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**JANUARY 9, 2017**

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The first session of the January 9, 2017 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 Chairman Andrew Touma, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and Charles Walker

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

Chairman Touma made a motion to amend the Agenda to vote on Agenda Item #2 at this time.

Yeas	5
Nays	0

MOTION TO AMEND AGENDA APPROVED

CITY CLERK: APPOINTMENT

Agenda Item #2

As part of my plans relative to the City Clerk's office for calendar year 2017, I am hereby removing Carol Antonucci, 6610 Ward Road, Niagara Falls, NY 14304 from the office of City Clerk, effective immediately. I thank her for her years of service to the City.

Pursuant to Section 2.3 of the City Charter, I am hereby appointing Lisa Vitello, 4859 Terrace Drive, Niagara Falls, NY 14305 to the office of City Clerk. As per the 2017 adopted budget, the salary for the City Clerk's position is \$48,000.00. This is now a full-time position whereas in many years prior to 2017 it was a part time position.

Will the Council vote to confirm the removal of Carol Antonucci from the office of City Clerk and the appointment of Lisa Vitello to the office of City Clerk?

Council Member Grandinetti moved to approve the Agenda Item at this time	
Yeas	5
Nays	0

APPROVED

Chairman Touma thanked Carol for her commitment & Mayor Dyster also thanked her.

Honorable Judge Diane Vitello then administered the Oath of Office to Lisa A. Vitello as Ms. Vitello's mother held the Bible.

Chairman Touma asked if there were any nominations for Council Chairman 2017. Council Member Grandinetti nominated Charles Walker and this nomination was seconded by Council Member Tompkins. There being no further nominations, Chairman Touma called for a vote to be taken. All Council Members voted for Charles Walker, who was unanimously elected Council Chairman for 2017. Honorable Judge Diane Vitello then administered the Oath of Office to Chairman Walker as Chairman Walker's wife and grandson held the Bible.

Council Member Scott introduced Darian Tanksley.

There was a Presentation by Darian Tanksley about a Daddy-Daughter Ball that is being held on February 18, 2017.

He explained about the Ball and added that he has a few sponsors but could use more. An application to request Public Funds from the City, given to Bridgette, Council Administrative Assistant.

Council Member Grandinetti talked about the State of the State message by Gov. Cuomo today. She said it was stated that there will be strong support for the revitalization of Main Street and she has never heard that much about this support before and was very pleased.

Ended at 6:20 PM

Council Member Grandinetti moved to approve the Minutes from the Council Meeting of December 27, 2016.

Chairman Walker reconvened the Meeting at 6:30 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Touma and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

Ron Anderluh	Agenda Item #2
Ron Anderluh	Thank you & congratulations to Lisa Vitello; wish Carol good luck & thank you for her years of Service; Congratulations to Charles Walker; City Wide assessment; Business tax raised; Parking Meters
Ken Hamilton	Talked more of the Daddy-Daughter Ball; great plans For Kalfas School; customizing of area students with Students from Africa
Vince Anello	Congratulated Lisa & Charles; Employees should be recognized

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERKS CLAIMS FOR THE MONTH OF DECEMBER 2016

Agenda Item #1  
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CITY CLERK: APPOINTMENT

Agenda Item #2  
THIS ITEM WAS APPROVED AT THE COMMITTEE OF THE WHOLE MEETING

PUBLIC WORKS/PARKS DEPT.: BUDGET AMENDMENT, EMPLOYEE TRANSFER

Agenda Item #3

As done previously, when an existing employee transfers to another position, we have taken into account the employee's service time when applied to the corresponding wage schedule. Hugh Leftwich is the new Assistant Foreman Streets, Grade 17B which according to the 2017 budget has a salary of \$45,220. Taking into account Mr. Leftwich's years of service, it will be necessary to place him at Step 4.5 of the appropriate Grade, with a salary of \$47,759 resulting in a difference of \$2,539 in the biweekly line.

Funds are available in the biweekly line of A.8510.0000.0110.000 due to a current vacancy.

Will the Council so approve the transfer of \$2,539 from A.8510.0000.0110.000 to A.5110.0200.0110.000, effective immediately?

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

Yeas  
Nays

5  
0

PURCHASING DEPT.: BUDGET AMENDMENT, EMPLOYEE TRANSFER

Agenda Item #4

As done previously, when an existing employee transfers to another position, we have taken into account the employee's service time when applied to the corresponding wage schedule. Cynthia Ransom is the new Administrative Assistant-Purchasing, Grade 19, which according to the 2017 budget has a salary of \$38,471. Taking into account Ms. Ransom's 8 years of service, it will be necessary to place her at Step 1.1 of the appropriate Grade, with a salary of \$44,492, resulting in a difference of \$6,021.06 in the biweekly line.

Funds are available in the biweekly line of A.8020.4720.0110.000 due to a current vacancy.

Will the Council so approve the transfer of \$6,021 from A.8020.4720.1110.000 to A.1345.0000.0110.000, effective immediately?

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

Yeas	4
Council Members Grandinetti, Scott, Touma, Chairman Walker	
Nays	1
Council Member Tompkins	

APPROVED

RESOLUTION: NIAGARA GAZETTE, OFFICIAL NEWSPAPER, 2017-1

BY: ALL COUNCIL MEMBERS

Agenda Item #5

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 2017, but such designation shall not thereafter lapse until superseded.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: INVESTMENT POLICY, 2017, 2017-2

BY: ALL COUNCIL MEMBERS

Agenda Item #6

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

WHEREAS, the objectives of the investment policy are:

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

WHEREAS, the attached investment policy is designed to satisfy these objectives.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the City of Niagara Falls hereby adopts the attached investment policy.

INVESTMENT POLICY FOR  
CITY OF NIAGARA FALLS, NEW YORK  
(2017)

I. SCOPE

This investment policy applies to all moneys and other financial resources available for investment on behalf of the CITY OF NIAGARA FALLS, NEW YORK [hereinafter "CITY"] or on behalf of any other entity or individual.

II. OBJECTIVES

The primary objectives of the CITY's investment activities are, in priority order:

1. To conform with all applicable federal, state and other legal requirements (legal);
2. To adequately safeguard principal (safety);
3. To provide sufficient liquidity to meet all operating requirements (liquidity); and
4. To obtain a reasonable rate of return (yield).

III. DELEGATION OF AUTHORITY

The governing board's responsibility for administration of the investment program is delegated to the City Controller who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the CITY to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. DIVERSIFICATION

It is the policy of the CITY to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

VI. INTERNAL CONTROLS

It is the policy of the CITY for all moneys collected by any officer or employee of the government to transfer those funds to the City Controller within 10 days of deposit, or within the time period specified in law, whichever is shorter.

The City Controller is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

#### VII. DESIGNATION OF DEPOSITARIES

The banks and trust companies authorized for the deposit of monies up to the maximum amounts are:

<i><b>Depository Name</b></i>	<i><b>Maximum Amount</b></i>	<i><b>Officer</b></i>
Manufacturers and Traders Trust Company	\$100 Million	City Controller

#### VIII. COLLATERIZING OF DEPOSITS

In accordance with the provisions of General Municipal Law, §10, all deposits of CITY, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. By a pledge of "eligible securities" with an aggregate "market value" as provided by GML §10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.
2. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt to obligations are rated in one of the three highest rating categories by at least one categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims - paying ability - is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

#### IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by the depository and/or a third party bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the CITY or its custodial bank.



The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

#### X. PERMITTED INVESTMENTS

As authorized by General Municipal Law, §11, the CITY authorizes the City Controller to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit accounts;
- Certificates of deposit;
- Obligations of the United States of America;
- Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- Obligation of the State of New York
- Obligations issued pursuant to LFL §24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the CITY;
- Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments;
- Certificates of Participation (COPs) issued pursuant to GML §109-b;
- Obligations of this local government, but only with any moneys in a reserve fund established pursuant to GML §§6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the CITY within such times as the proceeds will be needed to meet expenditures or purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the CITY within two years of the date of purchase.

#### XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The CITY shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the CITY. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The City Controller is responsible for evaluating the financial position and maintaining a listing of proposed depositaries, trading partners and custodians. Such listing shall be evaluated at least annually.

## XII. PURCHASE OF INVESTMENTS

The City Controller is authorized to contract for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.
2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.
3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the CITY by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, §10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

## XIII. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions;

- All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- No substitution of securities will be allowed.
- The custodian shall be a party other than the trading partner.

APPENDIX A

Schedule of Eligible Securities

- (i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest by the United States of America, an agency thereof or a United States government sponsored corporation.
- (ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Bank, the Asian Development Bank, and the African Development Bank.
- (iii) Obligations partially insured, or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.
- (iv) Obligations issued or fully insured, or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.
- (v) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- (vi) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- (vii) Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- (viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.
- (ix) Any mortgage related securities as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.
- (x) Commercial paper and bankers' acceptances issued by a bank, other than the Bank, rated in the highest short term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged.

Zero coupon obligations of the United States government marketed as "Treasury strip"

Yeas	5
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 6:45 P.M.

Lisa A. Vitello  
City Clerk



**JANUARY 23, 2017**  
**REGULAR COUNCIL MEETING**                      **NIAGARA FALLS, NEW YORK**

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The first session of the January 23, 2017 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:10 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and Andrew Touma

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson and City Controller Sandra Peplow.

Council Member Tompkins moved to approve the Minutes from the Council Meeting of January 9, 2017.

Yeas

5

Nays

0

APPROVED

Patricia Wrobel, from Niagara University, explained that they have been asked to help with the revitalization of the City Market. They intend to focus on activities for families in the community. The activities will focus on culture, commerce, providing financial advice, job training sessions, summer camps and additional community resources.

Councilwoman Grandinetti discussed other partners in the Market Project including Cornell Cooperative Extension, Mr. AL Muto and additional partners/business owners in the Market area.

Councilwoman Grandinetti invited NU to the Market meeting on Wed., Jan. 25<sup>th</sup> at 6 PM at 755 Restaurant.

Chairman Walker asked where the programs would take place. Ms. Wrobel stated they would be outdoor activities.

Councilman Touma thanked NU for their assistance as did Councilman Scott.

Seth Piccirillo, Director of Community Development, gave a presentation regarding the Highland Ave. Firehouse. He stated that the Isaiah 61 Project has had great success. He discussed the strength of the Project giving graduation statistics. He also gave an update on the Firehouse Renovation budget which is on time and on budget. He also gave an update on new events.

Councilman Tompkins questioned Mr. Piccirillo on the cost and the details of the renovations. A discussion followed on this.

In the Administrative Update, Mayor Dyster discussed the US Conference of Mayors: TIGER Grants and significant infrastructure improvements that would be possible through TIGER.

Councilman Touma discussed the short term Rental Ordinance stating that we need to take a closer look at the Ordinance.

Tom DeSantis, Acting Director of Planning, stepped forward to give details on the short term Rental Ordinance. He stated that the Planning Board worked diligently on the Ordinance. He also stated that the Sign Ordinance regarding Zoning had not been updated since 1970.

Councilman Tompkins asked about the Train Station lighting and Mr. DeSantis gave an update.

Councilwoman Grandinetti explained that NTCC has packages in place for train travel, she also inquired about the vending situation at the station.

Councilman Touma asked about demo funds. Mayor Dyster explained they were emergency demos. Councilman Touma also asked about the 2017 budget regarding the use of Casino Funds.

Mayor Dyster also discussed streets and other infrastructure, TIP Projects, NYS funds, GBNRTC, alley repairs and cleanings. He also explained the Financial Budget Director position.

Kelly Kudela, from the NACC, spoke about the importance of their programs. In light of asking the Council for funds as did the NCAP stating that they focus on energy audits, financial planning, food service and additional services for families.

City Administrator Nick Melson, stated that Item #13, SPCA Contract, was being Pulled.

Corporation Counsel Craig Johnson stated that there are 2 Agenda Items to be Amended.

1. Agenda Item #6, Police Code corrected  
Councilwoman Grandinetti moved to Amend the Item  
Yeas 5  
Nays 0  
MOTION TO AMEND ITEM APPROVED
2. Agenda Item #7, amount corrected  
Yeas 5  
Nays 0  
MOTION TO AMEND ITEM APPROVED

Corporation Counsel Craig Johnson distributed copies of 2 Agenda Items to be added.

1. A Resolution relative to Recognizing St. Johns AME Church-Gospel Chorus.  
Council Member Touma moved to add this Resolution to the Agenda  
Yeas 5  
Nays 0  
Motion to add Resolution to Agenda approved

The Resolution was added to the Agenda as #26

2. A Communication relative to the Contract for Library Boiler repair  
Council Member Touma moved to add this Communication to the Agenda  
Yeas 5  
Nays 0  
Motion to add Communication to Agenda approved  
The Communication was added to the Agenda as #27

This session ended at 6:02 PM

Chairman Walker reconvened the Meeting at 6:23 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Grandinetti and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

Damon DeCastro	Agenda Item #25
Rich Meranto	Agenda Item #10
Norma Higgs	Agenda Items #4, #5, #9, #12
Dana Carr Jr.	Agenda Item #25
Dana Carr Sr.	Agenda Item #25
Nick D'Angelo	Agenda Item #23
Tiara Carr	Agenda Item #25

Joe LaGamba	Agenda Item #23
Darryl DiNoto	Agenda Item #23
Robert Ventry	Agenda Items #9, #10, #15, #20
Jim Briggs	Agenda Item #23
Vince Anello	Agenda Items #3, #12, #13
Cheryl Jonaper	Agenda Item #25
Ron Anderluh	Paving of streets
Gerald Skrlin	Various topics
Robert Ventry	Community groups; website; recognizing of Martin Luther King, Jr.; City financials

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF DECEMBER 2016

Agenda Item #1  
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: BRIDGE PROGRAM, BUFFALO AVE., CONSULTANT SERVICES, C & S COMPANIES

Agenda Item #2

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

Funding for the Design portion of this project is the responsibility of the City at 100%. Construction Inspection and Construction Administration components will be federally eligible at the standard 80% Federal and 20% local reimbursement procedure.

It is the recommendation of the undersigned that the Project Proposal, Design report, Final Plans & Specifications be awarded to C & S Companies at the proposed price of \$37,577.00.

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 Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

E911 SERVICES, FUNDING

Agenda Item #3

In order to continue uninterrupted service of the City's E911 system, it is requested that the sum of \$50,276.76 be made available from casino revenues for this purpose. These dollars will be transferred to police capital code H0816. A final quote is attached (on file in the City Clerk's Office) and the amount is \$50,276.76. The money requested will pay for the annual maintenance of the system.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

Council Member Tompkins asked the City Controller where the money is coming from. City Controller, Sandy Peploe, stated it comes from Casino Money.

CONTRACT: NIAGARA FALLS BEAUTIFICATION COMMISSION, FUNDING

Agenda Item #4

The 2017 Budget contains an appropriation in the amount of \$10,000.00 for the NBC. In order to effectuate this, an appropriation agreement with NBC is required. Funding is available from Tourism budget.

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

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

Yeas

5

Nays

0

APPROVED

Councilwoman Grandinetti said thanks to the Committee & other partners in the Market Project.

CONTRACT: NIAGARA ARTS & CULTURAL CENTER, FUNDING

Agenda Item #5

The 2017 Budget contains an appropriation in the amount of \$30,000.00 for the NACC. In order to effectuate this, an appropriation agreement with the NACC is required. Attached hereto (on file in the City Clerk's Office) is a letter from Kathie Kudela, the Executive Director of NACC outlining many of the events and programs scheduled for 2017. Funding is available from Tourism budget.

Will the Council so approve and authorize the Mayor to execute an agreement in form acceptable to the Corporation Counsel for the NACC?

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

Yeas

5

Nays

0

APPROVED

Councilwoman Grandinetti stated that we are very lucky to have this. Chairman Walker agreed with Councilwoman Grandinetti on this.

CONTRACT: 72<sup>ND</sup> STREET FIREHOUSE, REPLACEMENT OF APPARATUS FURNACE, SCHAEFER SUPPLY

Agenda Item #6

The Fire Chief advises that the apparatus furnace at the firehouse on 72<sup>nd</sup> Street is broken and is not able to be repaired. Therefore, it needs to be replaced. A quote was obtained for this purpose from Schaefer Supply in the amount of \$1,098.72 which is attached hereto (on file in the City Clerk's Office).

Funding is available from casino revenues earmarked for capital improvements for the Fire Department.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: STREET SWEEPER WASTE, BUFFALO FUEL CORPORATION

Agenda Item #7

The Director of the Department of Public Works advises that it is necessary to amend the above referenced item to reflect an additional cost of rescreening the street sweeper waste to be a cost of \$17,500.00 rather than a cost of \$12,473.00. Attached (on file in the City Clerk's Office) are communications from the Director as well as Buffalo Fuel Corp.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: NIAGARA COMMUNITY ACTION PROGRAM INC., FUNDING

Agenda Item #8

The 2017 Budget contains an appropriation in the amount of \$27,500.00 for the Niagara Community Action Program Inc. so that it may continue to provide assistance to qualified City residents during fiscal year 2017. This will require that the City enter into a Funding Agreement with this entity.

Will the Council so approve and authorize the Mayor to execute a Funding Agreement in form satisfactory to the Corporation Counsel?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: NIAGARA FALLS BLOCK CLUB COUNCIL, FUNDING

Agenda Item #9

The 2017 Budget contains an appropriation in the amount of \$10,000.00 for the Council. In order to effectuate this, an appropriation agreement with the Council is required.

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

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

Yeas

5

Nays

0

APPROVED

CONTRACT: OSC-21, SCHOOL DISTRICT, FUNDING

Agenda Item #10

The 2017 Budget contains an appropriation in the amount of \$10,000.00 to the School District to assist in funding the operation of the OSC-21, public access channel ("OSC"). In order to effectuate this, an appropriation agreement with the School District is required.

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

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

Yeas

5

Nays

0

APPROVED



CONTRACT: NIAGARA MILITARY AFFAIRS COUNCIL, FUNDING

Agenda Item #11

The 2017 Budget contains an appropriation in the amount of \$2,500.00 for the NIMAC. In order to effectuate this, a funding agreement with NIMAC is required.

Will the Council so approve and authorize the Mayor to execute an agreement in form acceptable to the Corporation Counsel for NIMAC?

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

Yeas

5

Nays

0

APPROVED

CODE ENFORCEMENT DEPT.: DEMOLITIONS, FUNDING

Agenda Item #12

The Acting Director of Code Enforcement is requesting that the sum of \$500,000 be made available to his department to perform additional demolitions and emergency board ups during the balance of this year. Funding is available from Casino revenues and will be transferred to Demolitions account code H0910.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: SPCA, SHELTERING SERVICES, FUNDING

Agenda Item #13

THIS ITEM HAS BEEN PULLED  
NO ACTION TAKEN

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CONTRACT: SHERATON HOTEL PARKING AGREEMENT, AMENDMENT

Agenda Item #14

THIS ITEM HAS BEEN RECEIVED AND FILED

CITY PROPERTY: 2718 ORLEANS AVE, SALE

Agenda Item #15

The City has received a request from Habitat for Humanity to purchase the above referenced City-owned 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 the Planning Board's approval.

Will the Council approve the sale of this premises and further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

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

Yeas

5

Nays

0

APPROVED

CLAIM: LAMARCA, JENNIFER

Agenda Item #16

Date Claim Filed:	N/A
Date Action Commenced:	August 18, 2010
Date(s) of Occurrence:	July 2009 through November 2009
Location:	N/A
Nature of Claim:	Damages suffered during hiring process
City Driver:	N/A
Status of Action:	Pre-trial Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$36,000.00
Make Check Payable to:	Pursuant to the Settlement Agreement
Conditions:	Settlement Agreement, General Release and Stipulation of Discontinuance approved by Corporation Counsel.

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve, and authorize the Corporation Counsel to execute any and all documents necessary to effectuate the settlement?

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

Yeas	5
Nays	0

APPROVED

RESOLUTION: PLANNING BOARD, REAPPOINTMENTS, 2017-3

BY: ALL COUNCIL MEMBERS

Agenda Item #17

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

REAPPOINTMENTS:	TERM EXPIRES:
Willie Dunn 3075 Macklem Avenue Niagara Falls, NY 14305	12/31/2019
Charles MacDougall 8227 Bollier Avenue Niagara Falls, NY 14304	12/31/2019
Michael Murphy 642 4 <sup>th</sup> Street Niagara Falls, NY 14301	12/31/2019

Yeas	5
Nays	0

ADOPTED

RESOLUTION: YOUTH BOARD, REAPPOINTMENT, 2017-4

Agenda Item #18

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 his name:

<u>REAPPOINTMENT:</u>	<u>TERM EXPIRES:</u>
Rick Williams	12/31/2019
2761 Falls Street	
Niagara Falls, NY 14303	
Yeas	5
Nays	0
	ADOPTED

RESOLUTION: HISTORIC PRESERVATION COMMISSION, REAPPOINTMENT, 2017-5  
BY: ALL COUNCIL MEMBERS

Agenda Item #19

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

<u>REAPPOINTMENT:</u>	<u>TERM EXPIRES:</u>
Alan Nusbaum	12/31/2020
149 62 <sup>nd</sup> Street	
Niagara Falls, NY 14304	
Yeas	5
Nays	0
	ADOPTED

RESOLUTION: ZONING BOARD OF APPEALS, APPOINTMENT/REAPPOINTMENT, 2017-6  
BY: ALL COUNCIL MEMBERS

Agenda Item #20

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

<u>APPOINTMENT:</u>	<u>TERM EXPIRES:</u>
Christopher Kulbago, Sr.	12/31/2019
7820 Lindbergh Avenue	
Niagara Falls, NY 14304	

<u>REAPPOINTMENT:</u>	<u>TERM EXPIRES:</u>
James Spanbauer	12/31/2019
528 College Avenue	
Niagara Falls, NY 14305	

Chris Ciccone	<u>TERM EXPIRES:</u>
1220 Brandi Drive	12/31/2019
Niagara Falls, NY 14304	
Yeas	5
Nays	0
	ADOPTED

RESOLUTION: TRAFFIC ADVISORY COMMISSION, REAPPOINTMENTS, 2017-7  
BY: ALL COUNCIL MEMBERS

Agenda Item #21

BE IT RESOLVED, that the following individuals are hereby reappointed to the City of Niagara Falls Traffic Advisory Commission, effective immediately, for the term expiring on the date which appears opposite their name:

<u>REAPPOINTMENTS:</u>	<u>TERM EXPIRES:</u>
Robert Ventry 1884 Niagara Avenue Niagara Falls, NY 14305	12/31/2019

Alysia Welch - Chester PO Box 1004 Niagara Falls, NY 14302	12/31/2019
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Yeas

5

Nays

0

ADOPTED

RESOLUTION: TOURISM ADVISORY BOARD, CONTINUATION, 2017-8  
BY: ALL COUNCIL MEMBERS

Agenda Item #22

WHEREAS, the Niagara Falls City Council by Resolution 2006-7 re-established the Tourism Advisory Board and by Resolution 2006-11 set its membership at sixteen (16); and

WHEREAS, the Council deems it desirable to continue the Tourism Advisory Board during 2017.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York continues the Tourism Advisory Board consisting of sixteen (16) members appointed by the City Council; and

BE IT FURTHER RESOLVED, that the board and its function shall cease one (1) year from the date of the adoption of this Resolution; and

BE IT FURTHER RESOLVED, that the following individuals are hereby appointed/reappointed to the City of Niagara Falls Tourism Advisory Board for the term expiring on the date which appears opposite their names:

<u>APPOINTMENTS:</u>	<u>TERM EXPIRES:</u>
Dominick Colucci, III 2220 Pine Avenue Niagara Falls, NY 14301	12/31/2017

Gaelan Baillie 5906 Garlow Road Niagara Falls, NY 14301	12/31/2017
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Howie E. Ewing, Jr. 304 - 78 <sup>th</sup> Street Niagara Falls, NY 14304	12/31/2017
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Lisa Routhier 8649 Buffalo Avenue Niagara Falls, NY 14304	12/31/2017
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<u>REAPPOINTMENTS:</u>	<u>TERM EXPIRES:</u>
Traci L. Bax 8654 Hennepin Avenue Niagara Falls, NY 14304	12/31/2017
Adrienne Bedgood 2256 South Avenue Niagara Falls, NY 14305	12/31/2017
Angela Berti Prospect Street & Old Falls St. Niagara Falls, NY 14303	12/31/2017
Richard A. Crogan 646 4 <sup>th</sup> Street Niagara Falls, NY 14301	12/31/2017
Ron Droegmyer 300 3rd Street Niagara Falls, NY 14303	12/31/2017
Jeffery Flach 723 3 <sup>rd</sup> Street Niagara Falls, NY 14301	12/31/2017
Ernest Lucantonio 2450 Forest Avenue Niagara Falls, NY 14301	12/31/2017
Gay Molnar 2114 River Road Niagara Falls, NY 14304	12/31/2017
Pat Proctor 454 Main Street Niagara Falls, NY 14301	12/31/2017
Lisa Vitello 4859 Terrace Drive Niagara Falls, NY 14305	12/31/2017
Yeas	5
Nays	0

ADOPTED

RESOLUTION: WATER BOARD, APPOINTMENT, 2017-9  
BY: ALL COUNCIL MEMBERS

Agenda Item #23

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

<u>APPOINTMENT:</u>	<u>TERM EXPIRES:</u>
Nicholas Forester 3206 Michigan Avenue Niagara Falls, NY 14305	12/31/2019
Yeas	5
Nays	0

ADOPTED

RESOLUTION: SENIOR CITIZEN COUNCIL, REAPPOINTMENTS, 2017-10  
BY: ALL COUNCIL MEMBERS

Agenda Item #24

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

REAPPOINTMENT:	TERM EXPIRES:
Marie DeFelice 2540 Jerauld Avenue Niagara Falls, NY 14305	12/31/2019

Caroline Fera 611 33 <sup>rd</sup> Street Niagara Falls, NY 14301	12/31/2019
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Louise Morreale 3239 North Avenue Niagara Falls, NY 14305	12/31/2019
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Jean Stewart 3022 Orleans Avenue Niagara Falls, NY 14303	12/31/2019
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Yeas	5
Nays	0

ADOPTED

RESOLUTION: TAXICABS AND TAXICAB DRIVERS, ORDINANCE AMENDMENT  
BY: COUNCIL MEMBERS, GRANDINETTI, SCOTT, TOMPKINS, TOUMA

Agenda Item #25

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 365 of the Codified Ordinances entitled Taxicabs and Taxicab Drivers is hereby amended to read as follows on the next page:

CHAPTER 365

Taxicabs, [and] Taxicab Drivers, Liveries and Livery Drivers

- |   |  |
|---|--|
| 365.00 Legislative Findings and Declarations.   | 365.23 Consideration of Application.   |
| 365.01 Definitions.   | 365.24 Issuance of License;<br>Duration and Annual Fee.  |
| 365.02 Taxicab Medallion and Registration Permit Required;<br><u>Livery Registration and Permit Required</u>        | 365.25 License Period.   |
| 365.03 Applicability of Chapter.  | 365.26 Display of License.   |
| 365.04 Number of Taxicab Medallions Limited.  | 365.27 Dress, Behavior and Grooming of<br>Taxicab Drivers <u>and Livery Drivers</u><br>and Use of Radio. |
| 365.05 Public Hearing.  | 365.28 Suspension and Revocation of<br>Driver's License.   |
| 365.06 Application for <u>Taxicab</u> Medallions<br>and Driver's Licenses <u>for Taxicab</u><br><u>and Livery</u> . | 365.29 Notice to Driver.   |
|   | 365.30 Failure to Comply with City,<br>State and Federal Laws.   |

- |  |  |
|--|--|
| 365.07 Taxicab Medallion.  | 365.31 Designation of Taxicabs.                              |
| 365.08 Transferability of Taxicab Medallions.  | 365.32 Taximeter Required.                                   |
| 365.09 Medallion Fees.   | 365.33 Periodic Inspections of Taximeter Required.           |
| 365.10 Taxicab <u>and Livery</u> Registration Permit.  | 365.34 Rates of Fare; Rate Card Required.                    |
| 365.11 Taxicab <u>and Livery</u> Registration Permit Fees.   | 365.35 Open Stands Established; Use and Parking.             |
| 365.12 Application for Taxicab <u>and Livery</u> Registration Permit.  | 365.36 Solicitation, Acceptance and Discharge of Passengers. |
| 365.13 Liability and Worker's Compensation Ins. Required.  | 365.37 Receipts.   |
| 365.14 Inspection of Vehicles.   | 365.38 Refusal of Passenger to Pay Legal Fare.               |
| 365.15 Emergency Taxicab <u>and Livery</u> Registration Permits.   | 365.39 Direct Routes.  |
| 365.16 Schedule of Rates; Display.   | 365.40 Taxicab Service.                                      |
| 365.17 Suspension and Revocation of Medallion and Taxicab Registration Permit <u>or Livery Registration Permit</u> . | 365.41 Manifests.  |
| 365.18 Taxicab Driver's License <u>and Livery Driver's License</u> .   | 365.42 Service Contract Reports.                             |
| 365.20 Application for Driver's License <u>and Livery Driver's License</u> .   | 365.43 Transferring the Taxicab Vehicle.                     |
| 365.21 Examination of Applicant.   | 365.44 Appeal.   |
| 365.22 Police Investigation of Applicant.  | 365.45 Police Department; Duty to Enforce Chapter.           |
|  | 365.46 Penalty.  |
|  | 365.99 Separability.   |

#### 365.00 LEGISLATIVE FINDINGS AND DECLARATION.

(a) It is hereby determined by the City Council and the City Officials that the taxicab and livery industry is an integral and vital element which is necessary to assure adequate and safe public transportation for our residents and visitors.

(b) It is also determined that the taxicab and livery industry is especially suited for inclusion in the Convention and Visitors Bureau, the Chamber of Commerce and all City meetings and functions related to public transportation and tourism issues.

(c) It is found that a spirit of mutual cooperation and public pride exists between the taxicab and livery industry and other governmental and civic organizations and that it is essential that goodwill be maintained amongst all.

(d) It is also found that reasonable standards and regulations relating to the number of taxicabs and livery vehicles, the number and location of taxicab stands and the condition and appearance of the taxicab and livery vehicles and drivers are needed to assure fairness and to promote the public health, safety and welfare.

#### 365.01 DEFINITIONS.

The following words and phrases, when used in this chapter, have the meanings as set out herein:

(a) "Person" means and includes an individual, a corporation or other legal entity, a partnership and any incorporated association.

(b) "Street" means and includes any street, avenue, alley, court, bridge or public thoroughfare within the City.

(c) "City" means the City of Niagara Falls, New York.

(d) "Taxicab" means a motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of less than seven persons and not operated on a fixed route.

(e) "Livery" means every motor vehicle, other than a taxicab or a bus, used in the business of transporting passengers for compensation. However, it shall not include vehicles which are rented or leased without a driver.

[(e)](f) "Cruising" means the driving of a taxicab on the streets of the City in search of or soliciting prospective passengers for hire.

[(f)](g) "Taxicab and livery registration permit" means the permit issued by the Superintendent of Police to a taxicab medallion owner and livery owner which evinces that the operating taxicab or livery has fulfilled the annual inspection and registration requirements as mandated by this Ordinance.

[(g)](h) "Driver's license" means the permission granted by the City to a person to drive a taxicab or livery upon the streets of the City.

[(h)](i) "Taximeter" means a meter instrument or device attached to a taxicab which measures mechanically the distance driven and the waiting time upon which the fare is based.

[(i)](j) "Waiting time" means the time when a taxicab is not in motion from the time of acceptance of a passenger or passengers to the time of discharge, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act or fault of the passenger or passengers.

[(j)](k) "Open stand" means a public place alongside the curb of a street in the City which has been designated by the City as reserved exclusively for the use of taxicabs.

[(k)](l) "Owner" means any person owning or having control of the use of a taxicab or livery or both upon the streets of the City.

[(l)](m) "Manifest" means a daily record prepared by a taxicab or livery driver of all trips made by such driver showing time and place of origin, destination, number of passengers and the amount of fare of each trip.

[(m)](n) "Rate card" means a card issued by the Superintendent of Police for display in each taxicab which contains the rates of fare then in force.

[(n)](o) "Medallion" means the plate issued by the City of Niagara Falls which represents the privilege given to the possessor to operate a taxicab in the City of Niagara Falls.

### 365.02 TAXICAB MEDALLION AND REGISTRATION PERMIT REQUIRED; LIVERY REGISTRATION AND PERMIT REQUIRED.

No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the City without having first obtained a taxicab medallion for each vehicle desired to be operated and a taxicab registration permit affixed to each such vehicle. No person shall operate or permit a livery owned or controlled by him to be operated as a vehicle for hire within the City without having first obtained a livery registration permit affixed to each such vehicle.

### 365.03 APPLICABILITY OF CHAPTER.

The provisions of this Chapter shall apply to the operation of a taxicab or a livery upon the streets of the City where the point of origin of the fare, or place where the passenger is picked up, begins within the corporate limits of the City, regardless whether the point of destination is within or without the City.

The provisions of this Chapter shall not apply to the operation of a taxicab or a livery upon the streets of the City where the point of origin of the fare begins outside the corporate limits of the City regardless of whether the point of destination is within the City. The provisions of this Chapter shall also not apply to a taxicab or livery that is returning a fare to a destination outside the corporate limits of the City which fare originated outside the corporate limits of the City, provided the return fare is made within 24 hours of the drop off of the originating fare.

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365.06 APPLICATION FOR TAXICAB MEDALLIONS AND DRIVER'S LICENSE FOR TAXICAB AND LIVERY

(a) An application for any available taxicab medallion shall be filed with the Superintendent of Police upon forms provided by the City, and shall be verified under oath and shall furnish the following information:

(1) Name, address, age and whether applicant is a citizen of the United States, a noncitizen national of the United States, a lawful permanent resident (Alien#) or an alien authorized to work (Alien# or Admission#) and provide expiration date and if a corporation the name, address, age and whether each officer, director and shareholder is a citizen of the United States, a noncitizen national of the United States, a lawful permanent resident (Alien#) or an alien authorized to work (Alien# or Admission#) and provide expiration date.

(2) Experience of applicant in the transportation of passengers.

(3) Number of taxicab medallions desired by the applicant.

(4) The financial status of the applicant, including the amounts of all unpaid judgments against the applicant arising out of the use of a motor vehicle.

(5) The name or names of persons not an applicant, or, if a corporate applicant not an officer, director or stockholder of such corporation having an interest, financial, proprietary or other, direct or indirect, in the taxicab or the business to be licensed, or having made any loan to an applicant for such taxicab or having any lien or mortgage on such taxicab, setting forth the names and addresses of such person or persons, the nature of the interest and the date acquired.

(6) The name of any person not an applicant herein, or, if a corporate applicant, any person not an officer, director or stockholder of such corporation who shares or will share on a percentage basis, or in any way in the receipts, losses or deficiencies of the operation of the taxicab, to any extent whatsoever other than by fixed salary, setting forth the names and addresses of such persons, the nature and percentage of the share and the date acquired.

(7) Whether the applicant has previously held a taxicab medallion from any locality or a former "taxicab permit" from the City of Niagara Falls and if such medallion or permit has ever been suspended or revoked, and if so, for what cause.

(8) Such further information as the Superintendent of Police of the City of Niagara Falls may require. (Adopted 7/13/88.)

(b) No person shall be issued a taxicab and/or livery driver's license unless such person meets the following qualifications:

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365.10 TAXICAB AND LIVERY REGISTRATION PERMIT.

Except as provided in Section 365.03 herein, no taxicab or livery shall be operated on the streets of Niagara Falls unless it has been issued a taxicab or livery registration permit. Each vehicle issued a permit under this Chapter shall affix a decal, supplied by the City of Niagara Falls, to the lower right hand corner of the rear window. The permit decal must be visible at all times and not placed on tinted windows/glass. Said decals shall be issued in a distinctively different color each year as proscribed by the Superintendent of Police. Taxicab and livery registration permits shall be non-transferable and must be renewed annually.

### 365.11 TAXICAB AND LIVERY REGISTRATION PERMIT FEES.

The annual cost of a taxicab or livery registration permit shall be Seventy Dollars (\$70.00). No taxicab or livery registration permit decal shall be issued until such fee is paid. The taxicab or livery registration permit shall be issued between and including the dates of June 1 and June 15 of each year and all of such permits shall expire on the anniversary date in the next calendar year, unless sooner suspended or revoked. Any owner to whom a permit is issued during the permit year shall pay the full amount of the annual permit fee. All revenues generated by the collection of taxicab or livery permit fees shall be budgeted for the administration and enforcement of the taxicab and livery ordinance. [Permits expiring between April 1 and April 15, 1998 are hereby extended for sixty (60) days and will expire between June 1 and June 15, 1998].

### 365.12 APPLICATION FOR TAXICAB AND LIVERY REGISTRATION PERMIT.

An application for a taxicab or livery registration permit shall be filed with the Superintendent of Police upon forms provided by the City, and such application shall contain the following information:

- (a) Make, model type and vehicle identification number of the vehicle to be registered.
- (b) Year of manufacture and seating capacity of each vehicle.
- (c) New York State license number of each vehicle to be registered.
- (d) The color scheme and insignia to be used to designate each vehicle.

In addition to the application and filing fee, [a taximeter certification issued within the last twelve (12) months and] proof of liability insurance and worker's compensation insurance, if required in accordance with Section 365.13, must be submitted at the time of application; and in the case of a taxicab, a taximeter certification issued within the last twelve (12) months.

The Superintendent of Police shall keep records of all vehicles registered pursuant to this chapter. Said records shall include the date of original vehicle inspection and shall record any subsequent inspections of the vehicle as well as any vehicle equipment and vehicle condition violations.

### 365.13 LIABILITY AND WORKER'S COMPENSATION INSURANCE REQUIRED.

(a) No taxicab or livery permit shall be issued or continued in operation unless there is in full force and effect a liability insurance policy issued by an insurance company authorized to do business in the State of New York, and approved by the City for each vehicle authorized in the minimum amount of Twenty-five Thousand Dollars (\$25,000) for bodily injury to any one person; in the minimum amount of Fifty Thousand Dollars (\$50,000) for injuries to more than one person which are sustained in the same accident, and ten thousand dollars (\$10,000) for property damage resulting from any one accident. Such policy or policies shall insure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder, his servants or agents. Such policy or policies shall be filed with the Superintendent of Police shall have at least fifteen days' written notice of such cancellation, which requirement shall be conspicuously placed on said policy or policies and any Certificate evidencing such insurance.

(b) No taxicab or livery permit shall be issued or continued in operation unless there is in full force and effect a worker's compensation insurance policy issued by an insurance company authorized to do business in the State of New York, and approved by the City for each vehicle authorized in the statutory minimum amount. This provision may be waived if the taxicab or livery owner can produce a letter from the State of New York within the last twelve (12) months confirming that the taxicab or livery owner does not need worker's compensation insurance.

#### 365.14 INSPECTION OF VEHICLES.

Prior to the use and operation of any vehicle and the issuance of a taxicab or livery registration permit under the provisions of this chapter, such vehicle shall be thoroughly and carefully examined and inspected by the Police Department and must be found to comply with such reasonable rules and regulations as may be prescribed by the Superintendent of Police. These rules and regulations shall be promulgated to provide safe and comfortable transportation and shall specify such safety equipment and regulatory devices as the Superintendent of Police shall deem necessary therefor.

In addition to periodic inspections by the Police Department, at such intervals as shall be established by the Superintendent of Police, taxicab and livery vehicles are subject to on-the-spot "no notice" inspections by police officers. Inspections shall not be instigated nor take place while a fare is present. Such inspections shall require, but are not limited to, the following vehicular standards:

- (a) All vehicles shall have current New York State Inspection Certificates.
- (b) The exterior of the vehicles shall be generally clean and free from rust and damage.
- (c) The vehicle paint must be applied in a professional manner. Automobile make insignias and vehicle chrome shall not be painted over.
- (d) Vehicles must be completely assembled and shall not be structurally altered from the manufacturer's design including, but not limited to, having the lights, exhaust system, fenders and bumpers properly attached.
- (e) Any lettering or company logo applied to the exterior of the vehicle must be professionally air-brushed or neatly stenciled upon the vehicle. A decal insignia shall be considered an acceptable substitute for the above requirement.
- (f) The interior of the vehicle must be kept clean and sanitary, and shall be free of all litter and debris.

If a vehicle has been involved in an accident causing physical damage so as to violate the above vehicle standards, it shall not be automatically excluded from service, if the vehicle can still be operated safely. The taxicab or livery owner shall have 24 hours to have the vehicle evaluated by the Police Department, in order to determine if the vehicle should be taken out of service or to determine the exact date repairs will be made. If a vehicle is taken out of service on account of the police inspection of damage, the taxicab or livery owner shall be notified in writing.

- (g) A violation of any of the above vehicle standard requirements will be punishable by a fine of not more than Two Hundred Fifty Dollars (\$250.00) for each offense. Each day a violation continues shall constitute a separate offense.

#### 365.15 EMERGENCY TAXICAB AND LIVERY REGISTRATION PERMITS.

The Mayor may, in case of a declared public emergency or necessity, waive or modify any or all of the requirements of this chapter and may issue a temporary permit for the operation of any vehicle defined in this chapter upon the streets of the City without a public hearing, such permit to be revocable at any time with by the Mayor or his designee.

#### 365.16 SCHEDULE OF RATES FOR TAXICABS; DISPLAY.

There shall be displayed in the passenger's compartment of each taxicab in full view of the passengers, a card not less than four inches by six inches in size, which shall have plainly printed thereon the name of the owner or the [fictitious] name under which such owner operates the business, the address and telephone number of such owner and a correct schedule of the rates to be charged for conveyance in such vehicle. Such card shall be approved as to form by the Superintendent of Police before being so displayed. A true and correct copy of the card, as approved, shall be filed with the Superintendent of Police.

365.17 SUSPENSION AND REVOCATION OF MEDALLION AND TAXICAB REGISTRATION  
PERMIT OR LIVERY REGISTRATION PERMIT.

A taxicab medallion or taxicab registration permit or livery registration permit issued under the provisions of this chapter, may be revoked or suspended by the City Administrator, if the owner thereof has:

- (a) Violated any material provisions of this chapter.
- (b) Falsified any information on the application or failed to notify the Superintendent of Police of any material change of status from that indicated in the application.
- (c) Abandoned the taxicab medallion or taxicab registration permit or livery registration permit. The medallion or permit shall be deemed abandoned when a taxicab assigned a medallion or taxicab registration permit or livery issued a livery registration permit has not been regularly operated as a taxicab or livery for a period of six (6) months, or
- (d) Conducted himself in a manner indicating he is not a fit and proper person to hold such an owner's medallion or taxicab registration permit or livery registration permit.

In the event any person to whom an owner's medallion or taxicab registration permit or livery registration permit is issued has such medallion or permit suspended on three separate occasions, such medallion or permit shall be revoked. Whenever any medallion shall be revoked, the same shall be surrendered to the Superintendent of Police. If the medallion is suspended, the same shall be surrendered to the Superintendent of Police and retained by him until the suspension period expires. In the case of suspension or revocation of the taxicab registration permit or livery registration permit, the identifying decal shall be immediately removed.

Prior to suspension or revocation, the owner shall be given written notice of the proposed action to be taken together with a statement of the basis therefor and shall have an opportunity to be heard by the City Administrator within two weeks of receiving said written notice. No suspension or revocation shall be effective until a written decision of the Administrator is filed in the Office of the City Clerk.

365.18 TAXICAB DRIVER'S LICENSE AND LIVERY DRIVER'S LICENSE.

Except as provided in Section 365.03 of this Chapter, no person shall operate a taxicab for hire or livery upon the streets of the City and no person who owns or controls a taxicab or livery shall permit it to be so driven, and no taxicab or livery licensed by the City shall be driven at any time for hire unless the driver of such taxicab or livery shall have first obtained and shall have then in force a taxicab driver's license or livery driver's license issued under the provisions of this chapter. This prohibition shall not apply to a taxicab or livery driver who is returning a fare to a destination outside the corporate limits of the City which fare originated outside the corporate limits of the City, provided the return fare is made within 24 hours of the drop off of the originating fare.

365.20 APPLICATION FOR TAXICAB DRIVER'S LICENSE AND LIVERY DRIVER'S LICENSE.

An application for a taxicab driver's license or livery driver's license shall be filed with the Superintendent of Police on forms provided by the City, and such application shall be verified under oath and shall contain the following information:

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Any false statements made by the applicant on the application for a taxicab driver's license or livery driver's license shall be sufficient cause for the refusal of the issuance of a taxicab driver's license or livery driver's license to such applicant, or shall be sufficient cause for the revocation or suspension of a taxicab driver's license or livery driver's license after the issuance of same.

Upon request, a person who has been issued a taxicab driver's license by the City may request from the Superintendent of Police, on forms provided by the City, a livery driver's license. Provided the taxicab driver's license is valid and has not been revoked or suspended, a livery driver's license shall be issued for no additional fee.

Upon request, a person who has been issued a livery driver's license by the City may request from the Superintendent of Police, on forms provided by the City, a taxicab driver's license. Provided the livery driver's license is valid and has not been revoked or suspended, a taxicab driver's license shall be issued for no additional fee.

#### 365.21 EXAMINATION OF APPLICANT.

Before licensing, all taxicab drivers and livery drivers must undergo a local orientation program of up to two hours coordinated by the Niagara Tourism & Convention Corporation (NTCC). Prior to the issuance or renewal of a license, each driver must successfully complete a test of the information covered during the program. The applicant is responsible to pay any fee incurred by the NTCC for administering the test. Such program shall include, but is not limited to, the geography of the City, traffic laws and regulations and public relations and appearance.

#### 365.22 POLICE INVESTIGATION OF APPLICANT.

The Police Department of the City shall conduct an investigation of each applicant for a taxicab driver's license and livery driver's license, and a report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the Superintendent of Police.

#### 365.23 CONSIDERATION OF APPLICATION.

The Superintendent of Police shall, upon consideration of the application and the reports and certificate required to be attached thereto, in his discretion, approve or reject the application. If the application is rejected, the applicant may request a personal appearance before the Superintendent of Police to offer evidence why his application should be reconsidered.

#### 365.24 ISSUANCE OF LICENSE; DURATION AND ANNUAL FEE.

Upon approval of an application for a taxicab driver's license or livery driver's license, the Superintendent of Police shall issue a license to the applicant which shall bear the name, address, age, signature and photograph of the applicant, issuance number, date of expiration and the name of the owner for which such driver is authorized to operate a vehicle. Such license shall be valid only so long as the driver continues in the employ of such owner. Upon the termination of any driver's employment, the owner by whom such driver has been employed shall immediately give the Superintendent of Police written notice of such termination, the reasons therefor, and shall forthwith surrender the driver's license to the Superintendent of Police for cancellation.

Such license shall be in effect for the remainder of the calendar year. A license for every calendar year thereafter shall be issued upon the payment of Fifty Dollars (\$50.00), unless the license for the preceding year has been revoked.

#### 365.25 LICENSE PERIOD.

A taxicab driver's license or livery driver's license shall be issued as of January 1st in each year and shall be valid to and including December 31st of that same year unless sooner suspended or revoked. Any driver to whom a license is issued during the license year shall pay the full amount of the annual license fee.

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365.27 DRESS, BEHAVIOR AND GROOMING OF TAXICAB DRIVERS AND LIVERY DRIVERS  
AND USE OF RADIO FREQUENCY.

(a) Each driver shall make a presentable appearance while operating taxicabs and liveries in the City of Niagara Falls, and shall be clean, well-groomed, neatly dressed, and conduct himself or herself in a professional, courteous manner. Every driver shall be required to wear a shirt with a collar.

(b) Each driver shall be permitted to use only the radio frequency that is used by the company the driver is affiliated with. The monitoring of another cab or livery company's frequency is strictly prohibited and will lead to sanctions against the driver and/or company the driver is affiliated with.

365.28 SUSPENSION AND REVOCATION OF DRIVER'S LICENSE.

A taxicab driver's license or livery driver's license may be suspended for the following reasons:

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No driver or operator whose license has been revoked shall be eligible to be licensed as a taxicab driver or livery driver in the City for a period of three (3) years, unless otherwise prohibited by Section 365.19 of this Chapter.

365.29 NOTICE TO DRIVER.

A taxicab driver's license or livery driver's license shall be deemed to be suspended or revoked as of the third day after the Superintendent of Police shall cause to be deposited in the United States Post Office within the City, a registered letter giving notice of such revocation or suspension, and directed to the person named and to the address given on the application pursuant to which such license was issued. In the event a person has both a taxicab driver's license and a livery driver's license, a suspension or revocation of one license has the effect of suspending or revoking the other license.

365.30 FAILURE TO COMPLY WITH CITY, STATE AND FEDERAL LAWS.

Every driver licensed under this chapter shall comply with all City, State and Federal laws. Failure to do so will justify the suspension or revocation of a license.

365.31 DESIGNATION OF TAXICAB.

The taxicabs of every owner operating a taxicab within a City shall be of a color scheme and bear the owner's trade name, monogram or insignia which are clearly and easily distinguishable from the color scheme, owner's trade name, monogram or insignia used on the taxicabs of any other owner's already operating under this chapter. No change whatever in the color scheme or distinguishing characteristics of any taxicab shall be made without written permission from the Superintendent of Police, and it shall be unlawful for any person soliciting patronage from any vehicle described in this chapter to represent by word, sign or insignia that the vehicle for which he is soliciting such patronage is a vehicle owned or operated by other than the actual owners.

Every taxicab operated within the City shall bear the following identification: the owner's trade name, monogram or insignia, together with a cab number and the owner's telephone number or numbers painted upon the metal portion of the outside of each side of the taxicab and the cab number and owner's telephone number or numbers painted upon the outside rear panel of the taxicab. All lettering mentioned in this paragraph shall be not less than two and one-quarter inches in height and not less than five-sixteenths inch stroke. In addition to the identification hereby required, taxicabs may bear the following signs or advertisements:

(a) A metal sign bearing the words "For Hire", and being no larger than six inches by nine inches;

(b) A sign attached to the top of the cab bearing the word "Vacant" and being no larger than two and one-half inches by nine inches, and

(c) Advertisements not exceeding twelve square feet in total area, subject to the rules and regulations of the Superintendent of Police.

If, after a permit has been issued for a taxicab hereunder, any portion of this section is violated in such a manner as to be misleading or deceiving to the public, the Superintendent of Police in his discretion, may suspend or revoke the permit of the owner covering such taxicab or taxicabs.

(d) This section shall not apply to liveries operating in the City.

#### 365.32 TAXIMETER REQUIRED.

All taxicabs operated under the authority of this chapter shall be equipped with taximeters fastened in front of the passengers, visible to them at all times day and night; and, after sundown, the face of the taximeter shall be illuminated. Such taximeter shall be operated mechanically by a mechanism of standard design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism. No taximeter shall be operated from any wheel to which power is applied. They shall be sealed at all points and connections which, if manipulated, would affect their correct reading and recording. Each taximeter shall have thereon a flag to denote when the vehicle is employed and when it is not employed, and it shall be the duty of the driver to throw the flag of such taximeter into a non-recording position at the termination of each trip. The taximeters shall be subject to inspection from time to time by the Police Department. Any inspector or other officer of the Police Department is hereby authorized either on complaint of any person or without such complaint, to inspect any meter and, upon discovery of any inaccuracy therein, to notify the person operating such taxicab to cease operation. Thereupon, such taxicab shall be kept off the streets, until the taximeter is repaired and in the required working condition.

This section shall not apply to liveries operating in the City. Notwithstanding the foregoing, the owner of a livery operating under the authority of this chapter may, at the option of the owner, equip the livery so owned with a taximeter. In the event the owner equips the said livery with a taximeter, all applicable provisions of this chapter pertaining to taximeters shall apply. In addition, the owner, prior to installation of the taximeter in the livery vehicle, agrees to immediately give written notice to the Superintendent of Police of the installation of the taximeter.

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#### 365.35 OPEN STANDS ESTABLISHED; USE AND PARKING.

The Traffic Engineer is hereby authorized and empowered to establish open taxi stands for the exclusive use of taxicabs in such places upon the streets of the City as he deems necessary. In creating an open stand, the Traffic Engineer shall take into consideration the need for such stands by the taxicab owners and the convenience to the general public. He shall prescribe the number of taxicabs that shall occupy such open stands. The Traffic Engineer shall not create an open stand in front of any place of business where the abutting property owners object to the same or where such open stand would tend to create a traffic hazard. Such open stands shall be designated by appropriate signs or curb markings as the Traffic Engineer shall determine.

Open stands shall be used by the different drivers on a first come, first serve basis. The driver shall pull into the open stand from the rear and shall advance forward as the vehicles ahead pull off. A driver shall be in attendance at every taxicab parked in an open taxi stand. Nothing in this chapter shall be construed as preventing a passenger from boarding the vehicle of his choice that is parked at an open stand.

No owner or driver of a taxicab shall stand or park such vehicle at any place on a public street other than an open stand, except for the purpose of discharging or receiving passengers.

No person shall park or stand any vehicle other than a taxicab in an open taxi stand.

Liveries may not utilize open taxi stands for parking or for any other purpose.

### 365.36 SOLICITATION, ACCEPTANCE AND DISCHARGE OF PASSENGERS.

No driver shall solicit passengers for a taxicab except when sitting in the driver's compartment of such taxicab or while standing immediately adjacent to the curb side thereof. No driver of a livery may solicit passengers for a livery. The driver of any taxicab shall remain in the driver's compartment or immediately adjacent to his vehicle at all times when such vehicle is upon the public street, except that, when necessary, a driver may be absent from his taxicab for not more than ten consecutive minutes, and provided further that nothing herein contained shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of such vehicle.

No driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoy any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage.

Drivers of taxicabs and liveries shall not receive or discharge passengers in the roadway but shall pull up to the right hand sidewalk as nearly as possible, or in the absence of a sidewalk, to the extreme right hand side of the road, and there receive or discharge passengers, except upon one-way streets where passengers may be discharged at either the right or left hand sidewalk or side of the roadway, in the absence of a sidewalk.

No driver shall cruise in search of passengers, except in such areas and at such time as shall be designated by the Traffic Engineer. Such areas and times shall only be designated when the Traffic Engineer finds that taxicab cruising would not congest traffic or be dangerous to pedestrians and other vehicles.

No driver, owner or operator shall solicit passengers at the terminal of any other common carrier, not at any intermediate points along any established route of any other common carrier.

No driver shall permit any other person to occupy or ride in such taxicab unless the person or persons first employing the taxicab shall consent to the acceptance of an additional passenger or passengers. No charge shall be made for an additional passenger except when the additional passenger rides beyond the previous passenger's destination, and then only for the additional distance so traveled.

No driver shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity of his taxicab, as stated in the permit for such vehicle. A child in arms shall not be counted as a passenger.

No driver shall refuse or neglect to convey any orderly person or persons, upon request, unless previously engaged or unable or forbidden by the provisions of this chapter to do so.

It shall be a violation of this chapter for any driver of a taxicab to solicit business for any hotel, or to attempt to divert patronage from one hotel to another. Neither shall such driver engage in selling intoxicating liquors or soliciting business for any immoral purpose, or use his vehicle for any purpose other than the transporting of passengers.

### 365.37 RECEIPTS.

The driver of any taxicab or livery shall, upon demand by the passenger, render to such passenger a receipt for the amount charged, either by a mechanically printed receipt or by a specially prepared receipt on which shall be the name of the owner, license number or motor number, amount of meter reading or charges, and date of transaction.

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365.41 MANIFESTS.

Every driver of a taxicab and livery shall maintain a daily manifest upon which are recorded all trips made each day, showing the time and place of origin, the destination of each trip and amount of fare, and all such completed manifests shall be returned to the owner by the driver at the conclusion of his tour of duty. The forms for each manifest shall be furnished to the driver by the owner, and shall be of a character approved by the Superintendent of Police.

Every owner of a permit shall retain and preserve all drivers' manifests in a safe place for at least the calendar year next preceding the current calendar year, and such manifests shall be available to the Superintendent of Police.

365.42 SERVICE CONTRACT REPORTS.

It shall be mandatory for all owners to file with the Superintendent of Police, copies of all contracts, agreements, arrangements, memoranda or other writings relating to the furnishing of taxicab or livery service to any hotel, theater, hall, public resort, terminal or other place of public gathering, whether such arrangement is made with the owner or any corporation, firm or association with which the owner may be interested or connected. Failure to file such copies within seven days shall be sufficient cause for the revocation of a permit of any offending owner or the cancellation of any cab stand privileges.

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365.44 APPEAL.

If any person is aggrieved by any act or failure to act on the part of the Superintendent of Police either in issuing, failure to issue, suspending or revoking any owner's permit or driver's license, such aggrieved party may file with the City Clerk a statement addressed to the [City Administrator] Niagara Falls City Council, setting forth the full facts and circumstances in connection with the action or failure of action on the part of the Superintendent of Police. Such appeal must be filed within ten days after commission or omission of the act by which the appellant claims to have been aggrieved.

The [City Administrator] Niagara Falls City Council shall call [a meeting] for a public hearing not less than [ten] thirty days from the date on which such appeal shall have been filed with the City Clerk, shall hear the appellant and his witnesses and determine the merits of the appeal, and the [ruling of the City Administrator] decision by a majority vote of the Niagara Falls City Council thereon shall be final. (C66 S39, adopted 1-13-69; amended 12/29/11.)

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Bold and Underlining indicate Additions.

Bold and Brackets indicate [Deletions].

Councilwoman Grandinetti moved that the Communication be Tabled

Yeas 4

Grandinetti, Scott, Tompkins, Chairman Walker

Nays 1

Touma

TABLED

RESOLUTION: ST. JOHNS AME GOSPEL CHORUS 90<sup>TH</sup> ANNIVERSARY, RECOGNIZING,  
2017-11  
BY: ALL COUNCIL MEMBERS

Agenda Item #26

WHEREAS, in July of 2009 the Senate of The United States was given a resolution by Mrs. Lincoln and Mrs. Hutchison asking that September be designated as "Gospel Music Heritage Month and honoring gospel music for its valuable contributions to the culture of the United States; and

WHEREAS, gospel music is a beloved art form of the United States, a cornerstone of the musical traditions of the United States and has spread beyond origins in African-American spirituals to achieve popular cultural and historical relevance, spreading beyond geographic origins to touch audiences around the world; and

WHEREAS, for 90 years the Gospel Chorus of St. Johns AME Church located at 917 Garden Avenue Niagara Falls, New York, has touched many lives with the universal appeal of this art that both inspires and entertains across racial, ethnic, religious, and geographical boundaries; and

WHEREAS, on this day, January 21, 2017, they welcome back members to join in a community choir under the direction of former member Roger Walker of Atlanta Georgia; and

WHEREAS, we also recognize the many members who continue to sing and bless this world with the valuable and longstanding contribution to our culture, such as our own Marsha McWilson, Kathy Jordan Sharpton, Constance Matthews, Maxwell Taylor, and many, many more.

NOW, THEREFORE, BE IT RESOLVED, that we, the Niagara Falls City Council on behalf of the citizens of Niagara Falls, New York does hereby congratulate Pastor Dion Greer, President Rosemary Bass Mims and the St. Johns Gospel Chorus on their 90<sup>th</sup> Anniversary, we also recognize their greatness and value to the Niagara Falls community.

Yeas

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Nays

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ADOPTED

CONTRACT: LIBRARY REPAIRS, D.V. BROWN & ASSOCIATES, FUNDING

Agenda Item #27

After the solicitation of multiple quotes for the repair of the E.W. Brydges Library boiler, the following eligible responsible bid was received:

<u>CONTRACTOR</u>	<u>BASE BID</u>
D.V. Brown & Associates	\$ 33,000.00
567 Vickers Street	
Tonawanda NY 14150	

It is the recommendation of the undersigned that this project be awarded to D.V. Brown & Associates at their total bid of \$33,000.00. Funding is available from casino funding.

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 Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas

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Nays

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APPROVED

Councilwoman Grandinetti asked why this is not out of the Budget. Director of Public Works, John Caso, stated that this is in addition to the Budget.

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

Lisa A. Vitello  
City Clerk



**FEBRUARY 6, 2017**  
**REGULAR COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

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The first session of the February 6, 2017 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:05 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and Andrew Touma

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson.

Council Member Grandinetti moved to approve the Minutes from the Council Meeting of January 23, 2017.

Yeas

5

Nays

0

APPROVED

Sara Capen, executive Director of Niagara Falls National Heritage Area, discussed the Niagara Shuttle. Ms. Capen gave a history of the inception of the shuttle explaining the economic benefits of the shuttle. The shuttle connects users to tourist sites, routes connect visitors into the city, tourists and locals use the shuttle, alleviates traffic and parking concerns, reduces congestion, creates jobs, and is critical to tourism.

Councilwoman Grandinetti commented on the success of the shuttle and its importance to the Niagara region.

Councilman Touma asked about funding sources. Ms. Capen stated funding comes from the NYSPA and grants. Councilman Touma asked if Hotel/Motel owners could be tapped as a funding source.

The Mayor discussed alternative funding sources, stakeholders in the hospitality industry.

Councilman Tompkins asked if the shuttle route traveled down Pine Avenue.

Amy Lewis, Executive Director of the SPCA gave a presentation on the SPCA. Ms. Lewis gave a history of correspondence with the city regarding the contract. She discussed costs related to the housing of animals at the shelter explaining that costs have increased because the facility became a "no kill" shelter.

Councilman Tompkins asked why they decided to become a "no kill" shelter.

Ms. Lewis stated that the public demanded it. Councilman Touma asked about dogs that are kept there for a long period of time. A discussion on pit bulls took place.

Councilwoman Grandinetti asked if the SPCA was pursuing funding from the county.

Councilwoman Grandinetti asked if that was the responsibility of Ms. Lewis or her Board of Directors. Ms. Lewis gave details about the spay/neuter program.

Councilman Touma asked about the feasibility study for the area and if there were any possible tenants at this point.

The City Administrator discussed aspects of the feasibility study with council.

Councilman Touma asked about the funding for Centennial Circle.

A resolution was read by the City Clerk recognizing Mary Ann Hess from Honeymoon Sweets. Council voted on the item (#16) on the agenda which recognized Ms. Hess for her contributions.

The item was approved to be included at the Committee of the Whole Meeting.

RESOLUTION: HONEYMOON SWEETS, HESS, MARY ANNE, RECOGNIZING, 2017-12  
BY: ALL COUNCIL MEMBERS

Agenda Item #16

WHEREAS, Mary Anne Hess the owner of Niagara's Honeymoon Sweets received and accepted an invitation from the New York State Society of Washington D.C. to attend the inauguration of the 45<sup>th</sup> president of the United States; and

WHEREAS, on Friday, January 20<sup>th</sup>, 2017 Mary Anne made the trip to the capital representing Niagara Falls and the State of New York at the 45<sup>th</sup>, inauguration where she and her chocolates participated in a show, where she made sure to show off her hometown with 13 handcrafted chocolate frames featuring images from around Niagara Falls; and

WHEREAS, Mary Anne has also participated in the swearing in ceremony of former president Barack Obama also by invitation, other high profile events such as the Grammy's, the Emmys and the Oscars to name a few; and

WHEREAS, Mary Anne Hess has done an outstanding job of representing Western New York and the City of Niagara Falls,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that this City Council does hereby recognize Mary Anne Hess of Niagara's Honeymoon Chocolates for her outstanding work and for the recognition and promotion of our city. We also honor her and recognize her great accomplishments over the years; and

BE IT FURTHER RESOLVED, that on behalf of the citizens of Niagara Falls, New York we do recognize in Mary Anne Hess an outstanding citizen worthy of this honor, and that a copy of this resolution be forwarded to our state and federal representatives that they may make note of her accomplishments.

Yeas	5
Nays	0
ADOPTED	

Mayor Dyster and the Council presented the Resolution to Ms. Hess.

Councilman Touma moved to remove from the table the resolution relative to amending Chapter 365 of the codified ordinance entitled Taxicabs and Taxicab Drivers.

Yeas	3
Grandinetti, Tompkins, Touma	
Nays	2
Scott, Chairman Walker	

The item was removed from the table.

Councilman Touma moved to amend the item, the Corporation Council read the amendment.

Yeas	3
Grandinetti, Tompkins, Touma	
Nays	2
Scott, Chairman Walker	

AMENDED

This session ended at 6:12 P.M.

Chairman Walker reconvened the Meeting at 6:22 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Tompkins and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Council Member Ezra Scott JR., read transcripts about the meaning of the fist pump salute's history and it being an expression of solidarity and spoke about Black History Month.

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

Dave Bieksza	Agenda Item #15
Gerald Skrlin	Agenda Item #13
Roger Wingo	Agenda Item #15
Nicholas Forester	Agenda Item #15
Ken Hamilton	Agenda Items #9, #15
Vince Anello	Agenda Items #2, #9, #10, #14
Mike Parsnick	Commend City's endeavor for refugees; Lodge on Goat Island; downtown hotels paying taxes
Bill Carroll	Importance of Discovery Shuttle; SPCA
Gerald Skrlin	Statue on Circle; Political Elite; Promoting the City
Dr. Joseph DiPasquale	Spirit of Solidarity
Mark Diodate	Support Councilman Scott on solidarity
Dana Carr, Jr.	Taxicab/Livery Ordinance; regulate medallions
Nicole Carr	Medallions; A-1 Taxi
Ken Hamilton	Event Center due diligence by Council; taxi cabs, Liveries, ambulance drivers; properly regulating Medallions
Alysia Welch-Chester	Possibilities of people speaking up & doing Community work; Black History Month
Amber Hill	Solidarity; Black History Month
Mick	Taxicab issue; need City support of medallions
Damon DeCastro	People who sold medallions

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CLAIM REPORT FOR THE MONTH OF JANUARY 2017

Agenda Item #1  
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: OLD STONE CHIMNEY SITE INTERPRETATION, CONSULTANT,  
TROWBRIDGE WOLFE MICHAELS LANDSCAPE ARCHITECTS

Agenda Item #2

The Planning Office will be working with a small steering committee representing, at a minimum, the Historic Preservation Commission and Tourism Advisory Board with the goal of more appropriately interpreting the historic significance of the Old Stone Chimney/Dean Adams hydraulic canal and the surrounding "River View Park" Site through signage and landscape design (Old Stone Chimney History on file in the City Clerk's Office).

The Niagara River View Park Site is an essential component of the City's Waterfront Revitalization Program, fully described in the original study completed in 1988 by Saratoga Associates and approved as part of the City's 2009 Comprehensive Plan.

The City had recently been awarded a Niagara River Greenway Commission grant to work with NYPA, the owner of the Old Stone Chimney and New York State Park Office of Parks Recreation and Historic Preservation to develop a historically appropriate interpretation for the Old Stone Chimney and site. The Niagara River Greenway Commission grant award is in the amount of \$200,000.00.

Other than the staff "in-kind" services, no City funds will be used for this project. As such, there is no cash contribution or other cash disbursement required in accepting this award or in completing the Project. Total project expenditures will not exceed \$200,000.00.

Therefore, to effect the intended purpose of the grant, the Development of Planning Environmental & Economic Development solicited proposals for professional services, and is now recommending that the proposal from Trowbridge Wolfe Michaels Landscape Architects LLP be accepted in the, not to exceed, amount of \$20,835.00.

Will the Council vote to accept the Niagara River Greenway Commission grant, approve the contract award Trowbridge Wolfe Michaels Landscape Architects LLP and authorize the Mayor to execute any documents necessary, in form and in content satisfactory to the Corporation Counsel, to effectuate the same?

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

Yeas

5

Nays

0

APPROVED

Council Woman Grandinetti stated that no City funds is being used for this & it is a Historical Site.

CONTRACT: SIGN/BILLBOARD CODE, CONSULTANT, STEINMETZ PLANNING GROUP

### Agenda Item #3

The Planning Environmental & Economic Development, Law, and Code Enforcement Departments will be working with the Niagara Falls Board as the Steering Committee along with business owners and other members of the public with the goal of drafting a new updated Sign and Bill Board Ordinance.

In updating the Sign Code, the City will establish a new comprehensive system of sign controls governing the display, design, construction, installation, and maintenance of signs. The new Sign Code will be incorporated into the Niagara Falls Zoning Ordinance resulting in a document that is better organized, easily referenced, and more comprehensible by both staff and the general public, while also being reflective of the community's vision.

A brief overview of SPG and its relevant project experience, as well as the proposed scope, timeline, and fee are provided in detail and attached hereto (on file in the City Clerk's Office).

In addition to staff-time to supplement this project, funding is currently available in the Tribal revenue Account. Total project expenditures will not exceed \$25,000.00.

Will the Council vote to approve the contract award to Steinmertz Planning Group and authorize the Mayor to execute and documents necessary, in form and in content satisfactory to the Corporation Counsel, to effectuate the same?

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

Yeas

5

Nays

0

APPROVED

CITY MARSHALS, RE-APPOINTMENT

Agenda Item #4

The City Council designated Gary Bevilacqua, Eugene Oshal, Frederick Pucci and Rocco Zendano as City Marshals with terms that expired on December 31, 2016. It is recommended that these four (4) individuals be re-appointed to terms expiring on December 31, 2018.

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 Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

CONTRACT: 3625 HIGHLAND AVENUE BUSINESS PARK, ADDITIONAL ENVIRONMENTAL REMEDIATION, MARK CERRONE INC.

Agenda Item #5

A contract for the above referenced project was awarded to Mark Cerrone Inc., 2368 Maryland Avenue, Niagara Falls, NY, on September 6, 2016 in an amount of \$153,635.00.

The project for buildings #2 and #3 required additional abatement work for unanticipated and necessary asbestos remediation work. In addition, un-safe areas of contamination and necessary demolition were required to be performed by our qualified contractor. The cost for both buildings associated with remediation and demolition is \$76,825.22

Furthermore, during the course work, subsequent cost savings of \$6,289.00 were realized to offset increases.

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of \$70,536.22 be approved, bring the new contract total to \$224,171.17. Sufficient funds presently exist in the City's Economic Development Department project fund for 3625 Highland Avenue Business Park, approved by City Council.

Will the Council vote to so approve?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: TENTH STREET/CEDAR AVENUE RECONSTRUCTION PROJECT, ADDITIONAL ENGINEERING, CONSTRUCTION ADMINISTRATION & INSPECTION SERVICES, FOIT ALBERT ASSOCIATES

Agenda Item #6

A contract for the above referenced project was awarded to Foit Albert Associates, P.C., on May 29, 2007 in an amount of \$555,000.00. Change Orders request to date bring the total contract amount to \$1,685,197.35

The prime contractor for the Tenth Street/Cedar Avenue project abandoned the job in 2011 before completion and never returned. Since then, the City has settled litigation and can move forward with the remaining funding to correct defective and uncompleted work.

This Change Order covers Professional Engineering Services for design, contract documents, engineering services associated with administering the contract to completion and full time inspection in accordance with the NYSDOT standards specifications and the LAFAP manual.



This project was funded with Federal Highway money as a NYSDOT pass-through project. The NYSDOT is requesting that the project be "closed-out" in order protect the City from having to refund monies we have been reimbursed for earlier work.

The City's Engineering staff has been in contact with Foit-Albert Associates and have negotiated for the services to complete said project in the amount of \$139,000.00

As a Federal pass-through project it is still eligible for reimbursement at the standard 80% -20% split and a portion of funding is also reimbursable under N.Y. State Marchiselli funding.

It is the recommendation of the undersigned that Change Order #5 be approved in the amount of \$139,000.00 with funding for this change order still available in the original project funding Code H0921.9901.0000.0900.H0632.

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 Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
APPROVED	

CONTRACT: CENTRE COURT POOL, LINING OF MAIN DRAIN, DYNA MOLE LLC

Agenda Item #7

The following is the result of bids received on May 4, 2016 for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE</u>	<u>BID</u>
Dyna Mole LLC 195 Dewey Avenue Rochester NY 14608		\$44,193.56

It is the recommendation of the undersigned that this project be awarded to the sole bidder

Dyna Mole LLC at their total bid of \$44,193.56. Funding is available from casino 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 Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
APPROVED	

PUBLIC WORKS DEPT., LEAD PARKING ATTENDANTS, PARKING ATTENDANTS, WAGE INCREASES

Agenda Item #8

The Director of the Department of Public Works ("DPW") is requesting that the hourly wage for Lead Parking Attendants and Parking Attendants be increased. Presently Lead Parking Attendants make \$11.00 per hour and Parking Attendants make \$9.75 per hour. It is requested that the hourly wage for Lead Parking Attendants be increased to \$15.00 per hour and the hourly wage for Parking Attendants be increased to \$11.00 per hour.

These are seasonal employees. The Lead Parking Attendants have taken on all duties related to the new parking meters. Those duties include but are not limited to cash collection, cash balancing, cash deposits, banking, troubleshooting any maintenance issues as well as snow removal on and around the meters. The Parking Attendants new wage no longer includes Step 2, 3 or 4. The proposed increase will meet the New York State minimum wage increase and will remain in compliance through the end of 2018.

Attached hereto (on file in the City Clerk's Office) is a spreadsheet reflecting the cost of this increase which is anticipated to be \$32,237.41, inclusive of FICA.

Funds are available through budgeted funds. Will the Council so approve?

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

Yeas 4

Grandinetti, Tompkins, Touma, Chairman Walker

Nays 1

Scott

APPROVED

Council Member Scott stated that there should be contracts.

Council Member Touma stated that we are fortunate to have responsible people for these positions.

#### CONVENTION CENTER/ARENA, FEASIBILITY STUDY

#### Agenda Item #9

My understanding from a communication from Samuel M. Ferraro, Commissioner of Niagara County Department of Economic Development dated January 13, 2017, a copy of which is attached hereto (on file in the City Clerk's Office), is that Niagara County has allocated \$50,000.00 towards the cost of a feasibility study to determine the necessity for a new convention center/arena in Niagara Falls. My further understanding is that Senator Ortt's office will also be contributing up to \$50,000.00 for this feasibility study. Based upon and contingent upon the \$50,000.00 allocation from Niagara County and the up to \$50,000.00 allocation from the office of Senator Ortt, it is requested that the City of Niagara Falls also contribute up to \$50,000.00 towards the cost of such a feasibility study.

The City's contribution, as described above, is contingent upon the funding described from the County as well as the office of Senator Ortt, and is also contingent upon the approval by the City's Law Department as well as the City's Office of Planning and Economic Development as to the content and terms and conditions contained in a Request for Proposals for such a feasibility study developed by the Niagara County Department of Economic Development.

Funding is available from casino revenues.

Will the Council so approve?

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

Yeas 5

Nays 0

APPROVED

Council Woman Grandinetti agonized over her decision but she was convinced by the City Administrator & Ken Hamilton.

Council Member Touma said we are working with Senator Ortt's office & the County on this.

Chairman Walker stated that collaboration with all opens door for other Projects.

CONTRACT: CENTENNIAL CIRCLE WATERMAIN RELOCATIONS, YARUSSI CONSTRUCTION

Agenda Item #10

The following were the result of bids received on January 31, 2017 for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE</u>	<u>BID</u>
Yarussi Construction Inc. 5650 Simmons Ave. Niagara Falls NY 14304	\$184,560.00	
Scott Lawn Yard	\$228,905.00	
Mark Cerrone Inc.	\$272,235.00	
Accadia Site Contracting Inc.	\$399,650.00	

It is the recommendation of the undersigned that this project be awarded to the low bidder Yarussi Construction Inc., Inc. at their total bid of \$184,560.00. Funding of \$150,000.00 is available from Greenway and \$34,560.00 from casino.

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 Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas	4
Grandinetti, Scott, Touma, Chairman Walker	
Nays	1
Tompkins	

APPROVED

Council Woman Grandinetti said there are a lot of pieces that fit into this.

Council Member Tompkins can't see spending so much money & it should be the responsibility of the Water Board.

Council Member Touma said we are lacking in culture & this would be a start.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: NY CENTRAL MUTUAL FIRE INSURANCE COMPANY A/S/O WILLIAM & ANNA HARTMAN

Agenda Item #11

Date Claim Filed:	August 18, 2014
Date Action Commenced:	August 27, 2015
Date(s) of Occurrence:	June 6, 2014
Location:	Intersection of 24 <sup>th</sup> Street and Grand Avenue
Nature of Claim:	Damages from collision with City vehicle
City Driver:	Ryan Mackie
Status of Action:	Pre-trial Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$5,564.63
Make Check Payable to:	New York Central Mutual Fire Insurance Company a/s/o William and Anna Hartman
Conditions:	General Release and Stipulation of Discontinuance approved by Corporation Counsel.

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

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

Yeas

5

Nays

0

APPROVED

CLAIM: SWANSON, FATEMA

Agenda Item #12

Date Claim Filed: September 13, 2016

Date Action Commenced:

N/A

Date of Occurrence:

September 10, 2016

Location:

1707 Ferry Avenue

Nature of Claim:

Tree branch fell on vehicle

City Driver:

N/A

Status of Action:

Claim stage.

Recommendation/Reason:

Best interests of City to pay claim.

Amount to be Paid:

\$2423.89

Make Check Payable to:

Fatema Swanson

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 Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

RESOLUTION: PUBLIC HEARING, ALLEY ABANDONMENT, 24<sup>TH</sup> & 25<sup>TH</sup> STS, SOUTH OF ORLEANS AVENUE, 2017-13

BY: ALL COUNCIL MEMBERS

Agenda Item #13

WHEREAS, the adjoining property owner has requested the abandonment a portion of the alley running north/south between 24<sup>th</sup> and 25<sup>th</sup> Streets, south of Orleans Avenue; and

WHEREAS, the Planning Board has recommended to Council that this request be approved; and

WHEREAS, this Council declares its intention to abandon said alley 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 alley portion, said public hearing to be held at a meeting of the Council to be held in the Council Chambers in City Hall on February 21, 2017 at 6:00 p.m. Eastern Standard Time, and the City Clerk is hereby directed to publish notice of intention to discontinue and abandon the said alley portion in the official newspaper once a week for two successive weeks preceding February 21, 2017.

Yeas

5

Nays

0

ADOPTED

Council Woman Grandinetti said the abandonment would be a help.

Council Member Touma voted yes to the Public Hearing.

RESOLUTION: RESIDENCY REQUIREMENT, WAIVER, 2017-14  
BY: COUNCILMEMBERS GRANDINETTI, SCOTT, TOMPKINS, TOUMA

Agenda Item #14

WHEREAS, the City of Niagara Falls has been without a City Engineer since April 2013, and the absence of the engineer has caused significant hardship for the City both financially and operationally; and

WHEREAS, since April 2013, the City has conducted several local and nationwide searches for candidates for the City Engineer position. All of these searches have proven to be unsuccessful as a number of qualified candidates have been either unable or unwilling to comply with the City's Local Law #7 for the Year 1984, as amended, which requires all newly hired City employees to become residents of the City within six months of their date of hire; and

WHEREAS, one of these candidates, John A. Gerlach, is at the top of the City's list for potential City Engineers; however, Mr. Gerlach is a resident of Youngstown, New York and is unable to relocate due to personal/family circumstances; and

WHEREAS, a copy of John A. Gerlach's resume (on file in the City Clerk's Office) is attached hereto; and

WHEREAS, Section 6 of Local Law #7 for the Year 1984, as amended, provides that this Council may, by resolution, waive the requirement of residency for newly hired employees if it determines that enforcing the Local Law is not in the best interest of the City; and

WHEREAS, it is obvious that there is a lack of qualified applicants for the City Engineer position residing within the City or unwilling to accept the City Engineer position if required to comply with the City's residency requirement and, further, that enforcing the residency requirement for a new City Engineer is not in the best interest of the City since the most qualified candidate for the position is not a City resident and is unable to relocate into the City.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, duly convened, does hereby grant a waiver pursuant to Section 6 of Local Law #7 for the Year 1984, as amended, to John A. Gerlach, exempting him from the residency requirements contained in said Local Law for the specific purpose of the hiring of John A. Gerlach as City Engineer, and it is further

RESOLVED, that this waiver shall continue for the duration of Mr. Gerlach's employment with the City, and it is further

RESOLVED, that the Mayor and the City Administrator of the City of Niagara Falls, New York are hereby authorized to effectuate said waiver in relation to the hiring of John A. Gerlach for the City Engineer position.

Yeas	3
Grandinetti, Tompkins, Touma	
Nays	2
Scott, Chairman Walker	

ADOPTED

Council Woman Grandinetti said she is a high believer in residency requirement, however, the Engineering Dept. is in need of a Director. Council Member Scott said he met with the gentleman considered. He also said that we could find talent that would move to Niagara Falls. Council Member Tompkins said he agrees with Council Woman Grandinetti. Council Member Touma based his decision on fact & this will make the Engineering Dept. more efficient. Chairman Walker stated that we've had opportunities for someone that will live in the City.

RESOLUTION: DRIP PROGRAM, WATER BOARD, REINSTATEMENT, 2017-15  
BY: ALL COUNCIL MEMBERS

Agenda Item #15

WHEREAS, certain neighborhoods in the City have been adversely affected by water lines that tend to freeze during certain periods of inclement weather; and

WHEREAS, in prior years, the Niagara Falls Water Board ("NFWB") has enacted a "drip program" which allowed certain residents on a list developed by the NFWB to participate in a program that allowed those residents up to 2,500 cubic feet of water usage at no charge for keeping their faucets running at all times during periods of time in the winter months in an effort to keep pipes from freezing; and

WHEREAS, this City Council has learned that the NFWB is planning to discontinue the drip program going forward and this City Council believes that the drip program is an important resource for residents in order to help guard against frozen water lines.

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby request that the NFWB reinstate the drip program and make it available to residents as it has in the past.

AND BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the NFWB.

Yeas

5

Nays

0

ADOPTED

Council Member Touma said the Water Board doesn't play by the rules. Council Chairman Walker said the idea of City & Water Board separation was a bad idea.

RESOLUTION: HONEYMOON SWEETS, HESS, MARY ANNE, RECOGNIZING, 2017-12  
BY: ALL COUNCIL MEMBERS

Agenda Item #16

THIS ITEM WAS AMENDED AND APPROVED AT THE COMMITTEE OF THE WHOLE MEETING

RESOLUTION: OASIS, FEE WAIVER, SERTOMA CLUB, 2017-16  
BY: ALL COUNCIL MEMBERS

Agenda Item #17

WHEREAS, the Niagara Falls Sertoma Club wishes to do its part in helping those in our city who are considered less fortunate,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the City of Niagara Falls does hereby waive the fee for rental of the Oasis at Hyde Park for the Niagara Falls Sertoma Club Annual Chicken Barbecue (request letter on file in the City Clerk's Office), to be held on Sunday, August 20, 2017. This is one of their main fundraisers that help support various organizations throughout the City.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: TOURISM ADVISORY BOARD, APPOINTMENT, 2017-17  
BY: ALL COUNCIL MEMBERS

Agenda Item #18

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

APPOINTMENT:	TERM EXPIRES:
Christian G. Printup	12/31/2017
310 Fourth Street	
Niagara Falls, NY 14303p	
Yeas	5
Nays	0

ADOPTED

RESOLUTION: TAXICABS AND TAXICAB DRIVERS, ORDINANCE AMENDMENT  
BY: COUNCIL MEMBERS GRANDINETTI, SCOTT, TOMPKINS, TOUMA

Agenda Item #19

THIS ITEM WAS TABLED

NO ACTION WAS TAKEN

Yeas	4
Grandinetti, Scott, Tompkins, Chairman Walker	
Nays	1
Touma	

TABLED

There being no further business to come before the Council,  
Chairman Walker adjourned the Meeting at 7:50 P.M.

Lisa A. Vitello  
City Clerk



**FEBRUARY 21, 2017**  
**REGULAR COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

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The first session of the February 21, 2017 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:03 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and Andrew Touma

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson and Corporation Counsel Craig H. Johnson

Council Member Grandinetti moved to approve the Minutes from the Council Meeting of February 6, 2017.

Yeas

5

Nays

0

APPROVED

RESOLUTION: BRADLEY, PATRICK J., REV. DEACON, HONORING, 2017-18  
BY: COUNCIL WOMAN KRISTEN GRANDINETTI

Agenda Item #20

WHEREAS, Reverend Deacon Patrick J. Bradley, has served as chaplain to the Niagara Falls Fire and Police Department for many years; and

WHEREAS, Reverend Deacon Bradley has also served our country in the New York Army National Guard in 1980 as a heavy anti-armor weapons squad leader and chaplain's assistant. Reverend Bradley was honorably discharged with the rank of sergeant (E-5) in 1986; and

WHEREAS, in May 2000, Patrick Bradley was ordained and is currently serving the Lord as Deacon of St. Peter's Episcopal Church in Niagara Falls; and

WHEREAS, Deacon Bradley has been married to the former Linda Hamilton since 1982. They have an adult son, Joshua; and

WHEREAS, Deacon Bradley is currently a member of Diocesan Council - Episcopal Diocese of Western New York, Bishop's Advisory Committee on Deacons-Episcopal Diocese of Western New York, Western New York Stress Reduction Program (provides educational and interventional critical incident stress management services to Western New York's emergency services providers), Niagara Ministerial Council, International Conference of Police Chaplains, International Critical Incident Stress Foundation, New York State Association of Fire Chaplains, Riverdale Cemetery Association Board of Directors; and

WHEREAS, Deacon Bradley is currently employed at Niagara Falls Memorial Medical Center, Director of Public Relations and Communications.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that this City Council does hereby recognize Reverend Deacon Patrick J. Bradley for his outstanding service as chaplain to the Niagara Falls Fire Department, Niagara Falls Police Department and the Niagara Falls community.

Yeas

5

Nays

0

ADOPTED



The Rev. Patrick Bradley received an award for his service to the fire and police department. A resolution was read by the City Clerk honoring Rev Bradley for his many accomplishments. Rev. Bradley gave a speech thanking the city for the honor.

The City administrator spoke about Zombie Legislation. He stated that inspections and citations are currently being conducted. The administrators office is also gathering a list of problem sidewalks and potholes. Any problems can be reported to the administrators office or to the Department of Public Works.

Mayor Dyster spoke on the poverty initiatives which address job opportunities, transportation problems for those seeking jobs as well as other concerns for equality in job creation.

Councilman Ezra Scott questioned the Mayor about the replacement Pedestrian Bridge across Goat Island. The Mayor discussed a meeting with State Parks which took place last year. The State presented numerous designs for the bridge and comments were recorded during that meeting. The Mayor stated that the project lacks funding at this point. This is a long term future project and any updates will be submitted to the council. Councilwoman Grandinetti asked if there were any other projects in conjunction with the bridge project. The Mayor stated that there are other projects which are part of the efforts to improve the island.

Ended at 5:20 PM.

Chairman Walker reconvened the Meeting at 6:00 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Scott and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Chairman Walker announced a Special Order of Business, a Public Hearing relative to the abandonment of a portion of the alley running North/South between 24<sup>th</sup> and 25 Streets, South of Orleans Avenue and asked if there were any speakers relative thereto.

Ron Anderluh Dairy Queen building new building and the alley is  
Needed for this construction

THERE WERE NO FURTHER SPEAKERS

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

Galen Bailey	Agenda Items #7, #17
Ron Anderluh	Agenda Item #17
Harvey Albond	Agenda Item #17
Helen Kress	Agenda Items #7, #17
Kathie Kudela	Agenda Item #7
Lynne Neveu	Agenda Items #7, #17
Robert Borgati	Agenda Items #7, #17
Sara Capen	Agenda Item #7
Damon DeCastro	Agenda Item #17
Tim Huether	Agenda Items #2, #3, #7, #17
Nicholas Baio	Agenda Item #17
Linda Tomkiel	Agenda Item #17
Margaret Topor	Agenda Items #7, #17
Tim Baxter	Agenda Item #7
Robert Emerson	Agenda Item #7
Tom Chambers	Agenda Item #7
John Kinney	Agenda Item #7
Tod Kniarzuk	Agenda Item #7
Bill Kennedy	Agenda Item #17
Harvey Albond	Asking Council to propose electricity from Power Authority; Niagara Falls to walk on 2 legs, Tourism and Industry

Jamie Caldwell	Lodge bad idea; crime problems, roads; paying high utilities; take care of people who live here; Political nonsense
Damon DeCastro	The odor from the plants
Robert Porter	Accountability; Niagara Falls needs to be the jewel of the State again; chemical plants leaving the City; Crime rate
Mark Diodate	Lodge on Goat Island; new development; find a Location for new Lodge
Earl Bass	Against the Lodge; so much rich history here; Highest water rates in the country
Vince Anello	Parkway drawings; John Daly Blvd.; revenue from the Power Authority; Lodge on Goat Island; yes to the shuttle
Cynthia Sgro	Thanks to Council Member Tompkins on helping with the Zombie home next to her home; Council Member Tompkins said that home is on the top of the list
Daniello DiPalma	Lodge; preserving natural environment; tourism; Work together with the State
Pat Gall	Object to referring it as a Lodge not Hotel; 3 Sisters Island is a sanctuary

**COUNCIL WOMAN KRISTEN GRANDINETTI STATED THAT SHE HAS JUST HEARD FROM THE GOVERNORS OFFICE THAT NEW PROPOSALS FOR THE LODGE WAS PROMISED. THERE WILL BE MULTIPLE MEETINGS WITH THE PUBLIC AND THEY ARE LISTENING TO US**

Charles Lamb	In light of the news from Council Woman Grandinetti, will not speak on the Lodge
Pat Scremin	Contacted organizations on Gov. Cuomo's speech that contained the Lodge on Goat Island proposal
Robert Ventry	Benefits from Casino; State should work for better jobs

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF JANUARY 2017

Agenda Item #1  
THIS ITEM WAS RECEIVED AND FILED  
NO ACTION TAKEN

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: HYDE PARK PLAYGROUND, DRAINAGE SYSTEM, SCOTT LAWN YARD

Agenda Item #2

A contract for the above referenced project was awarded to Scott Lawn Yard on July 11, 2016 in the amount of \$133,265.00.

Subsequent to the start of the project, intermittent pockets of clay and spongy soils necessitated the installation of area drainage. The drainage system installed allowed both the star-shaped geometry of the playground to be drained efficiently while preserving the safety surface warranty. The cost of these improvements, along with minor quantity overruns, is \$43,750.00. Funding is available in Community Development.

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 Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas  
Nays

5  
0  
APPROVED

CONTRACT: 70<sup>TH</sup> ST. PLAYGROUND INSTALLATION, GARDENVILLE LANDSCAPE & NURSERY

Agenda Item #3

The following was the result of bids received on February 6, 2017, for the above referenced project:

CONTRACTOR	BASE BID	ALT. #1
Gardenville Landscape & Nursery LLC 3069 Clinton St. West Seneca NY 14224	\$105,572.50	\$4,036.00
Yarussi Construction Inc.	\$131,135.00	\$8,018.40
Titan Development	\$134,700.00	\$6,136.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, Gardenville Landscape & Nursery LLC at the combination of their base bid and alternate price of: \$109,608.50. Funding is available through Community Development.

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

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

Yeas

5

Nays

0

APPROVED

CITY PROPERTY: MCKOON AVE., 2878, SALE, HABITAT FOR HUMANITY

Agenda Item #4

Habitat for Humanity of Niagara County (Habitat) requests purchase approval of 2878 McKoon Avenue for \$500. As with recent purchases/renovations, Habitat agrees to:

- Renovate the home for an owner that must agree to own and live in the home as prime occupant for no less than five years and pay all applicable property taxes.
- Renovate the home to meet code compliance within one year of purchase.

Sale of 2878 McKoon Avenue was recommended by the Niagara Falls Planning Board on May 11, 2016, as part of the 2016 Home Ownership Auction. As noted in a September 2016 City Council Agenda item, the successful bidder for 2878 McKoon Avenue elected to forfeit his rights to the property, prior to closing. There were no other interested bidders to contact, per Home Ownership Auction guidelines. As the house does have structural issues, it is the opinion of Niagara Falls Community Development that this disposition makes more sense than waiting for a future home ownership auction.

As Habitat is currently successfully renovating other formerly city owned properties, the sale of 2878 McKoon Avenue is a sensible fit. Habitat is also in need for additional renovation candidates, as flood plain restrictions in the Echota neighborhood are preventing previously planned renovations.

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

Yeas

5

Nays

0

APPROVED

CONTRACT: NIAGARA COUNTY OFFICE FOR THE AGING

Agenda Item #5

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, 2017 through December 31, 2017.

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

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

Yeas

5

Nays

0

APPROVED

CITY CONTROLLER OFFICE: CITY CONTROLLER, APPOINTMENT

Agenda Item #6

As part of my plans relative to the City Controller's office for the calendar year 2017, I am hereby removing Sandra Peploe from the office of City Controller, effective end of business day February 24, 2017. I thank her for her service and dedication to the City of Niagara Falls.

Pursuant to Section 2.3 of the City Charter, I am hereby appointing Daniel Morello (resume on file in the City Clerk's Office) to the office of City Controller, effective February 27, 2017. As per the 2017 adopted budget, the salary for the City Controller's position is \$95,000.00.

Will the Council vote to confirm the removal of Sandra Peploe from the office of City Controller and the appointment of Daniel Morello to the office of City Controller?

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

Yeas

3

Grandinetti, Touma, Chairman Walker

Nays

1

Scott

Abstain

1

Tompkins

APPROVED

Agenda Item was amended to delete the Deputy City Controller from the item.

DISCOVERY NIAGARA SHUTTLE, FUNDING

Agenda Item #7

It is requested that the City contribute the sum of \$100,000.00 to support the continued operation of the Discover Niagara Shuttle. During its first year in operation during the tourist season of 2016, the shuttle transported approximately 33,000 visitors and local people between Niagara Falls State Park and Old Fort Niagara with another dozen stops along the Niagara Gorge corridor. This is a way to connect the broader Niagara region to the county's tourist center in Niagara Falls.

During the first year of the operation of the Discover Niagara Shuttle, contributors included the USA Niagara Development Corp., the State Office of Parks, Recreation and Historic Preservation, the New York Power Authority, the NFNHA and the Niagara Tourism & Convention Corp. Funding is available from tourism fund balance.

Will the Council so approve?

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

Yeas 3

Grandinetti, Scott, Chairman Walker

Nays 2

Tompkins, Touma

APPROVED

Council Woman Grandinetti said that she use to be in the Hospitality Field and we need to invest in the City. This is a 1 time asking and it is an awesome thing. This is not taxpayer money.

Council Member Scott said that Sara is a hard worker who believes in this investment.

Council Member Tompkins stated that Tourism Funds were all spent last year and we should give them a lesser amount of money.

Council Member Touma said this is a difficult decision with all the discussion from tonight. They received no money from the City for the 1<sup>st</sup> year. He added that \$50,000.00 should be given and have other municipalities invest.

Chairman Walker said that Niagara Falls is taking care of Niagara Falls and we need to invest in the Tourism market. We need to work with other cities on this.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

37<sup>TH</sup> ST. BETWEEN WALNUT & PINE AVES., INSTALL ALTERNATE OVERNIGHT PARKING

Agenda Item #8

At a Traffic Advisory Commission meeting held on February 7, 2017 the Commission recommended APPROVAL of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON 37<sup>th</sup> STREET BETWEEN WALNUT AVENUE & PINE AVENUE

A Petition from the residents of this block was received with 59.1% signatures.

Submitted By: Jenna Seintan, 639 - 37<sup>th</sup> Street and  
Petition/Residents of Block

It is requested that City Council approve this recommendation.

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

Yeas 5

Nays 0

APPROVED

90<sup>TH</sup> ST. BETWEEN LUICK AVE. & BROOKSIDE DR., INSTALL ALTERNATE OVERNIGHT PARKING

Agenda Item #9

At a Traffic Advisory Commission meeting held on February 7, 2017 the Commission recommended APPROVAL of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON 90<sup>TH</sup> STREET BETWEEN LUICK AVENUE & BROOKSIDE DRIVE

A Petition from the residents of this block was received with 69% signatures.

Submitted By: Garold B. Acker, 1116 - 90<sup>th</sup> Street and  
Petition/Residents of Block

It is requested that City Council approve this recommendation.  
Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
APPROVED	

MAPLE AVE. BETWEEN BELL ST. & HUDSON DR., INSTALL ALTERNATE OVERNIGHT PARKING

Agenda Item #10

At a Traffic Advisory Commission meeting held on February 7, 2017 the Commission recommended APPROVAL of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON MAPLE AVENUE BETWEEN BELL STREET & HUDSON DRIVE

A Petition from the residents of this block was received with 59.3% signatures.

Submitted By: Lynn Beach, 1340 Maple Avenue and  
Petition/Residents of Block

It is requested that City Council approve this recommendation.  
Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
APPROVED	

718 BUFFALO AVE., INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #11

At the Traffic Advisory Commission meeting held on February 7, 2017 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 718 BUFFALO AVENUE

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

Submitted By: Susan Maffei, 718 Buffalo Avenue, #1

It is requested that City Council approve this recommendation.  
Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
APPROVED	

3328 CHURCH AVE., INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #12

At the Traffic Advisory Commission meeting held on February 7, 2017 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 3328 CHURCH AVENUE

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

Submitted By: Nimire Burnett, 3328 Church Avenue

It is requested that City Council approve this recommendation. Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
APPROVED	

333 RAINBOW BLVD., INSTALL "2 HOUR PARKING RESTRICTION" ON THE WEST SIDE OF 4<sup>TH</sup> ST., ALONG THE WINGATE BY WYNDHAM HOTEL, IN THE AREA BETWEEN THE HOTEL'S PORTE-COCHERE AND THE PARKING LOT DRIVEWAY, AMENDED

Agenda Item #13

At the Traffic Advisory Commission meeting held on February 7, 2017 the Commission recommended APPROVAL of the following AMENDED item:

INSTALL "2 HOUR PARKING RESTRICTION" ON THE WEST SIDE OF 4<sup>TH</sup> STREET, ALONG THE WINGATE BY WYNDHAM HOTEL, 333 RAINBOW BLVD, IN THE AREA BETWEEN THE HOTEL'S PORTE-COCHERE AND THE PARKING LOT DRIVEWAY

This request was made, for this 90' long area, to encourage turnover in parking by preventing all day parkers for patrons of a soon to be opening restaurant which will be located within the hotel.

Submitted By: Frank Strangio, Vice President, Plati Niagara Inc., 7708 Niagara Falls Boulevard

It is requested that City Council approve this recommendation. Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
APPROVED	

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #14

Shawn Bosi	NFPD
James Bragg	Planning Department
John Caso	DPW
Roger Freeman	NFPD
Joseph Giaquinto	NFPD
Nicholas A. Melson	Administration
Jennifer L. Myers	DPW
Nicholas Paonessa	NFPD
David Tothill	Billing & Collection
Lisa A. Vitello	City Clerk's Office
Nadine Wasson	City Clerk's Office

Victor Acevedo Jr.	2418 Willow Ave., Niagara Falls, NY	14305
Matthew Bergey	4715 Isherwood Dr., Niag. Falls, NY	14305
Emma H. Chapman	3125 Apple Ct., Niagara Falls, NY	14304
Candice Creamer	640 Oxbow Lane, Lewiston, NY	14092
Ni'Jae Davis	18 C Packard Ct., Niagara Falls, NY	14304
Damon A. DeCastro II	1531 Lake Rd., Youngstown, NY	14174
Rebecca Dyster	626 Orchard Pkwy., Niag. Falls, NY	14301
Jeffery Flach	723 3 <sup>rd</sup> St., Apt. 31, Niag. Falls, NY	14301
Peggy Frame	8431 Buff.Ave., Apt. #16, Niag. Falls, NY,	14304
Evonne D. Holstrom	2918 Jerauld Ave., Niagara Falls, NY	14305
Ragini Jain	6700 Lindbergh Ave., Niag. Falls, NY	14304
James Joyce	2744 Thornwoods Dr., Niag. Falls, NY	14304
Michelle Kelly	6921 Nash Rd., N.Tonawanda, NY	14120
Kathy E. Kephart	6425 Sherman Dr., Lockport, NY	14094
Gail Merino	9365 Rivershore Dr., Niag. Falls, NY	14304
Allison M. Moore	2653 Porter Rd., Niagara Falls, NY	14305
Rozanne Muto	642 19 <sup>th</sup> St., Niagara Falls, NY	14301
Mary C. O'Byrne	40 Livingston Place, Lockport, NY	14094
Matthew M. Peunic Jr.	8015 Frontier Ave., Niag. Falls, NY	14304
Akasha Pugh	531 4 <sup>th</sup> St., Niagara Falls, NY	14301
Chelsea Raymond	579 Homestead Dr., N. Tonawanda, NY	14120
Diana Restaino	826 College Ave., Niagara Falls, NY	14305
Jane Travis	1369 Caravelle Dr., Niag. Falls, NY	14304
Randal Ubriaco	837 15 <sup>th</sup> St., Niagara Falls, NY	14301
Dennis Virtuoso	2703 Independence Ave., Niag.Falls, NY	14301
Jennifer Weerheim	1866 Saunders Settlement Rd., Niag.Falls, NY	14304
Jennifer Weigel	454 27 <sup>th</sup> St., Lower, Niag. Falls, NY	14303
Nadine C. Wilson	839 Barberry Pl., Niagara Falls, NY	14304

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

Yeas	5
Nays	0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: GRAY FURNACE SERVICE

Agenda Item #15

Date Claim Filed:	August 24, 2016
Date Action Commenced:	N/A
Date of Occurrence:	July 7, 2016
Location:	2700 block of Pierce Avenue
Nature of Claim:	Automobile damage sustained in collision with City vehicle
City Driver:	Carmen Tripi
Status of Action:	Claim Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$896.94
Make Check Payable to:	Gray Furnace Service
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 Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED



CLAIM: HARRIS, TESSIA C.

Agenda Item #16

Date Claim Filed:	February 22, 2013
Date Action Commenced:	July 8, 2013
Date of Occurrence:	January 18, 2013
Location:	Intersection of 11 <sup>th</sup> Street and Niagara Avenue
Nature of Claim:	Injuries and damages sustained in collision with City vehicle
City Driver:	John Rosino
Status of Action:	Post-Liability Trial Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$125,000.00
Make Check Payable to:	Cellino & Barnes, P.C. and Tessia C. Harris
Conditions:	Stipulation of Discontinuance and 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 Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

RESOLUTION: NIAGARA FALLS STATE PARK, FURTHER COMMERCIALIZATION, 2017-19

BY: COUNCIL MEMBERS GRANDINETTI, SCOTT, TOMPKINS, TOUMA

Agenda Item #17

WHEREAS, the Park was established by an act of the New York State Legislature which was the result of a widespread effort known as "Free Niagara."; and

WHEREAS, the Free Niagara Movement was an effort to de-industrialize the parklands surrounding the falls and portions of the Upper Niagara River and created State Park in a natural setting, free to the public; and

WHEREAS, the Park was designed by noted Landscape Architect, Frederick Law Olmsted; and

WHEREAS, As Olmsted implied: any commercial undertaking into which the state was entering, would be in competition with the people of the village of Niagara and... It is a sufficient answer to say that there is no point in the reservation at which a house can be placed that is more than ten minute walk or five minute drive from hotels and restaurants standing on land of private ownership." - Thus, giving any state sponsored development of the park an unfair and ...an unfair advantage over private ownership near the park; and

WHEREAS, Visitors to the Niagara Falls State Park number more than eight million every year, making it the most profitable park in the state of New York, there is no justification for further commercialization to be in competition with the City of Niagara Falls.

NOW, THEREFORE, BE IT RESOLVED, that this City Council of the City of Niagara Falls, New York, does hereby respectfully requests Governor Andrew Cuomo; and the State of New York, cease efforts to further commercialize Niagara Falls State Park and redirect State resources toward promoting Economic Development within the guidelines of the City's Comprehensive Plan.

Yeas

5

Nays

0

ADOPTED

To Table was defeated

RESOLUTION: NIAGARA FALLS STATE PARK, FURTHER COMMERCIALIZATION  
BY: COUNCILWOMAN GRANDINETTI

Agenda Item #18  
THIS ITEM WAS PULLED FROM THE AGENDA  
NO ACTION WAS TAKEN

RESOLUTION: PLANNING BOARD, APPOINTMENT, 2017-20  
BY: COUNCIL MEMBERS SCOTT, TOMPKINS, CHAIRMAN WALKER

Agenda Item #19  
WHEREAS, there is currently one vacant seat on the Planning Board, due to the resignation of Lisa Vitello.  
NOW, THEREFORE, BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Planning Board effective for the unexpired term that expires on the date opposite his name shown below:

APPOINTMENT:	TERM:
Richard D. Smith	12/31/2018
1021 96 <sup>th</sup> Street	
Niagara Falls, Ny 14304	

Yeas	3
Scott, Tompkins, Chairman Walker	
Nays	2
Grandinetti, Touma	

ADOPTED

RESOLUTION: BRADLEY, PATRICK J., REV. DEACON, HONORING, 2017-18  
BY: COUNCIL WOMAN KRISTEN GRANDINETTI  
Agenda Item #20  
THIS ITEM WAS AMENDED AND APPROVED AT THE COMMITTEE OF THE WHOLE MEETING AT 5:00

RESOLUTION: COMMUNITY MISSIONS, SWEETHEART DINNER, WAIVER OF PARKING FEES, 2017-21  
BY: ALL COUNCIL MEMBERS

Agenda Item #21  
WHEREAS, Community Missions held its 20<sup>th</sup> Annual Sweetheart Dinner on Friday, February 10, 2017 at the Conference and Event center in Niagara Falls, New York (request letter 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 the City of Niagara Falls does hereby waive parking fees for the Community Missions for Friday, February 10, 2017.

Yeas	5
Nays	0

ADOPTED

Amendment was to correct date of the dinner

RESOLUTION: ABANDONMENT OF A PORTION OF THE 6<sup>TH</sup> ST. RIGHT-OF-WAY ADJACENT TO 543 6<sup>TH</sup> ST., PUBLIC HEARING, 2017-22  
BY: COUNCIL MEMBERS SCOTT, TOMPKINS, CHAIRMAN WALKER

Agenda Item #22  
WHEREAS, the adjoining property owner has requested the abandonment a portion of the 6<sup>th</sup> Street right-of-way adjacent to 543 - 6<sup>th</sup> Street; and  
WHEREAS, the Planning Board will act on its recommendation to Council at its meeting on February 22, 2017; and  
WHEREAS, this Council declares its intention to abandon said alley portion, subject to the recommendation of the Planning Board.

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 March 6, 2017 at 6:00 p.m. Eastern Standard Time, and the City Clerk is hereby directed to publish notice of intention to discontinue and abandon the said alley portion in the official newspaper once a week for two successive weeks preceding March 6, 2017.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: ABANDONMENT OF A PORTION OF THE ALLEY RUNNING NORTH/SOUTH BETWEEN 24th & 25th STS., SOUTH OF ORLEANS AVE. 2017-23  
BY: COUNCIL MEMBERS SCOTT, TOMPKINS, CHAIRMAN WALKER

Agenda Item #23

WHEREAS, the City Council of the City of Niagara Falls desires to abandon a portion of the alley running north/south between 24<sup>th</sup> and 25<sup>th</sup> Street, south of Orleans Avenue, in order to facilitate the development of the real estate; and

WHEREAS, the City Council did, by resolution, give notice of its intention to abandon a portion of the aforementioned alley and did direct the City Clerk to publish notice of such intention and that a public hearing would be held by the City Council at its meeting to be held in the Council Chambers on February 21, 2017 at 6:00 p.m. eastern standard time and advise that all persons interested would be heard on that said time and place; and

WHEREAS, the hearing was duly held on February 21, 2017 at 6:00 p.m. eastern standard time in regards to said abandonment.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that a portion of the alley running north/south between 24<sup>th</sup> and 25<sup>th</sup> Streets south of Orleans Avenue, is hereby abandoned, the said abandoned alley portion subject, however, to reservation of right of and for the City of Niagara Falls, the Niagara Falls Water Board and any utility companies, their successors and assigns to use, maintain, repair, replace and continue to maintain their services and operations in said abandoned alley. The said alley portion is bounded and described as follows:

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:

Commencing at the intersection of the east line of the twelve (12) foot alley running north/south between 24<sup>th</sup> and 25<sup>th</sup> Streets with the north line of Niagara Street;

Thence north along said east line of the alley a distance of 99.72 feet to a point;

Thence west at a 90 degree angle a distance of twelve (12) feet to a point on the west line of said alley;

Thence south along said west line of the alley a distance of 99.72 feet to a point on the north line of Niagara Street;

Thence east along the north line of Niagara Street a distance of twelve (12) feet to the point and place of beginning.

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

Yeas

5

Nays

0

ADOPTED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 8:20 P.M.

Lisa A. Vitello  
City Clerk

56

02/21/2017



**MARCH 20, 2017**

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The first session of the March 20, 2017 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:00 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and 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 Grandinetti moved to approve the Minutes from the Council Meeting of March 6, 2017.

Yeas

5

Nays

0

APPROVED

Renee Kimble spoke about Colorectal Cancer Awareness Month. She handed out Blue Pins to be worn in support of this to the Council Members. Councilmember Touma made a motion to amend the Agenda to vote on Agenda Item #15 at this time.

Yeas

5

Nays

0

Motion to amend Agenda approved

RESOLUTION: COLORECTAL CANCER AWARENESS MONTH, 2017-30

BY: ALL COUNCIL MEMBERS

Agenda Item #15

WHEREAS, Colorectal Cancer is the fourth most common cancer in the United States and the second leading cause of death from cancer, and

WHEREAS, colorectal cancer affects people in all racial and ethnic groups and is most often found in people age 50 and older, and

WHEREAS, the good news is if everyone age 50 and older were screened regularly, 6 out of 10 deaths from colorectal cancer could be prevented, and

WHEREAS, Niagara County Cancer Services Program has involved the communities, families, and individuals in education and promotion of the importance of early detection, and

WHEREAS, we join people all over the United States in wearing blue during the month of March to bring attention to this deadly yet preventable disease, and encourage everyone to share the good news of early detection and prevention,

NOW THEREFORE Be it resolved that we the Niagara Falls City Council on behalf of the citizens of Niagara Falls New York do hereby recognize March as Colorectal Cancer Awareness Month and encourage all citizens 50 and over to contact your doctor and get your screening done.

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

Yeas

5

Nays

0

APPROVED

A Presentation was read by the City Clerk and was presented to Renee Kimble by the Council Members.

The Mayor and Administrator discussed the storm clean-up. The over-time budget due to this event was discussed by the City Administrator.

The Mayor and Administrator thanked the State of New York for their assistance in the clean-up efforts. The Administrator thanked DPW and others for their quick and thorough response to the clean-up.

The Administrator also thanked police and fire for their response to the wind storm damage. He also thanked Chief Dalporto for his management/help with damages due to these weather events.

Councilman Touma also thanked all involved, DPW, police and fire. He stated that residents were very pleased with the efforts of all departments involved.

The Administrator discussed tree removal efforts, now and in the future. He stated there were 1000 requests for tree removal and of those requests 264 trees have been taken down. He stressed the continued effort to remove trees that may pose a danger during storms of this nature. There must be an aggressive effort to dead and dying trees. Councilman Touma thanked the Administrator for his management during these difficult events.

The Mayor also thanked Superintendent Mark Laurie for closing the schools without delay which aided in the clean-up efforts. The Mayor also thanked the Niagara Falls Water Board for their help in clearing fire hydrants during the storm.

The Mayor and Administrator also discussed the changes to Legends Park. Chairman Walker asked for a time-line in regards to paving the parking lot. The Mayor stated that it will be completed shortly. Councilman Touma asked about a plan for street paving.

The Mayor discussed the issues with Whirlpool Street stating that it is part of the master plan for the RMP removal. The street will be totally reconstructed.

Councilman Tompkins questioned the change order regarding Agenda item #6, 3624 Highland Ave.

Councilman Walker questioned agenda item #10, the Taxi Advisory Committee. The Chairman inquired as to who would sit on this Committee.

Councilman Scott requested that all members of the Taxi Advisory Committee be residents of Niagara Falls.

Corporation Counsel Craig Johnson distributed copies of 3 Agenda Items to be added and 1 Agenda Item to be Amended.

1. A Resolution relative to authorizing the use of City Buildings as Polling Places for the School Board Election.

Councilmember Touma moved to add this Resolution to the Agenda

Yeas	5
Nays	0

Motion to add Resolution to Agenda Approved

The Resolution was added to the Agenda as #18

2. A Resolution relative to appointment to the Youth Board. Councilmember Tompkins moved to add this Resolution to the Agenda

Yeas	5
Nays	0

Motion to add Resolution to Agenda Approved

The Resolution was added to the Agenda as #19

3. A Resolution relative to Taxicabs and Taxicab Drivers Councilwoman Grandinetti moved to remove this from Table (originally from Meeting of January 23, 2017)

Yeas	3
Grandinetti, Tompkins, Touma	
Nays	2
Scott, Chairman Walker	

Motion to Remove from the Table Approved

The Resolution was added to the Agenda as #21

4. An Amendment to Agenda Item #12 in the wording of that Item.

Councilmember Touma moved to amend this Item

Yeas 5

Nays 0

Motion to Amend the Communication Approved

Council Chairman Walker read a statement thanking all the Government Agencies that helped in the snow removal for the City from the recent storm.

Councilmember Touma moved to add this Resolution to the Agenda.

Yeas 5

Nays 0

Motion to add Resolution to the Agenda Approved

This was added to the Agenda as #20

This session ended at 6:05 P. M.

Chairman Walker reconvened the Meeting at 6:15 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Chairman Walker and the Chairman also led the gathering in the Pledge of Allegiance to the Flag.

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

Tim Huether	Agenda Items #6, #14, #17
Bill Carroll	Agenda Item #14
Judi Powell	Agenda Item #16
Dan Davis	Agenda Item #12
Diane Tattersall	Agenda Items #14, #17
Ron Anderluh	Snow removal, DPW; Neighbor to Neighbor meetings
Diane Tattersall	Cell phone distraction

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF FEBRUARY 2017

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: VARIOUS DILAPIDATED/FIRE DAMAGED BLDGS., BOARDING UP,  
CANDELLA CONSTRUCTION CORP., INC., FUNDING

Agenda Item #2

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

TO: Candella Construction Co., Inc.  
6810 Laur Rd. Unit. 5A  
Niagara Falls, NY 14304

FOR: Boarding up of various dilapidated and fire damaged structures,  
both privately and publicly owned, deemed hazardous by the City of  
Niagara Falls, NY.

Price per square foot: \$ 1.28

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. One (1) bid was received. The above referenced company submitted the lowest bid.

Funds for this expenditure are in H.0910.2009.0910.0449.599.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

COMMUNITY DEVELOPMENT: CONSOLIDATED ACTION PLAN, BLOCK GRANT

Agenda Item #3

The Niagara Falls Community Development Department requests Niagara Falls City Council approval of the draft Fiscal Year 2017 Community Development Consolidated Action Plan. It is year three of our 2015-19 Five Year Strategic Plan. Based on our projections, it consists of \$2.8 million in federal investment, \$2.1 million in non-municipal matching funds for a \$4.9 million total leveraged plan. The draft FFY 2017 Community Development Action Plan consists of the following United States Housing and Urban Development (HUD) Programs: Community Development Block Grant (CDBG) Program, HOME Rehabilitation Program, and Emergency Solutions Program (ESG).

Draft 2017 CDBG Amount: \$2,304,029  
Draft 2017 HOME Amount: \$356,799  
Draft 2017 ESG Amount: \$201,874

These budgets are being presented to the City Council in draft form, based on estimate, 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 2017 has not yet been set by the federal government. The Niagara Falls Community Development Department will request City Council approval of the final HUD allocations at that point. Historically, our draft budget estimates have been within 2 percent of our final allocations. 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.

The draft 2017 Community Development Consolidated Action Plan was built through a 16 week civic engagement process, which included discussion at 11 public meetings, public review of the draft budget since January 2017, online and print citizen surveys, an email address dedicated to dialogue and a 30 day public comment period. Our department also presented an overview of the draft plan to the City Council at its March 6, 2017 meeting. The Niagara Falls Community Development Department is confident that our process is a national model of transparent and well explained public engagement and budgeting.

#### Neighborhood Planning Meetings (2016 Dates)

Tues., Nov. 1	LaSalle Public Library, 8728 Buffalo Ave.
Wed., Nov. 2	City Hall Council Chambers, 745 Main St.
Thurs., Nov. 3	Maple Ave. School, Rm #5, 952 Maple Ave,
Wed., Nov. 9	NACC, Niagara Room, 1201 Pine Ave.
Wed., Nov. 9	Doris Jones Family Resource Bldg., 3001 - 9th St.
Thurs., Nov. 10	John Duke Center, 1201 Hyde Park Blvd.
Tues., Nov. 15	Neighborhood Housing Services, 479 - 16th St.
Wed., Nov. 16	LaSalle Senior Facility, 9501 Colvin Blvd.

#### Application/Approval Process

Fri., Dec. 16/16	Application Submission Deadline
Wed., Jan. 25	Draft Plan and Budget Available for Review
Thurs., Feb. 2	Presentation of Draft 2017 Annual Plan & Budget
Tues., Feb. 7	Pizza with the Plan - 1022 Main Street
Feb. 2 - Mar 6th:	30-day Public Comment Period

Upon City Council approval, the draft action plan will be submitted to HUD for programmatic review and approval. The action plan is not finalized until HUD approves of it and the city's actual allocations are posted. 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 approve the Draft FFY 2017 Community Development Action Plan?

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

Yeas	4
Grandinetti, Scott, Touma, Chairman Walker	
Nays	1
Tompkins	

APPROVED

#### COMMUNITY DEVELOPMENT: CENTER CITY & NEIGHBORHOOD HOUSING SERVICES, CDBG BUDGET CHANGES

##### Agenda Item #4

Over the past few years, there have been discrepancies between the program delivery funding for Center City Neighborhood Development Corporation and Niagara Falls Neighborhood Housing Services, Inc. shown in the Community Development action plans, the expectations of each of the two neighborhood organizations and the amounts actually paid from grant funds for program delivery. One reason for the discrepancy was a complex and outdated program delivery funding formula which failed to take into account shifts in spending priorities from the Community Development Block Grant program to the HOME Investment Partnerships program for housing rehabilitation projects in recent years.



Program delivery funds are used to pay salaries of employees for services in connection with the housing rehabilitation programs. Each neighborhood corporation receives Community Development grant funds specifically for these purposes and additional grant funds to pay for the actual rehabilitation costs. It is proposed that the 2014, 2015 and 2016 Community Development budgets and grant agreements be changed to reflect \$100,000.00 for program delivery for each of Center City and NHS in each year. This change will simplify the payment method and will be more in line with the CCNDC and NHS budget needs. The change will also conform the grant agreements to grant disbursement practice in prior years.

This change does not increase or decrease grant funding for Center City or NHS. This change does not constitute a change in allocation priorities, a decision to carry out an activity not previously described in the action plan, a change that amounts to more than 10% of the aggregate budget or a substantial change in the purpose, scope, location or beneficiaries of an activity. There is no need for a public hearing before approving the changes.

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 Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas	4
Grandinetti, Scott, Touma, Chairman Walker	
Nays	1
Tompkins	

APPROVED

CONTRACT: LASALLE WATERFRONT PARK & GRIFFON PARK, ENTRY SIGNAGE, A&B HERITAGE INC., FUNDING

Agenda Item #5

The following is the result of bids received on May 10, 2016 for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE</u>	<u>BID</u>
A&B Heritage Inc. dba ASI Signage Innovations 2957 Alt Boulevard Grand Island, NY 14072	\$9,740.00	

It is the recommendation of the undersigned that this project be awarded to the sole bidder A&B Heritage Inc., dba ASI Signage Innovations at their total bid of \$9,740.00. The funding utilized for this project will be from leftover Love Canal settlement funds that have been held in escrow.

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 Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CONTRACT: 3625 HIGHLAND AVE., MECHANICAL/PLUMBING ACTIVATION, CHANGE ORDER #1, J.R. SWANSON PLUMBING CO., FUNDING

Agenda Item #6

Mechanical & Plumbing Activation for Three (3) City-owned Buildings at 3625 Highland Avenue CHANGE ORDER #1

A contract for the above referenced project was awarded to J.R. Swanson Plumbing Co. Inc., 413-103<sup>rd</sup> Street, Niagara Falls, NY, on August 15, 2016 in an amount of \$35,800.00.

This contract is a structure whereas the contractor would provide estimates for additional work required to meet the 2015 International Mechanical and Plumbing Codes.

Items in this Change Order request are revisions to the original 'scope of work', but necessary to complete the project and to allow for the City to obtain a certification of occupancy.

Funding for this Change Order is available from Casino Funds, earmarked for the City's Economic Development Department. Additionally, partial reimbursement from a New York State ESD Grant is available to offset project cost.

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of \$112,858.82 be approved, bringing the new contract total to \$148,658.82.

Will the Council vote to so approve?

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

Yeas

5

Nays

0

APPROVED

Council Member Scott questioned the Engineer about Change Orders. All Council Members discussed the issue of Change Orders and that we need to monitor funds allocated for Change Orders.

CONTRACT: POTHOLE KILLER, PATCH MANAGEMENT, FUNDING

Agenda Item #7

The Director of the Department of Public Works is recommending that Patch Management, Inc. be engaged once again this year to provide a pothole killer truck, an operator, and 200 tons of materials, service and support to the City to assist the City in the fight against potholes. GPS recordings of all repairs will be provided. This service will commence when weather permits and continue through June 30, 2017. The cost of this service is \$73,500.00. Attached hereto (on file in the City Clerk's Office) is a proposed agreement prepared by Patch Management Inc.

Funding is available from casino revenues.

Will the Council so approve and authorize the Mayor to sign an engagement agreement satisfactory to the Corporation Counsel?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: SPCA, SHELTERING SERVICES, FUNDING

Agenda Item #8

The City's agreement with the SPCA has expired. It is necessary for the City to enter into a new agreement with the SPCA in order for it to continue to provide sheltering services for calendar year 2017. The expired agreement called for the City to pay to the SPCA the sum of \$223,127.00 billed on a monthly basis. The agreement the SPCA now proposes for 2017 will require the City to pay to the SPCA the sum of \$311,269.77 annually to be billed at a monthly rate of \$25,939.15. This would allow the City to be allocated 1,292 kennel days per month; any kennel days in excess of this amount will be billed at the rate of \$23.00 per kennel day per dog over the 1292 allocation.

Attached hereto (on file in the City Clerk's Office) is a summary provided by the SPCA which focuses on the detail involved in arriving at this requested increased contract price. The City presently has budgeted for this service the sum of \$223,127.00 leaving a shortfall of \$88,142.77. This additional dollar amount shortfall is available from casino revenues.

Will the Council so approve and authorize the Mayor to enter into a new agreement with the SPCA for 2017 provided the same is in form and content satisfactory to the Corporation Counsel?

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

Yeas

5

Nays

0

APPROVED

Councilwoman Grandinetti commented that the SPCA needs to remember that they serve the County and that funding should also come from the County.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: BARTLETT, GLENN

Agenda Item #9

Date Claim Filed:	March 11, 2015
Date Action Commenced:	October 14, 2015
Date(s) of Occurrence:	February 8, 2015
Location:	Walnut Avenue & 9 <sup>th</sup> Street
Nature of Claim:	Vehicle he was passenger in was struck by City vehicle.
City Driver:	Brittany Searight
Status of Action:	Trial Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$500,000
Make Check Payable to:	Gibson, McAskill & Crosby, LLP and Glenn Bartlett
Conditions:	General Release and Stipulation of Discontinuance approved by Corporation Counsel.

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve, and authorize the Corporation Counsel to execute any and all documents necessary to effectuate the settlement?

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

Yeas

5

Nays

0

APPROVED

Councilwoman Grandinetti stated that on the advice of the Corporation Counsel Office, she was voting yes.

RESOLUTION: TAXICAB & TAXICAB DRIVERS ORDINANCE, CITIZEN ADVISORY BODY, CREATION

BY: COUNCIL MEMBERS TOMPKINS AND TOUMA

Agenda Item #10

WHEREAS, during its consideration of certain amendments to Chapter 365 of the City Ordinances entitled "Taxicabs and Taxicab Drivers" this City Council was alerted by members of the public to issues which may exist pertaining to the City's issuance of taxicab medallions; and

WHEREAS, this City Council wishes to undertake a review of Chapter 365 as concerns the issuance of taxicab medallions to make certain the medallion issuance process, including the number of authorized medallions, is fair and equitable; and

WHEREAS, prior to making any amendments to Chapter 365, it is desirable for the Niagara Falls City Council to have a thorough understanding of the medallion issue generally and whether or not public convenience and necessity requires an increase in the number of taxicab medallions and taxicabs and whether existing transportation is adequate to meet the public need and the probable effect of increased service on local traffic conditions; and

WHEREAS, to facilitate this, the City Council has determined that it would be prudent to solicit the advice and recommendations from a body consisting of involved City Department Heads and those outside City government to provide it with assistance as to these matters.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 3.6(a) of the City Charter, the City Council of the City of Niagara Falls, New York does hereby create a "Taxicabs and Taxicab Drivers" Ordinance Review body to compliment the effectiveness of this City Council by providing it with advice and recommendations about the number of taxicab medallions which are presently issued, the number of taxicabs operating, and examine the necessity for the issuance of additional medallions as well as any other issues which may arise during the review of the "Taxicabs and Taxicab Drivers" Ordinance; and

BE IT FURTHER RESOLVED that the "Taxicabs and Taxicab Drivers" Ordinance Review body shall consist of no more than seven (7) members to be comprised of the Superintendent of Police or his designee, the Corporation Counsel or his designee, as well as five (5) members of the community who will be selected by and serve at the pleasure of the City Council, for a period ending no later than December 31, 2017 or upon presentation to the City Council of a report of its recommendations or upon like evidence of the attainment of the purpose for which it was established, whichever occurs sooner; and

BE IT FURTHER RESOLVED that the members of this advisory body will not be compensated for their services on the advisory body; and

BE IT FURTHER RESOLVED that the "Taxicabs and Taxicab Drivers" Ordinance Review body will provide advice and recommendations only and be required to submit the same to the City Council as requested by the City Council. The panel will have no formal decision making role, and will have no access to confidential, supervisory or other confidential information.

Yeas 3

Scott, Tompkins, Chairman Walker

Nays 2

Grandinetti, Touma

TABLED

Chairman Walker commented that there should be more information about who would be on the Advisory Board and what they would address.

RESOLUTUION: MARCHISELLI PROGRAM-AID FOR BRIDGE WASHING, 2017-27  
BY: ALL COUNCIL MEMBERS

Agenda Item #11

WHEREAS, a Project for the bridge washing of 13 bridges and deck sealing of 7 bridges P.I.N. 5761.42 (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 bridge washing of 13 bridges and deck sealing of 7 bridges PIN 5761.42.

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

RESOLVED, 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 the sum of \$153,000.00 is hereby appropriated from casino funds and made available to cover the cost of participation in the above phase of the Project; and it is further

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

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

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

RESOLVED, this Resolution shall take effect immediately

Yeas

5

Nays

0

ADOPTED

RESOLUTION: MARCHISELLI PROGRAM-AID, TRANSPORTATION FEDERAL-AID PROJECT, JOHN B. DALY BLVD., NIAGARA ST. TO PINE AVE., 2017-28  
BY: ALL COUNCIL MEMBERS

#### Agenda Item #12

WHEREAS, a Project for the John B. Daly Boulevard, Niagara Street to Pine Avenue, P.I.N. 5755.57 (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 John B. Daly Boulevard, Niagara Street to Pine Avenue.

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

RESOLVED, 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 the sum of \$912,000.00 is hereby appropriated from bond proceeds and made available to cover the cost of participation in the above phase of the Project; and it is further

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

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

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

RESOLVED, this Resolution shall take effect immediately

Yeas

5

Nays

0

ADOPTED

Councilwoman Grandinetti discussed the importance of this Project.

Councilman Touma commented on the positive aspects of the Project.

RESOLUTION: 543 6<sup>TH</sup> STREET, RIGHT OF WAY, ABANDONMENT, 2017-29

BY: ALL COUNCIL MEMBERS

Agenda Item #13

WHEREAS, the City Council of the City of Niagara Falls desires to abandon a portion of the 6<sup>th</sup> Street Right of Way adjacent to 543 - 6<sup>th</sup> Street; (information on file in the City Clerk's Office) and

WHEREAS, the City Council did, by resolution, give notice of its intention to abandon a portion of the aforementioned 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 March 6, 2017 at 6:00 p.m. eastern standard time and advise that all persons interested would be heard on that said time and place; and

WHEREAS, the hearing was duly held on March 6, 2017 at 6:00 p.m. eastern standard 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 6<sup>th</sup> Street Right of Way adjacent to 543 - 6<sup>th</sup> Street, is hereby abandoned, the said abandoned right of way portion subject, however, to reservation of right of and for the City of Niagara Falls, the Niagara Falls Water Board and any utility companies, their successors and assigns to use, maintain, repair, replace and continue to maintain their services and operations in said abandoned right of way. The said right of way portion is bounded and described as follows:

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

Commencing at a point on the easterly right of way of Sixth Street, said point also being the northwest corner of the parcel located at 543 Sixth Street, now or formerly owned by the Walnut Avenue Homes Housing Development Fund as described in the Deed recorded on November 7, 2014 in the Niagara County Clerk's Office as Instrument # 2014-19191, said point of beginning also being 165.50 feet per deed and 165.91 feet as more recently measured, south of the intersection of the South Line of Walnut Avenue with the Easterly Line of 6<sup>th</sup> Street, thence;

1. S 02° 28' 26" E a distance of 131.80 feet along the easterly right of way line of Sixth Street to a point at the southwesterly property corner of 543 Sixth Street, thence;
2. S 87° 31' 34" W a distance of 7.00 feet to a point, thence;
3. N 02° 28' 26" W a distance of 131.80 feet to a point, thence;
4. N 87° 31' 34" E a distance of 7.00 feet to the point of beginning.

Intending to describe a 7-foot-wide abandonment of the right of way totaling ± 0.021 acres from the city of Niagara Falls, NY to Walnut Avenue Homes Housing Development Fund. Said abandonment is shown on the drawing entitled "Walnut Avenue Homes ROW Abandonment", prepared by Passero Associate on December 27, 2016.

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

Yeas

5

Nays

0

ADOPTED

RESOLUTION: PUBLIC MEETINGS, PROTOCOL, COUNCIL MEMBERS

BY: COUNCIL MEMBER TOMPKINS

Agenda Item #14

WHEREAS, this City Council believes that persons attending City Council meetings deserve the time and attention of all Council Members during the course of public meetings; and

WHEREAS, this City Council believes that activated personal electronic devices, such as cell phones, brought to public meetings by Council Members have the potential to distract Council Members from focusing on the business of the people.

NOW, THEREFORE, BE IT RESOLVED that City Council Members refrain from bringing with them activated personal electronic devices of any nature, including cell phones, to any public meetings of this City Council.

Yeas

1

Tompkins

Nays

4

Grandinetti, Scott, Touma, Chairman Walker

DEFEATED

Councilman Scott commented that this issue should be handled In House.

Councilman Tompkins stated that phone records could be Foiled.

Councilman Touma stated that cell phones are a positive addition and used for information gathering.

RESOLUTION: COLORECTAL CANCER AWARENESS MONTH, RECOGNIZING, 2017-30

BY: ALL COUNCIL MEMBERS

Agenda Item #15

THIS WAS VOTED ON AT THE COMMITTEE OF THE WHOLE MEETING

RESOLUTION: NFMMC, FUNDING FOR INFRASTRUCTURE IMPROVEMENTS, 2017-31

BY: ALL COUNCIL MEMBERS

Agenda Item #16

WHEREAS, Niagara Falls Memorial Medical Center (NFMMC) has provided high quality care to those who live and work in Niagara Falls and beyond since its founding in 1895; and

WHEREAS, NFMMC provides the health care and services that our communities need, while also making significant economic contributions to our region; and

WHEREAS, NFMMC has shown tremendous growth over the past 12 years with the construction of The Heart Center of Niagara and the Golisano Center for Community Health while greatly expanding its surgical services, adding six primary care offices and opening a comprehensive wound care center, two OB/GYN centers, a bariatric surgery center and other needed medical services; and

WHEREAS, NFMMC provided an array of inpatient and outpatient services to more than 44,500 people (unduplicated count) in 2015 and again in 2016; and

WHEREAS, according to the economic indicator formula provided by the American Hospital Association, NFMHC's economic impact on Niagara County and the surrounding area is \$275 million annually; and

WHEREAS, NFMHC is a major economic force in the Niagara Region with a significant, stable employment base of 1,200 employees and a steady, consistent job growth record comprising 150 well-paying jobs created during the past four years with 25 more positions to be added by mid-2018; and

WHEREAS, 800 of NFMHC's current employees are represented by and members of 1199SEIU; and

WHEREAS, NFMHC's growth has created an acute parking shortage that will become even more critical with the April opening of a cardiac catheterization laboratory at The Heart Center of Niagara on its downtown campus; and

WHEREAS, that growth has added urgency to the need for NFMHC to replace its aging emergency power generators; and

WHEREAS, NFMHC and 1199SEIU have launched a major joint initiative asking Governor Andrew Cuomo to provide state funding for needed capital and infrastructure improvements; and

WHEREAS the requested funds would renovate and transform NFMHC's aging parking garage and bridge connector into an aesthetically attractive interactive facility that would host medical center and community activities; and

WHEREAS, those funds would also replace Memorial's antiquated emergency power system with a system that would ensure adequate emergency power to meet the healthcare needs of Niagara County residents without interruption and guarantee full capacity to provide for its critical role as a First Responder facility in the event of a public emergency situation; and

WHEREAS, this capital project is an extension of the common goals of Niagara Falls Memorial Medical Center and 1199SEIU to maintain the highest standards of patient safety and satisfaction and meet the needs of our growing community;

NOW, THEREFORE, BE IT

RESOLVED, that the Niagara Falls City Council hereby supports the joint campaign being conducted by NFMHC and 1199SEIU and urges Governor Andrew Cuomo to ensure funding in the 2017/2018 New York State budget for repairs, construction and modernization of Niagara Falls Memorial Medical Center.

Yeas

5

Nays

0

ADOPTED

Councilman Touma stated that the Hospital has done a great job for the Community and they continue to grow and improve.

RESOLUTION: RAISE THE AGE, GOV. CUOMO, 2017-32

BY: ALL COUNCIL MEMBERS

Agenda Item #17

WHEREAS, New York is one of only 2 states in the nation that process all 16 and 17 year-olds in the adult criminal justice system, no matter what their offense, and

WHEREAS the Governor is renewing his call to raise the age once and for all and insure that 16 and 17 years olds are treated as juveniles when they commit crimes to ensure they receive the intervention and evidence based treatment they need, and

WHEREAS, in New York State of the 27,000 teenagers arrested in 2015, approximately 86 percent were arrested for non-violent crimes, under this proposal youth who commit serious crimes will still be held accountable but will have their cases heard by specially trained judges, while those who commit certain less serious crimes will have their cases heard in Family Court, and



WHEREAS, without age-appropriate facilities, teenagers face a greater risk of being assaulted, being victims of sexual violence, and committing suicide they are 34 percent more likely to be re-arrested for violent and other crimes than youth retained in the youth justice system, and

WHEREAS, under the Governor's proposal youth ages 16 to 17 will be treated as juveniles and will receive the intervention and evidence-based treatment they need.

NOW THEREFORE we the Niagara Falls City Council on behalf of the citizens of Niagara Falls New York do hereby support the Raise the Age proposal, as we believe this will change the game for youth ages 16 to 17, that are count in the court system with another out. And we also ask that a copy of this resolution be sent to the Governor Coumo, Assemblyman Morinello, and State Senator Ortt.

Yeas	4
Grandinetti, Scott, Touma, Chairman Walker	
Nays	0
Abstain	1
Tompkins	

ADOPTED

RESOLUTION: SCHOOL BOARD ELECTION/BUDGET, POLLING PLACES, 2017-33  
BY: ALL COUNCIL MEMBERS

Agenda Item #18

WHEREAS, the annual Niagara Falls City School District election will be held on Tuesday, May 16, 2017; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council does hereby approve the request outlined in the attached letter (on file in the City Clerk's Office) from the Niagara Falls City School District.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: YOUTH BOARD, REAPPOINTMENT, 2017-34  
BY: ALL COUNCIL MEMBERS

Agenda Item #19

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 his name:

REAPPOINTMENT:	TERM EXPIRES:
Rick Williams	12/31/2019
2761 Falls Street	
Niagara Falls, NY 14303	

Yeas	5
Nays	0

ADOPTED

RESOLUTION: SNOW REMOVAL, THANKING AGENCIES, 2017-35  
BY: ALL COUNCIL MEMBERS

Agenda Item #20

WHEREAS, the City of Niagara Falls was hit hard by the recent wind and snow storm; and

WHEREAS, without help from the following agencies, it would have been difficult to clean up our city so quickly; New York State Department of Transportation, Niagara County Emergency Management office, Office of New York State Governor Cuomo, Erie County, and Town of Clarence, NY

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that this City Council does hereby thank all agencies for their assistance, manpower and equipment, as well as our Department of Public Works Department, under the direction of Mr. John Caso for their extraordinary response during the clean-up efforts to help make our streets safe.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: TAXICABS AND TAXICAB DRIVERS, AMENDING  
BY: COUNCIL MEMBERS GRANDINETTI, SCOTT, TOMPKINS, TOUMA

Agenda Item #21

THIS ITEM WAS PULLED FROM THE AGENDA  
NO ACTION TAKEN

There being no further business to come before the Council,  
Chairman Walker adjourned the Meeting at 7:35 P.M.

Lisa A. Vitello  
City Clerk



APRIL 3, 2017

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

---

The first session of the April 3, 2017 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:00 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and 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 Grandinetti moved to approve the Minutes from the Council Meeting of March 20, 2017.

Yeas

5

Nays

0

APPROVED

Presentation by Destination Niagara USA (NTCC)

John Percy President & CEO, gave a presentation on the new brand launch and marketing film created by Destination Niagara USA.

Andrea Czopp, Director of Communications for Destination Niagara distributed a flyer to Councilmembers which outlined the economic impact of tourism in Niagara County.

Mr. Percy gave a breakdown of the brand and explained the regional approach to tourism. He also explained the name change from Niagara Tourism and Convention Corporation to **Destination Niagara USA**.

Mr. Percy also gave a video presentation describing the new apps that are available to direct tourists to sites all over the county.

Chairman Walker asked what steps would be taken to connect the tourist district to the rest of the city. Mr. Percy explained that the new apps will allow tourists to share the places they have visited in the county, pictures and opinions, stating that this will connect tourists to sites they may not have known about.

Mr. Percy concluded by stating that the new brand is already extremely successful and that his organization will continue to work creatively and diligently to promote Niagara Falls as one of the world's most important tourist destinations.

City Controller Daniel Morello gave a presentation on the current state of the budget in light of possible issues with Casino funding. His presentation included, Parking revenue, credit card fees, general fund balances, overtime in certain departments, the train station budget and overtime costs, preliminary fund budget report, casino spending and 2016 balances and reserves for the 2018 budget.

Councilman Touma stated that the city must continue to be aggressive in regards to parking revenue.

Councilman Tompkins inquired about overtime budgets for the year in regards to certain departments who may be approaching their overtime limits. The Controller explained that the majority of the overtime was due to storm clean-up efforts.

Councilman Touma stated that the Council must be made aware of overtime costs. Councilman Tompkins asked about overtime costs at the train station. The Controller stated that overtime costs would improve now that staffing is at a proper level.

Councilman Tompkins inquired about Casino funds, current reserves and expenditures.

Councilman Tompkins inquired about the danger of low fund balances.

The Controller explained that some of this will be alleviated with parking revenues which is a new revenue source that did not exist when the city faced this problem in past years.

#### **Administrative updates**

Chief Thomas Colangelo (acting administrator) spoke about the training tower grant.

The Mayor announced a time line for spring activities, including fishing, boat launches, pot hole patching, zipper maintenance, the Easter Egg Hunt for children and the stocking of Hyde Park Lake. The Mayor also gave a time line for the Robert Moses Parkway North project which will include complete reconstruction of Whirlpool St. The Mayor also addressed illegal dumping near Gill Creek and reviewed trash pick-up procedures.

Chairman Walker asked about upgrades to city parks. Seth Piccirillo, Community Development Director, gave an update stating that work will be done at 70<sup>th</sup> St, Jerauld Park, Hyde Park, Highland Avenue Pocket Park, 91<sup>st</sup> St and restrooms at Gill Creek.

Councilman Tompkins inquired about contract negotiations with the firefighters as well as other union contracts.

Councilman Touma asked about the details regarding the firefighters contract.

The Mayor explained that complete details would be available to Council.

Councilman Touma stated that the council would like input on the negotiations.

Chairman Walker asked about progress regarding the concerns of NOAH and their ongoing efforts for training and job placement.

The Mayor stated that the administration and all involved are working diligently to promote such programs.

Chairman Walker reiterated the need for such training and job placement programs.

Corporation Counsel Craig Johnson distributed an addition to the agenda.

1. A communication relative for the utilization of parking lots for Niagara Falls Memorial Medical Center employees.

Councilman Touma moved to add this Communication to the Agenda

It was seconded by Councilwoman Grandinetti

Yeas

5

Nays

0

Motion to add item to the agenda approved

The Communication was added to the Agenda as #11.

This session ended at 6:10 PM

Chairman Walker reconvened the Meeting at 6:20 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Grandinetti and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

Tim Huether	Agenda Items #5, #9
Jeff Flack	Agenda Item #10
Eric Dixon	Agenda Item #4
Ron Anderluh	Tourist season; traffic control; downtown parking
Greg Myles	NOAH; CBA
Rev. Joanne Scott	NOAH

Michael Henderson	Block Club Meetings; election
Ken Hamilton	Parking; UBER; Basketball Courts
Jamie Caldwell	Casino Money
Robert Ventry	Listening skills; Casino Money

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: FIREWORKS DISPLAY, SKYLIGHTERS FIREWORKS OF NY

Agenda Item #1

We respectfully request you award a contract for a fireworks display as follows:

TO: Skylighters Fireworks of New York, LLC  
P.O. Box 1357  
Orchard Park, NY 14127  
FOR: Fireworks displays on July 4, 2017 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 five (5) companies. The proposal submitted by Skylighters Fireworks was the only proposal received by the bid opening deadline. After reviewing this proposal, it was determined that Skylighters Fireworks has met all the specifications required in Request for Proposal # 2017-06.

Funds are available in the Tourism Fund account code T.6410.0000.0449.599.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: TROLLEY SERVICE, NFTA

Agenda Item #2

It is desirable to continue again this year Trolley Service in the City in cooperation with the Niagara Frontier Transportation Authority. It is recommended that Trolley Service commence on May 19, 2017 and conclude October 29, 2017. During the month of May, 2017, from May 19, 2017 through May 28, 2017, the Trolley Service will operate on weekends only (Friday, Saturday and Sunday) plus Memorial Day, May 29, 2017. Trolley service from May 29, 2017 through October 5, 2017 will be on a daily basis. From October 6, 2017 through October 29, 2017, trolley service will be on weekends only (Friday, Saturday, and Sunday). From November 1, 2017 through December 31, 2017, NFTA validated passes may be utilized for all metro routes. The cost to the City for this service will be \$566,300. This will be subject to the terms and conditions contained in an agreement subject to approval by the Corporation Counsel which will also contain a route for service. Funding is available from the Tourism Fund balance.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

DEPARTMENT OF HOMELAND SECURITY, SECURITY GRANT PROGRAM

Agenda Item #3

The City has been notified that it has been selected as the recipient of a \$92,000.00 GRANT award from the DHS State Homeland Security Grant Program which is administered by the New York State Division of Homeland Security and Emergency Services. Attached hereto (on file in the City Clerk's Office) is a letter detailing the parameters of the Grant. This funding is provided to improve and develop tactical team capabilities through equipment, training, exercise and planning projects that support counter-terrorism missions in our jurisdiction. This is pursuant to a regional partnership with the Niagara County Sherriff's Office, City of North Tonawanda Police Department, City of Buffalo Police Department, New York State Police Bomb Squad, New York State Parks Police and Customs and Border Protection and, Immigration and Customs Enforcement. This will require that the City enter into an Inter-Municipal Agreement.

Will the Council approve the grant award and authorize the Mayor to execute any documents required to accept the grant award, inclusive of an Inter-Municipal Agreement, provided the same are in form and content satisfactory to the Corporation Counsel?

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

Yeas

5

Nays

0

APPROVED

CATARACT LITTLE LOOP FOOTBALL ASSOCIATION, CONTRIBUTION

Agenda Item #4

It is requested that the City contribute the sum of \$15,000.00 toward the expenses incurred in operating the Cataract Little Loop Football Association Inc. youth travel football program this year. This is part of the "Pop Warner" travel football program. This team, consisting primarily of City youth, competes in various locations.

Funding is available from tourism fund balance.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

Councilman Touma also commented on the importance of this program.

Councilwoman Grandinetti commented on the success of CLL Program.

CONTRACT: HIGHLAND AVE., 3625, ADDITIONAL ELECTRICAL WORK, CIR ELECTRICAL CONSTRUCTION CORP.

Agenda Item #5

A contract for the above referenced project was awarded to CIR Electrical Construction Corp. 400 Ingham Avenue, Buffalo, NY, on August 15, 2016 in an amount of \$129,000.00.

The focus of the Base Bid work was to energize the three buildings, test and investigate and repair specific existing electrical components. During the course of the work, the contractor encountered differing site conditions associated with making the buildings code compliant to ensure a Certification of Occupancy (CO) and other repairs or replacements that are based on contractual bid unit pricing.

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of \$37,695.00 be approved, bring the new contract total to \$166,695.00 Sufficient casino funding presently exist in the City's Economic Development Department project fund for 3625 Highland Avenue Business Park, previously approved by City Council.

Will the council vote to so approve?

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

Yeas

5

Nays

0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: STATE FARM INSURANCE COMPANY A/S/O TERRANA, SHEILA

Agenda Item #6

Date Claim Filed:	March 26, 2014
Date Action Commenced:	January 27, 2015
Date of Occurrence:	March 16, 2014
Location:	Pine Avenue & 33 <sup>rd</sup> Street
Nature of Claim:	Damages to vehicle when struck by City vehicle
City Driver:	Vincent Jackson
Status of Action:	Post-Liability Trial Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$1,574.00
Make Check Payable to:	Handelman, Witkowicz & Levitsky, LLP
Conditions:	Stipulation of Discontinuance and 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 Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

CLAIM: ESCHBORN, DAVID AS PARENT OF ESCHBORN, KYLE

Agenda Item #7

Date Claim Filed:	October 5, 2011
Date Action Commenced:	January 12, 2012
Date of Occurrence:	July 25, 2011
Location:	Porter Road near Robbins Road
Nature of Claim:	Injuries sustained when City vehicle collided with Kyle while he was riding his bicycle
City Driver:	Robert L. Simpson
Status of Action:	Post-Liability Trial Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$15,000.00
Make Check Payable to:	Ramos & Ramos as attorneys and Kyle A. Eschborn
Conditions:	Stipulation of Discontinuance and 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 Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

RESOLUTION: SENIOR CITIZEN COUNCIL, APPOINTMENT, 2017-36

BY: ALL COUNCIL MEMBERS

Agenda Item #8

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Senior Citizen Council, effective immediately, for the term expiring on the date which appears opposite his name (letter on file in the City Clerk's Office):

APPOINTMENT:

TERM EXPIRES:

Angelo Ciruolo

12/31/2019

8215 Lindbergh Avenue

Niagara Falls, NY 14304

Yeas

5

Nays

0

ADOPTED

RESOLUTION: HOME RULE REQUEST, SPEED LIMIT, 2017-37

BY: ALL COUNCIL MEMBERS

Agenda Item #9

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. S402, as attached hereto (on file in the City Clerk's Office), and Assemblyman Angelo Morinello introduced Assembly Bill A5548, as attached hereto, which would authorize and empower the City of Niagara Falls to lower the speed limit to not less than 25 miles per hour in its downtown area in furtherance of projects to attract new investment in said downtown area as described in both bills; and

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

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby recognize, acknowledge and support the enactment by the New York State Legislature of Senate Bill No. S402 and Assembly Bill A5548, entitled "An Act Relating to Authorizing the City of Niagara Falls, County of Niagara, to Reduce the Speed Limit in Downtown Niagara Falls", and this City Council declares that a necessity exists for the enactment of such legislation; and

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

Yeas

5

Nays

0

ADOPTED

RESOLUTION: SHORT-TERM RENTAL UNITS, AMENDING ORDINANCE, 2017-38  
BY: COUNCIL MEMBERS GRANDINETTI, TOMPKINS, TOUMA

Agenda Item #10

WHEREAS, the Planning Board has recommended that Chapter 1328 of the Codified Zoning Ordinances be amended by adding a new subdivision 13; and

WHEREAS, a copy of the Planning Board's recommendation is attached hereto (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 a public hearing be held relative to the adoption of an amendment to Chapter 1328 of the Codified Zoning Ordinance relative to Short-Term Rental Units, said public hearing to be held at a meeting of the Council to be held in the Council Chambers in City Hall on April 17, 2017 at 6:00 p.m. Eastern Daylight Time, and the City Clerk is hereby directed to publish notice of said public hearing in the official newspaper prior to April 17, 2017.

Yeas	4
Scott, Tompkins, Touma, Chairman Walker	
Nays	0
Abstain	1
Grandinetti	

ADOPTED

Councilman Touma stated this item was to call for a Public Hearing

CONTRACT: WALNUT AVE., 805, FERRY AVE., 802, CITY OWNED LOTS, PARKING

Agenda Item #11

The Niagara Falls Memorial Medical Center ("NFMMC") is commencing a substantial renovation project to its parking garage. During this renovation, the number of available parking spaces in the garage will be restricted. NFMMC would like those spaces to be available to accommodate the hospital's patients and those visiting the hospital. Therefore, NFMMC is requesting that the City allow hospital employees to park in the City owned lots located at 805 Walnut Avenue and 802 Ferry Avenue on an as-needed basis during the renovation project which is expected to begin on or about April 5, 2017 and conclude in late September 2017. Attached (on file in the City Clerk's Office) is a copy of NFMMC's request. The City does not utilize these lots for any purpose. NFMMC is not proposing to pay the City for the utilization of these lots but will provide insurance and will indemnify the City.

Will the Council so approve and authorize the Mayor to execute an Access and Utilization Agreement provided the same is in form and substance acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0

APPROVED

There being no further business to come before the Council,  
Chairman Walker adjourned the Meeting at 7:15 P.M.

Lisa A. Vitello  
City Clerk



APRIL 17, 2017

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

---

The first session of the April 17, 2017 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:10 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and 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 Grandinetti moved to approve the Minutes from the Council Meeting of April 3, 2017.

Yeas

5

Nays

0

APPROVED

Chief Brian DalPorto gave an update about a recent incident on Pine Avenue stating that although there was a homicide in that vicinity crime rates in the City overall are in decline.

The Chief thanked the residents of that neighborhood for their help and assistance.

The Chief also dispelled rumors that the Cleveland murder suspect was headed to Niagara Falls stating that despite face book posts to the contrary there was no credible evidence that the suspect was in the State of New York or headed to Niagara County. The Chief did state that the city was on high alert for any new information regarding this individual.

Councilmember Kristen Grandinetti moved to amend item # 21 to move the Item to the Committee of the Whole Meeting.

Yeas

5

Nays

0

The item was amended and approved

RESOLUTION: POLICE DEPARTMENT OFFICERS, RECOGNITION, 2017-42  
BY: COUNCILWOMAN GRANDINETTI

Agenda Item #21

WHEREAS, on February 4, 2017, Officers John Marcyan and Officer Wayne General responded to a call of an adult male holding several of his young children hostages in a room of a residence; and

WHEREAS, The NFPD Crisis Negotiator Team, Det. Capt Ted Weed, Officer Charles Fink, Officer Sandy Arist did arrive on scene. Det. Captain Weed was the first team member to arrive on scene. At this point the team observed the male sitting on a bed with two children ages 5 and 2. The male was holding a pocket knife in his hand up to his daughter's throat. The other daughter was sitting right next to him still in harm's way; and

WHEREAS, the quick actions and professionalism of responding Lt. Tedesco, Officers General, and Marcyan allowed for the critical response and expertise of the Crisis Negotiator Team. The Crisis Negotiators Fink and Arist quickly gained critical information that allowed for the safe release of the hostages. Det. Capt. Weed's calm demeanor, professionalism, and skill as a negotiator in the face of extreme danger to himself and the children is far "above and beyond" the call of duty; and

WHEREAS, the actions of all officers, especially Det. Capt. Weed, saved the lives of the two children and the male. The Niagara County District Attorney's Office praised the work of all the officers especially Det. Capt. Weed.

NOW, THEREFORE, BE IT RESOLVED, that Det., Captain Ted Weed, Lt. James Tedesco, Officers; John Marcyan, Wayne General, Charles Fink and Sandy Arist be recognized for their timely and heroic efforts which resulted in a positive outcome to this unfortunate situation. These individuals exemplify the professionalism of the Niagara Falls Police Department and are a credit to both the Department and the City.

Yeas

5

Nays

0

ADOPTED

Chief DalPorto read the resolution in honor of the officers. Councilwoman Grandinetti was joined by the remaining Council Members to hand out the awards and congratulate the officers.

Councilman Scott inquired about the time frame for demolitions.

Councilman Touma asked the City Administrator for an update on the camera and security systems.

Councilman Tompkins asked if there were any incidents involving the security cameras. The Councilman also asked for an update involving tree removal and sidewalk repair.

The City Administrator stated that the city has hundreds of tree removal projects and prioritizes them based on safety concerns.

Na Ria Westbrook, a young resident, asked the Council if holding fundraisers in Gluck Park was a possibility.

Thomas DeSantis, the City Planner, gave information to the Council regarding vacation rentals, and explained the differences between entities such as Airbnb and Bed and Breakfast establishments.

Chairman Walker stated that vacation rentals should be zoned.

Mr. DeSantis explained that enforcement of codes and ordinances would be more efficient if vacation rentals were approved city wide requiring all establishments to abide by the same standards.

Councilman Touma stressed the importance of passing a vacation rental ordinance stating that Niagara Falls has a great opportunity to welcome visitors and improve the economy.

Mr. DeSantis stated that vacation rental property is definitely a positive land use tool.

Seth Piccirillo, Director of Community Development, spoke to Council about renovated properties stating that there is increased interest in renovating properties for this use. Neighborhoods welcome this type of establishment. Mr. Piccirillo also discussed direct financial benefit from renovating homes for vacation rentals.

Councilman Tompkins asked if owner occupied properties are preferred when creating a vacation rental market.

Mr. Piccirillo stated that the condition of the property is key to the success of any vacation rental.

Councilman Scott asked about the procedure for purchasing properties through Community Development.

Corporation Counsel Craig Johnson distributed a resolution to be added to the Agenda.

1. Resolution relative to Great Lakes and St. Lawrence Federal Restoration Funding

Councilwoman Grandinetti moved to add this Resolution to the agenda.

Councilman Touma seconded the motion.

Yeas

5

Nays

0

Motion to add Resolution to Agenda Approved  
The Resolution was added to the Agenda as #25

Corporation Counsel Craig Johnson also called for a Resolution to be removed from the Table from the March 20, 2017 Council Meeting, relative to the creation of a Citizen Advisory Body to provide advice and recommendations to the City Council regarding Chapter 365 of the City Ordinances "Taxicab and Taxicab Drivers"

Council Member Tompkins moved to Remove from the Table

Yeas

5

Nays

0

Motion to remove Item from the Table Approved

The Item was added to the Agenda as #26

This Session ended at 5:50 PM

Chairman Walker reconvened the Meeting at 6:20 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Scott and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Chairman Walker announced a Special Order of Business, a Public Hearing relative to Amending Chapter 1328 of the Codified Ordinances by adding a new Subdivision 1328.13 "Short-Term Rental Units" and asked if there were any speakers relative thereto.

The following spoke:

Sheila Zuni	Merle Smouse
Diane Tattersall	Michael Murphy
Bob Pascoal	Carroll Reetz
Lou Rizzo	James Abbondazza
Jeff Flach	David Abbondanza
Mary Leahy	Tina Galyn
Maryann Harvey	

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

Tim Huether	Agenda Items #7, #9, #19
Damon DeCastro	Agenda Item #17
Ken Hamilton	Agenda Item #17
Idriss Cisse	Agenda Item #17
Pat Proctor	Parking Ramps
Na'Ria Westbrook	Gluck Park Playground
Ken Hamilton	various topics
Cheryl Johnpur	Taxicabs

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S CLAIMS FOR THE MONTH OF MARCH 2017

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF MARCH 2017

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: MEALS FOR PRISIONERS, PSNF INC., D/B/A MCDONALDS

Agenda Item #3

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

TO: PSNF Inc. d/b/a McDonald's  
1726 Pine Avenue  
Niagara Falls, NY 14301

FOR: Meals for prisoners at the Municipal Services Building:  
Breakfast (est. 3,000) \$1.00  
Lunch (est. 6,700) \$1.65  
Supper (est. 2,200) \$1.65  
Diabetic Request (est. 10) \$0.50  
(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 (on file in the City Clerk's Office) were to be received was advertised in the Niagara Gazette and bids were sent to four (4) vendors. Three (3) bids were received. Frankie's Donuts and Submariner's submitted the other bids. This contract will be in effect for one year from date of award.

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

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: STREET MILLINGS, SALE, LAFARGE NORTH AMERICA, INC.

Agenda Item #4

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

TO: LaFarge North America, Inc.  
75 Pineview Drive  
Amherst, NY 14228

FOR: Sale of approximately 37,785 tons of street millings generated during the 2017 paving season: \$ 2.00/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 (on file in the City Clerk's Office) were sent to nine (9) vendors. Three (3) bids were received as well as one (1) recusal. The above referenced company submitted the highest price for the millings. The two (2) other bids that were received were from Modern Corporation at -\$.25/ton and Santarosa Holdings/Buffalo Fuel Corporation at \$ 1.20/ton.

Will the Council so approve?

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

Yeas

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Nays

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APPROVED

CITY PROPERTY: CEDAR AVE., 326, TERMS

Agenda Item #5

On July 25, 2016, the City Council approved the sale of 326 Cedar Avenue to Buffalove Development for \$10,000.00. The purpose of this agenda item is to approve the terms of sale.

Buffalove Development, LLC will be the developer of the site. A wholly owned subsidiary, Little Wheel Holdings, LLC, will hold title to the property.

The costs of the City will be paid from the sale proceeds, and will include \$750.00 for a title search.

The property was acquired by the City in tax foreclosure in January, 2016. The sale will be subject to payment of the 2016 School Tax base amount (\$134.03) and the 2016 City Tax base amount (\$124.10).

Will the Council vote to approve the terms presented herein and to authorize the Mayor to execute the deed and any documents necessary to effectuate the transfer?

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

Yeas

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Nays

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APPROVED

CODE ENFORCEMENT: EXPENSES INCURRED IN REPAIR, DEMOLITION OR BOARD OF STRUCTURES WITHIN THE CITY

Agenda Item #6

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 Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas

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Nays

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APPROVED

NFPD: COMMUNITY LIAISON POSITIONS, FUNDING

Agenda Item #7

The Superintendent of Police advises that NFPD has two Community Liaisons that provide an important service to the NFPD and the City. These liaisons have been paid from grant money. That grant has now been exhausted. It is recommended that these positions not be eliminated.



The Superintendent of Police further advises that there is money remaining from a Business District Initiative funding line that was provided to NFPD in the past. These unused dollars did not fall to fund balance because the source of the funds was casino revenues. It is requested that \$23,000.00 be transferred out of this line (S.3120.2787) to S.3120.2785 in order to keep these Community Liaisons employed for the balance of 2017. This will also cover a \$6,000.00 deficit that has been incurred. It should be noted that NFPD is in the process of applying for an Edward Byrne Justice Assistance Grant for years 2017/2018 as a source of future funding for these positions.

Will the Council so approve?

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

Yeas

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Nays

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APPROVED

CONTROLLER: AUDITS, TROY & BANKS CONSULTANTS LLC

#### Agenda Item #8

The City Controller is recommending that the City engage the firm of Troy & Banks Consultants LLC to perform audits on the fees received by the City pursuant to the Cable Franchise Agreement as well as the taxes remitted to the City pursuant to the Gross Receipts Utility Tax local law. It has been quite some time since audits of this nature were performed.

The compensation paid to Troy & Banks Consultants LLC will be in the nature of a contingency fee of 40% of any underpayment recovery. If no underpayments are identified, there will be no fees owed. Attached hereto (on file in the City Clerk's Office) are proposed agreements to employ Troy & Banks Consultants LLC.

Will the Council so approve and authorize the Mayor to sign any agreements provided the same are approved by the Corporation Counsel?

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

Yeas

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Nays

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APPROVED

CONTRACT: HIGHLAND AVE., 3625, WINDOWS/DOORS  
REHABILITATION/REPLACEMENT, ALLSTATE GENERAL CONTRACTING INC.

#### Agenda Item #9

The following is the result of bids received on March 27, 2017 for the above referenced project:

CONTRACTOR	BASE BID	ALT. #1
Allstate General Contracting Inc. 31 Ransier Drive West Seneca NY 14224	\$299,664.00	\$64,540.00
Walter S. Johnson Building Co. Inc.	\$346,450.00	\$70,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Allstate General Contracting Inc. at their Base Bid and Alternate #1 of \$364,204.00. Funding from the City's Economic Development Department has been earmarked for this project from Casino Funds. Additionally, partial reimbursement from a New York State Grant will offset some of the costs associated with 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 Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas

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Nays

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APPROVED

CONTRACT: FIRE DEPARTMENT OFFICER'S ASSOCIATION, LOCAL 3359

Agenda Item #10

Attached (on file in the City Clerk's Office), please find the proposed 2014 Memorandum of Agreement between the City of Niagara Falls and the Niagara Falls Fire Department Officer's Association, Local 3359. This proposed agreement is an extension of the party's collective bargaining agreement.

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

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

Yeas

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Nays

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APPROVED

Councilman Touma discussed savings and stability for the Fire Dept. Councilwoman Grandinetti read a statement of support for the Contract. All Council Members discussed positive aspects of the Contract.

CONTRACT: UNIFORM FIREFIGHTER'S ASSOCIATION, LOCAL 714

Agenda Item #11

Attached (on file in the City Clerk's Office), please find the proposed 2014 Memorandum of Agreement between the City of Niagara Falls and the Niagara Falls Uniform Firefighter's Association, Local 714. This proposed agreement is an extension of the party's collective bargaining agreement.

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

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

Yeas

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Nays

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APPROVED

COMMUNITY DEVELOPMENT: JERAULD AVENUE PARK, EQUIPMENT/INSTALLATION, PURCHASE

Agenda Item #12

It is the administration's recommendation that the purchase of Jerauld Avenue Park equipment and the purchase and installation of Jerauld Avenue Playground safety surfacing 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). The total amount that the Niagara Falls City Council is being asked to authorize is as detailed below.

Item	Cost
Equipment Purchase	\$66,557.33
Safety Surfacing and Installation	\$38,335
Total	<b>\$104,892.33</b>

The Jerauld Avenue Improvement Project will not require any municipal general fund or casino capital fund revenue. The entire project, including the purchase of equipment and installation, will be funded by United States Department of Housing and Urban Development Community Development Block Grant (CDBG) grant funds.

The proposed playground will replace the existing, outdated facility, and will be located within the park. An adult exercise station pad and bench seating will also be installed. Equipment purchase is included in this request. The Niagara Falls Community Development Department (CD) partnered with the Hyde Park East and West Block Clubs on this project, meeting in both 2016 and 2017 to discuss the project. Final placement of the playground footprint and exercise pad will result from staking out equipment/safety pad dimensions, and receiving feedback from both neighboring residents and the Niagara Falls Police Department. The overall goal of this improvement project is to provide park upgrades for the first time in decades at Jerauld Avenue Park, and to provide amenities that reflect the surrounding neighborhood.

The Niagara Falls City Council approved the Jerauld Avenue Park Improvement Project as part of the 2016 CDBG Action Plan. Beyond the aforementioned purchase of equipment and purchase installation of safety surfacing, final equipment installation will be bid, per municipal procurement law, and funded with CDBG funds.

This project is part of CD and the City of Niagara Falls' continuing effort to increase and improve youth facilities and services in our community. Improvement at Jerauld Avenue Park are consistent with the adopted Niagara Falls Parks Master Plan.

Will the Council vote to so approve and authorize the Mayor to execute a contract for the purchase and limited installation of this equipment, in a form acceptable to the Corporation Counsel?

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

Yeas

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Nays

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APPROVED

#### COMMUNITY DEVELOPMENT: DOG PARK PROJECT, EQUIPMENT PURCHASE

##### Agenda Item #13

It is the administration's recommendation that equipment for the Niagara Falls Dog Park Project be purchased from 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). The total amount that the Niagara Falls City Council is being asked to authorize is detailed below.

Item	Cost
Equipment Purchase	\$17,042.25
<b>Total</b>	<b>\$17,042.25</b>

Construction of this project will not require any municipal general fund or casino capital fund revenue. The entire project, including the purchase of equipment and installation, will be funded by United States Department of Housing and Urban Development Community Development Block Grant (CDBG) grant funds.

Over the past two years, Niagara Falls Community Development (CD) and the City of Niagara Falls has been working with the Niagara Falls Dog Park resident group and the New York State Department of Parks, Recreation and Historic Preservation to create a dog park within the City of Niagara Falls. The proposed DeVeaux Woods State Park site provides the City of Niagara Falls with the ability to execute this project in a timely fashion while not having to utilize city park space or build out additional infrastructure in support of a new facility. The City of Niagara Falls will be responsible for the construction of the dog park features, the New York State Department of Parks, Recreation and Historic Preservation will be responsible for long term maintenance and capital repairs, and routine maintenance duties will be established via legal agreement. Such precedent established at DeVeaux Woods State Park with the public ice skating rink.

Utilization of DeVeaux Woods State Park for the proposed dog park will also build off of other ongoing investment. The New York State Department of Parks, Recreation and Historic Preservation is installing a new playground at the park in addition to hosting Whirlpool Little League Baseball. This partnership with New York State will create more opportunities for local Niagara Falls residents to enjoy this greenspace.

The Niagara Falls City Council approved the Niagara Falls Dog Park Project as part of the 2016 CDBG Action Plan. Beyond the aforementioned purchase of equipment and purchase installation of equipment will be bid, per municipal procurement law, and funded with CDBG funds.

This project is part of CD and the City of Niagara Falls' continuing effort to enhance park spaces in our community. Creation of a dog park is consistent with the adopted Niagara Falls Parks Master Plan.

Will the Council vote to so approve and authorize the Mayor to execute a contract for the purchase and limited installation of this equipment, in a form acceptable to the Corporation Counsel?

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

Yeas

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Nays

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APPROVED

Councilman Tompkins inquired as to the location. He asked if it should be more centralized.

Councilman Touma also stated he felt location could have been different but was satisfied with the savings.

CITY PROPERTY: FERRY AVENUE, 3625, SALE, RICKARD, CATHERINE

#### Agenda Item #14

The Niagara Falls Community Development Department hosted Home Ownership Auctions in 2013, 2015 and 2016, with the following guidelines:

- Successful bidders must agree to own and live in the home as prime occupant for no less than five years and pay all applicable property taxes.
- Successful bidders must submit a renovation plan, designating work to be completed by the owner and/or contractors, as well as possess the financial ability to execute the renovation prior to completing the sale agreement with the City of Niagara Falls.
- If the above terms are not met after the purchase of the property, ownership will revert back to the City of Niagara Falls.
- Beginning with the 2015 Home Ownership, successful bidders were required to pay a bidder's fee and a bidder bond of \$500. The bidder bond is to only be returned upon the completion of the renovation.

All Home Ownership Auction properties are required to receive sale recommendation for the Niagara Falls Planning Department and sale approval from the Niagara Falls City Council. As this process deals with long vacant properties, with long standing title/lien issues, and major renovation needs, unforeseen search issues and discrepancies occur. Despite these unforeseen issues, the process has led to successful renovations and sale closings on vacant properties. The Niagara Falls Community Development Department requests Niagara Falls City Council approval of the following revision, for the stated reason, in the pursuit of successful renovation and occupancy.

3625 Ferry Avenue

The successful bidder has decided not to pursue ownership and renovation, thus forfeiting the bidder bond and auction fee. Catherine Richard, a home owner occupying 3621 Ferry Avenue, has made an offer of \$4,000 for the property. She plans to renovate the home, to be occupied by a family member. It is CD's opinion that such a purchase and renovation is within the spirit of the Home Ownership Auction process.

Will the Council vote to approve the sale revision presented herein and to authorize the Mayor to execute any necessary documents?

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

Yeas

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Nays

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APPROVED

Chairman Walker asked about the process for acquiring property. Community Development Director, Seth Piccirillo, explained the process. Councilman Tompkins asked if the property is put up for auction. Chairman Walker stated that residents have voiced concerns about the process.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: GEICO GENERAL INSURANCE COMPANY

Agenda Item #15

Date Claim Filed:	N/A
Date Action Commenced:	July 8, 2013
Date of Occurrence:	January 18, 2013
Location:	Intersection of 11 <sup>th</sup> Street and Niagara Avenue
Nature of Claim:	The City was previously found liable for this accident. Due to the weight of the City vehicle, the insurance company is allowed to commence an arbitration action to recover its no fault payments to its insured.
City Driver:	John Rosino
Status of Action:	Arbitration Award
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$5,389.61
Make Check Payable to:	GEICO General Insurance Company
Conditions:	N/A

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 Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas

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Nays

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APPROVED

CLAIM: GIBBS, FELIX

Agenda Item #16

Date Claim Filed:	April 26, 2016
Date Action Commenced:	June 15, 2016
Date of Occurrence:	March 2, 2015
Location:	N/A
Nature of Claim:	False arrest and Malicious Prosecution
City Driver:	N/A
Status of Action:	Discovery Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$7,500.00
Make Check Payable to:	DeMarie & Schoenborn, P.C. and Felix E. Gibbs
Conditions:	Stipulation of Discontinuance and 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 Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas

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Nays

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APPROVED

RESOLUTION: TAXICABS/TAXICAB DRIVERS, AMENDING ORDINANCE  
BY: COUNCIL MEMBERS TOMPKINS, TOUMA

Agenda Item #17

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 365 of the Codified Ordinances entitled Taxicabs and Taxicab Drivers is hereby amended to read as follows on the following pages:

April 17, 2017 Amendments

Change the definition of "Livery"

Amendments as shown as underscored language to be added or bracketed language to be removed from Sections 365.11, 365.20, 365.21, 365.24 and 365.32.

CHAPTER 365

Taxicabs, [and] Taxicab Drivers, Liveries and Livery Drivers

365.00 Legislative Findings and	365.23C Consideration	of
Declarations.	Application.	
	365.24 Issuance	of
	License;	
365.01 Definitions.	Duration and Annual Fee.	
365.02 Taxicab Medallion and	365.25 License Period.	
Registration Permit Required;	365.26 Display of License.	
<u>Livery Registration and</u>	365.27 Dress, Behavior and Grooming of	
<u>Permit Required</u>	Taxicab Drivers <u>and Livery Drivers</u>	
365.03 Applicability of Chapter.	and Use of Radio.	
365.04 Number of Taxicab Medallions	365.28 Suspension and Revocation of	
Limited.	Driver's license.	
365.05 Public Hearing.		
365.06 Application for Taxicab Medallions	365.29 Notice to Driver.	
and Driver's Licenses <u>for Taxicab</u>	365.30 Failure to Comply with City,	
<u>and Livery.</u>	State and Federal Laws.	

365.07Taxicab Medallion.	365.31 Designation of Taxicabs.
365.08Transferability of Taxicab Medallions.	365.32 Taximeter Required.
365.09Medallion Fees.	365.33 Periodic Inspections of Taximeter Required.
365.10Taxicab <u>and Livery</u> Registration Permit.	365.34 Rates of Fare; Rate Card Required.
365.11Taxicab <u>and Livery</u> Registration Established; Use Permit Fees.	365.35 Open Stands and Parking.
365.12Application for Taxicab <u>and Livery</u> Registration Permit.	365.36 Solicitation, Acceptance and Discharge of Passengers.
365.13Liability and Worker's Compensation Ins. Required.	365.37 Receipts.
365.14Inspection of Vehicles.	365.38 Refusal of Passenger to Pay Legal Fare.
365.15Emergency Taxicab <u>and Livery</u> Registration Permits.	365.39 Direct Routes.
365.16Schedule of Rates; Display.	365.40 Taxicab Service.
365.17Suspension and Revocation of Medallion and Taxicab Registration Taxicab Permit <u>or Livery</u> Registration Permit.	365.41 Manifests.
365.18Taxicab Driver's License <u>and Livery</u> Driver's License.	365.42 Service Contract Reports.
365.20Application for Driver's License <u>and Livery</u> Driver's License.	365.43 Transferring the Vehicle.
365.21Examination of Applicant.	365.44 Appeal.
365.22Police Investigation of Applicant.	365.45 Police Department; Duty to Enforce Chapter.
	365.46 Penalty.
	365.99 Separability.

#### 365.00 LEGISLATIVE FINDINGS AND DECLARATION.

(a) It is hereby determined by the City Council and the City Officials that the taxicab and livery industry is an integral and vital element which is necessary to assure adequate and safe public transportation for our residents and visitors.

(b) It is also determined that the taxicab and livery industry is especially suited for inclusion in the Convention and Visitors Bureau, the Chamber of Commerce and all City meetings and functions related to public transportation and tourism issues.

(c) It is found that a spirit of mutual cooperation and public pride exists between the taxicab and livery industry and other governmental and civic organizations and that it is essential that goodwill be maintained amongst all.

(d) It is also found that reasonable standards and regulations relating to the number of taxicabs and livery vehicles, the number and location of taxicab stands and the condition and appearance of the taxicab and livery vehicles and drivers are needed to assure fairness and to promote the public health, safety and welfare.

#### 365.01 DEFINITIONS.

The following words and phrases, when used in this chapter, have the meanings as set out herein:

(a) "Person" means and includes an individual, a corporation or other legal entity, a partnership and any incorporated association.

(b) "Street" means and includes any street, avenue, alley, court, bridge or public thoroughfare within the City.

(c) "City" means the City of Niagara Falls, New York.

(d) "Taxicab" means a motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of less than seven persons and not operated on a fixed route.

(e) "Livery" means every motor vehicle, other than a taxicab or a bus, used in the business of transporting passengers for compensation. Livery shall also include ride sharing services such as UBER and LYFT, unless local regulations are specifically preempted by the State of New York. However, it shall not include vehicles which are rented or leased without a driver.

[(e)](f) "Cruising" means the driving of a taxicab on the streets of the City in search of or soliciting prospective passengers for hire.

[(f)](g) "Taxicab and livery registration permit" means the permit issued by the Superintendent of Police to a taxicab medallion owner and livery owner which evinces that the operating taxicab or livery has fulfilled the annual inspection and registration requirements as mandated by this Ordinance.

[(g)](h) "Driver's license" means the permission granted by the City to a person to drive a taxicab or livery upon the streets of the City.

[(h)](i) "Taximeter" means a meter instrument or device attached to a taxicab which measures mechanically the distance driven and the waiting time upon which the fare is based.

[(i)](j) "Waiting time" means the time when a taxicab is not in motion from the time of acceptance of a passenger or passengers to the time of discharge, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act or fault of the passenger or passengers.

[(j)](k) "Open stand" means a public place alongside the curb of a street in the City which has been designated by the City as reserved exclusively for the use of taxicabs.

[(k)](l) "Owner" means any person owning or having control of the use of a taxicab or livery or both upon the streets of the City.

[(l)](m) "Manifest" means a daily record prepared by a taxicab or livery driver of all trips made by such driver showing time and place of origin, destination, number of passengers and the amount of fare of each trip.

[(m)](n) "Rate card" means a card issued by the Superintendent of Police for display in each taxicab which contains the rates of fare then in force.

[(n)](o) "Medallion" means the plate issued by the City of Niagara Falls which represents the privilege given to the possessor to operate a taxicab in the City of Niagara Falls.

#### 365.02 TAXICAB MEDALLION AND REGISTRATION PERMIT REQUIRED; LIVERY REGISTRATION AND PERMIT REQUIRED.

No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the City without having first obtained a taxicab medallion for each vehicle desired to be operated and a taxicab registration permit affixed to each such vehicle. No person shall operate or permit a livery owned or controlled by him to be operated as a vehicle for hire within the City without having first obtained a livery registration permit affixed to each such vehicle.

#### 365.03 APPLICABILITY OF CHAPTER.

The provisions of this Chapter shall apply to the operation of a taxicab or a livery upon the streets of the City where the point of origin of the fare, or place where the passenger is picked up, begins within the corporate limits of the City, regardless whether the point of destination is within or without the City.

The provisions of this Chapter shall not apply to the operation of a taxicab or a livery upon the streets of the City where the point of origin of the fare begins outside the corporate limits of the City regardless of whether the point of destination is within the City.

. . .

#### 365.06 APPLICATION FOR TAXICAB MEDALLIONS AND DRIVER'S LICENSE FOR TAXICAB AND LIVERY

(a) An application for any available taxicab medallion shall be filed with the Superintendent of Police upon forms provided by the City, and shall be verified under oath and shall furnish the following information:



(1) Name, address, age and whether applicant is a citizen of the United States, a noncitizen national of the United States, a lawful permanent resident (Alien#) or an alien authorized to work (Alien# or Admission#) and provide expiration date and if a corporation the name, address, age and whether each officer, director and shareholder is a citizen of the United States, a noncitizen national of the United States, a lawful permanent resident (Alien#) or an alien authorized to work (Alien# or Admission#) and provide expiration date.

(2) Experience of applicant in the transportation of passengers.

(3) Number of taxicab medallions desired by the applicant.

(4) The financial status of the applicant, including the amounts of all unpaid judgments against the applicant arising out of the use of a motor vehicle.

(5) The name or names of persons not an applicant, or, if a corporate applicant not an officer, director or stockholder of such corporation having an interest, financial, proprietary or other, direct or indirect, in the taxicab or the business to be licensed, or having made any loan to an applicant for such taxicab or having any lien or mortgage on such taxicab, setting forth the names and addresses of such person or persons, the nature of the interest and the date acquired.

(6) The name of any person not an applicant herein, or, if a corporate applicant, any person not an officer, director or stockholder of such corporation who shares or will share on a percentage basis, or in any way in the receipts, losses or deficiencies of the operation of the taxicab, to any extent whatsoever other than by fixed salary, setting forth the names and addresses of such persons, the nature and percentage of the share and the date acquired.

(7) Whether the applicant has previously held a taxicab medallion from any locality or a former "taxicab permit" from the City of Niagara Falls and if such medallion or permit has ever been suspended or revoked, and if so, for what cause.

(8) Such further information as the Superintendent of Police of the City of Niagara Falls may require. (Adopted 7/13/88.)

(b) No person shall be issued a taxicab and/or livery driver's license unless such person meets the following qualifications:

. . . .

#### 365.10 TAXICAB AND LIVERY REGISTRATION PERMIT.

Except as provided in Section 365.03 herein, no taxicab or livery shall be operated on the streets of Niagara Falls unless it has been issued a taxicab or livery registration permit. Each vehicle issued a permit under this Chapter shall affix a decal, supplied by the City of Niagara Falls, to the lower right hand corner of the rear window. The permit decal must be visible at all times and not placed on tinted windows/glass. Said decals shall be issued in a distinctively different color each year as proscribed by the Superintendent of Police. Taxicab and livery registration permits shall be non-transferable and must be renewed annually.

#### 365.11 TAXICAB AND LIVERY REGISTRATION PERMIT FEES.

The annual cost of a taxicab registration permit shall be Seventy Dollars (\$70.00). The annual cost of a livery registration permit shall be Forty Dollars (\$40.00). No taxicab or livery registration permit decal shall be issued until such fee is paid. The taxicab or livery registration permit shall be issued between and including the dates of June 1 and June 15 of each year and all of such permits shall expire on the anniversary date in the next calendar year, unless sooner suspended or revoked. Any owner to whom a permit is issued during the permit year shall pay the full amount of the annual permit fee. All revenues generated by the collection of taxicab or livery permit fees shall be budgeted for the administration and enforcement of the taxicab and livery ordinance. [Permits expiring between April 1 and April 15, 1998 are hereby extended for sixty (60) days and will expire between June 1 and June 15, 1998].

365.12 APPLICATION FOR TAXICAB AND LIVERY REGISTRATION PERMIT.

An application for a taxicab or livery registration permit shall be filed with the Superintendent of Police upon forms provided by the City, and such application shall contain the following information:

(a) Make, model type and vehicle identification number of the vehicle to be registered.

(b) Year of manufacture and seating capacity of each vehicle.

(c) New York State license number of each vehicle to be registered.

(d) The color scheme and insignia to be used to designate each vehicle.

In addition to the application and filing fee, [a taximeter certification issued within the last twelve (12) months and] proof of liability insurance and worker's compensation insurance, if required in accordance with Section 365.13, must be submitted at the time of application; and in the case of a taxicab, a taximeter certification issued within the last twelve (12) months.

The Superintendent of Police shall keep records of all vehicles registered pursuant to this chapter. Said records shall include the date of original vehicle inspection and shall record any subsequent inspections of the vehicle as well as any vehicle equipment and vehicle condition violations.

365.13 LIABILITY AND WORKER'S COMPENSATION INSURANCE REQUIRED.

(a) No taxicab or livery permit shall be issued or continued in operation unless there is in full force and effect a liability insurance policy issued by an insurance company authorized to do business in the State of New York, and approved by the City for each vehicle authorized in the minimum amount of Twenty-five Thousand Dollars (\$25,000) for bodily injury to any one person; in the minimum amount of Fifty Thousand Dollars (\$50,000) for injuries to more than one person which are sustained in the same accident, and ten thousand dollars (\$10,000) for property damage resulting from any one accident. Such policy or policies shall insure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder, his servants or agents. Such policy or policies shall be filed with the Superintendent of Police shall have at least fifteen days' written notice of such cancellation, which requirement shall be conspicuously placed on said policy or policies and any Certificate evidencing such insurance.

(b) No taxicab or livery permit shall be issued or continued in operation unless there is in full force and effect a worker's compensation insurance policy issued by an insurance company authorized to do business in the State of New York, and approved by the City for each vehicle authorized in the statutory minimum amount. This provision may be waived if the taxicab or livery owner can produce a letter from the State of New York within the last twelve (12) months confirming that the taxicab or livery owner does not need worker's compensation insurance.

365.14 INSPECTION OF VEHICLES.

Prior to the use and operation of any vehicle and the issuance of a taxicab or livery registration permit under the provisions of this chapter, such vehicle shall be thoroughly and carefully examined and inspected by the Police Department and must be found to comply with such reasonable rules and regulations as may be prescribed by the Superintendent of Police. These rules and regulations shall be promulgated to provide safe and comfortable transportation and shall specify such safety equipment and regulatory devices as the Superintendent of Police shall deem necessary therefor.

In addition to periodic inspections by the Police Department, at such intervals as shall be established by the Superintendent of Police, taxicab and livery vehicles are subject to on-the-spot "no notice" inspections by police officers. Inspections shall not be instigated nor take place while a fare is present. Such inspections shall require, but are not limited to, the following vehicular standards:

(a) All vehicles shall have current New York State Inspection Certificates.

(b) The exterior of the vehicles shall be generally clean and free from rust and damage.

(c) The vehicle paint must be applied in a professional manner. Automobile make insignias and vehicle chrome shall not be painted over.

(d) Vehicles must be completely assembled and shall not be structurally altered from the manufacturer's design including, but not limited to, having the lights, exhaust system, fenders and bumpers properly attached.

(e) Any lettering or company logo applied to the exterior of the vehicle must be professionally air-brushed or neatly stenciled upon the vehicle. A decal insignia shall be considered an acceptable substitute for the above requirement.

(f) The interior of the vehicle must be kept clean and sanitary, and shall be free of all litter and debris.

If a vehicle has been involved in an accident causing physical damage so as to violate the above vehicle standards, it shall not be automatically excluded from service, if the vehicle can still be operated safely. The taxicab or livery owner shall have 24 hours to have the vehicle evaluated by the Police Department, in order to determine if the vehicle should be taken out of service or to determine the exact date repairs will be made. If a vehicle is taken out of service on account of the police inspection of damage, the taxicab or livery owner shall be notified in writing.

(g) A violation of any of the above vehicle standard requirements will be punishable by a fine of not more than Two Hundred Fifty Dollars (\$250.00) for each offense. Each day a violation continues shall constitute a separate offense.

#### 365.15 EMERGENCY TAXICAB AND LIVERY REGISTRATION PERMITS.

The Mayor may, in case of a declared public emergency or necessity, waive or modify any or all of the requirements of this chapter and may issue a temporary permit for the operation of any vehicle defined in this chapter upon the streets of the City without a public hearing, such permit to be revocable at any time with by the Mayor or his designee.

#### 365.16 SCHEDULE OF RATES FOR TAXICABS; DISPLAY.

There shall be displayed in the passenger's compartment of each taxicab in full view of the passengers, a card not less than four inches by six inches in size, which shall have plainly printed thereon the name of the owner or the [fictitious] name under which such owner operates the business, the address and telephone number of such owner and a correct schedule of the rates to be charged for conveyance in such vehicle. Such card shall be approved as to form by the Superintendent of Police before being so displayed. A true and correct copy of the card, as approved, shall be filed with the Superintendent of Police.

#### 365.17 SUSPENSION AND REVOCATION OF MEDALLION AND TAXICAB REGISTRATION PERMIT OR LIVERY REGISTRATION PERMIT.

A taxicab medallion or taxicab registration permit or livery registration permit issued under the provisions of this chapter, may be revoked or suspended by the City Administrator, if the owner thereof has:

(a) Violated any material provisions of this chapter.

(b) Falsified any information on the application or failed to notify the Superintendent of Police of any material change of status from that indicated in the application.

(c) Abandoned the taxicab medallion or taxicab registration permit or livery registration permit. The medallion or permit shall be deemed abandoned when a taxicab assigned a medallion or taxicab registration permit or livery issued a livery registration permit has not been regularly operated as a taxicab or livery for a period of six (6) months, or

(d) Conducted himself in a manner indicating he is not a fit and proper person to hold such an owner's medallion or taxicab registration permit or livery registration permit.

In the event any person to whom an owner's medallion or taxicab registration permit or livery registration permit is issued has such medallion or permit suspended on three separate occasions, such medallion or permit shall be revoked. Whenever any medallion shall be revoked, the same shall be surrendered to the Superintendent of Police.

If the medallion is suspended, the same shall be surrendered to the Superintendent of Police and retained by him until the suspension period expires. In the case of suspension or revocation of the taxicab registration permit or livery registration permit, the identifying decal shall be immediately removed.

Prior to suspension or revocation, the owner shall be given written notice of the proposed action to be taken together with a statement of the basis therefor and shall have an opportunity to be heard by the City Administrator within two weeks of receiving said written notice. No suspension or revocation shall be effective until a written decision of the Administrator is filed in the Office of the City Clerk.

#### 365.18 TAXICAB DRIVER'S LICENSE AND LIVERY DRIVER'S LICENSE.

Except as provided in Section 365.03 of this Chapter, no person shall operate a taxicab for hire or livery upon the streets of the City and no person who owns or controls a taxicab or livery shall permit it to be so driven, and no taxicab or livery licensed by the City shall be driven at any time for hire unless the driver of such taxicab or livery shall have first obtained and shall have then in force a taxicab driver's license or livery driver's license issued under the provisions of this chapter. This prohibition shall not apply to a taxicab or livery driver who is returning a fare to a destination outside the corporate limits of the City which fare originated outside the corporate limits of the City, provided the return fare is made within 24 hours of the drop off of the originating fare.

#### 365.20 APPLICATION FOR TAXICAB DRIVER'S LICENSE AND LIVERY DRIVER'S LICENSE.

An application for a taxicab driver's license or livery driver's license shall be filed with the Superintendent of Police on forms provided by the City, and such application shall be verified under oath and shall contain the following information:

. . .

Any false statements made by the applicant on the application for a taxicab driver's license or livery driver's license shall be sufficient cause for the refusal of the issuance of a taxicab driver's license or livery driver's license to such applicant, or shall be sufficient cause for the revocation or suspension of a taxicab driver's license or livery driver's license after the issuance of same.

Upon request, a person who has been issued a taxicab driver's license by the City may request from the Superintendent of Police, on forms provided by the City, a livery driver's license. Provided the taxicab driver's license is valid and has not been revoked or suspended, a livery driver's license shall be issued for no additional fee.

Upon request, a person who has been issued a livery driver's license by the City may request from the Superintendent of Police, on forms provided by the City, a taxicab driver's license. Provided the livery driver's license is valid and has not been revoked or suspended, a taxicab driver's license shall be issued upon the payment of an additional fee in the amount of Twenty Five Dollars (\$25.00).

365.21 EXAMINATION OF APPLICANT.

Before licensing, all taxicab drivers and livery drivers must undergo a local orientation program of up to two hours coordinated by [the Niagara Tourism & Convention Corporation (NTCC) Prior to the issuance or renewal of a license, each driver must successfully complete a test of the information covered during the program.] Destination Niagara USA. The applicant is responsible to pay any fee incurred by [the NTCC] Destination Niagara USA for administering the [test] program.

Such program shall include, but is not limited to, the geography of the City, traffic laws and regulations and public relations and appearance.

365.22 POLICE INVESTIGATION OF APPLICANT.

The Police Department of the City shall conduct an investigation of each applicant for a taxicab driver's license and livery driver's license, and a report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the Superintendent of Police.

365.23 CONSIDERATION OF APPLICATION.

The Superintendent of Police shall, upon consideration of the application and the reports and certificate required to be attached thereto, in his discretion, approve or reject the application. If the application is rejected, the applicant may request a personal appearance before the Superintendent of Police to offer evidence why his application should be reconsidered.

365.24 ISSUANCE OF LICENSE; DURATION AND ANNUAL FEE.

Upon approval of an application for a taxicab driver's license or livery driver's license, the Superintendent of Police shall issue a license to the applicant which shall bear the name, address, age, signature and photograph of the applicant, issuance number, date of expiration and the name of the owner for which such driver is authorized to operate a vehicle. Such license shall be valid only so long as the driver continues in the employ of such owner. Upon the termination of any driver's employment, the owner by whom such driver has been employed shall immediately give the Superintendent of Police written notice of such termination, the reasons therefor, and shall forthwith surrender the driver's license to the Superintendent of Police for cancellation.

Such license shall be in effect for the remainder of the calendar year. A taxicab driver's license for every calendar year thereafter shall be issued upon the payment of Fifty Dollars (\$50.00), unless the license for the preceding year has been revoked. A livery driver's license fee for every calendar year thereafter shall be issued upon the payment of Twenty-Five Dollars (\$25.00), unless the license for the preceding year has been revoked.

365.25 LICENSE PERIOD.

A taxicab driver's license or livery driver's license shall be issued as of January 1st in each year and shall be valid to and including December 31st of that same year unless sooner suspended or revoked. Any driver to whom a license is issued during the license year shall pay the full amount of the annual license fee.

...

365.27 DRESS, BEHAVIOR AND GROOMING OF TAXICAB DRIVERS AND LIVERY DRIVERS AND USE OF RADIO FREQUENCY BY TAXICABS ONLY.

(a) Each driver shall make a presentable appearance while operating taxicabs and liveries in the City of Niagara Falls, and shall be clean, well-groomed, neatly dressed, and conduct himself or herself in a professional, courteous manner. Every driver shall be required to wear a shirt with a collar.

(b) Each taxicab driver shall be permitted to use only the radio frequency that is used by the company the driver is affiliated with. The monitoring of another cab [or livery] company's frequency is strictly prohibited and will lead to sanctions against the driver and/or company the driver is affiliated with. Liveries and livery operators are not permitted to use radio frequencies.

365.28 SUSPENSION AND REVOCATION OF DRIVER'S LICENSE.

A taxicab driver's license or livery driver's license may be suspended for the following reasons:

• • •

No driver or operator whose license has been revoked shall be eligible to be licensed as a taxicab driver or livery driver in the City for a period of three (3) years, unless otherwise prohibited by Section 365.19 of this Chapter.

365.29 NOTICE TO DRIVER.

A taxicab driver's license or livery driver's license shall be deemed to be suspended or revoked as of the third day after the Superintendent of Police shall cause to be deposited in the United States Post Office within the City, a registered letter giving notice of such revocation or suspension, and directed to the person named and to the address given on the application pursuant to which such license was issued. In the event a person has both a taxicab driver's license and a livery driver's license, a suspension or revocation of one license has the effect of suspending or revoking the other license.

365.30 FAILURE TO COMPLY WITH CITY, STATE AND FEDERAL LAWS.

Every driver licensed under this chapter shall comply with all City, State and Federal laws. Failure to do so will justify the suspension or revocation of a license.

365.31 DESIGNATION OF TAXICAB.

The taxicabs of every owner operating a taxicab within a City shall be of a color scheme and bear the owner's trade name, monogram or insignia which are clearly and easily distinguishable from the color scheme, owner's trade name, monogram or insignia used on the taxicabs of any other owner's already operating under this chapter. No change whatever in the color scheme or distinguishing characteristics of any taxicab shall be made without written permission from the Superintendent of Police, and it shall be unlawful for any person soliciting patronage from any vehicle described in this chapter to represent by word, sign or insignia that the vehicle for which he is soliciting such patronage is a vehicle owned or operated by other than the actual owners.

Every taxicab operated within the City shall bear the following identification: the owner's trade name, monogram or insignia, together with a cab number and the owner's telephone number or numbers painted upon the metal portion of the outside of each side of the taxicab and the cab number and owner's telephone number or numbers painted upon the outside rear panel of the taxicab. All lettering mentioned in this paragraph shall be not less than two and one-quarter inches in height and not less than five-sixteenths inch stroke. In addition to the identification hereby required, taxicabs may bear the following signs or advertisements:

(a) A metal sign bearing the words "For Hire", and being no larger than six inches by nine inches;

(b) A sign attached to the top of the cab bearing the word "Vacant" and being no larger than two and one-half inches by nine inches, and

(c) Advertisements not exceeding twelve square feet in total area, subject to the rules and regulations of the Superintendent of Police.

If, after a permit has been issued for a taxicab hereunder, any portion of this section is violated in such a manner as to be misleading or deceiving to the public, the Superintendent of Police in his discretion, may suspend or revoke the permit of the owner covering such taxicab or taxicabs.

(d) This section shall not apply to liveries operating in the City.

365.32 TAXIMETER REQUIRED.

All taxicabs operated under the authority of this chapter shall be equipped with taximeters fastened in front of the passengers, visible to them at all times day and night; and, after sundown, the face of the taximeter shall be illuminated. Such taximeter shall be operated mechanically by a mechanism of standard design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism. No taximeter shall be operated from any wheel to which power is applied. They shall be sealed at all points and connections which, if manipulated, would affect their correct reading and recording. Each taximeter shall have thereon a flag to denote when the vehicle is employed and when it is not employed, and it shall be the duty of the driver to throw the flag of such taximeter into a non-recording position at the termination of each trip. The taximeters shall be subject to inspection from time to time by the Police Department. Any inspector or other officer of the Police Department is hereby authorized either on complaint of any person or without such complaint, to inspect any meter and, upon discovery of any inaccuracy therein, to notify the person operating such taxicab to cease operation. Thereupon, such taxicab shall be kept off the streets, until the taximeter is repaired and in the required working condition.

This section shall not apply to liveries operating in the City. [Notwithstanding the foregoing, the owner of a livery operating under the authority of this chapter may, at the option of the owner, equip the livery so owned with a taximeter. In the event the owner equips the said livery with a taximeter, all applicable provisions of this chapter pertaining to taximeters shall apply. In addition, the owner, prior to installation of the taximeter in the livery vehicle, agrees to immediately give written notice to the Superintendent of Police of the installation of the taximeter.]

• • •

365.35 OPEN STANDS ESTABLISHED; USE AND PARKING.

The Traffic Engineer is hereby authorized and empowered to establish open taxi stands for the exclusive use of taxicabs in such places upon the streets of the City as he deems necessary. In creating an open stand, the Traffic Engineer shall take into consideration the need for such stands by the taxicab owners and the convenience to the general public. He shall prescribe the number of taxicabs that shall occupy such open stands. The Traffic Engineer shall not create an open stand in front of any place of business where the abutting property owners object to the same or where such open stand would tend to create a traffic hazard. Such open stands shall be designated by appropriate signs or curb markings as the Traffic Engineer shall determine.

Open stands shall be used by the different drivers on a first come, first serve basis. The driver shall pull into the open stand from the rear and shall advance forward as the vehicles ahead pull off. A driver shall be in attendance at every taxicab parked in an open taxi stand. Nothing in this chapter shall be construed as preventing a passenger from boarding the vehicle of his choice that is parked at an open stand.

No owner or driver of a taxicab shall stand or park such vehicle at any place on a public street other than an open stand, except for the purpose of discharging or receiving passengers.

No person shall park or stand any vehicle other than a taxicab in an open taxi stand.

Liveries may not utilize open taxi stands for parking or for any other purpose.

365.36 SOLICITATION, ACCEPTANCE AND DISCHARGE OF PASSENGERS.

No driver shall solicit passengers for a taxicab except when sitting in the driver's compartment of such taxicab or while standing immediately adjacent to the curb side thereof. No driver of a livery may solicit passengers for a livery. The driver of any taxicab shall remain in the driver's compartment or immediately adjacent to his vehicle at all times when such vehicle is upon the public street, except that, when necessary, a driver may be absent from his taxicab for not more than ten consecutive minutes, and provided further that nothing herein contained shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of such vehicle.

No driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoy any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage.

Drivers of taxicabs and liveries shall not receive or discharge passengers in the roadway but shall pull up to the right hand sidewalk as nearly as possible, or in the absence of a sidewalk, to the extreme right hand side of the road, and there receive or discharge passengers, except upon one-way streets where passengers may be discharged at either the right or left hand sidewalk or side of the roadway, in the absence of a sidewalk.

No driver shall cruise in search of passengers, except in such areas and at such time as shall be designated by the Traffic Engineer. Such areas and times shall only be designated when the Traffic Engineer finds that taxicab cruising would not congest traffic or be dangerous to pedestrians and other vehicles.

No driver, owner or operator shall solicit passengers at the terminal of any other common carrier, not at any intermediate points along any established route of any other common carrier.

No driver shall permit any other person to occupy or ride in such taxicab unless the person or persons first employing the taxicab shall consent to the acceptance of an additional passenger or passengers. No charge shall be made for an additional passenger except when the additional passenger rides beyond the previous passenger's destination, and then only for the additional distance so traveled.

No driver shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity of his taxicab, as stated in the permit for such vehicle. A child in arms shall not be counted as a passenger.

No driver shall refuse or neglect to convey any orderly person or persons, upon request, unless previously engaged or unable or forbidden by the provisions of this chapter to do so.

It shall be a violation of this chapter for any driver of a taxicab to solicit business for any hotel, or to attempt to divert patronage from one hotel to another. Neither shall such driver engage in selling intoxicating liquors or soliciting business for any immoral purpose, or use his vehicle for any purpose other than the transporting of passengers.

365.37 RECEIPTS.

The driver of any taxicab or livery shall, upon demand by the passenger, render to such passenger a receipt for the amount charged, either by a mechanically printed receipt or by a specially prepared receipt on which shall be the name of the owner, license number or motor number, amount of meter reading or charges, and date of transaction.

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365.41 MANIFESTS.

Every driver of a taxicab and livery shall maintain a daily manifest upon which are recorded all trips made each day, showing the time and place of origin, the destination of each trip and amount of fare, and all such completed manifests shall be returned to the owner by the driver at the conclusion of his tour of duty. The forms for each manifest shall be furnished to the driver by the owner, and shall be of a character approved by the Superintendent of Police.

Every owner of a permit shall retain and preserve all drivers' manifests in a safe place for at least the calendar year next preceding the current calendar year, and such manifests shall be available to the Superintendent of Police.

365.42 SERVICE CONTRACT REPORTS.

It shall be mandatory for all owners to file with the Superintendent of Police, copies of all contracts, agreements, arrangements, memoranda or other writings relating to the furnishing of taxicab or livery service to any hotel, theater, hall, public resort, terminal or other place of public gathering, whether such arrangement is made with the owner or any corporation, firm or association with which the owner may be interested or connected. Failure to file such copies within seven days shall be sufficient cause for the revocation of a permit of any offending owner or the cancellation of any cab stand privileges.

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365.44 APPEAL.

If any person is aggrieved by any act or failure to act on the part of the Superintendent of Police either in issuing, failure to issue, suspending or revoking any owner's permit or driver's license, such aggrieved party may file with the City Clerk a statement addressed to the [City Administrator] Niagara Falls City Council, setting forth the full facts and circumstances in connection with the action or failure of action on the part of the Superintendent of Police. Such appeal must be filed within ten days after commission or omission of the act by which the appellant claims to have been aggrieved.

The [City Administrator] Niagara Falls City Council shall call [a meeting] for a public hearing not less than [ten] thirty days from the date on which such appeal shall have been filed with the City Clerk, shall hear the appellant and his witnesses and determine the merits of the appeal, and the [ruling of the City Administrator] decision by a majority vote of the Niagara Falls City Council thereon shall be final.

(C66 S39, adopted 1-13-69; amended 12/29/11.)

• • •

Bold and Underlining indicate Additions.

Bold and Brackets indicate [Deletions].

Yeas	4
Grandinetti, Scott, Tompkins, Chairman Walker	
Nays	1
Touma	

TABLED

Councilwoman Grandinetti moved to Table the Item.

Councilman Scott seconded the motion.

Council Members discussed the NYS regulations for Uber-Lyft.

RESOLUTION: WATER BOARD JOINT MEETING, 2017-39

BY: ALL COUNCIL MEMBERS

Agenda Item #18

WHEREAS, Niagara Falls Council Members call for a joint meeting with the Niagara Falls Water Board, open to the public, to discuss issues relevant to our city as well as its rate payers; and

WHEREAS, it would be in the best interests of the residents of the City for the Council and Water Board to discuss issues throughout the city as a whole; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that it hereby requests a joint meeting with the Niagara Falls Water Board at a time and date of mutual convenience.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: MARCHISELLI PROGRAM, BUFFALO AVE., CAYUGA DR.

TO 102<sup>ND</sup> ST. 2017-40

BY: COUNCIL MEMBERS GRANDINETTI, TOUMA, CHAIRMAN WALKER

Agenda Item #19

WHEREAS, a Project for the Buffalo Ave. (Rt. 384); Cayuga Drive to 102<sup>nd</sup> Street, P.I.N. 5761.57 (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); Cayuga Drive to 102<sup>nd</sup> Street, Preliminary Engineering (Design I-VI) phase.

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 the sum of \$50,000.00 is hereby re-appropriated from Buffalo Avenue Phase 1 and made available to cover the cost of participation in the above phase of the Project; and it is further

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

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

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

RESOLVED, this Resolution shall take effect immediately

Yeas

5

Nays

0

ADOPTED

RESOLUTION: NIAGARA FAMILY RESOURCE CENTER NETWORK EVENT, FEES WAIVED, 2017-41

BY: ALL COUNCIL MEMBERS

Agenda Item #20

WHEREAS, the Niagara Falls City School District Focus on Families Program is sponsoring a "Walk to Promote Awareness to Child Abuse Prevention" on Wednesday, April 26, 2017 between the hours of 5 p.m. and 7 p.m.; and

WHEREAS, the walk will begin and end at the Oasis near the volleyball nets; and

WHEREAS, this City Council believes that it is important to bring awareness to this issue and take a stand against child abuse and neglect; and

WHEREAS, the City is requested to waive certain fees in connection with this event.

NOW, THEREFORE, this City Council does hereby waive any fees customarily charged for the use of the Oasis and that the City's bandstand be utilized for this event and any fees in connection with the use of the bandstand and the utilization of any ancillary materials such as a podium and a public address system be waived.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: POLICE DEPARTMENT OFFICERS, RECOGNITION, 2017-42

BY: COUNCILWOMAN GRANDINETTI

Agenda Item #21

Amendment is to have the Agenda Item being moved to the Committee of the Whole Meeting.

RESOLUTION: TOURISM ADVISORY BOARD, APPOINTMENT, 2017-43

BY: ALL COUNCIL MEMBERS

Agenda Item #22

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

APPOINTMENT:	TERM EXPIRES:
Tony Poletti	12/31/2017
712 E. Market Street	
Niagara Falls, NY 14301	
Yeas	5
Nays	0

ADOPTED

RESOLUTION: ASSESSMENT REVIEW BOARD, APPOINTMENT, 2017-44

BY: ALL COUNCIL MEMBERS

Agenda Item #23

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

APPOINTMENT:	TERM EXPIRES:
Robert W. Burns	9/30/2019
8955 W. Rivershore Drive	
Niagara Falls, NY 14304	
Yeas	5
Nays	0

ADOPTED

RESOLUTION: SHORT-TERM RENTAL UNITS, AMENDING CHAPTER 1328, 2017-45  
BY: COUNCIL MEMBERS TOMPINS, TOUMA

Agenda Item #24

WHEREAS, the Planning Board has recommended that Chapter 1328 of the Codified Zoning Ordinances be amended by adding a new subdivision 13; and

WHEREAS, the City Council called for a Public Hearing to be held on April 17, 2017 on this amendment; and

WHEREAS, said Public Hearing was held on April 17, 2017.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Chapter 1328 of the Codified Ordinances be amended by adding a new subdivision 1328.13 "Short-Term Rental Units" to read as shown on the attached (on file in the City Clerk's Office).

Yeas	4
Grandinetti, Scott, Touma, Chairman Walker	
Nays	0
Abstain	1
Tompkins	

ADOPTED

RESOLUTION: GREAT LAKES/ST. LAWRENCE FEDERAL RESTORATION FUNDING,  
2017-46  
By: COUNCILWOMAN GRANDINETTI

Agenda Item #25

WHEREAS, the Great Lakes and St. Lawrence River Basin (the Basin) represents approximately 20% of the world's surface fresh water and 84% of North America's surface fresh water; and

WHEREAS, over 48 million people depend on the Basin as a source of drinking water; and

WHEREAS, the Basin is the foundation for a \$5.8 trillion USD regional economy; and

WHEREAS, water contamination, harmful algal blooms, invasive species, and climate change pose threats to the integrity of the resource and prosperity of the Basin; and

WHEREAS, Canada and the United States have worked cooperatively on the Great Lakes and St. Lawrence for over 100 years under the Boundary Waters Treaty of 1909 and the Great Lakes Water Quality Agreement of 1972, as most recently amended in 2012; and

WHEREAS, significant progress has been made over almost 50 years in restoring and protecting the Basin based on a shared responsibility for the resource and significant investment from all orders of government in the United States and Canada; and

WHEREAS, local governments in Canada and the United States have invested over \$15 billion USD annually in protection and restoration efforts according to a 2008 study; and

WHEREAS, the U.S. Federal Government has provided more than \$2 billion USD since 2010 for Great Lakes protection and restoration through the Great Lakes Restoration Initiative; and

WHEREAS, the Canadian Federal Government has invested more than \$250 million CAD in Great Lakes and St. Lawrence River initiatives since 2010; and

WHEREAS, the President of the United States proposed eliminating the entire \$300 million USD in funding for the Great Lakes Restoration Initiative in the 2017-2018 budget; and

WHEREAS, the 2017 Canadian budget proposes approximately \$114 million CAD over five years to support water protection and restoration but has no line item dedicated to the Basin at the magnitude necessary; and

WHEREAS, these budgets do not adequately address the urgent needs of the Great Lakes and St. Lawrence Basin and will slow down or halt critical restoration and protection efforts and economic recovery in the region; and

NOW, THEREFORE, BE IT RESOLVED, that the United States Congress appropriate the full \$300 million USD authorized for the Great Lakes Restoration Initiative in the 2017-2018 budget; and

BE IT FURTHER RESOLVED, that the Canadian Federal Government work collaboratively with provinces, local governments, First Nations and Metis, and other stakeholders to develop a common strategy and to increase funding for the Great Lakes and St. Lawrence Basin to match the significance of the resource and the magnitude of the challenges;

BE IT FURTHER RESOLVED, that all orders of government must share the responsibility for the protection and restoration of the Great Lakes and St. Lawrence Basin and recognize the importance of the resource in their budgets; and

NOW, THEREFORE, BE IT RESOLVED, that copies of this resolution be forwarded to the President of the United States, the Prime Minister of Canada, the Governors of the eight Great Lakes States, the Premiers of Quebec and Ontario, the Canadian Minister of Environment and Climate Change, the U.S. Environmental Protection Agency Administrator, and the Great Lakes and St. Lawrence Cities Initiative.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: CITIZEN ADVISORY BOARD, TAXICAB/TAXICAB DRIVERS, 2017-47  
BY: COUNCIL MEMBERS TOMPKINS, TOUMA

#### Agenda Item #26

WHEREAS, during its consideration of certain amendments to Chapter 365 of the City Ordinances entitled "Taxicabs and Taxicab Drivers" this City Council was alerted by members of the public to issues which may exist pertaining to the City's issuance of taxicab medallions; and

WHEREAS, this City Council wishes to undertake a review of Chapter 365 as concerns the issuance of taxicab medallions to make certain the medallion issuance process, including the number of authorized medallions, is fair and equitable; and

WHEREAS, prior to making any amendments to Chapter 365, it is desirable for the Niagara Falls City Council to have a thorough understanding of the medallion issue generally and whether or not public convenience and necessity requires an increase in the number of taxicab medallions and taxicabs and whether existing transportation is adequate to meet the public need and the probable effect of increased service on local traffic conditions; and

WHEREAS, to facilitate this, the City Council has determined that it would be prudent to solicit the advice and recommendations from a body consisting of involved City Department Heads and those outside City government to provide it with assistance as to these matters.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 3.6(a) of the City Charter, the City Council of the City of Niagara Falls, New York does hereby create a "Taxicabs and Taxicab Drivers" Ordinance Review body to compliment the effectiveness of this City Council by providing it with advice and recommendations about the number of taxicab medallions which are presently issued, the number of taxicabs operating, and examine the necessity for the issuance of additional medallions as well as any other issues which may arise during the review of the "Taxicabs and Taxicab Drivers" Ordinance; and

BE IT FURTHER RESOLVED that the "Taxicabs and Taxicab Drivers" Ordinance Review body shall consist of no more than seven (7) members to be comprised of the Superintendent of Police or his designee, the Corporation Counsel or his designee, as well as five (5) members of the community who will be selected by and serve at the pleasure of the City Council, for a period ending no later than December 31, 2017 or upon presentation to the City Council of a report of its recommendations or upon like evidence of the attainment of the purpose for which it was established, whichever occurs sooner; and

BE IT FURTHER RESOLVED that the members of this advisory body will not be compensated for their services on the advisory body; and

BE IT FURTHER RESOLVED that the "Taxicabs and Taxicab Drivers" Ordinance Review body will provide advice and recommendations only and be required to submit the same to the City Council as requested by the City Council. The panel will have no formal decision making role, and will have no access to confidential, supervisory or other confidential information.

Yeas  
Nays

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0  
ADOPTED

There being no further business to come before the Council,  
Chairman Walker adjourned the Meeting at 8:20 P.M.

Lisa A. Vitello  
City Clerk



**MAY 1, 2017**

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The first session of the May 1, 2017 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:05 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Kristen Grandinetti, Ezra Scott, Jr., Kenny Tompkins, and Andrew Touma

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

Council Member Touma moved to approve the Minutes from the Council Meeting of April 17, 2017.

Yeas

5

Nays

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APPROVED

A presentation was given by Michael DiCenzo, President of American Niagara Hospitality.

His video was about the plans for the City and the challenges ahead. Mr. DiCenzo stated he renovated the Sheraton Hotel, developed the Rainforest Café and reinvested in The Days Inn, which was completely gutted and renovated.

He discussed future developments including construction of the Daredevil Waterpark, a couple of hotels, Beach Club and other projects. He said the Canadian and American Hotels represent luxury brands, specializing in Theme Restaurants.

The Sheraton Inn would have a Hotel stacked atop with a Rooftop Bar, Infinity Pool and a Celebrity Restaurant. This will result in a Four Star Luxury Hotel. The cost would be 50 million dollars.

Mr. DiCenzo said the 2<sup>nd</sup> part of the development would be a Daredevil Indoor Water Park. It would cost 70 million dollars for the Hotel and Water Park.

Council Woman Grandinetti asked if the name brand companies encouraged other companies to invest and also said that Mr. DiCenzo should go through the RFP process.

Council Woman Grandinetti asked if there was a similar project in Niagara Falls Ontario and if that would be in competition with Niagara Falls, New York.

Michael DiCenzo said he has attempted numerous times to go through Empire State Development and that he should be treated fairly and they have not. He wants to continue to reinvest in Niagara Falls, New York.

Council Member Tompkins asked if things can be done to get people here in the off season and NTCC has been helpful bringing people here. He also said that with 800 employees, it is one of the largest employers in Niagara Falls, NY. He asked how we, as a City, can help you more.

Mr. DiCenzo said the City is limited with funds and we need a unified voice. He would like to sit down and talk with officials and work together. We need a local solution. He also said he hasn't received anything about commitments and he has cancelled contracts for the Water Park due to this.



In the Administrative Update, Mayor Dyster and Acting City Administrator, Anthony Vilarado said there was a travel advisory until Midnight. He gave a list of the streets closed due to flooding. City Administrator, Nicholas Melson, Director of Public Works, John Caso & Police Chief Bryan DalPorto were at the flooded areas.

Mayor Dyster said he has been in contact with the Water Board on the pumping of the streets. He will keep the public updated on the travel advisory.

Council Woman Grandinetti asked if there is anything the City can do to help recede the water, especially on Cayuga Island. Mayor Dyster replied that the Water Board is working on this. He also said the Water Board started this afternoon on pumping the water and he will monitor the situation.

Council Member Tompkins wanted to take a moment to recognize Brook D'Angelo, an employee of the Department of Public Works, who represented the United Steel Workers and the City at a recent conference in Mexico.

Brook thanked everyone and brought a gift for the Mayor, Administrator and the Council.

This session ended at 5:40 PM

Chairman Walker reconvened the Meeting at 6:02 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Tompkins and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

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

Tim Huether	Agenda Items #2, #6, #7
Bill Carroll	Agenda Item #5
Andrea Czopp	Agenda Item #5-discussion followed with Andrea and Council Member Tompkins
Ron Anderluh	Gave invites and information to several events

#### THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: HYDE PARK PAVILION, REFRIGERATION CONTROL/POWER SYSTEM REPLACEMENT, MOLLENBERG BETZ INC.

#### Agenda Item #1

A contract for the above referenced project was awarded to Mollenberg Betz Inc., 300 Scott Street, Buffalo, NY, on June 6, 2016 in an amount of \$253,942.00.

At the time of award, the City elected not to accept an alternate bid for a new ammonia detection system which is required by code, but instead undertook repairs to the existing system and completed it at a substantial savings.

Additional issues were encountered requiring repair that were not originally included in the project's scope of work. These items are necessary to the project and were done while a certified contractor was under contract. Below is a list of the items that comprise this Change Order:

- Install pump check valve
- Replace chiller float switch
- Repair compressor unloader solenoids
- Install remote HMI screen
- Install new 60hp pump check valve
- Repairs to existing piping

The cost associated with all the items listed is \$20,381.00. Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of \$20,381.00 be approved, bring the new contract total to \$274,323.00. Funding is available through the existing open Bond Resolution for the Ice Pavilion.

Will the Council vote to so approve and authorize the Mayor to execute a Change Order #1 in a form acceptable to the Corporation Counsel?

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

Yeas

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Nays

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APPROVED

Council Member Touma stated that he was not happy with the Change Order but is voting Yes.

CONTRACT: CONSULTANT SERVICES, BUFFALO AVENUE PHASE 3, CHA CONSULTING INC.

#### Agenda Item #2

Based on the New York State Department of Transportation mandated merit selection process, please be advised that CHA Consulting Inc. has been selected as the City's consultant on the above noted project.

The Council previously approved resolutions appropriating funding which is federally reimbursable and also eligible for State Marchiselli funding. Therefore, it is the recommendation of the undersigned that the scoping and design phases of this project be awarded to CHA Consulting Inc. at a not-to-exceed amount of \$250,000.00. Funding is available in Code H0610, representing available funding from the Buffalo Avenue Phase 1 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 Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

CITY PROPERTY: PINE AVENUE, 1821, AWNING ENCROACHMENT

#### Agenda Item #3

The owner of the above referenced property has applied for an entrance awning encroachment into the City's right-of-way.

This has been reviewed by the appropriate City departments and the Planning Board recommends that it be granted subject to the following conditions:

1. The minimum height above the sidewalk is eight (8) feet.
2. The owner will add the City of Niagara Falls as an additional insured on its liability insurance policy.
3. The owner will defend and indemnify the City from liability related to the canopy encroachment.
4. The City can revoke permission for the encroachment on three (3) months' notice.

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

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

CITY PROPERTY: WILLOW AVENUE, 1118, SALE, ROSCOE DAUGHERTY

Agenda Item #4

The City has received a request to purchase the above referenced City owned property for the sum of \$8,000.00.

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 this premises for this price in an "as-is" condition and of the requirement the closing be performed within 30 days and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill?

The purchaser will be responsible to pay both installments of the 2016-2017 School Tax and all recording fees.

Will the Council further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

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

Yeas

5

Nays

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APPROVED

CONTRACT: NTCC, EXTENSION

Agenda Item #5

The City's Agreement with the NTCC expires on May 31, 2017. The NTCC's Agreement with the County of Niagara has been extended from an expiration of May 31, 2017 through May 31, 2020. The NTCC must have an agreement with the County of Niagara in order for it to enter into an agreement with the City.

Inasmuch as the NTCC and the County have entered into an agreement, it is recommended that the City extend its agreement with the NTCC through May 31, 2020. Attached (on file in the City Clerk's Office) is a copy of a proposed extension Agreement.

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

Council Member Tompkins moved that the communication be Tabled.

Yeas

3

Council Members Scott, Tompkins, Touma

Nays

2

Council Woman Grandinetti, Chairman Walker

TABLED

Council Member Tompkins moved to table the Item

Council Member Scott seconded the motion to Table the Item

Council Member Touma has questions for John Percy and needs answers

Council Member Tompkins asked Andrea Czopp if John Percy would be able to attend the next meeting and she will check on this.

COMMUNITY DEVELOPMENT: GLUCK PARK IMPROVEMENTS, PICNIC TABLES/BENCHES

Agenda Item #6

The Niagara Falls Community Development Department recommends reprogramming a total of \$53,402.83 of 2012 (\$18,402.83) and 2013 (\$35,000) United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) housing rehabilitation funds to the purchase of upgraded playground and park equipment for Gluck Park and ADA compliant picnic tables and benches for use in city parks. All equipment will be purchased through the New York State Office of General Services Playground Equipment, and Related Products Statewide Contract. Specifically, the purchase will be made via GAMETIME Playground Equipment, a qualified vendor as part of the statewide contract (NYS CONTRACT PC 66669). The equipment will be installed by the City of Niagara Falls Department of Public Works. Improvements at Gluck Park and ADA compliant park seating is consistent with the adopted 2012 Niagara Falls Parks Master Plan.

Reallocation of these housing rehabilitation funds does not negate or delay any current renovation projects. CD has selected to use funds allocated in federal fiscal years 2012 and 2013 to ensure that CDBG timeliness is met. While reallocation of this dollar amount does not require City Council action, CD is listing the item on an official agenda because improvements at Gluck Park, and ADA compliance in public spaces, have been a topic of community interest in recent weeks.

Will Council vote to approve the reallocate \$53,402.83 of HUD CDBG to the aforementioned purchases?

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

Yeas

5

Nays

0

APPROVED

COMMUNITY DEVELOPMENT: ESG FUNDS, REALLOCATION

Agenda Item #7

The Niagara Falls Community Development Department recommends the reprogramming of \$10,000 in United States Department of Housing and Urban Development (HUD) Emergency Solutions Grant Program (ESG) funds as follows:

\$5,000 - YWCA Carolyn's House (street outreach)

\$5,000 - Community Missions of Niagara Frontier, Inc. (emergency shelter)

The \$10,000 allocation was originally made to The Fellowship House as a component of the approved 2015 Niagara Falls Community Development Action Plan for emergency shelter (\$5,000) and street outreach (\$5,000). Since the approval of the action plan, operation of The Fellowship House has ended. Reallocation of these funds, to two organizations that provide essential services that include emergency shelter and street outreach, is a responsible way to re-purpose these funds within ESG guidelines. It is important to note that funds can only be reallocated to other approved ESG projects within the approved action plan.

Will Council vote to approve the reallocate \$10,000 of ESG funds?

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

Yeas

5

Nays

0

APPROVED

Council Woman Grandinetti stated that she can't think of 2 more deserving organizations as Community Missions and Caroline House for these funds.

Council Member Tompkins agreed with Council Woman Grandinetti on this.

PURCHASE: SODIUM HYPOCHLORITE (POOLS), RIVERSIDE CHEMICAL COMPANY, INC.

Agenda Item #8

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

TO: Riverside Chemical Company, Inc.  
871 River Road PO Box 197  
North Tonawanda, NY 14120

FOR: The purchase of sodium hypochlorite and hydrochloric (muriatic) acid  
For City of Niagara Falls pools. \$10,997.50

Prices for each item can be referenced on the enclosed tally sheet (on file in the City Clerk's Office).

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to five (5) vendors. Three (3) bids were received. The above referenced company submitted the lowest bid.

Funds for this expenditure are in A.7146.0200.0419.009.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: MEDIANS, LANDSCAPING, VILLANI'S LAWN & LANDSCAPE, LLC.

#### Agenda Item #9

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

TO: Villani's Lawn & Landscape, LLC  
6405 Packard Road  
Niagara Falls, NY 14304

FOR: Landscaping and maintenance of the medians along  
Niagara Street, John B. Daly Boulevard, Rainbow Boulevard and the  
Traffic Circle (see attached item list and prices): \$ 59,999.44

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 fifteen (15) vendors. Two (2) bids were received. The above referenced company submitted the lowest bid (on file in the City Clerk's Office). A bid was also received from Gardenville Landscape & Nursery, LLC (\$81,695.00)

Funds for these expenditures are available from casino funds.

Will the Council so approve this expenditure?

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

Yeas

5

Nays

0

APPROVED

Council Member Touma stated it is important to get the Medians done before Memorial Day.

SHORT-TERM RENTAL UNITS, ORDINANCE AMENDMENT, MAYOR'S APPROVAL

#### Agenda Item #10

Please be advised that Mayor Paul A. Dyster, on April 18, 2017, duly approved the following:

Resolution 2017-45, relative to Amending Chapter 1328 of the Codified Ordinances by adding a new Subdivision 1328.13 entitled "Short-Term Rental Units" which was approved by Council on April 17, 2017.

THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: NIAGARA DISCOVERY SHUTTLE, 2017-2018 FTA SECTION 5311  
FORMULA GRANTS FOR RURAL AREA PROGRAM APPLICATION, 2017-48  
BY: ALL COUNCIL MEMBERS

#### Agenda Item #11

WHEREAS, the NYS Department of Transportation offers a Formula Grants for Rural Areas Program, under 49 U.S.C 5311, which among other things provides capital, planning, and operating assistance to support public transportation in areas with populations of less than 50,000; and

WHEREAS, the Niagara Falls National Heritage Area has begun operating the Discover Niagara Shuttle public transportation service, on a fixed route, from May through October in 2016; and

WHEREAS, the National Heritage Area does intend to secure additional Discover Niagara Shuttle buses and operate as a year-round shared-ride transportation service, and

WHEREAS, the Niagara Falls National Heritage Area seeks 5311 Formula Program funding, from the New York State Department of Transportation, in the amount of \$674,497.00 to secure the additional equipment and operating funds necessary to establish the shuttle service expansion; and

WHEREAS, the Subrecipient/Sponsor for the 5311 Formula Program Grant must be a municipality; and

WHEREAS, the City of Niagara Falls does not offer and will not provide funding associated with this grant application or its implementation, and;

WHEREAS, the Niagara Falls National Heritage Area is fully responsible to provide \$296,193 of matching funds under this grant application, or any amount otherwise required or associated with the execution of the application for funding and/or the implementation of the grant award; and

WHEREAS, the City of Niagara Falls, as grant subrecipient, is agreeing to act as a pass-through between the NYS-DOT and the Niagara Falls National Heritage Area only;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this application to the New York State Department of Transportation and authorizes the Mayor to act on behalf of the City in all matters related to this project and is further authorized to execute any and all documentation related to this project.

Yeas

5

Nays

0

ADOPTED

There being no further business to come before the Council,  
Chairman Walker adjourned the Meeting at 6:32 P.M.

Lisa A. Vitello  
City Clerk

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NIAGARA FALLS, NEW YORK**

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