

Item #1

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

**NOTICE OF CLAIM**

**ALLEGED DAMAGE**

Kelli Roe  
Street

Automobile damage sustained from a pothole in a 731 92<sup>nd</sup>  
City street

Mary L. West  
Ontario Avenue #1

Personal injuries sustained during an alleged false 947  
arrest by City Police

Jamie Caldwell  
North Avenue

Automobile damage sustained from a pothole in a 1342  
City street

Joseph W. Johnson  
541 16<sup>th</sup> Street, Upper

Automobile damage caused by the City Impact Team

Robert J. Morreale  
Cherry Lane

Automobile damage sustained from a pothole in a 7948  
City street

Valerie Treichler  
Street  
North Tonawanda, New York 14120

Automobile damage sustained from a pothole in a 862 Oliver  
City street

Stephen A. Panepinto  
Willow Avenue

Automobile damage sustained from a raised sewer 2422  
cover in a street construction zone

Lance Small  
Niagara Avenue

Automobile damage sustained from a pole protruding 1805  
from City property

Eileen Trainor  
Niagara Avenue

Automobile damage sustained from a pothole in a 800  
City street

Allstate Insurance Company  
A/S/O: Patricia Whitehead  
1119 Oak Place

Automobile damage sustained from a City vehicle

Michele Catrice Upshaw  
Brookhaven Drive, Apt. 5

Automobile damage sustained from a pothole in a 6913  
City street

Casimir S. Tubinis  
Orleans Avenue

Automobile damage sustained from a raised sewer 2759  
cover in a street construction zone

Molly Bordonaro  
2308 Genesee Street  
Cheektowaga, New York 14225

Automobile damage sustained from a City work crew

Maria Korhummel  
Whitehaven Road  
Grand Island, New York 14072

Automobile damage sustained from a pothole in a 1635  
City street

Charles E. Tucker  
859 Swann Road  
Youngstown, New York 14174

Malicious prosecution, et al.

Amanda Nikolova  
Street

Personal injuries sustained from a faulty park bench 832 20<sup>th</sup>  
on Old Falls Street

Cambria Contracting, Inc.

Default of contract with the claimant by the City of Niagara  
Falls

**SUMMONS AND COMPLAINT**

Jacqueline Calanan  
Radenka Maric  
8471 Garden City Road  
Richmond, British Columbia

Index No. 133191  
Index No. 133683

Alan A. DeMunda  
8213 Krull Parkway

Index No. 08-48411

Item #2

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

			<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001 A012	Vital Statistics		\$ 7,100.00	\$ 7,100.00
A1255-004 A013	Certificates of Marriage		\$ 1,080.00	\$ 1,080.00
A1255-004 A013	Copies of Records		\$ 569.25	\$ 569.25
A2501-006 A042	Tour Agency		\$ 700.00	\$ 700.00
A2501-006 A042	Tour Agency Additional Site		\$ 200.00	\$ 200.00
A2501-006 A042	Tour Attendant		\$ 300.00	\$ 300.00
A2501-006 A042	Tour Driver/Guide		\$ 500.00	\$ 500.00
A2501-011 A044	Peddler		\$ 210.00	\$ 210.00
A2501-014 A046	Electrician- Exam Fee		\$ 1,000.00	\$ 1,000.00
A2501-016 A047	Stationary Engineers		\$ 200.00	\$ 200.00
A2501-016 A047	Boilers		\$ 100.00	\$ 100.00
A2542-000 A053	Dogs/N County Treasurer	\$ 784.67	\$ -	\$ 784.67
A2542-000 A053	Dogs/NYS Agr. & Mkts	\$ 441.00	\$ -	\$ 441.00
A2542-000 A053	Additional Dogs		\$ 4,125.83	\$ 4,125.83
A2545-001 A054	Marriage License/NYSHD	\$ 2,430.00	\$ 810.00	\$ 3,240.00
A2550-001 A056	Loading Zone		\$ 915.00	\$ 915.00
A1255-002 A123	Commissioners of Deeds		\$ 10.00	\$ 10.00
A2501-005 A126	Junk Dealers		\$ 300.00	\$ 300.00
A2545-010 A128	Petroleum- Retail		\$ 70.00	\$ 70.00
A2501-015 A266	Home Improvement		\$ 625.00	\$ 625.00
A2545-023 A318	Hunters/NYS DEC RAU	\$ 438.31	\$ -	\$ 438.31
A2545-023 A318	Hunters Fees		\$ 25.69	\$ 25.69
A1255-003 A499	Notary Fee		\$ 6.00	\$ 6.00
A1255-005 A528	Dog Release		\$ 550.00	\$ 550.00
A2501-027 A597	Marriage Performance		\$ 600.00	\$ 600.00
A2501-027 A696	Photos / Passport - License		\$ 117.00	\$ 117.00
<b>TOTAL:</b>		<u>\$ 4,093.98</u>	<u>\$ 20,113.77</u>	<u>\$ 24,207.75</u>

Check #	<u>36976</u>	Niagara County Treasurer	\$ 784.67
Check #	<u>36993</u>	NYS Dept.of Arg. & Mkts	\$ 441.00
Check #	<u>36975</u>	NYS Health Department	\$ 2,430.00

Check #

ET

NYS DEC  
RAU

\$ 438.31

Item #3

**SUBJECT:      INSTALLATION OF NEW ROOF AT CITY HALL - CHANGE ORDER #1**

A contract for the above referenced project was awarded to Joseph A. Sanders & Sons on September 12, 2006 in the amount of \$248,380.00.

Subsequent to the start of this project and during the course of work, the contractor encountered extra work beyond the initial scope of this contract. The areas of work that required additional expenditures were mainly caused by the age and deteriorated conditions of the existing roof. They were reviewed by the Engineering Department and found acceptable, deemed necessary, and the cost associated with the extra work is appropriate.

It is the recommendation of the undersigned that Change Order #1 be approved in the amount of \$6,953.00; increasing the contract total to \$255,333.00. Funding for these services is available under Capital Code H0711.2007.0711.0449.599, originally appropriated for this project.

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

**RE: City Council Agenda Item:  
Casino Revenues Transfer to NFURA**

In December, 2007, the City Council authorized a transfer of \$375,000 of the casino revenues allocated to the Niagara Falls Urban Renewal Agency. The transfer was to fund loans in a loan/grant fund administered by N.F.C. Development Corp.

Commitments for two of the loans (Players and Niagara Metals) have expired. The Players loan (\$25,000) was re-authorized as a grant in the new round, and Niagara Metals (\$120,000) may be re-visited by NFC in the future.

N.F.C approved the following new grants and loans:

Player's Grant (new):	\$ 30,000
Stadium Grill Grant (new):	\$ 20,500
Michael's Restaurant Grant (new):	\$ 20,000
Como Restaurant Grant (new):	\$ 30,000
Advance Care PT Grant (new):	\$ 50,000
Caffe Lola Grant (new):	\$ 55,000
Caffe Lola Loan (new):	<u>\$ 55,000</u>
TOTAL	260,500

These loans and grants can be funded from the \$145,000 previously authorized and expired, plus an additional \$115,500. Funds will remain on deposit with the City Controller earning interest until the time of transfer. Funds will be transferred when the loans or grants are ready to be disbursed. This action will authorize the City Controller to transfer funds when requested.

Will the Council vote to approve the transfer to Niagara Falls Urban Renewal Agency of an additional \$115,500 casino revenues for the purposes and as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Item #5

**SUBJECT:** Bid #19-08 Material Spreader

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) hopper type stainless steel material  
spreader with hook lift underframe: \$22,556.75

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 seven (7) vendors. Two (2) bids were received. Snowfighting Equipment & Consultants of Buffalo, Inc. submitted a bid of \$34,580.00.

Funds for this expenditure are available in the 2008 Capital Budget code: H0822.2008.0250.000.

Item #6

**RE: *Family and Children's Service of Niagara, Inc.  
Employee Assistance Program Contract***

:

Attached is a proposed agreement with Family and Children's Service of Niagara, Inc. to provide an Employee Assistance Program for non-uniform employees of the City of Niagara Falls. Funding is included in the 2008 Budget.

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

Item #7

***RE: Budget Amendment for the Third Street Security***

In order to increase police presence on Third Street it is requested that the budget be amended to provide an additional \$45,000, represents \$35,280 of wages plus fringe benefits. This funding will provide for increased police presence beginning with the July 4<sup>th</sup> weekend and continuing through the year

Funding is available in account A. 1990.7590.0449.599.

Will the Council so approve?

Item #8

***RE: Funding for Additional Downtown and City-Wide Clean Neighborhood Teams***

In response to increased need it is recommended that an additional downtown mall maintenance crew and an additional clean neighborhood team be formed.

Total funding in the amount of \$60,000 is requested. This will pay the salaries and purchase approximately \$6,600 of additional equipment needed to properly operate these teams. It is recommended that the funding be appropriated by casino funds

Will the Council so approve?

Item #9

***RE: Budget Amendment for the African American Family Festival***

The City has been requested by the Niagara Community Center Association, Inc. to participate in the coming African American Family Festival by becoming a sponsor of this festival for \$1,000.

Funding is available in the 2006 tourism fund balance.

Will the Council so approve?

Item #10

***RE:* Operation IMPACT**

The Niagara Falls Police Department has received an award from the State of New York for \$337,204 for Operation IMPACT during July 1, 2008 through June 30, 2009.

No matching funds are required for this grant.

Will the Council approve the acceptance of this grant and authorize the Mayor and Police Chief to execute any documentation necessary to receive the grant?

Item #11

RE: Request for Approval to Settle and Pay Claims of:  
(1) Brian K. Caughill, Quality Hotel & Suites, 240 First Street, Niagara Falls, NY  
(2) Progressive Northeastern Insurance Co. a/s/o Tracy L. Caughill, PO Box 89440, Cleveland, OH

Date Claim Filed: (1) February 20, 2008  
(2) February 11, 2008

Date Action Commenced: N/A

Date of Occurrence: January 6, 2008

Location: 250 65<sup>th</sup> Street, Niagara Falls, NY

Nature of Claim: Damage to parked automobile and trailer when struck by City vehicle.

City Driver: John Petrishin

Status of Action: Claim stage.

Recommendation/Reason: Best interests of City to pay claim.

Amount to be Paid: \$5,055.38

Make Check Payable to: (1) Brian K. Caughill - \$3,106.08  
(2) Progressive Northeastern Insurance Co. a/s/o Tracy L. Caughill - \$1,949.30

Conditions: General Releases to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above claims be paid under the terms set forth above.  
Will the Council so approve?

RESOLUTION No. 2008–

**Resolution in Support of  
Niagara Falls Memorial Medical Center’s Smoke-Free Campus**

**BY:**

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

WHEREAS: Niagara Falls Memorial Medical Center is an acute care hospital, research and education facility, and is dedicated to the cure, management and prevention of all forms of illness and disease, and

WHEREAS: Niagara Falls Memorial Medical Center is located in Niagara County where the incidence of cardiovascular disease is among the highest in the nation, and

WHEREAS: Niagara Falls Memorial Medical Center is committed to achieving a healthier environment, and as part of their mission, a public mandate to set an example by creating a completely smoke-free campus environment, and

WHEREAS: 440,000 Americans die each year from disease caused by tobacco use, and

WHEREAS: Tobacco use is a leading cause of death from heart disease, stroke and chronic obstructive pulmonary disease (COPD), and

WHEREAS: Smoking of tobacco or any other weed or plant is the number one cause of preventable death within the United States. Secondhand smoke kills 53,000 Americans annually, and

WHEREAS: Niagara Falls Memorial Medical Center believes that prohibiting smoking throughout the campus will also lower the risk of fires across our campus, and

WHEREAS: In accordance with the above, Niagara Falls Memorial Medical Center intends to institute a completely smoke-free campus as of July 20, 2008,

NOW THEREFORE BE IT RESOLVED THAT: The City Council of Niagara Falls recognizes Niagara Falls Memorial Medical Center as a community leader in providing a healthy environment for its staff, patients, visitors and guests, and

BE IT FURTHER RESOLVED THAT: the City supports the designation of all entrances of buildings of Niagara Falls Memorial Medical Center and on any property operated by Niagara Falls Memorial Medical Center be designated as tobacco-free zones for the good and well being of all citizens and patients.

BE IT FURTHER RESOLVED THAT: the City encourages all citizens to respect the tobacco free policy of the Niagara Falls Memorial Medical Center, and to also refrain from the use of tobacco within 250 feet of the Medical Center.

RESOLUTION No. 2008-

RELATIVE TO THE NAMING OF NOR-LOC PARK

BY:

Council Member Charles Walker

WHEREAS, on July 1<sup>st</sup>, 2008, the North End Block Club partnered with the City of Niagara Falls, the State of New York, Niagara University and other local groups to open a new children's park and playground located at North Avenue and Lockport Street; and

WHEREAS, the Park gives kids something to do and a place to go and will also consist of several rides that are handicapped accessible;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls that the park located at the intersection of North Avenue and Lockport Street be named Nor-Loc Park; and

BE IT FURTHER RESOLVED, that the Niagara Falls City Council congratulates all the partners who made Nor-Loc Park a reality.

RESOLUTION No. 2008–

RELATIVE TO DECLARING 2009 the YEAR OF OUR SHARED WATERS  
IN THE BI-NATIONAL NIAGARA AREA

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 bi-national Niagara area has a common interest in shared waterways and water stewardship; and

WHEREAS, the International Joint Commission is holding its centenary celebrations in Niagara in 2009, creating focus on the issues that surround water stewardship in Niagara and in the Great Lakes Basin; and

WHEREAS, the ‘Niagara 10’ recommendations include a proposal to develop a political strategy for building the profile of the cross-border Niagara region. This includes efforts to coordinate water stewardship practices across the Niagara area border.

NOW, THEREFORE, BE IT RESOLVED, that the **Niagara Falls City Council**, and the **Honorable Paul A. Dyster of the City of Niagara Falls, New York** declares 2009 the Year of Our Shared Waters in the bi-national Niagara area.