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**JANUARY 1, 2018**  
**ORGANIZATIONAL MEETING** **NIAGARA FALLS, NEW YORK**

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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  
Nays

5  
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  
Nays

5  
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:

| <b><i>Depository Name</i></b>           | <b><i>Maximum Amount</i></b> | <b><i>Officer</i></b> |
|-----------------------------------------|------------------------------|-----------------------|
| 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 depository 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 recognized 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



**JANUARY 17, 2018**  
**REGULAR COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

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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 47<sup>th</sup> 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 CONSTRUCTION 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:

20<sup>th</sup> 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 47<sup>th</sup> Street, 38<sup>th</sup> Street, 70<sup>th</sup> 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

WHEREAS, 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

WHEREAS, 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

WHEREAS, 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

WHEREAS, 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



**JANUARY 31, 2018**  
**REGULAR COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

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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 Community 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 2<sup>nd</sup> 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; 7 <sup>th</sup> 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 4<sup>th</sup>.

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., 413-103<sup>rd</sup> 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:

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

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

- o 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.
- o 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.
- o 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.
- o 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.

- o 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.
  - o 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.
  - o 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.
  - o 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.
  - o Street Manual: The City of Niagara Falls will create and adopt a Complete Streets Design Manual to support implementation of this policy.
  - o 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



**FEBRUARY 14, 2018**  
**REGULAR COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

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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  
Leonard G. Lapp Jr.  
Rosanna Lively

DPW  
City Clerk's Office  
DPW

|                                 |                                         |
|---------------------------------|-----------------------------------------|
| Leonard M. Cannello             | 9141 Rivershore Dr., NF, NY 14304       |
| Kelly Cook                      | 1026 92 <sup>nd</sup> St., NF, NY 14304 |
| Lisa Kaczor                     | 7050 Lakeside Dr., NF, NY 14304         |
| Larry Kensinger                 | 496 23 <sup>rd</sup> St., NF, NY 14303  |
| Teresa M. Kurilovitch           | 9311 Niemel Dr., NF, NY 14304           |
| Jaclyn Pendola                  | 620 28 <sup>th</sup> St., NF, NY 14301  |
| Jessica-Lynn V. Salada-Siracuse | 2867 Macklem Ave., NF, NY 14305         |

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

4<sup>TH</sup> 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 4<sup>TH</sup> 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 |

18<sup>TH</sup> 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 - 18<sup>TH</sup> 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 - 18<sup>TH</sup> 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

87<sup>TH</sup> 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 87<sup>th</sup> 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<br>Falls, NY |
| Nature of Claim:       | Assault while making an<br>arrest.      |
| Officer Involved:      | Ryan Warne                              |
| Status of Action:      | Trial Stage                             |
| Recommendation/Reason: | Best interests of City to pay<br>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 79<sup>th</sup> Street, 79<sup>th</sup> 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 absorbent \$ 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) <u>Outside storage: per twenty-four hour day (24):</u> |                                  |            |                 |
| (a)                                                        | Tractor                          | [\$ 15.00] | \$ 45.00        |
| (b)                                                        | Trailer                          | [\$ 15.00] | <u>\$ 45.00</u> |
| (c)                                                        | Bus                              | [\$ 15.00] | <u>\$ 45.00</u> |
| (d)                                                        | Truck over twenty (20) feet long | [\$ 15.00] | <u>\$ 45.00</u> |

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



**FEBRUARY 28, 2018**  
**REGULAR COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

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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  | 24 <sup>th</sup> 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                                    | <b>\$10,159.43</b> |

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 70<sup>th</sup> 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 be 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 1<sup>st</sup> 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, 87<sup>TH</sup> 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<br>at 740 10 <sup>th</sup> Street                                                                                            |
| Nature of Claim:       | Vehicle was struck by an<br>unknown vehicle.                                                                                                               |
| City Driver:           | N/A                                                                                                                                                        |
| Status of Action:      | Claim Stage                                                                                                                                                |
| Recommendation/Reason: | Best interests of City to pay<br>claim/reimbursement is<br>recommended pursuant to<br>section 4.13 of the Uniformed<br>Fire Fighters Local 714<br>Contract |
| Amount to be Paid:     | \$500.00 deductible amount not<br>covered by his auto insurance.                                                                                           |
| Make Check Payable to: | Robert Swartz                                                                                                                                              |
| Conditions:            | General Release to City<br>approved by Corporation<br>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        | 9/30/2023     |
| 1223 Norwood Avenue     |               |
| Niagara Falls, NY 14305 |               |

|      |   |
|------|---|
| Yeas | 5 |
| Nays | 0 |

ADOPTED

RESOLUTION: NFCSO, 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 NFCSO 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: 91<sup>ST</sup> 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 39<sup>th</sup> 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 Tuma                    |   |
| 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 1<sup>st</sup> 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 1<sup>st</sup> through and including September 30<sup>th</sup> 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:

| <u>CONTRACTOR</u>                                                                   | <u>BASE BID</u> |
|-------------------------------------------------------------------------------------|-----------------|
| Walter Johnson Building Co., Inc.<br>6638 Mooradian Drive<br>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:

| <u>CONTRACTOR</u>                                                    | <u>BASE BID</u> |
|----------------------------------------------------------------------|-----------------|
| Mark Cerrone, Inc.<br>2360 Maryland Avenue<br>Niagara Falls NY 14305 | \$ 417,900.00   |
| 4 <sup>th</sup> 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

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Nays

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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

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Nays

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ADOPTED

RESOLUTION: NF BOYS & GIRLS CLUB, PARKING FEES, EXEMPT, 2018-26

BY: ALL COUNCIL MEMBERS

Agenda Item #14

WHEREAS, on May 19<sup>th</sup>, 2018 the Niagara Falls Boys & Girls Club will be hosting our 36<sup>th</sup> 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

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Nays

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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

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Nays

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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

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Nays

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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

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Nays

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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**

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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

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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 21<sup>st</sup> 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: 91<sup>ST</sup> 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                               | \$<br>180,000.00 | \$<br>289,776.00 | \$<br>109,776.00   |
| Niagara Falls Neighborhood Housing Services, Inc. First Time Home Buyer Program | \$<br>75,000.00  | \$<br>50,000.00  | \$<br>(25,000.00)  |
| City of Niagara Falls Closing Cost Program                                      | \$<br>127,550.00 | \$<br>66,275.00  | \$<br>(61,275.00)  |
| Niagara Falls Housing Collaborative CDBG Housing Rehabilitation                 | \$<br>350,000.00 | \$<br>326,499.00 | \$<br>(23,501.00)  |
| City of Niagara Falls HOME Housing Rehabilitation                               | \$<br>70,000.00  | \$<br>192,500.00 | \$<br>122,500.00   |
| Niagara Falls Housing Collaborative HOME Housing Rehabilitation                 | \$<br>165,356.00 | \$<br>42,856.00  | \$<br>(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 16<sup>th</sup> "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 4<sup>th</sup> Street to 7<sup>th</sup> 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

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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

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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

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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

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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

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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 Ortton 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 [1<sup>st</sup> Street]

Rainbow Boulevard and Third Street.

. . . .

Bold and Underline Indicate Additions  
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 1<sup>st</sup>, 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 10<sup>th</sup>.

There is a job fair on April 26<sup>th</sup> 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 7 <sup>th</sup> 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 7<sup>TH</sup> 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, 4<sup>TH</sup>  
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     |
|--------------------------------------------------|--------------|
| 4 <sup>th</sup> Generation Construction Co. Inc. | \$263,196.00 |
| 5650 Simmons Ave.                                |              |
| Niagara Falls NY 14304                           |              |
| Mark Cerrone Inc.                                | \$297,600.00 |

It is the recommendation of the undersigned that this project be awarded to the low bidder 4<sup>th</sup> 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 4

Nays

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 SERVICES

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: 3<sup>RD</sup> STREET, 256, ASSESSMENT

Agenda Item #11

The cases referred to above are challenges to the assessment of the office building located at 256 - 3<sup>rd</sup> 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<br>hit the parked vehicle.       |
| City Driver:           | Mark Dinnocenzio                                               |
| Status of Action:      | Claim stage.                                                   |
| Recommendation/Reason: | Best interests of City to pay<br>claim.                        |
| Amount to be Paid:     | \$1404.43                                                      |
| Make Check Payable to: | Michael Licht                                                  |
| Conditions:            | General Release to City<br>approved by Corporation<br>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 28 <sup>th</sup> 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:

| <u>APPOINTMENT</u>                                                    | <u>TERM EXPIRES:</u> |
|-----------------------------------------------------------------------|----------------------|
| Daniel Tighe<br>300 3 <sup>rd</sup> Street<br>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

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 31<sup>st</sup> of the next odd numbered year] an annual basis on December 31<sup>st</sup>. 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 31<sup>st</sup> of the next odd numbered year] until December 31<sup>st</sup> 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/winchng 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/winchng 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



**MAY 9, 2018**

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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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:

| <u>CONTRACTOR</u>                                                                  | <u>BASE BID</u> |
|------------------------------------------------------------------------------------|-----------------|
| Valeri Concrete Construction, Inc.<br>6655 Errick Road<br>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:

| <u>APPOINTMENT</u>                                              | <u>TERM EXPIRES:</u> |
|-----------------------------------------------------------------|----------------------|
| Shawn Weber<br>250 Rainbow Blvd #105<br>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 3<sup>rd</sup> 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 3<sup>rd</sup> 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 1<sup>st</sup>, 2018, for the term expiring on the date which appears opposite his name:

| REAPPOINTMENT:          | TERM EXPIRES: |
|-------------------------|---------------|
| Ronald Mang             | 04/01/2024    |
| 9179 Buffalo Ave        |               |
| Niagara Falls, NY 14304 |               |

|      |         |
|------|---------|
| 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

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NIAGARA FALLS, NEW YORK**

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