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JANUARY 1, 2022

ORGANIZATIONAL MEETING

NIAGARA FALLS, NEW YORK

The Organizational Meeting of January 1, 2022, Niagara Falls City Council Meeting, was called to order by Council Chairman Kenny Tompkins at 11:00 A.M. in the Council Chambers.

Members of the Niagara Falls Police Department Color Guard posted the Flag.

Present: Controller Daniel Morello, Assistant Corp. Counsel Thomas DeBoy

Council Chair Kenny Tompkins called the meeting to order at 11:04 AM.

Prayer offered by Maj. Stephen Carroll, Salvation Army.

Presentation of Flag by Niagara Falls Police Department Color Guard.

Pledge of Allegiance led by Chairman Tompkins

National Anthem was sung by Elizabeth Wagner, NFHS Sophomore.

Council Member Donta Myles was given the Oath of Office by NYS Assemblyman Angelo Morinello.

Council Member David Zajac was given the Oath of Office by NYS Supreme Court Judge Paul Wotaszak.

Council Member Traci Bax was given the Oath of Office by Mayor Robert Restaino.

Council Chairman Tompkins called for any nominations for Council Chair 2022.

Chairman Tompkins nominated Council Member Spanbauer. 2nd by Council Member Myles. There being no further nominations, Chairman Tompkins called for a vote. Council Member Spanbauer abstained. All remaining Council members voted yay to elect Council Member Spanbauer as Council Chair for 2022. Assemblyman Morinello administered the Oath of Office to Chairman Spanbauer.

Niagara County Legislator, District 4, Jeffery Elder was given the Oath of Office by NYS Assemblyman Angelo Morinello.

Niagara County Legislator, District 6, Christopher Voccio was given the Oath of Office by NYS Assemblyman Angelo Morinello.

The Meeting then proceeded to the Agenda.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

RESOLUTION RELATIVE TO INVESTMENT POLICY, ADOPTION, 2022, 2022-1
BY: Council Member Spanbauer, Chairman Tompkins

Agenda Item #1

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 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 (on file in the City Clerk's Office) investment policy.

Yea

5

Nays

0

ADOPTED

RESOLUTION: NIAGARA GAZETTE, OFFICIAL NEWSPAPER, 2022-2

BY: Council Member Spanbauer, Chairman Tompkins

Agenda Item #2

BE IT RESOLVED, by the City Council 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 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.

BE IT FURTHER RESOLVED, that this designation shall be in effect for the year 2022, but such designation shall not thereafter lapse until superseded.

Yea

5

Nays

0

ADOPTED

MEETING ADJOURNED AT 11:29 AM

Kathleen Ligammari
City Clerk



JANUARY 5, 2022
REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The Legislative session of the January 5, 2022 Niagara Falls City Council Meeting was called to order by Council Chairman John Spanbauer at 6:00 P.M. in the Council Chambers.

Present: Council Members Traci Bax, Donta Myles, Kenny Tompkins, David Zajac and Chairman John Spanbauer

Also present: Corporation Counsel Chris Mazur, and City Controller Daniel Morello.

Council Member Bax 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 December 15, 2021 and the Special Meeting of December 20, 2021.

Yea
Nays

5
0

APPROVED

PUBLIC HEARING

Resolution relative to Amending the Niagara Falls City Charter, as amended, by Amending Article XVII, entitled "Department of Planning and Economic Development" by Amending Sections 17.1, 17.2, 17.3 and 17.3 (A)
THERE WERE NO SPEAKERS

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

THERE WERE NO SPEAKERS ON AGENDA ITEMS

Presentation: None

Mayor/Administration Update: None

Controllers Report:

- 2021 books should be closed by the end of February. Preliminary numbers are anticipated to be presented at the next scheduled meeting.

Review of Agenda Items

No Council Member comments

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

MAYOR'S APPROVAL OF RESOLUTIONS 2021-55, 2021-65, 2021-66

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

RESOLUTION: ZONING BOARD OF APPEALS, APPOINTMENTS, 2022-3
BY: ALL COUNCIL MEMBERS

Agenda Item #2

WHEREAS, the Council deems it desirable to continue the Zoning Board of Appeals during the year 2022; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby appoints the following individuals to the City of Niagara Falls Zoning Board of Appeals, effective immediately, for a term expiring on the date that appears opposite their names:

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>	
John Sczepczenski	12/31/2024	
Karen Mock	12/31/2022	(To finish term of Earl Smeal)
Stosh Kajfasz	12/31/2024	
Yea		5
Nay		0

ADOPTED

RESOLUTION: TOURISM ADVISORY BOARD, APPOINTMENTS, RE-APPOINTMENTS, 2022-4

BY: ALL COUNCIL MEMBERS

Agenda Item #3

WHEREAS, the term of all Board Members serving on the Tourism Advisory Board in 2021 expired no later than December 31 of such year; and

WHEREAS, the Council deems it desirable to continue such Board during the year 2022;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby re-appoints and appoints the following individuals to the City of Niagara Falls Tourism Advisory Board, effective immediately, for a term expiring on the date that appears opposite their names:

<u>RE-APPOINTMENT</u>	<u>TERMS EXPIRE:</u>
Gaelean Baille	12/31/2022
Angela Berti *	12/31/2022
Allen Booker *	12/31/2022
Sara Capen *	12/31/2022
Andrea Czopp *	12/31/2022
Verity Folan	12/31/2022
Nicholas Hurd	12/31/2022
Michael Marsch	12/31/2022
Roscoe Naguit	12/31/2022
Patrick Proctor	12/31/2022
Nico Santangelo	12/31/2022
Daniel Tighe	12/31/2022
Jason Zona	12/31/2022
* Non Voting Member	

<u>APPOINTMENT</u>	<u>TERMS EXPIRE:</u>
Cherrish Beals	12/31/2022
David Florio	12/31/2022
Paul Grenga	12/31/2022
Shawn LeVick	12/31/2022

Yea	5
Nay	0

ADOPTED

RESOLUTION: PLANNING BOARD, APPOINTMENTS, RE-APPOINTMENTS, 2022-5
BY: ALL COUNCIL MEMBERS

Agenda Item #4

WHEREAS, the Council deems it desirable to continue the Planning Board during the year 2022; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby re-appoints and appoints the following individuals to the City of Niagara Falls Planning Board, effective immediately, for a term expiring on the date that appears opposite their names:

<u>RE-APPOINTMENT</u>	<u>TERMS EXPIRE:</u>
Joyce M. Williams	12/31/2024

<u>APPOINTMENT</u>	<u>TERMS EXPIRE:</u>
Ken Nossavage	12/31/2023 (to finish term of Michael Murphy)

Yea	5
Nay	0

ADOPTED

RESOLUTION: ASSESSMENT REVIEW BOARD, APPOINTMENTS, RE-APPOINTMENTS, 2022-6

BY: ALL COUNCIL MEMBERS

Agenda Item #5

WHEREAS, the Council deems it desirable to continue the Assessment Review Board during the year 2022; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby re-appoints and appoints the following individuals to the City of Niagara Falls Assessment Review Board, effective immediately, for a term expiring on the date that appears opposite their names:

<u>RE-APPOINTMENT</u>	<u>TERMS EXPIRE:</u>
J. Gary DiLaura	09/30/2026

<u>APPOINTMENT</u>	<u>TERMS EXPIRE:</u>
Samuel Archie	09/30/2022 (to finish the term of Bert Donahue)

Yea	5
Nay	0

ADOPTED

RESOLUTION: HISTORIC PRESERVATION BOARD, APPOINTMENTS, RE-APPOINTMENTS, 2022-7

BY: ALL COUNCIL MEMBERS

Agenda Item #6

WHEREAS, the Council deems it desirable to continue the Historic Preservation Board during the year 2022; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby re-appoints and appoints the following individuals to the City of Niagara Falls Historic Preservation Board, effective immediately, for a term expiring on the date that appears opposite their names:

<u>RE-APPOINTMENT</u>	<u>TERMS EXPIRE:</u>
Anne Smith Georgia Robinson-Bradberry	12/31/2025 12/31/2025
<u>APPOINTMENT</u>	<u>TERMS EXPIRE:</u>
Andrea Fortin Nossavage Kristina Zell	12/31/2023 12/31/2023
Yeas	5
Nays	0
	ADOPTED

Speakers

For Good of Community:

- Cherrish Beals Welcome new Council Members, appreciated appointment to Tourism Board, STR
- Todd Salansky Pending STR Ordinance Amendment

Misc: Council Member Myles expressed appreciation to speakers from the community and asks all Council members to give their concerns and suggestions consideration.

Chairman Spanbauer outlined pending plans to increase Council accessibility to residents to include: Office hours pilot program, develop an email distribution list, streamlined web page with timely updates.

There being no further business to come before the Council, Chairman Spanbauer adjourned the Meeting at 6:24 P.M.

Kathleen Ligammari
City Clerk



JANUARY 14, 2022

SPECIAL COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The January 14, 2022 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Spanbauer at 5:00 PM in the Council Chambers.

Present: Council Members Bax, Myles, Tompkins, Zajac and Chairman Spanbauer

Also Present: Mayor Robert Restaino, City Administrator Anthony Restaino, Corporation Counsel Christopher Mazur, City Controller Daniel Morello

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on **Friday, January 14, 2022 at 5:00 p.m.** in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purposes:

1. Resolution Directing the City Assessor, Pursuant To NYS Governor's Executive Order 11.1, To Grant Exemptions on the 2022 Assessment Roll to All Property Owners Who Received That Exemption on the 2021 Assessment Roll, Thereby Dispensing with the need for Renewal Applications from Such Persons, and Further Dispensing with the Requirement for Assessors to Mail Renewal Applications to Such Persons;
2. Approval of Award for Information Technology Improvement Consultant Services (Avero Advisors);
3. Approval of Award for Self-Contained Breathing Apparatus (SCOTT Paks), Regulators (Dival Fire & EMS Supplies/Dival Safety & Supplies) - NFFD;
4. Approval of Award for Reverse Osmosis Filtration System Replacement (Keppler Water Treatment, Inc.) - Hyde Park Ice Pavilion; and
5. Resolution to Approve the Amendment of City Charter, Article XVII, entitled "Department of Planning and Economic Development", by Amending the title of Article XVII and by Amending Sections 17.1, 17.2, 17.3 and 17.3 (A).

Respectfully submitted,

Robert M. Restaino, Mayor

Review of Agenda Items:

Item #2 - Council Member Tompkins requested clarification of scope of services.

Mayor Restaino described the 'macro' phase, determining appropriate technical modifications needed and 'micro' phase, determining specific needs of each department. Ultimately, upgrades will create needed efficiencies with cross governmental connectivity.

Council Member Spanbauer asked if implementation time frames were known. Mayor indicated assessment of needs would be within the year followed by subsequent acquisition.

Item #3 - Council Chair Spanbauer expressed his support of the expenditure.

Misc.:

Council Member Myles questioned the necessity of calling a special meeting for the agenda items presented. Mayor Restaino noted each item had a specific urgency, particularly Item 1.

#1. RESOLUTION RELATIVE TO DIRECTING CITY ASSESSOR TO GRANT EXEMPTIONS ON THE 2022 ASSESSMENT ROLL, 2022-8

BY: Council Member Tompkins

WHEREAS, on December 26, 2021, Governor Hochul issued Executive Order 11.1, (on file in the City Clerk's Office) a portion of which includes a local option pertaining to Senior Citizens' and Persons with Disabilities' partial property tax exemption, Subdivisions 7, 7-a and 8 of Section 459-c of the Real Property Tax Law (Partial Tax Exemption for Persons with Disabilities), and Subdivisions 5, 5-a, 5-b, 5-c and 6 of Section 467 of the Real Property Tax Law (Partial Tax Exemption for Low Income Senior Citizens), to the extent necessary to permit the governing body of an assessing unit to adopt a resolution directing the assessor to grant exemptions pursuant to such section on the 2022 assessment roll to all property owners who received either of those exemption on the 2021 assessment roll, unless there has been a change in status that would no longer qualify the homeowner, dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for assessors to mail renewal applications to such persons; and

WHEREAS, the City Administration is desirous to adopt such resolution while also allowing the assessor to require a renewal application to be filed when the assessor has reason to believe that an owner who qualified for the exemption on the 2021 assessment roll may have since changed primary residence, added another owner to the deed, transferred the property to a new owner, or died;

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Niagara Falls directs the City Assessor, pursuant to the NYS Governor's Executive Order 11.1 Continuing Temporary Suspension and Modification of Laws relating to the pandemic disaster emergency, specifically as it pertains to Senior and Disability Exemptions, Section 467 and 459c of the Real Property Tax Law, to grant exemptions on the 2022 Assessment Roll to all property owners who received that exemption on the 2021 Assessment Roll, except in the case that there is a change of status that would no longer qualify the homeowner, thereby dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for assessors to mail renewal applications to such persons.

Yea
Nays

5

0

ADOPTED

#2. CONTRACT: INFORMATION TECHNOLOGY IMPROVEMENT CONSULTANT SERVICES, AVERO ADVISORS

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

WITH: Avero Advisors
512 West Broadway Avenue
Maryville, Tennessee 37801
FOR: Information Technology Improvement Consultant
Services

Notice that proposals were to be received was advertised in the Niagara Gazette and requests for proposals were sent to thirty-six (36) vendors. Eight (8) responses were received.

Avero Advisors has proposed a two-phase approach to this project. Phase I (IT Assessment) includes a full assessment of the City's current IT infrastructure environment, including a cybersecurity risk assessment and IT modernization visioning. Phase II (Analysis and Strategic Plan) provides for an IT infrastructure and staff analysis, modernization strategies and the creation of an IT Strategic Plan for the City.

Upon City Council approval, this agreement shall be for one (1) year, with a mutual option to extend the agreement beyond the initial one year term. The cost to the City for this project shall not exceed \$74,100.00.

Funding for this project is available from American Rescue Plan Funds utilizing the Treasury Guidance Expenditure Category 1, which is the "Responding to Public Health Emergency" category. Will the Council so authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yea	5
Nay	0

APPROVED

#3. CONTRACT: SELF CONTAINED BREATHING APPARATUS REGULATORS FOR NFFD TO DIVAL FIRE & EMS SUPPLIES

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of E-Z Flo + Regulator, Quick Connect Hose and Rectus Fitting sets for the City of Niagara Falls Fire Department as follows:

FROM: Dival Fire & EMS Supplies
Dival Safety & Supplies
1721 Niagara Street
Buffalo, New York 14207
FOR: Ninety (90) quantity E-Z Flo + Regulator, Quick Connect Hose and Rectus Fitting sets to be utilized with Self Contained Breathing Apparatus (SCOTT Paks) by City of Niagara Falls Firefighters.
(Reference Dival Quotation dated 12/22/2021 and NYS Contract: PC69018)

Unit Cost: \$ 1,697.68

TOTAL COST: \$ 152,791.03

The above will be purchased utilizing the Treasury Guidance Expenditure Category 6.1, which is "Revenue Replacement for the Provision of Government Services". Will the Council so authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yea

5

Nay

0

APPROVED

#4. CONTRACT: OSMOSIS FILTRATION SYSTEM REPLACEMENT FOR HYDE PARK ICE PAVILION TO KEPPLER WATER TREATMENT, INC.

The following was the result of bids received on November 24, 2021, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Keppler Water Treatment, Inc. 31 Lewis Road Akron NY14001	\$95,600.00

It is the recommendation of the undersigned that this project be awarded to the sole bidder Keppler Water Treatment, Inc. at their Base Bid of \$95,600.00. Funding for this project is available from American Rescue Plan Funds under the Treasury Guidance Expenditure Category 6.1, which is "Revenue Replacement for the Provision of Government Services".

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.

Yea

5

Nay

0

APPROVED

#5. RESOLUTION: AMENDING THE CITY CHARTER AS AMENDED, BY AMENDING ARTICLE XVII, ENTITLED "DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT" BY AMENDING THE TITLE OF ARTICLE XVII AND BY AMENDING SECTIONS 17.1, 17.2, 17.3 AND 17.3 (A), 2022-9

BY: COUNCIL MEMBER TOMPKINS

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves and adopts the Proposed Local Law No. 5 for the Year 2021 for the purposes of amending the Niagara Falls City Charter, as amended, by amending Article XVII, entitled "Department of Planning and Economic Development", by amending the title of Article XVII and by amending Sections 17.1, 17.2, 17.3 and 17.3 (A) 4; and

BE IT FURTHER RESOLVED that the Clerk of this Council is hereby directed to complete and certify the Local Law and forward copies to the New York State Legislature as required.

NIAGARA FALLS LOCAL LAW NO. 5 FOR THE YEAR 2021
(PROPOSED)

A local law to amend the Niagara Falls City Charter, as amended, by amending Article XVII, entitled "Department of Planning and Economic Development", by amending the title of Article XVII and by amending Sections 17.1, 17.2, 17.3 and 17.3 (A) as follows:

BE IT ENACTED by the City Council of the City of Niagara Falls, as follows:

Section 1. Authority

This local law is enacted pursuant to the authority of Section 10 of the Municipal Home Rule Law authorizing City's to adopt a local law which may amend or supersede any provision of State law in relation to the property, affairs or government of the City unless there is a State legislative restriction on such amendment or supersession.

Section 2. Amendment

The Niagara Falls City Charter is hereby amended by amending the title of Article XVII and by amending Sections 17.1, 17.2, 17.3 and 17.3 (A), to read as follows:

DEPARTMENT OF PLANNING [AND ECONOMIC DEVELOPMENT]

Section 17.1

DEPARTMENT OF PLANNING [AND ECONOMIC DEVELOPMENT]. There is hereby created a "Department of Planning [and Economic Development]", which shall consist of the Planning Board, appointed as hereinafter provided, and a Director of Planning [and Economic Development].

Section 17.2

DIRECTOR OF PLANNING [AND ECONOMIC DEVELOPMENT]. The City Administrator shall appoint the Director of Planning [and Economic Development]. The Director of Planning [and Economic Development] shall be the administrative head of the Department of Planning [and Economic Development], and the Director of the technical staff of the department under the direction of the City Administrator.

Section 17.3

[ECONOMIC DEVELOPMENT. The Department of Planning and Economic development under the direction of the Director of Planning and Economic Development shall also furnish and perform all services and activities pertaining to economic development within the City of Niagara Falls, including any urban renewal project areas if so requested or agreed to by the Niagara Falls Urban Renewal Agency. Such economic development activities and services may be either industrial or commercial and shall include, but not be limited to, establishing developer contacts; negotiations with developers; structuring development proposals; coordination of financing programs to implement development; preparation and structuring of economic development programs and applications for submission to federal, state or local agencies; implementation of funding programs with banking and lending institutions; coordination with other organizations or agencies as may be required; and such other functions necessary to stimulate and encourage economic development; and any related activity as may be directed by the City Administrator.]

[Section 17.3]

A. PLANNING BOARD, APPOINTMENT OF. There shall be appointed by the City Council nine (9) members of a Planning Board, who shall serve without compensation. Of the members of the Planning Board appointed under the provisions hereof, the appointment of as nearly as possible of one-third of the members of the Board shall be for a term of one year, one-third for a term of two years and one-third for a term of three years. At the expiration of such terms, the terms of office of their successors shall be three years, so that the term of office of one-third of such members of such Board, as nearly as possible, shall expire each year. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired term.

Said Board shall annually elect a chairman, and vice chairman. The Board shall hold meetings as provided in its rules or at the call of its chairman and shall keep full and complete minutes of the meetings and all hearings and proceedings of the Board. The Director of Planning [and Economic Development], or such staff member as such Director shall delegate, shall serve as the Secretary of the Planning Board.

Section 3. Separability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the City Council of the City of Niagara Falls hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 4. Repealer

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 5. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with the Municipal Home Rule Law.

Yea	5
Nay	0

ADOPTED

There being no further business to come before the Council, Chairman Spanbauer adjourned the Meeting at 5:14 PM.

Kathleen Ligammari
City Clerk



JANUARY 19, 2022
REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The Legislative session of the January 19, 2022 Niagara Falls City Council Meeting was called to order by Council Chairman John Spanbauer at 6:00 P.M. in the Council Chambers.

Present: Council Members Traci Bax, Donta Myles, Kenny Tompkins, David Zajac and Chairman John Spanbauer

Also present: Corporation Counsel Chris Mazur, and City Controller Daniel Morello.

Council Member Myles 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 Organizational Meeting of January 1, 2022 and Council Meeting of January 5, 2022

Yea	5
Nay	0
APPROVED	

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

Merle Smouse	Agenda Item #3
Kathy DuBois	Agenda Item #3
Gerald Skrlin	Agenda Items #3, #5, #4
Cherrish Beals	Agenda Item #3
Colin Ligammarri	Agenda Item #3
Karen DiMaria	Agenda Item #3
Shirley Turner	Agenda Item #3
Bill Kennedy	Agenda Item #3
Mark Prenella Miller	Agenda Item #3
Todd Salansky	Agenda Item #3

Presentation: None

Mayor/Administration Update:

Chairman Spanbauer shared conversation with the Mayor regarding snow removal from weekend storm. Collaborative efforts existed with N.F. Water Board, Town of Niagara, Town of Lewiston, DOT and Niagara County.

Controllers Report:

- Controller Morello presented 2021 unaudited parking revenue results. Ramps and meters show positive growth.
- Controller reported City bond ratings with both S&P and Moody's were upgraded to 'stable' and 'positive' respectively.

Review of Agenda Items

Item 3 - Council Member Myles expressed concern the ordinance would displace marginalized people in the designated zone. Council Member Bax asked for tangible data to substantiate his concern, of which he was unable to immediately produce. Council Member Tompkins indicated the majority of properties recently purchased in the zone, for the purpose of STR, were vacant and owned by the City. No displacement occurred, City was removed from ownership liability and property is back on tax rolls. Council Members Bax and Spanbauer detailed research they had done as this issue is not unique to the City, and after doing so expressed their support for it. Council Members Tompkins and Zajac also expressed their support.

Item 5 - Council Member Myles stated the time is not right for re-assessment while property values are inflated. Council Member Tompkins expressed the time is now for re-assessment. It has already been delayed enough. This action is the beginning of a likely three year process. Chairman Spanbauer explained how re-assessment would tax properties more fairly across all areas of the City. Council Members Bax and Tompkins clarified the funding for the project.

Misc:

- Council Member Myles suggested department heads be present at Council meetings when items relate to their functions. Council Member Bax agreed.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK CLAIMS FOR THE MONTH OF DECEMBER 2021

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

ENCROACHMENT: CULBERT'S PUB, 8735 BUFFALO AVE., CITY RIGHT-OF WAY

Agenda Item #2

Ulrich Signs, representing the above referenced property, has applied for an encroachment into the City's right-of-way for one exterior sign.

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 (on file in the City Clerk's Office) hereto 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.

Yea
Nays

5
0

APPROVED

RESOLUTION: AMENDMENT TO CITY OF NIAGARA FALLS ZONING ORDINANCE CHAPTER 1328.13 AND SEQR DETERMINATION OF NON-SIGNIFICANCE, 2022-10
BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN SPANBAUER

Agenda Item #3

WHEREAS, the City Council is considering the adoption of the attached (on file in the City Clerk's Office) proposed Amendment to Zoning Ordinance Chapter 1328.13, entitled "Short Term Rental Units" (hereinafter "STR Ordinance"); and

WHEREAS, the City Council held a public hearing on June 21st, 2021 and the City of Niagara Falls Planning Board held a public hearing on December 8th, 2021 regarding the STR Ordinance; and

WHEREAS, the City Council has reviewed the Full Environmental Assessment Form (FEAF) part 1; and

WHEREAS, the City Council determines that the said action is classified as a Type 1 Action under part 617.4 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the City Council has determined that the proposed action is subject to a single agency review pursuant of Part 617.6(b) (1) of the SEQR Regulations; and

WHEREAS, the City Council determines that it is the most appropriate agency for making the determination of significance thereon under the SEQR Regulations; and

WHEREAS, the City Council has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in the FEAF part 1; and

WHEREAS, the City Council has completed part 2 and 3 of the FEAF; and

WHEREAS, a copy of the Full Environmental Assessment Form has been presented to the City Council for consideration; and

NOW, THEREFORE BE IT RESOLVED, the City Council hereby designates itself as the lead agency for the described action; and

BE IT FURTHER RESOLVED, the City of Niagara Falls City Council has reasonably concluded there would not be any substantial adverse impact on the following: land use planning or zoning regulations; intensity of use of the land; character or quality of the existing community; environmental characteristics; existing level of traffic or infrastructure, use of energy; public or private water supplies; public or private wastewater treatment utilities; character or quality of important historic, archaeological, architectural or aesthetic resources; natural resources; potential for erosion, flooding or drainage problems; or creation of a hazard to environmental resources or human health; and

BE IT FURTHER RESOLVED, the City Council determines upon the information and analysis documented that the proposed action will not result in any significant adverse environmental impacts; and

BE IT FURTHER RESOLVED, the City Council does hereby make a Determination of Non-Significance on the proposed adoption of the Amendment to the City of Niagara Falls Short Term Rental Ordinance; and

BE IT FURTHER RESOLVED, the City Council Chairperson is hereby directed to sign the FEAF part 3 and file with the City Clerk and other necessary agencies as evidence the City Council has determined the proposed action **will not** result in any significant adverse environmental impact; and

BE IT FINALLY RESOLVED, the City of Niagara Falls City Council hereby adopts the Amendment to the City of Niagara Falls Zoning Ordinance Chapter 1328.13.

Yea

4

Council Members Bax, Tompkins, Zajac, Chairman Spanbauer

1

Nay

Council Member Myles

ADOPTED

RESOLUTION: PUBLIC HEARING, LOCAL LAW #3, FOR THE YEAR 2021 ENTITLED "REGULATION OF SOLAR ENERGY SYSTEMS", 2022-11
BY: ALL COUNCIL MEMBERS

Agenda Item #4

RESOLVED, that the attached Proposed Local Law No. 3 for the year 2021 be introduced, and that a public hearing be held on such proposed Local Law on the 2nd day of February, 2022 at 6:00 p.m. in the Council Chambers of the City of Niagara Falls, New York, and that five (5) days' notice of said hearing be published in the Niagara Gazette preceding said hearing relative to the adoption of Proposed Local Law No. 3 for the Year 2021 entitled "Regulation of Solar Energy Systems."

Yea

5

Nays

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ADOPTED

RESOLUTION: ISSUANCE OF A REQUEST FOR PROPOSALS FOR A CITY-WIDE REASSESSMENT PROJECT, 2022-12
BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN SPANBAUER

Agenda Item #5

WHEREAS, on December 15, 2021, by resolution, the City Council determined that it is appropriate and in the best interest of the City of Niagara Falls to commence an Assessment Equity Program for parcels of real property within its geographic boundaries; and

WHEREAS, in furtherance thereof, the City Council determined that the first step in moving forward to a unified tax rate system must begin with a comprehensive, City-wide property reassessment in order to determine the true market value of properties; and

WHEREAS, the City Council has determined that it is therefore necessary to solicit professional services from a qualified vendor to conduct a general reassessment to reflect revised assessments of real property for tax purposes; and

WHEREAS, accordingly, a Request for Proposals be must be issued for the purposes of conducting a general, full value reassessment for parcels of real property within the City.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby requests that that a Request for Proposals be issued for the purposes of conducting a general, full value reassessment for parcels of real property within the City; and

BE IT FURTHER RESOLVED that the City Council requests that funding for the City-wide reassessment project be made available from American Rescue Plan Funds, specifically "Revenue Replacement for the Provision of Government Services".

Yea

4

Council Members Bax, Myles, Tompkins, Chairman Spanbauer

1

Nays

Council Member Zajac

ADOPTED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE MAYOR

CONTRACT: NYSDOT, PROPOSED SHARED SERVICES

Agenda Item #6

The City has been contacted by the NYSDOT to request that the City renew its Shared Services Agreement with the NYSDOT which will enable the NYSDOT and the City to provide each other with equipment, materials, and manpower to benefit each other during times of need. During this past winter it was necessary for the City to request and receive such assistance from the NYSDOT. This is primarily focused on roads and highways. The term of this agreement would be a period of four (4) years but may be terminated by either party on 60 days prior written notice. Attached (on file in the City Clerk's Office) hereto is a draft of a proposed agreement. Similar agreements have been executed by and between the NYSDOT and various other communities in Western New York.

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

Yea

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Nay

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APPROVED

PUBLIC SPEAKERS

FOR THE GOOD OF THE COMMUNITY

Mary Tillman	Housing, safety, roads, no positive changes seen yet
Tammy Stewart	Snow/garbage
Jockline Pryor	Gazette practices
Rosetta Smith	Snow removal
Tim Huether	City not held to same standard keeping property up
Kathy DuBois	Rescue Money uses, invest in Parks & Attractions
Cherrish Beals	Blight: STR vote will not be good for City
David Fabrizio	Veteran Memorial, 2 nd phase in process to add archway
Bill Kennedy	Snow removal was lacking
Dorothy West	Pleased with snow removal efforts

There being no further business to come before the Council,
Chairman Spanbauer adjourned the Meeting at 8:28 P.M.

Kathleen Ligammari
City Clerk

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