

Item #1

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

**NOTICE OF CLAIM**

**ALLEGED DAMAGE**

Ronald Sconiers  
1867 Ontario Ave

Alleged personal injuries upon exit from a transport vehicle from Niagara County Jail.

Clara Moore  
1637 Weston Avenue

Automobile damage sustained from a pothole in a City street

Susan Hendler  
2920 Birch Avenue

Personal injuries sustained from being struck by a motor vehicle due to overgrown vegetation

Kemper Insurance a/s/o Lastonza Moxley  
PO Box 4780  
Syracuse, NY 13221-4780

Recovery of No Fault benefits paid to Ricky Rodgers

Kemper Insurance a/s/o Lastonza Moxley  
PO Box 4780  
Syracuse, NY 13221-4780

Recovery of No-Fault benefits paid to Arthur Wagner

Kemper Insurance a/s/o Lastonza Moxley  
PO Box 4780  
Syracuse, NY 13221-4780

Recovery of No-Fault benefits paid to Arielle Bones

Lena Thomas  
3356-9<sup>th</sup> Street  
Niagara Falls, NY 14305

Damage to automobile caused by pothole

Artasker M. Walker  
2748 Grand Ave.  
Niagara Falls, NY 14301

Damage to automobile caused by fallen City tree

Samuel Brett  
356 Tremaine Avenue  
Kenmore, NY 14217

Loss of coat due to a sharp, chipped section on breakbar of City Hall door.

**SUMMONS AND COMPLAINT**

HSBC Bank USA, National Association, as  
Trustee for Citigroup Mortgage Loan

Index No. 135017

Nancy Dolan  
1311 Norwood Ave  
Niagara Falls, NY 14305

Index No.: 135029

**Item # 2**

*RE: Appropriation of Casino Funds*

Council Members:

As part of the City's continuing efforts to revitalize neighborhoods, a bid was solicited, which appears elsewhere on your agenda, to cut down and remove 30 city street trees.

To fund this project, it is requested that \$28,600.00 of Casino Funds be appropriated.

Will the Council so approve?

Item #3

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

TO: Heritage Tree Care  
PO Box 607  
Wilson, NY 14172

FOR: Removal of Thirty (30) trees on City margins;  
including stump removal and ground restoration: \$28,600.00

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 twelve (12) vendors. Eight (8) bids were received. The above referenced company submitted the lowest bid.

A separate item is on the Council's agenda requesting approval of the funding source for this expenditure.

Item #4

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

To: Biel's Information Technology Systems  
1201 Indian Church Road  
Buffalo, NY 14224-1383

FOR: Microfilming and scanning architectural drawings per the attached tally sheet

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 seventeen (17) vendors. Two (2) bids were received. The above referenced company submitted the lowest bid to meet our specifications.

Funds for this expenditure are available in the New York State Archives Records Management Grant code: S1460.000.0449.599.

Item #5

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

TO: Valley Fab & Equipment, Inc.  
9776 Trevett Road  
PO Box 380  
Boston, NY 14025

FOR: One (1) flat bed body: \$9,960.00

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 five (5) vendors. Two (2) bids were received. The above referenced dealer submitted the lowest bid. A bid was also received from Snowfighting Equipment & Consultants of Buffalo, Inc. (\$12,586.00).

Funds for this expenditure are available in the 2008 Capital budget code:  
H0822.2008.0822.0250.000.

Item #6

***RE: Budget Amendment for Emergency Demolitions and Board-Ups***

Council Members:

The Inspections Department has depleted the funds available for Emergency Demolitions and Board-Ups.

Funds are used after fires and other emergencies so it is difficult to precisely estimate the amount needed for the balance of the year but it is recommended that \$150,000.00 be appropriated from fund balance to cover these possible expenses through the balance of 2008.

Any sums that are not used will revert to fund balance.

Will the Council so approve?

Item #7

***RE: LaSalle Canoe Trail Project Grant***

Council Members:

The Niagara County Environmental Fund has ordered \$85,000.00 for the implementation of the LaSalle Canoe Trail Project.

Niagara County is acting as a pass through to the City for these funds and therefore an Intergovernmental Agreement between the County and the City is required. The City will be responsible for all work on the project and documentation necessary to receive the funds from the Environmental Fund. The City will also indemnify the County of any liability arising under the Agreement.

Will the Council approve and authorize the Mayor to execute an Agreement in a form acceptable to the Corporation Counsel?

Item #8

*RE: Request to Purchase Blinds, Mats and Copier for LaSalle Senior Facility*

Council Members:

There is \$3,396.00 left over from the capital improvement fund that was initially used to purchase carpet for LaSalle Senior Facility.

It is requested that a portion of these remaining funds be used to purchase new blinds, mats and copier totaling \$1,884.00.

Will the Council so approve?

Item #9

***RE: City of Niagara Falls Fire Department Grants***

Council Members:

The Fire Department has been awarded an \$8,100.00 grant to launch a Cardiac Disease Reduction Program and a \$2,500.00 grant for the Capital improvements.

No matching funds are required.

Will the Council approve the receipt of these grants and authorize the Mayor to execute the grant agreements and any other necessary documentation?

Item #10

*RE: Appointment of Anthony F. Quaranto to the Board of Bellevue Local Development Corporation*

Council Members:

I hereby appoint Anthony F. Quaranto to the Board of Bellevue Local Development Corporation.

Will the Council so approve?

**Council Members:**

As you know, the HOPE VI Project has been delayed by the problem of incinerator ash discovered under the Center Court Park playground. We are still working out the final details of the ash excavation and disposal, including the type of fill which can be used in utility trenches and other issues. The overall principle is that excavated ash will be removed from foundations, roads, utility trenches, water main trenches and similar areas. Two feet of clean fill will be placed within the HOPE VI area as required by Department of Environmental Conservation and other applicable regulatory agencies. All excavated material will be disposed of in an appropriate landfill. Plastic barriers to mark the boundaries between ash and clean fill are required. In some instances (around water lines), protective barriers may be required.

You may recall that the City approved a grant of \$3 Million to the Project, with \$2 Million to be used for hard costs for Phase 1 and \$1 Million to be used for hard costs for Phase 2. The State has agreed to provide \$1 Million of the \$3 Million City grant from the City casino funds that the State was holding. The City transferred the other \$2 Million to the Housing Authority. We are told that the additional remediation work will cost in excess of \$3 Million. The City is prepared to commit or promise assistance to meet these costs.

First, we will allow the \$1 Million of the City's \$3 Million grant which was reserved for Phase 2 to be used for Phase 1 remediation costs. Next, the City will grant \$1 Million of 2007 casino revenues received in 2008 to Phase 1 remediation costs. Finally, the City will express its intent to appropriate \$1 Million of 2008 casino revenues to Phase 1 remediation costs. These 2008 revenues cannot be appropriated at this time, and further Council action will be required to validate this "promise" when the 2008 casino revenues are received in 2009.

Former Mayor Anello, in a letter dated May 1, 2006, "pledged" \$2 Million in CDBG or HOME funds to Phase 2 of the Project. The Mayor was not authorized to make that "pledge," and revenues of the City can only be appropriated for each year in the annual budget process. The \$2 Million of additional funds for Phase 1 remediation proposed under this action will fulfill Mayor Anello's "pledge." Upon payment of these funds, the City will have fulfilled its promises for the HOPE VI Project. There will be no obligation, legal or otherwise, for the City to provide additional funds.

This \$5 Million grant is without precedent. The \$5 Million grant is an indication of City's commitment to revitalization of the Highland Avenue neighborhood and the City's support for housing for its citizens.

**RE: City Council Agenda Item:  
Gadawski's Restauartant  
\$5,000 Casino Revenues Grant and \$10,000 Casino Revenues Loan  
Council Members:**

Gadawski's Restaurant at 1445 East Falls has been a fixture on the East Side for over 40 years. Although the surrounding neighborhood has deteriorated, the restaurant continues to attract patrons and has acted as an anchor for the area.

This application for a loan and grant is a carryover from the "significant impact grants" previously approved. Mr. Gadawski had contacted the Mayor to be included when funds were available. Since we now received all the required documents for this loan/grant request, we want to process it as part of that program.

This loan and grant will maintain a longtime business located in an Urban Renewal area. The project qualifies under the neighborhood revitalization and economic development criteria of State Finance Law 99-h for the expenditure of the annual casino revenues.

Grant and loan funds will be disbursed for capital renovation costs. The applicant must demonstrate the availability of the grants, loans and equity necessary to complete the project. Loan terms will be approved by the N.F.C. board. The project must be complete by December 31, 2009.

Funding is available for this project from 2007 casino revenues allocated to Niagara Falls Urban Renewal Agency.

Will the Council vote to authorize the transfer of \$15,000 to Niagara Falls Urban Renewal Agency, for transfer to N.F.C. Development Corp. for a grant and loan of casino revenues as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

**RE: City Council Agenda Item:  
Rapids Theater 1711 Main Street Restoration Project  
\$250,000 Casino Revenues Grant**

**Council Members:**

John Hutchins purchased the former Rapids Theater at 1711 Main Street at the 2007 City tax foreclosure auction. He is working to obtain the funds necessary to renovate the property and create a venue which can become a destination concert hall and community gathering place for special events. To date, Mr. Hutchins has invested approximately \$300,000 into the building. The total costs for project are estimated to be \$1.2 Million.

The project will generate approximately 20 construction jobs. When completed, the operations will include 4 to 6 full time employees, plus up to 30 part time employees for events. In addition, the venue will contract with a third party for security at special events.

The project qualifies under the neighborhood revitalization and economic development criteria of State Finance Law 99-h for the expenditure of the annual casino revenues. This project will be a valuable addition to the north end development mix. It can be an example to spur other private investment into the area. The project will restore this valuable building in an area which is being revitalized with the Courthouse and Family and Children's Services project. Mr. Hutchins is also renovating buildings he has purchased at 1906-08 and 2002 Main Street.

Funding is available for this project from 2007 casino revenues allocated to Niagara Falls Urban Renewal Agency. The actual grant conditions will be determined by the N.F.C board.

Will the Council vote to authorize the transfer of \$250,000 to Niagara Falls Urban Renewal Agency, for transfer to N.F.C. Development Corp. for a grant of casino revenues as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Item #14

*RE: Appropriation of Casino Funds for Emergency Repairs to Niagara Falls Memorial  
Medical Center Parking Ramp*

Council Members:

The parking ramp owned by Niagara Falls Memorial Medical Center is in need of emergency repairs. The hospital has requested the City's assistance in funding these repairs.

It is estimated that the cost of these repairs will be approximately \$40,000.00 and request that the Council appropriate up to \$40,000.00 of Casino Funds to pay for the cost of these repairs.

Will the Council so approve and authorize the Mayor to execute an agreement in a form acceptable to the Corporation Counsel?

**RE: Youth Board Contracts**

Council Members:

The City's Youth Board enters into funding contracts with various entities. The City is reimbursed for the funding of these agreements by the State of New York.

The proposed agreements for 2007 and 2008 are as follows:

- 1) Salvation Army, \$9,051.00 and \$8,684.00;
- 2) Niagara Falls Boys & Girls Club, \$9,000.00 and \$7,786.00; and
- 3) Catholic Charities - Niagara District, \$6,312.00 (2007 only).

Will the Council approve entering into the Agreements with the listed entities and authorize the Mayor to execute contracts in a form acceptable to the Corporation Counsel?

Item #16

***RE: Amendment of the Police and Probation Accountability Grant***

Council Members:

The City has received an increase of \$78,093.00 for the above referenced Grant which is shared with the Community Missions and Probation Department.

The required match is from in-kind services.

Will the Council approve the acceptance of this increase and authorize the Mayor to execute any contract amendments and other required documentation to effectuate this increase?

Item #17

*RE: Appointment of Corporation Counsel and Establishment of Salary*

Council Members:

I hereby appoint Craig H. Johnson, 86 Grayton Rd, Tonawanda, NY to the position of Corporation Counsel.

As the Council is aware the Community Foundation of Greater Buffalo's "Build a Better Niagara Fund" has agreed to fund the search for this position and to also subsidize the increased salary that is required to attract the preferred candidate.

The 2008 proposed budget contained a proposed salary of \$75,000.00 for Corporation Counsel which was reduced by Council Amendment to \$68,000.00 with the \$7,000.00 being put into a contingency account.

The salary that was agreed to is \$93,000.00 annually.

Will the Council vote to confirm the appointment of Craig H. Johnson, and to establish the salary of \$93,000.00 annually commencing with the start of his employment and will the Council vote to appropriate \$7,000.00 from the contingency fund to fund the increased salary with the difference to be provided by the Build a Better Niagara Fund?

Item #18

***RE: Police Grant for Buffer Zone Protection Plan***

Council Members:

The Police Department has been awarded an \$182,875.00 Grant from the New York State Office of Homeland Security under the Buffer Zone Protection Plan.

There is no City match required.

Will the Council approve the acceptance of this grant and authorize the Mayor to execute the grant agreement and any other necessary documentation?

Item #19

RE: Request for Approval to Pay Arbitration Award of Renee Fiorentini, 2236 Grand Avenue, Niagara Falls, NY

Council Members:

Date Claim Filed:	July 2, 2002
Date Action Commenced:	May 19, 2003
Date of Occurrence:	April 10, 2002
Location:	Intersection of Buffalo Avenue and Portage Road
Nature of Claim:	Personal injuries sustained in an accident with City vehicle
City Driver:	George H. Crawley
Status of Action:	Post – Arbitration Award
Recommendation/Reason:	State Supreme Court Arbitration Award
Amount to be Paid:	\$475,000.00
Make Check Payable to:	Lipsitz, Green, Scime, Cambria, LLP as attorneys for Renee Fiorentini
Conditions:	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?

RESOLUTION No. 2008–

RELATIVE TO THE MAIN STREET BUSINESS AND PROFESSIONAL  
ASSOCIATIONS ANNUAL DINNER

BY:

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

WHEREAS, on November 14, 2008, the Main Street Business and Professional Association will hold their Annual Awards Dinner; and

WHEREAS, **Maid of the Mist** will be honored as the Business of the Year; and

WHEREAS, **Paulette Shine** will be honored as the Business Person of the Year; and

WHEREAS, **Candra Thomason** will be the recipient of the George Kurtzman Award; and

WHEREAS, **Frank Brzezinski** will be the recipient of the President's Distinguished Service Award; and

WHEREAS, **Dr. Rocco LaRocca** will be the recipient of the Michael A. Brundidge Community Service Award; and

WHEREAS, **Luis Gonzalez** will be the recipient of the Rainbow Award; and

WHEREAS, **the Main Street Post Office** will be the recipient of the Beautification Award; and

WHEREAS, **the Municipal Courthouse Advisory Committee Members; Christopher Brown, Laurie Davis, William Williamson, Arthur Garabedian, Shawn J. Weber, Thomas G. Pryce and Paul Tronolone** will receive Special Recognition; and

WHEREAS, **Salvatore Pino, Heather Wolcott and Mary Jo Zacher** will be the recipients of the Angel Awards.

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 the Main Street Business and Professional Association's 2008 Business and Community Service Awards.

RESOLUTION No. 2008–

RELATIVE TO THE  
NIAGARA FALLS BRIDGE COMMISSION  
RELEASING THE DETAILS OF SEVERANCE PACKAGE

BY:

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

WHEREAS, the Niagara Falls Bridge Commission is responsible for all facets of the operation of the three international crossings in Niagara County, the Rainbow, the Whirlpool Rapids and the Lewiston-Queenston Bridges; and

WHEREAS, until July of 2008, Thomas E. Garlock had been the General Manager of the agency for the previous eight years; and

WHEREAS, on July 21<sup>st</sup> of this year, Mr. Garlock abruptly resigned his position with the organization; and

WHEREAS, the circumstances of Mr. Garlock's departure have been shrouded in secrecy by members of the Commission since his departure; and

WHEREAS, it has been reported that Mr. Garlock's compensation package upon the termination of his employment included a lavish severance package at taxpayer expense; and

WHEREAS, the members of the Commission have adamantly refused to comply with repeated requests for the details of such compensation package, stating that the Commission is not obligated to release the information to the public; and

WHEREAS, Robert Freeman, the executive director of New York's Committee on Open Government, has issued an opinion stating that a 1991 ruling deemed the commission to be a "public agency or public authority of the state of New York." As a result, Freeman contends that the agency is covered under state Freedom of Information Law.

NOW THEREFORE BE IT RESOLVED, that the Niagara Falls City Council does demand that the Niagara Falls Bridge Commission release the details of Thomas Garlock's severance package from said Commission; and

BE IT FURTHER RESOLVED, that the Niagara Falls City Council does hereby request that Governor David Paterson follow suit by demanding the release of said information, despite attempts by the Commission to hide behind privacy laws; and

BE IT RESOLVED, that copies of this resolution be sent to Governor Patterson and the members of the Niagara Falls Bridge Commission.

RESOLUTION No. 2008–

RELATIVE TO THE APPOINTMENT TO THE  
NIAGARA FALLS CIVIL SERVICE COMMISSION

BY:

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

BE IT RESOLVED, that the following individual is hereby appointed to the  
City of Niagara Falls Civil Service Commission effective immediately to fill the  
unexpired appointment of Mr. Willie C. Fields.

**APPOINTMENT**

**TERM EXPIRES:**

Jackie S. Todd  
2622 Welch Avenue  
Niagara Falls, NY 14303

5/31/14