

## Item #1

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

### NOTICE OF CLAIM

### ALLEGED DAMAGE

Wilma L. Claar  
1153 Haerberle Avenue

Personal injuries

Larry C. Dunn  
1826 Willow Avenue

Motorcycle damage and personal injuries sustained from hitting a pothole in a City alley

Samuel Porter Jr.  
P.O. Box 252 Bridge Station  
Niagara Falls, NY 14305

Unknown

Tracy Gruka, as parent and natural guardian of  
Dominic Gualtieri  
1308 Linwood Avenue

False arrest, et al.

Rochelle DeWitt Pittman II  
3155 Apple Court  
Niagara Falls, NY 14304

Automobile damage sustained from a pothole in a City street

S. A. Bathurst  
1102 – 93<sup>rd</sup> Street

Property damage sustained from a City tree

Geraldine Scipione  
2825 Walnut Avenue

Sewer damage

Christina Buzzelli  
6709 Lindbergh Avenue

Personal injuries sustained from stepping into a pothole in a City street

### SUMMONS AND COMPLAINT

John S. Taddeo  
1216 Haerberle Avenue

Index No. 134050

Liberty Mutual Insurance Company  
A/S/O: Robert Ware

Index No. 08-48276

### NOTICE OF PETITION

In the matter of the application of Verizon  
New York, Inc. (formerly New York  
Telephone Company)

Index No. 134098

Pine Station, Inc.

Index No. 134232

Wei Wan Tan

Index No. 134138

Wayne Kwang

Index No. 134139

TNT DD Realty, LLC

Index No. 134349

Realty Development-West, Inc. and  
BG Robinson Stop II, LLC

Index No. 134355

Wal-Mart Realty Company

Index No. 134073

NFNY Hotel Mgmt LLC

Index No. 134356

Item #2

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

**NOTICE OF CLAIM**

**ALLEGED DAMAGE**

Shirley Williams  
2113 10<sup>th</sup> Street

Automobile damage sustained from potholes in a City street

Nicole M. Deal  
2244 Pine Avenue Apt. 2

Automobile damage sustained from a City Fire truck

Chamia Johnson, Individually and as Parent  
and Natural Guardian of  
Khalil A. Mallory  
515 4<sup>th</sup> Street

Personal injuries sustained from a fall from a carnival ride

Wallace D. Tinnin  
632 ½ 15<sup>th</sup> Street

Loss of personal property while being detained by City police

Ann Lucore  
437 Elmwood Avenue

Personal injuries sustained from a fall on City property

Frances E. Bottom  
4003 Seneca Parkway  
Niagara Falls, NY 14304

Personal injuries sustained from a fall at the LaSalle Public Library

Wilma A. Claar  
1153 Haeberle Avenue

Personal injuries sustained from a fall in a City street

Gregory Colangelo  
793 VanRensselaer Avenue

Automobile damage sustained from a City vehicle

**SUMMONS AND COMPLAINT**

Rainbow Square LTD.

Index No. 134492

**NOTICE OF PENDENCY/  
SUMMONS AND COMPLAINT**

National Urban Ventures, Inc.,  
The Niagara Venture and Niagara Splash, Inc.

Index No. 134497

National Urban Ventures, Inc.,  
The Niagara Venture and Niagara Splash, Inc.

Index No. 134507

Item #3

**RE:** Mayor's Approval of Ordinance 15-2008

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Please be advised that on July 29, 2008 Mayor Paul A. Dyster duly approved Item 15-2008, relative to amending Chapter 171 of the Codified Ordinances entitled "Benefits of Employees not covered by Collective bargaining Agreements".

Item #4

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

			<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001				
A012	Vital Statistics		\$ 7,575.50	\$ 7,575.50
A1255-004				
A013	Certificates of Marriage		\$ 1,150.00	\$ 1,150.00
A1255-004				
A013	Copies of Records		\$ 617.00	\$ 617.00
A2501-006				
A042	Tour Attendant		\$ 100.00	\$ 100.00
A2501-006				
A042	Tour Driver/Guide		\$ 300.00	\$ 300.00
A2501-007				
A043	Auction		\$ 150.00	\$ 150.00
A2501-011				
A044	Peddler		\$ 450.00	\$ 450.00
A2501-014				
A046	Electrician- Exam Fee		\$ 125.00	\$ 125.00
A2501-016				
A047	Stationary Engineers		\$ 120.00	\$ 120.00
A2542-000				
A053	Dogs/N County Treasurer	\$ 505.50	\$ -	\$ 505.50
A2542-000				
A053	Dogs/NYS Agr.& Mkts	\$ 225.00	\$ -	\$ 225.00
A2542-000				
A053	Additional Dogs		\$ 2,906.50	\$ 2,906.50
A2545-001				
A054	Marriage License/NYSHD	\$ 2,587.50	\$ 862.50	\$ 3,450.00
A2550-001				
A056	Loading Zone		\$ 615.00	\$ 615.00
A2545-010				
A128	Petroleum- Retail		\$ 70.00	\$ 70.00
A2501-015				
A266	Home Improvement		\$ 875.00	\$ 875.00
A2545-021	Vending		\$ 30.00	\$ 30.00

A316				
A2545-023				
A318	Hunters/NYS DEC RAU	\$ 717.41	\$ -	\$ 717.41
A2545-023				
A318	Hunters Fees		\$ 25.59	\$ 25.59
A1255-003				
A499	Notary Fee		\$ 4.00	\$ 4.00
A1255-005				
A528	Dog Release		\$ 650.00	\$ 650.00
A2501-027				
A597	Marriage Performance		\$ 1,100.00	\$ 1,100.00
A2501-027				
A696	Photos / Passport - License		\$ 117.00	\$ 117.00
<b>TOTAL:</b>		\$ <u>4,035.41</u>	<u>\$ 17,843.09</u>	<u>\$ 21,878.50</u>

Check #	<u>37512</u>	Niagara County Treasurer	\$ 505.50
Check #	<u>37533</u>	NYS Dept.of Arg. & Mkts	\$ 225.00
Check #	<u>37510</u>	NYS Health Department	\$2,587.50
		NYS DEC	
Check #	<u>ET</u>	RAU	\$ 717.41

Item #5

**SUBJECT: EARL W. BRYDGES LIBRARY AMERICANS WITH DISABILITIES ACT (ADA) ENTRANCE  
INSTALLATION & MODIFICATIONS**

The following was the result of bids received on August 12, 2008, for the above referenced project:

<b><u>CONTRACTOR</u></b>	<b><u>BASE BID</u></b>
American Glass & Mirror Co., Inc. 2055 Military Road Niagara Falls, NY 14304	\$ 47,800.00
Sicoli Construction, Inc.	\$ 50,000.00

It is the recommendation of the undersigned that this project be awarded to American Glass & Mirror Co., Inc. at its Base Bid of \$47,800.00. Funding is available under Capital Code H0904.2004.0904.0443.000.

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

Item #6

**SUBJECT: LETTER OF AWARD FOR NEW BASKETBALL COURT AT CITY PLAYGROUND LOCKPORT STREET & NORTH AVENUE**

The following was the result of bids received on July 21, 2008, for the above referenced project:

<b><u>CONTRACTOR</u></b>	<b><u>BASE BID</u></b>
Mark Cerrone, Inc. 2368 Maryland Ave. Niagara Falls, NY 14305	\$ 52,518.20
Yarussi Construction, Inc.	\$ 57,700.00
Armand Cerrone, Inc.	\$ 63,850.00
Valery Contracting, Inc.	\$ 81,620.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Mark Cerrone, Inc., at their Base Bid of \$52,218.50. Funding is available in Community Development Code CPW068 of \$40,000.00. The additional balance of \$12,218.50 will be transferred from Funding Code CRP966.

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

Item #7

**RE: City Council Agenda Item:  
Acquisition of 448 Third Street for \$75,000.00**

**Council Members:**

448 Third Street is a vacant lot on the west side of Third Street between Niagara Street and Ferry Avenue. It is identified as SBL# 159.29-1-54.

We would like to purchase the lot to use it for an arcade walk-through for parking on Second Street to be able to access Third Street. The property is currently under contract to Joseph Anderson for \$75,000. The City will buy this directly from Mr. Anderson after he acquires from the current owner, but could purchase from the seller on assignment of the contract from Mr. Anderson.

Because the acquisition has not been referred to the Planning Board, authorization of immediate acquisition must be unanimous.

The acquisition will be paid from casino revenues.

Will the City Council find that immediate acquisition of this specified parcel of land would be in the public interest and vote to approve the acquisition of 448 Third Street as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Item #8

*RE: Approval of agreement with GHI for administrative services to provide dental coverage for City retirees*

Council Members:

Attached is the proposed agreement for GHI to continue providing the administrative services for the dental coverage for the City retirees who retired prior to the adoption of the new health insurance plan. Funding is available in the budget.

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

Item #9

*RE: Funding for In-House DPW paving and sidewalks*

Council Members:

City crews completing the sidewalk and street projects originally included the capital appropriation earlier this year.

There is time left in the construction season it is requested that the Council appropriate \$15,000.00 for sidewalks and \$150,000.00 for paving from casino revenues so that additional work can be completed.

Will the Council so approve?

Item #10

*RE: Appropriation for replacement blinds for the Council Chambers*

Council Members:

As part of the refurbishing of the Council Chambers new blinds are being purchased.

Since funds were not included in the 2008 budget it is requested that the Council appropriate the sum of \$1,914.00 from casino interest to pay for this expense.

Will the Council so approve?

Item #11

**SUBJECT: Budget Amendment for Engineering Department**

The 2008 adopted budget included \$1,000.00 for overtime for the Engineering Department. Due to the lack of a City Engineer on staff, additional duties have been performed by Engineering personnel and the overtime allotment is depleted. I am requesting that the Council again amend the budget to increase the Engineering overtime fund an additional \$5,000.00. Funds are available in A1440.0000.0110.000 (Biweekly Payroll).

Will the Council so approve?

Item #12

*RE: Economic Development Positions*

Council Members:

Earlier this year NFC, Economic Development Zone, URA Economic Development Specialist and Tourism Coordinator jobs were transferred to the general fund with reimbursement from NFC and URA respectively.

For the coming year it is projected that these five jobs together with fringe benefits will come to \$380,000.00

It is recommended that casino revenue in this amount be allocated so that these jobs may be budgeted for the 2009 fiscal year.

Will the Council so approve?

Item #13

*RE: Economic Development Position*

Council Members:

As the Council is aware, one of the positions that the administration has been seeking to fill is the Director of Economic Development. The Charter currently has Economic Development as part of the Department of Planning, Economic Development and Environmental Services and has a Director position. The 2008 budget did not provide funding for this position.

The City has found a candidate for this position and would request that the Council amend the 2008 budget by setting a salary for this director position at \$100,000 annually. On an annual basis, \$60,000 of this funding would come from City funds and the balance from the Community Foundation for Greater Buffalo's Build a Better Niagara Fund.

Will the Council vote to amend the 2008 budget by creating this position and appropriate from the contingency fund the amount necessary to fund the City's portion of the salary for the balance of the year, together with related benefits?

Item #14

*RE: Budget Amendment for the Department of Public Works*

Council Members:

Attached is a memo from the Director of Public Works setting forth several shortfalls in the DPW budget.

It is requested that the Council appropriate a total of \$150,000.00 from fund balance to the accounts listed on the attached memo.

Will the Council so approve?

Item #15

RE: Request for Approval to Settle and Pay Liberty Mutual Insurance Company  
a/s/o Renee Fiorentini  
13 Riverside Road, Weston, MA 02493

Council Members:

Date Claim Filed:	July 2, 2002
Date Action Commenced:	N/A
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:	Arbitration stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$50,000.00
Make Check Payable to:	Liberty Mutual Insurance Company.
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?

Item #16

RE: Request for Approval to Settle and Pay Liberty Mutual Insurance Company  
a/s/o Phyllis Simone  
13 Riverside Road, Weston, MA 02493

Council Members:

Date Claim Filed:	July 2, 2002
Date Action Commenced:	N/A
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:	Arbitration stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$50,000.00
Make Check Payable to:	Liberty Mutual Insurance Company.
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?

Item #17

RE: Request for Approval to Settle and Pay Rickey R. Rodgers

Council Members:

Date Claim Filed:	August 30, 2006
Date Action Commenced:	December 20, 2006
Date of Occurrence:	August 7, 2006
Location:	Hyde Park Boulevard
Nature of Claim:	Personal injuries due to accident with City police car
City Driver:	Officer David Kelly
Status of Action:	Litigation
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	\$50,000.00
Make Check Payable to:	Rickey R. Rodgers and Shaw & Shaw, P.C.
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?

Item #18

**RE: Sale of 402 79<sup>th</sup> Street to Laurie Hill for a sum of \$100.00**

Council Members:

The City has received a request from the adjoining property owner to purchase the above referenced City-owned property for the sum of \$100.00. This property was approved for sale by the Planning Board.

Will the Council approve the sale of these premises for this price in an "as is" condition and with the requirement to combine the properties, with the closing to be performed within 30 days, and with the standard pre-condition that the purchaser is 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 #19

RE: Request for Approval to Settle and Pay Rickey R. Rodgers

Council Members:

Date Claim Filed:	August 30, 2006
Date Action Commenced:	December 20, 2006
Date of Occurrence:	August 7, 2006
Location:	Hyde Park Boulevard
Nature of Claim:	Personal injuries due to accident with City police car
City Driver:	Officer David Kelly
Status of Action:	Litigation
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	\$50,000.00
Make Check Payable to:	Rickey R. Rodgers and Shaw & Shaw, P.C.
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?

Item #20

SUBJECT: Commissioner of Deeds

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The following have requested City Council approval for Commissioner of Deeds for a term from October 1, 2008 to September 30, 2010.

This is in accordance with provision of the Niagara Falls City Charter, Article II, Section 7, Subdivision 5.

Maria C. Brown	City Controller
Geraldine Mondì	City Council Office
Donald Flett	NFPD
Shawn Larrabee	NFPD
Joseph Paul	NFPD
Linda S. Boxer	921 Vanderbilt Ave., NF, NY 14305
Mary Ann DeMartin	1359 James Ave., NF, NY 14305
Matthew A. Davis II	1317 Ashland Ave., NF, NY 14301
Richard D. Hague Jr.	736 4 <sup>th</sup> Street, NF, NY 14301
Anna Iannarelli	461 21 <sup>st</sup> St., NF, NY 14303
Vincent M. Mameli	462 77 <sup>th</sup> St., NF, NY 14304
Marcia Massaro	626 69 <sup>th</sup> St., NF, NY 14304
Kristina McGuire	7021 Lakeside Dr., NF, NY 14304
Marguerite H. Monin	9104 Champlain Ave., NF, NY 14304
Jaclyn Palovick	136 77 <sup>th</sup> St., NF, NY 14304
Ida P. Seright	2736 21 <sup>st</sup> St., NF, NY 14305

Item #21

**RE: 1910 Falls Street, St. George's Catholic Church  
Historic Preservation Commission Recommended Historic Designation  
Church and Rectory Building Exteriors and Interior Public Areas of Church**

**Council Members:**

Attached is the report approved August 6, 2008 from the Niagara Falls Historic Preservation Commission recommending designation of 1910 Falls Street, the St. George's Roman Catholic Church complex, as an historic landmark under the City Historic Preservation Ordinance. The elements recommended for landmark status are the exterior of the church and rectory buildings and the public portions of the interior of the church building, being nave, transepts, apse, choir loft and narthex. This proposed designation was approved based on the action of the Commission on its own initiative pursuant to the Historic Preservation Ordinance. The property is listed in the assessor records as owned by St. George's Roman Catholic Church.

The Historic Preservation ordinance provides:

133.05-02(I) At its next scheduled meeting after receipt of any recommendation from the Commission, the City Council shall consider the designation or acquisition of the landmark site or historic structure, or the designation of the historic district. ***A majority vote shall be required by the City Council for the designation or acquisition. The Mayor shall approve or veto said designation or acquisition as provided by law.*** (emphasis supplied)

Will the Council vote to approve the historic landmark designation of the exterior of the church and rectory buildings and the public portions of the interior of the church building, being the nave, transepts, apse, choir loft and narthex for St. George's Roman Catholic Church 1910 Falls Street, and forward the designation to the Mayor, as provided by City Ordinance?

Item #22

**RE: 1120 and 1128 Niagara Street  
Our Lady of Lebanon Catholic Church Complex  
Historic Preservation Commission Recommended Historic Designation  
Church and Rectory Building Exteriors and Interior Public Areas of Church**

**Council Members:**

Attached is the report approved August 6, 2008 from the Niagara Falls Historic Preservation Commission recommending designation of 1120 and 1128 Niagara Street, the Our Lady of Lebanon Catholic Church complex, as an historic landmark under the City Historic Preservation Ordinance. The elements recommended for landmark status are the exterior of the church and rectory buildings and the public portions of the interior of the church building, being the nave, transepts, apse, choir loft and narthex. This proposed designation was approved based on the action of the Commission on its own initiative pursuant to the Historic Preservation Ordinance. The property is listed in the assessor records as owned by Our Lady of Lebanon Roman Catholic Church.

The Historic Preservation ordinance provides:

133.05-02(I) At its next scheduled meeting after receipt of any recommendation from the Commission, the City Council shall consider the designation or acquisition of the landmark site or historic structure, or the designation of the historic district. ***A majority vote shall be required by the City Council for the designation or acquisition. The Mayor shall approve or veto said designation or acquisition as provided by law.*** (emphasis supplied)

Will the Council vote to approve the historic landmark designation of the exterior of the church and rectory buildings and the public portions of the interior of the church building, being the nave, transepts, apse, choir loft and narthex for Our Lady of Lebanon Catholic Church complex at 1120 and 1128 Niagara Street, and forward the designation to the Mayor, as provided by City Ordinance?

RESOLUTION No. 2008–



HONORING JOHN “SPIDER” MARTIN  
Saxophonist – Composer – Arranger - Educator

BY:

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

We, the Niagara Falls City Council, presented a “Letter of Recognition” in memory of John “Spider” Martin and declared Saturday, September 6<sup>th</sup>, 2008 – John “Spider” Martin Day.

WHEREAS, John “Spider” Martin has always been a spokesman for live music in its purest form (jazz), and as America’s only contribution to the arts, the need for it to be understood and appreciated by all people especially today’s youth was most important to him; and

WHEREAS, John “Spider” Martin has been a professional musician all of his life; and his contribution to the art of jazz deserves greater appreciation. Born August 18, 1931 in Asheville, North Carolina, “Spider” Martin moved to Niagara Falls, New York when he was still a boy. He studied at the Manhattan School of Music and began his professional career in earnest touring with Lionel Hampton’s big band and toured the east coast backing numerous jazz giants including Dizzy Gillespie, Pepper Adams, Jimmy McGriff and Tony Bennett; and

WHEREAS, later in his career, Spider performed with his younger son, drummer Darryl “Pookie” Martin. He died on April 21<sup>st</sup>, 2000 in Niagara Falls at the age of 68.

NOW THEREFORE BE IT RESOLVED, that the Niagara Falls City Council, along with Mayor Paul A. Dyster did declare Saturday, September 6<sup>th</sup>, 2008 as John “Spider” Martin Day.

***“To those who claim that Jazz is making a comeback, “Spider” responds “He was not aware that it had been any place.”***

RESOLUTION No. 2008–

RELATIVE TO HONORING MEMBERS OF THE  
NIAGARA FALLS POLICE DEPARTMENT FOR THEIR  
OVERSEAS MILITARY SERVICE

BY:

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

WHEREAS, several members of the Niagara Falls Police Department have overseas military service. They are:

Alvarez, Lori – U.S. Navy  
Kuwait – Aug '07 to Jun '08

Cirrito, Ronald – U.S. Air Force  
Kyrgyzstan – Dec '02 to May '03

DalPorto, Bryan – U.S. Air Force  
Iraq – Jan '08 to May '08

Gizzarelli, Steven – U.S. Army  
Iraq – Oct '05 to Oct '06

Henderson, Kevin – U.S. Army  
Iraq – Dec '04 to Dec '05 (Henderson's hiring was delayed because of his military service.)

Jones, Daniel – U.S. Air Force  
Kyrgyzstan – Dec '03 to May '03

King, Richard – U.S. Air Force  
Kyrgyzstan – Dec '03 to May '03  
Diego Garcia (Indian Ocean) Jan '05 to Apr '05  
Iraq – Jan '08 to Jun '08

Larrabee, Shawn – U.S. Air Force  
Dec '06  
Feb to Mar '07  
Jun '07

Nichols, Walter – U.S. Army  
Iraq – Aug '04 – Jun '05  
Afghanistan – Jan '08 to present

NOW THEREFORE BE IT RESOLVED, by **the Niagara Falls City Council along with Mayor Paul Dyster**, that we recognize the military service of these members of the Niagara Falls Police Department and congratulate them for their service to the City of Niagara Falls and their service to our Country.

RESOLUTION No. 2008–

**RELATIVE TO HONORING THE  
CENTENNIAL SENIORS OF NIAGARA COUNTY**

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 Wednesday, September 17<sup>th</sup>, 2008, the Niagara County Office for the Aging will be honoring persons celebrating their 100<sup>th</sup> (or more) birthday; and

**WHEREAS**, this celebration is being held in conjunction with Niagara County's 200<sup>th</sup> year Anniversary; and

**WHEREAS**, the following seniors will be honored:

*Vencenza Colucci*  
*Anna Connolly*  
*Mildred DeRemer*  
*Frances Genovese*  
*Frances Jewell*  
*Mabel Koloff*  
*Lena Martinucci*  
*Anna Mittigia*  
*Elizabeth Pazone*  
*Pearl Ripple*  
*Carmen Teijido*

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Niagara Falls, New York, along with Mayor Paul A. Dyster, that they extend their congratulations on behalf of all the citizens of the City of Niagara Falls and the County of Niagara in honoring the above-named seniors as they celebrate this momentous occasion.

RESOLUTION No. 2008–

RELATIVE TO THE 100<sup>TH</sup> ANNIVERSARY OF THE  
NAACP

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 February 12<sup>th</sup>, 2009, the National Association for the Advancement of Colored People (NAACP) will celebrate their 100<sup>th</sup> Anniversary; and

WHEREAS, the Mission of the NAACP is to ensure the political, educational, social and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination; and

WHEREAS, the principal objectives of the Association are to ensure the political, educational, social and economic equality of all citizens; to achieve equality of rights and eliminate race prejudice among the citizens of the United States; to remove all barriers of racial discrimination through democratic processes; to seek enactment and enforcement of federal, state and local laws securing civil rights; to inform the public of the adverse effects of racial discrimination and to seek its elimination; and finally, to educate persons as to their constitutional rights and to take all lawful action to secure the exercise thereof, and to take any other lawful action in furtherance of these objectives; and

WHEREAS, founded on February 12<sup>th</sup>, 1909, the NAACP was founded by a multiracial group of activists who answered “the call” in New York City, New York and began its legacy of fighting legal battles and addressing social injustices.

NOW THEREFORE BE IT RESOLVED, by the Niagara Falls City Council, that we support the actions of the Niagara Falls Branch of the NAACP President, Mr. Ronald E. Cunningham, to form a Centennial Committee for the 100<sup>th</sup> Anniversary Celebration and recognize the NAACP as one of the oldest and most influential civil rights organizations in the United States.

RESOLUTION No. 2008-

RELATIVE TO HONORING THE MEMORY OF  
GLENDA GLOVER



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 Thursday, August 14<sup>th</sup>, 2008, Glenda Glover passed away at the age of 63; and

WHEREAS, Glenda was a woman totally committed to her church and community. She was a mentor to many during her lifetime; and

WHEREAS, Glenda moved to Niagara Falls in 1966 and was employed by the Niagara Community Center. She also worked for Hooker, Oxy Chemical, Community Missions, Niagara County Department of Social Services; and was the Community Representative for former Senator Anthony R. Nanula. She also worked for the past 30 years as the Secretary to Trinity Baptist Church and was a former secretary for the Great Lakes Baptist Association of Christian Education; and

WHEREAS, Glenda served as past worthy matron of Frontier Chapter #21 Order of Eastern Star, among other various civic and church groups. Glenda was truly a loving and self sacrificing person and those that knew her, were proud to call her a friend.

NOW THEREFORE BE IT RESOLVED, by **the Niagara Falls City Council along with Mayor Paul Dyster**, that we recognize the life accomplishments of Glenda Glover and recognize that she will be sorely missed by everyone who had the opportunity to know her and was lucky enough to be a part of her extraordinary life.

RESOLUTION 2008-

RESOLUTION RELATIVE TO AMENDING CHAPTER 1308  
OF THE CODIFIED ORDINANCES ENTITLED  
“DISTRICT EXCEPTIONS, MODIFICATIONS, AND AMENDMENTS”

By: Council Member Chris Robins

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1308 of the Codified Ordinances entitled ~~ADistrict Exceptions, Modifications, and Amendments@~~ is hereby amended by amending Section 1308.07 to read as follows:

1308.07 Change in District Boundary; Notice

If the proposed amendment consists of or includes a change in any boundary of any district established by this Zoning Ordinance, the Planning Board shall also give notice of the proposed amendment and of the hearing thereon, at least ten days before the date of such hearing, by:

Mailing notices thereof to the owners of all land lying within a distance of 500 feet from the exterior boundaries of land involved in such proposed change, as the names of such owners appear on the assessment records of the City, and

The foregoing requirements as to mailed notices shall be substantially observed, but any minor inaccuracy in giving such notice shall not invalidate the proceedings that are involved.

**The above notice requirements shall not apply where the petition or resolution involves amendments to the boundaries of multiple zoning districts encompassing more than ten acres provided, however, that notice of the public hearing for such petitions or resolutions shall be published in the official newspaper of the City at least three times, not more than 30 nor less than 10 business days before the date of the public hearing.**

Bold and Underlining indicate **Additions.**  
Bold and Brackets indicate **[Deletions].**

RESOLUTION 2008-

RESOLUTION RELATIVE TO AMENDING CHAPTER 361  
OF THE CODIFIED ORDINANCES ENTITLED  
“STATIONARY ENGINEERS AND FIREMEN”

By: Council Chairman Samuel Fruscione

WHEREAS, on November 28, 2005 Council adopted various fee changes; and

WHEREAS, the following fee was not fully incorporated into the Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 361 of the Codified Ordinances entitled “Stationary Engineers and Firemen” is hereby amended by amending Section 361.15 to read as follows:

Section 361.15 REGISTRATION AND CERTIFICATES FOR BOILERS; POSTING.

Every owner of a steam boiler or boilers operated within the City of Niagara Falls, required to be operated by a licensed engineer or fireman, shall on or before the first day of May in each year, register the same giving the name of the manufacturer, the date of manufacture and the number and locations of all boilers and the rated capacity of each with the Board of Examiners of Stationary Engineers, and shall procure a certificate of such registration from said Board. This certificate shall be posted in a conspicuous place where such boiler or boilers are located. **The annual fee for such registration shall be \$50.00.**

Bold and Underlining indicate **Additions.**  
Bold and Brackets indicate **[Deletions].**

RESOLUTION 2008-

RESOLUTION RELATIVE TO AMENDING CHAPTER 303  
OF THE CODIFIED ORDINANCES ENTITLED  
“LICENSING & REGULATION OF COIN-OPERATED  
VENDING MACHINES”

By: Council Chairman Samuel Fruscione

WHEREAS, on November 28, 2005 Council adopted various fee changes; and

WHEREAS, the following fee was not fully incorporated into the Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 303 of the Codified Ordinances entitled ALicensing & Regulation of Coin-operated Vending Machines@ is hereby amended by amending Section 303.04 to read as follows:

Section 303.04 LICENSE FEES.

Every applicant, before being granted a license, shall pay an annual license fee of Thirty Dollars (\$30.00) for each and every coin-operated vending machine, as specified in this ordinance, Chapter 303. **The fee will be Forty Dollars (\$40.00) if not paid within ten days of the expiration date of the license.**

Every license shall expire on the 30th day of September next succeeding the date of its issuance. All licenses currently in effect as of the date of this amendment shall accordingly be extended until September 30, 1984, and expire on said date unless renewed in accordance with the provisions of this chapter.

A licensee who, after the date of his application, increases the number of machines owned, operated, maintained or otherwise controlled by him beyond the number specified in his original application, shall, within three days, pay an additional annual license fee for the specified number at the rate therein fixed.

Every vending machine shall have, securely attached and affixed thereto, a decal or metal plate identifying the owner and his business address.

Every vending machine shall have, securely attached and affixed thereto, and clearly displayed, a license decal supplied by the City Clerk. Said decal shall indicate the expiration date of the license and the number assigned to the vending machine by the City Clerk.

**Bold and Underlining indicate Additions.**  
**Bold and Brackets indicate [Deletions].**

RESOLUTION 2008-

RESOLUTION RELATIVE TO AMENDING CHAPTER 1107 OF THE CODIFIED ORDINANCES ENTITLED "PERMITS, FEES AND CERTIFICATES" AND CHAPTER 1111 ENTITLED "PLUMBING CODE OF THE CITY OF NIAGARA FALLS, NEW YORK"

By: Council Chairman Samuel Fruscione

WHEREAS, on November 28, 2005 Council adopted various fee changes; and

WHEREAS, the following fees were not fully incorporated into the Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1107 of the Codified Ordinances entitled "Permits, Fees and Certificates" is hereby amended by amending Section 1107.10 and Chapter 1111 of the Codified Ordinances entitled "Plumbing Code of the City of Niagara Falls, New York" is hereby amended by amending Appendix I to read as follows:

CHAPTER 1107 PERMITS, FEES AND CERTIFICATES

Section 1107.10 PERMIT FEES

No permit shall be issued by the Director of Inspections until fees hereinafter prescribed have been paid to the City Controller and for which receipt has been noted on the application for the permit. No fee shall be required for work undertaken by the City of Niagara Falls, New York, the School District of Niagara Falls, the State of New York, the County of Niagara or the United States government. The fees to be paid for permits shall be as follows:

§ § §

B. Other Work

§ § §

5. Miscellaneous

§ § §

- d. Swimming pool installation [- per 100 cu. ft., \$2.00]
  - Above ground - \$45.00
  - Inground - \$100.00

\$ \$ \$

\$ \$ \$

8. Certificates of Occupancy/Compliance
- a. New construction only – No charge for certificate. (Proper permits must be obtained and all required inspections completed.)
  - b. Redated Certificate of Occupancy:
 

Residential – one dwelling unit	\$ 50.00
Residential – each additional unit	\$ 20.00
Commercial – per tenant	\$ 40.00
Commercial – each additional unit	\$ 15.00
  - c. Copy of any Certificate of Occupancy \$ 30.00
  - d. Certificate of Capacity \$ 35.00**

\$ \$ \$

10. Plumbing, Drain and Sewer Cleaning and Mechanical Contracting Permit Fees:

\$ \$ \$

ADDITIONAL PLUMBING FEES:

\$ \$ \$

Registration Fees:

- a. **[General] Mechanical Contractor** \$150.00
- b. Apprentice Plumber \$ 15.00
- c. Journeyman Plumber \$ 35.00
- d. Master Plumber \$200.00
- e. City Plumbing Inspector No fee

Renewal Fees:

- a. **[General] Mechanical Contractor** \$150.00
- b. Apprentice Plumber \$ 10.00
- c. Journeyman Plumber \$ 20.00
- d. Master Plumber \$150.00
- e. City Plumbing Inspector No fee

\$ \$ \$

12. Plan Review Fee

- |   |                        |
|---|------------------------|
| <b><u>Residential (new homes only)</u></b>  | <b><u>\$150.00</u></b> |
| <b><u>Commercial (new construction)</u></b> | <b><u>\$250.00</u></b> |
| <b><u>Industrial (new construction)</u></b> | <b><u>\$300.00</u></b> |

CHAPTER 1111 PLUMBING CODE OF THE CITY OF NIAGARA FALLS, NEW YORK

APPENDIX I

LICENSING, REGISTRATION AND PLUMBING PERMIT FEES  
AS ESTABLISHED UNDER CODIFIED ORDINANCE SECTION 1107.10(B)(10)

PLUMBING, DRAIN AND SEWER CLEANING AND MECHANICAL CONTRACTING PERMIT  
FEES:

§ § §

I. Additional Plumbing Fees:

§ § §

Registration Fees:

<b>[General] <u>Mechanical Contractor</u></b>	\$150.00
Apprentice Plumber	\$ 15.00
Journeyman Plumber	\$ 35.00
Master Plumber	\$200.00
City Plumbing Inspector	No Fee

Renewal Fees:

<b>[General] <u>Mechanical Contractor</u></b>	\$150.00
Apprentice Plumber	\$ 10.00
Journeyman Plumber	\$ 20.00
Master Plumber	\$150.00
City Plumbing Inspector	No Fee

Bold and Underlining indicate **Additions.**  
Bold and Brackets indicate **[Deletions].**