

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 September 2008.

		<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001 A012	Vital Statistics	\$ 5,484.00	\$ 5,484.00
A1255-004 A013	Certificates of Marriage	\$ 690.00	\$ 690.00
A1255-004 A013	Copies of Records	\$ 538.50	\$ 538.50
A2501-011 A044	Peddler	\$ 600.00	\$ 600.00
A2501-014 A046	Electrician- Exam Fee	\$ 125.00	\$ 125.00
A2501-016 A047	Stationary Engineers Test Fee	\$ 40.00	\$ 40.00
A2501-021 A048	Amusement Games	\$ 4,950.00	\$ 4,950.00
A2542-000 A053	Dogs/N County Treasurer	\$ 416.45	\$ 416.45
A2542-000 A053	Dogs/NYS Agr. & Mkts	\$ 159.00	\$ 159.00
A2542-000 A053	Additional Dogs	\$ -	\$ -
A2545-001 A054	Marriage License/NYSHD	\$ 2,442.55	\$ 2,442.55
A1255-002 A123	Commissioners of Deeds	\$ 517.50	\$ 2,070.00
A2501-015 A266	Home Improvement	\$ 5.00	\$ 5.00
A2545-021 A316	Vending	\$ 875.00	\$ 875.00
A2545-023 A318	Hunters/NYS DEC RAU	\$ 8,200.00	\$ 8,200.00
A2545-023 A318	Hunters Fees	\$ -	\$ 2,289.81
A1255-003 A499	Notary Fee	\$ 126.19	\$ 126.19
A1255-005 A528	Dog Release	\$ 2.00	\$ 2.00
TA63-008 A597	Marriage Performance	\$ 550.00	\$ 550.00
A1255-006 A696	Photos / Passport - License	\$ 800.00	\$ 800.00
		\$ 63.00	\$ 63.00
TOTAL:		<u>\$ 4,417.76</u>	<u>\$ 26,008.74</u>
			<u>\$ 30,426.50</u>

Check #	<u>38403</u>	Niagara County Treasurer	\$ 416.45
Check #	<u>38442</u>	NYS Dept.of Arg. & Mkts	\$ 159.00
Check #	<u>38401</u>	NYS Health Department	\$1,552.50
		NYS DEC	
Check #	<u>ET</u>	RAU	\$2,289.81

Item #2

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

NOTICE OF CLAIM

ALLEGED DAMAGE

Darice M. Clayton
623 22nd Street

Alleged unlawful employment termination by the City

Suzette Renee Gordon
8260 Witkop Ave.

Alleged damage to vehicle from City tree

James Moore
1833 Cleveland Ave.

Alleged damage to vehicle from pothole

Artistique Photo
3066 Upper Mountain Road
Sanborn, NY 14132

Alleged vehicle damage due to street conditions

Thomas & Frank Tedesco
1570 Benjamin Dr.

Alleged automobile damage sustained while parked at Firehouse #4.

James Piotrkowski
617-73rd St.

Alleged damage to boat trailer from sinkhole

Daniel R. Bryan
3035 Stieg Road
North Tonawanda, NY 14120

Alleged personal injury and damages caused by a police officer

Gregory B. Zaker
9890 Niagara Falls Blvd.#12

Alleged damage to automobile by City vehicle

Melinda Smith
1827 Willow Avenue

Alleged damage to automobile by a City vehicle

Harvey C. Huff
3066 Upper Mt. Rd.
Sanborn, NY 14132

Alleged damage to automobile from road conditions

SUMMONS AND COMPLAINT

FCB Properties, LLC
5105 Lockport Rd.
Lockport, NY 14094

Index No. 08-49196

Traci L. Dacosta

Index No. 134734

Paula Brewer & Gilbert Brewer, Sr.

Index No. 134249

Amanda Nikolova

Index No. 134786

Item #3

SUBJECT: CHANGE ORDER #1 – FENCE REPLACEMENTS AT VARIOUS CITY BALLFIELDS

A contract for the above referenced project was awarded to Fox Fence Inc. on April 23, 2008 in the amount of \$65,500.00.

Subsequent to the start of work, multiple additional fence posts and an additional fence assembly were found to be beyond repair. The costs associated with these extra repair items are \$3,878.00 and \$390.00 respectively, for an additional total cost of \$4,268.00. Funding is available under funding code A7110.3460.0443.000.

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

Item #4

**SUBJECT: LETTER OF AWARD FOR ROOF REPLACEMENTS AT CORPORATION YARD
1785 NEW ROAD**

The following was the result of bids received on September 30, 2008, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Danny Thompson Inc. 2102 11th Street Niagara Falls, NY 14305	\$ 572,052.00
Jameson Roofing Inc.	\$ 788,800.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Danny Thompson Inc., at its Base Bid of \$572,052.00. Funding is available from the 2006 and 2007 casino revenue.

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

Item #5

RE: United Way Holiday Festival of Lights

The United Way is once again sponsoring the Holiday Festival of Lights at Hyde Park and has requested a contribution of \$30, 000.00 towards the expenses of running the event as well as the use of the facilities at Hyde Park

Funds are available in the Tourism Fund Balance account T0000.4999.0000. Attached is a proposed agreement with United Way for this year's Holiday Lights.

Will the Council approve the contribution of \$30,000.00 and the attached agreement and authorize the Mayor to execute the agreement?

Item #6

**RE: Agreement between UCS and the City of Niagara Falls for Court Cleaning and Minor Repairs (Contract #300230)
New Five-Year Contract Agreement with Budget for SFY 2008-2009**

The current Court Cleaning and Minor Repairs Contract between the Unified Court System and the City of Niagara Falls is effective for a 5-year term running from April 1, 2008 through March 31, 2013 and is divided into annual 1-year periods.

Under Section 1 of the Contract, we are entering into a Renewal Contract for a 1-year period commencing on April 1, 2008 and terminating on March 31, 2009.

The maximum compensation for this Renewal Contract period shall be \$195,103.00.

Will the Council so approve and authorize the Mayor to execute any required documentation to effectuate same?

Item #7

RE: Grant Awarded to Fund a Police Liaison

The City has received a Grant from the Office of Justice Programs in the amount of \$25,252.00 to fund a Police Liaison position.

No matching funds are required.

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

Item #8

RE: Designation from Casino Funds for Economic Development Positions

It is requested that the Council designate \$605,000 from 2006 URA casino funds to cover the 2008 and 2009 City share of the Economic Development Director's salary and benefits, the 2008 and 2009 City portion of the North Star Coordinator salary and benefits, and the Empire Zone, NFC, URA and Grant Writer positions salary and benefits.

Will the Council so approve?

Item #9

RE: Law Enforcement Judgment Training System Grant

The Police Department has been awarded a \$ 46,000.00 Grant to acquire a Prism Portable Trainer Pro Judgment and Force option training system.

No matching funds are required.

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

RE: Culinary Institute

As the Council is aware Niagara Community College is pursuing the placement of the Niagara Falls Culinary Institute in and around the Crowne Plaza Hotel in downtown Niagara Falls. The project includes the creation of substantial construction and permanent jobs. In addition, the project will bring the employees and culinary students to our downtown. We are willing to provide a \$1.5 Million grant for project costs. \$1 Million is available from the 2008 Casino revenues and \$500,000 could come from the 2009 Casino revenues. This amount would match the support that the project is expected to receive from Niagara County.

State Finance Law 99-h regulates the expenditure of the annual casino revenues, and requires the funds to be spent “for such public purposes as are determined, by the city, to be necessary and desirable to accommodate and enhance economic development.” The project qualifies under this economic development category.

Grant funds will be disbursed for capital costs. The grantee must demonstrate the availability of the grants, loans and equity necessary to complete the project. The project must be complete by December 31, 2010.

In addition, the College will be seeking to acquire property adjacent to the Hotel which is owned by the Urban Renewal Agency and the City. This will be a subject of separate approval with the City and Agency.

Will the Council approve the designation of the Casino funds for this project?

Item #11

*RE: Request for Approval to Settle and Pay Claim of Janine Fortuna
150 Cranburne Lane, Williamsville, New York*

Council Members:

Date Claim Filed:	January 8, 2008
Date Action Commenced:	N/A
Date of Occurrence:	October 31, 2007
Location:	8520 Lindbergh Avenue
Nature of Claim:	Damage caused by a City tree.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	\$499.50
Make Check Payable to:	Janine Fortuna
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 #12

RE: Request for Approval to Settle and Pay Kim M. Roberts

Council Members:

Date Claim Filed:	June 22, 2007
Date Action Commenced:	December 20, 2007
Date of Occurrence:	June 11, 2007
Location:	Tenth Street at intersection with Ferry Avenue
Nature of Claim:	Personal injuries due to being struck by Police cruiser.
City Driver:	Police Officer Charles Fink
Status of Action:	Litigation stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	\$75,000
Make Check Payable to:	Walsh Roberts & Grace as attorneys for Kim M. Roberts
Conditions:	General Release and Stipulation of Discontinuance 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 NIAGARA STREET AREA BUSINESS AND PROFESSIONAL
ASSOCIATION’S 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 October 16th, 2008, the Niagara Street Area Business and Professional Association will hold its annual dinner; and

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

WHEREAS, **Michael Palmeri, Sr. of Mike’s DQ** will be honored as the Business Person of the Year; and

WHEREAS, **Sharon Szwedo** will be the recipient of President’s Award; and

WHEREAS, **William Bradberry** will be the recipient of the Leadership Award;
and

WHEREAS, **United States Senator Charles E. Schumer** will be the recipient of the Stateman Award; and

WHEREAS, **Larry Krizan – Neighborhood Housing Services** will be the recipient of a Special Award; and

WHEREAS, **Dave Kinney and John Caso – City of Niagara Falls Public Works; Robert Spacone – City of Niagara Falls Trades; the Niagara Gazette; the Niagara Falls Bridge Commission; the Niagara County Legislature; Cal Babcock; and the Niagara Falls Tourism Advisory Board** will be the recipients of the Appreciation 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 the Niagara Street Area Business and Professional Association’s 2008 Business and Community Service Awards.

RESOLUTION No. 2008-

**NOTICE OF SUBMISSION OF PROPOSED
2009 EXECUTIVE BUDGET AND PUBLIC HEARING THEREON**

BY:

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

WHEREAS, on October 1, 2008, the Mayor of the City of Niagara Falls duly submitted to the City Council the proposed 2009 Executive Budget for the City of Niagara Falls; and

WHEREAS, pursuant to Section 5.6.a of the Niagara Falls City Charter, this Council shall cause public notice of submission of said Executive Budget to be published together with a copy of a summary of said budget, and notice of the time and place of a public hearing thereon;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Niagara Falls, New York, NOTICE IS HEREBY GIVEN that on October 1, 2008, the proposed 2009 Executive Budget, a summary of which is attached hereto and made a part hereof, was duly submitted to this Council; and

BE IT FURTHER RESOLVED, that a public hearing be held on October 27, 2008 at 7:00 p.m. Daylight Saving Time in the Council Chambers of the City of Niagara Falls, New York pertaining to the adoption of the Proposed 2009 Executive Budget, at which time the Mayor, Administrator and Controller shall be present, at which time any person may be heard for or against the proposed budget; and

BE IT FURTHER RESOLVED, that a copy of this resolution calling for a hearing, together with the budget summary, be published in the Niagara Gazette at least one week prior to the date of said hearing; and

BE IT FURTHER RESOLVED, that copies of said proposed budget be made available for inspection in the office of the City Clerk.