

Item #1

**RE: Amendments to Approved CDBG Grants for the
 Niagara Falls Housing Authority and Memorial Medical Center**

Council Members:

The Niagara Falls Housing Authority and Niagara Falls Memorial Medical Center have both requested that their 2008 CDBG grants, previously approved by City Council, be amended to reflect changes in the program activities as originally proposed.

The Niagara Falls Housing Authority's 2008 grant request was presented to City Council for approval as an after- school reading program entitled "I Can Read", funded at \$15,000. Subsequent to Council approval, discussions ensued with the Housing Authority regarding the specifics of the program and how proposed activities would be billed to the City. It became apparent that the after school reading program was only a small portion of the Housing Authority's intent. They have submitted a revised budget and activity descriptions that include music instruction, cooking classes, and field trips. Only \$600.00 has been dedicated to purchase educational items for the reading program. The revised activities are eligible for CDBG funding, however, because they differ so substantially from the original proposal we are requesting that Council now approve the revised project, with funding to remain at \$15,000.

Niagara Falls Memorial Medical Center has also requested an amendment to their 2008 CDBG grant, whereby \$50,000 was allocated for the paving and landscaping of a parking lot to accommodate patients and visitors to the emergency medical center. Memorial Medical Center is requesting that the funds now be used to improve handicapped access to the Hamilton B. Mizer Primary Care Center at 501 Tenth Street by repairing the elevator serving the building. In addition, improvements will be made to the Center's parking lot. Once again, due to the substantial changes to the proposed activity we are requesting Council approval of the revised project, with funding to remain at \$50,000.

Will the Council vote to so approve the program amendments described herein and authorize the Director of Community Development to effectuate same.

Item #2

**RE: Stohl Environmental LLC - Asbestos Services Contract
Change Order #3**

Council Members:

Stohl Environmental LLC has been the City's asbestos services consultant for several years, performing project site surveys and conducting air monitoring analysis relative to all Community Development funded demolition projects. The referenced contract was awarded to Stohl Environmental on January 30, 2006 in the amount of \$146,200, and amended through two previous change orders to \$256, 200.

The Department of Community Development is in the process of bidding Demolition Contract CD 2008-1 which will result in the clearance of 22 blighted structures throughout the City. In order to provide the required asbestos monitoring services for this project, we are requesting that City Council award a change order in the amount of \$60,000 to Stohl Environmental LLC. The amount requested will provide sufficient funding to pay for the remaining asbestos monitoring work related to the 2008 demolition program.

It is the intention of the Department of Community Development to solicit competitive bids later this year for a new asbestos services contract in anticipation of demolition contracts to be awarded in 2009 and 2010.

It is our recommendation that Change Order #3 to Asbestos Services Contract 2006-2007, in the amount of \$60,000 be approved by City Council. Funding is available in Community Development Budget Code CON000.

Will the Council vote to so approve the change order and authorize the Director of Community Development to effectuate same.

Item #3

**RE: City Council Agenda Item:
Creation of Director of Business Development Position**

Council Members:

The City Economic Development Director position was removed from the City budget on a number of occasions, and variously has settled under the jurisdiction of Niagara Falls Urban Renewal Agency and N.F.C. Development Corp. As it stands now, the Senior Business Development Officer position was an NFURA position, with funding approved for 2008 by N.F.C Development Corp.

It is proposed that the position be brought back into the City system as Director of Business Development. The position is proposed as an exempt, non-competitive position. This position will be responsible for N.F.C. and NFURA, will coordinate the Empire Zone and Renewal Community activities, and will administer business development loans through N.F.C, the City Community Development Department or from City Casino Revenues. This position will continue after the hiring of an Economic Development Director through our national search efforts.

The proposed job specification for the new position is attached. The \$55,500.00 salary for the position was previously approved by NFURA, and is budgeted to be reimbursed for 2008 by N.F.C. In 2009, the salary can be paid from casino revenues, reimbursed by NFURA, by N.F.C., or paid from City funds, as the Mayor, Council and appropriate agencies determine.

If approved, this position is subject to final review by the State Civil Service Commission. The job specification was approved on May 29, 2008 by the local commission, and will be submitted to the State Commission on approval.

Will the Council vote to approve the creation of the Director of Business Development position as set forth herein?

Item #4

SUBJECT: Bid #15-08 Sodium Hypochlorite (Chlorine)

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

TO: Riverside Chemical Co.

871 River Road

North Tonawanda, NY 14120

FOR: Sodium hypochlorite in bulk deliveries (est. 2,500 gals): \$2.59/gal

Sodium hypochlorite in 55 gal. drums (est. 3,000 gals.): \$1.89/gal

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 four (4) vendors. Three (3) bids were received. The above referenced company submitted the lowest bid for each respective item.

Funds for this expenditure are available in the Swimming Pools Maintenance/Repair code: A7146.0200.0419.009.

Item #5

RE: Ontario House Jazz Reunion

Council Members:

Attached is a proposed agreement for Joey DeFrancesco to perform at the Jazz Reunion.

Funding is included in the Tourism Budget.

Will the Council so approve and authorize the execution of the agreement?

Item #6

RE: 5815 Buffalo Avenue

Council Members:

The City has previously entered into an agreement with William McDonald to sell the above referenced parcel. Mr. McDonald is seeking to extend the agreement, which has expired pursuant to its terms. His plans for residential development at the site are currently before the Planning Board. It is recommended that the agreement be amended to extend the agreement subject to the following deadlines:

Following Planning Board approval the developer will have six months to apply for a building permit, nine months to obtain a building permit and eighteen months to substantially complete development.

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

Item #7

RE: Budget Amendment for Secretary for City Administrator

Council Members:

During the adoption of the 2008 Budget the Council voted to reduce the salary of the Secretary to the City Administrator and add the amount to the contingency line.

It is requested that the Council amend the Budget by increasing the salary to \$34,504 annually, effective July 7, 2008.

Will the Council so approve?

Item #8

RE: Fourth of July Concert

Council Members:

It is proposed that the Agreement with Niagara Summer Fine Arts Program be amended to add the attached proposal.

Funding will come from the 2006 Tourism Fund Balance.

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

Item #9

**RE: AGENDA ITEM: LETTER OF AWARD:
 Utility Abandonment, Asbestos Abatement and Demolition of Various
 Properties - Contract CD2008-1**

Council Members:

The following bids were received by the Department of Community Development on May 27, 2008 for the demolition of twenty two (22) structures as described on the attached list.

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
National Vacuum	\$362,640.00
Metro Contracting & Environmental	\$535,915.00
Mark Cerrone Inc.	\$512,853.00

It is our recommendation that a contract be awarded to the low bidder, at their base bid amount of \$362,640.00. National Vacuum Corp.'s bid proposal had a \$10.00 arithmetic error in the actual sum of the individual bid items. In this case, the actual total sum of \$362,640.00 shall be awarded.

Funding is available in following Budget Codes:

• Community Development Demolition Fund (CDR099)	\$293,920.00
• Capital Fund (HO815.2008.0815.0449.599)	\$ 68,720.00
TOTAL	<u>\$362,640.00</u>

Will the Council vote to award contract CD 2008-1 to National Vacuum Corporation

as described herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Item #10

RESOLUTION No. 2008-

RELATIVE TO THE REAPPOINTMENT TO THE
NIAGARA FALLS CIVIL SERVICE COMMISSION

BY:

Council Member Charles Walker

BE IT RESOLVED, that the following individual is hereby reappointed to the
City of Niagara Falls Civil Service Commission effective immediately for the
expiration date, which appears opposite his/her name:

<u>REAPPOINTMENT</u>	<u>TERM EXPIRES:</u>
Willie C. Fields 1321 Garden Avenue Niagara Falls, NY 14305 284-1911	6/01/14

RESOLUTION No. 2008-

RELATIVE TO HONORING ARTHUR T. CURCIONE



BY:

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

Whereas, Staff Sgt. Arthur T. Curcione has served his country in the US Air Force, 107th Air Refueling Wing; and

Whereas, Staff Sgt. Curcione has enlisted in the US Air Force for six years and has served two tours fighting the War in Iraq; and

Whereas, he has returned home from serving in the War in Iraq on Sunday, May 18th, 2008 and will resume his employment with the City of Niagara Falls, New York.

Now therefore be it resolved, that the **Niagara Falls City Council**, along with **Mayor Paul A. Dyster**, welcomes Staff Sgt. Arthur T. Curcione home and thanks him for his continuing service to our country.

RESOLUTION No. 2008-

RELATIVE TO HONORING DAVID A. RENDINA



BY:

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

Whereas, Technology Sergeant David A. Rendina has served his country in the National Guards for 24 years. The armed force is 107th Airforce National Guards; and

Whereas, Technology Sergeant David A. Rendina has served two tours fighting the War in Iraq and was ordered to New York City during 911; and

Whereas, he has been to Kuwait, Saudi and several other countries. Although currently on active duty, David is an employee of the City of Niagara Falls, New York.

Now therefore be it resolved, that the **Niagara Falls City Council, along with Mayor Paul A. Dyster**, welcomes Technology Sergeant David A. Rendina home and thanks him for his continuing service to our country.

RESOLUTION No. 2008-

RELATIVE TO UPSTATE ECONOMIC DEVELOPMENT

BY:

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

WHEREAS, Governor Paterson favors consolidating offices within the Empire State Development Corp., which is the business development wing of state government; and

WHEREAS, the Governor's restructuring plan would shift management and resources to Manhattan and likely signal the end to the position of the director of Upstate Economic Development; and

WHEREAS, the possibility of the loss of the state's upstate economic development director is rather disheartening; and

WHEREAS, the current Upstate Empire Development Director, Mr. Dan Gunderson was a part of the former governor's upstate revitalization strategy which received support from the state Legislature.

NOW THEREFORE BE IT RESOLVED, that the Niagara Falls City Council supports maintaining Mr. Gunderson's position as Chairman of the Upstate Development Corporation and supports keeping the office located in the Western New York area.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Governor David Paterson, State Senators Antoine Thompson and George Maziarz, Assemblywoman Francine DelMonte, the Niagara County Industrial Development Agency, the Niagara County Legislature, and Upstate Development Corporation Chairman Dan Gunderson.

RESOLUTION No. 2008-

RELATIVE TO NEW YORK INSURANCE FRAUD PREVENTION DAY

BY:

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

Whereas, June 25, 2008 has been designated as Insurance Fraud Prevention Day;
and

Whereas, Insurance fraud, whether committed by sophisticated criminals or otherwise honest consumers, is an expensive burden that takes money out of the pockets of everyone; and

Whereas, No matter how it is done, from inflating damages from a car accident to extending a legitimate workers' compensation benefit, insurance fraud is a crime punishable by law; and

Whereas, Insurance fraud costs consumers billions of dollars annually, which for the average family means hundreds of dollars in additional premiums each year, as a result of insurance fraud; and

Whereas, Millions of people are victimized by insurance fraud without even knowing it. And, insurance fraud can put honest New Yorkers at risk for serious injury if they are a victim of a staged accident, arson or are being treated by a doctor who is more interested in falsifying records rather than providing appropriate care; and

Whereas, the New York Alliance Against Insurance Fraud is a cooperative effort of more than 100 New York State insurance companies dedicated to educating the state's insurance consumers about this pervasive problem.

Now, therefore, be it resolved that the City of Niagara Falls does hereby declare its support of and proclaims June 25, 2008 to be Insurance Fraud Prevention Day and urges our citizens to learn more about insurance fraud, and how not to become entrapped in an insurance fraud scheme.

RESOLUTION 2008-

RESOLUTION RELATIVE TO AMENDING CHAPTER 173
OF THE CODIFIED ORDINANCES ENTITLED
LEAVES OF ABSENCE WITHOUT PAY

By: Council Chairman Samuel Fruscione
Council Member Robert Anderson, Jr.

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 173 of the Codified Ordinances entitled Leaves of Absence Without Pay is hereby amended to read as follows:

173.01 DEFINITIONS.

As used in this chapter:

- (a) "Employee" means all employees of the City.
- (b) "City" means the City of Niagara Falls, New York.
- (c) "Period of service" means the period of employment of an employee with the City.
- (d) "Leave of absence" means the absence of an employee from his position of employment pursuant to the provisions of this chapter, but shall in no way apply to sick leave accruing to or granted to employees pursuant to the provisions of Chapter 171 or to absence from work due to compensable injuries, and such sick leave and absences are hereby expressly excluded from the provisions hereof.

173.02 REASONS FOR LEAVE.

Subject to the terms and conditions herein set forth, leaves of absence shall be granted to employees for the following purposes:

- (a) Maternity;
- (b) Military service;
- (c) Health reasons;
- (d) Educational purposes;
- (e) To accept another position in government service;
- (f) Personal reasons.
- (g) Family and medical leave.**

173.03 MATERNITY LEAVES.

Maternity leaves shall be granted for a period of one year to commence not later than the sixth month of pregnancy. Notification to the head of the department in which such employee is employed and to the Director of Personnel of the employee's condition of pregnancy shall be given in writing [**at the beginning of the fourth month of pregnancy**], and application for such leave of absence shall thereafter be made in the manner hereinafter prescribed.

173.04 MILITARY LEAVES.

Military leaves of absence for the purpose of military service shall be granted in accordance with the provisions of the laws of the State.

173.05 HEALTH REASONS.

Leaves of absence for reasons of personal health shall be granted for a period of three months where such leave is recommended by a physician designated by the City, following physical examination of the employee and upon the written recommendation of the personal physician of the employee, if no such physician is designated by the City. **The first 12 work weeks of a leave for health reasons will be considered as family and medical leave if all eligibility requirements are met.** Additional leaves shall be granted for additional period of three months, as required, upon the further

recommendations of either the City physician or personal physician of the employee, but in no event shall the total period of such leave of absence exceed one year for any one illness.

173.06 EDUCATIONAL PURPOSES.

Leaves of absence for educational purposes shall be granted to enable an employee to attend any duly recognized educational facility for the period of attendance at such educational facility up to a period of one year, if such education shall be deemed by the City **[Manager] Administrator** to be in the best interests of the City. An additional one year leave of absence may be granted by the City **[Manager] Administrator** at the expiration of the first year, but in no event shall the total leave of absence for educational purposes exceed two consecutive years.

173.07 TO ACCEPT OTHER EMPLOYMENT.

Leaves of absence shall be granted to employees to permit an employee to accept another position in government service **within City government**, on either an elective, appointive, provisional or temporary basis, but for no other purpose. Such leave of absence shall be granted for a period of ninety days. **[Council] The City Administrator**, for good cause shown, may extend such leaves of absence for additional ninety-day periods[, **upon the written request of the City Manager**].

173.08 PERSONAL REASONS.

A leave of absence may be granted by the City **[Manager] Administrator** for a period of thirty days for good cause for personal reasons. Additional leaves for this purpose can be granted by the City **[Manager] Administrator**, **[providing] provided** that the total period of all such leaves for such absences shall not exceed ninety days for any one cause.

173.09 FAMILY AND MEDICAL LEAVE

Family and medical leaves shall be granted to employees in accordance with the Family and Medical Leave Act of 1993. Employees meeting the eligibility requirements will be allowed to take time off for up to 12 work weeks in a leave year for the following conditions:

1. Because of the birth of a child (including prenatal care) or to care for such son or daughter. Entitlement for this condition expires one year after the birth.

2. Because of the placement of a child with you for adoption or foster care. Entitlement of this condition expires one year after the placement.

3. In order to care for your spouse, child or parent who has a serious health condition.

4. Because of a serious health condition that makes you unable to perform the functions of your position.

Family and medical leave is not a separate leave, but is charged to annual leave in accordance with current leave policies.

[173.09] 173.10 ELIGIBILITY FOR LEAVE.

To be eligible for a leave of absence for any of the above purposes, an employee shall have been employed by the City for a period of at least one year prior to the time the request for such leave is made, provided that this provision shall not apply to a request for a leave of absence for the purpose of military service **and for family and medical leave, must have worked a minimum of 1250 hours during the 12 month period before the date the absence begins.**

[173.10] 173.11 RETURN TO WORK; WRITTEN NOTICE.

Any employee granted a leave of absence under the provisions of this chapter shall have the right to return to his employment prior to the expiration of the leave of absence, except that with the respect to leaves of absence for maternity purposes, educational purposes and for the purpose of accepting other employment, such employee shall be required to give thirty days' prior written notice of his proposed earlier return, which notice may be waived by the City **[Manager] Administrator** for good cause shown.

[173.11] 173.12 RESIGNATION DURING LEAVE.

Where any employee on leave of absence resigns, such resignation shall be deemed effective as of the date of commencement of the leave.

[173.12] 173.13 APPLICATION FOR LEAVE.

Leaves of absence shall be granted only upon prior written application to the Director of Personnel on forms prescribed by him/her. Requests for a leave of absence for maternity purposes, educational purposes or for the purpose of accepting other employment shall be made at least thirty days prior to the commencement day of such leave. Within ten days of the receipt by the Personnel Director of a request for a leave of absence, he/she shall report such request to the City **[Manager]** Administrator with his/her recommendation. The City **[Manager]** Administrator shall be empowered to grant leaves of absence pursuant to the terms of this chapter, except as otherwise provided by this or any other law.

[173.13]173.14 CITY'S RIGHTS.

The granting of a leave of absence to an employee shall in no way restrict the right of the City to lay off, discharge or otherwise terminate the services of such an employee if it would have the right to do so had the leave of absence not been granted.

[173.14] 173.15 UNAUTHORIZED ABSENCE.

Any unauthorized absence without a duly granted leave of absence for a period in excess of ten days shall be deemed to be a voluntary resignation of employment by the employee so absent, in which case such person's employment shall be terminated as of the first day of such absence, but this provision shall in no way restrict the City from terminating the services of any employee absent for a shorter period of time if it otherwise would have the right to do so. The City **[Manager]** Administrator shall be authorized to reinstate any employee falling under the purview of this section if, in his opinion, and after due investigation, he finds the arbitrary operation of this section has resulted in an unjust separation from employment of any employee.

[173.15] 173.16 PROMOTIONAL EXAMINATIONS.

An employee on a leave of absence from his position shall be allowed to compete in a promotional examination for which he would otherwise be eligible on the basis of his actual service accumulated prior to commencement of his leave of absence.

[173.16] 173.17 CONTINUATION OF SERVICE.

A leave of absence without pay pursuant to this chapter and/or the laws and rules of civil service shall not constitute an interruption of continuous service for the purpose of calculating service time only, but this provision shall in no way entitle such employee to any benefits for the period of such absence that he would not otherwise be entitled to under existing provisions of State or local law or other applicable ordinances.

[173.17] 173.18 LEAVE NOT DEEMED TERMINATION.

A leave of absence hereunder shall not be deemed to be a termination from service entitling an employee to any lump sum payment.

[173.18] 173.19 VACATION BEFORE LEAVE.

Any employee can be required to use any vacation or compensation time accrued to such employee before being granted a leave of absence hereunder.

[173.19] 173.20 **[HOSPITAL]** HEALTH INSURANCE BENEFITS END.

No employee granted a leave of absence shall be entitled to **[hospitalization]** medical and/or dental benefits after the first thirty days of any leave of absence hereunder granted to such employee unless provided for by law, regulation, collective bargaining agreement or ordinance.

Bold and Underlining indicate **Additions.**

Bold and Brackets indicate **[Deletions]**.

Item #16

RESOLUTION No. 2008-

RELATIVE TO URBAN FORESTRY GRANT APPLICATION TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BY:

Council Chair Sam Fruscione

Be it resolved by the City Council of the City of Niagara Falls, New York, that Paul A Dyster, as Mayor of the City of Niagara Falls, or such person's successor, is hereby authorized and directed to file an application for 50% matching funds in an amount not to exceed \$20,000, and upon approval of said request to enter into and execute a project agreement with the New York State Department of Environmental Conservation for such financial assistance to the City of Niagara Falls for the City of Niagara Falls Urban Forestry Grant.

RESOLUTION No. 2008-

RELATIVE TO AWARDING MR. JUSTIN S. TAYLOR
THE RANK OF EAGLE SCOUT

BY:

Council Chair Samuel Fruscione
Council Member Robert Anderson, Jr.
Council Member Chris Robins
Council Member Steven Fournier
Council Member Charles Walker

WHEREAS, on June 1st, 2008, Mr. Justin S. Taylor was awarded the Eagle Scout Rank in the Court of Honor of the Boy Scouts of America; and

WHEREAS, An Eagle Scout is a Scout with the highest rank attainable in the Boy Scouting program of the Boy Scouts of America. Since its introduction in 1911, the Eagle Scout rank has been earned by more than 1.8 million young men; and

WHEREAS, requirements include earning a number of merit badges and demonstration of Scout Spirit, service and leadership. This includes an extensive service project that the Scout plans, organizes, leads and manages. Eagle Scouts are presented with a medal and a badge that visibly recognizes the accomplishments of the Scout. Additional recognition can be earned through Eagle Palms, awarded for completing additional tenure, leadership and merit badge requirements; and

WHEREAS, Eagle Scouts are expected to set an example for other Scouts and to become the leaders in life that they have demonstrated themselves to be in Scouting. As such, they are disproportionately represented in the military, service academy graduates, major professions, business and politics.

NOW THEREFORE BE IT RESOLVED, that the Niagara Falls City Council, recognize Justin S. Taylor, son of Jeff and Tami Taylor for obtaining the rank of Eagle Scout from the Boy Scouts of America.

RESOLUTION No. 2008-

RELATIVE TO THE ABANDONMENT OF THE ALLEY RUNNING
NORTH/SOUTH BETWEEN 70TH AND 71ST STREETS,
SOUTH OF NIAGARA FALLS BOULEVARD

BY:

Council Chairman Samuel Fruscione

WHEREAS, the City Council of the City of Niagara Falls desires to abandon the alley running north/south between 70th and 71st Streets, south of Niagara Falls Boulevard; and

WHEREAS, the Planning Board of the City of Niagara Falls approved the abandonment of the aforementioned alley; and

WHEREAS, the City Council did by resolution give notice of its intention to abandon the aforementioned alley and did direct the City Clerk to publish notice of such intention and that a Public Hearing would be held by the City Council at its meeting to be held in the Council Chambers on June 2, 2008 at 7:00 p.m. Eastern Daylight Time, and advised that all persons interested would be heard thereon at said time and place; and

WHEREAS, the hearing was duly held on June 2, 2008 at 7:00 p.m. Eastern Daylight Time in regards to said abandonment.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the alley running north/south between 70th and 71st Streets is hereby abandoned; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be filed in the office of the Clerk of the County of Niagara and that the Mayor may sign deeds or other documents desirable to effectuate this abandonment.