

Item 1-1/14/08:

The following is a report of the licenses issued and collections made in the Office of the City Clerk during the month of November, 2007

			<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001 A012	Vital Statistics		\$ 4,792.00	\$ 4,792.00
A1255-004 A013	Certificates of Marriage		\$ 370.00	\$ 370.00
A1255-004 A013	Copies of Records		\$ 435.00	\$ 435.00
A2501-007 A043	Auction		\$ 150.00	\$ 150.00
A2501-014 A046	Electrician- Active		\$ 250.00	\$ 250.00
A2501-014 A046	Electrician- Inactive		\$ 200.00	\$ 200.00
A2501-016 A047	Stationary Engineers		\$ 3,690.00	\$ 3,690.00
A2501-016 A047	Stationary Engineers Test Fee		\$ 40.00	\$ 40.00
A2501-021 A048	Amusement Games		\$ 10,980.00	\$ 10,980.00
A2542-000 A053	Dogs/N County Treasurer	\$ 224.42	\$ -	\$ 224.42
A2542-000 A053	Dogs/NYS Agr. & Mkts	\$ 69.00	\$ -	\$ 69.00
A2542-000 A053	Additional Dogs		\$ 1,403.08	\$ 1,403.08
A2545-001 A054	Marriage License/NYSHD	\$ 832.50	\$ 277.50	\$ 1,110.00
A1255-002 A123	Commissioners of Deeds		\$ 20.00	\$ 20.00
A2501-015 A266	Home Improvement		\$ 375.00	\$ 375.00
A2545-021 A316	Vending		\$ 210.00	\$ 210.00
A2545-023 A318	Hunters/NYS DEC RAU	\$ 359.94	\$ -	\$ 359.94
A2545-023 A318	Hunters Fees		\$ 21.06	\$ 21.06
A1255-003 A499	Notary Fee		\$ 12.00	\$ 12.00
A1255-005 A528	Dog Release		\$ 200.00	\$ 200.00
A2501-027 A696	Photos / Passport - License		\$ 54.00	\$ 54.00
<b>TOTAL:</b>		<u>\$ 1,485.86</u>	<u>\$ 23,479.64</u>	<u>\$ 24,965.50</u>

Check #	<u>33759</u>	Niagara County Treasurer	\$ 224.42
Check #	<u>33824</u>	NYS Dept. of Arg. & Mkts	\$ 69.00
Check #	<u>33756</u>	NYS Health Department	\$ 832.50
Check #	<u>ET</u>	NYS DEC RAU	\$ 359.94

Item 2-1/14/08

The following claims have been filed in the Office of the City Clerk during the month of December, 2007. The claims were subsequently referred to the Office of the Corporation Counsel.

**NOTICE OF CLAIM**

**ALLEGED DAMAGE**

Lori Watson  
2470 South Avenue

Automobile damage sustained in an accident with a  
City police vehicle

Thomas W. Szczerbacki  
7414 Buffalo Avenue

Personal injuries sustained at a construction site

Andrea Sealey  
P.O. Box 527  
Niagara Falls, NY 14305

Defamation of character, etc.

May S. Jowdy  
2438 Weston Avenue

Automobile damage sustained from a pothole in a  
City street

State Farm Insurance Company  
A/S/O: Orman Miller  
470 22<sup>nd</sup> Street

Automobile damage sustained from a falling City tree  
limb

Paul M. Hansen  
237 76<sup>th</sup> Street

Personal injuries and damages as a result of alleged  
unlawful imprisonment of the claimant by City  
police

Gina M. McCann-Robins  
3093 Macklem Avenue

Automobile damage sustained by a City snow plow

**SUMMONS AND COMPLAINT**

Mary Ruth Gibson  
1144 Niagara Avenue

Index No. 131713

Michael and Christine McDougald  
522 23<sup>rd</sup> Street

Index No. 131937

Item #3- 1-14-08

***RE: Residency Investigations***

Council Members:

During 2007 there was a greater emphasis on ensuring compliance with the City's residency law. The next step in that process is to investigate instances of alleged violations of the residency requirement.

In order to continue this process I am requesting that the Council amend the 2008 Budget by appropriating \$50,000.00 from the Fund Balance to the Consultant line, Account number A. 1420.0000.0451.000 in the Law Department to allow for the retention of investigators.

Will the Council so approve?

Item #4- 1-14-08

***RE: Budget Amendment in the Police Department***

Council Members:

The 2008 Adopted Budget eliminated the Captain position in the Youth Division and created an additional Lieutenant position in Administration.

The Captain position has been vacant since May 2007 due to a retirement. The Police Captains and Lieutenants Association filed an Article 78 proceeding seeking to require the City to fill the position. Late last year Judge Kloch ruled in favor of the Union.

Therefore, it is requested that the Council amend the budget by re-creating the Captain in the Youth Division, account number A.3120.2790.0110.000 at a salary of \$71,765.00 and eliminating the Lieutenant position in Administration, account number A.3120.0001.0110.000 at a salary of \$57,813.00. This represents an increase as set forth below.

Increase	\$13,952.00
FICA	1,068.00
Pension	2,218.00
Life Ins.	57.00

There is also retroactive pay and benefits for the new Captain in the amount of \$10,074.69.

Will the Council appropriate the total sum of \$27,369.69 from Fund Balance and approve the above budget amendments?

Item #5- 1-14-08

*RE: Agreement with Niagara County Community College Small Business Development Center, NFC Development Corporation and City of Niagara Falls Entrepreneurial Training Program*

Council Members:

Attached is a proposed agreement among the City, NFC and the Niagara County Community College Small Business Development Center to run the Entrepreneurial Training Program.

Funding is provided from a State grant.

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

Item #6- 1-14-08

Council Members:

Attached is a proposed Agreement for Morton Abramowitz to provide consulting services to the City Council.

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

Item #7- 1-14-08

The current Security Contract between the Unified Court System and the Niagara Falls Police Department is effective for a 5-year term running from April 1, 2004 through March 31, 2009 and is divided into annual 1-year periods. The current period expired March 31, 2007.

Under Section 1(D) of the Security Agreement, we are entering into a Renewal Contract for a 1-year period which shall commence on April 1, 2007 and terminate on March 31, 2008. During this period, all of the terms and conditions of the Security Agreement shall continue to apply, except the maximum compensation for this Renewal Contract period shall be \$653,500.

Will the Council so approve and authorize the Mayor to sign any required documentation?

Item #8-1-14-08

Bid #39-07 Towing of Abandoned Vehicles

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

TO: Satarian Auto Parts  
4250 Witmer Road

Niagara Falls, NY 14305

FOR: Towing of abandoned vehicles within the City: \$95.00/vehicle

The price given is what is to be paid to the City for removal of the vehicles.

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 three (3) vendors. Bids were also received from Krantz Auto Recycling (\$85.00 per vehicle) and Page's Automotive (\$80.02 per vehicle).

Item #9- 1-14-08

**RE: Request for Approval to Settle and Pay Claim of Elva Wilcox  
466 Grey Street, Apt. G, Brantford, Ontario, Canada N3S 7T4**

Council Members:

Date Claim Filed:	June 8, 2006
Date Action Commenced:	July 10, 2006
Date of Occurrence:	April 2, 2005
Location:	Rainbow Parking Garage
Nature of Claim:	Personal injuries from trip and fall on City property
Status of Action:	Jury selection set for January 15, 2008
Recommendation:	Best interests of City to pay claim.
Amount to be Paid:	\$140,000.00
Make Check Payable to:	<b><i>“Nelson Torre, as attorney for Elva Wilcox”</i></b>
Conditions:	General Release to City and Stipulation to Discontinue, 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 #10- 1-14-08

**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:

<b><u>Provider</u></b>	<b><u>Date of Service</u></b>	<b><u>Amount</u></b>
Niagara Orthopaedic	December 3, 2007	\$ 97.72
Northtowns Imaging, P.C.	June 14, 2007	992.00
<b>Total</b>		<b>\$1,089.72</b>

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- 1-14-08

RE: Mayor's Approval of resolution 2007-113

Please be advised that on December 24, 2007 Mayor Vincenzo V. Anello duly approved Resolution 2007-113, relative to amending Chapter 305 of the Codified Ordinances entitled "Amusements and Amusement Centers".

Item # 12- 1-14-08

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 Chairman.

All of the current 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 appoint the eight individuals to the Empire Zone Board through December 31, 2008, or until appointment of replacements?

Respectfully submitted,

W. Lee Whitaker, Empire Zone Board Chair

Item # 13-1-14-08

WHEREAS, on February 2, 2008, the Pine Avenue Business Association will conduct its annual Director's Dinner Dance; and

WHEREAS, **Sevenson Environmental** will be honored as the Business of the Year; and

WHEREAS, **Michael Capizzi, Jr. of Michael's Restaurant** will be honored as the Business Person of the Year; and

WHEREAS, **Melissa Morinello of NFMCMC** will be the recipient of Pine Avenue's Biggest Asset Award; and

WHEREAS, **Anna Sannicola, John Caso, Vincenzo Anello, David Young, Marge Gillies, and Maria Massaro** will be the recipients of PABA's Community Service Award.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it extends its congratulations on behalf of all the citizens of the City of Niagara Falls in honoring the recipients of Pine Avenue Business Association's 2008 Business and Community Service Awards.

Item # 14- 1-14-08

WHEREAS, “You can’t separate peace from freedom, because no one can be at peace unless he has his freedom”; and

WHEREAS, Dr. Martin Luther King, Jr. was the principal leader of the civil rights movement during the 1950’s and 1960’s and as such, eloquently expressed the need for social justice for America’s minority population; and

WHEREAS, Dr. Martin Luther King, Jr. was honored for his nonviolent civil rights activism with the 1964 Nobel Peace Prize; and

WHEREAS, in spite of Dr. King’s emphasis on nonviolence, he became the target of violence which took his life on April 4, 1968; and

WHEREAS, on Monday, January 21<sup>st</sup>, 2008, the City of Niagara Falls will officially observe the birthday of Martin Luther King, Jr. and celebrate with the 27<sup>th</sup> Annual Dr. Martin Luther King, Jr. Luncheon at the Niagara Community Center.

NOW THEREFORE BE IT RESOLVED by the City Council of Niagara Falls, New York that we hereby honor the memory of Dr. Martin Luther King, Jr. and celebrate with the theme of “Planting the Seed for Tomorrow: A Legacy of Hope.”

Item #15 -1-14-08

BE IT RESOLVED, that the following individuals are hereby appointed to the City of Niagara Falls Youth Board effective immediately for the expiration date, which appears opposite their names:

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Candace Corsaro 1826 North Avenue Niagara Falls, NY 14305 - 284-2177	12/31/10
Vincent Cancemi 3923 McKoon Avenue Niagara Falls, NY 14305 – 284-2688	12/31/10
Philip Mohr 4525 Lewiston Road Niagara Falls, NY 14305 622-4505	12/31/10
Alexandrea Dell – <b>Youth Member</b> 1303 Roselle Avenue - Niagara Falls, NY 14305 285-3718	12/31/10
Michael Montanaro – <b>Youth Member</b> 2757 LaSalle Avenue – Niagara Falls, NY 14301 297-1114	12/31/10

Anderson \_\_\_\_\_ Fournier \_\_\_\_\_ Robins \_\_\_\_\_ Walker \_\_\_\_\_ Fruscione \_\_\_\_\_

Item #16- 1-14-08

WHEREAS, the Niagara Beautification Commission held a holiday decorating contest in 2007 and has announced the following winners:

**Overall Niagara Falls winner:**

Sanja Bruder

and Gordon Bruder                      1032 – 97<sup>th</sup> Street

**DeVeaux area:**

Robert and Raffaella Pullo              921 Harrison Avenue

**Center City area:**

Antoinette Rowles                      2201 Whitney Avenue

**South end area:**

Lawrence Gornicki                      2627 Welch Avenue

Stella Gornicki

**Hyde Park area:**

Sam and Marisa Gara                      2722 Forest Avenue

**LaSalle area:**

Fred and Lori Hillman                      5634 Lindbergh Avenue

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it extends its congratulations on behalf of all the citizens of the City of Niagara Falls in honoring the Niagara Beautification Commission and all their honorees .

Item #17- 1-14-08

RESOLUTION NO. 2008-  
RELATIVE TO ENVIRONMENTAL PROTECTION FUND  
APPLICATION FOR LASALLE BLUEWAY TRAIL

By: Council Chairman Samuel Fruscione  
Council Member Robert Anderson, Jr.  
Council Member Steve Fournier  
Council Member Chris Robins  
Council Member Charles Walker

WHEREAS, the City of Niagara Falls has applied for an environmental protection fund grant for the above referenced project with a total cost of \$246,650 with State assistance in the amount of \$92,500 and a local share of \$154,150 of which \$48,650 would be in-kind services; and

WHEREAS, matching funds will be available from either casino revenue or 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.

Item #18- 1-14-08

RESOLUTION NO. 2008-  
RELATIVE TO ENVIRONMENTAL PROTECTION FUND  
APPLICATION FOR JAYNE PARK RESTORATION PROJECT

By: Council Chairman Samuel Fruscione  
Council Member Robert Anderson, Jr.  
Council Member Steve Fournier  
Council Member Chris Robins  
Council Member Charles Walker

WHEREAS, the City of Niagara Falls has applied for an environmental protection fund grant for the above referenced project with a total cost of \$290,000 with State assistance in the amount of \$145,000 and a local share of \$145,000; and

WHEREAS, the local share will be available from either casino funds or Power Authority greenway funds.

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.

Item #19- 1-14-08

RESOLUTION NO. 2008-  
RELATIVE TO ABANDONMENT OF A PORTION  
OF THE ALLEY RUNNING WEST FROM TENTH STREET  
BETWEEN MICHIGAN AND SOUTH AVENUES

By: Council Chairman Samuel Fruscione  
Council Member Robert Anderson, Jr.  
Council Member Steve Fournier  
Council Member Chris Robins  
Council Member Charles Walker

WHEREAS, the City Council of the City of Niagara Falls desires to abandon a portion of the alley running west from Tenth Street between Michigan and South Avenues; and

WHEREAS, this will free this property for the construction of the new courthouse facility; and

WHEREAS, the City Council did by resolution give notice of its intention to abandon the aforementioned alley portion 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 January 14, 2008 at 7:00 p.m. Eastern Standard Time and advised that all persons interested would be heard thereon at said time and place; and

WHEREAS, the hearing was duly held on January 14, 2008 at 7:00 p.m. Eastern Standard Time in regards to the said abandonment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that a portion of the alley described as follows: Commencing at the point of intersection of the south line of said alley with the west line of Tenth Street, said point being 142 feet according to the map and 143.26 feet as recently measured north of the intersection of the north street line of Michigan Avenue with the west street line of Tenth Street, as measured along the west line of Tenth Street; running thence west along the south line of said alley, a distance of 149.99 feet to a point which is also the point of intersection of the south line of said alley with the northeast corner of property of David Slepian as described in Liber 1453 of Deeds at page 21; thence north to a point on the north line of said alley; thence east along the north line of said alley, a distance of 192 feet as shown on the map and 191.81 feet as recently measured to the point of intersection of the north line of said alley with the west line of Tenth Street; thence south along the west line of Tenth Street, a distance of 16 feet to the point and place of beginning 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 is authorized to sign deeds or other documents desirable to effectuate this abandonment.

Walk-on Item #20

*RE: Designation of representative to Niagara Power Coalition and the Host Community Standing Committee*

Council Members:

The by-laws of the Niagara Power Coalition require that each member entity formally designate its voting representative and any alternates.

The City also needs to designate its representative and alternate for the Host Community Standing Committee related to the greenway funding.

It is my recommendation that the City continue the practice of the Mayor being the representative on both the Power Coalition and the Standing Committee and that Thomas M. O'Donnell, the Acting Corporation Counsel, be the alternative representative for both the Power Coalition and the Standing Committee.

Will the Council so approve?

Walk-on #21

*RE: Niagara Falls Housing Authority Wage Increases*

Council Members:

The Board of Commissioners of the Niagara Falls Housing has approved wage and salary increases for its union and non-union personnel, as set forth in the attached communication dated December 19, 2007.

Section 32 of the Public Housing Law of the State of New York requires the approval of such wage and salary increases by this Council as the local legislative body. None of the wages or salaries of Housing Authority employees are paid by City funds.

Accordingly, will the Council approve the Niagara Falls Housing Authority wage and salary increases for the aforementioned employees in accordance with the attached communication?

Walk-on #22

RESOLUTION No. 2008-

RELATIVE TO AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFOR

BY: Council Chairman Samuel Fruscione

WHEREAS, a Project for the reconstruction of 10<sup>th</sup> Street, from Niagara Street to Cedar Avenue and Cedar Avenue from Main Street to 10<sup>th</sup> Street, in the City of Niagara Falls, Niagara County, PIN 5757. (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) phase of the Project, PIN 5757.17.

NOW, THEREFORE, the City Council of the City of Niagara Falls, duly convened does hereby

RESOLVE, that the City Council of the City of Niagara Falls hereby approves the above-subject project; and it is hereby further

RESOLVED, that the City Council of the City of Niagara Falls hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) phase of the Project or portions thereof; and it is further

RESOLVED, that the sum of \$570,000 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-VI) phase exceeds the amount appropriated, \$ 570,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-VI) phase exceeds \$810,000, the City of Niagara Falls shall convene its City Council as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, that the Mayor of the City of Niagara Falls be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Niagara Falls with New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, that this Resolution shall take effect immediately.