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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.

Yeas

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.

Yeas

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.

Yeas	5
Nays	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:

APPOINTMENT	TERM EXPIRES:
John Szczepczenski	12/31/2024
Karen Mock	12/31/2022 (To finish term of Earl Smeal)
Stosh Kajfasz	12/31/2024
Yeas	5
Nays	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:

RE-APPOINTMENT	TERMS EXPIRE:
Gaelean Bailie	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	
APPOINTMENT	TERMS EXPIRE:
Cherrish Beals	12/31/2022
David Florio	12/31/2022
Paul Grenga	12/31/2022
Shawn LeVick	12/31/2022

Yeas	5
Nays	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>
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Joyce M. Williams	12/31/2024
-------------------	------------

<u>APPOINTMENT</u>	<u>TERMS EXPIRE:</u>
--------------------	----------------------

Ken Nossavage	12/31/2023 (to finish term of Michael Murphy)
---------------	---

Yeas	5
Nays	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)
---------------	---

Yeas	5
Nays	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	12/31/2025
Georgia Robinson-Bradberry	12/31/2025

<u>APPOINTMENT</u>	<u>TERMS EXPIRE:</u>
--------------------	----------------------

Andrea Fortin Nossavage	12/31/2023
Kristina Zell	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.

Yeas

5

Nays

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.

Yeas	5
Nays	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.

Yeas

5

Nays

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.	\$95,600.00
31 Lewis Road	
Akron NY14001	

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.

Yeas

5

Nays

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.

Yeas	5
Nays	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

Yeas	5
Nays	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 Ligammari	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.

Yeas

5

Nays

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.

Yeas

4

Council Members Bax, Tompkins, Zajac, Chairman Spanbauer

Nays

1

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."

Yeas

5

Nays

0

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".

Yeas

4

Council Members Bax, Myles, Tompkins, Chairman Spanbauer

Nays

1

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.

Yeas

5

Nays

0

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



FEBRUARY 2, 2022
REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The Legislative session of the February 2, 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: Mayor Robert M. Restaino, City Administrator Anthony Restaino, Corporation Counsel Chris Mazur, and City Controller Daniel Morello.

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

Council Chairman Spanbauer moved to approve the Minutes from the Special Council Meeting of January 14, 2022 and the Council Meeting of January 19, 2022.

Yeas	5
Nays	0
	APPROVED

COUNCIL CHAIRMAN COMMENTS:

Chair Spanbauer reviewed guidelines for public speakers.

The Council Chairman asked if anyone wished to speak at the Public Hearing relative to adoption of Proposed Local Law No. 3 for the year 2021 entitled "Regulation of Solar Energy Systems".

THERE WERE NO SPEAKERS

Mayor/Administration Update: Mayor Restaino offered updates on the following topics...

- Regarding pending data collection center ordinance.
- Another major snow event is expected. Asked residents be prepared. City equipment snow removal equipment and personnel will be as ready as possible.
- Solar energy ordinance/regulation overview.
- Cannabis related ordinance/regulation conversations are ongoing.

Controllers Report:

- Controller Morello stated 2021 closing is still in progress. He offered an unaudited overview of Tourism fund results. Q4 funds are still trickling in.

Review of Agenda Items

Item 3 - Council Chair Spanbauer expressed concern of the SPCAs desire to pull out of City contract. Council Member Myles echoed the concerns. Mayor Restaino offered insight as to the SPCA initiating the separation. Council Member Bax also offered her concerns. Discussion continued between Council and Mayor relative to SPCA turning their backs on a community that donates money and volunteers to support their mission. Ultimately, any alternative will likely not be less expensive but will certainly be more inconvenient to the community.

Item 5 - Council Member Myles offered a detailed commentary of his thoughts on Black History month and his reasoning behind 'No' vote.

Item 6 - Council Member Zajac requested clarification of funding process, exact parameters of the project and to be added as sponsor to item.

Item 7 - Council Chairman Spanbauer offered thanks to the Administration for their efforts in revising ordinance to cover this newer enterprise.

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

Gerald Skrlin Agenda Item #5

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF DECEMBER 2021

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: COMPUTER FIREWALL, INSTALL/INTEGRATE, FUNDING, SIRIUS COMPUTER SERVICES

Agenda Item #2

As we are all aware, much of the City's information technology is in need of serious improvement. The City's two computer firewalls are at end-of-life and are no longer supported. Therefore in order to keep the City networks secure and meet our current third-party software vendor's security and technical requirements, it is now necessary to upgrade both devices.

The City has received a proposal from Sirius Computer Solutions, Inc. to configure the two new firewalls and to integrate the City's Virtual Private Network ("VPN") in the amount of \$23,642.20. Funding is available from Tribal Revenue reserves.

Will the Council so approve and authorize the Mayor to execute any documents necessary 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: SPCA, EXTENSION FOR SHELTERING SERVICES-MONTH-TO- MONTH,
FUNDING

Agenda Item #3

The City's agreement for sheltering services with the Niagara County S.P.C.A. ("SPCA") expired at the end of December 2021. As I indicated previously, the SPCA no longer desires to be in contract with the City for sheltering services. The City continues to explore avenues for new service and, until such time as an alternative is in place, it is recommended that the terms of the existing agreement with the SPCA be continued on a month-to-month basis. Attached hereto (on file in the City Clerk's Office) is a copy of the proposed extension agreement. Funding is available in Account A.3510.0000.0449.599.

Will the Council so approve and authorize the Mayor to execute the attached extension 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

5

Nays

0

APPROVED

GRANT: NFFD, PURCHASE OF COMMAND VEHICLE, FUNDING

Agenda Item #4

The City of Niagara Falls was recently awarded a State and Municipal Facilities Program Grant in the amount of \$50,000.00 grant from the Dormitory Authority of the State of New York ("DASNY"). The Niagara Falls Fire Department applied for this grant in order to purchase a new Command Vehicle for Battalion Chiefs ("Car 80"), along with the installation of the necessary emergency and computer tablet equipment and accessories.

There is no local cash match associated with this grant. The total cost of the purchase of the vehicle and installation of the equipment and accessories is \$51,711.64; funding for the additional \$1,711.64 is available from Tribal Revenue reserves.

Will the Council so approve the acceptance of this grant funding and authorize the Mayor to execute any documents necessary 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

RESOLUTION: BLACK HISTORY MONTH, RECOGNIZING/HONORING, 2022-13

By: MAYOR ROBERT RESTAINO, ALL COUNCIL MEMBERS

Agenda Item #5

WHEREAS, the origin of Black History Month began in 1915, half a century after the Thirteenth Amendment abolished slavery in the United States, and grew out of "Negro History Week," the creation of Harvard trained historian Carter G. Woodson and other prominent African Americans; and

WHEREAS, with the Civil Rights Movement and a growing awareness of Black identity, Black History Month or National African American History Month evolved to an annual celebration of achievements by Black Americans and a time for recognizing the central role of African Americans in U.S. history; and

WHEREAS, the 2022 theme for Black History Month, "*Black Health and Wellness*," acknowledges the legacy of not only Black scholars and medical practitioners in Western medicine, but also other ways of knowing (e.g., birth workers, doulas, midwives, naturopaths, herbalists, etc.) throughout the African Diaspora and considers activities, rituals and initiatives that Black communities have done to be well; and

WHEREAS, the contributions of African Americans from all walks of life and their endeavors throughout history making unforgettable marks in our Nation as artists, scientists, educators, business people, influential thinkers, members of the faith community, athletes, and political and governmental leaders, reflects the greatness of our country; and

WHEREAS, remaining hopeful and confident about the path ahead, and a time to acknowledge the courageous fight for the rights, liberties, and freedoms for all Americans, the City of Niagara Falls, NY observes and honors Black History Month and encourages all residents to appreciate the many and varied contributions to our City by African Americans and their families.

NOW, THEREFORE, BE IT RESOLVED that the Niagara Falls City Council and Mayor Robert M. Restaino and do hereby adopt this resolution to honor Black History Month and recognize the tremendous contributions made by African Americans, throughout history and today.

Yeas	4
Bax, Tompkins, Zajac, Chairman Spanbauer	
Nays	1
Myles	

ADOPTED

RESOLUTION: MARCHISELLI PROGRAM-AID, RECONSTRUCTION, PIN #5761.89, 2022-14

BY: MAYOR ROBERT RESTAINO, COUNCIL MEMBERS BAX, TOMPKINS, CHAIRMAN SPANBAUER

Agenda Item #6

WHEREAS, a Project for the Rt. 265 (Military Rd.) Reconstruction; Niagara Falls Blvd. to Cayuga Dr. and Cayuga Dr. Resurfacing; Tuscarora Rd. to Buffalo Ave., P.I.N. 5761.89 ("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 Administration of 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 Rt. 265 (Military Rd.) Reconstruction; Niagara Falls Blvd. to Cayuga Dr. and Cayuga Dr. Resurfacing; Tuscarora Rd. to Buffalo Ave.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Niagara Falls, New York, duly convened does hereby approve the above-subject project; and it is hereby further

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

RESOLVED, that the local matching share of \$205,000.00 is hereby allocated from American Rescue Plan Funds, specifically "Revenue Replacement for the Provision of Government Services", 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.

Agreement on file in the City Clerk's Office.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: SOLAR ENERGY SYSTEMS, ZONING ORDINANCE REVISIONS, 2022-15
BY: MAYOR ROBERT RESTAINO, COUNCIL MEMBERS BAX, TOMPKINS, CHAIRMAN
SPANBAUER

Agenda Item #7

WHEREAS, the City Council is considering the adoption of the proposed Local Law No. 3 for the Year 2021, entitled "Regulation of Solar Energy Systems", revisions to the Zoning Ordinance, and Zoning Map Amendments, hereinafter jointly referred to as "Solar Regulations", which are attached hereto (on file in the City Clerk's Office); and

WHEREAS, the Solar Regulations are the product of Mayor Robert Restaino's Administration's efforts to advance and protect the public health, safety, and welfare of City of Niagara Falls by creating regulations for the installation and use of solar energy generating systems; and

WHEREAS, the City of Niagara Falls Planning Board held a public hearing on December 8, 2021 regarding the revisions to the Zoning Ordinance and map amendments; and

WHEREAS, the City Council held a public hearing on February 2, 2022 regarding the proposed Local Law; 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 this information is also on file with the City Clerk's office; and

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

BE IT FURTHER RESOLVED, the 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 City of Niagara Falls Solar Local Law, Revisions to the Zoning Ordinance, and Map Amendments; 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 FURTHER RESOLVED that the City Council of the City of Niagara Falls, New York hereby adopts the attached revisions to the Zoning Ordinance, and Map Amendments; and

BE IT FURTHER RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves and adopts the Proposed Local Law No. 3 for the Year 2021, entitled "Regulation of Solar Energy Systems"; and

BE IT FINALLY 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.

Yeas
Nays

5
0

ADOPTED

The Chairman asked if anyone wished to speak on the Good of the Community and the following spoke:

Kathy DuBois	Empathy, snow removal, Businesses not held to same standard
Gerald Skrlin	Nepotism
Dorothy West	Encourages Community engagement with each other
Knoel Harris	Local 295 attempts to limit parking, permit was issued to allow fence to be installed
Vernon Carr	Local 295, sidewalk needs fixing
Darlene Moore	Plows, trash, alley

There being no further business to come before the Council, Chairman Spanbauer adjourned the Meeting at 7:34 P.M.

Kathleen Ligammari
City Clerk

24

02/02/2022



FEBRUARY 16, 2022
REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The Legislative session of the February 16, 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: Deputy Corporation Counsel Thomas DeBoy, 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 CHAIRMAN COMMENTS:

Council Chairman Spanbauer reviewed guidelines for public speakers

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

Gerald Skrlin	Agenda Item #7
Arlene Doss	Agenda Item #7

Presentation:

NYS DOT presentation of Niagara Greenway Multi Use Trail Project, by: Scott, McKay, Sanjyot Viadya, John Wentz.

Mayor/Administration Update: None

Controllers Report:

- Still in process of closing 2021. Controller Morello anticipates presentation of 2021 Self Insurance and General Fund results during March meetings.

Review of Agenda Items

Item 7 - All Council Members expressed their justifications to support item.

Item 8 - Council Chair Spanbauer clarified the purpose of the firm is to specifically monitor compliance of STR operators and identify those operating illegally.

Misc

- Council Member Myles made recommendation that department heads be present at meetings that include agenda items specifically related to their operations.
- Council Member Myles expanded on his commentary at last meeting regarding Black History Month. In his opinion it would be more appropriate to recognize the black community and their history around the Juneteenth holiday.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF JANUARY 2022

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK CLAIMS FOR THE MONTH OF JANUARY 2022

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

MAYOR'S APPROVAL OF RESOLUTION 2022-10

Agenda Item #3

THIS ITEM WAS RECEIVED AND FILED

COMMISSIONER OF DEEDS: APPOINTMENTS

Agenda Item #4

The following have requested City Council approval for
Commissioner of Deeds for a term from April 1, 2022 to March 31, 2024.

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

Leonard Lapp Jr.	City Clerks Office
Rosanna McGriggs	DPW

Larry Kessinger	496 23 rd Street Niagara Falls, NY 14303
Teresa M. Kurilovitch	9311 Niemal Drive Niagara Falls, NY 14304
Diane Ward	615 Main Street P.O. BOX 2105 NF, NY 14302
Gradyia 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 CORPORATION COUNSEL

CLAIM: SHARON THOMPSON, PROPERTY DAMAGE

Agenda Item #5

Date of Occurrence: June 10, 2020

Date Claim Filed: July 2, 2022

Date Action Commenced: Not Applicable. Being resolved prior to
litigation.

Location: Hyde Park Boulevard and Independence
Avenue

Nature of Claim: Property damage to 2016 Dodge Journey VIN
No. 3C4PDDAG5GT221399 which was struck by
a rock which was thrown by a mower which
was owned/operated by City of Niagara
Falls: Department of Public Works,
Equipment No. 429

City Driver: This matter has been investigated but not yet been placed in suit. At this juncture, Corporation Counsel determined that a reasonable settlement could be reached that will avoid litigation costs and protect the City from legal action.

Recommendation/Reason: Best interest of City.

Amount to be Paid: \$556.42

Check Writing Details: Make payable to SHARON THOMPSON

Conditions: Fully executed General Release to City must be received and 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

CLAIM: GEICO GENERAL INSURANCE: MORINELLO, ANGELO, PAY CLAIM

Agenda Item #6

Date of Occurrence: October 2, 2021

Date Claim Filed by Insured: October 6, 2021

Date Claim Filed by GEICO: December 20, 2021

Date Action Commenced: None at this time.

Location: Milled roadbed of 7th Street, directly north of Niagara Street.

Nature of Claim: Angelo Morinello sustained property damage to his automobile on the Date of Occurrence as he drove across Niagara Street and started traveling north on 7th. The undercarriage of his vehicle struck a metal manhole projecting above the milled roadbed. He submitted his claim to his insurer, GEICO, which paid \$1,097.77 toward vehicle repairs. GEICO then commenced a subrogation claim against the City, seeking reimbursement based upon alleged negligent road maintenance.

Status of Action: This matter has been investigated by Corporation Counsel and the City's insurer, NYMIR, who are in agreement that a reasonable settlement may be reached at this juncture that will avoid litigation costs and protect the City from legal action.

Recommendation/Reason: Settlement will not constitute an admission of fault and is in the best interests of the City.

Amount to be Paid: \$548.88

Check Writing Details: Make settlement draft payable to "GEICO GENERAL INSURANCE COMPANY as subrogee of Angelo Morinello."

Conditions: Prior to the City Controller issuing the settlement draft, a fully executed General Release must be received and approved by Corporation Counsel, and the payee must also submit its W-9 in a form acceptable to the Controller.

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

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

Yeas

5

Nays

0

APPROVED

RESOLUTION: CITY-WIDE ASSESSMENT PROJECT FOLLOWING VETO BY THE MAYOR, 2022-16

By: Council Member Tompkins, Chairman Spanbauer

Agenda Item #7

WHEREAS, on December 15, 2021, by resolution, the City Council of the 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".

Yeas

5

Nays

0

ADOPTED

RESOLUTION: SHORT TERM RENTAL HOME COMPLIANCE, GRANICUS INC., 2022-17

BY: COUNCIL CHAIRMAN SPANBAUER

Agenda Item #7

WHEREAS, in order to fully implement the City's recently amended Short Term Rental Ordinance, it is necessary to seek assistance in short-term rental registration, tax collection and enforcement activities; and

WHEREAS, it will be necessary for the City to enter into an agreement with a reputable company who can provide these services; and

WHEREAS, one such company with the ability to provide short term rental enforcement services is Granicus, Inc., a company that is known as an industry leader in short-term rental monitoring and compliance; and

WHEREAS, the City Council is aware that Granicus, Inc. has submitted a proposal where it will, among other things, provide the City with Address Identification, Compliance and Rental Activity Monitoring, Tax Collection, and a 24/7 Web and Phone Hotline; and

WHEREAS, Granicus, Inc. has offered to provide their full suite of services to handle the City's short-term rental enforcement needs at a cost of \$31,879.00 per year, for up to three years, with funding for this year to be determined by the City Controller; and

WHEREAS, the City Council recommends implementation of such a proposal as it is in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby requests that the Mayor enter into an agreement with Granicus, Inc., for the purposes of providing its services relative to short-term rental registration, tax collection and enforcement activities to the City; and

BE IT FURTHER RESOLVED that the City Council hereby authorizes the Mayor to enter into such an agreement provided that the terms thereof are consistent with those referenced above and that they are satisfactory to the Corporation Counsel in both form and content.

Yeas

5

Nays

0

ADOPTED

The following spoke on For the Good of the Community

Chris Smith	Roads
Kathy DuBois	Abandoned house, 603-613 Rainbow Blvd., blight in downtown
Jill Gonzales	Legal Dept. responses
Uniquia Lewis	Social Justice Commission; property valuation quote; reassessment needed
Gloria Dolson	Black History insights
Joyce Sanders	DOT Project; snow removal issues
Keith Lindsay	Welcomed new Council Members; ongoing issues with C.D. 2015 to the present

There being no further business to come before the Council,
Chairman Spanbauer adjourned the Meeting at 7:46 P.M.

Kathleen Ligammari
City Clerk



FEBRUARY 25, 2022

SPECIAL COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The February 25, 2022 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Spanbauer at 6:00 PM in the Council Chambers.

Present: Council Member Bax, Tompkins, Zajac, Chairman Spanbauer
Council Member Myles was absent

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

Special Meeting called by Mayor Restaino

Review of Agenda Items:

Item #3 - Chairman Spanbauer requested clarification of grant funding.

Mayor Restaino indicated the City would not be responsible for any related funding.

Item #4 - Council member Zajac expressed his support of the expenditure.

Item #5 - Chairman Spanbauer questioned whether bid process applied to this expense. Mayor explained it is a supplemental service by NFTA. There would be no alternative provider.

Item #6 - Chairman Spanbauer indicated his support. Requested clarification of City's involvement with related maintenance, etc.

Misc.:

Mayor Restaino announced special lighting of The Falls in observance of the suffering in Ukraine.

February 22, 2022

Members of the City Council
and
Kathleen Ligammari, City Clerk

Council Members and City Clerk:

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, February 25, 2022 at 6:00 p.m.** in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purposes:

1. Approval of Award for Automatic Entry Gate at New Road Corporation Yard (Mark Cerrone Inc.);

2. Approval of Purchase for Thermal Imaging Cameras (Dival Fire & EMS Supplies/Dival Safety & Supplies) - NFFD;
3. Approval of Placement of Historical Marker at City Train Station;
4. Approval of Reorganization in Niagara Falls Police Department (Police Officers/Police Detectives);
5. Approval of Agreement with Niagara Frontier Transit Metro System (Trolley Service Funding);
6. Approval of Agreement with USA Niagara Development Corporation (Management/Programing of Old Falls Street); and
7. Approval of Funding for Mentorship Programs (LaSalle Educational Club).

Respectfully submitted,

Robert M. Restaino, Mayor

Item #1

LETTER OF AWARD FOR AUTOMATIC ENTRY GATE AT THE NEW ROAD CORPORATION YARD

The following were the result of bids received on January 12, 2022 for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>	<u>ALT#1</u>
Mark Cerrone Inc. 2368 Maryland Ave. Niagara Falls NY 14304	\$204,411.00	\$64,075.00
Scott Lawn Yard Inc.	\$222,000.00	\$78,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Mark Cerrone Inc. at their base bid of \$204,411.00 plus Alternate #1 of \$64,075.00 for a total of **\$268,486.00**. Funding for this project will be provided by the NYS Financial Restructuring Board in the amount of \$175,000.00, with the remaining \$93,486.00 being provided by 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
Council Members Bax, Tompkins, Zajac, Chairman Spanbauer	
Nays	0
Absent-Council Member Myles	

APPROVED

Item #2

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of four (4) Thermal Imaging Cameras 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: Four (4) quantity FLIR K53 Thermal Imaging Cameras to
be utilized by City of Niagara Falls Firefighters.
(Reference Dival Quotation dated 02/09/2022)

Unit Cost: \$ 4290.00

TOTAL COST: \$ 17,160.00

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.

Yeas 4

Council Members Bax, Tompkins, Zajac, Chairman Spanbuer

Nays 0

Absent-Council Member Myles

APPROVED

Item #3

The Niagara Frontier Chapter of the National Railway Historical Society intends to apply for a William G. Pomeroy Foundation grant for a National Register of Historical Places Marker, commemorating the capture of a confederate spy by a City policeman on December 16, 1864, at the NYCRR depot here in the City. The spy, John Yates Beall, was waiting for a train to take him to Canada (presumably via Suspension Bridge). He had recently attempted to derail a train between Buffalo and Dunkirk that was carrying prisoners of war. Before he could escape, he was apprehended by Officer D. H. Thomas. Officer Thomas is buried here in Oakwood Cemetery.

As railroad history is integral to the historical event because it occurred at the NYCRR depot, it is proposed that the historical marker be placed near the City's current Amtrak station. This location is also desirable as it is near to the site of Suspension Bridge, which was close to where Beall was apprehended.

The grant application requires permission from the landowner to install the marker at the proposed location. It is anticipated that this will add to the connectivity of the area which will hopefully make for a more enjoyable and informative experience for both visitors and residents alike.

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

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

Yeas 4

Council Members Bax, Tompkins, Zajac, Chairman Spanbauer

Nays 0

Absent-Council Member Myles

APPROVED

Item #4

The Niagara Falls Police Department is requesting to reorganize the staffing within their respective divisions so that the number of Police Officers are reduced from 92 budgeted positions to 90 and the number of Police Officer Detectives are increased from 26 budgeted positions to 28.

NFPD Administration has indicated that this reorganization will allow for more effective management of the respective Police Divisions. Total cost increases related to these promotions are \$6,418, including FICA costs. Savings incurred from the expected reduced overtime costs within the Detective division should cover these added costs.

Will the Council so approve?
Council Member Tompkins moved that the communication be received and
filed and the recommendation approved.

Yeas	4
Council Members Bax, Tompkins, Zajac, Chairman Spanbauer	
Nays	0
Absent-Council Member Myles	

APPROVED

Item #5

Previously, Trolley Service was provided to the City of Niagara Falls by the Niagara Frontier Transit Metro System ("Metro") pursuant to a written agreement. As in previous years, this Administration believes that it is desirable to continue the Metro's Trolley Service in the City.

Under the proposed agreement, Trolley Service will commence on May 27, 2022 and will continue through June 12, 2022 on weekends only (Friday, Saturday and Sunday). Beginning June 13, 2022, service will operate daily through and including September 25, 2022. The service will operate weekends only (Friday, Saturday and Sunday) beginning September 30, 2022 through and including October 30, 2022. The Service will operate hourly between 9:00 a.m. and 12:00 a.m. on the Service days indicated above. From October 31, 2022 through December 31, 2022, guests from participating hotels will have access to Metro's regular fixed route, open-door, and non-trolley service. The cost to the City for this service will be \$569,515.59. Funding is available from Tourism Fund balance.

Will the Council so approve and authorize the Mayor to execute an agreement with Metro 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
Council Members Bax, Tompkins, Zajac, Chairman Spanbauer	
Nays	0
Absent-Council Member Myles	

APPROVED

Item #6

In previous years, the City Council has approved a series of management agreements between the City of Niagara Falls and the USA Niagara Development Corporation ("USAN") relative to the operation of Old Falls Street between Prospect and Third Streets. As you know, USAN owns and operates the Conference and Event Center on Old Falls Street and has contracted with the Niagara Tourism and Convention Corporation, d/b/a/ Destination Niagara to undertake daily management and operation of the Conference and Event Center. Over the last several years, the City has contracted with USAN to maintain, manage and program events on Old Falls Street between Prospect and Third Streets through the Conference and Event Center manager.

It is proposed by this Administration that USAN be permitted to continue to maintain, manage and program Old Falls Street between Prospect and Third Streets through December 31, 2023, at no cost to the City. A proposed agreement between the parties will reflect those terms.

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

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

Yeas	4
Council Members Bax, Tompkins, Zajac, Chairman Spanbauer	
Nays	0
Absent-Council Member Myles	

APPROVED

Item #7

Since 1967, the LaSalle Educational Club has provided college scholarships for Niagara Falls students. The Club also assists the youth in our community through mentoring programs that it provides as part of its services to the Niagara Falls City School District.

To further the LaSalle Educational Club's mentoring mission, this Administration is proposing the grant of funding in the amount of \$25,000.00. Funding is available from Treasury Guidance Expenditure Category 6.1, which is "Revenue Replacement for the Provision of Government Services".

Will the Council so approve?

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

Yeas 4

Council Members Bax, Tompkins, Zajac, Chairman Spanbauer

Nays 0

Absent-Council Member Myles

APPROVED

There being no further business to come before the Council, Chairman Spanbauer adjourned the Meeting at 6:08 PM.

Kathleen Ligammari
City Clerk

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