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JANUARY 2, 2019

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

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

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

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

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

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

City Clerk, Lisa Vitello called for nominations for Chairperson
Councilmember William Kennedy nominated Councilmember Andrew Touma.
Councilmember Ezra Scott, Jr. seconded that nomination.
There were no other nominations and the vote was taken.
Councilmember William Kennedy voted yes
Councilmember Ezra Scott, Jr. voted yes
Councilmember Kenny Tompkins voted no
Councilmember Chris Voccio voted yes
Councilmember Andrew Touma voted yes

Yeas 4
Nays 1

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

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

Yeas 5
Nays 0

APPROVED

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

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

Administrative Update:

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

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

Controller Report:

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

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

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

Agenda Item #2

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

Sufficient funding is available within Capital account code H0904.

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

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

| | |
|--|---|
| Yeas | 4 |
| Kennedy, Scott, Voccio, Chairman Touma | |
| Nays | 0 |
| Abstain | 1 |
| Tompkins | |

APPROVED

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

Agenda Item #3

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

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

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

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

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

| | |
|------|---|
| Yeas | 5 |
| Nays | 0 |

APPROVED

CONTRACT: NIAGARA MOBILE APP INITIATIVE, PROJECT

Agenda Item #4

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

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

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

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

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|--|---|
| Yeas | 4 |
| Kennedy, Scott, Tompkins, Chairman Touma | |
| Nays | 1 |
| Voccio | |

APPROVED

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

Agenda Item #5

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

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

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

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

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|------|---|
| Yeas | 5 |
| Nays | 0 |

APPROVED

CONTRACT: SCHOOL RESOURCE OFFICERS, CONTINUATION OF AGREEMENT

Agenda Item #6

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

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

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

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| Yeas | 5 |
| Nays | 0 |

APPROVED

CONTRACT: USA NIAGARA DEVELOPMENT CORP., EXTENSION

Agenda Item #7

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

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

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

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

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|--|---|
| Yeas | 4 |
| Kennedy, Scott, Tompkins, Chairman Touma | |
| Nays | 1 |
| Voccio | |

APPROVED

CONTRACT: SPCA, CONTINUATION

Agenda Item #8

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

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

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

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|------|----------|
| Yeas | 5 |
| Nays | 0 |
| | APPROVED |

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

Agenda Item #9

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

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

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|--|---------|
| Yeas | 4 |
| Kennedy, Scott, Tompkins, Chairman Touma | |
| Nays | 0 |
| Abstain | 1 |
| Voccio | |
| | ADOPTED |

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

Agenda Item #10

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

WHEREAS, the objectives of the investment policy are:

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

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

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

| | |
|------|---------|
| Yeas | 5 |
| Nays | 0 |
| | ADOPTED |

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

Lisa A. Vitello
City Clerk



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

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

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

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

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

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

| | |
|------|---|
| Yeas | 5 |
| Nays | 0 |

Item # 18 was amended

A proclamation was read honoring the Life of Harvey Albond.

Presentations:

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

Seth Piccirillo gave a presentation on the 311 System

Administrative Update:

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

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

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

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

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|------|---|
| Yeas | 5 |
| Nays | 0 |

Item #6 was Tabled

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

| | |
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| Yeas | 5 |
| Nays | 0 |

APPROVED

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

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CLAIM REPORT FOR THE MONTH OF DECEMBER 2018

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

CITY CLERK REPORT FOR THE MONTH OF DECEMBER 2018

Agenda Item #2
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

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

Agenda Item #3

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

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

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

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

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

| | |
|------|---|
| Yeas | 5 |
| Nays | 0 |

APPROVED

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

Agenda Item #4

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

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

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

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

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

Yeas 5
Nays 0

APPROVED

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

Agenda Item #5

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

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

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

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

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

Yeas 5
Nays 0

APPROVED

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

Agenda Item #6

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

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

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

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

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

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

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

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

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

Council Member Tompkins moved that the communication be Tabled.
Yeas 5
Nays 0
TABLED

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

Agenda Item #7

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

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

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

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

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

Yeas 5
Nays 0
APPROVED

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

Agenda Item #8

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

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

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

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

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: NIAGARA COUNTY LAW ENFORCEMENT ACADEMY, RENEWAL

Agenda Item #9

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

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

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

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

Yeas

5

Nays

0

APPROVED

CONTRACT: NIAGARA COUNTY OFFICE FOR THE AGING

Agenda Item #10

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

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

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

Yeas

5

Nays

0

APPROVED

CONTRACT: POLICE DEPARTMENT, LEADSONLINE, LLC.

Agenda Item #11

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

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

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

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

Yeas 5
Nays 0

APPROVED

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

Agenda Item #12

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

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

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

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

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

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

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

| | |
|------|---|
| Yeas | 5 |
| Nays | 0 |

APPROVED

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

Agenda Item #13

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

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

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

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

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

| | |
|------|---|
| Yeas | 5 |
| Nays | 0 |

APPROVED

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

Agenda Item #14

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

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

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

WHEREAS, the downtown area is described as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

| | |
|------|---|
| Yeas | 5 |
| Nays | 0 |

ADOPTED

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

Agenda Item #15

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

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

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

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

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

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

Yeas
Nays

5
0

ADOPTED

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

Agenda Item #16

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

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

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

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

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

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

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

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

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

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

Yeas 5
Nays 0
ADOPTED

RESOLUTION: SPACONE, ROBERT, HONORING, 2019-6
BY: ALL COUNCIL MEMBERS

Agenda Item #17

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

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

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

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

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

Yeas 5
Nays 0
ADOPTED

RESOLUTION: ALBOND, HARVEY N., HONORING THE LIFE, 2019-7
BY: ALL COUNCIL MEMBERS

Agenda Item #18

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

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

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

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

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

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

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

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

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

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

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

Yeas

5

Nays

0

ADOPTED

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

Agenda Item #19

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

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

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

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

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

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

Timeline:

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

Yeas 2
Tompkins, Voccio
Nays 3
Kennedy, Scott, Chairman Touma

DEFEATED

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

Agenda Item #20

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

| <u>APPOINTMENT:</u> | <u>TERM EXPIRES:</u> |
|--|----------------------|
| Lori Jo Fellow 1867 South Avenue Niagara Falls, NY 14305 | 12/31/2022 |

Yeas 5
Nays 0

ADOPTED

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

Agenda Item #21

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

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

Yeas 5
Nays 0

ADOPTED

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

Agenda Item #22

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

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

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

Yeas 5
 Nays 0
 ADOPTED

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

Agenda Item #23

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

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

Yeas 5
 Nays 0
 ADOPTED

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

Agenda Item #24

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

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

TERM EXPIRES:
9/30/22

Yeas 5
Nays 0
ADOPTED

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

Agenda Item #25

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

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

Yeas 5
Nays 0
ADOPTED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE MAYOR

CODE ENFORCEMENT DEPARTMENT: EMERGENCY DEMOLITION FUNDING TRANSFER

Agenda Item #26

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

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

Does the City Council approve of this budget transfer?

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

Yeas 5
Nays 0
APPROVED

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

Lisa A. Vitello
City Clerk

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