

Item #1

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

		<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001 A012	Vital Statistics	\$ 8,014.00	\$ 8,014.00
A1255-004 A013	Certificates of Marriage	\$ 440.00	\$ 440.00
A1255-004 A013	Copies of Records	\$ 700.75	\$ 700.75
A2501-014 A046	Electrician- Active	\$ 250.00	\$ 250.00
A2501-016 A047	Stationary Engineers	\$ 302.00	\$ 302.00
A2501-016 A047	Stationary Engineers Test Fee	\$ 120.00	\$ 120.00
A2542-000 A053	Dogs/N County Treasurer	\$ 231.12	\$ 231.12
A2542-000 A053	Dogs/NYS Agr. & Mkts	\$ 90.00	\$ 90.00
A2542-000 A053	Additional Dogs	\$ 1,428.38	\$ 1,428.38
A2545-001 A054	Marriage License/NYSHD	\$ 990.00	\$ 1,320.00
A2501-024 A120	Ambulance- Vehicle	\$ 300.00	\$ 300.00
A2501-024 A120	Ambulance- Driver	\$ 720.00	\$ 720.00
A1255-002 A123	Commissioners of Deeds	\$ 10.00	\$ 10.00
A2545-010 A128	Petroleum- Retail	\$ 560.00	\$ 560.00
A2545-010 A128	Petroleum- Storage	\$ 360.00	\$ 360.00
A2545-010 A128	Petroleum- Wholesale	\$ 200.00	\$ 200.00
A2501-599 A130	Horse Drawn Carriages	\$ 100.00	\$ 100.00
A2501-599 A130	Theatre	\$ 100.00	\$ 100.00
A2501-015 A266	Home Improvement	\$ 250.00	\$ 250.00
A2545-023 A318	Hunters/NYS DEC RAU	\$ 73.66	\$ 73.66
A2545-023 A318	Hunters Fees	\$ 4.34	\$ 4.34
A1255-003 A499	Notary Fee	\$ 10.00	\$ 10.00
A1255-005 A528	Dog Release	\$ 100.00	\$ 100.00
A2501-027 A597	Marriage Performance	\$ 700.00	\$ 700.00
A2501-027 A696	Photos / Passport - License	\$ 45.00	\$ 45.00
TOTAL:		<u>\$1,384.78</u>	<u>\$15,044.47</u>

Check #	<u>35506</u>	Niagara County Treasurer	\$231.12
Check #	<u>35517</u>	NYS Dept.of Arg. & Mkts	\$ 90.00
Check #	<u>35505</u>	NYS Health Department	\$990.00
Check #	<u>ET</u>	NYS DEC RAU	\$ 73.66

RESOLUTION
By the Historic Preservation Commission
City of Niagara Falls

Regarding The Customs House / Railway Station Project
2243 Whirlpool Street

WHEREAS, the Custom's House is both a City Historic Landmark and on the National Register of Historic Places and hence is worthy of preservation, and

WHEREAS, the Custom's House was formerly used as a US Customs office and a Post Office, and

WHEREAS, the Custom's House is presently vacant, and

WHEREAS, the Custom's House is presently owned by the City of Niagara Falls, and

WHEREAS, the International Railway Station / Inter-modal Transportation Center Project proposes to restore the Custom's House and utilize the building for office and various public uses, and

WHEREAS, Chapter 1335.04 H) of the Ordinances authorizes the Historic Preservation Commission to make recommendations to City Council concerning the use of City owned historic structures, and

NOW THEREFORE, Be it resolved that the Historic Preservation Commission recommend City Council restore the Customs House as part of the train station project,
AND

THEREFORE, Be it resolved that the Historic Preservation Commission recommend that the City Council utilize public funds to undertake the Custom's House/train station project.

Item #3

SUBJECT: Bid #06-08 Self-Propelled Airless Paint Striper

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

TO: Snowfighting Equipment & Consultants of Buffalo, Inc.
PO Box 126, South Side Station
Buffalo, NY 14220-0126

FOR: One (1) MB Model 260 ACL airless, paint striping unit
with driver canopy option: \$80,650.00

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. The above referenced company submitted the only bid.

Funds for this expenditure are available in the 2008 Capital budget code: H0820.2008.0820.0240.000.

Item #4

SUBJECT: Bid #07-08 Police Cars

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

TO: Delacy Ford, Inc.
3061 Transit Road
Elma, NY 14059

FOR: Fifteen (15) 2008 model Ford Crown Victoria
patrol cars: \$27,993.00 ea. \$419,895.00

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 seven (7) vendors. Two bids were received. Gambino Ford, Inc. submitted a bid of \$426,163.50 (\$28,410.00 ea.).

Funds for this expenditure are available in the 2006 Capital budget code: H0624.2006.0624.0230.000 (\$83,979.00) and the 2008 Capital budget code: H0816.2008.0816.0230.000 (\$335,916).

Item #5

SUBJECT: Bid #08-08 Sale of Street Millings

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

TO: Modern Landfill, Inc.
4746 Model City Road
PO Box 209

Model City, NY 14107-0209

FOR: Sale of Street Millings (approx. 7,000 tons): \$6.15/ton
located at the Corporation Yard.

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 highest price for the street millings. Bids were also received from LaFarge North America (\$4.00/ton) and Armand Cerrone, Inc. (\$3.15/ton).

Item #6

**RE: DEPARTMENT OF INSPECTIONS – EXPENSES INCURRED IN REPAIR,
DEMOLITION OR BOARD OF STRUCTURES WITHIN THE CITY FROM
APRIL 1, 2007 TO MARCH 31, 2008**

In accordance with Chapter 1133, Section 1133.08 of the Niagara Falls Building Code, we hereby submit a report relative to certain privately owned properties upon which the City has incurred expenses or Community Development funds have been expended for each property which remain unpaid and in accordance with the above noted Section (the) Council shall “order an assessment against said premises for several sums herein reported”.

We recommend that all the costs incurred by the City of Niagara Falls that remain unpaid upon certain privately owned properties be assessed against said properties in the manner as prescribed in the above City provisions of the Niagara Falls Building Code.

A list of all chargeable costs incurred is attached. A complete record of all costs incurred and included in this report shall remain permanently on file in the office of the Department of Inspections.

Will the Council so order?

Item #7

RE: Benefits for two New City Positions

Council Members:

On February 11, 2008, the City Council approved the creation of two new City positions: Empire Zone and Minority Business Coordinator, and Renewal Community Coordinator. The salaries for these positions are to be reimbursed from N.F.C. Development Corp. for 2008. Clara Dunn and Thomas Tedesco were hired to fill these positions. Previously, they were performing substantially the same duties as contract employees of N.F.C. Development Corp.

In recognition of their previous years of service, and based on a recommendation from the Human Resources Director, Corporation Counsel, and Assistant Corporation Counsel, I have recently indicated my support of the proposal to allow Ms. Dunn and Mr. Tedesco to enter the City system with the level of benefits they would have had if they had been hired by the City at the time they were hired by N.F.C. Ms. Dunn was hired by N.F.C. on June 5, 1989, so would have the vacation time and other benefits of an employee with 18.75 years of service. Mr. Tedesco was hired by N.F.C. on August 9, 1994, so would have the vacation time and other benefits of an employee with 13.5 years of service. By recognizing this previous service, this will eliminate the requirement that Ms. Dunn and Mr. Tedesco pay 20% of the cost of their medical insurance coverage for their first year of employment. This time would also be credited toward continuation of medical coverage provisions, if in the future, these employees are eligible to retire under the State retirement system, and meet all other age, service and eligibility requirements as required by any applicable agreements and/or ordinances.

Ms. Dunn would enter the system with 88.5 accrued sick days and 13.5 accrued vacation days, and will earn 5 weeks' vacation per year. Mr. Tedesco would enter the system with 125 accrued sick days, 6.5 accrued vacation days, and .5 personal day, and will earn 4 weeks' vacation per year. These totals represent time earned through 2/11/08. The positions are funded by the NFC Development Corporation for 2008. Funding for the positions for 2009 will be part of budget deliberations and, if necessary, further action by NFC.

Will the Council so approve?

Item #8

RE: Agreement with NFTA for Trolley Service

Council Members:

Attached is a proposed agreement between the NFTA and the City to provide the tourist trolley service for the 2008 season. Weekend service will be provided from May 16th to June 22nd and from September 5th to October 13th, and daily service between June 23rd and September 1st. The cost for the operation will be \$190,715 and the funds are available in the dedicated portion of the Occupancy Tax.

Will the Council so approve and authorize the Mayor to execute same?

Item #9

*RE: Approval of Awning Encroachment
1822-1824 Main Street*

Council Members:

The City has received a request from the owner of the property at 1822-1824 Main Street to install two awnings over existing stairways on the Lincoln Place side of the building. These awnings would encroach into the City right-of-way.

This has been reviewed by the appropriate City departments and the Planning Board, which recommend approval subject to the compliance with plans submitted to the Inspections Department and the agreement of the property owner to defend and indemnify the City from any and all liability arising from the granting of this permit and the owner adding the City of Niagara Falls as an additional insured on its commercial liability policy.

The encroachment is subject to revocation by the City on 90 days' written notice.

Will the Council so approve?

RE: *Kim Roberts vs. City of Niagara Falls*
Date of Accident: June 11, 2007

Council Members:

The above claimant has incurred medical expenses for personal injuries suffered by her when, while a pedestrian, she was struck by a police vehicle owned by the City of Niagara Falls, New York. The driver of the police vehicle was Officer Charles Fink.

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 check:

<u>Provider</u>	<u>Date of Service</u>	<u>Amount</u>
Niagara Orthopaedic	April 4, 2008	\$ 29.66
Total		\$ 29.66

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?

Item #11

RE: Request for Approval to Settle and Pay Jennifer L. Skye
3407 Walnut Avenue, Niagara Falls, New York

Council Members:

Date Claim Filed:	February 13, 2007
Date Action Commenced:	January 30, 2008
Date of Occurrence:	December 18, 2006
Location:	24 th Street and Willow Avenue
Nature of Claim:	Personal injuries sustained in an accident with City vehicle
City Driver:	Patrick Ciccarelli
Status of Action:	Action stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$30,000
Make Check Payable to:	Cellino & Barnes, as attorneys for Jennifer L. Skye
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?

Item #12

RE: Request for Approval to Settle and Pay Claim of Samuel J. Licata
2948 Jerauld Avenue, Niagara Falls, NY 14305

Council Members:

Date Claim Filed:	March 3, 2008
Date Action Commenced:	N/A
Date of Occurrence:	February 28, 2008
Location:	2900 block of Jerauld Avenue
Nature of Claim:	Automobile damage sustained in an accident with City vehicle.
City Driver:	John A. Rosino, II
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$787.32
Make Check Payable to:	Samuel J. Licata
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?

Item #13

RE: Claim of State of New York for costs incurred by petroleum discharge at 72nd Street Firehall reported January 27, 1999

Council Members:

The City has received a claim for payment from the State of New York in the amount of \$3,338.58 representing the cost of its contractors in responding to the leak of diesel fuel at the 72nd Street Firehall in 1999.

Pursuant to State Law, the City as the entity responsible for the discharge is liable and, therefore, it is recommended that you approve payment in the above amount to the Comptroller, State of New York.

Will the Council so approve?

Item #14

RE: Request for Approval to Settle and Pay Erie Insurance Company

Council Members:

Date of Occurrence:	December 11, 2004
Location:	Niagara Street at intersection with Seventh Street
Nature of Claim:	Subrogated damages claim sustained in an accident with City vehicle
City Driver:	Sean M. Dunn
Status of Action:	Litigation
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	\$25,042.00
Make Check Payable to:	Rupp, Baase, Pfalzgraf, Cunningham & Coppola LLC, 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?

Item #15

RE: The Point-Comfort Inn vs. Board of Assessment Review, et al.
Index No. 130327

Council Members:

The above referenced tax certiorari was filed by the property owner challenging the \$3,700,000 assessment as set by the Board of Assessment Review for the 2007 assessment roll. The property owner is seeking an assessed value \$2,490,000 and after considerable negotiation involving the Court, a proposed settlement has been reached.

The settlement will reduce the assessment to \$3,162,000.

It is the recommendation of the City Assessor and this office that this settlement be approved.

Will the Council so approve?

Item #16

RE: Additional temporary funding for street construction and parks crew leader

Council Members:

In order to provide additional manpower for repairing potholes and street repaving, it is requested that the Council appropriate the following sums from the 2006 fund balance:

Street Construction Temporary	\$75,440
Street Construction FICA	<u>5,772</u>
	\$81,212

The funding for the Parks Department is to allow the creation of a second shift, seven days a week to better control garbage and cleanup in the downtown commercial district:

Parks: Temporary Wages	\$ 1,617
FICA	<u>124</u>
	\$ 1,741

Funding will come from the 2006 fund balance.

Will the Council so approve?

LOCAL LAW NO. _____ OF 2008

A LOCAL LAW TO AMEND THE NIAGARA FALLS CITY CHARTER AS AMENDED, IN
RELATION TO PROPERTIES TO BE LOCATED IN THE EMPIRE ZONE

WHEREAS, by Local Law the City of Niagara Falls authorized the submission of an application for designation of the Empire Zone, pursuant to Section 961 of the General Municipal Law, and the creation of such Zone was approved by the New York State Commissioner of Economic Development and such Zone was formally designated by the Empire Zones Designation Board on June 30, 1988; and

WHEREAS, Ascension Industries, Inc. is a growing contract metal working manufacturer employing skilled tradesmen in the welding, fabrication, machining and assembly areas, and is expanding its manufacturing facility in the City of North Tonawanda, New York, and anticipates creating at least 50 net new full-time jobs over five years; and

WHEREAS, the New York State Department of Economic Development and Zone Administrative Board of the City of Niagara Falls have determined that the proposed expansion of Ascension Industries, Inc. is eligible for Empire Zone designation as a Regionally Significant Project under Section 957(d)(i) of the General Municipal Law;

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NIAGARA FALLS, NEW YORK, as follows:

Section 1. The City Council of the City of Niagara Falls approves the allocation of zone lands for the proposed expansion of Ascension Industries, Inc. as a Regionally Significant Project as determined by the Niagara Falls Empire Zone Administrative Board and the New York State Department of Economic Development.

Section 2. The boundaries of said areas to be included in said Empire Zone shall be as set forth in Schedule A, which is attached hereto and made a part hereof.

Section 3. This Local Law shall take effect upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

Schedule A

Tax Map Parcel Nos.:

176.20-1-58.11 (1254 Erie Avenue, approximately 20.38 acres);
176.20-1-59.1 (795 Wurlitzer Drive, approximately 6.93 acres);
176.20-1-58.2 (915 Wurlitzer Drive, approximately 2.99 acres); and
185.31.-2-49 (390 Sweeney Street, approximately 0.91 acres);

located in the City of North Tonawanda, County of Niagara, State of New York.

RESOLUTION No. 2008–
RELATIVE TO THE NATIONAL FAIR HOUSING LAW

BY:

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

WHEREAS, April 2008 marks the 40th Anniversary of the National Fair Housing Law, Title VIII of the Civil Rights Act of 1968, and

WHEREAS, the National Fair Housing Law addresses the prohibition of discrimination in the sale, rental and financing of dwellings, as well as discrimination in other housing-related transactions which are based on race, color, national origin, religion, sex or familial status, and

WHEREAS, it is of utmost importance that every effort be made to educate our citizens as to their rights and responsibilities with regard to fair housing, and

WHEREAS, the City of Niagara Falls, NY works to educate its residents cooperatively with local fair housing agencies such as: the Center City Neighborhood Development Corporation; the Highland Community Revitalization Committee, Inc.; the Niagara Falls Neighborhood Housing Services and the Niagara Falls Office of Community Development.

NOW THEREFORE BE IT RESOLVED, that the members of the Niagara Falls City Council, along with Mayor Paul A. Dyster hereby proclaims and celebrates the ***40th Anniversary of the National Fair Housing Law, Title VIII of the Civil Rights Act of 1968***, and encourages our residents to recognize the importance of equal housing opportunity for everyone both here in our City and in our nation.

RESOLUTION No. 2008–
RELATIVE TO EARTH 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, April 22, 2008, has been designated as Earth Day throughout the United States; and

Whereas, Earth Day provides an opportunity for all citizens to consider the impact of their activities on the environment and to explore more responsible alternatives, particularly with regard to methods of transportation; and

Whereas, prudent efforts at conservation will have a positive impact on the emission of pollutants and other gases that contribute to the problem of global warming; and

Whereas, numerous organizations have agreed to promote a conservation initiative for Earth Day 2008, whereby commuters are encouraged to carpool, bike, walk, or take mass transit on a large scale; and

Whereas, global warming threatens to impair the quality of life in America and in the City of Niagara Falls.

Now, therefore, be it resolved that the City of Niagara Falls does hereby declare its support of and solidarity with the 2008 Western New York Earth Day Initiative, which seeks to encourage alternative approaches to transportation (see www.goodgoingwny.com); and

Be it further resolved that the City of Niagara Falls shall register its participation in the 2008 Western New York Earth Day Initiative, and thereby join the University at Buffalo, Canisius College, Daemen College, the City of Buffalo, the Town of Orchard Park, and more than 130 other participants in this program; and

Be it further resolved, that the City of Niagara Falls does hereby encourage all City employees to use alternative methods of transportation, including but not limited to walking, bicycling, mass transportation, and carpooling; and

Be it further resolved, that all residents of the City of Niagara Falls are hereby urged, on a voluntary basis, to employ alternative transportation methods whenever possible, starting on Earth Day and continuing thereafter throughout the year.

RESOLUTION No. 2008 –

**DETERMINATION OF SIGNIFICANCE PURSUANT TO THE
STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)**

BY: Council Chair Samuel Fruscione

This action is taken pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law of the State of New York, with regard to the following Project.

WHEREAS, by Local Law the City of Niagara Falls (the “City”) authorized the submission of an application for designation of the Empire Zone, pursuant to Section 961 of the General Municipal Law, and the creation of such Zone was approved by the New York State Commissioner of Economic Development and such Zone was formally designated by the Empire Zones Designation Board on June 30, 1988; and

WHEREAS, Ascension Industries, Inc. (the “Company”) is a growing contract metal working manufacturer employing skilled tradesmen in the welding, fabrication, machining and assembly areas, is expanding its manufacturing operations in the City of North Tonawanda, New York, anticipates creating at least 50 net new full-time jobs over the next five years, and has requested the City of Niagara Falls to amend the Empire Zone local law to include the Company as a Regionally Significant Project under Section 957(d)(i) of the General Municipal Law (the “Project”); and

WHEREAS, the New York State Department of Economic Development and Zone Administrative Board of the City of Niagara Falls have determined that the Project is eligible for Empire Zone designation as a Regionally Significant Project under Section 957(d)(i) of the General Municipal Law; and

WHEREAS, as part of its application for designation of the Project as a Regionally Significant Project under Section 957(d)(i) of the General Municipal Law, the Company has completed and submitted Part I of an Environmental Assessment Form (EAF) in compliance with Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as “SEQRA”) with respect to the Project; a copy of which is attached hereto as Exhibit “A”; and

WHEREAS, the City has carefully reviewed the EAF and Company correspondence; and

WHEREAS, the City has completed Part II of the EAF.

NOW THEREFORE BE IT RESOLVED THAT:

Section 1 The Project involves an "unlisted action" (as said quoted term is defined under SEQRA). The review is "uncoordinated" (as said quoted term is defined under SEQRA).

Section 2. Based upon a careful and thorough review by the City of the EAF delivered by the Company to the City and other representations made by the Company to the City in connection with the Project, the City has thoroughly analyzed the potential relevant areas of environmental concern and finds that the Project will not result in a potential significant adverse impact on the environment for the following reasons:

a. Land. The Project will not result in an adverse impact to land. The Company is simply conducting manufacturing operations within existing buildings.

b. Water. No water body of any type will be affected by the Project

c. Air. The Project will not adversely impact the quality of air.

d. Plants and Wildlife. The Project will not adversely impact plants and wildlife because no plants or wildlife are present at the Project site.

e. Noise and Odor. The Project will not result in a significance adverse impact to existing levels of noise and odor because no affects on existing levels of noise or odor will result form the Project.

f. Energy. The Project will not result in a significant adverse change in use of either the quantity or quality of energy.

g. Critical Environmental Area. The Project will not result in the impairment of a Critical Environmental Area ("CEA") as defined under the SEQRA regulations because the Project site is not located within a CEA nor will it affect any CEA.

h. Public Health. The Project will not create a hazard to human health.

i. Solid Waste and Wastewater. The Project will no solid waste or wastewater generation.

j. Open Space and Recreational Resources. The Project will not result in a significant adverse impact on existing open spaces and recreational resources.

k. Aesthetic and Historical Resources. The Project will have no affect on any aesthetic or historic cultural resources.

l. Traffic and Parking. The Project will not have a potential significant adverse impact to traffic and transportation and existing parking conditions.

m. Attracting a large group of people to the property. The Project will not attract a large group of people to the properties as it only entails creating 50 new jobs.

Section 3. Based on the foregoing, the City finds that the Project will not have a potential significant adverse impact on the environment in accordance with the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law, and, in particular, pursuant to the criteria found at 6 N.Y.C.R.R. § 617.7(b) of the SEQRA regulations. The City thus issues a Negative Declaration pursuant to SEQRA.

Section 4. The findings and conclusions relating to the determination of significance contained within the Notice of Negative Declaration are hereby adopted and incorporated by reference into this Resolution.

Section 5. This Resolution shall take effect immediately upon adoption.