

Item #1

The following claims have been filed in the Office of the City Clerk during the month of December 2008. The claims were subsequently referred to the Office of the Corporation Counsel.

NOTICE OF CLAIM

ALLEGED DAMAGE

Zajac, Daniel J.
2417 Welch Ave

Damage to automobile from pothole in gravel patch off City street.

Stewart, Danelle
221 Hyde Park Blvd. 14303

Personal injury from fall on City sidewalk

Richard A. DeMunda
718-87th Street

Personal injuries caused by fall at 676-70th due to defective installation of wire or device by the City.

Tori Caterisano
25 C Packard Ct.

Personal injuries caused by assault and battery by City Police Officer

Voelker, Ruth J.
4403 Lewiston Rd.

Costs incurred from back-up of sewer line in basement caused by tree roots

Murgia, Christopher

Damages to sewer line from City tree roots

Liberty Mutual Insurance Co.
a/s/o Patrick Berrigan

Damage to automobile caused by City vehicle

Brian L. Fisk
1186 North Lyndonville Road
Lyndonville, N.Y. 14098

Damages resulting from unlawful release of medical records by Niagara Falls Memorial Medical Center

Judie MacPherson
4010 Carroll St.

Property damage due to fallen City tree

Betton, Verlinda L.
1517 Walnut Avenue

Property damage caused by City snowplow

George Woodley
421 Walnut Ave

Damage to automobile from fallen City tree branches

SUMMONS AND COMPLAINT

Matthew P. Pynn, Attorney for
Paul M. Hansen

Index No.: 135606

Viola, Cummings & Lindsay, LLC
Attorneys for Tori Caterisano

Index No. 135610

**NOTICE OF PETITION /
SUMMONS & COMPLAINT**

Viola, Cummings & Lindsay
Attorneys for Tori Caterisano

Index No.: 135610

NOTICE OF PETITION AND PETITION

Christopher Ambrosia
1092 N. Military Rd

Index No.: 135596

Item #2

The following is a report of the licenses issued and collections made in the Office of the City Clerk during the month of December 2008.

December 2008.

		<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001 A012	Vital Statistics	\$ 4,413.00	\$ 4,413.00
A1255-004 A013	Copies of Records	\$ 504.75	\$ 504.75
A1255-004 A013	Certificates of Marriage	\$ 390.00	\$ 390.00
A2501-014 A046	Electrician - Active	\$ 2,625.00	\$ 2,625.00
A2501-014 A046	Electrician - Inactive	\$ 800.00	\$ 800.00
A2501-016 A047	Stationary Engineers	\$ 3,230.00	\$ 3,230.00
A2501-016 A047	Stationary Engineers Test Fee	\$ 530.00	\$ 530.00
A2542-000 A053	Dogs/N County Treasurer	\$ 222.72	\$ 222.72
A2542-000 A053	Dogs/NYS Agr.& Mkts	\$ 81.00	\$ 81.00
A2542-000 A053	Additional Dogs	\$ 1,387.78	\$ 1,387.78
A2545-001 A054	Marriage License/NYSHD	\$ 292.50	\$ 1,170.00
A2501-024 A120	Ambulance - Vehicle	\$ 300.00	\$ 300.00
A2501-024 A120	Ambulance - Driver	\$ 640.00	\$ 640.00
A1255-002 A123	Commissioners of Deeds	\$ 10.00	\$ 10.00
A2501-015 A266	Home Improvement	\$ 250.00	\$ 250.00
A2545-023 A318	Hunters Fees	\$ 1.33	\$ 24.00
A1255-003 A499	Notary Fee	\$ 14.00	\$ 14.00
A1255-005 A528	Dog Release	\$ 350.00	\$ 350.00
TA63008 A597	Marriage Performance	\$ 600.00	\$ 600.00
A2501-027 A696	Photos/passport-license	\$ 72.00	\$ 72.00
TOTAL:		<u>\$ 16,410.36</u>	<u>\$ 17,614.25</u>

Check #	<u>39832</u>	Niagara County Treasurer	\$ 222.72
Check #	<u>39863</u>	NYS Dept.of Arg. & Mkts	\$ 81.00
Check #	<u>39831</u>	NYS Health Department	\$ 877.50
Check #	<u>ET</u>	NYS DEC	\$
		RAU	22.67

Item #3

RE: Mayor's Approval of Resolution 2009-5

Please be advised that on January 6, 2009 Mayor Paul A. Dyster duly approved Resolution 2009-5, relative to amending Chapter 1107 of the Codified Ordinances entitled "Permits, Fees and Certificates"

Item #4

RE: Funding Agreement with USA Niagara for West Mall Project

Council Members:

Last year the Council approved an Agreement with USA Niagara for the funding of the West Mall Reconstruction Project.

That Agreement provided for the City to receive the funding in a lump sum.

Due to the changing economic conditions, it is requested that the City receive funding in draws as payments to the contractor become due.

Will the Council authorize an Amendment providing for payments in this method and authorize the Mayor to execute same in a form acceptable to the Corporation Counsel?

Item #5

RE: Nonprofit Agreements

Council Members:

The 2008 budget contains appropriations of \$2,500 for NIMAC; \$25,000 for NIACAP; \$5,000 for the Niagara Falls Beautification Commission; \$10,000 for the Niagara Falls Block Club Council; \$30,000 for NACC; and \$10,000 for OSC21. In order to effectuate these, appropriation agreements with the respective agencies are required.

Will the Council authorize the Mayor to execute agreements in these respective amounts in forms acceptable to the Corporation Counsel?

Item #6

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 \$11,000 in back rent. 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. This, together with the ability of the City to immediately recover possession of the restaurant premises, appear to be in the best interest of the City and its residents, in that a search for a new operator of the restaurant premises may immediately commence. Accordingly, it is requested the Council terminate the Agreement and authorize the Mayor to sign the attached settlement agreement.

Will the Council so approve?

Item #7

RE: Courthouse Agreements

Council Members:

As the Council is aware in November of 2007 Bellevue Local Development entered into a General Development Agreement with CLP3 LLC to build the new Municipal Courthouse and Public Safety Building on Main Street. Simultaneously the City and Bellevue entered into the Public Safety Complex Purchase Agreement which provides for the City to provide the funding for the construction and, in return, receive ownership of the property at the end of the construction phase. These Agreements were subsequently ratified by the City Council at a special meeting in November of 2007.

At the time of execution, there were also two (2) Amendments to the General Development Agreement between Bellevue and CLP3 LLC, which made certain changes to the proposed Budget and also added to the developer's services the procurement of furniture, fixtures and equipment for both the Police Department and the Courts.

Through an oversight, these two (2) Amendments were not attached to the Development Agreement when it was presented to Council for ratification. The project has moved forward on the basis that these Amendments are in place; therefore, it is appropriate that they be ratified by Council. It is the recommendation of the Corporation Counsel's Office that these Amendments be ratified on behalf of the City.

Will the Council so approve?

Item #8

SUBJECT: Furnishings for the New Municipal Services Building

We respectfully request the Council authorize the use of no more than \$499,500.00 of 2007 Casino funds for the purchase of furnishings for the new Municipal Services Building Of this amount, \$462,500.00 is for the furnishings and \$37,000.00 is the 8% fee payable to Ciminelli Development Co., Inc. as per the terms of our agreement).

Item #9

RE: City Council Agenda Item:
2009 Empire Zone Appointments

Council Members:

Pursuant to the Empire Zone Local Law approved by Council 2001, the City Council appoints eight members of the Empire Zone Board. Each appointment is for a one year period. The appointments are to be made from a list submitted to the City Council by the Empire Zone Board Chairperson.

All of the current board members wish to remain for an additional year. Accordingly, Mrs. W. Lee Whitaker, Mr. Thomas Pryce, Mr. Paul Parise, Mr. Art Ray Sr., Mr. Abdul Labi, Mrs. Lucy Muto, Mr. Eddie Palmore and Mr. Thomas Bruss are proposed for reappointment to the Niagara Falls Empire Zone Board for 2008. Attached is a list of board members showing the areas which each member represents. Also attached are resumes for each individual.

Will the Council vote to appoint the eight individuals to the Empire Zone Board through December 31, 2009

RESOLUTION NO. 2009-
RELATIVE TO NIAGARA RIVER GREENWAY COMMISSION
APPLICATION FOR GILL CREEK PARK LIGHTING

By: Council Chairman Chris Robins

WHEREAS, the City of Niagara Falls has applied for and received Niagara River Greenway Commission consistency review for a project to install an electrical service and lighting for Gill Creek Park with a total cost of \$101,790; and

WHEREAS, application will be made to the Host Community Standing Committee for Power Authority Greenway funding.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this grant application and authorizes the Mayor to act on behalf of the City in all matters related to the application and grant and is further authorized to execute any and all documentation related to this grant.

RESOLUTION NO. 2009-
RELATIVE TO NIAGARA RIVER GREENWAY COMMISSION
APPLICATION FOR IMPROVEMENTS AND DEDICATION TO CENTENNIAL CIRCLE

By: Council Chairman Chris Robins

WHEREAS, the City of Niagara Falls has applied for and received Niagara River Greenway Commission consistency review for a project to make improvements to an existing traffic roundabout and dedicating it to honor the one-hundredth anniversary of the Boundary Water Treaty of 1909 with a total cost of \$335,000; and

WHEREAS, application will be made to the Host Community Standing Committee for Power Authority Greenway funding.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this grant application and authorizes the Mayor to act on behalf of the City in all matters related to the application and grant and is further authorized to execute any and all documentation related to this grant.