

Item 1

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

NOTICE OF CLAIM

ALLEGED DAMAGE

Brian Ray
619 17th Street

Automobile damage sustained by a City vehicle

Janine Fortuna
8520 Lindbergh Avenue

Property damage sustained from a falling City tree limb

Mary J. Anderson
583 D Street
Niagara Falls, NY 14304

Personal injuries

Mary J. Anderson, as Parent and Natural
Guardian of Crystal Cashman, an Infant
583 D Street
Niagara Falls, NY 14304

Personal injuries

Dennis Virtuoso
2703 Independence Avenue

Property damage sustained from a falling City tree limb

Audrey and Randy C. Pardee
466 6th Street

Personal injuries sustained from a fall on a City curb/sidewalk/street

Kelvin L. Thompson Jr.
12C Jordan Gardens

Automobile damage sustained from the Highland Avenue Bridge

Larese Ellison
1005 17th Street

Automobile damage sustained from the Highland Avenue Bridge

Eugene Hilson
3464 9th Street

Automobile damage sustained from the Highland Avenue Bridge

Germaine West
1513 ½ Ashland Avenue

Automobile damage sustained from the Highland Avenue Bridge

Doran Trucking Co.
2520 Cayuga Street
Niagara Falls, NY 14304

Automobile damage sustained from the Highland Avenue Bridge

Cynthia Beckwith
8817 Pear Avenue

Automobile damage sustained from the Highland Avenue Bridge

Earl Pugh
1114 17th Street

Automobile damage sustained from the Highland Avenue Bridge

Progressive Insurance
P.O. Box 89440
Cleveland, OH 44101

Automobile damage

Anthony Cerrone
3826 DeVeaux Street

Automobile damage sustained from the Highland Avenue Bridge

SUMMONS AND COMPLAINT

Kim M. Roberts

Index No. 132000

Linda S. Wagner, Individually and as
Administratrix of the Estate of
Arthur P. Wagner

Index No. 131547

Audrey and Randy C. Pardee
466 6th Street

Index No. 131823

**NOTICE OF MOTION FOR PRE-COMPLAINT
DISCOVERY AND INSPECTION**

Mark Dinnocenzio

Index No. 131999

NOTICE OF MOTION

Audrey and Randy C. Pardee
466 6th Street

Index No. 131823

Item #2

Council Members:

Over the years, various positions have migrated from the City payroll to the Niagara Falls Urban Renewal Agency and N.F.C. Development Corp. In addition, new employees have been hired by these instrumentalities to perform what are essentially City functions. These changes have been made to accommodate various grant requirements, to fund positions with other than City funds or for personnel reasons.

NFURA employees, as employees of a municipal urban renewal agency created by the State legislature, have participated in the State retirement system. N.F.C. employees, as employees of a not-for-profit corporation, albeit one performing functions assigned to it by the City, cannot participate in the State retirement system. In addition, the existence of these positions outside the City system has resulted in confusion as to salaries, benefits and job responsibilities.

It is proposed that two positions currently operating under NFC Development Corp. be brought back into the City system. The two City positions to be created are:

1. Empire Zone and Minority Business Coordinator at \$40,000.00 (\$37,163.40 approved by N.F.C., increase to be presented at next meeting), budget code A391.CD; and
2. Renewal Community Coordinator at \$34,855.64 (amount approved by N.F.C.), budget code A391.CD.

Job specifications for these positions are attached. The employees currently holding these jobs have participated in the preparation of these specifications. The employees have reviewed the descriptions and agreed that they are accurate.

The salaries of these positions will be reimbursed for 2008 by N.F.C. In 2009, the salaries 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.

The Empire Zone and Minority Business Coordinator salary is partially paid by a State Economic Development Department grant, which runs from July 1 through June 30. Next year, the City will act as Zone Administrative Entity under the Empire Zone statutes [General Municipal Law §957(m)]. The Coordinator will be a City position. The City will sign the grant agreement with the State.

If approved, these two positions will be subject to final review by the State Civil Service Commission. The job specifications for the Empire Zone and Minority Business Coordinator and Renewal Community Coordinator have been approved by the local commission, and will be submitted to the State Commission on approval.

The two positions are proposed as exempt, non-competitive positions. It is believed the State Commission generally approves Director/Department Head level positions as exempt, and classifies any position below those as competitive. Zone Coordinators around the State have been classified competitive positions. If the State Civil Service Commission determines that any of the positions should be classified as competitive, the decision is binding. The only option of the City would be not to create the position.

Will the Council vote to approve the creation of the two positions as set forth herein?

Respectfully submitted,

Paul A. Dyster, Mayor

William Bradberry
City Administrator

Item 3

Council Members:

The above referenced property had been slated for demolition and was in fact included on the most recent demolition contract. The City had previously expended \$34,323 to abate the asbestos in the structure to prepare it for demolition.

Because of the historic significance of properties in the Echota section of the City, William and Mary Ann Rolland, the principals of Rolland Development Corporation, expressed interest in two properties that were in the demolition contract in that area. Because of the advanced deterioration of the other property, they focused their interest on 21 Hyde Park Boulevard and subsequently offered to purchase it from the City for \$4,000.

The Rollands have prior experience in rehabilitating historic structures, including the property located at Cleveland and Tenth Street, which they previously acquired from the City.

Will the Council approve the sale of these premises for this price in “as is” condition, with the closing to be performed within 30 days, and with the standard precondition that the purchasers are not delinquent with any tax or water bill, and further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

Item 4

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	January 17, 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 5

RELATIVE TO "WORLD KIDNEY DAY" - 2008

BY:

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

WHEREAS, more than 26 million Americans, about one in nine adults, suffer from chronic kidney disease; and

WHEREAS, of the 31,000 New Yorkers afflicted with end-stage renal disease, approximately 40 percent are African American and 16 percent are Hispanic; and

WHEREAS, the two main causes of chronic kidney disease are diabetes and high blood pressure, which are responsible for up to two-thirds of the cases; and

WHEREAS, the National Kidney Foundation of WNY has a health screening program to identify people in the early stages of kidney disease. The mission of the National Kidney Foundation of WNY is to prevent kidney and urinary tract diseases, improve the health and well-being of individuals and families affected by these diseases, and increase the availability of all organs for transplantation; and

WHEREAS, **the Honorable Paul A. Dyster of the City of Niagara Falls, New York** has proclaimed March 13th, 2008 as "World Kidney Day" in the City of Niagara Falls, New York in the hope that all possible support will continue to be extended to Chronic Kidney Disease patients in New York and throughout the country and the world.

NOW THEREFORE BE IT RESOLVED, by **the Niagara Falls City Council**, that we recognize and applaud the work of the National Kidney Foundation of WNY which helps to create awareness about chronic kidney disease and educates the public regarding diet, exercise, lifestyle management, and proper nutrition to help slow the progression of chronic kidney disease.

BE IT FURTHER RESOLVED that **the Niagara Falls City Council** asks the citizens of Niagara Falls, New York to join them, along with **Mayor Dyster**, in spreading awareness about this devastating disease by commemorating March 13th, 2008 as "World Kidney Day."

Item 6

**RESOLUTION NAMING STREETS IN CENTER COURT
REVITALIZATION PHASE 1
RESOLUTION 2008-**

By:

Council Member Charles Walker

WHEREAS, Center Court Park is now in the process of being re-subdivided to reflect the new ownership and the new property configuration, and

WHEREAS, under the City Codified Ordinances Section 901.02, the City Council has sole authority for naming and re-naming streets, and

WHEREAS, the new subdivision map, showing the new streets and street names is annexed hereto,

NOW THEREFORE BE IT RESOLVED, that the street names Calumet Avenue (a slightly offset extension of existing Calumet Avenue) and Diamond Park Lane and Eagle Heights (new streets which are each approximately one block long which do not extend outside the subdivision) are hereby declared approved. The alleys will not be named.

Item 7

RESOLUTION No. 2008–

RELATIVE TO APPOINTMENT OF MARRIAGE OFFICERS

BY: Council Chairman Samuel Fruscione

WHEREAS, Niagara Falls has an international reputation as “The Honeymoon Capitol”; and

WHEREAS, couples arrive at the City Clerk’s Office from all over the world to obtain a marriage license; and

WHEREAS, it is advantageous for the City and convenient to the couple to have these marriages solemnized within the confines of the City of Niagara Falls.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that in accordance with Section 11-c of the New York Domestic Relations Law the following employees in the City Clerk’s Office, Patricia J. Heichel and Leonard G. Lapp, Jr. be appointed as Marriage Officers for the City of Niagara Falls for a term of four years; and be it further

RESOLVED, that Clara A. Hughes be removed as a Marriage Officer since she is no longer employed in the City Clerk’s Office; and be it further

RESOLVED, that the fee for such marriage service shall be \$100.00; and be it further

RESOLVED, that the fees for all marriages performed by said Marriage Officers during normal business hours be deposited to the credit of the City of Niagara Falls.