TABLE OF CONTENTS
2018

January 1, 2018, Organizational Meeting
Resolution: 2018 Council Meeting Schedule, 2018-1 1
Resolution: Agenda Format, 2018-2 2
Resolution: Niagara Gazette, Official Newspaper, 2018-3 3
Resolution: Investment Policy, 2018-4 3

JANUARY 17, 2018, REGULAR MEETING
City Clerk's Claim Report for the month of December 2017 10
City Clerk's Report for the month of December 2017 10
Contract: Porter Rd., 5000, Zoladz Construction Co 10
Police Dept., Niag. County Drug Task Force, Memo. Of Understanding 10
Contract: Grant Writing Services, Shepherd-Corulli 10
Contract: Niagara County Office for the Aging 11
Mayors Approval 11
Claim: Geico, A/S/O Diedre Ray 11
Resolution: City Council Secretary, appointment, 2018-5 12
Resolution: Council Meeting date change, 2018-6 12
Resolution: Collective Bargaining, amending Chapter 171 12
Resolution: Mayor, salary reduction, defeated 13
Resolution: Administration, reduce expenses, 2018-7 13
Resolution: City Council Members, amending Chapter 170, defeated 13
Resolution: Water Line Breaks, compensation, 2018-8 14
Resolution: Elected Officials, reduce salaries, defeated 14
Resolution: Niagara River Greenway Commission, 2018-9 15
Resolution: Hyde Park Inclusionary Play Project, 2018-10 15

JANUARY 31, 2018, REGULAR MEETING
Purchase: Liberty Park Equipment, Kompan Playground Equipment 18
Contract: City Assessor, stipend, Shared Services 19
NFURA: Third Street Parking Lot, City Ground Lease, Amendment 19
Discover Niagara Shuttle, funding 20
Contract: Niagara Military Affairs Council, funding 20
Contract: School District, OSC, funding 21
Contract: Niagara Falls Beautification Commission, funding 21
Contract: Niagara Falls Block Club Council, funding 21
Contract: SPCA, continuation 21
Contract: Niagara Arts & Cultural Center, funding 22
Community Development: Casino Reserves, restoration 22
Contract: Niagara Community Action Program, Inc., funding 22
Contract: 3625 Highland Ave., Mechanical/HVAC systems, CO #1 23
In Rem Auction Bids: Approval 23
Resolution: Marriage Officer, re-appointment, 2018-11 24
Resolution: Tourism Advisory Board, apt, re-appt., 2018-12 24
Resolution: Complete Streets Policy, creation, 2018-13 25
Resolution: NYS Health Foundation, application support, 2018-14 27
Resolution: Towing-rules/regulations, amending, PULLED 28

FEBRUARY 14, 2018, REGULAR MEETING
City Clerk Claim Report for the Month of January 2018 29
Contract: Destination Niagara USA, Shared Services 30
Contract: City Assessor, Stipend, Shared Services, Pulled 30
Commissioner of Deeds, appointments 30
4th St, approval to install a "No Standing Anytime" restriction 31
18th St., 447, install handicapped access space 31
Grand Ave., 2477, install handicapped access space 32
Linwood Ave., 2479, install handicapped access space 32
Grand Ave., 2912, install handicapped access space 32
Welch Ave, 3008, install handicapped access space 33
87th St., bet. Buffalo/Frontier Ave., install overnight parking 33

Claim: Caterisano, Tori 33
Claim: Rodriguez, Carlos 34
Resolution: Planning Board, appointments, 2018-15 34
Resolution: Towing-Rules & Regulations, amend. Chapter 502, 2018-16 35
FEBRUARY 28, 2018, REGULAR MEETING
City Clerk's Report for the Month of January 2018 38
Contract: Porter Rd., 5000, removing wood/leaf waste, Villani's 38
Contract: Gill Creek/Hyde Park, part equipment 38
Contract: Hyde Park Inclusionary Play Project, equipment 39
Contract: Jefferson Apartment Bldg., new parking 40
Contract: Pothole Killer, Patch Management, Inc. 41
Contract: Audit, Tri Utility Cost Reductions 41
Resolution: School Board Election, City Buildings, 2018-17 42
Contract: Consultant Services Agreement, BridgeNY, DiDonato Assoc. 42
MARCH 15, 2018, REGULAR MEETING
Claims for the Month of February 2018 44
Contract: Mailing System, Clerk's Office, Lineage Buffalo 44
Golf Course: Rate Increases 44
Contract: Niagara Tourism & Convention Corp., Parking Renewal 45
City Property: 87th St., 608, John Arida, sale 45
Community Development: Citizens Bank, Zombie Fight Project 45
Engineering Dept.: Pedestrian Safety Action Plan Program 46
Mayor's Approval: Resolution 2018-16 46
Claim: Swartz, Robert 47
Resolution: Assessment Review Board, re-appointment, 2018-18 47
Resolution: NFCSD, Focus on Families, Walk, 2018-19 48
Resolution: Council Meeting, addition, 2018-20 48
Resolution: 91st St Park Improvement Project, 2018-21 48
Resolution: Zombie Fight Project Livability City Award, 2018-22 49
Resolution: Jayne Park Improvement Project, 2018-23 49
Resolution: Winter Skating Project 50
Resolution: Vendors and Peddlers, Amending Chapter 341, 2018-24 50
Resolution: Frederick Douglass Statue 55
MARCH 28, 2018, REGULAR MEETING
City Clerk Report for February 2018 58
Contract: Street Millings, Santarosa Holdings 58
Community Development: 2017 CDBG & Home Grant Agreement Amendments 58
Community Development: NYS Health Foundation, grant acceptance 58
Community Development: Buffalo Niagara Riverkeeper, CDBG Grant 59
Community Development: NFHA 2017 CDBG Grant Agreement 59
Golf Course, rate increases 60
Encroachment: Pine Ave., 1519, Tatler Lane 60
Contract: A.D.A. Compliance Project, Walter Johnson 61
Contract: A.D.A. Compliance Project, Mark Cerrone 61
Contract: Lockport St. resurfacing Proj., Accadia Site Contracting, CO#1 . 62
Mayor's Approval: Vendors & Peddlers, amending 501, 2018-24 62
Resolution: Sertoma Club, fee waiver, 2018-25 62
Resolution: NY Boys & Girls Club, Parking Fees, exempt, 2018-26 62
Resolution: Traffic Generally, amending Chapter 501. 2018-27 63
Resolution: DeVeaux Woods Carriage Barn, 2018-28 63
Resolution: Marchiselli Program, Lockport St, 2018-29 63
Resolution: Bed Tax/Discover Niagara Shuttle increases, 2018-30 64

APRIL 11, 2018, REGULAR MEETING

Claims for the Month of March 2018 68
Contract: Prisoners Meals, McDonalds 68
Contract: 91st St. Park, playground equip., Pulled 69
Contract: CDBG & Home Grant Agreement Amendments 69
NYS Dept. of Environmental Conservation 70
Mayor's Approval, 2018-27 70
Claim: Arico, Lori & Gary 71
Resolution: Water Board replacement of Waterline & Lead Service, 2018-31 . . 71
Resolution: Rock the Block, parking fee waiver, 2018-32 72
Resolution: Human Rights Commission, appointments, 2018-33 72
Resolution: Casino Spending Policy, 2018-34 72
Resolution: Tower, Peter & Elizabeth, foundation, 2018-35 73
Resolution: Public Hearing, alley abandonment, 2018-36 73
Resolution: Grant Applications, collaboration, 2018-37 74
Resolution: Sex Offender, Sex Crime Victims Task Force, 2018-38 74
Resolution: Home Rule Request, speed limit, 2018-39 75
Resolution: Vendors & Peddlers, amending chapter 341, 2018-40 75

APRIL 25, 2018, REGULAR MEETING

City Clerk's Report for the Month of March 2018 78
Contract: Fireworks Display, Independence Day 78
Contract: Slum/Blight Prevention. Elimination, CDBG Action Plan 79
Contract: Kaboom-Community Partner Agreement, 473 7th St. Project 79
Dept. of Code Enforcement, repair, demo or Board of Structures 80
Contract: 2018 Drainage Structure Replacement/Repair Project 80
Purchase: Landscaping of Medians/Entry Points, LaRosa Landscape 81
Contract: Griffon Park Comfort Station 81
Police Dept.: GIVE Grant 82
Contract: Town of Lewiston, Sharing 82
City Property: 3rd St., 256, assessment 82
Mayor's Approval: Resolution 2018-40 83
Claim: Licht, Michael 83
Claim: Kinney, Terri 84
Resolution: Human Rights Commission, 2018-41 84
Resolution: Tourism Advisory Board, 2018-42 84
Resolution: Graduation Ceremony, parking fee waiver, 2018-43 85
Resolution: Advisory Committee, Towing-Rules/Regulations 85
Resolution: Towing-rules/regulations, amending 502, 2018-44 86
Resolution: Abandonment, alley, Public Hearing, 2018-45 87

MAY 9, 2018, REGULAR MEETING

Claims for the Month of April 2018 89
Contract: Abandoned Vehicles, removal, Satarian Auto 90
Contract: Golf Course, Chemical Application, Ferta-Lawn 90
Community Development: Hyde & Liberty Parks Programing 91
Contract: Sidewalk replacement, Various Locations, Valeri 91
Homestead/Non-Homestead Proportions 92
Contract: Trolley Service, Niag. Frontier Trans. Authority 92
Contract: Surveillance Cameras, Niag. Mohawk Power Corp. 93
United Steelworkers, Grievance, Jeanne Morock 93
Mayor's Approval, Resolution 2018-44 93
Claim: Merchant, Elizabeth & Edmund 94
Resolution: WTourism Advisory Board, reappointment, 2018-46 94
Resolution: Congressman Brian Higgins, financial assis./support, 2018-47 . . 95
Resolution: Senior Prom, parking fee waiver, 2018-48 95
Resolution: Civil Service Commission, reappointment, 2018-49 96
Resolution: Council Meeting Format, Order, 2018-50 96

MAY 23, 2018, REGULAR MEETING

City Clerks Report for the Month of April 2018 97
Contract: Fire Training Tower, Subsurface Investigation 98
Contract: KABOOM! Community Partner, Legends Park, Playground 98
Code Enforcement: Demolitions, funding 99
NITTEC: MOU, Membership 99
Commissioner of Deeds, appointments 99
Resolution: Restaurant Tip Credit, 2018-51 100
Resolution: Home Rule Request, Occupancy Tax increase, 2018-52 100
Resolution: Youth Clean Up Day, 2018-53 101
Resolution: Downtown Revitalization Initiative Application, 2018-54 101

JUNE 6, 2018, REGULAR MEETING

Resolution: Essay Contest winners, Community Memorial Day Parade, 2018-59 .103
Contract: North End Food Access, request for proposal, CDBG funds 104
Community Development: Federal Budget Finalization 105
Contract: Liberty Park Playground Installation, Valleyview Enterprise . . .106
Contract: Town of Niagara, Municipal Cooperation Agreement 107
Main St., 2119, install handicapped access space 108
Luick Ave., between 91 & 92nd Sts., install alternate overnight parking . . .108
Mang Ave., between 87 & 88th Sts., install alternate overnight parking . . . 109
74th St, recind alternate overnight parking 109
Livingston Ave., 3059, install handicapped access space 109
Cleveland Ave., 1887, install handicapped access space 110
Walnut Ave., 1610, install handicapped access space 110
Resolution: Splash Pad, fee waiver, Geraldine J. Mann, 2018-55 110
Resolution: 30th Church Anniversary, parking fee waiver, 2018-56 110
Resolution: Flag Day Ceremony, bandstand fee waiver, 2018-57 111
Resolution: Safer Working Conditions for Labor, 2018-58 111
Resolution: Splash Pad, fee waiver, Hyde Park Elementary School, 2018-60 . 112
Resolution: Human Rights Commission, appointment, 2018-61 112
Resolution: LaSalle Recreation Way Trail Project, 2018-62 112
Resolution: Hyde Park Lake Restoration Project, 2018-63 113
Resolution: Gill Creek Corridor Tree Planting Project, 2018-64 113
Resolution: Beech Ave. Park Development, 2018-65 113
Resolution: Gill Creek Trail Project Development, 2018-66 114

JUNE 20, 2018, REGULAR MEETING

City Clerk Claims for the Month of May 2018 116
City Clerk Report for the Month of May 2018 116
Contract: Hyde Park Pool, filter valve replacements, 4th Generation 116
Contract: NCSPCA, extension 117
Contract: Lockport Rd. resurfacing project, Occhino Corp. 117
City Property: 87th St., 608, sale, Arida, John 118
Community Development: Mental Health Counseling Services, Homeless Youth . 118
Claim: Hoffman, Virginia and Steven 118
Resolution: Winter Skating Project, Greenway Funding, 2018-67 119
Resolution: City Charter, Public Hearing, 2018-68 119
Resolution: Vendors & Peddlers, amending, 2018-69 120
Resolution: Golden Steps 4 Pediatric Cancer Awareness Walk, 2018-70 121
Resolution: Niagara Gorge Corridor Project, 2018-71 121
Resolution: Parking Rates, amending, 2018-72 122
Library: HUD CDBG, heating/cooling repairs 123
Contract: Library, Emergency repairs, funding, Johnson Controls 123

JULY 5, 2018, REGULAR MEETING
Contract: 2112 Tenth Street, Renovation, CHDO Agreement 126
Good News Gospel Festival/Health Fair, contribution 126
Contract: Dog Park, DeVeaux Woods State Park, creation/operation 127
Niagara Scenic Parkway, Removal 127
Mayor's Approval 128
2018 General Assessment Roll 128
Claim: Hall, Alan 129
Resolution: Community Appreciation Day Event, PULLED 129
Resolution: Cataract City Youth Sports Association, PULLED 129
Resolution: Harlem Wizards Basketball Event, PULLED 129
Re4solution: Traffic Generally, 2018-73 130
Resolution: Transportation Federal-Aid Project, 2018-74 131
Local Law, City Charter, 2018-75 131
City Property: 223 Rainbow Blvd., encroachment, Holiday Inn/Anchor Bar . . 132
JULY 18, 2018, REGULAR MEETING
City Clerk Claims for the month of June 2018 134
City Clerks report for the month of June 2018 134
Contract: Wrestling Club, amendment 135
Community Development: Hyde Park Play Project, grant award 135
Contract: Community Missions, emergency solutions grant 136
Community Development: 2018 Home Ownership Auction Properties 136
Contract: Cataract City Youth Sports Association, contribution 137
Contract: Harlem Wizards Basketball Team, contribution 137
Contract: Fire Dept. Vehicles, NYS Grant 137
Contract: 19th St., 501, renovation, CHDO 138
Contract: Hyde Park Play Area, 4th Generation Construction 138
Mayor's Approval, 2018-73 138
Commissioner of Deeds, appointments 139
Claim: Bray, Angela 139
Resolution: Intermodal Transportation Center, 2018-79 139
Resolution: Local Waterfront revitalization plan, 2018-80 140
Resolution: Aggressive Panhandling, adding Chapter 746, 2018-81 140
Resolution: Niag. St. Elementary School, Summer Splash Bash, 2018-82 . . . 143
Resolution: Janus Decision, 2018-83 144
Resolution: Ciccarelli, Patrick Officer, honoring, 2018-78 145
Resolution: Summerfest at the Sal, Firefighters Toy Fund, 2018-84 145
Resolution: Community Appreciation Day Event, 2018-85 146
Resolution: Zoning Ordinance, Schedule 8, amending, 2018-86 146
Contract: Grass Cutting, K. J. Smith 146
Contract: Jayne Park Playground Project, Kompan 147
Contract: 91st St. Playground Project, Kompan 147
Resolution: Ron's Place for Hair, honoring, 2018-76 148
Resolution: Rapids Baseball Team, honoring, 2018-77 149
JULY 25, 2018, SPECIAL MEETING
Inter-Municipal Agreement, N. Tonawanda, Wheatfield 153
AUGUST 7, 2018, SPECIAL MEETING
Special Meeting Notice 156
Resolution: Marchiselli Program-Aid Eligible Costs, 2018-87 157
Contract: NYSDOT Administered Federal Aid Project, Greenman Pedersen . . . 158
Contract: Cayuga Dr. Resurfacing, 4th Generation Construction 158
Dept. of Public Works: Ice Pavilion, Boiler replacement 159

SEPTEMBER 5, 2018, REGULAR MEETING

City Clerk's Report for the Month of July 2018 162
City Clerk Claims for the Month of July 2018 162
Contract: Acturial Equivalence Testing, Milliman, Inc. 162
Purchase: Dehumidification System at Ice Pavilion, VP Supply Corp 162
NYDOT: Occupancy Permit for Greenway Path 163
Contract: Billing/Collection School Taxes, 2018-2019 163
Contract: Design/Bid Phase of PSAP, consultant services, Wendel Co. 163
Contract: Lead Service Removal Project, J.R. Swanson 164
Contract: Power City Bldg., Parking 164
Contract: Orleans/Niagara BOCES Training 164
Community Development: HUD CDBG Funds, Park Improvements 165
Community Development: Public Disclosure of Exception Request 165
Purchase: City Trees, Christmas Lights, funding 166
Contract: D'Amelio Park Playground, Gardenville Landscape/Nursery 166
Mayor's Approval, Resolutions 2018-81 & 2018-86 166
Secondhand Dealer Licenses, applications 167
Commissioner of Deeds, appointment 167
Claim: Brooks, Hazel 167
Claim: Accadia Site Contracting, Inc. 168
Claim: Progressive Subrogation a/s/o Straub, Robert 168
Resolution: Occupancy Tax Revenue, use of, Defeated 169
Resolution: Cale, Joe/Colavecchia, Joe, honoring, 2018-88 169
Resolution: Safe at Home Conference, parking fee waiver, 2018-89 170
Resolution: Transportation Federal-Aid Project, PIN 5761-62, 2018-90 171
Resolution: Transportation Federal-Aid Project, PIN 5762-67, 2018-91 171
Resolution: Business Licenses, chapter 308, 2018-92 172
Resolution: Towing-Rules & Regulations, amending chapter 502, 2018-93 173

SEPTEMBER 19, 2018, REGULAR MEETING

Claim Report for the Month of August 2018 176
Contract: Worker's Compensation Claims, NEAM 176
Police Department: Minor Reorganization 176
Contract: Dog Park, Deveaux Woods State Park, creation/operation Amendment 177
City Property: Rainbow Blvd., 609, Deed Restriction 177
Contract: Community Garden, Grassroots Gardens, WNY 178
Purchase: Lights, Third St., Holiday Season, funding 178
Mayor's Approval, Resolutions 2018-92, 2018-93 178
Claim: Golombek, Katie & Gary 179
Claim: Wolf, Christopher 179
Resolution: Fire Dept. Fees, rescinding Chapter 928, 2018-94 180
Resolution: Pink Gala, waive parking fees, 2018-95 180
Resolution: George Optical Co., honoring, 2018-96 180
Resolution: 2019 Budget Meeting Schedule, 2018-97 181
Resolution: NFTA Local Routes, redistribution, 2018-98 182
Resolution: Niagara Barber Co., Honoring, 2018-99 182

SEPTEMBER 29, 2018, SPECIAL MEETING

Mayor's Proposed 2019 Budget 185

OCTOBER 3, 2018, BUDGET WORK SESSION #1

Budget Work Session #1 195

OCTOBER 3, 2018, REGULAR MEETING

Clerk's Report for the Month of August 2018 197
Contract: Consultant Services, NYSDOT, CO #1, CHA Companies 198
Contract: Buff. Ave. Rehab., Cayuga Dr., Accadia Site Contracting 198
City Property, 237 24th St., Sale 198
Police Dept.: Public Safety Initiative, Grant 199
Contract: DeVeaux Woods Dog Park, 4th Generation 199
City Clerk's Office: Second Hand Dealers 200
Mayor's Approval, Resolution 2018-94 200
Claim: Griffin, Christopher 200
Claim: Tryninewskyi Stan 201
Claim: Wylucki, Matt 201
Resolution: Don Glynn, Honoring, PULLED 202
Resolution: NFTA Board of Commissioners, 2018-100 202
Resolution: Cayuga Gamblers, fee waiver, TABLED 203
Resolution: Sexual Discrimination, adding Chapter 178A, 2018-101 203

OCTOBER 10, 2018, BUDGET WORK SESSION

Budget Work Session #2 205

OCTOBER 11, 2018, BUDGET WORK SESSION
Budget Work Session #3 207
OCTOBER 17, 2018, BUDGET WORK SESSION
Budget Work Session #4 209
OCTOBER 17, 2018, REGULAR COUNCIL MEETING
City Clerk's Report for the Month of September 2018 212
City Clerk's Claims for the Month of September 2018 212
Contract: Municipal Sidewalk Replacement Project, Valeri, CO #1 212
City Property: Fourth St., 445, Sale 212
City Property: RFP Properties, Sale 213
Community Development: Colvin Blvd., 9330, CYAA, Lease 214
Code Enforcement: Demolition Funding Transfer 214
Community Development: Ice Skating Operations, Merani Hotel Group 215
Contract: Bike Share Program/Operator, Shared Mobility Inc. 216
Contract: Purchasing/Planting of trees, Schichtel's Nursery 216
Water Board: Hydrant Maintenance=Availability Expense 217
Contract: 8450 Buffalo Ave/8411 Troy Ave., Side Access, Lifemax 217
Contract: NYSDEC, 2201-2209 Falls St., Right of Way 217
Mayor's Approval, Resolution 2018-101 218
Claim: Prokop, Eric 218
Claim: Moore, Anne 218
Resolution: Don Glynn, honoring, 2018-102 219
Resolution: Refuse Collection/Recycling, User Fee, DEFEATED 219
Resolution: Zoning Ordinance, Amending Schedule 8, 2018-103 220
Contract: LaSalle library Boiler, repairs, HW Bryk 220
Resolution: Camil Knechen Tournament, parking fee waiver, 2018-104 221
OCTOBER 18, 2018, BUDGET WORK SESSION
Budget Work Session #5 223
OCTOBER 18, 2018, SPECIAL COUNCIL MEETING
Special Council Meeting 225
OCTOBER 23, 2018, BUDGET WORK SESSION
Budget Work Session #6 229
OCTOBER 24, 2018, BUDGET WORK SESSION
Budget Work Session #7 231
OCTOBER 30, 2018, REGULAR COUNCIL MEETING
Contract: Security Guard Services, U.S. Security Associates 234
Community Development: NFL Football Grant, Buffalo Bills Foundation 234
Contract: Earl Brydges Library, Public Elevator, Motor, Thyssenkrupp 235
Contract: MOA, Fire Dept/City, Local 3359, temp. concessions 235
Contract: MOA, Uniformed Firefighters, Local 714, concessions 236
Mayor's Approval, Res. 2018-103 236
LaSalle Ave., 1731, 5' handicapped access space 236
Augustus Place, 724, 5' handicapped access space 237
Woodlawn Ave., 2448, 5' handicapped access space 237
Resolution: Jingle Falls, waiver of parking fees, 2018-105 237
Resolution: Occupancy Tax Revenue, 2018-106 238
Resolution: Niagara Italian Experience, 2018-107 238
Resolution: Small Business Month, November, 2018-108 239
Resolution: User Fees for Refuse Collection, Public Hearing, 2018-109 239
Resolution: Marchiselli Program-Aid, 2018-110 239
Resolution: Marchiselli Program-Aid, 2018-111 240

NOVEMBER 8, 2018, BUDGET WORK SESSION-AMENDMENTS #1
Budget Work Session-Amendments #1 243
NOVEMBER 8, 2018, SPECIAL COUNCIL MEETING
Contract: Equipment Rental, Precision Ice Rinks. 247
NOVEMBER 14, 2018, REGULAR COUNCIL MEETING
City Clerk's Claim Report for the Month of October 2018 250
Contract: Tenth St., Construction Project, CO #1, Mark Cerrone 250
City Property: Niagara St., 502, Transfer of Bid 250
Contract: Online Bill Paying, Express-Pay.Com 251
Contract: Duke Senior Center, Lighting Upgrades, Lime Energy Service 251
Contract: Train Station Property, Install Communications upgrades, Comcast . .251
Contract: Main St., 480, Staging Area, Mark Cerrone Inc. 252
Contract: Main St., Third St. Properties, redevelopment 252
Contract: Camera Installations, Verizon Equip., Verizon License Admin. Group .253
NOVEMBER 15, 2018, BUDGET WORK SESSION-AMENDMENTS #2
Budget Work Session-Amendments #2 255

JANUARY 1, 2018

ORGANIZATIONAL MEETING NIAGARA FALLS, NEW YORK

The Organizational Meeting of the January 1, 2018 Niagara Falls City Council was called to order by Council Member Andrew Touma at 11:00 A.M. in the Council Chambers.

The Prayer was said by Council Member Kenny Tompkins and Council Member Ezra Scott led the gathering in the Pledge of Allegiance.

The Organizational Meeting was called to order by Council Member Andrew Touma at 11:00 AM in the Council Chambers.

The colors were presented by the Niagara Falls Police Department Color Guard.

The oaths of office were administered to Council Members Andrew Touma, William Kennedy and Christopher Voccio by the Honorable Judge Diane Vitello.

The oaths of Officer were administered to Legislators Mark Grozio, Owen Steed and Dennis Virtuoso by Judge Diane Vitello.

The roll was called with all Council Members present.

The City Clerk called for nominations for Council Chairman. Council Member Ezra Scott nominated Council Member Andrew Touma. There were no further nominations and the nominations were then closed.
The vote was taken for Council Chairman

Yeas	5
Nays	0

Council Member Andrew Touma was elected Council Chairman for 2018 and was sworn in as Chairman by the Honorable Judge Diane Vitello.

Council Chairman Andrew Touma welcomed all newly elected officials.

Mayor Paul A. Dyster said a few words to the Council and to the Public in attendance.

RESOLUTION: RELATIVE TO ADOPTING 2018 COUNCIL MEETING SCHEDULE, 2018-1
BY: ALL COUNCIL MEMBERS

Agenda Item #1
JANUARY 1, 2018 ORGANIZATIONAL MEETING-11:00 AM
JANUARY 17, 2018
JANUARY 31, 2018

FEBRUARY 14, 2018
FEBRUARY 28, 2018

MARCH 14, 2018
MARCH 28, 2017

APRIL 11, 2018
APRIL 25, 2018

MAY 9, 2018
MAY 23, 2018

JUNE 6, 2018
JUNE 20, 2018

JULY 5, 2018 THURSDAY (7/4/2018 INDEPENDENCE DAY)
JULY 18, 2018

AUGUST RECESS

SEPTEMBER 5, 2018
SEPTEMBER 19, 2018

OCTOBER 3, 2018
OCTOBER 17, 2018

NOVEMBER 14, 2018
NOVEMBER 28, 2018

DECEMBER 12, 2018
DECEMBER 27, 2018 – Thursday

Yeas 5
Nays 0
ADOPTED

RESOLUTION: AGENDA FORMAT, 2018, 2018-2
BY: ALL COUNCIL MEMBERS

Agenda #2

WHEREAS, the City Council of the City of Niagara Falls, NY is the duly constituted legislative and policy making body of the City; and

WHEREAS, Section 3.9(d) of Article III of the City Charter of the City of Niagara Falls provides for City Council determination as to the rules and order of business with respect to Council proceedings; and

WHEREAS, This City Council wishes to amend the Council agenda format, by adopting the following process and agenda format which may be changed only by a majority vote of the Council.

NOW, THEREFORE, BE IT RESOLVED THAT all proposed legislation and resolutions pertaining to the agenda shall be pre-filed for the City Council with the City Clerk no later than 11:00 a.m. on the Thursday preceding the regularly scheduled City Council meeting and then distributed to City Council Members, the Mayor, the City Administrator, the public and others; and

BE IT FURTHER RESOLVED THAT the format for City Council meetings is approved as follows:

1. Call Meeting to Order at 6:00 p.m.
2. Roll Call.
3. Prayer and Pledge of Allegiance.
4. Approval of Minutes from Previous City Council Meeting(s).
5. Public Hearings, if any,
6. Presentations, if any.
7. Administrative Update, if any.
8. Review of Agenda Items.
9. Public Speakers for Agenda Items.
10. Public Speakers for Good of the Community.
11. Legislative Meeting.
12. Adjournment of Meeting by Vote of City Council.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: NIAGARA GAZETTE, OFFICIAL NEWSPAPER, 2018-3
BY: ALL COUNCIL MEMBERS

Agenda Item #3

THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York

That the designation of the Niagara Gazette as the Official Newspaper of the City of Niagara Falls, New York for the purposes of printing and/or publishing of all Legal Notices, Public Hearing notices and any other matters required by law or by the City Council or the Boards of the City to be printed and/or published is hereby continued; and

BE IT FURTHER RESOLVED that this designation shall be in effect for the Year 2018, but such designation shall not thereafter lapse until superseded.

Yeas	4
Kennedy, Scott, Tompkins, Chairman Touma	
Nays	0
Abstain	1
Voccio	

ADOPTED

RESOLUTION: INVESTMENT POLICY, 2018, 2018-4
BY: ALL COUNCIL MEMBERS

Agenda Item #4

I. SCOPE

This investment policy applies to all moneys and other financial resources available for investment on behalf of the CITY OF NIAGARA FALLS, NEW YORK [hereinafter "CITY"] or on behalf of any other entity or individual.

II. OBJECTIVES

The primary objectives of the CITY's investment activities are, in priority order:

1. To conform with all applicable federal, state and other legal requirements (legal);
2. To adequately safeguard principal (safety);
3. To provide sufficient liquidity to meet all operating requirements (liquidity); and
4. To obtain a reasonable rate of return (yield).

III. DELEGATION OF AUTHORITY

The governing board's responsibility for administration of the investment program is delegated to the City Controller who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the CITY to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial

investment decisions.

V. DIVERSIFICATION

It is the policy of the CITY to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

VI. INTERNAL CONTROLS

It is the policy of the CITY for all moneys collected by any officer or employee of the government to transfer those funds to the City Controller within 10 days of deposit, or within the time period specified in law, whichever is shorter.

The City Controller is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

VII. DESIGNATION OF DEPOSITARIES

The banks and trust companies authorized for the deposit of monies up to the maximum amounts are:

Depository Name	***Maximum Amount***	***Officer***
Manufacturers and Traders Trust Company	$100 Million	City Controller

VIII. COLLATERIZING OF DEPOSITS

In accordance with the provisions of General Municipal Law, §10, all deposits of CITY, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. By a pledge of "eligible securities" with an aggregate "market value" as provided by GML §10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.
2. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt to obligations are rated in one of the three highest rating categories by at least one categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims – paying ability – is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by the depositary and/or a third party bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection

of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the CITY or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

X. PERMITTED INVESTMENTS

As authorized by General Municipal Law, §11, the CITY authorizes the City Controller to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit accounts;
- Certificates of deposit;
- Obligations of the United States of America;
- Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- Obligation of the State of New York
- Obligations issued pursuant to LFL §24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the CITY;
- Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments;
- Certificates of Participation (COPs) issued pursuant to GML §109-b;
- Obligations of this local government, but only with any moneys in a reserve fund established pursuant to GML §§6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the CITY within such times as the proceeds will be needed to meet expenditures or purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the CITY within two years of the date of purchase.

XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The CITY shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the CITY. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The City Controller is responsible for evaluating the financial position and maintaining a listing of proposed depositaries, trading partners and custodians. Such listing shall be

evaluated at least annually.

XII. PURCHASE OF INVESTMENTS

The City Controller is authorized to contract for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.
2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.
3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the CITY by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, §10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

XIII. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions;

- All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- No substitution of securities will be allowed.
- The custodian shall be a party other than the trading partner.

APPENDIX A

Schedule of Eligible Securities

(i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest by the United States of America, an agency thereof or a United States government sponsored corporation.

(ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Bank, the Asian Development Bank, and the African Development Bank.

(iii) Obligations partially insured, or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.

(iv) Obligations issued or fully insured, or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.

(v) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

(vi) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

(vii) Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

(viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally statistical rating organization.

(ix) Any mortgage related securities as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.

(x) Commercial paper and bankers' acceptances issued by a bank, other than the Bank, rated in the highest short term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged.

Zero coupon obligations of the United States government marketed as "Treasury strips".

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 11:27 A.M.

Lisa A. Vitello
City Clerk

The first session of the January 17, 2018 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:00 P.M. in the Council Chambers.

The Prayer was said by Chairman Touma who also led the gathering in the Pledge of Allegiance to the Flag.

Present: All Council Members

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello.

Council Member Tompkins moved to approve the Minutes from the Council Meeting of December 26, 2017 and the Organizational Meeting of January 1, 2018.

Yeas	5
Nays	0
	APPROVED

Seth Piccirillo, Director of Community Development, gave a presentation on the Park investments and Complete Streets.

Councilman Voccio inquired about grants, tax dollars and funding.

Administrative Update

Mayor Paul Dyster, gave an update on the 47th Street repairs. Nicholas Melson, City Administrator, notified Council that the spending and hiring freeze would continue.

Chairman Andrew Touma asked for an update in the Casino arbitration process. The Chairman suggested an A,B & C Budget Scenario.

Councilman William Kennedy stated that the budget should be planned without using Casino revenue projections.

Councilman Tompkins complimented John Caso, Director of Public Works, and the Department of Public Works for their efforts in clearing the streets and sidewalks.

Councilman Tompkins also suggested the clearing of the sidewalks on Niagara Falls Blvd. stating that many people are forced to walk in the streets.

There was a discussion by all Council Members regarding Livery and Uber regulations as well as Grant Writing.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Gerald Skrlin	Agenda Items #10, #11, #12, #16, #17
Ron Anderluh	Agenda Item #5
Sean Costello	Agenda Item #15
Vince Anello	Agenda Item #13
Gerald Skrlin	Various Topics
Ron Anderluh	Volunteers
Diane Tattersall	Quality of Life
Tim Huether	Council Secretary
Vince Anello	Various Topics

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK CLAIM REPORT FOR THE MONTH OF DECEMBER 2017

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF DECEMBER 2017

Agenda Item #2
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: PORTER ROAD, 5000, GRINDING, CHIPPING, REMOVING WOOD/LEAF WASTE, ZOLADZ CONSGRUCTION CO.

Agenda Item #3
THIS ITEM WAS PULLED
NO ACTION TAKEN ON THIS ITEM

POLICE DEPARTMENT: NIAGARA COUNTY DRUG TASK FORCE, MEMORANDUM OF UNDERSTANDING

Agenda Item #4

The Superintendent of Police is recommending that the City once again authorize the NFPD to participate in the Niagara County Drug Task Force. The City has participated in this Drug Task Force for many years and it has proven to be a valuable tool in assisting the NFPD in its fight against crime.

Attached hereto (on file in the City Clerk's Office) is a copy of the Memorandum of Understanding in this regard.

Will the Council so approve and authorize the Police Superintendent to execute this Memorandum of Understanding evidencing the participation of the NFPD in the Niagara County Drug Task Force?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: GRANT WRITING SERVICES, SHEPHERD-CORULLI, SHERRY L.

Agenda Item #5

Commencing in calendar year 2015, the City entered into a non-exclusive Consulting Agreement (the "Agreement") with an individual to provide grant writing and grant administration services to the City. This Agreement has been extended for years 2016 and 2017 and has proven very beneficial to the City. It is recommended that for calendar year 2018 the City extend the Agreement with that same individual to provide those same services. Attached (on file in the City Clerk's Office) is a copy of the proposed 2018 Agreement together with a communication from the consultant describing various accomplishments and requesting an extension. The fee for those services during 2018 is not to exceed $40,000.00. Funding is available from the 2018 Planning and Economic Development "Consultant" budget line.

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

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: NIAGARA COUNTY OFFICE FOR THE AGING

Agenda Item #6

In the past, the City has served as a contractor for the Niagara County Office for the Aging by providing information and assistance services to persons 60 years old or older who meet Office for the Aging eligibility requirements. These services are performed at 1201 Hyde Park Boulevard, Niagara Falls, New York. The City is paid an amount not to exceed $9,025.00 for these services. The term of the agreement is January 1, 2018 through December 31, 2018. Attached (on file in the City Clerk's Office) is a copy of a proposed agreement.

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

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

MAYOR'S APPROVAL

Agenda Item #7

Please be advised that Mayor Paul A. Dyster on December 27, 2017, duly approved the following:

Resolution 2017-116, relative to Amending Chapter 701 of the Codified Ordinances entitled "Animals, Fowl and Dogs."

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: GEICO, A/S/O DIEDRE RAY

Agenda Item #8

Date Claim Filed: September 12, 2017

Date Action Commenced:	N/A
Date of Occurrence:	August 1, 2017
Location:	20th Street between Forest Ave & Woodlawn Ave
Nature of Claim:	City vehicle backed into a parked vehicle.
City Driver:	Daniel Mayville
Status of Action:	Claim Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$1643.60
Make Check Payable to:	GEICO Direct as subrogee of Deidre Ray.
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?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

RESOLUTION: CITY COUNCIL SECRETARY, APPOINTMENT, 2018-5
BY: COUNCIL MEMBERS KENNEDY, SCOTT, CHAIRMAN TOUMA

Agenda Item #9

WHEREAS, Section 3.2(e) of the City Charter gives the City Council the authority to appoint its own confidential secretary by the majority vote of City Council members; and

WHEREAS, the position of City Council secretary is presently vacant due to the resignation of the previous City Council secretary; and

WHEREAS, this City Council wishes to fill this position.

NOW, THEREFORE, BE IT RESOLVED, that this City Council does hereby appoint Mark Diodate, 3028 Dorchester Road, Niagara Falls, NY 14305 to serve as its confidential secretary effective January 18, 2018. Attached hereto (on file in the City Clerk's Office) is a copy of the resume provided by Mark Diodate.

Yeas 4
Kennedy, Scott, Voccio, Chairman Touma
Nays 1
Tompkins

ADOPTED

AMENDMENT IS TO ADJUST RESUME.

RESOLUTION: COUNCIL MEETING, DATE CHANGE, 2018-6
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #10

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that the City Council meeting originally scheduled for Wednesday, March 14, 2018 is re-scheduled to be held on Thursday, March 15, 2018 at 6:00 p.m.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: BENEFITS OF EMPLOYEES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS, AMENDING CHAPTER 171
BY: COUNCIL MEMBER KENNY TOMPKINS

Agenda Item #11

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Chapter 171 of the Codified Ordinances entitled "Benefits of Employees Not Covered by Collective Bargaining Agreements" is hereby amended to read as follows:

171.05 HEALTH INSURANCE

. . .

b. Medical Opt-out Payment: Elected City Officials, regardless of when first elected to office, are not eligible to receive health insurance opt-out payments. For all other active employees defined under this Chapter appointed prior to September 1, 2017, health insurance opt-out payments shall be capped at [$5,000] $3,500 single/[$10,000] $7,500 family; employees that are qualified to receive health and dental insurance pursuant to Chapter 171.09 are eligible to continue opt-out payments post-separation until the separated employee reaches age 65 of the separated employee begins receiving Medicare benefits (when the City health insurance becomes supplemental to Medicare), whichever comes first, at which time opt-out payments shall terminate.

. . .

Bold and Underline Indicate Additions
Bold and Brackets Indicate [Deletions]

Yeas 2
Tompkins, Voccio
Nays 3
Kennedy, Scott, Chairman Touma

DEFEATED

RESOLUTION: MAYOR, SALARY REDUCTION
BY: COUNCIL MEMBERS KENNEDY, TOMPKINS, VOCCIO

Agenda Item #12

WHEREAS, this City Council realizes that the City of Niagara Falls is in a financially challenging period of time and that expenses must be reduced; and

WHEREAS, this City Council demonstrates an ability to reduce expenses in various ways, the confidence among City residents, taxpayers, City employees, prospective developers and investors as well as bond rating agencies and others will be strengthened.

NOW, THEREFORE, BE IT RESOLVED that in an effort to reduce expenses going forward, effective January 1, 2020, pursuant to Section 4.1 of the City Charter, this City Council hereby fixes the salary of the Mayor of the City of Niagara Falls at $70,200.00 annually.

Yeas 2
Tompkins, Voccio
Nays 3
Kennedy, Scott, Chairman Touma

DEFEATED

RESOLUTION: ADMINISTRATION, REDUCE EXPENSES, 2018-7
BY: COUNCIL MEMBERS TOMPKINS, VOCCIO, CHAIRMAN TOUMA

Agenda Item #13

WHEREAS, this City Council realizes that the City of Niagara Falls is in a financially challenging period of time and that expenses must be reduced; and

WHEREAS, this City Council believes that if this City Council demonstrates an ability to reduce expenses in various ways, the confidence among City residents, taxpayers, City employees, prospective developers and investors as well as bond rating agencies and others will be strengthened.

NOW, THEREFORE, BE IT RESOLVED that this City Council requests that the administration immediately begin exploring ways to reduce expenses by at least 5% of the 2018 budget in an effort to create fund balance and also begin the budget preparation process for year 2019 in an effort to reduce expenses by 5%.

BE IT FURTHER RESOLVED that the City Council requests that the administration consult with representatives from all of its various City departments as well as representatives from each City bargaining unit as part of this process.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: COMPENSATION FOR CITY COUNCIL MEMBERS, AMENDING CHAPTER 170
BY: COUNCIL MEMBERS TOMPKINS, VOCCIO

Agenda Item #14

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that Chapter 170 of the Codified Ordinances entitled “COMPENSATION FOR CITY COUNCIL MEMBERS” is hereby amended to read as follows:

Section 170.01
Effective January 1, [2008] 2020, the compensation for Council Members shall be set at [Twelve Thousand ($12,000)] Ten Thousand Eight Hundred Dollars ($10,800) per annum.

Bold and Underline Indicate Additions
Bold and Brackets Indicate [Deletions]

Yeas 2
Tompkins, Voccio
Nays 3
Kennedy, Scott, Chairman Touma

DEFEATED

RESOLUTION: WATER LINE BREAKS, COMPENSATION, 2018-8
BY: COUNCIL MEMBERS KENNEDY, SCOTT, CHAIRMAN TOUMA

Agenda Item #15
WHEREAS, this City Council has been made aware of numerous water line breaks in the City of Niagara Falls which have adversely affected City residents and rate payers; and
WHEREAS, the water line breaks this City Council has been made aware of include, but are not limited to, water line breaks on 47th Street, 38th Street, 70th Street and Frontier Avenue to name a few; and
WHEREAS, this City Council has also been made aware of low water pressure in various areas of the City inclusive of the Deveaux area of the City which may be attributable to water line breaks; and
WHEREAS, this City Council has been made aware of circumstances in which residents and rate payers have been without water service or experienced low water pressure for extended periods of time; and
WHEREAS, this City Council believes that the Niagara Falls Water Board ("NFWB") should somehow compensate residents and rate payers adversely affected by water line breaks.
NOW, THEREFORE, BE IT RESOLVED, that this City Council does hereby call upon the NFWB to develop a compensation program for residents and rate payers adversely affected by water line breaks which have occurred during the last few months and will likely occur in the future; and
BE IT FURTHER RESOLVED that this City Council calls upon the NFWB to develop a program and protocol for residents and rate payers adversely affected by water line breaks to identify themselves to the NFWB, explain and communicate their individual circumstances and that the NFWB create a system of compensation for those adversely affected residents and rate payers; and
BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the NFWB at its offices located at 5815 Buffalo Avenue, Niagara Falls, NY.

Yeas 3
Kennedy, Scott, Chairman Touma
Nays 2
Tompkins, Voccio

ADOPTED

Amendment is to add Council Member Scott to list of sponsors

RESOLUTION: ELECTED OFFICIALS, REDUCE SALARIES
BY: COUNCIL MEMBERS TOMPKINS, VOCCIO

Agenda Item #16
WHEREAS, this City Council realizes that the City of Niagara Falls is in a financially challenging period of time and that expenses must be reduced; and
WHEREAS, this City Council believes that if this City Council demonstrates an ability to reduce expenses in various ways, the confidence among City residents, taxpayers, City employees, prospective developers and investors as well as bond rating agencies and others will be strengthened.

NOW, THEREFORE, BE IT RESOLVED that this City Council wishes to lead by example and requests that all City Council Members and the Mayor voluntarily reduce their respective salaries by 10% for calendar year 2018.

Yeas 2
Tompkins, Voccio
Nays 3
Kennedy, Scott, Chairman Touma

DEFEATED

RESOLUTION: NIAGARA RIVER GREENWAY COMMISSION, APPLICATIONS, 2018-9
BY: ALL COUNCIL MEMBERS

Agenda Item #17

WHEREAS, the City of Niagara Falls is preparing applications to the Niagara River Greenway Commission for the following projects: (1) 91st Street Park Playground Improvements, (2) Jayne Park Playground Improvements and (3) Temporary Outdoor Ice Rink Equipment; and

WHEREAS, the proposed projects have been the subject of years of community advocacy, conversation and support; and

WHERAS, all three projects will create park and public space improvements on existing municipal property and create community and economic development in proximity to the Niagara Greenway that can support and complement the Niagara Greenway; and

WHEREAS, all three projects are designed to offer more family-centric activities in the City of Niagara Falls, consistent with the approved Niagara Falls Parks Master Plan; and

WHERAS, the enhancement of parks and public spaces in proximity to the Niagara Greenway will be best served and connected by already completed and ongoing pedestrian and bike trails and facilities, and;

WHEREAS, the application to competitive funding sources alleviates the need to use municipal funds for public space improvements.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Niagara Falls, New York hereby supports the (1) 91st Street Park Playground Improvements, (2) Jayne Park Playground Improvements and (3) Temporary Outdoor Ice Rink Equipment applications to the Niagara Greenway Commission.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: HYDE PARK INCLUSIONARY PLAY PROJECT, JOHN R. OSHEI FOUNDATION, 2018-10
BY: ALL COUNCIL MEMBERS

Agenda Item #18

WHEREAS, the Niagara Falls City School District has partnered with the Niagara Falls Community Development Department to create an inclusionary play area connected to the existing Hyde Park Playground; and

WHEREAS, an inclusionary play area, serving children of all abilities, and providing free play opportunities to children with special mobility and behavioral needs was prioritized by the community through the 2017 Niagara Falls Community Development Participatory Budgeting process; and

WHERAS, the Niagara Falls City School District is applying to the John R. Oishei Foundation for a $50,000 challenge grant, creating a dynamic partnership between the municipality and the school district that best serves our youngest residents; and

WHEREAS, the proposed play area far exceeds Americans with Disabilities Act (ADA) regulations, creating the city’s first and only public space specifically designed for children of all abilities; and

WHERAS, the Hyde Park Inclusionary Play Project is the product of the City of Niagara Falls, Niagara Falls City School District, EMPOWER and Niagara University working together to create a functional and unique space, and;

WHEREAS, the application to competitive funding sources alleviates the need to use municipal funds for public space improvements.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Niagara Falls, New York hereby supports the Niagara Falls City School District's application to the John R. Oshei Foundation for the Hyde Park Inclusionary Play Project.

Yeas 5
Nays 0

ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 8:40 P.M.

Lisa A. Vitello
City Clerk

The Legislative session of the January 31, 2018 Niagara Falls City Council Meeting was called to order by Council Chairman Touma at 6:03 P.M. in the Council Chambers.

Present: Council Chairman Andrew Touma, Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Christopher Voccio

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello.

Council Member Kennedy said the Prayer and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Council Member Tompkins moved to approve the Minutes from the Council Meeting of January 17, 2018.

Yeas	5
Nays	0
	APPROVED

Sarah Capen, Director of National Heritage Association spoke on the Discover Niagara Shuttle. They are working with State and Local authorities. They are proud of their success and thanks for the support of the Council, Public Works and the many sponsors that have contributed. They plan to wean off the yearly contribution from the City.

Mayor Paul Dyster spoke on the bed tax money that goes to help fund the Shuttle.

Nick Melson, City Administrator and Seth Picirrillo, Director of Cmmunity Development and Code Enforcement, gave a Presentation on City Blight.

Chris Mazur, Deputy Corporation Counsel, is the Prosecutor for the City in Housing Court. He hopes to work closely with Code Enforcement and the Court about violations on City properties.

Administrative Update:

City Administrator, Nick Melson, stated $18,000 has been taken in from the Boot Program and $19,000 in Compliance tickets have been received.

Council Member Kenny Tompkins asked about snow removal on the sidewalks. Brook D'Angelo is now handing out the "Oops" tags to homeowners.

Mayor Paul Dyster thanked Council Member Tompkins for recognizing Louis Yorio, longtime City Employee, who had just passed away.

Council Chairman Andrew Touma asked for an update on the Reconstruction Board. City Administrator, Nick Melson, stated he is hoping for a 2nd quarter meeting and is looking at everything.

Council Member Voccio would like an update on finances from Dan Morello, Controller.

City Administrator, Nick Melson, said there are no more Control Boards in New York State.

The Budget process has been already started.

A discussion followed between the Council and the administration on the Brightfield Project contribution.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Ron Anderluh	Agenda Items #17, #19
Tim Huether	Agenda Items #2, #4
Judy Dye	Neighbor's garbage
Gerald Skrlin	Agenda Item #4
Pat Proctor	Traffic Lights; 7th St.; Traffic problems; Landscaping
Donta Myles	Kudos to Public Works about plowing; casino funds
Mary DeBacco	Slumlords; blight in City
James Hufnagel	State Parks; Carriage Barn
Debra Hicks	Highland Community Park; Beech Ave. Legacy Park
Paula Veltri	Public Works to clean snow on corner, no response
Gerald Skrlin	Various

Chairman Touma called for an Executive Session at 8:58 PM to discuss Litigation. Councilman Tompkins motioned to go into Executive Session, Councilman Voccio seconded the motion.

Councilman Tompkins motioned to come out of Executive Session at 9:16 PM, which was voted 5 to 0 by all Council Members.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

PURCHASE: LIBERTY PARK EQUIPMENT, KOMPAN PLAYGROUND EQUIPMENT

Agenda Item #1

It is the administration's recommendation that Liberty Parks AKA Lou "Big Lou" Park equipment should be purchased via the New York State Office of General Services Playground Equipment, and Related Products Statewide Contract. KOMPAN Playground Equipment is a qualified vendor as part of the statewide contract. The total amount that the Niagara Falls City Council is being asked to authorize is $72,999.50.

The Liberty Park Project will not require any municipal general fund or casino capital fund revenue. The entire project, including the purchase of equipment and installation, will be funded by United States Department of Housing and Urban Development Community Development Block Grant (CDBG) grant funds. A total of $200,000 in CDBG funds was allocated to this project via the 2017 Participatory Budgeting Process (PB360). The Niagara Falls City Council approved a $360,000 CDBG allocation to fund PB360 as part of the 2017 Niagara Falls Community Development Action Plan. The City of Niagara Falls is only the second American city to use participatory budgeting, a process in which citizens directly vote on public projects, to allocate CDBG funds.

Safety surfacing installation is estimated at $89,702 and general equipment installation is estimated at $36,725, for a total project estimate of $199,426. These expenditures will also be brought to the City Council for approval. Any contingency payments will be funded by CDBG rather than the City of Niagara Falls. The existing play structure will be replaced by the new facility but the swings will be left in place. This equipment will not add a new maintenance burden to the Department of Public Works, as there is already a need for maintenance now.

The proposed equipment is designed to offer physical activity and fitness opportunities to residents of all ages. Features include safety surfacing, pull up bars, push up bars, vertical ladders, horizontal ladders and a mobility course. In partnership with the Niagara Falls City School District, physical activity sessions will be scheduled throughout the summer months. Niagara Falls Community Development has applied to the New York State Health Foundation to fund programming at Liberty Park in 2018 and 2019. The Niagara Falls City Council is considering a resolution in support of this application at the January 31, 2018 City Council meeting.

The Liberty Park Improvement Project will transform a blighted park into a place for the community to come together with physical activity and fitness. The playground set has been in a state of disrepair for years and all other park amenities are aged considerably. The makeup of the community surrounding Liberty Park is largely residential and densely occupied. This project is part of our department's and the City of Niagara Falls' continuing effort to increase and improve youth facilities and services in our community. Improvement at Liberty Park are consistent with the adopted Niagara Falls Parks Master Plan.

Will the Council vote to so approve and authorize the Mayor to execute a contract for the purchase and limited installation of this equipment, in a form acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: CITY ASSESSOR, STIPEND, SHARED SERVICES

Agenda Item #2
THIS ITEM WAS PULLED
NO ACTION TAKEN ON THIS ITEM

NFURA: THIRD STREET PARKING LOT, CITY GROUND LEASE, AMENDMENT

Agenda Item #3

By lease dated October 11, 2016, Niagara Falls Urban Renewal Agency leased to the City the parcel of property on the west side of Third Street owned by NFURA and known as the Third Street Parking Lot. The lease runs through 2036, and can be extended by mutual assent through 2056. The lease allows the City to operate the parking lot, and requires the City to maintain the lot. This lease memorialized the fact that the City had been maintaining and operating the parking lot for some time. Attached (on file in the City Clerk's Office) is a copy of that ground lease.

The ground lease excluded the southerly portion of the lot adjacent to the Jefferson Apartments. That portion of the parcel has been leased by NFURA to the Jefferson Apartments owners since 1975, with the current Jefferson Apartments lease dated September 22, 2000. The current lease runs to January 1, 2026.

The Jefferson is negotiating a new parking pass arrangement with the City, and has requested a cancellation of the Jefferson Apartments lease with NFURA contingent on the Jefferson Apartment owners negotiating a parking pass arrangement with the City. The NFURA Board of Directors will be considering this request during its meeting on January 29, 2018.

On January 29, 2018, the NFURA Board of Directors will also consider an amendment to the City-NFURA ground lease for the Third Street parking lot, to include the land formerly leased to the Jefferson Apartments owners. The amendment is contingent on approval and signing of a parking pass agreement between the City and the Jefferson Apartments owners.

Will the Council vote to approve the City Ground Lease amendment to include the land formerly leased by NFURA to the Jefferson Apartment owners as set forth herein, to take effect only upon the City and Jefferson Apartment owners executing a parking pass agreement, and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

Chairman Touma said this is a beneficial change and thanked Corporation Counsel Craig Johnson for his work on this.

DISCOVER NIAGARA SHUTTLE: FUNDING

Agenda Item #4

It is requested that the City contribute the sum of $100,000 to support the continued operation of the Discover Niagara Shuttle for the 2018 season. During its first two years of operation, almost 70,000 riders have used the shuttle to access over a dozen destinations between downtown Niagara Falls and Fort Niagara. A recently released economic impact study by the prestigious Tripp Umbach firm showed a $35 million impact for the shuttle, for a return on investment of approximately 43 to 1.

The New York Power Authority, State Parks, Destination Niagara, Niagara University and Niagara County are already lined up as 2018 sponsors. It is believed the willingness of the City to make a contribution is essential to getting other sponsors to contribute. The project has bipartisan support, as demonstrated by the presence of both Congressman Brian Higgins and Congressman Chris Collins at a press conference where the results of the impact study were released on December 4th.

Funds are available from the Tourism fund, supported by bed tax revenues. No general fund dollars are involved.

Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

Council Member Scott is grateful for riders using the Shuttle. We need to be careful about spending on this.
Council Member Voccio is comfortable on spending $100,000 on this.
Council Member Tompkins said it is great that the City is getting a 40% return from the Shuttle.

CONTRACT: NIAGARA MILITARY AFFAIRS COUNCIL, FUNDING

Agenda Item #5

The 2018 Budget contains an appropriation in the amount of $2,500.00 for the NIMAC. In order to effectuate this, a Funding Agreement with NIMAC is required.

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

Council Member moved that the communication be received and filed and the recommendation approved.

Yeas 4
Kennedy, Scott, Tompkins, Chairman Touma
Nays 1
Voccio

APPROVED

Council Member Voccio stated that saying Yes to all requests from organizations will be against cutting expenses.
City Administrator, Nick Melson, said that these are already budgeted expenses.
Council Chairman Touma stated that moving forward, these organizations need to find additional revenue for funding.

CONTRACT: SCHOOL DISTRICT, OSC, FUNDING

Agenda Item #6

The 2018 Budget contains an appropriation in the amount of $10,000.00 to the School District to assist in funding the operation of the OSC-21, public access channel ("OSC"). In order to effectuate this, a Funding Agreement with the School District is required.

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

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 4
Kennedy, Scott, Tompkins, Chairman Touma
Nays 1
Voccio

APPROVED

CONTRACT: NIAGARA FALLS BEAUTIFICATION COMMISSION, FUNDING

Agenda Item #7

The 2018 Budget contains an appropriation in the amount of $10,000.00 for the NBC. In order to effectuate this, a Funding Agreement with NBC is required. Funding is available from Tourism budget.

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

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: NIAGARA FALLS BLOCK CLUB COUNCIL, FUNDING

Agenda Item #8

The 2018 Budget contains an appropriation in the amount of $10,000.00 for the Council. In order to effectuate this, a Funding Agreement with the Council is required.

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

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 4
Kennedy, Scott, Tompkins, Chairman Touma
Nays 1
Voccio

APPROVED

CONTRACT: SPCA, CONTINUATION

Agenda Item #9

Representatives from the City and the NSPCA have been meeting with respect to the scope of services provided to the City by the NSPCA and the duration of those services during calendar year 2018. The existing agreement between the City and the NSPCA expired on December 31, 2017. The parties have agreed that while discussions continue as concerns the future, it is in the best interest of the City and the NSPCA to extend the existing agreement on the same terms for a period of six (6) months. The cost to the City is $25,939.14 per month for a total of $155,634.84. Attached hereto (on file in the City Clerk's Office) is a six (6) month agreement which reflects a six (6) month term and is otherwise in the same form as the agreement that expired at the end of 2017.

Funding is available from budgeted funds.

Will the Council so approve and authorize the Mayor to execute a final agreement provided it is in form and content satisfactory to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

Council Member Tompkins inquired about the 6 month contract. City Administrator, Nick Melson, said the City is looking at every option and we are not getting the value from the SPCA.

CONTRACT: NIAGARA ARTS & CULTURAL CENTER, FUNDING

Agenda Item #10

The 2018 Budget contains an appropriation in the amount of $30,000.00 for the NACC. In order to effectuate this, a Funding Agreement with the NACC is required. Attached hereto (on file in the City Clerk's Office) is a letter from Kathie Kudela, the Executive Director of NACC outlining many of the events and programs scheduled for 2018. Funding is available from Tourism budget.

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

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

COMMUNITY DEVELOPMENT: CASINO RESERVES, RESTORATION

Agenda Item #11

On June 9, 2014 the City Council approved an expenditure of $100,000.00 for the Buffalo Avenue Streetscaping Program. The Office of Community Development has now identified funds in its 2018 budget to cover the $100,000.00 local share required to continue this project. Therefore, it is requested that this $100,000.00 previously approved for this project be returned to casino revenues.

In addition, during the January 23, 2017 City Council meeting, the sum of $500,000.00 in casino revenues was approved for the demolition/board-up capital account. That money has only been partially spent. It is therefore requested the sum of $150,000.00 be returned to casino revenues.

Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: NIAGARA COMMUNITY ACTION PROGRAM INC., FUNDING

Agenda Item #12

The 2018 Budget contains an appropriation in the amount of $27,500.00 for the Niagara Community Action Program Inc. so that it may continue to provide assistance to qualified City residents during fiscal year 2018. This will require that the City enter into a Funding Agreement with this entity. Attached (on file in the City Clerk's Office) is a copy of the letter of request as well as a copy of a proposed agreement.

Will the Council so approve and authorize the Mayor to execute a Funding Agreement in form satisfactory to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 4
Kennedy, Scott, Tompkins, Chairman Touma
Nays 1
Voccio

APPROVED

CONTRACT: 3625 HIGHLAND AVENUE, MECHANICAL/HVAC SYSTEMS, CHANGE ORDER #1, J.R. SWANSON PLUMBING CO. INC.

Agenda Item #13

A contract for the above referenced project was awarded to J.R. Swanson Plumbing Co. Inc., 413-103rd Street, Niagara Falls, NY on August 3, 2017.

This Change Request is to provide repairs not covered in the original contract. This unanticipated but necessary work will allow for the City to obtain a certification of occupancy.

Funding for this Change Order is available from Casino Funds. Additionally, partial reimbursement from a New York State ESD Grant is available to offset project cost.

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of $1,500.00 be approved; bringing the new contract total to $150,910.00.

Will the council vote to so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

Council Member Kennedy stated that in the future if we can get a receipt breakdown on additional expenses.

IN REM AUCTION BIDS: APPROVAL

Agenda Item #14

Attached (on file in the City Clerk’s Office) is the list of bids from the December 19, 2017 auction.

With respect to Schedule A properties, Ward 05, Pro 0352; Ward 05, Pro 2911; Ward 05, Pro 2960; Ward 05, Pro 3008; Ward 05, Pro 3307; Ward 09, Pro 0444; Ward 09, Pro 0445; Ward 09, Pro 0566; Ward 09, Pro 2046 and Ward 09, Pro 2668, Ward 13, Pro 0263, Ward 13, Pro 0407, Ward 13, Pro 0273B, Ward 05, Pro 1490, Ward 14, Pro 5222, Ward 09, Pro 0669, Ward 05, Pro 2417, Ward 05, Pro 2422, Ward 04, Pro 2012 and Ward 10, Pro 1546 and Schedule D, Ward 13, Pro 3398 we recommend approval of the bids subject to payment of any delinquent taxes on other properties within 30 days. If the taxes are not paid by that time the bids are rejected and deposits and auctioneer fees forfeited pursuant to the Terms of Sale.

With respect to Schedule A properties, Ward 09, Pro 2678, Ward 10, Pro 0054, Ward 10, Pro 1055A and Schedule D Ward 09, Pro 2711, we recommend approval of the bids subject to payment of any delinquent taxes and correction of any code violations on other properties within 30 days. If the taxes are not paid and the violations are not corrected by that time, the bids are rejected and deposit and auctioneer fees forfeited pursuant to the Terms of Sale.

With respect to Schedule A properties, Ward 10, Pro 0782; Ward 10, Pro 0789; Ward 14, Pro 5153 and Ward 14, Pro 5155, Ward 14, Pro 5157 the bidders have delinquent taxes on other properties and have lost properties in City in rem proceedings and we recommend that the bids be rejected and the deposits and auctioneer fees forfeited in accordance with the Terms of Sale.

With regard to Schedule A, we recommend that the bids for Ward 13, Pro 4003 be rejected and the bid deposit and auctioneer's fee returned to the bidder.

With the exception of the above, we recommend that the bids for Schedule A and Schedule D properties be approved. The bids for Schedules B and E properties do not require Council approval and are submitted for your information.

Will the Council so approve and authorize the Mayor to execute deeds to the successful bidders in accordance with the Terms of Sale?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

RESOLUTION: MARRIAGE OFFICER, RE-APPOINTMENT, 2018-11
BY: ALL COUNCIL MEMBERS
Agenda Item #15

WHEREAS, Niagara Falls has an international reputation as The Honeymoon Capitol; and

WHEREAS, Couples arrive at the City Clerk's Office from all over the World to obtain a marriage license; and

WHEREAS, it is advantageous for the City and convenient for the couples to have these marriages solemnized within the confines of the City of Niagara Falls; and

WHEREAS, the Council finds it appropriate to reappoint a Marriage Officer.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that in accordance with Section 11-c of the New York Domestic Relations Law, the following employee in the City Clerk's Office, Nadine A. Wasson, be reappointed as Marriage Officer for the City of Niagara Falls for a term of four years.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: TOURISM ADVISORY BOARD, APPOINTMENT, RE-APPOINTMENT, 2018-12
BY: ALL COUNCIL MEMBERS

Agenda Item #16

WHEREAS, the Niagara Falls City Council by Resolution 2006-11 re-established The Tourism Advisory Board and by Resolution 2006-11 set its membership at Sixteen (16) members; and

WHEREAS, the council deems it desirable to continue the Tourism Advisory Board during 2018.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York continues the Tourism Advisory Board consisting of sixteen (16) members appointed by the City Council; and

BE IT FURTHER RESOLVED, that the board and its function shall cease one (1) year from the date of the adoption of this Resolution; and

BE IT FURTHER RESOLVED, that the following individuals are hereby appointed/reappointed to the City of Niagara Falls Tourism Advisory Board for the term expiring on the date which appears opposite their names:

Adrienne Bedgood	12/31/2018
Gay Molnar	12/31/2018
Lisa Vitello	12/30/2018
Angela Berti	12/31/2018
Gaellan Baille	12/31/2018
Howie E. Ewing, Jr.	12/31/2018
Patrick Proctor	12/31/2018
Christian Printup	12/31/2018
Roscoe Naguit	12/31/2018
Anthony Poletti	12/31/2018
Andrea Czopp	12/31/2018
Jeffery Flach	12/31/2018
Ernest Lucantonio	12/31/2018
Meghan Ayers	12/31/2018
Stanley Horab	12/31/2018
Doug Nickerson	12/31/2018
Yeas	5
Nays	0
	ADOPTED

RESOLUTION: COMPLETE STREETS POLICY, CREATION, 2018-13
BY: ALL COUNCIL MEMBERS

Agenda Item #17

WHEREAS, a Niagara Falls Complete Streets Policy City of Niagara Falls will improve bicycle and pedestrian friendliness through consistent public realm design standards to revitalized mixed-use neighborhoods, making our city safer and more accessible; and

WHEREAS, the City of Niagara Falls shall plan for, design, construct, operate and maintain appropriate facilities for all transportation users in all new construction, retrofit and reconstruction projects; and

WHEREAS, streets that integrate multiple transportation choices for pedestrians, bicyclists, and transit, with special consideration for children, the elderly and people with disabilities, contribute to the public life of a community, sustainable economic development and efficient movement of people and goods; and

WHEREAS, the City of Niagara Falls shall, to the maximum extent practical, scope, plan, design, construct, operate and maintain all streets to provide a comprehensive and integrated network of facilities for all users of all abilities; and

WHEREAS, any exception to applying this Complete Streets Policy to a specific roadway project must be approved by the Niagara Falls City Council with documentation of the reason for the exception. Exceptions may be made when the project involves a roadway on which non-motorized use is prohibited by law. In this case, an effort shall be made to accommodate pedestrians and bicyclists elsewhere; and

WHEREAS, this policy will create a comprehensive, integrated, connected transportation network for the City of Niagara Falls that balances access, mobility, health and safety needs for all residents. Planning, funding, designing, constructing, managing and maintaining a complete multi-modal network, ensures this; and

WHEREAS, it is the intent of this policy to foster partnerships with the State of New York, Niagara County, Niagara Falls School District, citizens, businesses, interest groups and neighborhoods to implement complete streets.

WHEREAS, the City of Niagara Falls shall adapt, develop and adopt departmental policies, design criteria, standards and guidelines based upon recognized best practices in street design, construction and operations including but not limited to the latest editions of American Association of State Highway Transportation Officials (AASHTO) A Policy on Geometric Design of Highways and Streets; AASHTO Guide for Planning, Designing, and Operating Pedestrian Facilities; AASHTO Guide for the Development of Bicycle Facilities; Institute of Transportation Engineers (ITE) Designing Walkable Urban Thoroughfares: A Context Sensitive Approach; National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide; U.S. Access Board Public Right-of-Way Accessibility Guidelines; Highway Capacity Manual and Highway Safety Manual.

WHEREAS, the implementation of this policy shall reflect the context and character of the surrounding built and natural environments while enhancing the appearance of such. In doing so, the City of Niagara Falls shall consider methods of providing development flexibility within safe design parameters such as context-sensitive design solutions and shall attempt to employ all solutions consistent with and sensitive to the context of the project.

WHEREAS, complete Streets should be continuously evaluated for success and opportunities for improvement sought. This policy encourages the regular evaluation and reporting of implementing complete streets through the following performance measures:

- Increase in the share of bicycles, pedestrians and transit users;
- Crash data;
- Use of new projects by mode;
- Compliments and complaints;
- Linear feet of pedestrian accommodations built;
- Number of ADA accommodations built;
- Miles of bike lanes/trails built or striped;
- Number of transit accessibility accommodations built;
- Number of street trees planted;
- Number of building permits issued along new complete street;
- Number of exemptions from this policy.

WHEREAS, the City of Niagara Falls shall implement the following steps to ensure successful implementation of complete streets:

- Advisory Board: The City of Niagara Falls will establish an interdepartmental advisory board to oversee the implementation of this policy. The committee should include members of various constituencies, including the Niagara Falls City Council, the Niagara Falls Planning and the Niagara Falls Engineering Department, Department of Public Works, Department of Community Development, Niagara Falls Police Department, the Niagara Falls School District, the New York State Department of Transportation as well as representatives from bicycling, pedestrian, disabled, youth and elderly communities or any other organizations as deemed relevant. This committee will meet quarterly and provide a written report to the Mayor of Niagara Falls evaluating progress and advising on implementation.
- Inventory: The City of Niagara Falls will maintain a comprehensive inventory of the pedestrian and bicycle infrastructure and will prioritize projects to eliminate gaps in the sidewalk and bikeway networks.
- Capital Improvement and Maintenance Project Prioritization: The City of Niagara Falls will reevaluate capital improvement and maintenance project prioritization annually to encourage implementation of pedestrian and bicycle improvements.
- Revisions to Existing Plans and Policies: The City of Niagara Falls will incorporate complete street principles into the comprehensive plan, zoning code and other plans and manual, rules, regulations and programs.

- Other Plans: The City of Niagara Falls will prepare, implement and maintain a Bicycle and Pedestrian Transportation Plan, a Safe Routes to School Plan, an Americans with Disabilities Act Transition Plan, and a Street Tree and Landscape Plan.
- Storm Water Management: The City of Niagara Falls will prepare and implement a plan to transition to sustainable storm water management techniques along our streets.
- Staff Training: The City of Niagara Falls will train all pertinent staff on the content of the complete streets principles and best practices for implementing the policy.
- Coordination: The City of Niagara Falls will utilize inter-departmental project coordination to promote the most responsible and efficient use of fiscal resources for activities that occur within the public right of way.
- Street Manual: The City of Niagara Falls will create and adopt a Complete Streets Design Manual to support implementation of this policy.
- Funding: The City of Niagara Falls will actively seek sources of appropriate funding to implement complete streets.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Niagara Falls, New York hereby supports the creation of a Niagara Falls Complete Streets Policy.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: NEW YORK STATE HEALTH FOUNDATION, APPLICATION SUPPORT, 2018-14
BY: ALL COUNCIL MEMBERS

Agenda Item #18

WHEREAS, the City of Niagara Falls Community Development Department is preparing an application to the New York State Health Foundation to fund the creation and programming of the Hyde Park Inclusionary Play Project and Liberty Park Improvement Project; and

WHEREAS, the New York State Health Foundation is committed not only to making grants, but also to making a difference beyond our grant dollars: informing health care policy and practice, spreading effective programs that work to improve the health system, serving as a convener of health leaders across the State ; and

WHEREAS, both the Hyde and Liberty Park projects would improve the quality of life for local children and families; and

WHEREAS, both projects are designed to offer more family-centric activities in the City of Niagara Falls, consistent with the approved Niagara Falls Parks Master Plan; and

WHEREAS a New York State Health Foundation award would allow for a new and comprehensive level of youth programming, physical education opportunities and parenting workshops in strong partnership with the Niagara Falls City School District, EMPOWER, Niagara University, the Niagara Falls Youth Board and other community stakeholders; and

WHEREAS, both projects were directly supported by the Niagara Falls community through the 2017 Niagara Falls Community Development Participatory Budgeting Process (PB360), and;

WHEREAS, the application to competitive, non-governmental funding sources alleviates the need to use municipal funds for public space improvements.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Niagara Falls, New York hereby supports the Niagara Falls Community Development Department’s funding application to the New York State Health Foundation.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: TOWING-RULES AND REGULATIONS, AMENDING CHAPTER 505
BY: COUNCIL MEMBERS KENNEDY, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #19
THIS ITEM WAS PULLED
NO ACTION TAKEN ON THIS ITEM

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 9:45 P.M.

Lisa A. Vitello
City Clerk

The Legislative session of the February 14, 2018 Niagara Falls City Council Meeting was called to order by Council Chairman Touma at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Christopher Voccio, Chairman Andrew Touma.

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello.

Council Member Scott said the Prayer and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Council Member Tompkins moved to approve the Minutes from the Council Meeting of January 31, 2018.

Yeas	5
Nays	0
	APPROVED

Seth Piccirillo, Director of Community Development and Code Enforcement, gave a presentation on first time home buyers.

Anthony Vilardo, Director of Economic Development, gave a presentation on the NFC Development Board.

Keyon Lee gave a presentation on the Sex Offender Task Force. Chairman Touma asked about the task force in relation with the school district.

Administrative Update

Mayor Paul Dyster discussed Frederick Douglass and the Centennial Celebration.

Bill Bradberry gave a presentation on Frederick Douglass and discussed the May Opening of the Underground Railroad Museum.

Chairman Touma asked the Mayor for an outline of the shared service agreement with NTCC (Destination Niagara)

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Jeff Braham	Agenda Item #15
Tim Huether	Agenda Item #3
Ron Anderluh	Memorial Day
Nicholas Baio	Various
Tim Huether	Council Secretary

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK CLAIMS FOR THE MONTH OF JANUARY 2018

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: DESTINATION NIAGARA USA, SHARED SERVICES

Agenda Item #2

The City has been asked to enter into a Shared Services Agreement with Destination Niagara USA to fill a tourism position at Destination Niagara USA. The position will be a staff position at Destination Niagara USA at a salary yet to be determined. Destination Niagara USA will be responsible to pay this salary and provide all benefits of employment. The City will contribute an amount not to exceed $40,000.00 toward the cost of the salary and benefits of employment. This position will be dedicated to promoting tourism in the City of Niagara Falls. Funds are available in the tourism budget.

Will the Council so approve and authorize the Mayor to execute a Shared Services Agreement in form and substance satisfactory to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: CITY ASSESSOR, STIPEND, SHARED SERVICES

Agenda Item #3
THIS ITEM WAS PULLED
NO ACTION TAKEN ON THIS ITEM

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #4

The following have requested City Council approval for Commissioner of Deeds for a term from April 1, 2018 to March 31, 2020.

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

Brook D'Angelo	DPW
Leonard G. Lapp Jr.	City Clerk's Office
Rosanna Lively	DPW

Leonard M. Cannello	9141 Rivershore Dr., NF, NY 14304
Kelly Cook	1026 92nd St., NF, NY 14304
Lisa Kaczor	7050 Lakeside Dr., NF, NY 14304
Larry Kensinger	496 23rd St., NF, NY 14303
Teresa M. Kurilovitch	9311 Niemel Dr., NF, NY 14304
Jaclyn Pendola	620 28th St., NF, NY 14301
Jessica-Lynn V. Salada-Siracuse	2867 Macklem Ave.,NF,NY14305

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

4TH STREET, APPROVAL TO INSTALL A "NO STANDING ANYTIME" RESTRICTION

Agenda Item #5

At the Traffic Advisory Commission meeting held on February 5, 2018 the Commission recommended APPROVAL of the following item:

REVERSE THE EXISTING PARKING RESTRICTIONS ON 4TH STREET BETWEEN BUFFALO AVENUE & RAINBOW BOULEVARD AND INSTALL A "NO STANDING ANYTIME" RESTRICTION ON THE WEST SIDE (WHOLE BLOCK EXCEPT FOR THE WINGATE BY WYNDAM HOTEL'S PORTE-COCHERE) AND UNLIMITED TIME PARKING ON THE EAST SIDE

This request will allow the residents, who are located on the east side of the street, to park in front of their homes, while keeping the west (Hotel) side of the street open, which is the objective of the Hotel's ownership.
A Petition from the residents of this block was received with 100% of signatures.

Submitted By: Frank Strangio, Vice President, Plati Niagara Inc., 7708 Niagara Falls Boulevard and Petition/Residents of Block

It is requested that City Council approve this recommendation.
Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

18TH STREET, 447, INSTALL HANDICAPPED ACCESS SPACE

Agenda Item #6

At the Traffic Advisory Commission meeting held on February 5, 2018 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 447 – 18th STREET

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Dan Palermo, on behalf of his father Salvatore Palermo, 447 – 18th Street

It is requested that City Council approve this recommendation.
Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

GRAND AVENUE, 2477, INSTALL HANDICAPPED ACCESS SPACE

Agenda Item #7
At the Traffic Advisory Commission meeting held on February 5, 2018 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 2477 GRAND AVENUE

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Toni Manzare, on behalf of her father Nicholas Manzare, 2477 Grand Avenue

It is requested that City Council approve this recommendation.
Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

LINWOOD AVENUE, 2479, INSTALL HANDICAPPED ACCESS SPACE

Agenda Item #8
At the Traffic Advisory Commission meeting held on February 5, 2018 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 2479 LINWOOD AVENUE

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Christina Hart, on behalf of her mother Olivia Carlino, 2479 Linwood Avenue

It is requested that City Council approve this recommendation.
Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

GRAND AVENUE, 2912, INSTALL HANDICAPPED ACCESS SPACE

Agenda Item #9
At the Traffic Advisory Commission meeting held on February 5, 2018 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 2912 GRAND AVENUE

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Norma Sicoli, 2912 Grand Avenue

It is requested that City Council approve this recommendation.
Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

WELCH AVENUE, 3008, INSTALL HANDICAPPED ACCESS SPACE

Agenda Item #10
At the Traffic Advisory Commission meeting held on February 5, 2018 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 3008 WELCH AVENUE

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Carol Haseley, on behalf of her mother Ann Wojton, 3008 Welch Avenue

It is requested that City Council approve this recommendation.
Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

87TH STREET BETWEEN BUFFALO & FRONTIER AVENUES, INSTALL OVERNIGHT PARKING

Agenda Item #11
At the Traffic Advisory Commission meeting held on February 5, 2018 the Commission recommended APPROVAL of the following item:

INSTALL OVERNIGHT PARKING ON 87th STREET BETWEEN BUFFALO AVENUE & FRONTIER AVENUE (WEST SIDE ONLY) WITH A "NO PARKING TUESDAY 7AM TO 1PM" RESTRICTION

A Petition from the residents of this block was received with 80% of signatures.

Submitted By: Shaun Canada, Owner, The Vault Nightclub, 8676 Buffalo Avenue and Petition/Residents of Block

It is requested that City Council approve this recommendation.
Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: CATERISANO, TORI

Agenda Item #12

Date Claim Filed:	December 16, 2008
Date Action Commenced:	December 17, 2008
Date of Occurrence:	September 24, 2007
Location:	25C Packard Court, Niagara Falls, NY
Nature of Claim:	Assault while making an arrest.
Officer Involved:	Ryan Warme
Status of Action:	Trial Stage
Recommendation/Reason:	Best interests of City to pay claim.

Amount to be Paid:	$500,000.00
Make Check Payable to:	Tori Caterisano and Viola, Cummings and Lindsay LLP.
Conditions:	Stipulation of Discontinuance and General Release to City and Settlement Agreement 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?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CLAIM: RODRIGUEZ, CARLOS

Agenda Item #13

Date Claim Filed:	January 10, 2018
Date Action Commenced:	N/A
Date of Occurrence:	December 16, 2017
Location:	542 79th Street, 79th Street & Lindbergh Avenue.
Nature of Claim:	While plowing, the plow truck hit the parked Delivery Truck.
City Driver:	Vincent Jackson
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$3230.03
Make Check Payable to:	Carlos Rodriguez c/o CNS Express Delivery
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?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

RESOLUTION: PLANNING BOARD, APPOINTMENTS, 2018-15
BY: ALL COUNCIL MEMBERS

Agenda Item #14

WHEREAS, the following three current Planning Board members should be considered for re-appointment for another term. These individuals have been very conscientious about their duties including maintaining regular attendance at meetings and maintaining the required level of training as per New York State Law:

1. Mr. Tony Palmer – Chairman Term Expires 12/31/2020
2. Mr. Timothy Polka Term Expires 12/31/2020
3. Mr. Robert Kazeangin Term Expires 12/31/2020

WHEREAS, In addition to these existing members who wish to continue serving, there remains one open seat that’s being vacated by Mr. Earl Smeal, who is resigning.

NOW, THEREFORE, BE IT RESOLVED the council would like to appoint Peter Heuer to the Niagara Falls Planning Board. The term would expire 12/31/2020.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: TOWING-RULES AND REGULATIONS, AMENDING CHAPTER 502. 2018-16
BY: COUNCIL MEMBERS KENNEDY, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #15

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Chapter 502 of the Codified Ordinances entitled "Towing – Rules and Regulations" is hereby amended to read as follows:

. . .

502.14 Fee schedule.

Authorized city towing service shall not charge more than the following fees for the respective services:

A. Passenger vehicles and light trucks: (Amended 06/21/06; 05/06/08)

(1) Standard (vehicles up to ten thousand (10,000) pounds) (Fee includes sweeping [speedy dry] and debris cleanup) [$125.00] $140.00

(2) Flat bed (as needed) Additional fee [$125.00] $ 60.00

(3) Additional Mileage Rate $ 2.50 per mile
Mileage rate will be applied to basic towing charge when transport exceeds 5 miles in distance to requested destination other than the tow operators place of business. This mileage charge is not to exceed $50.00 for any one transport.

[3](4) Additional fees for labor, recovery and towing:

(a)	Additional truck and driver hourly rate	[$ 55.00]	$100.00
(b)	Dolly wheels	[$ 25.00]	$ 35.00
(c)	Trailer for motorcycle, ATV, snowmobile	[$ 25.00]	$ 40.00
(d)	Winching (per one fourth (1/4) hour)	[$ 25.00]	$ 35.00

[4](5) Storage (per 24 hour period)

Inside (if requested by police)	[$ 40.00]	$ 45.00
Outside		$ 30.00

[5](6) Releasing after 5:00 p.m. weekdays or other than required Business hours on Saturday, Sunday and holidays [$ 35.00] $ 55.00

(7) Oil obsorbent $ 15.00 per bag

B. Heavy trucks, buses, tractor trailers and machinery:

(1)	Hook up and tow, vehicle over ten (10) thousand pounds	[$100.00]	$200.00
(2)	Additional labor fees for heavy vehicles recovery and towing:		
(a)	Air hookup	[$ 15.00]	$ 30.00
(b)	Mechanically release brakes (per axle)	[$ 15.00]	$ 30.00
(c)	Drop trailer from tractor	[$ 20.00]	$ 40.00
(d)	Remove axle (per axle)	[$ 20.00]	$ 35.00
(e)	Remove drive shaft	[$ 25.00]	$ 35.00
(f)	Remove bumper	[$ 25.00]	$ 35.00
(3)	Trailer towed behind vehicle	[$ 50.00]	$100.00
(4)	Winching	[$100.00]	$150.00
(5)	Additional labor (hourly per person)	[$ 40.00]	$ 60.00
(6)	Flatbed (per hour)	[$100.00]	$200.00

(7) Outside storage: per twenty-four hour day (24):			
(a)	Tractor	[$ 15.00]	$ 45.00
(b)	Trailer	[$ 15.00]	$ 45.00
(c)	Bus	[$ 15.00]	$ 45.00
(d)	Truck over twenty (20) feet long	[$ 15.00]	$ 45.00

502.15 Inspections.
. . .
. . .

Bold and Underline Indicate Additions
Bold and Brackets Indicate [Deletions]

Yeas 5
Nays 0
ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 8:10 P.M.

Lisa A. Vitello
City Clerk

The Legislative session of the February 28,2018 Niagara Falls City Council Meeting was called to order by Council Chairman Touma at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Christopher Voccio, Chairman Andrew Touma

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello.

Council Member Tompkins said the Prayer and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Council Member Tompkins moved to approve the Minutes from the Council Meeting of February 14, 2018.

Yeas	5
Nays	0
	APPROVED

PRESENTATIONS:

Jeff Pirrone, ESPRI Coordinator, gave a presentation on poverty initiative.

Steve Bottita gave a presentation on energy savings.

Councilman Christopher Voccio inquired about how the energy program will be evaluated.

City Controller Daniel Morello gave a presentation/update on finances.

Councilman Voccio discussed multiple funds and line item.

The Mayor addressed additional energy companies and programs.

Police Chief Bryan DalPorto gave a presentation on school safety and active shooter responses. He asked that people be aware of how quickly unfounded rumors spread via social media and reminded all to analyze/qualify information before sharing so that inaccurate information does not spread.

Nicholas Melson, City Administrator, listed areas where potholes are quickly being addressed.

Councilman Ezra Scott inquired about the golf course and there was a discussion among all councilmembers about golf course operations.

Councilman Kenny Tompkins inquired about the Cultural District and its timeline.

Chairman Andrew Touma discussed lots, ramps, pay stations and an update regarding the city's parking plan.

The Corporation Counsel presented 1 item to be added to the agenda Letter of Award for Consultant Services Agreement for Bridge NY Program.

Councilman Tompkins motioned to add the item. Councilman Voccio second.

Yeas	4
Scott, Tompkins, Voccio, Chairman Touma	
Nays	1
Kennedy	
	The item was added as number 9

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Tim Huether	Agenda Item #2
Ron Anderluh	24th Street Project
Tim Huether	Council Secretary
Dan Davis	Cultural District
Dorothy Davis	Sex Offenders

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF JANUARY 2018

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: PORTER ROAD, 5000, REMOVING WOOD/LEAF WASTE, VILLANI'S LAWN/LANDSCAPE

Agenda Item #2
We respectfully request you authorize the Mayor to enter into an agreement as follows:

WITH: Villani's Lawn & Landscape, LLC
6405 Packard Road
Niagara Falls, New York 14304

FOR: Grinding, Chipping and Removing Wood/Leaf Waste from the 5000 Porter Road site

Notice that proposals were to be received was advertised in the Niagara Gazette and requests for proposals were sent to fourteen (14) vendors. Four (4) responses were received.

Villani's Lawn and Landscape, LLC is to complete the following tasks: remove the leaf waste; sort through the wood debris and separate any contaminants; grind the wood waste and then leave it on site for the City's use. The total cost for these services is $117,150.00.

Funds for this expenditure are available in the capital code for tree related projects ($100,000.00) and from the casino funds reserve ($17,150.00).

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 4
Scott, Tompkins, Voccio, Chairman Touma
Nays 1
Kennedy

APPROVED

CONTRACT: GILL CREEK PARK/HYDE PARK BASKETBALL END GOALS/BENCHES, PURCHASE OF PARK EQUIPMENT, NYS CONTRACT

Agenda Item #3
It is the administration's recommendation that the purchase of four adjustable basketball end goal/pole systems and four benches be purchased via the New York State Office of General Services Playground Equipment, and Related Products Statewide Contract. GAMETIME Playground Equipment is a qualified vendor as part of the statewide contract (NYS CONTRACT PC 67834). The total amount that the Niagara Falls City Council is being asked to authorize is as detailed below.

Item	Cost
(4) Four Adjustable Basketball End Goals	$7,797.60
(4) 8’ foot aluminum	$1,235
Estimated Freight	$1,126.83
Total	**$10,159.43**

Installation of both the Hyde Park and Gill Creek Park Basketball Ball Courts will not require any municipal general fund or casino capital fund revenue. The entire project, including the purchase of equipment and installation, will be funded by United States Department of Housing and Urban Development Community Development Block Grant (CDBG) grant funds. The Niagara Falls Department of Public Works will be tasked with creation of the courts and installation of the equipment. Both park courts will mirror the size of the 70th Street Park Basketball Court, refurbished in 2017. The community will be consulted on final place of both courts. To be consistent with our Crime Prevention through Environmental Design (CPTED) principles, the Hyde Park court will be placed off of Hyde Park Boulevard and the Gill Creek Park Court will we placed off of Royal Avenue. The court surfaces will also be muralized, in partnership with the Niagara Falls City School District.

The community directly voted for both of these location specific improvements as part of 2017’s Participatory Budgeting (PB360) Project. The Niagara Falls City Council approved the PB360 Budget as part of the 2017 CDBG Action Plan. A new basketball court at Hyde Park also helps offset the removal of the smaller basketball court at Jerauld Avenue Park, as part of that park’s ongoing improvement project.

This project is part of CD and the City of Niagara Falls’ continuing effort to increase and improve youth facilities and services in our community.

Will the Council vote to so approve and authorize the Mayor to execute a contract for the purchase this equipment, in a form acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: HYDE PARK INCLUSIONARY PLAY PROJECT, EQUIPMENT

Agenda Item #4

It is the administration’s recommendation that Hyde Park Inclusionary Play Project Equipment should be purchased from KOMPAN Playground Equipment, consistent with United States Department of Housing and Urban Development procurement guidelines and the New York State Office of General Services Playground Equipment, and Related Products Statewide Contract. The total amount that the Niagara Falls City Council is being asked to authorize is $113,803.50

The Hyde Park Inclusionary Play Project will not require any municipal general fund or casino capital fund revenue. The community directly voted in favor of the Hyde Park Inclusionary Play Project as part of 2017’s Participatory Budgeting (PB360) Project. The Niagara Falls City Council approved the PB360 Budget as part of the 2017 United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Action Plan, including a $75,000 CDBG allocation for this project. The Niagara Falls City School District was recently awarded a $50,000 grant from the John R. Oishei Foundation in support of the capital portion of the Hyde Park Inclusionary Play Project. Both the CDBG and Oishei Foundation funds will be dedicated to the purchase of equipment. Niagara Falls Community Development will allocate competitive New York State Heath Foundation, and Ralph C. Wilson Foundation funds to equipment installation. The entire project is estimated at $220,000, including purchase of equipment.

The Hyde Park Inclusionary Play Project will create a special public space for children of all abilities connected to the existing Hyde Park Playground, constructed in 2016. We asked our residents what they wanted and they told us. NFCD has partnered with the Niagara Falls City School District Committee on Special Education, EMPOWER Niagara, the Niagara Falls Youth Board, Niagara University and Kompan Playgrounds to design an inclusionary play space to exceed ADA compliance. The City of Niagara Falls, like many communities, does not have a specific public space designed for, and by, children with special needs. ADA compliance alone does not send an open invitation for free play to all children, especially those with special behavioral needs.

Hyde Park is the second largest municipal park in NYS and is reachable (walk/bike/public transit) for a majority of Niagara Falls' residential neighborhoods. Four public schools (Niagara Street Elementary, Hyde Park Elementary, Gaskill Preparatory and Niagara Falls High School) and all located within 1 mile, totaling 3,494 students. Currently, 315 PK-12 school district students with an Individual Educational Plan (IEP) receive a motor skills based therapy (physical or occupational) and 432 have a Section 504 Plan that targets behaviors that impacts their learning and attending tasks. Many local students with an IEP are classified as having an intellectual disability, autism, emotional disturbance, or other health impairment, often ADHD. Kompan, and our stakeholders, designed the inclusionary space to directly benefit these groups, while making it an enjoyable free play space for all children. Additionally, students working with learning disabilities, and speech or language impairments will also benefit from having an environment that is specifically designed to promote socialization, and build confidence through equipment that is developmentally appropriate, but varies in the degree of difficulty for all to navigate.

This project is part of CD and the City of Niagara Falls' continuing effort to increase and improve youth facilities and services in our community.

Will the Council vote to so approve and authorize the Mayor to execute a contract for the purchase this equipment, in a form acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: JEFFERSON APARTMENT BUILDING, NEW PARKING

Agenda Item #5

The Niagara Falls Urban Renewal Agency ("NFURA") has had a lease agreement in place with the Jefferson Apartment Building since September of 2000. This lease agreement called for the Jefferson to lease a portion of real property abutting the Jefferson Apartment Building to the north and having dimensions of 100 feet by 132 feet. The Jefferson paid $300.00 per month as rent. The City Council recently approved an amendment to the agreement with the NFURA to give the City the total control of the Third Street lot.

Because the owner of the Jefferson Apartment Building wanted to renegotiate certain terms of the lease agreement, discussions resulted in reconfiguring the complete agreement. Attached hereto (on file in the City Clerk's Office) is a copy of the proposed agreement which calls for the Jefferson Apartment Building to acquire from the City fifty-five (55) parking permits at the current rate of $40.00 per permit per month which is the existing rate. The term is for ten (10) years with four (4) five-year renewal terms. The agreement also calls for periodic increases in rates.

Will the Council so approve and authorize the Mayor to execute a parking agreement in form and substance satisfactory to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

CONTRACT: POTHOLE KILLER, PATCH MANAGEMENT, INC.

Agenda Item #6

The Director of the Department of Public Works is recommending that Patch Management, Inc. be engaged once again this year to provide a pothole killer truck, an operator, and 250 tons of materials, service and support to the City to assist the City in the fight against potholes. GPS recordings of all repairs will be provided. This service will commence when weather permits and continue through June 30, 2018. The cost of this service is $100,000.00. Attached hereto (on file in the City Clerk's Office) is a proposed agreement prepared by Patch Management Inc.

Funding is available from previously earmarked casino revenues in the road reconstruction capital account.

Will the Council so approve and authorize the Mayor to sign an engagement agreement satisfactory to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 4

Scott, Tompkins, Voccio, Council Chairman Touma

Nays 1

Kennedy

APPROVED

Councilman Tompkins inquired about the Pothole Killer versus manned operations.

CONTRACT: AUDIT, TRI UTILITY COST REDUCTIONS, INC.

Agenda Item #7

It is requested that the City enter into an agreement with TRI Utility Cost Reductions, Inc. for the purpose of auditing the City's various telecommunications services. This includes telephone, internet and cell phones. This will not involve any cost to the City. Any fees paid to this vendor will come from any refunds or credits obtained by the vendor. The fee will be 50% of any refunds or credits obtained.

Attached (on file in the City Clerk's Office) is a copy of the agreement for refund recovery.

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

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

RESOLUTION: SCHOOL BOARD ELECTION/BUDGET VOTE, CITY BUILDINGS, 2018-17
BY: ALL COUNCIL MEMBERS

Agenda Item #8

WHEREAS, the annual Niagara Falls City School District election will be held on Tuesday, May 15, 2018; and

WHEREAS, the Niagara Falls City School District requests the use of several city Buildings as polling places for this election.

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council does hereby approve the request outlined in the attached letter (on file in the City Clerk's Office) from the Niagara Falls City School District.

Yeas 5
Nays 0
ADOPTED

CONTRACT: LETTER OF AWARD FOR CONSULTANT SERVICES AGREEMENT FOR BRIDGE NY PROGRAM, DIDONATO ASSOCIATES

Agenda Item #9

Based upon the New York State Department of Transportation standard merit selection procedures, DiDonato Associates Engineering & Architecture, P.C. has been selected as the City's consultant for the above referenced program.

The scope of work for the consultant will consist of preparing the application for New York State BridgeNY funding. Subsequent phases of the project based on the award amount, will consist of Design, Bid, Award & Construction Inspection. NYSDOT will provide 95% of the total project costs, not to exceed the project award amount.

The BridgeNY project is being implemented by New York State DOT focusing on bridges in poor structural condition. The goal would be to address deficiencies with at least one bridge in each of the next two years of the program. Typically these bridges are over rail lines that incur additional cost that would be prohibitive for the City to undertake without New York State sponsor assistance.

It is the recommendation of the undersign that the Application Preparation Phase be awarded to DiDonato Associates Engineering & Architecture, P.C. at a not to exceed cost of $4,200.00. Funding is available in the City Engineering Consultant line A1440.0000.0451.000.

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

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 8:45 P.M.

Lisa A. Vitello
City Clerk

MARCH 15, 2018

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The Legislative session of the March 15, 2018 Niagara Falls City Council Meeting was called to order by Council Chairman Touma at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Christopher Voccio, Chairman Andrew Touma

Also present: Mayor Paul A. Dyster, Acting City Administrator Seth Piccirillo, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello.

Council Member Voccio said the Prayer and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Council Member Tompkins moved to approve the Minutes from the Council Meeting of February 28, 2018

Yeas	5
Nays	0
	APPROVED

Presentations:
NIMAC
Zombie Project Update

Administrative Update:

Acting City Administrator Seth Piccirillo gave an update on short term rentals.

Mayor Paul Dyster:

St. Patrick's Day Parade, Party at the Conference Center, Underground Railroad Heritage Center, Paving update for April, Aquarium update.

Councilman Christopher Voccio inquired about road repairs.

All Councilmembers discussed Greenway Funding and the ability to have a plan and input into Greenway requests.

Mayor Dyster gave a history of the Greenway Funding.

All Councilmembers discussed Golf rates.

Director of the Department of Public Works, John Caso, addressed the need to raise golf rates.

City Controller Daniel Morello gave an update on the budget process.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Carl Turner	Agenda Item #3
Tim Huether	Agenda Item #18
Donta Myles	Agenda Items #15, #16, #18
Bill Bradberry	Agenda Item #18
Dave Cuddy	Agenda Item #3
Mary Ann Storr	Agenda Item #3
Tim Huether	Library
Donta Myles	Paving
Margaret Mozell	Child Abuse Walk
Denise Easterling	Greenway

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CLAIMS FOR THE MONTH OF FEBRUARY 2018

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: MAILING SYSTEM, CLERK'S OFFICE, LINEAGE BUFFALO

Agenda Item #2

We respectfully request you authorize the Mayor to enter into lease and service agreements as follows:

WITH: Lineage Buffalo
150 Lawrence Bell Drive, Suite 100
Williamsville, New York 14221

FOR: 63 month lease of a Neopost IS-6000A mailing system including training, service and maintenance
$618.83/month

This equipment is available through a National Joint Powers Alliance Contract (No. 041917-NPI). The City is eligible to utilize this contract pursuant to Section 103 of the General Municipal Law and the City's membership in the NJPA. The maintenance pricing utilizes New York State Contract #PC67336. (Lease on file in the City Clerk's Office)

The new equipment will replace the existing mailing system which is subject to an expiring lease. The mailing system is vital to City operations and it is important that the Clerk's Office has uninterrupted use of such a system. The ability to utilize State Contract and NJPA Contract pricing resulted in a significant monthly savings to the City.

Funds for this expenditure are available in the City Clerk's Office budget under code A.1410.0000.0440.599.

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

GOLF COURSE: RATE INCREASES

Agenda Item #3

The Director of the Department of Public Works advises that it is desirable to increase rates at the Hyde Park Golf Course for year 2018. Attached (on file in the City Clerk's Office) hereto please find a spreadsheet of these proposed increases. It should be noted that for 2018 the "disability" rate is being eliminated and will extend only to "military", both active and veterans. The rate that the military will pay will correspond with the rate previously designated for "disability".

Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 2
Voccio, Chairman Touma
Nays 3
Kennedy, Scott, Tompkins
THIS ITEM WAS NOT APPROVED

CONTRACT: NIAGARA TOURISM & CONVENTION CORP., PARKING RENEWAL

Agenda Item #4

The NTCC is requesting that the City renew the Agreement to allow the NTCC the use of 25 unrestricted parking spaces/permits in the City-owned parking lot located at the corner of 1st Street and Rainbow Boulevard. The NTCC is proposing to pay the City the sum of $40 per month per space/permit which equals the sum of $1,000 a month. This is the current market rate.

It is proposed that this Agreement be for a thirty-six (36) month period of time, with the ability of either party to terminate the same on thirty days prior written notice. The NTCC is also requesting that persons attending meetings at the NTCC offices be permitted to park in one of their 25 spaces/permits should the capacity for such parking exist at that time. Attached (on file in the City Clerk's Office) is a copy of a proposed Agreement.

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

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CITY PROPERTY: SALE, 87TH STREET, 608, JOHN ARIDA

Agenda Item #5
THIS ITEM WAS PULLED
NO ACTION TAKEN

COMMUNITY DEVELOPMENT: CITIZENS BANK, ZOMBIE FIGHT PROJECT, SETTLEMENT AGREEMENT/RELEASE

Agenda Item #6

The administration recommends Niagara Falls City Council support, by approval of this agenda item, of a "Settlement Agreement and Release" between the City of Niagara Falls and Citizens Bank, N.A. This settlement would resolve the City's pending lawsuit against Citizens Financial Group, Inc. and Citizens Bank, N.A. in the United States District Court for the Western District of New York. This lawsuit was the result of the Niagara Falls Community Development Department's Zombie Fight Project's targeted approach to vacant bank foreclosure properties.

As part of the settlement, Citizens Bank agrees to move to expedite all foreclosures on abandoned properties in the City of Niagara Falls. Citizens Bank will move for expedited entry of a judgment of foreclosure and sale within sixty (60) days after the last date of default for all defendants, assuming no defendant submits an answer or otherwise appears. Citizens Bank also agrees to directly notify the City of Niagara Falls of the sale of all of its bank foreclosure sales 30 days prior to the auction date. The City of Niagara Falls agrees to support expedited foreclosure efforts including the filing of supporting affidavits or other documents and attending expedited foreclosure motion hearings, if reasonably requested by Citizens or its foreclosure attorney(s) to do so.

At the start of the Niagara Falls Zombie Fight Project in April 2017, Citizens Bank had seven properties in the foreclosure process, classified as "zombies." Citizens has completed the foreclosure of three of those properties, and the City foreclosed on one property due to failure to pay taxes.

This settlement is a tactical victory for the Niagara Falls Zombie Fight Project and the City of Niagara Falls. Prior to this project, identifying foreclosure properties, enforcing local codes and establishing direct lines of communications with banks was difficult. The Zombie Fight Project, as illustrated by the filling of City of Niagara Falls, New York v. Citizens Financial Group Inc. and Citizens Bank, National Association is using the New York State Zombie Property and Foreclosure Prevention law to better enforce local building codes and create specific plans of action to address and eliminate zombie properties in this community. It is also the first time that the City of Niagara Falls has entered into a settlement agreement that sets foreclosure parameters for a banking institution doing business in the City of Niagara Falls. Niagara Falls Community Development views the agreement's language as legal tool that can be used to create agreements with other banking institutions that are out of compliance with the New York State Zombie Property and Foreclosure Prevention law as well as local ordinances.

Will the Niagara Falls City Council support this settlement by approval of this agenda item, and allow the City of Niagara Falls to execute the settlement in a form acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

ENGINEERING DEPT.: PEDESTRIAN SAFETY ACTION PLAN PROGRAM, FUNDING

Agenda Item #7

The Engineering Department is submitting a proposed budget to NYSDOT for the Pedestrian Safety Action Plan Program (PSAP). The budget for all work included in this program is approximately $1,345,000.00. NYSDOT has identified components of the project not eligible for reimbursement. In order to receive our full funding the City would need to contribute $145,000.00 to match the grant application budget.

The PSAP project is being implemented cooperatively by New York State DOT focusing on engineering improvements that will upgrade any existing pedestrian crossing to the new Federal/State safety standards and are 100% New York State reimbursable.

Funding is available from previously earmarked casino revenues in the road reconstruction capital account.

Will the Council vote to so approve and authorize?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

MAYOR'S APPROVAL: RESOLUTION 2018-16

Agenda Item #8

Please be advised that Mayor Paul A. Dyster, on February 28, 2018, duly approved the following:

Resolution 2018-16 relative to Amending Chapter 502 of the Codified Ordinances entitled "Towing-Rules and Regulations"

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: SWARTZ, ROBERT

Agenda Item #9

Date Claim Filed:	January 22, 2018
Date Action Commenced:	N/A
Date of Occurrence:	January 9, 2018
Location:	Parking lot next to Firehouse at 740 10th Street
Nature of Claim:	Vehicle was struck by an unknown vehicle.
City Driver:	N/A
Status of Action:	Claim Stage
Recommendation/Reason:	Best interests of City to pay claim/reimbursement is recommended pursuant to section 4.13 of the Uniformed Fire Fighters Local 714 Contract
Amount to be Paid:	$500.00 deductible amount not covered by his auto insurance.
Make Check Payable to:	Robert Swartz
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?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

RESOLUTION: ASSESSMENT REVIEW BOARD, RE-APPOINTMENT, 2018-18
BY: ALL COUNCIL MEMBERS

Agenda Item #10

BE IT RESOLVED, that the following individual is hereby re-appointed to the City of Niagara Falls Assessment Review Board, effective September 30, 2018 for the term expiring on the date which appears opposite her name:

REAPPOINTMENT:	TERM EXPIRES:
Theresa Costanzo 1223 Norwood Avenue Niagara Falls, NY 14305	9/30/2023

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: NFCSD, FOCUS ON FAMILIES "WALK TO PROMOTE AWARENESS TO CHILD ABUSE PREVENTION", 2018-19
BY: COUNCIL MEMBERS KENNEDY, SCOTT, CHAIRMAN TOUMA

Agenda Item #11

WHEREAS, the staff and families of the Niagara Falls City School District NFCSD Focus on Families Program are requesting permission for use of the Hyde Park area to organize a "Walk to Promote Awareness to Child Abuse Prevention" on Thursday April 19, 2018, from 5p.m.-7p.m. The walk will begin and end at the Oasis near the volleyball nets (Letter on file in the City Clerk's Office). Our agency, along with other agencies, will provide handout materials, which will include information on Child Abuse Prevention for our participants. We will also explain clear guidelines and hand out a map of the areas that participants will utilize.

WHEREAS, the day of the walk we are also requesting that the Falls be illuminated in blue for child abuse awareness. We are requesting use of the stage and podium to be setup where we can have a speaker address the crowd at the commencement of the walk. We are aware that there are fees for use of the Oasis and the stage and we are requesting that these fees be waived for this event, organized by the Focus on Families "Moms Group." Our inaugural walk last year was a success with approximately 140 participants and community members who came out and supported this cause. As a result of that success, we would like to have this be a recurring event each year in April for the City of Niagara Falls.

NOW, THEREFORE, BE IT RESOLVED this letter of agreement is only binding with regard to the program mentioned above. Should this program have to be cancelled and rescheduled for any reason, or should we wish to request use of the space in the future, a separate agreement letter would be drafted in each circumstance.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: COUNCIL MEETING, OCTOBER 30, 2018, 2018-20
BY: COUNCIL MEMBERS TOMPKINS, SCOTT, CHAIRMAN TOUMA

Agenda Item #12

WHEREAS, adding Tuesday October 30, 2018 @ 6pm to Council Meeting Schedule.

NOW, THEREFORE, BE IT RESOLVED that the Niagara Falls City Council does hereby request adding the above date as a Council Meeting.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: 91ST STREET PARK IMPROVEMENT PROJECT, GREENWAY FUNDING, 2018-21
BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN TOUMA

Agenda Item #13

WHEREAS, the City of Niagara Falls has applied to the Niagara River Greenway Commission for consistency review for the above referenced project; and

WHEREAS, the project calls for the construction of two (2) traditional play areas for ages 2 – 7 and 8 – 14, and an area designated to facilitate adult fitness activity; and

WHEREAS, funding is available from Power Authority Greenway Funding for this project in the total amount of $200,000.00; and

WHEREAS, the City is requesting that the Host Community Standing Committee approve this funding in the amount of $200,000.00.

WHEREAS, no additional City funds are required for this project.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that it hereby approves this Power Authority Greenway Funding Request and authorizes the Mayor to act on behalf of the City in all matters related to this request.

Yeas 3
Kennedy, Tompkins, Chairman Touma
Nays 2
Scott, Voccio

ADOPTED

RESOLUTION: ZOMBIE FIGHT PROJECT LIVABILITY CITY AWARD, 2018-22
BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN TOUMA

Agenda Item #14

WHEREAS, the City of Niagara Falls Community Development Department has nominated the Zombie Fight Project for a 2018 United States Conference of Mayors Livability City Award; and

WHEREAS, the 39th Annual Livability City Awards recognize city governments for developing programs that enhance the quality of life in urban areas ; and

WHEREAS, the Livability City Awards were established in 1979, and are given annually to ten cities, a first-place award and four Outstanding Achievement Awards for cities under 100,000 population, and a first-place and four Outstanding Achievement Awards for cities of 100,000 or more inhabitants.; and

WHEREAS, the Niagara Falls Zombie Fight Project exemplifies a municipal program that improves the quality of life for local residents in innovative and creative ways; and

WHEREAS, showcasing Niagara Falls projects and programs that make a difference in peoples' lives in important and necessary.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Niagara Falls, New York hereby supports the Niagara Falls Community Development Department's nomination of the Niagara Falls Zombie Fight Project for a 2018 United States Conference of Mayors Livability City Award.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: JAYNE PARK IMPROVEMENT PROJECT, GREENWAY FUNDING, 2018-23
BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN TOUMA

Agenda Item #15

WHEREAS, the City of Niagara Falls has applied to the Niagara River Greenway Commission for consistency review for the above referenced project; and

WHEREAS, the project calls for the construction of two (2) age-centric play areas using the existing playground footprint; and

WHEREAS, funding is available from Power Authority Greenway Funding for this project in the total amount of $200,000.00; and

WHEREAS, the City is requesting that the Host Community Standing Committee approve this funding in the amount of $200,000.00.

WHEREAS, no additional City funds are required for this project.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that it hereby approves this Power Authority Greenway Funding Request and authorizes the Mayor to act on behalf of the City in all matters related to this request.

Yeas 3
Kennedy, Tompkins, Chairman Touma
Nays 2
Scott, Voccio

ADOPTED

RESOLUTION: WINTER SKATING PROJECT, GREENWAY FUNDING REQUEST
BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN TOUMA

Agenda Item #16

WHEREAS, the City of Niagara Falls has applied to the Niagara River Greenway Commission for consistency review for the above referenced project; and

WHEREAS, the project calls for the procurement of a temporary ice skating rink facility that will be assembled in the municipal parking lot adjacent to 114 Buffalo Avenue; and

WHEREAS, funding is available from Power Authority Greenway Funding for this project in the total amount of $200,000.00; and

WHEREAS, the City is requesting that the Host Community Standing Committee approve this funding in the amount of $200,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that it hereby approves this Power Authority Greenway Funding Request and authorizes the Mayor to act on behalf of the City in all matters related to this request.

Yeas 1
Chairman Touma
Nays 4
Kennedy, Scott, Tompkins, Voccio

THIS ITEM WAS NOT ADOPTED

RESOLUTION: CHAPTER 341, AMENDING, "VENDORS AND PEDDLERS", 2018-24
BY: ALL COUNCIL MEMBERS

Agenda Item #17

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Chapter 341 of the Codified Ordinances entitled "Vendors and Peddlers" is hereby amended to read as follows:

. . .

341.17 Special Downtown Vending District

(a) Intent. It is found and declared that:

(1) The City Council of the City of Niagara Falls, New York hereby finds and declares that there is recognized a section of the downtown area, described herein, wherein there is a unique character of pedestrian traffic, retail and office activities and entertainment activities, both seasonal and yearlong, with emphasis on pedestrian participation in said activities. The City Council of the City of Niagara Falls recognizes therefore a need to establish a policy of regulating sidewalk vendors and their locations and number and recognizes a legitimate interest of the City of Niagara Falls in eliminating confusion of vending activities, regulating the type of activities for pedestrian control and in protecting the public health and welfare.

(b) Establishment of Special Downtown Vending District:

(1) The Special Downtown Vending District is shown on a map filed in the office of the City Clerk. The Special Downtown Vending District is described as an area of the City of Niagara Falls bounded as follows:

(i) Special Downtown Vending District Area Boundaries:
South side of Niagara Street only between 1st Street and Third Street.

(2) The area boundaries described as the Special Downtown Vending District shall include all City owned sidewalks and areas in front of all properties, buildings and vacant lands fronting on said boundaries.

(c) Master list of available sites.

Effective immediately, and on or before the first day of March each year hereafter, the City Clerk shall publish a master list of all vending location sites within the Special Downtown Vending District which shall be available for sidewalk sales, setting forth the following information for each site:

(1) The total number of locations to be allowed;

(2) The type of merchandise offered for sale to be allowed (no food items permitted);

(3) Any restrictions as to days or times allowed;

(4) The months comprising the season for such outdoor sales; and

(5) Any other pertinent information, including the place and time for receipt of permit applications.

(d) The number of permits issued shall be based on the master list published by the City Clerk.

(e) Submission of permit application; continuation of existing permits; limitation on number of sites.

(1) Upon publication of the master list by the City Clerk, applications for permits for sidewalk sales in the Special Downtown Vending District shall be submitted to the City Clerk on application forms provided by the City Clerk. The City Clerk shall review all applications for completeness and shall thereupon make determinations on whether or not a permit will be issued.

(2) An applicant for a permit must agree to conduct the sale of merchandise from a white tent as required by the City Clerk with dimensions as required by the City Clerk.

(3) Holders of permits at approved permitted sites shall be allowed to continue at that site in subsequent years, upon a verification by the City Clerk that no adverse action has been taken against said applicant under 341(j) of this Chapter.

(4) With the exceptions noted herein, no person, firm, corporation, partnership, limited liability company or other entity or organization will be permitted to operate in the Special Downtown Vending District without a valid permit.

(g) Permit requirements; multiple applications for same site; development of standards.

(1) Permit application requirements. The application for a permit for vending in the Special Downtown Vending District shall contain all information relevant and necessary to determine whether a particular permit may be issued, including but not limited to:

(a) A complete, notarized application for a permit (available at the Office of the City Clerk) including full name, home address, permanent business address (if any), telephone number, driver's license number, and proof of identity, as well as the full name, home address, telephone number, driver's license number, and proof of identity of any assistant(s) to be utilized by a vendor or peddler. Any such assistant(s) must be 18 years of age or older;

(b) General liability and product liability insurance coverage of $1,000,000 per occurrence and $2,000,000 aggregate naming the City of Niagara Falls as additionally insured;

(c) New York State sales tax certificate;

(d) A brief description of the nature, character, and quality of the goods or merchandise to be sold;

(e) The specific location, if any, in which the applicant wishes to conduct business;

(f) If an applicant is employed by or is an agent of another person, firm, corporation, partnership, limited liability company or other entity or organization, the name, business address, and the name of the principal/hiring person of the entity;

(g) Photograph or rendering of the white tent to be utilized by the applicant.

(h) A background check on the applicant and any of applicant's employees or assistants conducted by the Superintendent of Police that discloses any arrests or convictions for misdemeanor or felony offenses for a period of two (2) years prior to the application date and shows whether anything contained in any official record includes evidence that applicant's/employee's/assistant's moral character is inconsistent with a permit for vending upon the public sidewalks. Such background check shall be at the applicant's sole cost and expense.

(2) The City Clerk, in his or her discretion, will determine if a permit will be issued to an applicant and will also determine the location to be assigned to each applicant. No applicant may be issued a permit for more than one (1) location.

(h) Permit required; non transferability.

(1) No person, firm, corporation, partnership, limited liability company or other entity or organization may offer for sale any item on the sidewalks of the Special Downtown Vending District without first having received a permit under the procedures established herein.

(2) No permit granted herein may be sold, leased or assigned in any fashion.

(i) Special Events.

(1) In the case of a Special Event of any type occurring within the Special Downtown Vending District, the City Clerk shall have the authority, upon due notice to holders of permits within the area of the Special Event, to restrict or temporarily eliminate the activities of said permit holders within the area of the Special Event for a period no longer than that during which the Special Event is occurring. Said restriction or temporary elimination shall be without liability to the City of Niagara Falls. The failure of permittee to adhere to such directive may result in revocation of the permit under 341(j) of this article.

(j) Complaints; Revocation of permit.

(1) Upon receipt of any complaint regarding the practices of approved permit holders, permit holder shall appear before the City Clerk to answer said complaint. The City Clerk shall notify the holder of said permit by mail, at least five days in advance of said hearing, informing the permit holder of the nature of the complaint and all particulars thereof.

(2) At the convening of the hearing, the permit holder shall be given a full opportunity to answer the complaint and present any information or evidence relevant to the matter of which the permit holder has been given notice.

(3) Upon completion of the hearing, the City Clerk shall notify the permit holder within seven days of the hearing, whether the permit shall be continued for its term or revoked or suspended, and the stated reasons therefore.

(4) No applicant shall receive a permit within the Special Downtown Vending District who has had a prior permit revoked for cause within two years of said revocation.

(k) Payment of fees.

(1) The permit fee for a location in the Special Downtown Vending District shall be $1,500.00 for the season which is defined as May 1st through and including September 30th of each year.

. . .

Bold and Underline Indicate Additions
Bold and Brackets Indicate [Deletions]

Yeas 5
Nays 0
ADOPTED

RESOLUTION: FREDERICK DOUGLASS STATUE, NIAGARA RIVER GREENWAY COMMISSION APPLICATION
BY: COUNCIL MEMBERS KENNEDY, SCOTT, CHAIRMAN TOUMA

Agenda Item #18

WHEREAS, the City of Niagara Falls has been awarded a determination of consistency from the Niagara River Greenway Commission for the above referenced project with a total cost of approximately $280,000; and

WHEREAS the statue is to be fabricated and erected on Main Street in front of the Niagara Falls Municipal Complex to commemorate Frederick Douglass's speech at the nearby church in 1848; and

WHEREAS, funding is available from Power Authority Greenway funding for these expenses in the total amount of $280,000; and

WHEREAS, there is no commitment of City / Local funding;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves the allocation of $280,000 of Greenway Funds for this project.

Yeas 1
Chairman Touma
Nays 4
Kennedy, Scott, Tompkins, Voccio
THIS ITEM WAS NOT ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 9:15 P.M.

Lisa A. Vitello
City Clerk

MARCH 28, 2018

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The Legislative session of the March 28, 2018 Niagara Falls City Council Meeting was called to order by Council Chairman Touma at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, II, Ezra Scott, Jr., Kenny Tompkins, Christopher Voccio, Chairman Andrew Touma.

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello.

Council Chairman Touma said the Prayer and led the gathering in the Pledge of Allegiance to the Flag.

Council Member Tompkins moved to approve the Minutes from the Council Meeting of March 15, 2018

Yeas	5
Nays	0
	APPROVED

Mayor Paul Dyster made a presentation regarding the passing of Congresswoman Louise Slaughter. The Mayor read a Proclamation about the life of Congresswoman Slaughter.
The Mayor asked for a moment of silence to honor the Congresswoman.
A Presentation on LINKS was given.
Sue Swaitkowski, Tourism Development Manager for the City of Niagara Falls, introduced herself to the Council and gave an update on the current projects she is working on.

Administrative Update:

Mayor Dyster gave an overview of volunteers honored at the Volunteer Fair.
Nick Melson, City Administrator gave an update on potholes, parking hours and CSX.
John Caso, Director of Public Works, addressed Council explaining that CSX has begun working on the railroad tracks in question.
The Administrator also discussed MIS and System updates.
Councilman William Kennedy asked about the time frame for CSX repairs.
Councilman Christopher Voccio discussed the Committee on Open Government.
Councilman Kenny Tompkins inquired about Ambulance Ordinance, permits, fee structures and the Charter.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

John Spanbauer	Agenda Item #7
Mary Ann Storr	Agenda Item #7
Megan Dimond	Agenda Items #9, #10
Darren Sneed	Agenda Items #9, #10
Ron Anderluh	Various
Donta Myles	Various
Diane Tattersall	Various
Gunwant Sodhi	Public Interest

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF FEBRUARY 2018

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: STREET MILLINGS, SANTAROSA HOLDINGS, INC.

Agenda Item #2

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

TO: Santarosa Holdings, Inc.
4870 Packard Road
Niagara Falls, New York 14304
FOR: Sale of street millings generated during the 2018 paving season:
$ 2.25 per ton

The City Purchasing Division 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 nine (9) vendors. Four (4) bids were received. The above referenced company submitted the highest price for the millings. The three (3) other bids received were from Armand Cerrone, Incorporated at $ 0.29 per ton, LaFarge North America, Incorporated at $ 2.00 per ton and Modern Corporation at $ 1.25 per ton for millings up to 19,999 tons and $ 0.75 per ton for millings between 20,000 and 40,000 tons.

Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

COMMUNITY DEVELOPMENT: 2017 CDBG & HOME GRANT AGREEMENT AMENDMENTS

Agenda Item #3
THIS ITEM WAS PULLED
NO ACTION TAKEN ON THIS ITEM

COMMUNITY DEVELOPMENT: NYS HEALTH FOUNDATION (HYDE PARK AND LIBERTY PARK), GRANT ACCEPTANCE

Agenda Item #4

In February 2018, the Niagara Falls Community Development Department applied for a $120,000 competitive grant from the New York State Health Foundation to partially fund the Hyde Park Inclusionary Play Project installation and youth programming at both Hyde Park and Liberty ("Big Lou" Sirianni) Park. The funding will be allocated, as follows:

$50,000 – Installation of Hyde Park Inclusionary Play Playground
$70,000 – Summer youth programming at Hyde and Liberty Parks

The City of Niagara Falls will partner with the Niagara Falls City School District, EMPOWER and the community at large, to plan summer events focused on community health, free play and the creation of opportunities for children/families with special mobility and behavioral needs. These two parks will act as educational satellites for events and activities, open to all city residents. While this grant focuses on two specific parks, this program is part of a city-wide strategy of park investment and youth-centric activities.

The grant also provides the opportunity to partner with neighborhood liaisons and execute a Niagara Falls City School District STEAM and physical education curriculums in the summer months. This project does not require any new or additional local matching dollars, as we leveraged the Community Development Block Grant investments at both parks, guided by the 2017 Participatory Budgeting (PB 360) Process.

The New York State Health Foundation seeks to improve the health of all New Yorkers by making grants, informing health care policy and practice, spreading effective programs that work to improve the health system, serving as a convener of health leaders across the State, and providing technical assistance to our grantees and partners. Our grant proposal was consistent with the foundation's mission and provides another opportunity for the Niagara Falls Community Development Department to add value to local neighborhoods without reliance of general fund or casino fund dollars.

Will the Niagara Falls City Council approve grant acceptance via this council agenda item, and allow the City of Niagara Falls to execute a grant agreement in a form acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

COMMUNITY DEVELOPMENT: BUFFALO NIAGARA RIVERKEEPER, CDBG GRANT AGREEMENT

Agenda Item #5

The 2017 CDBG budget, funded by a grant from the U.S. Department of Housing and Urban Development, was approved with a grant to Buffalo Niagara Riverkeeper (now Buffalo Niagara Waterkeeper) in the amount of $85,966.00, to pay some of the costs to engage 25 high school youth in an intensive environmental health and justice program. This grant agreement was to run from July 1, 2017 through December 31, 2018.

Due to startup and other issues, the grantee, in consultation with Niagara Falls High School administration and science teachers, concluded that it would be more advantageous to hold the Experiential Learning Component in the fall of 2018, so that the Niagara Falls Program does not conflict with other Spring Semester events. Active recruitment of students is set for in March of 2018, with class room and hands on field learning sessions to take place in the fall 2018 semester. Student mentorships would take place in Spring/Summer 2019 and the community events and peer presentations would occur in the fall of 2019.

It is proposed that the date for contract performance be amended to July 1, 2017 through December 31, 2019.the grant amount will remain the same.

THIS ACTION DOES NOT AFFECT ANY ALLOCATION OF THE CITY'S GENERAL OR CASINO FUNDING. Will the Council vote to approve the proposal presented herein and to authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

COMMUNITY DEVELOPMENT: NFHA 2017 CDBG GRANT AGREEMENT

Agenda Item #6

The 2017 CDBG budget, funded by a grant from the U.S. Department of Housing and Urban Development, was approved with a grant to Niagara Falls Housing Authority in the amount of $60,000.00. The grant agreements customarily run from July 1, 2017 through June 30, 2018. Due to a misunderstanding, it was thought that the programs would not take place during the summer, and the grant year was August 15, 2017 through August 14, 2018. That grant years will not allow payment of grant expenses that were incurred in July and early August, 2017.

It is proposed that the date for contract performance be amended to July 1, 2017 through June 30, 2018.

THIS ACTION DOES NOT AFFECT ANY ALLOCATION OF THE CITY'S GENERAL OR CASINO FUNDING. Will the Council vote to approve the proposal presented herein and to authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

GOLF COURSE, RATE INCREASES

Agenda Item #7

The Director of the Department of Public Works advises that it is desirable to increase rates at the Hyde Park Golf Course for year 2018. Attached (on file in the City Clerk's Office) hereto please find a spreadsheet of these proposed increases. It should be noted that for 2018 the "disability" rate is being eliminated and will extend only to "military", both active and veterans. The rate that the military will pay will correspond with the rate previously designated for "disability".

Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

ENCROACHMENT: PINE AVENUE, 1519, TATLER LANE

Agenda Item #8

The owner of Custom Covers and Canvas on behalf of the owners of the above referenced property has applied for an entrance awning encroachment into the City's right-of-way.

This has been reviewed by the appropriate City departments and the Planning Board recommends that it be granted subject to the following conditions:

1. The minimum height above the sidewalk is eight (8) feet.
2. The owner will add the City of Niagara Falls as an additional insured on its liability insurance policy.
3. The owner will defend and indemnify the City from liability related to the canopy encroachment.
4. The City can revoke permission for the encroachment on three (3) months' notice.

Attached hereto (on file in the City Clerk's Office) is a copy of the Planning Board's approval.

Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: A.D.A. COMPLIANCE PROJECT (VARIOUS LOCATIONS) BUILDINGS, WALTER JOHNSON BLDG. CO

Agenda Item #9

The following is the result of bids received on March 13, 2014, for the above referenced project:

CONTRACTOR	BASE BID
Walter Johnson Building Co., Inc. 6638 Mooradian Drive Niagara Falls NY 14301	$ 984,700.00
Sicoli Construction Services, Inc.	$ 1,114,800.00

It is the recommendation of the undersigned that this contract be awarded to the low bidder, Walter Johnson Building Company, Inc. in the amount of $984,700.00. Funding for this project is available via a previously approved bonding resolution, obtained in August 2016, expressly 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?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: A.D.A. COMPLIANCE PROJECT (VARIOUS LOCATIONS) SITE WORK/CIVIL, MARK CERRONE, INC.

Agenda Item #10

The following is the result of bids received on March 20, 2018, for the above referenced project:

CONTRACTOR	BASE BID
Mark Cerrone, Inc. 2360 Maryland Avenue Niagara Falls NY 14305	$ 417,900.00
4th Generation Construction Co. Inc.	$ 467,000.00

It is the recommendation of the undersigned that this contract be awarded to the low bidder, Mark Cerrone, Incorporated in the amount of $417,900.00. Funding for this project is available via a previously approved bonding resolution, obtained in August 2016, expressly 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?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: LOCKPORT STREET RESURFACING PROJECT, ACCADIA SITE CONTRACTING, CHANGE ORDER #1

Agenda Item #11

A contract for the above reference project was awarded to Accadia Site Contracting, Inc. on November 16, 2016 in the amount of $1,328,529.28.

During the course of work, the Contractor encountered extra work beyond the initial scope of this contract. The out of scope items in question stem primarily from a severely deteriorated road base which needed to be replaced before continuing paving.

The total cost of the extra work is $228,589.75. However, as a Federal and New York State sponsored project the City will seek additional funding to cover a portion of the additional cost and $57,000.00 for water related work is reimbursable by the N.F. Water Board.

Funding is available in the "capital project's available fund balance" and from a Supplemental Agreement with NYSDOT.

Therefore it is the recommendation of the undersigned that Change Order #1 in the amount of $228,589.75 be approved.

Will the Council vote to so approve and authorize the mayor to execute a change order in a form acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

MAYOR'S APPROVAL

Agenda Item #12

Please be advised that Mayor Paul A. Dyster, on March 16, 2018, duly approved the following:

Resolution 2018-24 relative to Amending Chapter 341 of the Codified Ordinances entitled "Vendors and Peddlers."

THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: SERTOMA CLUB, FEE WAIVER, OASIS/CENTENNIAL COMPLEX PAVILIONS JOINTLY, 2018-25
BY: COUNCIL MEMBERS KENNEDY, TOMPKINS, VOCCIO, CHAIRMAN TOUMA

Agenda Item #13

WHEREAS, Sertoma Club of Niagara Falls, NY will be holding its annual Chicken Barbecue on Sunday August 19, 2018 from 8:00 am until 6:00 pm;

NOW, THEREFORE, BE IT RESOLVED Sertoma Club of Niagara Falls, NY be allowed the use of OASIS/Centennial complex Pavilions jointly without having to pay a rental fee or a beer permit fee. We have received a permit in the past for this function which has vastly expanded and would very much appreciate your allowing to do so again in 2018. (request letter on file in the City Clerk's Office)

Yeas 5
Nays 0
ADOPTED

RESOLUTION: NF BOYS & GIRLS CLUB, PARKING FEES, EXEMPT, 2018-26
BY: ALL COUNCIL MEMBERS

Agenda Item #14

WHEREAS, on May 19th, 2018 the Niagara Falls Boys & Girls Club will be hosting our 36th Annual Dinner Auction and inducting our 2018 class into Niagara Falls Boys & Girls Club Alumni Hall of Fame. This event serves as the major fundraiser for the organization and is attended by over 400 professionals and supporters of the Niagara Falls Boys & Girls Club;

NOW, THEREFORE, BE IT RESOLVED Niagara Falls Boys & Girls Club be exempt for parking fees during the Annual Dinner Auction located at Niagara Falls Conference & Events Center. (request letter on file in the City Clerk's Office)

Yeas 5
Nays 0
ADOPTED

RESOLUTION: TRAFFIC GENERALLY, AMENDING CHAPTER 501, 2018-27
BY: COUNCIL MEMBERS SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #15

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 501 of the Codified Ordinances entitled Traffic Generally is hereby amended as follows and attached hereto (on file in the City Clerk's Office):

Bold and underlined indicate Additions
Bold and brackets indicate [Deletions]

Yeas 5
Nays 0
ADOPTED

RESOLUTION: DEVEAUX WOODS CARRIAGE BARN, 2018-28
BY: COUNCIL CHAIRMAN TOUMA, COUNCIL MEMBERS KENNEDY, SCOTT, TOMPKINS

Agenda Item #16

WHEREAS, a brick carriage barn is located within Deveaux Woods State Park which has fallen into a state of disrepair during the last several years; and

WHEREAS, this brick carriage barn is a rarity in Western New York and may have architectural and historical significance; and

WHEREAS, in the past, the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP") has expended time and resources aimed at stabilizing this structure; and

WHEREAS, this City Council believes that a stabilized brick carriage barn will add to the amenities at Deveaux Woods State Park.

NOW, THEREFORE, this City Council requests that OPRHP to continue its efforts to stabilize the brick carriage barn in Deveaux Woods State Park and commit whatever resources are necessary in order to do so.

AND BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Mark W. Thomas, Director, Western District of the Office of New York State Parks, Recreation and Historic Preservation.

Yeas 4
Kennedy, Scott, Tompkins, Chairman Touma
Nays 1
Voccio
ADOPTED

RESOLUTION: MARCHISELLI PROGRAM, LOCKPORT STREET, IMPLEMENTATION AND FUNDING, 2018-29
BY: COUNCIL MEMBERS SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #17

WHEREAS, a Project, for the Reconstruction of Lockport Street, from Main Street to Seneca Avenue, in the City of Niagara Falls, Niagara County, PIN 5757.09 (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), Construction and Construction Inspection phases of the project PIN 5757.09.

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), Construction and Construction Inspection phases of the Project or portions thereof; and it is further

RESOLVED, that the sum of $135,079 is hereby appropriated from funds previously designated and made available to cover the cost of participation in the above phases 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), Construction and Construction Inspection phases exceeds the amount appropriated above, 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 the 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, this Resolution shall take effect immediately.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: BED TAX INCREASE, DISCOVER NIAGARA SHUTTLE INCREASE, 2018-30
BY: ALL COUNCIL MEMBERS

Agenda Item #18

WHEREAS, the City of Niagara Falls believes in Home Rule and should be able to determine the most preferable way to pay for service to promote tourism; and

WHEREAS, the City of Niagara Falls sees an advantage to an additional 1% increase of the current Bed Tax to aid and promote tourism in the City of Niagara Falls and Niagara County; and

WHEREAS, the City of Niagara Falls has an opportunity to assist the Niagara Falls National Heritage Area in its operation of the Discover Niagara Shuttle or other entities for transportation or economic development purposes pursuant to New York State Tax Law Article 29 § 1201-d(a) authority to impose tax; and

WHEREAS, the Discover Niagara Shuttle service presently serves the City of Niagara Falls, and along the Niagara River Corridor to the Village of Youngstown; and

WHEREAS, the City of Niagara Falls anticipates several benefits to an additional 1% increase of the current Bed tax, which would include:

1. Promote tourism by the ease of transportation to and from all the tourist sites in the City of Niagara Falls, Town of Lewiston, Village of Youngstown and in the future the City of Lockport and City of North Tonawanda;

2. Increase Shuttle connections to the City of Lockport and City of North Tonawanda;
3. Relieve congestion of tourism traffic on the roads, parking, and provide a scenic commute throughout the existing City of Niagara Falls and Niagara County tourist locations.

and

WHEREAS, there are several attractions in the City of Lockport: the Flight of Five Locks, Lockport Discovery Center, and the Lockport caves. Also attractions in the City of North Tonawanda: the Carousel Factory Museum and the Canal Fest. Thus the shuttle service would promote these attractions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls requests the State of New York Legislature to draft companion bills for the purposes of increasing the existing Bed Tax by 1% designated specifically to the Discover Niagara Shuttle; and

BE IT FURTHER RESOLVED that the drafting of this legislation on the State level would provide the City of Niagara Falls the option of passing a Home Rule Message in support of such legislation; and

BE IT FURTHER RESOLVED that subsequent to the State's adoption, the City of Niagara Falls would have an opportunity to present a local law which would call for action to allow City of Niagara Falls residents and visitors, easy comfortable transportation between City of Niagara Falls and Niagara County attractions; and

BE IT FURTHER RESOLVED that the City Council of the City of Niagara Falls respectfully requests that the New York State Senate and Assembly submit companion bills that would pave the way for the City of Niagara Falls' Local Law and Public Hearing and that copies of this resolution be sent immediately to the City of Niagara Falls' state representatives.

Yeas	5
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 7:50 P.M.

Lisa A. Vitello
City Clerk

APRIL 11 , 2018

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The Legislative session of the April 11, 2018 Niagara Falls City Council Meeting was called to order by Council Chairman Touma at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Ezra Scott, Jr., Christopher Voccio, Chairman Andrew Touma
Council Member Kenny Tompkins was absent

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello.

Council Member Kennedy said the Prayer and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Council Member Kennedy moved to approve the Minutes from the Council Meeting of March 28, 2018.

Yeas	4
Nays	0
	APPROVED

City Controller, Daniel Morello, gave a presentation on the budget.
The presentation involved comparing the City of Niagara Falls to similar municipalities and their budgets. The Controller stated that Niagara Falls was very similar to the municipalities in the presentation. He also stated that Niagara Falls has additional costs that other municipalities do not incur because of our tourist population. Those costs must be considered in any comparison of similar municipalities.

Council Chairman Andrew Touma commented that these additional costs, which are directly related to our large tourist population, could partly be alleviated by more help from The State of New York. The State continues to generate millions of dollars in revenue due to the resources in Niagara Falls but does very little to help mitigate the costs which the City incurs because of the massive influx of tourists.

Chairman Touma stated "We don't receive assistance from the state like we are a tourist city. The state benefits greatly from the revenue they bring in but are reluctant to incur some of the costs and we are forced to shoulder that burden. If the state gave us a share of what they generate it would help to alleviate some of the costs but they don't. The state should be a better partner. The millions of tourists that we get is fantastic and we benefit from that of course, but it creates a very service intensive situation.

We need to maintain fire and police and additional services because we are a tourist city, but we must shoulder those additional costs without much help. State and local leaders do not work hard enough on our behalf in regards to the aid we get from the State. However, they are the first to say that we have a crisis in the City and are close to bankruptcy. The public needs to know that these are some of the obstacles we face and we do not want to continue to put the burden on the taxpayers."

Administrative Update:

Mayor Paul Dyster discussed water lines, The April 21st clean-up, hazardous waste and prescription drop off.
Please call for a time:
paint: 286-4840
Outdated prescriptions: 439-7242
Nick Melson, City Administrator discussed windstorm clean-up. He commended the job done by John Caso and the Department of Public Works, the NFPD and NFFD. Road repairs and CSX railroad crossing repairs were also discussed.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Dan Davis	Agenda Item #11
Joe Swartz	Code Enforcement
Donta Myles	Sex Offenders
Robert Hendrix	Towing
Jackie Burns	Towing
Michael Bellreng	Towing
Kenneth Walaszek	Towing-KWS
Dorothy West	Sex Offenders
Jockline Pryor	Code Enforcement

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CLAIMS FOR THE MONTH OF MARCH 2018

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: MEALS FOR PRISIONERS, PSNF INC., D/B/A MCDONALDS

Agenda Item #2
We respectfully request you award the above referenced bid as follows:

TO: PSNF Inc.
P.O. Box 248
East Amherst, New York 14051

d/b/a McDonald's
1726 Pine Avenue
Niagara Falls, New York 14301

FOR: Meals for prisoners at the Municipal Services Building:

Breakfast – picked up by City (est. 3,000)	$1.00
Lunch/Supper – picked up by City (est. 9,000)	$1.65
Vegetarian Request (est. 20)	$1.00
Diabetic Request (est. 100)	No Bid

(Note: unit price for diabetic request is added to the unit price of meal when purchased)

The City Purchasing Division 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 six (6) vendors. This was the only bid received (on file in the City Clerk's Office). This contract will be in effect from May 16, 2018 through May 15, 2019.

Funds for this expenditure are available in Prisoner Meals A.3120.0001.0449.010.

Will the Council so approve?

Council Member Scott moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0
APPROVED

Council Member Kennedy questioned McDonald's

CONTRACT: 91ST STREET PARK, PLAYGROUND EQUIPMENT, KOMPAN PLAYGROUND EQUIPMENT

Agenda Item #3
THIS ITEM WAS PULLED
NO ACTION TAKEN ON THIS ITEM

CONTRACT: CDBG & HOME GRANT AGREEMENT AMENDMENTS, CD HOUSING RENOVATIONS

Agenda Item #4

The 2017 CDBG and HOME budget, funded by the U.S. Department of Housing and Urban Development (HUD) was approved with a grant to Niagara Falls Housing Collaborative, a partnership between Neighborhood Housing Services and the Center City Neighborhood Development Corporation in the amount of $593,695. The grant agreements customarily run from July 1, 2017 through June 30, 2018. Due to delays in the federal release of funds as well as the ongoing development of a housing collaborative model to better comply with U.S. Housing and Urban Development guidance and standards, as well as an increase in the projected number of rehabilitation projects to be completed by the City of Niagara Falls Department of Community Development, an amendment to the approved 2017 Action Plan must be executed.

The creation of the Housing Collaborative is a compromise reached to ensure that all city residents have the same access to the housing renovation programs, based on federal guidelines and not geographic location and to better control long term administrative costs. Serving the residents of Niagara Falls and, adding value to our city's housing stock in the process, is the purpose of the city's residential renovation program, started in the late 1970s. Niagara Falls Community Development also respects the leadership roles of Center City Neighborhood Development Corporation and Niagara Falls Neighborhood Housing Services as well as the city employees that both supervise the entire housing renovation program and execute targeted housing rehabilitations. To that end, the Niagara Falls Community Development Department agrees to designate specific rehabilitations, within the traditional Niagara Falls renovation area to the Niagara Falls Community Development Department, and designate all other renovations to our sub recipients, as a part of this action plan.

The following changes are proposed:

	Approved	Revised	Change
City of Niagara Falls CDBG Housing Rehabilitation	$ 180,000.00	$ 289,776.00	$ 109,776.00
Niagara Falls Neighborhood Housing Services, Inc. First Time Home Buyer Program	$ 75,000.00	$ 50,000.00	$ (25,000.00)
City of Niagara Falls Closing Cost Program	$ 127,550.00	$ 66,275.00	$ (61,275.00)
Niagara Falls Housing Collaborative CDBG Housing Rehabilitation	$ 350,000.00	$ 326,499.00	$ (23,501.00)
City of Niagara Falls HOME Housing Rehabilitation	$ 70,000.00	$ 192,500.00	$ 122,500.00
Niagara Falls Housing Collaborative HOME Housing Rehabilitation	$ 165,356.00	$ 42,856.00	$ (122,500.00)

This action expends no general fund dollars. Will the Council vote to approve the proposal presented herein and to authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Scott moved that the communication be received and filed and the recommendation approved.

Yeas 3

Kennedy, Scott, Chairman Touma

Nays 0

Council Member Voccio abstained

APPROVED

NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC), ORDER ON CONSENT, AMENDED

Agenda Item #5

Recall that on or about September 7, 2016, the City entered into an Order on Consent with the DEC which, among other things, called for the City to clean up a City owned parcel of property off Porter Road which had operated as a solid waste management facility without approval from the DEC and had also been the site of illegal dumping operations by unauthorized persons. It was originally anticipated that the City's Department of Public Works ("DPW") could accomplish this task in-house but it soon became apparent that because of other pressing tasks this was not possible. After an extensive Request for Proposals process, the City selected a contractor to perform the necessary work and the City Council approved that selection and appropriated funds to accomplish it.

With the contractor selected and funding in place, the contractor has now mobilized and is on site performing its work. The City has been in discussions with the DEC to finalize this matter and it is now requested that an amended Order on Consent be entered into with the DEC. Attached hereto (on file in the City Clerk's Office) is an amended "Schedule A" which details the various tasks to be accomplished and the dates for completion.

Will the Council so approve and authorize the Mayor to execute the amended "Schedule A" to the Order on Consent revised as of March 23, 2018?

Council Member Scott moved that the communication be received and filed and the recommendation approved.

Yeas 4

Nays 0

APPROVED

MAYOR'S APPROVAL

Agenda Item #6

Please be advised that Mayor Paul A. Dyster, on March 29. 2018, duly approved the following:

Resolution 2018-27 relative to Amending Chapter 501 of the Codified Ordinances entitled "Traffic Generally."

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: ARICO, LORI & GARY

Agenda Item #7

Date Claim Filed:	February 23, 2018
Date Action Commenced:	N/A
Date of Occurrence:	January 19, 2018
Location:	2004 Hyde Park Blvd and Cleveland Avenue
Nature of Claim:	While plowing, the plow truck hit the parked vehicle.
City Driver:	David J. Robertson
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$295.75
Make Check Payable to:	Lori & Gary Arico
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?

Council Member Voccio moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0
APPROVED

RESOLUTION: WATER BOARD REPLACEMENT OF WATERLINE AND LEAD SERVICE CONNECTIONS, 2018-31
BY: COUNCIL MEMBERS KENNEDY, SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #8

WHEREAS, New York's Clean Water Infrastructure Act of 2017 (Act) amended the Public Health Law to require the Department of Health (Department) to institute a Lead Service Line Replacement Program (LSLRP) to provide municipalities with grant funds to facilitate the replacement of lead water service lines; and

WHEREAS, the eligibility of the City of Niagara Falls to participate in the program has been pre-determined by the Department based on criteria contained in the Act, including the giving of priority to municipalities that have a high percentage of elevated childhood blood levels; and LSLRP funds will be used to replace the entire length of residential lead service lines, from the municipal water main to the residence; and

WHEREAS, On November 27, 2017 Governor Cuomo announced the allocation of $567,492 to the City of Niagara Falls for such replacements; and

WHEREAS, the Niagara Falls Water Board and the City of Niagara Falls are cooperating through the staff of the Water Board, the City Engineering Department, the office of the Mayor and others in developing a comprehensive description of how all aspect of the lead service project will proceed; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York, that this City Council does hereby acknowledge that critical improvements to our city's drinking water infrastructure are vital to protecting public health and to laying the foundation for future growth and economic prosperity in our community, and that this City Council supports and encourages the continued cooperation of the City and the Water Board toward upgrading water infrastructure, reducing lead exposure, especially in children, and improving the health of the residents of the City of Niagara Falls (scope of a typical replacement plan on file in the City Clerk's Office).

Yeas 4
Nays 0
ADOPTED

RESOLUTION: ROCK THE BLOCK, PARKING FEE WAIVER, 2018-32
BY: ALL COUNCIL MEMBERS

Agenda Item #9

WHEREAS, Niagara University is representing a collective group of 25 community partners and residents spearheading the South End Housing Initiative. The group is committed to working with the city on Niagara Falls revitalization efforts; and we are seeking your approval to waive parking fees for a city owned parking lot at 219 Niagara Street for a May 16th "Rock the Block" scheduled event from 8:00am – 2:00pm; and

WHEREAS, we are planning on 150-200 volunteers doing cleanup of blight and garbage, minor home repairs, landscaping and overall improvements to bring curb appeal to the neighborhood from 4th Street to 7th Street from Pine Avenue to Niagara Street. The parking lot approval will keep car traffic off the streets during the volunteer effort; and

NOW, THEREFORE, BE IT RESOLVED attached (on file in the City Clerk's Office) is a flyer outlining the three phases of the initiative and community partners.

Yeas 4
Nays 0
ADOPTED

RESOLUTION: HUMAN RIGHTS COMMISSION, APPOINTMENTS, 2018-33
BY: COUNCIL MEMBERS KENNEDY, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #10

WHEREAS, the following three candidates should be considered for appointment:

1. Barbara Skye Term Expires 12/31/2021
2. Amber S. Hill-Donhauser Term Expires 12/31/2021
3. Rasheen M. Wilson Term Expires 12/31/2021

WHEREAS, In addition to these new members serving, there remains one open seat.

NOW, THEREFORE, BE IT RESOLVED the council would like to appoint these three candidates (resumes on file in the City Clerk Office) to the Human Rights Commission. The terms would expire 12/31/2021.

Yeas 4
Nays 0
ADOPTED

RESOLUTION: CASINO SPENDING POLICY, IMPLEMENTATION, 2018-34
BY: ALL COUNCIL MEMBERS

Agenda Item #11

WHEREAS, the City Council of the City of Niagara Falls, New York desires to implement a casino spending policy; and

WHEREAS, a copy of the casino spending policy is attached hereto (on file in the City Clerk Office); and

WHEREAS, the attached casino spending policy has been reviewed with the Mayor and presented to the public at a City Council meeting on March 15, 2018.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Niagara Falls, New York, does hereby implement the attached casino spending policy.

Yeas 4
Nays 0
ADOPTED

RESOLUTION: TOWER, PETER AND ELIZABETH C., FOUNDATION, CD APPLICATION 2018-35
BY: ALL COUNCIL MEMBERS

Agenda Item #12

WHEREAS, the City of Niagara Falls Community Development Department is preparing a $25,000 grant application to the Peter and Elizabeth C. Tower Foundation to fund the installation of the Hyde Park Inclusionary Play Project; and

WHEREAS, the Peter and Elizabeth C. Tower Foundation is focused on improving the lives of young people in the communities where Tower family members have lived, worked, and raised their children; and

WHEREAS, the Hyde Park Inclusionary Play Project would improve the quality of life for local children and families, especially children with special mobility and behavioral needs; and

WHEREAS, the project is designed to offer more family-centric activities in the City of Niagara Falls, consistent with the approved Niagara Falls Parks Master Plan; and

WHEREAS a Tower Foundation grant would further support a new and comprehensive level of youth programming, physical education opportunities and parenting workshops in strong partnership with the Niagara Falls City School District, EMPOWER, Niagara University, the Niagara Falls Youth Board and other community stakeholders; and

WHEREAS, the project was directly supported by the Niagara Falls community through the 2017 Niagara Falls Community Development Participatory Budgeting Process (PB360), and;

WHEREAS, the application to competitive, non-governmental funding sources alleviates the need to use municipal funds for public space improvements.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Niagara Falls, New York hereby supports the Niagara Falls Community Development Department's funding application to the Peter and Elizabeth C. Tower Foundation in support of the Hyde Park Inclusionary Play Project.

Yeas 4
Nays 0
ADOPTED

RESOLUTION: PUBLIC HEARING, ALLEY ABANDONMENT, RHODE ISLAND TO VIRGINIA AVENUES, 2018-36
BY: ALL COUNCIL MEMBERS

Agenda Item #13

WHEREAS, the adjoining property owner has requested the abandonment of a portion of the alley running north-south from Rhode Island Avenue to Virginia Avenue and parallel to Hyde Park Boulevard; and

WHEREAS, the Planning Board of the City of Niagara Falls has reviewed the abandonment and recommends the same pursuant to the attached communication; and

WHEREAS, this Council declares its intention to abandon said alley part.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, that a public hearing be held relative to the abandonment of the aforementioned alley portion, said public hearing to be held at a meeting of the Council to be held at the Council Chambers in City Hall on April 25, 2018 at 6:00 p.m. standard time and the City Clerk is hereby directed to publish notice of intention to discontinue and abandon the said alley portion in the official newspaper once a week for two (2) successive weeks preceding April 25, 2018.

Yeas 4
Nays 0
ADOPTED

RESOLUTION: GRANT APPLICATIONS, COLLABORATION, 2018-37
BY: ALL COUNCIL MEMBERS

Agenda Item #14

WHEREAS, it is necessary for this City Council to approve applications for grants to fund various initiatives, including applications for Greenway Funding Grants; and

WHEREAS, this City Council believes that it is important for Council Members to be knowledgeable about the content of grant applications of all types, including applications for Greenway Funding, before it is asked to approve them so that Council Members may educate themselves on the subject matter of the grant application well in advance of a vote.

NOW, THEREFORE, BE IT RESOLVED that this City Council requests that the administration inform Council Members about grant applications that are being prepared and educate Council Members about the various grant applications and the subject matter involved well in advance of submitting those application requests to the City Council for its approval

Yeas 4
Nays 0
ADOPTED

RESOLUTION: SEX OFFENDER, SEX CRIME VICTIMS TASK FORCE, ESTABLISHING, 2018-38
BY: ALL COUNCIL MEMBERS

Agenda Item #15

WHEREAS, sexually based crimes can have severe and long lasting psychological, physical and economic effects on our community and its residents; and

WHEREAS, sexually based crimes are matters of concern to every resident in the City of Niagara Falls because sexual assaults can happen to anyone under many different circumstances; and

WHEREAS, the current system of sex offender registry is important and readily available in the community provided residents avail themselves of that information; and

WHEREAS, this City Council believes it would be in the best interest of the Niagara Falls community to make the sex offender registry as well as other data sources readily available to the public to assist City residents in educating themselves about resources available in an effort to increase awareness about sex crimes in an effort to possibly prevent such tragic events in the future; and

WHEREAS, the City of Niagara Falls wishes to provide safe neighborhoods for its residents and has a strong interest in keeping its residents informed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls that there is hereby established a Registered Sex Offender and Sex Crime Victims Awareness Committee which will consist of representatives from the Niagara Falls Board of Education, the Block Club Council, the Niagara Falls Police Department, the Ministerial Council, the YWCA Sexual Assault Response Team and Rape Crisis Program, the Department of Social Services, the New York State Divisions of Parole and Probation as well as the Child Advocacy Center, the Speak Up Organization, this City Council and five (5) residents of the City of Niagara Falls to be appointed by this City Council; and

AND BE IT FURTHER RESOLVED that the Registered Sex Offender and Sex Crime Victims Awareness Committee begin meeting immediately to begin discussions about its mission and then on an “as needed” basis to further its mission.

Yeas 4
Nays 0
ADOPTED

RESOLUTION: HOME RULE REQUEST, SPEED LIMIT, DOWNTOWN, REDUCTION 2018-39
BY: COUNCIL MEMBERS KENNEDY, SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #16

WHEREAS, Section 1634 of the New York State Vehicle and Traffic Law, concerning speed limits on highways in cities and villages, provides that no such speed limit applicable throughout such city or village or within designated areas of such city or village shall be established at less than 30 miles per hour; and

WHEREAS, Senator Robert Ortt introduced Senate Bill No. S402, as attached hereto (on file in the City Clerk's Office), and Assemblyman Angelo Morinello introduced Assembly Bill A5548, as attached hereto, which would authorize and empower the City of Niagara Falls to lower the speed limit to not less than 25 miles per hour in its downtown area, as described in both bills, in furtherance of projects to attract new investment in said downtown area; and

WHEREAS, in order for the legislative process to continue, this Council is asked to adopt a Home Rule Request.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby recognize, acknowledge and support the enactment by the New York State Legislature of Senate Bill No. S402 and Assembly Bill A5548, entitled "An Act Relating to Authorizing the City of Niagara Falls, County of Niagara, to Reduce the Speed Limit in Downtown Niagara Falls", and this City Council declares that a necessity exists for the enactment of such legislation; and

BE IT FURTHER RESOLVED,that the Clerk of this City Council is directed to complete and certify the Home Rule Requests and forward copies of the New York State Legislature as required.

Yeas 4
Nays 0
ADOPTED

RESOLUTION: VENDORS AND PEDDLERS, AMENDING CHAPTER 341, 2018-40
BY: COUNCIL MEMBERS KENNEDY, SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #17

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Chapter 341 of the Codified Ordinances entitled "Vendors and Peddlers" is hereby amended to read as follows:

. . .

341.17 Special Downtown Vending District

. . .

(b) Establishment of Special Downtown Vending District:

(1) The Special Downtown Vending District is shown on a map filed in the office of the City Clerk. The Special Downtown Vending District is described as an area of the City of Niagara Falls bounded as follows:

(i) Special Downtown Vending District Area Boundaries:

South side of Niagara Street only between [1st Street]

<u>Rainbow Boulevard</u> and Third Street.

. . .

Bold and Underline Indicate <u>Additions</u>
Bold and Brackets Indicate [Deletions]

Yeas 4
Nays 0
ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 8:10 P.M.

Lisa A. Vitello
City Clerk

APRIL 25, 2018

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The Legislative session of the April 25, 2018 Niagara Falls City Council Meeting was called to order by Council Chairman Touma at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Christopher Voccio, Chairman Andrew Touma

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello.

Council Member Scott said the Prayer and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Council Member Tompkins moved to approve the Minutes from the Council Meeting of April 11, 2018.

Yeas	5
Nays	0
	APPROVED

Presentations:

Christine Bannister, Regional Director of the NYS Office of Real Property.

Police Chief Bryan DalPorto gave a presentation on towing, rules, regulations and enforcement.

Administrative Update:

City Administrator, Nick Melson, discussed the opening of the Golf Course – May 1st, City Parks – ASAP, Summer parking rates.

Clean- up at the Porter Road site is now completed.

Potholes are being filled in all areas.

Economic Development is planning Food Truck Thursday's at the Train Station beginning May 10th.

There is a job fair on April 26th from 11am-1pm at the Doris Jones Center.

Shared services with the School District and Short Term rentals were also discussed.

Chairman Touma announced a Special Order of Business, a Public Hearing relative to the abandonment of a portion of the alley running North-South from Rhode Island Avenue to Virginia Avenue parallel to Hyde Park Boulevard and asked if there were any speakers relative thereto:

THERE WERE NO SPEAKERS

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Ron Anderluh	Agenda Item #4
Pat Proctor	Agenda Item #7
Robert Burns	Agenda Item #4
Bob Belton	Agenda Item #3
Jackie Page	Agenda Item #18
Tim Huether	Agenda Items #10 and #19
Rick Williams	Various
Jockline Pryor	Agenda Items #3, #5, #7
Asmond C. A. Hazzard	Various
Justice Redhawk	Village of LaSalle, Public Spaces
Diane Tattersall	Playground on 7th Street
Donta Myles	New NF Community Center
Jockline Pryor	Various
Bob Pascoal	Various
Ron Anderluh	Reassessment
Robert Burns	Reassessment
Neil H. Taylor, II	Reassessment

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF MARCH 2018

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: FIREWORKS DISPLAY, INDEPENDENCE DAY, SKYLIGHTERS FIREWORKS OF NEW YORK, LLC

Agenda Item #2

We respectfully request you award the above referenced request for proposal as follows:

TO: Skylighters Fireworks of New York, LLC
P.O. Box 1357
Orchard Park, NY 14127
FOR: Fireworks display on July 4, 2018 at Hyde Park: $25,000.00

The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that proposals were to be received was advertised in the Niagara Gazette and requests for proposals were sent to six (6) vendors. Two (2) proposals and one (1) no bid were received. After reviewing this proposal, it was determined that Skylighters Fireworks has met all the specifications required in Request for Proposal # 2018-08.

Funds are available in the Tourism Fund account code T.6410.0000.0449.599.

Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	0
Nays	5
	DEFEATED

CONTRACT: SLUM AND BLIGHT PREVENTION AND ELIMINATION, CDBG ACTION PLAN

Agenda Item #3

The conclusion of several Community Development projects has made remaining, unspent Community Development Block Grant funding originally earmarked for those projects available to be programmed to other eligible activities. The U.S. Department of Housing and Urban Development (HUD) requires that these unspent federal funds be expended in a timely fashion.

The Department of Community Development therefore seeks to make these funds available for several projects, each of which is eligible for CDBG funding under the HUD National Objective of preventing or eliminating slums or blight:

1.) Strategic Code Enforcement/Housing Court Costs. $35,000 in CDBG funds will be used to provide interim assistance to targeted code enforcement activities. This will take place through improvement of the technology used to track housing court violations, execute legal notices/fines, and present legal complaints to the Niagara Falls City Court. When the funds are expended on a site-specific project, they will be restricted to use in CDBG-eligible areas of the City.

2.) Improvement of Public Spaces/Place-Making. $65,000 in CDBG funds will be used to create or improve public facilities, and/or to provide interim assistance to the city's upkeep of public spaces, which can include streets, sidewalks, parks, playgrounds, and publicly owned utilities.

3.) Renovation of Vacant Spaces. $100,000 in CDBG funds will be dedicated to the renovation costs associated with vacant buildings. These can include direct rehabilitation costs and the evaluation and reduction of lead-based paint hazards, as well as deferred loans and grants to city residents for these purposes.

	Available	**Revised**	**Change**
2015 Police Substation	$300.00	$0	($300.00)
2016 Small Business Advocate	$4,000.00	$0	($4,000.00)
2015 NHS Home Counseling Program	$18,750.00	$0	($18,750.00)
2013 Unprogrammed Public Services	$10,000.00	$0	($10,000.00)
2014 Unprogrammed Public Services	$48,980.00	$0	($48,500.00)
2012 Unprogrammed Public Works	$2450.00	$0	($2450.00)
2015 Unprogrammed Infrastructure Improvements	$80,000	$0	($80,000)
Strategic Code Enforcement/Housing Court Costs	$0	$25,000	$25,000
Improvement of Public Spaces/Place-Making	$0	$64,000	$64,000
Renovation of Vacant Spaces	$0	$75,000	$75,000

This action expends no general or casino fund dollars. Will the Council vote to approve the proposal presented herein and to authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: KABOOM-COMMUNITY PARTNER AGREEMENT, 473 7TH STREET PROJECT

Agenda Item #4
THIS ITEM WAS PULLED
NO ACTION TAKEN ON THIS ITEM

DEPARTMENT OF CODE ENFORCEMENT: REPAIR, DEMOLITION OR BOARD OF STRUCTURES, EXPENSES

Agenda Item #5

In accordance with Chapter 1133, Section 1133.08 of the City of Niagara Falls Codified Ordinances, we hereby submit a report relative to certain privately owned properties upon which the City has incurred expenses or Community Development funds have been expended for each property which remain unpaid and in accordance with the above noted Section (the) Council shall "order an assessment against said premises for several sums herein reported".

We recommend that all the costs incurred by the City of Niagara Falls that remain unpaid upon certain privately owned properties be assessed against said properties in the manner as prescribed in the above City provisions of the City of Niagara Falls Codified Ordinances.

A list of all chargeable costs incurred is attached (on file in the City Clerk's Office). A complete record of all costs incurred and included in this report shall remain permanently on file in the office of the Department of Code Enforcement.

Will the Council so order?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	4
Scott, Tompkins, Voccio, Chairman Touma	
Nays	0
Abstain	1
Kennedy	

APPROVED

CONTRACT: 2018 DRAINAGE STRUCTURE REPLACEMENT/REPAIR PROJECT, 4TH GENERATION CONSTRUCTION CO. INC.

Agenda Item #6

The following was the result of bids received on April 17, 2018, for the above referenced project:

CONTRACTOR	BASE BID
4th Generation Construction Co. Inc. 5650 Simmons Ave. Niagara Falls NY 14304	$263,196.00
Mark Cerrone Inc.	$297,600.00

It is the recommendation of the undersigned that this project be awarded to the low bidder 4th Generation Co. Inc. at their Base Bid of $263,196.00. Please note that this amount is completely reimbursable with NYSDOT CHIPS monies. The funding code will be H0318, which represents CHIPS funding to be received for 2018 projects.

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

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

PURCHASE: LANDSCAPING OF MEDIANS AND ENTRY POINTS, LAROSA LANDSCAPE MANAGEMENT

Agenda Item #7

We respectfully request you award the above referenced request for proposal as follows:

TO: LaRosa Landscape Management
740 Mohawk Street
Lewiston, New York 14092

FOR: Landscaping and maintenance of the medians along

Niagara Street, John B. Daly Boulevard, Rainbow Boulevard and the entrances to the City:
$ 50,000.00

The City Purchasing Division certifies that all proposals were solicited in accordance with Section 103 of the General Municipal Law.

Notice that proposals were to be received was advertised in the Niagara Gazette and requests for proposals were sent to seventeen (17) vendors. Two (2) proposals were received. The above referenced company submitted the lowest cost proposal that fully met the City's needs. Villani Lawn & Landscape, LLC ($75,816.00) submitted the second proposal.

Funds for this project are available from casino funds.

Will the Council so approve this expenditure?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 1
Voccio
Nays 4
Kennedy, Scott, Tompkins, Chairman Touma

DEFEATED

CONTRACT: GRIFFON PARK COMFORT STATION, SPECIAL INSPECTIONS & TESTING, SJB SERVICES AND EMPIRE GEO-SERVICES

Agenda Item #8

As construction of this project progresses, certain structural components are subject to Special Inspections and Testing. These components include examination of subgrade, reinforcing steel, cast-in-place concrete, and wood framed roofing. These Special Inspections and Testing are required by New York State Building Code.

It is requested that SJB Services, and their subsidiary Empire Geo-Services be retained to provide onsite inspections and testing at a not-to-exceed amount of $5,000.00. Funding is available in Greenway Funds previously committed to 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?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

POLICE DEPARTMENT: GIVE GRANT, NYS DIVISION OF CRIMINAL JUSTICE ERVICES

Agenda Item #9

The Superintendent of Police advises that the Niagara County law enforcement agencies, including the City of Niagara Falls Police Department ("NFPD"), have been awarded a Gun Involved Violence Elimination ("GIVE") grant in the amount of $681,448.00 to support targeted firearm and violent crime reduction efforts. Attached hereto is a communication from the DCJS outlining the details of this GIVE grant. The NFPD's share of this grant is $343,474.00 and will be spent as per the attached budget (on file in the City Clerk's Office).

Will the Council accept this grant and authorize the Mayor to execute any required documentation and/or agreements in order to accept the grant provided the same are in form and content acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: TOWN OF LEWISTON, SHARING OF EQUIPMENT, SERVICES AND MATERIALS

Agenda Item #10

The Director of the Department of Public Works ("DPW") advises that it would be desirable if his department had a protocol in place with the Town of Lewiston Highway Department to share equipment, services and materials on an occasional basis. Attached hereto (on file in the City Clerk's Office) is a copy of a proposed agreement with the Town of Lewiston which is proposed to be for a two (2) year term but is able to be terminated by either party on sixty (60) days written notice. The draft agreement further provides that the determination to share resources will be made by the City Administrator of the City, or his designee and the Town Supervisor of the Town, or his designee on a case-by-case basis.

An agreement of this nature is specifically authorized by Article 5-g of the General Municipal Law of the State of New York.

Will the Council so approve and authorize the Mayor to execute an Inter-Municipal Agreement for sharing of equipment, services and materials in form and content satisfactory to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CITY PROPERTY: 3RD STREET, 256, ASSESSMENT

Agenda Item #11

The cases referred to above are challenges to the assessment of the office building located at 256 – 3rd Street. They challenge the assessments as of the taxable status date of March 1 for the July 1, 2009 through July 1, 2017 assessment rolls.

The taxpayer challenged the assessments at the Board of Assessment review and then commenced these proceedings in State Supreme Court.

After appraisals were exchanged, the matter was tried before the Honorable Ralph A. Boniello III, Justice Supreme Court who rendered a decision reducing the assessments as shown on the attached chart (on file in the City Clerk's Office).

The reductions in assessments require refunds of City taxes in the amount of $83,186.67 plus statutory interest of approximately $8,055.10. The refunds will come from the City write-off account.

Will the Council authorize the payment of the necessary refunds?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 4
Kennedy, Scott, Tompkins, Voccio
Nays 1
Council Chairman Touma

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

MAYOR'S APPROVAL: RESOLUTION 2018-40

Agenda Item #12

Please be advised that, Mayor Paul A. Dyster, on April 12, 2018, duly approved the following:

Resolution 2018-40, relative to Amending Chapter 341 of the Codified Ordinances entitled "Vendors and Peddlers."

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: LICHT, MICHAEL

Agenda Item #13

Date Claim Filed:	March 8, 2018
Date Action Commenced:	N/A
Date of Occurrence:	March 2, 2018
Location:	1500 Block of Elmwood Avenue
Nature of Claim:	While plowing, the plow truck hit the parked vehicle.
City Driver:	Mark Dinnocenzio
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$1404.43
Make Check Payable to:	Michael Licht
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?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CLAIM: KINNEY, TERRI

Agenda Item #14

Date Claim Filed:	March 13, 2018
Date Action Commenced:	N/A
Date of Occurrence:	March 2, 2018
Location:	On the street at 28th Street
Nature of Claim:	While plowing, the plow truck hit the parked vehicle.
City Driver:	David J. Robertson
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$2084.61
Make Check Payable to:	Terri Kinney
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?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

RESOLUTION: HUMAN RIGHTS COMMISSION, RE-APPOINTMENTS, 2018-41
BY: ALL COUNCIL MEMBERS

Agenda Item #15

WHEREAS, the following three candidates should be considered for re-appointment:

1. Brian Archie (Chair) Term Expires 12/31/2018 (1 year term as Chair)
2. Bob Belton (Member) Term Expires 12/31/2021
3. Saladin Allah (Member) Term Expires 12/31/2021

NOW, THEREFORE, BE IT RESOLVED the council would like to re-appoint these three candidates to the Human Rights Commission.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: TOURISM ADVISORY BOARD, APPOINTMENT, 2018-42
BY: ALL COUNCIL MEMBERS

Agenda Item #16

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Tourism Advisory Board effective immediately, for a term expiring on the date that appears opposite their name:

APPOINTMENT	TERM EXPIRES:
Daniel Tighe 300 3rd Street Niagara Falls, NY 14303	12/31/2018

Yeas 5
Nays 0
ADOPTED

RESOLUTION: GRADUATION CEREMONY, PARKING FEE WAIVER, 2018-43
BY: ALL COUNCIL MEMBERS

Agenda Item #17

WHEREAS, Niagara Falls High School will hold its graduation ceremony for approximately 400 seniors. We are again holding graduation at the Niagara Falls Conference Center. The ceremony will begin at noon and end at approximately 2:00pm. We will also conduct a rehearsal ceremony on Friday, June 22, 2018 from 8:30am – 12:00pm.

NOW, THEREFORE, BE IT RESOLVED we are requesting that the parking fees for the adjacent city parking ramps be waived on June 22 and June 23 to accommodate our students, parents and guests. This kindness will be a tremendous support to the school and community (request letter on file in the City Clerk's Office).

Yeas 5
Nays 0

ADOPTED

RESOLUTION: ADVISORY COMMITTEE, ADVICE/RECOMMENDATIONS REGARDING "TOWING-RULES AND REGULATIONS"
BY: COUNCIL MEMBER CHRISTOPHER VOCCIO

Agenda Item #18

WHEREAS, during its consideration of certain amendments to Chapter 502 of the City Ordinances entitled "Towing – Rules and Regulations" this City Council was alerted by members of the public to issues which may exist pertaining to the City's existing ordinance; and

WHEREAS, this City Council wishes to undertake a review of Chapter 502 as concerns the rules and regulations pertaining to towing to make certain that those rules and regulations are fair and equitable; and

WHEREAS, prior to making any amendments to Chapter 502, it is desirable for the Niagara Falls City Council to have a thorough understanding of the rules and regulations presently contained in the City ordinance and identify any issues that exist with respect to those existing rules and regulations and identify any problems which may need to be resolved; and

WHEREAS, to facilitate this, the City Council has determined that it would be prudent to solicit the advice and recommendations from a committee consisting of the Superintendent of Police or his designee, the Corporation Counsel or his designee as well as towing industry professionals to be selected by the City Council.

NOW, THEREFORE, BE IT RESOLVED that pursuant to Section 3.6(a) of the City Charter, the City Council of the City of Niagara Falls, New York does hereby create a "Towing – Rules and Regulations" Ordinance Review committee to compliment the effectiveness of this City Council by providing it with advice and recommendations concerning any existing problems/issues with Chapter 502 of the City Ordinances and any recommendations for changes to Chapter 502; and

BE IT FURTHER RESOLVED that the "Towing – Rules and Regulations" Ordinance Review Committee shall consist of no more than seven (7) members to be comprised of the Superintendent of the Police or his designee, the Corporation Counsel or his designee, and up to five (5) members who are towing industry professionals who will be selected by and serve at the pleasure of the City Council, for a period no later than December 31, 2018 or upon presentation to the City Council of a report of its recommendations or upon like evidence of the attainment of the purpose for which it was established, whichever occurs sooner; and

BE IT FURTHER RESOLVED that the members of this advisory committee will not be compensated for their services on the advisory committee.

Yeas 1
Voccio
Nays 4
Kennedy, Scott, Tompkins, Chairman Touma

DEFEATED

RESOLUTION: TOWING-RULES AND REGULATIONS, AMENDING CHAPTER 502, 2018-44
BY: COUNCIL MEMBERS KENNEDY, SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #19

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Chapter 502 of the Codified Ordinances entitled "Towing – Rules and Regulations" is hereby amended to read as follows:

. . .

502.06 Application for letter of authorization.

. . .

B. Term of letter of authorization.

(1) If an authorized city towing service is designated as authorized to tow, such firm will be issued a letter of authorization, which will expire on [December 31, 2003 or the December 31st of the next odd numbered year] an annual basis on December 31st. Re-issuance of such letter of authorization will be based on the past performance of said towing company and on continued compliance with all the provisions of this chapter.

(2) The letter of authorization represents an agreement to provide towing service to the Police Department [for not longer than two (2) years or until December 31 of the same year if odd numbered or until December 31st of the next odd numbered year] until December 31st of each year. The Superintendent of Police may renew this letter without requiring a new application, or he may decline to renew the letter of authorization at his discretion.

502.07[Biennial] Annual license fee.

A. Prior to approval or re-issuance of a letter of authorization, an authorized towing service shall remit [a biennial] an annual license fee of [Three Hundred Dollars ($300.00)] one thousand dollars ($1,000.00) to the City. In addition to the annual license fee of one thousand dollars ($1,000.00), an authorized towing service shall remit to the City the sum of twenty-five dollars ($25.00) for each vehicle towed on behalf of the Niagara Falls Police Department. Said additional amounts shall be invoiced monthly to each authorized towing service. On or after April 26, 2018, an authorized city towing service shall be required to remit the annual license fee upon expiration of its current letter of authorization and the re-issuance of a letter of authorization.

B. The letter of authorization shall not be transferable and the [biennial] annual license fee therefor shall not be prorated.

C. Rates to be charged for various towing services can be found in Section 502.14.

502.08 Minimum requirements for designation as authorized towing service.

. . .

B. An authorized towing service must also meet the following requirements:

. . .

(13) Each authorized towing service will provide a maximum of [seven (7)] ten (10) free towing/winching and jump start service calls of City/police cars and light trucks within the calendar year. Service calls in excess of [seven (7)] ten (10) for towing/winching shall be charged to the City at the rate stipulated in this ordinance. Service calls in excess of [seven (7)] ten (10) for jump start service calls will be charged to the City at a rate of $25.00 per service call. These vehicles will be towed to the City garage at 1785 New Rd.

. . .

502.17 Revocation of letter of authorization.

A. An authorized towing service may be removed from service by the Superintendent of Police via the process of rescinding the letter of authorization prior to the annual expiration date for violating the provisions of the letter of authorization, this chapter or for making materially false statements on the application for a letter of authorization.

B. If removed from the tow list a processing fee equal to the [biennial] annual payment will be submitted with the application for reinstatement.

. . .

Bold and Underline Indicate Additions
Bold and Brackets Indicate [Deletions]

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: PUBLIC HEARING, ABANDONMENT, ALLEY FROM RHODE ISLAND TO VIRGINIA AVENUES, 2018-45
BY: COUNCIL MEMBERS SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #20

WHEREAS, the City Council of the City of Niagara Falls desires to abandon a portion of the alley running north-south between Rhode Island Avenue to Virginia Avenue and parallel to Hyde Park Boulevard in order to facilitate utilization of the alley by abutting property owners; and

WHEREAS, the Planning Board of the City of Niagara Falls at its meeting on March 21, 2018 recommended that the City Council approve the abandonment of a portion of the aforementioned alley (a copy of the Planning Board resolution is attached hereto)(on file in the City Clerk's Office); and

WHEREAS, the City Council did, by resolution, give notice of its intention to abandon a portion of the aforementioned alley 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 April 25, 2018 at 6:00 p.m. daylight savings time and advise that all persons interested would be heard thereon at that said time and place; and

WHEREAS, the hearing was duly held on April 25, 2018 at 6:00 p.m. daylight savings time in regards to 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 running north-south between Rhode Island Avenue to Virginia Avenue and parallel to Hyde Park Boulevard and abutting 3324 Hyde Park Boulevard and 3320 Hyde Park Boulevard and 3316 Hyde Park Boulevard is hereby abandoned, the said abandoned alley portion subject, however, to reservation of right of and for the City of Niagara Falls, the Niagara Falls Water Board and any utility companies, their successors and assigns to use, maintain, repair, replace and continue to maintain their services and operations in said abandoned alley. The said alley portion is bounded and described as follows:

The area commencing at the point 43.118227 N -79.035049 W heading in a southeasterly direction 104.7' to the point 43.117952 N -79.034935 W, thence heading in a westerly direction 12' to the point 43.117952 N -79.03498 W, thence heading in a northwesterly direction 104.7' to the point 43.118227 N -79.035094 W, thence in an easterly direction 12' to the beginning.

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 may sign deeds or other documents desirable to effectuate this abandonment.

Yeas	5
Nays	0

ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 9:35 P.M.

Lisa A. Vitello
City Clerk

The Legislative session of the May 9, 2018 Niagara Falls City Council Meeting was called to order by Council Chairman Touma at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Christopher Voccio, Chairman Andrew Touma

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson and City Controller Daniel Morello.

Council Member Tompkins said the Prayer and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Council Member Tompkins moved to approve the Minutes from the Council Meeting of April 25, 2018

Yeas	5
Nays	0
	APPROVED

Presentation:

Paul Wolf, from Open Government Coalition, gave a presentation on open government. Mr. Wolf gave an update on the City's website score.

Administrative Update:

Nick Melson, City Administrator, stated the Pot Hole Killer had some mechanical problems which are now resolved.

The Zoom kickoff was held this morning at Columbus Square on Pine Avenue.

Work and discussions are continuing on CSX crossings.

The driving range at the Golf Course will open early next week.

Mayor Paul Dyster reported on the Carriage Barn destruction.

Council Member Christopher Voccio inquired about the medians in the downtown core.

Council reviewed agenda items.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Ruth Knepp	Various
Ron Anderluh	TIP Credit Law
Tim Huether	Tourism
Bill Kennedy, Sr.	College Students in DeVeaux
Gloria Dolson	Education Programs

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CLAIMS FOR THE MONTH OF APRIL 2018

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: ABANDONED VEHICLES, REMOVAL, SATARIAN AUTO AND TOWING

Agenda Item #2

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

TO: Satarian Auto and Towing
4250 Witmer Road
Niagara Falls, NY 14305

FOR: Removal of abandoned vehicles within the City of Niagara Falls, New York
$126.00 per vehicle to be paid to the City

The City Purchasing Division 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 packages were sent to thirteen (13) vendors. This was the only bid received. Please reference the attached tally sheet (on file in the City Clerk's Office) for bid submission details.

Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: GOLF COURSE, CHEMICAL APPLICATION, FERTA-LAWN/EXECUTIVE LANDSCAPING INC.

Agenda Item #3

We respectfully request you authorize the Mayor to enter into an agreement as follows:

WITH: Ferta-Lawn / Executive Landscaping Inc.
2954 Niagara Falls Boulevard
North Tonawanda, New York 14120

FOR: Chemical Application at Hyde Park Golf Course
Labor only, approximately 10 applications plus
1 winter application
$1,200.00/application

The Purchasing Division certifies that quotations for this service were solicited in accordance with the adopted Purchasing Manual and that the above-referenced vendor submitted the lowest price per application. The exact number of applications required is unknown at this time and will be adjusted based upon weather and course conditions. The course has historically required an average of ten (10) seasonal applications per year, and one (1) additional winter application.

Two other quotations were received from Rooted Earth Care LLC ($1,225.00 per application) and Andre & Son, Inc. ($1,800.00 per application).

Funds for this expenditure are available in the budget code GC.7250.0200.0110.000. Will the Council vote to so approve and authorize the Mayor to execute an agreement in a form acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

COMMUNITY DEVELOPMENT: HYDE AND LIBERTY PARKS PROGRAMING, CITY SCHOOL DISTRICT, MOU

Agenda Item #4

In March 2018, the Niagara Falls City Council voted to accept a $120,000 competitive grant, applied for by the Community Development Department, from the New York State Health Foundation to partially fund the Hyde Park Inclusionary Play Project installation and youth programming at both Hyde Park and Liberty ("Big Lou" Sirianni) Park. The funding will be allocated, as follows:

$50,000 – Installation of Hyde Park Inclusionary Play Playground
$70,000 – Summer youth programming at Hyde and Liberty Parks

The City of Niagara Falls will partner with the Niagara Falls City School District, EMPOWER and the community at large, to plan summer events focused on community health, free play and the creation of opportunities for children/families with special mobility and behavioral needs. These two parks will act as educational satellites for events and activities, open to all city residents. While this grant focuses on two specific parks, this program is part of a city-wide strategy of park investment and youth-centric activities.

The grant also provides the opportunity to partner with neighborhood liaisons and execute a Niagara Falls City School District Science, Technology, Engineering, Arts and Math (STEAM) and physical education curriculum in the summer months. This project does not require any new or additional local matching dollars, as we leveraged the Community Development Block Grant investments at both parks, guided by the 2017 Participatory Budgeting (PB 360) Process.

Per the terms of the grant award, the proposed Memorandum of Understanding (MOU) with the Niagara Falls City School District will provide $8,000 to fund a Summer Youth Programming Coordinator. The person selected to fill this position will be a New York State-certified teacher, consistent with the district's summer programming compensation rates. Any unused funds will be dedicated to 2019 programming as the New York State Health Foundation grant follows a two year cycle. The role of the coordinator will be to schedule, promote, attend, and report on evaluation data for all events in the months of July through September. In addition she/he will create, coordinate and execute STEAM and physical education curriculum at the parks.

The Niagara Falls City School District will post this job opportunity, per its summer employment posting process, upon approval from the Niagara Falls City Council and Niagara Falls City School Board.

Will the Council vote to so approve and authorize the Mayor to execute the MOU with the Niagara Falls City School District, in a form acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: SIDEWALK REPLACEMENT, VARIOUS LOCATIONS, VALERI CONCRETE CONSTRUCTION, INC.

Agenda Item #5

The following is the result of bids received on May 1, 2018 for the above referenced project:

CONTRACTOR	BASE BID
Valeri Concrete Construction, Inc. 6655 Errick Road North Tonawanda NY 14120	$232,500.00
Millennium Construction	$493,000.00

It is the recommendation of the undersigned that this contract be awarded to the low bidder, Valeri Concrete Construction, Inc. at the base bid amount referenced above at $232,500.00.

Please note that this amount is completely reimbursable with NYSDOT CHIPS monies. The funding code will be H0318, which represents CHIPS funding to be received for 2018 projects.

Additionally, the Contractor has agreed to extend the unit prices of his bid to complete sidewalk replacements for the Niagara Falls Water Board, up to a not-to-exceed amount of $20,000.00, pending the execution of a standard Inter-Agency Agreement between the City and the Niagara Falls Water Board. Therefore, the City of Niagara Falls will enter into a contract with Valeri Concrete Construction, Inc. for a total of $252,500.00 at this time.

Will the Council vote to so approve and authorize the Mayor to execute a contract for the City Of Niagara Falls portion of this work, in a form acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

HOMESTEAD AND NON-HOMESTEAD PROPORTIONS

Agenda Item #6

In accordance with Section 1903 of the Real Property Tax Law, the City Council must certify the attached (on file in the City Clerk's Office) referenced percentages and proportions.

Assessing units using Article 19 Homestead option must certify percentages and proportions when final class equalization rates are established by the Office of Real Property Services.

The certification is now due and the attached represents the necessary certifications.

Will Council certify the attached percentages and proportions?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: TROLLEY SERVICE, NIAGARA FRONTIER TRANSPORTATION AUTHORITY

Agenda Item #7

It is desirable to continue again this year Trolley Service in the City in cooperation with the Niagara Frontier Transportation Authority. It is recommended that Trolley Service commence on May 18, 2018 and conclude October 28, 2018. During the month of May, 2018, from May 18, 2018 through May 27, 2018, the Trolley Service will operate on weekends only (Friday, Saturday and Sunday) plus Memorial Day, May 28, 2018. Trolley Service from May 28, 2018 through September 30, 2018 will be on a daily basis. From October 5, 2018 through October 28, 2018, Trolley Service will be on weekends only (Friday, Saturday, Sunday). From November 1, 2018 through December 31, 2018, NFTA validated passes may be utilized for all metro routes. The cost to the City for this service will be $580,500. This is pursuant to terms and conditions contained in the agreement attached hereto (on file in the City Clerk's Office). Funding is available from the Tourism Fund balance.

Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

Council Member Voccio questioned the funding.

CONTRACT: SURVEILLANCE CAMERAS, NIAGARA MOHAWK POWER CORP.

Agenda Item #8

As you are aware, the City is continuing its initiative to install cameras for surveillance purposes at critical locations throughout the City. These cameras are to be mounted on various electric utility poles owned by Niagara Mohawk Power Corporation ("NMPC"). In order to accomplish this, NMPC requires the City to enter into an agreement with it which specifies the location of the various poles, of which there are seven (7), and also requires the City to pay NMPC for utilizing these locations. The current rate is $14.04 per pole attachment per year. This fee may be changed periodically by NMPC. Attached hereto (on file in the City Clerk's Office) is a copy of the agreement forwarded to the City by NMPC.

The Mayor has already executed this agreement. Will the Council so approve and allow the Mayor to execute this agreement on a "nunc pro tunc" basis?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

Council Chairman Touma asked about cameras in the Parks.

UNITED STEELWORKERS, GRIEVANCE, JEANNE MOROCK

Agenda Item #9

Recently, the United Steelworkers, Local 9434-02 filed a grievance on behalf of City employee Jeanne Morock, who currently occupies a Maintenance Worker -1 (MW-1) position at the Carnegie Building. After review by the City Grievance Committee, it was recommended that Ms. Morock should be upgraded from an MW-1 to an MW-2 job title for department code A.1620.2330 - Carnegie Building. This upgrade will result in an increase of $1,841.56, inclusive of all salary and fringe benefits. Funding is available through A.8560.0000.0110.000 - Forestry Bi-weekly pay account due to a current open position.

While the proposed grievance settlement will result in a modest financial impact, approval of the upgrade will provide for uninterrupted services and continuity at both the Carnegie Building and City Hall.

Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

MAYOR'S APPROVAL: RESOLUTION 2018-44

Agenda Item #10

Please be advised that, Mayor Paul A. Dyster, on April 26, 2018, duly approved the following:

Resolution 2018-44 relative to Amending Chapter 502 of the Codified Ordinances entitled "Towing-Rules and Regulations."

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: MERCHANT, ELIZABETH AND EDMUND

Agenda Item #11

Date Claim Filed:	April 9, 2014
Date Action Commenced:	May 26, 2015
Date of Occurrence:	February 25, 2014
Location:	On property of 2730 Orleans Avenue
Nature of Claim:	Personal injury resulting from discharged firearm
City Driver:	N/A
Status of Action:	In Litigation. Two weeks before Jury selection.
Recommendation/Reason:	Best interests of City to settle before incurring the cost of trial.
Amount to be Paid:	$5,000.00
Make Check Payable to:	Law office of Eugene C. Tenney, PLLC, as attorneys for Elizabeth and Edward Merchant.
Conditions:	General Release to City and Stipulation of Discontinuance 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?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

RESOLUTION: TOURISM ADVISORY BOARD, REAPPOINTMENT, 2018-46
BY: COUNCIL MEMBERS KENNEDY, SCOTT, VOCCIO, CHAIRMAN TOUMA

Agenda Item #12

BE IT RESOLVED, that the following individual is hereby reappointed to the City of Niagara Falls Tourism Advisory Board effective immediately, for a term expiring on the date that appears opposite their name:

APPOINTMENT	TERM EXPIRES:
Shawn Weber 250 Rainbow Blvd #105 Niagara Falls, NY 14303	12/31/2018

Yeas 4
Kennedy, Scott, Voccio, Chairman Touma
Nays 1
Tompkins

ADOPTED

RESOLUTION: CONGRESSMAN BRIAN HIGGINS, FINANCIAL ASSISTANCE/SUPPORT FROM THE STATE OF NEW YORK, 2018-47
BY: COUNCIL MEMBERS KENNEDY, SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #13

WHEREAS, This City Council realizes that the City of Niagara Falls has increased costs due to the millions of tourist that visit the City every year; and

WHEREAS, This City Council believes that the City of Niagara Falls does not receive the assistance it should for hosting millions of tourist each year; and

WHEREAS, The State of New York benefits greatly from the resources and attractions which are located in the City of Niagara Falls; and

WHEREAS, The State continues to generate millions of dollars of revenue and does little to mitigate the costs which the City of Niagara Falls incurs; and

WHEREAS, The City of Niagara Falls is obligated to shoulder additional costs for Fire, Police, Infrastructure and additional services due to the influx of millions of guests each season into the State Park; and

WHEREAS, The tourist season is lengthening each year requiring increased costs; and

WHEREAS, The City of Niagara Falls has never been fully compensated for the millions of dollars in lost revenue due to hundreds of acres of valuable land which was removed from its tax rolls to create the NYS Power Authority; and

WHEREAS, The legislation to create the Power Authority states that the creation of such Authority should directly benefit the City of Niagara Falls; and

WHEREAS, The City of Buffalo has benefitted greatly from State funds, the City of Niagara Falls continues to struggle due to a lack of comparable funding; and

WHEREAS, This City Council does not desire to continue shifting this burden to the tax paying citizens of Niagara Falls.

NOW, THEREFORE, BE IT RESOLVED that this City Council joins with Congressman Brian Higgins in calling on the State of New York to help alleviate the costs to the City of Niagara Falls and become a true partner in serving the millions of guests we are honored to host.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: SENIOR PROM, PARKING FEE WAIVER, 2018-48
BY: ALL COUNCIL MEMBERS

Agenda Item #14

WHEREAS, Niagara Falls High School will hold its Senior Class Prom on Friday, June 15, 2018 at the Niagara Falls Conference Center. The prom will begin at 5:00pm and end at approximately 11:00pm; and

WHEREAS, this City Council has been requested by the Niagara Falls High School to waive parking fees in the City's 3rd Street behind the Niagara Falls Conference Center for 30 parking spaces to accommodate students and chaperones.

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby waive parking fees for 30 parking spots on 3rd street behind the Niagara Falls Conference Center to accommodate our students and chaperones attending the Senior Prom on June 15, 2018.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: CIVIL SERVICE COMMISSION, REAPPOINTMENT, 2018-49
BY: ALL COUNCIL MEMBERS

Agenda Item #15

BE IT RESOLVED, that the following individual is hereby reappointed to the City of Niagara Falls Municipal Civil Service Commission, effective April 1st, 2018, for the term expiring on the date which appears opposite his name:

REAPPOINTMENT:	TERM EXPIRES:
Ronald Mang 9179 Buffalo Ave Niagara Falls, NY 14304	04/01/2024

Yeas 5
Nays 0
ADOPTED

RESOLUTION: COUNCIL MEETING FORMAT, ORDER OF BUSINESS, 2018-50
BY: ALL COUNCIL MEMBERS

Agenda Item #16

WHEREAS, at the first City Council meeting in 2018, this City Council adopted a Council Meeting Format Order of Business format which, among other things, called the meeting to come to order at 6:00 p.m. and then detailed the agenda to be followed; and

WHEREAS, the portion of the meeting allowing time for citizens to make public comments took place after this City Council reviewed agenda items; and

WHEREAS, because of the volume of business handled by this City Council during any particular meeting, the opportunity for citizens to make public comments often did not take place for an inordinate period of time; and

WHEREAS, this City Council wishes to allow citizens wishing to make public comments to do so sooner rather than later;

NOW, THEREFORE this City Council does hereby adopt the attached (On file in the City Clerk's Office) amended Council Meeting Format Order of Business which will allow citizens wishing to make public comments for agenda items and for the good of the community to take place subsequent to the City Council approval of the minutes of previous meetings; and

BE IT FURTHER RESOLVED that this amended Council Meeting Format Order of Business become effective at the next City Council meeting scheduled for May 23, 2018 and be in effect at all regularly scheduled City Council meetings for the balance of 2018 unless sooner amended.

Yeas 5
Nays 0
ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 8:00 P.M.

Lisa A. Vitello
City Clerk

MAY 23, 2018

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The Legislative session of the May 23, 2018 Niagara Falls City Council Meeting was called to order by Council Chairman Touma at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Christopher Voccio, Chairman Andrew Touma

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, and City Controller Daniel Morello.

Council Member Voccio said the Prayer and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Council Member Tompkins moved to approve the Minutes from the Council Meeting of May 9, 2018

Yeas	5
Nays	0
	APPROVED

Administrative Update:

The driving range will be open this week.

The flags are all up on Pine Avenue in preparation for the Memorial Day Parade.

City Administration, Nick Melson, thanked John Caso, Director of Public Works, and the Department of Public Works for their assistance.

Thomas DeSantis, Acting City Planner, discussed Brown Field plans and the name change for the Buffalo Avenue Industrial Core project.

Councilman Christopher Voccio discussed bus parking fees.

Councilman Kenny Tompkins inquired about the CSX crossings and College Ave.

A discussion by the Administration and Council Members took place regarding illegal dumping.

The City Administrator stated that there are policies in place to deal swiftly and severely with any individuals caught illegally dumping debris.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Ruth Knepp	Budget; Seasonal Worker
Ron Anderluh	Memorial Day Traffic; State Park Clean Up
Clarence Phillips	Intersection of Walnut and 10th Street
Tim Huether	Various
Shaqville Jones	Community Event
Jermaine Harris	Community Clean Up

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF APRIL 2018

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: FIRE TRAINING TOWER, SUBSURFACE INVESTIGATION, SJB SERVICES

Agenda Item #2

The City's Fire Department has received a State and Municipal Facilities Program (SAM) grant from the New York State Dormitory Authority (DASNY) in the amount of $500,000.00. Integral to the design and construction of this tower is a subsurface investigation, consisting of a series of ground borings and associated foundation recommendations.

It is requested that SJB Services, and their subsidiary Empire Geo-Services be retained to provide this subsurface investigation at a not-to-exceed amount of $5,000.00. Funding is available in H1801.

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

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: KABOOM! COMMUNITY PARTNER, LEGENDS PARK, PLAYGROUND

Agenda Item #3

Pursuant to a competitive application submitted in March 2018, KaBoom! Inc. has offered to collaborate with the City of Niagara Falls on the construction of a new playground at Legends Park. This site serves as an alternative to the original 7th Street site. In recent weeks, KaBoom! Inc. agreed to consider Legends Park as a secondary site. In early 2018, the Ralph C. Wilson Foundation, in partnership with KaBoom!, announced the *Built to Play Initiative* to provide more opportunities for kid-driven free play across Western New York and Southeast Michigan. The Niagara Falls Community Development Department applied to the "Build It With Kaboom!" grant as a component of the *Built to Play Initiative.*

The Build It With KaBoom! model includes an extensive community design process and volunteer installation. If approved, that design process will determine the playground's exact location, within Legends Park. This initiative would both add lasting value to the neighborhood and create an opportunity for civic engagement through the design/installation process. The park is already maintained by the City of Niagara Falls, and the addition of a playground is consistent with the 2012 City of Niagara Falls Parks Master Plan. The Build It With Kaboom agreement offers both playground equipment and design services for the ADA compliant playground. All of the playground equipment includes specific warrantees. Per KaBoom!, this project can be completed within the 2018 construction season.

This requested action does not expend general fund or casino fund dollars. The KaBoom! Community Partner Agreement requires an $8,500 local fundraising investment as a match. The Niagara Falls Community Development Department proposes using United States Department of Housing and Urban Development Community Development Block Grant (CDBG) funds, applicable as part of the proposed "Improvement of Public Spaces/Place-Making" CDBG budget amendment on this City Council agenda.

Will the Council vote to so approve and authorize the Mayor to execute the KaBoom Community Partner Agreement, in a form acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CODE ENFORCEMENT: DEMOLITIONS, FUNDING

Agenda Item #4

It is requested that the sum of $100,000 be made available to the Department of Code Enforcement to perform additional demolitions and emergency board ups during the balance of this year. Funding is available from Casino revenues and will be transferred to Demolitions account code H0910.

Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

NITTEC: MOU, MEMBERSHIP

Agenda Item #5

It is requested that the City Council authorize the Mayor to execute the attached (On file in the City Clerk's Office) Memorandum of Understanding for the City's continued general membership in NITTEC. The mission of NITTEC is to maintain a regional, cooperative approach to transportation management and thereby improve regional and international transportation mobility, promote economic competitiveness, and minimize adverse environmental effects related to the regional transportation system. General membership in NITTEC is at no cost to the City.

Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS: APPOINTMENTS

Agenda Item #6

The following have requested City Council approval for Commissioner of Deeds for a term from July 1, 2018 to June 30, 2020.

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

Daniel Dobrasz	NFPD
Mark Jaraszewski	NFPD
Julie Kunecki	Code Enforcement
Frances Curcione	3302 Walnut Ave., Niagara Falls, NY 14301
Louisa Fasciano	1331 104th St., Niagara Falls, NY 14304
Alyson Graham	2441 Woodlawn Ave., Niagara Falls,NY 14301
Betty E. Ivancic	1246 86th St. Niagara Falls, NY 14304
Jean M. Kennedy	1423 Wyoming Ave., Niagara Falls, NY 14305
Denise M. Pelosino	959 Lafayette Ave., Niagara Falls,NY 14305
Juanita Sirianni	3351 Ely Ave., Niagara Falls, NY 14303
Richard D. Smith	1021 96th St., Niagara Falls, NY 14304
Peter Zito	3351 Ely Ave., Niagara Falls, NY 14304

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

RESOLUTION: RESTAURANT "TIP CREDIT", STATE PROPOSAL, 2018-51
BY: COUNCIL MEMBERS TOMPKINS, VOCCIO, CHAIRMAN TOUMA

Agenda Item #7

WHEREAS, the City of Niagara Falls relies on a thriving hospitality industry that includes both chain and locally owned restaurants; and

WHEREAS, preserving our existing restaurant base and attracting new restaurants is critical to the further development of our growing tourism industry; and

WHEREAS, restaurants across the state, from Niagara Falls to Manhattan, are vital components of community life and as a whole large employers in every community in the state; and

WHEREAS, a proposal by the New York State Department of Labor to eliminate the restaurant "tip credit" will hurt restaurant employees, managers and owners, causing massive disruption in a vital sector of our economy and negatively impacting Niagara Falls , NY, tourism.

NOW, THEREFORE, BE IT RESOLVED, the Niagara Falls City Council calls upon the State of New York Department of Labor to withdraw its proposal to eliminate the "tip credit".

Yeas 5
Nays 0
ADOPTED

RESOLUTION: HOME RULE REQUEST, OCCUPANCY TAX INCREASE, DISCOVER NIAGARA SHUTTLE, 2018-52
BY: COUNCIL MEMBERS KENNEDY, SCOTT, TOMPKINS, VOCCIO, CHAIRMAN TOUMA

Agenda Item #8

WHEREAS, Section 1202-l of the New York State Tax Law allows the City of Niagara Falls to adopt and amend local laws imposing a per diem tax on persons occupying hotel and motel rooms in the City; and

WHEREAS, that rate of tax is presently established at five (5%) per centum per day of the rent or charge for each room; and

WHEREAS, it is requested that this rate of tax be increased from five (5%) per centum per day to six (6%) per centum per day with the additional one (1%) per centum of revenue dedicated to the operation of the Discover Niagara Shuttle; and

WHEREAS, Senator Robert Ortt introduced Senate Bill No. 8418, attached hereto (on file in the City Clerk's Office), and Assemblyman Angelo Morinello introduced Assembly Bill No. 10531, attached hereto (on file in the City Clerks's Office), which will authorize and empower the City of Niagara Falls to increase the rate of tax from five (5%) per centum per day to six (6%) per centum per day; and

WHEREAS, in order for the Legislative process to continue, this City Council is requested to adopt a home rule request.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York does hereby recognize, acknowledge and support the enactment by the New York State Legislature of Senate Bill No. 8418 and Assembly Bill No. 10531 which will allow the City of Niagara Falls to impose an additional one (1%) per centum occupancy tax in the City of Niagara Falls to benefit the Discover Niagara Shuttle; and

BE IT FURTHER RESOLVED that the Clerk of this City Council is directed to complete and certify the home rule requests and forward copies to the New York State Legislature as required.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: YOUTH CLEAN UP DAY (D.B.T.), 2018-53
BY: COUNCIL MEMBERS KENNEDY, SCOTT, TOMPKINS, VOCCIO, CHAIRMAN TOUMA

Agenda Item #9

WHEREAS, Do Better Together (D.B.T) Mentoring Group's 2nd Annual Youth Clean Up Day Event in Niagara Falls, New York will be held on Saturday, June 9, 2018 from 11:00am – 4:00pm. ; and

WHEREAS, D.B.T Mentoring Group is seeking sponsors in the Greater Buffalo Niagara Region to assist with making this event a great success; and

NOW, THEREFORE, BE IT RESOLVED the Niagara Falls City Council supports the efforts to help promote and assist in sponsorships for this great event. Attached (on file in the City Clerk's Office), you can find how to become a sponsor.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: DOWNTOWN REVITALIZATION INITIATIVE APPLICATION, 2018-54
BY: COUNCIL MEMBERS SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #10

WHEREAS, the City of Niagara Falls is submitting an Application for New York State's Downtown Revitalization Initiative with a total award of $10,000,000, and

WHEREAS, since 2010 the N.F.C. Development Corp. has authorized assistance for fifteen businesses in or adjacent to the targeted area with over $1,400,0000 of financial incentives to leverage over $31,200,000 in private investment resulting in the creation of over new 200 jobs, and

WHEREAS, the New York Power Authority is spending $40,000,000 to remove the sections of the Robert Moses Parkway cutting off downtown Niagara Falls from the Niagara River Waterfront, and

WHEREAS, investments by Empire State Development and the City of Niagara Falls have resulted in the significant growth of the tourism in downtown Niagara Falls, and

WHEREAS, Niagara Falls Memorial Medical Center and the Seneca Niagara Casino, two of the largest employers in Niagara County, are located here, and

WHEREAS, the City's application for funding a revitalization initiative, if selected, will drive the implementation of multiple smart growth projects for downtown as well as in the adjacent core south-end neighborhood, all of which were identified as necessary *"big moves,"* in the 2009 Comprehensive Plan and the 2011 Downtown Gateway Area Strategic Action Plan, and

WHEREAS, the City's application will also promote new job creation, raise property values, create community amenities, bring in local tax revenues, attract new residents and businesses to downtown, building upon the city and region's economic strengths, and

WHEREAS, the area defined in the City's Downtown Revitalization Initiative application represents the downtown community with the greatest potential for leveraging previous public investments and the most-timely opportunity for generating positive impact and returns for all Western New York,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby supports the Downtown Revitalization Initiative Application for funding and authorizes the Mayor to act on behalf of the City in all matters related to the application process, and further authorizes the Mayor to execute any and all documentation necessary relating to the Downtown Revitalization Initiative or award of funds.

Yeas	5
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 7:30 P.M.

Lisa A. Vitello
City Clerk

The Legislative session of the June 6, 2018 Niagara Falls City Council Meeting was called to order by Council Chairman Touma at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Christopher Voccio, Chairman Andrew Touma

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello.

Council Chairman Touma said the Prayer and led the gathering in the Pledge of Allegiance to the Flag.

THE FOLLOOWING WAS AMENDED TO BE MOVED TO THIS SECTION OF THE COUNCIL MEETING

YEAS	5
NAYS	0
	APPROVED

RESOLUTION: ESSAY CONTEST, WINNERS, COMMUNITY MEMORIAL DAY PARADE, 2018-59
BY: ALL COUNCIL MEMBERS

Agenda Item #16

WHEREAS, each year, the Community Memorial Day Parade committee hosts an essay contest open to all 7th through 12th grade students at Niagara Falls High School and Niagara Catholic High School; and

WHEREAS, the purpose of these essays was to encourage students to consider the sacrifices made by those who gave all in protecting and serving our country in the military; and

WHEREAS, high school students were invited to write a two-hundred and fifty word essay based on the theme "What Freedom Means in 2018" while middle school students were invited to write based on the theme "What Memorial Day Means to Me"; and

WHEREAS, over 80 students from both schools submitted outstanding essays that were judged by a panel from the Niagara Gazette, based on specific criteria including originality and understanding of the theme; and

WHEREAS, Adriana Torcasio, a ninth-grade student at Niagara Falls High School was determined by judges to be the essay contest's first place winner for her heartfelt entry that reflected her family's military service and sacrifice; and

WHEREAS, Robert S. Goldman III, an eleventh-grade student at Niagara Falls High School was determined by the judges to be the essay contest's second place winner for his insightful entry; and

WHEREAS, Haley Snyder, a twelfth-grade student at Niagara Catholic was determined by judges to be the essay contest's third place winner for her impressive entry; and

WHEREAS, Alyssa Davis, a seventh-grade student at LaSalle Preparatory School was determined by judges to be the Junior High essay contest's first place winner for her thoughtful entry; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York does hereby congratulate Adriana Torcasio, Robert S. Goldman III, Haley Snyder, and Alyssa Davis on their award-winning entries. We wish them all the best in their future endeavors, and thank all of the students who participated.

Yeas 5
Nays 0

ADOPTED

The Minutes from the Council Meeting of May 23, 2018 were not approved at this meeting due to an error.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Christopher Smith	Various
Monica Williams	Budget
Precilla Addoms	Library
Herman Wooten	Cataract City Youth Sports
Mary Lawton	Library
Jamie Caldwell	Library

City Administrator, Nick Melson, gave a presentation on all the streets that have been paved to date.

The administrator also gave an update on security at City Hall and the new measures that are in place.

Council and Administration discussed issues at the Main Street Public Library.

Don King spoke about the urgency of solving the temperature issues to protect important archival documents and historical papers. A discussion between Council members and the administration took place addressing how to approach and solve the problems related to the library.

Council suggested a joint meeting between the Library Board and City Council members.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: NORTH END FOOD ACCESS, REQUEST FOR PROPOSAL, CDBG FUNDS

Agenda Item #1

The Niagara Falls City Council approved a proposal for the North End Food Access RFP on October 2, 2017. Funds for this RFP were made available from unexpended 2015 and 2016 CDBG funds previously budgeted for the Highland Avenue area and 2017 CDBG Annual Action Plan funds approved on July 17, 2017 in the total of $166,090.00. The North End Food Access RFP is intended to lead to the declassification of the Highland Ave area of Niagara Falls as a food desert as identified by the U.S. Department of Agriculture. The Department of Community Development received one valid response to the RFP from the African Heritage Food Co-Op.

The United States Department of Agriculture (USDA) defines a "food desert" as a part of the country vapid of fresh fruit, vegetables, and other healthful whole foods, usually found in impoverished areas. This is largely due to a lack of grocery stores, farmers' markets, and healthy food providers. Further, USDA states that individuals living more than ½ mile (urban areas) or more than 10 miles (rural areas) from the nearest supermarket, supercenter, or large grocery store are living in a food desert. Per these federal definitions, the City of Niagara Falls' North End (Census Tracts 202 and 204) is a food desert. The original purpose of the North End Food Access RFP, as advertised, was to award the aforementioned funding to:

1. A permanent store or cooperative, within the aforementioned federal census tracts, that gives residents a daily opportunity to shop for and purchase fresh produce and food products at competitive price; and/or
2. A mobile food service model, within the aforementioned federal census tracts, that gives residents a daily opportunity to shop for and purchase fresh produce and food products at competitive price.

This requested action does not expend general fund or casino fund dollars. In recent months, Niagara Falls Community Development has successfully executed a due diligence and financial review process with the African Heritage Food Co-Op. The presentation of this council agenda item for vote is the culmination of that process. Will the Council vote to so approve and authorize the Mayor to execute the Agreement, in a form acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

COMMUNITY DEVELOPMENT: FEDERAL BUDGET FINALIZATION, HUD, CDBG, HOME, ESG PROGRAMS

Agenda Item #2

The City Council approved the draft Fiscal year 2018 Consolidated Annual Action Plan in December 2017. The Consolidated Annual Action Plan includes annual funding allocations from HUD for the City's CDBG, HOME, and ESG programs. These budgets were created via public participation and then presented to the City Council in draft form, using an estimate from the 2017 actual budget amount, to accommodate the city and federal governments' differing fiscal year budget schedules. HUD's final Fiscal year 2018 allocations were released on May 1, 2018. Cumulatively, the City's final CDBG, HOME, and ESG allocation is 11.4 percent higher than the $2,720,441 budget previously presented to the community and approved by the City Council. In comparison, the difference between the 2017 draft consolidated annual action plan and the final federal allocation was cumulatively reduced 4.9 percent, with CDBG being reduced 5.2 percent, HOME being reduced 5.7 percent, and ESG being reduced 0.8 percent.

The individual programs for FFY 2018 are affected as follows:

Source	Draft 2018 Action Plan	HUD 2018 Final Allocation	$ Change	% Change
CDBG	$2,184,219	$2,348,583	$164,364	+7.5
HOME	$336,222	$484,840	$148,618	+44.2
ESG	$200,000	$196,629	($3,371)	-1.7
TOTAL	$2,720,441	$3,030,052	$309,611	+11.4

The Community Development Department proposes the following revisions to the 2018 Consolidated Annual Action Plan to bring the budget estimate in line with the final allocations:

2018 Programmatic Changes

Budgeted CDBG Program	**$ Change**
City of Niagara Falls – CDBG Rehab Program	$111,156
City of Niagara Falls – Placemaking Initiative	$420
City of Niagara Falls – Family & Children's Services Homeless Youth Counseling	$20,000
City of Niagara Falls – CDBG Administration	$32,788

Budgeted HOME Program	**$ Change**
Niagara Falls Housing Collaborative – CHDO Operating	$22,293
Niagara Falls Housing Collaborative – CHDO Reserves	$7,431
City of Niagara Falls – HOME Rehab Program	$104,032
City of Niagara Falls – HOME Administration	$14,862

Budgeted ESG Program	**$ Change**
YWCA of the Niagara Frontier, Inc. (Carolyn's House) – Emergency Shelter	$389.75)
YWCA of the Niagara Frontier, Inc. (Carolyn's House) – Rapid Rehousing	($389.75)
YWCA of the Niagara Frontier, Inc. (Carolyn's House) – Homelessness Prevention	($389.75)
Community Missions of Niagara Frontier, Inc. – Homelessness Prevention	($389.75)
Community Missions of Niagara Frontier, Inc. – Emergency Shelter	($389.75)
Community Missions of Niagara Frontier, Inc. – Rapid Rehousing	($389.75)
Family and Children's Services (Casey House) – Emergency Shelter	($389.75)
Family and Children's Services (Passage House) – Emergency Shelter	($389.75)
City of Niagara Falls – ESG Administration	($253)

Per HUD and City of Niagara Falls Citizen participation Plan Guidelines, the City will adjust programmatic budgets to meet the final allocation without deviating from the project scopes or objectives already approved by the City Council. Will Council vote to so approve and authorize the Community Development Director to make the necessary adjustments?

(Information on file in the City Clerk's Office).

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

CONTRACT: LIBERTY ("BIG LOU" SIRIANNI) PARK PLAYGROUND INSTALLATION, VALLEYVIEW ENTERPRISE, LLC

Agenda Item #3

It is the administration's recommendation that the installation of Liberty Park AKA Lou "Big Lou" Serianni Park Playground equipment be awarded to Valleyview Enterprise, LLC. **(**Base Bid $162,750) and Alternate #2 ($8,000). Installation of playground equipment was competitively bid, per municipal guidelines, by the City of Niagara Falls Engineering Department. Bids were opened on May 23, 2018.

Below, please find the lowest three bids received on May 23, 2018, for the above referenced project. All bids received can be reviewed on the attached bid tabulation page (on file in the City Clerk's Office).

CONTRACTOR	BASE BID	ALT. #1	ALT. #2
Valleyview Enterprise, LLC	$162,750	$28,500	$8,000
Anadine Design & Dev., LLC	$174,450	$6,000	$7,000
Wayside Nursery, Inc.	$182,926	$16,950	$2,500

The Liberty Park Project will not require any municipal general fund or casino capital fund revenue. Any contingency payments will be funded by CDBG rather than the City of Niagara Falls. Alternate one would replace the surrounding chain link perimeter fence and alternate two would remove and relocate the existing swing set frames within the park and relocate them to a new space, within the park. The administration recommends that the city not award alternate one at this time, and rather bid it later in the project process in order to solicit a more competitive cost. This equipment will not add a new maintenance burden to the Department of Public Works, as there is already a need for maintenance now.

The entire project, including the purchase of equipment and installation, will be funded by United States Department of Housing and Urban Development Community Development Block Grant (CDBG) grant funds. CDBG funds were allocated to this project via the 2017 Participatory Budgeting Process (PB360). The Niagara Falls City Council approved a $360,000 CDBG allocation to fund PB360 as part of the 2017 Niagara Falls Community Development Action Plan. The City of Niagara Falls is only the second American city to use participatory budgeting for this purpose, a process in which citizens directly vote on public projects, to allocate CDBG funds.

The proposed playground facility is designed to offer physical activity and fitness opportunities to residents of all ages. Features include safety surfacing, pull up bars, push up bars, vertical ladders, horizontal ladders and a mobility course. In partnership with the Niagara Falls City School District, physical activity sessions will be scheduled throughout the summer months. Niagara Falls Community Development was awarded a New York State Health Foundation to fund programming at Liberty Park in 2018 and 2019. The Niagara Falls City Council passed a resolution in support of this grant and accepted the funding award in 2018.

The Liberty Park Improvement Project will transform a blighted park into a place for the community to come together with physical activity and fitness. The playground set has been in a state of disrepair for years and all other park amenities are aged considerably. The makeup of the community surrounding Liberty Park is largely residential and densely occupied. This project is part of our department's and the City of Niagara Falls' continuing effort to increase and improve youth facilities and services in our community. Improvement at Liberty Park are consistent with the adopted Niagara Falls Parks Master Plan.

Will the Council vote to so approve and authorize the Mayor to execute a contract for the installation of this equipment, in a form acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: TOWN OF NIAGARA, MUNICIPAL COOPERATION AGREEMENT

Agenda Item #4

Pursuant to an amended Municipal Cooperation Agreement between the City and the Town of Niagara (the "Town") executed on or about November 9, 2015, the City acquired two (2) golf carts from the Town which the Town had no use for at that time. At that time, the Director of the Department of Public Works ("DPW") speculated that the DPW may have a use for those golf carts. Those golf carts apparently have various Town logos and decals affixed to them.

The Town has now requested that the City return those golf carts to it because the Town Police Department is able to utilize them in some capacity. The City DPW, meanwhile, has not had any use for those golf carts nor does it have any plans to utilize those golf carts in the future. Moreover, it would take resources to delete the decals and logos and install at least one new battery.

The City is planning to resurface a portion of Lockport Road that goes into the Town. During this construction project, it will be necessary to restrict/eliminate the flow of traffic on Lockport Road from the Town into the City. In exchange for the City returning the two (2) golf carts to the Town, the Town will provide whatever police and other support as is necessary in order to restrict/eliminate traffic from proceeding on Lockport Road from the Town into the City.

Will the Council so approve and authorize the Mayor to execute a Municipal Cooperation Agreement satisfactory to the Corporation Counsel, a copy of which is attached hereto (On File in The City Clerk's Office)?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

MAIN STREET, 2119, INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #5

At the Traffic Advisory Commission meeting held on May 21, 2018 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 2119 MAIN STREET
[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Randolph Scott, 2119 Main Street, Apt. #7

It is requested that City Council approve this recommendation.

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

LUICK AVENUE, BETWEEN 91ST & 92ND STREETS, INSTALL ALTERNATE OVERNIGHT PARKING

Agenda Item #6

At the Traffic Advisory Commission meeting held on May 21, 2018 the Commission recommended APPROVAL of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON LUICK AVENUE BETWEEN 91ST STREET & 92ND STREET

A Petition from the residents of this block was received with 100% of signatures.

Submitted By: Sal Zabaldo, 935 91st Street and Petition/Residents of Block

It is requested that City Council approve this recommendation.

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

MANG AVENUE, BETWEEN 87TH & 88TH STREETS, INSTALL ALTERNATE OVERNIGHT PARKING

Agenda Item #7

At the Traffic Advisory Commission meeting held on May 21, 2018 the Commission recommended APPROVAL of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON MANG AVENUE BETWEEN 87TH STREET & 88TH STREET

A Petition from the residents of this block was received with 91% of signatures.

Submitted By: Nancy Spillman, 8725 Mang Avenue and Petition/Residents of Block

It is requested that City Council approve this recommendation.

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

74TH STREET, RECIND ALTERNATE OVERNIGHT PARKING, BETWEEN LINDBERGH & GIRARD AVENUES

Agenda Item #8

At the Traffic Advisory Commission meeting held on May 21, 2018 the Commission recommended APPROVAL of the following item:

RECIND ALTERNATE OVERNIGHT PARKING ON 74TH STREET BETWEEN LINDBERGH AVENUE & GIRARD AVENUE

A Petition from the residents of this block was received with 70% of signatures.

Submitted By: Petition/Residents of Block

It is requested that City Council approve this recommendation.

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

LIVINGSTON AVENUE, 3059, INSTALL 5’ HANDICAPPED ACCESS SPACE

Agenda Item #9

At the Traffic Advisory Commission meeting held on May 21, 2018 the Commission recommended APPROVAL of the following item:

INSTALL A 5’ HANDICAPPED ACCESS SPACE
IN FRONT OF 3059 LIVINGSTON AVENUE

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Francis Cutler, 3059 Livingston Avenue

It is requested that City Council approve this recommendation.

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CLEVELAND AVENUE, 1887, INSTALL 5’ HANDICAPPED ACCESS SPACE

Agenda Item #10
At the Traffic Advisory Commission meeting held on May 21, 2018 the Commission recommended APPROVAL of the following item:
INSTALL A 5’ HANDICAPPED ACCESS SPACE
IN FRONT OF 1887 CLEVELAND AVENUE (22nd Street side)

[Physician verification of wheelchair dependency and/or severe restrictionof movement, has been received]
Submitted By: Willie Frails, on behalf of his mother Marva Frails, 1887 Cleveland Avenue
It is requested that City Council approve this recommendation.
Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

WALNUT AVENUE, 1610, INSTALL 5’ HANDICAPPED ACCESS SPACE

Agenda Item #11
At the Traffic Advisory Commission meeting held on May 21, 2018 the Commission recommended APPROVAL of the following item:
INSTALL A 5’ HANDICAPPED ACCESS SPACE
IN FRONT OF 1610 WALNUT AVENUE

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]
Submitted By: Terry Herbert, 1610 Walnut Avenue

It is requested that City Council approve this recommendation.
Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

RESOLUTION: SPLASH PAD, FEE WAIVER, GERALDINE J. MANN, 2018-55
BY: ALL COUNCIL MEMBERS

Agenda Item #12
WHEREAS, Geraldine J. Mann Pre-Kindergarten classes kindly requests waiving the fees for 60 students and 9 staff members to attend Hyde Park Splash Pad on June 18, 2018 between 10:00am until 1:00pm; and
NOW, THEREFORE, BE IT RESOLVED that the City Council of Niagara Falls, New York hereby waives the fees so the children can enjoy a wonderful day at the Splash Pad (request on file in the City Clerk’s Office).

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: 30TH CHURCH ANNIVERSARY, PARKING FEE WAIVER, 2018-56
BY: COUNCIL MEMBER VOCCIO, CHAIRMAN TOUMA

Agenda Item #13
WHEREAS, Word of Life Ministries will be celebrating the 30th Church Anniversary located at Niagara Falls Conference and Event Center on Friday, September 28, 2018 between the hours of 5:30pm to 9:00pm; and
WHEREAS, we expect more than 300 people will be in attendance, many of whom will be visiting from out of town, including a bus full from New Jersey. A number of local hotel reservations have already been made to accommodate our visitors; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of Niagara Falls, New York hereby waives the fees for use of the City Parking lot adjacent to the Conference & Event Center on Friday, September 28, 2018 between the hours of 5:30pm to 9:00pm (request on file in the City Clerk's Office).

Yeas 4
Kennedy, Tompkins, Voccio, Chairman Touma
Nays 0
Abstain 1
Scott

ADOPTED

RESOLUTION: FLAG DAY CEREMONY, BANDSTAND FEE WAIVER, 2018-57
BY: ALL COUNCIL MEMBERS

Agenda Item #14

WHEREAS, for the past several years, the Niagara Falls Block Club Council has been hosting Flag Day each year on June 14th at the Cenotaph Park at Pine Ave and Main Streets to promote a show of unity and patriotism; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of Niagara Falls, New York hereby waives the fees for using a City bandstand on Thursday, June 14, 2018 at 7:00pm for the dignitaries to present a reading of historical significance regarding the American flag and Flag Day (request on file in the City Clerk's Office).

Yeas 5
Nays 0

ADOPTED

RESOLUTION: SAFER WORKING CONDITIONS FOR LABOR, 2018-58
BY: COUNCIL MEMBERS KENNEDY, SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #15

WHEREAS, Niagara Falls City Council's concerns in regards to the pending Federal action to reduce OSHA workforce, which will have a direct impact on the safety of city workers and workers throughout the region.

WHEREAS, Niagara Orleans Central Labor Council conducted a Workers Memorial Ceremony on Saturday, May 12, 2018 which outlines the increased worker fatalities and injuries throughout the United States.

WHEREAS, Niagara Falls City Council supports organized labor:

- An OSHA Ergonomic standard and workplace protection to prevent repetitive strain injuries.
- The right of workers to organize and join unions without employer interference or intimidation.
- An end to employer and congressional attacks on workers safety, health, and workers' rights.
- Stronger safety and health protection and enforcement.
- Coverage for all workers under the job safety law.
- Fair and timely compensation for injured workers.
- The right of workers and unions to speak out for strong job safety laws and to have a full voice in the legislative and political process.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Niagara Falls, New York hereby supports protecting the amount of OSHA workers and giving workers a voice.

Yeas 4
Kennedy, Scott, Tompkins, Chairman Touma
Nays 1
Voccio

ADOPTED

RESOLUTION: ESSAY CONTEST, WINNERS, COMMUNITY MEMORIAL DAY PARADE, 2018-59
BY: ALL COUNCIL MEMBERS

Agenda Item #16
THIS WAS AMENDED TO BE MOVED TO THE BEGINNING OF THE COUNCIL MEETING

RESOLUTION: SPLASH PAD, FEE WAIVER, HYDE PARK ELEMENTARY SCHOOL, 2018-60
BY: ALL COUNCIL MEMBERS

Agenda Item #17
WHEREAS, Hyde Park Elementary Pre-Kindergarten classes kindly requests waiving the fees to attend Hyde Park Splash Pad on June 19, 2018 between 11:00am until 2:00pm for our graduation ceremony; and
NOW, THEREFORE, BE IT RESOLVED that the City Council of Niagara Falls, New York hereby waives the fees so the children can enjoy a wonderful day of graduation at the Splash Pad (request on file in the City Clerk's Office).

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: HUMAN RIGHTS COMMISSION, APPOINTMENT, 2018-61
BY: ALL COUNCIL MEMBERS

Agenda Item #18
WHEREAS, the following candidate be considered for appointment:

1.	Charlie Harris	Effective Date June 6, 2018	Term Expires 12/31/2021

NOW, THEREFORE, BE IT RESOLVED that the City Council of Niagara Falls, New York hereby appoints Mr. Charlie Harris to the Human Rights Commission.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: LASALLE RECREATION WAY TRAIL PROJECT (PHASE 2), ENVIRONMENTAL PROTECTION FUND, 2018-62
BY: ALL COUNCIL MEMBERS

Agenda Item #19
WHEREAS, the City of Niagara Falls is submitting a Consolidated Funding Application to the Environmental Protection Fund, for a LaSalle Recreation Way Project - part of the implementation of a citywide network of multi-use trails (as identified under the Parks and Open Space Inventory/Parks Master Plan); and
WHEREAS, this LaSalle segment is an important new hike and bike recreational path through LaSalle: connecting neighborhoods and providing safe access between public parks and schools, it also serves as a vital link within the Niagara River Greenway's Shoreline Trail between the east city line and LaSalle Waterfront Park; and
WHEREAS, the above referenced project's estimated total cost is approximately $602,400, which will include New York State assistance of up to $451,800, with the local/city share of up to $150,600; and
WHEREAS, the required local city matching funds will be available through the Host Communities Standing Committee, distributing Power Authority Niagara River Greenway funds; and
WHEREAS, the above referenced project requires no further commitment of the City of Niagara Falls General or Casino 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.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: HYDE PARK LAKE RESTORATION PROJECT, ENVIRONMENTAL PROTECTION FUND, 2018-63
BY: ALL COUNCIL MEMBERS

Agenda Item #20

WHEREAS, the City of Niagara Falls is submitting a Consolidated Funding Application- through the State of New York's Environmental Protection Fund, for the Hyde Park Lake Restoration Project; and

WHEREAS, the above referenced project's estimated total cost is approximately $1,400,000; and

WHEREAS, the Project's funding sources will include the New York State Environmental Protection Fund assistance of up to $1,050,000; and

WHEREAS, the Project's funding sources will also include funding made available through the Host Communities Standing Committee, distributing Power Authority Greenway funds, which will provide the local/city share of up to $350,000; and

WHEREAS, the above referenced project requires no commitment of City of Niagara Falls general or Casino 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 this application and grant.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: GILL CREEK CORRIDOR TREE PLANTING PROJECT, NIAGARA RIVER GREENWAY COMMISSION APPLICATION, 2018-64
BY: ALL COUNCIL MEMBERS

Agenda Item #21

WHEREAS, the City of Niagara Falls seeks to re-naturalize city parks located along the Gill Creek corridor and adjacent public parks and open space within the Niagara River Greenway by planting trees indigenous to the area; and

WHEREAS, the City of Niagara Falls is seeking a Niagara River Greenway Commission consistency review for the above referenced project; and

WHEREAS, funding is available from Power Authority Greenway funding for these expenses in the total amount of $100,000; and

WHEREAS, the above referenced project requires no further commitment of the City of Niagara Falls General or Casino funds,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this Power Authority Greenway funding request and authorizes the Mayor to act on behalf of the City in all matters related to this project and is further authorized to execute any and all documentation related to this project.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: BEECH AVENUE PARK DEVELOPMENT, ENVIRONMENTAL PROTECTION FUND, 2018-65
BY: ALL COUNCIL MEMBERS

Agenda Item #22

WHEREAS, the City of Niagara Falls is submitting a Consolidated Funding Application to access the Environmental Protection Fund for the above referenced project with a total cost of approximately $800,000 with State assistance of up to $500,000 and a local share of up to $300,000; and

WHEREAS, local matching funds are already available from a previously authorized Casino Fund (Tribal Account) transfer relative to commitments made as part of the agreement between the City of Niagara Falls and Brightfields LLC, and

WHEREAS, the above referenced project requires no further commitment of City of Niagara Falls 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.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: GILL CREEK TRAIL PROJECT DEVELOPMENT, ENVIRONMENTAL PROTECTION FUND, 2018-66
BY: ALL COUNCIL MEMBERS

Agenda Item #23

WHEREAS, the City of Niagara Falls is submitting a Consolidated Funding Application- Environmental Protection Fund, for the Gill Creek Trail Project as part of the implementation of a citywide network of multi-use trails (as identified under the Parks and Open Space Inventory/Parks Master Plan) that will link its system of parks and better connect neighborhoods to the waterfront; and

WHEREAS, the above referenced project's estimated total cost is approximately $700,000, which will include New York State assistance of up to $525,000, with a local/city share of up to $175,000; and

WHERESAS, the required local/city matching funds will be available through the Host Communities Standing Committee distributing Power Authority Greenway funds; and

WHEREAS, the above referenced project requires no commitment of City of Niagara Falls General or Casino 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 this application and grant.

Yeas 5
Nays 0
ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 8:10 P.M.

Lisa A. Vitello
City Clerk

JUNE 20, 2018

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The Legislative session of the June 20, 2018 Niagara Falls City Council Meeting was called to order by Council Chairman Touma at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Christopher Voccio, Chairman Andrew Touma

Also present: Mayor Paul A. Dyster, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello.

Council Member Kennedy said the Prayer and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Council Member Tompkins moved to approve the Minutes from the Council Meetings of May 23, 2018 and June 6, 2018

Yeas	5
Nays	0
	APPROVED

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Pat Proctor	Parking
Tim Huether	Various
Debra Payne	Neighborhood
Ruth Knepp	City of Niagara Falls
Diane Tattersall	Grass Cutting
Christina Rogers	Various
David Karwick	Parking
David Amour	Various

Presentations:

Laura Landers CPA, gave a presentation on the 2017 audited financial statements.

Seth Piccirillo, Director of Community Development and Code Enforcement, gave an update on Housing Court.

Administrative Update:

Mayor Paul Dyster, gave an update on paving, CXS crossing, and Summer Bash.

Acting City Administrator, Seth Piccirillo, gave an update on the Home Ownership auction and the Participatory Budget process.

All Council Members discussed the increase in parking rates.

Corporation Counsel Craig Johnson presented 3 items to be added to the agenda.

1. Resolution relative to amending parking rates

Yeas 4
Kennedy, Scott, Voccio, Chairman Touma
Nays 1
Tompkins

Motion to add Resolution to Agenda Approved

The Resolution was added to the Agenda as #14

2. A Communication relative to reprogramming HUD CDBG funds for Library Main Branch heating and cooling repairs.

Yeas 5
Nays 0

Motion to add Communication to Agenda Approved

The Communication was added to the Agenda as #15

3. Request for funds to perform emergency repairs at Earl Brydges Library

Yeas 5
Nays 0

Motion to add Communication to Agenda Approved

The Communication was added to the Agenda as #16

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK CLAIMS FOR THE MONTH OF MAY 2018

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

CITH CLERK REPORT FOR THE MONTH OF MAY 2018

Agenda Item #2
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: HYDE PARK POOL, FILTER VALVE REPLACEMENTS, 4TH GENERATION CONSTRUCTION CO.

Agenda Item #3

The following were the result of bids received on June 12, 2018 for the above referenced project:

CONTRACTOR	BASE BID
4th Generation Construction Co. Inc. 5650 Simmons Ave. Niagara Falls NY 14305	$32,000.00
H.W. Bryk & Sons, Inc.	$33,750.00
J.R. Swanson Plumbing Co. Inc.	$44,400.00

It is the recommendation of the undersigned that this project be awarded to the low bidder 4th Generation Construction Co. Inc. at their total bid of $32,000.00. Funding is available from excess funding remaining in a capital account for Parks and Recreational Area Improvements (H0622) in the amount of $16,182.70 and from excess funding available from a capital account code set up for repairs at the Hyde Park Golf Course (H1314) in the amount of $15,817.30.

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

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: NCSPCA, EXTENSION

Agenda Item #4

The City's agreement with the NCSPCA expires on June 30, 2018. A copy of this agreement is attached hereto. It is requested that this agreement be extended for an additional period of six (6) months on the same terms and conditions. A copy of a draft extension agreement is attached hereto (on file in the City Clerk's Office).

Funding for this six-month period of extension is available from casino revenues.

Will the Council so approve and authorize the Mayor to execute an extension agreement provided the same is satisfactory to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 4
Scott, Tompkins, Voccio, Chairman Touma
Nays 1
Kennedy

APPROVED

CONTRACT: LOCKPORT ROAD RESURFACING PROJECT, OCCHINO CORP.

Agenda Item #5

The following is the result of bids received on June 12, 2018, for the above referenced project:

CONTRACTOR	BASE BID	ALTERNATE "A"
Occhino Corp. 2650 Seneca St. West Seneca NY 14224	$386,194.55	$158,910.00
4th Generation Cons. Inc.	$424,525.00	$241,170.00
Accadia Site Cont.Inc.	$564,345.00	$174,400.00
Mark Cerrone, Inc.	$584,996.00	$245,450.00

It is the recommendation of the undersigned that this contract be awarded to the low bidder,
Occhino Corp. at their total bid amount of $545,104.55. Funding is available via the City's annual NYSDOT CHIPS allotment and is 100% reimbursable.

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

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CITY PROPERTY: 87TH STREET, 608, SALE, ARIDA, JOHN

Agenda Item #6

The administration recommends that the sale of 608 87th Street, for $1,100, be approved by the Niagara Falls City Council. The purchaser is John Arida. 607 87th Street was originally offered for sale through the 2016 Home Ownership Auction, after being pulled from the IN-REM foreclosure list. It was bid on at auction, but that bidder ultimately did not close on the sale, forfeiting his bidder bond. Mr. Arida responded to an official request for proposal process for 608 87th Street, per the Legal Department and City Council's recommendation. He was the sole respondent.

Mr. Arida inquired about the property earlier this year, and toured the interior. He recently purchased and renovated 821 88th Street, listing it for sale. It is Niagara Falls Community Development's opinion that renovation and sales of prime occupancies can benefit this neighborhood, with its high performing real estate transaction history.

Will the Council vote to so approve and authorize the Mayor to execute a contract for the sale of this property, in a form acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

COMMUNITY DEVELOPMENT: MENTAL HEALTH COUNSELING SERVICES, HOMELESS YOUTH

Agenda Item #7

The City awarded CDBG funds to Family & Children's Services of Niagara to provide mental health counseling services to homeless youth in Community Development's 2017 Action Plan. While the 2017 program year began on July 1, 2017, the City did not receive its funding from the U.S. Department of Housing and Urban Development until January 1, 2018. This, coupled with the agency's need to follow state-mandated hiring requirements for mental health counselors, has delayed the hiring of the youth counselor.

At this time, the counselor has been hired and will begin serving homeless children immediately. It is requested that Council approve an amendment to the contract, setting new program dates of 7/1/18 to 6/30/19. This will allow for timely expenditure of CDBG funds while also providing an appropriate level of service from the subrecipient.

Will the Council vote to approve the proposal presented herein and to authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY CORPORATION COUNSEL

CLAIM: HOFFMAN, VIRGINIA AND STEVEN

Agenda Item #8

Date Claim Filed:	April 5, 2016
Date Action Commenced:	July 12, 2016
Date of Occurrence:	February 11, 2016
Location:	on the street near 2513 Niagara Street
Nature of Claim:	Plaintiff Virginia Hoffman slipped and fell on snow/ice.

City Driver:	N/A
Status of Action:	Litigation
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$1,000.00
Make Check Payable to:	Law Office of Lipsitz Green Scime Cambria LLP, as attorneys for Virginia and Steven Hoffman.
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?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

RESOLUTION: WINTER SKATING PROJECT, GREENWAY FUNDING REQUEST, 2018-67
BY: COUNCIL MEMBERS VOCCIO, KENNEDY, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #9

WHEREAS, the City of Niagara Falls has applied to the Niagara River Greenway Commission for consistency review for the above referenced project; and

WHEREAS, the project calls for the procurement of a temporary ice skating rink facility that will be assembled in a location to be determined by the Request for Proposal Process.

WHEREAS, funding is available from Power Authority Greenway Funding for this project in the total amount of $200,000.00; and

WHEREAS, the City is requesting that the Host Community Standing Committee approve this funding in the amount of $200,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that it hereby approves this Power Authority Greenway Funding Request and authorizes the Mayor to act on behalf of the City in all matters related to this request.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: CITY CHARTER, PUBLIC HEARING, 2018-68
BY: COUNCIL MEMBERS TOMPKINS, VOCCIO, CHAIRMAN TOUMA

Agenda Item #10

RESOLVED, that Local Law No. 1 for the year 2018 be introduced, and that a public hearing be held on such Local Law on the 5th day of July, 2018 at 6:00 p.m. in the Council Chambers of the City of Niagara Falls, New York and that three (3) days notice of said hearing be published in the Niagara Gazette preceding said hearing relative to adopting a local law pursuant to Section 4.8(b) of the City Charter revising articles contained in the 1916 City Charter carried forward to delete obsolete provisions or those in conflict with the 1988 City Charter.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: VENDORS AND PEDDLERS, AMENDING CHAPTER 341, 2018-69
BY: ALL COUNCIL MEMBERS

Agenda Item #11

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Chapter 341 of the Codified Ordinances entitled "Vendors and Peddlers" is hereby amended to read as follows:

. . .

341.04 Application

. . .

[(i) Two personal references from residents of the City of Niagara Falls (for first time applicants only);]

[(j)] (i) Information from the applicant, if applicable, on any arrests or convictions for misdemeanor or felony offenses for a period of two (2) years prior to the application (to be verified by a police background check);

[(k)] (j) A complete listing of any other licenses or permits issued to applicant by the City of Niagara Falls within the past five years;

[(l) Two current 1 ¼" x 1 ½" color photographs of the applicant; and]

[(m)] (k) Photograph or rendering of the motor vehicle, stand, cart or other conveyance as defined in §341.02 proposed for use under the license, noting dimensions, color, signs, and other features of the conveyance.

. . .

341.09 License Fees for Locations other than Fixed Location Vendor Promenade

The fees for licenses issued under this ordinance shall be as follows:

(a) Vendors

(1) Two Hundred Fifty Dollars ($250.00) per year for an annual license for a vendor who uses a motor vehicle or stand as defined in §341.02.

[(2) Seventy-Five Dollars ($75.00) for a ten-day license for a vendor who uses a motor vehicle or stand as defined in §341.02.]

[(3) Fifty Dollars ($50.00)] (2) Twenty-Five ($25.00) for a day license for a vendor who uses a motor vehicle or stand as defined in §341.02.

[(4) Twenty-Five Dollars ($25.00) for a weekend license for a vendor who uses a motor vehicle or stand as defined in §341.02.]

(b) Peddlers

(1) Two Hundred Fifty Dollars ($250.00) per year for an annual license for a peddler who uses a motor vehicle or stand as defined in §341.02.

(2) Seventy-five ($75.00) for an annual license for a peddler who performs sales on foot as defined in §341.02.

[(3) Seventy-five ($75.00) for a ten-day license for a peddler who uses a motor vehicle or stand as defined in §341.02.]

[(4) Fifty Dollars ($50.00) for a ten-day license for a peddler who performs sales on foot as defined in §341.02.]

[(5)] (3) [Fifty Dollars ($50.00)] Twenty-five Dollars ($25.00) for a day license for a peddler who uses a motor vehicle or stand as defined in §341.02.

[(6)] (4) Twenty-five Dollars ($25.00) for a day license for a peddler who performs sales on foot as defined in §341.02.

[(7) Twenty-five Dollars ($25.00) for a weekend license for a peddler who uses a motor vehicle or stand as defined in §341.02.]
[(8) Twenty-five Dollars ($25.00) for a weekend license for a peddler who performs sales on foot as defined in §341.02.]

. . .

Bold and Underline Indicate Additions
Bold and Brackets Indicate [Deletions]

Yeas 5
Nays 0
ADOPTED

RESOLUTION: 3RD ANNUAL GOLDEN STEPS 4 PEDIATRIC CANCER AWARENESS WALK, 2018-70
BY: ALL COUNCIL MEMBERS

Agenda Item #12

WHEREAS, the 3rd Annual Golden Steps 4 Pediatric Cancer Awareness Walk will take place on Saturday, September 1, 2018 at Niagara Falls State Park; and

WHEREAS, the event will feature a walk around Niagara Falls State Park, led by baby Shawn, and will hopefully raise funds to aid in the cost to find a cure for this deadly disease ; and

WHEREAS, this City Council believes that it is important for the public to be aware that pediatric cancer is a deadly disease and steps must be taken in order to combat this deadly disease and raise funds for research; and

WHEREAS, any funds raised from the Golden Steps 4 Pediatric Cancer Awareness Walk will provide much needed support to children with cancer and their families being treated locally as well as to help fund research to find cures.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York does hereby support the Golden Steps 4 Pediatric Cancer Awareness Walk.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: NIAGARA GORGE CORRIDOR PROJECT, ACQUISITION OF EASEMENT, 2018-71
BY: COUNCIL MEMBERS SCOTT, TOMPKINS, VOCCIO, CHAIRMAN TOUMA

Agenda Item #13

WHEREAS, the New York State Department of Transportation (“DOT”) in conjunction with a number of State and Local agencies is in the process of implementing the Niagara Gorge Corridor Project which involves the removal of the portion of the Niagara Scenic Parkway from Main Street to Finley Drive and the reconstruction of Whirlpool Street; and

WHEREAS, the City of Niagara Falls owns property along Whirlpool Street near the intersection of Ashland Avenue identified as Parcel 7 on the attached map (on file in the City Clerk’s Office); and

WHEREAS, the DOT has notified the City that it needs to acquire the aforementioned City owned property in order to conduct this project and has offered the City $5,325.00 for the easement; and

WHEREAS, the Engineering Department has reviewed the proposed acquisition of the City owned property for easement during the construction and have indicated that this acquisition will not interfere with the City's activities.

NOW, THEREFORE, BE IT RESOLVED that the Mayor be and hereby is authorized and directed to execute an agreement and any other necessary documents necessary with the DOT regarding the above referenced property easement.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: PARKING RATES, AMENDING, 2018-72
BY: COUNCIL MEMBER WILLIAM KENNEDY

Agenda Item #14

WHEREAS, the City has installed parking pay stations in the downtown area on various City streets as shown on the map filed in the City Clerk's office; and

WHEREAS, the Administration and this City Council wish to amend the rates for parking in the downtown area as concerns on-street and off-street parking.

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby establish rates for on-street parking as being $5.00 per hour for a maximum of four (4) hours during the peak tourist season defined as May 1st – October 31st and $3.00 per hour during off-peak tourist season which is defined as being November 1st – April 30th; and

BE IT FURTHER RESOLVED that the rates for parking in the lot located at 256 – 3rd Street be established as follows:

a. For a 24 hour period, the parking rate for a passenger or SUV type vehicle is $30.00 during the peak tourist season defined as May 1st – October 31st, unless otherwise adjusted by the Director of the Department of Public Works as provided herein, and $10.00 during off-peak tourist season defined as November 1st – April 30th.

b. For a 24 hour period, the parking rate for a Recreational Vehicle ("RV") is $50.00 during the peak tourist season defined as May 1st – October 31st and $30.00 during the off-peak tourist season defined as November 1st – April 30th; and

BE IT FURTHER RESOLVED that the rate for parking to be charged for the Rainbow/First Street Parking Lot is $30.00 for each 24-hour period during the peak tourist season defined as May 1st – October 31st, unless otherwise adjusted by the Director of the Department of Public Works as provided herein, and $10.00 for each 24-hour period during the off-peak tourist season defined as November 1st – April 30th; and

BE IT FURTHER RESOLVED that the rate for parking to be charged for the City parking ramp as well as the City owned parking lot at the corner of Third Street and Niagara Street is $30.00 for each 24-hour period during the peak tourist season defined as May 1st – October 31st, unless otherwise adjusted by the Director of the Department of Public Works as provided herein, and $10.00 for each 24-hour period during the off peak tourist season defined as November 1st – April 30th; and

BE IT FURTHER RESOLVED that the rates for parking described herein be applicable regardless of whether the rate specified for parking is collected by an attendant or a pay station; and

BE IT FURTHER RESOLVED that these rates become effective June 29, 2018 and that the Director of the Department of Public Works is hereby authorized to make occasional adjustments to the parking rates described herein for good cause.

Yeas 3
Kennedy, Scott, Chairman Touma
Nays 2
Tompkins, Voccio

ADOPTED

LIBRARY: HUD CDBG FUNDS, HEATING/COOLING REPAIRS, MAIN BRANCH

Agenda Item #15

The Niagara Falls Public Library was selected to receive United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funds as part of the 2018 Community Development Action Plan. The grant amount was $27,000 for "upgrade and renovation of sound and projection system in Main Street branch auditorium." While the original application from the library called for these auditorium upgrades, ongoing climate control issues have been identified, by both the city and the library, as more urgent needs.

This council agenda item would reprogram the $27,000 grant to Main Branch Heating/Cooling Repairs as part of the final draft of the 2018 Community Development Action Plan being submitted to HUD for review and approval. This reprogramming request is consistent with the department's public participation policy. Access to these funds is contingent upon HUD and Congressional approval. The department will also request the appropriate application materials from the library consistent with other CDBG funded projects.

Will the Council vote to approve this walk-on and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: LIBRARY,EMERGENCY REPAIRS, FUNDING, JOHNSON CONTROLS

Agenda Item #16

The Earl W. Brydges Library is experiencing significant problems with its HVAC system. This, combined with recent warm temperatures, has resulted in library closures from time to time because of high temperatures inside the building.

Johnson Controls has provided estimates in order to proceed to perform necessary repairs on an immediate basis. The sum of $23,650.00 is requested for repairs to the library HVAC system controls and an additional $8,581.00 is requested to perform repairs to the cooling tower and elements of the cooling system for a total of $32,231.00. These repairs will be accomplished as soon as possible.

Funding is available from casino revenue fund balance. $27,000.00 in HUD CDBG funds are being reprogrammed to pay for these repairs up to the amount of $27,000.00. Upon receipt, those funds will reimburse the casino revenue fund balance in the amount of $27,000.00.

Will the Council so approve and authorize the Mayor to sign any work orders necessary to proceed with these repairs?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 8:10 P.M.

Lisa A. Vitello
City Clerk

JULY 5, 2018

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The Legislative session of the July 5, 2018 Niagara Falls City Council Meeting was called to order by Council Chairman Touma at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Christopher Voccio, Chairman Andrew Touma

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello.

Council Member Scott said the Prayer and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Council Member Tompkins moved to approve the Minutes from the Council Meeting of June 20, 2018.

Yeas	5
Nays	0
	APPROVED

Chairman Touma announced a Special Order of Business, a Public Hearing relative to adopting a Local Law pursuant to Section 4.8 (b) of the City Charter revising articles contained in the 1916 City Charter carried forward to delete obsolete provisions or those in conflict with the 1988 City Charter and asked if there were any speakers relative thereto:

Ron Anderluh

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Ron Anderluh	Parking and Parking Violations
Priscilla Green	Permit to use Park fee waived; permission to use Band Stand fee waived
Robert Pearson	Property
Charles Miller	Property Owner
Andre Wilkes	Parks
Robert Ventry	Various

Presentations:

Collaborative Board Meeting with the Niagara Falls City Council and the Niagara Falls Library Board.

Members Present City Council: all Members Present Library Board: Carmen Granto, Don King, Dr. Mukhles Rahman also Library Board Director Sarah Potwin.

Chairman Andrew Touma called the meeting to order with introductions.

There was a discussion on the future of the Library.

Mr. Granto discussed the importance of preserving the archives and sensitive documents currently under stress at the Library.

It was decided that a committee will be formed to investigate how best to deal with the physical building as well as the contents. This committee will also examine funding sources and options.

Corporation Counsel Craig Johnson, presented an item to be added to the agenda.

A Communication relative to the encroachment at 223 Rainbow Blvd.

Yeas	5
Nays	0

Motion to add Communication to Agenda Approved
The Communication was added to the Agenda as #14

Agenda Item #3 was amended to change the amount from $2,500.00 to $250.00.

Yeas	5
Nays	0

The item was amended

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: 2112 TENTH STREET, RENOVATION, CHDO AGREEMENT

Agenda Item #1

HUD regulation requires that at least 10% of the City's HOME grant be spent for CDHO activities. Center City qualifies as a Community Housing Development Organization. These funds are available to CCNDC for rehabilitation of properties owned by Center City.

Center City has proposed renovation of 2112 Tenth Street, which is a two-family home, under the CHDO program. The City will enter into an agreement with Center City which will require, among other things, that the renovated property is available to low income tenants for 15 years, and that rents are limited under HUD rent limitations.

Center City will use $25,216.66 of 2017 CHDO funds for the 2112 Tenth Street rehabilitation. While the funds have been appropriated for this purpose in Community Development's 2017 Annual Action Plan, each specific CHDO contract requires City Council approval.

Will the Council vote to approve the 2112 Tenth Street CHDO agreement with Center City as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

GOOD NEWS GOSPEL FESTIVAL/HEALTH FAIR, CONTRIBUTION

Agenda Item #2

The City has been requested by Niagara Falls Memorial Medical Center to once again be a sponsor of the Hospital's annual Good News Gospel Festival/Health Fair. Attached (on file in the City Clerk's Office) is a copy of the request. The City has been asked to contribute the sum of $2,500 toward the expenses of the event, which will be held on July 21, 2018.

Funding is available from Tourism Fund balance.

Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

Amended funding from $2500.00 to $250.00

CONTRACT: DOG PARK, DEVEAUX WOODS STATE PARK, CREATION/OPERATION

Agenda Item #3

The Director of Community Development has been in discussions with representatives from State Parks and the Niagara Falls Dog Park, Inc. (“NFDP”), a not-for-profit corporation, concerning the establishment of a dog park open to the public in Deveaux Woods State Park and the operation of that dog park. The dog park will be constructed on real estate owned by State Parks in Deveaux Woods State Park and will be open to the public. The City will contribute the required fencing and various other dog park amenities to this project. During its meeting on April 17, 2017, the City Council voted to approve the purchase of items necessary for the dog park in the amount of $17,042.25. These were dollars provided by CDBG grant funds. The day to day operation of the park will be overseen by NFDP while State Parks will take care of mowing the grass as well as minor repairs to the latches or gates on the fence.

Attached hereto (on file in the City Clerk’s Office) is a copy of the draft agreement which details the responsibilities of the various parties.

Will the Council so approve and authorize the Mayor to execute an agreement provided the same is in form and content satisfactory to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

NIAGARA SCENIC PARKWAY, REMOVAL

Agenda Item #4

An agreement has been reached between the Power Authority of the State of New York ("NYPA"), the New York State Office of Parks, Recreation & Historic Preservation ("State Parks"), the New York State Department of Transportation ("NYSDOT"), the USA Niagara Development Corporation ("USAN"), and the City of Niagara Falls (the "City"), which is the next step in the ROBERT MOSES PARKWAY NORTH SEGMENT REMOVAL PROJECT (Project). This construction project is estimated to cost $38,500,000. It is largely funded through NYPA ($36,500,000), with the balance being paid for by New York State Office of Parks Recreation and Historic Preservation ($2,000,000). No municipal capital funds are required for this Agreement to take effect.

Since constructed in 1962, the former Robert Moses Parkway has not just been the subject of severe criticism but a malignancy that has decimated our community by having cut off both residents and visitors from the Niagara River, Niagara River Gorge, and the public lands connected thereto. The Parkway, rather than being the transportation link in service of economic development and city-building, instead only served to create an effective by-pass around the City and its Main Street, Pine Avenue, and other traditional business corridors.

This Project, more than any before marks the largest removal, reconfiguration and regeneration of urban land since a portion of the Parkway passing through Niagara Falls State Park and Prospect Park was removed in the late 1970s. Similar to the preceding ‘South Segment Removal Project,’ also know as Riverway, this Project will achieve unprecedented public access to the northerly portion of the rim of the Niagara Gorge, through the construction of new ‘tourism infrastructure,’ which includes but is not limited to the following:

1. Full-depth reconstruction of Whirlpool Street from Cedar Avenue to Findlay Drive, removal of Whirlpool Street from Walnut Avenue to Cedar Avenue and undertaking a mill and overlay of Whirlpool Street between Walnut Avenue and Main Street along with the installation of new curbs/sidewalks and restoring the name of this segment to its original name of "Second Street";

2. Full-depth reconstruction of Third Street from Main Street to Cedar Avenue in a manner consistent with that of Whirlpool Street between Cedar Avenue and Findlay Drive;
3. Construction/reconstruction of selected segments of streets adjoining or connecting to Whirlpool and Third Streets to facilitate a complete network, including but not limited to: extending Walnut Street to the Niagara Gorge Discovery Center; reuse/reconstruction of a former entrance to the Parkway as an entry drive for the Niagara Gorge Discovery Center to be known as "Discovery Way;" and repaving of an unimproved segment of Spring Street adjoining Whirlpool Street and Findlay Drive, and;
4. Selected improvements to existing City owned parking areas along Whirlpool Street at: Ashland Avenue, and near the City owned train station at Ontario Avenue.

These improvements are to be undertaken during Phase 1 of the project. Various other improvements will be made during Phases 2 and 3 of the project. Phase 1 is projected to begin in the Fall of 2018 and be completed by the Fall of next year (2019). Likewise, Phase 2 and Phase 3 starting in 2019 and be completed in September 2020 and June 2021 respectively.

Additionally, the Parkway's removal, reconfiguration of Whirlpool Street and the expansion of Niagara's waterfront parks enables full implementation of various development strategies that will support the long-term growth and development of Niagara Falls tourism, especially in the adjacent Core City neighborhoods and business districts.

Attached hereto (on file in the City Clerk's Office) is a copy of the proposed agreement between all parties. Will the Council so approve and authorize the Mayor to execute this agreement on behalf of the City of Niagara Falls?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

Chairman Touma thanked Congressman Higgins for his efforts

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

MAYOR'S APPROVAL

Agenda Item #5

Please be advised that, Mayor Paul A. Dyster, on June 21, 2018, duly approved the following:

Resolution 2018-69 relative to Amending Chapter 341 of the Codified Ordinances entitled "Vendors and Peddlers."

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY ASSESSOR

2018 GENERAL ASSESSMENT ROLL

Agenda Item #6

Listed below are the taxable totals of the General Assessment Roll for the City of Niagara Falls, New York, as now constituted and Completed by the Board of Assessment Review for the year 2018 and was Filed with the City Clerk on July 1, 2018.

Also, attached (on file in the City Clerk's Office, please find the exemption summary for the 2018 roll:

Total Taxable Assessed Value	$1,283,750,014
Homestead	$879,082,209
Non-Homestead	404,667,805
Total	$1,283,750,014

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: HALL, ALAN

Agenda Item #7

Date Claim Filed:	December 16, 2017
Date Action Commenced:	N/A
Date of Occurrence:	December 4, 2017
Location:	9414 Cayuga Drive Lot 12.
Nature of Claim:	While a forestry worker was grinding the stump of a City tree, rocks were thrown and damaged the mobile home.
City Driver:	N/A
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$1620.00
Make Check Payable to:	Alan Hall, 9414 Cayuga Drive Lot 12, Niagara Falls, NY 14304
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?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

RESOLUTION: COMMUNITY APPRECIATION DAY EVENT, CO-SPONSOR
BY: COUNCIL MEMBER SCOTT

Agenda Item #8
THIS ITEM WAS PULLED
NO ACTION TAKEN

RESOLUTION: CATARACT CITY YOUTH SPORTS ASSOCIATION, INC. DONATIONS
BY: COUNCIL MEMBERS SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #9
THIS ITEM WAS PULLED
NO ACTION TAKEN

RESOLUTION: HARLEM WIZARDS BASKETBALL EVENT, FUNDING
BY: COUNCIL MEMBERS SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #10
THIS ITEM WAS PULLED
NO ACTION TAKEN

RESOLUTION: TRAFFIC GENERALLY, AMENDING CHAPTER 501, 2018-73
BY: ALL COUNCIL MEMBERS

Agenda Item #11

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that Chapter 501 of the Codified Ordinances entitled "Traffic Generally" is hereby amended to read as follows:

…

501.15 DESIGNATED MOTOR COACH BUS ZONES IN THE DOWNTOWN AREA.

…

C. Notwithstanding the foregoing, it shall be permissible for Motor Coach Buses to park only at the following street locations in an available marked space:

…

- The rate for a Motor Coach Bus to park in an available marked space is $10.00 per hour or $50.00 for each 24 hour period of time.

…

501.21 DESIGNATION OF WAIVER PAYMENT.

Notwithstanding the penalty provided in Section 501.99 of this Chapter, the amounts to be paid in satisfaction for violation of the provisions of this Chapter with respect to the following parking violations shall be the amounts indicated opposite those violations as follows:

VIOLATION	AMOUNT DUE		
	Pd. On or Before 3 days	Pd. On or before 15 days	Pd. On or before 30 days
1. [Meter] Overtime	$25.00	$35.00	$70.00
2. [Overtime] 3:00 a.m. to 6:00 a.m.	$25.00	$35.00	$70.00
3. [3:00 a.m. to 6:00 a.m.] Private Parking Lot	$25.00	$35.00	$70.00

	Pd. On or Before 3 days	Pd. On or before 15 days	Pd. On or before 30 days
4. [Private Parking Lot] 11:00 a.m. to 7:00 a.m.	$25.00	$35.00	$70.00
5. [Prohibited Parking] Alley Parking	$25.00	$35.00	$70.00
6. [Safety Zones] Double Parking	$25.00	$35.00	$70.00
7. Fire Zones	$25.00	$35.00	$70.00
8. [Alley Parking] Safety Zones	$25.00	$35.00	$70.00
9. [Double Parking] All Other	$25.00	$35.00	$70.00
10. [All Other] Meter $25.00] $50.00	[$35.00] $100.00		[$70.00] $200.00
11. [Handicapped] Expired Registration	$50.00	$100.00	$200.00
12. [Expired Registration] Expired Inspection	$50.00	$100.00	$200.00
13. [Expired Inspection] Handicapped	$50.00	$100.00	$200.00
14. Bus Zone	$100.00	$175.00	$250.00

(Amended 12/26/01)

Provided said violations are satisfied at City Court of Niagara Falls, New York, as provided in Section 501.22 of this Chapter, and provided further that the Chief Judge of the City Court of Niagara Falls may adopt a schedule increasing the amount(s) above after 40 days, to a maximum of the full amount of the allowable penalty provided by law, as found in Section 501.99 of this Chapter. (Amended 10/29/84.) (Effective 1/1/85.) (Amended 03/14/91)

Bold and Underline Indicate Additions
Bold and Brackets Indicate [Deletions]

Yeas 0
Nays 0

ADOPTED

RESOLUTION: TRANSPORTATION FEDERAL-AID PROJECT, CAYUGA DRIVE: TUSCARORA RD. TO NIAGARA FALLS EAST CITY LINE, FUNDING, 2018-74
BY: ALL COUNCIL MEMBERS

Agenda Item #12

WHEREAS, a Project for the Cayuga Drive: Tuscarora Road to Niagara Falls East City Line P.I.N. 5761.62 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs 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 Project's Construction/Construction Inspection phases of Cayuga Drive: Tuscarora Rd. to Niagara Falls East City Line PIN 5761.62.

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

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

RESOLVED, that the City Council hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the federal and non-federal share of the cost of work for the Project or portions thereof; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the City Council of Niagara Falls shall convene 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 the 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 therefore 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, this Resolution shall take effect immediately.

Yeas 5
Nays 0

ADOPTED

LOCAL LAW: CITY CHARTER, LOCAL LAW #1, 2018-75

Agenda Item #13

A Local Law to amend the Niagara Falls City Charter as amended, entitled "A local law adopted pursuant to Section 4.8(b) of the 1988 City Charter."

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NIAGARA FALLS, NEW YORK, as follows:

Section 1. This local law attached hereto is adopted pursuant to the provisions of Section 4.8(b) of the City Charter revising articles contained in the Charter of the City of Niagara Falls (Laws 1916, Chapter 530, as amended) to delete all obsolete provisions or those in conflict with the provisions of the 1988 City Charter for incorporation as part of the 1988 City Charter.

Section 2. This Local Law shall take effect as provided in the Municipal Home Rule Law.

Yeas 5
Nays 0

ADOPTED

CITY PROPERTY: RAINBOW BLVD., 223, ENCROACHMENT, HOLIDAY INN/ANCHOR BAR, MERANI HOLDINGS LLC.

Agenda Item #14

Merani Holdings, owners of the above referenced property, has applied for a patio encroachment into the City's right-of-way.

This has been reviewed by the appropriate City departments and the Planning Board recommends that it be granted. It is recommended that the following conditions apply:

1. The owner will add the City of Niagara Falls as an additional insured on its liability insurance policy and provide a copy to the City.
2. The owner will defend and indemnify the City from liability related to the patio encroachment.
3. The City can revoke permission for the encroachment on thirty (30) days notice.
4. The City right-of-way will not be obstructed to and will at all times allow for the safe passage of pedestrians.

Attached hereto (on file in the City Clerk's Office) is a copy of the Planning Board's recommendation of approval.

Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 8:20 P.M.

Lisa A. Vitello
City Clerk

JULY 18, 2018

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The Legislative session of the July 18, 2018 Niagara Falls City Council Meeting was called to order by Council Chairman Touma at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Christopher Voccio, Chairman Andrew Touma

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello.

Council Member Tompkins said the Prayer and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Council Member Tompkins moved to approve the Minutes from the Council Meeting of July 5, 2018.

Yeas	5
Nays	0
	APPROVED

Presentations:

There were 3 presentations, honoring Ron's Place For Hair, The Niagara Falls Rapids Baseball Team and Officer Patrick Ciccarelli.
Resolutions were read for all honorees by the City Clerk.

Administrative Update:

Mayor Paul A. Dyster and City Administrator Nick Melson gave an update on street paving, tree removal, parcels of land in regards to the Train Station and crime prevention efforts.
Dan Morello, City Controller, gave an update on the bond rating and a comparison of revenue for parking between 2017 and 2018.

Corporation Counsel, Craig Johnson, presented a number of items to be amended and walked on to the agenda.
Three items were amended to be moved up in the agenda Items #20, 27 and 28

Yeas	5
Nays	0
	APPROVED

Items #20, 27 and 28 were amended and moved up to the Presentation portion of the Meeting

Agenda Item #6 was amended to change the amount.

Yeas	5
Nays	0
	The Item was amended

Agenda Item #17 was amended to change the language in the Item.

Yeas	5
Nays	0
	The Item was amended

Agenda Item #26 was amended to change the location.
Yeas 5
Nays 0
The Item was amended

The following items were added to the agenda as walk-ons;

A Resolution relative to amending Schedule 8 of the Zoning Ordinance
Yeas 5
Nays 0
Motion to add Resolution to Agenda Approved
The Resolution was added to the Agenda as #23

A Communication to the Contract for City grass cutting to K.J. Smith
Yeas 5
Nays 0
Motion to add Communication to Agenda Approved
The Communication was added to the Agenda as #24

A Communication to the contract for the Jayne Park Playground Project to Kompan Inc.
Yeas 5
Nays 0
Motion to add Communication to Agenda Approved
The Communication was added to the Agenda as #25

A Communication relative to the Contract for 91st St. Playground Project to Kompan Inc.
Yeas 5
Nays 0
Motion to add Communication to Agenda Approved
The Communication was added to the Agenda as #26

A Resolution Relative to Honoring Ron's Place for Hair
Yeas 5
Nays 0
Motion to add Resolution to the Agenda Approved
The Resolution was added to the Agenda as #27

A Resolution Relative to Honoring Niagara Falls Rapids Baseball Team
Yeas 5
Nays 0
Motion to add Resolution to the Agenda Approved
The Resolution was added to the Agenda as #28

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Dan Davis	Agenda Item #16
Ruth Knepp	Various
Noel Gulley	New Businesses; support for grand openings

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S CLAIMS FOR THE MONTH OF JUNE 2018

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF JUNE 2018

Agenda Item #2
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: WRESTLING CLUB, AMENDMENT

Agenda Item #3

The City of Niagara Falls' 2015 United States Housing and Urban Development (HUD) Action Plan included a $10,000.00 Community Development Block Grant (CDBG) for to the Niagara Falls Wrestling Club, Inc. (a/k/a Niagara Falls Power Cats Wrestling Club) for capital improvements.

An amendment to the original contract was approved by the City Council in December 2017. This amendment approved an increase from $10,000 to $11,906.00, to accommodate federally mandated Davis-Bacon wage rates, and to match the lowest quote received.

However, the contractor that had agreed to that price has since declined to move forward with the project. The next lowest bid received was for $15,900.00. Community Development has sufficient unallocated program income to make up the additional cost for the project. These funds cannot be used for administrative purposes but can be dedicated to capital expenses. It is proposed that 2015 Community Development funds and program income in the amount of $15,900.00 be approved for window replacement at 2402 Niagara Street. This change is consistent with the original intent of the 2015 CDBG allocation.

Will the Council vote to approve the proposal presented herein and to authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

COMMUNITY DEVELOPMENT: HYDE PARK INCLUSIONARY PLAY PROJECT, PETER/ELIZABETH TOWER FOUNDATION GRANT AWARD

Agenda Item #4

On April 11, 2018, the Niagara Falls City Council approved resolution 2018-35 relative to support of Niagara Falls Community Development Application to the Peter & Elizabeth C. Tower Foundation. This grant application was to fund the installation of the Hyde Park Inclusionary Play Project.

Pursuant to a competitive application submitted in May 2018, the Peter & Elizabeth Tower Foundation has awarded a grant to the City of Niagara Falls Department of Community Development, as part of the Small Grants Program, in the amount of $15,278 to support the installation of the Hyde Park Inclusionary Play Project.

Will the Council vote to so approve and authorize the Mayor to execute the Peter & Elizabeth Tower Foundation Small Grants Program award in a form acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: COMMUNITY MISSIONS, EMERGENCY SOLUTIONS GRANT, EXTENSION

Agenda Item #5

The City awarded Emergency Solutions Grant (ESG) funds to Community Missions to provide administer emergency shelter, rapid rehousing, and homeless prevention services as part of Community Development's 2017 Action Plan. While the 2017 program year began on July 1, 2017, the City did not receive its funding from the U.S. Department of Housing and Urban Development until January 1, 2018. This delay necessitates an extension of the 2017 contract to ensure full expenditure of the ESG funds and the provision of service of the maximum number of individuals.

It is requested that Council approve an amendment to the contract, setting new program dates of 7/1/17 to 09/30/18.

Will the Council vote to approve the proposal presented herein and to authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

COMMUNITY DEVELOPMENT: 2018 HOME OWNERSHIP AUCTION PROPERTIES

Agenda Item #6

The Niagara Falls Community Development Department (CD) hosted the 2018 Niagara Falls Community Development Home Ownership Auction in June. All ten houses were successfully bid on, with corresponding purchase prices listed attached (on file in the City Clerk's Office). Disposition of these properties is consistent with the Niagara Falls Planning Board's recommendation to sell properties foreclosed upon by the city in 2017, via the IN-REM process.

The 2018 Home Ownership Auction follows the same key guidelines as past years:

- Successful bidders must agree to own and live in the home as prime occupant for no less than five years and pay all applicable property taxes.
- Successful bidders must submit a renovation plan, designating work to be completed by the owner and/or contractors, as well as possess the financial ability to execute the renovation prior to completing the sale agreement with the City of Niagara Falls. This step has been completed for 2018 properties.
- If the above terms are not met after the purchase of the property, ownership will revert back to the City of Niagara Falls.
- Successful bidders were required to pay a bidder's fee and a bidder bond of $500. The bidder bond is to only be returned upon the completion of the renovation. Successful bidders also paid 10 percent of the successful bid price to the auctioneer, Auctions International, financing the costs of the auction. The City of Niagara Falls' only auction costs was legal advertising.

CD Staff has already conducted the post auction meeting with all ten successful bidders, all of whom paid the bidder bond and auctioneer fee. In order to process sale closings during the construction season, CD requests Niagara Falls City Council approval of these properties as a group.

Will the Council vote to approval the sale of these properties and allow the Mayor to execute related the contractual agreements?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 4
Kennedy, Scott, Voccio, Chairman Touma
Nays 0
Abstain 1
Tompkins

APPROVED

CONTRACT: CATARACT CITY YOUTH SPORTS ASSOCIATION, CONTRIBUTION

Agenda Item #7

The CCYSA is a newly founded youth football and cheerleading organization that is designed to improve the current and future quality of life for children in the community through athletics, academics and health and wellness. This is a start-up organization and seeks a contribution from the City towards the cost of athletic equipment. Attached (on file in the City Clerk's Office) is a communication from the president of CCYSA detailing its request.

The sum of $250.00 is available through the Tourism Fund Balance. Will the Council so approve and authorize the Mayor to execute a funding agreement provided the same is in form and content satisfactory to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 4
Kennedy, Scott, Tompkins, Chairman Touma
Nays 1
Voccio

APPROVED

CONTRACT: HARLEM WIZARDS BASKETBALL TEAM, ABATE PARENT GROUP, CONTRIBUTION

Agenda Item #8

The Abate Parent Group from Abate School is hosting the Harlem Wizards basketball team on October 25, 2018. This event will take place in the Niagara Falls High School gym. The presentation by the Harlem Wizards will be a two (2) hour show that includes music, comedy, basketball and audience participation opportunities.

The Abate Parent Group from Abate School is soliciting donations to help defer the expense of bringing the Harlem Wizards basketball team to Niagara Falls.

The sum of $250.00 is available from Tourism Fund Balance. Attached (on file in the City Clerk's Office) is a copy of correspondence from the Abate Parent Group summarizing this program.

Will the Council so approve and authorize the Mayor to execute a funding agreement in form and content satisfactory to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: FIRE DEPARTMENT VEHICLES, NEW YORK STATE GRANT

Agenda Item #9

The Fire Chief advises that the State of New York has awarded the City a State and Municipal Facility's Program Grant in the amount of $70,000.00 for the purchase of vehicles for the Niagara Falls Fire Department.

Attached hereto (on file in the City Clerk's Office) is a copy of the Letter of Award and an explanation of additional documentation required by the State and the Dormitory Authority of the State of New York.

Will the Council so approve and authorize the Mayor and/or the Fire Chief to execute any documentation and agreements required in order to move this matter forward?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: 19TH STREET, 501, RENOVATION, CHDO

Agenda Item #10

HUD regulation requires that at least 10% of the City's HOME grant be spent for CDHO activities. NHS qualifies as a Community Housing Development Organization. These funds are available to NHS for rehabilitation of properties owned by NHS.

NHS has proposed renovation of 501-19th Street, which is a two-family home, under the CHDO program. The City will enter into an agreement with NHS which will require, in part, that the renovated property is available to low income tenants for 15 years, and that rents are limited under HUD rent limitations.

NHS will use $25,216.65 of 2017 CHDO funds, $25,409.93 of 2016 CHDO funds, and $22,316.00 of HOME Investment Partnerships program income for the 501-19th Street rehabilitation. While the funds have been appropriated for this purpose in Community Development's 2016 and 2017 Annual Action Plan, each specific CHDO contract requires City Council approval.

Will the Council vote to approve the 501-19th Street CHDO agreement with NHS as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: HYDE PARK INCLUSIVE PLAY AREA, 4TH GENERATION CONSTRUCTION CO

Agenda Item #11

The following was the result of bids received on July 10 2018, for the above referenced project:

CONTRACTOR	BASE BID	ALT "A".
4th Generation Construction Co. Inc. 5650 Simmons Ave. Niagara Falls NY 14304	$161,150.00	$ 3,384.00
Valleyview Enterprise LLC	$165,500.00*	$20,800.00
Anadine Design	$169,820.00	$ 7,280.00

*actual bid total adjusted due to arithmetic errors

It is the recommendation of the undersigned that this project be awarded to the low bidder, 4th Generation Construction Co. Inc. at the combination of their base bid and Alternate "A" bid for a total bid of $164,534.00. Funding is available through Community Development.

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

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

MAYOR'S APPROVAL

Agenda Item #12

Please be advised that Mayor Paul A. Dyster, on July 6, 2018, duly approved the following:

Resolution 2018-73, relative to Amending Chapter 501 of the Codified Ordinances entitled "Traffic Generally."

THIS ITEM WAS RECEIVED AND FILED

COMMISSIONER OF DEEDS: APPOINTMENTS

Agenda Item #13

The following have requested City Council approval for Commissioner of Deeds for a term from October 1, 2018 to September 30, 2020.

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

Mark J. Jaroszewski	NFPD
Lori Parsnick	DPW
Kari Pokoj	City Clerk's Office
Kathleen M. Baldwin	839 17th St., Niagara Falls, NY 14301
Matthew Davis II	1317 Ashland Ave. Niagara Falls, NY 14303
Elyse D. Kemp	1543 Centre Ave., Niagara Falls, NY
Rosemary Elizabeth Messer	1015 Creekside Dr.,Niagara Falls, NY 14304
Juanita Sirianni	3351 Ely Ave., Niagara Falls, NY 14303
Peter J. Zito	3351 Ely Ave., Niagara Falls, NY 14303

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: BRAY, ANGELA

Agenda Item #14

Date Claim Filed:	N/A
Date Action Commenced:	November 2, 2017
Date of Occurrence:	N/A
Location:	Various Locations.
Nature of Claim:	Violations of the Americans with Disabilities Act.
City Driver:	N/A
Status of Action:	Trial Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$6,500.00 In addition to the remedial ADA Compliance work currently under contract, the City will also perform some agreed additional work with City forces.
Make Check Payable to:	Edward I. Zwilling as attorney
Conditions:	Stipulation of Discontinuance and Settlement Agreement 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?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

RESOLUTION: ACQUISITION OF PROPERTY RELATED TO THE NIAGARA FALLS INTERMODAL TRANSPORTATION CENTER PIN 5726.28, 2018-79
BY: ALL COUNCIL MEMBERS

Agenda Item #15

WHEREAS, the City of Niagara Falls in conjunction with the New York State Department of Transportation, is currently progressing the project to build the Niagara Falls Intermodal Transportation Center (PIN 5756.28); and

WHEREAS, the New York State Department of Transportation requires the City to agree to accept ownership of any property acquired by the State or rights therein to all involved property in connection with the project; and

WHEREAS, the parcels more particularly identified as Parcels 1 through 23 on Maps 1 through 6 were previously accepted by City Council Resolution 2010-60 adopted on July 14, 2010; and

WHEREAS, the New York State Department of Transportation has acquired three additional parcels for the Project which are identified as Parcels 24 through 26 on Maps 7 through 9;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that the City of Niagara Falls hereby agrees to accept all acquired property from the State or its agencies and to keep the property for the length of time required; and

BE IT FURTHER RESOLVED, that the Mayor of the City of Niagara Falls is authorized to execute any agreements or documents necessary to effectuate the purposes of this resolution.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: CONSOLIDATED FUNDING APPLICATION FOR PREPARATION OF A LOCAL WATERFRONT REVITALIZATION PLAN, 2018-80
BY: COUNCIL MEMBERS KENNEDY, SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #16

WHEREAS, the City of Niagara Falls seeks to prepare a comprehensive Local Waterfront Revitalization Plan that expresses a vision for the waterfront; and

WHEREAS, the development of a Local Waterfront Revitalization Plan will include evaluating waterfront resources, developing goals and a comprehensive strategy for the best use of those resources, proposing future projects, and adopting a program that will guide appropriate development; and

WHEREAS, the development of a Local Waterfront Revitalization Plan will increase chances for obtaining financial assistance from public and private funding sources for future projects; and

WHEREAS, the City of Niagara Falls is submitting a Consolidated Funding Application- Environmental Protection Fund for the above referenced project with a total cost of approximately $580,000 with State assistance of up to $493,000 and a local share of up to $87,000; and

WHEREAS, matching funds will be available through Power Authority greenway funding.

WHEREAS, there is no new commitment of City / Local funding;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this Consolidated Funding Application and authorizes the Mayor to act on behalf of the City in all matters related to this project and is further authorized to execute any and all documentation related to this project.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: ADDING CHAPTER 746 OF THE CODIFIED ORDINANCES ENTITLED 'AGGRESSIVE PANHANDLING", 2018-81
BY: ALL COUNCIL MEMBERS

Agenda Item #17

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Chapter 746 of the Codified Ordinances entitled "Aggressive Panhandling" is hereby added to read as follows:

COPY ATTACHED.

CHAPTER 746

AGGRESSIVE PANHANDLING

746.01 Legislative Findings and Declaration
746.06 Parking Ramp/Parking Station
746.02 Definitions
746.07 Public Skyway or Tunnel
746.03 Aggressive Manner
746.08 Sidewalk or Roadway
746.04 Automated Teller Machine
746.09 Penalties
746.05 Bus Shelter/Bus Stop
746.10 Severability

746.01 LEGISLATIVE FINDINGS AND DECLARATION.

This legislation is adopted in order to protect persons from threatening, intimidating or harassing behavior, to keep public places safe and attractive for use by all members of the community and to maintain and preserve public places where all of the community can interact in a peaceful manner. This legislation is also intended to provide for the free flow of pedestrian and vehicular traffic on streets and sidewalks in the City of Niagara Falls, to promote tourism and business and preserve the quality of urban life. The City Council finds that aggressive acts associated with solicitation tend to interfere with the free flow of pedestrian and vehicular traffic and intimidate persons in public places, and can lead to disruption and disorder in public places. Aggressive acts can also cause persons to avoid public places and lead to declining patronage of commercial establishments and tourism. The City Council further finds that solicitation in certain public places is inconsistent with the use of those places, is inherently intimidating, targets persons who are captive audiences or constitutes an invasion of privacy as persons are not able to simply move on if they do not wish to speak to the person soliciting. Solicitation in proximity to bank entrances or check-cashing businesses or automated teller machines is inherently intimidating and should be restricted. By this legislation, the City Council intends to promote the health, safety and welfare of the citizens and visitors to the City.

746.02 AGGRESSIVE PANHANDLING 2

746.02 DEFINITIONS.

Whenever the following words and phrases are used in this section, they shall have the following meanings:

(a) "Aggressive Manner" – Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation, or approaching within an arm's length of the person, except with the person's consent.

Following the person being solicited, if that conduct is:

(1) Intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

(2) Is intended to or is reasonable likely to intimidate the person being solicited into responding affirmatively to the solicitation;

(3) Continuing to solicit within five feet of the person being solicited after the person has made a negative response, if continuing the solicitation is:

i. Intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

ii. Is intended to or is likely to intimidate the person being solicited into responding affirmatively to the solicitation;

(4) Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation;

(5) Intentionally or recklessly using words:

i. Intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

ii. Intended or likely to intimidate the person into responding affirmatively to the solicitation; or

(6) Approaching the person being solicited in a manner that is:

i. Intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

ii. Intended to or is likely to intimidate the person being solicited into responding affirmatively to the solicitation.

(b) "Automated Teller Machine" – A device, linked to a financial institution's account records, which is able to carry out transactions, including but not limited to account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

(c) "Automated Teller Machine Facility" – The area comprised of one or more automated teller machines, and any adjacent space which is made available to banking customers after regular banking hours.

(d) "Banking Organization" – All banks, trust companies, private bankers, savings banks, industrial banks, safe deposit companies, saving and loan associations, credit unions and investment companies as defined in § 2 of the New York State Banking Law.

(e) "Licensed Casher Of Checks" – Any individual, partnership, unincorporated association or corporation duly licensed by the New York State Superintendent of Banks to engage in business pursuant to the provisions of Article IX-A of the New York State Banking Law.

(f) "Parking Ramp" – The parking ramp owned by the City of Niagara Falls located on Rainbow Boulevard or any other parking ramp facility.

(g) "Parking Station" – The municipal parking lots owned by the City of Niagara Falls.

(h) "Public Place" – Any area or building owned, leased, operated or controlled by or on behalf of any government, municipality, public authority or public corporation in the City of Niagara Falls which is generally accessible by the public,

including but not limited to any street, including the sidewalk portion thereof, skyway, bridge, tunnel, park, playground, recreation area, cemetery, school or school grounds, building, facility, driveway, parking lot or parking ramp, and the doorways and entrances to buildings and dwellings.
(i) "Solicit" – Shall include, without limitation, the spoken, written, or printed word or such other acts or bodily gestures as are conducted in furtherance of the purposes of immediately obtaining money or any other thing of value.

746.03 AGGRESSIVE MANNER.
No person shall solicit in an aggressive manner in a public place.

746.04 AUTOMATED TELLER MACHINE.
No person shall solicit within 20 feet of an automated teller machine or an entrance or exit of an automated teller machine facility during the time the automated teller machine is available for customers' use; or within 20 feet of an entrance or exit to a banking organization or a licensed casher of checks during it business hours.

746.05 BUS SHELTER/BUS STOP.
No person shall solicit when either the person soliciting or the person being solicited is in a bus shelter or at a bus stop.

746.06 PARKING RAMP/PARKING STATION.
No person shall solicit in a parking ramp or parking station.

746.07 PUBLIC SKYWAY OR TUNNEL.
No person shall solicit in any portion of a public skyway or tunnel.

746.08 SIDEWALK OR ROADWAY.
No person on a sidewalk or alongside a roadway shall solicit from any occupant of a motor vehicle that is on a street or other public place.

746.09 PENALTIES.
A violation of this Chapter shall be a "violation" as that term is defined in the Penal Law. A person convicted of violating this section shall be fined not less than $25.00 nor more than $250.00, and, in addition, for a second conviction within 12 months of a preceding conviction, may be imprisoned for a term not longer than 15 days. In lieu of a fine, the court may impose an appropriate alternative sentence; provided, however, that an alternative sentence shall not be an unconditional discharge.
746.10 SEVERABILITY.
If any provision of this section is declared invalid or unconstitutional for any reason, the remaining provisions shall be severable and shall continue in full force and effect.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: NIAGARA STREET ELEMENTARY SCHOOL HOSTING FAMILY SUMMER SPLASH BASH, 2018-82
BY: ALL COUNCIL MEMBERS

Agenda Item #18
WHEREAS, On August 15, 2018 Niagara Street Elementary School is hosting its first community activity for incoming Pre-K students and their families; and

WHEREAS, the event will be a Family Summer Splash Bash from 9 a.m. to noon at the Hyde Park Splash Pad and Gazebo; and

WHEREAS, the families will have an opportunity to meet classroom teachers, classroom associates, administrators and volunteers. In addition, several community organizations have been invited to share resource information for the benefit of the families; and

WHEREAS, there is a $150 rental fee at the Hyde Park Splash Pad and Gazebo for the three hours of use. On behalf of Niagara Street Elementary, I'm requesting the Niagara Falls City Council to consider waiving the fee because this is a not-for-profit event (letter on file in the City Clerk's Office). It is also not a personal or private activity. This community outreach is a first for us at the pre-k level and our goal is to reach every parent someway. Thank you so much for your consideration.

NOW, THEREFORE, BE IT RESOLVED that this Niagara Falls New York City Council hereby waives the rental fee of $150 for use of Hyde Park Splash Pad and Gazebo on August 15, 2018 between the hours of 9 a.m. to noon for the first annual Family Summer Splash Bash.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: CONCERNS OVER JANUS DECISION WHICH WOULD WEAKEN PUBLIC SECTOR UNIONS, 2018-83
BY: COUNCIL MEMBERS KENNEDY, SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #19

WHEREAS, the U.S. Supreme Court has heard arguments in the case of Janus v. American Federation of State, County and Municipal Employees; and

WHEREAS, the plaintiff in the case charges that the fair-share fees collected by public-sector unions from workers who don't become members are a violation of the dissenting workers' First Amendment rights; and

WHEREAS, this challenges federal case law set nearly 40 years ago when in 1977 the Supreme Court unanimously ruled in Abood v. the Detroit Board of Education that although public school teachers cannot be required to join a union or to contribute to the union's political expenditures, they can be required to pay their fair share of the costs that the union incurs in negotiating and administering an agreement on behalf of all teachers; and

WHEREAS, this case and its dangers are substantively similar to the case of Friedrichs v. California Teachers Association, for which a lower court ruling in favor of the defendants only prevailed due to a vacancy on the Supreme Court; and

WHEREAS, the Janus plaintiffs have followed the same legal strategy as the Friedrichs plaintiffs; and

WHEREAS, the newest Supreme Court Justice Neil Gorsuch is likely to side with the four justices who were willing to rule with the plaintiffs in Friedrichs; and

WHEREAS, this means that although public-sector unions would still be obligated to represent all members of their bargaining units, they would no longer be assured of receiving fees to compensate them for the costs of representing nonmembers, which could deeply undercut the unions' financial viability; and

WHEREAS, the Janus case is driven by the same movement that has been working for at least two decades to undermine labor unions so as to reduce their influence on politics and public policy on behalf of working people.

NOW, THEREFORE, BE IT RESOLVED, that this City Council expresses its grave concerns regarding the Janus case and its outcome for our economy and our workforce; and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Assistant of the City Council forwarded certified copies of this resolution to the Niagara-Orleans Labor Council AFL-CIO, United Steelworkers Local 9434, the Local 801 Teachers Union, the Local 714 Fire Fighters Union, the Local 3359 Fire Officers Union, the Niagara Falls Police Club, Niagara Falls Captains and Lieutenants Association, local Niagara County Legislature, Congressman Brian Higgins, Assemblyman Angelo Morinello, and Senator Robert Ortt.

Yeas 4
Kennedy, Scott, Tompkins, Chairman Touma
Nays 1
Voccio

ADOPTED

RESOLUTION: HONORING THE BRAVERY OF OFFICER PATRICK CICCARELLI, 2018-78
BY: ALL COUNCIL MEMBERS

Agenda Item #20

WHEREAS, Patrick Ciccarelli was the Officer who single handedly arrested Yong Yu, who was wanted by police in New York City for allegedly chopping his pregnant wife's arm off during a domestic dispute; and

WHEREAS, Superintendent Bryan DalPorto is giving high praise to Officer Patrick Ciccarelli, who captured a wanted man on Saturday June 23, 2018; and

WHEREAS, despite being on the force for less than two years, Officer Patrick Ciccarelli remembered his tactical training to effectively defuse a potentially dangerous situation. According to news sources, Yu was nabbed at a welcome center and was carrying a lifejacket purchased by a local Walmart that police believe he was going to use in an attempt to swim across the Niagara River into Canada.

WHEREAS, while patrolling the area by Rainbow Boulevard, Officer Ciccarelli was alerted to Yu's possible presence inside the One Niagara Center, which is just steps away from the Rainbow Bridge international border crossing. A video was taken of Officer Ciccarelli putting handcuffs on Yu while he was sitting down eating; and

WHEREAS, Ciccarelli knew backup was on the way, didn't wait for other officers to arrive to make the collar.

NOW, THEREFORE, BE IT RESOLVED that this City Council of Niagara Falls, NY does hereby honor Officer Patrick Ciccarelli for his bravery and quick action to apprehend Yong Yu.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: SUMMERFEST AT THE SAL, TO BENEFIT NIAGARA FALLS FIREFIGHTERS CHRISTMAS TOY FUND, 2018-84
BY: COUNCIL MEMBERS KENNEDY, SCOTT, VOCCIO, CHAIRMAN TOUMA

Agenda Item #21

WHEREAS, Niagara Falls City Council Member Kenny Tompkins, in partnership with the Niagara Falls Firefighters Christmas Toy Fund will be hosting the second annual "Summerfest at the Sal" on August 12th, 2018 from 11:30am until 7:00pm at Sal Maglie Stadium. The event will also include a music festival and car show; and

WHEREAS, we are requesting the City Council again help our charitable efforts by waiving the Band Shell/portable stage that will be used at this event to showcase the musical performers (request letter on file in the City Clerk's Office).

NOW, THEREFORE, BE IT RESOLVED that the City Council of Niagara Falls, NY does herby waive the fees associated with using the Band Shell/portable stage for this wonderful event.

Yeas 4
Kennedy, Scott, Voccio, Chairman Touma
Nays 0
Abstain 1
Tompkins

ADOPTED

RESOLUTION: 2018 COMMUNITY APPRECIATION DAY EVENT, 2018-85
BY: COUNCIL MEMBERS KENNEDY, SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #22

WHEREAS, Shaquille Jones known as "DJ Allstarr" is hosting 2018 Community Appreciation Day Saturday, July, 28, 2018 from 12:00pm – 8:00pm located at Hyde Park Pavilion(s) C and D with adjoining playground and parking lot; and

WHEREAS, the day's activities include:

- Free Concert/Live DJ music 12pm – 8:00pm
- Free Kids Zone (Playground area also with various bounce houses)
- Free food and drinks (while supplies last)
- Free "Christmas in July" Toy Give-a-ways (while supplies last)

WHEREAS, this is the concept of "DJ Allstarr" in celebration of his 25th birthday. As a professional corporate DJ for the past 15 years, Shaquille Jones appreciates the love and support he has received over the past 10 years. He chose this endeavor to "Give Back" showing gratitude and appreciation to the community of Niagara Falls as a whole; and

WHEREAS, through his family and some sponsorships, we corporately will be looking at costs between $5,000 - $7,500 which include production costs, sound system, electricity, entertainment, and some of the free give-a-ways; and

WHEREAS, we are requesting this City Council of Niagara Falls, NY to help support this great event by graciously waiving the fees associated for use of the bandstand to accommodate the musicians (request letter on file in the City Clerk's Office).

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby waive the fees associated for use of City owned bandstand for the 2018 Community Appreciation Day.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: ZONING ORDINANCE, SCHEDULE 8, AMENDING, 2018-86
BY: COUNCIL MEMBERS SCOTT, TOMPKINS, VOCCIO, CHAIRMAN TOUMA

Agenda Item #23

WHEREAS, the Planning Board has recommended that the Council adopt certain amendments to the Zoning Ordinance as outlined on the attached (on file in the City Clerk's Office) recommendation to Council and Planning Board resolution.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby adopt the attached (on file in the City Clerk's Office) zoning map amendment changing 679 – 71st Street (SBL 160.43-1-57) and 676 – 72nd Street (SBL 160.43-1-32) from R-1C Residential – Detached Single to C-3 General Commercial.

Yeas	5
Nays	0
	ADOPTED

CONTRACT: GRASS CUTTING, K.J. SMITH

Agenda Item #24

The City has an agreement in place with K.J. Smith to cut grass on an as-needed basis on City owned properties, including vacant lots. The sum of $15,000.00 is available for that purpose from tourism funds. It is proposed that amount be transferred to budget line A.8510.0000.0449.080 for this purpose.

Will the Council so approve and authorize the Mayor to execute any agreements required in order to accomplish this?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: JAYNE PARK PLAYGROUND PROJECT, KOMPAN, INC.

Agenda Item #25

It is the administration's recommendation that the Niagara Falls City Council approve of a proposal from Kompan, Inc. for equipment and installation related to the Jayne Park Playground Project. The Jayne Park Playground project will not require any municipal general fund or casino capital fund revenue. The entire project, including the purchase of equipment and installation, will be funded by a $200,000 Niagara River Greenway Grant. The Niagara Falls City Council approved of this grant earlier this year.

The Niagara Falls Community Development Department released a Request for Proposal (RFP) to establish a contract with a qualified vendor(s) to provide price proposals for the procurement of specific playground equipment and the installation of that equipment and safety surfacing in June 2018. Proposals were due on July 11, 2018. Kompan was the only respondent. This is a walk on request because full review response was completed after the agenda due date. The Niagara Falls Community Development Department is requesting walk on approval because the City Council is recessing for August. The goal is to complete this project in 2018, and loss of August would make that goal much more difficult. The Niagara Falls Community Development Department employed a similar RFP method for the completion of the Gill Creek Playground in 2013. The proposed playground will replace the existing, outdated facility, and will be located within the park. The design reflects input from area residents over the past two years.

Will the Council vote to approve the proposal presented herein and to authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: 91ST STREET PLAYGROUND PROJECT, KOMPAN, INC.

Agenda Item #26

It is the administration's recommendation that the Niagara Falls City Council approve of a proposal from Kompan, Inc. for equipment and installation related to the Jayne Park Playground Project. The 91st Street Playground project will not require any municipal general fund or casino capital fund revenue. The entire project, including the purchase of equipment and installation, will be funded by a $200,000 Niagara River Greenway Grant. The Niagara Falls City Council approved of this grant earlier this year.

The Niagara Falls Community Development Department released a Request for Proposal (RFP) to establish a contract with a qualified vendor(s) to provide price proposals for the procurement of specific playground equipment and the installation of that equipment and safety surfacing in June 2018. Proposals were due on July 11, 2018. Kompan was the only respondent. This is a walk on request because full review response was completed after the agenda due date. The Niagara Falls Community Development Department is requesting walk on approval because the City Council is recessing for August. The goal is to complete this project in 2018, and loss of August would make that goal much more difficult. The Niagara Falls Community Development Department employed a similar RFP method for the completion of the Gill Creek Playground in 2013. The proposed playground will replace the existing, outdated facility, and will be located within the park. The design reflects input from area residents over the past two years.

Will the Council vote to approve the proposal presented herein and to authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

RESOLUTION: RON'S PLACE FOR HAIR, HONORING, 2018-76
BY: ALL COUNCIL MEMBERS

Agenda Item #27

WHEREAS, Ron and his wife Gene moved from England to Niagara Falls, NY in 1963. Ron started cutting hair when he was only 14 years old; and

WHEREAS, Ron was renting a space on Main Street (now the Ice Bridge) from Tony Masocco. He did not stay very long until buying Pine Barber Shop's book of business in 1964 located at 2910 Pine Avenue Niagara Falls, NY; and

WHEREAS, Ron ended up purchasing the building and has been on Pine Avenue since 1964. Ron is now 80 years old and has been cutting hair over 60 plus years in the City of Niagara Falls, NY; and

WHEREAS, Ron's wife Gene, daughter Donna, son Scott, granddaughter Chelsea, and grandson Zachary have all worked for Ron at some point in time. Ron's granddaughter Chelsea is still cutting hair today and owns Chelsea Salon & Day Spa located at 1114 Haeberle Ave in Niagara Falls, NY. Ron and Gene also have an (inherited great-grandson) Jason who has been working in the business since he's been 18 years old; and

WHEREAS, Mark Hager has known Ron and his family since he was 13 years old. "I have been able to know him on a personal level as well as a professional one. He really made me feel like family. I have had the privilege of working alongside of him for the last 22yrs. His work ethic is unsurpassed and it shows, having been in business for over 50yrs. Ron is one of the most generous, genuine and humble men I know. He has helped me and many others make a career. They really broke the mold when they made him. Just an all-around great guy"; and

WHEREAS, Maria "Rosati" Faso has been working for Ron since 1990. Maria mentioned one of the famous sayings Ron would tell his customers was "we aim to please". "I've never worked anywhere that was so family oriented and welcomed. Never any conflicts and great atmosphere!" Ron retired in December 2017 and Mark Hager purchased the business in 2016; and

WHEREAS, Ron went through several expansions over the years on Pine Avenue. He also taught several local union barbers how to style hair that was taught to him in England.

WHEREAS, When Ron started off in 1963, it was only himself and one other barber chair; and

WHEREAS, today, Ron's Place For Hair has a total of eight chairs and six employees offering everything from men's haircuts to women's full cut, color and shampoo services; and

WHEREAS, Ron was on the Executive Committee of the Barber's Union and has been voted "Barber of the Year Award" from the local Chamber of Commerce, "Barber of the Year" from the Pine Ave Business Association, and "Barber of the Year" from the Barbers Union.

WHEREAS, Ron sponsored several youth programs over the years as a way of giving back to the local community.

NOW, THEREFORE, BE IT RESOLVED that this City Council does herby honor Ron's Place For Hair for his many years of service to Niagara Falls. We wish him a wonderful and happy retirement.

Yeas 5
Nays 0
ADOPTED

RESOLUTION; RAPIDS BASEBALL TEAM, HONORING, 2018-77
BY: ALL COUNCIL MEMBERS

Agenda Item #28

WHEREAS, The 10-and-under Niagara Falls Rapids won the Cal Ripken bracket of the Battle at the Falls tournament, cruising through the semifinals and championship after dropping two pool games; and

WHEREAS, the championship was all local, with the Rapids besting the Niagara Jr. Thunderwolves, 14-7. Anthony Littere and Adam Perry both had two hits and scored twice, while Nate Malaney notched a two-run double; and

WHEREAS, To get there, The Rapids mercy-ruled the Greece Tornados, 10-0, in the semifinals, with Xavier Nutefall swatting a home run for the final run. Littere, Nick Ligammari and Jackson Rodriguez all had two hits; and

WHEREAS, NF went 1-2 in pool play, beating the Fieldhouse Bucs, 10-3, and falling to the NT Americans and Diamond Pro, 7-1, and 11-3; and

WHEREAS, Littere and John Touma combined for a four-hitter in the win, striking out 14. Payton Hutchinson broke a 3-all tie with a two-out, bases-loaded single that plated a pair. Littere and Ligammari both had two hits again, with Littere adding a triple; and

WHEREAS, Malaney singled and scored the only run in the loss to NT, while Perry tripled and scored twice against Diamond Pro.

WHEREAS, The Niagara Falls Rapids 10-and-under 2018 baseball team consists of Manager Jim Hutchinson, Coaches Tim Malaney, Nick Ligammari and Jason Brady. Players include Xavier Nutefall, Ryan Brady, Johnathan Touma, Adam Perry, Mason Malaney, Jackson Rodriguez, Peyton Hutchinson, Peter Carlo, Cole Walton, Nick Ligammari, Anthony Littere, and Nathan Malaney.

NOW, THEREFORE, BE IT RESOLVED that this City Council does herby honor the Niagara Falls Rapids 10-and-under baseball team for winning the Cal Ripken bracket of the Battle.

Yeas	5
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 8:40 P.M.

Lisa A. Vitello
City Clerk

July 25, 2018

SPECIAL COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

July 23, 2018

Members of the City Council
and
Lisa Vitello, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on Wednesday, July 25, 2018 at 4:30p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. Review and act on a Proposed Inter-Municipal Agreement with the City of North Tonawanda and the Town of Wheatfield regarding applying for funding and construction of a connecting Greenway Trail.

Respectfully submitted,

Andrew Touma, Chair

William Kennedy

Ezra Scott, Jr.

Kenny Tompkins

Christopher Vocchio

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Present: Council Members William Kennedy, Ezra Scott, Jr. Christopher Voccio, Chairman Andrew Touma.
Absent: Council Member Kenny Tompkins

Also Present: Mayor Paul Dyster, City Administrator, Nicholas Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello.

CONTRACT: INTER-MUNICIPAL AGREEMENT, NORTH TONAWANDA/TOWN OF WHEATFIELD, FUNDING/CONSTRUCTION OF A CONNECTING GREENWAY TRAIL

Agenda Item #1

Council Member Voccio moved that the communication be received and filed and the recommendation approved.

Yeas	4
Kennedy, Scott, Voccio, Chairman Touma	
Nays	0
Absent	1
Tompkins	

APPROVED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 5:25 PM.

Lisa A. Vitello
City Clerk

AUGUST 7, 2018

SPECIAL COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

LISA

City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

August 3, 2018

Members of the City Council
and
Lisa Vitello, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on Tuesday, August 7, 2018 at 5:00 p.m. at Niagara Falls City Hall Council Chambers, Niagara Falls, New York relative to the following:

1. Resolution regarding Supplemental Agreement No. 1 with NYSDOT PIN 5761.57 - Buffalo Avenue Cayuga Drive to 102nd Street.

2. Approval of Change Order No. 1 - Consultant Services for NYSDOT Locally Administered Federal Aid Project Cayuga Drive Resurfacing – PIN 5761.62

3. Approval of Letter of Award – PIN 5761.62 – Cayuga Drive Resurfacing

4. Approval of funding for boiler for dehumidification system at Hyde Park ice rink

Respectfully submitted,

Andrew Touma

Andrew Touma, Council Chair

RECEIVED
CITY OF
NIAGARA FALLS
CLERK'S OFFICE
2018 AUG -3 PM 2:30

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The August 7, 2018 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Touma at 5:00 PM in the Council Chambers.

Present: Council Members William Kennedy, Kenny Tompkins, Christopher Voccio, Chairman Andrew Touma.
Absent: Council Member Scott

Also Present: City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

RESOLUTION: MARCHISELLI PROGRAM-AID ELIGIBLE COSTS, BUFFALO AVE; CAYUGA DRIVE TO 102ND STREET, 2018-87
BY: COUNCIL MEMBER SCOTT, CHAIRMAN TOUMA

Agenda Item #1

WHEREAS, a Project for the Buffalo Ave. (Rt. 384); Cayuga Drive to 102nd Street, P.I.N. 5761.57 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs 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 Buffalo Ave. (Rt. 384); Cayuga Drive to 102nd Street, Preliminary Engineering (Design I-VI) and Construction/Construction Inspection, phase 3.

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

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

RESOLVED, that the City Council hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the federal and non-federal share of the cost of work for the Project or portions thereof; and it is further

RESOLVED, that funds are hereby re-appropriated from Buffalo Avenue Phase 1 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 full federal and non-federal share costs of the project exceeds the amount appropriated above, the City Council of Niagara Falls shall convene 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 the 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 therefore 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, this Resolution shall take effect immediately.

Yeas	4
Kennedy, Tompkins, Voccio, Chairman Touma	
Nays	0
Absent	1
Scott	

ADOPTED

CONTRACT: NYSDOT ADMINISTERED FEDERAL AID PROJECT, CAYUGA DR. RESURFACING, CONSULTANT SERVICES, GREENMAN PEDERSEN

Agenda Item #2

A contract for the above reference project was awarded to (GPI) Greenman Pedersen, Inc. on September 5, 2017 for professional services and design related tasks. Change Order #1 is to add funding for the tasks associated with Construction Support Services and Construction Inspection to the consultant's current contract.

Therefore it is the recommendation of the undersigned, that Change Order #1 in the amount of $77,000.00 be approved.

Please note that the City is receiving 100% reimbursement from Federal Highway Administration, and New York State DOT up to a total project cost (including all Construction) of $1,110,000.00.

Will the Council vote to so approve, subject to receipt of signed funding agreements from New York State Department of Transportation, and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 4
Kennedy, Tompkins, Voccio, Chairman Touma
Nays 0
Absent 1
Scott

APPROVED

CONTRACT: CAYUGA DRIVE RESURFACING, 4TH GENERATION CONSTRUCTION INC.

Agenda Item #3

The following was the result of bids received on July 19, 2018, for the above referenced project.

CONTRACTOR	BASE BID
4th Generation Construction, Inc. 5650 Simmons Ave. Niagara Falls, NY 14304	$968,000.00
LJ Quigliano II, Inc.	$1,039,153.32

It is the recommendation of the undersigned that this project be awarded to the lowest responsible bidder 4th Generation Construction, Inc. at the base bid of $968,000.00.

Funding is through the Federal Highway Administration and New York State DOT with an 100% reimbursement back to the City up to a total project cost (including Construction Inspection) of $1,110,000.00.

Will the Council vote to so approve, subject to receipt of signed funding agreements from New York State Department of Transportation, and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 4
Kennedy, Tompkins, Voccio, Chairman Touma
Nays 0
Absent 1
Scott

APPROVED

DEPARTMENT OF PUBLIC WORKS: ICE PAVILION, BOILER FOR DEHUMIDIFICATION SYSTEM, REPLACEMENT, FUNDING

Agenda Item #4

The Director of the Department of Public Works is recommending that the boiler for the dehumidification system at the Ice Pavilion be replaced. The cost of a replacement unit is $16,149.32 as per the attached estimate (on file in the City Clerks Office).

Funding for this replacement is available in capital code H0819 which is funding reserved for repairs/updates at the Ice Pavilion.

Will the Council so approve and authorize the Mayor to execute any documents necessary in order to move this forward?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	4
Kennedy, Tompkins, Voccio, Chairman Touma	
Nays	0
Absent	1
Scott	

APPROVED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 5:30 PM.

Lisa A. Vitello
City Clerk

SEPTEMBER 5, 2018

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The Legislative session of the September 5, 2018 Niagara Falls City Council Meeting was called to order by Council Chairman Touma at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Christopher Voccio, Chairman Andrew Touma

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello.

Council Member Voccio said the Prayer and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Council Member Tompkins moved to approve the Minutes from the Council Meeting July 18, 2018, Special Council Meeting of July 25, 2018, Special Council Meeting of August 7, 2018.

Yeas	5
Nays	0
	APPROVED

Presentations: Dawn Timm gave a presentation on the refuse and recycling RFP review.

Chief Bryan DalPorto gave a presentation on crime statistics. (GIVE Initiative)

Presentation honoring Joe Cale and Joe Colavecchia on their retirement from their barber business.

City Controller Report: Dan Morello gave an update on parking revenue.

Mayor Paul Dyster gave an update on paving, the Robert Moses Parkway project, the closure of Whirlpool St., CSX crossings, and the Lockport Road Project.

Councilman Kenny Tompkins made a motion to amend item # 23 to move the item to the beginning of the meeting. The motion was seconded by Councilman Kennedy.

Yeas	5
Nays	0
	The item was amended and moved

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Sylvia Virtuoso	Agenda Item #27
Pat Proctor	Agenda Items #14, #22
Ron Anderluh	Parking Enforcement
Tim Huether	Tourism
Ruth Knepp	Various
Lucy Martelli	Thank you to Council
Dave Houghton	Mission Rescue
Mary Lawton	Taxes
Joel D'Aloise	Traffic Signs
Diane Tattersall	Garbage

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF JULY 2018
Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

CITY CLERK CLAIMS FOR THE MONTH OF JULY 2018
Agenda Item #2
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

PLANNING BOARD: INFORMATIONAL ITEM, JULY 25, 2018 MEETING
Agenda Item #3
THIS ITEM WAS RECEIVED AND FILED

CONTRACT: ACTURIAL EQUIVALENCE TESTING, MILLIMAN INC.

Agenda Item #4

The City Controller is recommending that the City retain the services of Milliman, Inc. ("Milliman") to perform actuarial equivalence testing in connection with the retiree drug subsidy. Milliman has much experience in this area and has worked in the past with Blue Cross and Blue Shield. Attached (on file in the City Clerk's Office)is a copy of the engagement contract. The reports Milliman generates will likely result in the City receiving subsidy payments from the federal government. The cost of these actuarial services is $5,000.00 for calendar year 2019. Funding is available from the City Controller's budget line number A.1315.0000.0451.000.

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

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

PURCHASE: DEHUMIDIFICATION SYSTEM AT ICE PAVILION, REPLACEMENT BOILER, VP SUPPLY CORP

Agenda Item #5

During a Special City Council meeting held on August 7, 2018, the City Council approved the purchase of a replacement boiler unit in the amount of $16,149.32. Since that time, additional estimates have been obtained and it has been determined that a replacement boiler unit is available for $2,211.70 less. It is therefore requested that the City Council rescind the resolution of approval dated August 7, 2018 to purchase a replacement unit.

Estimates have now been obtained from three (3) different suppliers. A replacement boiler unit is available from VP Supply Corp., 2240 Harlem Road, Cheektowaga, NY for a price of $13,937.62.

Will the Council rescind its resolution dated August 7, 2018 and authorize the purchase of a replacement boiler from VP Supply Corp. in the amount of $13,937.62 and authorize the Mayor to execute any documents required to complete this transaction?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

NYDOT: OCCUPANCY PERMIT FOR GREENWAY PATH ADJOINING THE LASALLE ARTERIAL

Agenda Item #6

Attached (on file in the City Clerk's Office) is a copy of the above referenced Use and Occupancy Permit to allow the construction of the Greenway Path along a portion of LaSalle Arterial right-of-way.

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

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: BILLING/COLLECTION SCHOOL TAXES, 2018-2019

Agenda Item #7

In prior years, the City has had an agreement in place with the City School District of the City of Niagara Falls ("the School District") which provides for the City to perform the necessary services each year to bill and collect School District property taxes. It is requested that this agreement be renewed for the 2018 – 2019 School District tax year. In consideration for the performance of the services, the City will be paid the sum of $63,807.34 by the School District with an increase in the amount of the Regional Northeast CPI for calendar year 2018 when it has been determined; this amount also includes the cost of postage.

Will the Council so approve and authorize the Mayor to execute an agreement which is in form and substance satisfactory to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: DESIGN/BID PHASES OF PSAP, CONSULTANT SERVICES, CHANGE ORDER #1, WENDEL COMPANIES

Agenda Item #8

A contract for the above reference project was awarded to Wendel Companies, 375 Essjay Road, Suite 200, Williamsville, NY, on December 26, 2017 for a Grant Application Phase and Services related to future phases.

Change Order #1 covers Professional Engineering Services for Design, Contract Documents and Engineering Services associated with bidding and award of the contract.

The PSAP project is being implemented cooperatively by New York State DOT focusing on engineering improvements that will upgrade existing City pedestrian crossing's to the new Federal /State safety standards. The City has received a Grant Award totaling $98,000.00 for this phase of the project.

It is the recommendation of the undersign that this Phase of work be awarded to Wendel, Inc. at a not to exceed cost of $100,880.00

The City's funding match for Change Order #1 will be a cost of $2,880.00, which the City Council has already allocated at the meeting on March 15, 2018.

Therefore, it is the recommendation of the undersigned that this $100,880.00 Change Order #1 be approved. Will the council vote to so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: LEAD SERVICE REMOVAL PROJECT, J.R. SWANSON PLUMBING HEATING & COOLING

Agenda Item #9

Formal quotes for municipally-licensed plumbers were solicited and received in the City Engineer's office for residential water service replacements on August 7, 2018.

The successful firm at a lump-sum, not-to-exceed amount of $4,500.00 was:

J.R. Swanson Plumbing Heating & Cooling
413 103rd Street
Niagara Falls NY 14304

It is important to note that all costs are fully reimbursable via an existing agreement between the City and the New York State Health Department.

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

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: POWER CITY BUILDING, PARKING

Agenda Item #10

The owners of the Power City Building request to purchase three (3) parking permits for the Third Street Lot and two (2) parking permits for the Third/Niagara Lot. The terms and conditions pertaining to the purchase and use of these parking permits are detailed in the attached (on file in the City Clerk's Office) agreement which is similar to other agreements that have been recently executed with various parties. The owners of the Power City Building need only five (5) permits because the majority of their tenants have individually arranged for the purchase of monthly parking permits directly with the Department of Public Works.

Will the Council so approve and authorize the Mayor to execute the attached (on file in the City Clerk's Office) parking agreement?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: ORLEANS/NIAGARA BOCES TRAINING

Agenda Item #11

The City awarded $210,000 in CDBG funds to Orleans/Niagara BOCES to provide Career and Technical Education and Adult Secondary Programs, as well as LPN, Certified Nursing Assistant, and Home Health Aide training through their Health Sciences Career programs, in their new location at 606 Sixth Street.

The original agreement specifies a requirement that the grant be fully disbursed by December 31, 2018. Because construction on the Sixth Street location was completed later than anticipated, Orleans/Niagara BOCES has requested that their agreement be extended to August 31, 2019. This amendment to the agreement would not entail changes to funding amounts or other compliance requirements.

Will the Council vote to approve the proposal presented herein and to authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

COMMUNITY DEVELOPMENT: HUD CDBG FUNDS, COMPLETION OF PARK IMPROVEMENTS

Agenda Item #12

The Community Development Department has undertaken an aggressive plan of park improvements throughout the City of Niagara Falls, and now seeks to complete three of its four remaining major park improvements projects. This council agenda item would commit $231,409.00 from several CDBG sources to fund the completion of three park projects.

Subsequent to the commitment of CDBG funds to the construction of a permanent bathroom facility at Gill Creek Park, it was decided that the project Gill Creek would be too costly to be feasible using CDBG dollars, and that mobile restroom facilities would pose cost eligibility issues with regard to the HUD CDBG program. The 2015 Hyde Park Playground improvements have been completed, and this transfer will enable NF CD to close out the project. CD's Single Family Rehab budget was increased significantly in the 2018 Action Plan, and this transfer would still allow the Department's Rehab Unit to complete all projected rehab projects through the city's anticipated receipt of 2018 CDBG funds. CDBG program income may be dedicated to any CDBG-eligible activity, and must be spent ahead of HUD's June 2019 spenddown deadline. This transfer will aid in compliance with that requirement, though a percentage of program income is being retained to pay administrative costs.

Project	Current Balance	Proposed Change	Proposed Final Allocation
NF CD Single Family Rehab	$120,927.56	($50,000.00)	$70,927.56
Gill Creek Improvements	$94,674.67	($94,674.67)	$0.00
CDBG Program Income	$95,180.75	($80,540.99)	$14,639.76
2015 Hyde Park Playground	$6,193.34	($6,193.34)	$0.00
Liberty Park PB360	$127,000.50	$43,749.50	$170,750.00
Hyde Park Inclusionary Play Pod	$75,000.00	$63,059.50	$138.059.50
Hyde Park Baseball Diamonds	$43,002.50	$124,600.00	$167,602.50

This item commits no general fund dollars to these projects, and leverages nearly a quarter of a million dollars in outside grant funding from four separate foundations who have supported Community Development's park improvements and programming.

Will the Council vote to approve this item and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

COMMUNITY DEVELOPMENT: PUBLIC DISCLOSURE OF EXCEPTION REQUEST

Agenda Item #13
THIS ITEM WAS RECEIVED AND FILED

PURCHASE: CITY TREES, CHRISTMAS LIGHTS, FUNDING

Agenda Item #14

In an effort to improve the appearance of the downtown portion of the City during the holiday season and also to enhance the City's Jingle Falls celebration, it is requested that the City purchase LED lighting for the City trees on both sides of Third Street from Main Street to Rainbow Boulevard. Estimates are being obtained from various vendors. It is estimated that the cost of these lights and ancillary equipment will not exceed the sum of $30,000.00.

Funding is available from tourism fund balance.

Will the Council so approve?

Council Member Tompkins moved that the communication be Tabled.

Yeas 4

Kennedy, Scott, Tompkins, Chairman Touma

Nays 1

Voccio

THIS ITEM WAS TABLED

CONTRACT: D'AMELIO PARK PLAYGROUND INSTALLATION, CHANGE ORDER #3/FINAL, GARDENVILLE LANDSCAPE & NURSERY

Agenda Item #15

A contract for the above referenced project was awarded to Gardenville Landscape & Nursery LLC, 3069 Clinton St. West Seneca, New York on May 16, 2016 in the amount of $56,318.60. On December 27, 2016 Change Order #1 was approved in the amount of $0, and on December 26, 2017 Change Order #2 was approved in the amount of $55,318.60, bringing the contract total to $111,603.60.

Prior to the start of the actual equipment installation, changes were requested by a previous City Councilman for both the complete restoration of the initial playground site, as well as the testing and preparation of an acceptable alternate. Costs associated with the restoration and additional preparatory work will total $30,721.90, bringing the final contract amount to $142,325.50.

Funding to cover this change order will be covered via Greenway funding provided by Niagara County in the amount of $11,167.44. The remaining $19,554.46 will be utilized from the City's tribal revenue reserves.

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

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 4

Scott, Tompkins, Voccio, Chairman Touma

Nays 1

Kennedy

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

MAYOR'S APPROVAL OF RESOLUTIONS 2018-81 AND 2018-86

Agenda Item #16

THIS ITEM WAS RECEIVED AND FILED

SECONDHAND DEALER LICENSES: APPLICATIONS

Agenda Item #17

Chapter 338 of the Codified Ordinances states: "338.03…City Council may grant a license to carry on the business of secondhand dealer within the City…"

The following has submitted an application for a secondhand dealer license. These applications have been approved by the Niagara Fall Police Department.

Niagara Metals, LLC
4861 Packard Rd
Niagara Falls, NY 14304

Niagara Coin & Collectables
509 Third St
Niagara Falls, NY 14301

Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

COMMISSIONER OF DEEDS, APPOINTMENT

Agenda Item #18

The following have requested City Council approval for Commissioner of Deeds for a term from October 1, 2018 to September 30, 2022.

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

Matthew Davis II 1317 Ashland Ave., Niagara Falls, NY 14303

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: BROOKS, HAZEL

Agenda Item #19

Date Claim Filed:	June 18, 2018
Date Action Commenced:	N/A
Date of Occurrence:	June 15, 2018
Location:	2958 North Avenue
Nature of Claim:	DPW worker was cutting grass on City property and a stone flew out and hit the window and broke it 2958 North Avenue.
City Driver:	N/A
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$217.68
Make Check Payable to:	Hazel Brooks
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?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CLAIM: ACCADIA SITE CONTRACTING, INC.

Agenda Item #20

Date Claim Filed:	N/A
Date Action Commenced:	May 28, 2013
Date of Occurrence:	On or about April 9, 2013
Location:	Lewiston Road reconstruction project.
Nature of Claim:	Defamatory comments allegedly made by then City Engineer on or about April 9, 2013 Regarding Plaintiff's conducting of a soil compaction test during Lewiston reconstruction project.
Status of Action:	Litigation
Recommendation/Reason:	Settlement reached pursuant to Court supervised settlement discussions.
Amount to be Paid:	$75,000.00
Make Check Payable to:	Accadia Site Contracting, Inc.
Conditions:	Settlement Agreement and 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?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CLAIM: PROGRESSIVE SUBROGATION A/S/O STRAUB, ROBERT

Agenda Item #21

Date Claim Filed:	July 10, 2018
Date Action Commenced:	N/A
Date of Occurrence:	April 15, 2018
Location:	800 Niagara Avenue (Wrobel Towers)
Nature of Claim:	City vehicle slid on ice and struck a parked vehicle.
City Driver:	Michael Colangelo
Status of Action:	Claim Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$2457.66
Make Check Payable to:	Progressive a/s/o Robert Straub.
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?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

RESOLUTION: OCCUPANCY TAX REVENUE, USE OF
BY: COUNCILMEMBER VOCCIO

Agenda Item #22

WHEREAS, this City Council believes that the occupancy tax paid by persons occupying hotel and motel rooms in the City, including tourists and visitors to City hotels and motels, was intended to be used to foster continued tourism activity.

WHEREAS, the occupancy tax is a source of revenue from persons occupying hotel and motel rooms in the City, including non-residents and visitors to our community, who stay at lodging establishments in the City.

WHEREAS, cities across the country utilize occupancy tax revenues to enhance the tourism experience, just as this City Council believes the occupancy tax was originally intended to do.

WHEREAS, the tourism industry is now the City's largest industry and investments to further develop this sector of the City's economy are good for the City's residents and local businesses.

WHEREAS, by law, out of the first 4% of the collected occupancy tax revenues that accrue to the City, with 80% of such revenues are allocated to Destination Niagara and 5% of such first 4% are allocated to City government's collection and administration of the occupancy tax revenues, leaving 15% of such revenues to be retained by the City of Niagara Falls for any City purpose.

WHEREAS, concerning the above-referenced 15% to be retained by the City for any City purpose, this City Council believes that, regardless of how the local law is written, this City Council recognizes the importance of the tourism industry to the City and the region, and recognizes the importance of investing this 15% in items that will foster tourism activity within the City and region.

NOW, THEREFORE, BE IT RESOLVED, it is the policy of this City Council that the 15% of occupancy tax revenues referenced above shall be allocated to items that will enhance tourism, and furthermore all requests from entities for any portion of such revenues must be submitted via an application process administered by the City Clerk's office, and furthermore the City Council's Tourism Advisory Board should review all such applications and issue recommendations to the Council who will vote on the appropriations.

Yeas 1
Voccio
Nays 4
Kennedy, Scott, Tompkins, Chairman Touma

THIS ITEM WAS DEFEATED

RESOLUTION: CALE, JOE AND COLAVECCHIA, JOE, HONORING, 2018-88
BY: ALL COUNCIL MEMBERS

Agenda Item #23

WHEREAS, Joe Colavecchia and Joe Cale were born and raised in Niagara Falls, NY and knew each other from Niagara Falls High School. They've spent decades cutting hair in side-by-side chairs in their 19th Street barbershop, and the customers will miss them; and

WHEREAS, Colavecchia once had a shop at 1112 19th Street until his landlady died. He moved his equipment down the street to the current shop between Pine and Walnut Avenues, where he's been for 32 years; and

WHEREAS, Colavecchia got his training fresh out of high school at Firestone Barber Shop, which used to be at 619 Pine Avenue and was owned by two barbers, Joe Parise and John Cullen. "I was there 10 years and they taught me more than hair cutting," Colavecchia said. Cale also worked there, but it was after Colavecchia had moved on; and

WHEREAS, Cale worked off and on at a shop at 1503 Pine Avenue for 31 years until it burned down and he came to work with Colavecchia on 19th Street. Cale jokes that Colavecchia burned down the shop so that Cale would have to move to their current location; and

WHEREAS, In return, Colavecchia jokes that before Cale joined him, "I used to have a full head of hair. He was here two months and I had open heart surgery and lost all my hair."; and

WHEREAS, Jokes aside, both men are sad to leave their business. "We're going to miss the people. They're part of our lives," Cale said. Beyond their customers, they've enjoyed watching the daily activity on 19th Street; and

WHEREAS, "I love it here. We keep our windows clean because something new happens every day," Cale joked. "You have to see it to believe it," he added; and

WHEREAS, While some things they see out their window are occasionally unpleasant, as expected in an urban neighborhood, good things happen on 19th Street, too; and

WHEREAS, "We saw a wedding across the street at the Sikh Temple. They rode (the bridal couple) in on horses. It was really a nice event," Cale said; and

WHEREAS, Colavecchia plans to deal with some health issues and then concentrate on enjoying life with his wife of 41 years, Patricia, with whom he shares five adult children and their families; and

WHEREAS, Cale plans to spend more time with his wife Andrea, their two daughters, three grandchildren and three great grandchildren; and

WHEREAS, when asked who is going to cut his hair, Colavecchia nodded toward Cale and laughed. "Him. We're not getting divorced. We're going to take care of each other."; and

WHEREAS, there are a few regrets. "The only thing I regret," said Cale, "is that we didn't get together from the beginning."

NOW, THEREFORE, BE IT RESOLVED that this City Council does herby honor Joe Cale and Joe Colavecchia for their many years of service to Niagara Falls. We wish them both a wonderful and happy retirement.

Yeas 5
Nays 0
ADOPTED

THIS ITEM WAS MOVED TO THE BEGINNING OF THE COUNCIL MEETING

RESOLUTION: SAFE AT HOME CONFERENCE, PARKING FEE WAIVER, 2018-89
BY: COUNCIL MEMBERS SCOTT, TOMPKINS, VOCCIO, CHAIRMAN TOUMA

Agenda Item #24

WHEREAS, the Child Advocacy Center of Niagara along with Niagara County Family Violence Intervention Project is sponsoring "Safe at Home" conference to be held Tuesday, October 16, 2018 at The Conference and Event Center in Niagara Falls, New York (request on file in the City Clerk's Office); and

WHEREAS, the conference features national and regional experts to address emerging trends and practical issues in the field of family and interpersonal violence. We anticipate attendance of approximately 200 professionals in law enforcement, human services, child welfare, health care and other organizations serving children and families.

NOW, THEREFORE, BE IT RESOLVED that this city council does herby waive the parking fees for the Safe at Home conference to be held on Tuesday, October 16, 2018 at The Conference and Event Center in Niagara Falls from 8:30a.m. – 4:00p.m.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: TRANSPORTATION FEDERAL-AID PROJECT, PIN 5761.62, FUNDING, 2018-90
BY: COUNCIL MEMBERS KENNEDY, SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #25

WHEREAS, a Project for the Cayuga Drive: Tuscarora Road to Niagara Falls East City Line P.I.N. 5761.62 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs 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 Project's Construction/Construction Inspection phases of Cayuga Drive: Tuscarora Rd. to Niagara Falls East City Line PIN 5761.62.

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

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

RESOLVED, that the City Council hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the federal and non-federal share of the cost of work for the Project or portions thereof; and it is further

RESOLVED, that the sum of $48,000 is hereby appropriated from capital funds reserved for road reconstruction projects 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 full federal and non-federal share costs of the project exceeds the amount appropriated above, the City Council of Niagara Falls shall convene 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 the 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 therefore 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, this Resolution shall take effect immediately.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: TRANSPORTATION FEDERAL-AID PROJECT, PIN 5762.67, FUNDING, 2018-91
BY: COUNCIL MEMBERS KENNEDY, SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #26

WHEREAS, a Project for the City of Niagara Falls PSAP, 1 Uncontrolled & 17 Signalized Locations, PIN 5762.67 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs 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 Project's Preliminary Engineering (Design I-VI) phases of the Project.

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

RESOLVE, that the City Council hereby approves the above-subject Project; and it is hereby further

RESOLVED, that the City Council hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the federal and non-federal share of the cost of work for the Project or portions thereof; and it is further

RESOLVED, that the sum of $2,880 is hereby appropriated from capital funds previously designated for this Project 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 full federal and non-federal share costs of the project exceeds the amount appropriated above, the City Council of Niagara Falls shall convene 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 the 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 therefore 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, this Resolution shall take effect immediately.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: "BUSINESS LICENSES", ADDING CHAPTER 308 OF THE CODIFIED ORDINANCES, 2018-92
BY: ALL COUNCIL MEMBERS

Agenda Item #27

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Chapter 308 of the Codified Ordinances entitled "Business Licenses" is hereby added to read as follows:

COPY ATTACHED (on file in the City Clerk's Office).

Yeas 5
Nays 0

ADOPTED

RESOLUTION: "TOWING-RULES AND REGULATIONS", AMENDING CHAPTER 502 OF THE CODIFIED ORDINANCES, 2018-93
BY: ALL COUNCIL MEMBERS

Agenda Item #28

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Chapter 502 of the Codified Ordinances entitled "Towing - Rules and Regulations" is hereby amended to read as follows:

. . .

502.07 Annual license fee.

A. Prior to approval or re-issuance of a letter of authorization, an authorized towing service shall remit an annual license fee of one thousand dollars ($1,000.00) to the city. In addition to the annual license fee of one thousand dollars ($1,000.00), an authorized towing service shall remit to the City the sum of twenty-five dollars ($25.00) for each vehicle towed on behalf of the Niagara Falls Police Department. Said additional amounts shall be invoiced monthly to each authorized towing service. In addition to the fees for services provided in Section 502.14 of this chapter, an authorized towing service may include this additional twenty-five dollar ($25.00) amount in its charge for towing services as described in Section 502.14 of this chapter. On or after April 26, 2018, an authorized city towing service shall be required to remit the annual license fee upon expiration of its current letter of authorization and the re-issuance of a letter of authorization. (Amended 4/26/18)

. . .

Bold and Underline Indicate Additions
Bold and Brackets Indicate [Deletions]

Yeas	5
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 9:20 P.M.

Lisa A. Vitello
City Clerk

SEPTEMBER 19, 2018

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The Legislative session of the September 19, 2018 Niagara Falls City Council Meeting was called to order by Council Chairman Touma at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Christopher Voccio, Chairman Andrew Touma

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello.

Council Chairman Touma said the Prayer and led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

John Kane	Garbage Tax
Lynn Wiley	Garbage Tax
David Hambel	Taxation
Darlene Kislack	Taxes and other Budget items
Ruth Knepp	Garbage Tax
Mary Lawton	Taxes
Robert Dusen	Taxes/Garbage Fees
Joanne G.	Taxes/Garbage Fees
Dorothy West	You spent our money
Candace Corsaro	Garbage Tax
Jockline Pryor	State of the City
Rexfred T. Chambers, Sr.	Garbage Tax
Ross T.	Garbage Tax
Joyce Sanders	Garbage Tax
Gloria Dolson	Garbage Tax

Presentations:

Susan Swiatkowski, Tourism Development Manager, presented Council with a quarterly report.

Patti Wrobel, from Niagara University, gave Council a presentation on the South End Housing Project.

City Administrator- Administrative Update:

Nicholas Melson, City Administrator, gave an update on the CSX crossing on Hyde Park Blvd.

The Administrator gave a list of streets which are currently being paved. An update on the College Avenue Bridge and the Robert Moses Parkway removal project.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CLAIM REPORT FROM THE CITY CLERK FOR AUGUST 2018

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: WORKER'S COMPENSATION CLAIMS, NORTHEAST ASSOCIATION MANAGEMENT

Agenda Item #2

Since 2005, the City's Workers' Compensation claims have been handled by the Public Employees Risk Management Association ("PERMA"). This includes both claims existing prior to 2005 and the claims that have arisen since joining PERMA in 2005.

The pre-2005 claims have been handled through PERMA's affiliated entity Northeast Association Management, Inc. ("NEAMI") as the third party administrator for the claims. Recent changes by the Workers' Compensation Board required that the City enter into a separate agreement with NEAMI to provide this service.

This is handled on a yearly basis beginning on September 1 of each year.

It is now time to enter into a renewal agreement with NEAMI for the September 2018 to September 2019 year. The claims will continue to be handled on the same basis and it is recommended that the Council authorize the Mayor to execute an agreement with NEAMI in a form acceptable to the Corporation Counsel.

Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

POLICE DEPARTMENT: MINOR REORGANIZATION

Agenda Item #3

Attached hereto (on file in the City Clerk's Office) is a copy of a page from the Administration portion of the 2018 adopted budget regarding the Niagara Falls Police Department. Code 1559 is designated for an "Administrative Assistant" with an appropriated salary of $45,000.00. This position is presently vacant.

The Superintendent of Police is requesting that this "Administrative Assistant" code 1559 be eliminated and replaced with the new position of "Special Assistant to the Superintendent of Police" with a new budget code of 1448. The salary and benefits will remain the same.

Attached (on file in the City Clerk's Office) are the new job specifications for this title which has been approved by the Municipal Civil Service Commission. The purpose of this new position is to work closely with the Superintendent in analyzing crime statistics as the Superintendent and the department deem necessary in order to properly deploy resources and apply for grants. A qualification for the position will be a Crime Analyst Certification.

It is requested that change be implemented immediately.

Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: DOG PARK, DEVEAUX WOODS STATE PARK, CREATION/OPERATION, AMENDMENT

Agenda Item #4

Please recall that during the City Council meeting held on July 5, 2018, the City Council approved an agreement between State Parks, the City and Niagara Falls Dog Park, Inc. ("NFDP") which contained the terms and conditions for the creation and operation of a Dog Park in Deveaux Woods State Park. The NFDP was to undertake certain day-to-day operations of the Dog Park such as removal of animal waste and removal of trash, recycling, etc. The agreement also provided for the NFDP to provide both State Parks and the City with an appropriate level of insurance coverage.

The NFDP has now informed State Parks and the City that it will not provide the required insurance. State Parks has advised that it will not enter into an agreement with a party that does not provide an appropriate level of insurance. Therefore, State Parks has re-drafted the proposed agreement to eliminate the NFDP as a party. In order to proceed, the City will be required to provide State Parks with a Certificate of Insurance as well as indemnify State Parks. Attached hereto (on file in the City Clerk's Office) is a copy of a proposed amended agreement without exhibits. As contemplated in Section 4(b) of the proposed amended agreement, the City may utilize the NFDP volunteers to perform the daily functions that will be required of the City such as removal of animal waste and the removal of trash, recycling, etc. Section 9 allows the City to withdraw from the agreement on thirty (30) days written notice.

Will the Council so approve and authorize the Mayor to execute the amended proposed agreement provided the same is in form and content acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CITY PROPERTY: RAINBOW BLVD., 609, DEED RESTRICTION

Agenda Item #5

In 2007 the City transferred the lot at 609 Rainbow Boulevard to the owner of 655 Rainbow Boulevard with a deed restriction that the lot be accessory to the 655 Rainbow property and restricted to parking.

Since that time there has been additional action by the Zoning Board of Appeals and the Niagara Falls Planning Board which allowed the 609 Rainbow property to be redeveloped without the necessity of the accessory parking lot.

Based upon this activity, the Planning Department has recommended that the restriction be removed. Attached (on file in the City Clerk's Office) is a copy of a memo from the Planning Department in this regard dated June 2, 2009 which has now been reaffirmed by the Acting Director of Planning, Environmental and Economic Development.

Will the Council approve the elimination of the deed restriction and authorize the Mayor to execute any deed and related documents necessary to accomplish this and as approved by the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: COMMUNITY GARDEN, GRASSROOTS GARDENS WNY

Agenda Item #6

In September 2012 the City entered into a Community Garden lease agreement with an entity named Greenprint Niagara, Inc. which is an entity that managed the various community gardens in Niagara Falls. Greenprint Niagara Inc. subsequently merged with Grassroots Gardens WNY and the community garden agreement expired by its terms in July 2017.

Grassroots Gardens WNY wishes to renew the agreement on the same terms and conditions. The initial term will be for a period of one (1) year commencing on October 1, 2018 and expiring on September 30, 2019 with four (4) consecutive renewal terms of one (1) year each. Either party may terminate the agreement on sixty (60) days notice. Attached hereto (on file in the City Clerk's Office) is a copy of the proposed agreement with Grassroots Gardens WNY.

Will the Council so approve and authorize the Mayor to execute the attached agreement (on file in the City Clerk's Office)?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

PURCHASE: LIGHTS, THIRD STREET HOLIDAY SEASON, FUNDING

Agenda Items #7 and #7a

In an effort to improve the appearance of the downtown portion of the City during the holiday season and also to enhance the City's Jingle Falls celebration, it is requested that the City purchase LED lighting for the City trees on both sides of Third Street from Main Street to Rainbow Boulevard. Estimates are being obtained from various vendors. It is estimated that the cost of these lights and ancillary equipment will not exceed the sum of $30,000.00.

Funding is available from tourism fund balance.

Will the Council so approve?

Council Member Tompkins moved that the communication be Removed from the Table and be received and filed and the recommendation approved.

Removed from the Table
Yeas 5
Nays 0
APPROVED

Received and Filed
Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

MAYOR'S APPROVAL
Agenda Item #8

Please be advised that Mayor Paul A. Dyster, on September 7, 2018, duly approved the following:

Resolution 2018-92 relative to Adding Chapter 308 of the Codified Ordinances entitled "Business Licenses"

Please be advised that Mayor Paul A. Dyster, on September 10, 2018, duly approved the following:

Resolution 2018-93, relative to Amending Chapter 502 of the Codified Ordinances entitled "Towing-Rules and Regulations"

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: GOLOMBEK, KATIE AND GARY

Agenda Item #9

Date Claim Filed:	April 10, 2018
Date Action Commenced:	N/A
Date of Occurrence:	April 4, 2018
Location:	4368 Crescent Drive
Nature of Claim:	Branch from a City tree located at 4364 Crescent Drive broke off and fell on their 2013 Subaru causing damage.
City Driver:	N/A
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$1562.75
Make Check Payable to:	Katie & Gary Golombek
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?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CLAIM: WOLF, CHRISTOPHER

Agenda Item #10

Date Claim Filed:	July 13, 2018
Date Action Commenced:	N/A
Date of Occurrence:	July 6, 2018
Location:	Parking lot next to Firehouse at 740 10th Street
Nature of Claim:	Vehicle was struck while it was parked in the parking lot and he was working.
City Driver:	N/A
Status of Action:	Claim Stage
Recommendation/Reason:	Reimbursement is recommended pursuant to section 4.13 of the Uniformed Fire Fighters Local 714 Contract
Amount to be Paid:	$500.00 (this is the deductible amount)
Make Check Payable to:	Christopher Wolf
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?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

RESOLUTION: FIRE DEPARTMENT FEES, RESCINDING CHAPTER 928, 2018-94
BY: COUNCIL MEMBERS TOMPKINS, VOCCIO, CHAIRMAN TOUMA

Agenda Item #11

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Chapter 928 of the Codified Ordinances entitled "Fire Department Fees" be rescinded and replaced by Chapter 928 to be entitled "Fire Department Emergency Service Cost Recovery."

See Attached (on file in the City Clerk's Office).

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: PINK GALA, PARKING FEE WAIVER, 2018-95
BY: COUNCIL MEMBERS SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #12

WHEREAS, the Niagara Falls Housing Authority is a proud pink partner with Niagara Falls Memorial Medical Center-2U ABC breast cancer support group. The support group will hold their 2018 Pink Divas, Diamonds and Denim Gala event (request letter on file in the City Clerk's Office) on Friday, October 26, 2018 from 6:00 p.m. – 10:00 p.m. at Hyatt Place, 310 Rainbow Blvd. in Niagara Falls, New York; and

WHEREAS, we respectfully request City Council approval to obtain a parking waiver for guests at the Rainbow Parking Ramp (located directly across the street from the venue). Proceeds from the event will benefit those in the fight to keep their homes, the fight to keep their utilities from shut off and the fight to pay for copays and medications while going through treatment.

NOW, THEREFORE, BE IT RESOLVED that this city council does herby waive the parking fees at Rainbow Parking Ramp for the 2018 Pink Gala to be held on Friday, October 26, 2018 at Hyatt Place in Niagara Falls, New York between the hours of 6:00 p.m. – 10:00 p.m.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: GEORGE OPTICAL CO., HONORING, 2018-96
BY: ALL COUNCIL MEMBERS

Agenda Item #13

WHEREAS, When Joseph George opened his one room office upstairs on the 400 block of Portage Rd and Niagara Street in 1938 – still known as the George Optical Co. – his entire stock was wired-framed eyeglasses. Storage was not a problem when the whole inventory could fit into a small box; and

WHEREAS, In 1939 it moved to 1104 Niagara Street until moving to 363 Third Street in 1945, a busy block bordered by the New York Central Railroad crossing at the south end and the bridge over the hydraulic canal at the other end; and

WHEREAS, In the early 1960's it opened up another location at 1525 Pine Avenue and still operated the location on Third Street until the fire in 1966 permanently closed the Third Street location. The 1525 Pine Avenue location became the only location until Louie Fernandez bought the building at 1523 and the rights to the name George Optical Co. on September 20, 1971. Today, three-quarters of a century after George cut the ceremonial ribbon, the store is still located at 1523 Pine Ave. – and there's mind-bogging improvements in the hi-tech process and inventory; and

WHEREAS, Louie Fernandez, who launched his career with the George Optical Co. in the 1940s, as a teenager sweeping the floors. In 1949, he joined the optical firm as a partner and eventually acquired the business; and

WHEREAS, It's now owned and operated by James Fernandez of Niagara Falls, a licensed optician and a contact lens practitioner who started working for his father in 1978. "I kind of grew up in the business," the current owner says, recalling the sea of changes over the years including the days when lens the lens were shaped by a grinding wheel; and

WHEREAS, In sharp contrast from earlier days, Fernandez explains when a person first went to an ophthalmologist and then to the optical store for the glasses, optometrists under contract are now on staff a couple times per week to conduct comprehensive eye exams. "So the changes have made it a full service here," he added; and

WHEREAS, If you ask him what separates the independent operator from the chains operating out of shopping malls and other centers, Fernandez will cite his company's track record of providing a quality product at an affordable price. It also helps that if you're dealing with Fernandez, you can count on him being there when you return for whatever reason. At other places, it's often someone different that assisted you from the previous visit. "Personal service is what we strive to provide," he added; and

WHEREAS, Over the years, Fernandez has followed in his dad's footsteps, taking an active role in community endeavors. He is a former president of the Pine Avenue Business Association and a past member of the Niagara Catholic High School board. He also has worked closely with the St. Mary's Hospital Board of Associates, a fundraising and community relations arm of the hospital; and

WHEREAS, Family has always been important to James, as is evident in any casual conversation. His wife, Joni, is a kindergarten teacher in the Lewiston-Porter School District. A son Jim works for a Manhattan-based global financial services firm, a daughter Angelina is a graduate of Niagara University College of Hospitality and Tourism Management and another son, Louis, with a deep interest in music, is pursuing a career in theater.

NOW, THEREFORE, BE IT RESOLVED that this City Council does herby honor George Optical Co. for over 80 years in business serving the residents of Niagara Falls and surrounding areas.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: 2019 BUDGET MEETING SCHEDULE, 2018-97
BY: COUNCIL CHAIRMAN TOUMA

Agenda Item #14

BE IT RESOLVED that the City Council of Niagara Falls, New York, does hereby schedule Budget Meetings to commence in the City Council Chambers at 5:00p.m. on:

October 3, 10, 11, 17, 18, 23 and 24 2018; and

BE IT FURTHER RESOLVED that the City Council of Niagara Falls, New York, does hereby schedule Budget Amendment Meetings to commence at 5:00 PM in the City Council Chambers on:

November 8, 15 and 19, 2018; and

BE IT FURTHER RESOLVED, that a public hearing be held on October 30, 2018 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 2018 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.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: NFTA LOCAL ROUTES, REDISTRIBUTION, 2018-98
BY: COUNCIL MEMBERS SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #15

WHEREAS, the NFTA serves thousands of Niagara Falls Residents on a daily basis; and

WHEREAS, it is the life line for people with disabilities, elderly, and to get to and from work. This City Council has heard of the redistribution to our local Niagara Falls routes #50, #52, #54, #55, #55L which may be affected and or eliminated from Main to Niagara, Hyde Park, Military Rd, and Pine Avenue. All of which are the life lines for many residents, businesses, and tourists.

NOW THERFORE BE IT RESOLVED, that this City Council of Niagara Falls, New York does hereby respectfully request the presence of Tom George Director of Service Transportation for NFTA at the next Council meeting held Oct 3rd 2018 at 6:00 p.m. located at City Hall 745 Main Street Niagara Falls, NY 14302 inside the Council Chambers to better understand the impacts on our local residents, employers and business districts. Please see attached (on file in the City Clerk's Office) NFTA Routes map.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: NIAGARA BARBER CO., HONORING, 2018-99
BY: ALL COUNCIL MEMBERS

Agenda Item #16

WHEREAS, Bradley Inzinga was born and raised in Rochester, NY and recently graduated in 2017 from Niagara University with a Business Marketing & Management degree; and

WHEREAS, Brad is the owner of Niagara Barber Company located at 3510 Hyde Park Blvd. Open Tuesday – Saturday 8am – 8pm and open Sunday 9 - 5pm by appointment only.

WHEREAS, we are a very unique barbershop. We don't only offer haircuts. We provide hot towel straight edge facial shaves and beard line ups. We also do shampoos, facial massages and deep cleansing charcoal mask treatments. We plan to create our own product line from scratch to use and to sell in the shop, and online to the public as a way to not only brand ourselves but Niagara Falls also. Brad is also very involved in giving back to the community.

WHEREAS, Brad chose to invest in Niagara Falls for several reasons. For being a world renowned city, it is extremely undervalued and underestimated in my opinion. On top of that, I personally feel like I owe my life to this city and the people in it; and

WHEREAS, my grandparents met on Main Street in 1947, while my grandmother who was working in Jenss Department Store. My parents met at Niagara University in the 80's. In other words, my entire existence is based on the connections made in this city; and

WHEREAS, Brad was self-taught in terms of cutting hair. I picked up my first pair of clippers and scissors 6 years ago. However, to get my NYS Master Barber License, I did attend and graduated from the Buffalo School of Barbering, or the Harvard of Hair as I like to call it. We learned the proper sanitation and barber etiquette by the book rather than just apprenticing under another barber for 2 years to avoid picking up any bad barbering habits they may have. ; and

WHEREAS, Being 23 years old, and owning 2 businesses in the Falls, I want to set an example for my fellow alumni and other young people to show them it is possible to stay in Niagara Falls after graduation to build your own success story. Rather than just leave the city because it may not have everything they are looking for or because they see some problems, stay in the city and help build the things they think it's lacking and capitalize on fixing those problems. That is what business is all about; and

WHEREAS, I would like to thank my mom and dad, Ron and Sandi for their support. I would like to thank Mike, Irene, and Dave Barry for treating me like family since I've lived up here from freshman year. I would like to thank the staff, faculty and students at Niagara University. Thanks to Jackie Bilogan for all her help from day one. Big thank you to all of my clients. Lastly, to my fellow barber at Niagara Barber Co., Darin Mort who has been with me since the first day I opened and who has helped a tremendous amount here at the shop.

NOW, THEREFORE, BE IT RESOLVED that this City Council does herby honor Niagara Barber Company for choosing our great City to open your business. We hope you have many successful years in business.

Yeas	5
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 8:55 P.M.

Lisa A. Vitello
City Clerk

City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

September 24, 2018

Members of the City Council
and
Lisa Vitello, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.B of the City Charter, to be held on Friday, September 28, 2018 at 4:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose(s):

Presentation of Mayor Dyster's Proposed 2019 budget.

Respectfully submitted,

Andrew Touma

Andrew Touma, Council Chair

Printed on Recycled Paper

The September 28, 2018 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman at 4:00 PM in the Council Chambers.

Present: Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Chris Voccio, Chairman Andrew Touma.

Also Present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, and City Controller Daniel Morello.

Mayor Paul A. Dyster presented his Proposed 2019 Executive Budget. During his Presentation, he made the following comments;

City of Niagara Falls, New York
PO Box 69, Niagara Falls, NY 14302-0069

MAYOR DYSTER DELIVERS 2019 EXECUTIVE BUDGET

Welcome City Council members, city workers and fellow residents.

Thank you for joining me as I present the Mayor's Executive Budget for fiscal year 2019.

It is a budget that decreases the size of city government, and heeds the recommendations of both the State's Financial Restructuring Board and the Financial Advisory Panel appointed by the City Council. It is a budget that increases the efficiency of city government through the consolidation of departmental staff, reduction of staff mostly through attrition, all while maintaining vital services and cutting taxes.

Yes, I said *cutting* taxes. I suspect that for many, that is an unexpected outcome. As we have worked through the issues impacting both next year's budget and our long-term fiscal health, there has been a great deal of speculation about where things would end up in the final analysis. I suggest to you that too much of that speculation centered on the headlines of what options were being considered, and not enough on the fine-print of why those options were being considered, or—more importantly—what would be the impact on the bottom line. This budget incorporates a number of difficult decisions. The surprising thing you will learn today is that the news is not all bad. If we stand courageous in the face of the dark clouds, we will see that there is a silver lining.

This is a budget that will signify an important turning point in the city's financial stability moving forward, through a series of complimentary, coordinated measures outlined here this afternoon.

By now you have no doubt seen the news regarding the $12.3 million in casino revenues advanced to the City by Governor Cuomo and the State of New York, in the absence of a timely resolution of the dispute over payment with the Seneca Nation of Indians. We thank the Governor for his steadfast support of the City under these difficult circumstances. Those of us who have been working with the State behind the scenes on this contingency plan are happy that everyone can now see what we knew: you had our back all along.

Make no mistake, the State's announcement by no means lessens the seriousness of critical decisions in this 2019 budget. Even once the ongoing dispute is favorably resolved, we must strike a balance between continuing our efforts to reduce the City's reliance on casino revenue through 2023, and maintaining the services essential to our residents' safety and well-being.

Unlike the previous dispute from 2009 to 2013, when the city held millions in fund balance to sustain operations while a settlement was reached, the surprise nature of the Seneca announcement left little time to us to react by enacting measures to shore up our reserves. Instead, we effectively liquidated our fund balance in the previous year's budget in order to plug gaps created when the Seneca Nation first announced they were withholding revenue payments in March 2017.

In short, while we hope for and expect a favorable resolution of the Seneca-State dispute, whether through the conclusion of the arbitration process or better yet a negotiated settlement, we still have to do the right thing in terms of our budget this year, and in future years. We would have needed to make tough decisions even if the current casino dispute had not occurred. For example, the amount of casino revenues available to the City from the Seneca Niagara casino has declined marginally from year to year as a result of competition across the state and region--and, it is important to note, even when ongoing issues are resolved, the current compact only runs until 2023. As a result, it has been the policy of the City of Niagara Falls, as expressed in a resolution of the City Council, to try over time to reduce our reliance on casino revenues to support ongoing operations.

Thus, it would not be wise to budget all $12.3 million advanced to the city against 2019 expenses. In order to move forward to financial sustainability, without excessive reliance on casino revenues, and to avoid a recurrence of the nightmare budget scenarios we were faced with until the announcement of the Governor's initiative, we must cut our expenses and increase revenue sources.

That involves a reevaluation of the manner in which we operate, and fund our operations, as a city.

For starters, that means a hard look at property tax revenue versus other forms of revenue available to the city. The ongoing casino revenue crisis makes it clear that, however understandable in psychological terms, the past decision to substitute casino revenues for other revenue sources in the general fund was not sustainable. But leaving casino revenues aside, looking only at non-casino revenue sources, in the past we have allowed ourselves to become too reliant on property tax revenue versus other sources. Our success in increasing parking, sales tax, bed tax and other non-casino, non-property tax revenues—an indication of the long-term success of our economic development strategy—has received recent attention. Nevertheless, a 2017 report from the State Comptroller's Office cited by our independent auditors and looking at municipal financials statewide, showed that on average in 2016, New York State cities were bringing in charges for services averaging 19.6% to our 5.9% for 2017. Part of this difference is the result of our having an independent water board that bills for its own services, but a major factor is that, unlike municipalities around us, we have not charged a fee for solid waste collection and disposal, instead trying to cover the cost—even after the service was privatized in the 1990s--out of the same property tax levy that has to cover public works, public safety and administration. It was great while it lasted, but as costs of everything have risen over the years, it has become clear that this is not sustainable. There is also a fairness issue involved. The City incurs a cost for those who use solid waste services but pay no property taxes; that cost is borne collectively by all the other taxpayers. As we look to increase revenues, we want to make sure we're being fair about where we derive those revenues.

That's why this budget proposes the implementation of a user fee, but unlike recent headlines, at nearly no new cost to residents. In fact, for the average taxpayer, only approximately $25 a year in taxes and fees combined. That's because the budget also proposes a $2.5 million reduction in property taxes—that's tomorrow's headline.

Let me explain.

The number that appeared in the press following a recent presentation on options in our Request for Proposals for solid waste services was $198 annually; derived by dividing the estimated cost for 2018 services by the number of total users. The user fee proposed in this budget would buy down the cost to the standard household here in the City of Niagara Falls to approximately $168 per year, essentially subsidizing roughly 15% of the cost of solid waste services with non-user fee revenues. This service would come with the same expanded benefits and options for residents as outlined earlier this month, and ensure that taxpayers are no longer covering 100% of the cost of garbage disposal for everyone else.

For those same taxpayers, this budget proposes a $2.5 million tax cut. The non-homestead or commercial tax rate would be reduced by 2.7%, which is good, but the homestead or residential tax rate would be reduced by 13.2 percent—and that's great. At 81%, we were getting too close to our constitutional tax limit. The bond rating agencies and Office of the State Comptroller took note. Shifting where we derive our non-casino revenues away from property taxes, and toward charge for services, is not just more fair, it's better fiscal policy for the long-term.

As I noted earlier, even with the State standing behind us on the casino revenues issue, we need to do all we can of our own accord to put us on the right path moving forward. There were no formal strings attached by the Governor's office to the use of the advanced casino revenues, and I can't speak for Governor Cuomo, but I tell you that we gave assurances that if got the help needed to avoid massive layoffs and tax increases in the short term, we were prepared to make difficult decisions to raise revenues and decrease expenses in the long term, even if this meant doing things

very differently than in the past. Part of the blueprint already existed in the recommendations of the State's Financial Restructuring Board and the Financial Advisory Panel appointed by the City Council. Partly we would require aid and cooperation from our other partners in the community. But it would require the political will to do what had to be done.

Other recommendations included taking a look at the way city government is structured, and identifying those departments and services in need of streamlining--and cutting costs where needed. For example, upon his own recommendation, the current City Engineer would become a part-time employee, while fulfilling the legal obligations of the position. The Engineering Department would see a restructuring that will result in a net savings of approximately $100,000 in year one, through shared use of administrative staff and elimination of cost-ineffective positions.

As I said, we are also taking a look at the way we work with others. Our city employee unions share our goal of providing the necessary city services at the lowest possible cost while fairly compensating our dedicated city workers. The settlement of union contracts with public safety as part of this year's budget will yield millions in additional savings. As part of the 2019 budget, the city will realize approximately $950,000 in savings through fire union concessions.

New agreements with the police union will also result in approximately $900,000 in savings in 2019. I want to thank our public safety unions for coming to the table in our hour of need to make sure in the long run that our city stays "union strong." Again, thank you.

As we have done in years past, additional savings will be realized through the elimination of vacant positions through attrition and the effects will be felt across all departments. In 2019, six open police positions and two firefighter positions will remain vacant yielding a total approximate savings of $700,000. Approximately $65,000 in savings will result from an unfilled Central Garage position within the Department of Public Works and a freeze will be placed on a planned January 1st pay rate increase for all exempt employees at approximately $35,000 in savings.

As part of ongoing discussions on ways to effectively share services, Mark Laurrie and our partners in the Niagara Falls City School District have agreed to cover 83% or 10 of 12 months of cost for the addition of 3 School Resource Officers in city schools. This represents a savings of approximately $350,000. During the months of July and August, these officers will be assigned to the downtown area to assist in traffic control. A fourth School Resource Officer agreed to as part of last year's budget will continue to be covered by the district, resulting in an additional $135,000 in savings. These proposals come directly from City Administrator Nick Melson's conversations with Superintendent Laurrie about shared services. Thank you, Superintendent and Board, for being such great partners.

Additional restructuring efforts continue to be explored with the city's golf course. While we included funding in the 2019 budget consistent with funding levels in 2018, a Request for Proposals issued in August produced multiple responses for the operation of the golf course, including food and beverage services. In the coming days and weeks, those proposals will be reviewed to determine what course of action would be most beneficial to the city moving forward.

The long-term future of the City of Niagara Falls is bright. Whether one looks at trends in the regional economy, or forces more particular to the city itself, the prospects for continued growth in jobs, investment, tourism visitation and construction look very positive. But we have been learning the hard way that these positive trends can take a long time to hit the bottom-line of city tax revenues. We must do our part to reduce costs and increase revenues by constantly being on the lookout for new ways of making government more innovative and more efficient. That is not something can be accomplished by simply slashing future services to match historical revenues. We can't stop plowing streets, putting out fires or patrolling the streets on Tuesdays—or any other day of the week for that matter. Instead, we need to keep our finger on the pulse of the community, accurately gauging what level of services they want us to provide, and helping them figure out how to get what they need at a price they can afford. We did that in this year's budget, and we're going to continue doing it going forward.

We look forward to working constructively with the members of the City Council in the days ahead to finalize the 2019 budget. Thanks to all of our department heads and staff whose months of hard work made completion of this budget possible. Special thanks to City Controller Dan Morello and your department for your hard work on this budget. Thank you Chiefs Colangelo and DalPorto, and Chris Mazur of the legal department, for your help working out the agreements with our public safety unions. Thank you Human Resources Director Ruby Pulliam and staff for dealing with a lot of last minute changes—mostly for the better. And a very special thanks to City Administrator Nick Melson and his assistant Jaclyn Bones, and to my special assistant Meg Rossman, for your work behind the scenes to make good things happen. Finally, thanks once again to Gov. Andrew Cuomo for stepping in to make sure that the residents and employees of the City of Niagara Falls will not have to suffer unnecessarily as a result of the mismatch between the timelines of the casino arbitration and those of our budget process. God bless you, God bless the City of Niagara Falls, and God bless America.

City Controller, Daniel Morello, distributed the Mayor's Proposed 2019 Budget to the Council Members and Department Heads.

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 4:30 PM.

Lisa A. Vitello
City Clerk

09/28/2018

OCTOBER 3, 2018

BUDGET WORK SESSION **NIAGARA FALLS, NEW YORK**

The 2018 Budget Work Session of the Niagara Falls City Council was called to order at 5:00 p.m. in the Council Chambers by Council Chairman Andrew Touma.

Present: Council Chairman Andrew Touma, Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Chris Voccio
Also Present: City Controller Daniel Morello

City Clerk: Lisa A. Vitello

Council Members inquired about the overtime line, shoe allowance, structure of the office and the purpose of the post office box.
Councilman Scott inquired about the new vendor application.
Councilman Tompkins inquired about the parking pass notifications on tax bills.

Code Enforcement/CD: Seth Piccirillo

Councilmembers inquired about the structure of the office and specific job titles, funding, and certain budget lines.

There being no further business to come before the Council, Chairman Touma adjourned the meeting at 5:40 p.m.

Lisa A. Vitello
City Clerk

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OCTOBER 3, 2018

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The Legislative session of the October 3, 2018 Niagara Falls City Council Meeting was called to order by Council Chairman Touma at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Christopher Voccio, Chairman Andrew Touma

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello.

Council Member Kennedy said the Prayer and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Council Member Tompkins moved to approve the Minutes from the Council Meetings of September 5 and September 19, 2018.

Yeas	5
Nays	0
	APPROVED

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Bob Belton	Agenda Item #13
Ruth Knepp	Various
Robert Dusen	Garbage
Keith Fritzsch	Garbage
Kevin Fritzsch	Garbage
Mary Lawton	Garbage
Joyce Sanders	Various
Vince Anello	Revenue
Gloria Dolson	Various
Dorothy West	Various
Jockline Pryor	Various

Presentations: none

Administrative Update:

City Administrator, Nicholas Melson, gave an update on the CSX completion, winterizing the city parks, paving projects and Buffalo Avenue.

The Administrator also answered questions from Council Members regarding 2568 Falls Street, D'Amelio Park, funding from the State and the business license.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF AUGUST 2018

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: CONSULTANT SERVICES, NYSDOT FEDERAL AID PROJECT BUFFALO AVENUE, PHASE III, CHANGE ORDER #1, CHA COMPANIES, INC.

Agenda Item #2

A contract for the above referenced project was awarded CHA Companies, Inc. on May 1, 2017 for professional services and design related tasks. Change Order #1 is to add funding for the tasks associated with Construction Support Services and Construction Inspection to the consultant's current contract.

The City Council previously approved a resolution appropriating funding for this project which will be federally eligible at the standard 80% Federal and 20% Local reimbursement procedure. Funding for this project is available in Code H0635.

Therefore, it is the recommendation of the undersigned that the Construction Inspection and Support be awarded to CHA Companies at the proposed amount of $260,000.00.

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

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: BUFFALO AVENUE REHABILITATION, CAYUGA DR. TO 102ND ST. AND LASALLE RECREATION TRAIL PHASE IV, ACCADIA SITE CONTRACTING, INC.

Agenda Item #3

The following was the result of bids received on August 22, 2018, for the above referenced project.

CONTRACTOR	BASE BID
Accadia Site Contracting, Inc. 5636 Transit Rd. Depew, NY 14043	$3,494,869.00
LJ Quigliano II, Inc.	$3,925,811.20
Mark Cerrone, Inc.	$4,353,696.80

It is the recommendation of the undersigned that this project be awarded to the lowest responsible bidder Accadia Site Contracting, Inc. at the base bid of $3,494,869.00 Funding is through the Federal Highway Administration and New York State D.O.T. at the standard 80% Federal /20% Local reimbursement formula.

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

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CITY PROPERTY: 24TH STREET, 237, SALE

Agenda Item #4

The City has received a request to purchase the above referenced City owned vacant property for the sum of $500.00. The resident requesting the purchase owns the property directly adjacent to this lot.

This Planning Board approved the sale at their meeting on September 12, 2018 (information on file in the City Clerk's Office).

Will the Council approve the sale of this vacant lot for this price subject to the closing be performed within 30 days of the resident being informed of Council approval, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill?

The purchaser will be responsible to pay the 2018 School Tax and all recording fees.

Will the Council further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

POLICE DEPARTMENT: CENTER FOR PUBLIC SAFETY INITIATIVES, GRANT APPLICATION AND PROJECT

Agenda Item #5

The Superintendent of Police advises that his department was approached by the Rochester Institute of Technology in partnership with Niagara University to participate in a project led by the Center for Public Safety Initiatives. The purpose of this project is to contribute to criminal justice strategy through research, policy analysis and critical evaluation. The funding for this project would be $100,000.00 to the NFPD over a period of two (2) years and is being provided by the Project Safe Neighborhoods Initiative coordinated by the US Bureau of Justice Assistance. The overall goal of this project is to reduce gun related crimes and gang violence by implementing a strategy that focuses on dispute related violence and to further develop and assess that strategic intervention so that it may be applied elsewhere. Lead by the NFPD, the Project Safe Neighborhoods team will identify disputes, assess their risk and utilize a wide range of strategies involving enforcement, deterrence and community outreach to intervene in ongoing retaliatory disputes and prevent violence.

The grant application has already been submitted and project approval is pending. Will the Council approve the grant application process, accept any grant dollars that become available and authorize the Mayor and Superintendant of Police to execute any documents required in order to move this project forward?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: DEVEAUX WOODS DOG PARK, 4TH GENERATION CONSTRUCTION CO.INC.

Agenda Item #6

The following was the result of bids received on August 22, 2018, for the above referenced project:

CONTRACTOR	BASE BID
4th Generation Construction Co. Inc. 5650 Simmons Ave. Niagara Falls NY 14304	$164,000.00
Gardenville Landscape & Nursery	$188,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, 4th Generation Construction Co. Inc. at the base bid of $164,000.00. Funding is available through a HUD Community Development Block Grant.

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

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK OFFICE: SECOND HAND DEALERS, KASH PRO UNLIMITED

Agenda Item #7

Chapter 338 of the Codified Ordinances states: "338.03…City Council may grant a license to carry on the business of secondhand dealer within the City…"

The following has submitted an application for a secondhand dealer license. This application has been approved by the Niagara Falls Police Department.

Kash Pro Unlimited
1818 Pine Ave
Niagara Falls, NY 14301

Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

MAYOR'S APPROVAL, RESOLUTION 2018-94

Agenda Item #8
THIS ITEM IS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: GRIFFIN, CHRISTOPHER

Agenda Item #9

Date Claim Filed:	July 27, 2016
Date Action Commenced:	October 4, 2016
Date of Occurrence:	May 11, 2016
Location:	Police Department
Nature of Claim:	Personal injuries sustained and violation of civil rights subsequent to arrest based on warrant.
Status of Action:	Scheduled for Trial.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$45,000.00
Make Checks Payable to:	$15,000.00 to Law office of Robert Perk. $500.00 to NYS Child Support Processing Center for Account #BS72429E2. $17,101.56 to NYS Child Support Processing Center for Account #BS72429U1. $12,398.44 to Christopher R. Griffin
Conditions:	Stipulation of Discontinuance and 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?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 4
Scott, Tompkins, Voccio, Chairman Touma
Nays 1
Kennedy

APPROVED

CLAIM: TRYNINEWSKI, STAN

Agenda Item #10

Date Claim Filed:	January 16, 2018
Date Action Commenced:	N/A
Date of Occurrence:	January 13, 2018
Location:	Willow Avenue & 24th Street
Nature of Claim:	Police vehicle attempted to stop for stop sign while heading to a possible burglary in progress and slid through the sign striking other parties vehicle.
City Driver:	John Montanaro
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$1325.00
Make Check Payable to:	Stan Tryninewski
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?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CLAIM: WYLUCKI, MATT

Agenda Item #11

Date Claim Filed:	April 18, 2018
Date Action Commenced:	N/A
Date of Occurrence:	April 10, 2018
Location:	Niagara Street at Portage Rd
Nature of Claim:	While traveling on Niagara St turning onto Portage, hit potholes which caused damage to the front end of his vehicle.
City Driver:	N/A
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$208.64
Make Check Payable to:	Matt Wylucki
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?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 4
Scott, Tompkins, Voccio, Chairman Touma
Nays 1
Kennedy

APPROVED

RESOLUTION: DON GLYNN, HONORING
BY: ALL COUNCIL MEMBERS

Agenda Item #12
THIS ITEM WAS PULLED
NO ACTION TAKEN

RESOLUTION: NFTA BOARD OF COMMISSIONERS, VOTING TRANSIT-DEPENDENT MEMBERS, 2018-100
BY: COUNCIL MEMBEERS SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #13

WHEREAS, the majority of Niagara Frontier Transportation Authority (NFTA) riders/users are low-income residents known as 'Captive Riders' who live in areas where there is limited NFTA service; and

WHEREAS, for many years, patrons who use NFTA buses have expressed concern with limited or poor service, infrequent buses, schedule problems, and a lack of accessibility for users to get from their homes to locations where people work and employers are desperately seeking employees, resulting in a lack of job opportunities in certain communities and in some cases, employers to withdraw from the local market; and

WHEREAS, in order to best address the needs of the NFTA's riders, input from a 'Captive Rider' voting representative on the Board of Commissioners would provide valuable opportunities for transit-dependent users to have a seat at the table and to help educate NFTA management and commissioners on the needs of their patrons; and

WHEREAS, in addition to the lack of rider input on the Board of Commissioners, there is also a lack of participation and transparency at NFTA public hearings and board meetings that hinders input from the public as well and blocks riders and the public from having a voice to share their concerns and ask questions to NFTA management and the Board of Commissioners; and

WHEREAS, to help address the 'Captive Rider' issue and a lack of a transit voice on the voting membership of the NFTA Board of Commissioners, Senate Bill S.5106 has been introduced in the New York State Senate by Senator Timothy Kennedy to add two voting members to the NFTA Board of Commissioners who are transit-dependent and para-transit-dependent.

NOW, THEREFORE, BE IT

RESOLVED, that the Niagara Falls, New York City Council does hereby support the concept of adding a 'Captive Rider' voting member to the NFTA Board of Commissioners who has shown an extreme commitment to community service and is a resident of Niagara Falls, New York community lacking quality NFTA services; and be it further

RESOLVED, that this Honorable Body expresses support for S.5106 and the intention behind adding two voting members to the NFTA Board of Commissioners to represent the transit community and para-transit community who use NFTA bus services; and be it further

RESOLVED, that certified copies of this resolution be sent to Governor Andrew Cuomo, the Western New York delegation of the State Legislature, NFTA Executive Director Kimberley A. Minkel, NFTA Board of Commissioners Chair Denise A. Roche, and any other party deemed necessary and proper.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: CAYUGA GAMBLERS TRAVEL SOFTBALL ORGANIZATION, FEE WAIVER
BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN TOUMA

Agenda Item #14

WHEREAS, the Cayuga Gamblers Travel Softball Organization would like to once again request request on file in the City Clerk's Office) the usage of the LCARA Recreational Facility on Colvin Boulevard for the fall, winter and spring season of 2018-19; and

WHEREAS, the group consists of 7 separate teams; therefore, the request would include the full days of Saturdays and Sundays as we have the past 14 years. We have always started training the first week of October and finish up in mid-April.

NOW, THEREFORE, BE IT RESOLVED that this city council does herby waive the fee of $100 for the use of LCARA Recreational Facility on Colvin Boulevard for Cayuga Gamblers Travel Softball Organization 2018-19 season.

THIS ITEM WAS TABLED

Yeas	5
Nays	0
	TABLED

RESOLUTION: POLICY AGAINST SEXUAL DISCRIMINATION, ADDING CHAPTER 178A, 2018-101
BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN TOUMA

Agenda Item #15

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Chapter 178A of the Codified Ordinances entitled "Policy Against Sexual Discrimination" is hereby added to read as attached (on file in the City Clerk's Office):

Yeas	5
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 7:20 P.M.

Lisa A. Vitello
City Clerk

OCTOBER 10, 2018

BUDGET WORK SESSION #2 **NIAGARA FALLS, NEW YORK**

The October 10, 2018 Budget Work Session of the Niagara Falls City Council was called to order at 5:00 p.m. in the Council Chambers by Council Chairman Andrew Touma.

Present: Council Members William Kennedy, Ezra Scott, Jr., Christopher Voccio, Chairman Touma
Absent: Council Member Kenny Tompkins

Also Present: Controller Dan Morello

Corporation Council: Budget
Craig Johnson presented an organizational chart and general summary of the Corporation Counsel Office.
Councilman Voccio inquired about the legal proceedings line, residency, consultants, and job specifications of the office.

Risk Management:
Deputy Corporation Counsel, Thomas O'Donnell presented an outline of the Risk Management position.

City Controller:
Dan Morello, City Controller, gave an outline of the City Controller's Office, staff, positions and line items.

Purchasing Agent:
Douglas Janese, Purchasing Director, gave an overview of the Purchasing Department, Records Management and Asset Control.
Chairman Touma inquired about the fleet management.

There being no further business to come before the Council, Chairman Touma adjourned the meeting at 6:45 p.m.

Lisa A. Vitello
City Clerk

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OCTOBER 11, 2018

BUDGET WORK SESSION #3 **NIAGARA FALLS, NEW YORK**

The October 11, 2018 Budget Work Session of the Niagara Falls City Council was called to order at 5:00 p.m. in the Council Chambers by Council Chairman Andrew Touma.

Present: Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Chris Voccio, Chairman Andrew Touma

Also Present: Dan Morello, City Controller

MIS:

Director of MIS, Officer Michael Drake, gave an overview of the MIS Department.

Chairman Touma inquired about increases, and prices for system Updates.

Councilman Kennedy inquired about On-line Bill Pay.

Councilman Scott inquired about the App for Services.

ASSESSORS:

James Bird, City Assessor, gave a presentation on the Assessor's Office including the OARS system.

ENGINEERING:

John Gerlach, Director of Engineering, gave an overview of the Engineering Department.

Questions by Council regarding staffing levels.

COMMUNITY DEVELOPMENT:

Seth Piccirillo, Director, gave a presentation on the Community Development Office.

Reduction in staff, budget lines and the Zombie Project were discussed.

There being no further business to come before the Council, Chairman Touma adjourned the meeting at 5:45 p.m.

Lisa A. Vitello
City Clerk

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OCTOBER 17, 2018

BUDGET WORK SESSION #4 **NIAGARA FALLS, NEW YORK**

The October 17, 2018 Budget Work Session of the Niagara Falls City Council was called to order at 5:00 p.m. in the Council Chambers by Council Chairman Andrew Touma.

Present: Council Members Kennedy, Scott, Tompkins, Voccio, Chairman Touma

Also Present: Dan Morello, City Controller

Fire:

Chief Colangelo gave the budget presentation for the NFFD

Chief Colangelo gave an overview of the Department, he discussed purchases, overtime, manning agreements, injuries, disability, retirements, funding sources, fire house repairs and response times

Councilman Voccio inquired about staffing structures

Chairman Touma inquired about rescue operations, accidents and the influx of tourists in relation to gorge rescues.

There being no further business to come before the Council, Chairman Touma adjourned the meeting at 6:00 p.m.

Lisa A. Vitello
City Clerk

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OCTOBER 17, 2018

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The Legislative session of the October 17, 2018 Niagara Falls City Council Meeting was called to order by Council Chairman Touma at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Christopher Voccio, Chairman Andrew Touma

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello.

Council Member Scott said the Prayer and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Council Member Tompkins moved to approve the Minutes from the Special Council Meeting of September 29, 2018, Budget Meeting of October 3, 2018 and Council Meeting of October 3, 2018.

Yeas	5
Nays	0

APPROVED

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Ron Anderluh	Agenda Item #18
Terrie Kline	Agenda Item #18
Maribeth Gangloff	Agenda Item #18
Sam Fasciano	Agenda Item #18
Joanne Gialloreto	Agenda Item #9
Craig Waldeck	Agenda Item #18
Tim Huether	Agenda Item #18
Ruth Knepp	Government Money
Peter Paonessa	NF Music Hall of Fame
Robert Dusen	Garbage User Fee
Sam Fasciano	Wasting Money
Clara Dunn	Budget
Dorothy West	Community
Jamie Caldwell	Community; Casino Money
Candace Corsaro	Public Safety
Joanne Gialloreto	Garbage User Fee
Charles Rich Jr.	Community

Presentations: None

Administrative Update:

Nick Melson, City Administrator, gave a brief update on upcoming snow removal plans for the winter season and street paving.

Councilman Ezra Scott, Jr. gave an update on the transportation routes.

Councilman William Kennedy gave an update of the Carriage House.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF SEPTEMBER 2018

Agenda Item #1
THIS ITEM IS RECEIVED AND FILED

CITY CLERK'S CLAIMS FOR THE MONTH OF SEPTEMBER 2018

Agenda Item #2
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: 2017 MUNICIPAL SIDEWALK REPLACEMENT PROJECT, VALERI CONCRETE CONSTRUCTION INC., CHANGE ORDER #1

Agenda Item #3

A contract for the above referenced project was awarded to Valeri Concrete Construction Inc. 6297 Wendt Drive Niagara Falls NY 14304, in the amount of $398,850.00 on May 15, 2017.

Subsequent to the start of the project, site conditions warranted the installation of four inch thick walk in quantities that exceeded the original contract amounts.

Additionally, there were areas requiring significant grading and backfill prior to any walk installation that surpassed the project's original scope.

However, quantity underruns elsewhere in the contract will allow for the extra four inch sidewalk to be paid for with no additional cost to the project.

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

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 4
Scott, Tompkins, Voccio, Chairman Touma
Nays 1
Kennedy

APPROVED

CITY PROPERTY: FOURTH ST., 445, SALE

Agenda Item #4

The Niagara Falls Community Development Department requests Niagara Falls City Council approval for the sale of the following vacant lot to Carroll Schultz-Reetz and Andre Reetz for $500.

445 Fourth Street
SBL: 159.29-2-23
Assessment: $1,500
Zoning: R3-C

The Niagara Falls Planning Board recommended sale of 445 Fourth Street earlier this year. This council agenda item is being presented by the Community Development Department in concert with the Planning Department. Sale of adjoining lots for $500 is an established practice designed to return vacant, city owned properties to the tax roll. The purchasers plan to maintain the property, and properly amalgamate it to their existing property. The amalgamation will occur at closing.

Will the Council vote to approve this sales authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CITY PROPERTY: RFP PROPERTIES, SALE

Agenda Item #5

The Niagara Falls Community Development Department requests Niagara Falls City Council approval for the sale of the following city-owned properties:

- 312 74th Street
- 89 South 87th Street
- 5806 Stephenson Avenue
- 1111 Grove Avenue

The Niagara Falls Planning Board recommended sale of these properties at its September 26, 2018 Planning Board meeting. In August 2018, the Niagara Falls Community Development Department (CD) advertised a Request for Proposals (RFP) for the purchase and renovation of the following vacant and tax foreclosed properties, with proposals due back to CD on September 7, 2018. The RFPs were advertised in the Niagara Gazette legal section for three consecutive weeks, and on www.nf-cd.org. Proposals were reviewed by CD based on the following guidelines, as stated in the RFPs for all of the properties:

- The highest and best use of building.
- Total investment and proposed property enhancement.
- The ability of the ownership/management team to accomplish the proposed project based upon past development history, financial strength and demonstrated expertise in operations similar to the proposed development.
- Date of completion of renovation. Earlier completion was favored. Provide information to document the ability to perform in conformity with your timetable.
- Price to be paid to the City. Proposals that provide the highest total investment, including purchase price will be favored.

Upon review of the proposals, CD also researched the entities that submitted them. The selected proposers do not owe the City of Niagara Falls any late property taxes on parcels owned within the municipality. In addition, these entities have consistently applied for, and received, proper building permits for work completed at other owned properties.

312 74th Street	Dennis Thuman	$ 500.00
89 S 87th Street	JAM Properties	$ 2,000.00
5806 Stephenson Avenue	JAM Properties	$ 2,000.00
1111 Grove Avenue	Create a Healthier Niagara Falls Collaborative	$ 1,500.00

Will the Council vote to approve these sales and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

COMMUNITY DEVELOPMENT: COLVIN BLVD., 9330, CYAA, LEASE

Agenda Item #6

The Niagara Falls Community Development Department requests Niagara Falls City Council approval of a twenty year lease of 9330 Colvin Boulevard by Cayuga Youth Athletic Association (CYAA). If approved, this would establish a $1 annual lease for recreational use term of 20 years.

Lot Size: 6.7 acres
SBL #: 161.10-5-71.2
Property Type: Vacant Land

The Niagara Falls Planning Board recommended disposition at its September 26, 2018 Planning Board meeting. In June 2018, the Niagara Falls Community Development Department (CD) advertised a Request for Proposals (RFP) for the acquisition 9330 Colvin Boulevard, with proposals due back to CD on June 29, 2018.The RFP was advertised in the Niagara Gazette legal section for three consecutive weeks, and on www.nf-cd.org.

CYAA was the only RFP respondent. CYAA has requested use of this parcel for several years. The parcel would be used for athletic purposes. CYAA, and its membership of over 500 local families have exceeded its current space on Colvin Boulevard, adjacent to 9330 Colvin Boulevard, and 91st Street Park. Niagara Falls Community Development asserts that recreational use of this parcel supports neighborhood quality of life. The lease allows the City of Niagara Falls to reevaluate the highest and best use of the property.

Will the Council vote to approve this lease and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CODE ENFORCEMENT: DEMOLITION FUNDING TRANSFER

Agenda Item #7

The Department of Code Enforcement requests City Council approval of a $100,000 transfer from the tribal revenue reserve fund to the emergency demolitions and board up fund (H-0910).

The Department of Code Enforcement will solicit individual demolition bids for these structures to expedite completion. This request follows recent conversations between the administration and the City Council.

In the coming weeks, the Department of Community Development will also solicit bids for the demolition of specific structures with United Stated Department of Housing and Urban Development Community Development Block Grant funding. Middle Pine neighborhood demolitions were prioritized in the 2018 Participatory Budgeting (PB 360) process. That contract will be brought to the City Council for a vote upon receipt of contract bids.

Does the City Council approve of this transfer?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

COMMUNITY DEVELOPMENT: ICE SKATING OPERATIONS, MERANI HOTEL GROUP

Agenda Item #8

Providing dynamic activities outside of the tourism season is essential to the growth of our local economy. Providing family-friendly and enjoyable events to Niagara Falls residents is essential to improving local quality of life. In recognition of these two realities, the Community Development Department (CD) requests City Council approval of the Merani Hotel Group as the operator of outdoor ice skating at the municipal lot at the intersection of First Street and Rainbow Boulevard (SITE).

Earlier this year, CD was awarded a $200,000 Niagara River Greenway Commission grant for the establishment of outdoor ice skating in Niagara Falls. This project does not include the expenditure of municipal funds or tribal revenue funds. Preparation of SITE including removal of a guiderail and other objects, some assembly, and site leveling, with required attention from the Department of Public Works. This will include staff hours and not the procurement of equipment. This activity will also include the elimination of public parking at SITE for the duration of the activity, scheduled from November 30, 2018 to March 2019, with the understanding that SITE preparation starting weeks before operation. CD understands that parking revenue is important. In 2017, we analyzed the December – March revenues at SITE. Even before free parking was provided for Jingle Falls USA 2017 event days, SITE did not generate consistent off-season parking revenue. We believe that outdoor ice skating would provide a stronger economic impact to the surrounding area than parking revenues would in the same time period.

CD released a request for proposal (RFP) for operation of ice rink in August 2018, with proposals due back in October 2018. Operations of the site were put out for competitive bid under advisement from the Purchasing Department. This project is the culmination of a years-long commitment to this project now made possible by City Council approved Niagara River Greenway Commission fund. Merani Hotel Group (Merani) was the respondent. The company has expressed interest in ice skating operations in the past, responded to the 2017 RFP and this year's request as well. The Merani's proposal for SITE includes a partnership with Niagara University and the Niagara Falls Culinary Institute that offers daily operations, staffing, skate rental, concessions, generated power, security and events. The rink itself will be positioned at the north end of SITE. Temporary rental and concession structures will be located on the west and east ends of the lot. Emergency vehicles would still be able to enter SITE from First Street, but parking will otherwise be eliminated. The operator collects rental revenues. The City does not compensate the operator for operation of SITE. Based on the year-one expenditures required for an operator to launch these types of activities, and because this is a new venture, a revenue sharing model would not be tenable. The operational award is a one year agreement, with the ability to create a new three year agreement after operation of year one.

Consistent with the Niagara River Greenway award, the rink will be rented from Precision Ice Rinks in year one of operation. CD is following a similar model that the Town of Lewiston did when creating outdoor ice-skating, with initial renting. The 56' x 77' portable ice rink will include an ice cooling grid system, portable air-cooled chiller, matting, and all required equipment for operation, a field technician for set up and take down and 24 hour refrigeration technical assistance during ice event. CD has quoted rental and purchase of rinks this size, from natural freeze grid cooled temporary rinks. We are confident that this model, utilizing Precision Ice Rinks and awarding Merani as operator in year one, provides proven equipment and a trusted hospitality entity to the City of Niagara Falls.

The Niagara Falls Community Development Department requests Niagara Falls City Council approval of the Merani Group for the operations of an outdoor ice skating rink at SITE. Will the Council vote to approve this award and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: BIKE SHARE PROGRAM/OPERATOR, SHARED MOBILITY INC.

Agenda Item #9

We respectfully recommend the Council authorize the Mayor to enter into an agreement as follows:

WITH: Shared Mobility Inc.
640 Ellicott Street, #441
Buffalo, New York 14203

FOR: Provision of a Bike Share Program within the City of Niagara Falls

Notice that a request for proposals (RFP) was advertised in the Niagara Gazette, the Buffalo News and the New York State Contract Reporter. One (1) proposal was received, and a copy of said proposal is attached (on file in the City Clerk's Office) for your review.

Upon review and scoring of the proposal by the RFP scoring committee, it was determined that the proposal from Shared Mobility Inc. meets and/or exceeds all of the requirements and specifications in the RFP and represents an excellent opportunity to add a bike share program to the City.

The cost to develop this program is estimated to be $641,225.00. The City has applied for, and been awarded, a TAP/CMAQ Department of Transportation (DOT) grant, which requires a twenty percent (20%) funding match. The vendor has indicated in its proposal that it has secured local private funding to provide the remaining twenty percent (20%) funding match. Therefore, development and implementation of this program will not require any funds from the City.

Will the Council vote to accept the TAP/CMAQ DOT grant award and to approve this proposal and authorize the Mayor to execute the necessary agreement(s) in form acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: PURCHASING & PLANTING OF TREES, SCHICHTEL'S NURSERY

Agenda Item #10

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

TO: Schichtel's Nursery
7420 Peters Road
Springville, New York 14141-9405

FOR: Purchase of 246 trees to be planted within the City of Niagara Falls, New York, per the attached tally sheet (on file in the City Clerk's Office)
$25,721.00

Planting of the purchased trees will be completed by the City's Forestry Division on overtime. It is anticipated that the total labor cost to plant the trees will be $17,055.18. The City will also need to pay FICA and for the contractually obligated overtime meals as well.

The City Purchasing Division 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 packages were sent to sixteen (16) vendors. Six (6) responses were received, including one no bid. Please reference the attached (on file in the City Clerk's Office) tally sheet for bid submission details.

Funds for these expenditures are available from the approved Greenway funds.

Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

WATER BOARD: HYDRANT MAINTENANCE-AVAILABILITY EXPENSE

Agenda Item #11

It is requested that the sum of $217,042.00 be made available to pay the Niagara Falls Water Board pursuant to agreement for making fire hydrants available to the City throughout the City and for some required maintenance.

This is an annual charge and historically has been paid with casino revenues. Excess funds are available in capital code H0812 which represents the non-discretionary portion of casino revenue pursuant to 99-H of the State Finance Law.

Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 4
Scott, Tompkins, Voccio, Chairman Touma
Nays 1
Kennedy

APPROVED

CONTRACT: 8450 BUFFALO AVE./8411 TROY AVE., SITE ACCESS, LIFEMAX

Agenda Item #12

The Director of Business Development advises that the City is in discussions with Lifemax Natural Foods, 1773 Bayly Street, Pickering, Ontario as concerns the development of 8450 Buffalo Avenue/8411 Troy Avenue which is the former Wendt's Dairy premises. Lifemax is interested in access to the premises in order to conduct certain due diligence activities. Attached hereto (on file in the City Clerk's Office) is a copy of a proposed site access agreement.

Will the Council so approve and authorize the Mayor to execute this site access agreement provided the same is approved by the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: NYSDEC, 2201-2209 FALLS ST., RIGHT OF ENTRY

Agenda Item #13

The City acquired the above property in the recent IN REM tax foreclosure proceeding.

The property contains a number of barrels containing unknown substances which the Department of Environmental Conservation has agreed to remediate.

In order to facilitate this process, it is necessary for the City to execute the attached Right of Entry form (on file in the City Clerk's Office).

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

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

MAYOR'S APPROVAL

Agenda Item #14

Please be advised that on October 4, 2018, Mayor Paul A. Dyster, duly Approved Resolution 2018 relative to Adding Chapter 178A of the Codified Ordinance entitled "Policy Against Sexual Discrimination"

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: PROKOP, ERIC

Agenda Item #15

Date Claim Filed:	July 20, 2018
Date Action Commenced:	N/A
Date of Occurrence:	July 20, 2018
Location:	3010 Pine Avenue
Nature of Claim:	Mr. Prokop's vehicle was parked in the parking lot and the Police vehicle was attempting to back into a parking space next to his vehicle and struck his vehicle.
City Driver:	Breanna J. Catipovic
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$1704.45
Make Check Payable to:	Eric Prokop
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?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CLAIM: MOORE, ANNE

Agenda Item #16

Date Claim Filed:	September 5, 2018
Date Action Commenced:	N/A
Date of Occurrence:	September 3, 2018
Location:	4029 McKoon Avenue
Nature of Claim:	Forestry Department was cutting down fallen limbs from a City tree and while doing so severed the power line to her home.

City Driver:	N/A
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$660.35
Make Check Payable to:	Anne Moore
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?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

RESOLUTION: DON GLYNN, HONORING, 2018-102
BY: ALL COUNCIL MEMBERS

Agenda Item #17

WHEREAS, Don Glynn, a native of Niagara Falls, started at the Gazette in 1961. During his time at the paper, he has worked as a reporter covering everything from the Blizzard of ’77 to transformation of downtown Niagara Falls. Don also worked as an editor in various capacities during his time at the paper; and

WHEREAS, after retiring, Don returned to the Gazette on a part-time basis and has been an important source of local knowledge and helped guide many of the reporters who have worked at the Gazette in recent years; and

WHEREAS, A true authority on Niagara Falls and the surrounding communities, Don Glynn has been a staple in the Niagara Gazette newsroom for decades; and

WHEREAS, Don resides in Youngstown, New York with his wife Diane.

NOW, THEREFORE, BE IT RESOLVED that this City Council does herby honor Don Glynn for his many years of news reporting and informative stories.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: REFUSE COLLECTION/RECYCLING, USER FEES, PUBLIC HEARING, ADOPTING LOCAL LAW, 2018
BY: CHAIRMAN ANDREW TOUMA

Agenda Item #18

RESOLVED, that Local Law No. 2 (on file in the City Clerk’s Office) for the year 2018 be introduced, and that a public hearing be held on such Local Law on the 30th day of October, 2018 at 6:00 p.m. in the Council Chambers of the City of Niagara Falls, New York and that three (3) days notice of said hearing be published in the Niagara Gazette preceding said hearing relative to adopting a local law authorizing residential, commercial and institutional user fees for refuse collection and recycling.

Yeas 1
Chairman Touma
Nays 4
Kennedy, Scott, Tompkins, Voccio
DEFEATED

RESOLUTION: ZONING ORDINANCE, AMENDING SCHEDULE 8, 2018-103
BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN ANDREW TOUMA

Agenda Item #19

WHEREAS, the Planning Board has recommended that the Council adopt certain amendments to the Zoning Ordinance as outlined on the attached recommendation to Council and Planning Board resolution.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby adopt the attached zoning map (on file in the City Clerk's Office) amendment changing:

515 6th Street	(SBL 159.30-1-1)
542 6th Street	(SBL 159.21-2-16)
543 6th Street	(SBL 159.22-1-25)
549 6th Street	(SBL 159.22-1-26)
551 6th Street	(SBL 159.22-1-27)
560 6th Street	(SBL 159.21-2-15)
564 6th Street	(SBL 159.21-2-14)
566 6th Street	(SBL 159.21-2-13)
568 6th Street	(SBL 159.21-2-12)
620 Ferry Avenue	(SBL 159.30-1-12)
624 Ferry Avenue	(SBL 159.30-1-11)
626 Ferry Avenue	(SBL 159.30-1-10)
607 Walnut Avenue	(SBL 159.22-1-28)

from R3-C Multi-Family High Density - to C2-A Traditional Commercial.

Yeas 5
Nays 0
ADOPTED

CONTRACT: LASALLE LIBRARY BOILER, EMERGENCY REPAIRS, H.W. BRYK & SONS

Agenda Item #20

The Engineering Department solicited quotes for repairs or replacement of the existing steam boiler at the LaSalle Library. Four contractors responded.

H.W. Bryk & Sons 4300 Military Road Niagara Falls, NY 14305	$ 23,900.00
Mollenberg-Betz Inc.	$ 36,230.00
J.R. Swanson Plumbing Co. Inc.	$ 62,220.00
D.V. Brown & Associates	$ 72,400.00

It is the recommendation of the undersigned that H.W. Bryk & Sons be awarded the contract at the quoted price of $ 23,900.00. $15,036.33 of excess funds remain in a Library Improvements capital fund. The remaining $8,863.67 would be needed from tribal revenue reserves. Please note however that the Library is currently working on a New York State Construction Grant submission that would provide up to $14,000 in reimbursements, and once received, the total grant amount received would reimburse the tribal revenue fund.

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

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 4
Kennedy, Scott, Voccio, Chairman Touma
Nays 0
Abstain 1
Tompkins
APPROVED

RESOLUTION: CAMIL KHECHEN TOURNAMENT, PARKING FEE WAIVER, 2018-104
BY: ALL COUNCIL MEMBERS

Agenda Item #21

WHEREAS, Master Khechen's Martial Arts Academy have hosted the Camil Khechen Tournament at the Buffalo Convention Center for the past ten years. The Camil Khechen Tournament, honoring Master Khechen's late brother, is the largest annual tournament conducted by the association; and

WHEREAS, we have decided to give back to the City of Niagara Falls by hosting our largest tournament at The Conference and Event Center Niagara Falls on Saturday, November 3, 2018 from 8:00 a.m. – 6:00 p.m. We are expecting approximately 3,000 people throughout the day. Hotels and attraction rides have been pre-booked in order to generate tourism revenue to the city. We kindly ask all city councilmen to waive the center's parking fee on the day of the event. It will encourage and promote attendees to discover this spectacular area (letter on file in the City Clerk's Office).

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby waive the parking fees associated for this event on Saturday, November 3, 2018 between 8:00 a.m.– 6:00 p.m.

Yeas	5
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 7:50 P.M.

Lisa A. Vitello
City Clerk

OCTOBER 18, 2018

BUDGET WORK SESSION #5 **NIAGARA FALLS, NEW YORK**

The October 18, 2018 Budget Work Session of the Niagara Falls City Council was called to order at 5:00 p.m. in the Council Chambers by Council Chairman Andrew Touma.

Present: Council Members Kennedy, Scott, Tompkins, Voccio, Chairman Touma

Also Present: Dan Morello, City Controller

Planning/ED:

Thomas DeSantis gave the budget presentation for Planning/ED Mr. DeSantis discussed staffing, grant writing and projects.

Human Resources:

Human Resource Director, Ruby Pulliam, gave the budget Presentation for the Human Resource Department.

Ms. Pulliam discussed staffing, civil service assistance, staffing and test taking.

Library:

Sarah Potwin gave the presentation on the Library Budget.

Ms. Potwin discussed maintenance and upkeep of archives. Physical issues with the building, staffing levels and operating hours at the branch locations.

There being no further business to come before the Council, Chairman Touma adjourned the meeting at 6:00 p.m.

Lisa A. Vitello
City Clerk

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OCTOBER 18, 2018

SPECIAL COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The October 18, 2018 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Andrew Touma at 6:20 PM in the Council Chambers

Present: Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Chris Voccio, Chairman Andrew Touma

Also Present: Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello.

City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069
Office of the City Council

October 18, 2018

Members of the City Council
and
Lisa Vitello, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on Thursday, October 18, 2018 at 5:00 p.m. in the City Council Chambers, Niagara Falls, New York for the following purpose:

Adopt Resolution Calling for Public Hearing on 2019 Executive Budget

Respectfully submitted,

Andrew Touma, Council Chair

William Kennedy, Council Member

Ezra Scott, Jr., Council Member

Kenny Tompkins, Council Member

Christopher Voccio, Council Member

RECEIVED
CITY OF
NIAGARA FALLS
CITY CLERK'S OFFICE
2018 OCT 25 AM 10:42

Chairman Andrew Touma called for a motion to amend a public hearing notice to change the Proposed 2018 Executive Budget date to Proposed Executive Budget date to 2019.

Motion was made by Councilman Kennedy and second by Councilman Tompkins;

Yeas 5
Nays 0

The amendment was approved

There being no further business to come before the Council, Chairman Andrew Touma adjourned the Meeting at 6:30 PM.

Lisa A. Vitello
City Clerk

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OCTOBER 23, 2018

BUDGET WORK SESSION #6 **NIAGARA FALLS, NEW YORK**

The October 23, 2018 Budget Work Session of the Niagara Falls City Council was called to order at 5:00 p.m. in the Council Chambers by Council Chairman Andrew Touma.

Present: Council Members Kennedy, Scott, Tompkins, Voccio, Chairman Touma

Also Present: Dan Morello, City Controller

John Caso, Director of Parks and Public Works, gave an overview of the DPW budget. Mr. Caso gave an overview of the organizational structure of DPW, staffing levels, responsibilities and areas covered by DPW.

There being no further business to come before the Council, Chairman Touma adjourned the meeting at 5:30 p.m.

Lisa A. Vitello
City Clerk

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OCTOBER 24, 2018

BUDGET WORK SESSION #7 **NIAGARA FALLS, NEW YORK**

The October 24, 2018 Budget Work Session of the Niagara Falls City Council was called to order at 5:00 p.m. in the Council Chambers by Council Chairman Andrew Touma

Present: Council Members Kennedy, Scott, Jr., Tompkins, Voccio, Chairman Touma

Also Present: Police Superintendent Bryan DalPorto, Administrative Lieutenant Michael Drake, Deputy Chief Operations Nick Ligammari, Confidential Secretary to Chief of Police Katie Pratt, City Controller Dan Morello, Director Human Resources Ruby Pulliam.

Police Superintendent Bryan DalPorto greeted everyone, distributed packets to each Councilman. Discussed how the Police Department is staffed appropriately with fiscal responsibility in mind. Never gone over budget in the 6 years he has been Chief of Police.

This prosed 2019 budget you will notice 6 positions funded for $1. Bryan then referenced the manning agreement.

Discussed the ranking system and each duties. Provided within the packet was an Organization Chart.

Discussed Terrorism encounters happen more frequently on a day to day basis through the help of our Joint Federal Task Force Officer. 80% of his time is spent in Buffalo Federal Office. 20% spent inside the Police Station here working on grants.

Most recent stats of crime was provided to Council Members.

Community Engagement has played a big part into the success rates of the decline in criminal activities.

Council brought up Consultant lines that were discussed with the department. Compliance report was also provided within the packet of information given to Council.

Sustainability Plan was also provided within packet.

Special Funds line was discussed to fun narcotics division.

Wireless Cell Phone Budget line was discussed and the amount.

Parking tickets, booting program, traffic tickets, etc. were all discussed regarding the revenues that it brings in and how effective the programs/price points have been.

Community Relations Division has attended hundreds of events and was recognized nationally.

$600,000 received in grants so far through the Police Department.

100% compliance on all 28 homicide cases.

School resource officers were discussed through the School Districts arrangements.

Animal Control Officer Position was brought up by the Chief.

County wide dispatch was discussed to be utilized inside the Police Station. It would cost about $2 million to implement.

Discussed IT Department.

Cop Logic Program saves over $40,000 a year.

Change in shift schedule was discussed potentially going to 12hr shifts and the savings to the City would be around $600,000.

Has to be discussed with the Police Club.

2 out of 3 calls comes from the traffic division.

Narcotics Division was discussed.

Overtime was discussed.

140 pistol permits were processed this year so far.

IT Department due to its old and antiquated system gets hacked daily.

Police Department has assisted in over 2000 calls helping out other local entities.

Councilman Kennedy asked about the 12hr shift that may have worked in other cities.

12hr shift would only work on patrol if the Police Club agrees to it.

Councilman Voccio brought up what's the process like for negotiations with Union Contracts?

Councilman Kennedy asked about the B shift.

Council Chairman Touma asked about personal use of police vehicles for Brass.

Councilman Kennedy asked about the parts/maintenance of the police vehicle's and if we are getting the best rates on where we purchase them.

Councilman Touma asked about grants for the youth we could look into.

It was brought up that DPW will be having Police look at grants for the Youth. Chief was not aware of that.

Council Chairman Touma asked about the body cameras and how effective they have been and do we need more?

Councilman Tompkins asked about 6 detectives vs. 5 detectives from the past?

Councilman Tompkins asked about raises in Administration.

Councilman Tompkins asked about the booting program and if we are making money?

Councilman Tompkins asked if we were fair on our ticket pricing compared to other municipalities.

Councilman Tompkins asked how many officers have to be in the jail.

Discussed the restructuring of the existing Police station to be more accommodating to save money.

There being no further business to come before the Council, Chairman Touma adjourned the meeting at 6:15 p.m.

Lisa A. Vitello
City Clerk

The Legislative session of the October 30, 2018 Niagara Falls City Council Meeting was called to order by Council Chairman Touma at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Christopher Voccio, Chairman Andrew Touma

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello.

Council Member Tompkins said the Prayer and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Council Member Tompkins moved to approve the Minutes from the Council Budget Meetings of October 10, October 11, October 17, Regular Council Meeting of October 17 and Budget Meeting of October 18, 2018

Yeas	5
Nays	0
	APPROVED

Chairman Touma announced a Special Order of Business, a Public Hearing pertaining to the Adoption of the Proposed 2019 Executive Budget and asked if there were any speakers relative thereto:

Tim Huether

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Terri Kline	Agenda Item #14
Dan Davis	Agenda Item #11
Joanne Gialloreto	Agenda Items #4 and #5
Chandra Davis	Community Development
Joanne Gialloreto	Garbage
Rebecca Ward	Budget/Taxes/Fees
Vince Anello	Budget

Presentations: None

Administrative Update:

Chris Mazur, Deputy Corporation Counsel, gave a presentation on the FDNY agreements.

Risky Sanabria gave a presentation on the FDNY concession agreements.

City Administrator, Nick Melson, gave an update on tree planting, leaf pick-up, winter golf and fishing docks.

Mayor Paul Dyster gave an update on Phase I of the RMP renovation. There will be a Public Meeting on the 27th of November concerning the Robert Moses Parkway. The Mayor also gave an update on the comfort station, water lines and infrastructure at DeVeaux Woods State Park.

Dan Morello, City Controller gave an update on revenue.

Chairman Touma asked for a motion to amend the agenda. Motion was made by Councilman Tompkins to amend agenda item #12, second by Councilman Voccio.

Yeas	5
Nays	0
	APPROVED

Item #12 was amended and moved to the beginning of the meeting.

A Presentation was made, and a resolution was read by the City Clerk honoring the City's Italian restaurants. The Como, Michael's, Fortuna's and LaHacienda were all honored by the City Council for over 280 years of service to the community.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: SECURITY GUARD SERVICES, U.S. SECURITY ASSOCIATES

Agenda Item #1

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

TO: U.S. Security Associates
625 Delaware Avenue
Buffalo, New York 14202

FOR: Security Guard Services at the Corporation Yard and Train Station. The Contract is in effect from January 1, 2019 through December 31, 2019, and, if mutually agreeable, may be extended yearly for up to two (2) additional years through December 31, 2021.

Estimated number of hours per year is 11,700:
$18.84 per hour

The City Purchasing Division 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 twenty-nine (29) vendors. Nine (9) responses were received. The above referenced company submitted the lowest bid. Please reference the attached tally sheet (on file in the City Clerk's Office) for bid submission details.

Funds for this expenditure are expected to be budgeted for in A.1490.0001.0449.004 and AT.1620.2305.0449.004.

Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

COMMUNITY DEVELOPMENT DEPARTMENT: NFL FLAG FOOTBALL GRANT, BUFFALO BILLS FOUNDATION

Agenda Item #2

The Niagara Falls Community Development Department requests Niagara Falls City Council acceptance of a $500 grant from the Buffalo Bills Foundation for the creation of a NFL Flag Football Program in the City of Niagara Falls. CD applied to the foundation's funding opportunity in September 2018.

The NFL Flag Football Program will be incorporated into the 2019 Summer In Your City Series, sponsored by the New York State Health Foundation in partnership with the Niagara Falls City School District. Summer In Your City, and now the NFL Flag Football Program, allow the City of Niagara Falls to deliver dynamic programming to our community's families and children, without reliance on local tax payer dollars.

Will the Council vote to accept this grant and allow the Mayor to execute any documents necessary to effectuate the same?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

CONTRACT: EARL W. BRYDGES LIBRARY, PUBLIC ELEVATOR, MOTOR REPLACEMENT, THYSSENKRUPP ELEVATOR CORP.

Agenda Item #3

The Library Director and the Director of the Department of Public Works advise that it is necessary to replace a motor in the public elevator at the Earl W. Brydges Library. Estimates were obtained for this replacement and it is recommended that this replacement and repair be performed by Thyssenkrupp Elevator Corporation in the amount of $18,023.00. Please refer to the attached estimate (on file in the City Clerk's Office).

Funding is available from casino revenue reserves.

Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

CONTRACT: MOA, FIRE DEPARTMENT/CITY, LOCAL 3359, TEMPORARY CONCESSIONS

Agenda Item #4

Attached (on file in the City Clerk's Office) please find the proposed Memorandum of Agreement between the City of Niagara Falls and the Niagara Falls Fire Department Officers Association, Local 3359 ("Union"), relative to temporary financial concessions. The Union is cognizant of the financial difficulties which the City faces in the upcoming budget year due to the absence of casino funds. Accordingly, the Union has agreed to provide temporary financial assistance to the City in the form of concessions related to certain contractually guaranteed benefits which its membership currently enjoy. In return for the Union's efforts in assisting the City with balancing the budget, the City will fill all vacant budgeted Union positions in order to maintain safe and consistent staffing within the Fire Department during the life of this agreement.

The foregoing proposed agreement will continue to maintain departmental staffing continuity and has been approved and recommended by the Fire Chief.

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

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 4

Kennedy, Scott, Tompkins, Chairman Touma

Nays 1

Voccio

APPROVED

CONTRACT: MOA, UNIFORMED FIREFIGHTES ASSOCIATION, LOCAL 714, EXTENSION OF IMPACT/STAFFING AGREEMENT WITH CONCESSIONS

Agenda Item #5

Attached (on file in the City Clerk's Office) please find the proposed 2019 – 2024 Memorandum of Agreement between the City of Niagara Falls and the Uniformed Firefighters Association, Local 714 ("Union"), relative to staffing and temporary financial concessions. The proposed agreement is a five (5) year extension of the parties' current agreement relative to minimum staffing requirements in the Niagara Falls Fire Department. The original agreement, ratified on October 21, 2004, and subsequently extended by the parties on November 20, 2006, October 22, 2009 and October 18, 2013, respectively, requires the City to incrementally increase the number of on-duty firefighters to twenty-seven (27) as of January 1, 2019. The proposed agreement before you will defer the increase of staffing through the end of the proposed agreement; specifically, the staffing is to be maintained at a level of twenty-five (25) firefighters per shift through December 31, 2019 and twenty-six (26) firefighters per shift through the remainder of the agreement.

Additionally, the Union is cognizant of the financial difficulties which the City faces in the upcoming budget year due to the absence of casino funds. Accordingly, the Union has agreed to provide temporary financial assistance to the City in the form of concessions related to certain contractually guaranteed benefits which its membership currently enjoy. In return for the Union's efforts in assisting the City with balancing the budget, the City will agree to maintain safe and consistent staffing within the Fire Department during the life of this agreement.

The staffing and concession requirements in the proposed agreement will maintain departmental staffing continuity and has been approved and recommended by the Fire Chief.

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

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 4
Kennedy, Scott, Tompkins, Chairman Touma
Nays 1
Voccio

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

MAYOR'S APPROVAL

Agenda Item #6

Please be advised that on October 18, 2018, Mayor Paul A. Dyster duly approved:

Resolution 2018-103 relative to Amending Schedule 8 of the Zoning Ordinance

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

LASALLE AVENUE, 1731, APPROVAL TO INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #7

At the Traffic Advisory Commission meeting held on October 15, 2018 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 1731 LASALLE AVENUE

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Rewa Ram, 1731 Lasalle Avenue

It is requested that City Council approve this recommendation.
Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

AUGUSTUS PLACE, 724, INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #8
At the Traffic Advisory Commission meeting held on October 15, 2018 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 724 AUGUSTUS PLACE
[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]
Submitted By: Maria Crosby, 724 Augustus Place

It is requested that City Council approve this recommendation.
Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

WOODLAWN AVENUE, 2448, INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #9
At the Traffic Advisory Commission meeting held on October 15, 2018 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 2448 WOODLAWN AVENUE
[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]
Submitted By: Mary Jo Metro-Diehl, on behalf of her father Frank Metro, 2448 Woodlawn Avenue

It is requested that City Council approve this recommendation.
Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

RESOLUTION: JINGLE FALLS HOLIDAY PROGRAM, WAIVER OF PARKING FEES, 2018-105
BY: ALL COUNCIL MEMBERS

Agenda Item #10
WHEREAS, The Jingle Falls Holiday Committee is planning events for the last Friday in November and three Saturdays in December and request that parking fees in the ramp and surface lots be waived for residents and their families attending these events; and
WHEREAS, Families will be attending many of these events and the committee feels it would be a holiday gesture of good will, to suspend parking fees for the last Friday in November and three Saturdays in December to encourage attendance ; and

WHEREAS, this incentive is something that is done in many communities during the holiday season for community events.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that this Council does hereby waive parking fees in the surface lots and parking ramp for families attending holiday community events on Friday Nov.30th, Saturday December 1, 8th and 15th 2018 from 11am-9pm, respectively.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: OCCUPANCY TAX REVENUE, USE, 2018-106
BY: COUNCIL MEMBERS KENNEDY, TOMPKINS, VOCCIO, CHAIRMAN TOUMA

Agenda Item #11

WHEREAS, the occupancy tax paid by tourists and visitors to local hotels was intended to be used to foster continued tourism activity.

WHEREAS, cities across the country utilize these revenues to enhance the tourism experience, just as our occupancy tax was originally intended to do.

WHEREAS, the tourism industry is our largest industry and investments to further develop this sector of our economy are good for our residents and local businesses and the Council's Tourism Advisory Board (TAB) is a representation of the tourism industry.

WHEREAS, by law, out of the 4% of the collected occupancy tax revenues that accrue to the city, with 80% of such revenues allocated to Destination Niagara and 5% of such revenues allocated to city government's collection and administration of the occupancy tax revenues, leaving 15% of such revenues that was originally intended to be dedicated towards the fostering of the tourism industry.

NOW, THEREFORE, BE IT RESOLVED, that the 15% of occupancy tax revenues referenced above shall be allocated to projects that have been vetted through an application process administered by the City Clerk's office, and furthermore the Council's Tourism Advisory Board should review all such applications and issue recommendations to the Council who will vote on the appropriations based on their good judgment.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: NIAGARA ITALIAN EXPERIENCE, HONORING, 2018-107
BY: ALL COUNCIL MEMBERS

Agenda Item #12

WHEREAS, between the Como, Fortuna's, Michael's and La Hacienda restaurants, they have a combined 280 years of establishment in Niagara Falls; and

WHEREAS, the Como restaurant being the longest established since 1927, followed by Fortuna's established in 1945, Michael's established in 1960 and La Hacienda being in business over 40 years with new ownership; and

WHEREAS, these restaurants have been a staple not only to our locals but to our tourists for decades; and

WHEREAS, in honor of celebrating 280 years of combined establishment, all four restaurants will be offering a discount during the month of January to say thank you to our loyal customers and the great City of Niagara Falls. Please visit each restaurants website for more details.

NOW, THEREFORE, BE IT RESOLVED that this City Council does herby honor the Como, Fortuna's, Michael's and La Hacienda for their many years of service and great Italian food selection.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: SMALL BUSINESS MONTH, NOVEMER, 2018-108
BY: ALL COUNCIL MEMBERS

Agenda Item #13

WHEREAS, "Small Business Saturday," is a nation wide event wherein shoppers are encouraged to patronize small, local, brick and mortar businesses, will fall on November 24th, and

WHEREAS, "Small Business Saturday" has grown into a nationally recognized event in recent years, drawing attention to the importance of small businesses to the local and national economy, and

WHEREAS, the Niagara Falls Departments of Economic & Community Development are designated "Small Business Saturday Neighborhood Champions," and

WHEREAS, a number of the city's business associations are coordinating with one another to hold events and rallies that spotlight local small businesses, and

WHEREAS, the City Council of the City of Niagara Falls wishes to promote the vitality of small businesses in the Cataract City, now

THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby declares the month of November in 2018 to be "Small Business Month" in Niagara Falls, New York, and

BE IT FURTHER RESOLVED, that the City Council of Niagara Falls, New York wishes to recognize the hardworking men and women that operate small businesses in the city, and encourages the citizens of Niagara Falls to participate in Small Business Week by patronizing small businesses and by participating in events and rallies that highlight their contributions to our city.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: USER FEES FOR REFUSE COLLECTION AND RECYCLING, PUBLIC HEARING TO ADOPT LOCAL LAW, 2018-109
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #14

RESOLVED, that Local Law No. 2 for the year 2018 be introduced, and that a public hearing be held on such Local Law on the 14th day of November, 2018 at 6:00 p.m. in the Council Chambers of the City of Niagara Falls, New York and that three (3) days notice of said hearing be published in the Niagara Gazette preceding said hearing relative to adopting a local law authorizing residential, commercial and institutional user fees for refuse collection and recycling (Local law information on file in the City Clerk's Office).

Yeas 3
Scott, Tompkins, Chairman Touma
Nays 2
Kennedy, Voccio
ADOPTED

RESOLUTION: MARCHISELLI PROGRAM-AID ELIGIBLE COSTS, PIN 5761.57, BUFFALO AVE (RT 384); CAYUGA DRIVE TO 102ND STREET, 2018-110
BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN TOUMA

Agenda Item #15

WHEREAS, a Project for the Buffalo Ave. (Rt. 384); Cayuga Drive to 102nd Street, P.I.N. 5761.57 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs 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 Buffalo Ave. (Rt. 384); Cayuga Drive to 102nd Street, Preliminary Engineering (Design I-VI) and Construction/Construction Inspection, phase 3.

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

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

RESOLVED, that the City Council hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the federal and non-federal share of the cost of work for the Project or portions thereof; and it is further

RESOLVED, that funds are hereby re-appropriated from Buffalo Avenue Phase 1 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 full federal and non-federal share costs of the project exceeds the amount appropriated above, the City Council of Niagara Falls shall convene 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 the 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 therefore 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, this Resolution shall take effect immediately.

Yeas 5

Nays 0

ADOPTED

RESOLUTION: MARCHISELLI PROGRAM-AID ELIGIBLE COSTS, PIN 5762.32, CONTRACT #D035964, EXPANSION OF THE REGIONAL BIKE SHARING PROGRAM, 2018-111

BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN TOUMA

Agenda Item #16

WHEREAS, a Project for the Expansion of the Regional Bike Sharing Program P.I.N. 5762.32 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs 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 Project's Scoping and Preliminary Engineering phase of the Project.

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

RESOLVED, that the City Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the City Council hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the federal and non-federal share of the cost of work for the Project or portions thereof; and it is further

RESOLVED, that funds are 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 full federal and non-federal share costs of the project exceeds the amount appropriated above, the City Council of Niagara Falls shall convene 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 the 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 therefore 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, this Resolution shall take effect immediately.

Yeas	5
Nays	0

ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 7:50 P.M.

Lisa A. Vitello
City Clerk

November 8, 2018

BUDGET WORK SESSION-AMENDMENTS #1 NIAGARA FALLS, NEW YORK

The November 8, 2018 Budget Work Session of the Niagara Falls City Council was called to order at 5:00 p.m. in the Council Chambers by Council Chairman Andrew Touma.

Present: Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Chris Voccio, Chairman Andrew Touma

Also Present: Mayor Paul A. Dyster, Nicholas Melson, City Administrator, Craig Johnson, Corporation Counsel, Thomas O'Donnell, Deputy Corporation Counsel, Daniel Morello, City Controller

The Council passed 11 Amendments.

There being no further business to come before the Council, Chairman Touma adjourned the meeting at 6:40 p.m.

Lisa A. Vitello
City Clerk

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NOVEMBER 8, 2018

SPECIAL COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The November 8, 2018 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Andrew Touma at 5:00 PM in the Council Chambers.

Present: Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Chris Voccio, Chairman Andrew Touma

Also Present: Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello.

November 7, 2018

Members of the City Council
and
Lisa Vitello, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.B of the City Charter, to be held on Thursday, November 8, 2018 at 5:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose(s):

Consider the approval of an Equipment Rental Agreement with Precision Ice Rinks, LLC.

Respectfully submitted,

Andrew Touma, Council Chair

William Kennedy, Council Member

Ezra Scott, Council Member

Kenny Tompkins, Council Member

Christopher Voccio, Council Member

CONTRACT: EQUIPMENT RENTAL, PRECISION ICE RINKS

Agenda Item #1

During the City Council meeting on October 17, 2018, the City Council unanimously approved the Merani Hotel Group as the operator of the outdoor ice skating rink located in the City parking lot at First Street and Rainbow Boulevard. Attached hereto (on file in the City Clerk's Office) is a copy of the item the City Council approved.

The attached item approved by the City Council references the fact that the ice skating rink is proposed to be rented from Precision Ice Rinks LLC and that a grant from the Niagara River Greenway Commission will be the source of funds to pay the cost of this rental. Precision Ice Rinks LLC is not requesting that an Equipment Rental Agreement be signed. A copy of this agreement is attached hereto (on file in the City Clerk's Office). Among other things, this agreement calls for the ice rink to be rented for the period commencing on November 30, 2018 to end on March 2, 2019 at a total cost of $158,890.00.

Will the Council approve this proposed ice rink rental and authorize the Mayor to execute the attached Equipment Rental Agreement?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

There being no further business to come before the Council, Chairman adjourned the Meeting at 5:15 PM.

Lisa A. Vitello
City Clerk

NOVEMBER 14, 2018

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The Legislative session of the November 14, 2018 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Christopher Voccio, Chairman Andrew Touma

Also present: Mayor Paul A. Dyster, Corporation Counsel Craig H. Johnson, and City Controller Daniel Morello.

Council Member Voccio said the Prayer and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Council Member Tompkins moved to approve the Minutes from the Special Council Meeting of October 18, 2018, Budget Meetings of October 23, October 24 and Council Meeting of October 30, 2018

Yeas	5
Nays	0
	APPROVED

The Public Hearing adopting a Local Law authorizing residential, commercial and institutional user fees for refuse collection and recycling was cancelled by the Council.

Presentations: none

Administrative Update:

Mayor Paul Dyster gave an update about the Robert Moses Parkway Project, including street closures. The Mayor discussed pavement of Cayuga Drive, clean team schedules, snow fences, leaf pick-up and snow plowing preparations.

Anthony Vilardo, Director of Business Development, gave a presentation on the Cannon Block Project.

Seth Piccirillo Director of Community Development/Code Enforcement, gave an update on short term rentals and the continued effort to do with Zombie properties.

Daniel Morello, Comptroller, gave an overview of revenue.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Dan Davis	DeFranco Park
Gerald Skrlin	Agenda Item #8
Suzanne Shears	Funding
Ruth Knepp	Budget
Terri Kline	Taxes/Various
Robert Dusan	Budget/Various
Diane Tattersall	Blight
John Spanbauer	Budget
Gerald Skrlin	Various

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S CLAIM REPORT FOR THE MONTH OF OCTOBER 2018

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: TENTH ST., CONSTRUCTION PROJECT, COMPLETION, CHANGE ORDER #1, MARK CERRONE INC.

Agenda Item #2

A contract for the above referenced project was awarded to Mark Cerrone Inc. on November 13, 2017, in the amount of $443,421.50.

While this project was under construction, underground traffic loops were found to be either missing or damaged and in need of repair. Additional catch basin grates were also required. These items required an increase in cost of $7,445.90. In addition, a few contract quantities were exceeded based on actual field conditions encountered. However, there were also a number of contract quantities which underran. Taking into account these increases and decreases, the requested changes would actually result in a net decrease in the amount of $12,919.21, resulting in a final contract amount of $430,502.29.

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

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CITY PROPERTY: NIAGARA STREET, 502, TRANSFER OF BID

Agenda Item #3

The City of Niagara Falls was the successful bidder for the above referenced property at the In Rem auction.

The Urban Renewal Agency is planning to be the lead agency for our RFP process to select a developer for this parcel. In order to facilitate this process, it is recommended that the City's bid be assigned to the Urban Renewal Agency and that the Urban Renewal Agency take title to the property.

This has been reviewed by the Planning Board (on file in the City Clerk's Office), which recommend its approval to the City Council.

Will the Council so approve and authorize the Mayor to execute any documents necessary to effectuate this transaction?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CONTRACT: ONLINE BILL PAYING, XPRESS-PAY.COM

Agenda Item #4

The City Controller has been exploring ways to implement an online method for taxpayers, residents and citizens to pay City property taxes, parking tickets, etc. online. The City Controller is recommending that the City enter into an Enrollment Agreement with Xpress-pay.com, The Universal Collection Solution from Systems East, Inc. in order to accomplish this task. Attached hereto (on file in the City Clerk's Office) is a copy of a proposed Enrollment Agreement. The monthly account maintenance fee to be charged the City is $22.00 for the duration of this agreement. In the event that the City determines to purchase swipe readers, those units will cost $100.00 each. The per-transaction fees will be paid by the consumer and are described in the enrollment agreement.

Will the Council so approve and authorize the Mayor to execute the Enrollment Agreement provided the same is in form and content satisfactory to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: DUKE SENIOR CENTER, LIGHTING UPGRADES, LIME ENERGY SERVICE

Agenda Item #5

The City is in receipt of a proposal from Lime Energy Service, a National Grid vendor pertaining to LED upgrades both inside and outside the Duke Center. These upgrades will result in annual savings estimated to be $4,433.00. The cost of these upgrades is $3,320.38. Funding is available in the Senior Center Maintenance Division budget line A.7142.0200.0422.000 – Light & Power expense.

Will the Council so approve and authorize the Mayor to execute any agreements required provided the same are in form and content satisfactory to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: TRAIN STATION PROPERTY, INSTALL COMMUNICATIONS UPGRADES, COMCAST

Agenda Item #6
THIS ITEM WAS PULLED
NO ACTION TAKEN

CONTRACT: MAIN STREET, 480, STAGING AREA, MARK CERRONE INC.

Agenda Item #7

Mark Cerrone Inc. ("MCI"), a primary contractor engaged by the State of New York in the reconstruction of Third Street and Whirlpool Street, has requested the ability to use 480 Main Street, a property owned by the City and not presently utilized for any City purpose, as a location for material storage, laydown and parking area during the term of this reconstruction project. Attached is a copy of the MCI request. The duration of the project will extend from the present through approximately July of 2020. At the conclusion of the project, MCI will restore the 480 Main Street property to the condition in which it currently sits and will provide the City with insurance. While utilizing 480 Main Street, MCI will maintain the property at its own expense. Attached (on file in the City Clerk's Office) is a proposed Site Utilization Agreement.

Will the Council so approve and authorize the Mayor to sign the attached agreement (on file in the City Clerk's Office)?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 4

Scott, Tompkins, Voccio, Chairman Touma

Nays 1

Kennedy

APPROVED

CONTRACT: 550 MAIN ST., 557 THIRD ST., 561 THIRD ST., 565 THIRD ST., 569 THIRD ST., 571 THIRD ST., REDEVELOPMENT

Agenda Item #8

The City acquired the above referenced Premises as a result of plea negotiations with the U.S. Attorney's Office at no cost to the City. The Premises is sometimes referred to as the Cannon block. In September of 2017, the Department of Economic Development circulated a Request for Proposals ("RFP") to redevelop the Premises.

Two proposals were received by the City in response to the RFP. Both were scored pursuant to the process described in the RFP. A copy of the RFP is attached hereto (on file in the City Clerk's Office).

The proposal submitted by Penn Terra – USRE Corp. ("Penn Terra") scored the highest and it is therefore requested that the City Council authorize the designation of Penn Terra as the "Preferred Developer" for the Premises. Attached hereto (on file in the City Clerk's Office) is a copy of the proposal submitted by Penn Terra.

In addition to designating Penn Terra as the Preferred Developer, it is requested that the City Council authorize the Mayor to negotiate with Penn Terra the terms and conditions of a sale and purchase and development agreement which will contain the terms of the development of the Premises. At such time as the terms and conditions of the sale and purchase and development agreement are finalized, that proposed agreement will be presented to the City Council for review with a request for authorization for the Mayor to execute it. A review and recommendation from the Planning Board will precede such a request. It should be noted that the City applied for and obtained a $2,000,000.00 Restore NY Grant to assist in the redevelopment of the Premises. One of the terms of the sale and purchase and development agreement with Penn Terra will be the assignment to Penn Terra of this Restore NY Grant.

It is anticipated that Penn Terra may request access to the Premises so that it may conduct its due diligence in an effort to move the project along. If that request is made, will the Council authorize such access to the Premises and authorize the Mayor to execute an early access agreement in form and content satisfactory to the Corporation Counsel?

Will the Council approve the requests contained herein and authorize the Mayor to execute any agreements in this regard that are satisfactory in form and content to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

CONTRACT: CAMERA INSTALLATIONS, VERIZON EQUIPMENT, VERIZON LICENSE ADMINISTRATION GROUP

Agenda Item #9

Lieutenant Drake advises that he has been in contact with Verizon License Administration Group pertaining to an agreement to allow the City to install cameras on various Verizon poles. Attached hereto (on file in the City Clerk's Office) is a copy of the agreement. The only cost to the City will be any costs incurred by Verizon in making the poles ready for installations.

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

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 4

Scott, Tompkins, Voccio, Chairman Touma

Nays 1

Kennedy

APPROVED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 7:40 P.M.

Lisa A. Vitello
City Clerk

NOVEMBER 15, 2018

BUDGET WORK SESSION-AMENDMENTS #2 NIAGARA FALLS, NEW YORK

The November 15, 2018 Budget Work Session of the Niagara Falls City Council was called to order at 5:00 p.m. in the Council Chambers by Council Chairman Andrew Touma.

Present: Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Christopher Voccio, Chairman Andrew Touma.

Also Present: Craig Johnson, Corporation Counsel, Thomas O'Donnell, Deputy Corporation Counsel, Daniel Morello, City Controller

The Council passed 6 Amendments

There being no further business to come before the Council, Chairman Touma adjourned the meeting at 5:30 p.m.

Lisa A. Vitello
City Clerk

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2018 INDEX
CITY COUNCIL MINUTES
NIAGARA FALLS, NEW YORK

"A"

"B"

Budget, 2019, Mayor's Proposal 185
Budget Work Session-Amendments #1, #2 243,255
Budget Work Session, 10/3, 10/10, 10/11, 10/17, 10/18, 10/23, 10/24. . . 195, 205, 207, 209, 223, 229, 231

"C"

CITY PROPERTY
24th St., 237, Sale 198
87th Street, 608, John Arida, sale 45
3rd Street, 256, Assessment 82
87th St., 608, sale, Arida, John 118
Niagara St., 502, Transfer of Bid 250
Rainbow Blvd., 223, encroachment 132
Rainbow Blvd., 609, Deed Restriction 177
RFP Properties, sale 213
CLAIMS
Accadia Site Contracting 169
Arico, Lori & Gary 71
Bray, Angela 139
Brooks, Hazel 167
Caterisano, Tori 33
Geico, A/S/O Diedre Ray 11
Golombek, Katie & Gary 179
Griffin, Christopher 200
Hall, Alan 129
Hoffman, Virginia and Steven 118
Kinney, Terri 84
Licht, Michael 83
Merchant, Elizabeth/Edmund 94
Moore, Anne 218
Progressive Subrogation a/s/o, Straub, Robert 168
Prokop, Eric 218
Rodriguez, Carlos 34
Swartz, Robert 47
Tryninewski, Stan 201
Wolf, Christopher 179
Wylucki, Matt 201
CODE ENFORCEMENT:
Repair, Demolition or Board of Structures, expenses. 80
Demolitions, funding 99
Demolition Funding Transfer 214
Commissioner of Deeds, Appointments. 30, 99, 139, 167
COMMUNITY DEVELOPMENT:
Buffalo Niagara Riverkeeper, CDBG Grant Agreement 59
Casino Reserves, restoration 22
CDBG & Home Grant Agreement Amendments, 2017 58
Citizens Bank, Zombie Fight Project, Settlement Agreement/Release . .45
Colvin Blvd., 9330, CYAA, Lease 214
Federal Budget Finalization 105
Home Ownership Auction Properties, 2018 136
HUD CDBG Funds, Completion of Park Improvements 165
Hyde & Liberty Parks Programing, City School District 91

Hyde Park Play Project, Grant award 135
Ice Skating Operations, Merani Hotel Group 215
Mental Health Counseling Services, Homeless Youth 118
NFHA 2017 CDBG Grant Agreement 59
NFL Flag Football Grant, Buffalo Bills Foundation 234
NYS Health Foundation, Grant acceptance 58
Public Disclosure of Exception Request 165

CONTRACTS

19th St., 501, Renovation, CHDO 138
91st St. Park, playground equipment 69, 147
3625 Highland Ave., Mechanical/HVAC Systems, CO #1, Swanson 23
Tenth St., 2112, renovation, CHDO Agreement 126
Abandoned Vehicles, removal, Satarian Auto/Towing 90
Acturial Equivalence Testing, Milliman Inc. 162
A.D.A. Compliance Project, Mark Cerrone 61
A.D.A. Compliance Project, Walter Johnson Bldg 61
Audit, Tri Utility Cost Reductions, Inc. 41
Bike Share Program/Operator, Shared Mobility Inc. 216
Billing/Collections School Taxes, 2018-2019 163
Buffalo Ave. Rehab., Accadia Site 198
Buffalo Ave., 8450/8411 Troy Ave., Site Access, Lifemax 217
Camera Installation, Verison Equip., Verizon License Admin. 253
Cataract City Youth Sports Association, Contribution 137
Cayuga Dr. resurfacing, 4th Generation Construction 158
CDBG & Home Grant Agreement Amendments 69
City Assessor, stipend, Shared Services, PULLED 19, 30
Community Garden, Grassroots Gardens WNY 178
Community Missions, Grant, extension 136
Consultant Services Agree., BridgeNY Program, DiDonato Associates . .42
Consultant Services, NYSDOT Federal Aid, CHA Companies 198
D'Amelio Park Playground Installation, Gardenville Landscape 166
Design/Bid Phases of PSAP, Consultant Services, Wendel Companies . .163
Destination Niagara USA, Shared Services 30
Dog Park, DeVeaux Woods State Park, creation/operation. . .127, 177,199
Drainage Structure Replacement/Repair Project 80
Duke Senior Center, Lighting Upgrades, Lime Energy Service 251
Earl Brydges Library, public elevator, motor replacement 235
Equipment rental, Precision Ice Rinks 247
Fire Dept. Vehicles, NYS Grant 137
Fire Dept./City, Local 3359, temp concessions 235
Fire Training Tower, Subsurface Investigation 98
Fireworks Display, Independence Day, Skylighters 78
Gill Creek Park/Hyde Park, part equipment, NYS Contract 38
Golf Course, Chemical Application Ferta-Lawn 90
Grant Writing Services, Shepherd-Corulli 10
Grass Cutting, K.J. Smith 146
Griffon Park Comfort Station 81
Harlem Wizards Basketball Team, contribution 137
Hyde Park Inclusionary Play Project, equipment 39, 138
Hyde Park Pool, filter valve replacements, 4th Generation 116
Inter-Municipal Agreement, N.Tonawanda, Wheatfield 153
Jayne Park Playground Project, Kompan 147
Jefferson Apartment Building, new parking 40
Kaboom-Community Partner, 473 7th St Project 79
KaBoom-Community Partner, Legends Park, Playground 98
Lead Service Removal Project, J.R. Swanson Plumbing 164
Liberty Park Playground Installation, Valleyview Enterprise 106
Library, emergency repairs, funding, Johnson Controls 123

Lockport Rd. resurfacing project, Occhino Corp. 117
Lockport St. Resurfacing Project, Accadia Site Contracting, CO #1 . .62
Mailing System, Clerk's Office, Lineage Buffalo 44
Main St.550, Third St.557,561,565,569,571, redevelopment 252
Main St. 480, Staging Area, Mark Cerrone 252
Municipal Sidewalk Replacement Project, Valeri, CO #1 212
NCSPCA, extension 117
Niagara Arts & Cultural Center, funding 22
Niagara Community Action Program Inc., funding 22
Niagara County Office for the Aging 11
Niagara Falls Beautification Commission, funding 21
Niagara Falls Block Club Council, funding 21
Niagara Military Affairs Council, funding 20
Niagara Tourism & Convention Corp., parking renewal 45
North End Food Access, request for proposal, CDBG funds 104
NYSDEC, 2201-2209 Falls St., Right of Entry 217
NYSDOT administered Federal Aid Program, Cayuga Dr. 158
Online Bill Paying, Xpress-Pay.Com 251
Orleans/Niagara BOCES Training 164
Porter Road, 5000, Grinding, Chipping, removing wood 10, 38
Pothole Killer, Patch Management 41
Power City Building, Parking 164
Prisoner Meals, McDonalds 68
School District, OSC, funding 21
Security Guard Services, U.S. Security Associates 234
Sidealk Replacement, various locations, Valeri Concrete 91
Slum/Blight prevention/elimination, CDBG Action Plan 79
SPCA, continuation 21
Street Millings, Santarosa Holdings, Inc. 58
Surveillance Cameras, Niagara Mohawk Power Corp. 93
Tenth St., Construction Project, CO #1, Mark Cerrone 250
Town of Lewiston, Sharing 82
Town of Niagara, Municipal Cooperation Agreement 107
Train Station Prop., install communications upgrades, Comcast . . . 251
Trees, purchasing/planting, Schichtel's Nursery 216
Trolley Service, Niagara Frontier Transportation Authority 92
Uniformed firefighters, Local 714, concessions 236
Worker's Compensation Claims, Northeast Association Management . . .176
Wrestling Club, amendment 135

"D"

Dept. of Public Works: Ice Pavilion, Boiler replacement, funding 159
Discover Niagara Shuttle, funding 20

"E"

Encroachment: Pine Ave., 1519, Tattler Lane 60
Engineering Dept.: Pedestrian Safety Action Plan Program, funding 46

"F"

"G"

General Assessment Roll, 2018 128
Golf Course, rate increases 44, 60
Good News Gospel Festival/Health Fair, contribution 126
Grass Cu

"H

Homestead/Non-Homestead Proportions 92

"I"

In Rem Auction Bids, approval 23

"J"

"K"

"L"

Library, HUD, CDBG funds, heating/cooling repairs 123
Local Law #1, City Charter 131

"M"

Mayors Approval, 2017-116,16,24,27,40,44,69 11,46,62,70,83,93,128
Mayors Approval, 2018-73, 86, 92, 93, 94,101,103 . . .138,166,178,200,218,103

"N"

NFURA: Third Street Parking Lot, City Ground Lease, amendment 19
Niagara Scenic Parkway, Removal 127
NITTEC: MOU, Membership 99
NYDOT: Occupancy Permit for Greenway Path 163
NYS Dept. of Environmental Conservation 70

"O"

"P"

POLICE DEPARTMENT

Center for Public Safety Initiative, Grant 199
Give Grant 82
Minor Organization 176
Niag. County Drug Task Force, Memo. Of Understanding 10

PURCHASE

City Trees, Christmas lights, Funding 166
Dehumidification System at Ice Pavilion, VP Supply Corp 162
Landscaping of Medians/Entry Points, LaRosa Landscape 81
Liberty Park Equipment, Kompan Playground Equipment 18
Lights, Third St. Holiday Season, funding 178

"Q"

"R"

RESOLUTIONS

Administration, reduce expenses, 2018-7 13
Advisory Committee 85
Agenda Format, 2018-2 2
Aggressive Panhandling, adding Chapter 746, 2018-81 140
Assessment Review Board, re-appointment, 2018-18 47
Beech Ave. Park Development, 2018-65 113
Bed Tax/Discover Niagara Shuttle Increases, 2018-30 64
Budget Meeting Schedule, 2019. 2018-97 181
Business Licenses, adding Chapter 308, 2018-92 172
Cale, Joe/Colavecchia, Joe, Honoring, 2018-88 169
Cami Khechen Tournament, parking fee waiver, 2018-104 221
Casino Spending Policy, 2018-34 72
Cataract City Youth Sports Association, PULLED 129
Cayuga Gamblers, Fee Waiver, TABLED 203
Ciccarelli, Patrick, Officer, Honoring, 2018-78 145
City Charter, Public Hearing, 2018-68 119
City Council Members, amending Chapter 170, defeated 14
Civil Service Commission, reappointment, 2018-49 96
Collective Bargaining Agreement, defeated 12
Community Appreciation Day Event, 2018-85. . . . . 129, 146
Complete Streets Policy, creation, 2018-13 25
Congressman Brian Higgins, financial assistance/support, 2018-47 . . 95
Council Meeting Date, 2018-6, 2018-20 . . . . . .12, 48
Council Meeting Format, Order, 2018-50 96
DeVeaux Woods Carriage Barn, 2018-28 63
Downtown Revitalization Initiative Application, 2018-54 101
Douglass, Frederick, statue 55
Elected Officials, reduce salaries, defeated 15
Essay contest winners, Community Memorial Day Parade, 2018-59 . . . 103
Fire Dept Fees, Rescinding Chapter 928, 2018-94 180
Flag Day Ceremony, bandstand fee waiver, 2018-57 111

George Optical Co., Honoring, 2018-96 180
Gill Creek Corridor Tree Planting Project, 2018-64 113
Gill Creek Trail Project Development, 2018-66 114
Glynn, Don, honoring, 2018-102 219
Golden Steps 4 Pediatric Cancer Awareness Walk, 2018-70 121
Graduation Ceremony, parking fee waiver, 2018-43 85
Grant Application, collaboration, 2018-37 74
Glynn, Don, Honoring, PULLED 202
Harlem Wizards Basketball Event, PULLED 129
Home Rule Request, speed limit, 2018-39 75
Home Rule Request, Occupancy Tax Increase, 2018-52 100
Human Rights Commission, appoint. 2018-33, 2018-41, 2018-61 . 72,84,112
Hyde Park Inclusionary Play Project, 2018-10 15
Hyde Park Lake Restoration Project, 2018-63 113
Intermodal transportation Center, acquisition of property, 2018-79 .139
Investment Policy, 2018-4 3
Janus Decision, 2018-83 144
Jayne Park Improvement Project, 2018-23 49
Jingle Falls Holiday Program, waiver of parking fees, 2018-105 . . .237
LaSalle Recreation Way Trail Project, 2018-62 112
Local Law #1, City Charter 2018-75 131
Local Waterfront revitalization plan, 2018-80 140
Marchiselli Program, Bike Sharing Program, 2018-111 240
Marchiselli Program, Buffalo Ave, Cayuga Dr., 2018-87 157
Marchiselli Program, Buff. Ave., Cayuga Dr, 102nd St., 2018-110 . . .239
Marchiselli Program, Lockport St., 2018-29 63
Marriage Officer, reappointment, 2018-11 24
Mayor, Salary Reduction, defeated 13
Meeting Schedule, 2018-1 1
NF Boys & Girls Club, parking fees exempt, 2018-26 62
NFCSD, Focus on Families, Walk, 2018-19 48
NFTA Board of Commissioners, 2018-100 200
NFTA Local Routes, Redistribution, 2018-98 182
Niagara Barber Co., honoring, 2018-99 182
Niagara Gazette, 2018-3 3
Niagara Gorge Corridor Project, acquisition of easement, 2018-71 . .121
Niagara Italian Experience, honoring, 2018-107 238
Niagara River Greenway Commission, 2018-9 15
Niagara St. Elementary School, Summer Splash Bash, 2018-82 143
NYS Health Foundation, application support, 2018-14 27
Occupancy Tax Revenue, use of, 2018-106 169,238
Parking Rates, amending 2018-72 122
Pink Gala, parking fee waiver, 2018-95 180
Planning Board, appointments, 2018-15 34
Public Hearing, Alley Abandonment, 2018-36, 2018-45. . . . . 73, 87
Rapids Baseball Team, honoring, 2018-77 149
Restaurant Tip Credit, 2018-51 100
Rock the Block, Parking Fee Waiver, 2018-32 72
Ron’s Place for Hair, honoring, 2018-76 148
Refuse Coll./Recycling, User Fees, Public Hearing,2018-109 . . 219, 239
Safe at Home Conference, parking fee waiver, 2018-89 170
Safer Working Conditions for Labor, 2018-58 111
School Board Election, City Buildings, 2018-17 42
Secretary, Council, 2018-5 12
Senior Prom, parking fee waiver, 2018-48 95
91st St Park Improvement Project, 2018-21 48
Sertoma Club, fee waiver, 2018-25 62
Sex Offender/Sex Crime Victim Task Force, 2018-38 74

Sexual Discrimination, adding Chapter 178A, 2018-101 203
Small Business Month, November, 2018-108 239
Splash Pad, fee waiver, Geraldine J. Mann, 2018-55 110
Summerfest at the Sal, Firefighters Christmas Toy Fund, 2018-84 . . 145
30th Church Anniversary, parking fee waiver, 2018-56 110
Tourism Advisory Board, 2018-12, 2018-42, 2018-46. . . . . 24, 84, 94
Tower, Peter & Elizabeth, foundation, 2018-35 73
Towing-rules/regulations, Chapter 502, 2018-44, 2018-93. . . . .86, 173
Towing-rules/regulations, amending chapter 505, PULLED, 2018-16. 28, 35
Transportation Fed-Aid Project, 2018-74, 2018-90, 2018-91 . 131,171,171
Traffic Generally, amending, 2018-27, 2018-73. . . . . 63, 130
Vendors and Peddlers, amending,2018-24, 2018-40, 2018-69. . . 50,75,120
Water Board Replacement of Waterline & Lead Service, 2018-31 71
Water Line Breaks, 2018-8 14
Winter Skating Project 50, 119
Youth Clean Up Day, D.B.T., 2018-53 101
Zombie Fight Project Livability City Award, 2018-22 49
Zoning Ordinance, Schedule 8, amending, 2018-86, 2018-103. . . 146,220

"S"

Secondhand Dealer Licenses 167, 200
Special Council Meeting 225, 245

"T"

TRAFFIC ADVISORY COMMISSION

4th St., Approval to install a "No Standing Anytime" restriction . . .31
18th St., 447, install handicapped access space 31
74th St., recind alternate overnight parking 109
87th St. bet. Buffalo/Frontier Ave., install overnight parking 33
Augustus Place., 724, install handicapped access space 237
Cleveland Ave., 1887, handicapped access space 110
Grand Ave., 2477, install handicapped access space 32
LaSalle Ave., 1731, install handicapped access space 236
Linwood Ave., 2479, install handicapped access space 32
Livingston Ave., 3059, install handicapped access space 109
Grand Ave., 2912, install handicapped access space 32
Mang Ave., between 87 & 88th Sts., alternate overnight parking . . . 109
Main St., between 91st & 92 Sts., alternate overnight parking 108
Walnut Ave., 1610, handicapped access space 110
Welch Ave., 3008, install handicapped access space 33
Woodlawn Ave., 2448, install handicapped access space 237

"U"

United Steelworkers, grievance, Jeanne Morock 93

"V"

"W"

Water Board: Hydrant Maintenance-Availability Expense 217

"X"

"Y"

"Z"