areas will be substantially smoke-free; and be it further

RESOLVED that excluded from this smoke-free policy are areas in City parks and recreation areas reserved for private parties not open to the general public, and be it further

RESOLVED that enforcement of this policy is through voluntary compliance by the users of the City of Niagara Falls' parks and recreation areas and that City of Niagara Falls' parks and recreation areas will be posted with signs indicating that the parks and recreation areas are smoke-free; and be it further

RESOLVED that the Director of the City of Niagara Falls' Department of Public Works will cause signs to be posted designating City of Niagara Falls' parks and recreation areas as smoke-free.