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The Legislative session of the January 2, 2019 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:00 P.M. in the Council Chambers.

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

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

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

The first order of business was the election of Council  
Chairperson for 2019.

City Clerk, Lisa Vitello called for nominations for Chairperson  
Councilmember William Kennedy nominated Councilmember Andrew Touma.  
Councilmember Ezra Scott, Jr. seconded that nomination.  
There were no other nominations and the vote was taken.  
Councilmember William Kennedy voted yes  
Councilmember Ezra Scott, Jr. voted yes  
Councilmember Kenny Tompkins voted no  
Councilmember Chris Voccio voted yes  
Councilmember Andrew Touma voted yes

Yeas	4
Nays	1

Council Member Andrew Touma was elected Council Chairperson for 2019  
Oath of Office for Council Chairman Andrew Touma was administered by  
Lisa A. Vitello, City Clerk

Council Member Tompkins moved to approve the Minutes from the Council Meeting of December 12, 2018

Yeas	5
Nays	0

APPROVED

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

Jean Lane Huston	Tree problem
Candace Corsaro	Various
Jean Lane Huston	Tree problem
Rob Ducin	Casino Funds
David St. Amour	Various

Administrative Update:

City Administrator, Nicholas Melson, gave an update on road patching, the search for Fire and Police Chief replacements, and the SPCA contract extension.

Mayor Paul A. Dyster gave an update on the casino arbitration.



Controller Report:

City Controller, Daniel Morello, gave an update on the general fund budget.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF NOVEMBER 2018

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: LASALLE LIBRARY BOILER, EMERGENCY REPAIRS, CHANGE ORDER #1,  
H.W. BRYK & SONS

Agenda Item #2

The Engineering Department solicited quotes for replacement of the existing steam boiler at the LaSalle Library, the low bidder was H.W. Bryk & Sons at \$23,900.00. At the time of solicitation it was anticipated that we could reuse some ancillary parts of the old boiler as a cost saving measure. After the existing boiler was dismantled it was discovered that the "Power Flame" blast tube was severely damaged and could not be reused. H.W. Bryk & Sons secured the parts required to replace the blast tube parts at a total cost of \$1,389.00 and installed them (at no charge) under their original bid price.

Sufficient funding is available within Capital account code H0904.

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

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

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

APPROVED

CONTRACT: HYDE PARK BALL DIAMOND, IMPROVEMENTS, PHASE I, 4TH GENERATION CONSTRUCTION, INC., CHANGE ORDER #1

Agenda Item #3

A contract for the above referenced project was awarded to 4<sup>th</sup> Generation Construction, Inc. on November 13, 2017, in the amount of \$244,600.00.

As this project progressed some additional improvements to the ball diamonds were made to make the outfields safer for play as well as more conducive to maintenance. These improvements included additional grading and filling of ruts throughout the outfields as well as the addition of a pitcher's mound and outfield gates.

These changes will result in an additional \$15,770.00, bringing the total contract amount to \$260,370.00. Funding is available through the Department of Community Development.

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

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

Yeas	5
Nays	0

APPROVED

CONTRACT: NIAGARA MOBILE APP INITIATIVE, PROJECT

Agenda Item #4

During the City Council meeting on November 27, 2017 the City Council approved funding in the amount of \$2,500.00 for an initiative developed by Councilman Scott and Niagara University to create a mobile app for smart phone utilization that will promote and enhance resident awareness of various programs and services that are available in the area.

During the creation of this mobile app initiative, it became apparent to those working on the project that other similar types of projects already existed or were in development. Accordingly, the promoters of this initiative looked for another project to address certain disconnects in information availability. The result was an idea to create the "Niagara Answers" website which will promote resident and visitor awareness and involvement and ensure equal opportunity and services to provide an easy approach for residents and visitors to find City information and services. This "Niagara Answers" website will be designed to offer an easy approach for residents and visitors to search for City information and services and will connect the City of Niagara Falls. Attached hereto (on file in the City Clerk's Office) is a copy of the new proposal developed by Councilman Scott and Niagara University and will be utilized by the University for expenses incurred in the creation of this new project. There is no request for additional funding from the City for this initiative as the \$2,500.00 previously provided by the City for the Mobile App initiative continues to be held in escrow by Niagara University and will be utilized by the University for expenses incurred in the creation of this new project. It is also requested that the date for completion of this project be extended to December 31, 2019.

Will the Council approve this change in the initiative and authorize the Mayor to execute an agreement provided the same is in form and content acceptable to the Corporation Counsel?

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

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

APPROVED

CONTRACT: TRAFFIC SIGNAL UPGRADES, WALNUT AVENUE & HYDE PARK BLVD., CITY PARKLAND, NYSDOT

Agenda Item #5

NYSDOT has commenced a project to upgrade various traffic signals throughout Western New York including the traffic signal at Walnut Avenue and Hyde Park Boulevard. The City owned real estate in question that is affected is located on the north east corner of the intersection and is approximately 400 square feet in total. The attached (on file in the City Clerk's Office) correspondence from NYSDOT describes the project and attaches (on file in the City Clerk's Office) a map showing the location of the City owned real estate involved. (It should be noted that the attached letter describes this real estate as "Arthur V. Curcione Place" because of the signage located in the vicinity. It is actually City public parkland which is most likely part of Hyde Park.)

In any event, NYSDOT will be acquiring this small parcel through the eminent domain process. An appraisal is being conducted and the City will be paid for this small parcel of real estate.

Will the Council so approve and authorize the Mayor to execute any agreement or correspondence confirming that this small parcel of property is "de minimis" in nature and that the action undertaken by the NYSDOT will not adversely impact park activities?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: SCHOOL RESOURCE OFFICERS, CONTINUATION OF AGREEMENT

Agenda Item #6

The agreement that the City has had in place with the School District which, among other things, calls for the City to provide uniformed officers from the NFPD to serve as SROs at various schools in the School District has worked out well for the School District and the City. It is therefore requested that this agreement continue during the first six (6) months of 2019. It is proposed that two (2) NFPD Officers serve as SROs at the High School and one (1) each to serve as SROs at LaSalle Prep and Gaskill Prep. Attached hereto (on file in the City Clerk's Office) is a copy of a proposed agreement between the City and the School District. Note that the District will be reimbursing the City for the entire cost of these four (4) SROs which totals \$280,788.00.

Will the Council so approve and authorize the Mayor to execute a Municipal Cooperation Agreement provided the same is in form and content satisfactory to the Corporation Counsel?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: USA NIAGARA DEVELOPMENT CORP., EXTENSION

Agenda Item #7

As Council members may be aware, USAN owns and operates the Conference and Event Center on Old Falls Street and has contracted with an entity to undertake daily management and operation of the Conference and Event Center. Over the last several years the City has contracted with USAN to not only assist in the funding of the operation of the Conference and Event Center, but also to allow USAN, through the entity operating the Conference and Event Center, to control, maintain, manage and program events on Old Falls Street between Prospect Street and Third Street. The entity now operating the Conference and Event Center and managing Old Falls Street is Comcast Spectacore. This arrangement has worked out very well for the City.

It is requested that USAN be permitted to continue to control, maintain, manage and program Old Falls Street between Prospect Street and Third Street during 2019 at no cost to the City. Attached hereto (on file in the City Clerk's Office) is a copy of a proposed agreement so reciting.

Will the Council so approve and authorize the Mayor to execute the attached proposed agreement provided the same is in form and content satisfactory to the Corporation Counsel?

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

Yeas

4

Kennedy, Scott, Tompkins, Chairman Touma

Nays

1

Voccio

APPROVED

CONTRACT: SPCA, CONTINUATION

Agenda Item #8

The City's agreement with the NCSPCA expires on December 31, 2018. Various City officials have met with the Director of NCSPCA and have agreed upon certain terms and conditions going forward. Attached hereto (on file in the City Clerk's Office) is a copy of a proposed agreement for 2019. Kindly note that this agreement calls for the City to pay \$279,864.00 for NCSPCA services for calendar year 2019 which is \$31,405.68 less than the City paid during 2018. Sufficient funding exists in 2019 budget code A.3510.0000.0449.599.

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

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

Yeas

5

Nays

0

APPROVED

RESOLUTION: NIAGARA GAZETTE, OFFICIAL NEWSPAPER, 2019-1  
BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN TOUMA

Agenda Item #9

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 2019, 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, 2019-2  
BY: COUNCIL MEMBERS TOMPKINS, VOCCIO, CHAIRMAN TOUMA

Agenda Item #10

WHEREAS, New York law requires the governing board of each municipality to adopt an investment policy; and

WHEREAS, the objectives of the investment policy are:

1. To conform with legal requirements
2. To provide for the safety of principal
3. To provide for sufficient liquidity to meet operating requirements
4. To obtain a reasonable rate of return; and

WHEREAS, the attached (on file in the City Clerk's Office) investment policy is designed to satisfy these objectives.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the City of Niagara Falls hereby adopts the attached investment policy (on file in the City Clerk's Office).

Yeas

5

Nays

0

ADOPTED

There being no further business to come before the Council,  
Chairman Touma adjourned the Meeting at 7:20 P.M.

Lisa A. Vitello  
City Clerk



**JANUARY 23, 2019**  
**REGULAR COUNCIL MEETING                      NIAGARA FALLS, NEW YORK**

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The Legislative session of the January 23, 2019 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:00 P.M. in the Council Chambers.

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

Also present: Acting Mayor, John Caso, Director of Public Works, 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.

A motion was made by Councilman Tompkins to amend item #18, honoring the Life of Harvey Albond, seconded by Councilman Scott, moving the item to the beginning of the meeting.

Yeas	5
Nays	0

Item # 18 was amended

A proclamation was read honoring the Life of Harvey Albond.

**Presentations:**

Sue Swiatkowski, Tourism Development Director, gave a quarterly report.

Seth Piccirillo gave a presentation on the 311 System

**Administrative Update:**

Nick Melson, City Administrator, gave an update on parking, snow removal.

City Controller, Dan Morello, gave an update on Parking revenue

There was an extensive discussion on the Hyde Park Golf Course by all Council Members.

Councilman Tompkins made a motion to table item #6 in order to collect additional information, Councilman Scott seconded the motion.

Yeas	5
Nays	0

Item #6 was Tabled

Council Member Tompkins moved to approve the Minutes from the Council Meeting of January 2, 2019

Yeas	5
Nays	0

APPROVED

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

Ron Anderluh	Agenda Items #17, #18, #19
Jean Lane Huston	Museum
Merle Smouse	Short Term Rentals
Rebecca Vinchoski	Boys & Girls Club
Ruth Knepp	Sidewalk; positive things in the City
Ron Anderluh	Thanks you's
Jean Lane Huston	Museum; water bill
Christopher Webster	3 <sup>rd</sup> St. construction
Dorothy West	Various
Gerald Skrlin	Various

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CLAIM REPORT FOR THE MONTH OF DECEMBER 2018

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK REPORT FOR THE MONTH OF DECEMBER 2018

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: 2018 MUNICIPAL SIDEWALK REPLACEMENT PROJECT, VALERI CONCRETE CONSTRUCTION, INC., CHANGE ORDER #1

Agenda Item #3

A contract for the above referenced project was awarded to Valeri Concrete Construction, Inc. on May 9, 2018 in the amount of \$252,500.00

After the project's award, it was determined that a substantial amount of six (6") inch thick concrete sidewalk/driveway aprons included in the 2018 Municipal Sidewalk Replacement Project would not be necessary after the decision to remove Lockport Street from the In House Paving Plan was made.

Conversely, streets substituted in Lockport Road's place on the In-House Paving list increased the need for related four (4") inch thick standard concrete sidewalk installations beyond the original bid quantity. The contractual quantity underruns noted above will allow all excess concrete installations to be paid for with no additional cost (\$0.00) to the project.

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

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

Yeas

5

Nays

0

APPROVED

CONTRACT: CONSULTANT SERVICES, NYSDOT LOCAL ADMINISTERED FEDERAL AID PROJECT BUFFALO AVENUE, PHASE IV, PIN 5761.81, CHA COMPANIES, INC.

Agenda Item #4

Based upon the New York State Department of Transportation standard merit selection procedures, CHA Companies Inc. has been selected as the City's consultant for the above referenced program.

All phases of preliminary & final design, construction inspection and construction administration components will be federally eligible at the standard 80% Federal and 20% Local reimbursement procedure. In addition, the completed project will be Marchiselli funding eligible at 15% reducing the City's local cost to 5% of the total. Funding for this project is available in Code H0635, which represents excess funds from Phase III of the Buffalo Avenue project.

It is the recommendation of the undersigned that the project proposal for Buffalo Avenue Phase IV, be awarded to CHA Companies Inc. at the proposed price of \$280,000.00.

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

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

Yeas

5

Nays

0

APPROVED

CONTRACT: A.D.A. COMPLIANCE PROJECT (SITE WORK/CIVIL), MARK CERRONE, INC., CHANGE ORDER #1/FINAL

#### Agenda Item #5

A contract for the above referenced project was awarded to Mark Cerrone, Inc. on March 28, 2018 in the amount of \$417,900.00.

After the start of the project, existing site conditions necessitated work beyond the original scope of the court-mandated site alterations. These additional tasks include catch basin repair/replacements, drinking fountain leak repairs, and additional concrete sidewalk and ramp installations at sites possessing a change in use, grade and/or physical location.

The costs associated with the extra basin work and concrete placements are \$5,115.00 and \$27,996.05 respectively (▲7.9%) for a total extra charge of \$33,111.05, bringing the contract total to \$451,011.05. Funding is available in capital code H0919.

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

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

Yeas

5

Nays

0

APPROVED

CONTRACT: NIAGARA GOLF PARTNERS, PREFERRED DEVELOPER, LEASE OF GOLF COURSE

#### Agenda Item #6

In the interest of continuing the ongoing improvements to the amenities at the Hyde Park Golf Course ("the course") and also being mindful of the City's costs to operate the course, the Purchasing Division issued an RFP to potentially bring in an operator to take over the operation of the golf course, the restaurant and the shop located on the premises.

After publishing and posting the RFP, the City received two (2) responses and both prospective vendors were interviewed by the scoring committee. After further discussions with both prospective vendors, the proposal from Niagara Golf Partners ("NGP") emerged as the strongest proposal.

The terms of NGP's proposal are as follows: NGP will assume full operational control at the course by performing all tasks necessary to operate the course, restaurant and shop; collecting all revenues and paying all expenses with the exception of the utility contributions set forth herein. The term of the agreement shall be five (5) years, with the option of a mutual five (5) year extension following the end of the initial term.



As discussed above, the City will make contributions towards the utility costs as follows:

Years 1 and 2	\$60,000.00 per year
Years 3 and 4	\$40,000.00 per year
Year 5	\$20,000.00

If the five (5) year extension is agreeable to both parties, the City will make a final contribution to the utility costs in Year 6 of \$20,000.00. Commencing in Year 7 and continuing through Year 10, NGP will pay the City a license fee of \$50,000.00 per year.

Additionally, NGP has expressed an interest in renting certain City-owned equipment as part of its operations, and also in leasing some additional storage space from the City. These items will be included as part of the lease agreement once NGP determines which pieces of equipment they will rent and how much space they will require. The payments for these items will further offset the City's utility contributions for Years 1 through 6 and become additional revenue in Years 7 through 10 if the extension is approved.

Based upon the recommendation of the scoring committee, it is the recommendation of the administration that the City name NGP as preferred developer for the leasing of the course and that the City enter into a five (5) year lease (with the aforementioned mutual five (5) year option) on the terms and conditions stated herein.

Will the Council so approve and authorize the Mayor to execute a lease agreement, and any other documents necessary to complete this lease, in a form acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be Tabled.

Yeas	5
Nays	0
	TABLED

CONTRACT: PITCH N HIT EVENTS, SAL MAGLIE STADIUM, EXTENSION

Agenda Item #7

In March of 2016, you awarded an agreement to Pitch N Hit Events to operate Sal Maglie Stadium from April 1, 2016 through March 31, 2019, with a mutual option to extend the agreement for three (3) more years.

Pitch N Hit Events has expressed a desire to extend the agreement. After consultation with the appropriate City departments, the administration would also like to extend the agreement. Pitch N Hit Events has proven to be an excellent tenant and their operation of the stadium is to be commended.

Therefore, it is the recommendation of the administration that the City extend the agreement for a further three (3) years, through March 31, 2022.

Will the Council so approve and authorize the Mayor to execute an agreement to extend this agreement for an additional three (3) years in a form acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
	APPROVED

CITY PROPERTY: 725 17<sup>TH</sup> STREET, ENCROACHMENT, BOYS AND GIRLS CLUB, DEAN ARCHITECTS

Agenda Item #8

Dean Architects, representing the above referenced property, has applied for a porte-cochere encroachment into the City's right-of-way.

This has been reviewed by the appropriate City departments and the Planning Board recommends that it be granted. It is recommended that the following conditions apply:

1. The owner will add the City of Niagara Falls as an additional insured on its liability insurance policy and provide a copy to the City.
2. The owner will defend and indemnify the City from liability related to the porte-cochere encroachment.
3. The City can revoke permission for the encroachment on ninety (90) days notice.
4. The City right-of-way will not be obstructed and will at all times allow for the safe passage of pedestrians.

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

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: NIAGARA COUNTY LAW ENFORCEMENT ACADEMY, RENEWAL

#### Agenda Item #9

The Acting Superintendent of Police is recommending the renewal of a cooperative agreement between the Niagara County Sherriff's Department, NFPD and Niagara University to jointly operate the Niagara County Law Enforcement Academy at Niagara University. The agreement expired December 31, 2018; the renewal of this agreement will become effective when signed by all parties and continue through December 31, 2023. Attached hereto (on file in the City Clerk's Office) is a copy of the proposed agreement.

It should be noted that there is no direct out-of-pocket cost to the City to participate in this Academy which is held at Niagara University.

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

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 #10

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, 2019 through December 31, 2019. 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

CONTRACT: POLICE DEPARTMENT, LEADSONLINE, LLC.

Agenda Item #11

The Acting Superintendent of the Niagara Falls Police Department ("NFPD") is recommending that the City enter into an Agency Agreement with LeadsOnLine LLC which will commence on January 1, 2019 and remain in effect for a three (3) year term. LeadsOnLine LLC operates and maintains an electronic reporting and criminal investigation system for receiving data for the use of law enforcement officials such as the NFPD. LeadsOnLine LLC will be acting in the capacity of an agent for the NFPD for the purpose of collecting, maintaining and disseminating data. Attached hereto (on file in the City Clerk's Office) is a copy of the proposed Agency Agreement.

The annual fee for this service is \$25,248.00 which will be paid by the Niagara County District Attorney's Office.

Will the Council so approve and authorize the Mayor to execute the attached agreement (on file in the City Clerk's Office)?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: AFRICAN HERITAGE ECONOMIC INITIATIVE, INC., EXTENSION AND MORTGAGE DOCUMENT, FOOD COOPERATIVE

Agenda Item #12

In July of 2018, the City awarded CDBG funds to African Heritage Economic Initiative, Inc. (the "subrecipient") to establish a food cooperative in the North End neighborhood of the city. These funds were made available to for site acquisition, renovation, and store operations. The contract for this project was executed on July 16, 2018.

The contract carried strict time requirements. The subrecipient was allotted six months from the execution date of the contract to close on the purchase of a property and four months for the subrecipient to renovate the property and open the store to the public. Funding for the operation of the co-op would be available for four months following the co-op's opening to the public. The maximum total timeline for the project was to be fourteen months.

The subrecipient was able to close on the property on September 13, 2018, well within the six month timeframe requirement. The current contract required that rehab be completed within four months of this date, and for the food co-op to open on January 13, 2019. The subrecipient has had difficulty identifying contractors to perform the required renovation work, and the 2018-19 holiday season produced further delays in contractor procurement. The four month timeline has not be met. The subrecipient has asked for more time to complete renovations, and anticipates that the co-op will be open by the end of February if the contract is extended.

Because acquisition of the co-op site took place well ahead of schedule, Community Development recommends that the contract be amended to allow for both renovation and operations costs to be paid through September 16, 2019. In addition, the contract would be amended to require that a mortgage document be signed by the subrecipient and recorded in the Niagara County Clerk's office to further secure the subrecipient's performance of provisions already present in the current contract.

It is requested that Council approve an amendment to the contract to allow renovation and operations expenditures through September 16, 2019, and to require a mortgage on the property at 2616 Highland Avenue to secure the subrecipient's performance.

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: LOCKPORT ROAD RESURFACING PROJECT R.P. 938, OCCHINO CORP.,  
CHANGE ORDER #1 & FINAL

#### Agenda Item #13

A contract for the above referenced project was awarded to Occhino Corp, 2650 Seneca Street, West Seneca, New York on June 20, 2018 in the amount of \$545,104.55

Shortly after the start of the project, issues related to existing poor soil & subbase conditions, faulty and combined drainage piping issues, and NYSDOT Asphalt Adjustment protocols forced the contractor to perform tasks as well as install materials that were not anticipated in the initial scope of the project. The cost of the additional tasks, in addition to actual bid item overruns totals \$102,186.27\*, bringing the new contract total to \$647,290.82.

It is important to note that the entire project is 100% reimbursable through the City's annual allotment of NYSDOT's Consolidated Highway Improvement Program (CHIPs) Funding.

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

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

Yeas

5

Nays

0

APPROVED

RESOLUTION: HOME RULE REQUEST, REDUCTION OF SPEED LIMIT IN DOWNTOWN  
NIAGARA FALLS, 2019-3  
BY: ALL COUNCIL MEMBERS

#### Agenda Item #14

WHEREAS, §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, the City Council of the City of Niagara Falls believes that a lower speed limit in the downtown Niagara Falls area would make the area more pedestrian and bicycle friendly and would assist visitors to the City of Niagara Falls in finding their way around from one attraction to another; and

WHEREAS, the City of Niagara Falls is respectfully requesting that the State of New York Senate and Assembly introduce companion bills that 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; and

WHEREAS, the downtown area is described as follows:

COMMENCING in the City of Niagara Falls, Niagara County, New York;

The TRUE POINT OF BEGINNING is the point of intersection of the westerly right of way of John B. Daly Boulevard and the southerly right of way of Buffalo Avenue;

THENCE, leaving westerly along the southerly right of way of Buffalo Avenue, proceeding until its intersection with the easterly edge of Riverside Drive;

THENCE, leaving southerly and westerly along the Boundary of Riverside Drive until its intersection with the westerly boundary of Holly Place;

THENCE, leaving westerly along the line of land appropriated by and for the People of the State of New York in 1885, now known as Niagara Falls State Park, then following said property boundary westerly and northerly, proceeding until its intersection with the northerly right of way of Niagara Street;

THENCE, leaving easterly along the right of way of Niagara Street, proceeding until its intersection with the westerly right of way of Rainbow Boulevard;

THENCE, leaving northerly along the westerly right of way of Rainbow Boulevard, proceeding until its intersection with the northerly right of way of Main Street;

THENCE, leaving northeasterly along the northerly right of way of Main Street, proceeding until its intersection with the westerly right of way of Whirlpool Street;

THENCE, leaving northerly along the westerly right of way of Whirlpool Street, also abutting along the line of land appropriated by and for the People of the State of New York, proceeding until its intersection with the easterly right of way of Third Street;

THENCE, leaving southerly along the easterly right of way of Third Street, proceeding until its intersection with the northerly right of way of Pine Avenue;

THENCE, leaving easterly along the northerly right of way of Pine Avenue, proceeding until its intersection with the easterly right of way of Main Street;

THENCE, leaving southwesterly along the easterly right of way of Main Street, proceeding until its intersection with the easterly right of way of Fourth Street;

THENCE, leaving southerly along the easterly right of way of Fourth Street, proceeding until its intersection with the northerly right of way of Niagara Street;

THENCE, leaving easterly along the northerly right of way of Niagara Street, proceeding until its intersection with the westerly right of way of John B. Daly Boulevard;

THENCE, leaving southerly along the westerly right of way of John B. Daly Boulevard, proceeding until its intersection with the southerly right of way of Buffalo Avenue, being also the POINT OF BEGINNING.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York does hereby respectfully request that the New York State Senate and Assembly submit companion bills authorizing the City of Niagara Falls, New York to reduce the speed limit to a speed limit not less than 25 miles per hour in the downtown area of Niagara Falls, New York as described herein; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the members of the New York State Senate and Assembly.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: STATE LEGISLATION TO CLARIFY THE MEANING OF THE PHRASE "HOTEL AND MOTEL ROOMS" IN SECTION 1202-1 OF THE TAX LAW PERTAINING TO HOTEL AND MOTEL ROOMS IN NIAGARA FALLS, 2019-4  
BY: ALL COUNCIL MEMBERS

Agenda Item #15

WHEREAS, the City Council of the City of Niagara Falls believes in Home Rule; and

WHEREAS, the City Council of the City of Niagara Falls desires that §1202-1 of the Tax Law pertaining to hotel and motel rooms in Niagara Falls be amended to clarify the meaning of the phrase "hotel and motel rooms" to be more consistent with the definition of that phrase as it pertains to other communities mentioned in the Tax Law to recite that the term "hotel" or "motel rooms" shall mean and include "any facility providing lodging on an overnight basis and shall include those facilities designated and commonly known as "Bed and Breakfast", Inns, Tourist Homes and Short Term Rental units.

NOW, THEREFORE, BE IT RESOLVED that the City of Niagara Falls hereby requests that the State of New York Senate and Assembly draft companion bills for the purpose of amending §1201-1 of the Tax Law pertaining to hotel and motel rooms in Niagara Falls to include the following language in §1201-1(1) of the Tax Law: "For purposes of this section, the term "hotel" or "motel" shall mean and include any facility providing lodging on an overnight basis and shall include those facilities designated and commonly known as "Bed and Breakfast", Inns, Tourist Homes and Short Term Rental units; 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 in order to accomplish this clarification in its Local Law regarding bed tax; and

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

Yeas

5

Nays

0

ADOPTED

RESOLUTION: INCREASE BED TAX AND DESIGNATE THE INCREASE FOR THE DISCOVER NIAGARA SHUTTLE OR OTHER TRANSPORTATION ENTITIES THAT SUPPORT TOURISM WITHIN THE CITY, STATE LEGISLATION, 2019-5  
BY: ALL COUNCIL MEMBERS

#### Agenda Item #16

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

WHEREAS, the City Council of the City of Niagara Falls sees an advantage to an additional 1% increase in the current Bed tax to aid and promote tourism in the City of Niagara Falls and Niagara County in general; 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 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 various additional tourist sites in Niagara County;
2. 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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls requests that the State of New York Senate and Assembly draft companion bills for the purpose 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 the 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 and comfortable transportation between the City of Niagara Falls and various other Niagara County attractions; and

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

Yeas

5

Nays

0

ADOPTED

RESOLUTION: SPACONE, ROBERT, HONORING, 2019-6

BY: ALL COUNCIL MEMBERS

#### Agenda Item #17

WHEREAS, It is important to recognize those individuals in our community and in our City workforce as they encounter a significant life milestone and enter the world of "retirement"; and

WHEREAS, Deputy Director Robert Spacone concluded his 33 year employ with the City of Niagara Falls on December 28, 2018; and

WHEREAS, Deputy Director Robert Spacone has diligently served the City of Niagara Falls, commencing on January 27, 1986 first as a Journeyman Painter for 9 years, then as the Skilled Trades Crew Leader for 20 years, to then find his final position of Deputy Director for the last four years, a post at which he has remained until retirement; and

WHEREAS, Deputy Director Robert Spacone graduated from Bishop Duffy High School in 1971 and then proceeded on to graduate from Niagara County Community College in 1973. He also was a member of the armed forces Air Force Division. He enjoys golfing, relaxing and dining at Michael's and Fortuna's. He is distinguished as a devoted City of Niagara Falls employee; as a hard worker devoted to his job serving the residents of the City of Niagara Falls, always willing to display patience and empathy towards residents. He is known to be a loyal and humorous co-worker; and a conscientious civil servant to the residents of the City of Niagara Falls.

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby recognize Deputy Director Robert Spacone of the Niagara Falls Department of Public Works for his loyal and exemplary service to the City of Niagara Falls, and we wish Robert and his family all the very best with peace and joy as he celebrates his retirement and continues to embark upon his new journey.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: ALBOND, HARVEY N., HONORING THE LIFE, 2019-7

BY: ALL COUNCIL MEMBERS

#### Agenda Item #18

WHEREAS, Harvey Albond, a Veteran of both WWII and Korean War earned a Medal of Merit; and

WHEREAS, Highly educated with a BA in Social Studies with concentration on Political Science, Business and Economics. Graduate studies in Economics and Industrial Relations plus Law; and

WHEREAS, Adjunct Professor at Buffalo State and Niagara University. Also lectured at Sydney University; and

WHEREAS, Harvey worked in Government in Minnesota, Iowa, Hawaii, Illinois, as well as Australia before coming to Niagara Falls; and

WHEREAS, Harvey was brought to Niagara Falls to be Director of Planning and Development. A position he held from 1967 - 1978. He then became City Manager from 1978 - 1980; and

WHEREAS, Harvey continued to work as a consultant to the City from 1980 - 1985; and

WHEREAS, Mr. Albond was again called upon to be City Manager in 1985 - 1986; and

WHEREAS, With his passion of Government and willingness to serve, Harvey also served as Assistant Director of Planning for Niagara County for 5 years and then as Executive Director of the Love Canal Revitalization Agency; and

WHEREAS, Harvey was elected to the Board of Education in 1981. He spent from 1991- 2015 as a consultant for many towns and village boards throughout Niagara County; and

WHEREAS, Harvey was a father to Roxanne Albond - Buchner and her husband Daniel Buchner. Grandpa to granddaughter Teresa Buchner.

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby honor Harvey Almond for his lifelong commitment to Government and 50 plus years serving the City of Niagara Falls and surrounding communities.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: GOVERNMENT EFFICIENCY PANEL, CREATION  
BY: COUNCIL MEMBER CHRISTOPHER VOCCIO

#### Agenda Item #19

WHEREAS, the City of Niagara Falls spends more each year than non-casino revenues are able to cover, by roughly \$10 million dollars; and

WHEREAS, city taxpayers would benefit from a restructuring of government such that non-casino revenues could sustain government services so that casino revenues could be used for infrastructure and economic development, as originally intended; and

WHEREAS, the nature of government can make it difficult to identify opportunities for improved efficiency, and even if efficiencies are identified it can be difficult to make such efficiencies known due to the political nature of all government bodies; and

WHEREAS, there are individuals who have experience identifying efficiencies in various industries in Niagara Falls and nearby communities, many of whom would volunteer their time and talents to help the city.

NOW, THEREFORE, BE IT RESOLVED, the City Council shall establish a Government Efficiency Panel charged with identifying expense reduction opportunities and efficiencies in operations. This panel shall last through the end of 2019 though may be extended by the Council. There shall be 6 to 10 members of this panel, with the Council appointing three members, one of whom shall be the Council-appointed chair of the panel who, working with the other two Council appointees shall recruit the remainder of the panel which shall be constructed as follows:

- A minimum of 6 members must be from non-government sectors of the economy.
- A minimum of 2 members must be non-residents of the City of Niagara Falls.
- A minimum of 2 members must be from small businesses, defined here as having less than 50 employees (may also include the CPA designee mentioned below.)
- A minimum of 1 member must be a Certified Public Accountant.



Timeline:

- Council shall appoint three members no later than February 20, 2019
- Three appointed members shall recruit other members no later than March 15, 2019
- Panel shall immediately have full access to city government information
- Panel shall present initial findings and recommendations to Council no later than the last Council meeting in July. Further findings and discoveries may be presented to Council throughout the remainder of 2019.

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

DEFEATED

RESOLUTION: ZONING BOARD OF APPEALS, APPOINTMENT, 2019-8  
BY: ALL COUNCIL MEMBERS

Agenda Item #20

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Zoning Board of Appeals, effective immediately, for the term expiring on the date which appears opposite there name:

APPOINTMENT:	TERM EXPIRES:
Lori Jo Pellow	12/31/2022
1867 South Avenue	
Niagara Falls, NY 14305	

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: PLANNING BOARD, RE-APPOINTMENT, 2019-9  
BY: ALL COUNCIL MEMBERS

Agenda Item #21

NOW, THEREFORE, BE IT RESOLVED, that the following individual is hereby re-appointed to the City of Niagara Falls Planning Board effective immediately for the term expiring opposite her name shown below:

RE-APPOINTMENT:	TERM:
Joyce M. Williams	12/31/2021
1314 Calumet Avenue	
Niagara Falls, NY 14305	

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: TOURISM ADVISORY BD, RE-APPOINTMENTS/APPOINTMENTS, 2019-10  
BY: ALL COUNCIL MEMBERS

Agenda Item #22

BE IT RESOLVED, that the following individuals are hereby re-appointed or appointed to the City of Niagara Falls Tourism Advisory Board effective immediately, for a term expiring on the date that appears opposite their names:

RE-APPOINTMENT	TERMS EXPIRE:
Pat Proctor	12/31/2019
Andrea Czopp	12/31/2019
Meghan Ayers	12/31/2019
Adrienne Bedgood	12/31/2019
Angela Berti	12/31/2019
Howie Ewing, Jr.	12/31/2019
Jeffery Flach	12/31/2019
Ernest Lucantonio	12/31/2019
Roscoe Naguit	12/31/2019
Daniel Tighe	12/31/2019
Lisa Vitello	12/31/2019
Susan Swiatkowski	12/31/2019

APPOINTMENT	TERMS EXPIRE:
Gaelean Baille	12/31/2019
Michael Marsch	12/31/2019
Sara Capen	12/31/2019

Yeas 5  
Nays 0  
ADOPTED

RESOLUTION: YOUTH BOARD, APPOINTMENTS, 2019-11  
BY: ALL COUNCIL MEMBERS

Agenda Item #23

BE IT RESOLVED, that the following individuals are hereby appointed to the City of Niagara Falls Youth Board, effective immediately, for the term expiring on the date which appears opposite their names:

APPOINTMENTS:	TERMS EXPIRES:
Denise Weber 544 30 <sup>th</sup> Street Niagara Falls, NY 14301	12/31/2019
Tina Deakyne 452 Memorial Pkwy. Niagara Falls, NY 14305	12/31/2019
Mary Jo Robbins 1303 Roselle Ave Niagara Falls, NY 14305	12/31/2019

Yeas 5  
Nays 0  
ADOPTED

RESOLUTION: ASSESSMENT REVIEW BOARD, REAPPOINTMENT, 2019-12  
BY: ALL COUNCIL MEMBERS

Agenda Item #24

BE IT RESOLVED, that the following individual is hereby reappointed to the City of Niagara Falls Assessment Review Board, effective immediately, for the term expiring on the date which appears opposite his name:

REAPPOINTMENT: TERM EXPIRES:  
Mr. Bert Donahue 9/30/22  
8189 West Rivershore Drive  
Niagara Falls, New York 14304

Yeas 5  
Nays 0  
ADOPTED

RESOLUTION: HISTORIC PRESERVATION COMMISSION, APPOINTMENT, 2019-13  
BY: ALL COUNCIL MEMBERS

Agenda Item #25

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Historic Preservation Commission effective immediately, for a term expiring on the date that appears opposite her name:

APPOINTMENT	TERM EXPIRE:
Ms. Georgia Robinson-Bradberry	12/31/2021

Yeas 5  
Nays 0  
ADOPTED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE MAYOR

CODE ENFORCEMENT DEPARTMENT: EMERGENCY DEMOLITION FUNDING TRANSFER

Agenda Item #26

The Niagara Falls Code Enforcement Department requests a \$250,000 transfer from the tribal revenue reserve fund to the emergency demolition capital account.

This transfer has been discussed with members of the City Council in recent months. The transfer will allow the department to properly respond to emergency demolitions and the securing of vacant properties.

Does the City Council approve of this budget transfer?

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 8:40 P.M.

Lisa A. Vitello  
City Clerk



**FEBRUARY 6, 2019**  
**REGULAR COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

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The Legislative session of the February 6, 2019 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:00 P.M. in the Council Chambers.

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

Also present: Mayor Paul A. Dyster, 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 23, 2019

Yeas	5
Nays	0

APPROVED

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

Jim Briggs	Golf Course
Ron Anderluh	New State Legislation
John Spanbauer	Golf Course
Ruth Knepp	Various
Ruth Cooper	Various
Rick Horn	Golf Course

Presentations: NONE

Administrative Update:

Nick Melson, City Administrator, gave an update on the ice storm, forestry, garbage collection and concerns raised by Council Members regarding garbage collection schedules and the Modern Disposal Contract. A discussion by all Council Members, the administration and the Law Department took place regarding the operation of the Hyde Park Golf Course.

Controllers Report:

Dan Morello, City Controller, gave a detailed analysis regarding the financial stability of the Hyde Park Golf Course.

Seth Piccirillo, Director of Community Development/Code Enforcement, gave an update on 424 Memorial Parkway.

The Corporation Counsel presented 1 item to be added to the agenda, Resolution Relative to Home Rule Request, 1% increase in the Occupancy Tax for the Purpose of Future Funding of the Discover Niagara Shuttle.

Council Member Kenny Tompkins made a motion to add resolution #16 to the agenda.

Yeas	5
Nays	0
APPROVED	

The item was added as Agenda Item #9

Council Member Kenny Tompkins motioned to remove a tabled item, approval of Niagara Golf Partners a Preferred Developer for the Lease of Hyde Park Golf Course, second by Council Member William Kennedy.

Yeas	5
Nays	0
APPROVED	

The item was removed from the table and added as Agenda Item #10.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S CLAIM REPORT FOR THE MONTH OF JANUARY 2019

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: 535 MEMORIAL PKWY., RENOVATION, CHDO PROGRAM

Agenda Item #2

HUD regulation requires that at least 10% of the City's HOME grant be spent for CDHO activities. CCNDC qualifies as a Community Housing Development Organization. These funds are available to CCNDC for rehabilitation of properties owned by CCNDC.

CCNDC has proposed renovation of 535 Memorial Parkway, which is a three-unit building, under the CHDO program. The City will enter into an agreement with CCNDC which will require, in part, that the renovated property is available to low income tenants for 15 years, and that rents are limited under HUD rent limitations.

CCNDC will use \$36,363 of 2018 CHDO funds, for the 535 Memorial Parkway rehabilitation. While the funds have been appropriated for this purpose in Community Development's 2018 Annual Action Plan, each specific CHDO contract requires City Council approval.

Will the Council vote to approve the 535 Memorial Parkway CHDO agreement with Center City Neighborhood Development Corporation as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	5
Nays	0
APPROVED	

CONTRACT: OFFICE OF THE AGING, SENIOR NUTRITION SITE

Agenda Item #3

For the last several years the City has provided space at the John Duke Center and the LaSalle Senior Center so that OFA may operate a nutrition program for seniors. This program is attended by numerous senior citizens at both locations every day. This program is funded by the New York State Office for the Aging. The term of this agreement will be for one (1) year, i.e., January 1, 2019 to December 31, 2019 and may be terminated by either party on sixty (60) days written notice to the other.

Attached (on file in the City Clerk's Office) are copies of the proposed agreements between the City and the OFA. Will the Council so approve and authorize the Mayor to execute the attached agreements?

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: GARDEN AVENUE PARK IMPROVEMENT PROJECT, EQUIPMENT, GAMETIME

#### Agenda Item #4

The Niagara Falls Community Development Department (NFCD) has undertaken an aggressive plan of park improvements throughout the City of Niagara Falls, using non-local taxpayer dollars. The City of Niagara Falls was awarded a \$75,000 New York State and Municipal Facilities Program (SAM) grant for the creation of a pocket park in the city's north end. In 2018, NFCD organized a public planning meeting for improvements at Garden Avenue Park (1031 Garden Avenue). The current part is in disrepair and rarely used. Improvements funded by the SAM grant will add value to the neighborhood, and the park plan was created with resident input.

It is NFCD's recommendation that the purchase of Garden Avenue Park's new should 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 66669). Equipment includes playground units, seating and trash receptacles. Equipment would be installed by city workers. The equipment purchase amount is \$75,000.

Will the Council vote to approve this purchase from GAMETIME and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: NTCC, SHARED SERVICES

#### Agenda Item #5

The City has been requested to renew NTCC Shared Services Agreement (on file in the City Clerk's Office) with NTCC to fill a tourism position at NTCC. The position is a staff position at NTCC. NTCC will be responsible to pay the salary and provide all benefits of employment. The City will contribute the amount of \$40,000.00 per year toward the cost of the salary and benefits of employment. This position will be dedicated to promoting tourism in the City of Niagara Falls. This arrangement was in effect during the year March 1, 2018 through February 28, 2019 and was generally considered to be a successful collaboration. Funds are available in the tourism budget.

It is recommended that this Shared Services Agreement be continued for a two (2) year period of time provided funding is made available. 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

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS: APPOINTMENTS

Agenda Item #6

The following have requested City Council approval for Commissioner of Deeds for a term from February 6, 2019 to February 6, 2021.

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

Samuel F. Archie	2133 North Ave., Niagara Falls, NY	14305
Kelly Baratta	2613 Welch Ave., Niagara Falls, NY	14303
Timothy E. Huether	629 Ashland Ave., Niagara Falls, NY	14301
Lori Jo Pellow	1867 South Ave., Niagara Falls, NY	14305
Daniel L. Tompkins	450 College Ave., Niagara Falls, NY	14305

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

Yeas

5

Nays

0

APPROVED

RESOLUTION: YOUTH BOARD, REAPPOINTMENT, 2019-14

BY: COUNCIL MEMBER EZRA SCOTT, JR.

Agenda Item #7

BE IT RESOLVED, that the following individual is hereby reappointed to the City of Niagara Falls Youth Board, effective immediately, for the term expiring on the date which appears opposite their name:

REAPPOINTMENTS:

TERMS EXPIRES:

Helen Kress  
2965 Weston Ave  
Niagara Falls, NY 14305

12/31/2019

Yeas

5

Nays

0

ADOPTED

RESOLUTION: CITY COUNCIL AGENDA, FEBRUARY 6, 2019, EXTENDING FILING DATE/TIME, 2019-15

BY: COUNCIL MEMBER KENNY TOMPKINS, CHAIRMAN ANDREW TOUMA

Agenda Item #8

WHEREAS, Section 3.2(B) of the City Charter states that "all proposed legislation and resolutions pertaining to the agenda shall be pre-filed for the Council with the City Clerk no later than 11:00 a.m. on the Thursday preceding the regularly scheduled Council Meeting;" and

WHEREAS, due to adverse weather conditions, Niagara Falls City Hall was closed for business on Wednesday, January 30, 2019 and Thursday, January 31, 2019, thereby preventing numerous City Council agenda items from being pre-filed; and

WHEREAS, this City Council wishes to transact as much business as possible during its meeting on February 6, 2019.

NOW, THEREFORE, BE IT RESOLVED, that the agenda deadline for the regularly scheduled February 6, 2019 City Council meeting is hereby extended from 11:00 a.m. on Thursday, January 31, 2019 to 11:00 a.m. on Monday, February 4, 2019.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: HOME RULE, INCREASE IN OCCUPANCY TAX, 2019-16  
BY: ALL COUNCIL MEMBERS

Agenda Item #9

WHEREAS, Section 1202-1 of the New York State Tax Law allows the City of Niagara Falls to adopt and amend local laws imposing a per diem tax on persons occupying hotel and motel rooms in the City; and

WHEREAS, that rate of tax is presently established at five (5%) per centum per day of the rent or charge for each room; and

WHEREAS, it is requested that this rate of tax be increased from five (5%) per centum per day to six (6%) per centum per day with the additional one (1%) per centum of revenue dedicated to the operation of the Discover Niagara Shuttle; and

WHEREAS, Senator Robert Ortt introduced Senate Bill No. S.2826, attached hereto (on file in the City Clerk's Office), and Assemblyman Angelo Morinello introduced Assembly Bill No. A.3271, attached hereto (on file in the City Clerk's Office), which will authorize and empower the City of Niagara Falls to increase the rate of tax from five (5%) per centum per day to six (6%) per centum per day; and

WHEREAS, in order for the Legislative process to continue, this City Council is requested to adopt a home rule request.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York does hereby recognize, acknowledge and support the enactment by the New York State Legislature of Senate Bill No. S.2826 and Assembly Bill No. A.3271 which will allow the City of Niagara Falls to impose an additional one (1%) per centum occupancy tax in the City of Niagara Falls to benefit the Discover Niagara Shuttle; and

BE IT FURTHER RESOLVED that the Clerk of this City Council is directed to complete and certify the home rule requests and forward copies to the New York State Legislature as required.

Yeas

5

Nays

0

ADOPTED

CONTRACT: HYDE PARK GOLF COURSE, LEASE, NIAGARA GOLF PARTNERS

Agenda Item #10

In the interest of continuing the ongoing improvements to the amenities at the Hyde Park Golf Course ("the course") and also being mindful of the City's costs to operate the course, the Purchasing Division issued an RFP to potentially bring in an operator to take over the operation of the golf course, the restaurant and the shop located on the premises.

After publishing and posting the RFP, the City received two (2) responses and both prospective vendors were interviewed by the scoring committee. After further discussions with both prospective vendors, the proposal from Niagara Golf Partners ("NGP") emerged as the strongest proposal.

The terms of NGP's proposal are as follows: NGP will assume full operational control at the course by performing all tasks necessary to operate the course, restaurant and shop; collecting all revenues and paying all expenses with the exception of the utility contributions set forth herein. The term of the agreement shall be five (5) years, with the option of a mutual five (5) year extension following the end of the initial term.

As discussed above, the City will make contributions towards the utility costs as follows:

Years 1 and 2	\$60,000.00 per year
Years 3 and 4	\$40,000.00 per year
Year 5	\$20,000.00



If the five (5) year extension is agreeable to both parties, the City will make a final contribution to the utility costs in Year 6 of \$20,000.00. Commencing in Year 7 and continuing through Year 10, NGP will pay the City a license fee of \$50,000.00 per year.

Additionally, NGP has expressed an interest in renting certain City-owned equipment as part of its operations, and also in leasing some additional storage space from the City. These items will be included as part of the lease agreement once NGP determines which pieces of equipment they will rent and how much space they will require. The payments for these items will further offset the City's utility contributions for Years 1 through 6 and become additional revenue in Years 7 through 10 if the extension is approved.

Based upon the recommendation of the scoring committee, it is the recommendation of the administration that the City name NGP as preferred developer for the leasing of the course and that the City enter into a five (5) year lease (with the aforementioned mutual five (5) year option) on the terms and conditions stated herein.

Will the Council so approve and authorize the Mayor to execute a lease agreement, and any other documents necessary to complete this lease, in a form acceptable to the Corporation Counsel?

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

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

APPROVED

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

Lisa A. Vitello  
City Clerk



**FEBRUARY 20, 2019**  
**REGULAR COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

---

The Legislative session of the February 20, 2019 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:00 P.M. in the Council Chambers.

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

Also present: Mayor Paul A. Dyster, 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 6, 2019.

Yeas	5
Nays	0

APPROVED

Mayor Paul A. Dyster read a Proclamation honoring Frederick L. Brown and naming February 23, 2019 National Frederick L. Brown Day.

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

Ruth Knepp	Condition of the City
Ron Anderluh	Tourist season; taxes; parking revenue
Dorothy West	Thanks for being able to speak at Council meetings; Honoring Williamson Funeral Home
Gloria Dolson	Race problems
Joyce Sanders	Potholes; procedures for Claims

Agenda Item #7 honoring Williamson Funeral Home was amended to be moved and read at the beginning of the Council Meeting.

Council Member Tompkins moved to amend and approve the Item	
Yeas	5
Nays	0

APPROVED

Council Member Ezra Scott, Jr. read the Proclamation

Bryan Deal, Cayuga Youth Athletics, spoke on the condition of 91<sup>st</sup> and 92<sup>nd</sup> Sts. Playgrounds. There were a lot of issues with the condition of these Parks. Some of the repair work can be done in house. Grants will also be looked into.

Seth Piccirillo, Director of Community Development/Code Enforcement, spoke on Homeownership Auction.

A discussion on adding additional Parking Meters downtown took place with the Council and Administration.

Daniel Morello, City Controller, gave an update of the 2018 Bed Tax.

Nick Melson, City Administrator, introduced Police Chief Thomas Licata to the Council and members of the audience.

There was a discussion on Agenda Item #3, funding for OSC-21, operated by the School District and the item was then Pulled.

Corporation Counsel, Craig Johnson, introduced an item to be added to the Agenda in regards to adding additional names for Commissioner of Deeds.

Council Member Tompkins moved that the communication be approved

Yeas

5

Nays

0

APPROVED

Item was added as Agenda Item #11

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF JANUARY 2019

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: FIRE TRAINING TOWER, ACQUISITION OF MATERIALS/EQUIPMENT, L.N. CURTIS & SON

Agenda Item #2

Please recall that the City has received a grant from the Dormitory Authority in the amount of \$500,000.00 in order to construct a new fire training tower. At this point the Fire Chief is recommending that the City utilize the services of L.N. Curtis & Sons in order to purchase materials/equipment necessary to construct this fire training tower. The attached list (on file in the City Clerk's Office) of materials/equipment necessary totals \$197,398.81. L.N. Curtis & Sons has a United States Government Services Administration contract for this purpose.

Will the Council so approve and authorize the Mayor to execute any agreements necessary in order to move this construction project forward 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: OSC-21, SCHOOL DISTRICT, FUNDING

Agenda Item #3

THIS ITEM WAS PULLED

NO ACTION TAKEN

CONTRACT: TROLLEY SERVICE, NFTA, FUNDING

Agenda Item #4

It is desirable to continue again this year Trolley Service in the City in cooperation with the Niagara Frontier Transportation Authority ("NFTA"). It is recommended that Trolley Service commence on May 17, 2019 and conclude October 27, 2019. During the month of May, 2019, from May 17, 2019 through May 26, 2019, the Trolley Service will operate on weekends only (Friday, Saturday and Sunday). Trolley Service from May 27, 2019 through September 29, 2019 will be on a daily basis. From October 4, 2019 through October 27, 2019, Trolley Service will be on weekends only (Friday, Saturday, Sunday). From November 1, 2019 through December 31, 2019, NFTA validated passes may be utilized for all metro routes. The cost to the City for this service will be \$594,740.00. Funding is available from Tourism Fund balance.

Will the Council so approve and authorize the Mayor to execute an agreement with the NFTA provided the same is in form and content satisfactory to the Corporation Counsel?

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

Yeas	5
Nays	0
APPROVED	

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED FROM THE CITY CLERK

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #5

The following have requested City Council approval for Commissioner of Deeds for a term from February 20, 2019 to February 20, 2021.

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

Candace J. Corsaro	1826 North Ave., Niagara Falls, NY	14305
Eric R. Kenyon	2925 Lewiston Rd, Niagara Falls, NY	14305

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

Yeas	5
Nays	0
APPROVED	

COMMISSIONER OF DEEDS, APPOINTMENTS/RE-APPOINTMENTS

Agenda Item #6

The following have requested City Council approval for Commissioner of Deeds for a term from April 1, 2019 to March 31, 2021.

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

. James C. Bragg	Planning Dept	
Thomas G. Ewing	NFPD	
Jennifer L. Myers	DPW	
Nicholas A. Paonessa	NFPD	
David Tothill	Billing & Collection	
Lisa A. Vitello	City Clerk's Office	
Nadine A. Wasson	City Clerk's Office	
Trina Astor-Stewart	2262 Willow Ave., NF, NY	14305
Tabitha Bernard	1331 Garden Ave., NF, NY	14305
Rebecca A. Dyster	626 Orchard Pkwy., NF, NY	14301
Evonne Holstrom	455 10 <sup>th</sup> St., NF, NY	14303
Ragini Jain	6700 Lindbergh Ave., NF, NY	14304
David E. James	4660 Perry Ct., Lewiston, NY	14092
James M. Joyce	2744 Thornwoods Dr., NF, NY	14304
Michelle D. Kelly	6921 Nash Rd., NT, NY	14120
Gail M. Merino	9365 Rivershore Dr., NF, NY	14304
Rozanne M. Muto	642 19 <sup>th</sup> Street, NF, NY	14301

Allison Moore	2653 Porter Rd., NF, NY 14305
Teresa Naccarato	562 78 <sup>th</sup> Str., NF, NY 14304
Diana M. Restaino	826 College Ave., NF, NY 14305
Margaret Anne Smith	410 74 <sup>th</sup> St., NF, NY 14304
Randal Ubriaco	837 15 <sup>th</sup> St., NF, NY 14301
Dennis Virtuoso	2703 Independence Ave., NF, NY 14301
Jennifer L. Weigel	454 27 <sup>th</sup> St., Lower, NF, NY 14303

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

Yeas	5
Nays	0

APPROVED

RESOLUTION: RELATIVE TO HONORING WILLIAMSON FUNERAL HOME, 2019-17  
 BY: COUNCIL MEMBERS SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #7

WHEREAS, Theodore Williamson worked at the old Union Carbide plant and he opened a business cleaning the bathrooms along Old Falls Street. It took him 15 years to save up enough money to open Williamson Funeral Home; and

WHEREAS, Theodore Williamson opened the funeral home in 1960 on 10<sup>th</sup> Street near the former Nabisco plant with Michael Williamson's grandfather, Joseph Williamson Sr. ; and

WHEREAS, The treatment of African-Americans in an era when some funeral homes wouldn't take them as customers, was what drove Theodore Williamson to open his own funeral home; and

WHEREAS, Theodore Williamson was born December 03, 1923 until his death on June 24, 2010; and

WHEREAS, Michael Williamson is the third generation to run Williamson Funeral Home in Niagara Falls, NY where his father, Theodore, moved to Niagara Falls at age 4 from South Carolina; and

WHEREAS, Michael Williamson came home to Niagara Falls to continue the funeral home business started by his father and grandfather more than half a century ago; and

WHEREAS, Michael Williamson has been involved with the family business since the age of 12. Now 60 years old, he and three employees continue his father's legacy; and

WHEREAS, Michael Williamson joined his father in 1980. In 1977 the business was moved to Main Street. Michael then took over in 1992 and worked side-by-side with his father; and

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby honor Williamson Funeral Home for serving the residents of Niagara Falls and surrounding areas.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: RELATIVE TO RE-APPOINTMENT TO THE YOUTH BOARD, 2019-18  
BY: ALL COUNCIL MEMBERS

Agenda Item #8

BE IT RESOLVED, that the following individual is hereby re-appointed to the City of Niagara Falls Youth Board, effective immediately, for the term expiring on the date which appears opposite their name:

REAPPOINTMENTS:	TERMS EXPIRES:
Lauren Falsetti	12/31/2019
2737 Independence Ave	
Niagara Falls, NY 14301	

Yeas	5
Nays	0
ADOPTED	

RESOLUTION: RELATIVE TO THE RE-APPOINTMENTS TO THE HISTORIC PRESERVATION COMMISSION, 2019-19  
BY: COUNCIL MEMBERS TOMPKINS, SCOTT, CHAIRMAN TOUMA

Agenda Item #9

BE IT RESOLVED, that the following individuals are hereby re-appointed to the City of Niagara Falls Historic Preservation Commission, effective immediately, for the term expiring on the date which appears opposite their names:

RE-APPOINTMENT:	TERM EXPIRES:
Anne Smith	Term Expires 12/31/2021
Matthew Green	Term Expires 12/31/2021
William (Jamie) Robideau	Term Expires 12/31/2021
Dean Melson	Term Expires 12/31/2021

Yeas	5
Nays	0
ADOPTED	

RESOLUTION: RELATIVE TO AMENDING THE REAL PROPERTY TAX LEVY, COLLECT UNPAID VIOLATIONS, CITY'S ANNUAL TAX LEVY, 2019-20  
BY: ALL COUNCIL MEMBERS

Agenda Item #10

WHEREAS, the City Council of the City of Niagara Falls believes in Home Rule and should be able to determine the most efficient way to collect unpaid housing, building and fire code violation penalties, costs and fines; and

WHEREAS, this City Council believes that it is in the best interest of the City to hold property owners, other than property owners occupying their own properties, accountable for unpaid housing, building and fire code violation penalties, costs and fines; and

WHEREAS, this City Council would like to have the ability, through an amendment to the Real Property Tax Law, to place those unpaid housing, building and fire code violation penalties, costs and fines on the City's annual tax levy.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls requests that the State of New York Senate and Assembly draft companion bills amending the Real Property Tax Law for the purpose of authorizing the City of Niagara Falls to collect any unpaid housing, building and fire code violation penalties, costs and fines by allowing the City Controller to place those unpaid housing, building and fire code violation penalties, costs and fines on the City's annual tax levy.

Yeas	5
Nays	0
ADOPTED	

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS: APPOINTMENTS

Agenda Item #11

The following have requested City Council approval for  
Commissioner of Deeds for a term from February 20, 2019 to February 20,  
2021.

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

Shawn Bosi	NFPD
Lakea Perry	1318 LaSalle Ave., NF, NY 14301
Ezra P. Scott, Jr.	2703 Linwood Ave., NF, NY 14305
Ezra Scott, Sr.	2703 Linwood Ave., NF, NY 14305
Megan Stansbury	1942 Cudaback Ave., NF, NY 14303
Jarrett Steffen	328 Cedar Ave., NF, NY 14301

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 7:45 P.M.

Lisa A. Vitello  
City Clerk



**MARCH 6, 2019**  
**REGULAR COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

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The Legislative session of the March 6, 2019 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:00 P.M. in the Council Chambers.

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

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

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

Council Member Tompkins moved to approve the Minutes from the Council Meeting of February 20, 2019.

Yeas	5
Nays	0
APPROVED	

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

Terri Kline	Agenda Item #1
Ron Anderluh	Niagara Street
Ruth Knepp	Various
Dorothy West	Various

Presentations:

Tim Brennan, Director of the SPCA gave a presentation on the importance of Item 14: The Health and Well- Being of Dogs

Administrative Update:

Nick Melson, City Administrator, gave an update on equipment purchases and budgeted items, overtime, snow removal, storm clean-up and street maintenance.

All Council members discussed item #5, replacement of the traction elevator.

Council voted to amend the item regarding funding sources.

Yeas	5
Nays	0
APPROVED	

Item #5 was amended.

Craig Johnson, Corporation Counsel. presented an item to be added to the agenda.

Approval of Commissioner of Deeds

Yeas	5
Nays	0
APPROVED	

The item was added as Agenda Item #15



THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: 91<sup>ST</sup> STREET PARK (LASALLE PARK), SITE SURVEY/LAYOUT TASKS, FUNDING, FISHER ASSOCIATES

Agenda Item #1

Utilizing the New York State Department of Transportation's selection process for related tasks, the City's Engineering Department has selected the firm of Fisher Associates to perform the above-referenced task(s).

It is the recommendation of the undersigned that the site survey and layout tasks of the park improvement project be awarded to Fisher Associates at its proposal price of \$6,200.00. Funding is available from existing departmental budget lines established for these purposes.

Will the Council vote to so approve and authorize the Mayor to execute a professional services 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

COMMUNITY DEVELOPMENT: CITIES FOR RESPONSIBLE INVESTMENT AND STRATEGIC ENFORCEMENT, PHASE II, GRANT

Agenda Item #2

The Niagara Falls Community Development Department (NFCD) was awarded an \$80,000 Cities for Responsible Investment and Strategic Enforcement (Cities Rise) Phase II Grant in 2018. The Phase II Grant, as recently presented to the City Council, is in support of a larger \$1 million innovation grant application that will be submitted to the funder later in 2019. NFCD plans to submit that grant application for the creation and implantation of a 311 system.

This current \$80,000 grant will fund administrative and public participation costs in support of the innovation grant application, per program guidelines.

Will the Council vote to accept this grant and allow the Mayor to execute any documents necessary to effectuate the same?

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

Yeas

5

Nays

0

APPROVED

COMMUNITY DEVELOPMENT: DRAFT U.S. DEPARTMENT OF HOUSING/URBAN DEVELOPMENT, 2019 CONSOLIDATED ANNUAL ACTION PLAN

Agenda Item #3

The City of Niagara Falls Department of Community Development requests Niagara Falls City Council approval of the draft Fiscal Year 2019 Community Development Consolidated Annual Action Plan. It is year five of the 2015-2019 Five Year Strategic Plan. Based on our projections, it consists of \$2,530,000 in federal investment, \$966,668 in non-municipal matching funds for a \$3,496,668 total leveraged plan. The draft FFY 2019 Consolidated Annual Action Plan consists of the following U.S. Department of Housing and Urban Development (HUD) programs: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Solutions Program (ESG).

Draft 2019 CDBG Amount: \$ 2,000,000

Draft 2019 HOME Amount: \$ 335,000

Draft 2019 ESG Amount: \$ 195,000

These budgets are presented to the City Council in draft form, based on estimated amounts, to accommodate the city and federal governments' differing fiscal year budget schedules. HUD's final FFY allocations are generally posted in the spring of each calendar year. A final schedule for 2019 has not yet been set by the federal government.

The Niagara Falls Department of Community Development will request City Council approval of the final HUD allocations when those allocations are announced. Historically, draft budget estimates have been within 2 percent of final allocations.

The draft 2019 Consolidated Annual Action Plan was created through a fifteen week civic engagement process, which included online and print citizen surveys, five public meetings, one public hearing, and an online comment submission form. Public comments received during the civic engagement process are included in the supporting documentation. The Niagara Falls Community Development Department is confident that our process is a national model of transparent and well-explained public engagement and budgeting. Below is a list of major milestones in the public participation process:

#### Citizen Survey

Opened October 9, 2018

Closed November 9, 2018

17 Respondents

14 Comments

(Results and comments attached) (on file in the City Clerk's Office)

#### Neighborhood Planning Meetings

Mon, Oct 22, 6:00 pm Niagara St. Elementary-2513 Niagara St.

3 Attendees

Tue, Oct 23, 12:00 pm LaSalle Public Library-8728 Buffalo Ave

10 Attendees

Thu, Oct 25, 6:30 pm Doris Jones Family Resource Center- 3001-9th St.

1 Attendee

Sat, Oct 27, 10:00 am Carnegie Building - 1022 Main Street

4 Attendees

18 Attendees Total

#### Pizza with the Plan

Tue, Jan 8, 6:00 pm

Carnegie Building - 1022 Main Street

16 Attendees

4 Comments

(Comments attached) (on file in the City Clerk's Office)

#### Public Hearing

Wed, Jan 16, 6:00 pm

City Hall Council Chambers - 745 Main

Street

30 Attendees

13 Speakers

(Minutes attached) (on file in the City Clerk's Office)

#### Other Comments

One appeal letter from the Niagara Falls Housing Authority was received. No other public comments were received by the Department of Community Development via mail, hand delivery, email, or online submission. (Letter attached) (on file at the City Clerk's Office)

The action plan is not finalized until HUD allocations are posted and the City approves the action plan with the HUD-allocated amounts. Upon City Council approval, the draft 2019 Consolidated Annual Action Plan will be submitted to HUD for programmatic review and approval. Per HUD and City of Niagara Falls Citizen Participation Plan Guidelines, the city will adjust programmatic budgets to meet the final allocation without deviating from the project scopes or objectives already approved by the City Council.

Will the Council vote to approve the Draft 2019 Consolidated Annual Action Plan?

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

Yeas

5

Nays

0

APPROVED

DEPARTMENT OF PUBLIC WORKS: UTILITY CARTS, LEASE EXTENSION, NUTTAL GOLF CARS, INC.

#### Agenda Item #4

We respectfully request you authorize the Mayor to enter into an extension agreement as follows:

WITH: Nuttal Golf Cars, Inc.  
5542 State Route 14  
Sodus, New York 14551

FOR: Extension of lease of utility carts through December 31, 2019  
Lease price per month for seven (7) utility cards:  
\$ 790.00  
Total for life of lease:  
\$7,900.00

As the Council may recall, the City entered into a lease agreement with Nuttal Golf Cars, Inc. (Nuttal) in March of 2014 for one hundred (100) golf carts and seven (7) utility carts for a five year term, which expires in March. With the lease of the Hyde Park Golf Course having been recently approved, the City no longer requires the golf carts. Instead, we require a short term lease for the utility carts used in Parking Operations and in the Parks Division at DPW while DPW and the Purchasing Division explore the City's options starting in 2020.

Currently, the seven (7) utility carts are being rented for a total of \$836.32 each month. Under this extension, Nuttal has agreed to provide the required carts through the end of December at a cost of \$790.00 per month, which is a cost savings.

Funds for these expenditures are available through budget codes A.7110.3450.0442.003, PO.1720.2560.0440.003 and PO.1720.2570.0440.003.

Will the Council so approve and authorize the Mayor to execute all documents necessary to extend this lease upon the terms set forth herein 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

DEPARTMENT OF PUBLIC WORKS: TRACTION ELEVATOR, REPLACE, FUNDING

#### Agenda Item #5

The Director of the Department of Public Works ("DPW") advises that the elevator at City Hall is in need of repair in order to ensure the safety of those who ride the elevator. DPW solicited and received three quotes for the work that needs to be done which is to replace five (5) 5/8" hoist ropes and shackles on the traction elevator.

Otis United Technologies is a reputable company and has provided the lowest quote which is attached (on file in the City Clerk's Office). The total cost of the repair is twelve thousand five hundred dollars (\$12,500.00).

Funding is available from casino revenue fund balance.  
Will the Council so approve and authorize the Mayor to sign any work orders necessary to proceed with these repairs?  
Council Member Tompkins moved that the communication be received and filed and the recommendation approved.  
Yeas 5  
Nays 0  
APPROVED

CONTRACT: BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES,  
INVESTIGATIVE AND ENFORCEMENT OPERATIONS

Agenda Item #6

The Superintendent of Police is requesting that the City enter into an agreement with the ATF to engage in cooperative investigative and enforcement operations aimed at disrupting illicit firearms trafficking into the area by identifying, targeting, arresting and prosecuting firearms traffickers, suppliers, etc. It is anticipated that one (1) detective from the NFPD be deputized as Special Deputy by the U.S. Marshals Service for this purpose. The Superintendent further advises that this type of arrangement has been in existence for several years and has generally be considered successful. The NFPD may withdraw from participation in this Memorandum of Understanding on ninety (90) days notice.

Will the Council so approve and authorize the Mayor to execute a Memorandum of Understanding providing the same is in form and content satisfactory to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.  
Yeas 5  
Nays 0  
APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CITY PROPERTY: OLD FALLS STREET, MACKINALI'S CAFÉ, ENCROACHMENT

Agenda Item #7

Custom Covers & Canvas, representing the above referenced property, has applied for an 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. It is recommended that the following conditions apply:

1. The owner will add the City of Niagara Falls as an additional insured on its liability insurance policy and provide a copy to the City.
2. The owner will defend and indemnify the City from liability related to the awning encroachment.
3. The City can revoke permission for the encroachment on ninety (90) days notice.
4. The City right-of-way will not be obstructed and will at all times allow for the safe passage of pedestrians.

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

Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.  
Yeas 5  
Nays 0  
APPROVED

CITY MARSHALLS: APPOINTMENTS

Agenda Item #8

The City Council previously designated Gary Bevilacqua, Eugene Oshal, Frederick Pucci and Rocco Zendano as City Marshals with terms that expired on December 31, 2018. It is recommended that these four (4) individuals be re-appointed to terms expiring on December 31, 2020. It is also recommended that Eugene Pucci be designated as a City Marshal with a term expiring on December 31, 2020 as well.

They will continue to provide satisfactory insurance coverage naming the City of Niagara Falls, New York as additional insured and their remuneration will continue to be limited to the fees that they collect for services rendered.

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: OSC 21, SCHOOL DISTRICT, FUNDING

Agenda Item #9

For the past several years the City has contributed the sum of \$10,000.00 to the Niagara Falls School District for the purpose of helping to defray the cost of the School District's operation of OSC 21.

This service not only allows for training of high school students who may have an interest in pursuing careers in television and journalism, but also its presence at the City Council meetings makes the proceedings that occur at a City Council meeting available to residents who may not be able to attend a City Council meeting. It is requested that funding for calendar year 2019 be made available as well.

Funding is available from interest income earned on tribal revenue funds.

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

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

Yeas

5

Nays

0

APPROVED

RESOLUTION: SCHOOL BOARD ELECTION/BUDGET VOTE, POLLING PLACES, 2019-21  
BY: ALL COUNCIL MEMBERS

Agenda Item #10

WHEREAS, the annual Niagara Falls City School District election will be held on Tuesday, May 21, 2019, and

WHEREAS, the Niagara Falls City School District requests the use of several city buildings as polling places for this election; and

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council hereby approves the request outlined below from the Niagara Falls City School District.

<u>Legislative District</u>	<u>Election District</u>	<u>Polling Places</u>
3	5	LaSalle Senior Center 9501 Colvin Blvd.
4	5 & 6	Niagara Falls Public Library 1425 Main Street
5	5 & 6	John Duke Senior Citizen 1201 Hyde Park Boulevard
6	5	City Hall 745 Main Street
Yeas		5
Nays		0
		ADOPTED

RESOLUTION: CATARACT ELEMENTARY SCHOOL, TALENT SHOW, FEE WAIVER,  
2019-22  
BY: COUNCIL MEMBERS TOMPKINS, VOCCIO, CHAIRMAN TOUMA

Agenda Item #11

WHEREAS, as in the past, Cataract Elementary School requests a waiver of fees for the band shell rental for our annual Talent Show on Thursday, June 6, 2019; (request on file in the City Clerk's Office) and NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby waive the fees associated for use of the band shell.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: NIAGARA STREET ELEMENTARY, FUN DAY, GILL CREEK PARK,  
2019-23  
BY: COUNCIL MEMBERS TOMPKINS, VOCCIO, CHAIRMAN TOUMA

Agenda Item #12

WHEREAS, Niagara Street Elementary School kindly requests the use of Gill Creek Park for our Fun Day student activities on Tuesday, June 18, 2019 from 7:30am - 4:00pm; (letter on file in the City Clerk's Office) and

WHEREAS, we respectfully request the full use of Gill Creek Park on that day for our 620 students; and

WHEREAS, we ask if the grass could be cut on Monday, June 17, 2019. Additionally, it would be helpful if extra garbage cans could be placed in the park for the 18<sup>th</sup>.

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby grant the full use of Gill Creek Park on June 18, 2019 along with grass cut on June 17, 2019 and extra garbage cans for Niagara Street Elementary Fun Day.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: STATE-LET CONTRACT, GRANTING NYS AUTHORITY TO PERFORM THE  
ADJUSTMENT FOR THE CITY AND AGREEING TO MAINTAIN FACILITIES, 2019-24  
BY: COUNCIL MEMBERS KENNEDY, TOMPKINS, VOCCIO, CHAIRMAN TOUMA

Agenda Item #13

WHEREAS, the New York State Department of Transportation proposes the construction, reconstruction, or improvement of US 62 (Niagara Falls Blvd.), (SH 65-3, 64); NY 265 (Military Road) to Packard Road in the City of Niagara Falls located in Niagara County, PIN 5813-49; and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the (1) Lighting - existing luminaires within highway boundary of Niagara Falls Boulevard; (2) Police and Fire Communication - existing underground facilities within highway boundary of Niagara Falls Boulevard pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner; and

WHEREAS, the service life of the relocated and or replaced utilities has not been extended, and

WHEREAS, the State will provide for the reconstruction of the above mentioned work, as shown on the contract plans relating to the above mentioned project.

NOW, THEREFORE, BE IT RESOLVED, that the City of Niagara Falls approves of the (1) Lighting - existing luminaires within highway boundary of Niagara Falls Boulevard; (2) Police and Fire Communication - existing underground facilities within highway boundary of Niagara Falls Boulevard and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the City of Niagara Falls will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans; and

BE IT FURTHER RESOLVED that Mayor Paul A. Dyster has the authority to sign, with the concurrence of the City Council, any and all documentation that may become necessary as a result of this project as it relates to the City of Niagara Falls; and

BE IT FURTHER RESOLVED that the City Clerk of the City of Niagara Falls is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: HEALTH AND WELL-BEING OF DOGS, ADDING CHAPTER 702, CODIFIED ORDINANCES, 2019-25  
BY: COUNCIL MEMBERS KENNEDY, TOMPKINS, VOCCIO, CHAIRMAN TOUMA

Agenda Item #14

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Chapter 702 of the Codified Ordinances entitled "Health and Well-Being of Dogs" is hereby added to read as follows:

702.00

Findings/Purpose

This City Council finds that dogs are companions, valued for the animals' loyal behavioral traits and ability to be kept in close proximity to people in domestic situations. At times, some dogs are left outdoors without means to protect themselves. These animals are exposed and vulnerable to changing weather conditions. In Niagara Falls, weather conditions are known to change quickly. Dangerous weather conditions include temperatures at extreme ends of the spectrum, subzero wind chills, sun, thunderstorms and high humidity. No dog should be left outside, tethered or otherwise, and exposed to the weather for prolonged periods when the temperature falls below the freezing point of water. With temperatures below the freezing point, a dog may experience harm and damage to its skin, causing pain. Similarly, dogs left outside, tethered or otherwise, and exposed for

prolonged periods when the temperature rises to greater than 90<sup>0</sup> Fahrenheit are believed likely to experience heatstroke or other bodily harm.

This ordinance is intended to protect and provide for the health and well-being of dogs in Niagara Falls by regulating the manner in which dogs may be kept outdoors. This ordinance is also intended to provide greater protection for tethered dogs than found within New York State Agriculture and Markets Law Sections 353-b and 353 at the time of adoption. It is believed that most dogs tethered outside for prolonged periods do not have adequate protection.

702.01

Regulations

- (a) Prohibition. No person who owns or has custody or control of a dog shall knowingly leave such dog outdoors, tethered or otherwise, for longer than a period of one continuous hour at such time as when either (1) the actual air temperature is lower than 32<sup>0</sup> Fahrenheit (not accounting for wind chill), (2) the actual air temperature is greater than 90<sup>0</sup> Fahrenheit (not accounting for humidity levels), or (3) during such period of time as extreme weather conditions exist, where any such condition in (1), (2), or (3) above is actually known to such person or reasonably should have been known to such person. Actual harm or injury need not be shown to prove a violation of the prohibition in this subsection.
- (b) Rebuttable Presumptions. Extreme weather conditions shall be presumed to have been present in the event that a weather alert was in effect for a region reasonably construed and commonly understood to be affecting the region in which the dog was left outdoors and during such time as the dog was left outdoors. A dog exhibiting signs of frostbite shall be presumed to have been left outdoors for longer than a period of one continuous hour at such time as when the actual air temperature was lower than 32<sup>0</sup> Fahrenheit. A dog exhibiting signs of heatstroke shall be presumed to have been left outdoors for longer than a period of one continuous hour at such time as when the actual air temperature was greater than 90<sup>0</sup> Fahrenheit. Exceptions. This ordinance shall not apply:
  - To dogs on a leash or other restraint under direct supervision or control of persons actively engaged in recreational activities, including walking, jogging, or running; and
  - To dogs required to be tethered under an applicable law, rule, regulation, or court order.
- (c) Definitions. For purposes of this ordinance, the terms listed below have specific definitions, as follows:
  - "Extreme weather conditions" shall include inclement weather, being weather conditions that are likely to adversely affect the health or safety of the dog, including but not limited to rain, sleet, ice, snow, wind, or extreme heat and cold, and otherwise consistent with the provisions of New York State Agriculture and Markets Law Section 353-b(1)(b), as may be amended from time to time.
  - "Weather alert" shall mean a broadcast of the National Weather Service regarding one of the following weather-related events, reasonably construed to be affecting the region in which the dog was left outdoors: blizzard warning, severe thunderstorm (watch or warning), severe weather statement, tornado (watch or warning), winter storm (watch or warning).



"Outdoors" shall mean a location outside a permanent structure capable of habitation or occupancy by people during an extreme weather event or period of time with temperatures falling below 32<sup>0</sup> Fahrenheit or greater than 90<sup>0</sup> Fahrenheit (depending on the applicable weather conditions), such as a house, apartment building, or office building. Examples of non-suitable outdoor structures include, without limitation, wire cages and non-insulated structures, including those made of plastic (e.g., calf hutch).

- "Tether" shall include the actions of leashing, fastening, securing, chaining, tying, or otherwise restraining a dog to any stationary object outdoors.

702.02                      Enforcement, Penalties, and Registration Obligations.

(a)              Enforcement Officers. This ordinance shall be enforced by any police officer, dog control officer or peace officers having jurisdiction within the City of Niagara Falls. Such enforcement officers shall have the authority to enforce the provisions of this ordinance and to take such necessary and related enforcement actions, including, without limitation, accepting, recording, and investigating complaints, issuing appearance tickets, obtaining supporting depositions, and preparing and submitting criminal and civil complaints to a court of competent jurisdiction.

(b)              Classification of Offense. Any person who violates the prohibition found within Section 702.02 of this ordinance, shall, upon conviction thereof, be guilty of a violation, as defined in Section 55.10 of the New York State Penal Law, as may be amended from time to time. Each calendar day in which such person violates Section 702.02 of this ordinance shall constitute a separate offense.

(c)              Penalties and Registration. The court, in its discretion, may impose a sentence of imprisonment to be fixed by the court for a term not to exceed fifteen days, consistent with Section 70.15(4) of the New York State Penal Law, a sentence to pay an amount to be fixed by the court not exceeding the amount of two hundred fifty dollars, consistent with Section 80.05(4) of the New York State Penal Law, or both.

The court may also elect to cause the dog(s) underlying the basis of the conviction to be surrendered or otherwise forfeited by the person after such conviction. The surrender or forfeiture shall be to an enforcement officer, as provided herein above.

In lieu of or in addition to any other penalty imposed under this ordinance, the court may impose upon any person who fails to comply with Section 702 of this ordinance law a civil penalty, enforceable and collectable by the City of Niagara Falls, in the amount of two hundred fifty dollars for a first offense, five hundred dollars for a second offense, and one thousand dollars for each additional offense.

Conviction of a person under this ordinance shall require such person to register with the Animal Abuser Registry as an Animal Abuse Offender.

(d)              Disposition of Fines. All fines collected pursuant to this ordinance shall be the sole property of the City of Niagara Falls.

702.03                      Severability

If any clause, sentence, paragraph, section, subdivision or other part of this ordinance or its applications shall be adjudged by a Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or otherwise invalidate the remainder of this ordinance which shall remain in full force and effect except as expressly limited by such order or judgment.



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



**MARCH 20, 2019**

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The Legislative session of the March 20, 2019 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:00 P.M. in the Council Chambers.

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

Also present: Mayor Paul A. Dyster, 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 6, 2019.

Yeas

5

Nays

0

APPROVED

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

Ken Hamilton	Agenda Item #9
Laura Nowak	Agenda Item #11
Neil Kavanaugh	Agenda Item #11
Ken Hamilton	Renaming Streets

Presentations:

A proclamation was read honoring the life of Fire Fighter Keith "Keifer" Stahlman for his dedicated service to the NFFD and his community.

Administrative Update:

Acting City Administration, Doug Janese, discussed the vehicle fleet, fire, police and DPW vehicles and parking meters.

City Controller Report:

City Controller, Daniel Morello discussed new parking technology, waivers and revenue.

Craig Johnson, Corporation Counsel, presented 2 items to be added to the agenda.

The first item:

Relative to calling for a public hearing regarding the abandonment of a portion of Old Falls Street right of way 304 1<sup>st</sup> Street.

Councilman Tompkins made a motion to add this item to the agenda

Yeas

5

Nays

0

APPROVED

The item was added as Agenda Item #15

The second item was to appoint a commissioner of deeds.

Councilman Tompkins moved to add the item to the agenda.

Yeas

5

Nays

0

APPROVED

The item was added as Agenda Item #16

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S CLAIM REPORT FOR THE MONTH OF FEBRUARY 2019

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: BUFFALO AVE. BRIDGE OVER CAYUGA CREEK-PIN #5761.44, CONSULTANT SERVICES, C&S ENGINEERS, INC., CHANGE ORDER #2

Agenda Item #2

A contract for the above referenced project was awarded to C&S Engineers, Inc. on July 23, 2017 for Professional Services, Design and Construction Support Services and Construction Inspection.

During construction, it was discovered that the bridge needed additional extensive repairs not included in the original scope. The Consultant's inspection team managed said project so that the additional construction repair costs came in under budget.

The additional time required to manage and inspect the project exceeded the original contract amount approved by Council and this change order is to compensate C&S Engineer's for that extended construction time. Since there was a savings in the construction phase, that money can be used to offset the additional consultant expenses for a \$0.00 increase to the project cost. No new additional monies are required.

Please note that the City is receiving 80% reimbursement of all project cost from Federal Highway Administration, 15% State Marchiselli Funding, and the Local share funding match of 5%.

It is the recommendation of the undersigned that Change Order #2 be approved in the amount of \$8,600.00. Funding for this change order is a transfer of funds from the Construction budget to the Consultant's budget.

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: NIAGARA SCENIC PARKWAY, AMENDMENT, REMOVAL

Agenda Item #3

Please recall that during your meeting on July 5, 2018 the City Council authorized the City to enter into an agreement with the New York State Power Authority ("NYPA"), the New York State Office of Parks, Recreation & Historic Preservation ("State Parks"), the New York State Department of Transportation ("NYSDOT") and USA Niagara Development Corporation ("USAN") regarding a project to remove a portion of the Niagara Scenic Parkway. This construction project, at that time, was estimated to cost \$38,500,000 and was to be largely funded through NYPA (\$36,500,000).

This project is now underway. During the initial phase of the project, it became clear that construction costs are going to exceed the estimated cost. Therefore, it is necessary to amend the agreement to increase NYPA's construction funding by an additional \$4,200,000 as well as an additional \$530,000 to pay USAN's consultant for design support and monitoring during construction. Once again, there is no cost to the City.

Will the Council approve the Amendment to the Agreement, a copy of which is attached hereto (on file in the City Clerk's Office) and authorize the Mayor to sign this Amendment together with any other amendments or documents that do not materially affect the City?

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

Yeas

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Nays

0

APPROVED

CONTRACT: DPW YARD AND BUILDINGS-ADDITIONAL LIGHT FIXTURES, LIME ENERGY SERVICE, FUNDING, CHANGE ORDER #1

Agenda Item #4

A contract for the above referenced project was awarded to Lime Energy Service on December 12, 2018 for LED upgrades for various areas inside and outside of the Public Works building and yard. A copy of the item approved by the City Council is attached (on file in the City Clerk's Office).

It has now been determined that additional light fixtures are needed in rooms not previously included in the initial walk through.

Therefore, as the City already has a contract with this vendor for lighting upgrades, it is the recommendation of the undersigned that Change Order #1 to this contract for the needed work in the amount of \$707.40 be approved.

Funding is available through Light & Power expense - Account A.1640.0000.0422.000.

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 CORPORATION COUNSEL

CLAIM: WOLF, LYNN

Agenda Item #5

Date Claim Filed: June 22, 2016  
Date Action Commenced: March 3, 2017  
Date of Occurrence: April 26, 2016  
Location: Hyde Park Boulevard near intersection with North Avenue.  
Nature of Claim: Motor vehicle accident.  
City Driver: James R. Shaughnessy  
Status of Action: Trial scheduled to commence on November 12, 2019.  
Recommendation/Reason: Best interest of City.  
Amount to be Paid: \$5,000.00  
Make Check Payable to: Law Office of Christopher C. Kerr, as Attorney for Lynn Wolf.  
Conditions: Stipulation of Discontinuance as to all parties and General Release to City must be approved by Corporation Counsel.

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

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

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

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

MAYOR'S APPROVAL

Agenda Item #6

Please be advised that Mayor Paul A. Dyster, on March 7, 2019, duly approved the following:

Resolution 2019-25, relative to Adding Chapter 702 of the Codified Ordinances entitled "Health and Well-Being of Dogs."

THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: TOURISM ADVISORY BOARD, APPOINTMENT, 2019-26

BY: ALL COUNCIL MEMBERS

Agenda Item #7

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>
Francis (Skip) Di Camillo 811 Linwood Avenue Niagara Falls, NY 14305	12/31/2019

Yeas	5
Nays	0

ADOPTED

RESOLUTION: OPEN GOVERNMENT, SUPPORTING, 2019-27  
BY: COUNCIL Members Kennedy, Scott, Tompkins, Voccio

Agenda Item #8

WHEREAS, every March when Sunshine Week is being observed, government officials, the media and citizens show their support for open government; and

WHEREAS, the Buffalo Niagara Coalition for Open Government prepared a list of Best Practices which they believe every municipality should follow in support of open government.

NOW, THEREFORE, BE IT RESOLVED the City Council of Niagara Falls, NY does hereby support Open Government and is committed to the Best Practices as provided by the Buffalo Niagara Coalition for Open Government;

BE IT FURTHER RESOLVED, that the City Council of Niagara Falls, NY:

- 1) Will post our meeting agendas and agenda documents online, at least 48 hours before our meetings occur.
- 2) We will post draft meeting minutes online, two weeks after our meetings.
- 3) We will allow citizens to speak at the beginning of our meetings regarding agenda items or non-agenda items, before we vote.
- 4) We support video recording of our meetings and posting the video online for the public to see. We are already recording and posting our meetings online or we are committed to making this happen as soon as possible.
- 5) We believe government meetings should be conducted in public for citizens to observe and we will only conduct executive sessions in accordance with the New York State Open Meetings Law. We understand that a motion to hold an executive session to discuss "litigation", "personnel" or "collective bargaining" is not sufficient, as the Open Meetings Law requires motions to state more information when holding an executive session.
- 6) As a local government with a population under 50,000, we support having our elected officials voluntarily complete an Annual Financial Disclosure Form and posting the completed forms on our government website for the public to see.

Yeas

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Nays

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ADOPTED

RESOLUTION: STAHLMAN, CAPTAIN CARL KEITH "KEIFER", REMEMBERING, 2019-28  
BY: ALL COUNCIL MEMBERS

Agenda Item #9

WHEREAS, Carl Keith (known as Keifer) Stahlman was a fighter to the very end and humbled himself to serve others most of his life, especially his family, his closest friends, even those he met on any given day as a Captain for the Niagara Falls Fire Department; and

WHEREAS, Keifer became a Niagara Falls Fire Fighter in 1999. His work was as important as the people he met along the way and many became valued life-long friends. He felt loved and he loved deeply, learning humility and service through the valuable men and women God placed in his life; and

WHEREAS, Keifer is survived by his wife Amy (Manz), children Joshua (Ashley) Bach, Deven and Sara Stahlman, mother Joanne and sister Kristin Stahlman, and many extended family members; his brothers and sisters in the Niagara Falls Fire Department, so very many true friends, along with his ten-year, ever-by-his-side companion, his dog, Chloe.

WHEREAS, it's no secret that Keifer played as hard as he worked. An avid, all-season motorcyclist, lover of nature and his guitar. Keifer loved music and much of his tastes expressed the depth of his heart, playful articulation of the world and the complexities of his mental dexterity; and



WHEREAS, Keifer would want to encourage those he left behind to live their lives fully with integrity and respect, truth and loyalty, to appreciate your work and your play; to cultivate an inquisitive mind, and to be patient and kind regarding the human condition.

NOW, THEREFORE, BE IT RESOLVED that this City Council of Niagara Falls, NY hereby honors the life of Niagara Falls Fire Captain Carl Keith "Keifer" Stahlman for his dedication to serving the many residents of our great city and may he rest in peace knowing his brothers and sisters of the Niagara Falls Fire Department will carry on his legacy.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: PARKING FEES, WAIVING, CITY ADMINISTRATOR, DELEGATION, 2019-29

BY: COUNCIL MEMBERS KENNEDY, SCOTT, VOCCIO, CHAIRMAN TOUMA

Agenda Item #10

WHEREAS, from time to time various organizations and entities request that the City Council waive established parking fees in City owned facilities in an effort to encourage more people to attend events at various venues throughout the City; and

WHEREAS, the timing of the request and the meeting schedule of the City Council sometimes does not result in the City Council being able to entertain those requests in a timely fashion; and

WHEREAS, the City Administrator oversees all City facilities and has ultimate responsibility for the operation of those facilities.

NOW, THEREFORE, BE IT RESOLVED, for the balance of calendar year 2019 this City Council does hereby delegate to the City Administrator the ability to waive established parking fees based upon the requests submitted by various organizations and entities provided the organization or entity requesting such fee waiver provides the City Administrator good cause to do so.

AND BE IT FURTHER RESOLVED that the City Administrator, in his discretion, is authorized to utilize a committee of individuals appointed by him to assist in this delegated task.

Yeas

4

Kennedy, Tompkins, Voccio, Chairman Touma

Nays

1

Scott

ADOPTED

RESOLUTION: ZONING ORDINANCE, AMENDING SCHEDULE 8, 665, 671 AND 675-71<sup>ST</sup> STREET, 2019-30

BY: COUNCIL MEMBER KENNEDY, CHAIRMAN TOUMA

Agenda Item #11

WHEREAS, the Planning Board has recommended that the Council adopt certain amendments to the Zoning Ordinance as outlined on the attached (on file in the City Clerk's Office) recommendation to Council and Planning Board resolution.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby adopt the attached zoning map amendment changing 665 - 71<sup>ST</sup> Street (SBL 160.43-1-54), 671 - 71<sup>ST</sup> Street (SBL 160.43-1-55) and 675 - 71<sup>ST</sup> Street (SBL 160.43-1-56) from R-1C Residential - Detached Single to C-3 General Commercial.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: AMENDING CHAPTER 911 OF THE CODIFIED ORDINANCES ENTITLED  
"SOLID WASTE REFUSE AND RECYCLING", 2019-31  
BY: COUNCIL MEMBERS KENNEDY, SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #12

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Chapter 911 of the Codified Ordinances entitled "Solid Waste Refuse and Recycling" is hereby amended to read as follows:

911.01 GENERAL PROVISIONS

. . .

CITY-ISSUED REFUSE CART

A 64 gallon roll-away (wheeled) refuse cart issued by the City to property owners or their representatives, capable of semi-automated and/or automated refuse collection, for the sole purpose of storage, collection and disposal of source-separated solid waste.

CITY ISSUED REFUSE TAG/STICKER

A tag or sticker issued by the Director and purchased from the Office of the Niagara Falls City Clerk or from the Director which shall bear an identification mark established by the City. The cost of such tags/stickers shall be established by the Director with approval of the City Council.

. . .

DEAD ANIMALS

Dead animals or parts of animals from slaughterhouses are not included in this category.

DISPOSABLE PLASTIC BAG

A 30 gallon disposable plastic bag, having a minimum thickness of 1.1 mil. In addition, such bags must be free from rips or tears, waterproof, strong, securely tied, not exceed more than 30 pounds in weight (each) and only filled with refuse as set forth in this Chapter.

DIRECTOR

The Director of the Department of Public Works or his designee.

DUMP PERMIT

A permit issued by the Director to allow a residential user the ability to dispose of construction or demolition waste at the private waste hauler's facility. The cost of such permit shall be established by the Director with approval of the City Council.

ELECTRONIC WASTE (E-WASTE)

Any discarded electronic or electrical devices or their parts.

. . .

911.03 REFUSE.

A. Public collection and disposal of refuse.

. . .

(4) The waste hauler shall collect residential refuse as well as commercial refuse from commercial users, inclusive of multi-family complexes, that qualify for and participate in the City's program once per week.

A residential user that produces construction or demolition waste must arrange for the disposal of such waste by a licensed private waste hauler or, in the alternative, may obtain a DUMP PERMIT from the Director to dispose of such waste at the waste hauler's facility. In addition, a residential user that produces a quantity of refuse that exceeds the capacity of the City-Issued Cart may also place excess refuse in Disposable Plastic Bags and place them adjacent to the City-Issued Refuse Carts. However, glass and other objects of refuse that are sharp or that could cause injury or tearing of the Disposable Plastic Bag shall not be placed in a Disposable Plastic Bag. The Director is authorized to revoke the use of Disposable Plastic Bags where safety and health conditions warrant. No user shall be permitted to place Disposable Plastic Bags for collection in excess of the quantities allowed in Section 911.03(A) (6) herein.

(5) Refuse collection at a frequency greater than once per week will be handled on a case-by-case basis. Such separate and additional collections must be scheduled by the user with the waste hauler or a private waste hauler. User fees for such separate and additional collections shall be established by the waste hauler or a private waste hauler and charged to the user consistent with the frequency of the additional collections.

(6) [Single-family, two-family, three-family and multi-family dwelling users and multi-family complexes that qualify to participate in the City program may place one bulk waste item per dwelling unit at the curb at a frequency determined by the waste hauler.] A residential user that qualifies to participate in the City Program is permitted to place for collection its City Issued Refuse Cart plus a combination of three (3) additional items consisting of Disposable Plastic Bags or bulk items. Additionally, a residential user may place for collection a combination of two (2) additional items consisting of Disposable Plastic Bags or bulk items provided that each such additional item placed for collection has affixed to it a City Issued Refuse Tag/Sticker purchased from the Director by that residential user. Bulk waste must be placed in a location that does not impede with the collection of the City-Issued Carts. Users are responsible for removing refrigerant, must present adequate information indicating refrigerant has been removed and the doors shall be removed.

. . .  
D. Preparation of refuse for collection by the waste hauler.

(1) A user who places items at the curb for collection and disposal by the waste hauler shall separate garbage and non recyclable material from recyclable material and prepare the same for collection and disposal in accordance with this Chapter.

(2) Refuse offered for collection shall be prepared for collection by the user of the premises as provided in this section.

(3) The placement of refuse for collection at or in front of a premises other than the premises at which the refuse originated constitutes illegal dumping and is prohibited by this Chapter and such activity shall constitute a violation of this Chapter.

(4) All residential and commercial refuse shall be placed in City-Issued Refuse Carts for collection and, if needed, Disposable Plastic Bags between the sidewalk and the curb or alongside the roadway in front of the premises where the refuse originated at a distance between three and five feet from the street edge; the cart's latch bar must face the street in an area free of snow to allow for the placement of the owners'/occupants' refuse and recycling carts. Such carts and Disposable Plastic Bags must be placed in such a location so as to not interfere with pedestrian or vehicular traffic in the City right-of-way nor impede wheelchair access in the public right-of-way. Such carts may not be placed for collection prior to 5:00 p.m. the day prior to the scheduled collection day and must be removed no later than 11:00 p.m. the day the refuse and recyclables are collected.

. . .  
911.05 STORAGE OF REFUSE AND RECYCLABLES.

(1) No refuse or recyclable material shall be placed or stored on any premises within the City except as permitted by this Chapter.

(2) Residential refuse and recyclables shall be deposited promptly and stored in City-issued carts as set forth in this Chapter. Excess refuse may be stored in Disposable Plastic Bags as provided herein.

. . .

911.06 MISCELLANEOUS PROVISIONS.

A. No person shall write, paint or draw any word, inscription, design, figure or mark, or otherwise mar or deface any City-Issued Cart without express written consent of the City. Any such conduct is a violation of this Chapter.

B. Severability. Should any section, paragraph, sentence, clause or phrase in this Chapter be declared unconstitutional or invalid for any reason, the remainder of the Chapter shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this article are declared to be severable.

C. Dead animals. Dead animals shall be removed by the City, from the right-of-way only, upon request, except that an animal hospital or other business caring for or harboring animals must remove and dispose of dead animals without the aid of the City. The owner or custodian of an animal may remove and dispose of any dead animal by contract with a private waste hauler. In no event shall a dead animal remain undisposed of for a period longer than 12 hours.

D. Emergency collection and disposal. In the event of a public emergency declared by the Mayor, the Director may provide by contract for the public collection, removal and disposal of refuse without competitive bidding. In such case, the Director may impose such conditions as he or she may deem advisable and shall supervise all work under such contracts.

E. Scavenging. No person shall interfere with, take, remove or scavenge for any material in any City-Issued Refuse Cart, recycling cart or any bulk waste which has been placed between the sidewalk and the curb by the owner and/or occupant for collection by the waste hauler.

F. City-Issued Refuse Carts and Recycling Carts for special events. City-Issued Refuse Carts and Recycling Carts provided by the City and placed by the City in the public right-of-way, parks or other public places shall be used only for deposit of refuse and recyclables generated on the public right-of-way by pedestrians and motorists or generated by persons using the parks or other public places. The placing into such carts of refuse or recyclables originating from areas other than the public right-of-way or other public places constitutes illegal dumping and is prohibited by this Chapter. Carts provided by the City for special events or projects shall be used only for deposit of refuse and recyclables generated at the special event or project. When so deposited, such refuse and recyclables become the property of the City.

G. Illegal dumping. No person shall place, throw, deposit or dump or cause to be placed, thrown, deposited or dumped any refuse of any nature including, but not limited to, residential refuse, building refuse, bulk waste, commercial refuse, institutional refuse, construction waste, hazardous waste, industrial waste, infectious waste and/or recyclable materials in or upon any premises, street (including the area between the sidewalk and the curb), sidewalk or park, or in any refuse or recycling cart placed in a right-of-way, park or public place, or provided for a special project or event.

H. Regulations governing collection of refuse and or recyclables. No collector of refuse and/or recyclable collector shall:

(1) Violate a rule or regulation established by the Director.

(2) Dispose of refuse at a site not approved by the New York State Department of Environmental Conservation.

(3) Litter.

(4) Scavenge.

(5) Collect refuse or recyclables placed between the sidewalk and curb by residential or nonresidential producers for collection without prior written approval by the Director.

I. City issued Refuse Tags/Stickers may be purchased from the Office of the Niagara Falls City Clerk or the Director. Such Tags/Stickers may be used one (1) time only and are not reusable.

. . .

THESE AMENDMENTS WILL BE EFFECTIVE MAY 1, 2019

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

Yeas

5

Nays

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ADOPTED

RESOLUTION: AMENDING SCHEDULE 8 OF THE ZONING ORDINANCE REGARDING 550  
MAIN STREET AND 557, 561, 565, 569 AND 571 THIRD STREET, 2019-32  
BY: COUNCIL MEMBER TOMPKINS

Agenda Item #13

WHEREAS, the Planning Board has recommended that the Council adopt certain amendments to the Zoning Ordinance as outlined on the attached recommendation to Council and Planning Board resolution.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby adopt the attached (on file in the City Clerk's Office) zoning map amendment changing:

550 Main Street	(SBL 159.21-1-46)
557 Third Street	(SBL 159.21-1-63)
561 Third Street	(SBL 159.21-1-64)
565 Third Street	(SBL 159.21-1-65)
569 Third Street	(SBL 159.21-1-66)
571 Third Street	(SBL 159.21-1-67)

From R3-C Multi-Family High Density - to C2-A Traditional Commercial.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: BOYS AND GIRLS CLUB, PARKING FEE WAIVER, 2019-33  
BY: COUNCIL MEMBERS KENNEDY, SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #14

WHEREAS, On May 18<sup>th</sup>, 2019 the Niagara Falls Boys & girls Club will be hosting the 37<sup>th</sup> Annual Dinner Auction and inducting the 2019 class into Niagara Falls Boys & Girls Club Alumni Hall of Fame; and

WHEREAS, 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; and

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby grant the request (on file in the City Clerk's Office) to waive parking fees located at our City owned parking lot on Third Street for the duration of this event.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: PUBLIC HEARING, ABANDONMENT OF A PORTION OF OLD FALLS STREET  
RIGHT-OF-WAY FOR 304-1<sup>ST</sup> STREET, 2019-34  
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #15

WHEREAS, the adjoining property owner has requested the abandonment of a portion of the Old Falls Street right-of-way adjacent to 304 - 1<sup>st</sup> Street; and

WHEREAS, this Council declares its intention to abandon said street portion.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that a public hearing be held relative to the abandonment of the aforementioned street portion, said public hearing to be held at a meeting of the Council to be held in the Council Chambers in City Hall on April 3, 2019 at 6:00 p.m. Eastern Daylight Time, and the City Clerk is hereby directed to publish notice of intention to discontinue and abandon the said street portion in the official newspaper once a week for two successive weeks preceding April 3, 2019.

Yeas

5

Nays

0

ADOPTED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS: APPOINTMENT

Agenda Item #16

The following have requested City Council approval for Commissioner of Deeds for a term from March 20, 2019 to March 20, 2021.

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

Santia Myles

631 16<sup>th</sup> St., Niag. Falls, NY 14301

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

Yeas

5

Nays

0

APPROVED

Councilman Tompkins made a motion to move to recess the Council meeting and reconvene on Monday, March 25<sup>th</sup> at 4:45 pm.

There being no further business to come before the Council,  
Chairman Touma recessed this Meeting.  
This Meeting ended at 7:40 P.M.

Lisa A. Vitello  
City Clerk



**MARCH 25, 2019**

**RECESSED COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

The March 25, 2019 Recessed Meeting from the Council Meeting of March 20, 2019, of the Niagara Falls City Council was called to order by Council Chairman Touma at 4:45 p.m. in the City Council Chambers.

Present: William Kennedy, Kenny Tompkins, Chris Voccio, Chairman Touma  
Council Member Scott was absent for Roll Call, came in around 5:00 P.M.

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.

The Corporation Counsel's attention has been called to certain issues existing in the City's MIS Department which may make it vulnerable and therefor expose the city to liability. It is therefor requested that this City Council convene an Executive Session so that these issues may be presented and discussed.

No action in the nature of a vote will be taken.

Is there a motion to go into Executive Session?

Councilman Tompkins moved to go into Executive Session

Seconded by Councilman Kennedy

Kennedy-Y Scott-absent Tompkins-Y Voccio-Y Chairman Touma-Y

Councilman Voccio left Executive Session at 5:45 P.M.

Motion to come out of Executive Session at 5:55 P.M. by Councilman  
Tompkins, seconded by Councilman Kennedy

Executive Session ended 5:55



There being no further business to come before the Council, Chairman  
Touma adjourned the Meeting at 5:55 p.m.

Lisa A. Vitello  
City Clerk



**APRIL 3, 2019**

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The Legislative session of the April 3, 2019 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:00 P.M. in the Council Chambers.

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

Also present: Mayor Paul A. Dyster, 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 March 20, 2019 and the Recessed Meeting of March 25, 2019.

Chairman Touma announced a Special Order of Business, a Public Hearing regarding the Abandonment of a portion of the Old Falls Street Right-Of-way adjacent to 304 1<sup>st</sup> Street 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 #6
Ruth Knepp	Various
Robert Ventry	Various
Gloria Dolson	Various

**Presentations:**

City Clerk, Lisa Vitello gave a brief overview of the National Grid LED Conversion Project. A representative from National Grid will give a future presentation before Council regarding this program.

Gary Siddall, Executive Director of the Aquarium gave a presentation and an update on the current state of the Aquarium and the newest exhibits.

**Administrative Update:**

Nick Melson, City Administrator, gave an update on tag fees for refuse removal, permits. Mr. Melson also spoke on landscaping of medians and the golf course.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF FEBRUARY 2019

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: STREET MILLINGS, SALE, SANTAROSA HOLDINGS, INC.

Agenda Item #2

THIS ITEM WAS PULLED

NO ACTION TAKEN

CONTRACT: CONIFEROUS TREES, PURCHASE, SCHICHTEL'S NURSERY

Agenda Item #3

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

TO: Schichtel's Nursery

7420 Peters Road

Springville, New York 14141-9405

FOR: Purchase of 110 trees to be planted within the City of  
Niagara Falls, New York, per the attached tally sheet, \$8940.00

In addition to the 110 trees being purchased, Forestry reports that they still have, forty-two (42) trees of the 259 trees in inventory that require planting due to deteriorating weather conditions at year's end in 2018.

Planting of the purchased trees and the remaining trees (152 total) will be completed by the City's Forestry Division on overtime.

It is anticipated that the total labor cost to plant the 152 trees will be \$6,347.69. This expenditure includes FICA and the contractually obligated overtime meals.

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

Quotation packages were sent to sixteen (16) vendors. Three (3) responses were received, including one no bid response. Please reference the attached tally sheet (on file in the City Clerk's Office) for quotation submission details.

Funds for all of these expenditures are available from the approved Greenway funds accounted for in capital account code H.1804.

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: LOTS, CLEARING/CUTTING, K.J. SMITH ENTERPRISES

Agenda Item #4

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

TO: K. J. Smith Enterprises

3616 Highland Avenue

Niagara Falls, New York 14305

FOR: Clearing and cutting of various lots within the City  
of Niagara Falls

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 bid packages were sent to ten (10) vendors. Two (2) responses were received. One of the responses was rejected following a review of the vendor's qualifications by the Department of Public Works, which revealed that the vendor lacked the required New York State Pesticide Applicator's License. Please reference the attached tally sheet (on file in the City Clerk's Office) for bid submission details.

Funds for this expenditure are included in the DPW Grass Cutting/Clean Up account code A.8510.0000.0449.000.

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: 91<sup>ST</sup> STREET PARK BALL DIAMOND, IMPROVEMENT PROJECT, SCOTT LAWN YARD INC.

#### Agenda Item #5

The following were the result of bids received on March 26, 2019 for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE</u>	<u>BID</u>
Henwood Construction Inc. 9138 Rivershore Drive Niagara Falls NY 14304	\$125,000.00*	
Scott Lawn Yard Inc.	\$191,515.00	
Mark Cerrone Inc.	\$192,100.00	
Wayside Nursery Inc.	\$198,750.00	

\*Upon review of all the received bids, there were a number of irregularities found in the low bid from Henwood Construction Inc. Specifically their bid bond was not endorsed, their total bid price was entered in differing amounts in their proposal, and no acknowledgement was made of Addendum 1, which was a cost-adding addendum. Based on these irregularities we have rejected their bid.

Therefore, it is the recommendation of the undersigned that this project be awarded to the second low bidder Scott Lawn Yard Inc. at their total bid of \$191,515.00. Funding is available from the following sources; \$50,000.00 from tourism fund balance and \$141,515.00 from tribal revenue reserves.

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

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

Yeas

4

Kennedy, Scott, Tompkins, Chairman Touma

Nays

1

Voccio

APPROVED

CONTRACT: CITY PARKS, IMPROVEMENTS, PURCHASES

Agenda Item #6

The Community Development Department has undertaken an aggressive plan of park improvements throughout the City of Niagara Falls. This council agenda item would allow the purchase of ancillary park equipment/structures that have been approved by the Niagara Falls City Council as part of past Niagara Falls Community Development Action Plans. It is NFCD's recommendation that the items be purchased via the New York State Office of General Services Playground Equipment, and Related Products Statewide Contract. MRC Companies, Inc. 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. These items would be fully funded by United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funds

Item	Cost
Modular Restroom - Gill Creek Park	\$50,000
Park Shelter (Replacement) - Hyde Park	\$31,000
Picnic tables and benches	\$37,000
Signage - Center Court Park	\$3,500
Signage - Garden Avenue Park	\$3,500
Signage - Hyde Park	\$15,000
Park wayfinding, bike racks	\$14,000
Trash receptacles	\$18,000
Total	\$172,000

Will the Council vote to approve this purchase and 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

PUBLIC WORKS: FEE SCHEDULE

Agenda Item #7

The Director of the Department of Public Works is requesting that the City Council approve the attached (on file in the City Clerk's Office) fee schedule which will be effective May 1, 2019. This fee schedule is intended to track with the changes to the City Ordinance Chapter 911 approved by the City Council at its last meeting.

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: AQUARIUM, NEW EXHIBITS, EXPENSES, FUNDING

Agenda Item #8

The Aquarium of Niagara has requested that the City assist it in funding the expenses it will incur in the development of a new exhibit. This exhibit is called "Explorer's Reef." Attached hereto (on file in the City Clerk's Office) is a copy of the request from the Aquarium for this purpose.

The Aquarium is requesting funding totaling \$166,000.00 over a period of two (2) years. \$83,000.00 is requested immediately and \$83,000.00 is requested one (1) year from now.

Funding is available from tourism fund balance. This request has already been reviewed and approved by the Tourism Advisory Board.

Will the Council so approve and authorize the Mayor to execute any agreements as concerns this funding provided the same are in form and content satisfactory to the Corporation Counsel?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: RETIREE DRUG SUSIDY PLAN, RDS SERVICES LLC

Agenda Item #9

The Director of Human Resources is recommending that the City engage the services of RDS Services LLC to reopen previously closed retiree drug subsidy plan years in an effort to recover any additional subsidies to which the City may be entitled. There is no requirement for the City to pay any dollars up front for this service. Any fees will be earned by RDS Services LLC which will equate to 25% of each subsidy payment received as a result of the re-opening. The term is for one (1) year and will renew for one (1) year if there are no objections. Attached hereto (on file in the City Clerk's Office) is a copy of the proposed agreement.

Will the Council so approve and authorize the Mayor to execute a professional services agreement to engage RDS Services LLC provided the same is in form and content satisfactory to the Corporation Counsel?

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

Yeas

5

Nays

0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

MAYOR'S APPROVAL, RESOLUTIONS 2019-30, 2019-31, 2019-32

Agenda Item #10

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK: COMMISSIONER OF DEEDS, APPOINTMENT

Agenda Item #11

The following have requested City Council approval for Commissioner of Deeds for a term from April 3, 2019 to April 3, 2021.

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

Eugene Pucci (City Marshal) 8612 Third Ave, NF, NY 14304

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

Yeas

5

Nays

0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: AUSTIN, JACKYLIN JEAN

Agenda Item #12

Request for Approval to Settle and Pay Claim of Jackylin Jean Austin

Date Claim Filed: May 31, 2016  
Date Action Commenced: May 23, 2017  
Date of Occurrence: April 26, 2016  
Location: Hyde Park Boulevard near intersection with North Avenue.  
Nature of Claim: Motor vehicle accident.  
City Driver: James R. Shaughnessy  
Status of Action: Trial scheduled to commence on November 12, 2019.  
Recommendation/Reason: Best interest of City.  
Amount to be Paid: \$5,000.00  
Make Check Payable to: Viola, Cummings & Lindsay, LLP, as Attorneys for Jackylin Jean Austin.  
Conditions: Stipulation of Discontinuance as to all parties and General Release to City must be approved by Corporation Counsel.

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

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

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

APPROVED

CLAIM: NIAGARA FRONTIER TRANSPORTATION AUTHORITY

Agenda Item #13

Request for Approval to Settle and Pay Claim of Niagara Frontier Transportation Authority located at 181 Ellicott Street, Buffalo, NY 14203.

Date Claim Filed: February 28, 2019  
Date Action Commenced: N/A  
Date of Occurrence: January 22, 2019  
Location: Pine Avenue & Packard Road.  
Nature of Claim: Damage to bus shelter by city plow while plowing sidewalk.  
City Driver: Rohan Plummer  
Status of Action: N/A  
Recommendation/Reason: City employee damaged bus shelter.  
Amount to be Paid: \$8,127.00  
Make Check Payable to: Niagara Frontier Transportation Authority  
Conditions: General Release to City approved by Corporation Counsel.

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

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

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

APPROVED

RESOLUTION: SUMMERFEST AT THE SAL, FEE WAIVER, BAND SHELL/PORTABLE  
STAGE, 2019-35  
BY: COUNCIL MEMBERS SCOTT, VOCCIO, CHAIRMAN TOUMA

Agenda Item #14

WHEREAS, On August 11<sup>th</sup>, 2019 from 11:30am until 7:00pm EST located at Sal Maglie Stadium, the Niagara Falls Firefighters Christmas Toy Fund will be holding the 3<sup>rd</sup> Annual "Summerfest at the Sal" to benefit the Niagara Falls Firefighters Christmas Toy Fund; (letter on file in the City Clerk's Office) and

WHEREAS, we respectfully request that the City Council again helps our charitable efforts by waiving whatever fees may be applied for use of the Band Shell/portable stage that will be used at this event to showcase the musical performances; and

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby grant the request to waive Band Shell/portable stage fees for the 3<sup>rd</sup> Annual "Summerfest at the Sal" event.

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

ADOPTED

RESOLUTION: COLLECT UNPAID PENALTIES, HOME RULE REQUEST, COST AND  
FEES, CONTROLLER'S OFFICE, 2019-36  
BY: ALL COUNCIL MEMBERS

Agenda Item #15

WHEREAS, it is requested that the State Real Property Tax Law be amended by adding a new provision to allow the City of Niagara Falls to place unpaid housing, building and fire code violation penalties, costs and fines on the City's annual tax levy; and

WHEREAS, Senator Robert Ortz introduced Senate Bill No. S4415 as attached hereto (on file in the City Clerk's Office), and Assemblyman Angelo Morinello introduced Assembly Bill A6345, as attached hereto (on file in the City Clerk's Office) which would authorize and empower the City of Niagara Falls to place unpaid housing, building and fire code violation penalties, costs and fines on the City's annual tax levy; and

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

NOW, THEREFORE, BE IT RESOLVED, that 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. S4415 and Assembly Bill No. A6345 entitled "An Act to amend the real property tax law, in relation to authorizing the City of Niagara Falls to add unpaid housing code violation penalties, costs and fines to such City's annual tax levy" 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 to the New York State Legislature as required.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: MARCHISELLI PROGRAM, 2019-37  
BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN TOUMA

Agenda Item #16

WHEREAS, a Project for the Buffalo Ave. (Rt. 384); Rainbow Boulevard to 450 feet west of 24<sup>th</sup> Street, P.I.N. 5761.81 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and



WHEREAS, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Buffalo Ave. (Rt. 384); Rainbow Boulevard to 450 feet west of 24<sup>th</sup> Street, Preliminary Engineering (Design I-VI).

NOW, THEREFORE, the City Council of the City of Niagara Falls, New York, duly convened does hereby

RESOLVE, that the City Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the City Council hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the federal and non-federal share of the cost of work for the Project or portions thereof; and it is further

RESOLVED, that funds are hereby re-appropriated from excess funding remaining from Buffalo Avenue Phase 3 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the City Council of Niagara Falls shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Mayor of the City of Niagara Falls be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Niagara Falls with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: OLD FALLS STREET, ABANDONMENT, RIGHT OF WAY ADJACENT TO 304 1<sup>ST</sup> STREET, 2019-38

BY: ALL COUNCIL MEMBERS

Agenda Item #17

WHEREAS, the City Council of the City of Niagara Falls desires to abandon a portion of the Old Falls Street Right of Way adjacent to 304 - 1<sup>st</sup> Street; and

WHEREAS, the City Council did, by resolution, give notice of its intention to abandon a portion of the aforementioned right of way 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 3, 2019 at 6:00 p.m. eastern daylight time and advise that all persons interested would be heard on that said time and place; and

WHEREAS, the hearing was duly held on April 3, 2019 at 6:00 p.m. eastern daylight 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 Old Falls Street Right of Way adjacent to 304 - 1<sup>st</sup> Street, is hereby abandoned, the said abandoned right of way 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 right of way. The said right of way portion is bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND situated in the City of Niagara Falls, County of Niagara, State of New York, bounded and described as follows:

1. Commencing at the point of intersection of the southerly right of way of Old Falls Street with the easterly right of way of Rainbow Boulevard; thence
2. 5.00 feet north along the easterly right of way of Rainbow Boulevard to a point; thence
3. Easterly at a 90<sup>0</sup> angle to a point on the westerly right of way of First Street; thence
4. South a distance of 5.00 feet along the westerly right of way of 1<sup>st</sup> Street to the point of intersection with said right of way with the southerly right of way of Old Falls Street; thence
5. Along the southerly right of way of Old Falls Street to the point and place of beginning.

Intending to describe a 5-foot-wide abandonment of the right of way.

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

RESOLUTION: SPEED LIMIT, HOME RULE, 2019-39

BY: ALL COUNCIL MEMBERS

Agenda Item #18

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

WHEREAS, Senator Robert Ortt introduced Senate Bill No. S202, as attached hereto, and Assemblyman Angelo Morinello introduced Assembly Bill A4657, 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. S202 and Assembly Bill A4657, 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 to the New York State Legislature as required.

Yeas

5

Nays

0

ADOPTED

There being no further business to come before the Council,  
Chairman Touma adjourned the Meeting at 7:20 P.M.

Lisa A. Vitello  
City Clerk



**APRIL 30, 2019**

**SPECIAL COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

The April 30, 2019 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Andrew Touma at 6:00 PM 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 Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on Tuesday, April 30, 2019 at 6:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

*Consider and act on all matters on City Council agenda for the meeting scheduled to take place on May 1, 2019 at 6:00 p.m.*

Respectfully

  
submitted

Andrew Touma, Chair

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 3, 2019.

Chairman Andrew Touma moved to amend the agenda to move the presentation by National Grid as the first order of business.

Seconded by Councilman Tompkins.

Yeas

5

Nays

0

APPROVED

The agenda was amended.

Presentations:

Marc Gschwend, National Grid; LED conversion project

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

Ron Anderluh	Agenda Items #8, #9, #10, #12
Elaine Timm	Agenda Item #12
Matthew Newman	Agenda Item #8
Merle Smouse	Agenda Item #8
Jeff Flach	Agenda Item #8
Jean Huston	Various
Marcia Massaro	Agenda Item #12
Bob Pascoal	Agenda Item #8
Ruth Cooper	Agenda Item #8
Jennifer LaMoy	Council Position
Joyce A. Ferguson	Safety
Jeff Flach	Policy
Jean Huston	Various
Marcia Massaro	Various
Donta Myles	Safety
Dorothy West	Various
Paula A. Martin	Community
Tamar Skrlin	Property
Emma Chapman	Introduction
Kyle Lorence	Human Rights

Administrative Update:

City Administrator, Nick Melson, gave an update on street paving and the filling of pot holes, investigations in regards to illegal dumping, changes in the contract with Modern Disposal including the purchase of refuse tags, additional parking meters, play grounds and storm clean-up efforts.

Police Chief Licata gave an update on efforts to increase crime prevention.

Craig Johnson, Corporation Counsel, presented 3 items to be added to the agenda:

Item #1 Letter of award for the Hyde Park Golf Course Air Handling Unit

Yeas

5

Nays

0

APPROVED

The item was added as Agenda Item #22

Item #2 Letter of award for 2019 drainage structure replacement and repair projects

Yeas	5
Nays	0
APPROVED	

The item was added as Agenda Item #23

Item #3 Resolution relative to support for camera safety on school busses.

Yeas	5
Nays	0
APPROVED	

The Resolution was added as Agenda Item #24

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S CLAIMS FOR THE MONTH OF MARCH 2019

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF MARCH 2019

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: STREET MILLINGS, SANTAROSA HOLDINGS, INC., SALE

Agenda Item #3

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

TO: Santarosa Holdings, Inc.  
dba Buffalo Fuel Corporation  
4870 Packard Road  
Niagara Falls, New York 14304

FOR: Sale of street millings generated during the 2019 paving  
season: \$ 2.10 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. Three (3) bids were received (on file in the City Clerk's Office). The above referenced company submitted the highest price for the millings. The two (2) other bids received were from LaFarge North America, Incorporated at \$ 2.00 per ton and Modern Corporation at \$ 1.85 per ton.

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	

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

Agenda Item #4

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

5

Nays

0

APPROVED

CONTRACT: MEALS FOR PRISONERS, PSNF, INC., D/B/A/ MCDONALD'S

Agenda Item #5

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)	\$0.50
Diabetic Request (est. 100)	\$0.50

(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, 2019 through May 15, 2020.

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

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: WATER SERVICE REPLACEMENT PROJECT (VARIOUS LOCATIONS) 4TH  
GENERATION CONSTRUCTION, INC.

Agenda Item #6.

The following was the result of bids received on April 16, 2019 for the above  
referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
4 <sup>th</sup> Generation Construction Inc. 5650 Simmons Ave. Niagara Falls NY 14304	\$374,200.00
J.R. Swanson Plumbing & Heating	\$514,253.07

Please note that the contractor has agreed to extend the unit prices of his  
bid to the City's maximum budgeted amount of \$450,000.00.

Therefore, it is the recommendation of the undersigned that this project  
be awarded to the low bidder 4<sup>th</sup> Generation Construction, Inc. at the total bid  
price of \$450,000.00. Funding is available from a reimbursable grant received  
from the NYS Department of Health specific to lead service line replacements.

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: GOLF SPORTS COMPLEX HYDE PARK GOLF COURSE, ROOF REPLACEMENT,  
JOSEPH A. SANDERS & SONS, INC.

Agenda Item #7

The following was the result of bids received on April 24, 2019, for the  
above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Joseph A. Sanders & Sons, Inc. 107 Lathrop Street Buffalo, NY 14212	\$147,927.00
Fiddler Roofing, Inc.	\$154,250.00
Jameson Roofing Co.	\$216,000.00

It is the recommendation of the undersigned that this project be awarded  
to the low bidder Joseph A. Sanders & Sons, Inc. at the Base Bid of  
\$147,927.00. Funding is available in tribal revenue reserves.



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

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

Yeas

5

Nays

0

APPROVED

CITY PROPERTY: MEMORIAL PKWY., 424, SALE

#### Agenda Item #8

Background on 424 Memorial Parkway: This building became city-owned due to tax foreclosure. At the request of the Memorial Park Block Club, the property was pulled from the standard IN REM tax foreclosure auction in 2017. On April 9, 2017, Niagara Falls Community Development (NFCD) advertised a Request for Proposals (RFP) for the purchase and renovation of this property and other tax foreclosed properties, with proposals due back to CD on May 26, 2017.

NFCD received two proposals - Ryan Cali and Matthew Melcher (Proposal 1): \$1,000 and Mark, Michael and Matthew Valle (Valle Group): \$7,500 (Proposal 2).

NFCD selected Proposal 2 based on strength of proposal and renovation background. NFCD presented that recommendation to the Niagara Falls Planning Board on June 21, 2017. Members of the community, including representatives of the Memorial Park Block Club, residents of Memorial Parkway, and Ms. Cali all attended that meeting to advocate for Proposal 2. The main argument put forward in support of Proposal 2 was that the proposal would lead to owner-occupancy of the renovated home, while Proposal 1 planned to renovate the home as a rental property.

NFCD prioritizes home ownership, and responds to public input. The Department's commitment to transparency and community engagement is effectively demonstrated by the RFP process that has been utilized on this and other projects. Residents of the neighborhood were advocating for Proposal 1. NFCD stated that it had concerns about the Proposal 1 respondents' ability to complete the renovation, because of the anticipated size and scope of the project. NFCD is very familiar with the property and with home renovations in general. The department has overseen over 450 housing renovations/first time home buyer grants since 2012. The department has also recommended and managed over 50 dispositions via the home ownership auction or RFP process since 2013. NFCD identified the applicable experience of the respondent in Proposal 2 as a key factor in the Department's support for Proposal 2. Stating these opinions, NFCD still tabled the Planning Board item, in response to neighborhood advocacy. More conversations were had with both respondents and residents. NFCD honored the opinion of the community advocates, and the property was sold to the respondents in Proposal 1, via Planning Board approval and then City Council approval on July 3, 2017.

The new owners started to clean out of the property soon after the closing and began renovations. The taxes were paid. During that year it became clear that the renovation was more difficult than expected. There were also personal issues that stopped the renovation and the ability to own the property as originally proposed. Per the sales agreement with the city, the one-year period to renovate the home ended in August 2018.

As stated above, NFCD had concerns about the renovations before the sale happen. But, the Department also takes reasonable steps to ensure the success of a project, especially when personal hardships occur. Based on what NFCD knew of the situation, and precedent described below, it did not object to the respondents in Proposal 1 when those respondents asked to contact potential buyers, as long as any purchaser identified would agree to live in the house as prime occupant, per an agreement approved by the Niagara Falls City Council. The respondents in Proposal 1 had bought the house, paid the taxes and started renovation work. NFCD knew that all of this was creating a financial hardship, and wanted to help find a solution for the renovation and the purchasers.

There is a reverter clause in RFP and home ownership auction house contracts. However, NFCD has made reasonable arrangements in the past, in the face of undue hardship, to allow for the successful completion of other projects. In the Department's opinion, the respondents in Proposal 1 were experiencing an undue hardship. If the purchaser completely abandoned the property, NFCD would have executed the reverter clause and then placed the home in the 2019 home ownership auction, as the neighborhood clearly prioritized home ownership during the planning board process. But this was a different case.

In December 2018, NFCD was contacted by Karen Mock (Proposal 3). She is a home owner who lives across the street from 424 Memorial Parkway. She informed us that she had purchased 424 Memorial Parkway. As stated above, NFCD did not object to Proposal 1 seeking out a buyer. The department did assume that it would be notified before sale, rather than after. Proposal 3 notified NFCD that the house had been purchased for \$10,000 and that her son, Noah Munoz would be the legal prime occupant. Mr. Munoz would agree to live in the house as prime occupant for five years, renovate it to occupancy standards within one year, and agree to specific preservation methods for the renovation. Proposal 3 has provided documentation that confirms the \$10,000 purchase price.

Precedent: Through the home ownership auction, NFCD has dealt with similar situations in the past. In 2016, a man bought a Ferry Avenue home at home ownership auction with his fiancé. His fiancé died unexpectedly months later. He did not live in Niagara Falls originally, and was going through understandably emotional stress. NFCD bought the house back from him to relieve the burden, and the home was resold at the 2018 home ownership auction. The City Council approved this sale when the new agreement was negotiated.

In 2016, a man purchased a Mckoon Avenue home at the home ownership auction. A year later, he was diagnosed with terminal cancer. NFCD allowed him to sell the property over to a family member, so that the renovation could be completed. He later passed away. The City Council approved this sale when the new agreement was negotiated.

NFCD also auctioned a house that was clearly advertised to have the former owner living in it, illegally. The purchaser was an employee of the City Council. The purchaser knew that an eviction would be needed. When she did not want to do this, and raised objections, she was refunded. City Council members advocated for a city buy-back. The City Council approved this purchase when the new agreement was negotiated.

In the past six years NFCD has sold over 50 houses via home ownership auction or RFP and executed over 450 home ownership renovations and first time home buyer grants. That number represents thousands of pages of sales and contractor agreements. In a total of four situations, NFCD recognized hardships that it determined were placing an undue burden on the purchasers. NFCD stand by its success rate and we stand by our willingness to help people get through stressful renovation situations, based on our knowledge of the renovation process, especially for vacant houses.

NFCD has met with all parties involved several times. At no point were any disposition guidelines violated. This sale has no involvement with United States Department of Housing and Urban Development (HUD) guidelines. NFCD also appreciates the fact that its property dispositions are scrutinized at a higher rate than any other municipal property sales. The issue of tax foreclosure sales deserves attention. NFCD has updated the City Council on this situation both at a public meeting of the City Council, in smaller meetings and via e-mail. We respect the Memorial Block Club's concern in this matter, but no processes were violated.. The department has had meetings with all parties involved on an individual basis. We have discussed three options: 1. City Council approval of the existing sale. 2. Re-purchase of the home, as done in other similar situations with non-city funds. 3. Execution of the reverter clause.

Based on precedent, and the City Council's past decisions, NFCD is proposing option 1 in this agenda item, with specific stipulations. Mr. Munoz would have to show the City of Niagara Falls proof of purchase for \$10,000 and documentation that he is the sole owner of the property and that the property is fully insured. He would need to pay the full year's taxes upon purchase and agree to live in the house as prime occupant for five years, renovate it to occupancy standards within one year, and agree to specific preservation methods for the renovation. If this option is not taken, options 2 and 3 will need to be examined, as NFCD has stated in the past. The department explored option 2 in the past month, but a consensus was not formed. Mr. Munoz has also agreed to renegotiate a sale price. It is important to note that the City Council has also approved of sale revisions in the past.

With the City Council vote to approval the sale of 424 Memorial Parkway from Ryan Cali and Matthew Melcher to Noah Munoz 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	0
Nays	5
DEFEATED	

CONTRACT: SNOW PARK PARCEL (THE "PREMISES"), PARKING PERMIT

#### Agenda Item #9

Empire State Development Corporation ("ESD") recently acquired title to numerous parcels of real estate in the downtown area of the City. Among those parcels is the Premises. ESD has offered the City the opportunity to utilize the Premises for the parking of vehicles to supplement the City's lots and parking ramp for the remainder of 2019. The cost to the City will be \$1.00 and the City may retain any revenues derived from parking activity. The City will be permitted to make any improvements necessary, in its discretion, to operate the Premises for the parking of vehicles.

Attached hereto (on file in the City Clerk's Office) is a copy of a draft Parking Permit Agreement which is under consideration between the City and ESD.

Will the Council so approve and authorize the Mayor to execute a final Parking Permit Agreement provided the same is in form and content satisfactory to the Corporation Counsel?

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

Yeas	5
Nays	0
APPROVED	

POLICE DEPARTMENT: "SAFE SHOPPING", BUSINESS DISTRICT INITIATIVE, FUNDING

#### AGENDA Item #10

In order to enhance the Police presence in the Pine Avenue Business District, Niagara Street Business District, North End Business District, Downtown Business District, Route 62 Business District and Buffalo Avenue Business District it is requested that a total of \$50,000.00 be made available to the Police Department overtime line for this purpose. This program will consist of uniform and plain clothes patrol, and will be deployed for maximum effect at the discretion of the Superintendent of Police. This program is scheduled to begin May 1, 2019 and run for fifteen (15) weeks. Funding is available from Casino Revenues.

Will the Council so approve?

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

DEPARTMENT OF PUBLIC WORKS: DIVISION OF TRADES, REORGANIZATION

Agenda Item #11

The Director of Public Works is requesting a reorganization of the Central Trades Division, resulting in a transfer of the current Skilled Trades Leader to the vacant Plumber position which is currently funded for \$1, and an Electrician filling the Skilled Trades Leader position. The transfer of the current Skilled Trades Leader to the Plumber position will result in a decrease in the Skilled Trades Leader budgeted biweekly pay line of \$41,585.92 and an increase in the Plumber position budgeted biweekly pay line of \$41,286.42, both of which representing the remaining portion of 2019 biweekly pay..

The transfer of the current Electrician to the Skilled Trades Leader position will result in a decrease in the Electrician budgeted biweekly pay line of \$40,158.88, leaving \$1.00 for this position, and an increase in the Skilled Trades Leader budgeted biweekly pay line of \$41,727.69, both of which represent the remaining portion of 2019 biweekly pay.

The total impact of this transfer will result in an additional \$1,269.31 in biweekly pay in the Central Trades Division for the remainder of 2019. Funding is available from the biweekly pay line in the Clean Neighborhood Department (A.8510.0000.0110.000) due to a vacancy

The current Skilled Trades Leader was also receiving an annual stipend of \$7,500.00 to be paid as the Acting Plumber. The remaining balance of this stipend of \$4,903.85 would be transferred to the new Skilled Trades Leader as he will continue to do electrical work and should be paid as an Acting Electrician.

It is requested that the change be effective May 6, 2019.

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 HISTORIC PRESERVATION COMMISSION

CITY PROPERTY: NIAGARA STREET, 822, JOHNNIE RYAN CO. BOTTLING

Agenda Item #12

Attached (on file in the City Clerk's Office) is the report from the Niagara Falls Historic Preservation Commission recommending designation of 822 Niagara Street, the original Johnnie Ryan Co. Bottling, as an historic landmark under the City Historic Preservation Ordinance.

The Historic Preservation ordinance provides:  
1335.05-02(I) - At its next scheduled meeting after receipt of any recommendation from the Commission, the City Council shall consider the designation or acquisition of the landmark site or historic structure, or the designation of the historic district. A majority vote shall be required by the City Council for the designation or acquisition. The Mayor shall approve or veto said designation or acquisition as provided by law.

Will the Council vote to approve the designation or the exterior of 822 Niagara Street, the original Johnnie Ryan Co. Bottling, and forward designation to the Mayor for approval, as provided by City Ordinance?

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

This Item was Tabled, No action taken

Yeas

5

Nays

0

TABLED

#### THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: ZONA, JASON

#### Agenda Item #13

Date Claim Filed:	March 5, 2019
Date Action Commenced:	N/A
Date of Occurrence:	February 17, 2019
Location:	Parking lot next to Firehouse at 740 10 <sup>th</sup> Street
Nature of Claim:	Captain Zona was on duty and his vehicle was struck while parked in the firehouse parking lot.
City Driver:	N/A
Status of Action:	Claim Stage
Recommendation/Reason:	Reimbursement is contractually required pursuant to Section 5.6 of the Uniformed Fire Brass Local 3359 Contract
Amount to be Paid:	\$500.00 (deductible amount)
Make Check Payable to:	Jason Zona
Conditions:	General Release to City approved by Corporation Counsel.

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

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

Yeas

4

Scott, Tompkins, Voccio, Chairman Touma

Nays

0

Abstain

1

Kennedy

APPROVED

CLAIM: COLANGELO, THOMAS

#### Agenda Item #14

Date Claim Filed:	March 20, 2019
Date of Occurrence:	February 4, 2019
Location:	Parking lot next to Firehouse at 320 Hyde Park Blvd.
Nature of Claim:	Battalion Chief Colangelo was on duty and his vehicle was broken into while parked in the firehouse parking lot.

City Driver:	N/A
Status of Action:	Claim Stage
Recommendation/Reason:	Reimbursement is contractually required pursuant to Section 5.6 of the Uniformed Fire Brass Local 3359 Contract
Amount to be Paid:	\$271.47
Make Check Payable to:	Thomas Colangelo
Conditions:	General Release to City approved by Corporation Counsel.

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

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

Yeas	5
Nays	0

APPROVED

CLAIM: DEFAZIO, DEREK

Agenda Item #15

Date Claim Filed:	March 27, 2019
Date of Occurrence:	February 11, 2019 (on or about)
Location:	Parking lot next to Firehouse at 320 Hyde Park Blvd.
Nature of Claim:	Fire Fighter DeFazio was on duty and his vehicle was broken into while parked in the firehouse parking lot.
City Driver:	N/A
Status of Action:	Claim Stage
Recommendation/Reason:	Reimbursement is contractually required pursuant to Section 4.13 of the Uniformed Fire Fighter Local 714 Contract
Amount to be Paid:	\$500.00 (deductible amount)
Make Check Payable to:	Derek DeFazio
Conditions:	General Release to City approved by Corporation Counsel.

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

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

Yeas	5
Nays	0

APPROVED

RESOLUTION: COMMUNITY MISSIONS ANNUAL EMPLOYEE PICNIC, SHELTER, FEE WAIVER, 2019-40

BY: COUNCIL MEMBERS TOMPKINS, VOCCIO, CHAIRMAN TOUMA

Agenda Item #16

WHEREAS, the Community Missions of Niagara Frontier, Inc. would like to request the usage of the Oasis shelter at Hyde Park on Friday, August 16, 2019 for their annual employee picnic (request on file in the City Clerk's Office).

WHEREAS, there are 140 individuals at Community Missions that serve severely and emotionally disturbed adolescents to their Emergency and Crisis Services in Niagara Falls as well as all of the other facilities across the County. They work diligently for the betterment of Niagara County's less fortunate.

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby waive the fee of \$105.00 for the use of the Oasis Shelter at Hyde Park for the annual employee picnic.

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: HUMAN RIGHTS COMMISSION, APPOINTMENTS, 2019-41  
BY: COUNCIL CHAIRMAN TOUMA

Agenda Item #17

BE IT RESOLVED, that the following individuals (resumes on file in the City Clerk's Office) are hereby appointed to the City of Niagara Falls Human Rights Commission, effective immediately, for the extended term expiring on the date which appears opposite their names:

APPOINTMENTS:	TERM EXPIRES:
Danelle Williams	12/31/2022
2456 South Avenue	
Niagara Falls, NY 14305	
Mark Shaw	12/31/2022
2606 Youngstown-Lockport Road	
Ransomville, NY 14131	

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: CITY STAGE, FEE WAIVER, 2019-42  
BY: COUNCIL MEMBERS KENNEDY, SCOTT, CHAIRMAN TOUMA

Agenda Item #18

WHEREAS, the "I HAVE A VOICE 5/K WALK/RUN", will be held on Saturday, May 11, 2019, from 8:00 am - 12:00 pm, to begin at 332 Prospect Street, and end at the Amtrak Station.; and

WHEREAS, we respectfully request the fee be waived for use of a City owned stage, during this event (request on file in the City Clerk's Office); and

NOW, THEREFORE, BE IT RESOLVED that this City Council of Niagara Falls, NY does hereby waive the fee for use of our City owned stage, during this event.

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: SERTOMA CLUB, OASIS/PAVILION, FEE WAIVER, 2019-43  
BY: ALL COUNCIL MEMBERS

Agenda Item #19

WHEREAS, on Sunday, August 18, 2019 from 8:00am - 6:00pm Sertoma Club will be holding its annual Chicken Barbecue (request on file in the City Clerk's Office); and

WHEREAS, Sertoma Club respectfully requests that the City Council allows us to use the Oasis and Centennial pavilions jointly without having to pay a rental fee or a beer permit fee; and

NOW, THEREFORE, BE IT RESOLVED that this City Council of Niagara Falls, NY does hereby waive any and all fees associated with this event held on Sunday, August 18, 2019 between 8:00am - 6:00pm.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: MARRIED WITH PRIDE CEREMONY/OUTDOOR STREET PARTY RECEPTION, CITY'S BAND SHELL, FEE WAIVER, 2019-44

BY: COUNCIL MEMBERS KENNEDY, SCOTT, CHAIRMAN TOUMA

Agenda Item #20

WHEREAS, On June 30, 2019 from approximately 6:00 - 9:00 p.m. located on Mayor O'Laughlin Drive, the Married With Pride Ceremony and Outdoor Street Party Reception will take place (request on file in the City City Clerk's Office); and

WHEREAS, during this event, the City owned band shell will be in use; and

NOW, THEREFORE, BE IT RESOLVED that this City Council of Niagara Falls, NY does hereby waive the fee for use of City band shell, during this event.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: ADVANCE PAYMENT CONTRACT, STATE OF NEW YORK, 2019-45

BY: ALL COUNCIL MEMBERS

Agenda Item #21

WHEREAS, the State of New York has taken or is in the process of taking a portion of the real estate owned by City of Niagara Falls through the process of eminent domain for the purposes of improving the northeast side of the intersection of FAC 57-15 (Walnut Ave Arterial) and NY Route 61 (Hyde Park Blvd) (approximately 400 square feet); and

WHEREAS, the State has offered to pay City of Niagara Falls the sum of \$500.00 for this portion of City of Niagara Falls' real estate along the northeast side of the intersection of FAC 57-15 (Walnut Ave Arterial) and NY Route 61 (Hyde Park Blvd) as depicted on Map(s) 14, as Parcel(s) 14; and

WHEREAS, in order to accept the advance payment of \$500.00 it is necessary to execute and submit an Agreement for Advance Payment on behalf of the City of Niagara Falls; and

WHEREAS, The City Council of the City of Niagara Falls is the governing body of the City of Niagara Falls; and

WHEREAS, the Mayor of the City of Niagara Falls will be the designated individual to sign the Agreement for Advance Payment, a copy of which is attached hereto (on file in the City Clerk's Office).

NOW, THEREFORE, BE IT RESOLVED, that this City Council does hereby approve the acceptance of the sum of \$500.00 as an advance payment as described herein; and

BE IT FURTHER RESOLVED that the Mayor of the City of Niagara Falls is hereby designated as the person to execute the Agreement for Advance Payment together with any and all closing documents with regard to the transfer of the parcel described herein to the State of New York.

Yeas

5

Nays

0

ADOPTED



CONTRACT: GOLF COURSE, ROOFTOP AIR HANDLING UNIT REPLACEMENT PROJECT, J.R. SWANSON PLUMBING HEATING & COOLING

Agenda Item #22

Formal quotes for municipally-licensed HVAC contractors were solicited and received in the City Engineer's office for rooftop air handling units on April 29, 2019.

The successful firm at a lump-sum, not-to-exceed amount of \$21,330.00 was:

J.R. Swanson Plumbing Heating & Cooling  
413 103<sup>rd</sup> Street  
Niagara Falls NY 14304

Funding for the project will be from existing casino fund balance.

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: 2019 DRAINAGE STRUCTURE REPLACEMENT AND REPAIR PROJECT (VARIOUS LOCATIONS), 4<sup>TH</sup> GENERATION CONSTRUCTION CO., INC.

Agenda Item #23

The following was the result of bids received on April 30, 2019, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
4 <sup>th</sup> Generation Construction Co. Inc.	\$297,651.00
5650 Simmons Ave.	
Niagara Falls NY 14304	
Mark Cerrone Inc.	\$423,000.00

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 \$297,651.00. Please note that this amount is completely reimbursable with NYSDOT CHIPS monies. The funding code will be H0319, which represents CHIPS funding to be received for 2019 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	

RESOLUTION: SCHOOL BUSES, SAFETY CAMERAS, 2019-46  
BY: COUNCIL MEMBERS KENNEDY, SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #24

WHEREAS, the safety and well-being of our children, whether at home, at play, or at school is critically important to all of us; and

WHEREAS, a major risk area is when school children are boarding or exiting school buses and crossing streets when the bus is stopped and its red stop lights are activated; and

WHEREAS, motorists are legally required to stop when confronted by a stopped school bus with flashing lights, but an estimated 50,000 motorists each year in New York state ignore the safety regulation; and

WHEREAS, under current law, a ticket for a motorist who illegally passes a stopped school bus displaying a red visual signal can be issued only by a police officer who witnesses the violation; and

WHEREAS, one measure proven to help protect children while on school buses or boarding or exiting school buses is the use of technology including surveillance cameras on stop-arms on buses in order to deter or help with citations or fines on those scofflaws who break the law and drive past stopped school buses with their red stop lights activated; and

WHEREAS, sixteen states already have statutes allowing the technology; and

WHEREAS, in the 2019-2020 state budget, a traffic safety package allows for the stop-arm cameras to be used; and

WHEREAS, on March 19, 2019, the State Assembly approved Assembly Bill A.4950A by a vote of 146-0, thus demonstrating the unanimous support of this non-partisan bill; and

WHEREAS, the State Senate has a companion bill, Senate Bill S.4524, introduced by State Senator Timothy Kennedy, pending in that body for action; and

WHEREAS, the bill provides for additional enforcement options by authorizing a demonstration program to allow local governments to impose liability on the owners of motor vehicles for the failure of the drivers to comply with the law and allowing for the use of mobile cameras mounted on school buses, as well as stationary cameras, with the cost to be borne solely by the municipalities but the revenue can be collected by the localities; and

WHEREAS, violators caught on camera would face automatic fines of \$250 but would not receive points on their driver's license or be penalized by their insurance company.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Niagara Falls, NY hereby calls on the New York State Senate to expeditiously approve Senate Bill S.4524 and the Governor to sign this legislation into law to help protect our children; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Governor, the local delegation of the New York State Senate, Andrea Stewart-Cousins, Temporary President and Majority Leader of the State Senate, the Niagara County Manager and Sheriff, the Niagara Falls Police Chief, and the Superintendent of Niagara Falls City School District.

Yeas

5

Nays

0

ADOPTED

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

Lisa A. Vitello  
City Clerk



**MAY 15, 2019**

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The Legislative session of the May 15, 2019 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:00 P.M. in the Council Chambers.

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

Also present: Mayor Paul A. Dyster, Acting City Administrator Douglas Janese, 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 Special Council Meeting of April 30, 2019.

Yeas	5
Nays	0
APPROVED	

A presentation was given regarding the census by Mr. Edward Walker

Administrative Update:

The Office of Administration gave an update on Zipper work, pot hole patching, the spring paving schedule, fishing pier, kayak launch and safety cameras.

There was a discussion regarding grant writing now and in the future.

Controller Report:

Dan Morello, City Controller, gave an update on finances. There was a discussion regarding Casino revenue and the budget.

Craig Johnson, Corporation Counsel, presented 1 item to be added to the agenda;

Contract with Ber-National for On-Street Meter Installation.	
Yeas	5
Nays	0
APPROVED	

The item was added as Agenda Item #20

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

Merle Smouse	Agenda Item #2
Christiana Limniatis	Agenda Item #6
Georgia Robinson-Bradberry	Agenda Item #6
Elaine Timm	Agenda Item #6
Donta Myles	Agenda Item #6
Terri Kline	Agenda Item #13
Gerald Skrlin	Various
Donta Mules	Slumlords
Chris Smith	History
Ms. Filipelli	B & B
Gloria Dolson	Various
Gerald Skrlin	Various

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S CLAIMS FOR THE MONTH OF APRIL 2019

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORTS FOR THE MONTH OF APRIL 2019

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

NATIONAL GRID: OUTDOOR STREET LIGHT CONVERSION PROGRAM

Agenda Item #3

THIS ITEM WAS PULLED

NO ACTION TAKEN

CONTRACT: CANNON BLOCK, PURCHASE, SALE AND DEVELOPMENT, PENN TERRA GROUP LIMITED

Agenda Item #4

Please recall that as a result of litigation commenced by the U.S. Attorney's Office against the former owner of properties located at 550 Main Street, 557 Third Street, 561 Third Street, 565 Third Street, 569 Third Street and 571 Third Street, the City acquired title to those properties (the "Cannon Block").

The City subsequently issued a Request for Proposals in September of 2017 and by resolution dated November 14, 2018, the City Council designated Penn Terra Group Limited, dba Penn Terra-USRE Corp. ("Penn Terra") as the Preferred Developer of the Cannon Block. The proposal called for Penn Terra to amalgamate all parcels and construct a new residential building with on-site parking which will be used primarily for student rentals and for vacation rentals.

Subject to City Council approval, the City has agreed to sell the Cannon Block parcels to Penn Terra for the sum of \$54,000.00 in order to redevelop the Cannon Block.

The City is the named grantee in a Restore NY Grant made by the New York State Urban Development Corporation, dba Empire State Development ("ESD") in the amount of \$2,000,000.00 which is for the redevelopment of the Cannon Block. The Grant Award and accompanying Grant Disbursement Agreement will name Penn Terra as the designated beneficiary within the Grant Disbursement Agreement for the purpose of effecting the proposed development. Penn Terra shall be bound to all New York State Grant NWBE Contract Participation Goals contained in the Grant Disbursement Agreement and any City participation goals as outlined in the Purchase, Sale and Development Agreement. The balance of the project cost will be borne by Penn Terra through either bank financing or private equity participation.

It is anticipated that the redevelopment of the Cannon Block will create new jobs, raise property values, create community amenities, bring in local tax revenues and be attractive for new residents and businesses.

Attached hereto (on file in the City Clerk's Office) is a copy of the Purchase, Sale and Development Agreement that has been agreed to by both parties, subject to City Council approval.

Will the Council so approve and authorize the Mayor to execute on behalf of the City all documents relating to the transfer of the properties, grant disbursements, and redevelopment of the Cannon Block, provided that final agreements and documents and such related documents are in a form acceptable to the Corporation Counsel?

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

Yeas

Nays

5

0

Agenda Item #5

In the interest of promoting fairness and transparency in the disposition of surplus City property while maintaining our obligation to obtain the highest value possible for unneeded inventory, the Purchasing Division issued an RFP to potentially retain a professional auctioneer to conduct internet-based auctions for surplus City property.

After publishing and posting the RFP, the City received five (5) responses which were impartially scored by the scoring committee. After further clarifications from some prospective vendors, the proposal from Cash Realty & Auctions, LLC ("Cash") emerged as the strongest proposal.

Cash is a locally owned and operated professional auctioneering service that has been in business for over thirty (30) years. Their website receives approximately five thousand (5,000) hits a week and they conduct hundreds of auctions each year. They have an experienced local team, several local municipal clients including Erie County, and impeccable references.

The terms of Cash's proposal are as follows: Cash will post the City's surplus property on their website and conduct professional auctions on the City's behalf at no cost to the City. Following the conclusion of the auction, the City will retain full control of whether to dispose of the item at the highest price posted, or to reject the bids if the prices are insufficient. The winning bidder will pay a fee to Cash of 9.5% of the winning bid on top of the full purchase price, which will be paid over to the City by Cash. The term of the agreement shall be two (2) years, as was set forth in the RFP.

Based upon the recommendation of the scoring committee, it is the recommendation of the Administration that the City retain Cash as a professional auctioneer and that the City enter into a two (2) year agreement based upon the terms and conditions stated herein.

Will the Council so approve and authorize the Mayor to execute an agreement, and any other documents necessary to retain this vendor, in a form acceptable to the Corporation Counsel?

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

Yeas

5

Nays

0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE HISTORIC PRESERVATION COMMISSION

CITY PROPERTY: NIAGARA STREET, 822, JOHNNIE RYAN CO. BOTTLING, HISTORIC DESIGNATION

Agenda Item #6

Attached (on file in the City Clerk's Office) is the report from the Niagara Falls Historic Preservation Commission recommending designation of 822 Niagara Street, the original Johnnie Ryan Co. Bottling, as an historic landmark under the City Historic Preservation Ordinance.

The Historic Preservation ordinance provides:

1335.05-02(I) - At its next scheduled meeting after receipt of any recommendation from the Commission, the City Council shall consider the designation or acquisition of the landmark site or historic structure, or the designation of the historic district. A majority vote shall be required by the City Council for the designation or acquisition. The Mayor shall approve or veto said designation or acquisition as provided by law.

Will the Council vote to approve the designation or the exterior of 822 Niagara Street, the original Johnnie Ryan Co. Bottling, and forward designation to the Mayor for approval, as provided by City Ordinance?

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

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

DEFEATED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

SEVENTH ST BETWEEN NIAGARA ST. & FERRY AVE., ELIMINATE "NO STANDING ANYTIME" RESTRICTION, ALLOW TWO SIDED DAY PARKING WITH ALTERNATE OVERNIGHT PARKING

Agenda Item #7

At the Traffic Advisory Commission meeting held on May 6, 2019 the Commission recommended APPROVAL of the following item:

SEVENTH STREET BETWEEN NIAGARA STREET & FERRY AVENUE: ELIMINATE THE "NO STANDING ANYTIME" RESTRICTION ON THE EAST SIDE OF THE STREET & THE EXISTING OVERNIGHT PARKING ON THE WEST SIDE ONLY WITH "NO PARKING TUESDAY 7 AM TO 1 PM" RESTRICTION, AND ALLOW TWO SIDED DAY PARKING WITH ALTERNATE OVERNIGHT PARKING

This request will allow two sided day parking with alternate overnight parking on this standard 30' width residential street changing it from the current one sided (west side) only day & night parking.

A petition from the residents of this block was received with 63% signatures.

Submitted By: Ebony Jones, 455 - 7<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

ONTARIO AVENUE, 908-910, INSTALL 40' LOADING ZONE (COLT BLOCK APARTMENTS MAINTENANCE SHOP)

Agenda Item #8

At the Traffic Advisory Commission meeting held on May 6, 2019 the Commission recommended APPROVAL of the following item:

INSTALL A 40' LOADING ZONE ON THE NORTH AVENUE EXTENSION SIDE OF 908-910 ONTARIO AVENUE (COLT BLOCK APARTMENTS MAINTENANCE SHOP)

Request was made to facilitate a place for delivery trucks & maintenance vehicles to load/unload supplies and equipment at 908-910 Ontario Avenue.

Submitted By: Renee Garrett, Property Manager, Colt Block 2 Apartments, 2119 Main 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

WALNUT AVENUE, BETWEEN 18<sup>TH</sup> AND 19 STS., INSTALL OVERNIGHT PARKING

Agenda Item #9

At the Traffic Advisory Commission meeting held on May 6, 2019 the Commission recommended APPROVAL of the following item:

INSTALL OVERNIGHT PARKING ON WALNUT AVENUE BETWEEN 18TH STREET & 19TH STREET (NORTH SIDE ONLY) WITH "NO PARKING TUESDAY 7AM TO 1PM" RESTRICTION

The New York State Department of Transportation has agreed to allow overnight parking on this roadway as long as it satisfies the City's requirements.

A Petition from the residents of this block was received with 75% signatures.

Submitted By: Harold Foshee, 560 - 19<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

INDEPENDENCE AVENUE, 2726, INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #10

At the Traffic Advisory Commission meeting held on May 6, 2019 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 2726 INDEPENDENCE AVENUE

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

Submitted By: Helena Bergeron, on behalf of her daughter,  
Christianna  
Bergeron, 2726 Independence 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, 2442, INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #11

At the Traffic Advisory Commission meeting held on May 6, 2019 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 2442 GRAND AVENUE

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

Submitted By: Felicia Ham, 2442 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  
Nays

5  
0  
APPROVED

23<sup>RD</sup> STREET, 631, INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #12

At the Traffic Advisory Commission meeting held on May 6, 2019 the  
Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 631 23<sup>RD</sup> STREET

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

Submitted By: Janice Barnes, on behalf of her husband, Johnny  
Barnes, 631 23<sup>rd</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  
Nays

5  
0  
APPROVED

INFORMATIONAL ITEM: DENIED, VARIOUS

Agenda Item #13

At the Traffic Advisory Commission meeting held on May 6, 2019, the  
Commission:

DENIED:

- 1) Request submitted by Resident to Nick Melson, City Administrator,  
to INSTALL ALL WAY STOP SIGNS AT THE INTERSECTION OF FALLS STREET  
AND 27TH STREET. The intersection was studied with the following  
results: Accidents (right angle and turning collision): 2014/0,  
2015/0, 2016/0, 2017/2, 2018/1, 2019/0 to present. Traffic Volume  
(average of the 8 highest hours per day): Falls Street = 118  
vehicles, 27<sup>th</sup> Street = 51 vehicles. This intersection falls far  
short of the MUTCD Minimum Warrants for the placement of "ALL WAY"  
stop signs (5 right angle and turning collision accidents per 12  
month period or 500 total vehicles per hour for the highest 8  
hours per day with a close to even (60/40 or better) split between  
main road and side road).
- 2) Request submitted by Resident to Nick Melson, City Administrator,  
to INSTALL A STOP SIGN ON CAYUGA DRIVE BETWEEN 91<sup>ST</sup> STREET & CITY  
LINE. This stretch of roadway was studied with the following  
results: Accidents (right angle and turning collision): 1/1/2014  
to present - 1 accident total of this type from among all the  
intersections (92<sup>nd</sup> Street to 104<sup>th</sup> Street). Traffic Volume (average  
of the 8 highest hours per day): Cayuga Drive = 397 vehicles, 95<sup>th</sup>  
Street (counted due to anticipated high volume with a School  
located here) = 73 vehicles (a 85/15 split). This intersection  
falls short of the MUTCD Minimum Warrants for the placement of  
"ALL WAY" stop signs (listed above).

- 3) Request submitted by Ebony Jones, 455 - 7<sup>th</sup> Street and petition/residents of Seventh Street between Ferry Avenue and Walnut Avenue to ELIMINATE THE "NO STANDING ANYTIME" RESTRICTION ON THE EAST SIDE OF THE STREET & THE EXISTING OVERNIGHT PARKING ON THE WEST SIDE ONLY WITH "NO PARKING TUESDAY 7 AM TO 1 PM" RESTRICTION, AND ALLOW TWO SIDED DAY PARKING WITH ALTERNATE OVERNIGHT PARKING. This petition had only 32% of signatures which is far short of the percentage required for approval.
  - 4) Request submitted by Ebony Jones, 455 - 7<sup>th</sup> Street and petition/residents of Seventh Street between Walnut Avenue and Pine Avenue to ELIMINATE THE "NO STANDING ANYTIME" RESTRICTION ON THE EAST SIDE OF THE STREET & THE EXISTING OVERNIGHT PARKING ON THE WEST SIDE ONLY WITH "NO PARKING TUESDAY 7 AM TO 1 PM" RESTRICTION, AND ALLOW TWO SIDED DAY PARKING WITH ALTERNATE OVERNIGHT PARKING. This petition had only 32% of signatures which is far short of the percentage required for approval.
- THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #14

The following have requested City Council approval for Commissioner of Deeds for a term from July 1, 2019 to June 30, 2021.

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

John P. Caso	DPW
Michael L. Edwards	DPW
Victoria Gemuend	Engineering Dept.
Eugene Ochal	City Marshal
Frederick Pucci	City Marshal
Linda Roulley	Law Dept.
Kenneth M. Tompkins	City Council
Michael Trane	NFPD

Tina L. Aronne	1320 Vanderbilt Ave., N. Falls, NY	14305
Tabitha Bernard	1331 Garden Ave., Niagara Falls, NY	14305
William S. Carroll	4420 Lewiston Rd., Niagara Falls, NY	14305
Ryan N. Garrow	625 Oak St., Youngstown, NY	14174
Barbara E. Gonzalez	2412 North Ave., Niagara Falls, NY	14305
Cindy-Lou Joyce	2744 Thornwoods Dr., NF, NY	14304
Renae Kimble	3302 Hyde Park Blvd., NF, NY	14305
Vincent M. Mameli	462 77 <sup>th</sup> St., Niagara Falls, NY	14304
Denise Salada	621 71 <sup>st</sup> St., Niagara Falls, NY	14304
Randal S. Ubriaco	837 15 <sup>th</sup> St., Niagara Falls, NY	14301
Dorothy Lee West	245 71 <sup>st</sup> St., Niagara Falls, NY	14304

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

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

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: SILVERSMITH, DONALD

Agenda Item #15

Date Claim Filed:	April 5, 2019
Date of Occurrence:	February 24, 2019
Location:	443 70 <sup>th</sup> Street
Nature of Claim:	Branch from a City tree located in front of his residence broke off and fell on 2016 Honda Civic causing damage. Deteriorated condition of tree had been called to City's attention prior to incident.
City Driver:	N/A
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$387.24
Make Check Payable to:	Donald Silversmith
Conditions:	General Release to City approved by Corporation Counsel.

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

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

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

APPROVED

SETTLEMENT: MAN O'TREES AND HANOVER INSURANCE COMPANY, CITY OF NIAGARA FALLS, LAWSUIT

Agenda Item #16

During the reconstruction of Lewiston Road, the contractor, Man O'Trees, Inc. was removed due to various issues with their performance. Subsequently the City commenced a law suit against Man O'Trees and its bonding company the Hanover Insurance Company, seeking damages related to the construction project.

Man O'Trees then filed a lawsuit against the City seeking several forms of damage including a preliminary injunction all of which was defeated and that litigation dismissed.

The City's litigation has been handled by its outside counsel Hodgson Russ LLP who have negotiated a proposed settlement with Hanover Insurance Company as the bonding company to Man O'Trees which has ceased operations. The proposed settlement would have Hanover pay the City \$150,000.00 in full settlement of the claims. It is recommended that Council approve this proposed settlement as it represents a significant portion of the City's damages and eliminates the continued expense of prosecuting the litigation and expenses of a trial and the possibilities of differing results in a trial.

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: ZAJAC FUNERAL HOME, HONORING  
BY: ALL COUNCIL MEMBERS

Agenda Item #17  
THIS ITEM WAS PULLED  
NO ACTION TAKEN

RESOLUTION: DOWNTOWN REVITALIZATION INITIATIVE APPLICATION, 2019-47  
BY: ALL COUNCIL MEMBERS

Agenda Item #18

WHEREAS, the City of Niagara Falls is submitting an Application for New York State's Downtown Revitalization Initiative with a total award of \$10,000,0000, and

WHEREAS, the State of New York is currently removing the sections of the Robert Moses Parkway, which will create new and deliberate connectivity with the Niagara River waterfront creating the largest expansion of public parkland since 1885, resulting in new and expanded economic opportunities for investment and regeneration, and

WHEREAS, the City's application for North Main Street Niagara Falls, if selected, will drive implementation of multiple smart growth projects along Main Street and the surrounding neighborhood as specifically outlined in the 2009 Comprehensive Plan as a "Big Move," and

WHEREAS, the City's application will also promote new job creation, raise property values, create community amenities, bring in local tax revenues, attract new residents and businesses to downtown, building upon the city and region's strengths, and

WHEREAS, the area to be defined in the Downtown Revitalization Initiative City of Niagara Falls application represents the community with the greatest potential and the most immediate opportunity for private sector investment, public private partnerships and the greatest overall positive economic impact for all Western New York,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby supports the Downtown Revitalization Initiative Application and authorizes the Mayor to act on behalf of the City in all matters related to the application process, and further authorizes the Mayor to execute any and all documentation necessary related to the Downtown Revitalization Initiative or award.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: BUSINESS LICENSES, AMENDING CHAPTER 308, 2019-48  
BY: ALL COUNCIL MEMBERS

Agenda Item #19

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Chapter 308 of the Codified Ordinances entitled "Business Licenses" is hereby amended to read as follows:

...

308.02 DEFINITIONS

Whenever used in this chapter, the following terms shall have the meanings indicated:

...

(b) Garage Sale. The sale of used household or personal items on a temporary basis from the seller's residence. The term "garage sale" does not include the sale of new items or any business conducted on a permanent basis.

...

308.03 LICENSE REQUIRED; REGULATIONS

(a) Effective July 1, 2019, no person shall open, keep, maintain, own, operate or carry on any business unless such person shall have first been issued a license therefor as provided in this chapter. Any business license approved and issued pursuant to this chapter that has not been revoked shall be effective for a one (1) year period of time commencing with the date of issuance. Any business license approved and issued prior to July 1, 2019 shall be effective July 1, 2019. [A person conducting a garage sale pursuant to and in accordance with the provisions of 308.02(b) does not have to apply for a license, but must register the garage sale with the City Clerk on a form provided by the City Clerk. Existing businesses shall have until the 31<sup>st</sup> day of December, 2018 to procure a license effective January 1, 2019 for the calendar year 2019. Any new business commencing operation between the effective date of this chapter and December 31, 2018 must apply for a business license pursuant to this chapter and, if such license is approved and issued, such license shall be effective through and including December 31, 2019. Thereafter, any business license issued and any business license renewed pursuant to the provisions of this chapter shall be effective to and include the 31<sup>st</sup> day of December in the year for which the license or renewal is issued.]

. . .

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

Yeas

5

Nays

0

ADOPTED

CONTRACT: ON-STREET PARKING METER INSTALLATION, BER-NATIONAL AUTOMATION INC.

Agenda Item #20

The following were the result of bids received on May 14, 2019 for the above referenced project for the purchase and installation of eight parking meters:

CONTRACTOR

BASEBID

Ber-National Automation Inc.  
1137 E. Main Street  
Rochester NY 14609

\$78,052.00

It is the recommendation of the undersigned that this project be awarded to the sole bidder Ber-National Automation Inc. at its total bid of \$78,052.00. Funding is available through tribal revenue.

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 8:35 P.M.

Lisa A. Vitello  
City Clerk



**MAY 29, 2019**

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The Legislative session of the May 29, 2019 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:00 P.M. in the Council Chambers.

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

Also present: Mayor Paul A. Dyster, Acting City Administrator Douglas Janese, Corporation Counsel Craig H. Johnson, and City Controller Daniel Morello.

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

Council Member Tompkins moved to approve the Minutes from the Council Meeting of May 15, 2019

Yeas

5

Nays

0

APPROVED

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

Chris Smith	Various
Jennifer LaMoy	Various
Ron Anderluh	Memorial Day, John Duke Center
Chris Smith	Harriet Tubman
Dorothy West	Various
Tim Huether	Golf Course
John Spanbauer	Assorted
Gerald Skrlin	Various

**Presentations:**

Honoring Zajac Funeral Home  
John Percy, Destination Niagara Annual Report  
Seth Piccirillo, Update on the Zombie Fight Housing Initiative.

**Administrative Update:**

Acting City Administrator Douglas Janese gave an update on the in-house paving, city pool preparation, sidewalk and pot hole improvements.

**Controller's Report:**

Daniel Morello, City Controller, gave an update on the LED lighting project.

Craig Johnson, Corporation Counsel, submitted one item to be added to the agenda.

Resolution relative to amending schedule 8 of the Zoning Ordinance regarding 8003,8005,8007,8011 and 8101 Buffalo Avenue.

Yeas

5

Nays

0

ADOPTED

The item was added to the Agenda as Item #14

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

HUMAN RESOURCES DEPARTMENT: MINOR REORGANIZATION

Agenda Item #1

Attached hereto (on file in the City Clerk's Office) is a page from the 2019 adopted budget of the Department of Human Resources. Code 1732 is the position classification code for Human Resources Clerk, Grade 3, with an appropriated salary of \$27,391.00.

The Department is requesting that the remaining funds allocated for the position be transferred to position classification code 1739, Human Resources Assistant, Grade 7, leaving \$1.00 for the position. This will allow for cross-training, an expansion of duties necessary for greater efficiencies in the department and will prevent out of title work assignments which may be subject to grievance. The increase in salary plus FICA totals \$430.31 for the balance of the budget year. Funds are available in the medical fees line, A.1430.0000.0458.000.

It is requested that the change be effective July 1, 2019.

Will the Council so approve?

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

Yeas 0

Nays 5

All Council Members

DEFEATED

CITY PROPERTY: PINE AVENUE, 2525, SIGN ENCROACHMENT

Agenda Item #2

Egan Signs on behalf of the owners of the above referenced property has applied for a sign 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 ten (10) 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 sign 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: EMPLOYEE HEALTH INSURANCE BENEFITS, PROPOSED CLAIMS AUDIT AGREEMENT, CITY AND THE SENECA CONSULTING GROUP

Agenda Item #3

As the City of Niagara Falls is a self-insured entity with regard to the health insurance benefits provided to its employees, sound accounting principles dictate that the City must periodically undertake a review of its medical and pharmacy benefit claims. To that end, attached (on file in the City Clerk's Office) for your review, please find the proposed Claims Audit Service Agreement between the City and the Seneca Consulting Group. The Seneca Consulting Group is a risk management consultant known for assisting its clients in managing issues related to the costs of medical and pharmacy benefits. Previously, the City has utilized the Seneca Consulting Group's services with regard to the IRS reporting required under the Affordable Care Act. Under the proposed Claims Audit Service Agreement, the Seneca Consulting Group will analyze all of the City's medical and pharmacy claims in detail for overcharges and compliance capabilities as well as enhancing the City's coordination of benefits by identifying ineligible dependents.

By way of compensation, the Seneca Consulting Group would receive 50% of all dollars recovered as a result of the medical and pharmacy claims audit. Therefore, for this portion of the audit, the City will have no upfront costs as the consultant will only be paid out of monies that it recovers. Relative to the dependent eligibility audit, Seneca Consulting Group would receive \$25.00 for each employee with dependent coverage; based upon the 605 employees in question, the total amount of compensation for this service would be \$15,125.00. Sufficient funding exists within the Human Resources budget line A.1430.0000.0451.000.

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

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

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

APPROVED

CONTRACT: A.D.A. COMPLIANCE PROJECT (BUILDINGS), WALTER JOHNSON BLDG. CO., CHANGE ORDER #1

Agenda Item #4

A contract for the above referenced project was awarded to Walter Johnson Building Co. Inc. on March 20, 2018 in the amount of \$984,700.00.

After the start of the project, small adjustments were found to be needed in several rooms/locations that the U.S. Department of Justice had initially called out for remediation. These adjustments in room finishes, dimensions and equipment, required to achieve compliance to date, were able to be performed at no additional cost to the project.

Additionally, reimbursement-based grants have been obtained by the library staff to perform extra work at the Earl Brydges Library to modify the entrances beyond the scope of our original compliance project. The costs associated with installation of these door openers and operators is \$18,992.25, and will be eligible for a 70% reimbursement, leaving the final net cost to the City of \$5,652.25. Sufficient funding is available in capital code H0919.

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

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

Yeas	5
Nays	0

APPROVED



CONTRACT: FIRE TRAINING TOWER, SCRUFARI CONSTRUCTION Co. LLC

Agenda Item #5

The following were the result of bids received on May 14, 2019 for the above referenced project:

<u>CONTRACTOR</u>	<u>BASEBID</u>	<u>ALTERNATE</u>	<u>#1</u>
Scrufari Construction Co. LLC 3925 Hyde Park Blvd. Niagara Falls NY 14305	\$338,250.00	\$92,750.00	
Harty Construction Inc.	\$410,000.00	\$110,000.00	

It is the recommendation of the undersigned that this project be awarded to the low bidder Scrufari Construction Co. LLC at their base bid of \$338,250.00. The City will not be requesting funds related to the Alternate #1 bid amount. Funding will be utilized through the remainder of a DASNY grant and \$39,448.81 from the tribal revenue reserve.

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: SIDEWALK REPLACEMENTS AT VARIOUS LOCATIONS, VALERI CONCRETE CONSTRUCTION, INC.

Agenda Item #6

The following is the result of bids received on May 22, 2019 for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Valeri Concrete Construction, Inc. 6297 Wendt Drive Niagara Falls NY 14304	\$260,000.00
Henwood Construction	\$314,407.00
Mark Cerrone Inc.	\$590,000.00

It is the recommendation of the undersigned that this contract be awarded to the low bidder, Valeri Concrete Construction, Inc.

Please note that this amount is completely reimbursable with NYSDOT CHIPS monies. The funding code will be H0319, which represents CHIPS funding to be received for 2019 projects.

Additionally, the Contractor has agreed to extend the unit prices of his bid to both utilize the maximum CHIPS funding available for sidewalks (\$300,000.00) and complete sidewalk replacements for the Niagara Falls Water Board, in an amount not-to-exceed \$30,000.00, 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 \$330,000.00 at this time.

Will the Council vote to so approve and authorize the Mayor to execute a contract for the City of Niagara Falls, 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: 2019 HUD, CDBG, HOME INVESTMENT PARTNERSHIPS,  
EMERGENCY SOLUTIONS GRANT PROGRAMS

Agenda Item #7

The City Council approved the draft Fiscal year 2019 Consolidated Annual Action Plan in March 2019. The Consolidated Annual Action Plan includes annual funding allocations from HUD for the City's CDBG, HOME, and ESG programs. These budgets were created following a public participation process and then presented to the City Council in draft form, using a conservative estimate of the 2019 budget amounts, to accommodate the city and federal governments' differing fiscal year budget schedules. HUD's final Fiscal year 2019 allocations were released on April 19, 2019. Cumulatively, the City's final CDBG, HOME, and ESG allocation is \$2,936,063, a 13.8 percent increase from the \$2,530,000 budget previously presented to the community and approved by the City Council.

The individual programs for FFY 2019 are affected as follows:

Source	Draft 2019 Action Plan	HUD 2019 Final Allocation	\$ Change	% Change
CDBG	\$2,000,000	\$2,309,381	\$309,381	+15.5
HOME	\$335,000	\$427,400	\$92,400	+27.6
ESG	\$195,000	\$199,282	\$4,282	+0.2
<b>TOTAL</b>	<b>\$2,530,000</b>	<b>\$2,936,063</b>	<b>\$406,063</b>	<b>+13.8</b>

The Community Development Department proposes the following revisions to the 2019 Consolidated Annual Action Plan to bring the budget estimate in line with the final allocations:

2019 Programmatic Changes

Budgeted CDBG Program	\$ Change
City of Niagara Falls - CDBG Rehab Program	(\$62,495)
Niagara Falls Housing Authority - Doris Jones Family Resource Building Youth Programming	\$30,000
Heart, Love & Soul - Project Daybreak Facility	\$230,000
City of Niagara Falls - CDBG Administration	61,876

Budgeted HOME Program	\$ Change
City of Niagara Falls - HOME Rehab Program	(\$94,253)
Niagara Falls Housing Collaborative - CHDO	\$3,281
Niagara Area Habitat for Humanity - CHDO	\$174,132
City of Niagara Falls - HOME Administration	\$9,240

Budgeted ESG Program	\$ Change
Pinnacle Community Services (Casey House) - Emergency Shelter	\$1,980
Pinnacle Community Services (Passage House) - Emergency Shelter	\$1,980
City of Niagara Falls - ESG Administration	\$322

No additional public comments were received during the public comment period.

Per HUD and City of Niagara Falls Citizen Participation Plan Guidelines, the City will adjust programmatic budgets to meet the final allocation without deviating from the project scopes or objectives already approved by the City Council. Will Council vote to so approve and authorize the Community Development Director to make the necessary adjustments?

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

Yeas

5

Nays

0

APPROVED

DEPT. OF PUBLIC WORKS: DOWNTOWN MEDIANS AND ENTRY POINTS, LANDSCAPING

Agenda Item #8

The City solicited proposals for the above-referenced services from professional vendors, but the costs of those proposals exceeded the amount the City can commit to this project at this time.

As an alternative, we are seeking to complete this work with a combination of DPW personnel on overtime and the use of the City's existing contractor who cuts and clears lots throughout the City. The DPW personnel will complete the clean-up efforts and the manual weeding, and the contractor will complete the chemical spraying and the mulching in order to have the medians and entry-points cleaned up and ready for the summer season.

In the event that further work is required later in the summer or in the fall, we will bring any additional request to Council if necessary at that time.

It is anticipated that completion of these tasks will require an expenditure not to exceed Twenty Thousand Dollars (\$20,000.00) in total. Funds for these expenditures from tourism funds.

Will the Council so approve and authorize the Mayor to execute all documents necessary to complete this project in a form acceptable to the Corporation Counsel?

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

Yeas

5

Nays

0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

MAYOR'S APPROVAL

Agenda Item #9

Please be advised that Mayor Paul A. Dyster, on May 16, 2019, duly approved the following:

Resolution 2019-48 relative to Amending Chapter 308 of the  
Codified Ordinances entitled "Business Licenses"

THIS ITEM WAS RECEIVED AND FILED

NO ACTION TAKEN

RESOLUTION: ZAJAC FUNERAL HOME, HONORING, 2019-49

BY: ALL COUNCIL MEMBERS

Agenda Item #10

WHEREAS, Henry J Zajac graduated mortuary school in 1940. He gained his license seven years later in 1947 after returning from WWII; and

WHEREAS, Henry J Zajac, along with his wife Stephanina built and founded Zajac Funeral Home Inc. in 1949; and

WHEREAS, He owned and operated the business solely until 1977 when son Henry E Zajac became a licensed Funeral Director. The first funeral held was March 4, 1949. Henry E Zajac joined the family business working side by side with his father until 2004, when Henry J passed away; and

WHEREAS, Henry E Zajac and his wife Barbara took over operations until his sudden passing in 2009 at which time his twin sons Frank L & Matthew T Zajac took over the duties of the business; and

WHEREAS, For the last 70 years, the Zajac family has proudly lived up-to their motto of "Our Family Helping Your Family" with a strong emphasis on personal service.

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby honor Zajac Funeral Home for serving the residents of Niagara Falls and surrounding areas for over 70 years in business.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: HYDE PARK ELEMENTARY KINDERGARTEN CLASS, PAVILION D, FEE  
WAIVER, 2019-50  
BY: ALL COUNCIL MEMBERS

Agenda Item #11

WHEREAS, the Niagara Falls City School District - Hyde Park Elementary School kindergarten classes would like to book Hyde Park's Pavilion D; and

WHEREAS, due to funding limitations, they are requesting the rental fee be waived for use of the pavilion (request on file in the City Clerk's Office).

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that this City Council does hereby waive the fee for the rental of the Hyde Park Pavilion D for the Niagara Falls City School District - Hyde Park Elementary School kindergarten classes, on June 20, 2019 from 10:00a.m. - 2:00p.m.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: SPLASH PAD, GERALDINE J. MANN AND HYDE PARK ELEMENTARY END  
OF THE YEAR CELEBRATION FOR PRE-K CLASSES, FEE WAIVER, 2019-51  
BY: ALL COUNCIL MEMBERS

Agenda Item #12

WHEREAS, the Niagara Falls City School District - Geraldine J. Mann Elementary and Hyde Park Elementary School Pre - K and kindergarten classes would like to celebrate the end of the year at the Hyde Park Splash Pad on June 18, 2019 from 10:00a.m. - 2:00p.m. and on June 21, 2019 from 10:00 a.m. -2:00 p.m., respectively; and

WHEREAS, due to funding limitations, they are requesting that fees of \$150.00 for the rental of the Splash Pad be waived (request on file in the City Clerk's Office).

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that this City Council does hereby waive fees for the rental of the Hyde Park Splash Pad for the Niagara Falls City School District - Geraldine J. Mann Elementary School and Hyde Park Elementary School, for the end of the year celebration for Pre-K & kindergarten classes on June 18, 2019 from 10:00a.m. - 2:00p.m. and June 21, 2019 from 10:00a.m. - 2:00p.m., respectively.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: PURCHASING MANUAL, SECTION 02(090), ADOPTION, 2019-52  
BY: COUNCIL MEMBERS KENNEDY, SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #13

WHEREAS, the City Council of the City of Niagara Falls adopted a Purchasing Manual on July 7, 1992 to comply with the requirements of the General Municipal Law and to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost; and

WHEREAS, from time to time, the City Council has amended the Purchasing Manual to reflect changes in the law and to maintain best practices as it relates to the acquisition of goods and services; and

WHEREAS, the Federal Government has amended the Code of Federal Regulations with respect to its requirements for federal awards to non-Federal entities; and

WHEREAS, the City seeks to amend the Purchasing Manual to adopt uniform purchasing requirements in accordance with the updated Code of Federal Regulations; and

WHEREAS, the Purchasing Agent has prepared the attached Section 02(090) to comply with these provisions.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls does hereby adopt the attached Section 02(090) (on file in the City Clerk's Office) and amend the Purchasing Manual to include the same.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: ZONING ORDINANCE, SCHEDULE 8, AMENDING, 8003, 8005, 8007, 8011 AND 8101 BUFFALO AVENUE, 2019-53

BY: COUNCIL MEMBERS KENNEDY, TOMPKINS, VOCCIO, CHAIRMAN TOUMA

Agenda Item #14

WHEREAS, the Planning Board has recommended that the Council adopt certain amendments to the Zoning Ordinance as outlined on the attached (on file in the City Clerk's Office) recommendation to Council and Planning Board resolution.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby adopt the attached zoning map amendment changing 8003 Buffalo Avenue (SBL 161.17-2-2), 8005 Buffalo Avenue (SBL 161.17-2-3), 8007 Buffalo Avenue (SBL 161.17-2-4), 8011 Buffalo Avenue (SBL 161.17-2-5) and 8101 Buffalo Avenue (SBL 161.17-2-6) from R3-A Multi-Family Residential to C1-A Neighborhood Commercial.

Yeas

5

Nays

0

ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 8:15 P.M.

Lisa A. Vitello  
City Clerk



JUNE 12, 2019

SPECIAL COUNCIL MEETING

NIAGARA FALLS, NEW YORK

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# City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

June 7, 2019

Members of the City Council  
and  
Lisa Vitello, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on Wednesday, June 12, 2019 at 5:30 p.m. in Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. Discuss current litigation (it is intended to go into Executive Session immediately after convening the Special Meeting).

Respectfully submitted,

Andrew Touma, Chair



Printed on Recycled Paper



The June 12, 2019 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Touma at 5:30 PM in the Council Chambers.

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

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

Council Member Kenny Tompkins motioned to go into Executive Session, Council Member Ezra Scott, Jr. seconded the motion.

Council retired into Executive Session.

Council Member Kenny Tompkins motioned to come out of Executive Session, seconded by Council Member Chris Voccio.

There being no further business to come before the Council, Chairman Touma adjourned the Special Meeting at 5:42 PM.

Lisa A. Vitello  
City Clerk



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**JUNE 12, 2019**

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The Legislative session of the June 12, 2019 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:00 P.M. in the Council Chambers.

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

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

Council Chairman Andrew 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 May 29, 2019

Yeas

5

Nays

0

APPROVED

Chairman Touma requested to move Agenda Item #5 to the beginning of the Council Meeting.

Council Member Tompkins motioned to move the Item

Yeas 5

Nays 0

Approved

The Council presented the winners of the Memorial Day Parade Essay with Proclamations. Proclamation was read by Nadine Wasson, Senior Clerk

**Presentations:**

Joseph Crimi, Project Manager of NYPA gave a presentation on the City purchasing street lights from NYPA to save the City money.

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

Gerald Skrlin	Agenda Item #6; Foils
Chris Smith	Roads
Robert Broeker	Roads; Signage
Erik Sootheran	Hyde Park Baseball
Dorothy West	Various
Dominque Martelli	Safety Issues
Gerald Skrlin	Various

Administrative Update:

City Administrator, Nick Melson, stated that DPW crews are doing the potholes. Grass and parks mowing can't be entirely done due to the wet ground.

Mr. Melson stated that the weeding has started on the medians and DPW will continue to clean up. He also targeted July 4 for the new meters to be installed.

Mr. Melson stated that garden waste has been eliminated per Modern Contract.

City Administrator Nick Melson and Mayor Paul Dyster stated there is a dialogue with the State on the transfer of funding to the City for July or August.

Police Chief Thomas Licata gave a report on Safe Shopping and Boots on the Ground.

Corporation Counsel, Craig Johnson, introduced 2 items for the Agenda

1. Sale of 815 Niagara Avenue

Motion by Kenny Tompkins

Yeas 5

Nays 0

Approved

The Item has been approved and added to the Agenda as Item #7

2. Resolution relative to Waterfront Revitalization Plan, Greenway Funding

Motion by Kenny Tompkins

Yeas 5

Nays-0

Adopted

The Item has been adopted and added to the Agenda as Item #8

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

Gerald Skrlin	Agenda Item #6; Foils
Chris Smith	Roads
Robert Broeker	Roads; Signage
Erik Sootheran	Hyde Park Baseball
Dorothy West	Various
Dominque Martelli	Safety Issues
Gerald Skrlin	Various

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CLAIM REPORT FOR THE MONTH OF MAY 2019

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

DEPT. OF PUBLIC WORKS/PARKS: LIFEGUARDS, WAGE INCREASE

Agenda Item #2

The Director of Public Works and Parks ("DPW") is requesting that the hourly wage for the Lifeguards be increased. In order to be able to staff the pools for 2019 we would like to hire the Lifeguards at the competitive rate. Currently, the Lifeguards make \$10.00 per hour. It is requested that the hourly wage be increased to \$12.50 per hour.

We are requesting that we transfer \$20,000.00 from account A.7140.0100.0130.000 (Playgrounds/Rec Centers Temporary Payroll) to account A.7146.0100.0130.000 (Swimming Pools/Operations Temporary Payroll) and \$1,530.00 from A.7140.0100.0810.000 (Playgrounds/Rec Centers FICA) to account A.7146.0100.0180.000 (Pools/Operations FICA) to cover this increase. Niagara County will be able to provide us with Recreational Aides to cover the parks that we will be opening in 2019.

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: NFFD, SNOW PARK PARCEL, TRAINING EXERCISES

Agenda Item #3

As Council members are aware, a new fire training tower is being constructed for utilization by the NFFD. In the interim, the NFFD is interested in utilizing the structure existing on the Snow Park Parcel to conduct certain types of training exercises such as climbing and repelling. City officials have been in discussions with representatives from USAN who are in agreement with this use. Attached hereto (on file in the City Clerk's Office) is a copy of a proposed agreement which will allow the NFFD to utilize that parcel during the balance of calendar year 2019. Much like the parking agreement recently worked out with USAN, the charge for the City to utilize this structure for training purposes is only One Dollar (\$1.00). Will the Council so approve and authorize the Mayor to execute an agreement with USAN provided the same is in form and content satisfactory to the Corporation Counsel?

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

Yeas 5  
Nays 0  
APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

MAYOR'S APPROVAL

Agenda Item #4

Please be advised that Mayor Paul A. Dyster, on May 30, 2019, duly approved the following:

Resolution 2019-53 relative to Amending Schedule 8 of the Zoning Ordinance regarding 8003, 8005, 8007, 8011 and 8101 Buffalo Avenue.

THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: ESSAY CONTEST 2019, WINNERS, COMMUNITY MEMORIAL DAY PARADE,  
2019-54  
BY: ALL COUNCIL MEMBERS

Agenda Item #5

WHEREAS, each year, the Community Memorial Day Parade committee hosts an essay contest open to all 7<sup>th</sup> through 12<sup>th</sup> grade students at Niagara Falls High School; and

WHEREAS, the purpose of these essays was to encourage students to consider the sacrifices made by those who gave all in protecting and serving our country in the military; and

WHEREAS, high school students were invited to write a two-hundred and fifty word essay based on the theme "What Freedom Means in 2019" while middle school students were invited to write based on the theme "What Memorial Day Means to Me"; and

WHEREAS, over 60 students from both schools submitted outstanding essays that were judged by a panel from the Niagara Gazette, based on specific criteria including originality and understanding of the theme; and

WHEREAS, Brianna Morales, a ninth-grade student at Niagara Falls High School was determined by judges to be the essay contest's first place winner for her outstanding entry; and

WHEREAS, Angelina Bidak, an ninth-grade student at Niagara Falls High School was determined by the judges to be the essay contest's second place winner for her insightful entry; and

WHEREAS, Ny-Asia Rafter, a ninth-grade student at Niagara Falls High School was determined by judges to be the essay contest's third place winner for her impressive entry; and

WHEREAS, Braiden Jaroszewski, a sixth-grade student at Catholic Academy of Niagara Falls was determined by judges to be the Junior High essay contest's first place winner for his heartfelt entry that reflected his family's military service and sacrifice; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York does hereby congratulate, Brianna Morales, Angelina Bidak, Ny-Asia Rafter, and Braiden Jaroszewski on their award-winning entries. We wish them all the best in their future endeavors, and thank all of the students who participated.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: CODE OF ETHICS, AMENDING CHAPTER 107, 2019-55

BY: COUNCIL MEMBERS TOMPKINS, VOCCIO, CHAIRMAN TOUMA

Agenda Item #6

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Chapter 107 of the Codified Ordinances entitled "Code of Ethics" is hereby amended to read as follows:

CHAPTER 107

CODE OF ETHICS

107.11 Conflict of Interest Policy for Federal Award Funds

- a. Purpose. The purpose of this policy is to establish conflicts of interest guidelines that meet or exceed the requirements under State Law and Local policy when procuring goods, services, and construction or repair projects paid for in part or whole by federal funds and is required under Title 2 of the U.S. Code of Federal Regulations §200.112 and §200.318(c)(1).
- b. Policy. This policy applies when procuring goods (i.e. apparatus, supplies, materials, and equipment), services, and construction or repair projects funded in part or whole with federal financial assistance (direct or reimbursed). This policy also applies to any sub-recipient of the funds. The employee(s) responsible for managing the federal financial assistance award shall review the notice of award to identify any additional conflicts of interest prohibitions or requirements associated with the award, and shall notify all employees, officers, and agents, including sub-recipients, of the requirements of this policy and any additional prohibitions or requirements.
- c. Conflicts of Interest. No employee, officer, or agent of the City of Niagara Falls may participate directly or indirectly in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. A real or apparent conflict exists when any of the following parties has a financial or other interest in or receives a tangible personal benefit from a firm considered for award of a contract:
  1. The employee, officer, or agent involved in the selection, award, or administration of a contract;
  2. Any member of his or her immediate family;
  3. His or her partner; or
  4. An organization which employs or is about to employ any of these parties.

Any officer, employee, or agent with an actual, apparent, or potential conflict of interest as defined in this policy shall report the conflict to his or her immediate supervisor. Any such conflict shall be disclosed in writing to the federal award agency or pass-through entity in accordance with applicable Federal awarding agency policy.

Gifts. Officers, employees, and agents of the City of Niagara Falls are prohibited from accepting or soliciting gifts, gratuities, favors, or anything of monetary value from contractors, suppliers, or parties to subcontracts. Items of nominal value, valued less than the amount set forth in Section 805-A of the General Municipal Law which fall into one of the following categories may be accepted:

1. Promotional items;
2. Honorariums for participation in meetings; or
3. Meals furnished at banquets.

Any officer, employee or agent who knowingly accepts an item of nominal value allowed under this policy shall report the item to his or her immediate supervisor.

- d. Violation. Any employee found to have violated this policy will be subject to disciplinary action up to and including termination. Contractors violating this policy will result in termination of the contract and may not be eligible for future contract awards.

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

Yeas  
Nays

5  
0  
ADOPTED

CITY PROPERTY: NIAGARA AVENUE, 815, SALE

Agenda Item #7

The City acquired title to this vacant parcel in an In-Rem tax foreclosure proceeding in 2002.

This tax parcel is adjacent to the rear of the property located at 2018 Main Street.

The City acquired title to 2018 Main Street in the same In Rem proceeding and it was sold at auction to Hastings Niagara, Inc.

During the title work for the upcoming sale of Hastings properties it was found that a small portion of the 2018 Main Street building encroaches onto the property at 815 Niagara Avenue. This raises a title issue which needs to be resolved prior to the transfer of the property.

The prospective purchaser of 2018 Main Street, Niagara Village, LLC, has submitted an offer to the City to buy 815 Niagara Avenue for its assessed value of \$1,500.00.

The transfer of this property would clear the title issue and allow the overall closing to proceed.

Based on the circumstances, it is recommended that the Council make a finding that it is in the best interest of the City to forego selling this property at auction and to approve the transfer outlined herein.

Will the Council so approve and authorize the Mayor to sign a deed and other necessary documents in a form acceptable to the Corporation Counsel?

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

Yeas  
Nays

5  
0  
APPROVED

RESOLUTION: WATERFRONT REVITALIZATION PLAN, GREENWAY FUNDING, 2019-56  
BY: COUNCIL MEMBERS SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #8

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

WHEREAS, the City Council has previously authorized an application to the Environmental Protection Fund for funding this project which was granted in the amount of \$493,000.00 and which requires a local share of \$87,000.00; and

WHEREAS, at the time the Environmental Protection Fund application fund was approved, it was determined that the source of the local funding would be Greenway Funds; and

WHEREAS, funding is available from the Power Authority Greenway Funding for this project in the amount of \$87,000.00; and

WHEREAS, the City is requesting that the Host Community Standing Committee approve this funding in the amount of \$87,000.00; and

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

5

Nays

0

ADOPTED

There being no further business to come before the Council,  
Chairman Tuma adjourned the Meeting at 7:45 P.M.

Lisa A. Vitello  
City Clerk



JUNE 26, 2019

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

---

The Legislative session of the June 26, 2019 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:00 P.M. in the Council Chambers.

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

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, 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 Special Council Meeting of June 12, 2019 and the Council Meeting of June 12, 2019.

Yeas

5

Nays

0

APPROVED

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

Ken Hamilton	Agenda Item #10
Thomas Augello	Income Housing
Paul Everett	4 <sup>th</sup> of July
Dominique Martelli	Neighborhood Issues
Ken Hamilton	Renaming Street
Nick Baio	Various
Gerald Skrlin	Various

Administrative Update:

Mayor Paul Dyster gave an update on the Wyndham Hotel Investment.

Nick Melson, City Administrator, gave an update on city pools, tree removal, the Zoom Team, parking meters and playgrounds.

City sponsored fireworks were discussed by Administration and City Counsel.

The Corporation Counsel's Office presented 4 items to be added to the agenda:

1. Relative to the Purchase of Police vehicles

Yeas

5

Nays

0

APPROVED

Item is added to the Agenda as #11



2. Relative to funding for Code Enforcement for emergency demolitions  
Yeas 5  
Nays 0

APPROVED

The item is added to the Agenda as #12

3. Relative to the Hyde Park Sewer Lateral Repair  
Yeas 5  
Nays 0

APPROVED

The item is added to the Agenda as #13

4. Relative to funding for Independence Day Fireworks  
Yeas 3  
Kennedy, Scott, Chairman Touma  
Nays 2  
Tompkins Voccio

DEFEATED

Adding the item to the agenda was defeated due to no majority approval.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF MAY 2019

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: SPRAY PARK RESTROOM, SLATE ROOF, REPAIR, FIDDLER ROOFING, INC.

Agenda Item #2

The following was the result of bids solicited for the above reference project:

CONTRACTOR	BASE BID
Fiddler Roofing, Inc.	\$6,845.00
2335 Niagara Falls Blvd.	
Niagara Falls, NY 14304	

Joseph A. Sanders & Sons, Inc.	\$7,001.00
--------------------------------	------------

It is the recommendation of the undersigned that this (purchase order) for the above described work be awarded to the vendor Fiddler Roofing, Inc. for emergency repair work not to exceed \$6,900.00.

Funding from the City's Tribal Revenue Reserves has been earmarked for this project.

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

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: IN REM, COUNTY OF NIAGARA

Agenda Item #3

Attached (on file in the City Clerk's Office) is a proposed Agreement with the County of Niagara for the current In Rem which sets forth the terms for the distribution of proceeds from the sale of properties acquired in the In Rem.

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

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

Yeas

5

Nays

0

APPROVED

CITY PROPERTY: 8<sup>TH</sup> STREET, 516, SALE

Agenda Item #4

The City has received a request to purchase the above referenced City owned vacant property for the sum of \$500.00.

This property was approved for sale by the Planning Board. Attached hereto (on file in the City Clerk's Office) is a copy of the Planning Board's approval.

Will the Council approve the sale of these premises for this price in an "as-is" condition, the closing on this property be performed within 30 days of the resident being informed of Council approval, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill?

The purchaser is responsible for paying the 2018 School Taxes, 2019 City Taxes and 2019 County Tax.

Will the Council further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

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

Yeas

5

Nays

0

APPROVED

CITY PROPERTY: 5<sup>TH</sup> STREET, 554, SALE

Agenda Item #5

The City has received a request to purchase the above referenced City owned vacant property for the sum of \$2,000.00.

This property was approved for sale by the Planning Board. Attached hereto (on file in the City Clerk's Office) is a copy of the Planning Board's approval.

Will the Council approve the sale of these premises for this price in an "as-is" condition, the closing on this property be performed within 30 days of the resident being informed of Council approval, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill?

The purchaser is responsible for paying the 2019 County Tax.

Will the Council further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

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

Yeas

5

Nays

0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

MAYOR'S APPROVAL

Agenda Item #6

Please be advised that Mayor Paul A. Dyster, on June 14, 2019, duly approved the following:

Resolution 2019-55 relative to Amending Chapter 107 of the Codified Ordinances entitled "Code of Ethics".

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY ASSESSOR

HOMESTEAD AND NON HOMESTEAD PROPORTIONS

Agenda Item #7

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 certificate is now due and the attached (on file in the City Clerk's Office) represents the necessary certifications.

Will Council certify the attached (on file in the City Clerk's Office) percentages and proportions?

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

Yeas

5

Nays

0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: NEW YORK CENTRAL MUTUAL INS. CO C/O CLAIMS

Agenda Item #8

Date Claim Filed: March 28, 2019

Date of Occurrence: February 24, 2019

Location: 8740 Munson Avenue

Nature of Claim: Winds caused City-owned tree limbs to fall striking power lines resulting in damage to electrical service and property.

City Driver: N/A

Recommendation/Reason: City received prior notice (in writing) regarding dead tree.

Amount to be Paid: \$1,825.00

Make Check Payable to: New York Central Mutual Insurance Company

Conditions: General Release to City approved by Corporation Counsel.

It is the recommendation of this Department that the above settlement 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: ZONING BOARD OF APPEALS, APPOINTMENT, 2019-57

BY: ALL COUNCIL MEMBERS

Agenda Item #9

WHEREAS, Mr. Christopher Kulbago, Sr. recently resigned from the Zoning Board of Appeals with an unexpired term running until December 31, 2019.

NOW, THEREFORE, BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Zoning Board of Appeals, effective immediately to fill the unexpired term of Mr. Christopher Kulbago, Sr.

APPOINTMENT:	TERM EXPIRES:
Charles Walker	12/31/2019
1821 16 <sup>th</sup> Street	
Niagara Falls, NY 14305	

Yeas	5
Nays	0
ADOPTED	

RESOLUTION: PUBLIC HEARING, CREATION OF A NEW CATEGORY OF TAXICAB MEDALLIONS TO ASSIST PERSONS WITH DISABILITIES BY SPECIFICALLY DEDICATING THIS CATEGORY OF TAXICAB MEDALLIONS TO VEHICLES THAT ARE WHEELCHAIR ACCESSIBLE VEHICLES, 2019-58  
BY: COUNCIL MEMBERS SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #10

WHEREAS, Section 365.04 of Chapter 365 of the City of Niagara Falls Codified Ordinances limits the number of taxicab medallions which may be issued in the City of Niagara Falls to eighty-nine (89); and

WHEREAS, this City Council has been requested to explore the possibility of amending Chapter 365 to include a new category of taxicab medallions to assist persons with disabilities by specifically dedicating a new category of taxicab medallions to vehicles that are wheelchair accessible vehicles that are required by disabled individuals in the City of Niagara Falls to go from place to place on the same basis that taxi cabs are available including, but not limited to, meters in the vehicles and the ability to pick up a passenger through on-street ride hailing; and

WHEREAS, this City Council wishes to obtain information from the public about this concept including the following items:

1. Whether there is a need for such a category of dedicated medallions in the City of Niagara Falls;
2. If there is a need for such a category of dedicated medallions, how many such medallions should be issued;
3. The criteria to be utilized in order to designate a vehicle as wheelchair accessible and the type of equipment which may be required on such a vehicle in order to obtain such a dedicated medallion;
4. Whether there should be a limit on the number of dedicated medallions which may be purchased or held by any one (1) entity;
5. Whether there should be a requirement for the purchaser of such a dedicated medallion to be a resident of the City of Niagara Falls;
6. Any other information that the public may wish to bring to the attention of the City Council.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that in order to further investigate this matter, this City Council does hereby schedule a public hearing to be held on this issue during its next regularly scheduled City Council meeting on July 10, 2019 at 6:00 p.m. during which any persons interested in this matter may voice their opinions, issues and concerns; and

BE IT FURTHER RESOLVED that three (3) days notice of said hearing be published in the Niagara Gazette preceding said hearing.

Yeas	5
Nays	0
ADOPTED	

POLICE DEPARTMENT: POLICE VEHICLES, USED, PURCHASE

Agenda Item #11

The Police Superintendent has advised that an opportunity has presented itself to purchase four (4) used police vehicles from the Florence, CO Police Department. The Superintendent advises that these vehicles have approximately 60,000 - 80,000 miles on them. His further understanding is that there may be some minor cosmetic damage to these vehicles from hail. These vehicles are year 2011 and are all Chevrolet Impala vehicles equipped with the police package along with prisoner transport cages and seats, light bars and computer stands. These vehicles are white in color. These vehicles will be sold "as is" and will be available for inspection by an agent of the City prior to moving forward. These vehicles are available for the price of \$4,050.00 each for a total of \$16,200.00.

In addition, the delivery charges for these vehicles will cost approximately \$3,300.00 and it is anticipated that an additional \$5,000.00 must be spent in order to re-mark the vehicles following delivery. It is estimated that following delivery, these vehicles may be put into service within a relatively short period of time.

It is requested that up to \$25,000.00 in casino revenues be made available for this purpose.

Will the Council so approve and authorize the Mayor to execute an agreement memorializing this transaction in writing provided the same is acceptable in form and content to the Corporation Counsel?

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

Yeas

5

Nays

0

APPROVED

CODE ENFORCEMENT DEPARTMENT: EMERGENCY DEMOLITIONS, FUNDING

Agenda Item #12

The Acting Director of Code Enforcement advises that his budget line item for performing emergency demolitions is all but depleted. Because it is necessary to have funding available to perform emergency demolitions as a result of fires and various other issues, it is requested that the sum of \$200,000.00 be transferred from casino revenues to the Office of Code Enforcement's emergency demolition capital account line.

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: HYDE PARK SEWER LATERAL REPAIR, J.R. SWANSON PLUMBING CO., INC.

Agenda Item #13

The Engineering Department solicited quotes for repairs of the existing sewer lateral at the Hyde Park Inclusionary Playground. Two contractors responded:

J.R. Swanson Plumbing Co. Inc.	\$4,750.00
413 103 <sup>rd</sup> Street	
Niagara Falls, NY 14304	

J.A. Brundage The Drain Doctor Inc.	\$ 7,500.00
-------------------------------------	-------------

It is the recommendation of the undersigned that J.R. Swanson Plumbing Co. Inc. be awarded the contract at the quoted price of \$,750.00. Funding from the CDBG unprogrammed fund has been earmarked 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: FIREWORKS DISPLAY, INDEPENDENCE DAY, SKYLIGHTERS FIREWORKS OF NEW YORK

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, 2019 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. The proposal from Skylighters was the only submission received. After reviewing this proposal, it was determined that Skylighters Fireworks has met all the specifications required in Request for Proposal # 2019-13.

Funds are available in 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	3
Kennedy, Scott, Chairman Touma	
Nays	2
Tompkins Voccio	

DEFEATED

ITEM WAS DEFEATED FOR WALK ON  
NOT A MAJORITY APPROVAL

There being no further business to come before the Council,  
Chairman Touma adjourned the Meeting at 8:05 P.M.

Lisa A. Vitello  
City Clerk



JULY 10, 2019

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The Legislative session of the July 10, 2019 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:00 P.M. in the Council Chambers.

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

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

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

Council Member Tompkins moved to approve the Minutes from the Council Meeting of June 26, 2019.

Yeas

5

Nays

0

APPROVED

Public Hearing scheduled for this meeting has been rescheduled to the Council Meeting of July 24, 2019.

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

Pat Proctor

Traffic/Parking

**Presentations:**

Clifford Scott, Director of the NFHA introduced himself and gave a short presentation.

**Administrative Update:**

Nick Melson, City Administrator, gave updates on garbage collection, upgrades and improvements in the downtown area and meters on Buffalo Avenue which should be completely installed by Friday July 19<sup>th</sup>. The pools on 91<sup>st</sup> and Center as well as Hyde Park Pool which will open shortly and also spoke on the medians and parks.

There was a discussion by the Administration and Council Members regarding grass cutting, road improvements, and overtime costs.

Dan Morello, City Controller, gave an update on the General Fund.

Craig Johnson, Corporation Council, presented an item to be added to the agenda.

Resolution relative to calling for a new date for a Public Hearing regarding the creation of a new category of Taxicab Medallions to assist persons with disabilities.

Yeas

4

Scott, Tompkins, Voccio, Chairman Touma

Nays

1

Kennedy

APPROVED

The item was added as #8 on the agenda.



Chairman Touma presented an item to be added to the agenda.  
Relative to honoring Qadree Waymond Ollison.

Yeas

5

Nays

0

APPROVED

The item was added as #9 on the agenda.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S CLAIM REPORT FOR THE MONTH OF JUNE 2019

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: GOLF SPORTS COMPLEX, ROOF REPLACEMENT, CHANGE ORDER #1, JOSEPH SANDERS & SONS

Agenda Item #2

A contract for the above referenced project was awarded to Joseph Sanders & Sons, Inc. on April 30, 2019 in the Amount of \$ 147,927.00.

During the course of work, two items not part of the original scope of work, needed to be addressed in order for the City to have an independent company certify the roof warranty. The first item was copper flashing required in the valleys. The second was to provide new sub straight surface for area above current flashing that was installed improperly. The subsequent cost for this extra work including labor, materials and overhead & profit is \$1,146.06 for a new total contract amount of \$149,073.06

It is the recommendation of the undersigned that Change Order #1 in the amount of \$1,146.06 be approved. Funding for the project will be from existing tribal fund balance.

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

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

Yeas

5

Nays

0

APPROVED

COMMUNITY DEVELOPMENT: 19<sup>TH</sup> STREET, 501, NFNHS, CHDO GRANT AGREEMENT, AMENDMENT

Agenda Item #3

HUD regulation requires that at least 10% of the City's annual HOME grant be spent for CDHO activities. NFNHS qualifies as a Community Housing Development Organization. These funds are available to NFNHS for rehabilitation of properties owned by NFNHS.

The City Council previously approved a CHDO grant agreement with NFNHS in Item #10 at the July 18, 2018 Council meeting for a total amount of \$72,942.58 in order to rehabilitate a 3-unit rental property at 501-19<sup>th</sup> Street owned and managed by NFNHS. The City of Niagara Falls entered into a CHDO grant agreement with NFNHS on August 20, 2018 for a total amount of \$72,942.58 for rehabilitation of 501-19<sup>th</sup> Street.

NFNHS has recently requested an additional \$36,363.00 to complete the rehabilitation project at 501-19<sup>th</sup> Street. There is funding available through 2018 CHDO funds to cover this additional funding request.

While the funds have been appropriated for this purpose in Community Development's 2018 Annual Action Plan, each specific grant agreement and amendments to grant agreements requires City Council approval.

Will the Council vote to approve the amendment to the CHDO grant agreement executed on August 20, 2018 with Niagara Falls Neighborhood Housing Services as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: ACTUARIAL EQUIVALENCE TESTING, MILLIMAN, INC.

Agenda Item #4

The City Controller is recommending that the City retain the services of Milliman, Inc. ("Milliman") to perform actuarial equivalence testing in connection with the retiree drug subsidy. Milliman has much experience in this area and has worked in the past with Blue Cross and Blue Shield. Attached (on file in the City Clerk's Office) is a copy of the engagement contract. The reports Milliman generates will likely result in the City receiving subsidy payments from the federal government. The cost of these actuarial services is \$5,000.00 for calendar year 2020. Funding is available from the City Controller's budget line number A.1315.0000.0451.000.

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

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

Yeas

5

Nays

0

APPROVED

RESOLUTION: DANCE SHOP, HONORING, 2019-59

BY: ALL COUNCIL MEMBERS

Agenda Item #5

WHEREAS, The Dance Shop was opened February 26, 1979 by Karen and Kim Tweedie and recently celebrated their 40th annual recital; and

WHEREAS, Amy Boniello became director in 2009 and The Dance Shop expanded to a second location in Youngstown in 2013; and

WHEREAS, The Dance Shop currently has about 150 students and offers classes in tap, ballet, jazz, lyrical, modern, hip hop, acro, musical theater and Mommy and Me; and

WHEREAS, the studio performs in their annual recital at the Niagara Falls High School Performing Arts Center and the Niagara Falls Firefighters Toy Fund Telethon and have performed at Walt Disney World in Orlando, Florida, in parades in both Magic Kingdom and Epcot.

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby honor The Dance Shop for the many years of serving our youth and local communities.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: EDDIE BRYANT, HONORING, 2019-60

BY: ALL COUNCIL MEMBERS

Agenda Item #6

WHEREAS, Eddie Bryant, a native of Niagara Falls, New York was born to Clarence Bryant and Lela Allen Bryant; and

WHEREAS, The Bryant's are members of New Hope Baptist Church. Eddie graduated from Niagara Falls High School and also was in the United States Army; and

WHEREAS, Eddie has established himself as a "good deed doer". He can be seen on many occasions dressing in characters to the delight of the neighborhood children. Eddie also visits the elderly, to their delight, of knowing they have not been forgotten; and

WHEREAS, Eddie is truly a delightful, bighearted, community servant. It takes a "whole village". Roll up the sleeves and do what you can, while you can. Teamwork works!

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby honor Eddie Bryant for his many years of community service and involvement within the community.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: BUFFALO AVENUE STREETSCAPING IMPROVEMENTS, CERTIFICATIONS, GRANT, 2019-61

BY: ALL COUNCIL MEMBERS

Agenda Item #7

WHEREAS, the City of Niagara Falls has received a grant from the New York State Dormitory Authority to make improvements to the streetscaping on Buffalo Avenue in the LaSalle business district; and

WHEREAS, the grant is in the amount of \$500,000; and

WHEREAS, no matching funds are required.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this New York State Dormitory Authority grant and authorizes the Mayor to act on behalf of the City in all matters related to this project and is further authorized to execute any and all documentation related to this project.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: PUBLIC HEARING, CREATION OF TAXICAB MEDALLIONS TO ASSIST PERSONS WITH DISABILITIES FOR VEHICLES THAT ARE WHEELCHAIR ACCESSIBLE VEHICLES, 2019-62

BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN TOUMA

Agenda Item #8

WHEREAS, during its meeting on June 26, 2019 this City Council adopted the attached Resolution to schedule a public hearing as concerns the possibility of amending Chapter 365 of the City Ordinances to include a new category of taxicab medallions; and

WHEREAS, this public hearing was scheduled to take place in the Council Chambers at 6:00 p.m. during the City Council meeting to be held on July 10, 2019; and

WHEREAS, an individual advocating for the creation of this new category of taxicab medallions contacted this City Council to request that the public hearing be rescheduled to July 24, 2019 because of some unforeseen problems encountered.

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby reschedule this public hearing to take place during the next regularly scheduled City Council Meeting on July 24, 2019 at 6:00 p.m. during which any persons interested in this matter may voice their opinions, issues and concerns; and

BE IT FURTHER RESOLVED that three (3) days notice of said hearing be published in the Niagara Gazette preceding the said hearing.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: QADREE WAYMOND OLLISON, HONORING, 2019-63  
BY: ALL COUNCIL MEMBERS

Agenda Item #9

WHEREAS, Qadree Waymond Ollison, born September 8, 1996 is the son of Vicki Harris and Wayne Ollison. Qadree has three brothers and one sister. His parents were college basketball players. His father played at Buffalo State and mother played at Alabama State. Qadree earned his bachelor's degree in communications from University of Pittsburgh; and

WHEREAS, Qadree is a Niagara Falls native, who set career records for Canisius High School in rushing yards (4,147) and total touchdowns (57), and as the top offensive weapon on one of the top teams in New York State, was named Niagara Gazette's Football Player of the Year two consecutive seasons in a row; and

WHEREAS, Qadree volunteers with the Boys & Girls Club. Throughout college, he worked with local High School and Middle School students. Growing up playing near his hometown of Niagara Falls, NY in the Cataract Little Loop Football Association, Qadree is active in working with the youth and giving back to the association he learned so much from; and

WHEREAS, Qadree was one of the top 5 running back prospects in the state of New York and finished as the all-time career rushing leader at Canisius with 4,147 yards, a total that ranked third in Monsignor Martin Association (MMA) history. He scored 57 touchdowns in his High School career and rushed for 1,465 yards and scored 22 touchdowns during his senior year and played in the MMA championship game at Ralph Wilson Stadium; and

WHEREAS, Qadree's final two seasons at Canisius include back-to-back MMA championships, played under Coach Rich Robbins and was named a finalist for the Connolly Cup, presented annually by the Riverside Athletic Club to the top high school player in WNY; and

WHEREAS, Qadree committed to the University of Pittsburgh. For his collegiate career, Qadree compiled 2,859 rushing yards to rank seventh all-time at Pitt. Qadree holds a record for the longest play from scrimmage-run or pass-in Pitt history, 97-yard run. It also was the longest run during the 2018 college football season (tied with Notre Dame's Dexter Williams). Qadree was drafted by the Atlanta Falcons in the 2019 NFL Draft, during the 5<sup>th</sup> Round.

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby honor Qadree Waymond Ollison for his tremendous accomplishments on and off the football field.

Yeas  
Nays

5  
0  
ADOPTED

There being no further business to come before the Council,  
Chairman Touma adjourned the Meeting at 7:30 P.M.

Lisa A. Vitello  
City Clerk



**JULY 24, 2019**

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

---

The July 24, 2019 Legislative session of the 2019 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:00 P.M. in the Council Chambers.

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

Also present: Mayor Paul A. Dyster, Acting City Administrator Douglas Janese, 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 July 10, 2019.

Yeas

5

Nays

0

APPROVED

Chairman Touma announced a Special Order of Business, a Public Hearing regarding the creation of a new category of Taxicab Medallions to assist persons with disabilities by specifically dedicating this category of Taxicab Medallions to vehicles that are Wheelchair Accessible Vehicles and asked if there were any speakers relative thereto:

Carol Manzi  
Richard Christy  
Sohan Bambrab  
Damon DiCastro  
Ken Hamilton

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

Ron Anderluh                      Agenda Item #6; Meters  
Donta Myles                      Maintainance

Presentations:

NONE

Administrative Update:

Acting City Administrator, Douglas Janese gave an update on Parking meters, Hyde Park inclusionary park, paving, forestry, storm clean-up, the Gluck Park project, Hyde Park pool and signage.

Mayor Paul Dyster gave an update on USA Niagara properties, RFP's and payments from the State.

City Controller report:

Dan Morello, City Controller, gave an update on state aid payments and the LED conversion project.

Craig Johnson, Corporation Counsel, presented 2 items to be added to the agenda

1. Relative to replacement of City Phone System Vendor  
Yeas 5  
Nays 0

APPROVED

The item was added as #17

2. Resolution relative to Consolidated Funding Application to Empire State Development for North Main Street "Bridge District" Mixed-Use Development.  
Yeas 5  
Nays 0

APPROVED

The item was added as #18

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF JUNE 2019

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

COMMUNITY DEVELOPMENT: GRANT ACCEPTANCE, NYS ATTORNEY GENERAL'S OFFICE

Agenda Item #2

The Niagara Falls Community Development Department (NFCD) has been awarded a \$350,000 competitive grant from the Office of the New York State Attorney General's Office. This is a two year grant term, terminating on June 30, 2021. It is also the second round of funds awarded to NFCD via the Attorney General's Office, with the Niagara Falls Zombie Fight Project launching in 2017 (Zombie 1.0).

The focus of Zombie 1.0 was on mortgage encumbered properties; meaning, the property is vacant, the mortgage is delinquent, and a bank holds a lien. These properties are registered with the New York State Department of Financial Services, and list the lien holding entity that is legally responsible for property upkeep. At a maximum, this list had 155 properties, and to date this list has only 30. The majority of the properties left on this list are moving through the foreclosure process, with a number of them being expedited. The minority of these properties are in foreclosure but are being slowed by issues surrounding the estates of deceased owners.

Niagara Falls was one of the first municipalities to take a legally focused approach to these zombie properties and successfully brought legal action against Citizens Bank in 2017. This legal action opened up conversations with other lien holders relative to vacant/abandoned properties in the city and encouraged compliance and expedited foreclosures. Phase 1 allowed us to implement a successful process for remediation of mortgage encumbered properties.

The focus of phase Zombie 2.0 will be on non-mortgage encumbered properties, meaning, vacant properties without a lien. These properties usually do not have an identifiable owner of record as they are a result of mortgage charge offs, death of the owner with no heirs, or are properties in which a mortgage note was satisfied and the prior owner owned the property outright. It is more difficult to remediate these properties as locating the owner is research heavy, and sometimes impossible, especially in instances of out of town ownership. NFCD plans to focus our phase two efforts on creating a successful process for remediation of these properties, which includes innovative methods of acquisition of these properties.

With the City Council vote to approve acceptance of this grant and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	5
Nays	0
APPROVED	

CONTRACT: FIRE TRAINING TOWER, SPECIAL INSPECTIONS & TESTING, SJB SERVICES

Agenda Item #3

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 high strength bolts. 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 tribal funds.

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: LASALLE LIBRARY, RENOVATIONS, WALTER S. JOHNSON BLDG. CO.

Agenda Item #4

The following was the result of bids solicited for the above referenced project:

CONTRACTOR	BASE BID
Walter S. Johnson Building Co.	\$13,675.00
2335 Niagara Falls Blvd.	
Niagara Falls, NY 14304	

It is the recommendation of the undersigned that this (purchase order) for the above described work be awarded to the only vendor that responded, Walter S. Johnson Building Co., Inc. for the amount of \$13,675.00. This additional work will consist of new acoustic tiles fastened to the ceiling.

Funding for this project comes from New York State Economic Assistance Program Grant. The City will be reimbursed 100% of the cost of the project.

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

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

Yeas	5
Nays	0
APPROVED	



CITY PROPERTY: 95<sup>TH</sup> ST., 400, VINCENT MORELLO SENIOR HOUSING, PROPERTY TAX EXEMPTION

Agenda Item #5

Vincent Morello Senior Housing, L.P. (the "Partnership") owns and operates the Vincent Morello complex at 400 - 95<sup>th</sup> Street (the "Property"). The Property is exempt from taxes under Article V of the Private Housing Finance Law ("PHFL"), and is subject to a Payment in Lieu of Taxes agreement ("PILOT"). Rent for this low income housing tax credit project is limited by the federal Internal Revenue Code and NYS Division of Housing and Community Renewal (DHCR). The tax exemption and PILOT are necessary for the economic feasibility of the project with the rent limitations.

On October 13, 1998 the City Council approved granting a real property tax exemption to the Property under Section 125 of the PHFL, and authorized the Mayor to enter into a PILOT agreement with the Partnership. The PILOT provided for exemption of the Property from real property taxes and payment of amounts in lieu of taxes for a period of 15 years, commencing with the 2000 taxes, as set forth therein. The Property is subject to a Low-Income Housing Tax Credit Regulatory Agreement with NYS Division of Housing and Community Renewal (DHCR), now New York Homes and Community Renewal, limiting the rent which can be charged. The regulatory agreement was for an initial period of 15 years, and an additional period of 25 years, for a total of 40 years. Section 125 of the PHFL allows for extension of the tax exemption for a total exempt period of up to 50 years.

On July 25, 2011 the City Council approved a request from the Partnership to extend the tax exemption and PILOT for an additional 10 years to facilitate refinancing for the property. The exemption also extended the PILOT agreement with the initial annual payment of \$17,833.02, which is the final payment under the original PILOT plus 2%, with 2% annual increases thereafter.

The Partnership, once again, is in the process of refinancing the existing debt on the Property. The Partnership's lender is requiring an extension of the tax exemption and PILOT agreement through the year 2040. The PILOT payments to the City will remain a constant with yearly increases of 2% thereafter.

Because the project has been very successful, providing 80 units of safe, clean, low income housing for seniors in the City at affordable prices, it is recommended that the City Council vote to approve the tax exemption and PILOT agreement extension for an additional 15 years (2026 - 2040) as set forth herein. The City Assessor supports this recommendation.

Will the Council so approve and authorize the Mayor to execute documents necessary to effectuate these approvals provided the same are satisfactory to the Corporation Counsel in form and content?

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

Yeas

5

Nays

0

APPROVED

PURCHASE: HAND HELD TICKET ISSUING DEVICES WITH PRINTERS, POLICE DEPARTMENT, FUNDING

Agenda Item #6

The Police Chief is requesting that the Schweers ticket dispensing devices used by officers be replaced because they are approaching obsolescence. It is requested that ten (10) new hand held devices together with printers to support them be purchased in order to continue and upgrade the ticket dispensing function provided by the NFPD. The software that Schweers includes on these hand held devices is proprietary and each has a camera on them that allows officers the ability to take pictures of license plates and find out immediately if it is current or past due on payment.

The sum of \$30,000.00 is requested for this purpose. Funding is available from tribal revenue funds.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: ACTUARIAL & PENSION SERVICES, BPAS, GASB75 VALUATION

Agenda Item #7

The City Controller advises that it is necessary to engage the services of BPAS Actuarial & Pension Services to perform a GASB No. 75 valuation during calendar year 2019 for the City's retiree group health benefits program. Attached (on file in the City Clerk's Office) is a copy of the service agreement engagement letter. The fees to be paid total \$2,750.00. Funding is available in budget line A.1315.0000.0451.000.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #8

The following have requested City Council approval for Commissioner of Deeds for a term from October 1, 2019 to September 30, 2021.

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

Eric J. Barlow	NFFD
Jeff Benjamin	NFFD
Shaun Bielec	NFPD
Kimberly Carter	Engineering
Patrick Ciccarelli	Code Enforcement
Mark Diodate	City Council Office
Latricia Herbert	City Clerk's Office
William Kennedy II	City Council
Paul Warmington	NFPD

Andrea M. Hilliard	924 Macklem Ave., Niag. Falls, NY	14305
Donald P. McCoy Jr.	646 Pasadena Ave., Niag. Falls, NY	14304
Victoria R. Shank	1839 Niagara Ave., Niag. Falls, NY	14305
Kathleen L. Steinman	2242 Grand Ave., Niagara Falls, NY	14301
Diane M. Ward	615 Main St., Apt. 2105, NF, NY	14302

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

CAYUGA DR. & 93<sup>RD</sup> ST., INSTALL ALL WAY STOP SIGNS AT THE INTERSECTION

Agenda Item #9

At the Traffic Advisory Commission meeting held on July 15, 2019 the Commission recommended APPROVAL of the following item:

INSTALL ALL WAY STOP SIGNS AT THE INTERSECTION OF CAYUGA DRIVE AND 93<sup>RD</sup> STREET

The Commission felt that "All Way" Stop Signs would provide increased safety for pedestrians, including children walking to G.J. Mann Elementary School and Cayuga Youth Athletic Association's baseball fields, who cross Cayuga Drive and use the pedestrian bridge over Cayuga Creek located here. This intersection falls short of the Federal MUTCD Minimum Warrants for the placement of "ALL WAY" stop signs and therefore Thomas Micklej recommended denial of this item.

Submitted By: Terri Kline, 9204 Cayuga Drive

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

92<sup>ND</sup> STREET, BETWEEN LUICK & READ AVE., INSTALL ALTERNATE OVERNIGHT PARKING

Agenda Item #10

At a Traffic Advisory Commission meeting held on July 15, 2019 the Commission recommended APPROVAL of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON 92<sup>ND</sup> STREET BETWEEN LUICK AVENUE & READ AVENUE

A Petition from the residents of this block was received with 69% signatures.

Submitted By: Melanie Mangus, 727 92<sup>ND</sup> Street and  
Petition/Residents of Block

It is requested that City Council approve this recommendation.

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

Yeas

5

Nays

0

APPROVED

VANDERBILT AVENUE, BETWEEN DEVEAUX AND BELL STREETS, ALTERNATE OVERNIGHT PARKING

Agenda Item #11

At a Traffic Advisory Commission meeting held on July 15, 2019 the Commission recommended APPROVAL of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON VANDERBILT AVENUE BETWEEN DEVEAUX STREET & BELL STREET

A Petition from the residents of this block was received with 89% signatures.

Submitted By: Kelvin Agee, 1225 Vanderbilt 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

LASALLE AVENUE, 1343, INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #12

At the Traffic Advisory Commission meeting held on July 15, 2019  
the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 1343 LASALLE AVENUE

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

Submitted By: Taylor Jackson, 1343 Lasalle Avenue

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

Yeas	5
Nays	0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

NO FAULT EXPENSES: ESCHBORN, KYLE

Agenda Item #13

The above claimant has incurred medical expenses for personal  
injuries suffered by him when he, while on a bicycle, struck a City  
vehicle on Porter Road on July 25, 2011.

Under the New York State No-Fault Law, the City of Niagara Falls,  
as a self-insured entity, is obligated to pay the claimant's medical  
expenses arising out of this incident. If the same meets with your  
approval, please vote to direct the City Clerk to draw a warrant on the  
City Controller directing him to issue the following checks:

Amherst Medical Supply	\$4,646.84
Pasquale V. Bochicchio P.C.	\$ 969.37
Total Amount	\$5,616.21

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: STANDARD WORK DAY AND REPORTING RESOLUTION, 2019-64  
 BY: ALL COUNCIL MEMBERS

Agenda Item #14

WHEREAS, The City of Niagara Falls, New York hereby establishes the following as standard work days for an elected official and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by this official to the clerk of this body;

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time keeping System (Y/N)	Days/Month (based on Record of Activities)
<b>Elected Official</b>					
Mayor	Paul Dyster	7	1/1/16 - 12/31/19	N	24.96
Council Member	Ezra Scott, Jr.	7	1/1/16 - 12/31/19	N	8.07
Council Member	Kenneth Tompkins	7	1/1/16 - 12/31/19	N	18.10
Council Member	William Kennedy	7	1/1/18 - 12/13/21	N	8.48
Council Member	Christopher Voccio	7	1/1/18 - 12/31/21	N	8.64
<b>Appointed Official</b>					
Civil Service Commissioner	Lora Allen	6	1/28/16 - 5/31/20	N	0.67

WHEREAS, the clerk of this governing body of the State of New York does hereby certify that he/she has compared the foregoing with the original resolution passed by this governing body as part of the minutes of such meeting and that same is a true copy thereof and the whole of such original; and

WHEREAS, the clerk certifies that such members were present at such meeting and the council members voted in favor of the above resolution.

THEREFORE BE IT RESOLVED, that the above is adopted by the Niagara Falls City Council and that the information be submitted to the New York State Comptroller and the clerk of the governing body to be maintained for at least 10 years.

Yeas 5  
 Nays 0  
 ADOPTED

RESOLUTION: CALLING FOR A PUBLIC HEARING RELATIVE TO ADOPTING A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE) IN THE CITY OF NIAGARA FALLS, NEW YORK, 2019-65

BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN TOUMA

Agenda Item #15

RESOLVED, that Local Law No. \_\_\_\_ for the year 2019 be introduced, and that a public hearing be held on such Local Law on the 4th day of September, 2019 at 6:00 p.m. Daylight Savings Time, in the Council Chambers of the City of Niagara Falls, New York, and that three (3) days notice of said hearing be published in the Niagara Gazette preceding said hearing relative to adopting a local law to establish a Sustainable Energy Loan Program (Open C-PACE) in the City of Niagara Falls, New York (Local Law on file in the City Clerk's Office).

Yeas 5  
 Nays 0  
 ADOPTED

RESOLUTION: SUPPORT LETTER FOR ENGINEERING PLANNING GRANT, NIAGARA  
FALLS WATER BOARD, 2019-66  
BY: COUNCIL MEMBERS TOMPKINS, VOCCIO, CHAIRMAN TOUMA

Agenda Item #16

WHEREAS, Niagara Falls City Council supports the Engineering Planning Grant (EPG) application of the Niagara Falls Water Board. We the Council understand that the Water Board is collecting data through flow monitoring at 15 manhole locations throughout the city's LaSalle neighborhood.

WHEREAS, an engineering and planning report will be prepared in furtherance of a prior consent order with the NY Department of Environmental Conservation. This council knows well the importance of the Water Board achieving full compliance with the consent order in which they agreed to repair the portion of the system operating in the LaSalle section of the city over a long-term work plan.

WHEREAS, while our city is not without significant challenges, this council is working hard to make Niagara Falls safer, cleaner, more sustainable, and to improve conditions for the retention and expansion of job opportunities. With a key component of a livable city being the adequate collection and treatment of wastewater, projects such as that required for the LaSalle area help reach that goal and benefit not only those in the immediate neighborhood but all residents of the city at large.

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby urge the favorable consideration of the Niagara Falls Water Board EPG application.

Yeas	5
Nays	0
ADOPTED	

CONTRACT: CITY PHONE SYSTEM, REPLACEMENT, NEWCASTLE COMMUNICATIONS

Agenda Item #17

The Acting Director of the MIS Department advises that the City's agreement with the vendor (AT Technologies) that maintains the City phone system expires at the end of July, 2019. Based upon a review of other available vendors, it is recommended that the City enter into a new agreement with Newcastle Communications. Attached (on file in the City Clerk's Office) is a copy of an estimate from Newcastle Communications for support services for a one (1) year period of time which totals \$16,278.04. In addition, Newcastle has provided an estimate in the amount of \$4,648.07 to reprogram the existing system, set it up for proper reporting as well as training for MIS staff. The final expense estimate is for TelecomDataService ("TDS") in the amount of \$2,000.00. TDS did due diligence on available vendors for the City's system and recommended Newcastle as the most compatible with the City's system. A copy of this estimate is attached. The total to be spent on the replacement of this vendor is \$22,926.11. The Newcastle invoices totaling \$20,923.11 are budgeted expense items and will be paid from budget account number MT.0054.0000.0421.000 and the TDS invoice will be paid from budget account number A.1680.0000.0451.000 which is a budgeted MIS consultant line item.

Will the Council so approve and authorize the Mayor to sign any documents necessary to effectuate all this provided the same are in form and content satisfactory to the Corporation Counsel?

Will the Council so approve?

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

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

APPROVED

RESOLUTION: NORTH MAIN STREET "BRIDGE DISTRICT", APPLICATION, EMPIRE  
STATE DEVELOPMENT, 2019-67  
BY: ALL COUNCIL MEMBERS

Agenda Item #18

WHEREAS, the City of Niagara Falls (City) is submitting a Consolidated Funding Application- through the State of New York's Regional Economic Development Council for the above referenced project; and

WHEREAS, the project represents a total investment of at least \$7,500,000, which includes State assistance of up to \$1,500,000 and a local share made up of property equity and neighborhood infrastructure improvements from the City, with the balance in the form of private-sector equity investments to properties within the Bridge District; and

WHEREAS, the City of Niagara Falls seeks to establish a set of programs to assist developers in acquiring viable properties for the purpose of re-developing existing structures or constructing new commercial and/or mixed-use developments; to acquire vacant and/or underutilized properties and demolish where needed for infill development; and to perform streetscaping improvements and the removal of blight throughout the "Bridge District" neighborhood (Main Street between Pierce Avenue and Ontario Avenue); and

WHEREAS, the City identified this as one of nine "Core City Strategies" in its 2009 Comprehensive Plan and more recently made it a feature component in its application for assistance under the New York State Downtown Revitalization Initiative; and

WHEREAS, a successful CFA will accelerate the pace of redevelopment and attract new investment, residents and generate multiple new business and employment opportunities, raise property values, and increase local tax base and revenues; and

WHEREAS, the Bridge District represents best opportunity for immediate private sector investment, public private partnership, and it represents the geography with the greatest potential economic impact in all Western New York; and

WHEREAS, a combination of regional factors, that include changing demographics and real-estate market dynamics, as well as, local factors that include connectivity with the Niagara River waterfront facilitated by the removal of sections of the Robert Moses Parkway, construction of the International Amtrak Railway Station, recent acquisition of several long-vacant parcels on Main Street by Blue Cardinal Capital, and growing employment in the Downtown/South End tourism and medical sectors that are driving new demand for high-quality housing in vibrant and walkable neighborhoods;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this grant application and authorizes the Mayor to act on behalf of the City in all matters related to the application and grant and is further authorized to execute any and all documents related to this grant.

Yeas

5

Nays

0

ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 7:45 P.M.

Lisa A. Vitello  
City Clerk



**SEPTEMBER 4, 2019**  
**REGULAR COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

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The Legislative session of the September 4, 2019 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:00 P.M. in the Council Chambers.

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

Also present: Mayor Paul A. Dyster, Acting City Administrator Douglas Janese, 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 July 24, 2019.

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

APPROVED

Chairman Touma announced a Special Order of Business, a Public Hearing relative to adopting a Local Law to establish a Sustainable Energy Loan Program (Open C-Pace) in the City of Niagara Falls, New York 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:

Michael Esposito	Agenda Item #19
Troy Livesay	Agenda Item #18
Ken Hamilton	Agenda Item #20
Ron Anderluh	Niagara Business Association
Gloria Dolson	19 <sup>th</sup> Street
Leonard Ciccone	Dead Trees
Dan Davis	Suspension Bridge
Johnny Carr	Taxes
Ken Hamilton	Police

Presentations:

Pat Whalen, from the Global Tourism Institute, gave a presentation/update on the new location.

Administrative Update:

Acting Administrator, Douglas Janese, gave an update on pool closures, flags on Pine Avenue, paver repairs, tree and stump removal, street sweepers and the sign update from D'Amelio park.



Mayor Paul Dyster discussed the DRI and Blue Cardinal.

Police Chief Thomas Licata spoke regarding item # 20

Controller report:

City Controller, Dan Morello, gave an update on the revenue to date.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S CLAIMS FOR THE MONTH OF JULY 2019

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF JULY 2019

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: COPIERS, LEASE AGREEMENT, BRIAN PARISI COPIER SYSTEMS, INC.

Agenda Item #3

The City currently leases forty two (42) copiers from Duplicating Consultants, Inc. through a joint bid with Niagara County and the Niagara Falls Water Board. This lease is expiring, and the three entities have recently solicited bids for a new lease to replace the existing copiers with new equipment. The low bidder is Brian Parisi Copier Systems, Inc. which will be providing RICOH brand copiers to replace the existing Lanier copiers. The City will pay \$0.01777/copy for black and white copies and \$0.0390/copy for color copies. This price includes the lease, maintenance and supplies for the copiers (excluding paper).

Based upon the success of the current lease agreement in increasing efficiency and controlling costs, we recommend that the Council authorize the City to enter into a new lease agreement with Brian Parisi Copier Systems, Inc, through the Niagara County bid.

Funds for this expenditure are available in each departmental budget under the relevant A.xxxx.xxxx.0440.599 codes.

Will the Council so approve and authorize the Mayor to execute all documents necessary to effectuate a lease with Brian Parisi Copier Systems, Inc. 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: 333 FIRST ST., 492 MAIN ST., NFPD, TRAINING

Agenda Item #4

Representatives from the NFPD and USA Niagara Development Corporation ("USAN") have had discussions about NFPD utilizing the above mentioned properties owned by USAN for training purposes. USAN is receptive to this provided that certain parameters for this training are adhered to by the NFPD. There is no cost to the City to utilize these properties. Attached hereto (on file in the City Clerk's Office) is an agreement that generally outlines the terms and conditions to be in place.

Will the Council so approve and authorize the Mayor to execute an agreement and any other documents in order to implement this training 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

POLICE DEPARTMENT: TACTICAL TEAM, GRANT AWARD

Agenda Item #5

The City has been awarded a \$99,400.00 federal funding grant under the fiscal year 2017 Tactical Team Grant Program. Funding for this initiative is provided by the U.S. Department of Homeland Securities State Homeland Security Grant Program and is administered by the New York State Division of Homeland Security and Emergency Services. The performance period for this award is July 26, 2018 through August 31, 2019.

The purpose of this funding is to improve and develop tactical team capabilities through equipment, training, exercise and planning projects that support counter terrorism missions. Attached hereto (on file in the City Clerk's Office) is a copy of correspondence dated July 26, 2018 so stating.

Will the Council so approve the acceptance of this grant funding and authorize the Mayor to execute any documents in order to implement the same provided these documents 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

IN REM: 440 & 462 10<sup>TH</sup> STREET, 929 FERRY AVENUE, TRANSFERRED TO THE NIAGARA ORLEANS REGIONAL LAND IMPROVEMENT CORP.

Agenda Item #6

The above three (3) properties were acquired by the City as a result of various IN REM proceedings and have been held for Economic Development.

It is recommended that the City transfer these three (3) properties to the Niagara Orleans Regional Land Improvement Corporation (The Land Bank) for further disposition. The Land Bank now has grant money available to it to rehabilitate distressed properties and market them for sale. These three (3) properties are properties that can be salvaged provided a sufficient level of rehabilitation is provided. That is the reason the City's representative on the Land Bank recommended these three (3) properties be transferred to it.

This request has been reviewed by the Planning Board, which has recommended the City Council approve these transfers. Attached (on file in the City Clerk's Office) are Planning Board recommendations.

Will the Council so approve and authorize the Mayor to execute any required documentation in the form acceptable to the Corporation Counsel?

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: LIBERTY PARK, FENCE REPLACEMENT PROJECT, NEW YORK STATE FENCE CO., INC.

Agenda Item #7

The following was the result of bids received on August 28, 2019, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>	<u>ALTERNATE NO. 1</u>
New York State Fence Co. Inc. 858 Manitou Road Hilton NY 14468	\$22,750.00	1,800.00
Fox Fence Inc.	\$24,530.00	\$4,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, New York State Fence Co. Inc. at the combination of their base bid and alternate price of: \$24,550.00. Funding is available through Community Development.

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

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

Yeas

5

Nays

0

APPROVED

MOU: NIAGARA GLOBAL TOURISM INSTITUTE, FUNDING

Agenda Item #8

Recall that several years ago the NGTI was created as a result of collaboration between Niagara University, Empire State Development, the New York Power Authority and the City of Niagara Falls. The goal of the NGTI is to work with local, state and federal agencies in partnership with the tourism industry to create the conditions that turn around the reputation and economic viability of Niagara Falls. The core components of the NGTI are as follows:

1. Research - produce reliable data to inform strategic decision making and improve competitiveness.
2. Technology - to utilize new and emerging technologies in support of destination development, marketing and visitor servicing.
3. Identifying tourism workforce needs and developing a skills and abilities pipeline.
4. Tourism business incubation to encourage entrepreneurial creativity and the development of new businesses in the tourism sector.

It is recognized that the region employs over 50,000 people in the tourism sector with well over two billion dollars in economic impact. Technology is changing the face of tourism and tourism marketing and the goal of the NGTI is to establish Western New York as a world leader in developing and leveraging these emerging technologies in order to grow our tourism economy and to attract requisite talent to the region. This was an observation made by Howard A. Zemsky, former Co-chair of the Western New York Regional Economic Development Council and Chair of Empire State Development Corporation.

The NGTI will be an anchor tenant in the 616 Niagara Street project which is under construction at the corner of Niagara Street and 7<sup>th</sup> Street. From this location, NGTI will be positioned to strengthen tourism technology by developing the workforce.

Niagara University has committed funding to the NGTI in the amount of \$300,000.00 per year for five (5) years. It is requested that the City commit to financing in the amount of \$50,000.00 for year 2019. Funding for this initiative in 2019 is available from casino reserves. City funding for this initiative over the next four (4) years will be considered annually subject to the City's financial condition at that time including the status of the continuing dispute between New York State and the Seneca Nation of Indians regarding casino revenues.

Will the Council so approve and authorize the Mayor to execute a Memorandum of Understanding with the NGTI provided the same is in form and content acceptable to the Corporation Counsel?

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

Yeas

5

Nays

0

APPROVED

#### CODE ENFORCEMENT: EMERGENCY DEMOLITIONS, FUNDING

##### Agenda Item #9

The Acting Director of Code Enforcement advises that his budget line item for performing emergency demolitions is all but depleted. Because it is necessary to have funding available to perform emergency demolitions as a result of fires and various other issues, it is requested that the sum of \$200,000.00 be transferred from casino reserves to the Office of Code Enforcement's emergency demolition capital account line.

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

#### MIS DEPARTMENT: AS/400 SYSTEM, PURCHASE OF HARDWARE

##### Agenda Item #10

The Acting Director of MIS is requesting that the hardware that supports the AS/400 system be replaced at this time because the hardware support system is approaching "end of life." IBM no longer makes the parts necessary to repair the current system. The total amount requested is \$54,005.52. The breakdown of this is as follows:

1. \$44,705.52 for the system.
2. \$7,500.00 for migration (professional services required to remove information off existing server and move it on to a new one.)
3. \$1,800.00 purchase of used tape library.

Funding for this purchase is available from casino reserves.

Will the Council so approve and authorize the Mayor to execute any documents required in order to effectuate this?

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

Yeas

5

Nays

0

APPROVED

#### COMMUNITY DEVELOPMENT: DOG PARK, FUNDS, HUD CDBG

##### Agenda Item #11

The City of Niagara Falls Department of Community Development originally funded the Deveau Woods Dog Park in its 2016 Action Plan. This council agenda item would commit \$131,042.25 from several CDBG sources to fund the completion of this project.

The funding to be reallocated comes from unspent public services funding from past program years, unspent capital funding from the Niagara Falls Wrestling Club project, and a small amount on unspent vacant space improvement funding.

This item commits no general fund dollars to these projects.

Source	Current Balance	Proposed Change	Proposed Final Allocation
2015 Unprogrammed Public Service Funding	\$119,758.60	(\$119,758.60)	\$0.00
2014 Unprogrammed Public Service Funding	\$8,864.25	(\$8,864.25)	\$0.00
Niagara Falls Wrestling Club	\$1,117.00	(\$1,117.00)	\$0.00
Vacant Space Improvements	\$75,000.00	(\$1,302.40)	\$73,697.60

Will the Council vote to approve this item and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: COMMUNITY DEVELOPMENT, PINNACLE COMMUNITY SERVICES, BLOCK GRANT EXTENSION

#### Agenda Item #12

The City awarded Community Development Block Grant (CDBG) funds to Pinnacle Community Services (formerly Family and Children's Services) to provide mental health counseling services to homeless youth as part of Community Development's 2018-19 Action Plan. This grant included \$20,000 for capital improvements to Pinnacle's office building, which would create private office space for counseling sessions and increase the program's capacity. Contractor delays have necessitated an extension of the 2018 contract to ensure full expenditure of the CDBG funds and the provision of service of the maximum number of individuals.

After consultation with Pinnacle staff, it is requested that Council approve an amendment to the contract, setting a new program end date March 13, 2020. This will allow for their new contractor to complete all required work and for all committed funding to be expended before the 2020 CDBG expenditure deadline.

Will the Council vote to approve the proposal presented herein and to authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas 5  
Nays 0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

SECOND HAND DEALER: APPROVAL, NIAGARA COIN & COLLECTABLES

#### Agenda Item #13

Chapter 338 of the Codified Ordinances states: "338.03...City Council may grant a license to carry on the business of secondhand dealer within the City..."

The following has submitted an application for a secondhand dealer license. These applications have been approved by the Niagara Falls Police Department.

Niagara Coin & Collectables  
509 Third St  
Niagara Falls, NY 14301

Will the Council so approve?  
Council Member Tompkins moved that the communication be received  
and filed and the recommendation approved.  
Yeas 5  
Nays 0  
APPROVED

COMMISSIONER OF DEEDS: APPOINTMENTS

Agenda Item #14

The following have requested City Council approval for  
Commissioner of Deeds for a term from September 5, 2019 to September 5,  
2021.

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

John Caso	DPW
Michael L. Edwards	DPW

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 ASSESSOR

INFORMATION ITEM: 2019 GENERAL ASSESSMENT ROLL

Agenda Item #15

Listed below are the taxable totals of the General Assessment Roll  
for the City of Niagara Falls, New York, as now constituted and  
completed by the Board of Assessment Review for the year 2019 and will  
be filed with the City Clerk on July 1, 2019.

Also, attached (on file in the City Clerk's Office), please find  
the exemption summary for the 2019 roll.

Total Taxable Assessed Value	\$1,280,796,396
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Homestead	\$882,434,679
Non-Homestead	<u>398,361,717</u>

Total	\$1,280,796,396
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THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING ITEMS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: LIBERTY MUTUAL INC. CORP A/S/O MUNDIER, LORRILLE

Agenda Item #16

Date Claim Filed:	March 26, 2019
Date Action Commenced:	N/A
Date of Occurrence:	February 24, 2019
Location:	224 79 <sup>th</sup> Street, Niagara Falls, NY
Nature of Claim:	A limb from a City owned tree fell on garage. Prior written notice was given to City.
City Driver:	N/A
Status of Action:	Claim stage.

Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$5,042.31
Make Check Payable to:	Liberty Mutual Ins. Corp.
Conditions:	General Release 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

IN REM: 2016, ACQUIRED PARCELS, TITLE TO FORMER OWNERS

Agenda Item #17

The City is in the process of acquiring title to a number of parcels through the 2016 In Rem Tax Foreclosure. These properties will be auctioned later this year. Frequently, the former owners attempt to redeem their property by paying all outstanding or delinquent City, School and County taxes with penalties and interest prior to the auction. Although this is not a legal right, this has been allowed by the City Council in the past to avoid unnecessary hardship. Accordingly, we are recommending that this Council authorize the reconveyance of title to those former owners who pay all outstanding In Rem fees, auctioneer redemption fee, City, School and County taxes with penalties and interest, and any applicable recording fees on or before the close of business on the day before the auction.

Will the Council so approve and authorize the execution and delivery of deeds by the Mayor to any property owners who tender payment as set forth?

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

Yeas	5
Nays	0
	APPROVED

RESOLUTION: CAYUGA GAMBLERS TRAVEL SOFTBALL ORGANIZATION, FEE WAIVER, 2019-68

BY: COUNCIL MEMBERS KENNEDY, SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #18

WHEREAS, the Cayuga Gamblers Travel Softball Organization would like to once again request the usage of the LCARA Recreational Facility on Colvin Boulevard for the fall, winter and spring season of 2019-2020; and

WHEREAS, the group consists of 8 separate teams; therefore, the request would include the full days of Saturdays and Sundays as we have the past 14 years. We have always started training the first week of October and finish up in mid-April.

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby waive the fee of \$100.00 for the use of LCARA Recreational Facility on Colvin Boulevard for Cayuga Gamblers Travel Softball Organization 2019-2020 season.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: PEDIATRIC CANCER AWARENESS WALK, FEE WAIVER, 2019-69  
BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN TOUMA

Agenda Item #19

WHEREAS, Golden Steps raises funds for families battling childhood cancer and would like to request the use of the Oasis and the City Stage for the Golden Steps Cancer Awareness Walk to be held on September 21<sup>st</sup>, 2019; and

WHEREAS, the funds raised are donated to families fighting pediatric cancer;

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby waive the Fee of \$110.00 for the use of the Oasis and \$650.00 for use of the City Stage for the Golden Steps Cancer Awareness Walk.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: POLICE OFFICERS, LATERAL TRANSFERS, AMENDING LOCAL CIVIL SERVICE RULES

BY: COUNCIL MEMBER KENNEDY

Agenda Item #20

THIS ITEM WAS PULLED

NO ACTION TAKEN

RESOLUTION: NIAGARA SCENIC PARKWAY REMOVAL & IMPROVEMENTS, 2019-70

BY: COUNCIL MEMBER KENNEDY, CHAIRMAN TOUMA

Agenda Item #21

WHEREAS, the New York State Department of Transportation proposes the construction, reconstruction, or improvement of Removal of the Niagara Scenic (Robert Moses) Parkway and Improvements to the Parkland and Adjacent Area, Reconstruction of Discovery Way, Reconstruction of the Trolley Path, and Construction of New Bicycle, Pedestrian Paths in the City of Niagara Falls, located in Niagara county, PIN 5761.9B and 5761.90; and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the work to be done pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner; and

WHEREAS, the service life of the relocated and or replaced utilities has not been extended; and

WHEREAS, the State will provide for the reconstruction of the above mentioned work, as shown on the contract plans relating to the above mentioned project PIN 5761.9B; and

WHEREAS, the City of Niagara Falls or its contractors will adjust facilities pursuant to contract plans related to PIN 5761.90.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls approves of the work to be done and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the City of Niagara Falls will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans.

BE IT FURTHER RESOLVED that the City of Niagara Falls or its contractors will adjust their facilities per contract documents.

BE IT FURTHER RESOLVED that Mayor Paul A. Dyster has the authority to sign any and all documentation that may become necessary as a result of this project as it relates to the City of Niagara Falls; and

BE IT FURTHER RESOLVED that the clerk of the City of Niagara Falls is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

Yeas

5

Nays

0

ADOPTED



RESOLUTION: LOCAL LAW, ENERGY LOAN PROGRAM (OPEN C-PACE), 2019-71  
BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN TOUMA

Agenda Item #22

WHEREAS, during its meeting on July 24, 2019, the City Council of the City of Niagara Falls called for a public hearing to be held on the 4<sup>th</sup> day of September, 2019 in the Council Chambers of the City of Niagara Falls, New York relative to adopting a local law to establish a sustainable energy loan program (Open C-PACE) in the City of Niagara Falls, New York; and

WHEREAS, that public hearing was held on the 4<sup>th</sup> day of September, 2019 at 6:00 p.m. in the Council Chambers of the City of Niagara Falls, New York and three (3) days notice of said public hearing was published in the Niagara Gazette; and

WHEREAS, a copy of the proposed local law is attached hereto; (on file in the City Clerk's Office) and

WHEREAS, this City Council supports the establishment of a Sustainable Energy Loan Program (Open C-PACE) in the City of Niagara Falls, New York.

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby adopt the attached local law to establish a Sustainable Loan Program (Open C-PACE) in the City of Niagara Falls, New York.

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



**SEPTEMBER 18, 2019**  
**REGULAR COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

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The Legislative session of the September 18, 2019 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:00 P.M. in the Council Chambers.

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

Also present: Mayor Paul A. Dyster, 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 September 4, 2019.

Yeas	5
Nays	0
APPROVED	

**Presentations**

NONE

**Administrative Report**

NONE

**Controller's Report**

NONE

Councilman William Kennedy made a motion to go into Executive Session. The motion was seconded by Councilman Kenny Tompkins.

Yeas	5
Nays	0

Council Members entered into Executive Session at 7:05 P. M.

Councilman William Kennedy made a motion to end Executive Session at 7:55 P. M., the motion was seconded by Councilman Kenny Tompkins.

Yeas	5
Nays	0

Executive Session ended at 7:55 P. M.

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

Candace Corsaro	Agenda Item #12
Terri Kline	Agenda Item #12
Tim Huether	Agenda Item #12
Joanne Gialloreto	Agenda Item #12
Donta Myles	Agenda Item #12
Gerald Skrlin	Agenda Item #12
Gerald Kielly	Hiring Police Officers
Joanne Gialloreto	Various
Donta Myles	60 hour requirement for Police Officers
Dorothy West	Various
Vince Anello	Budget
Gloria Dolson	19 <sup>th</sup> Street
Gerald Skrlin	History/Cultural Heritage

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK CLAIMS FOR THE MONTH OF AUGUST 2019

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK REPORT FOR THE MONTH OF AUGUST 2019

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: LIBERTY PARK PLAYGROUND INSTALLATION, VALLEYVIEW ENTERPRISE LLC, CHANGE ORDER #1/FINAL

Agenda Item #3

A contract for the above referenced project was awarded to Valleyview Enterprise LLC on June 6, 2019 in the amount of \$170,750.00.

After the start of the project, it was necessary to accommodate the inclusion of extra play or exercise features not initially included in the project's initial scope. The cost to enlarge the play area and the ancillary materials is \$7,268.38. However, underruns on other items included in this contract will allow the payment for the extra material without any additional funding (\$0.00) to this project.

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

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

Yeas

5

Nays

0

APPROVED

CONTRACT: GRIFFON PARK COMFORT STATION, SICOLI CONSTRUCTION SERVICES, INC., CHANGE ORDER #1

Agenda Item #4

A contract for the above referenced project was awarded to Sicoli Construction Services, Inc. on December 26, 2017, in the amount of \$318,200.00.

As this project progressed, some additional items essential to project completion were identified, including a new sewer cleanout, adjustment to gutters and downspouts, improved corner post foundations for overhanging roof and power conversion for the new fish cleaning station.

These changes will result in an additional \$10,749.00, bringing the total contract amount to \$328,949.00. Funding is available in capital account code H1213.

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

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

Yeas

4

Council Members Scott, Tompkins, Voccio, Chairman Touma

Nays

1

Kennedy

APPROVED

CONTRACT: CITY SCHOOL DISTRICT, MUNICIPAL COOPERATION AGREEMENT,  
SCHOOL RESOURCE OFFICERS

Agenda Item #5

During the last few years the City has detailed police officers to serve as School Resource Officers at Niagara Falls High School and Gaskill Prep School and LaSalle Prep School. Two officers are detailed at Niagara Falls High School and one officer is detailed at Gaskill Prep School and one officer is detailed at LaSalle Prep School. This has proven to be a very positive initiative for the School District as well as the City.

The School District wishes to continue this arrangement for the 2019 - 2020 academic year commencing on September 1, 2019 and terminating on June 30, 2020. The School District is proposing to reimburse the City for the total cost of these four police officers which totals approximately \$471,708.00. Attached hereto (on file in the City Clerk's Office) is a proposed agreement.

Will the Council so approve and authorize the Mayor to execute the Municipal Cooperation Agreement provided the same is in form and content acceptable to the Corporation Counsel?

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

Yeas

5

Nays

0

APPROVED

POLICE DEPARTMENT: 2019 STOP VIOLENCE AGAINST WOMEN, GRANT AWARD

Agenda Item #6

The City has been awarded a \$66,750.00 federal funding grant under the fiscal year 2019 U.S. Department of Justice, Office of Violence Against Women. Funding for this initiative is provided by the New York State Division of Criminal Justice Services. The performance period for this award is January 1, 2020 through December 31, 2020.

The purpose of this funding is to work with and assist survivors of sexual and interpersonal violence. Attached hereto (on file in the City Clerk's Office) is a copy of correspondence dated August 27, 2019 so stating.

Will the Council so approve the acceptance of this grant funding and authorize the Mayor to execute any documents in order to implement the same provided these documents 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: NIAGARA COUNTY COMMUNITY COLLEGE, CULINARY INSTITUTE,  
EXTENSION OF PARKING AGREEMENT

Agenda Item #7

Attached hereto (on file in the City Clerk's Office) is a copy of the Parking Agreement between the City and Niagara County Community College ("NCCC"). Note that this agreement expired on August 31, 2019. NCCC is requesting that this agreement be extended for a one (1) year period of time on the same terms and conditions in order to allow the college additional time to evaluate its parking needs going forward.

The agreement calls for the college to purchase two hundred (200) parking permits during the academic year which runs from September 1 through May 31 and fifty (50) parking permits during the months of June, July and August. The rate established per parking permit is \$20.00 per month per permit.

Will the Council so approve and authorize the Mayor to execute an extension to this parking agreement provided the same is in form and content satisfactory to the Corporation Counsel?

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

Yeas

5

Nays

0

APPROVED

PURCHASE: FIRE DEPT., FOUR FLEET VEHICLES, GENESEE VALLEY FORD, LLC AND VANBORTEL FORD, INC., FUNDING

#### Agenda Item #8

The City has solicited mini-bids through the New York State Office of General Services' Vehicle Procurement process for four (4) vehicles to replace older, obsolete vehicles and update the Niagara Falls Fire Department's ("NFFD") fleet. After receiving the mini-bid responses, we respectfully request you award the above-referenced mini-bids as follows:

TO: Genesee Valley Ford, LLC  
1675 Interstate Drive  
Avon, New York 14414

FOR: One (1) 2020 Ford Explorer XLT	\$37,600.00
One (1) 2019 Ford Econoline E3F	\$36,177.62

TO: VanBortel Ford, Inc.  
71 Marsh Road  
East Rochester, New York 14445

FOR: One (1) 2020 Ford Expedition XL	\$38,245.57
One (1) 2020 Ford Transit T-250HR Van	\$41,360.16

The total purchase price for the four (4) vehicles is \$153,383.35. Additionally, these vehicles will need to be lettered and striped, as well as have the lighting, radios and instrumentation installed. NFFD has acquired estimates for the costs of fully outfitting these four (4) vehicles from Empire Emergency Apparatus, 3995 Lockport Road, Niagara Falls, New York. The cost for these services is expected to be \$21,994.72, for a total cost to the City of \$175,387.07.

The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law and in accordance with New York State's mini-bid procedures.

As the Council is aware, the NFFD received a DASNY grant in the amount of \$70,000.00 in March of this year for the purchase of fleet vehicles. Additionally, NFFD has \$110,000.00 in bond funds remaining for this same purpose. As such, funds for these expenditures are available in capital account code H0818.

Will the Council so approve these expenditures?

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

Yeas

5

Nays

0

APPROVED

PURCHASE: TREES II, FINAL PHASE, SCHICHTEL'S NURSERY

Agenda Item #9

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

TO: Schichtel's Nursery  
7420 Peters Road  
Springville, New York 14141-9405  
FOR: Purchase of 144 trees per the attached tally  
sheet (on file in the City Clerk's Office)  
\$18,615.00

This is the final phase of this project and will bring the total number of trees planted to 541. Planting of the trees will be completed by the City's Forestry Division on overtime. It is anticipated that the total labor cost to plant the 144 trees will be approximately \$11,900.00 based on the costs of the two prior phases. This expenditure will include FICA and the contractually obligated overtime meals.

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

Bid packages were sent to sixteen (16) vendors. Three (3) responses were received. Please reference the attached tally sheet for bid submission details.

Funds for all of these expenditures are available from the approved Greenway funds accounted for in capital account code H1804.

Will the Council so approve these expenditures?

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

Yeas

5

Nays

0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: PLUNKETT, ADAM

Agenda item #10

Date Claim Filed: June 24, 2019  
Date Action Commenced: N/A  
Date of Occurrence: June 18, 2019  
Location: 1925 Main Street, Niagara Falls, NY.  
Nature of Claim: A police transport vehicle backed into court officer's vehicle damaging side mirror of his 2017 Ford Explorer  
City Driver: Robert Miles  
Status of Action: N/A  
Recommendation/Reason: City employee damaged court officer's vehicle.  
Amount to be Paid: \$320.90  
Make Check Payable to: Adam Plunkett  
Conditions: General Release to City approved by Corporation Counsel.

It is the recommendation of this Department that the above settlement 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: COUNCIL MEETING, DATE CHANGES, 2019-72

BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #11

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that the City Council meetings originally scheduled for Wednesday October 2, 2019 will be rescheduled for Monday September 30, 2019 at 6:00 p.m. and the meeting scheduled for Wednesday October 30, 2019 will be changed to Tuesday October 29, 2019 at 6:00 p.m.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: PUBLIC HEARING, ADOPTING LOCAL LAW, RESIDENTIAL, COMMERCIAL AND INSTITUTIONAL USER FEES FOR REFUSE COLLECTION AND RECYCLING, 2019-73

BY: COUNCIL MEMBER SCOTT, CHAIRMAN TOUMA

Agenda Item #12

RESOLVED, that Local Law No. 2 for the year 2019 be introduced, and that a public hearing be held on such Local Law on the 25th day of September, 2019 at 6:00 p.m. in the Council Chambers of the City of Niagara Falls, New York and that three (3) days notice of said hearing be published in the Niagara Gazette preceding said hearing relative to adopting a local law authorizing residential, commercial and institutional user fees for refuse collection and recycling. (Local Law on file in the City Clerk's Office)

Yeas

3

Council Members Kennedy, Scott, Chairman Touma

Nays

2

Council Members Tompkins, Voccio

ADOPTED

RESOLUTION: ASH TREE REMOVAL AND REPLACEMENT, NIAGARA RIVER GREENWAY COMMISSION APPLICATION, 2019-74

BY: COUNCIL MEMBERS KENNEDY, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #13

WHEREAS, the City of Niagara Falls seeks to renaturalize city parks located along the Niagara River and its tributaries, Gill Creek and Cayuga Creek by removing infected Ash trees and planting trees indigenous in those areas; and

WHEREAS, the City of Niagara Falls has received a determination of consistency from the Niagara River Greenway Commission for the above referenced project; and

WHEREAS, it was originally planned to seek this funding from the Environmental Standing Committee; and

WHEREAS, it has now been determined to use a portion of the City's Greenway funds for this project with the approval of the Host Communities Standing Committee; and

WHEREAS, funding is available from the City's Greenway funding for these expenses in the total amount of \$175,000; and

WHEREAS, there is no new commitment of City / Local funding;  
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this City's Greenway funding request and authorizes the Mayor to act on behalf of the City in all matters related to this project and is further authorized to execute any and all documentation related to this project.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: BROWN, FREDERICK L. (FRED), RECOGNIZING, 2019-75  
BY: ALL COUNCIL MEMBERS

Agenda Item #14

WHEREAS, the City Council paid tribute to Fred Brown on November 22, 1994 upon his passing; and

WHEREAS, Fred Brown was honored by the City Council for his numerous accomplishments including the operation of the F&A Brown grocery store on Highland Avenue, the City's first black owned grocery store for over twenty five (25) years; and

WHEREAS, Fred Brown served on the boards of directors of several local organizations, including the Niagara Falls Chapter of the National Association for the Advancement of Colored People, African-American Business Council, Niagara Improvement Association and the Highland Avenue Preservation Committee; and

WHEREAS, Fred Brown was a member of the Mount Erie Baptist Church, the Rotary Club, the Niacap Board of Directors, the Niagara Falls Human Rights Commission, Tract II Betterment, Inc., the Niagara Community Center and the Black American Museum Project Board of Directors; and

WHEREAS, this City Council wishes to further recognize Fred Brown in a visible way.

NOW, THEREFORE, BE IT RESOLVED that this City Council wishes to further honor the memory of Fred Brown by installing street recognition signs proclaiming the area as "Fred Brown Way" at the intersections of Highland Avenue at Grove, Highland Avenue at Profit Lane and Highland Avenue at College Avenue; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Director of the Department of Public Works to facilitate the creation of this signage as well as its installation.

Yeas

5

Nays

0

ADOPTED



There being no further business to come before the Council,  
Chairman Touma adjourned the Meeting at 8:20 P.M.

Lisa A. Vitello  
City Clerk



SEPTEMBER 25, 2019

SPECIAL MEETING

COUNCIL CHAMBERS

6:00 PM

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# City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

September 18, 2019

Members of the City Council  
and  
Lisa Vitello, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on Wednesday, September 25, 2019 at 6:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purposes:

1. *Hold a public hearing relative to adopting a local law authorizing residential, commercial and institutional user fees for refuse collection and recycling.*
2. *Vote on adopting a local law authorizing residential, commercial and institutional user fees for refuse collection and recycling.*

Respectfully submitted,

Andrew Touma, Chair



Printed on Recycled Paper



The, September 25, 2019 Public Hearing and Special Meeting for the approval of adopting a Local Law authorizing Residential, Commercial and Institutional User Fees for refuse collection and recycling 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, Chris Voccio, Chairman Andrew Touma

Also Present: Corporation Counsel, Craig Johnson, Deputy Corporation Counsel, Thomas O'Donnell, City Controller, Daniel Morello

Council Chairman Touma asked if anyone wished to speak regarding the Local Law and the following spoke:

Peter DiFrancesco	Dan Kline
Jason Cfarella	Earl Bass
Noah Masur	Robert Dusen
Vance & Dee Curtis	Thomas Licata
Joanne Gialloreto	Ken Hamilton
Mary Lawton	Rick Crogan
Donta Myles	Bob Pascoal
Joe Padulla	
Tim Huether	

ROLL CALL - COUNCIL MEMBERS

KENNEDY   X   SCOTT   X   TOMPKINS   X   VOCCIO   X   TOUMA   X  

PRAYER - KENNEDY

PLEDGE OF ALLEGIANCE

Approval of adopting a Local Law authorizing Residential, Commercial and Institutional User Fees for refuse collection and recycling.

VOTE

		TABLED			
		yea	nay	yea	nay
Council Member	Kennedy	X			
Council Member	Scott	X			
Council Member	Tompkins	X			
Council Member	Voccio		X		
Council Chairman	Touma	X			
Total:		4	1		

TABLED

Council Member Kennedy made the motion to Table the Item  
 Council Member Scott seconded the motion  
 ITEM WAS TABLED

There being no further business to come before the Council,  
Chairman Touma adjourned the Meeting at 7:30 PM.

Lisa A. Vitello  
City Clerk



**SEPTEMBER 30, 2019**  
**REGULAR COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

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The Legislative session of the September 30, 2019 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:00 P.M. in the Council Chambers.

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

Also present: Mayor Paul A. Dyster, 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 September 18, 2019.

Yeas

5

Nays

0

APPROVED

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

Ron Anderluh  
Jockline Pryor

Revenue Sources  
Planning Board; Assessors

Presentations: None

Administrative Update:

Mayor Paul A. Dyster, accepted recognition plaques from Roswell thanking the City of Niagara Falls and the Niagara Falls Police Department for their help and assistance during the Ride for Roswell.

The Mayor announced information regarding the Bike Share Program and reminded residents to register.

Nick Melson, City Administrator, gave an update on paving, zipper work, lighting on 3<sup>rd</sup> Street and preparation of equipment for the winter months.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: HYDE PARK SEWER LATERAL REPAIR, VIDEO INSPECTION & CLEANING, J.R. SWANSON CO., CHANGE ORDER #1/FINAL

Agenda Item #1

A contract for the above referenced project was awarded to J. R. Swanson Co. Inc. 413 103<sup>rd</sup> St. Niagara Falls NY on June 26, 2019 in the amount of \$4,750.00.

After starting the video inspection of the failed sewer lateral, it became apparent that additional sewer failures were present beyond our original area of interest. Additionally, the expanded inspection and cleaning required access to Pine Avenue, creating a new need for maintenance and protection of traffic that didn't exist with the initial scope. Prorating the original quote on a per foot basis, the extra cost came to \$4,006.25, for a new project total of \$8,756.25. Funding from CDBG unprogrammed fund has been earmarked for this project.

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

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

Yeas

5

Nays

0

APPROVED

CONTRACT: YOUTH DEVELOPMENT PROGRAM 2019, NIAGARA COUNTY

Agenda Item #2

It is recommended that the City undertake and carry out the Niagara Falls Youth Board Recreation Program on behalf of the Niagara County Department of Social Services and the Niagara County Youth Bureau (the "County"). The City will be undertaking certain recreational activities for City youth on behalf of the County. In consideration for the City undertaking and carrying out these recreational programs, the County will pay the City an amount not to exceed \$24,000.00. The term of this agreement will be from January 1, 2019 through December 31, 2019. Attached (on file in the City Clerk's Office) is a copy of the 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

BOARD OF EDUCATION: PILOT PROGRAM, SCHOOL DISTRICT AND BUS PATROL, CAMERAS

Agenda Item #3

THIS ITEM WAS PULLED

CONTRACT: BRIGHTFIELDS PARK, BEECH AVENUE, NEW SIDEWALK, FENCING & LANDSCAPING, WAYSIDE NURSERY, INC., FUNDING

Agenda Item #4

The following was the result of bids received on September 18, 2019, for the above referenced project.

CONTRACTOR

BASE BID

Wayside Nursery, Inc.

\$159,639.00

8962 Porter Road

Niagara Falls, NY 14304

It is the recommendation of the undersigned that this project be awarded to the sole responsible bidder Wayside Nursery, Inc. for Phase I of the work listed, in as amount not to exceed \$159,639.00. Funding from the City's Tribal Revenue Reserves has previously been earmarked for this project.

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

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

Yeas

5

Nays

0

APPROVED

COMMUNITY DEVELOPMENT: CDBG FUNDING AWARD AMENDMENT, HEART, LOVE AND SOUL

Agenda Item #5

The City awarded 2019 Community Development Block Grant (CDBG) funds to Heart, Love and Soul, Inc. in the amount of \$433,342.00 for capital improvements for the Project Daybreak project. After these funds were awarded, Heart, Love and Soul, Inc. declined the award (letter on file in the City Clerk's Office) due to significant cost increases associated with Davis-Bacon prevailing wage requirements.

After consultation with Heart, Love and Soul, Inc. staff, it is requested that Council approve an amendment to the 2019 Annual Action Plan to award Heart, Love and Soul, Inc. \$50,000.00 in 2019 CDBG funds for public services associated with the program management and operation costs of its dining room, food pantry, and Project Daybreak programs.

The remaining \$383,342.00 of 2019 CDBG funds will remain unprogrammed until a substantial amendment to the 2019 Annual Action Plan is made. According to federal regulations at 24 CFR 91 and the City's HUD Citizen Participation Plan, a substantial amendment is required when there is a change in allocation priorities, a decision to carry out an activity not previously described in the action plan that amounts to more than 10% of the HUD program budget, or a substantial change in the purpose, scope, location, or beneficiaries of an activity. A substantial amendment requires a public notice that states the proposed amendment, a 30-day public comment period, a public hearing on the amendment, and City Council approval.

Will the Council vote to approve this item and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas

5

Nays

0

APPROVED

COMMUNITY DEVELOPMENT: SECTION 8 LEASED HOUSING PROGRAM, PHA, ADMIN. PLAN POLICY AMENDMENTS

Agenda Item #6

Title 24 of the Code of Federal Regulations, Part 982 "Section 8 Tenant-Based Assistance: Housing Choice Voucher Program," Section 54 "Administrative Plan," requires the City of Niagara Falls Public Housing Authority (PHA) to, "[A]dopt a written administrative plan that establishes local policies for administration of the program in accordance with HUD [U.S. Department of Housing and Urban Development] requirements. The administrative plan and any revisions of the plan must be formally adopted by the PHA Board of Commissioners or other authorized PHA officials."

The City of Niagara Falls PHA, administered by the Department of Community Development Section 8 Leased Housing Program, adopted a written administrative plan on November 16, 2016. The administrative plan states that, "The PHA will review the plan at least once a year, and update if needed, to reflect changes in regulations, PHA operations, or when needed to ensure staff consistency in operation" (1-III.D. "Updating and Revising the Plan," p. 1-15).

After annual review of the written administrative plan (on file in the City Clerk's Office), the Section 8 Leased Housing Program proposes amendments to the following policies found in the City of Niagara Falls PHA Administrative Plan:

- Chapter 4: Applications, Waiting List and Tenant Selection
- Policy on Applying for Assistance (4-I.B. "Applying for Assistance," p. 4-3)
- Policy on Special Admissions (4-III.B. "Selection and HCV Funding Sources," p. 4-13)
- Policy on Local Preferences (4-III.C. "Selection Method," p. 4-14)
- Policy on Order of Selection (4-III.C. "Selection Method," p. 4-15)



Chapter 7: Verification  
- Policy on Written Third-Party Verification Form (7-I.D. "Third-Party Written and Oral Verification," p. 7-7)

Chapter 8: Housing Quality Standards and Rent Reasonableness Determinations

- Policy on Inspection Costs (8-II.A. "The Inspection Process Overview," p. 8-10)

Chapter 9: General Leasing Policies

- Policy on Rent Increases (9-I.H. "Changes in Lease or Rent," p. 9-14)

Chapter 10: Moving with Continued Assistance and Portability

- Policy on Participant Families (10-II.B. "Initial PHA Role," p. 10-9)

Chapter 16: Program Administration

- Policy on Informal Hearing Officer (16-III.C. "Informal Hearings for Participants," p. 16-18)

Will the Council vote to approve and adopt the proposed amendments in this item and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Tompkins moved that the communication be Tabled

Yeas

5

Nays

0

APPROVED

ITEM WAS TABLED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK: SECOND HAND DEALER, APPROVAL

Agenda Item #7

Chapter 338 of the Codified Ordinances states: "338.03...City Council may grant a license to carry on the business of secondhand dealer within the City..."

The following has submitted an application for a secondhand dealer license. These applications have been approved by the Niagara Falls Police Department.

Niagara Metals, LLC  
4861 Packard Rd  
Niagara Falls, NY 14304

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

MAYOR'S APPROVAL: LOCAL LAW NO. 1-2019

Agenda Item #8

Please be advised that Local Law #1 for 2019, relative to establishing a Sustainable Energy Loan Program (Open C-Pace) in the City of Niagara Falls, New York, which was adopted by the City Council on September 4, 2019 and duly approved by Mayor Paul A. Dyster on September 16, 2019, was received and filed by the New York State Department of State on September 19, 2019.

THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: PLANNING BOARD, APPOINTMENT, 2019-76  
BY: CHAIRMAN ANDREW TOUMA

Agenda Item #9

BE IT RESOLVED, that the following individuals are hereby appointed to the City of Niagara Falls Planning Board, effective immediately, for the extended term expiring on the date which appears opposite their names:

APPOINTMENT:	TERM EXPIRES:
Schurron Cowart	12/31/2023
151 Buffalo Avenue	
Niagara Falls, NY 14303	
Yeas	5
Nays	0
	ADOPTED

RESOLUTION: BUDGET MEETING SCHEDULE, 2020, PROPOSED, 2019-77  
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #10

BE IT RESOLVED that the City Council of Niagara Falls, New York, does hereby schedule Budget Meetings to commence in the City Council Chambers at 5:00 p.m. on:

October 7<sup>th</sup>, 8<sup>th</sup>, 10<sup>th</sup>, 15<sup>th</sup> and 16<sup>th</sup> 2019, and

BE IT FURTHER RESOLVED that the City Council of Niagara Falls, New York, does hereby schedule Budget Amendment Meetings to commence at 5:00 p.m. in the City Council Chambers on:

November 7<sup>th</sup>, 14<sup>th</sup> and 21<sup>st</sup>, 2019, and

BE IT FURTHER RESOLVED, that a public hearing be held on October 29<sup>th</sup>, 2019 at 6:00 p.m. Daylight Saving Time in the Council Chambers of the City of Niagara Falls, New York pertaining to the adoption of the Proposed 2020 Executive Budget, at which time the Mayor, Administrator and Controller shall be present, at which time any person may be heard for or against the proposed budget; and

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

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

Yeas	5
Nays	0
	ADOPTED

A motion was made by Councilman Tompkins to enter into Executive Session, seconded by Councilman Voccio

Yeas	5
Nays	0

Council moved into executive session at 6:50 p.m.

A motion was made by Councilman Tompkins to move out of Executive Session, seconded by Councilman Kennedy.

Yeas	5
Nays	0

Executive session ended at 6:59 p.m.

There being no further business to come before the Council,  
Chairman Touma adjourned the Meeting at 6:59 P.M.

Lisa A. Vitello  
City Clerk

NIAGARA FALLS CITY COUNCIL  
OCTOBER 1, 2019 - SPECIAL MEETING

COUNCIL SPECIAL MEETING

COUNCIL CHAMBERS

5:00 PM

ROLL CALL - COUNCIL MEMBERS

KENNEDY   X   SCOTT   X   TOMPKINS   X   VOCCIO   X   TOUMA   X  

The October 1, 2019 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Andrew Touma in the Council Chambers.

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

Mayor Paul A. Dyster presented his Proposed 2020 Executive Budget:



# City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

September 26, 2019

Members of the City Council  
and  
Lisa Vitello, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on Tuesday, October 1, 2019 at 5:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purposes:

*Presentation of Mayor Dyster's Proposed 2020 budget.*

Respectfully submitted,

Andrew Touma, Chair



Printed on Recycled Paper



## **2020 Executive Budget Presentation**

Welcome City Council members, first responders, municipal employees and my fellow residents.

I would like to first and foremost thank you for joining me as I present my Executive Budget for Fiscal Year 2020.

Today, I am delivering to the City Council a budget that decreases the size of city government, incorporates important recommendations from both the State's Financial Restructuring Board and the City's own Financial Advisory Panel, and reduces our reliance on tribal revenue funds to pay for city services.

For the seventh time in my twelve years in office, the City once again is forced to propose a budget without one of its most significant revenue streams: the local share of tribal revenues generated at the Seneca Niagara Casino. The turbulent relationship between the Seneca Nation and the State of New York has been long documented, and it is not necessary to rehash old squabbles today. We firmly believe that the revenue sharing impasse is approaching a conclusion, and we look forward to a constructive dialogue with all parties to ensure the next compact is seen as fair and equitable by all, and that the financial security of the City of Niagara Falls isn't threatened again. The State of New York, the Seneca Nation, and the City of Niagara Falls are all wedded to the same ground, and therefore we must work together, hand in hand, to ensure our mutual prosperity.

Today, on behalf of Governor Cuomo, I would like to announce that the City has been notified by the New York State Division of the Budget that the State of New York will once again advance the City up to \$12.1 million of the City's share of Tribal Revenue dollars to aid in maintaining City services in Fiscal Year 2020.

Once again I want to thank Governor Cuomo for his steadfast support of the City under these difficult circumstances. Throughout his tenure, Governor Cuomo has been a staunch supporter of the City of Niagara Falls. The Governor's laser-like focus on the resurgence of Western New York has led to our City seeing significant public and private sector investment over the last decade. Those of us who have been working with the State behind the scenes over the past few years on this contingency plan are happy to once again point out what we have always known: Governor Cuomo has our back.

While we hope for and expect a favorable resolution of the Seneca-State dispute, we still have to do the right thing in terms of our budget this year, and in future years. We would have needed to make tough decisions even if the current casino dispute had not occurred. For example, the amount of casino revenues available to the City from the Seneca Niagara casino has declined marginally from year to year as a result of competition across the state and region. It is also important to note, even when ongoing issues are resolved, the current compact only runs until 2023. As a result, it has been the policy of the City of Niagara Falls, as expressed in a resolution of the City Council, to try over time to reduce our reliance on casino revenues to support ongoing operations.

Thus, it would not be wise to budget all \$12.1 million available to be advanced to the city against 2020 expenses. In order to move forward to financial sustainability, without excessive reliance on casino revenues, we must cut our expenses and increase revenue sources. The 2019 budget contained a transfer from the tribal revenue fund of approximately \$10.4 million dollars. This represents a continuation of the downward trajectory of the overall reliance on casino revenues to fund operations. The 2020 budget builds on this success, by including a casino transfer of just over \$9.2 million dollars. To put this figure into perspective, we are down from a peak transfer of approximately \$12.5 million in 2016.

With the 2020 Casino revenue situation addressed, I want to take a look at 2020 Recurring Revenues. We have seen continued growth in our share of County Sales tax. The 2020 budget accounts for \$9.3 million dollars in sales tax collection. Another area of positive revenue growth is in parking fee collection. The 2020 budget contains a \$2,076,554 transfer from the parking fund, a 10% increase over 2019. These figures highlight the success we are realizing from our investments in our parking infrastructure, and the phenomenal success of our economic development strategy--successes upon which the City will continue to build in the near future.

My friends, I'm afraid this is where a lot of the good news ends. Like municipalities across the nation, the City has continued to see a rise in our health care premium costs. The increased cost for health insurance premiums for 2020 is 10%, which works out to approximately \$1.5 million in new expenses. 2020 also sees a 27th pay period, a pay cycle quirk which occurs every 11 years, which causes a \$1.3 million dollar increase in payroll.

Another area of concern is the failure of annual adopted budgets to include real and responsible figures for overtime expenditure. Specific to public safety, year after year the adopted budget has included figures for overtime expenses that have fallen short of the required amount, making it very difficult to ever run in the black. These estimated figures fail to accurately capture our real costs, which are determined in most cases by contractual agreement and mandated decisions. The 2020 budget increases overtime expenditures to \$1 million for Police Patrol and \$950k for Firefighting, figures more inline with our historical spending. While we will continue to work on reducing overtime, we can't continue to let our practice of budgeting estimated amounts hinder the potential growth of our fund balance.



At the end of the day, all of these factors combined to create a budget deficit of just over \$4 million dollars. To meet this challenge, we considered several different scenarios which I will outline today. Looking only at non-casino revenue sources, in former budgets we have allowed ourselves to become too reliant on property tax revenue versus other sources. Our success in increasing parking, sales tax, bed tax and other non-casino, non-property tax revenues—an indication of the long-term success of our economic development strategy—has received recent attention.

Nevertheless, a 2017 report from the State Comptroller's Office cited by our independent auditors and looking at municipal finances statewide, showed that on average in 2016, New York State cities were bringing in charges for services averaging 19.6% to our 5.9% for 2017. Part of this difference is the result of our having an independent water board that bills for its own services, but a major factor is that, unlike municipalities around us, we have not charged a fee for solid waste collection and disposal, instead covering the cost—even after the service was privatized in the 1990s--out of the same property tax levy that has to cover public works, public safety and administration. It was great while it lasted, but as the cost of everything has risen over the years, it has become clear that this is not sustainable. In fact when you combine our tax levy and state aid, and then subtract our public safety costs including health care and pension costs, what we're left with is just around \$500k to pay for everything else.

There is also a fairness issue involved. The City incurs a cost for those who use solid waste services, but pay no property taxes. That cost is borne collectively by all the other taxpayers. As we look to increase revenues, we want to make sure we're being fair about where we derive those revenues. That is why we considered a user fee to pay for our solid waste disposal program. Removing the cost of that program from the General fund would eliminate a \$4.1 million dollar expense and help close our gap. This proposal was shared with City Council and it was encouraging that they undertook a public hearing on the matter. It is my hope that a constructive

dialogue with them will continue, as it is imperative that this measure is enacted into law for inclusion in the final budget.

The second scenario we considered was simple: a large tax increase to correct the tax levy to more adequately fund basic city services. In order to close that gap with no elimination of positions, we would need to raise the tax levy to approximately 98% of its constitutionally-allowed limit. This would be catastrophic to our financial standing, severely limiting our ability to raise future revenues, potentially further distressing our bond rating to junk status, and making the cost so high to borrow money that it would essentially prohibit us from going to the bond market. As catastrophic as this scenario sounds, it still does not represent the worst case we looked at.

The third scenario we considered is in my estimation the worst possible way to close this deficit. With personnel costs accounting for the largest proportion of your tax dollar, we evaluated what cuts would be necessary to account for the deficit. Last year, when we were formulating the 2019 budget, we had done an analysis of the level of layoffs that would be necessary to balance that budget. The advance of casino revenues significantly cut into that figure, nevertheless, a large gap still existed. At that point, we sat down with our public safety unions to negotiate concessions to help us close the gap without eliminating personnel.

Our success in 2019 ironically created a danger of failure for 2020. By negotiating concessions and not raising revenues, we avoided difficult decisions, only to have them reappear in 2020. Now, with the concession agreements in place, the layoff calculations became much worse. Eliminating enough positions to close a \$4.1 million dollar deficit triggers the termination of the concession agreements, and would require over \$1 million in layoffs just to finance the loss of the concessions. This would translate into the elimination of 70-80 total positions across city government. Due to cost breakdowns, the majority of these job cuts would be absorbed by public safety.

This means the Police Department would see the loss of 25 positions, eliminating successful specialized units such as the Roving Anti-Crime Unit, forcing out the younger more inexpensive officers whom we have heavily invested in, and pushing many of our detective division officers into patrol, severely hampering our ability to investigate crime and bring offenders to justice. Our Community Relations division, which has done so much to foster trust in the police force with the public, would be shuttered.

The Fire Department would see a similar cut of 25 Firefighters which would force us to shutter a fire hall, drastically increasing fire response times for our residents. With a department responsible for fire response for the chemical industry, a large proportion of high rise hotels and apartments, and Niagara Gorge rescue operations, this staff cut would be catastrophic. The Fire Department will once again set a record in 2019 with over 7,000 emergency responses.

During my 12 years in office, not once has a resident told me we need fewer police and fire personnel, or that we need to reduce the level of public safety service provided to our residents.

Public safety cuts aside, eliminating the budget gap solely through layoffs would mean we close a senior center, we eliminate youth services, we close pools and parks, and we stop fighting blight. The cure would be worse than the disease. It would be a dark day for the City of Niagara Falls. Public Safety employees put their lives on the line for us every day; municipal employees trade long hours and low wages for a career in service to their community. All they ask is for their elected leaders to do right by them, not just at election time, but everyday.

I have spoken with each council member about the 2020 budget and laid these scenarios out for them. Each has made their positions clear to me and advocated for different solutions. Today, I send a budget to the Council

that represents a compromise of these differing solutions. I believe it is a budget that presents the most reasonable alternative to these financially stressful circumstances, while preserving the level of basic services demanded by our residents.

The 2020 Executive Budget includes the following:

- The implementation of a User Fee to pay for solid waste disposal.
- A 2.13% increase in the tax levy up to but not exceeding the property tax cap.
- A staff reduction of 18 positions, 5 of which are currently vacant.

#### **User Fee**

The base rate of the User Fee for a single residential user, that's one garbage tote and one recycling tote, would be set at \$218 a year. That's less than \$4.20 a week.

By removing street sweeping debris, blight removal waste (roll off dumpsters at the corporation yard), and tire disposal costs from the calculation, and funding them through the general fund, we have been able to significantly reduce the overall cost of the User Fee from the level previously estimated in the media.

By incorporating a user fee to pay for the solid waste disposal contract, we will be relieving the general fund of \$4,001,595.

Having heard arguments on both sides of the issue at their public hearing last week, I strongly encourage the City Council to move quickly to adopt a local law enacting a solid waste disposal User Fee.

#### **Tax Increase to the Property Tax Cap**

The tax levy is proposed to increase to but not above the State-mandated property tax cap by 2.13% or \$660,167.

Since Non-Homestead properties are currently assessed at only 59% of value, I am also proposing no shift in the homestead/non-homestead base proportional rate. This would effectively cut the homestead rate by 3.13% which would translate to the average home in Niagara Falls, assessed at \$68,000, experiencing a property tax **decrease** of \$38.76.

### **Staff Reductions**

The 2020 Executive Budget proposes staff reductions of 18 positions, for a total of \$1,080,404 in savings.

The positions are broken down as follows:

3 Vacant Fire Department Positions
2 Vacant Police Department Positions
13 Eliminations of Union and Non Union positions
(5 in City Hall, 8 at DPW, 5 vacant)_____
18 Total eliminations

While always painful, elimination of these positions is necessary to begin to reign in costs and demonstrate our commitment to look internally for every possible dollar of savings before asking taxpayers to pay more of their limited funds for government services. These positions were chosen because they will result in the lowest impact to our daily service delivery, yet still provide significant savings.

All of these deficit-closing tactics fit into our shared goals of getting leaner while providing essential services to our residents at a reasonable cost.

Furthermore, down the road, we should see a reduction of our fiscal stress score and an improvement of our standing in the credit markets.

While dealing with significant financial challenges in the short-term might lead to feeling depressed about the future for our city, the actual circumstances in which we find ourselves are very different than the pessimists' perception. In fact, the long-term future of the City of Niagara Falls is bright. Whether one looks at trends in the regional economy, or conditions more particular to the city itself, the prospects for continued growth in jobs, investment, tourism visitation and construction look very positive. But we have been learning the hard way that these positive trends can take a long time to hit the bottom-line of city tax revenues.

We must do our part to reduce costs and increase revenues by constantly being on the lookout for new ways of making government more innovative and more efficient. That is not something that can be accomplished by simply slashing future services to match historical revenues. We can't stop plowing streets, putting out fires or patrolling our neighborhoods. Instead, we need to keep our finger on the pulse of the community, accurately gauging what level of services our residents want us to provide, and helping them figure out how to get what they need at a price they can afford.

In the past, we have often failed collectively to make the tough decisions we were elected to make. But past failure can be an essential component of successful future innovation. Failure represents an opportunity to learn from our mistakes and get better. And failure should never be wasted. The 2020 budget represents a chance to address the shortcomings of the past and put the City on a path towards financial viability.

We look forward to working constructively with the members of the City Council in the days ahead to finalize the 2020 budget. Thanks to all of our department heads and staff whose months of hard work made completion

of this budget possible. Special thanks to City Controller Dan Morello and your department for your hard work on this budget. Thank you Human Resources Director Ruby Pulliam and staff for dealing with what always seem to be constant changes right up to the last minute. And thanks to City Administrator Nick Melson for pulling it all together to make the best of a very difficult situation. We look forward to working constructively with Council in the weeks ahead to finalize the 2020 budget.

Finally, thanks once again to Gov. Andrew Cuomo for stepping in to make sure that the residents and employees of the City of Niagara Falls will not have to suffer unnecessarily as a result of a dispute that disproportionately effects our City, but over which we have no control. God bless you, God bless the City of Niagara Falls, and God bless America.

City Controller, Daniel Morello, distributed the Mayor's Proposed 2020 Budget to the Council Members and Department Heads

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 5:45 PM.

Lisa A. Vitello  
City Clerk



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OCTOBER 7, 2019

**BUDGET WORK SESSION #1**

**NIAGARA FALLS, NEW YORK**

The October 7, 2019 Budget Work Session of the Niagara Falls City Council was called to order at 5:00 p.m. in the Council Chambers by Council Chairman Andrew Touma.

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

Also Present: Daniel Morello, City Controller, Ruby Pulliam, HR Director, Thomas O'Donnell, Deputy Corporation Counsel

The following departments presented their budgets to City Counsel Members.

Purchasing: Douglas Janese

City Clerk: Lisa Vitello

RiSk Management: Thomas O'Donnell

Law Department: Craig Johnson

There being no further business to come before the Council, Chairman Touma adjourned the meeting at 5:50 p.m.

Lisa A. Vitello  
City Clerk

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OCTOBER 8, 2019

**BUDGET WORK SESSION #2**

**NIAGARA FALLS, NEW YORK**

The October 8, 2019 Budget Work Session of the Niagara Falls City Council was called to order at 5:00 p.m. in the Council Chambers by Council Chairman Andrew Touma.

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

Also Present: Daniel Morello, City Controller, Ruby Pulliam, HR Director

The following Departments presented their Budgets to City Council Members:

MIS: Lt. Michael Drake

Controller Budget: Dan Morello

Assessor: James Bird

Human Resources: Ruby Pulliam

There being no further business to come before the Council, Chairman Touma adjourned the meeting at 6:10 p.m.

Lisa A. Vitello  
City Clerk

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**OCTOBER 10, 2019**

**BUDGET WORK SESSION #3**

**NIAGARA FALLS, NEW YORK**

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The October 10, 2019 Budget Work Session of the Niagara Falls City Council was called to order at 5:00 p.m. in the Council Chambers by Council Chairman Andrew Touma.

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

Also Present: Daniel Morello, City Controller, Ruby Pullian, Human Resources Director

The following Departments presented their Budgets to City Council Members

Planning: Thomas DeSantis

Engineering: John Gerloch

Fire Department: Chief Joseph Pedula

There being no further business to come before the Council, Chairman Touma adjourned the meeting at 6:20 p.m.

Lisa A. Vitello  
City Clerk

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OCTOBER 15, 2019

**BUDGET WORK SESSION #4**

**NIAGARA FALLS, NEW YORK**

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The October 15, 2019 Budget Work Session of the Niagara Falls City Council was called to order at 5:00 p.m. in the Council Chambers by Council Chairman Andrew Touma.

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

Also Present: City Controller, Daniel Morello, Director of Human Resources, Ruby Pulliam

The following Departments presented their budgets to City Council Members:

Library: Carmen Granto

Community Development/Code Enforcement: Seth Piccirillo

Police: Chief Thomas Licata

There being no further business to come before the Council, Chairman Touma adjourned the meeting at 6:20 p.m.

Lisa A. Vitello  
City Clerk



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OCTOBER 16, 2019

**BUDGET WORK SESSION #5**

**NIAGARA FALLS, NEW YORK**

The October 16, 2019 Budget Work Session of the Niagara Falls City Council was called to order at 5:00 p.m. in the Council Chambers by Council Chairman Andrew Touma.

Present: Council Members William Kennedy, Kenny Tompkins, Chris Voccio, Chairman Andrew Touma

Absent: Council Member Ezra Scott, Jr.

Also Present: City Controller, Daniel Morello, Director of Human Resources, Ruby Pulliam

The following Department presented their Budget to City Council Members:

Public Works/Parks: John Caso

There being no further business to come before the Council, Chairman Touma adjourned the meeting at 5:40 p.m.

Lisa A. Vitello  
City Clerk

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**OCTOBER 16, 2019**  
**REGULAR COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

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The Legislative session of the October 16, 2019 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:00 P.M. in the Council Chambers.

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

Also present: Mayor Paul A. Dyster, Acting City Administrator Douglas Janese, 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 Special Council Meeting of September 25, 2019, Regular Council Meeting of September 30, 2019 and the Special Meeting of October 1, 2019

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

APPROVED

Presentations: Lisa Casper, Erika Kastel, Literacy

Administrative Update:

Acting Administrator, Doug Janese, gave an update on the basketball courts, Forestry, the comfort station, the golf course and preparations for winter in regards to vehicles and other equipment.

Mayor Paul Dyster gave an update on the Niagara Global Tourism Institute and the design of a possible park which would be centered around Frederick Douglass.

Controllers Report:  
City Controller, Dan Morello, gave an update on Parking revenues.

The Corporation Counsel presented 2 items to be amended for sponsorship.

Item #5 to add Chairman Andrew Touma, moved by Councilman Kennedy, second Councilman Tompkins

Yeas	5
Nays	0

The item was amended

Item #7 to add Council Member Scott, moved by Councilman Tompkins, second by Councilman Kennedy

Yeas	5
Nays	0

The item was amended

The Corporation Counsel presented an item to be added to the agenda.  
In Rem Property at 432 -27<sup>th</sup> Street, bid rejected  
Moved by Councilman Tompkins, second by Councilman Scott  
Yeas 5  
Nays 0

APPROVED

This item was added to the Agenda as Item #8

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

Dan Davis                      Agenda Item #5  
Ron Anderluh                  Civic Involvement  
Chris Smith                   Harriet Tubman

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF SEPTEMBER 2019

Agenda Item #1  
THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S CLAIMS FOR THE MONTH OF SEPTEMBER 2019

Agenda Item #2  
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

DEPARTMENT OF PUBLIC WORKS: GASOLINE DISPENSING SYSTEM, CORPORATION YARD,  
PUMP DOCTOR, INC., FUNDING

Agenda Item #3

The Director of the Department of Public Works advises that it is necessary to install a new gasoline dispensing system at the Corporation Yard. Attached hereto (on file in the City Clerk's Office) is an estimate from the Pump Doctor Inc. in the amount of \$19,149.43 which includes the removal of the existing gas boy system and replacing it with a new gas boy islander prime system with web based software.

Funding is available from tribal revenue reserves.

Will the Council approve and authorize the Mayor to execute any documents required in order to accomplish this task?

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 COMMUNITY DEVELOPMENT

PUBLIC DISCLOSURE OF EXCEPTION REQUEST

Agenda Item #4  
THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: SUSPENSION BRIDGE VILLAGE RESOLUTION, 2019-78  
BY: ALL COUNCIL MEMBERS

Agenda Item #5

WHEREAS, the Village of Suspension Bridge--bordered by the Historic 13<sup>th</sup> Street and the Niagara Gorge East to West and College Ave to Pierce Avenue North to South--and the commerce that it attracted led it to be one of the two villages that made up the Incorporation of the City of the City of Niagara Falls, New York in 1892; and

WHEREAS, the first Maid of the Mist was built and launched in an eddy at the terminus of a road cut in the gorge wall which began at the top of the present-day stairs to State Parks Great Gorge Railway Trail; and

WHEREAS, Holman Walsh won a Kite Flying contest when he flew his kite from Canada to the United States shore and the string was used to draw the cables to begin the construction of first Suspension Bridge; and

WHEREAS, the famous Iron Basket, designed and built by Theodore Hulett, was used to shuttle passengers, tools and equipment across the Niagara Gorge; and

WHEREAS, bridge builders Charles Ellet and Theodore Hulett engineered a crude wooden bridge that provided the first Pedestrian and Carriage Traffic between the US and Canada; and

WHEREAS, John A. Roebling--who built the Brooklyn Bridge--had the courage and know-how to build the world's first practical Railroad Suspension Bridge where the Whirlpool Bridge now stands; and

WHEREAS, "Mammoth" Stockyards traded thousands of cattle, horses, swine, and sheep on a monthly basis; and

WHEREAS, the Suspension Bridge Railroad Station handled as many as 47 trains and 2,000 passengers a day; and

WHEREAS, Suspension Bridge Village had as many as 15 hotels to cater to tourists and Cattlemen, some of them as elegant as any in the world; and

WHEREAS, Freedom Seekers crossed the Niagara Gorge via the Suspension Bridge ... Sometimes led by Underground Railroad Conductor Harriet Tubman; and

WHEREAS, Dr. Phillip Skinner ran a school for the *Colored, Deaf, Dumb and Blind Children* and was active in the Abolitionist movement; and

WHEREAS, thrill seekers that walked across the gorge on flimsy cables and challenged the Class 6 Rapids of the Whirlpool drew crowds in the 10s of thousands; and

WHEREAS, the Niagara Gorge and the Van Horn, Manning and Buttery elevators drew thousands of tourists in any given year; and

WHEREAS, DeVeaux Woods State Park was a well know school of Orphan Children.

NOW THEREFORE BE IT RESOLVED that the Niagara Falls City Council hereby proclaims the official name for the lands of the Village of Suspension Bridge, as defined by the 1891 Town of Niagara Survey Map be officially recognized as the Suspension Bridge Village Heritage Area and shall be informally recognized as Suspension Bridge Village.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: TOURIST SURCHARGE, STATE PARKS, BENEFITS NIAGARA FALLS, 2019-79

BY: COUNCIL MEMBERS KENNEDY, SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #6

WHEREAS, the City of Niagara Falls is the host of millions of tourists per year; and

WHEREAS, most of the tourists visit the New York State Parks and attractions in Niagara Falls; and

WHEREAS, the New York State Parks Department and its vendors financially benefit from the tourists visiting the Niagara Falls;

WHEREAS, the City of Niagara Falls provides vital services for the tourists, State Parks, and the vendors operating within the State Parks; and

WHEREAS, the City of Niagara Falls specifically provides police and fire protection to the visitors and workers within the State Parks; and

WHEREAS, the City of Niagara Falls also must provide safe and reliable thoroughfare for the tourists, vendors, and merchants to access the State Parks; and

WHEREAS, the City of Niagara Falls does not receive any financial contribution from the New York State Parks Department or its vendors for providing the vital services; and

WHEREAS, the New York State Parks Department and its vendors must partner with the City of Niagara Falls to ensure the financial security of the City and the prevention of the interruption of services to the Parks; and

WHEREAS, the New York State Parks Department operates multiple parking lots within the Parks in Niagara Falls that generate a large amount of revenue; and

WHEREAS, the vendors in the Parks operate attractions without competition and are able to generate a large amount of revenue; and

WHEREAS, the City of Niagara Falls suffers from a consistent budgetary imbalance partially caused by the lack of revenue from the State Parks that it supports; and

WHEREAS, it would generate millions of dollars for the City of Niagara Falls if the New York State Parks Department added a five dollar tourist surcharge to every motor vehicle that parked in the State Parks in Niagara Falls and allocated it to the City budget; and

WHEREAS, it would generate hundreds of thousands of dollars for the City of Niagara Falls if the New York State Parks Department added a twenty dollar tourist surcharge to every bus that parked in the State Parks in Niagara Falls and allocated it to the City budget; and

WHEREAS, it would generate millions of dollars for the City of Niagara Falls if the New York State Parks Department added a two dollar tourist surcharge to every attraction within the State Parks in Niagara Falls and allocated it to the City budget; and

WHEREAS, the addition of a tourist surcharge to the Parking and attractions within the State Parks in Niagara Falls will not negatively affect the State Parks Budget or increase the tax burden on State taxpayers;

NOW THEREFORE BE IT RESOLVED the City of Niagara Falls requests the State of New York Legislature to draft companion bills for the purpose of adding a tourist surcharge as follows:

1. Five dollars for every motor vehicle that parks on a New York State Parks Department parking lot within Niagara Falls; and
2. Twenty dollars for every bus that parks on a New York State Parks Department parking lot within Niagara Falls; and
3. Two dollars for every ticket sold at an attraction within the New York State Parks Department operated within Niagara Falls; and

BE IT FURTHER RESOLVED that the New York State Legislature require the New York State Parks Department and its vendors remit the tourist surcharge to the City of Niagara Falls on a quarterly basis; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to Assemblyperson Angelo Morinello, Senator Robert Ortt, Governor Andrew Cuomo, and the Commissioner of New York State Parks Department.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: NIAGARA FALLS AIR RESERVE STATION (NFARS) COMPATABLE USE PLAN, 2019-80

BY: ALL COUNCIL MEMBERS

Agenda Item #7

WHEREAS, the Niagara Falls Air Reserve Station ("NFARS") is the County's largest employer with over 3,000 full time and part time employees and is responsible for generating over \$88 million in annual payroll, \$168 million in annual economic impact and plays a critical role in our national security; and

WHEREAS, in the past, NFARS has found itself at risk of closure through the Base Realignment and Closure process ("BRAC"); and

WHEREAS, through an intense and concentrated community effort, locally and in Washington, supporting NFARS, these closure proposals were reversed; and

WHEREAS, a persistent threat to any US Air Force installation is "encroachment" from land uses in surrounding areas that interfere with flight operations; and

WHEREAS, the presence of encroachments have led to US Air Force bases being closed; and

WHEREAS, local governments play a crucial role in evaluating and approving land uses and projects; and

WHEREAS, the municipalities of Wheatfield, Lewiston, Niagara, Pendleton, Cambria and Niagara Falls have all explored the Office of Economic Adjustment ("OEA") program to fund the development of a "Compatible Use Plan" ("CUP") to protect military installations from encroachment uses; and

WHEREAS, NFARS and NIMAC leadership have stated that a CUP designed by these communities would be a strong statement to the US Air Force that the community is invested in the long-term viability of NFARS.

NOW, THEREFORE, BE IT RESOLVED that the City of Niagara Falls supports pursuing funding for a "Compatible Use Plan" through the Office of Economic Adjustment, in conjunction with the NFTA, Niagara County and NFARS for the purposes of coordinating local land use planning to prevent encroachment uses from interfering with operations at NFARS; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Niagara County Legislature, NFARS, NIMAC, and Senators Charles Schumer and Kirsten Gillibrand.

Yeas	5
Nays	0
ADOPTED	

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

IN REM: 432 27<sup>TH</sup> STREET, WARD 05, PROPERTY 1506, DEPOSIT REFUND

Agenda Item #8

The above referenced property was included in the In Rem proceeding and was subject to the auction on October 9, 2019.

Due to extenuating circumstances involving the homeowner, it is recommended that the Council vote to reject the successful bid for this property at the auction and direct the City Controller to refund the deposit and auctioneer fee to the bidder; allow the property owner to redeem the property from the In Rem proceeding by the payment of all outstanding City, School and County taxes as well as the In Rem fee and the auctioneer fee. If this is done prior to October 30, 2019, the property will be redeemed.

Will the Council so approve?

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

Yeas	5
Nays	0
APPROVED	



There being no further business to come before the Council,  
Chairman Touma adjourned the Meeting at 7:45 P.M.

Lisa A. Vitello  
City Clerk



**OCTOBER 29, 2019**  
**REGULAR COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

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The Legislative session of the October 29, 2019 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:00 P.M. in the Council Chambers.

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

Also present: Mayor Paul A. Dyster, Acting City Administrator Douglas Janese, 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 Budget Session #1 from October 7, 2019, Budget Work Session #2 from October 8, 2019, Budget Work Session #3 from October 10, 2019, Budget Work Session #4 from October 15, 2019 and Budget Work Session #5 from October 16, 2019.

Chairman Touma announced a Special Order of Business, a Public Hearing pertaining to the Adoption of the Proposed 2020 Executive Budget, at which time the Mayor, Administrator and Controller shall be present, at which time any person may be heard for or against the Proposed Budget and asked if there were any speakers relative thereto and the following spoke:

Ron Anderluh  
Christopher Fortin  
Russ Petrozzi

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

Owen Steed	Agenda Item #16
Sr. Beth Brosmer	Agenda Item #16
Anita Matusick	Agenda Item #16
Lacory Edwards	Agenda Item #16
Donta Myles	Agenda Item #16
Dorothy Hall	Agenda Item #16
Lillian S. Williams	Agenda Item #16
Denise Easterline	Agenda Item #16
Gloria Dolson	Agenda Item #16
Kayla Briggs	Agenda Item #16
Ken Hamilton	Agenda Item #16
Bob Belton	Agenda Item #16
Alex Wright	Agenda Item #16
Renae Kimble	Agenda Item #16
Jennifer Reed	Community concerns
Ken Hamilton	Street Zoning

Presentation:

Mr. Mark Laurie, Superintendent of NFSD; Bus Camera Initiative.

Administrative Update:

Douglas Janese, Acting City Administrator, discussed preparations for the upcoming storm which is predicted to arrive Thursday morning and into Friday. The decision to reschedule "trick or treating" will be made shortly.

Mayor Paul Dyster gave an update on the Community Center and the new Medical Training Program at Niagara Falls Memorial Medical Center.

Controller Report: none

The Corporation Counsel presented two items to be added to the agenda:

1. Resolution calling for a public hearing to adopt a local law authorizing a moratorium on applications for multi-tenant housing projects and dwellings within the north end, Highland Avenue area.  
Yeas 4  
Kennedy, Scott, Tompkins, Chairman Touma  
Nays 1  
Voccio

APPROVED

The Resolution was added as #18

2. Section 8 Leased Housing Program  
Yeas 5  
Nays 0

APPROVED

The Item was added as #19

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: COURT CLEANING/MINOR REPAIRS, UNIFIED COURT SYSTEM AND THE CITY

Agenda Item #1  
THIS ITEM WAS PULLED  
NO ACTION TAKEN

SURFACE PARKING LOT: THIRD AND NIAGARA STREETS, REPLACEMENT OF LIGHTS, LIME ENERGY

Agenda Item #2

Lime Energy, through the implementation of National Grid's Small Business Direct Installation Program, is proposing to upgrade the lights at the City surface parking lot located at the corner of Third Street and Niagara Street. The proposal includes twenty-four (24) new ninety-watt LED lights with fixtures and installation, etc. The total amount for this lighting enhancement is \$4,140.36. Attached hereto (on file in the City Clerk's Office) is a Terms and Conditions page.

Funding is available from Lights and Power account code A.5650.0000.0422.000.

Will the Council so approve and authorize the Mayor to execute any documents required in order to accomplish this lighting upgrade 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

CODE ENFORCEMENT: ACTING BUILDING COMMISSIONER, APPOINTMENT

Agenda Item #3

The individual serving as Acting Director of the Department of Code Enforcement will be leaving City employment at the close of business on October 31, 2019. Patrick Ciccarelli is being appointed as Acting Building Commissioner effective November 1, 2019. Mr. Ciccarelli will serve in that capacity for the remaining two months of my administration.

It is requested that Mr. Ciccarelli be paid a stipend in the amount of \$1,600.00 to perform the additional responsibilities of Acting Building Commissioner during this period of time. Funds are available through the Department of Code Enforcement's overtime line designated as A.3620.0000.0140.00.

Will the Council so approve?

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

Yeas 3

Scott, Tompkins, Chairman Touma

Nays 2

Kennedy, Voccio

APPROVED

CONTRACT: NIAGARA TOWER APARTMENTS, 901 CEDAR AVE, PILOT AGREEMENT

Agenda Item #4

The current owner of the Premises has entered into a Purchase and Sale Agreement to sell the Premises. The Premises is subject to a PILOT Agreement which was amended on June 22, 2006. The amended PILOT Agreement states that the PILOT Agreement and the companion lease with the Niagara Falls Housing Authority may be assigned by the owner to a subsequent owner of the Premises provided the Premises remains exempt under the New York Public Housing Law. The attorneys for the new owner confirm that this will be the case.

Attached hereto (on file in the City Clerk's Office) is a Second Amendment to PILOT Agreement which confirms the continuation of the PILOT and the fact that the Premises will remain exempt under the New York Public Housing Law.

Will the Council so approve and authorize the Mayor to execute the Second Amendment to PILOT Agreement?

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

Yeas 5

Nays 0

APPROVED

CONTRACT: HYDE PARK LAKE KAYAK LAUNCH, SUBSURFACE INVESTIGATION

Agenda Item #5

The City intends to construct an ADA accessible kayak launch along Hyde Park Lake. Prior to the design and construction of this launch a subsurface investigation, consisting of a series of ground borings and associated foundation recommendations will be required. In addition, various related engineering services such as subgrade inspection and concrete testing during construction will be required.

It is requested that SJB Services, and their subsidiary Empire Geo-Services be retained to provide this subsurface investigation at a not-to-exceed amount of \$6,000.00. Previously approved Greenway funding for this project is available in capital account code H1511.

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: HYDE PARK LAKE KAYAK LAUNCH, FISHER ASSOCIATES

Agenda Item #6

Prior to designing the proposed Kayak Launch at Hyde Park Lake, a field survey, consisting of topographical mapping of the proposed project area, including contours on land and into the water will be required.

It is requested that Fisher Associates be retained to provide this survey in the amount of \$4,900.00. Previously approved Greenway funding for this project is available in capital account code H1511.

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: HYDE PARK ROSE GARDEN ROOF/PERGOLA RESTORATION, SCRUFARI CONSTRUCTION

Agenda Item #7

The following was the result of bids solicited for the above referenced project.

<u>CONTRACTOR</u>	<u>BASE BID</u>
Scrufari Construction Co. LLC 3925 Hyde Park Blvd. Niagara Falls, N.Y. 14305	\$209,030.00
Walter S. Johnson Bldg. Co., Inc.	\$229,000.00

It is the recommendation of the undersigned that Scrufari Construction Co. LLC be awarded the above reference project at the bid price of \$209,030.00.

Funding from the City's Community Development Department has been earmarked for this project.

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

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

Yeas

5

Nays

0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

SECOND HAND DEALERS, APPROVAL

Agenda Item #8

Chapter 338 of the Codified Ordinances states: "338.03...City Council may grant a license to carry on the business of secondhand dealer within the City..."

The following has submitted an application for a secondhand dealer license. This application has been approved by the Niagara Falls Police Department.

Kash Pro Unlimited  
1818 Pine Ave  
Niagara Falls, NY 14301

Will the Council so approve?

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

Yeas 5  
Nays 0  
APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

BUFFALO AVENUE, 8656, 8660, 8662, PARKING RESTRICTION

Agenda Item #9

At the Traffic Advisory Commission meeting held on October 21, 2019 the Commission recommended APPROVAL of the following item:

INSTALL ONE HOUR (8AM TO 6PM) PARKING RESTRICTION IN FRONT OF 8656, 8660 AND 8662 BUFFALO AVENUE (3 SPACES)  
(Request was made to facilitate daytime, short-term parking for patrons of the businesses located here and prevent all day parkers.)

Submitted By: Chris Grant, owner, 8660 Buffalo Avenue (The Lasalle Barber Shop) and 8662 Buffalo Avenue (Maloney's Subs & Meats) and Carrie Amato, owner, 8656 Buffalo Avenue (2<sup>nd</sup> Chance Consignment)

It is requested that City Council approve this recommendation.

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

Yeas 5  
Nays 0  
APPROVED

WALNUT AVENUE BETWEEN 13<sup>TH</sup> STREET/TRONOLONE PLACE, OVERNIGHT PARKING

Agenda Item #10

At the Traffic Advisory Commission meeting held on October 21, 2019 the Commission recommended APPROVAL of the following item:

INSTALL OVERNIGHT PARKING ON WALNUT AVENUE BETWEEN 13TH STREET & TRONOLONE PLACE (NORTH SIDE ONLY) WITH "NO PARKING TUESDAY 7AM TO 1PM" RESTRICTION

The New York State Department of Transportation has agreed to allow overnight parking on this roadway as long as it satisfies the City's requirements.

A Petition from the residents of this block was received with 64.3% signatures.

Submitted By: Carolyn Chatmon, 1308 Walnut Avenue, Apt. 2

It is requested that City Council approve this recommendation.

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

Yeas 5  
Nays 0  
APPROVED

LIVINGSTON AVENUE, 3026, INSTALL HANDICAPPED ACCESS SPACE

Agenda Item #11

At the Traffic Advisory Commission meeting held on October 21, 2019 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 3026 LIVINGSTON AVENUE

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

Submitted By: Charles Carlino, 3026 Livingston Avenue

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

Yeas	5
Nays	0
	APPROVED

CLEVELAND AVENUE, OVERNIGHT PARKING, BETWEEN 24<sup>TH</sup> ST & HYDE PARK BLVD.

Agenda Item #12

At the Traffic Advisory Commission meeting held on October 21, 2019 the Commission recommended APPROVAL of the following item:

INSTALL OVERNIGHT PARKING ON CLEVELAND AVENUE BETWEEN 24TH STREET  
& HYDE PARK BOULEVARD (SOUTH SIDE ONLY) WITH "NO PARKING MONDAY  
7AM TO 1PM" RESTRICTION

A Petition from the residents of this block was received with 73.5%  
signatures.

Submitted By: William Scricco, 2479 Cleveland Avenue

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

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY CORPORATION COUNSEL

ACCADIA SITE CONTRACTING, INC., LAWSUITS

Agenda Item #13

Accadia Site Contracting, Inc. was involved in two construction  
projects for the City of Niagara Falls, one regarding Buffalo Avenue from  
the LaSalle Expressway to 65<sup>th</sup> Street and the other involving Lockport  
Street.

Issues regarding differing site conditions arose during both  
projects and were not able to be resolved and Accadia filed lawsuits  
against the City.

After extensive negotiations it is recommended that these two  
lawsuits be settled for a total of \$102,000 (\$60,000 Buffalo Avenue and  
\$42,000 Lockport Street).

Will the Council so approve and direct the Controller to issue  
checks in the amounts of \$60,000 and \$42,000 payable to Accadia Site  
Contracting, Inc. subject to receipt of Stipulations of Discontinuance  
and other documentation in a form satisfactory to the Corporation  
Counsel?

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

Yeas	5
Nays	0
	APPROVED

200

CLAIM: LILLEY VS CITY OF NIAGARA FALLS, ET AL

Agenda Item #14

Date Claim Filed:	September 2, 2010
Date Action Commenced:	February 1, 2011
Date of Occurrence:	July 3, 2010
Location:	Corner of Mayor Michael O'Laughlin Boulevard and Rainbow Boulevard
Nature of Claim:	Alleged negligent use of force
Status of Action:	Settled pending City Council approval
Recommendation/Reason:	Business decision to avoid continuing cost of defense
Amount to be Paid:	\$20,000.00
Make Check Payable to:	Law Office of Lipsitz Green Scime Cambria LLP, as attorneys
Conditions:	Confidential Settlement Agreement and Release to be approved by Corporation Counsel to be entered into by both parties

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: ADDING CHAPTER 747, "OWNER LIABILITY FOR FAILURE OF VEHICLE OPERATOR TO STOP FOR A SCHOOL BUS DISPLAYING A RED VISUAL SIGNAL AND STOP-ARM", 2019-81

BY: COUNCIL MEMBERS KENNEDY, SCOTT, VOCCIO, CHAIRMAN TOUMA

Agenda Item #15

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Chapter 747 of the Codified Ordinances entitled "Owner Liability For Failure Of Vehicle Operator To Stop For A School Bus Displaying A Red Visual Signal And Stop-Arm" is hereby added to read as follows:

747.01 PURPOSE.

The purpose of this chapter is to impose monetary liability on the owner of a motor vehicle under circumstances where the operator of that motor vehicle fails to stop for a school bus displaying a red visual signal and stop-arm. It is a well known fact that vehicle operators often fail to stop for a school bus displaying a red visual signal and stop-arm, thus creating a hazardous and dangerous condition for passengers, especially children, who depart from a stopped school bus. The intent of this chapter involves the installation of cameras on the school bus stop-arm to increase safety for passengers departing the school bus by imposing financial liability on the owner of the vehicle which will serve as a deterrent.

747.02 DEFINITIONS.

As used in this chapter, the following words shall have the following respective meanings:

- (a) "Person" means one or more individuals, a partnership, company, association, corporation, trust, trustee or receiver or limited liability company.
- (b) "Owner" means the registered owner of a motor vehicle.
- (c) "City" means the City of Niagara Falls, New York.
- (d) "School District" means the City School District of the City of Niagara Falls, New York.



747.03 DEMONSTRATION PROGRAM IMPOSING MONETARY LIABILITY

Pursuant to Section 1174-a of the New York State Vehicle and Traffic Law, the City hereby establishes a demonstration program imposing monetary liability on the owner of a motor vehicle for the failure of an operator thereof to comply with Section 1174 of the New York State Vehicle and Traffic Law when meeting a school bus marked and equipped as provided in subdivisions 20 and 21-(1)-(c) of Section 375 of the New York State Vehicle and Traffic Law and operated in the City.

This demonstration program empowers the City to install and operate, or to cause to be installed and operated, school bus photo violation monitoring systems which may be stationary or mobile. Such school bus photo violation monitoring systems may be installed on school buses owned and operated by the School District, or on school buses privately owned and operated for compensation under contract with the School District provided that no such stationary school bus photo violation monitoring system shall be installed and operated, or caused to be installed and operated by the City, except on roadways under the jurisdiction of the City and further provided no such mobile school bus photo violation monitoring system shall be installed or operated on school buses unless the City and the School District enter into an agreement for such installation and operation.

747.04 HANDLING AND CUSTODY OF PHOTOGRAPHS

As part of the demonstration program, the City will create procedures for the proper handling and custody of photographs, micro photographs, video tapes and other recorded images and data produced by such mobile school bus photo violation monitoring systems in place on school buses and for the forwarding of such photographs, micro photographs, video tapes and other recorded images and data to the City.

Any such agreement entered into between the City and the School District must be approved by majority vote of the Niagara Falls City Council and also by Resolution of the Board of the School District.

747.05 PRIVACY ISSUES

As part of the demonstration program, the City shall adopt and enforce measures to protect the privacy of drivers, passengers, pedestrians and cyclists whose identity and identifying information may be captured by a school bus photo violation monitoring device. Such measures shall include:

- (a) Utilization of necessary technologies to ensure, to the extent practicable, that photographs produced by such school bus photo violation monitoring devices shall not include images that identify the driver, the passengers, the contents of the motor vehicle, pedestrians and cyclists; provided, however, that no Notice of Liability issued pursuant to this section shall be dismissed solely because a photograph or photographs allow for the identification of the contents of a motor vehicle, provided that such City has made a reasonable effort to comply with the provisions contained herein.
- (b) A prohibition on the use or dissemination of motor vehicles' license plate information and other information and images captured by such school bus photo violation monitoring systems, except: (1) as required to establish liability under this chapter or collect payment of penalties; (2) as required by court order; or (3) as otherwise required by law and oversight procedures to ensure compliance with the aforescribed privacy protection measures.
- (c) The City shall the install signage in conformance with standards established in the Manual and Specifications for a Uniformed System of Traffic Control Devices ("MUTCD") maintained by the Commission of Transportation, at each roadway entrance of the City boundaries giving notice that school bus photo violation monitoring systems are used to enforce restrictions on motor vehicles violating Section 1174 of the New York State Vehicle and Traffic Law. For purposes of this chapter, the term "roadway" shall not include State Expressway Routes or State Interstate Routes but shall include controlled access highway exit ramps that enter the City boundaries of the City.

747.06 VEHICLE OWNER LIABILITY

The owner of a motor vehicle shall be liable for a monetary penalty imposed pursuant to this chapter if such vehicle was used or operated with the permission of the owner, expressed or implied, in violation of Section 1174 of the New York State Vehicle and Traffic Law if such violation is evidenced by information obtained from a school bus photo violation monitoring system; provided, however, that no owner of a motor vehicle shall be liable for a monetary penalty imposed pursuant to this chapter where the operator of such motor vehicle has been convicted of the underlying violation of Section 1174 of the Vehicle and Traffic Law.

747.07 OWNER LIABILITY FOR MONETARY PENALTIES

- (a) An owner of a motor vehicle liable for a violation of subsection (a) of Section 1174 of the New York State Vehicle and Traffic Law shall be liable for monetary penalties as provided herein. The liability of the owner pursuant to this chapter shall be \$250.00 for a first violation; \$275.00 for a second violation; provided the first and second were committed within a period of eighteen (18) months, and; \$300.00 for a third, or subsequent violation, provided that all of which were committed within a period of eighteen (18) months. An additional penalty in the amount of \$25.00 for each violation shall be due and payable resulting from the failure of the owner to respond to a Notice of Liability within the prescribed time period.
- (b) An imposition of liability pursuant to this chapter shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

747.08 NOTICE OF LIABILITY

- (a) A Notice of Liability shall be sent by first-class mail to each person alleged to be liable as an owner for a violation of subdivision (a) of Section 1174 of the New York State Vehicle and Traffic Law pursuant to this chapter. Personal delivery on the owner shall not be required; a manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein.
- (b) The Notice of Liability shall contain the name and address of the person alleged to be liable as an owner for a violation of subdivision (a) of Section 1174 of the New York State Vehicle and Traffic Law pursuant to this chapter, the registration number of the vehicle involved in such violation, the location of where such violation took place, the date and time of such violation and the identification number of the camera which recorded the violation or other document locator number.
- (c) The Notice of Liability shall include information advising the person charged of the manner and the time in which he or she may contest the liability alleged in the Notice of Liability. Such Notice of Liability shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.
- (d) The Notice of Liability shall be prepared and mailed by the City or by such other entity authorized by the City to prepare and mail such Notice of Liability and recover any such monetary penalty.
- (e) Adjudication of the liability imposed upon owners by this chapter shall be made by the City Court of the City of Niagara Falls, NY.

747.09 PRESUMPTION OF OWNER LIABILITY; DEFENSES TO A NOTICE OF LIABILITY

- (a) For purposes of this chapter, there shall be a presumption that the operator of such motor vehicle was operating such vehicle with the consent of the owner at the time such operator failed to comply with Section 1174 of The New York State Vehicle and Traffic Law.

- (b) If an owner receives a Notice of Liability pursuant to this chapter for any time period during which the motor vehicle was reported to the police as having been stolen, it shall be a valid defense to the allegation of liability for a violation of subdivision (a) of Section 1174 of the New York State Vehicle and Traffic Law pursuant to this chapter that the motor vehicle had been reported to the police as stolen prior to the time the violation had occurred and had not been recovered by such time. For purposes of asserting a defense provided by this section, it shall be sufficient that a certified copy of the police report on the stolen motor vehicle be sent by First Class Mail to the City Court of the City of Niagara Falls, NY.
- (c) An owner who is a lessor of a vehicle to which Notice of Liability was issued shall not be liable for the violation of subdivision (a) of Section 1174 of the New York State Vehicle and Traffic Law provided he or she sends to the City Court of the City of Niagara Falls, NY a copy of the rental, lease or other such contract document covering such motor vehicle on the date of the violation with the name and address of the lessee clearly legible, within thirty-seven (37) days after receiving notice from the court of the date and time of such violation, together with such other and further information contained in the original Notice of Liability. Failure to send such information within such thirty-seven (37) day time period shall render the owner liable for the monetary penalty prescribed by this chapter. Where the lessor complies with the provisions of this paragraph, the lessee of such motor vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this chapter, shall be subject to liability for the violation of subdivision (a) of Section 1174 of the Vehicle and Traffic Law pursuant to this section and shall be sent a Notice of Liability pursuant to this chapter.
- (d) No owner of a motor vehicle shall be subject to a monetary penalty imposed pursuant to this Chapter if such owner can demonstrate by clear and convincing evidence that such school bus stop arms were malfunctioning at the time of the alleged violation.
- (e) No owner of a motor vehicle shall be subject to a monetary penalty imposed pursuant to this chapter if the operator of such motor vehicle was operating such motor vehicle without the consent of the owner at the time such operator failed to comply with Section 1174 of the New York State Vehicle and Traffic Law and the owner of the motor vehicle is able to demonstrate to the court by clear and convincing evidence that the motor vehicle was operated at the time of the violation without the consent of the owner.

747.10 REPORTING REQUIREMENTS

The demonstration program established by the City requires that it submit an annual report on the results of the use of a school bus photo violation monitoring system to the Governor, the President of the Senate and the Speaker of the Assembly on or before June 1, 2019 and on the same date in each succeeding year in which the demonstration program is operable. Such report shall include, but not be limited to, the following:

- (a) The number of buses and a description of the routes where stationary and mobile school bus photo violation monitoring systems were used.
- (b) The aggregate number, type and severity of accidents reported at locations where a school bus photo violation monitoring system is used for the year preceding the installation of such system, to the extent the information is maintained by the New York State Department of Motor Vehicles
- (c) The number of violations recorded at each location where a school bus photo violation monitoring system is used and in the aggregate on a daily, weekly and monthly basis.

- (d) The number of convictions for violations of subdivision (a) of Section 1174 of the New York State Vehicle and Traffic Law recorded at each location where a school bus photo violation monitoring system is used on an annual basis, to the extent the information is maintained by the Department of Motor Vehicles of this state.
- (e) The total number of Notices of Liability issued for violations recorded by such systems.
- (f) The number of monetary penalties and total amount of monetary penalties paid after the first Notice of Liability issued for violations recorded by such systems.
- (g) The number of violations adjudicated and results of such adjudications including breakdowns of dispositions made for violations recorded by such systems which shall be provided at least annually to such City by the courts conducting such adjudications.
- (h) The total amount of revenue realized by the City.
- (i) The expenses incurred by the City in connection with the program.
- (j) The quality of the adjudication process and its results including the total number of hearings scheduled, re-scheduled, and held; the total number of persons scheduled for such hearings; the total number of cases where monetary penalties were paid on or before the hearing date; and the total number of default judgments entered. Such information shall be provided at least annually to the City by the court conducting such adjudications.
- (k) A description of public education activities conducted to warn motorists of the dangers of overtaking and passing stopped school buses.

747.11 EXPIRATION

This demonstration program shall expire on December 1, 2024 unless extended further by act of the New York State Legislature.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: DEPAUL & COMMUNITY MISSIONS, OPPOSING CONSTRUCTION, 2019-82  
BY: COUNCIL MEMBERS KENNEDY, SCOTT, TOMPKINS

#### Agenda Item #16

WHEREAS, there is a great need to devise economic development initiatives in the City of Niagara Falls that will improve the quality of life, raise the standard of living and empower the residents who reside in the predominately African American community located in the north end of the city in the Highland Avenue area; and

WHEREAS, leading statistical indicators show that the African American community has had a devastated economy, with the community's unemployment rate high and poverty rate rampant; and

WHEREAS, according to the 2013- 2017 U.S. Census Bureau's American Community Survey, 1,665 of 2,665 of the Highland Avenue's Tract 202 residents or 63% live below the U.S. poverty level and 43.6% of African American residents in the City of Niagara Falls live below the U.S. poverty level; and

WHEREAS, the poverty level of African American residents in the City of Niagara Falls and the predominately African American community located in the Highland Avenue area are exponentially higher than the national average of 25.2%; and

WHEREAS, there are numerous Brownfield sites located in the 560 acre region of the African American community on Highland Avenue which also contributes to a weakened employment and a weakened tax base as well as environmental problems that exist; and

WHEREAS, the City of Niagara Falls continues to lose population with a decrease in its more affluent areas, of 243 residents in DeVeaux and a decrease of population of 159 residents from LaSalle; and

WHEREAS, the Highland Avenue area gained 463 residents during the same time frame according to the 2016 U.S. Census Bureau's American Community Survey; and

WHEREAS, a community meeting was held on Thursday, March 21, 2019, 7:00 p.m. at the St. John AME Church, 917 Garden Avenue, which was the first time that the residents from the Highland Avenue community were notified about the DePaul, Community Missions project; and

WHEREAS, at this meeting, which was well attended by homeowners and residents from the Highland Avenue community, it was discovered that there were other meetings held without the knowledge of the Highland Avenue community; and

WHEREAS, after the presentation was made by DePaul and Community Missions, residents from the Highland Avenue community emphatically rejected the supportative housing proposal and the DePaul group was told to look at other sites in the city; and

WHEREAS, the Highland Avenue area has an over-saturation of rental properties - Hope VI, Jordan Gardens, Cornerstone Village as well as the Estella Apartments and Wrobel Towers which are less than one mile away from the Highland Avenue community; and

WHEREAS, the costs to rent at the proposed facility are extremely high at \$625 a month for a one bedroom apartment and \$725 for a two bedroom apartment to be located in the poorest area of the city which will enhance the transient nature of this project; and

WHEREAS, original use for the property which that the housing is proposed for was for the revitalization of the old Unity Park, now Cornerstone Village called for low income, single family housing, which was to promote homeownership in the Highland Avenue community; and

WHEREAS, the only individuals who benefit from projects of this nature are the property developers, contractors, management team and organizations who exist due to the economic hardships of the poor; and

WHEREAS, the above referenced groups come into impoverished neighborhoods to work and leave that community taking their tax dollars with them at the expense of the impoverished community; and

WHEREAS, the supportive housing project will add even more poverty and transient people in the Highland Avenue community; and

WHEREAS, the supportative housing plan proposed will lower the property values of the current homeowners who have resided in the community for decades, destabilizing the properties immediately surrounding the facility, bringing even a greater criminal element to the faithful church goers of St. John AME Church, which will be located right across the street from the facility; and

WHEREAS, the supportative housing will quickly become dilapidated housing with tenants who will bring more criminal activity, drug activity in the Highland Avenue community as well as a whole host of social ills that will further threaten any hopes of the vision for revitalizations that the residents of the north end community have; and

WHEREAS, there are more suitable areas in the city where the DePaul, Community Missions project can be located instead of the heart of the African American Community, where the residents are working so hard to transform; and

WHEREAS, residents of the African American community have rejected this proposal outright at the March 21, 2019 meeting to only have the DePaul and Community Missions organizations to ignore the wishes and concerns of the residents of the area in an effort to ram this project through in an attempt to ignore the voices of an entire community; and

WHEREAS, the Highland Avenue community proposed an agenda to this current administration before the Mayor was elected in 2007, and

WHEREAS, this vision has not changed and is as follows: "In order for our city to move forward, economic development initiatives must be devised to empower all people to achieve improvements in the poverty rates, unemployment rates, literacy rates, life expectancy rates, Infant mortality rates, job creation and retention, small business development, neighborhood development, recreational development, infrastructure services such as parks, crime prevention, education, affordable housing, entertainment, the arts and cultural centers, highways, streets, sewer and water services as well as developing our community as a center for commerce, cultural, industrial and heritage tourism; and

WE THEREFORE URGE YOU, as the City's chief Executive Officer to provide leadership, economic development initiatives, such as New York State Certified apprenticeship programs and professionals that will promote economic self-sufficiency, economic self-reliance through employment, small business development, turning Brownfields into Greenfields, shovel ready sites for developers to develop, and home ownership in and for the African American community, as your administration must empower and provide equal opportunity in the area of economic development, which is inclusive of and sensitive to the needs of the African American community; in order to change lives and improve the living conditions in our community; thereby empowering all people to achieve the dream of economic sustainability and stability in the City of Niagara Falls; and

WHEREAS, the DePaul, Community Missions proposal fails to meet the vision of the residents of the Highland Avenue Community.

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

ADOPTED

RESOLUTION: REGIONAL BIKE SHARING PROGRAM, EXPANSION, 2019-83  
BY: COUNCIL MEMBER KENNEDY, CHAIRMAN TOUMA

Agenda Item #17

WHEREAS, a Project for the Expansion of the Regional Bike Sharing Program P.I.N. 5762.32 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Project's Scoping and Preliminary Engineering phase of the Project.

NOW, THEREFORE, the City Council of the City of Niagara Falls, New York, duly convened does hereby

RESOLVE, that the City Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the City Council hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the federal and non-federal share of the cost of work for the Project or portions thereof; and it is further

RESOLVED, that funds are hereby appropriated and made available to cover the cost of participation in the Preliminary Engineering and Construction/Construction Inspection phases of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the City Council of Niagara Falls shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Mayor of the City of Niagara Falls be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Niagara Falls with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: MORATORIUM ON APPLICATIONS FOR MULTI-TENANT/SUPPORTATIVE HOUSING PROJECTS, LOCAL LAW, PUBLIC HEARING, 2019-84

BY: COUNCIL MEMBERS KENNEDY, SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #18

RESOLVED, that Local Law No. \_\_\_ for the year 2019 be introduced, and that a public hearing be held on such Local Law on the 13th day of November, 2019 at 6:00 p.m. in the Council Chambers of the City of Niagara Falls, New York and that three (3) days notice of said hearing be published in the Niagara Gazette preceding said hearing relative to adopting a local law authorizing a moratorium on applications for multi-tenant/supportative housing projects and dwellings within the north end, Highland Avenue area of the City of Niagara Falls (Local Law on file in the City Clerk's Office).

Yeas

4

Kennedy, Scott, Tompkins, Chairman Touma

Nays

1

Voccio

ADOPTED

COMMUNITY DEVELOPMENT: SECTION 8 LEASED HOUSING PROGRAM, PHA, ADMIN. PLAN POLICY AMENDMENTS

Agenda Item #19

Title 24 of the Code of Federal Regulations, Part 982 "Section 8 Tenant-Based Assistance: Housing Choice Voucher Program," Section 54 "Administrative Plan," requires the City of Niagara Falls Public Housing Authority (PHA) to, "[Adopt a written administrative plan (on file in the City Clerk's Office) that establishes local policies for administration of the program in accordance with HUD [U.S. Department of Housing and Urban Development] requirements. The administrative plan and any revisions of the plan must be formally adopted by the PHA Board of Commissioners or other authorized PHA officials."

The City of Niagara Falls PHA, administered by the Department of Community Development Section 8 Leased Housing Program, adopted a written administrative plan on November 16, 2016. The administrative plan states that, "The PHA will review the plan at least once a year, and update if needed, to reflect changes in regulations, PHA operations, or when needed to ensure staff consistency in operation" (1-III.D. "Updating and Revising the Plan," p. 1-15).

After annual review of the written administrative plan, the Section 8 Leased Housing Program proposes amendments to the following policies found in the City of Niagara Falls PHA Administrative Plan: Chapter 4: Applications, Waiting List and Tenant Selection

- Policy on Applying for Assistance (4-I.B. "Applying for Assistance," p. 4-3)
- Policy on Special Admissions (4-III.B. "Selection and HCV Funding Sources," p. 4-13)
- Policy on Local Preferences (4-III.C. "Selection Method," p. 4-14)
- Policy on Order of Selection (4-III.C. "Selection Method," p. 4-15)

#### Chapter 7: Verification

- Policy on Written Third-Party Verification Form (7-I.D. "Third-Party Written and Oral Verification," p. 7-7)

#### Chapter 8: Housing Quality Standards and Rent Reasonableness Determinations

- Policy on Inspection Costs (8-II.A. "The Inspection Process Overview," p. 8-10)

#### Chapter 9: General Leasing Policies

- Policy on Rent Increases (9-I.H. "Changes in Lease or Rent," p. 9-14)

#### Chapter 10: Moving with Continued Assistance and Portability

- Policy on Participant Families (10-II.B. "Initial PHA Role," p. 10-9)

#### Chapter 16: Program Administration

- Policy on Informal Hearing Officer (16-III.C. "Informal Hearings for Participants," p. 16-18)

Will the Council vote to approve and adopt the proposed amendments in this item and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas

5

Nays

0

APPROVED



There being no further business to come before the Council,  
Chairman Touma adjourned the Meeting at 8:25 P.M.

Lisa A. Vitello  
City Clerk



**NOVEMBER 7, 2019**

**BUDGET WORK SESSION-AMENDMENTS #1**

**NIAGARA FALLS, NEW YORK**

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The November 7, 2019 Budget Work Session of the Niagara Falls City Council was called to order at 5:00 p.m. in the Council Chambers by Council Chairman Andrew Touma.

Present:

Council Members William Kennedy, Ezra Scott Jr., Kenney Tompkins, Chris Voccio, Chairman Andrew Touma

Also Present:

Corporation Counsel Craig Johnson, Deputy Counsel Thomas O'Donnell, City Controller Daniel Morello

The Council passed 11 amendments to the 2020 proposed budget.

There being no further business to come before the Council, Chairman Touma adjourned the meeting at 5:35 p.m.

Lisa A. Vitello  
City Clerk

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**NOVEMBER 14, 2019**

**BUDGET WORK SESSION-AMENDMENTS #2**

**NIAGARA FALLS, NEW YORK**

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The November 14, 2019 Budget Work Session of the Niagara Falls City Council was called to order at 5:00 p.m. in the Council Chambers by Council Chairman Andrew Touma.

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

Also Present: Corporation Counsel Craig Johnson, Deputy Counsel Thomas O'Donnell, City Controller, Daniel Morello

The Council passed 4 Amendments

There being no further business to come before the Council, Chairman Touma adjourned the meeting at 6:05 p.m.

Lisa A. Vitello  
City Clerk

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**NOVEMBER 21, 2019**

**BUDGET WORK SESSION-AMENDMENT #3** **NIAGARA FALLS, NEW YORK**

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The November 21, 2019 Budget Work Session of the Niagara Falls City Council was called to order at 5:00 p.m. in the Council Chambers by Council Chairman Andrew Touma.

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

Also Present: Corporation Counsel Craig Johnson, Deputy Corporation Counsel Thomas O'Donnell, Controller Daniel Morello

The Council passed 17 amendments to the 2020 proposed Budget.

There being no further business to come before the Council, Chairman Touma adjourned the meeting at 6:15 p.m.

Lisa A. Vitello  
City Clerk

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**NOVEMBER 13, 2019**  
**REGULAR COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

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The Legislative session of the November 13, 2019 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:00 P.M. in the Council Chambers.

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

Also present: Mayor Paul A. Dyster, Acting City Administrator Douglas Janese, 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 Meetings of October 16, 2019 and October 29, 2019.

Yeas	5
Nays	0
APPROVED	

Chairman Touma announced a Special Order of Business, a Public Hearing relative to Adopting a Local Law authorizing a Moratorium on Applications for Multi-Tenant/Supportative Housing Projects and Dwellings within the North End, Highland Avenue area of the City of Niagara Falls and asked if there were any speakers relative thereto and the following spoke:

Donta Myles  
Mark Baetzhold  
Lacory Edwards  
Renae Kimble

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

Thad Komorowski	Agenda Item #7
Ron Anderluh	DPW: Independent Parking Division
Carol Meadows	Auction Property

**Administrative Update:**

Acting City Administrator, Douglas Janese, gave an update on storm clean-up, salt and copy machine leases. Contracts for copy machine leases are partnered with the Niagara County and the Niagara Falls Water Board which translates into a savings for the City.

The contract for road salt is a State contract and has been for decades.

Mayor Paul Dyster updated Council on the Seneca dispute. The US District ruled in favor of New York State in regards to casino payments.

**City Controller Report:**

Daniel Morello, City Controller gave an update on tribal funds and revenue.



The Corporation Counsel presented one item to be amended.  
Item # 15 was amended to add an attachment

Yeas	5
Nays	0
APPROVED	
Item #15 was amended	

The Corporation Counsel presented an item to be added to the agenda:

Local Law authorizing a Moratorium on Applications for Multi-Tenant/ Housing Project in the North End Highland Avenue Area.

Yeas	5
Nays	0
APPROVED	
The item was added as Agenda Item #19	

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK CLAIMS FOR THE MONTH OF OCTOBER 2019

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

JINGLE FALLS: DÉCOR ENHANCEMENTS, FUNDING

Agenda Item #2

The Jingle Falls Committee has requested that the City acquire decorative holiday items to be placed in various downtown locations off Old Falls Street. Attached (on file in the City Clerk's Office) is a list of the items to be purchased as well as a cost breakdown.

The amount requested to purchase these items total \$6,105.00. Funding is available from the tourism fund balance. The Conference and Event Center / Old Falls Team is willing and able to set-up and store all of these additional items. This request has been reviewed and approved by the Tourism Advisory Board.

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: CAYUGA YOUTH ATHLETIC ASSOCIATION, LEASE OF VACANT REAL ESTATE

Agenda Item #3

During the City Council meeting on October 17, 2018, the City Council approved a request from the Niagara Falls Community Development Director to enter into a lease with CYAA so that it could construct new baseball diamonds and other improvements to enhance its little league program while also allowing the City to recover this real estate if a "higher and better use" presented itself. Attached (on file in the City Clerk's Office) is a copy of that City Council approval.

Following much discussion with CYAA and taking into consideration the fact that CYAA plans to invest considerable sums of money to improve this real estate, City personnel involved in these discussions have agreed in principle with the CYAA that in order to allow CYAA time to recoup its investment, the City would not exercise its right to recover this real estate during the first fifteen (15) years of the term of the Agreement. The total term of the Agreement is for thirty (30) years with four (4) five (5) year extension periods. Attached hereto is a copy of a draft Lease Agreement without Exhibits.

Will the Council so approve and authorize the Mayor to execute the Lease Agreement provided the same is in form and content acceptable to the Corporation Counsel?

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

Yeas

5

Nays

0

APPROVED

#### CODE ENFORCEMENT: EMERGENCY DEMOLITIONS, FUNDING

##### Agenda Item #4

The Acting Director of Code Enforcement advises that his budget line item for performing emergency demolitions is all but depleted. Because it is necessary to have funding available to perform emergency demolitions as a result of fires and various other issues, it is requested that the sum of \$150,000.00 be transferred from casino revenues to the Office of Code Enforcement's emergency demolition capital account line.

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

#### CITY COUNCIL OFFICE: TEMPORARY ASSISTANCE, FUNDING

##### Agenda Item #5

The Executive Assistant to the Niagara Falls City Council resigned effective August 9, 2019 and was not in the office for several days preceding that day. That position has not been filled and remains vacant. In an effort to keep the business of the City Council continuing, the City Clerk assumed many of the duties of the Executive Assistant including the handling of phone calls to the City Council Office, handling various requests from City Council members, the preparation of various City Council items, including tasks related to the budget administration process.

A similar situation was presented in November of 2017 following the resignation of the then Executive Assistant to the City Council and the City Clerk was provided additional compensation at that time for assuming additional duties. It is therefore requested that the City Clerk be compensated for assuming these additional responsibilities at the rate of \$500.00 per month retroactive to August 2019. The total amount of this additional compensation is \$2,500.00 plus FICA, and is available from the City Council bi-weekly pay line.

Will the Council so approve?

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

Yeas

3

Scott, Tompkins, Chairman Touma

Nays

2

Kennedy, Voccio

APPROVED

#### DOWNTOWN CENTRAL TOURISM DISTRICT: LIGHT POSTS/TREES, IMPROVEMENTS, FUNDING

##### Agenda Item #6

Earlier this year, various City officials took a walking tour of the Downtown Central Tourism District and identified various public utilities and streetscape amenities that had been damaged. It is necessary to replace some thirty-three (33) dead or missing trees as well as ten (10) missing or broken light posts in this geographic area.

The total amount necessary to undertake and complete this project is \$54,852.45. Funding is available in the tourism fund balance. This request has been reviewed and approved by the Niagara Falls Tourism Advisory Board. Attached hereto (on file in the City Clerk's Office) is a detailed list by location of the various trees and light posts to be replaced.

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

CODE ENFORCEMENT DEPARTMENT: CODE ENFORCEMENT OFFICER, APPOINTMENT

Agenda Item #7

An opportunity has presented itself for an employee in the Department of Community Development to transition to the Department of Code Enforcement as a Code Enforcement Officer certified by New York State on a provisional basis pending an examination. This employee is now paid with a Zombie 2.0 grant which is a two (2) year grant that commenced in 2019 and runs through June 30, 2021. In order to assist the Department of Code Enforcement with its work load, it is desirable for this individual to undertake duties in the Department of Code Enforcement effective November 18, 2019 with funding from this grant. It is estimated that the amount to be funded from this grant for this new position is \$5,718.00 in salary plus an additional \$438.00 in FICA for a total of \$6,156.00 and will cover the period of time from November 18, 2019 through December 31, 2019. The grant will also reimburse the City for the cost of all other employee benefits such as health insurance and retirement system contributions.

Will the Council allow for the creation of this new Code Enforcement Officer position in the Department of Code Enforcement and allow this individual to transition into service in that department on November 18, 2019?

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

Yeas

5

Nays

0

APPROVED

UNIFORMED FIREFIGHTERS ASSOCIATION, LOCAL 714: 2019-2024 MOA, AMENDMENT

Agenda Item #8

Attached (on file in the City Clerk's Office) please find the proposed Amendment to the 2019 - 2024 Memorandum of Agreement between the City of Niagara Falls and the Uniformed Firefighters Association, Local 714 ("Union"), relative to staffing and temporary financial concessions. The original agreement was approved by the City Council on October 30, 2018; the proposed Amendment provides for a more efficient and economical procedure for paying out retiree buy-outs. Otherwise, there are no other substantive changes to the original agreement and all of its remaining terms will remain in full force and effect.

The requirements in the proposed agreement will maintain departmental continuity and has been approved and recommended by the Fire Chief.

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

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

Yeas

4

Kennedy, Scott, Tompkins, Chairman Touma

Nays

1

Voccio

APPROVED

NF FIRE DEPARTMENT OFFICERS ASSOCIATION, LOCAL 3359: 2019-2014 MOA,  
AMENDMENT

Agenda Item #9

Attached (on file in the City Clerk's Office) please find the proposed Amendment to the 2019 - 2024 Memorandum of Agreement between the City of Niagara Falls and the Niagara Falls Fire Department Officers Association, Local 3359 ("Union"), relative to staffing and temporary financial concessions. The original agreement was approved by the City Council on October 30, 2018; the proposed Amendment provides for a more efficient and economical procedure for paying out retiree buy-outs. Otherwise, there are no other substantive changes to the original agreement and all of its remaining terms will remain in full force and effect.

The requirements in the proposed agreement will maintain departmental continuity and has been approved and recommended by the Fire Chief.

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

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

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

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

MAYORS APPROVAL OF RESOLUTION 2019-81

Agenda Item #10

THIS ITEM WAS RECEIVED AND FILED

COMMISSIONER OF DEEDS: APPOINTMENTS

Agenda Item #11

The following have requested City Council approval for Commissioner of Deeds for a term from January 1, 2020 to December 31, 2021.

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

John S. Conti	NFPD
Raymond Dashineau	Code Enforcement
Daniel Jones	NFPD
Paul Kudela	NFPD
Thomas Licata	NFPD
Paul Martell	Community Development
Kristina M. Zell	NFPD
Rocco D. Zendano, Jr.	City Marshal-444 23 <sup>rd</sup> St., NF,NY 14303
William Carroll	4420 Lewiston Rd. Niagara Falls, NY 14305
Kaylee Ryan	360 North 3 <sup>rd</sup> St., Lewiston, NY 14092 - wk. NF
Gradycia Williams	8672 Griffon Ave., Niagara Falls, NY 14304

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

Yeas	5
Nays	0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

TRAFFIC ADVISORY COMMISSION: APPOINTMENT

Agenda Item #12

Kindly be advised that the following Traffic Advisory Commission member's term in office is about to expire:

Robert Ventry	Expires	12/31/19
1884 Niagara Avenue		

Therefore, I am requesting that Robert Ventry be re-appointed to this Board for a term of five years, to expire on 12/31/2024. Mr. Ventry has previously served on this Board and has expressed his willingness to serve.

Please take the necessary steps to advise Council members so they may act accordingly to update this Board. If you have any questions, please feel free to contact me at 286-4853.

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

Yeas	5
Nays	0
	APPROVED

TRAFFIC ADVISORY COMMISSION: APPOINTMENT

Agenda Item #13

Kindly be advised that the following Traffic Advisory Commission member's term in office is about to expire:

Alysia Welch-Chester	Expires	12/31/19
P.O. Box 1004		

Therefore, I am requesting that Alysia Welch-Chester be re-appointed to this Board for a term of five years, to expire on 12/31/2024. Ms. Welch-Chester has previously served on this Board and has expressed her willingness to serve.

Please take the necessary steps to advise Council members so they may act accordingly to update this Board. If you have any questions, please feel free to contact me at 286-4853.

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

Yeas	5
Nays	0
	APPROVED

TRAFFIC ADVISORY COMMISSION: APPOINTMENT

Agenda Item #14

Kindly be advised that the following Traffic Advisory Commission member's term in office is about to expire:

Schurron Cowart	Expires	12/31/19
151 Buffalo Avenue #1401		

Therefore, I am requesting that Schurron Cowart be re-appointed to this Board for a term of five years, to expire on 12/31/2024. Ms. Cowart has previously served on this Board and has expressed her willingness to serve.

Please take the necessary steps to advise Council members so they may act accordingly to update this Board. If you have any questions, please feel free to contact me at 286-4853.

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

Yeas  
Nays

5  
0  
APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL  
IN REM AUCTION: BIDS, OCTOBER 9, 2019, APPROVAL

Agenda Item #15

Attached (on file in the City Clerk's Office) is the list of bids from the October 9, 2019 auction.

With respect to Schedule A properties, Ward 04, Pro 1266; Ward 04, Pro 1414; Ward 05, Pro 0722; Ward 05, Pro 3009; Ward 05, Pro 4774; Ward 06, Pro 0593; Ward 06, Pro 0628; Ward 09, Pro 0699; Ward 09, Pro 3766; Ward 10, Pro 0094B; Ward 10, Pro 0526; Ward 10, Pro 0559; Ward 10, Pro 1497; Ward 10, Pro 1549; Ward 10, Pro 1600B; Ward 12, Pro 5132; Ward 12, Pro 8052; Ward 12, Pro 8053; Ward 13, Pro 0023; Ward 13, Pro 0089; Ward 13, Pro 0121; Ward 13, Pro 0273A; Ward 13, Pro 1144; Ward 13, Pro 1145; Ward 13, Pro 1161; Ward 13, Pro 1594; Ward 14, Pro 5305; Ward 14, Pro 5307; Ward 14, Pro 6003H; Ward 14, Pro 8235 and with respect to Schedule C properties, Ward 06, Pro 3262; Ward 09, Pro 0389; 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 the exception of the above, we recommend that the bids for Schedule A and Schedule C properties be approved. The bids for Schedules B and D 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  
Nays

5  
0  
APPROVED

CLAIM: COWE, JENNIFER

Agenda Item #16

Date Claim Filed:	September 26, 2019
Date Action Commenced:	N/A
Date of Occurrence:	September 13, 2019
Location:	162 80 <sup>th</sup> Street, Niagara Falls, NY.
Nature of Claim:	A tree branch from a City tree fell on claimant's home and damaged a grounding electrical box, cables and meter channel.
Status of Action:	N/A
Recommendation/Reason:	The tree had been deemed hazardous and was on a tree removal list.
Amount to be Paid:	\$2,149.00
Make Check Payable to:	Jennifer Cowe
Conditions:	General Release to City approved by Corporation Counsel.

It is the recommendation of this Department that the above settlement 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  
Nays

5  
0  
APPROVED

CLAIM: NATIONAL FUEL GAS DISTRIBUTION CORP.

Agenda Item #17

Date Claim Filed: October 17, 2019  
Date of Occurrence: August 30, 2019  
Location: 2427 Grand Avenue, Niagara Falls, NY  
Nature of Claim: DPW- Forestry Dept. was removing a tree stump and struck a fuel line imbedded in the stump causing line damage and gas loss.  
City Worker: Marcus Perry  
Recommendation/Reason: Best interest of City to pay claim.  
Amount to be Paid: \$205.54  
Make Check Payable to: National Fuel Gas Distribution Corporation.  
Conditions: General Release to City approved by Corporation Counsel.

It is the recommendation of this Department that the above settlement 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

LOCAL LAW: REMOVE FROM THE TABLE

Item #18

NO ACTION TAKEN ON THIS ITEM

LOCAL LAW

LOCAL LAW AUTHORIZING A MORATORIUM ON APPLICATIONS FOR MULTI-TENANT/SUPPORTATIVE HOUSING PROJECTS AND DWELLINGS WITHIN THE NORTH END, HIGHLAND AVENUE AREA OF THE CITY OF NIAGARA FALLS, 2019-85  
BY: COUNCIL MEMBERS KENNEDY, SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #19

BE IT ENACTED by the City Council of the City of Niagara Falls as follows:

1. PURPOSE
  - a) It is the purpose of this Local Law to protect the public interest for the City of Niagara Falls to designate certain areas within the confines of the City as zones for commercial, heritage, residential purposes.
  - b) It is the further purpose of this local law to allow time for the City of Niagara Falls City Council, Zoning Board, Planning Board, Community Development, Economic Development and Planning Departments to examine the zoning designations and/or Specific uses of areas within the City of Niagara Falls, and as it relates to this proposed Local Law, what the effects of multi-tenant/supportative housing units on the commercial, economic, business, tourism, heritage growth of the Highland Avenue area, Census Tract 202 and the recently created Suspension Bridge District Community and its effect on the Comprehensive Development/Revitalization Plan for the City's Downtown area.
2. LEGISLATIVE FINDINGS:

Professionals are currently engaged by the City of Niagara Falls to assist with the development of the Suspension Bridge District Downtown Revitalization initiative. The administration has stated to Empire State Development Corporation in a letter dated May 28, 2019: "I am firmly convinced that implementation of the Suspension Bridge District Downtown Revitalization Initiative will ensure leveraging recent public investment, which includes the removal of the Robert Moses Parkway, construction of the International Amtrak Railway Station, and ecological restoration of the Niagara Gorge sets the stage for the private sector to fuel the community's vision of a 'vibrant downtown' in the Suspension Bridge District."

The administration continued, "The Suspension Bridge District is aptly named to combine the legacy of the Suspension Bridge and the current Whirlpool Rapids Bridge crossing. The District is in a critical location for connecting neighborhoods to each other and to international communities.

- The DeVeaux and Highland residential neighborhoods - two very different areas that currently lack a neighborhood shopping and dining district
- Niagara Falls State Park and Niagara River Gorge
- Multiple Niagara Greenway tourism amenities and adjacent visitor economy
- Niagara Falls, Ontario, Canada

"In addition, the District features one of the most important transportation hubs in Western New York with the ability to move people in and out of the region, while providing a distribution point for local multi-modal transportation."

"The projects and strategies we have developed as part of our Downtown Revitalization Initiative are forward thinking and impactful. They are just the beginning of the complete transformation of the Suspension Bridge District and surrounding areas."

"In summary, the City of Niagara Falls takes an aggressive, yet thoughtful approach to economic and community development."

"Thoughtful approach to economic and community development", is the key and the basis of the City Council's rationale to enact this moratorium.

According to a press release from Governor Cuomo's office, "Niagara Falls has a local planning committee made up of municipal representatives, community leaders and other stakeholders who will lead the effort, supported by private sector experts and state planners. The Strategic Investment Plan to revitalize downtown with up to \$300,000 in planning funds from the \$10 million Downtown Revitalization Initiative grant will examine local assets and opportunities and identify economic development, transportation, housing and community projects that align with the community's vision for downtown revitalization."

The Highland Avenue community is the gateway to the Suspension Bridge District Downtown Revitalization Project is less than one mile away from the Whirlpool Rapids Bridge. The Highland Avenue community connects two districts into one cohesive economic development agenda, (the Suspension Bridge District and DeVeaux) which is to revitalize the entire North End Suspension Bridge District region, downtown and the Robert Moses/state parks region as one economic development footprint.



Collaborative initiatives for the three areas which bring economic growth, small business job creation and focuses on cultural/heritage tourism industry will uplift the quality of life for the entire area. This is the only way for effective revitalization of the city's downtown area to take place. The Highland Avenue community is the corridor and the key to the Whirlpool Rapids Suspension Bridge District Downtown Revitalization. The Highland Avenue community is the glue that holds the entire Suspension Bridge District Downtown Revitalization Initiative together. There has to be a continuum of economic development, community development and revitalization synergy which is compatible among the three areas of the city for the downtown development initiative to work.

Supportative housing is not the answer. It will bring a host of social and criminal ills to the area that weaken the tax base and hinder the progressive plans envisioned for the downtown, waterfront, state parks and Underground Railroad initiatives envisioned by the community and the Administration for a vibrant heritage and cultural tourism mecca in the City.

There is significant opposition to the supportative housing plan which was demonstrated at two public meetings. One meeting was held on March 21, 2019 at St. John AME Church and the other meeting was held at City Hall at the Planning Board Meeting on October 23, 2019. Such opposition led to the tabling of the DePaul/Community Missions Supportative Housing proposal to review and re-evaluate the completeness of the application submitted at the Planning Board Meeting.

The Administration, City Council, Zoning Board, Planning Board, Departments of Economic Development, Community Development, Planning and Environmental Services Departments, as well as the Downtown Revitalization Initiative Grant Planning Committee must take into consideration the negative impact that this housing project will not only have in the but the North End but the adverse and negative impact that will spill over to the Suspension Bridge District Downtown Revitalization Project.

The boards, commissions, departments, planning committees must now take into account the current zoning regulations, environmental impact, economic development impact, community revitalization impact, etc., that supportative housing project will have to the overall vision of heritage tourism, waterfront development, business development, commerce, and international impact to the revitalization of the Suspension Bridge District, Highland Avenue and DeVeaux areas of the City.

The Suspension Bridge District Initiative is designed to develop attractions which will attract a more affluent visitor to our City which will sustain the creation of an entertainment, dining, cultural arts, and cultural heritage tourist corridor, which connects Highland, DeVeaux and the downtown Suspension Bridge District communities for a positive economic spill over which will uplift the quality of life and provide the economic and community development renaissance of the downtown and North End of our City which is so desperately needed.

### 3. AFFECTED AREA

This Local Law is applicable to the Highland Avenue, North End of the City of Niagara Falls, Census Tract 202, and how the applicable zoning, environmental, planning laws as well as any other law or ordinance adversely impacts that area, and the adverse spill over affects to the Suspension Bridge District Downtown Development Initiative.

#### 4. MORATORIUM

1. Effective immediately and continuing for a period of six (6) months, following the date on which this Local Law is filed with the Secretary of State, no member of the Administration, City Council, Community Development Department, Economic Development Department, Planning Department, Environmental Services Department, Zoning Board, Planning Board, Suspension Bridge District Planning Committee of the City of Niagara Falls and all other City agencies and personnel shall accept for review, continue review, hold a hearing, vote, revisit a tabling motion, or make any decision upon any application for supportative housing whether that application was submitted prior to or after the effective date of this law. The state statutory and locally-enacted time periods for processing and making decisions and all aspects of approval (including but not limited to pre-preliminary, preliminary, and final subdivision plats) for supportative housing are suspended and stayed while this local law is approved by the City Council, and is in effect.

2. No board, commission, agency, department, officer, employee, consultant, or agent of the City of Niagara Falls shall accept for review, continue review, hold a hearing on, continue a hearing, remove from the table, or make any decision upon any application for site plan approval, or special permit approval involving the building, demolition, creation, or replacement of a dwelling unit for supportative housing, whether said application was submitted prior to or after the effective date of this local law. The state statutory and locally-enacted time periods for processing and making decisions on all aspects of applications for site plan approval and special permits as indicated are suspended and stayed while this local law is in effect.

#### 5. DURATION

The provision of this local law shall be in effect for a period of six (6) months from the effective date. Please note, this term may be extended for a cumulative period of up to an additional six (6) months, if necessary, by resolution of the City Council.

#### 6. EFFECT ON OTHER LAWS

To the extent that any law, ordinance, rule, or regulation, or parts thereof, are in conflict with the provisions of this Local Law, this Local Law shall control and supersede such law, ordinance, rule, or regulation.

#### 7. SEVERABILITY

Should any provision of this Local Law be declared by the Courts to be unconstitutional or invalid, such a decision shall not affect validity of this Local Law as a whole or any part thereof other than the parts so decided to be unconstitutional or invalid.

#### 8. EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

Yeas

4

Kennedy, Scott, Tompkins, Chairman Touma

Nays

1

Voccio

ADOPTED

There being no further business to come before the Council,  
Chairman Touma adjourned the Meeting at 8:05 P.M.

Lisa A. Vitello  
City Clerk



NOVEMBER 21, 2019

SPECIAL COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The November 21 2019 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman at 5:15 PM in the Council Chambers.

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

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



City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

November 14, 2019

Members of the City Council  
and  
Lisa Vitello, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on Thursday, November 21, 2019 at 5:15 p.m. (immediately following scheduled budget meeting) in Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

*Remove from table Local Law related to Residential, Commercial and Institutional User Fees for Refuse Collection and Recycling*

Respectfully submitted,

  
Andrew Touma, Chair

Printed Name: Andrew Touma

Approval to remove from the Table, Local Law related to Residential, Commercial and Institutional User Fees for Refuse Collection and Recycling.

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

There being no further business to come before the Council, Chairman adjourned the Meeting at 5:27 PM.

Lisa A. Vitello  
City Clerk



DECEMBER 9, 2019

SPECIAL COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The December 9, 2019 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Touma at 5:15 PM in the Council Chambers.

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

Also Present: Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello



## City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

December 2, 2019

Members of the City Council  
and  
Lisa Vitello, City Clerk

Council Members:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on Monday, December 9, 2019 at 5:15 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. To reconsider budget amendments vetoed by the Mayor that are attached hereto and vote to accept or reject the Mayor's vetoes.

Respectfully submitted,

  
ANDREW TOUMA,  
Council Chair



Printed on Recycled Paper



The Council voted on 10 vetoed items (6,8,10,11,13,14,16,20, 21,24) in the 2020 budget overriding and adopting all items.

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 5:35 PM.

Lisa A. Vitello  
City Clerk



DECEMBER 11, 2019

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The Legislative session of the December 11, 2019 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:00 P.M. in the Council Chambers.

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

Also present: Mayor Paul A. Dyster, 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 Budget Work Session-Amendments #1 of November 7, 2019; Council Meeting of November 13, 2019; Budget Work Session-Amendments #2 of November 14, 2019; Budget Work Session-Amendments #3 of November 21, 2019.

Yeas

5

Nays

0

APPROVED

Proclamations were presented to:

Mayor Paul Dyster for his 12 years of service to the City of Niagara Falls

Councilman Ezra Scott, Jr. for his 4 years of service as a Niagara Falls City Council Member

Jy'Kwaun Platt for his civic responsibility, bravery and leadership for assisting a neighbor in distress.

Presentations: none

Administrative Update:

Mayor Paul Dyster gave an update on the Rainbow Mall, Empire State Development.

The Mayor also reminded residents that the Jingle Falls Celebration will continue this weekend with activities and events on Old Falls Street and ending with the Santa Con Celebration.

Controllers Report: none

Corporation Counsel presented one item to be added to the Agenda. "Relative to Updated Use and Dissemination Agreement between the City and the New York State Division of Criminal Justice Services"

Yeas

5

Nays

0

APPROVED

The item was added as Agenda Item #18



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

Ron Anderluh	Agenda Items #11, #12
Bruce Ikefugi	Agenda Item #14
Ron Anderluh	Parking; Illegal Dumping
Nick Baio	Expo 2020; Winter Events
Chris Smith	Harriet Tubman
Donta Myles	Modern Disposal

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF OCTOBER 2019

Agenda Item #1  
THIS ITEM WAS RECEIVED AND FILED

CITY CLERK CLAIMS FOR THE MONTH OF NOVEMBER 2019

Agenda Item #2  
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

APPROVAL OF APPOINTMENTS TO THE PLANNING BOARD

Agenda Item #3  
For your information, there are three Planning Board seats whose terms expire as of December 31, 2019. The following individuals hold these seats.

1. Mr. Willie Dunn
2. Mr. Charles MacDougall
3. Mr. Michael Murphy

While the Niagara Falls City Council has sole prerogative in appointing individuals to serve on the NF Planning Board, I am happy to recommend Mr. Michael Murphy, and Mr. Charles MacDougall for re-appointed to the Planning Board for another three-year term. Appointments to these seats will expire on 12/31/2023.

Both of 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 and have shown growth during their time on the Board.

If you have any questions or concerns, please feel free to contact me at extension 4477.

THIS ITEM WAS RECEIVED AND FILED

APPROVAL OF THE CONTRACT TO NUTTALL GOLF CARS, INC. FOR FUNDING FOR THE PURCHASE OR LEASE OF UTILITY VEHICLES

Agenda Item #4

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

TO:	Nuttall Golf Cars, Inc.
	5543 Route 14, P.O. Box 21
	Sodus, New York 14551
FOR:	Five (5) year lease of seven (7) utility vehicles as described on the attached tally sheet (on file in the City Clerk's Office).
Lease price per year:	\$ 12,230.64
Grand total for life of lease:	\$ 61,153.20

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 bid packages were sent to ten (10) vendors. Three (3) responses were received. The above referenced company submitted the lowest bid.

Funds for this expenditure are included in the DPW Parks and Parking account codes A.7110.3450.0440.003 and PO.1720.2560.0440.003 respectively.

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

APPROVAL OF THE CONTRACT TO PREFERRED MATERIALS, LLC FOR FUNDING FOR PURCHASE OF CONCRETE

Agenda Item #5

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

TO: Preferred Materials, LLC

P.O. Box 583

Niagara Falls, New York 14304

FOR: Concrete as described on the attached tally sheet (on file in the City Clerk's Office)

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 bid packages were sent to six (6) vendors. Two (2) responses were received. The above referenced company submitted the lowest bid. Please reference the attached tally sheet for bid submission details.

Funds for this expenditure are included in the DPW Construction and Repair account code A.5110.0200.0419.006.

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

APPROVAL OF THE CONTRACT TO DCB ELEVATOR COMPANY, INC. FOR FUNDING FOR MAINTENANCE OF ELEVATORS AND DUMBWAITERS

Agenda Item #6

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

TO: DCB Elevator Company, Inc.

P.O. Box 426

Lewiston, New York 14092

FOR: Monthly Maintenance of City of Niagara Falls Elevators (Items #1 - #10 per the attached tally sheet) (on file in the City Clerk's Office) \$ 3115.00

Emergency Call Back Service (per hour) \$ 325.00

This is a one (1) year agreement which will renew automatically annually for up to four (4) additional years unless cancelled by either party.

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 eight (8) vendors. Three (3) bids were received. Please reference the attached tally sheet for bid submission details.

Funds for this expenditure are included in various "Repair to Equipment" codes ending in 0444.000.

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

APPROVAL OF CHANGE ORDER #1 IN THE CONTRACT TO SCRUFARI CONSTRUCTION CO. LLC FOR FUNDING OF CONSTRUCTION OF FIRE TRAINING TOWER

#### Agenda Item #7

A contract for the above referenced project was awarded to Scrufari Construction Co. LLC on May 29, 2019, in the amount of \$338,250.00.

During construction, the local electric provider, National Grid, informed the City that the originally selected utility pole for providing electric service to the new structure was insufficient. The pole then designated by National Grid was further away from the project site, thus the Contractor incurred extra expense in trenching, wiring and conduit to connect the new power. In addition, some piping, panelboard and conduit alterations were required on the interior of the tower to ensure code compliance. These changes will result in an additional \$20,518.00, bringing the total contract amount to \$358,768.00. Funding is available from tribal revenue.

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

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

Yeas

5

Nays

0

APPROVED

APPROVAL OF EXTENSION OF THE CONTRACT WITH THE SPCA ON A MONTHLY BASIS

#### Agenda Item #8

The City's agreement for sheltering services with the NSPCA expires at the end of December, 2019. Discussions have commenced with the NSPCA as concerns a new agreement for calendar year 2020 and the cost of those services. The Executive Director of the NSPCA is in the process of putting together a proposal to the City for calendar year 2020. Until such time as an agreement with the NSPCA for calendar year 2020 is in place, it is recommended that the existing agreement with the NSPCA be continued on a month to month basis. Attached hereto (on file in the City Clerk's Office) is a copy of the agreement now in place.

Will the Council so approve and authorize the Mayor to execute an Extension Agreement provided the same as in form satisfactory to the Corporation Counsel

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

Yeas

5

Nays

0

APPROVED

APPROVAL OF THE CONTRACT BETWEEN THE CITY OF NIAGARA FALLS AND RDS SERVICES LLC.

Agenda Item #9

Effective April 5, 2019 the City entered into an agreement for Retiree Drug Subsidy Re-Opening Services with RDS Services, LLC ("RDS"). While the underlying agreement with RDS addresses the confidentiality of the information accessed by RDS, it also calls upon RDS to enter into a "Business Associate Agreement" with the City which specifically addresses information protected by HIPPA. The work performed by RDS pursuant to the underlying agreement has not yet commenced nor has any confidential information then provided to RDS nor have they been paid any dollars by the City. Attached hereto (on file in the City Clerk's Office) is a copy of this proposed "Business Associate Agreement."

Will the Council so approve and authorize the Mayor to execute this Agreement provided the same as 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

APPROVAL OF THE CONTRACT BETWEEN UCS AND THE CITY OF NIAGARA FALLS FOR COURT CLEANING AND MINOR REPAIRS

Agenda Item #10

UCS is now establishing a renewal period in the five (5) year term of the City's agreement with UCS for the City to be reimbursed for cleaning and minor repairs in the portion of the building at 1925 Main Street that is occupied by the UCS. The renewal period commences April 1, 2019 and terminates on March 31, 2020. The proposed budget for this period of time calls for UCS to reimburse the City in the amount of \$280,349.00 for services rendered. Attached hereto (on file in the City Clerk's Office) is a copy of the letter agreement renewal together with the budget which is labeled "Appendix B."

Will the Council so approve and authorize the Mayor to execute this renewal letter?

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

Yeas

5

Nays

0

APPROVED

APPROVAL OF FUNDING IN THE EXTENSION OF THE CONTRACT FOR GRANT WRITING SERVICES

Agenda item #11

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, 2017, 2018 and 2019 and has proven very beneficial to the City. It is recommended that for calendar year 2020 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 a communication from the consultant describing various accomplishments and requesting an extension. The fee for those services during 2020 is not to exceed \$40,000.00. Funding is available from the 2020 Planning Environmental and Economic Development Departmental 2020 adopted budget.

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

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY ASSESSOR

APPROVAL OF LOCALLY-ADJUSTED HOMESTEAD & NON-HOMESTEAD PROPORTIONS

Agenda Item #12

In accordance with Resolution 1998-140 relative to the two-tier property tax system that was adopted November 24, 1998 and Section 1903-4c of the Real Property Tax Law, I have calculated the locally adjusted proportions for the City of Niagara Falls 2019 tax levy:

City of Niagara Falls

Homestead	52.22544
Non-Homestead	47.77456

This calculation represents a 20% shift to the homestead class.  
Will the Council so approve?

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

Yeas

4

Scott, Tompkins, Voccio, Chairman Touma

Nays

1

Kennedy

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

APPROVAL TO SETTLE AND PAY CLAIM OF FRANK ESPOSITO

Agenda Item #13

Date Claim Filed:	May 16, 2012
Date of Occurrence:	February 19, 2012
Location:	Niagara Falls Police Department
Nature of Claim:	Personal injuries allegedly sustained during arrest of Plaintiff
Recommendation/Reason:	Best interest to City to settle to avoid continuing defense costs
Amount to be Paid:	\$40,000 and transfer of property acquired during the In Rem auction process located at 1728 Welch Avenue, Niagara Falls, NY
Make Check Payable to:	Phillips Lytle LLP, as attorneys
Conditions:	Settlement Agreement and deed transfer to be 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

APPROVAL OF STATUS OF 424 MEMORIAL PARKWAY, NIAGARA FALLS, NY (THE  
"PREMISES")

Agenda Item #14

Please recall that earlier this year an issue was presented as a result of the transfer of the above referenced Premises by Matthew B. Melcher and Ryan P. Cali to Karen Mock and Noah Munoz because the transfer was not authorized by the City Council. This was an issue because the City's conveyance of the property to Matthew B. Melcher and Ryan P. Cali was specifically approved by the City Council with certain conditions as a result of the transfer which was accomplished pursuant to a Department of Community Development "Home Ownership" auction process.

As requested, this office sent a demand letter to all parties requesting that the Premises be conveyed back to the City because the conditions contained in the deed had not been met and the City Council did not approve the transfer to Karen Mock and Noah Munoz. Rather than deed the property back to the City pursuant to the demand, an attorney was retained by Karen Mock and Noah Munoz and a dialogue has gone back and forth between this office and the attorney for Karen Mock and Noah Munoz that articulated the various defenses Karen Mock and Noah Munoz would set forth in the event the City proceeded to commence an action against the parties to recover the Premises.

The attorney for Karen Mock and Noah Munoz has advised that in an effort to settle this matter, Noah Munoz will agree to abide by the original conditions imposed on the purchasers of the property at the Department of Community Development auction. That is to say that:

1. Noah Munoz only will take title to the Premises immediately and within sixty (60) days of the recording of that deed, he will submit a detailed repair/rehabilitation plan to the City Department of Community Development.
2. Noah Munoz must repair/rehabilitate the property up to code within one (1) year of the date of the recording of the deed and must reside in the Premises for not less than five (5) years from the date of completion of rehabilitation of the property up to code.
3. In the event that Noah Munoz fails to abide by the above mentioned conditions, the Premises will revert to the City.
4. This will be memorialized in the form of a written settlement agreement.

Since these are the conditions that were originally imposed on the original purchasers of the Premises, Matthew B. Melcher and Ryan P. Cali, rather than engage in litigation which may or may not be successful, it is recommended that the City Council approve the detail contained herein. The desired result will be the repair/rehabilitation of the Premises and be owner occupied.

Will the Council so approve?

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

Yeas 2

Scott, Tompkins

Nays 3

Kennedy, Voccio, Chairman Touma

DEFEATED

RELATIVE TO THE 2020 CITY COUNCIL MEETING SCHEDULE  
BY: ALL COUNCIL MEMBERS

Agenda Item #15

THIS ITEM WAS PULLED  
NO ACTION TAKEN

RELATIVE TO NIAGARA RIVER GREENWAY COMMISSION FREDERICK DOUGLASS  
HERITAGE STATUE  
BY: COUNCIL MEMBER SCOTT, CHAIRMAN TOUMA

Agenda Item #16

WHEREAS, the City of Niagara Falls has been awarded a determination of consistency from the Niagara River Greenway Commission for fabrication of Frederick Douglass commemorative statuary and accompanying interpretative plaza with an estimated cost of up to \$280,000; and

WHEREAS, the above project achieves the goal of promoting the city's rich heritage, as called for in the Niagara Falls 2009 Comprehensive Plan, Underground Railroad Heritage Management Plan, the Niagara River Greenway Plan, and to promote the heritage of the former Suspension Bridge Village; and

WHEREAS, although Frederick Douglas was born into slavery in 1818, he would escape that bondage in 1838 educating himself to become a successful author and publisher of his own newspaper, the North Star; and

WHEREAS, Frederick Douglass also became a powerful international orator, speaking promoting the women's suffrage and against slavery, which he did at the First Congregational Church on Erie (Cleveland) Avenue, in 1856, near the Railroad Suspension Bridge, a major crossing point of the Underground Railroad for individuals seeking their basic human rights in Canada; and

WHEREAS, it is the intention to commemorate Frederick Douglass' connections to Niagara Falls and celebrate those connections by placing this permanent honor within the Niagara Falls National Heritage Area, at an appropriate site to be determined in consultation with the commissioned artist; and

WHEREAS, in so doing pays tribute to Douglass as American social reformer, abolitionist, orator, writer, and statesman here, in the City of Niagara Falls, New York; and

WHEREAS, funding is available from Power Authority Greenway Fund for all related project expenses in an amount up totaling \$280,000; and

WHEREAS, this project requires no commitment of City General Funds to implement;

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, and authorizes the Mayor to execute any documents necessary to effectuate the same.

Yeas 2

Scott, Chairman Touma

Nays 3

Kennedy, Tompkins, Voccio

DEFEATED

RELATIVE TO APPOINTMENTS/RE-APPOINTMENTS TO BOARD OF APPEALS, 2019-87  
BY COUNCIL MEMBERS: TOMPKINS, VOCCIO, CHAIRMAN TOUMA

Agenda Item #17

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

<u>Appointment</u>	<u>Term Expires</u>
Steven H. Brown 832 College Avenue Niagara Falls, NY 14305	12/31/2021
Arthur L. Jocoy Jr. 8432 W. Rivershore Drive Niagara Falls, NY 14304	12/31/2022

BE IT RESOLVED, that the following individual is hereby re-appointed to the City of Niagara Falls Zoning Board of Appeals for the term expiring on the date which appears opposite his name:

Charles Walker  
1821 - 16<sup>th</sup> Street  
Niagara Falls, NY 14305

12/31/2022

Yeas  
Nays

5  
0  
ADOPTED

DISSEMINATION AGREEMENT, CITY/NYS DIVISION OF CRIMINAL JUSTICE SERVICES, UPDATE

Agenda Item #18

The New York State Division of Criminal Justice Services has updated its Use and Dissemination Agreement between the DCJS and the City together with an updated Appendix A. This agreement authorizes the NFPD access to criminal history and wanted and/or missing persons information in the DCJS data base as well as Federal Criminal Justice Information Services. Attached hereto (on file in the City Clerk's Office) is a copy of this agreement together with the updated Appendix.

Will the Council so approve and authorize the Mayor to execute the updated Use and Dissemination Agreement?

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

Yeas  
Nays

5  
0  
APPROVED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 7:20 P.M.

Lisa A. Vitello  
City Clerk



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