

**Item #1**

The following claims have been filed in the Office of the City Clerk during the month of July, 2009. The claims were subsequently referred to the Office of the Corporation Counsel.

**NOTICE OF CLAIM**

**ALLEGED DAMAGE**

Knapp, Annette  
144 Chatham Rd  
Syracuse, NY 13203

Automobile damage caused by potholes

Gibson, Mary  
1144 Niagara Ave

Automobile damage caused by road condition

Mazzocchi, Frances  
975 Hillside Ave  
Lewiston, NY 14092

Automobile damage caused by road condition

Krawczyk, Mary E.  
2762 Monroe Ave.

Injuries and damages caused by fall due to a pothole

Elgahaziri, Bassam  
352 West Hazeltine Avenue  
Kenmore, NY 14217

Damages and personal injuries caused by motor vehicle accident due to City negligence in of area and traffic control devices

Sally, Charlotte  
3501 Royal Ave.

Personal injuries caused by fall due to pothole

Liberty Mutual Fire Insurance Co.  
a/s/o Brent Nice  
551 ½ -9<sup>th</sup> St.

Automobile damage caused by unmarked road work

Morse, William E.  
3623 Miller Road  
Niagara Falls, NY 14304

Automobile damage caused by potholes

Fiori, David M. and Fiori, Melissa  
1040 Military Rd.

Personal injuries caused by trip and fall due to road defect and utility cover

Morse, William E.  
3623 Miller Rd.  
Niagara Falls, NY 14304

Automobile damage caused by manhole

Erie Insurance Company  
a/s/o William and Diane Morse  
3623 Miller Road  
Niagara Falls, NY

Automobile damage caused by manhole cover

Fleming, Mark C.  
124-58<sup>th</sup> Street  
Niagara Falls, NY 14304

Automobile damage caused by fallen City tree limb

A. Central Insurance Co.  
a/s/o Christopher Blackmer  
379 Spruce Ave.

Automobile damage caused by fallen City tree limb

Macri, Suzanne M.  
137-79<sup>th</sup> St

Damages and personal injuries caused by defective sidewalk

Insalaco, Stephanie & Michael  
1376 RansomRd.  
Grand Island, NY 14072

Damages and personal injuries caused by NFPD vehicle

Weber, Joseph H.  
2480 LaSalle Ave.

Property damage caused by City tree removal

**NOTICE OF PETITION**

Stahlman, Basil C. Jr. and Basil C., III  
8929 Champlain Ave. Index No.: 137799

Upstate Associates  
256 Third St. Index No.: 137739  
Niagara Falls, N.Y. 14303

Wendy's Restaurants of Rochester and GLR  
Holdings, LLC Index No.: 137745  
20 North Union Rd.  
Rochester, NY 14607

418 Third Street Associates, LLC  
80 Curtwright Drive Index No.: 137738  
Suite 5  
Williamsville, N.Y. 14221

**NOTICE OF VERIFIED PETITION**

BG Robinson Stop II, LLC  
570 Delaware Ave. Index No.: 137930  
Buffalo, NY 14202

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 July, 2009.

				<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001	A012	Vital Statistics		\$ 7,494.00	\$ 7,494.00
A1255-004	A013	Copies of Records		\$ 760.75	\$ 760.75
A1255-004	A013	Certificates of Marriage		\$ 830.00	\$ 830.00
A2501-006	A042	Tour Attendant		\$ 100.00	\$ 100.00
A2501-006	A042	Tour Driver/Guide		\$ 300.00	\$ 300.00
A2501-011	A044	Peddler		\$ 1,160.00	\$ 1,160.00
A2501-014	A046	Electrician - Exam Fee		\$ 750.00	\$ 750.00
A2542-000	A053	Dogs/N County Treasurer	\$ 523.50	\$ -	\$ 523.50
A2542-000	A053	Dogs/NYS Agr. & Mkts	\$ 219.00	\$ -	\$ 219.00
A2542-000	A053	Additional Dogs		\$ 2,896.50	\$ 2,896.50
A2545-001	A054	Marriage License/NYSHD	\$1,867.50	\$ 622.50	\$ 2,490.00
A2550-001	A056	Loading Zone		\$ 365.00	\$ 365.00
A2545-010	A128	Petroleum - Retail		\$ 280.00	\$ 280.00
A2545-010	A128	Petroleum - Storage		\$ 60.00	\$ 60.00
A2545-023	A318	Hunters/NYS DEC RAU	\$1,148.28	\$ -	\$ 1,148.28
A2545-023	A318	Hunters Fees		\$ 28.72	\$ 28.72
A1255-003	A499	Notary Fee		\$ 10.00	\$ 10.00
A1255-005	A528	Dog Release		\$ 550.00	\$ 550.00
TA63008	A597	Marriage Performance		\$ 500.00	\$ 500.00
A2501-027	A696	Photos/passport-license		\$ 144.00	\$ 144.00
<b>TOTAL:</b>			<u>\$3,758.28</u>	<u>\$16,851.47</u>	<u>\$20,609.75</u>
Check #	<u>43157</u>	Niagara County Treasurer		\$ 523.50	
Check #	<u>43190</u>	NYS Dept.of Arg. & Mkts		\$ 219.00	
Check #	<u>43155</u>	NYS Health Department		\$1,867.50	
		NYS DEC			
Check #	<u>ET</u>	RAU		\$1,148.28	

Item #3

The following claims have been filed in the Office of the City Clerk during the month of August, 2009. The claims were subsequently referred to the Office of the Corporation Counsel.

**NOTICE OF CLAIM**

**ALLEGED DAMAGE**

Mang, John  
8318 Frontier Ave.

Damage to automobile in  
parking lot of Engine 8

Kneepel, Roxanne  
561-25<sup>th</sup> St.

Damage to automobile due caused by potholes

Jakubczak, Clarice  
49 Brendan Ave.  
Kenmore, NY 14127

Personal injuries and damages caused by NFPD  
vehicle

Kendig-Maloy, Amy  
49 Brendan Ave  
Kenmore, NY 14127

Personal injuries and damages caused by NFPD  
vehicle.

Kendig-Maloy, Amy  
as PNG of Clarissa Maloy  
49 Brendan Ave.  
Kenmore, NY 14127

Personal injuries and damages caused by NFPD  
vehicle

Jakubczak, Clarice  
49 Brendan Ave.  
Kenmore, NY 14127

Personal injuries and damages caused by NFPD  
vehicle

Kendig-Maloy, Amy  
49 Brendan Ave  
Kenmore, NY 14127

Personal injuries and damages caused by NFPD  
vehicle.

Kendig-Maloy, Amy  
as PNG of Clarissa Maloy  
49 Brendan Ave.  
Kenmore, NY 14127

Personal injuries and damages caused by NFPD  
vehicle

McNeil, Stacey  
1511-8<sup>th</sup> Street

Damages caused by pothole

Jacob, Marguerite  
124-79<sup>th</sup> St.

Property damage caused by removal of City tree

Allstate Insurance Company  
a/s/o Emonielle M. Wynn  
1111 Marcus Ave  
Lake Success, Ny 11042

Automobile damage caused by unmarked manhole

Gainer, Charlie Mae  
23D Jordan Gardens

Personal injuries caused by defective sidewalk at  
Jordan Gardens

Bateman, Debra L  
1115 Niagara Ave.

Property damage caused by fallen City tree

State Farm Insurance Company a/s/o  
Bateman, Debra  
1115 Niagara Ave

Property damage due to fallen City tree

Garfalo, Nadina  
2949 Ontario Ave

Personal injuries and automobile damage  
caused by defective road condition

Turner-Barber, Lucille  
5106 Country Club Trail  
Lewiston, NY 14092

Damages caused to sewer line by City  
tree roots

Moore, Lorene and Lorenzo  
1113 Niagara Ave.

Property damage caused by fallen City tree

**SUMMONS**

Lucore, Ann  
437 Elmwood Avenue  
Niagara Falls, NY 14302

Index No.: 137941

Liberty Mutual Insurance Co.  
a/s/o Patrick Berrigan  
2950 Expressway Dr. South, Suite 100  
P.O. Box 9004  
Islandia, NY 11722

Index No.: 09/52950

**SUMMONS AND COMPLAINT**

Anello, Matteo  
c/o Matthew P. Pynn, Esq.  
272 East Ave  
Lockport, NY 14094

Index No.: 09CV0715

**NOTICE OF APPLICATION FOR  
REVIEW OF ASSESSMENT**

One Niagara, LLC  
c/o Roscetti & DeCastro, LLC  
730 Main St.

Index No.: 137969

Item #4

RE: City Council Agenda Item:  
Appropriation from 2008 Casino Revenues  
\$1 Million for HOPE VI Ash Remediation

The City has supported the HOPE VI project with casino revenues and land transfers. The City commitment was first memorialized in a grant agreement in February, 2007, in which the City appropriated \$3 Million in casino revenues for Phase 1 of the HOPE VI project, including \$1 Million in 2003 City casino revenues which is being administered by ESDC. The use of casino revenues for the project is authorized under State Finance Law 99-h as neighborhood revitalization.

Upon discovering that the HOPE VI budget included only \$2 Million in casino revenues for Phase 1, the City amended the grant agreement in May, 2008 and authorized use for Phase 2 of the project of \$1 Million from the \$3 Million appropriation. The City transferred to NFHA the \$2 Million appropriated under the agreement and amendment. None of the funds have been spent. NFHA has earned over \$100,000 in interest on the casino revenues, which interest must be used for the HOPE VI project.

Upon discovery of the ash disposal problems at the HOPE VI site, the City agreed that the \$1 Million that was to be used for Phase 2 could be used for the costs associated with the ash. On November 24, 2008, the City Council appropriated an additional \$1 Million in 2007 casino revenues for the ash "remediation" costs of the project. The City Council agreed to consider appropriating a final \$1 Million in 2008 casino revenues for ash "remediation" costs.

The 2008 casino revenues have been received by the City and can be appropriated by the City Council. The appropriation of \$1 Million in 2008 casino revenues for ash "remediation" costs will bring the total City appropriation of casino revenues granted to the Niagara Falls Housing Authority for the HOPE VI project to \$5 Million, with \$3 Million used for the ash "remediation" costs and \$2 Million for Phase 1 construction.

Item #5

RE: Approval of Amendment with Wendel Duchscherer, Architects and Engineers, PC

In 2008, you approved an agreement with Wendel Duchscherer for planning, design and engineering services for the new LaSalle Waterfront Park site at 6611 Buffalo Avenue.

It is requested that the Council approve a \$6,650.00 change order to the agreement to allow for additional work on the LaSalle Park assessments, which will assist in the application for two additional grants.

Funding is available in the Special Projects Fund Balance.

Item #6

RE: Appropriation of Casino Funds

It is requested that \$5,754.00 of 2007 Casino Funds be appropriated to the Fire Department to cover the expense of the removal of existing floor tile and installation of new floor tile at the Royal Avenue Fire Hall.

Item #7

RE: Corrective Action Plan in response to New York State Comptroller's Examination and Report of City of Niagara Falls Economic Development Agreements

The New York State Comptroller's Office performed an audit and examination on certain developer agreements the City entered into some time ago. The first developer agreement that was reviewed was an agreement signed in 1981 with Rainbow Square Limited Partnership which, among other things, related to the construction and operation of a regional shopping mall by the Rainbow Square Limited Partnership and a City-owned multi-story parking garage. The other agreement, which was entered into in 1997 pertained to the development of approximately 140 acres of land within the East Falls Street redevelopment area. The Comptroller's Office took issue with these agreements and found that they were deficient in not containing provisions which protected the City's interest in the event that the developers failed to perform as they agreed to perform. In addition, the Comptroller was critical of the City for not monitoring performance and also for failing to designate an individual to be responsible for monitoring and reporting on the progress of those developments.

The Comptroller's Office issued six specific recommendations for the City to act on moving forward and it is required that the City generate a Corrective Action Plan. A copy of that Plan is attached hereto.

Item #8

RE: Lewiston Road-Main Street Reconstruction Water Main Replacement

As part of the Lewiston Road Reconstruction Project, portions of the water main will be replaced. Any costs associated with the replacement of portions of the water main will be the cost of the Niagara Falls Water Board. The City will be overseeing the project and the replacement of certain portions of the water main that was included in the City bid. The Niagara Falls Water Board will be reimbursing the City for any expenses incurred pertaining to the water main replacement. Attached is a Municipal Cooperation Agreement regarding this arrangement between the City and the Niagara Falls Water Board.

Item #9

RE: Family and Children's Service of Niagara, Inc.  
Employee Assistance Program Contract

Attached is a proposed agreement with Family and Children's Service of Niagara, Inc. to provide an Employee Assistance Program for non-uniform employees of the City of Niagara Falls. Funding is included in the 2009 Budget.

Item #10

RE: Approval of agreement with GHI for administrative services to provide dental coverage for City retirees

Attached is the proposed agreement for GHI to continue providing the administrative services for the dental coverage for the City retirees who retired prior to the adoption of the new health insurance plan. Funding is available in the budget.

Item #11

RE: Request for Approval to Settle and Pay Claim of Judith E. Abrams  
1642 Cleveland Avenue, Niagara Falls, NY

Date Claim Filed:	February 18, 2009
Date Action Commenced:	N/A
Date of Occurrence:	February 3, 2009
Location:	1343 LaSalle Avenue
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	Thomas Tedesco
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$350.57
Make Check Payable to:	Judith E. Abrams
Conditions:	General Release to City, approved by Corporation Counsel.

Item #12

RE: Request for Approval to Settle and Pay Claim of Jason P. Shanks  
1311 Garrett Avenue, Niagara Falls, NY 14305

Date Claim Filed: February 3, 2009

Date Action Commenced: N/A

Date of Occurrence: January 29, 2009

Location: 1311 Garrett Avenue, Niagara Falls, NY

Nature of Claim: Automobile damage sustained in an accident  
with City vehicle

City Driver: Leslie Bridgeman, Jr.

Status of Action: Claim stage.

Recommendation/Reason: Best interests of City to pay claim.

Amount to be Paid: \$172.56

Make Check Payable to: Jason P. Shanks

Conditions: General Release to City, approved by  
Corporation Counsel.

Item #13

Please be advised that Mayor Paul A. Dyster duly approved Resolution 2009-66, relative to Amending Chapter 1111 of the Codified Ordinances entitled "Plumbing Code" approved by Council on July 27, 2009.

Item #14

Please be advised that Mayor Paul A. Dyster duly approved Resolution 2009-67, relative to Amending Chapter 1113 of the Codified Ordinances entitled "Electrician Licensing and Regulations" approved by Council on July 27, 2009.

Item #15

The following have requested City Council approval for Commissioner of Deeds for a term from October 1, 2009 to September 30, 2011.

This is in accordance with provision of the Niagara Falls City Charter, Article II, Section 7, Subdivision 5.

Cain, Carlton	NFPD
Jones, Daniel	NFPD
Herbert, Latricia	City Clerk's Office
Pugh, Tina	City Clerk's Office
Aversa, Ralph	851 College Terrace, Niagara Falls, NY 14305
Cannello, Leonard M.	9141 Rivershore Dr., Niagara Falls, NY 14304
Conti, Irene	603-38 <sup>th</sup> St., Niagara Falls, NY 14301
Corsaro, Candice	1826 North Ave., Niagara Falls, NY 14305
Frett, Eugene W.	PO Box 1501, Niagara University, NY 14109
Haynes, Valerie P.	2941-21 <sup>st</sup> Street, Niagara Falls, NY 14305
Hohle, Ronald C.	2027 River Road, Niagara Falls, NY 14304
Klimeczko, Marie	181-59 <sup>th</sup> St., Niagara Falls, NY 14304
Nolan, Patricia	880-80 <sup>th</sup> St., Niagara Falls, NY 14304
Shank, Victoria	1839 Niagara Ave., Niagara Falls, N.Y. 14305
Tyson, Charletta	1744 Tennessee Ave., Niagara Falls, NY 14305



Item #17

RESOLUTION RELATIVE TO AMENDING CHAPTER 178  
OF THE CODIFIED ORDINANCES ENTITLED  
"CITY OF NIAGARA FALLS  
DISCRIMINATION AND HARASSMENT POLICY"

By: Council Chairman Chris Robins

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 178 of the Codified Ordinances entitled ACity of Niagara Falls Discrimination and Harassment Policy@ is hereby amended by amending Section 178.02 entitled "Policy Statement" and deleting Sections 178.06 entitled "Grievance Procedure under the Americans with Disabilities Act" and Section 178.07 entitled "Reasonable Accommodation Policy for Individuals with Disabilities" to read as follows:

Chapter 178 CITY OF NIAGARA FALLS DISCRIMINATION AND HARASSMENT POLICY  
. . .

Section 178.02 POLICY STATEMENT

In addition to prohibiting illegal discrimination on the basis of race, color, sex, religion, age, disability, marital status, military status, national origin, or other unlawful conduct, the City of Niagara Falls also prohibits the illegal harassment of its employees or officers in any form. The City will take all steps necessary to prevent and stop the occurrence of any illegal discrimination or harassment in the workplace.

. . .

(e) All City officers and employees will be held responsible and accountable for avoiding or eliminating the conduct prohibited by this policy. City employees are encouraged to report violations of this policy to their supervisor or to a member of the discrimination/harassment committee. This committee shall consist of **[two members: The Corporation Counsel or his/her designee and the Director of Human Resources or his/her designee.]** a minimum of three (3) members: The Corporation Counsel or his/her designee, the Director of Human Resources

or his/her designee, any additional member(s) designated by the Mayor and/or City Administrator.

[Section 178.06: GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

(a) This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment, practices and policies or the provision of services, activities, programs, or benefits by the City of Niagara Falls, NY.

(b) The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

(c) The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

ADA Coordinator  
City of Niagara Falls  
745 Main Street  
Niagara Falls, NY 14302-0069  
(716) 286-4430

(d) Within 15 calendar days after receipt of the complaint, the ADA Coordinator will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator will respond in writing, and where appropriate, in format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of City of Niagara Falls and offer options for substantive resolution of the complaint.

(e) If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant and/or his/her

designee may appeal the decision of the ADA Coordinator within 15 calendar days after receipt of the response to the City Administrator, who will convene the appropriate City Departments and Personnel to review and address the appeal.

(f) Within 15 calendar days after receipt of the appeal, the City Administrator will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting the City Administrator will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

(g) All written complaints received by the ADA Coordinator, appeals to the City Administrator and responses from the ADA Coordinator and City Administrator will be maintained by the City of Niagara Falls for at least three years.

Section 178.07: REASONABLE ACCOMMODATION POLICY FOR INDIVIDUALS WITH DISABILITIES

(a) In accordance with the Americans with Disabilities Act of 1990, the City of Niagara Falls has adopted the following policy for addressing requests for reasonable accommodations made by people with disabilities in its employment, services, activities, programs, policies, procedures, rules and regulations.

(b) Individuals seeking reasonable accommodations through the ADA should submit their request in writing\* to:

ADA Coordinator  
City of Niagara Falls  
745 Main Street  
Niagara Falls, NY 14302-0069  
(716) 286-4430

\* Alternative means of filing a request, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing.

(c) If the ADA Coordinator wishes to grant the accommodation, the petitioner will be notified within one week of receipt of the

request and no further action will be required by the petitioner. The request will then be implemented by the appropriate City Department.

(d) If the ADA Coordinator refuses to grant the accommodation request, the petitioner will be notified in writing of the decision, along with his or her rights to file a grievance under the City's Grievance Procedure, in a format acceptable to the petitioner. A copy of that procedure will be included in the correspondence to the petitioner.]

Bold and Underlining indicate Additions.  
Bold and Brackets indicate [Deletions].

Item #18

RESOLUTION RELATIVE TO ADOPTING CHAPTER 179  
OF THE CODIFIED ORDINANCES ENTITLED  
"CITY OF NIAGARA FALLS, NEW YORK  
POLICY CONCERNING INDIVIDUALS WITH DISABILITIES"

By: Council Chairman Chris Robins

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 179 of the Codified Ordinances entitled ACity of Niagara Falls Policy Concerning Individuals with Disabilities@ is hereby adopted to read as follows:

Chapter 179 CITY OF NIAGARA FALLS POLICY CONCERNING  
INDIVIDUALS WITH DISABILITIES

Section 179.01 INTRODUCTION

The City of Niagara Falls believes in the dignity of the individual and recognizes the right of any person to equal opportunities. In this regard, the City has had a longstanding practice of protecting and safeguarding the rights and opportunities of any person who might seek or obtain employment without being subjected to illegal discrimination or harassment in the workplace. Solely for the purposes of this policy, the term "employee" shall also include a volunteer.

Section 179.02 NON-DISCRIMINATORY EMPLOYMENT PRACTICES  
AND POLICIES IN ACCORDANCE WITH THE AMERICANS  
WITH DISABILITIES ACT

The City will ensure that employment practices and policies do not discriminate on the basis of disability against qualified individuals with disabilities in every aspect of employment, including recruitment, hiring, promotion, demotion, layoff and return from layoff, compensation, job assignments, job classifications, paid or unpaid leave, fringe benefits, training, and employer-

sponsored activities, including recreational or social programs.

(a) The City will not use any employment selection criteria that have the effect of subjecting individuals to discrimination. The City will make an individualized assessment of whether a qualified individual with a disability meets selection criteria for employment decisions. To the extent the City's selection criteria have the effect of disqualifying an individual because of a disability, said criteria will be job-related and consistent with business necessity.

(b) During the hiring process, the City may ask about an applicant's ability to perform specific job-related functions, but will not ask whether an applicant is disabled or about the nature or severity of an applicant's disability.

(c) The City may condition a job offer on the results of a medical exam conducted after a conditional offer of employment has been made. All entering employees in the same job category, regardless of disability, will be required to take the same medical examination and the results of the medical exam will not be used to impermissibly discriminate on the basis of a disability.

(d) The results of medical records will be maintained separate from personnel files and kept confidential.

Section 179.03 REASONABLE ACCOMMODATION POLICY FOR INDIVIDUALS WITH DISABILITIES

(a) In accordance with the Americans with Disabilities Act of 1990, the City has adopted the following policy for addressing requests for reasonable

accommodations made by people with disabilities in its employment, services, activities, programs, policies, procedures, rules and regulations.

(b) Reasonable Accommodations in Employment: The City will make "reasonable accommodations" to the known physical and mental limitations of otherwise qualified applicants or employees with disabilities upon request of the applicant or employee, unless the accommodation will cause an "undue hardship" on the operation of the City's business.

1. If an applicant or employee requests a reasonable accommodation and the individual's disability and need for the accommodation are not readily apparent or otherwise known, the City may ask the individual for information necessary to determine if the individual has a disability-related need for the accommodation.

2. "Reasonable accommodation" means any change to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. Examples include:

a. Acquiring or modifying equipment or devices;

b. Job restructuring;

c. Part-time or modified work schedules;

d. Providing readers or interpreters;

e. Making the workplace accessible to and usable by individuals with disabilities.

However, any particular change or adjustment would not be required if, under the circumstances involved, it would result in an undue hardship to the City's operation.

3. "Undue hardship" means significant difficulty or expense relative to the City's operation. Where a particular accommodation would result in an undue hardship, the City must determine if another accommodation is available that would not result in an undue hardship.

(c) Request For Accommodations: Any individuals seeking reasonable accommodations through the ADA should submit their request in writing\* to:

ADA Coordinator  
City of Niagara Falls  
745 Main Street  
Niagara Falls, NY 14302-0069  
(716) 286-4430

\* Alternative means of filing a request, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing.

(d) If the ADA Coordinator wishes to grant the accommodation, the petitioner will be notified within one week of receipt of the request and no further action will be required by the petitioner. The request will then be implemented by the appropriate City Department.

(e) If the ADA Coordinator refuses to grant the accommodation request, the petitioner will be notified in writing of the decision, along with his or her rights to file a grievance under the City's Grievance Procedure, in a format acceptable to the petitioner. A copy of that procedure will be included in the correspondence to the petitioner.

Section 179.04 GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

(a) This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment, practices and policies or the provision of services, activities, programs, or benefits by the City of Niagara Falls, NY.

(b) The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

(c) The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

ADA Coordinator  
City of Niagara Falls  
745 Main Street  
Niagara Falls, NY 14302-0069  
(716) 286-4430

(d) Within 15 calendar days after receipt of the complaint, the ADA Coordinator will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator will respond in writing, and where appropriate, in format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of City of Niagara Falls and offer options for substantive resolution of the complaint.

(e) If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision of the ADA Coordinator within 15 calendar days after receipt of the response to the City Administrator, who will convene the appropriate City Departments and Personnel to review and address the appeal.

(f) Within 15 calendar days after receipt of the appeal, the City Administrator will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting the City Administrator will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

(g) All written complaints received by the ADA Coordinator, appeals to the City Administrator and responses from the ADA Coordinator and City Administrator will be maintained by the City of Niagara Falls for at

least three years.

CITY OF NIAGARA FALLS  
COMPLAINT OF DISCRIMINATION AGAINST  
INDIVIDUALS WITH DISABILITIES

NAME \_\_\_\_\_ OF

COMPLAINANT: \_\_\_\_\_

ADDRESS:

\_\_\_\_\_

—

HOME \_\_\_\_\_ PHONE: \_\_\_\_\_ WORK \_\_\_\_\_ PHONE:

\_\_\_\_\_

DATE \_\_\_\_\_ OF \_\_\_\_\_ HIRE: \_\_\_\_\_ JOB \_\_\_\_\_ TITLE:

\_\_\_\_\_

YOUR \_\_\_\_\_ DEPARTMENT:

\_\_\_\_\_

DEPARTMENT HEAD: \_\_\_\_\_

NAME AND TITLE OF PERSON(S) COMPLAINED OF:

\_\_\_\_\_

\_\_\_\_\_

DATE (S) \_\_\_\_\_ OF

INCIDENT (S) : \_\_\_\_\_ TIME:

\_\_\_\_\_

DESCRIPTION OF INCIDENT(S)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ARE YOU STILL EMPLOYED BY OR VOLUNTEERING FOR THE CITY OF

NIAGARA FALLS: \_\_\_\_\_

ACTION YOU ARE SEEKING:

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---

---

**SIGNATURE**

**DATE**

---

CITY OF NIAGARA FALLS

WITHDRAWAL OF DISCRIMINATION COMPLAINT

NAME OF COMPLAINANT:

\_\_\_\_\_

DATE COMPLAINT WAS FILED:

\_\_\_\_\_

DEPARTMENT HEAD NOTIFIED:

\_\_\_\_\_

I HEREBY WITHDRAW THIS COMPLAINT AND AGREE THAT NO FURTHER ACTION IS  
REQUIRED ON IT.

SIGNATURE:

DATE:

\_\_\_\_\_

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