

OFFICE OF THE MAYOR
Telephone: (716) 286-4310

February 7, 2020

The City Council
Niagara Falls, New York

*RE: Payment Pursuant to Professional Services Agreement with
Wendel WD AESLA, P.C.*

Council Members:

At your meeting on December 11, 2017, the Niagara Falls City Council approved a professional services agreement for \$76,000 with Wendel WD Architecture, Engineering, Surveying, and Landscape Architecture, P.C. (“Wendel”) relative to the Fire House at 3721 Highland Avenue. Funding for this contract was designated to come from a New York State Empire State Development grant that was secured by the Community Development Department in 2014 through the consolidated funding application process.

On January 18, 2018, the City entered into a professional services contract with Wendel where they would develop and provide construction documents for bidding and all bidding services up to contract award which would allow for the execution of all remaining work at the site. Wendel fulfilled their requirements under this contract during 2018 and issued three invoices for the services it performed; unfortunately, those invoices, which were submitted to Community Development for payment, were apparently disregarded by the department’s former director, Seth Piccirillo. Throughout 2019, Wendel made several more attempts to collect on the invoices without success.

Subsequently, my administration has discovered that the reason Wendel was not paid resulted from the funding being eligible only if the entire renovation of the Highland Avenue Fire House was completed. It was apparent then that the New York State Empire State Development grant which Mr. Piccirillo led this Council to believe would pay for the contract was clearly not as the former Community Development director advised this Council. Without the funding source, Mr. Piccirillo then essentially ignored Wendel’s numerous requests for payment. However, ignoring the problem will not allow the City’s contractual responsibilities to just go away.

As the City Council was misinformed relative to funding of the professional services contract, the City is now obligated to compensate Wendel for services rendered pursuant to the agreement. This Administration therefore requests that the City Council approve payment of \$76,000 to Wendel WDAE SLA, P.C., for the work that it undertook relative to the Highland Avenue Fire Station. This payment is requested not only because the City is legally obligated to do so, but because it is also necessary to preserve our reputation with the business community. In order to move this city forward, the community must know that we have the ability and integrity to fulfill our contractual obligations.

Kennedy _____ Spanbauer _____ Tompkins _____ Touma _____ Voccio _____

Funding for this payment is available from the respective project capital account code, made up of previously approved tribal revenue funds that were earmarked for this project, specifically Capital Account Code H1510.

Will the Council approve payment of the aforementioned professional services agreement?

Respectfully submitted,

ROBERT M. RESTAINO
Mayor

Funding is in place

Daniel Morello
City Controller