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JANUARY 2, 2019
REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

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

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

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

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

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

City Clerk, Lisa Vitello called for nominations for Chairperson Councilmember William Kennedy nominated Councilmember Andrew Touma.

Councilmember Ezra Scott, Jr. seconded that nomination.

There were no other nominations and the vote was taken.

Councilmember William Kennedy voted yes

Councilmember Ezra Scott, Jr. voted yes

Councilmember Kenny Tompkins voted no

Councilmember Chris Voccio voted yes

Councilmember Andrew Touma voted yes

Yea 4

Nay 1

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

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

Yea

5

Nay

0

APPROVED

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

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

Administrative Update:

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

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

Controller Report:

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

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF NOVEMBER 2018
Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

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

Agenda Item #2

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

Sufficient funding is available within Capital account code H0904.

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

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

Yea	4
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Kennedy, Scott, Voccio, Chairman Touma	
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Nay	0
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Abstain	1
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Tompkins	
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APPROVED

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

Agenda Item #3

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

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

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

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

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

Yea	5
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Nay	0
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APPROVED

CONTRACT: NIAGARA MOBILE APP INITIATIVE, PROJECT

Agenda Item #4

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

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

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

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

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

APPROVED

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

Agenda Item #5

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

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

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

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

Yea
Nays

5
0

APPROVED

CONTRACT: SCHOOL RESOURCE OFFICERS, CONTINUATION OF AGREEMENT

Agenda Item #6

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

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

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

Yea
Nays

5
0

APPROVED

CONTRACT: USA NIAGARA DEVELOPMENT CORP., EXTENSION

Agenda Item #7

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

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

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

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

Yea
Kennedy, Scott, Tompkins, Chairman Touma
Nays
Voccio

4
1

APPROVED

CONTRACT: SPCA, CONTINUATION

Agenda Item #8

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

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

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

Yea
Nays

5
0

APPROVED

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

Agenda Item #9

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that the designation of the Niagara Gazette as the official newspaper of the City of Niagara Falls, New York for the purposes of printing and/or publishing of all legal notices, public hearing notices and any other matters required by law or by the City Council or the Boards of the City to be printed and/or published is hereby continued; and

BE IT FURTHER RESOLVED, that this designation shall be in effect for the year 2019, but such designation shall not thereafter lapse until superseded.

Yea
Kennedy, Scott, Tompkins, Chairman Touma
Nays
Abstain
Voccio

4
0
1

ADOPTED

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

Agenda Item #10

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

WHEREAS, the objectives of the investment policy are:

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

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

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

Yea
Nays

5
0

ADOPTED

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

Lisa A. Vitello
City Clerk



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

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

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

Also present: Acting Mayor, John Caso, Director of Public Works, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello.

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

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

Yea	5
nays	0

Item # 18 was amended
A proclamation was read honoring the Life of Harvey Albond.

Presentations:

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

Seth Piccirillo gave a presentation on the 311 System

Administrative Update:

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

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

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

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

Yea	5
Nays	0

Item #6 was Tabled

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

Yea	5
Nays	0

APPROVED

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

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CLAIM REPORT FOR THE MONTH OF DECEMBER 2018

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK REPORT FOR THE MONTH OF DECEMBER 2018

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

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

Agenda Item #3

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

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

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

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

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

Yea's
Nays

5
0

APPROVED

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

Agenda Item #4

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

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

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

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

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

Yea
Nays

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0

APPROVED

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

Agenda Item #5

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

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

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

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

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

Yea
Nays

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APPROVED

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

Agenda Item #6

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

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

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

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

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

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

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

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

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

Council Member Tompkins moved that the communication be Tabled.

Yea	5
Nay	0

TABLED

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

Agenda Item #7

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

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

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

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

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

Yea	5
Nay	0

APPROVED

CITY PROPERTY: 725 17TH STREET, ENCROACHMENT, BOYS AND GIRLS CLUB, DEAN ARCHITECTS

Agenda Item #8

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

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

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

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

Will the Council so approve?

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

Yea
Nays

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0

APPROVED

CONTRACT: NIAGARA COUNTY LAW ENFORCEMENT ACADEMY, RENEWAL

Agenda Item #9

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

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

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

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

Yea
Nays

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APPROVED

CONTRACT: NIAGARA COUNTY OFFICE FOR THE AGING

Agenda Item #10

In the past, the City has served as a contractor for the Niagara County Office for the Aging by providing information and assistance services to persons 60 years old or older who meet Office for the Aging eligibility requirements. These services are performed at 1201 Hyde Park Boulevard, Niagara Falls, New York. The City is paid an amount not to exceed \$9,025.00 for these services. The term of the agreement is January 1, 2019 through December 31, 2019. Attached (on file in the City Clerk's Office) is a copy of a proposed agreement.

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

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

Yea
Nays

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APPROVED

CONTRACT: POLICE DEPARTMENT, LEADSONLINE, LLC.

Agenda Item #11

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

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

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

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

Yea
Nays

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APPROVED

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

Agenda Item #12

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

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

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

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

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

Will the Council vote to approve the proposal presented herein and to authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yea

Nay

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APPROVED

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

Agenda Item #13

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

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

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

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

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

Yea

Nay

5

0

APPROVED

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

BY: ALL COUNCIL MEMBERS

Agenda Item #14

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

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

WHEREAS, the City of Niagara Falls is respectfully requesting that the State of New York Senate and Assembly introduce companion bills that would authorize and empower the City of Niagara Falls to lower the speed limit to not less than 25 miles per hour in its downtown area; and

WHEREAS, the downtown area is described as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yea
Nays

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ADOPTED

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

BY: ALL COUNCIL MEMBERS

Agenda Item #15

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

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

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

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

BE IT FURTHER RESOLVED that subsequent to the State's adoption, the City of Niagara Falls would have an opportunity to present a Local Law in order to accomplish this clarification in its Local Law regarding bed tax; and

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

Yea
Nays

5
0

ADOPTED

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

Agenda Item #16

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

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

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

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

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

1. Promote tourism by ease of transportation to and from all the tourist sites in the City of Niagara Falls, Town of Lewiston, Village of Youngstown and in the future various additional tourist sites in Niagara County;
2. Relieve congestion of tourism traffic on the roads, parking, and provide a scenic commute throughout the existing City of Niagara Falls and Niagara County tourist locations; and

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

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

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

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

Yea

5

Nays

0

ADOPTED

RESOLUTION: SPACOME, ROBERT, HONORING, 2019-6

BY: ALL COUNCIL MEMBERS

Agenda Item #17

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

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

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

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

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

Yea

5

Nays

0

ADOPTED

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

BY: ALL COUNCIL MEMBERS

Agenda Item #18

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

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

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

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

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

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

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

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

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

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

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

Yea
Nays

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0

ADOPTED

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

Agenda Item #19

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

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

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

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

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

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

Timeline:

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

Yea	2
Tompkins, Voccio	
Nay	3
Kennedy, Scott, Chairman Touma	
	DEFEATED

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

Agenda Item #20

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

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

Yea	5
Nay	0
	ADOPTED

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

Agenda Item #21

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

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

Yea	5
Nay	0
	ADOPTED

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

Agenda Item #22

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

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

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

Yea	5
Nay	0

ADOPTED

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

Agenda Item #23

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

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

Yea	5
Nay	0

ADOPTED

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

Agenda Item #24

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

REAPPOINTMENT:
Mr. Bert Donahue
8189 West Rivershore Drive
Niagara Falls, New York 14304

TERM EXPIRES:
9/30/22

Yea
Nays

5
0

ADOPTED

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

Agenda Item #25

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

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

Yea
Nays

5
0

ADOPTED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE MAYOR

CODE ENFORCEMENT DEPARTMENT: EMERGENCY DEMOLITION FUNDING TRANSFER

Agenda Item #26

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

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

Does the City Council approve of this budget transfer?

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

Yea
Nays

5
0

APPROVED

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

Lisa A. Vitello
City Clerk



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

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

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

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

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

Council Member Tompkins moved to approve the Minutes from the Council Meeting of January 23, 2019

Yea	5
Nay	0
APPROVED	

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

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

Presentations: NONE

Administrative Update:

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

Controllers Report:

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

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

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

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

Yea
Nays

5
0

APPROVED

The item was added as Agenda Item #9

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

Yea
Nays

5
0

APPROVED

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

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

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

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: 535 MEMORIAL PKWY., RENOVATION, CHDO PROGRAM

Agenda Item #2

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

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

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

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

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

Yea
Nays

5
0

APPROVED

CONTRACT: OFFICE OF THE AGING, SENIOR NUTRITION SITE

Agenda Item #3

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

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

Will the Council so approve?

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

Yea

Nay

5

0

APPROVED

CONTRACT: GARDEN AVENUE PARK IMPROVEMENT PROJECT, EQUIPMENT, GAMETIME

Agenda Item #4

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

It is NFCD's recommendation that the purchase of Garden Avenue Park's new should be purchased via the New York State Office of General Services Playground Equipment, and Related Products Statewide Contract. GAMETIME Playground Equipment is a qualified vendor as part of the statewide contract (NYS CONTRACT PC 66669). Equipment includes playground units, seating and trash receptacles. Equipment would be installed by city workers. The equipment purchase amount is \$75,000.

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

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

Yea

Nay

5

0

APPROVED

CONTRACT: NTCC, SHARED SERVICES

Agenda Item #5

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

It is recommended that this Shared Services Agreement be continued for a two (2) year period of time provided funding is made available. Will the Council so approve and authorize the Mayor to execute a Shared Services Agreement in form and substance satisfactory to the Corporation Counsel?

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

Yea

Nay

5

0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS: APPOINTMENTS

Agenda Item #6

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

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

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

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

Yea	5
Nay	0

APPROVED

RESOLUTION: YOUTH BOARD, REAPPOINTMENT, 2019-14
BY: COUNCIL MEMBER EZRA SCOTT, JR.

Agenda Item #7

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

REAPPOINTMENTS:	TERMS EXPIRES:
Helen Kress 2965 Weston Ave Niagara Falls, NY 14305	12/31/2019

Yea	5
Nay	0

ADOPTED

RESOLUTION: CITY COUNCIL AGENDA, FEBRUARY 6, 2019, EXTENDING FILING DATE/TIME, 2019-15
BY: COUNCIL MEMBER KENNY TOMPKINS, CHAIRMAN ANDREW TOUMA

Agenda Item #8

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

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

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

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

Yea	5
Nay	0

ADOPTED

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

Agenda Item #9

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

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

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

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

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

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

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

Yea
Nays

5
0

ADOPTED

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

Agenda Item #10

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

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

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

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

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

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

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

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

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

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

Yea	3
Kennedy, Voccio, Chairman Touma	
Nay	2
Scott, Tompkins	

APPROVED

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

Lisa A. Vitello
City Clerk



FEBRUARY 20, 2019

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

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

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

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

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

Council Member Tompkins moved to approve the Minutes from the Council Meeting of February 6, 2019.

Yea	5
Nay	0
APPROVED	

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

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

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

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

Council Member Tompkins moved to amend and approve the Item

Yea	5
Nay	0
APPROVED	

Council Member Ezra Scott, Jr. read the Proclamation

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

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

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

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

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

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

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

Council Member Tompkins moved that the communication be approved

Yea	5
Nay	0

APPROVED

Item was added as Agenda Item #11

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF JANUARY 2019

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

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

Agenda Item #2

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

Will the Council so approve and authorize the Mayor to execute any agreements necessary in order to move this construction project forward provided the same are in form and content acceptable to the Corporation Counsel?

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

Yea	5
Nay	0

APPROVED

CONTRACT: OSC-21, SCHOOL DISTRICT, FUNDING

Agenda Item #3

THIS ITEM WAS PULLED

NO ACTION TAKEN

CONTRACT: TROLLEY SERVICE, NFTA, FUNDING

Agenda Item #4

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

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

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

Yea
Nays

5
0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED FROM THE CITY CLERK

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #5

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

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

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

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

Yea
Nays

5
0

APPROVED

COMMISSIONER OF DEEDS, APPOINTMENTS/RE-APPOINTMENTS

Agenda Item #6

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

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

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

Allison Moore 2653 Porter Rd., NF, NY 14305
Teresa Naccarato 562 78th Str., NF, NY 14304
Diana M. Restaino 826 College Ave., NF, NY 14305
Margaret Anne Smith 410 74th St., NF, NY 14304
Randal Ubriaco 837 15th St., NF, NY 14301
Dennis Virtuoso 2703 Independence Ave., NF, NY 14301
Jennifer L. Weigel 454 27th St., Lower, NF, NY 14303
Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea

5

Nays

0

APPROVED

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

Agenda Item #7

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

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

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

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

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

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

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

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

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

Yea

5

Nays

0

ADOPTED

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

Agenda Item #8

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

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

Yea	5
Nays	0

ADOPTED

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

Agenda Item #9

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

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

Yea	5
Nays	0

ADOPTED

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

Agenda Item #10

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

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

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

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

Yea	5
Nays	0

ADOPTED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS: APPOINTMENTS

Agenda Item #11

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

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

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

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

Yea
Nays

5
0

APPROVED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 7:45 P.M.

Lisa A. Vitello
City Clerk



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

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

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

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

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

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

Yea	5
Nay	0
APPROVED	

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

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

Presentations:

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

Administrative Update:

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

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

Council voted to amend the item regarding funding sources.

Yea	5
Nay	0
APPROVED	

Item #5 was amended.

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

Approval of Commissioner of Deeds

Yea	5
Nay	0
APPROVED	

The item was added as Agenda Item #15

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

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

Agenda Item #1

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

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

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

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

Yea
Nays

5
0

APPROVED

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

Agenda Item #2

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

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

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

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

Yea
Nays

5
0

APPROVED

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

Agenda Item #3

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

Draft 2019 CDBG Amount:	\$ 2,000,000
Draft 2019 HOME Amount:	\$ 335,000
Draft 2019 ESG Amount:	\$ 195,000

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

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

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

Citizen Survey

Opened October 9, 2018
Closed November 9, 2018
17 Respondents
14 Comments

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

Neighborhood Planning Meetings

Mon, Oct 22, 6:00 pm Niagara St. Elementary-2513 Niagara St.
3 Attendees
Tue, Oct 23, 12:00 pm LaSalle Public Library-8728 Buffalo Ave
10 Attendees
Thu, Oct 25, 6:30 pm Doris Jones Family Resource Center- 3001-9th St.
1 Attendee
Sat, Oct 27, 10:00 am Carnegie Building - 1022 Main Street
4 Attendees
18 Attendees Total

Pizza with the Plan

Tue, Jan 8, 6:00 pm Carnegie Building - 1022 Main Street
16 Attendees
4 Comments
(Comments attached) (on file in the City Clerk's Office)

Public Hearing

Wed, Jan 16, 6:00 pm City Hall Council Chambers - 745 Main Street
30 Attendees
13 Speakers
(Minutes attached) (on file in the City Clerk's Office)

Other Comments

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

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

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

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

Yea

Nay

5

0

APPROVED

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

Agenda Item #4

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

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

FOR: Extension of lease of utility carts through December 31, 2019

Lease price per month for seven (7) utility carts:

\$ 790.00

Total for life of lease:

\$7,900.00

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

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

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

Will the Council so approve and authorize the Mayor to execute all documents necessary to extend this lease upon the terms set forth herein in a form acceptable to the Corporation Counsel?

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

Yea

Nay

5

0

APPROVED

DEPARTMENT OF PUBLIC WORKS: TRACTION ELEVATOR, REPLACE, FUNDING

Agenda Item #5

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

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

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

Yea	5
Nay	0
APPROVED	

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

Agenda Item #6

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

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

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

Yea	5
Nay	0
APPROVED	

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

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

Agenda Item #7

Custom Covers & Canvas, representing the above referenced property, has applied for an awning encroachment into the City's right-of-way.

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

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

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

Will the Council so approve?

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

Yea	5
Nay	0
APPROVED	

CITY MARSHALLS: APPOINTMENTS

Agenda Item #8

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

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

Will the Council so approve?

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

Yea

5

Nays

0

APPROVED

CONTRACT: OSC 21, SCHOOL DISTRICT, FUNDING

Agenda Item #9

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

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

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

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

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

Yea

5

Nays

0

APPROVED

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

Agenda Item #10

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

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

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

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

Yea	5
Nays	0
ADOPTED	

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

Agenda Item #11

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

Yea	5
Nays	0
ADOPTED	

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

Agenda Item #12

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

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

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

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

Yea	5
Nays	0
ADOPTED	

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

Agenda Item #13

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

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

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

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

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

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

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

Yea
Nays

5
0

ADOPTED

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

Agenda Item #14

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

702.00 Findings/Purpose

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

prolonged periods when the temperature rises to greater than 90° Fahrenheit are believed likely to experience heatstroke or other bodily harm.

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

702.01 Regulations

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

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

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

702.02 Enforcement, Penalties, and Registration Obligations.

- (a) **Enforcement Officers.** This ordinance shall be enforced by any police officer, dog control officer or peace officers having jurisdiction within the City of Niagara Falls. Such enforcement officers shall have the authority to enforce the provisions of this ordinance and to take such necessary and related enforcement actions, including, without limitation, accepting, recording, and investigating complaints, issuing appearance tickets, obtaining supporting depositions, and preparing and submitting criminal and civil complaints to a court of competent jurisdiction.
- (b) **Classification of Offense.** Any person who violates the prohibition found within Section 702.02 of this ordinance, shall, upon conviction thereof, be guilty of a violation, as defined in Section 55.10 of the New York State Penal Law, as may be amended from time to time. Each calendar day in which such person violates Section 702.02 of this ordinance shall constitute a separate offense.
- (c) **Penalties and Registration.** The court, in its discretion, may impose a sentence of imprisonment to be fixed by the court for a term not to exceed fifteen days, consistent with Section 70.15(4) of the New York State Penal Law, a sentence to pay an amount to be fixed by the court not exceeding the amount of two hundred fifty dollars, consistent with Section 80.05(4) of the New York State Penal Law, or both.

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

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

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

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

702.03 Severability

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

702.04

Effective Date

This ordinance shall take effect on the day it is approved by the City Council of the City of Niagara Falls.

Yea

5

Nays

0

ADOPTED

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #15

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

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

Risky Sanabria 927 90th St., Niagara Falls, NY 14304
Ryan Undercoffer Community Development

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

Yea

5

Nays

0

APPROVED

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

Lisa A. Vitello
City Clerk



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

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

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

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

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

Council Member Tompkins moved to approve the Minutes from the Council Meeting of March 6, 2019.

Yea

5

Nay

0

APPROVED

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

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

Presentations:

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

Administrative Update:

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

City Controller Report:

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

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

The first item:

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

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

Yea	5
Nay	0

APPROVED

The item was added as Agenda Item #15

The second item was to appoint a commissioner of deeds.

Councilman Tompkins moved to add the item to the agenda.

Yea	5
Nay	0

APPROVED

The item was added as Agenda Item #16

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

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

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

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

Agenda Item #2

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

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

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

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

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

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

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

Yea	5
Nay	0

APPROVED

CONTRACT: NIAGARA SCENIC PARKWAY, AMENDMENT, REMOVAL

Agenda Item #3

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

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

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

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

Yea

5

Nays

0

APPROVED

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

Agenda Item #4

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

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

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

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

Will the Council so approve?

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

Yea

5

Nays

0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: WOLF, LYNN

Agenda Item #5

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

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

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

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

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

MAYOR'S APPROVAL

Agenda Item #6

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

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

THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: TOURISM ADVISORY BOARD, APPOINTMENT, 2019-26
BY: ALL COUNCIL MEMBERS

Agenda Item #7

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

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Francis (Skip) Di Camillo 811 Linwood Avenue Niagara Falls, NY 14305	12/31/2019

Yea	5
Nays	0

ADOPTED

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

Agenda Item #8

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

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

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

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

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

Yea	5
Nay	0

ADOPTED

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

Agenda Item #9

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

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

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

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

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

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

Yea
Nays

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ADOPTED

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

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

Agenda Item #10

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

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

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

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

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

Yea
Kennedy, Tompkins, Voccio, Chairman Touma
Nays
Scott

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ADOPTED

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

BY: COUNCIL MEMBER KENNEDY, CHAIRMAN TOUMA

Agenda Item #11

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

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

Yea
Nays

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ADOPTED

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

Agenda Item #12

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

911.01GENERAL PROVISIONS

• • •

CITY-ISSUED REFUSE CART

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

CITY ISSUED REFUSE TAG/STICKER

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

• • •
DEAD ANIMALS

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

DISPOSABLE PLASTIC BAG

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

DIRECTOR

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

DUMP PERMIT

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

ELECTRONIC WASTE (E-WASTE)

Any discarded electronic or electrical devices or their parts.

• • •
911.03REFUSE.

A. Public collection and disposal of refuse.

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

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

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

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

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

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

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

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

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

••• 911.05 STORAGE OF REFUSE AND RECYCLABLES.

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

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

•••

911.06 MISCELLANEOUS PROVISIONS.

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

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

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

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

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

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

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

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

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

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

(3) Litter.

(4) Scavenge.

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

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

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THESE AMENDMENTS WILL BE EFFECTIVE MAY 1, 2019

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

Yea

Nays

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ADOPTED

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

Agenda Item #13

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

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

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

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

Yea

Nays

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ADOPTED

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

Agenda Item #14

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

WHEREAS, This event serves as the major fundraiser for the organization and is attended by over 400 professionals and supporters of the Niagara Falls Boys & Girls Club; and

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

Yea

Nays

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ADOPTED

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

Agenda Item #15

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

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

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

Years

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ADOPTED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS: APPOINTMENT

Agenda Item #16

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

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

Santia Myles 631 16th St., Niag. Falls, NY 14301

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

Years

5

Nays

APPROVED

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

There being no further business to come before the Council, Chairman Touma recessed this Meeting.

This Meeting ended at 7:40 P.M.

Lisa A. Vitello
City Clerk



MARCH 25, 2019

RECESSED COUNCIL MEETING

NIAGARA FALLS, NEW YORK

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

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

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

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

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

Is there a motion to go into Executive Session?

Councilman Tompkins moved to go into Executive Session

Seconded by Councilman Kennedy

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

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

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

Executive Session ended 5:55

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

Lisa A. Vitello
City Clerk



APRIL 3, 2019

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

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

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

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

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

Council Member Tompkins moved to approve the Minutes from the Council Meeting of March 20, 2019 and the Recessed Meeting of March 25, 2019.

Chairman Touma announced a Special Order of Business, a Public Hearing regarding the Abandonment of a portion of the Old Falls Street Right-Of-way adjacent to 304 1st Street and asked if there were any speakers relative thereto:

THERE WERE NO SPEAKERS

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

Ron Anderluh	Agenda Item #6
Ruth Knepp	Various
Robert Ventry	Various
Gloria Dolson	Various

Presentations:

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

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

Administrative Update:

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF FEBRUARY 2019

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

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

Agenda Item #2

THIS ITEM WAS PULLED

NO ACTION TAKEN

CONTRACT: CONIFEROUS TREES, PURCHASE, SCHICHTEL'S NURSERY

Agenda Item #3

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

TO: Schichtel's Nursery
7420 Peters Road
Springville, New York 14141-9405
FOR: Purchase of 110 trees to be planted within the City of Niagara Falls, New York, per the attached tally sheet, \$8940.00

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

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

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

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

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

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

Will the Council so approve?

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

Yea

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Nay

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APPROVED

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

Agenda Item #4

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

TO: K. J. Smith Enterprises
3616 Highland Avenue
Niagara Falls, New York 14305

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

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

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

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

Will the Council so approve?

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

Yea

Nays

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APPROVED

CONTRACT: 91ST STREET PARK BALL DIAMOND, IMPROVEMENT PROJECT, SCOTT LAWN YARD INC.

Agenda Item #5

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

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

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

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

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

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

Yea

Kennedy, Scott, Tompkins, Chairman Touma

Nays

Voccio

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APPROVED

CONTRACT: CITY PARKS, IMPROVEMENTS, PURCHASES

Agenda Item #6

The Community Development Department has undertaken an aggressive plan of park improvements throughout the City of Niagara Falls. This council agenda item would allow the purchase of ancillary park equipment/structures that have been approved by the Niagara Falls City Council as part of past Niagara Falls Community Development Action Plans. It is NFCD's recommendation that the items be purchased via the New York State Office of General Services Playground Equipment, and Related Products Statewide Contract. MRC Companies, Inc. is a qualified vendor as part of the statewide contract (NYS CONTRACT PC 67834). The total amount that the Niagara Falls City Council is being asked to authorize is as detailed below. These items would be fully funded by United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funds

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

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

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

Yea
Nays

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APPROVED

PUBLIC WORKS: FEE SCHEDULE

Agenda Item #7

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

Will the Council so approve?

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

Yea
Nays

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APPROVED

CONTRACT: AQUARIUM, NEW EXHIBITS, EXPENSES, FUNDING

Agenda Item #8

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

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

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

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

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

Yea
Nays

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APPROVED

CONTRACT: RETIREE DRUG SUSIDY PLAN, RDS SERVICES LLC

Agenda Item #9

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

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

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

Yea
Nays

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APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

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

Agenda Item #10

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK: COMMISSIONER OF DEEDS, APPOINTMENT

Agenda Item #11

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

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

Eugene Pucci (City Marshal) 8612 Third Ave, NF, NY 14304
Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea
Nays

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APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: AUSTIN, JACKYLIN JEAN

Agenda Item #12

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

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

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

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

Yea	4
Scott, Tompkins, Voccio, Chairman Touma	
Nay	1
Kennedy	

APPROVED

CLAIM: NIAGARA FRONTIER TRANSPORTATION AUTHORITY

Agenda Item #13

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

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

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

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

Yea	4
Scott, Tompkins, Voccio, Chairman Touma	
Nay	1
Kennedy	

APPROVED

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

Agenda Item #14

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

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

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

Yea	4
Kennedy, Scott, Voccio, Chairman Touma	
Nay	0
Abstain	1
Tompkins	

ADOPTED

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

Agenda Item #15

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the City of Niagara Falls, New York does hereby recognize, acknowledge and support the enactment by the New York State Legislature of Senate Bill No. S4415 and Assembly Bill No. A6345 entitled "An Act to amend the real property tax law, in relation to authorizing the City of Niagara Falls to add unpaid housing code violation penalties, costs and fines to such City's annual tax levy" and this City Council declares that a necessity exists for the enactment of such legislation; and

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

Yea	5
Nay	0

ADOPTED

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

Agenda Item #16

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

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

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

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

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

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

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

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

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

RESOLVED, this Resolution shall take effect immediately.

Yea
Nays

5
0

ADOPTED

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

BY: ALL COUNCIL MEMBERS

Agenda Item #17

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

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

WHEREAS, the hearing was duly held on April 3, 2019 at 6:00 p.m. eastern daylight time in regards to said abandonment.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that a portion of the Old Falls Street Right of Way adjacent to 304 - 1st Street, is hereby abandoned, the said abandoned right of way portion subject, however, to reservation of right of and for the City of Niagara Falls, the Niagara Falls Water Board and any utility companies, their successors and assigns to use, maintain, repair, replace and continue to maintain their services and operations in said abandoned right of way. The said right of way portion is bounded and described as follows:

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

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

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

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed in the Office of the Clerk of the County of Niagara and that the Mayor may sign deeds or other documents desirable to effectuate this abandonment.

Yea
Nays

5
0

ADOPTED

RESOLUTION: SPEED LIMIT, HOME RULE, 2019-39
BY: ALL COUNCIL MEMBERS

Agenda Item #18

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

WHEREAS, Senator Robert Ortt introduced Senate Bill No. S202, as attached hereto, and Assemblyman Angelo Morinello introduced Assembly Bill A4657, as attached hereto, which would authorize and empower the City of Niagara Falls to lower the speed limit to not less than 25 miles per hour in its downtown area, as described in both bills, in furtherance of projects to attract new investment in said downtown area; and

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

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby recognize, acknowledge and support the enactment by the New York State Legislature of Senate Bill No. S202 and Assembly Bill A4657, entitled "An Act Relating to Authorizing the City of Niagara Falls, County of Niagara, to Reduce the Speed Limit in Downtown Niagara Falls", and this City Council declares that a necessity exists for the enactment of such legislation; and

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

Yea
Nays

5
0

ADOPTED

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

Lisa A. Vitello
City Clerk



APRIL 30, 2019
SPECIAL COUNCIL MEETING

NIAGARA FALLS, NEW YORK

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

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

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

Council Members and Madam:

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

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

Respectfully


submitted

Andrew Touma, Chair

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

Council Member Tompkins moved to approve the Minutes from the Council Meeting of April 3, 2019.

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

Seconded by Councilman Tompkins.

Yea

5

Nay

0

APPROVED

The agenda was amended.

Presentations:

Marc Gschwend, National Grid; LED conversion project

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

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

Administrative Update:

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

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

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

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

Yea

5

Nay

0

APPROVED

The item was added as Agenda Item #22

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

Yea	5
Nay	0

APPROVED

The item was added as Agenda Item #23

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

Yea	5
Nay	0

APPROVED

The Resolution was added as Agenda Item #24

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S CLAIMS FOR THE MONTH OF MARCH 2019

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF MARCH 2019

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

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

Agenda Item #3

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

TO:	Santarosa Holdings, Inc.
	dba Buffalo Fuel Corporation
	4870 Packard Road
	<u>Niagara Falls, New York 14304</u>
FOR:	Sale of street millings generated during the 2019 paving
season:	\$ 2.10 per ton

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to nine (9) vendors. Three (3) bids were received (on file in the City Clerk's Office). The above referenced company submitted the highest price for the millings. The two (2) other bids received were from Lafarge North America, Incorporated at \$ 2.00 per ton and Modern Corporation at \$ 1.85 per ton.

Will the Council so approve?

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

Yea	5
Nay	0

APPROVED

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

Agenda Item #4

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

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

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

Will the Council so order?

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

Yea

5

Nay

0

APPROVED

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

Agenda Item #5

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

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

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

FOR: Meals for prisoners at the Municipal Services Building:

Breakfast - picked up by City (est. 3,000)	\$1.00
Lunch/Supper - picked up by City (est. 9,000)	\$1.65
Vegetarian Request (est. 20)	\$0.50
Diabetic Request (est. 100)	\$0.50

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

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to six (6) vendors. This was the only bid received (on file in the City Clerk's Office). This contract will be in effect from May 16, 2019 through May 15, 2020.

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

Will the Council so approve?

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

Yea
Nays

5
0

APPROVED

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

Agenda Item #6.

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

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

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

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

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

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

Yea
Nays

5
0

APPROVED

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

Agenda Item #7

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

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

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

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

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

Yea

5

Nay

0

APPROVED

CITY PROPERTY: MEMORIAL PKWY., 424, SALE

Agenda Item #8

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

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

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

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

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

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

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

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

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

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

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

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

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

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

With the City Council vote to approval the sale of 424 Memorial Parkway from Ryan Cali and Matthew Melcher to Noah Munoz and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yea	0
Nay	5
DEFEATED	

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

Agenda Item #9

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

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

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

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

Yea	5
Nay	0
APPROVED	

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

AGENDA Item #10

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

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

Yea	4
Kennedy, Scott, Tompkins, Chairman Touma	
Nay	1
Voccio	

APPROVED

DEPARTMENT OF PUBLIC WORKS: DIVISION OF TRADES, REORGANIZATION

Agenda Item #11

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

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

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

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

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

Will the Council so approve?

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

Yea	5
Nay	0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE HISTORIC PRESERVATION COMMISSION

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

Agenda Item #12

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

The Historic Preservation ordinance provides:

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

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

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

This Item was Tabled, No action taken

Yea

5

Nay

0

TABLED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: ZONA, JASON

Agenda Item #13

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

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

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

Yea

4

Scott, Tompkins, Voccio, Chairman Touma

0

Nay

1

Abstain

Kennedy

APPROVED

CLAIM: COLANGELO, THOMAS

Agenda Item #14

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

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

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

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

Yea	5
Nay	0

APPROVED

CLAIM: DEFAZIO, DEREK

Agenda Item #15

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

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

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

Yea	5
Nay	0

APPROVED

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

BY: COUNCIL MEMBERS TOMPKINS, VOCCIO, CHAIRMAN TOUMA

Agenda Item #16

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

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

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

Yea

5

Nay

0

ADOPTED

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

Agenda Item #17

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

<u>APPOINTMENTS:</u>	<u>TERM EXPIRES:</u>
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Danelle Williams 2456 South Avenue Niagara Falls, NY 14305	12/31/2022
--	------------

Mark Shaw 2606 Youngstown-Lockport Road Ransomville, NY 14131	12/31/2022
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Yea

5

Nay

0

ADOPTED

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

Agenda Item #18

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

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

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

Yea

5

Nay

0

ADOPTED

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

Agenda Item #19

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

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

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

Yea

5

Nay

0

ADOPTED

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

BY: COUNCIL MEMBERS KENNEDY, SCOTT, CHAIRMAN TOUMA

Agenda Item #20

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

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

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

Yea

5

Nay

0

ADOPTED

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

BY: ALL COUNCIL MEMBERS

Agenda Item #21

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

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

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

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

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

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

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

Yea

5

Nay

0

ADOPTED

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

Agenda Item #22

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

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

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

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

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

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

Yea	5
Nay	0

APPROVED

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

Agenda Item #23

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

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

It is the recommendation of the undersigned that this project be awarded to the low bidder 4th Generation Co. Inc. at their Base Bid of \$297,651.00. Please note that this amount is completely reimbursable with NYSDOT CHIPS monies. The funding code will be H0319, which represents CHIPS funding to be received for 2019 projects.

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

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

Yea	5
Nay	0

APPROVED

RESOLUTION: SCHOOL BUSES, SAFETY CAMERAS, 2019-46

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

Agenda Item #24

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

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

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

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

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

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

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

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

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

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

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

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

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

Yea
Nays

5
0

ADOPTED

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

Lisa A. Vitello
City Clerk



MAY 15, 2019

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

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

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

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

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

Council Member Tompkins moved to approve the Minutes from the Special Council Meeting of April 30, 2019.

Yea	5
Nay	0
APPROVED	

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

Administrative Update:

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

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

Controller Report:

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

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

Contract with Ber-National for On-Street Meter Installation.

Yea	5
Nay	0
APPROVED	

The item was added as Agenda Item #20

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

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S CLAIMS FOR THE MONTH OF APRIL 2019

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORTS FOR THE MONTH OF APRIL 2019

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

NATIONAL GRID: OUTDOOR STREET LIGHT CONVERSION PROGRAM

Agenda Item #3

THIS ITEM WAS PULLED

NO ACTION TAKEN

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

Agenda Item #4

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

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

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

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

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

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

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

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

Yea

5

Nay

0

86

APPROVED

CONTRACT: SURPLUS CITY PROPERTY, CASH REALTY & AUCTIONS LLC,
PROFESSIONAL AUCTIONER

Agenda Item #5

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

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

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

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

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

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

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

Yea
Nays

5
0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE HISTORIC PRESERVATION COMMISSION

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

Agenda Item #6

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

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

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

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

Yea	1
Kennedy	
Nays	4
Scott, Tompkins, Voccio, Chairman Touma	
	DEFEATED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

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

Agenda Item #7

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

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

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

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

Submitted By: Ebony Jones, 455 - 7th Street

It is requested that City Council approve this recommendation.

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

Yea	5
Nays	0
	APPROVED

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

Agenda Item #8

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

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

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

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

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

Yea	5
Nays	0
	APPROVED

WALNUT AVENUE, BETWEEN 18TH AND 19 STS., INSTALL OVERNIGHT PARKING

Agenda Item #9

At the Traffic Advisory Commission meeting held on May 6, 2019 the Commission recommended APPROVAL of the following item:

INSTALL OVERNIGHT PARKING ON WALNUT AVENUE BETWEEN 18TH STREET & 19TH STREET (NORTH SIDE ONLY) WITH "NO PARKING TUESDAY 7AM TO 1PM"
RESTRICTION

The New York State Department of Transportation has agreed to allow overnight parking on this roadway as long as it satisfies the City's requirements.

A Petition from the residents of this block was received with 75% signatures.

Submitted By: Harold Foshee, 560 - 19th Street

It is requested that City Council approve this recommendation.

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea
Nays

5
0
APPROVED

INDEPENDENCE AVENUE, 2726, INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #10

At the Traffic Advisory Commission meeting held on May 6, 2019 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 2726 INDEPENDENCE AVENUE

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Helena Bergeron, on behalf of her daughter,
Christianna Bergeron, 2726 Independence Avenue

It is requested that City Council approve this recommendation.

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea
Nays

5
0
APPROVED

GRAND AVENUE, 2442, INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #11

At the Traffic Advisory Commission meeting held on May 6, 2019 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 2442 GRAND AVENUE

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Felicia Ham, 2442 Grand Avenue

It is requested that City Council approve this recommendation.
Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea
Nays

5
0

APPROVED

23RD STREET, 631, INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #12

At the Traffic Advisory Commission meeting held on May 6, 2019 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 631 23RD STREET

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Janice Barnes, on behalf of her husband, Johnny Barnes, 631 23RD Street

It is requested that City Council approve this recommendation.
Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea
Nays

5
0

APPROVED

INFORMATIONAL ITEM: DENIED, VARIOUS

Agenda Item #13

At the Traffic Advisory Commission meeting held on May 6, 2019, the Commission:

DENIED:

- 1) Request submitted by Resident to Nick Melson, City Administrator, to INSTALL ALL WAY STOP SIGNS AT THE INTERSECTION OF FALLS STREET AND 27TH STREET. The intersection was studied with the following results: Accidents (right angle and turning collision): 2014/0, 2015/0, 2016/0, 2017/2, 2018/1, 2019/0 to present. Traffic Volume (average of the 8 highest hours per day): Falls Street = 118 vehicles, 27th Street = 51 vehicles. This intersection falls far short of the MUTCD Minimum Warrants for the placement of "ALL WAY" stop signs (5 right angle and turning collision accidents per 12 month period or 500 total vehicles per hour for the highest 8 hours per day with a close to even (60/40 or better) split between main road and side road).
- 2) Request submitted by Resident to Nick Melson, City Administrator, to INSTALL A STOP SIGN ON CAYUGA DRIVE BETWEEN 91ST STREET & CITY LINE. This stretch of roadway was studied with the following results: Accidents (right angle and turning collision): 1/1/2014 to present - 1 accident total of this type from among all the intersections (92nd Street to 104th Street). Traffic Volume (average of the 8 highest hours per day): Cayuga Drive = 397 vehicles, 95th Street (counted due to anticipated high volume with a School located here) = 73 vehicles (a 85/15 split). This intersection falls short of the MUTCD Minimum Warrants for the placement of "ALL WAY" stop signs (listed above).

3) Request submitted by Ebony Jones, 455 - 7th Street and petition/residents of Seventh Street between Ferry Avenue and Walnut Avenue to ELIMINATE THE "NO STANDING ANYTIME" RESTRICTION ON THE EAST SIDE OF THE STREET & THE EXISTING OVERNIGHT PARKING ON THE WEST SIDE ONLY WITH "NO PARKING TUESDAY 7 AM TO 1 PM" RESTRICTION, AND ALLOW TWO SIDED DAY PARKING WITH ALTERNATE OVERNIGHT PARKING. This petition had only 32% of signatures which is far short of the percentage required for approval.

4) Request submitted by Ebony Jones, 455 - 7th Street and petition/residents of Seventh Street between Walnut Avenue and Pine Avenue to ELIMINATE THE "NO STANDING ANYTIME" RESTRICTION ON THE EAST SIDE OF THE STREET & THE EXISTING OVERNIGHT PARKING ON THE WEST SIDE ONLY WITH "NO PARKING TUESDAY 7 AM TO 1 PM" RESTRICTION, AND ALLOW TWO SIDED DAY PARKING WITH ALTERNATE OVERNIGHT PARKING. This petition had only 32% of signatures which is far short of the percentage required for approval.

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #14

The following have requested City Council approval for Commissioner of Deeds for a term from July 1, 2019 to June 30, 2021.

This is in accordance with provision of the Niagara Falls City Charter, Article II, Section 7, Subdivision 5.

John P. Caso	DPW
Michael L. Edwards	DPW
Victoria Gemuend	Engineering Dept.
Eugene Ochal	City Marshal
Frederick Pucci	City Marshal
Linda Roulley	Law Dept.
Kenneth M. Tompkins	City Council
Michael Trane	NYPD
Tina L. Aronne	1320 Vanderbilt Ave., N. Falls, NY 14305
Tabitha Bernard	1331 Garden Ave., Niagara Falls, NY 14305
William S. Carroll	4420 Lewiston Rd., Niagara Falls, NY 14305
Ryan N. Garrow	625 Oak St., Youngstown, NY 14174
Barbara E. Gonzalez	2412 North Ave., Niagara Falls, NY 14305
Cindy-Lou Joyce	2744 Thornwoods Dr., NF, NY 14304
Renae Kimble	3302 Hyde Park Blvd., NF, NY 14305
Vincent M. Mameli	462 77 th St., Niagara Falls, NY 14304
Denise Salada	621 71 st St., Niagara Falls, NY 14304
Randal S. Ubriaco	837 15 th St., Niagara Falls, NY 14301
Dorothy Lee West	245 71 st St., Niagara Falls, NY 14304
Council Member Tompkins	moved that the communication be received
and filed and the recommendation approved.	
Yea	4
Kennedy, Scott, Voccio, Chairman Touma	
Nays	0
Abstain	1
Tompkins	

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: SILVERSMITH, DONALD

Agenda Item #15

Date Claim Filed:	April 5, 2019
Date of Occurrence:	February 24, 2019
Location:	443 70 th Street
Nature of Claim:	Branch from a City tree located in front of his residence broke off and fell on 2016 Honda Civic causing damage. Deteriorated condition of tree had been called to City's attention prior to incident.
City Driver:	N/A
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$387.24
Make Check Payable to:	Donald Silversmith
Conditions:	General Release to City approved by Corporation Counsel.

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea	4
Kennedy, Scott, Voccio, Chairman Touma	
Nay	0
Abstain	1
Tompkins	

APPROVED

SETTLEMENT: MAN O'TREES AND HANOVER INSURANCE COMPANY, CITY OF NIAGARA FALLS, LAWSUIT

Agenda Item #16

During the reconstruction of Lewiston Road, the contractor, Man O'Trees, Inc. was removed due to various issues with their performance. Subsequently the City commenced a law suit against Man O'Trees and its bonding company the Hanover Insurance Company, seeking damages related to the construction project.

Man O'Trees then filed a lawsuit against the City seeking several forms of damage including a preliminary injunction all of which was defeated and that litigation dismissed.

The City's litigation has been handled by its outside counsel Hodgson Russ LLP who have negotiated a proposed settlement with Hanover Insurance Company as the bonding company to Man O'Trees which has ceased operations. The proposed settlement would have Hanover pay the City \$150,000.00 in full settlement of the claims. It is recommended that Council approve this proposed settlement as it represents a significant portion of the City's damages and eliminates the continued expense of prosecuting the litigation and expenses of a trial and the possibilities of differing results in a trial.

Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea	5
Nay	0

APPROVED

RESOLUTION: ZAJAC FUNERAL HOME, HONORING
BY: ALL COUNCIL MEMBERS

Agenda Item #17
THIS ITEM WAS PULLED
NO ACTION TAKEN

RESOLUTION: DOWNTOWN REVITALIZATION INITIATIVE APPLICATION, 2019-47
BY: ALL COUNCIL MEMBERS

Agenda Item #18
WHEREAS, the City of Niagara Falls is submitting an Application for New York State's Downtown Revitalization Initiative with a total award of \$10,000,000, and

WHEREAS, the State of New York is currently removing the sections of the Robert Moses Parkway, which will create new and deliberate connectivity with the Niagara River waterfront creating the largest expansion of public parkland since 1885, resulting in new and expanded economic opportunities for investment and regeneration, and

WHEREAS, the City's application for North Main Street Niagara Falls, if selected, will drive implementation of multiple smart growth projects along Main Street and the surrounding neighborhood as specifically outlined in the 2009 Comprehensive Plan as a "Big Move," and

WHEREAS, the City's application will also promote new job creation, raise property values, create community amenities, bring in local tax revenues, attract new residents and businesses to downtown, building upon the city and region's strengths, and

WHEREAS, the area to be defined in the Downtown Revitalization Initiative City of Niagara Falls application represents the community with the greatest potential and the most immediate opportunity for private sector investment, public private partnerships and the greatest overall positive economic impact for all Western New York,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby supports the Downtown Revitalization Initiative Application and authorizes the Mayor to act on behalf of the City in all matters related to the application process, and further authorizes the Mayor to execute any and all documentation necessary related to the Downtown Revitalization Initiative or award.

Yea

5

Nays

0

ADOPTED

RESOLUTION: BUSINESS LICENSES, AMENDING CHAPTER 308, 2019-48
BY: ALL COUNCIL MEMBERS

Agenda Item #19

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Chapter 308 of the Codified Ordinances entitled "Business Licenses" is hereby amended to read as follows:

308.02 DEFINITIONS

Whenever used in this chapter, the following terms shall have the meanings indicated:

(b) Garage Sale. The sale of used household or personal items on a temporary basis from the seller's residence. The term "garage sale" does not include the sale of new items or any business conducted on a permanent basis.

...

308.03 LICENSE REQUIRED; REGULATIONS

(a) Effective July 1, 2019, no person shall open, keep, maintain, own, operate or carry on any business unless such person shall have first been issued a license therefor as provided in this chapter. Any business license approved and issued pursuant to this chapter that has not been revoked shall be effective for a one (1) year period of time commencing with the date of issuance. Any business license approved and issued prior to July 1, 2019 shall be effective July 1, 2019. [A person conducting a garage sale pursuant to and in accordance with the provisions of 308.02(b) does not have to apply for a license, but must register the garage sale with the City Clerk on a form provided by the City Clerk. Existing businesses shall have until the 31st day of December, 2018 to procure a license effective January 1, 2019 for the calendar year 2019. Any new business commencing operation between the effective date of this chapter and December 31, 2018 must apply for a business license pursuant to this chapter and, if such license is approved and issued, such license shall be effective through and including December 31, 2019. Thereafter, any business license issued and any business license renewed pursuant to the provisions of this chapter shall be effective to and include the 31st day of December in the year for which the license or renewal is issued.]

. . .

Bold and Underline Indicate Additions
Bold and Brackets Indicate [Deletions]

Yea

5

Nay

0

ADOPTED

CONTRACT: ON-STREET PARKING METER INSTALLATION, BER-NATIONAL AUTOMATION INC.

Agenda Item #20

The following were the result of bids received on May 14, 2019 for the above referenced project for the purchase and installation of eight parking meters:

CONTRACTOR

BASEBID

Ber-National Automation Inc.
1137 E. Main Street
Rochester NY 14609

\$78,052.00

It is the recommendation of the undersigned that this project be awarded to the sole bidder Ber-National Automation Inc. at its total bid of \$78,052.00. Funding is available through tribal revenue.

Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea

5

Nay

0

APPROVED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 8:35 P.M.

Lisa A. Vitello
City Clerk

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MAY 29, 2019

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The Legislative session of the May 29, 2019 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Christopher Voccio, Chairman Andrew Touma

Also present: Mayor Paul A. Dyster, Acting City Administrator Douglas Janese, Corporation Counsel Craig H. Johnson, and City Controller Daniel Morello.

Council Member Voccio said the Prayer and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Council Member Tompkins moved to approve the Minutes from the Council Meeting of May 15, 2019

Yea	5
Nay	0
APPROVED	

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Chris Smith	Various
Jennifer LaMoy	Various
Ron Anderluh	Memorial Day, John Duke Center
Chris Smith	Harriet Tubman
Dorothy West	Various
Tim Huether	Golf Course
John Spanbauer	Assorted
Gerald Skrlin	Various

Presentations:

Honoring Zajac Funeral Home

John Percy, Destination Niagara Annual Report

Seth Piccirillo, Update on the Zombie Fight Housing Initiative.

Administrative Update:

Acting City Administrator Douglas Janese gave an update on the in-house paving, city pool preparation, sidewalk and pot hole improvements.

Controller's Report:

Daniel Morello, City Controller, gave an update on the LED lighting project.

Craig Johnson, Corporation Counsel, submitted one item to be added to the agenda.

Resolution relative to amending schedule 8 of the Zoning Ordinance regarding 8003, 8005, 8007, 8011 and 8101 Buffalo Avenue.

Yea	5
Nay	0
ADOPTED	

The item was added to the Agenda as Item #14

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

HUMAN RESOURCES DEPARTMENT: MINOR REORGANIZATION

Agenda Item #1

Attached hereto (on file in the City Clerk's Office) is a page from the 2019 adopted budget of the Department of Human Resources. Code 1732 is the position classification code for Human Resources Clerk, Grade 3, with an appropriated salary of \$27,391.00.

The Department is requesting that the remaining funds allocated for the position be transferred to position classification code 1739, Human Resources Assistant, Grade 7, leaving \$1.00 for the position. This will allow for cross-training, an expansion of duties necessary for greater efficiencies in the department and will prevent out of title work assignments which may be subject to grievance. The increase in salary plus FICA totals \$430.31 for the balance of the budget year. Funds are available in the medical fees line, A.1430.0000.0458.000.

It is requested that the change be effective July 1, 2019.

Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea

0

Nays

5

All Council Members

DEFEATED

CITY PROPERTY: PINE AVENUE, 2525, SIGN ENCROACHMENT

Agenda Item #2

Egan Signs on behalf of the owners of the above referenced property has applied for a sign encroachment into the City's right-of-way.

This has been reviewed by the appropriate City departments and the Planning Board recommends that it be granted subject to the following conditions:

1. The minimum height above the sidewalk is ten (10) feet.
2. The owner will add the City of Niagara Falls as an additional insured on its liability insurance policy.
3. The owner will defend and indemnify the City from liability related to the sign encroachment.
4. The City can revoke permission for the encroachment on three (3) months' notice.

Attached hereto (on file in the City Clerk's Office) is a copy of the Planning Board's approval.

Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea

5

Nays

0

APPROVED

CONTRACT: EMPLOYEE HEALTH INSURANCE BENEFITS, PROPOSED CLAIMS AUDIT AGREEMENT, CITY AND THE SENECA CONSULTING GROUP

Agenda Item #3

As the City of Niagara Falls is a self-insured entity with regard to the health insurance benefits provided to its employees, sound accounting principles dictate that the City must periodically undertake a review of its medical and pharmacy benefit claims. To that end, attached (on file in the City Clerk's Office) for your review, please find the proposed Claims Audit Service Agreement between the City and the Seneca Consulting Group. The Seneca Consulting Group is a risk management consultant known for assisting its clients in managing issues related to the costs of medical and pharmacy benefits. Previously, the City has utilized the Seneca Consulting Group's services with regard to the IRS reporting required under the Affordable Care Act. Under the proposed Claims Audit Service Agreement, the Seneca Consulting Group will analyze all of the City's medical and pharmacy claims in detail for overcharges and compliance capabilities as well as enhancing the City's coordination of benefits by identifying ineligible dependents.

By way of compensation, the Seneca Consulting Group would receive 50% of all dollars recovered as a result of the medical and pharmacy claims audit. Therefore, for this portion of the audit, the City will have no upfront costs as the consultant will only be paid out of monies that it recovers. Relative to the dependent eligibility audit, Seneca Consulting Group would receive \$25.00 for each employee with dependent coverage; based upon the 605 employees in question, the total amount of compensation for this service would be \$15,125.00. Sufficient funding exists within the Human Resources budget line A.1430.0000.0451.000.

Will the Council so approve and authorize the Mayor to execute the same?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea	4
Scott, Tompkins, Voccio, Chairman Touma	
Nays	1
Kennedy	

APPROVED

CONTRACT: A.D.A. COMPLIANCE PROJECT (BUILDINGS), WALTER JOHNSON BLDG. CO., CHANGE ORDER #1

Agenda Item #4

A contract for the above referenced project was awarded to Walter Johnson Building Co. Inc. on March 20, 2018 in the amount of \$984,700.00.

After the start of the project, small adjustments were found to be needed in several rooms/locations that the U.S. Department of Justice had initially called out for remediation. These adjustments in room finishes, dimensions and equipment, required to achieve compliance to date, were able to be performed at no additional cost to the project.

Additionally, reimbursement-based grants have been obtained by the library staff to perform extra work at the Earl Brydges Library to modify the entrances beyond the scope of our original compliance project. The costs associated with installation of these door openers and operators is \$18,992.25, and will be eligible for a 70% reimbursement, leaving the final net cost to the City of \$5,652.25. Sufficient funding is available in capital code H0919.

Will the Council vote to so approve and authorize the Mayor to execute a change order in a form acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea	5
Nays	0

APPROVED

CONTRACT: FIRE TRAINING TOWER, SCRUFARI CONSTRUCTION Co. LLC

Agenda Item #5

The following were the result of bids received on May 14, 2019 for the above referenced project:

<u>CONTRACTOR</u>	<u>BASEBID</u>	<u>ALTERNATE</u>	<u>#1</u>
Scrufari Construction Co. LLC 3925 Hyde Park Blvd. Niagara Falls NY 14305	\$338,250.00	\$92,750.00	
Harty Construction Inc.	\$410,000.00	\$110,000.00	

It is the recommendation of the undersigned that this project be awarded to the low bidder Scrufari Construction Co. LLC at their base bid of \$338,250.00. The City will not be requesting funds related to the Alternate #1 bid amount. Funding will be utilized through the remainder of a DASNY grant and \$39,448.81 from the tribal revenue reserve.

Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea	5
Nay	0

APPROVED

CONTRACT: SIDEWALK REPLACEMENTS AT VARIOUS LOCATIONS, VALERI CONCRETE CONSTRUCTION, INC.

Agenda Item #6

The following is the result of bids received on May 22, 2019 for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Valeri Concrete Construction, Inc. 6297 Wendt Drive Niagara Falls NY 14304	\$260,000.00
Henwood Construction	\$314,407.00
Mark Cerrone Inc.	\$590,000.00

It is the recommendation of the undersigned that this contract be awarded to the low bidder, Valeri Concrete Construction, Inc.

Please note that this amount is completely reimbursable with NYSDOT CHIPS monies. The funding code will be H0319, which represents CHIPS funding to be received for 2019 projects.

Additionally, the Contractor has agreed to extend the unit prices of his bid to both utilize the maximum CHIPS funding available for sidewalks (\$300,000.00) and complete sidewalk replacements for the Niagara Falls Water Board, in an amount not-to-exceed \$30,000.00, pending the execution of a standard Inter-Agency Agreement between the City and the Niagara Falls Water Board. Therefore, the City of Niagara Falls will enter into a contract with Valeri Concrete Construction, Inc. for a total of \$330,000.00 at this time.

Will the Council vote to so approve and authorize the Mayor to execute a contract for the City of Niagara Falls, in a form acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea	5
Nay	0

APPROVED

COMMUNITY DEVELOPMENT: 2019 HUD, CDBG, HOME INVESTMENT PARTNERSHIPS,
EMERGENCY SOLUTIONS GRANT PROGRAMS

Agenda Item #7

The City Council approved the draft Fiscal year 2019 Consolidated Annual Action Plan in March 2019. The Consolidated Annual Action Plan includes annual funding allocations from HUD for the City's CDBG, HOME, and ESG programs. These budgets were created following a public participation process and then presented to the City Council in draft form, using a conservative estimate of the 2019 budget amounts, to accommodate the city and federal governments' differing fiscal year budget schedules. HUD's final Fiscal year 2019 allocations were released on April 19, 2019. Cumulatively, the City's final CDBG, HOME, and ESG allocation is \$2,936,063, a 13.8 percent increase from the \$2,530,000 budget previously presented to the community and approved by the City Council.

The individual programs for FFY 2019 are affected as follows:

Source	Draft 2019 Action Plan	HUD 2019 Final Allocation	\$ Change	% Change
CDBG	\$2,000,000	\$2,309,381	\$309,381	+15.5
HOME	\$335,000	\$427,400	\$92,400	+27.6
ESG	\$195,000	\$199,282	\$4,282	+0.2
TOTAL	\$2,530,000	\$2,936,063	\$406,063	+13.8

The Community Development Department proposes the following revisions to the 2019 Consolidated Annual Action Plan to bring the budget estimate in line with the final allocations:

2019 Programmatic Changes

Budgeted CDBG Program	\$ Change
City of Niagara Falls - CDBG Rehab Program	(\$62,495)
Niagara Falls Housing Authority - Doris Jones Family Resource Building Youth Programming	\$30,000
Heart, Love & Soul - Project Daybreak Facility	\$230,000
City of Niagara Falls - CDBG Administration	61,876

Budgeted HOME Program	\$ Change
City of Niagara Falls - HOME Rehab Program	(\$94,253)
Niagara Falls Housing Collaborative - CHDO	\$3,281
Niagara Area Habitat for Humanity - CHDO	\$174,132
City of Niagara Falls - HOME Administration	\$9,240

Budgeted ESG Program	\$ Change
Pinnacle Community Services (Casey House) - Emergency Shelter	\$1,980
Pinnacle Community Services (Passage House) - Emergency Shelter	\$1,980
City of Niagara Falls - ESG Administration	\$322

No additional public comments were received during the public comment period.

Per HUD and City of Niagara Falls Citizen Participation Plan Guidelines, the City will adjust programmatic budgets to meet the final allocation without deviating from the project scopes or objectives already approved by the City Council. Will Council vote to so approve and authorize the Community Development Director to make the necessary adjustments?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea
Nays

5
0

APPROVED

DEPT. OF PUBLIC WORKS: DOWNTOWN MEDIAN AND ENTRY POINTS, LANDSCAPING

Agenda Item #8

The City solicited proposals for the above-referenced services from professional vendors, but the costs of those proposals exceeded the amount the City can commit to this project at this time.

As an alternative, we are seeking to complete this work with a combination of DPW personnel on overtime and the use of the City's existing contractor who cuts and clears lots throughout the City. The DPW personnel will complete the clean-up efforts and the manual weeding, and the contractor will complete the chemical spraying and the mulching in order to have the medians and entry-points cleaned up and ready for the summer season.

In the event that further work is required later in the summer or in the fall, we will bring any additional request to Council if necessary at that time.

It is anticipated that completion of these tasks will require an expenditure not to exceed Twenty Thousand Dollars (\$20,000.00) in total. Funds for these expenditures from tourism funds.

Will the Council so approve and authorize the Mayor to execute all documents necessary to complete this project in a form acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea

Nay

5

0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

MAYOR'S APPROVAL

Agenda Item #9

Please be advised that Mayor Paul A. Dyster, on May 16, 2019, duly approved the following:

Resolution 2019-48 relative to Amending Chapter 308 of the Codified Ordinances entitled "Business Licenses"

THIS ITEM WAS RECEIVED AND FILED

NO ACTION TAKEN

RESOLUTION: ZAJAC FUNERAL HOME, HONORING, 2019-49

BY: ALL COUNCIL MEMBERS

Agenda Item #10

WHEREAS, Henry J Zajac graduated mortuary school in 1940. He gained his license seven years later in 1947 after returning from WWII; and

WHEREAS, Henry J Zajac, along with his wife Stephanja built and founded Zajac Funeral Home Inc. in 1949; and

WHEREAS, He owned and operated the business solely until 1977 when son Henry E Zajac became a licensed Funeral Director. The first funeral held was March 4, 1949. Henry E Zajac joined the family business working side by side with his father until 2004, when Henry J passed away; and

WHEREAS, Henry E Zajac and his wife Barbara took over operations until his sudden passing in 2009 at which time his twin sons Frank L & Matthew T Zajac took over the duties of the business; and

WHEREAS, For the last 70 years, the Zajac family has proudly lived up-to their motto of "Our Family Helping Your Family" with a strong emphasis on personal service.

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby honor Zajac Funeral Home for serving the residents of Niagara Falls and surrounding areas for over 70 years in business.

Yea

Nay

5

0

ADOPTED

100

RESOLUTION: HYDE PARK ELEMENTARY KINDERGARTEN CLASS, PAVILION D, FEE WAIVER, 2019-50
BY: ALL COUNCIL MEMBERS

Agenda Item #11

WHEREAS, the Niagara Falls City School District - Hyde Park Elementary School kindergarten classes would like to book Hyde Park's Pavilion D; and

WHEREAS, due to funding limitations, they are requesting the rental fee be waived for use of the pavilion (request on file in the City Clerk's Office).

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that this City Council does hereby waive the fee for the rental of the Hyde Park Pavilion D for the Niagara Falls City School District - Hyde Park Elementary School kindergarten classes, on June 20, 2019 from 10:00a.m. - 2:00p.m.

Yea

5

Nays

0

ADOPTED

RESOLUTION: SPLASH PAD, GERALDINE J. MANN AND HYDE PARK ELEMENTARY END OF THE YEAR CELEBRATION FOR PRE-K CLASSES, FEE WAIVER, 2019-51

BY: ALL COUNCIL MEMBERS

Agenda Item #12

WHEREAS, the Niagara Falls City School District - Geraldine J. Mann Elementary and Hyde Park Elementary School Pre - K and kindergarten classes would like to celebrate the end of the year at the Hyde Park Splash Pad on June 18, 2019 from 10:00a.m. - 2:00p.m. and on June 21, 2019 from 10:00 a.m. -2:00 p.m., respectively; and

WHEREAS, due to funding limitations, they are requesting that fees of \$150.00 for the rental of the Splash Pad be waived (request on file in the City Clerk's Office).

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that this City Council does hereby waive fees for the rental of the Hyde Park Splash Pad for the Niagara Falls City School District - Geraldine J. Mann Elementary School and Hyde Park Elementary School, for the end of the year celebration for Pre-K & kindergarten classes on June 18, 2019 from 10:00a.m. - 2:00p.m. and June 21, 2019 from 10:00a.m. - 2:00p.m., respectively.

Yea

5

Nays

0

ADOPTED

RESOLUTION: PURCHASING MANUAL, SECTION 02(090), ADOPTION, 2019-52

BY: COUNCIL MEMBERS KENNEDY, SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #13

WHEREAS, the City Council of the City of Niagara Falls adopted a Purchasing Manual on July 7, 1992 to comply with the requirements of the General Municipal Law and to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost; and

WHEREAS, from time to time, the City Council has amended the Purchasing Manual to reflect changes in the law and to maintain best practices as it relates to the acquisition of goods and services; and

WHEREAS, the Federal Government has amended the Code of Federal Regulations with respect to its requirements for federal awards to non-Federal entities; and

WHEREAS, the City seeks to amend the Purchasing Manual to adopt uniform purchasing requirements in accordance with the updated Code of Federal Regulations; and

WHEREAS, the Purchasing Agent has prepared the attached Section 02(090) to comply with these provisions.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls does hereby adopt the attached Section 02(090) (on file in the City Clerk's Office) and amend the Purchasing Manual to include the same.

Yea
Nays

5
0

ADOPTED

RESOLUTION: ZONING ORDINANCE, SCHEDULE 8, AMENDING, 8003, 8005, 8007, 8011 AND 8101 BUFFALO AVENUE, 2019-53

BY: COUNCIL MEMBERS KENNEDY, TOMPKINS, VOCCIO, CHAIRMAN TOUMA

Agenda Item #14

WHEREAS, the Planning Board has recommended that the Council adopt certain amendments to the Zoning Ordinance as outlined on the attached (on file in the City Clerk's Office) recommendation to Council and Planning Board resolution.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby adopt the attached zoning map amendment changing 8003 Buffalo Avenue (SBL 161.17-2-2), 8005 Buffalo Avenue (SBL 161.17-2-3), 8007 Buffalo Avenue (SBL 161.17-2-4), 8011 Buffalo Avenue (SBL 161.17-2-5) and 8101 Buffalo Avenue (SBL 161.17-2-6) from R3-A Multi-Family Residential to C1-A Neighborhood Commercial.

Yea
Nays

5
0

ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 8:15 P.M.

Lisa A. Vitello
City Clerk



JUNE 12, 2019

SPECIAL COUNCIL MEETING

NIAGARA FALLS, NEW YORK



City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

June 7, 2019

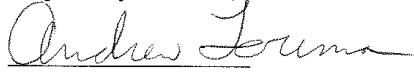
Members of the City Council
and
Lisa Vitello, City Clerk

Council Members and Madam:

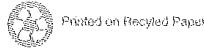
You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on Wednesday, June 12, 2019 at 5:30 p.m. in Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. Discuss current litigation (it is intended to go into Executive Session immediately after convening the Special Meeting).

Respectfully submitted,



Andrew Touma, Chair



The June 12, 2019 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Touma at 5:30 PM in the Council Chambers.

Present: Council Member William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Chris Voccio, Chairman Andrew Touma

Also Present: Mayor Paul A. Dyster, City Administrator Nick Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello.

Council Member Kenny Tompkins motioned to go into Executive Session, Council Member Ezra Scott, Jr. seconded the motion.

Council retired into Executive Session.

Council Member Kenny Tompkins motioned to come out of Executive Session, seconded by Council Member Chris Voccio.

There being no further business to come before the Council, Chairman Touma adjourned the Special Meeting at 5:42 PM.

Lisa A. Vitello
City Clerk

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JUNE 12, 2019
REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The Legislative session of the June 12, 2019 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Christopher Voccio, Chairman Andrew Touma

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello.

Council Chairman Andrew Touma said the Prayer and led the gathering in the Pledge of Allegiance to the Flag.

Council Member Tompkins moved to approve the Minutes from the Council Meeting of May 29, 2019

Yea

5

Nay

0

APPROVED

Chairman Touma requested to move Agenda Item #5 to the beginning of the Council Meeting.

Council Member Tompkins motioned to move the Item

Yea 5

Nay 0

Approved

The Council presented the winners of the Memorial Day Parade Essay with Proclamations. Proclamation was read by Nadine Wasson, Senior Clerk

Presentations:

Joseph Crimi, Project Manager of NYPA gave a presentation on the City purchasing street lights from NYPA to save the City money.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Gerald Skrlin	Agenda Item #6; Foils
Chris Smith	Roads
Robert Broeker	Roads; Signage
Erik Sootheran	Hyde Park Baseball
Dorothy West	Various
Dominque Martelli	Safety Issues
Gerald Skrlin	Various

Administrative Update:

City Administrator, Nick Melson, stated that DPW crews are doing the potholes. Grass and parks mowing can't be entirely done due to the wet ground.

Mr. Melson stated that the weeding has started on the medians and DPW will continue to clean up. He also targeted July 4 for the new meters to be installed.

Mr. Melson stated that garden waste has been eliminated per Modern Contract.

City Administrator Nick Melson and Mayor Paul Dyster stated there is a dialogue with the State on the transfer of funding to the City for July or August.

Police Chief Thomas Licata gave a report on Safe Shopping and Boots on the Ground.

Corporation Counsel, Craig Johnson, introduced 2 items for the Agenda

1. Sale of 815 Niagara Avenue

Motion by Kenny Tompkins

Yea 5

Nays 0

Approved

The Item has been approved and added to the Agenda as Item #7

2. Resolution relative to Waterfront Revitalization Plan, Greenway Funding

Motion by Kenny Tompkins

Yea 5

Nays-0

Adopted

The Item has been adopted and added to the Agenda as Item #8

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Gerald Skrlin	Agenda Item #6; Foils
Chris Smith	Roads
Robert Broeker	Roads; Signage
Erik Sootheran	Hyde Park Baseball
Dorothy West	Various
Dominque Martelli	Safety Issues
Gerald Skrlin	Various

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CLAIM REPORT FOR THE MONTH OF MAY 2019

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

DEPT. OF PUBLIC WORKS/PARKS: LIFEGUARDS, WAGE INCREASE

Agenda Item #2

The Director of Public Works and Parks ("DPW") is requesting that the hourly wage for the Lifeguards be increased. In order to be able to staff the pools for 2019 we would like to hire the Lifeguards at the competitive rate. Currently, the Lifeguards make \$10.00 per hour. It is requested that the hourly wage be increased to \$12.50 per hour.

We are requesting that we transfer \$20,000.00 from account A.7140.0100.0130.000 (Playgrounds/Rec Centers Temporary Payroll) to account A.7146.0100.0130.000 (Swimming Pools/Operations Temporary Payroll) and \$1,530.00 from A.7140.0100.0810.000 (Playgrounds/Rec Centers FICA) to account A.7146.0100.0180.000 (Pools/Operations FICA) to cover this increase. Niagara County will be able to provide us with Recreational Aides to cover the parks that we will be opening in 2019.

Will the Council so approve?
Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea	5
Nay	0

APPROVED

CONTRACT: NFFD, SNOW PARK PARCEL, TRAINING EXERCISES

Agenda Item #3

As Council members are aware, a new fire training tower is being constructed for utilization by the NFFD. In the interim, the NFFD is interested in utilizing the structure existing on the Snow Park Parcel to conduct certain types of training exercises such as climbing and rappelling. City officials have been in discussions with representatives from USAN who are in agreement with this use. Attached hereto (on file in the City Clerk's Office) is a copy of a proposed agreement which will allow the NFFD to utilize that parcel during the balance of calendar year 2019. Much like the parking agreement recently worked out with USAN, the charge for the City to utilize this structure for training purposes is only One Dollar (\$1.00). Will the Council so approve and authorize the Mayor to execute an agreement with USAN provided the same is in form and content satisfactory to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea	5
Nay	0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

MAYOR'S APPROVAL

Agenda Item #4

Please be advised that Mayor Paul A. Dyster, on May 30, 2019, duly approved the following:

Resolution 2019-53 relative to Amending Schedule 8 of the Zoning Ordinance regarding 8003, 8005, 8007, 8011 and 8101 Buffalo Avenue.

THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: ESSAY CONTEST 2019, WINNERS, COMMUNITY MEMORIAL DAY PARADE, 2019-54

BY: ALL COUNCIL MEMBERS

Agenda Item #5

WHEREAS, each year, the Community Memorial Day Parade committee hosts an essay contest open to all 7th through 12th grade students at Niagara Falls High School; and

WHEREAS, the purpose of these essays was to encourage students to consider the sacrifices made by those who gave all in protecting and serving our country in the military; and

WHEREAS, high school students were invited to write a two-hundred and fifty word essay based on the theme "What Freedom Means in 2019" while middle school students were invited to write based on the theme "What Memorial Day Means to Me"; and

WHEREAS, over 60 students from both schools submitted outstanding essays that were judged by a panel from the Niagara Gazette, based on specific criteria including originality and understanding of the theme; and

WHEREAS, Brianna Morales, a ninth-grade student at Niagara Falls High School was determined by judges to be the essay contest's first place winner for her outstanding entry; and

WHEREAS, Angelina Bidak, an ninth-grade student at Niagara Falls High School was determined by the judges to be the essay contest's second place winner for her insightful entry; and

WHEREAS, Ny-Asia Rafter, a ninth-grade student at Niagara Falls High School was determined by judges to be the essay contest's third place winner for her impressive entry; and

WHEREAS, Braiden Jaroszewski, a sixth-grade student at Catholic Academy of Niagara Falls was determined by judges to be the Junior High essay contest's first place winner for his heartfelt entry that reflected his family's military service and sacrifice; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York does hereby congratulate, Brianna Morales, Angelina Bidak, Ny-Asia Rafter, and Braiden Jaroszewski on their award-winning entries. We wish them all the best in their future endeavors, and thank all of the students who participated.

Yea

5

Nays

0

ADOPTED

RESOLUTION: CODE OF ETHICS, AMENDING CHAPTER 107, 2019-55

BY: COUNCIL MEMBERS TOMPKINS, VOCCIO, CHAIRMAN TOUMA

Agenda Item #6

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Chapter 107 of the Codified Ordinances entitled "Code of Ethics" is hereby amended to read as follows:

CHAPTER 107
CODE OF ETHICS

107.11 Conflict of Interest Policy for Federal Award Funds

- a. Purpose. The purpose of this policy is to establish conflicts of interest guidelines that meet or exceed the requirements under State Law and Local policy when procuring goods, services, and construction or repair projects paid for in part or whole by federal funds and is required under Title 2 of the U.S. Code of Federal Regulations §200.112 and §200.318(c)(1).
- b. Policy. This policy applies when procuring goods (i.e. apparatus, supplies, materials, and equipment), services, and construction or repair projects funded in part or whole with federal financial assistance (direct or reimbursed). This policy also applies to any sub-recipient of the funds. The employee(s) responsible for managing the federal financial assistance award shall review the notice of award to identify any additional conflicts of interest prohibitions or requirements associated with the award, and shall notify all employees, officers, and agents, including sub-recipients, of the requirements of this policy and any additional prohibitions or requirements.
- c. Conflicts of Interest. No employee, officer, or agent of the City of Niagara Falls may participate directly or indirectly in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. A real or apparent conflict exists when any of the following parties has a financial or other interest in or receives a tangible personal benefit from a firm considered for award of a contract:
 1. The employee, officer, or agent involved in the selection, award, or administration of a contract;
 2. Any member of his or her immediate family;
 3. His or her partner; or
 4. An organization which employs or is about to employ any of these parties.

Any officer, employee, or agent with an actual, apparent, or potential conflict of interest as defined in this policy shall report the conflict to his or her immediate supervisor. Any such conflict shall be disclosed in writing to the federal award agency or pass-through entity in accordance with applicable Federal awarding agency policy.

Gifts. Officers, employees, and agents of the City of Niagara Falls are prohibited from accepting or soliciting gifts, gratuities, favors, or anything of monetary value from contractors, suppliers, or parties to subcontracts. Items of nominal value, valued less than the amount set forth in Section 805-A of the General Municipal Law which fall into one of the following categories may be accepted:

1. Promotional items;
2. Honorariums for participation in meetings; or
3. Meals furnished at banquets.

Any officer, employee or agent who knowingly accepts an item of nominal value allowed under this policy shall report the item to his or her immediate supervisor.

d. Violation. Any employee found to have violated this policy will be subject to disciplinary action up to and including termination. Contractors violating this policy will result in termination of the contract and may not be eligible for future contract awards.

Bold and Underline Indicate Additions
[Bold and Brackets Indicate Deletions]

Yeads
Nays

5
0

ADOPTED

CITY PROPERTY: NIAGARA AVENUE, 815, SALE

Agenda Item #7

The City acquired title to this vacant parcel in an In-Rem tax foreclosure proceeding in 2002.

This tax parcel is adjacent to the rear of the property located at 2018 Main Street.

The City acquired title to 2018 Main Street in the same In Rem proceeding and it was sold at auction to Hastings Niagara, Inc.

During the title work for the upcoming sale of Hastings properties it was found that a small portion of the 2018 Main Street building encroaches onto the property at 815 Niagara Avenue. This raises a title issue which needs to be resolved prior to the transfer of the property.

The prospective purchaser of 2018 Main Street, Niagara Village, LLC, has submitted an offer to the City to buy 815 Niagara Avenue for its assessed value of \$1,500.00.

The transfer of this property would clear the title issue and allow the overall closing to proceed.

Based on the circumstances, it is recommended that the Council make a finding that it is in the best interest of the City to forego selling this property at auction and to approve the transfer outlined herein.

Will the Council so approve and authorize the Mayor to sign a deed and other necessary documents in a form acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yeads
Nays

5
0

APPROVED

RESOLUTION: WATERFRONT REVITALIZATION PLAN, GREENWAY FUNDING, 2019-56
BY: COUNCIL MEMBERS SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #8

WHEREAS, the City of Niagara Falls has applied to the Niagara River Greenway Commission for consistency review of the above project; and

WHEREAS, the City Council has previously authorized an application to the Environmental Protection Fund for funding this project which was granted in the amount of \$493,000.00 and which requires a local share of \$87,000.00; and

WHEREAS, at the time the Environmental Protection Fund application fund was approved, it was determined that the source of the local funding would be Greenway Funds; and

WHEREAS, funding is available from the Power Authority Greenway Funding for this project in the amount of \$87,000.00; and

WHEREAS, the City is requesting that the Host Community Standing Committee approve this funding in the amount of \$87,000.00; and

WHEREAS, no additional City funds are required for this project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this Power Authority Greenway Funding request and authorizes the Mayor to act on behalf of the City in all matters related to this request.

Yea

5

Nays

0

ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 7:45 P.M.

Lisa A. Vitello
City Clerk



JUNE 26, 2019
REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The Legislative session of the June 26, 2019 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Christopher Voccio, Chairman Andrew Touma

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello.

Council Member Kennedy said the Prayer and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Council Member Tompkins moved to approve the Minutes from the Special Council Meeting of June 12, 2019 and the Council Meeting of June 12, 2019.

Yea	5	
Nay	0	
APPROVED		

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Ken Hamilton	Agenda Item #10
Thomas Augello	Income Housing
Paul Everett	4 th of July
Dominique Martelli	Neighborhood Issues
Ken Hamilton	Renaming Street
Nick Baio	Various
Gerald Skrlin	Various

Administrative Update:

Mayor Paul Dyster gave an update on the Wyndham Hotel Investment. Nick Melson, City Administrator, gave an update on city pools, tree removal, the Zoom Team, parking meters and playgrounds.

City sponsored fireworks were discussed by Administration and City Counsel.

The Corporation Counsel's Office presented 4 items to be added to the agenda:

1. Relative to the Purchase of Police vehicles

Yea	5	
Nay	0	
APPROVED		

Item is added to the Agenda as #11

2. Relative to funding for Code Enforcement for emergency demolitions
Yea 5
Nays 0

APPROVED

The item is added to the Agenda as #12

3. Relative to the Hyde Park Sewer Lateral Repair
Yea 5
Nays 0

APPROVED

The item is added to the Agenda as #13

4. Relative to funding for Independence Day Fireworks
Yea 3
Kennedy, Scott, Chairman Touma
Nays 2
Tompkins Voccio

DEFEATED

Adding the item to the agenda was defeated due to no majority approval.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF MAY 2019

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: SPRAY PARK RESTROOM, SLATE ROOF, REPAIR, FIDDLER ROOFING, INC.

Agenda Item #2

The following was the result of bids solicited for the above reference project:

CONTRACTOR	BASE BID
Fiddler Roofing, Inc.	\$6,845.00
2335 Niagara Falls Blvd.	
Niagara Falls, NY 14304	

Joseph A. Sanders & Sons, Inc. \$7,001.00

It is the recommendation of the undersigned that this (purchase order) for the above described work be awarded to the vendor Fiddler Roofing, Inc. for emergency repair work not to exceed \$6,900.00.

Funding from the City's Tribal Revenue Reserves has been earmarked for this project.

Will the Council vote to approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea 5
Nays 0

APPROVED

CONTRACT: IN REM, COUNTY OF NIAGARA

Agenda Item #3

Attached (on file in the City Clerk's Office) is a proposed Agreement with the County of Niagara for the current In Rem which sets forth the terms for the distribution of proceeds from the sale of properties acquired in the In Rem.

Will the Council so approve and authorize the Mayor to execute same?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea

Nay

5

0

APPROVED

CITY PROPERTY: 8TH STREET, 516, SALE

Agenda Item #4

The City has received a request to purchase the above referenced City owned vacant property for the sum of \$500.00.

This property was approved for sale by the Planning Board. Attached hereto (on file in the City Clerk's Office) is a copy of the Planning Board's approval.

Will the Council approve the sale of these premises for this price in an "as-is" condition, the closing on this property be performed within 30 days of the resident being informed of Council approval, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill?

The purchaser is responsible for paying the 2018 School Taxes, 2019 City Taxes and 2019 County Tax.

Will the Council further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea

Nay

5

0

APPROVED

CITY PROPERTY: 5TH STREET, 554, SALE

Agenda Item #5

The City has received a request to purchase the above referenced City owned vacant property for the sum of \$2,000.00.

This property was approved for sale by the Planning Board. Attached hereto (on file in the City Clerk's Office) is a copy of the Planning Board's approval.

Will the Council approve the sale of these premises for this price in an "as-is" condition, the closing on this property be performed within 30 days of the resident being informed of Council approval, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill?

The purchaser is responsible for paying the 2019 County Tax.

Will the Council further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea

Nay

5

0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

MAYOR'S APPROVAL

Agenda Item #6

Please be advised that Mayor Paul A. Dyster, on June 14, 2019, duly approved the following:

Resolution 2019-55 relative to Amending Chapter 107 of the Codified Ordinances entitled "Code of Ethics".

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY ASSESSOR

HOMESTEAD AND NON HOMESTEAD PROPORTIONS

Agenda Item #7

In accordance with Section 1903 of the Real Property Tax Law, the City Council must certify the attached (on file in the City Clerk's Office) referenced percentages and proportions.

Assessing units using Article 19 Homestead option must certify percentages and proportions when final class equalization rates are established by the Office of Real Property Services.

The certificate is now due and the attached (on file in the City Clerk's Office) represents the necessary certifications.

Will Council certify the attached (on file in the City Clerk's Office) percentages and proportions?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea

5

Nays

0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: NEW YORK CENTRAL MUTUAL INS. CO C/O CLAIMS

Agenda Item #8

Date Claim Filed:	March 28, 2019
Date of Occurrence:	February 24, 2019
Location:	8740 Munson Avenue
Nature of Claim:	Winds caused City-owned tree limbs to fall striking power lines resulting in damage to electrical service and property.
City Driver:	N/A
Recommendation/Reason:	City received prior notice (in writing) regarding dead tree.
Amount to be Paid:	\$1,825.00
Make Check Payable to:	New York Central Mutual Insurance Company
Conditions:	General Release to City approved by Corporation Counsel.

It is the recommendation of this Department that the above settlement be paid under the terms set forth above. Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea

5

Nays

0

APPROVED

RESOLUTION: ZONING BOARD OF APPEALS, APPOINTMENT, 2019-57

BY: ALL COUNCIL MEMBERS

Agenda Item #9

WHEREAS, Mr. Christopher Kulbago, Sr. recently resigned from the Zoning Board of Appeals with an unexpired term running until December 31, 2019.

NOW, THEREFORE, BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Zoning Board of Appeals, effective immediately to fill the unexpired term of Mr. Christopher Kulbago, Sr.

APPOINTMENT:	TERM EXPIRES:
Charles Walker 1821 16 th Street Niagara Falls, NY 14305	12/31/2019

Yea	5
Nay	0

ADOPTED

RESOLUTION: PUBLIC HEARING, CREATION OF A NEW CATEGORY OF TAXICAB MEDALLIONS TO ASSIST PERSONS WITH DISABILITIES BY SPECIFICALLY DEDICATING THIS CATEGORY OF TAXICAB MEDALLIONS TO VEHICLES THAT ARE WHEELCHAIR ACCESSIBLE VEHICLES, 2019-58
BY: COUNCIL MEMBERS SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #10

WHEREAS, Section 365.04 of Chapter 365 of the City of Niagara Falls Codified Ordinances limits the number of taxicab medallions which may be issued in the City of Niagara Falls to eighty-nine (89); and

WHEREAS, this City Council has been requested to explore the possibility of amending Chapter 365 to include a new category of taxicab medallions to assist persons with disabilities by specifically dedicating a new category of taxicab medallions to vehicles that are wheelchair accessible vehicles that are required by disabled individuals in the City of Niagara Falls to go from place to place on the same basis that taxi cabs are available including, but not limited to, meters in the vehicles and the ability to pick up a passenger through on-street ride hailing; and

WHEREAS, this City Council wishes to obtain information from the public about this concept including the following items:

1. Whether there is a need for such a category of dedicated medallions in the City of Niagara Falls;
2. If there is a need for such a category of dedicated medallions, how many such medallions should be issued;
3. The criteria to be utilized in order to designate a vehicle as wheelchair accessible and the type of equipment which may be required on such a vehicle in order to obtain such a dedicated medallion;
4. Whether there should be a limit on the number of dedicated medallions which may be purchased or held by any one (1) entity;
5. Whether there should be a requirement for the purchaser of such a dedicated medallion to be a resident of the City of Niagara Falls;
6. Any other information that the public may wish to bring to the attention of the City Council.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that in order to further investigate this matter, this City Council does hereby schedule a public hearing to be held on this issue during its next regularly scheduled City Council meeting on July 10, 2019 at 6:00 p.m. during which any persons interested in this matter may voice their opinions, issues and concerns; and

BE IT FURTHER RESOLVED that three (3) days notice of said hearing be published in the Niagara Gazette preceding said hearing.

Yea	5
Nay	0

ADOPTED

POLICE DEPARTMENT: POLICE VEHICLES, USED, PURCHASE

Agenda Item #11

The Police Superintendent has advised that an opportunity has presented itself to purchase four (4) used police vehicles from the Florence, CO Police Department. The Superintendent advises that these vehicles have approximately 60,000 - 80,000 miles on them. His further understanding is that there may be some minor cosmetic damage to these vehicles from hail. These vehicles are year 2011 and are all Chevrolet Impala vehicles equipped with the police package along with prisoner transport cages and seats, light bars and computer stands. These vehicles are white in color. These vehicles will be sold "as is" and will be available for inspection by an agent of the City prior to moving forward. These vehicles are available for the price of \$4,050.00 each for a total of \$16,200.00.

In addition, the delivery charges for these vehicles will cost approximately \$3,300.00 and it is anticipated that an additional \$5,000.00 must be spent in order to re-mark the vehicles following delivery. It is estimated that following delivery, these vehicles may be put into service within a relatively short period of time.

It is requested that up to \$25,000.00 in casino revenues be made available for this purpose.

Will the Council so approve and authorize the Mayor to execute an agreement memorializing this transaction in writing provided the same is acceptable in form and content to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea

5

Nays

0

APPROVED

CODE ENFORCEMENT DEPARTMENT: EMERGENCY DEMOLITIONS, FUNDING

Agenda Item #12

The Acting Director of Code Enforcement advises that his budget line item for performing emergency demolitions is all but depleted. Because it is necessary to have funding available to perform emergency demolitions as a result of fires and various other issues, it is requested that the sum of \$200,000.00 be transferred from casino revenues to the Office of Code Enforcement's emergency demolition capital account line.

Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea

5

Nays

0

APPROVED

CONTRACT: HYDE PARK SEWER LATERAL REPAIR, J.R. SWANSON PLUMBING CO., INC.

Agenda Item #13

The Engineering Department solicited quotes for repairs of the existing sewer lateral at the Hyde Park Inclusionary Playground. Two contractors responded:

J.R. Swanson Plumbing Co. Inc.	\$4,750.00
413 103 rd Street	
Niagara Falls, NY 14304	
J.A. Brundage The Drain Doctor Inc.	\$ 7,500.00

It is the recommendation of the undersigned that J.R. Swanson Plumbing Co. Inc. be awarded the contract at the quoted price of \$,750.00. Funding from the CDBG unprogrammed fund has been earmarked for this project.

Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea	5
Nays	0

APPROVED

CONTRACT: FIREWORKS DISPLAY, INDEPENDENCE DAY, SKYLIGHTERS FIREWORKS OF NEW YORK

We respectfully request you award the above referenced request for proposal as follows:

TO: Skylighters Fireworks of New York, LLC	
P.O. Box 1357	
Orchard Park, NY 14127	
FOR: Fireworks display on July 4, 2019 at Hyde Park:	\$25,000.00

The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that proposals were to be received was advertised in the Niagara Gazette and requests for proposals were sent to six (6) vendors. The proposal from Skylighters was the only submission received. After reviewing this proposal, it was determined that Skylighters Fireworks has met all the specifications required in Request for Proposal # 2019-13.

Funds are available in the Tourism fund balance.

Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea	3
Kennedy, Scott, Chairman Touma	
Nays	2
Tompkins Voccio	

DEFEATED

ITEM WAS DEFEATED FOR WALK ON
NOT A MAJORITY APPROVAL

There being no further business to come before the Council,
Chairman Touma adjourned the Meeting at 8:05 P.M.

Lisa A. Vitello
City Clerk

Chairman Touma presented an item to be added to the agenda.
Relative to honoring Qadree Waymond Ollison.

Yea	5
Nays	0

APPROVED

The item was added as #9 on the agenda.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S CLAIM REPORT FOR THE MONTH OF JUNE 2019

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: GOLF SPORTS COMPLEX, ROOF REPLACEMENT, CHANGE ORDER #1, JOSEPH SANDERS & SONS

Agenda Item #2

A contract for the above referenced project was awarded to Joseph Sanders & Sons, Inc. on April 30, 2019 in the Amount of \$ 147,927.00.

During the course of work, two items not part of the original scope of work, needed to be addressed in order for the City to have an independent company certify the roof warranty. The first item was copper flashing required in the valleys. The second was to provide new sub straight surface for area above current flashing that was installed improperly. The subsequent cost for this extra work including labor, materials and overhead & profit is \$1,146.06 for a new total contract amount of \$149,073.06

It is the recommendation of the undersigned that Change Order #1 in the amount of \$1,146.06 be approved. Funding for the project will be from existing tribal fund balance.

Will the Council vote to so approve and authorize the Mayor to execute a change order in a form acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea	5
Nays	0

APPROVED

COMMUNITY DEVELOPMENT: 19TH STREET, 501, NFNHS, CHDO GRANT AGREEMENT, AMENDMENT

Agenda Item #3

HUD regulation requires that at least 10% of the City's annual HOME grant be spent for CDHO activities. NFNHS qualifies as a Community Housing Development Organization. These funds are available to NFNHS for rehabilitation of properties owned by NFNHS.

The City Council previously approved a CHDO grant agreement with NFNHS in Item #10 at the July 18, 2018 Council meeting for a total amount of \$72,942.58 in order to rehabilitate a 3-unit rental property at 501-19th Street owned and managed by NFNHS. The City of Niagara Falls entered into a CHDO grant agreement with NFNHS on August 20, 2018 for a total amount of \$72,942.58 for rehabilitation of 501-19th Street.

NFNHS has recently requested an additional \$36,363.00 to complete the rehabilitation project at 501-19th Street. There is funding available through 2018 CHDO funds to cover this additional funding request.

While the funds have been appropriated for this purpose in Community Development's 2018 Annual Action Plan, each specific grant agreement and amendments to grant agreements requires City Council approval.

Will the Council vote to approve the amendment to the CHDO grant agreement executed on August 20, 2018 with Niagara Falls Neighborhood Housing Services as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea
Nays

5
0

APPROVED

CONTRACT: ACTUARIAL EQUIVALENCE TESTING, MILLIMAN, INC.

Agenda Item #4

The City Controller is recommending that the City retain the services of Milliman, Inc. ("Milliman") to perform actuarial equivalence testing in connection with the retiree drug subsidy. Milliman has much experience in this area and has worked in the past with Blue Cross and Blue Shield. Attached (on file in the City Clerk's Office) is a copy of the engagement contract. The reports Milliman generates will likely result in the City receiving subsidy payments from the federal government. The cost of these actuarial services is \$5,000.00 for calendar year 2020. Funding is available from the City Controller's budget line number A.1315.0000.0451.000.

Will the Council so approve and authorize the Mayor to execute an engagement agreement in form satisfactory to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea
Nays

5
0

APPROVED

RESOLUTION: DANCE SHOP, HONORING, 2019-59

BY: ALL COUNCIL MEMBERS

Agenda Item #5

WHEREAS, The Dance Shop was opened February 26, 1979 by Karen and Kim Tweedie and recently celebrated their 40th annual recital; and

WHEREAS, Amy Boniello became director in 2009 and The Dance Shop expanded to a second location in Youngstown in 2013; and

WHEREAS, The Dance Shop currently has about 150 students and offers classes in tap, ballet, jazz, lyrical, modern, hip hop, acro, musical theater and Mommy and Me; and

WHEREAS, the studio performs in their annual recital at the Niagara Falls High School Performing Arts Center and the Niagara Falls Firefighters Toy Fund Telethon and have performed at Walt Disney World in Orlando, Florida, in parades in both Magic Kingdom and Epcot.

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby honor The Dance Shop for the many years of serving our youth and local communities.

Yea
Nays

5
0

ADOPTED

RESOLUTION: EDDIE BRYANT, HONORING, 2019-60

BY: ALL COUNCIL MEMBERS

Agenda Item #6

WHEREAS, Eddie Bryant, a native of Niagara Falls, New York was born to Clarence Bryant and Lela Allen Bryant; and

WHEREAS, The Bryant's are members of New Hope Baptist Church. Eddie graduated from Niagara Falls High School and also was in the United States Army; and

WHEREAS, Eddie has established himself as a "good deed doer". He can be seen on many occasions dressing in characters to the delight of the neighborhood children. Eddie also visits the elderly, to their delight, of knowing they have not been forgotten; and

WHEREAS, Eddie is truly a delightful, bighearted, community servant. It takes a "whole village". Roll up the sleeves and do what you can, while you can. Teamwork works!

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby honor Eddie Bryant for his many years of community service and involvement within the community.

Yea

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Nays

0

ADOPTED

RESOLUTION: BUFFALO AVENUE STREETSCAPING IMPROVEMENTS, CERTIFICATIONS, GRANT, 2019-61

BY: ALL COUNCIL MEMBERS

Agenda Item #7

WHEREAS, the City of Niagara Falls has received a grant from the New York State Dormitory Authority to make improvements to the streetscaping on Buffalo Avenue in the LaSalle business district; and

WHEREAS, the grant is in the amount of \$500,000; and

WHEREAS, no matching funds are required.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this New York State Dormitory Authority grant and authorizes the Mayor to act on behalf of the City in all matters related to this project and is further authorized to execute any and all documentation related to this project.

Yea

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Nays

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ADOPTED

RESOLUTION: PUBLIC HEARING, CREATION OF TAXICAB MEDALLIONS TO ASSIST PERSONS WITH DISABILITIES FOR VEHICLES THAT ARE WHEELCHAIR ACCESSIBLE VEHICLES, 2019-62

BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN TOUMA

Agenda Item #8

WHEREAS, during its meeting on June 26, 2019 this City Council adopted the attached Resolution to schedule a public hearing as concerns the possibility of amending Chapter 365 of the City Ordinances to include a new category of taxicab medallions; and

WHEREAS, this public hearing was scheduled to take place in the Council Chambers at 6:00 p.m. during the City Council meeting to be held on July 10, 2019; and

WHEREAS, an individual advocating for the creation of this new category of taxicab medallions contacted this City Council to request that the public hearing be rescheduled to July 24, 2019 because of some unforeseen problems encountered.

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby reschedule this public hearing to take place during the next regularly scheduled City Council Meeting on July 24, 2019 at 6:00 p.m. during which any persons interested in this matter may voice their opinions, issues and concerns; and

BE IT FURTHER RESOLVED that three (3) days notice of said hearing be published in the Niagara Gazette preceding the said hearing.

Yea

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Nays

0

ADOPTED

RESOLUTION: QADREE WAYMOND OLLISON, HONORING, 2019-63
BY: ALL COUNCIL MEMBERS

Agenda Item #9

WHEREAS, Qadree Waymond Ollison, born September 8, 1996 is the son of Vicki Harris and Wayne Ollison. Qadree has three brothers and one sister. His parents were college basketball players. His father played at Buffalo State and mother played at Alabama State. Quadree earned his bachelor's degree in communications from University of Pittsburgh; and

WHEREAS, Qadree is a Niagara Falls native, who set career records for Canisius High School in rushing yards (4,147) and total touchdowns (57), and as the top offensive weapon on one of the top teams in New York State, was named Niagara Gazette's Football Player of the Year two consecutive seasons in a row; and

WHEREAS, Qadree volunteers with the Boys & Girls Club. Throughout college, he worked with local High School and Middle School students. Growing up playing near his hometown of Niagara Falls, NY in the Cataract Little Loop Football Association, Qadree is active in working with the youth and giving back to the association he learned so much from; and

WHEREAS, Qadree was one of the top 5 running back prospects in the state of New York and finished as the all-time career rushing leader at Canisius with 4,147 yards, a total that ranked third in Monsignor Martin Association (MMA) history. He scored 57 touchdowns in his High School career and rushed for 1,465 yards and scored 22 touchdowns during his senior year and played in the MMA championship game at Ralph Wilson Stadium; and

WHEREAS, Qadree's final two seasons at Canisius include back-to-back MMA championships, played under Coach Rich Robbins and was named a finalist for the Connolly Cup, presented annually by the Riverside Athletic Club to the top high school player in WNY; and

WHEREAS, Qadree committed to the University of Pittsburgh. For his collegiate career, Qadree compiled 2,859 rushing yards to rank seventh all-time at Pitt. Qadree holds a record for the longest play from scrimmage-run or pass-in Pitt history, 97-yard run. It also was the longest run during the 2018 college football season (tied with Notre Dame's Dexter Williams). Qadree was drafted by the Atlanta Falcons in the 2019 NFL Draft, during the 5th Round.

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby honor Qadree Waymond Ollison for his tremendous accomplishments on and off the football field.

Yea
Nays

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ADOPTED

There being no further business to come before the Council,
Chairman Touma adjourned the Meeting at 7:30 P.M.

Lisa A. Vitello
City Clerk



JULY 24, 2019
REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The July 24, 2019 Legislative session of the 2019 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Christopher Voccio, Chairman Andrew Touma

Also present: Mayor Paul A. Dyster, Acting City Administrator Douglas Janese, Corporation Counsel Craig H. Johnson, and City Controller Daniel Morello.

Council Member Tompkins said the Prayer and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Council Member Tompkins moved to approve the Minutes from the Council Meeting of July 10, 2019.

Yea	5
Nay	0
APPROVED	

Chairman Touma announced a Special Order of Business, a Public Hearing regarding the creation of a new category of Taxicab Medallions to assist persons with disabilities by specifically dedicating this category of Taxicab Medallions to vehicles that are Wheelchair Accessible Vehicles and asked if there were any speakers relative thereto:

Carol Manzi
Richard Christy
Sohan Bambrah
Damon DiCastro
Ken Hamilton

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Ron Anderluh Donta Myles	Agenda Item #6; Meters Maintainance
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Presentations:
NONE

Administrative Update:

Acting City Administrator, Douglas Janese gave an update on Parking meters, Hyde Park inclusionary park, paving, forestry, storm clean-up, the Gluck Park project, Hyde Park pool and signage.

Mayor Paul Dyster gave an update on USA Niagara properties, RFP's and payments from the State.

City Controller report:

Dan Morello, City Controller, gave an update on state aid payments and the LED conversion project.

Craig Johnson, Corporation Counsel, presented 2 items to be added to the agenda

1. Relative to replacement of City Phone System Vendor
Yea 5
Nays 0
APPROVED
The item was added as #17
2. Resolution relative to Consolidated Funding Application to Empire State Development for North Main Street "Bridge District" Mixed-Use Development.
Yea 5
Nays 0
APPROVED
The item was added as #18

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF JUNE 2019

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

COMMUNITY DEVELOPMENT: GRANT ACCEPTANCE, NYS ATTORNEY GENERAL'S OFFICE

Agenda Item #2

The Niagara Falls Community Development Department (NFCD) has been awarded a \$350,000 competitive grant from the Office of the New York State Attorney General's Office. This is a two year grant term, terminating on June 30, 2021. It is also the second round of funds awarded to NFCD via the Attorney General's Office, with the Niagara Falls Zombie Fight Project launching in 2017 (Zombie 1.0).

The focus of Zombie 1.0 was on mortgage encumbered properties; meaning, the property is vacant, the mortgage is delinquent, and a bank holds a lien. These properties are registered with the New York State Department of Financial Services, and list the lien holding entity that is legally responsible for property upkeep. At a maximum, this list had 155 properties, and to date this list has only 30. The majority of the properties left on this list are moving through the foreclosure process, with a number of them being expedited. The minority of these properties are in foreclosure but are being slowed by issues surrounding the estates of deceased owners.

Niagara Falls was one of the first municipalities to take a legally focused approach to these zombie properties and successfully brought legal action against Citizens Bank in 2017. This legal action opened up conversations with other lien holders relative to vacant/abandoned properties in the city and encouraged compliance and expedited foreclosures. Phase 1 allowed us to implement a successful process for remediation of mortgage encumbered properties.

The focus of phase Zombie 2.0 will be on non-mortgage encumbered properties, meaning, vacant properties without a lien. These properties usually do not have an identifiable owner of record as they are a result of mortgage charge offs, death of the owner with no heirs, or are properties in which a mortgage note was satisfied and the prior owner owned the property outright. It is more difficult to remediate these properties as locating the owner is research heavy, and sometimes impossible, especially in instances of out of town ownership. NFCD plans to focus our phase two efforts on creating a successful process for remediation of these properties, which includes innovative methods of acquisition of these properties.

With the City Council vote to approve acceptance of this grant and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea
Nays

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0

APPROVED

CONTRACT: FIRE TRAINING TOWER, SPECIAL INSPECTIONS & TESTING, SJB SERVICES

Agenda Item #3

As construction of this project progresses, certain structural components are subject to Special Inspections and Testing. These components include examination of subgrade, reinforcing steel, cast-in-place concrete, and high strength bolts. These Special Inspections and Testing are required by New York State Building Code.

It is requested that SJB Services, and their subsidiary Empire Geo-Services be retained to provide onsite inspections and testing at a not-to-exceed amount of \$5,000.00. Funding is available in tribal funds.

Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea
Nays

5
0

APPROVED

CONTRACT: LASALLE LIBRARY, RENOVATIONS, WALTER S. JOHNSON BLDG. CO.

Agenda Item #4

The following was the result of bids solicited for the above referenced project:

CONTRACTOR	BASE BID
Walter S. Johnson Building Co. 2335 Niagara Falls Blvd. Niagara Falls, NY 14304	\$13,675.00

It is the recommendation of the undersigned that this (purchase order) for the above described work be awarded to the only vendor that responded, Walter S. Johnson Building Co., Inc. for the amount of \$13,675.00. This additional work will consist of new acoustic tiles fastened to the ceiling.

Funding for this project comes from New York State Economic Assistance Program Grant. The City will be reimbursed 100% of the cost of the project.

Will the Council vote to approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea
Nays

5
0

APPROVED

CITY PROPERTY: 95TH ST., 400, VINCENT MORELLO SENIOR HOUSING, PROPERTY TAX EXEMPTION

Agenda Item #5

Vincent Morello Senior Housing, L.P. (the "Partnership") owns and operates the Vincent Morello complex at 400 - 95th Street (the "Property"). The Property is exempt from taxes under Article V of the Private Housing Finance Law ("PHFL"), and is subject to a Payment in Lieu of Taxes agreement ("PILOT"). Rent for this low income housing tax credit project is limited by the federal Internal Revenue Code and NYS Division of Housing and Community Renewal (DHCR). The tax exemption and PILOT are necessary for the economic feasibility of the project with the rent limitations.

On October 13, 1998 the City Council approved granting a real property tax exemption to the Property under Section 125 of the PHFL, and authorized the Mayor to enter into a PILOT agreement with the Partnership. The PILOT provided for exemption of the Property from real property taxes and payment of amounts in lieu of taxes for a period of 15 years, commencing with the 2000 taxes, as set forth therein. The Property is subject to a Low-Income Housing Tax Credit Regulatory Agreement with NYS Division of Housing and Community Renewal (DHCR), now New York Homes and Community Renewal, limiting the rent which can be charged. The regulatory agreement was for an initial period of 15 years, and an additional period of 25 years, for a total of 40 years. Section 125 of the PHFL allows for extension of the tax exemption for a total exempt period of up to 50 years.

On July 25, 2011 the City Council approved a request from the Partnership to extend the tax exemption and PILOT for an additional 10 years to facilitate refinancing for the property. The exemption also extended the PILOT agreement with the initial annual payment of \$17,833.02, which is the final payment under the original PILOT plus 2%, with 2% annual increases thereafter.

The Partnership, once again, is in the process of refinancing the existing debt on the Property. The Partnership's lender is requiring an extension of the tax exemption and PILOT agreement through the year 2040.

The PILOT payments to the City will remain a constant with yearly increases of 2% thereafter.

Because the project has been very successful, providing 80 units of safe, clean, low income housing for seniors in the City at affordable prices, it is recommended that the City Council vote to approve the tax exemption and PILOT agreement extension for an additional 15 years (2026 - 2040) as set forth herein. The City Assessor supports this recommendation.

Will the Council so approve and authorize the Mayor to execute documents necessary to effectuate these approvals provided the same are satisfactory to the Corporation Counsel in form and content?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea	5
Nay	0

APPROVED

PURCHASE: HAND HELD TICKET ISSUING DEVICES WITH PRINTERS, POLICE DEPARTMENT, FUNDING

Agenda Item #6

The Police Chief is requesting that the Schweers ticket dispensing devices used by officers be replaced because they are approaching obsolescence. It is requested that ten (10) new hand held devices together with printers to support them be purchased in order to continue and upgrade the ticket dispensing function provided by the NFPD. The software that Schweers includes on these hand held devices is proprietary and each has a camera on them that allows officers the ability to take pictures of license plates and find out immediately if it is current or past due on payment.

The sum of \$30,000.00 is requested for this purpose. Funding is available from tribal revenue funds.

Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea

Nay

5

0

APPROVED

CONTRACT: ACTUARIAL & PENSION SERVICES, BPAS, GASB75 VALUATION

Agenda Item #7

The City Controller advises that it is necessary to engage the services of BPAS Actuarial & Pension Services to perform a GASB No. 75 valuation during calendar year 2019 for the City's retiree group health benefits program. Attached (on file in the City Clerk's Office) is a copy of the service agreement engagement letter. The fees to be paid total \$2,750.00. Funding is available in budget line A.1315.0000.0451.000.

Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea

Nay

5

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APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #8

The following have requested City Council approval for Commissioner of Deeds for a term from October 1, 2019 to September 30, 2021.

This is in accordance with provision of the Niagara Falls City Charter, Article II, Section 7, Subdivision 5.

Eric J. Barlow	NFFD
Jeff Benjamin	NFFD
Shaun Bielec	NFPD
Kimberly Carter	Engineering
Patrick Ciccarelli	Code Enforcement
Mark Diodate	City Council Office
Latricia Herbert	City Clerk's Office
William Kennedy II	City Council
Paul Warmington	NFPD

Andrea M. Hilliard	924 Macklem Ave., Niag. Falls, NY 14305
Donald P. McCoy Jr.	646 Pasadena Ave., Niag. Falls, NY 14304
Victoria R. Shank	1839 Niagara Ave., Niag. Falls, NY 14305
Kathleen L. Steinman	2242 Grand Ave., Niagara Falls, NY 14301
Diane M. Ward	615 Main St., Apt. 2105, NF, NY 14302

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea

Scott, Tompkins, Voccio, Chairman Touma

Nay

Abstain

Kennedy

4

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APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

CAYUGA DR. & 93RD ST., INSTALL ALL WAY STOP SIGNS AT THE INTERSECTION

Agenda Item #9

At the Traffic Advisory Commission meeting held on July 15, 2019 the Commission recommended APPROVAL of the following item:

INSTALL ALL WAY STOP SIGNS AT THE INTERSECTION OF CAYUGA DRIVE AND 93RD STREET

The Commission felt that "All Way" Stop Signs would provide increased safety for pedestrians, including children walking to G.J. Mann Elementary School and Cayuga Youth Athletic Association's baseball fields, who cross Cayuga Drive and use the pedestrian bridge over Cayuga Creek located here. This intersection falls short of the Federal MUTCD Minimum Warrants for the placement of "ALL WAY" stop signs and therefore Thomas Miklejn recommended denial of this item.

Submitted By: Terri Kline, 9204 Cayuga Drive

It is requested that City Council approve this recommendation.

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea

5

Nays

0

APPROVED

92ND STREET, BETWEEN LUICK & READ AVE., INSTALL ALTERNATE OVERNIGHT PARKING

Agenda Item #10

At a Traffic Advisory Commission meeting held on July 15, 2019 the Commission recommended APPROVAL of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON 92ND STREET BETWEEN LUICK AVENUE & READ AVENUE

A Petition from the residents of this block was received with 69% signatures.

Submitted By: Melanie Mangus, 727 92nd Street and Petition/Residents of Block

It is requested that City Council approve this recommendation.

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea

5

Nays

0

APPROVED

VANDERBILT AVENUE, BETWEEN DEVEAUX AND BELL STREETS, ALTERNATE OVERNIGHT PARKING

Agenda Item #11

At a Traffic Advisory Commission meeting held on July 15, 2019 the Commission recommended APPROVAL of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON VANDERBILT AVENUE BETWEEN DEVEAUX STREET & BELL STREET

A Petition from the residents of this block was received with 89% signatures.

Submitted By: Kelvin Agee, 1225 Vanderbilt Avenue and Petition/Residents of Block

It is requested that City Council approve this recommendation.
Council Member Tompkins moved that the communication be received
and filed and the recommendation approved.

Yea
Nays

5
0

APPROVED

LASALLE AVENUE, 1343, INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #12

At the Traffic Advisory Commission meeting held on July 15, 2019
the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 1343 LASALLE AVENUE

[Physician verification of wheelchair dependency and/or severe
restriction of movement, has been received]

Submitted By: Taylor Jackson, 1343 Lasalle Avenue

It is requested that City Council approve this recommendation.
Council Member Tompkins moved that the communication be received
and filed and the recommendation approved.

Yea
Nays

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0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

NO FAULT EXPENSES: ESCHBORN, KYLE

Agenda Item #13

The above claimant has incurred medical expenses for personal
injuries suffered by him when he, while on a bicycle, struck a City
vehicle on Porter Road on July 25, 2011.

Under the New York State No-Fault Law, the City of Niagara Falls,
as a self-insured entity, is obligated to pay the claimant's medical
expenses arising out of this incident. If the same meets with your
approval, please vote to direct the City Clerk to draw a warrant on the
City Controller directing him to issue the following checks:

Amherst Medical Supply	\$4,646.84
Pasquale V. Bochicchio P.C.	\$ 969.37
Total Amount	\$5,616.21

Will the Council so approve?

Council Member Tompkins moved that the communication be received
and filed and the recommendation approved.

Yea
Nays

5
0

APPROVED

RESOLUTION: STANDARD WORK DAY AND REPORTING RESOLUTION, 2019-64
BY: ALL COUNCIL MEMBERS

Agenda Item #14

WHEREAS, The City of Niagara Falls, New York hereby establishes the following as standard work days for an elected official and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by this official to the clerk of this body;

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time keeping System (Y/N)	Days/Month (based on Record of Activities)
Elected Official					
Mayor	Paul Dyster	7	1/1/16 - 12/31/19	N	24.96
Council Member	Ezra Scott, Jr.	7	1/1/16 - 12/31/19	N	8.07
Council Member	Kenneth Tompkins	7	1/1/16 - 12/31/19	N	18.10
Council Member	William Kennedy	7	1/1/18 - 12/13/21	N	8.48
Council Member	Christophe Voccio	7	1/1/18 - 12/31/21	N	8.64
Appointed Official					
Civil Service Commissioner	Lora Allen	6	1/28/16 - 5/31/20	N	0.67

WHEREAS, the clerk of this governing body of the State of New York does hereby certify that he/she has compared the foregoing with the original resolution passed by this governing body as part of the minutes of such meeting and that same is a true copy thereof and the whole of such original; and

WHEREAS, the clerk certifies that such members were present as such meeting and the council members voted in favor of the above resolution.

THEREFORE BE IT RESOLVED, that the above is adopted by the Niagara Falls City Council and that the information be submitted to the New York State Comptroller and the clerk of the governing body to be maintained for at least 10 years.

Yea
Nays

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ADOPTED

RESOLUTION: CALLING FOR A PUBLIC HEARING RELATIVE TO ADOPTING A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE) IN THE CITY OF NIAGARA FALLS, NEW YORK, 2019-65
BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN TOUMA

Agenda Item #15

RESOLVED, that Local Law No. ____ for the year 2019 be introduced, and that a public hearing be held on such Local Law on the 4th day of September, 2019 at 6:00 p.m. Daylight Savings Time, in the Council Chambers of the City of Niagara Falls, New York, and that three (3) days notice of said hearing be published in the Niagara Gazette preceding said hearing relative to adopting a local law to establish a Sustainable Energy Loan Program (Open C-PACE) in the City of Niagara Falls, New York (Local Law on file in the City Clerk's Office).

Yea
Nays

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ADOPTED

RESOLUTION: SUPPORT LETTER FOR ENGINEERING PLANNING GRANT, NIAGARA FALLS WATER BOARD, 2019-66
BY: COUNCIL MEMBERS TOMPKINS, VOCCIO, CHAIRMAN TOUMA

Agenda Item #16

WHEREAS, Niagara Falls City Council supports the Engineering Planning Grant (EPG) application of the Niagara Falls Water Board. We the Council understand that the Water Board is collecting data through flow monitoring at 15 manhole locations throughout the city's LaSalle neighborhood.

WHEREAS, an engineering and planning report will be prepared in furtherance of a prior consent order with the NY Department of Environmental Conservation. This council knows well the importance of the Water Board achieving full compliance with the consent order in which they agreed to repair the portion of the system operating in the LaSalle section of the city over a long-term work plan.

WHEREAS, while our city is not without significant challenges, this council is working hard to make Niagara Falls safer, cleaner, more sustainable, and to improve conditions for the retention and expansion of job opportunities. With a key component of a livable city being the adequate collection and treatment of wastewater, projects such as that required for the LaSalle area help reach that goal and benefit not only those in the immediate neighborhood but all residents of the city at large.

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby urge the favorable consideration of the Niagara Falls Water Board EPG application.

Yea
Nays

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ADOPTED

CONTRACT: CITY PHONE SYSTEM, REPLACEMENT, NEWCASTLE COMMUNICATIONS

Agenda Item #17

The Acting Director of the MIS Department advises that the City's agreement with the vendor (AT Technologies) that maintains the City phone system expires at the end of July, 2019. Based upon a review of other available vendors, it is recommended that the City enter into a new agreement with Newcastle Communications. Attached (on file in the City Clerk's Office) is a copy of an estimate from Newcastle Communications for support services for a one (1) year period of time which totals \$16,278.04. In addition, Newcastle has provided an estimate in the amount of \$4,648.07 to reprogram the existing system, set it up for proper reporting as well as training for MIS staff. The final expense estimate is for TelecomDataService ("TDS") in the amount of \$2,000.00. TDS did due diligence on available vendors for the City's system and recommended Newcastle as the most compatible with the City's system. A copy of this estimate is attached. The total to be spent on the replacement of this vendor is \$22,926.11. The Newcastle invoices totaling \$20,923.11 are budgeted expense items and will be paid from budget account number MT.0054.0000.0421.000 and the TDS invoice will be paid from budget account number A.1680.0000.0451.000 which is a budgeted MIS consultant line item.

Will the Council so approve and authorize the Mayor to sign any documents necessary to effectuate all this provided the same are in form and content satisfactory to the Corporation Counsel?

Will the Council so approve?

Council Member Tompkins moved that the communication be received and filed and the recommendation approved.

Yea
Kennedy, Scott, Tompkins, Chairman Touma
Nays
Abstain
Voccio

4
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APPROVED

RESOLUTION: NORTH MAIN STREET "BRIDGE DISTRICT", APPLICATION, EMPIRE STATE DEVELOPMENT, 2019-67
BY: ALL COUNCIL MEMBERS

Agenda Item #18

WHEREAS, the City of Niagara Falls (City) is submitting a Consolidated Funding Application- through the State of New York's Regional Economic Development Council for the above referenced project; and

WHEREAS, the project represents a total investment of at least \$7,500,000, which includes State assistance of up to \$1,500,000 and a local share made up of property equity and neighborhood infrastructure improvements from the City, with the balance in the form of private-sector equity investments to properties within the Bridge District; and

WHEREAS, the City of Niagara Falls seeks to establish a set of programs to assist developers in acquiring viable properties for the purpose of re-developing existing structures or constructing new commercial and/or mixed-use developments; to acquire vacant and/or underutilized properties and demolish where needed for infill development; and to perform streetscaping improvements and the removal of blight throughout the "Bridge District" neighborhood (Main Street between Pierce Avenue and Ontario Avenue); and

WHEREAS, the City identified this as one of nine "Core City Strategies" in its 2009 Comprehensive Plan and more recently made it a feature component in its application for assistance under the New York State Downtown Revitalization Initiative; and

WHEREAS, a successful CFA will accelerate the pace of redevelopment and attract new investment, residents and generate multiple new business and employment opportunities, raise property values, and increase local tax base and revenues; and

WHEREAS, the Bridge District represents best opportunity for immediate private sector investment, public private partnership, and it represents the geography with the greatest potential economic impact in all Western New York; and

WHEREAS, a combination of regional factors, that include changing demographics and real-estate market dynamics, as well as, local factors that include connectivity with the Niagara River waterfront facilitated by the removal of sections of the Robert Moses Parkway, construction of the International Amtrak Railway Station, recent acquisition of several long-vacant parcels on Main Street by Blue Cardinal Capital, and growing employment in the Downtown/South End tourism and medical sectors that are driving new demand for high-quality housing in vibrant and walkable neighborhoods;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this grant application and authorizes the Mayor to act on behalf of the City in all matters related to the application and grant and is further authorized to execute any and all documents related to this grant.

Yea
Nays

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ADOPTED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 7:45 P.M.

Lisa A. Vitello
City Clerk

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