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JANUARY 1, 2020

ORGANIZATIONAL MEETING

NIAGARA FALLS, NEW YORK

The Organizational Meeting of January 1, 2020, Niagara Falls City Council Meeting, was called to order by Council Chairman Andrew Touma at 11:00 A.M. in the Council Chambers.

Members of the Niagara Falls Police Department Color Guard posted the Flag.

The Prayer was said by Fr. Jacek

Chairman Touma welcomed Lt. Governor Kathy Hochul, who congratulated the New Mayor and new Council Member and spoke of the great things happening in the City.

Judge Danielle Restaino administered the Oath of Office to Mayor Robert Restaino, while Mayor Restaino's wife held the Bible. Mayor Restaino then addressed the Council and the citizens.

Assemblyman Angelo Morinello administered the Oath of Office to new Council Member John Spanbauer and returning Council Member Kenny Tompkins.

Council Chairman Touma then asked the City Clerk to call the Roll. Present: Council Chairman Touma, Council Members William Kennedy, John Spanbauer, Kenny Tompkins, Chris Voccio.

Chairman Touma then asked if there were any nominations for Council Chairman 2020. Council Member Kennedy nominated Kenny Tompkins. Council Member Spanbauer nominated Chris Voccio. Chairman Touma then called for a Vote to be taken. Council Members Kennedy and Touma voted for Kenny Tompkins, Council Members Spanbauer, Tompkins and Voccio voted for Chris Voccio. The Vote was three for Chris Voccio and two for Kenny Tompkins, Chris Voccio was elected as Council Chairman for 2020. Assemblyman Angelo Morinello then administered the Oath of Office to Chairman Voccio.

The Meeting then proceeded to the Agenda.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CITY CLERK: KATHLEEN LIGAMMARI, APPOINTMENT

Agenda Item #1

Pursuant to the power vested in me by Section 2.3 of the Charter of the City of Niagara Falls, New York, I hereby appoint Kathleen Ligammari as City Clerk of the City of Niagara Falls, New York.

Will the Council kindly confirm such appointment?

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

Yeas  
Nays

5  
0

APPROVED

Oath of Office was administered by Judge Danielle Restaino

CITY CONTROLLER: DANIEL R. MORELLO, APPOINTMENT

Agenda Item #2

Pursuant to the power vested in me by Section 2.3 of the Charter of the City of Niagara Falls, New York, I hereby appoint Daniel R. Morello as City Controller of the City of Niagara Falls, New York.

Will the Council kindly confirm such appointment?

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

Yeas 5  
Nays 0

APPROVED

Oath of Office was administered by Judge Danielle Restaino

CORPORATION COUNSEL: CHRISTOPHER M. MAZUR, APPOINTMENT

Agenda Item #3

Pursuant to the power vested in me by Section 2.3 of the Charter of the City of Niagara Falls, New York, I hereby appoint Christopher M. Mazur as Corporation Counsel of the City of Niagara Falls, New York.

Will the Council kindly confirm such appointment?

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

Yeas 5  
Nays 0

APPROVED

Oath of Office was administered by Judge Danielle Restaino

RESOLUTION: 2020 COUNCIL MEETING SCHEDULE, 2020-1

BY: ALL COUNCIL MEMBERS

Agenda Item #4

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it hereby adopt the schedule of dates below as the official schedule of meeting dates for the Niagara Falls City Council for 2020; and

BE IT FURTHER RESOLVED, That the City Council of the City of Niagara Falls, New York will hold its work session in conjunction with legislative sessions at 6:00 p.m. on the dates listed below.

January 1 (11:00 am)	April 22	July 29	November 18
Reorganization Mtg	May 6	August Recess	December 9
January 15	May 20	September 2	
January 29	June 3	September 16	
February 13 (Thurs)	June 17	October 7	
February 26	July 1	October 21	
March 11	July 15	November 4	
March 25			

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: NIAGARA GAZETTE, OFFICIAL NEWSPAPER, 2020-2  
BY: ALL COUNCIL MEMBERS

Agenda Item #5

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

BE IT FURTHER RESOLVED, that this designation shall be in effect for the year 2020, but such designation shall not thereafter lapse until superseded.

Yeas

5

Nays

0

ADOPTED

Oath of Office was administered to County Officials, Mark Grozio, Chris Robbins, Owen T. Steed and Dennis Virtuoso

MEETING ADJOURNED AT 12:00 PM

Kathleen Ligammari  
City Clerk

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JANUARY 15, 2020

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The Legislative session of the January 15, 2020 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Voccio at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, John Spanbauer, Kenny Tompkins, Andrew Touma, Council Chairman Chris Voccio

Also present: Mayor Robert M. Restaino, City Administrator Anthony Restaino, Corporation Counsel Chris Mazur, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello.

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

Council Member Tompkins moved to approve the Minutes from the Organizational Meeting of January 1, 2020

Yeas 5  
Nays 0

APPROVED

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

- Merle Smouse Agenda Item #15
- Ron Anderluh Congratulations to new Mayor, City Administrator, new Council Members, City Clerk; Parking; working meters
- Merle Smouse Derelict houses; vehicle break-ins; 3<sup>rd</sup> St. District security
- Rev. Fred Chambers African Americans ignored; City Hall lacking diversity
- Gloria Dolson Parking revenue; lack of diversity in City Government; residential yards full of junk: Law Enforcement needs to work more closely with the Community
- Alysia Welch-Chester Parking revenue; plans ride-along observations of Buffalo Parking operations to aid in improvements with NF operations

Presentations: None

Mayor Update:

State of City comments delayed due to continued reorganization efforts.

Administrative Update: None

Controllers Report:

Pre audited parking revenue detailed for year end 2019 (detailed slides included)

Chris Mazur, Corporation Counsel, presented a Walk-on item concerning Public Speaking Rules to be added

Yeas 5 Nays 0  
APPROVED

Item was added to the Agenda as Agenda Item #17

Agenda item #11, honoring Debra Aloian, was moved to the beginning of the Council Meeting.

The Proclamation was read by City Clerk Kathleen Ligammari  
Dennis Virtuoso, Niagara County Legislature, presented a County  
Proclamation

Ms. Aloian thanked everyone for the observance

Items 6-9, Settlements of claims against City, Councilman Touma requested tracking of city employees named in multiple incidents.

Item 13, Waiver of residency requirements, Councilman Kennedy takes exception to naming individuals in the resolution. Prefers referring to position only.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF NOVEMBER 2019

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK CLAIM'S FOR THE MONTH OF DECEMBER 2019

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

LOCAL LAW #2 APPROVAL

Agenda Item #3

Please be advised that Local Law #2 of the Law of 2019 of the City of Niagara Falls Moratorium on Multi-Tenant/Supportative Housing Projects within the Highland Avenue, North End area of the City of Niagara Falls as these dwellings pose an adverse affect in the Revitalization of the Highland Avenue Community and the Suspension Bridge District Downtown Revitalization Project was adopted by the City Council on November 13, 2019 and duly approved by Mayor Paul A. Dyster on November 26, 2019, was received and filed by the New York State Department of State for the year 2019 on December 3, 2019.

THIS ITEM WAS RECEIVED AND FILED

LOCAL LAW #3 APPROVAL

Agenda Item #4

Please be advised that Local Law #3 for the year 2019, a Local Law to amend the Niagara Falls City Charter as amended by adding Section 10.37 and by appealing Section 10.9 of Article X of the Charter, entitled "Taxation and Assessment", which was adopted by City Council on November 21, 2019 and duly approved by Mayor Paul A. Dyster on December 4, 2019, was received and filed by the New York State Department of State on December 10, 2019.

THIS ITEM WAS RECEIVED AND FILED

COMMISSIONER OF DEEDS, APPROVAL

Agenda Item #5

The following have requested City Council approval for  
Commissioner of Deeds for a term from January 16, 2020 to Dec. 31, 2021.

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

Kathleen M. Ligammari	City Clerk
Kelly L. Colucci	2303 Pine Avenue, Niagara Falls, NY 14301
Karen Quarantillo	2303 Pine Avenue, Niagara Falls, NY 14301
Lisa A. Smith	226 78 <sup>th</sup> St., Niagara Falls, NY 14301

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

Yeas 5  
Nays 0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: JOSEPH L. LEONE, JR., AS GUARDIAN OF L.S., AN INFANT

Agenda Item #6

Date Claim Filed: July 22, 2016  
Date Action Commenced: December 5, 2016  
Date of Occurrence: April 26, 2016  
Location: Hyde Park Boulevard, near intersection with North Avenue  
Nature of Claim: Motor vehicle accident  
City Driver: James R. Shaughnessy  
Status of Action: Trial will be scheduled if not settled  
Recommendation/Reason: Best interest of City  
Amount to be Paid: \$5,000.00  
Make Check Payable to: Shaw & Shaw, PC, as attorneys for Joseph L. Leone, Jr.  
Conditions: Stipulation of Discontinuance as to all parties and General Release to City must be approved by Corporation Counsel

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

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

Yeas 4  
Spanbauer, Tompkins, Touma, Chairman Voccio  
Nays 1  
Kennedy

APPROVED

CLAIM: CHRISTINA M. SANCHEZ

Agenda Item #7

Date Claim Filed: March 24, 2016  
Date Action Commenced: June 28, 2016  
Date of Occurrence: February 29, 2016  
Location: Packard Road and Niagara Falls Boulevard  
Nature of Claim: Motor vehicle accident  
City Driver: Ronald J. Cirrito  
Status of Action: Trial will be scheduled if not settled  
Recommendation/Reason: Best interest of City  
Amount to be Paid: \$20,000.00  
Make Check Payable to: Lipsitz Green Scime Cambria LLP, as attorneys for Christina M. Sanchez  
Conditions: Stipulation of Discontinuance as to all parties and General Release to City must be approved by Corporation Counsel

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

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

Yeas 4  
Spanbauer, Tompkins, Touma, Chairman Voccio  
Nays 1  
Kennedy

APPROVED

CLAIM: AARON BORDEN

Agenda Item #8

Date Claim Filed: April 7, 2014  
Date Action Commenced: December 5, 2014  
Date of Occurrence: February 23, 2014  
Location: Public Safety Building, 1925 Main Street  
Nature of Claim: Premises Liability - slip and fall  
City Driver: N/A  
Status of Action: Trial will be scheduled if not settled  
Recommendation/Reason: Best interest of City  
Amount to be Paid: \$3,000.00  
Make Check Payable to: William Mattar Law Offices, as attorneys  
for Aaron Borden  
Conditions: Stipulation of Discontinuance as to all  
parties and General Release to City must be  
approved by Corporation Counsel

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

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

Yeas 4  
Spanbauer, Tompkins, Touma, Chairman Voccio  
Nays 1  
Kennedy

APPROVED

JUDGEMENT: GEICO, AS SUBROGEE OF TESSIA C. HARRIS

Agenda Item #9

Date Claim Filed: Notice of Claim requirement not applicable  
Date Action Commenced: Petition to confirm arbitration award  
filed March 29, 2019  
Date of Occurrence: Multiple dates of PIP payments to GEICO  
insured  
Location: N/A  
Nature of Claim: PIP Subrogation - Mandatory Arbitration  
Status of Action: Judgment in favor of Petitioner, GEICO  
Recommendation/Reason: Satisfaction of Judgment  
Amount to be Paid: \$2,875.00  
Make Check Payable to: GEICO Insurance Company  
Conditions: Satisfaction of Judgment to be approved by  
Corporation Counsel prior to filing.

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

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

Yeas 4  
Spanbauer, Tompkins, Touma, Chairman Voccio  
Nays 1  
Kennedy

APPROVED

RESOLUTION: MARRIAGE OFFICERS, APPOINTMENT, REAPPOINTMENT,  
CANCELLATION, 2020-3  
BY: COUNCIL CHAIRMAN VOCCIO

Agenda Item #10

WHEREAS, Niagara Falls has an international reputation as The  
Honeymoon Capitol; and  
WHEREAS, Couples arrive at the City Clerk's Office from all over  
the World to obtain a Marriage License; and  
WHEREAS, it is advantageous for the City and convenient for the  
couples to have these marriages solemnized within the confines of the  
City of Niagara Falls; and

WHEREAS, the Council finds to appropriate to appoint and re-appoint Marriage Officers,

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that in accordance with Section 11-c of the New York Domestic Relations Law, the following employees in the City Clerk's Office, Kathleen Ligammari, City Clerk, be appointed as Marriage Officer and Leonard Lapp, Jr. be re-appointed as Marriage Officer for the City of Niagara Falls for a term of four years. Also, to remove Lisa A. Vitello as Marriage Officer.

Yeas 5  
Nays 0  
ADOPTED

RESOLUTION: ALOIAN, DEBRA, HONORING, 2020-4  
BY: ALL COUNCIL MEMBERS, MAYOR RESTAINO

Agenda Item #11

WHEREAS, Debra Aloian has been a lifelong resident of the City of Niagara Falls, daughter of Joseph and Mary Schiro, sister to Lawrence and Joseph Schiro, mother to Peter, Joseph and Theresa Aloian, widow of Richard Aloian; and

WHEREAS, Debra started her work career at Niagara Falls Memorial Medical Center at various Departments, followed by time working at Milestone Rehab Center; and

WHEREAS, for the past 28 years, Debra has dedicated her life to the Passage House, a fifteen bed Domestic Violence Shelter serving Niagara Falls, North Tonawanda and Western Niagara County, assisting survivors of abuse and their families; and

WHEREAS, Debra has made an impact on hundreds and hundreds of individuals in our Community, working through Pinnacle Community Services;

NOW, THEREFORE, BE IT RESOLVED that both the City Council and Mayor Robert M. Restaino of the City of Niagara Falls wish to honor Debra Aloian for her years of community service.

THANK YOU for making a positive difference in so many lives here in Niagara Falls.

Yeas 5  
Nays 0  
ADOPTED

RESOLUTION: BOARD OF APPEALS, APPOINTMENT, 2020-5  
BY: ALL COUNCIL MEMBERS

Agenda Item #12

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

<u>Appointment</u>	<u>Term Expires</u>
Earl Smeal 8494 W. Rivershore Drive Niagara Falls, NY 14304	12/31/2022

Yeas 5  
Nays 0  
ADOPTED

RESOLUTION: RESIDENCY REQUIREMENT, WAIVER, 2020-6  
BY: COUNCIL MEMBERS SPANBAUER, TOMPKINS, TOUMA, CHAIRMAN VOCCIO

Agenda Item #13

WHEREAS, on February 6, 2017, the Niagara Falls City Council authorized, by resolution, that City Engineer John A. Gerlach was exempted from the residency requirements contained in Local Law #7, for the Year 1984, as amended; and

WHEREAS, at that time, the City Council determined that it was in the best interests of the City to waive the residency requirements of the Local Law as there were a lack of qualified applicants for the City Engineer position residing within the City and that several suitable applicants for the position were unwilling to accept the position if required to comply with the residency requirement; and

WHEREAS, Mr. Gerlach continues to reside in Youngstown, New York and is unable to relocate due to personal and family circumstances; and

WHEREAS, based upon his qualifications and proven work record with the City, newly elected Mayor Robert Restaino re-appointed John Gerlach as City Engineer on January 1, 2020; and

WHEREAS, for the purposes of continuity and for the same reasons that necessitated the City Council's previous residency waiver in February 2017, it is in the best interests of the City to again exempt Mr. Gerlach from the requirements of the Local Law.

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 retaining 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 acting City Administrator of the City of Niagara Falls, New York are hereby authorized to effectuate said waiver in relation to the employment of John A. Gerlach as Niagara Falls City Engineer.

Yeas	4
Spanbauer, Tompkins, Touma, Chairman Voccio	
Nays	1
Kennedy	

ADOPTED

RESOLUTION: PARKLAND IMPROVEMENTS, DISCOVERY WAY RECONSTRUCTION, TROLLEY PATH, NEW BICYCLE/PEDESTRIAN PATHS RECONSTRUCTION, 2020-7  
BY: COUNCIL MEMBERS TOMPKINS, TOUMA, CHAIRMAN VOCCIO

Agenda Item #14

WHEREAS, the New York State Department of Transportation proposes the construction, reconstruction, or improvement of Removal of the Niagara Scenic (Robert Moses) Parkway and Improvements to the Parkland and Adjacent Area, Reconstruction of Discovery Way, Reconstruction of the Trolley Path, and Construction of New Bicycle, Pedestrian Paths in the City of Niagara Falls, located in Niagara county, PIN 5761.9B and 5761.90; and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the work to be done pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner; and

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

WHEREAS, the State will provide for the reconstruction of the above mentioned work, as shown on the contract plans relating to the above mentioned project PIN 5761.9B; and

WHEREAS, the City of Niagara Falls or its contractors will adjust facilities pursuant to contract plans related to PIN 5761.90.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls approves of the work to be done and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the City of Niagara Falls will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans.

BE IT FURTHER RESOLVED that the City of Niagara Falls or its contractors will adjust their facilities per contract documents.

BE IT FURTHER RESOLVED that Mayor Robert M. Restaino has the authority to sign any and all documentation that may become necessary as a result of this project as it relates to the City of Niagara Falls; and

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

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: PUBLIC HEARING, AMENDING ARTICLE X, AMENDING SECTION 10.30 ENTITLED "HOTEL ROOM AND OCCUPANCY TAX", 2020-8

BY: COUNCIL MEMBERS TOMPKINS, TOUMA, CHAIRMAN VOCCIO

Agenda Item #15

RESOLVED, that Local Law No. \_\_\_\_ for the year 2020 be introduced, and that a public hearing be held on such Local Law on the 29th day of January, 2020 at 6:00 p.m. in the Council Chambers of the City of Niagara Falls, New York, and that three (3) days notice of said hearing be published in the Niagara Gazette preceding said hearing relative to amending Section 10.30 entitled "Hotel Room and Occupancy Tax".

LOCAL LAW ON FILE IN THE CITY CLERK'S OFFICE

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: LIGHTING SYSTEM, ADOPTING AGREEMENT FOR INSTALLATION MAINTENANCE, REPAIR, STATE HIGHWAY/WHIRLPOOL STREET, 2020-9

BY: COUNCIL MEMBERS TOMPKINS, TOUMA, CHAIRMAN VOCCIO

Agenda Item #16

WHEREAS the New York State Department of Transportation / City of Niagara Falls, New York, proposes the removal of NY Route 947A (Niagara Scenic Parkway), State Highway NPM 67-2 Niagara (Robert Moses) Parkway and Reconstruction of Whirlpool Street and Local Roads, a locally administered federal aid project, in the City of Niagara Falls, New York located in Niagara County, PIN 5761.90, Contract No. D263803, State Highway NPM 67-2; and

NOW, THEREFORE, BE IT RESOLVED by the City Council that the City of Niagara Falls, New York approves of the Agreement for Installation, Maintenance, Repair and Energizing of Lighting System for State Highway NPM 67-2; and

BE IT FURTHER RESOLVED that Mayor Robert M. Restaino has the authority to sign, with the concurrence of the City Council, this agreement; and

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

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: PUBLIC SPEAKING RULES, COUNCIL MEETINGS, 2020-10

BY: ALL COUNCIL MEMBERS

Agenda Item #17

WHEREAS, the Niagara Falls City Council believes in giving members of the public a forum to address the Council on matters that are on the Council meeting agenda as well as on matters for "the good of the community"; and

WHEREAS, the Niagara Falls City Council, pursuant to Resolution No. 1993-137, adopted by the Council on October 18, 1993, set forth a policy to allow public speaking at its meetings; and

WHEREAS, to help keep Council meetings professional and focused on making Niagara Falls a better place, the Council unanimously wishes to adopt a series of rules and procedures designed to make Council meetings more civil and dignified.

NOW, THEREFORE, BE IT RESOLVED that the following rules will apply to the public speaking portion of each Council meeting.

PUBLIC SPEAKING SIGN-IN PROCEDURES

If you would like to speak to the Council, please note the following rules:

- You must sign the appropriate sign-in sheet at least five (5) minutes before the meeting begins.
- You may sign-in to speak regarding a specific agenda item and/or "for the good of the community."
- Each speaker is given up to five (5) minutes maximum, although you may use less than that if you make your point in less time.
- If speaking about an agenda item, please refer to that agenda item at the very beginning of your five minutes.
- You may not transfer the balance of your time to another speaker.
- The Chairman may limit the number of speakers on a topic or agenda item or the overall speaking time if the same will unduly delay the commencement of the agenda.
- Speakers are addressing the City Council as a body. If you would like to address an individual Council Member or anyone else, please do that separately, not during these meetings.
- Please remain focused on the agenda item you signed up for, or for "the good of the community."
- The Council will not respond to questions or statements during the meeting. This is an opportunity to share your ideas, not to engage in conversation.
- This portion of the meeting is not for personal grievances
- Please use the decorum expected speaking before a deliberative assembly in the United States of America.
- The Chairman will enforce these rules.

Yeas	5
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Voccio adjourned the Meeting at 7:10 P.M.

Kathleen Ligammari  
City Clerk



**JANUARY 29, 2020**  
**REGULAR COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

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The Legislative session of the January 29, 2020 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Voccio at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, John Spanbauer, Kenny Tompkins, Andrew Touma, Council Chairman Chris Voccio

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

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

Council Member Tompkins moved to approve the Minutes from the Council Meeting of January 15, 2020

Yeas	5
Nays	0

APPROVED

Chairman Voccio announced a Special Order of Business, a Public Hearing relative to Amending Article X entitled "Taxation and Assessment" by Amending Section 10.30 entitled "Hotel Room and Occupancy Tax" and asked if there were any speakers relative thereto:

THERE WERE NO SPEAKERS FOR THE PUBLIC HEARING

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

Ralph Lorigo	Agenda Item #7
Ron Anderluh	Agenda Item #7
Merle Smouse	Agenda Item #7
Jeff Flach	Agenda Item #7
Ron Anderluh	City Hall hours; professional image of workers
Merle Smouse	RFP's; Projects on hold occupied by squatters
Robert Ventry	Vision for City; expand John Daly Blvd.; new Convention Center; better product for paving roads

Presentations: Susan Swiatkowski, Tourism Development Manager  
Presented data for last quarter 2019.

Mayor Update:

- Talks in progress for improved lighting in areas of the city. A no cost audit is being pursued. A detailed report to the Council will be provided upon completion.
- Talks with Bridge Commission coordinating recognition of recent event. Details TBA.
- Working toward improving customer service throughout City Hall.

Administrative Update:

- Communicate with DPW to make most of mild weather to patch roads.
- Per Council concerns, planning a 'meet & greet' with Modern Disposal and will address inconsistencies with level of service.
- Council expressed communications concerns; interdepartmental, between business districts, government to community, etc. Creation of Communications Officer position being explored by Executive office.
- Council expressed concerns regarding traffic signal sync issues. Talks between Administration & state to be pursued.

Controllers Report:

Online tax payments increased in 2019. City bond rating at 'negative outlook' status per S&P and Fitch. (presentation slides on file in the City Clerk's Office).

Councilman Kennedy added as sponsor to Agenda Items 6, 8, 9, 10.

Item 7:

Councilman Spanbauer sympathetic to stalled investors. Mayor anticipates an efficient process to finalize details, hopefully completed well before 90 day mark.

Item 10:

Mayor Restaino requests that administrator be included to keep lines of communication open regarding tourism issues.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF DECEMBER 2019

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: WORKER'S COMPENSATION CLAIMS, NORTHEAST ASSOCIATION MANAGEMENT, INC.

Agenda Item #2

Since 2005, the City's Workers' Compensation claims have been handled by the Public Employees Risk Management Association ("PERMA"). This includes both claims existing prior to 2005 and the claims that have arisen since joining PERMA in 2005.

The pre-2005 claims have been handled through PERMA's affiliated entity Northeast Association Management, Inc. ("NEAMI") as the third party administrator for the claims. Recent changes by the Workers' Compensation Board required that the City enter into a separate agreement with NEAMI to provide this service.

It is now time to enter into the annual renewal agreement (on file in the City Clerk's Office) with NEAMI. The claims will continue to be handled on the same basis and it is recommended that the Council authorize the Mayor to execute an agreement with NEAMI in a form acceptable to the Corporation Counsel.

Will the Council so approve?

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

Yeas  
Nays

5  
0  
APPROVED

DEPT. OF PLANNING/ECONOMIC DEVELOPMENT, OFFICE OF BUSINESS DEVELOPMENT,  
REORGANIZATION

Agenda Item #3

The Mayor is requesting a reorganization in the Department of Planning and Economic Development, Office of Business Development, decreasing the budgeted salary of the Director of Business Development from \$73,096 to \$52,310 and increasing the budgeted salary of the Business Development/Tourism Coordinator from \$49,432 to \$51,800. The proposed reorganization would result in a net savings of \$18,418 in the department's 2020 biweekly line.

Attached (on file in the City Clerk's Office) is the proposed personnel listing.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: BALL DIAMOND IMPROVEMENT PROJECT, 91<sup>ST</sup> ST., SCOTT LAWN YARD, INC., CHANGE ORDER #1

Agenda Item #4

A contract for the above referenced project was awarded to Scott Lawn Yard Inc. on April 3, 2019, in the amount of \$191,515.00.

An integral task of the improvements to the two ball diamonds being reconstructed was the complete re-grading to established little league safety standards. As the re-grading was completed, the new elevations in the outfields exposed the concrete fence post foundations in the outfield fencing. To ensure safety of the players the existing fence posts were required to be removed and reset at lower elevations. Damaged posts were replaced with new posts. In addition, the fence fabric required complete removal and reinstallation. These changes will result in an additional \$6,495.94, bringing the total contract amount to \$198,010.94. Funding is available from tribal revenue.

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

Yeas

5

Nays

0

APPROVED

IN REM AUCTION: WARD 08 PRO 0174 AND WARD 08 PRO 0175, SALE

Agenda Item #5

After the above referenced properties were sold at the October 9, 2019 auction, the City was notified of a bankruptcy filing by the owner of the property. As this prevented the City from proceeding with the sale, the down payment was returned.

The bankruptcy has been dismissed and the successful bidder would like to complete the sale.

Therefore it is the recommended that the sale of 08/0174 for \$882.00 and 08/0175 for \$14,118.00 to Gautam S. Sharma - 121 - 6<sup>th</sup> Street, Niagara Falls, NY be approved subject to compliance with the Terms of Sale.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

RESOLUTION: LOCAL LAW, HOTEL ROOM/OCCUPANCY TAX, AMENDING, 2020-11  
BY: COUNCIL MEMBERS KENNEDY, TOMPKINS, TOUMA, CHAIRMAN VOCCIO

Agenda Item #6

LOCAL LAW: HOTEL ROOM AND OCCUPANCY TAX, AMENDING

RELATIVE TO AMENDING ARTICLE X ENTITLED "TAXATION AND ASSESSMENT" BY AMENDING SECTION 10.30 ENTITLED "HOTEL ROOM AND OCCUPANCY TAX"

A local law to amend the Niagara Falls City Charter as amended, by amending Section 10.30 of Article X of the Charter, entitled "Taxation and Assessment".

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NIAGARA FALLS, NEW YORK, as follows:

Section 1. The Niagara Falls City Charter, as amended, is hereby amended by amending Section 10.30 of Article X to read as follows:

SECTION 10.30 HOTEL ROOM AND OCCUPANCY TAX

. . .

C. Imposition of Tax. On and after the 1st day of January, nineteen hundred ninety-two and ending on August 31, 2006, there is imposed and there shall be paid a tax of four [percentum] per centum (4%) per day upon the rent for every occupancy of a room or rooms in a hotel in this City except that the tax shall not be imposed upon a permanent resident of a hotel or exempt organizations as hereinafter set forth.

On and after the 1st day of September, two thousand six and ending on February 29, two thousand twenty, there is imposed and there shall be paid a tax of five [percentum] per centum (5%) per day upon the rent for every occupancy of a room or rooms in a hotel in this City except that that the tax shall not be imposed upon a permanent resident of hotel or exempt organizations as hereinafter set forth.

On and after the 1<sup>st</sup> day of March, two thousand twenty, there is imposed and there shall be paid a tax of six per centum (6%) per day upon the rent for every occupancy of a room or rooms in a hotel in this City except that that the tax shall not be imposed upon a permanent resident of hotel or exempt organizations as hereinafter set forth.

. . .

P. Disposition of Revenues. [All revenues resulting from the imposition of the tax under this section 10.30 shall be paid into the treasury of the City of Niagara Falls and shall be credited to and deposited in the General Fund account of the City of Niagara Falls. Eighty percent (80%) of the revenue from the tax shall be used for the promotion of convention activities in the City of Niagara Falls, for which the City may contract with the Niagara Falls Convention and Visitors Bureau for periods of not more than three (3) years. Fifteen percent (15%) of said revenue shall be divided equally between and used for the promotion of tourism and for maintenance and repairs of

convention facilities; retained by the City of Niagara Falls for any City purpose; and the remaining five percent (5%) of said revenue shall be retained by the City of Niagara Falls for administration and collection costs. The terms "convention facilities" and "tourism" may be defined by resolution of the City Council.] All revenues resulting from the imposition of the tax under this section 10.30 shall be paid into the treasury of the City of Niagara Falls and shall be credited to and deposited in the General Fund account of the City of Niagara Falls and shall be used as follows:

(a) From the first four ~~[percentum] per centum~~ (4%), eighty percent of such revenue from this tax shall be allocated and paid to a not-for-profit corporation under contract with the county for the promotion of tourism in the county; fifteen percent of such revenue shall be retained by the City of Niagara Falls for any City purpose; and the remaining five percent of said first four ~~[percentum] per centum~~ (4%) of revenue shall be retained by the City of Niagara Falls for administration and collection costs.

(b) The additional one percentum (1%) of such revenue from this tax ~~first authorized pursuant to chapter two hundred forty-seven of the laws of two thousand six~~ shall be dedicated to the continuation of a trolley service for the purpose of transporting guests of hotels and motels to area tourism attractions.

~~(c) An additional one per centum (1%) of revenue as authorized pursuant to chapter six hundred ninety-two of the laws of two thousand nineteen shall be dedicated to the operation of the Discover Niagara Shuttle.~~

[The terms "convention facilities" and "tourism" may be defined by resolution of this City Council.]

Section 2. This local law shall take effect as provided in the Municipal Home Rule Law.

Underlining and Bold indicate Additions

Bold and [Brackets] indicate Deletions

Yeas  
Nays

5  
0  
ADOPTED

RESOLUTION: MORATORIUM, 90 DAY, SHORT-TERM, VACATION OR TRANSIENT RENTALS, APPLICATIONS FOR BUILDING/USE PERMITS, 2020-12  
BY: ALL COUNCIL MEMBERS

Agenda Item #7

WHEREAS, the operation of short-term, vacation or transient rentals in the City of Niagara Falls and across the country has dramatically increased over the last several years; and

WHEREAS, while short-term, vacation or transient rentals have proven to have a generally positive influence on local economies and the overall condition of housing stock, they have also generated a great deal of controversy nationwide due to their negative effects upon the quality of life of adjoining property owners, the economic impact on traditional lodging partners and the availability of affordable housing; and

WHEREAS, the Zoning Ordinance and Comprehensive Plan for the City of Niagara Falls requires that land be used in the City and the most beneficial and convenient manner, preserving relationships among the residential, commercial, industrial and recreational areas within the City, and further requires that the value of land throughout the City be protected and conserved in a manner appropriate to the various districts established by the Zoning Ordinance, and further requires the pursuit of gradual conformity of the uses of land in buildings throughout the City and the minimizing of conflicts among the uses of land and buildings in the City; and

WHEREAS, without a comprehensive and detailed plan by the City to address the development and operation of short-term vacation or transient rentals in the City of Niagara Falls, the above purposes and requirements may be jeopardized.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that there is hereby imposed, from the date of enacting of this resolution, a ninety (90) day moratorium on the consideration of building/use permits for short-term, vacation or transient rentals, and it is further

RESOLVED, that this moratorium is imposed to enable the City to develop a comprehensive and detailed plan which is in concert with the Comprehensive Plan and Zoning Ordinance for the City of Niagara Falls concerning the location and approvals of short-term, vacation or transient rentals.

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: BOARD OF ASSESSMENT, RE-APPOINTMENT, 2020-13  
BY: COUNCIL MEMBERS KENNEDY, TOMPKINS, TOUMA, CHAIRMAN VOCCIO

Agenda Item #8

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

Robert Burns 09/30/2024  
8955 West Rivershore Drive  
Niagara Falls, NY 14304

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: TOURISM ADVISORY BOARD, CONTINUATION/AMENDMENT OF MEMBERSHIP, 2020-14  
BY: ALL COUNCIL MEMBERS

Agenda Item #9

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 the year 2020; and

WHEREAS, the Council deems it desirable and more efficient to reduce the overall membership of the Board to fifteen (15), with eleven (11) members having voting rights and four (4) members non-voting members.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby continues the Tourism Advisory Board, and be it further

RESOLVED, that the board Tourism Advisory Board shall now consist of fifteen (15) members appointed by the City Council, with eleven (11) members having voting rights and four (4) non-voting members, and be it further

RESOLVED, that the Tourism Advisory Board and its function shall cease on December 31, 2020.

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: TOURISM ADVISORY BOARD, APPOINTMENTS/REAPPOINTMENTS,  
2020-15  
BY: ALL COUNCIL MEMBERS

Agenda Item #10

WHEREAS, the Council deems it desirable to continue the Tourism Advisory Board during the year 2020; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby re-appoints and appoints the following individuals to the City of Niagara Falls 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>
Patrick Proctor	12/31/2020
Angela Berti *	12/31/2020
Gaelean Baille	12/31/2020
Andrea Czopp *	12/31/2020
Roscoe Naguit	12/31/2020
Meghan Ayers	12/31/2020
Michael Marsch	12/31/2020
Sara Capen *	12/31/2020
Frances (Skip) DiCamillo	12/31/2020
Susan Swiatkowski *	12/31/2020
Daniel Tighe	12/31/2020

<u>APPOINTMENT</u>	<u>TERMS EXPIRE:</u>
Bob Onesi	12/31/2020
Traci Bax	12/31/2020
Brian Lapp	12/31/2020
Maryann Hess	12/31/2020

\* Non Voting Member

Yeas  
Nays

5  
0  
ADOPTED

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

Kathleen Ligammari  
City Clerk



**FEBRUARY 13, 2020**

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

---

The Legislative session of the February 13, 2020 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Voccio at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, John Spanbauer, Kenny Tompkins, Andrew Touma, Council Chairman Chris Voccio

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

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

Council Member Tompkins moved to approve the Minutes from the Council Meeting of January 29, 2020.

Yeas	5
Nays	0

APPROVED

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

Gerald Skrlin	Agenda Item #9
Ron Anderluh	Parking; prepared for start of tourist season; Meters operational; coordination between lots; enforce rules for maximum revenue; traffic Control, be proactive; Snow Park used for bus lot
Gerald Skrlin	Illegal Boarding House

Mayor Update:

- Short term rental review group is in place and meeting date set.
- Study being conducted Re; parking & traffic issues during tourist season in downtown district.
- Discussion Re; recently awarded Cities Rise Innovation grant. Phases I & 2 in progress. City responsible for continued funding once grant is exhausted.

Administrative Update:

- Responded to Council inquiry re; Item 1

Controllers Report: None

Item 1: Councilman Spanbauer - Questioned if Forestry department is assessing tree stock throughout City to prioritize most in need of removal/trimming to minimize property damage liability. Councilman Tompkins suggested possible grant availability or Greenway funds to offset cost.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK CLAIMS FOR THE MONTH OF JANUARY 2020

Agenda Item #1  
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: NIAGARA COUNTY OFFICE FOR THE AGING

Agenda Item #2

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 per year for these services. The term of the agreement is January 1, 2020 through December 31, 2022. 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: OFFICE OF THE AGING, SENIOR NUTRITION SITE

Agenda Item #3

For the last several years the City has provided space at the John Duke Center and the LaSalle Senior Center so that OFA may operate a nutrition program for seniors. This program is attended by numerous senior citizens at both locations every day. This program is funded by the New York State Office for the Aging. The term of this agreement will be for three (3) years, i.e., January 1, 2020 to December 31, 2022 and may be terminated by either party on sixty (60) days written notice to the other.

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

Will the Council so approve?

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

Yeas 5  
Nays 0

APPROVED

CITY PROPERTY: MICHIGAN AVENUE, 1316, SALE, CHARLES & MARY CALABRO

Agenda Item #4

The City has received a request to purchase the above referenced City owned vacant property for the sum of \$500.00.

This property was approved for sale by the Planning Board. Attached (on file in the City Clerk's Office) hereto is a copy of the Planning Board's approval.

Will the Council approve the sale of these premises for this price in an "as-is" condition, the closing on this property be performed within 30 days of the resident being informed of Council approval, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill?

The purchaser is responsible for paying the 2020 County Tax and 2020 City Tax first installment.

Will the Council further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

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

Yeas 5  
Nays 0  
APPROVED

CONTRACT: PROFESSIONAL SERVICES AGREEMENT, WENDEL WD AESLA, P.C., PAYMENT

Agenda Item #5

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.

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?

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

Yeas 4  
Kennedy, Spanbauer, Touma, Chairman Voccio  
Nays 1  
Tompkins

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS: APPOINTMENTS

Agenda Item #6

The following have requested City Council approval for Commissioner of Deeds for a term from April 1, 2020 to March 31, 2022.

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

Leonard G. Lapp Jr.	City Clerk's Office
Rosanna Lively	DPW
Leonard M. Cannello	9141 Rivershore Dr., NF, NY 14304
Kelly Cook	1026 92 <sup>nd</sup> St., NF, NY 14304
Larry Kensinger	496 23 <sup>rd</sup> St., NF, NY 14303
Teresa M. Kurilovitch	9311 Niemel Dr., NF, NY 14304
Ashlee Pappas	770 Main St., NF, NY 14301
Jaclyn Pendola	2259 Forest Ave. Upper, NF, NY 14301
Diane Ward	1010 Hyde Park Blvd., NF, NY 14305

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

Yeas	5
Nays	0

APPROVED

RESOLUTION: TOURISM ADVISORY BOARD, AMENDMENT OF MEMBERSHIP/APPOINTMENT OF CITY REPRESENTATIVE, 2020-16

BY: ALL COUNCIL MEMBERS

Agenda Item #7

WHEREAS, the Niagara Falls City Council, by Resolution 2020-15, re-established the Tourism Advisory Board and set its membership at fifteen (15), with eleven (11) members having voting rights and four (4) members non-voting members; and

WHEREAS, the Council deems it desirable and more efficient to include a representative of the City of Niagara Falls to the Board as a non-voting member, thereby increasing the membership to sixteen (16), with eleven (11) members having voting rights and five (5) members non-voting members.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby determines that the City of Niagara Falls Tourism Advisory Board shall now consist of sixteen (16) members appointed by the City Council, with eleven (11) members having voting rights and five (5) non-voting members, and be it further

RESOLVED that the City Council hereby appoints Allen Booker to the City of Niagara Falls Tourism Advisory Board as the City's non-voting representative, effective immediately, for a term expiring on December 31, 2020.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: WATER BOARD, APPOINTMENT, 2020-17  
BY: COUNCIL MEMBERS SPANBAUER, TOMPKINS, TOUMA, CHAIRMAN VOCCIO

Agenda Item #8

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>
Patrick Brown 984 Rankine Road Niagara Falls, NY 14305	12/31/2022

Yeas	4
Spanbauer, Tompkins, Touma, Chairman Voccio	
Nays	1
Kennedy	

ADOPTED

RESOLUTION: BAIL AND DISCOVERY REFORM LAWS, REPEAL, 2020-18  
BY: ALL COUNCIL MEMBERS

Agenda Item #9

WHEREAS, the Niagara Falls City Council recognizes the need for statewide bail and discovery reform; and

WHEREAS, protecting the people from harm by enforcing the rule of law is a fundamental role of government; and

WHEREAS, city governments are vested by the State of New York with the responsibility to protect the most vulnerable among us, including the elderly, the disabled, the socio-economically disadvantaged, children and others;

WHEREAS, no group is more vulnerable than the victims of crime, and a just society demands that crime victims should be recognized as key participants within the criminal justice system and be treated with dignity, fairness, and respect; and

WHEREAS, in the final stages of adopting its Fiscal Year 2020 budget, the State of New York enacted sweeping criminal justice reforms including the elimination of cash bail for many specific enumerated crimes and the imposition of stringent discovery mandates on police and prosecutors; and

WHEREAS, under the bail reform which began January 1, 2020, judges were stripped of their discretion to set bail for many specific enumerated crimes, meaning that many of those suspected of committing these crimes can no longer be held in jail after their arrest, regardless of the strength of the case against these defendants, or the length of the potential sentence faced by these defendants, or the extent of the harm allegedly caused by these defendants, and instead these defendants will be released back into the general public; and

WHEREAS, these crimes include those that result in the deaths of innocent people, including several subcategories of homicide and manslaughter, with those responsible for these deaths being released back into the community of grieving families; and

WHEREAS, these crimes include *Making a Terroristic Threat* and *Money Laundering in Support of Terrorism in the 3<sup>rd</sup> and 4<sup>th</sup> Degree*, resulting in those alleged to have supported terrorism in this manner or who have threatened to commit acts of terrorism being released immediately from police custody; and

WHEREAS, these crimes also include *Promoting an Obscene Sexual Performance by a Child*, *Possessing an Obscene Performance by a Child*, *Failure to Register as a Sex Offender*, and *Patronizing a Person for Prostitution in a School Zone*, resulting in suspected child predators being released and returning into our community; and

WHEREAS, these crimes also include *Aggravated Assault upon a Person Less Than Eleven Years Old, Reckless Assault of a Child by a Day Care Provider, Criminal Sale of a Controlled Substance to a Child, Abandonment of a Child and Criminal Possession of a Weapon on School Grounds*, resulting in those suspected to have physically harmed or endangered children in this manner being free from custody; and

WHEREAS, these crimes likewise includes *Endangering the Welfare of a Vulnerable Elderly Person or an Incompetent or Physically Disabled Person*, resulting in the potential for further endangerment of seniors and these defenseless individuals; and

WHEREAS, furthermore, these crimes include *Aggravated Cruelty to Animals, Torturing Animals and Injuring Animals*, resulting in immediately release of those suspected of deliberately injuring, torturing and killing animals; and

WHEREAS, these crimes also include *Assault in the 3<sup>rd</sup> Degree, Aggravated Vehicular Assault*, and other crimes of physical violence against people; and

WHEREAS, these crimes likewise includes *Burglary of a Residence*, resulting in the immediate release of these individuals back into the neighborhoods they are suspected of targeting; and

WHEREAS, these crimes also include *Bail Jumping and Unlawfully Fleeing a Police Officer in a Motor Vehicle*, resulting in release on recognizance of the very individuals who have demonstrated a propensity to evade the law; and

WHEREAS, all the offenders mentioned heretofore are a risk of not showing up for Court, thereby placing a burden on public employees who, under this law, are required to send multiple Court appearance reminders to these offenders, as well as police officers and district attorneys who must commit resources to tracking and pursuing those who evade prosecution; and

WHEREAS, all offenders who were held in custody for non-qualifying crimes including those mentioned heretofore became eligible for release from custody on January 1, 2020; and

WHEREAS, the discovery mandates imposed by the State of New York requires police and district attorneys, beginning January 1, 2020, to turn over voluminous trial related materials to defense attorneys within 15 days, creating a mandate that will inevitably not be achieved in some cases and may result in the inability to properly prosecute cases against criminal defendants; and

WHEREAS, the office of New York State's chief law enforcement officer, Attorney General Letitia James, testified at a State Legislative hearing on October 28, 2019, that there will be implementation difficulties because prosecutors across the state lack the resources required to full comply with discovery mandates; and

WHEREAS, the Attorney General's office further testified that their own office, which carries a limited criminal caseload, lacks resources required to fully comply with discovery mandates and consequently needs an additional \$10 million in state funding; and

WHEREAS, discovery reform will also result in an opportunity for defendants to gain access to crime scenes that may include a victim's residence, thereby giving defendants accused of burglaries, assaults, rapes and other crimes committed in victims' homes the right to return to those same homes; and

WHEREAS, the issues mentioned heretofore will undeniably impact past, present, and future victims of crime in a negative manner, and in so doing, the bail and discovery reforms adopted by the State of New York will themselves further victimize these innocents individuals; and

WHEREAS, these bail and discovery laws, in their current form, represent a clear and present danger to society, will tilt the scales of justice in favor of suspected criminals and away from innocent crime victims, and risk reversing decades of bipartisan progress made by the State of New York in reducing crimes; and

WHEREAS, the fundamental responsibility of governments to protect the vulnerable in society demands that the shortcomings of these laws must remediate by total repeal;

NOW, THEREFORE, BE IT RESOLVED that the Niagara Falls City Council hereby implores the State of New York to immediately repeal these laws; and be it further

RESOLVED, that the following improvements to these laws be implemented as soon as possible:

1. Give judges the discretion to impose bail when appropriate for all the crimes enumerated in this Resolution;
2. Increase the discovery timeline from 15 days to a minimum of 45 days;
3. Phase in discovery reform by applying these new mandates only to misdemeanors and then to felonies effective January 1, 2022, and repeal the provision that makes the new discovery mandates applicable to violations of the Vehicle and Traffic Law;
4. Require that Court appearance reminders are sent not only to defendants but also to the victims of their crimes; and
5. Extend appropriate dignity, fairness and respect to crime victims by soliciting input from victim advocate organizations and considering their suggestions for improving these laws; and be it further

RESOLVED, that the Niagara Falls City Council asks all counties and towns across New York State to urge their State representatives to take immediate action on the foregoing issues; and be it further

RESOLVED, that copies of this resolution be provides to: Governor Andrew Cuomo, Lt. Governor Kathy Hochul, Attorney General Letitia James, each and every member of the New York State Legislature, Congresswomen Elise Stefanik, Senator Kirsten Gillibrand, Senator Charles Schumer, the New York State Association of Counties, the New York State Sheriff's Association, the New York State Association of Chiefs of Police, the District Attorneys Association of New York, the New York State Public Defenders Association, the New York State Probation Officers Association, the New York State Council of Probation Administrators, the Associations of Justices of the Supreme Court of the State Of New York, the New York State Association of City Court Judges, the County Judges Association of the State of New York, and the County Attorneys Association of the State of New York.

Yeas  
Nays

5  
0  
ADOPTED

There being no further business to come before the Council,  
Chairman Voccio adjourned the Meeting at 6:55 P.M.

Kathleen Ligammari  
City Clerk



**FEBRUARY 26, 2020**  
**REGULAR COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

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The Legislative session of the February 26, 2020 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Voccio at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, John Spanbauer, Kenny Tompkins, Andrew Touma, Council Chairman Chris Voccio

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

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

Council Member Tompkins moved to approve the Minutes from the Council Meeting of February 13, 2020

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                      Parking. specifically the Roundabout; make one way 1<sup>st</sup> St. toward Niagara St. would improve revenue in Ramp

Mayor Update:

- Presented each Council member with 45rpm record of nostalgic Niagara Falls song.
- Pantara project is proceeding. Will keep Council updated as new details emerge.
- Action Line on City website is pending makeover to be more effective, user friendly and interactive for residents/visitors feedback.
- Meeting was held with Niagara Co. leadership. Cooperative efforts discussed that would improve efficiencies & cost between the City & neighboring communities.
- 90 day Moratorium Committee met to develop regulations regarding short term rentals. Outcome pending.
- State of The City address targeted for March. Coordinating date & time pending.
- Council questioned status of casino funds resolution. Talks ongoing regarding appeal process and compact details. Possible update in the Fall.
- Preparedness discussed regarding imminent winter storm. Senior centers focused as well as possibly covering school snow clearing as equipment was lost in fire 2/25/2020.

- MIS Upgrades - Working with school district to coordinate efforts. Looking for available funding sources. Councilman Touma stressed an urgency to bringing City technology to a contemporary level.

Administrative Update:

- Re: Action Line - Meeting planned 3<sup>rd</sup> week in March with a developer. Each department to designate point person(s) to address issues related to their area.
- Meeting planned with Assessor, Code Enforcement, Legal, Fire & NFPD to progress with City Rises grant initiative.
- NCCC approached to enlist their horticulture program to maintain medians in downtown district.

Controllers Report:

Tourism Fund Update for 2019, preliminary findings. Audit planned in May. Revenue down, somewhat affected by still pending payments from several properties.

Misc.:

Councilman Kennedy expressed concerns received from residents regarding potholes along Rt. 62 & 79<sup>th</sup> St. Councilman Touma inquired if analysis of DPW & NFPD fleet had been explored yet. Administrator expressed the known issues and they will be addressed.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF JANUARY 2020

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

IN REM PURCHASE: 2016, 1718 13<sup>TH</sup> STREET, REIMBURSEMENT

Agenda Item #2

The above property was included in the most recent In Rem proceeding and was subject to auction on October 9, 2019. At the time of the auction, there was a structure on the property. After closing with the City on January 20, 2020, it was discovered that the structure had burned down and had been demolished.

Accordingly, the Law Department has determined that it is in the City's best interest to reimburse Mr. Shakoor for the cost he paid to the City to close on that property. Therefore, the following costs should be reimbursed: \$4,000.00 bid balance; \$140.75 2019 - 2020 school tax; \$65.47, 2019 city tax, and \$25, landlord registration fee. The total amount to be reimbursed to the purchaser is \$4231.22; this does not include Mr. Shakoor's initial deposit of \$1,000 or the auction fee of \$500 from the day of the auction which will not be reimbursed by the City.

Will the Council so approved?

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

Yeas

5

Nays

0

APPROVED

IN REM PURCHASE: 2016, NIAGARA FALLS BLVD., 6100R, REIMBURSEMENT

Agenda Item #3

The above reference property was included in the In Rem proceeding and was subject to the auction on October 9, 2019.

Due to extenuating circumstances involving the property owner, it was discovered after the auction that the property was landlocked which prevented access to it without trespassing on private property.

It is recommended that the Council vote to reject the successful bid for this property at the auction and direct the City Controller to refund the deposit and auctioneer fee to the bidder, Toan V. Kim. We have recently learned that the owner of the adjacent property, SGL Carbon, is interested in acquiring the aforementioned parcel and reuniting it with the plant parcel. Should the bid be rejected and the auctioneer fee refunded, the City will then pursue sale of the property to the adjacent property owner.

Will the Council so approve?

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

Yeas 5  
Nays 0

APPROVED

CLAIM: STONE, EDGAR

Agenda Item #4

Date of Occurrence: January 6, 2017  
Date Claim Filed: January 13, 2017  
Date Action Commenced: July 5, 2017  
Location: Alley parallel to and north of Niagara Street, between Memorial Parkway and 12<sup>th</sup> Street  
Nature of Claim: Premises Liability - slip and fall  
City Driver: N/A  
Status of Action: Trial will be scheduled if not settled  
Recommendation/Reason: Best interest of City  
Amount to be Paid: \$1,000.00  
Make Check Payable to: The Dietrich Law Firm, P.C., as attorneys Edgar Stone  
Conditions: Stipulation of Discontinuance as to all parties and General Release to City must be approved by Corporation Counsel

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

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

Yeas 5  
Nays 0

APPROVED

RESOLUTION: CRIMINAL PROCEDURE LAW, AMEND, 2020-19  
BY: MAYOR ROBERT RESTAINO, ALL COUNCIL MEMBERS

Agenda Item #5

WHEREAS, in the final stages of adopting its Fiscal Year 2020 budget, the State of New York enacted sweeping criminal justice reforms including the elimination of cash bail for many specific enumerated crimes and the imposition of stringent discovery mandates on police and prosecutors; and

WHEREAS, while our City government recognizes the need for well-reasoned statewide bail and discovery reform, the Niagara Falls City Council unanimously supported the total repeal of these recently enacted bail and discovery reforms at its February 13, 2020 meeting, as these laws in their current form represent a clear and present danger to society by tilting the scales of justice in favor of suspected criminals and away from innocent crime victims; and

WHEREAS, one particular reform overhauled the discovery process to require an expedited timeline to provide police reports, radio transmissions and other crime scene data related to the prosecution of a crime to defendants within 15 days of arraignment; and

WHEREAS, this discovery reform will also result in an opportunity for defendants to gain access to crime scene information that may include a witness' name and address, thereby providing defendants accused of burglaries, assaults, rapes and other crimes with valuable personal information that could be used to victimize or intimidate these innocent individuals; and

WHEREAS, while New York State Criminal Procedure Law Section 245.20 protects Law Enforcement personnel from the disclosure of name and contact information in this process to safeguard them and their families from threats and intimidation, the same protection is not extended to emergency first responders such as firefighters and EMS workers, who are often the first ones to provide life-saving services at emergency crime scenes and, due to the very nature of their professions, become crime scene witnesses whose name and addresses have to be released under the current reforms; and

WHEREAS, our emergency first responders are always there to treat anyone in need of care, no matter whether they have committed a crime or not; these first responders are prepared to put their own lives on the line, but they never bargained for the possibility that their families could become targets for violence, threats and intimidation; and

WHEREAS, first responders, who are already challenged in their ability to recruit new members, will now find it even more difficult to replenish their ranks due to their vulnerability to opportunistic predators who will take advantage of this new discovery reform law to threaten their lives and their family's well-being; and

WHEREAS, to address this matter, the New York State Senate is considering legislation (Senate Bill 7280) that would protect the privacy of all emergency first responders from having their personal information shared during discovery; and

WHEREAS, while the City Council supports a complete repeal of the State's rushed and ill-conceived bail and discovery reform laws, all of our City's elected officials view this proposed legislation as reasonable first step toward safeguarding the privacy and well-being of our City's firefighters, EMS workers and other emergency response personnel until a complete reconsideration of the recent reform laws can be accomplished.

NOW, THEREFORE, BE IT RESOLVED that both the City Council and Mayor Robert M. Restaino of the City of Niagara Falls hereby implore the State of New York to immediately enact the aforementioned proposed changes to the Criminal Procedure Law and that the protections intended for First Responders therein be implemented as soon as possible; and be it further

RESOLVED, that both the Niagara Falls City Council and Mayor Robert M. Restaino ask all cities, counties and towns across New York State to urge their State representatives to take immediate action on the foregoing issues; and be it further

RESOLVED, that copies of this resolution be provided to: Governor Andrew Cuomo, Lt. Governor Kathy Hochul, Attorney General Letitia James, each and every member of the New York State Legislature, Congressman Brian Higgins, Senator Kirsten Gillibrand, Senator Charles Schumer, the New York State Association of Counties and the New York State Conference of Mayors and Municipal Officials.

Yeas  
Nays

5  
0

ADOPTED

RESOLUTION: CITY ADMINISTRATOR, PARKING FEES WAIVING, 2020-20  
BY: ALL COUNCIL MEMBERS

Agenda Item #6

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

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

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

NOW, THEREFORE, BE IT RESOLVED that for the balance of calendar year 2020, the Niagara Falls City Council does hereby delegate to the City Administrator the ability to waive established parking fees based upon the requests submitted by various organizations and entities, provided that the organization or entity requesting such fee waiver provides the City Administrator good cause to do so, and it is further

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

Yeas	5
Nays	0

ADOPTED

CODE ENFORCEMENT: EMERGENCY DEMOLITIONS, FUNDING

Agenda Item #7

The Acting Director of Code Enforcement advises that his budget line item for performing emergency demolitions is all but depleted. Because it is necessary to have funding available to perform emergency demolitions as a result of fires and various other issues, it is requested that the sum of \$150,000.00 be transferred from casino reserves to the Emergency Demolition Capital account code H0910.

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

There being no further business to come before the Council,  
Chairman Voccio adjourned the Meeting at 6:50 P.M.

Kathleen Ligammari  
City Clerk



MARCH 11, 2020

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

---

The Legislative session of the March 11, 2020 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Voccio at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, John Spanbauer, Kenny Tompkins, Andrew Touma, Council Chairman Chris Voccio

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

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

Council Member Tompkins moved to approve the Minutes from the Council Meeting of February 26, 2020.

Yeas 5  
Nays 0

APPROVED

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

Maryann Hess Thanked Council & Execs for distinction of Official Chocolatier of Niagara  
Ron Anderluh Reassessment concerns; school district speed cameras; Reach out to Superintendent of Schools for partnering with the City on the cameras  
Tim McSweeney Public Safety, mainly traffic issues regarding speeding; delay in Police Dept. response; cumbersome phone system at Police Dept. to get thru to Police hearing his robbery case  
Cherrish Beals Looking to open business in Niagara Falls for a vacation rental; was assured by Code Enforcement that things were in place; has issue with Moratorium jeopardizing the closing on the property; needs assurance her investment will not be in jeopardy

Mayor Update:

- In ongoing conversations with Governor's office and Federal government regarding Covid-19 situation. No positive cases in Niagara County at this time. Will seek two testing sites.
- Tourism efforts focusing on drawing visitors from closer drive markets vs. promoting internationally.
- Continuing to work through deficiencies and loose ends from previous administration. Working on improving efficiencies and planning.
- Conference call pending with UB architecture school for space assessment in City Hall. Checking viability of moving Community Development back to City Hall for better oversight and efficiency.

- In talks with industry leaders regarding short term rental issue. Estimated 170-200 current operators in violation of current codes. Need to formulate method of collecting bed tax from such rentals.

Administrative Update:

- Addressed Councilman Touma's comments to speaker, regarding Police Dept. issues. Collective bargaining dynamics come into play with adjustments to scheduling & shifts.
- Responded to Councilman Tompkins inquiry regarding status of SPCA contract. Requested information from SPCA Director was received and pending review in order to begin formulating new contract.

Controllers Report:

Focused on under budget manpower expenses due to mild winter

Presentation:

John Cooper, Niagara Military Affairs Council - Presented history of NIMAC, the positive impact they have on community as one of highest employers and contributor to tax revenue. Due to their efforts the Federal Government continues to invest in improvements on the base.

Misc.:

Councilman Touma addressed speakers concerns about NFPD deficiencies. He expressed that workforce is sufficient per capita. Adjusting work days/shifts would improve coverage.

Councilman Tompkins questioned if there was a listing of City owned properties for sale both residential and commercial. Mayor not aware of a comprehensive list. Also not aware of significant movement toward sales.

Agenda Item 2 - Councilman Spanbauer expressed disappointment that casino funds will be used for asbestos & mold remediation in City Hall. Emergency fund should be in place for such expense. Administration agreed.

Agenda Item 4 - Councilman Kennedy questioned outsourcing audit of trash bins. Per Admin.- necessary due to lack of in house technology.

Discussion ensued regarding factors that could skew accuracy of count. Agenda Item 8 - Councilman Spanbauer requests all affected accounts be included in draft of service order.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S CLAIMS FOR THE MONTH OF FEBRUARY 2020

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: CITY HALL BOILER ROOM, MOLD, ASBESTOS AND LEAD TESTING/REMEDIATION, FUNDING, STOHL ENVIRONMENTAL

Agenda Item #2

Recent investigations in the Boiler Room at City Hall have revealed the possibility of asbestos containing materials, lead-based paint and the presence of mold. In light of these investigations, eleven professional firms were solicited to examine, sample and test for these materials and assist the City in developing a remediation plan.

Of the proposals received, the proposal received from Stohl Environmental was rated the highest. It is requested that Stohl Environmental be retained to provide the required services in the amount of \$13,570.00. Funding is available in Tribal Revenue.

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

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

Yeas 5  
Nays 0  
APPROVED

CONTRACT: CLEANING/CUTTING OF LOTS, FUNDING, K.J. SMITH ENTERPRISES, INC.

Agenda Item #3

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

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

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

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

Notice that bids were to be received was advertised in the Niagara Gazette and bid packages were sent to eleven (11) vendors. Two (2) responses were received. Please reference the attached tally sheet (on file in the City Clerk's Office) for bid submission details.

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

Will the Council so approve?

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

Yeas 5  
Nays 0  
APPROVED

CONTRACT: REFUSE TOTE VERIFICATION AUDIT, FUNDING, CASCADE ENGINEERING

Agenda Item #4

Prior to the implementation of the sanitation user fee, it will be necessary to obtain an accurate accounting of all refuse totes citywide. Accordingly, a verification audit of all refuse totes utilized at each commercial/residential property is required.

It is hereby proposed that Cascade Engineering ("Cascade") undertake this project and perform the required auditing services. Cascade will have multiple crews deployed throughout the City scanning refuse totes left curbside or in alley ways as part of the regular trash collection schedule (Cascade's crews will not enter a resident's property to scan a tote). It is anticipated that Cascade will complete the necessary work in a one to two week time frame.

Cascade will carry out this project at a cost of \$1.90 per refuse tote scanned; based upon the number of totes that have been issued to residents, it is estimated that Cascade's fee will be no more than \$45,115.50. Funding for this project is available from budget code A.8160.0000.0449.003.

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

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

Yeas 4  
Spanbauer, Tompkins, Touma, Chairman Voccio  
Nays 1  
Kennedy

CONTRACT: INDUSTRIAL HYGIENE ASSESSMENT AT CITY HALL, FUNDING, OSEA

Agenda Item #5

In order to ensure the safety of our citizens, City employees and visitors to City Hall, it is necessary that the City of Niagara Falls procure an industrial hygiene assessment at City Hall to evaluate the potential presence of mold in various areas of the building.

To that end, it is hereby proposed that Occupational Safety and Environmental Associates, Inc. ("OSEA") perform such an assessment. As part of their proposal, OSEA will provide certified personnel on site to collect appropriate samples in areas of potential exposure, including the building exterior, the boiler room area and basement offices, as well as on the upper floors of the building. OSEA will provide samples using the Zephon 37-millimeter Air-O-Cell media, with analysis done by Microscopy. These monitors will then be collected and analyzed by a laboratory accredited by the American Industrial Hygiene Association.

At the conclusion of the assessment, OSEA will generate a report demonstrating the findings and recommendations should the findings indicate the presence of mold.

OSEA will carry out this project at a cost of \$2,850.00. Funding for this project is available from budget code A.1620.2300.0449.599, the Buildings - City Hall Undesignated Services line.

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

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: CONSULTANT SERVICES FOR NYSDOT, FEDERAL AID PROJECT BUFFALO AVENUE, FUNDING, CHANGE ORDER #2, CHA COMPANIES, INC.

Agenda Item #6

A contract for the above referenced project was awarded to CHA Companies, Inc. on May 1, 2017 for professional services and design, and subsequently for the tasks associated with Construction Support Services and Construction Inspection in the amount of \$250,000.00. At its October 3, 2018 meeting, the City Council approved Change Order #1 in the amount of \$260,000.00.

In conjunction with the preceding change order on the contract necessitated by deficient and contaminated soils, CHA Companies, Inc. was also required to perform tasks beyond their original scope of services to accommodate this project's deficiencies. These tasks consisted primarily of design and oversight necessary to replace the deficient soils and the legally-required environmental monitoring involved with the radioactive nature of the contamination. Costs associated with these additional tasks is \$17,000.00. It is anticipated, however not yet confirmed, that this overrun will receive the same reimbursement arrangement as the original project via Supplemental Agreements to follow. Should the New York State Department of Transportation approve the funding request, the expectation would be that the City receive 80% reimbursement and the local match would be 20% or \$3,400.00. Funding is available in the respective projects capital account code H0635, to cover up to 100% of the change order should an agreement with NYSDOT not occur.

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: NYS DOT LOCAL ADMINISTERED FEDERAL AID PROJECT BUFFALO AVENUE, PHASE III, FUNDING, CHANGE ORDER #1, ACCADIA SITE CONTRACTING

Agenda Item #7

A contract for the above referenced project was awarded to Accadia Site Contracting, Inc. on October 3, 2018 in the amount of \$3,494,869.00.

During the course of the work, both unstable subgrade materials and radioactive contaminants were encountered by the contractor. The removal, disposal and subsequent replacement of these soils were beyond the original scope of the project.

The total costs for the additional soil-related remediation is \$380,000.00 (approximately 11% of the original contract amount) bringing the contract total to \$3,874,869.00. It is anticipated, however not yet confirmed, that this overrun will receive the same reimbursement arrangement as the original project via Supplemental Agreements to follow. Should the New York State Department of Transportation approve the funding request, the expectation would be that the City receive 80% reimbursement and the local match would be 20% or \$76,000.00. Funding is available in the respective projects capital account code H0635, to cover up to 100% of the change order should an agreement with NYS DOT not occur.

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: TREE/STUMP REMOVAL, 220 79<sup>TH</sup> STREET, PAYMENT OF INVOICE, FUNDING, BENTLEY TREE CARE

Agenda Item #8

In the summer of 2019, the City of Niagara Falls Community Development department sought to have a tree and stump removed from a City-owned property located at 220 79<sup>th</sup> Street. To that end, the department requested that Bentley Tree Care ("Bentley"), a company which the City has utilized for tree removal services on numerous occasions over a period of years, perform this service; accordingly, a purchase order was set up by the department with a funding source to come from a Community Development Block Grant ("CDBG"). Bentley completed the tree and stump removal as requested on or about November 8, 2019 and, accordingly, requested payment from the department for services rendered. However, the invoice submitted by Bentley went unpaid throughout the remainder of 2019 despite several attempts to collect on the debt.

As you know, this Administration has been conducting an extensive review of the operations of the Community Development department since the beginning of this year. This investigation has found that despite the assurances from former director Seth Piccirillo that an adequate funding source was available for the tree and stump removal, no such source actually existed. According to Department of Housing and Urban Development regulations, CDBG funding cannot be used for projects of this type. Therefore, upon information and belief, Bentley's requests for payment were ignored at CD because there was simply no way that the department could pay them.

Since Bentley successfully completed the requested work in a timely and professional fashion, the City is now obligated to compensate the company for services rendered. This Administration therefore requests that the City Council approve payment of \$3,400.00 to Bentley Tree Care for the tree and stump removal at 220 79<sup>th</sup> Street. Unfortunately, this type of conduct at the Community Development department is not unprecedented, as I recently was compelled to request funding from the City Council to compensate another unpaid vendor that performed work at CD's request just last month. As this Administration continues its inquiry into CD's operations, recent discoveries indicate that there may be further instances where vendors and or contractors have been denied payment for work that was successfully completed. Therefore, it may be necessary that I will again be requesting that this Council authorize payment for unpaid invoices relative to Community Development projects at a later date.

Funding for this payment is available from budget code A.8560.0000.0449.599, the undesignated services line.

Will the Council approve payment of the aforementioned invoice?

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

Yeas

5

Nays

0

APPROVED

APPROVAL: LOCAL LAW #1, 2020, MAYOR AND STATE

Agenda Item #9

THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: CITY BOARDS AND COMMISSIONS, RE-APPOINTMENTS/APPOINTMENTS, 2020-21

BY: COUNCIL MEMBERS TOMPKINS, TOUMA, CHAIRMAN VOCCIO

Agenda Item #10

WHEREAS, the Council deems it desirable to continue the Traffic Advisory Commission, the Youth Board, the Human Rights Commission and the Cable Television Commission as well as other Boards and Commissions previously established.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York hereby re-appoints and appoints the following individuals to the Boards and Commission stated below, effective immediately, for a term expiring on the date that appears opposite their names:

CABLE TELEVISION COMMISSION:

APPOINTMENT: \_\_\_\_\_ TERM EXPIRES: \_\_\_\_\_  
Shawn Levick 12/31/2023

HUMAN RIGHTS COMMISSION:

APPOINTMENT: \_\_\_\_\_ TERM EXPIRES: \_\_\_\_\_  
Christine Cavanaugh 12/31/2023  
Nicholas D'Angelo 12/31/2023  
Justin Decleene 12/31/2023

TRAFFIC ADVISORY COMMISSION:

APPOINTMENT: \_\_\_\_\_ TERM EXPIRES: \_\_\_\_\_  
Ronald Ashker 12/31/2025

YOUTH BOARD:

<u>APPOINTMENT:</u>	<u>TERM EXPIRES:</u>
Stephen Carroll	12/31/2023
Sal Constantino	12/31/2023
Mark Daul	12/31/2023
Mary DeBacco	12/31/2023
Tina Deakyne *	12/31/2023
Sam Giancola	12/31/2023
Manny Mejia (Youth)	12/31/2023
Donta Myles	12/31/2023
Rick Williams*	12/31/2023

\* *Re-appointment*

Yeas  
Nays

5  
0  
ADOPTED

There being no further business to come before the Council,  
Chairman Voccio adjourned the Meeting at 7:30 P.M.

Kathleen Ligammari  
City Clerk



**MARCH 25, 2020**

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The Legislative session of the March 25, 2020 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Voccio at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, John Spanbauer, Kenny Tompkins, Andrew Touma, Council Chairman Chris Voccio

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

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

Council Member Tompkins moved to approve the Minutes from the Council Meeting of February 11, 2020

Yeas	5
Nays	0

APPROVED

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

Joseph Schiro	Agenda Item #3; not time for new position; share services with Niagara County Public Information Officer or School Board for help
Shawn Levick	Agenda Item #3; Public Information Officer not feasible at this time
Tom McSweeney	Need more Police & tools for them to do their jobs; State needs to leave revenue generated in Falls here; revoke "99H"
Robert Ventry	Condition of streets ongoing issue; cracks in pavement leads to inevitable potholes & decay; use Liquid Tar Application Machine consistently to mitigate erosion
Shawn Levick	Trash problem throughout City; suggest strategically placed "Dumpster Yards" for ease of community use; Need to highlight historical significance of area Museums, etc; will there be accountability of people responsible for mismanagement of funds

Mayor Update:

- Covid-19 crisis has been main focus.
- State of The City address planned for late March will be on hold until the crisis eases.
- Walk on agenda items 13 & 14: Payments of invoices still outstanding from 2019. Advised the Council similar outstanding items will be forthcoming as they are continually being discovered from previous administration.

Administrative Update:

- Governor mandated 50% workforce reduction in response to Covid-19 spread. Requested Department Heads to submit their schedules with essential coverage. Government agencies are not included in 100% closure mandate.
- Ramped up road repairs pending LaFarge scheduled opening next week, providing needed materials. DPW yard roads are in dire need of repair.
- HUD provided a verbal extension of Cities Rises grant use.
- Approx. 21 city owned properties are set for demolition.

Controllers Report: None

Presentation:

Per agenda item #12, Thomas DeSantis, Planning Department Director, provided detailed background

Misc.:

Councilman Andrew Touma thanked Mayor & Administrator for leadership and calm guidance through Covid-19 crisis. He also encourages residents to support small businesses as best they can during this crisis.

Councilmen Kenny Tompkins & William Kennedy expressed concern over condition of CSX tracks at Highland & Rt.31 & also at Lafayette. Sink hole also forming in the area of Rt.31 & Highland.

Councilman John Spanbauer recommends a budget task force to work on a 'Financial Recovery Plan' as the Covid-19 crisis will further adversely affect the City's financial state. Also strategic planning initiatives.

Councilman John Spanbauer suggests more frequent cleaning efforts in the parks as they are being used more during the Covid-19 crisis.

Agenda Item 3: Councilmen William Kennedy & Kenny Tompkins suggested possibility of a shared service with County or school district rather than create a paid position. Not feasible.

Agenda Item 4: Chairman Chris Voccio asked clarification of what the funds would be used for. Anthony Restaino, City Administrator advised they will be used to develop new ideas for development, not toward existing projects.

Agenda Items 5 - 9: Councilman William Kennedy proposed grouping such like items (traffic related allowances) in one agenda item. Rules of order do not allow.

Agenda Item 12: Councilman John Spanbauer and Corporation Counsel Chris Mazur agree updating signage ordinance is needed and proposed changes are better. Recommend dispersing to business associations for review.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF FEBRUARY 2020

Agenda Item #1  
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: STREET MILLINGS, REDLAND QUARRIES OF NY

Agenda Item #2

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

TO: Redland Quarries of NY, Inc.  
d/b/a Lafarge  
75 Pineview Drive, Suite #100  
Amherst, New York 14228

FOR: Sale of street millings generated during the 2020 paving season: \$ 3.05 per ton

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to four (4) vendors. Three (3) bid and one (1) "No Bid" responses were received. The above referenced company submitted the highest price (on file in the City Clerk's Office) for the millings. The two (2) other bids received were from Regional Environmental Demolition, Inc. at \$ 2.00 per ton and Modern Disposal Services, Inc. at \$ 2.12 per ton.

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

PUBLIC INFORMATION OFFICER: EXECUTIVE OFFICE, POSITION CREATED

Agenda Item #3

As you well know, it is important for City Government to provide our residents and visitors with information regarding changes in City operations and policy, meeting notifications, health and safety issues and City activities of interest. However, the 2020 City Budget eliminated the position of Special Assistant to the Chief Executive which was utilized to disseminate information to the public.

The current Covid-19 situation has shined a bright light on the need for a Public Information Officer position to provide timely and critical information utilizing the news media and the various social media outlets. Therefore, this Administration requests that the City Council approve the creation of the Exempt position of Public Information Officer in the Executive Office, at a yearly salary of \$42,000.00, within the parameters of the attached (on file in the City Clerk's Office) Civil Service Job Description. Funding for this position available in budget code A.1210.0001.0110.000.

Will the Council so approve and authorize the creation of the Public Information Officer position?

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

Yeas	4
Spanbauer, Tompkins, Touma, Chairman Voccio	
Nays	1
Kennedy	

APPROVED

CONTRACT: WATERFRONT REVITALIZATION PROJECT, GRANT FUNDING

Agenda Item #4

For your information and review please find the agreement (on file in the City Clerk's Office) relative to grant funding between the City and the State of New York concerning the local Waterfront Revitalization Project. The purpose of the grant is to provide the necessary funding and assistance for the City to develop a plan to revitalize our waterfront areas.

The projected grant amount is \$493,000.00 with an \$87,000.00 required local match from the Niagara River Greenway Commission. Therefore, no City general funds will be required to execute this agreement.

Will the Council so approve and authorize the Mayor to execute provided it is in the form and content acceptable to the Corporation Counsel?

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

Yeas 5  
Nays 0  
APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

2924 CLEVELAND AVENUE, INSTALL "AUTISTIC CHILD AREA" SIGNS

Agenda Item #5

At the Traffic Advisory Commission meeting held on March 16, 2020 the Commission recommended APPROVAL of the following item:

INSTALL "AUTISTIC CHILD AREA" SIGNS (BOTH DIRECTIONS) IN ADVANCE OF 2924 CLEVELAND AVE

Request was made to provide warning to approaching motorists to drive with caution due to a child with severe autism living in the area.

Submitted By: Diane Harper Greene, on behalf of her son Liam, 2924 Cleveland Avenue

It is requested that City Council approve this recommendation.

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

Yeas 5  
Nays 0  
APPROVED

INDEPENDENCE AVENUE, INSTALL ALTERNATE OVERNIGHT PARKING, BETWEEN 20th & 22<sup>ND</sup> STREETS

Agenda Item #6

At the Traffic Advisory Commission meeting held on March 16, 2020 the Commission recommended APPROVAL of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON INDEPENDENCE AVENUE BETWEEN 20<sup>TH</sup> STREET & 22<sup>ND</sup> STREET

A Petition from the residents of this block was received with 81.8% of signatures.

Submitted By: Loraine Licata, 2008 Independence Avenue

It is requested that City Council approve this recommendation.

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

Yeas 5  
Nays 0  
APPROVED

WILLOW AVENUE, 1727, INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #7

At the Traffic Advisory Commission meeting held on March 16, 2020 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 1727 WILLOW AVENUE

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

Submitted By: Linda Russo, 1727 Willow Avenue

It is requested that City Council approve this recommendation.

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

Yeas 5  
Nays 0

APPROVED

LASALLE AVENUE, 1317, INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #8

At the Traffic Advisory Commission meeting held on March 16, 2020 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 1317 LASALLE AVENUE

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

Submitted By: Debra Schultz, 1317 Lasalle Avenue

It is requested that City Council approve this recommendation.

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

Yeas 5  
Nays 0

APPROVED

PIERCE AVENUE, 2477, INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #9

At the Traffic Advisory Commission meeting held on March 16, 2020 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 2477 PIERCE AVENUE

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

Submitted By: Michelle Mathews, on behalf of her husband Willie James Mathews Jr., 2477 Pierce Avenue

It is requested that City Council approve this recommendation.

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

Yeas 5  
Nays 0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: BLACKMON, RASAUN

Agenda Item #10

Date of Occurrence: February 21, 2017  
Date Claim Filed: Notice of Claim N/A to § 1983 claim  
Date Action Commenced: June 8, 2018  
Location: Highland Ave., in the vicinity of 2811 Highland  
Nature of Claim: § 1983 claim alleging police misconduct  
City Driver: N/A  
Status of Action: Pre-trial discovery will resume if not settled.  
Recommendation/Reason: Best interest of City  
Amount to be Paid: \$9,500.00  
Make Check Payable to: The Law Offices of Matthew Albert, as attorneys for Rasaun Blackmon  
Conditions: Stipulation of Discontinuance as to all parties and General Release to City must be approved by Corporation Counsel

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

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

Yeas	5
Nays	0

APPROVED

RESOLUTION: HUMAN RIGHTS COMMISSION, APPOINTMENTS/REMOVALS, 2020-22  
BY: COUNCIL MEMBERS SPANBAUER, TOMPKINS, TOUMA, CHAIRMAN VOCCIO

Agenda Item #11

WHEREAS, the Council deems it desirable to continue the Human Rights Commission previously established.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York hereby appoints the following individuals to the Human Rights Commission as stated below, effective immediately, for a term expiring on the date that appears opposite their names:

<u>APPOINTMENT:</u>	<u>TERM EXPIRES:</u>
Denise Mejia	12/31/2023
Scott Bax	12/31/2023
Thomas Sisco	12/31/2023

BE IT FURTHER RESOLVED that the City Council of the City of Niagara Falls, New York hereby removes the following individuals from the Human Rights Commission as stated below, effective immediately:

- o Charles Harris
- o Rasheen Wilson
- o Barbara Skye

Yeas	5
Nays	0

ADOPTED

RESOLUTION: ZONING CHAPTER 134-DOWNTOWN DISTRICTS AND SCHEDULE 1:  
 OFFICIAL MAP/TEXT, REVISION, 2020-23  
 BY: COUNCIL MEMBER TOUMA

Agenda Item #12

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Chapter 1314 entitled "Downtown Districts" is hereby amended to read as follows:

1314.1 Description and Purpose

. . . .

D3 GORGE VIEW NORTH MAIN

The purposes of this district are: to enhance the opportunity for residents, businesses and visitors to enjoy the benefits of newly created access to the Niagara River Gorge through the removal of the Robert Moses Parkway and the expansion of Niagara Falls State Park and Niagara River Greenway and to provide for a diverse combination of commercial, residential and mixed-use building types within the North Main Street Precinct. In so doing, the intention of development in this district is: to regenerate living and employment opportunities; to provide for the enhanced integration of those opportunities with the new and emerging amenities of the Niagara River Greenway corridor; to be sensitive of public amenities and viewsheds, and; to ensure that new developments can appropriately capitalize on those key amenities and emerging new opportunities. Density is intended to be generally moderate and always promoting a high-quality public realm and pedestrian experience. The inclusion of a height bonus enables occasional projects to be built to an increased density provided that public amenities, parking management, and viewshed protections are proactively addressed. Overall, developments should contribute positively to the aesthetic of the area, the area's natural heritage, and celebrating local history. Parking, where provided, shall be concealed or structured.

1314.2 Allowed Uses

Refer to Schedule 1 - Use Table

1314.3 Bulk and Density Standards

District	Sub-District	Maximum Front Yard Setbacks <sup>1</sup>	Percent of Building Façade Within Maximum Setback <sup>2</sup>	Base Building Height Allowance	Maximum Building Height (Base plus Bonus)
D1	A <i>Near-Casino</i>	10'	100%	320'	<i>Up to 608'</i>
	B <i>Transition</i>	10'	90%	160'	<i>Up to 304'</i>
	C <i>Near-Park</i>	10'	80%	80'	<i>Up to 152'</i>
	D <i>CASINO</i>	10'	100%	400'	n/a

District	Sub-District	Maximum Front Yard Setbacks <sup>1</sup>	Percent of Building Façade Within Maximum Setback <sup>2</sup>	Base Building Height Allowance	Maximum Building Height (Base plus Bonus)
D2	A Gorge-View	n/a	n/a	45'	n/a
	B Transition	10'	n/a	80'	n/a
<u>D3</u>	<u>A</u> <u>North-Main</u>	<u>10'</u>	<u>80%</u>	<u>100'</u>	<u>Up to 190'</u>

<sup>1</sup> Where the Downtown District abuts a Residential District the side, front, and rear setback required for a residential use in the abutting district applies. These setbacks shall apply only to the area of the Downtown district adjacent to the residential use.

<sup>2</sup> The percent of building façade facing the street that must abut the city right-of-way or be located within 10' of the sidewalk. Areas set aside for publicly accessible parks or plazas [are exempt from the maximum setback area requirement. For hotels, the façade may be within a maximum 30' of the right-of-way to accommodate a one-way driveway to serve as a porte coche (temporary pick-up and drop-off area). This porte coche shall not be used as a parking area and shall be attractively landscaped and integrated with adjacent sidewalks.] as well as, interior-facing courtyards are exempt from strict interpretation of the maximum setback area requirement. For hotels, the façade may be within a maximum of 30' of the right-of-way to accommodate a driveway serving only a Porte coche function (temporary pick-up and drop-off area). A Porte coche shall not be used as a parking area and shall be appropriately landscaped and safely integrated with adjacent sidewalks etc.

3 Any buildings exceeding the base building height allowance shall be required to perform a viewshed analysis and incorporate design considerations to mitigate the impact of the additional height upon the gorge view of surrounding properties. These measures may include step-backs, material considerations and site plan design.

The regulations in this chapter state the development standards for the Downtown Districts and Sub-districts. Sites within the Overlay Design District [(Chapter 1319)] are also subject to the additional regulations and standards found in Chapter 1319. Additionally, other specific uses or development types may also be subject to regulations found with the City-Wide Regulations series of chapters, including but not limited to Chapters 1322 and 1325. [Specific uses or development types may also be subject to regulations in the City-Wide Regulations series of chapters, including but not limited to Chapters 1322 and 1325.] Projects within the D1 and D3 Districts that meet the criteria specified in subsection D below are eligible for a height bonus. Projects eligible for bonuses are subject to all other applicable approvals and procedures required under this Zoning Ordinance and other federal, state, and local laws. Use or dimensional restrictions otherwise applicable to a project seeking a height bonus shall apply, except where a more restrictive standard set forth below is required as a condition for granting a height bonus, in which case such more restrictive standard shall apply.

1314.4.1 Height Bonus

A. Purpose.

This section sets forth a system of potential building height bonuses that are intended to promote high quality architecture and urban design within specified downtown areas by incentivizing appropriate scaling of building floor plates and the provision of community benefits and district amenities by the private sector for the purpose of creating, protecting and, optimizing world-class views and view sheds, and otherwise improving the quality of life of City residents and visitors. These incentives and bonuses are also intended to compliment and advance the City's urban revitalization policies while also providing greater flexibility in responding to emerging market demands. Developments meeting the requirements of this section shall be eligible for a height bonus over and above the base building height allowances stated in Table 1314.3.

B. Eligibility.

Projects within the D1 and D3 Districts that meet the criteria specified in subsection D below are eligible for a height bonus. Projects eligible for bonuses are subject to all other applicable approvals and procedures required under this Zoning Ordinance and other federal, state, and local laws. Use or dimensional restrictions otherwise applicable to a project seeking a height bonus shall apply, except where a more restrictive standard set forth before is required as a condition for granting a height bonus, in which case such more restrictive standard shall apply.

. . .

Bold and Underline Indicate Additions

[Bold and Brackets Indicate Deletions]

Yeas  
Nays

5  
0  
ADOPTED

CITY PROPERTY: COMMUNITY CENTER, DEMOLITION RELATED SERVICES, INVOICE PAYMENT, METRO ENVIRONMENTAL

Agenda Item #13

In the autumn of 2019, the City of Niagara Falls acquired the former Community Center property located at 1364 Center Avenue. As it was allegedly deemed a health and safety issue, the City sought to undertake demolition of the property. Accordingly, Metro Environmental ("Metro") was selected to perform this work. Funding for the abatement project was to come from a Community Development Block Grant ("CDBG") underwritten by the U.S. Department of Housing and Urban Development ("HUD"). Metro completed the abatement and monitoring as requested and submitted an invoice to the City on or about December 3, 2019. However, this invoice went unpaid throughout the remainder of 2019 despite Metro's attempts to collect on the debt.

This Administration continues to conduct an extensive review of the operations of the Community Development department; as it relates to this project, our investigation has found that despite the assurances from former director Seth Piccirillo that adequate funding was available through CDBG, Community Development failed to follow the proper procedures that were necessary to access the grant. According to HUD regulations, prior approval of the project was required to release funding; instead, the project was completed prior to Community Development seeking proper authorization. As a result, HUD would not reimburse the City for a demolition-related project that had been already completed.

Since Metro successfully completed the requested work in a timely and professional fashion, the City is now obligated to compensate the company for services rendered. This Administration therefore requests that the City Council approve payment of \$82,700.00 to Metro Environmental for the demolition and removal of material at the Community Center property located at 1364 Center Avenue.

Funding for this payment is available from the Tribal Revenue Reserve.

Will the Council approve payment of the aforementioned invoice?

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

Yeas 5  
Nays 0

APPROVED

CITY PROPERTY: COMMUNITY CENTER, ASBESTOS/MONITORING, INVOICE PAYMENT, STOHL ENVIRONMENTAL

Agenda Item #14

In the autumn of 2019, the City of Niagara Falls acquired the former Community Center property located at 1364 Center Avenue. As it was allegedly deemed a health and safety issue, the City sought to undertake demolition of the property. Prior to the demolition, an asbestos abatement and monitoring was required at the site; accordingly, Stohl Environmental ("Stohl") was selected to perform this work. Funding for the abatement project was to come from a Community Development Block Grant ("CDBG") underwritten by the U.S. Department of Housing and Urban Development ("HUD"). Stohl completed the abatement and monitoring as requested and submitted an invoice to the City on or about November 25, 2019. However, this invoice went unpaid throughout the remainder of 2019 despite Stohl's attempts to collect on the debt.

This Administration continues to conduct an extensive review of the operations of the Community Development department; as it relates to this project, our investigation has found that despite the assurances from former director Seth Piccirillo that adequate funding was available through CDBG, Community Development failed to follow the proper procedures that were necessary to access the grant. According to HUD regulations, prior approval of the project was required to release funding; instead, the project was completed prior to Community Development seeking proper authorization. As a result, HUD would not reimburse the City for a demolition-related project that had been already completed.

Since Stohl successfully completed the requested work in a timely and professional fashion, the City is now obligated to compensate the company for services rendered. This Administration therefore requests that the City Council approve payment of \$4,635.75 to Stohl Environmental for the asbestos abatement and monitoring project at the Community Center property located at 1364 Center Avenue.

Funding for this payment is available from the Tribal Revenue Reserve.

Will the Council approve payment of the aforementioned invoice?

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

Yeas  
Nays

5  
0

APPROVED

There being no further business to come before the Council,  
Chairman Voccio adjourned the Meeting at 7:30 P.M.

Kathleen Ligammari  
City Clerk



APRIL 22, 2020

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

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The Legislative session of the April 22, 2020 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Voccio at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, John Spanbauer, Kenny Tompkins, Andrew Touma, Council Chairman Chris Voccio

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

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

Council Member Touma moved to approve the Minutes from the Council Meeting of March 25, 2020

Yeas	5
Nays	0

APPROVED

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

David Fontanarosa      Agenda Item #11; requests postponement on Resolution to change Signage Ordinance; 1<sup>st</sup> Amendment & other issues

Mayor Update:

- Covid-19 crisis has been main focus. Re-opening timeframe of public venues being assessed. Municipality readiness is not equal to County directives, ie; boat launches, golf courses, etc.
- Ongoing conference calls with County, State and Federal officials regarding Covid-19 concerns and their impact on local municipalities.

Administrative Update: None

Controllers Report: None

Presentation: None

Misc.:

- Councilman Tompkins inquired about action taken toward a B & B on south Ave. Mayor advised there is an active investigation.
- Councilman Touma inquired about status of street light upgrade. Mayor advised budget concerns with up front funding required of city. On hold.

- Councilman Spanbauer inquired if a review of finances & action plan is pending in light of the Covid-19 crisis. Administrator advised that finances are reviewed on a daily basis. Mayor advised situation is still fluid, "a moving target" and not possible at this stage to anticipate full impact it will have on finances.
- Councilman Tompkins inquired about City Engineer vacant position. Mayor advised Engineer resigned and an active search is underway to fill position. There is an acting Engineer.
- Councilman Tompkins inquired about paving schedule. Administrator advised supplier recently opened and paving should begin soon. Work is allowable under Covid-19 guidelines provided safety protocols are followed.
- Councilman Kennedy inquired if CSX track concerns were addressed. Mayor advised due to the Covid-19 focus, it was not. It will hopefully be addressed by the next meeting.
- Councilman Kennedy shared ongoing concerns of residents regarding conditions of streets.
- Councilman Kennedy expressed residents' concerns regarding user fees and related due dates. Administrator advised there will be adjustments forthcoming.
- Councilman Touma spoke of proposed stimulus funds for municipalities. Mayor expressed cautious optimism but working under the assumption they will not materialize. Councilman Touma expressed appreciation of Executive office efforts during the Covid-19 crisis.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S CLAIMS FOR THE MONTH OF MARCH 2020

Agenda Item #1  
THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF MARCH 2020

Agenda Item #2  
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CODE ENFORCEMENT: REPAIR/DEMOLITION/BOARD OF STRUCTURES, EXPENSES, FROM APRIL 1, 2019 TO MARCH 31, 2020

Agenda Item #3

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

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

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

Will the Council so order?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: 2020 DRAINAGE STRUCTURE REPLACEMENT AND REPAIR PROJECT (VARIOUS LOCATIONS), FUNDING, 4<sup>TH</sup> GENERATION CONSTRUCTION CO., INC.

Agenda Item #4

The following was the result of bids received on April 15, 2020, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
4 <sup>th</sup> Generation Construction Co. Inc. 5650 Simmons Ave. Niagara Falls NY 14304	\$415,356.00
Mark Cerrone Inc.	\$466,941.00

It is the recommendation of the undersigned that this project be awarded to the low bidder 4<sup>th</sup> Generation Co. Inc. at their Base Bid of \$415,356.00. Please note that this amount is completely reimbursable with NYSDOT CHIPS monies. The funding code will be H0320, which represents CHIPS funding to be received for 2020 projects.

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

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: COMMUNITY DEVELOPMENT, CONSOLIDATED PLAN FOR 2020-2024 AND ACTION PLAN FOR 2020, H. SICHERMAN/THE HARRISON STUDIO

Agenda Item #5

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

WITH: H. Sicherman / the Harrison Studio  
160 Walnut Street  
Lockport, New York 14094

FOR: Preparation of the 2020-2024 Consolidated Plan and 2020 Action Plan on behalf of the Department of Community Development

Notice that proposals were to be received was advertised in the Niagara Gazette and requests for proposals were sent to twelve (12) vendors. Three (3) responses were received.

H. Sicherman / the Harrison Studio is to work in concert with City Staff to perform all tasks necessary to submit the aforementioned plans to the U.S. Department of Housing and Urban Development ("HUD"). Work shall include, but not be limited to, meeting with various City departments, document and plan preparation, conducting public meetings, information gathering and strategizing. The total cost for these services is \$35,500.00.

HUD has deemed this expense to be a fully reimbursable use of the funds it provides to the City, and as such funds for this expenditure are available in account codes CD1.8686.0000.0451.000, CD5.8096.0000.451.000 and CD6.8695.0000.451.000,

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

Yeas	5
Nays	0

APPROVED

CONTRACT: COMMUNITY DEVELOPMENT, THIRD PARTY TRAINING AND TECHNICAL CONSULTANT, FUNDING, H. SICHERMAN

Agenda Item #6

As we continue to review the situation in the Department of Community Development, the Administration believes that it is necessary that City employees at the department receive additional training in order improve program efficiency and to become more versed in U.S. Department of Housing and Urban Development ("HUD") protocols.

From the vendors that responded to the City's Request for Proposal, it is hereby proposed that H. Sicherman of Lockport New York undertake this project and perform the required third party training services. The term of a proposed agreement would be for up to 90 days with H. Sicherman carrying out this project at a cost of no more than \$15,000.00. Funding for this project is available from CDBG Administrative Revenue and 2015-17 and 2019 Program Funds.

H. Sicherman will provide on-site training for the Community Development staff, providing our staff with hands-on assistance. This will assist them to be more proficient in the HUD IDIS (software used to set up projects and draw down funds), the reprogramming of prior year HUD formula funds, budgeting, procurement, project close-outs, processing sub-recipient agreements and project planning. This training will be very timely with the new Compliance Officer coming on board (pending City Council approval).

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

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

Yeas	5
Nays	0

APPROVED

COMMUNITY DEVELOPMENT: COMPLIANCE OFFICER POSITION UPGRADE, FUNDING

Agenda Item #7

Since late last year, the position of "Compliance Office" in the Department of Community Development has remained vacant. This position is critical to ensure that this department's funds are expended appropriately with the proper documentation and contracts in place as required by HUD. After several weeks of advertising for the position, we were unable to get a qualified candidate at the salary that was budgeted for the position.

In order to attract a candidate who met the qualifications of the position with the commensurate education and experience required, we believe that it is necessary to upgrade the position. To accomplish this, the Compliance Officer would shift from a Grade 18 at a salary of \$49,520.00 to a Grade 23A with an annual salary of \$53,777.00. As this position has been vacant since January 1, 2020 funding for this upgrade is currently available in the department's 2020 biweekly line.

Attached (on file in the City Clerk's Office) is the proposed personnel listing.

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

DEPARTMENT OF PUBLIC WORKS: SMALL PARKS, REORGANIZATION

Agenda Item #8

Due to a recent retirement, the position of Crew Leader in the DPW's Small Parks division has been vacated. To maintain essential services and maximize savings, the DPW Director is requesting a downgrade of the Crew Leader-Small Parks position (Grade 13) to Maintenance Worker II-Small Parks (Grade 9). The proposed downgrade and reorganization would allow for the continuity of services and would result in a net savings of \$9,339.00 in the department's 2020 biweekly line.

Attached (on file in the City Clerk's Office) is the proposed personnel listing.

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

DEPARTMENT OF PUBLIC WORKS: CENTRAL GARAGE, REORGANIZATION

Agenda Item #9

Due to a recent retirement, the Maintenance Worker II in the DPW's Central Garage has been vacated. To maintain essential services and maximize savings, the DPW Director is requesting a downgrade of the MW II - Central Garage position (Grade 9) to Auto Mechanic's Helper (Grade 8). The proposed downgrade and reorganization would allow for the continuity of services and would result in a net savings of \$11,745.00 in the department's 2020 biweekly line.

Attached (on file in the City Clerk's Office) is the proposed personnel listing.

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

MAYOR'S APPROVAL: RESOLUTION 2020-23

Agenda Item #10

THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: REPEALING AND REPLACING CHAPTER 1121 AND 1140 OF THE CODIFIED ORDINANCES WITH CHAPTER 1309-REGULATIONS FOR SIGNAGE AND AMENDING SCHEDULE 1 OF THE ZONING ORDINANCE

BY: COUNCIL MEMBERS SPANBAUER, TOUMA

Agenda Item #11

THIS ITEM WAS TABLED  
NO ACTION TAKEN ON THIS ITEM

RESOLUTION: MORATORIUM EXTENDING, SHORT-TERM, VACATION OR TRANSIENT RENTALS, ADDITIONAL 30 DAYS, 2020-24  
BY: COUNCIL MEMBERS TOMPKINS, TOUMA, CHAIRMAN VOCCIO

Agenda Item #12

WHEREAS, on January 29, 2020, this Council adopted a resolution that imposed a ninety (90) day moratorium on the consideration of building/use permits for short-term, vacation or transient rentals in order to enable the City to develop a comprehensive and detailed plan concerning their location and approvals which is in concert with the City's Comprehensive Plan and Zoning Ordinance; and

WHEREAS, Mayor Robert Restaino and his Administration immediately began working toward developing such a plan relating to the short-term rental issue and, from time to time, the Mayor has updated this Council on their progress; and

WHEREAS, the onset of the Covid-19 pandemic has forced the Administration to turn its attention to the City's response to this unprecedented public health emergency, drawing its time and resources away from the short term rental project; and

WHEREAS, with the moratorium on short-term, vacation or transient rentals scheduled to end on April 28, 2020, there will not be sufficient time for the Mayor to fully develop a comprehensive plan; and

WHEREAS, in order to allow the Administration to complete its work on this important project, a short extension is necessary.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the moratorium on the consideration of building/use permits for short-term, vacation or transient rentals is hereby extended for an additional thirty (30) days, and it is further

RESOLVED, that this moratorium shall terminate on May 28, 2020.

Yeas 5  
Nays 0

ADOPTED

There being no further business to come before the Council, Chairman Voccio adjourned the Meeting at 6:50 P.M.

Kathleen Ligammari  
City Clerk



MAY 6, 2020

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

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The Legislative session of the May 6, 2020 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Voccio at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, John Spanbauer, Kenny Tompkins, Andrew Touma, Council Chairman Chris Voccio

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

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

Council Member Tompkins moved to approve the Minutes from the Council Meeting of April 22, 2020

Yeas	5
Nays	0

APPROVED

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

THERE WERE NO SPEAKERS

Mayor Update:

- Covid-19 crisis continues to be main focus. Renovations under way to make public service departments within the City safe in anticipation of reopening to public.
- Continuing to monitor and address fiscal challenges brought on by pandemic response.
- Ongoing conference calls with County, State and Federal officials. Exploring deployment of more mobile testing sites throughout Niagara region.

Administrative Update: None

Controllers Report: None

Speakers:

Rich Meranto, producer of Council meeting audio visual, Niagara Falls School District teacher, Chair of Cable Television Commission. Addressed the concern of Charter Communications (Spectrum) moving the local public access channel to the 1300 range in the listing. He requests the Council to adopt a resolution to return it to an open channel in the two digit range where it was previously located.

Agenda Items: None

Misc.:

- Councilman Kennedy asked if CSX rail crossing concerns were addressed. Mayor advised CSX was made aware of the concerns however they are not considered an essential priority at this time.
- Councilman Kennedy expressed resident concerns of overgrowth in lots located on Hudson Drive. Mayor advised ownership will be determined and parties will be notified to clear them.
- Councilman Touma mentioned a planned area USAF flyover 5/12 11:45am honoring front line Covid-19 workers. The Mayor indicated he was attempting to have Niagara Falls included in that.
- Councilman Touma appreciates post card mailing to residents regarding sanitation user fee.
- Councilman Touma appreciates Executive office efforts to establish Covid-19 test sites in the local area. Mayor indicated it's been a joint effort with local cities to include North Tonawanda and Lockport.
- Councilman Touma expressed disappointment that Niagara Falls Council members had not been included on committee to organize testing sites.
- Councilman Touma expressed need to amend taxi ordinance to include livery drivers. They should be required the same vetting process as taxi operators. The Mayor cautioned that any amendments need to be concise with as few 'exceptions' to the rule included as possible to enable ease of enforcement.
- Councilman Tompkins inquired whether efforts toward short term rental moratorium was still moving forward. Mayor expressed it was however some technical components, ex; bed tax collection, were still being worked out.
- Councilman Spanbauer offered kudos to DPW for staying on top of Hyde Park conditions. Particularly with heavy use during pandemic social distancing guidelines.
- Councilman Touma questioned the anticipated 're-opening' of the City/County related to pandemic concerns. The Mayor advised it would likely be a regional approach to include all WNY counties simultaneously. Also mentioned conversations with Niagara Falls Ontario Mayor indicate reopening the border to general crossing will not happen for some time.
- Councilman Kennedy motioned to walk-on a resolution demanding Federal government provide stimulus funds to the City. No 2<sup>nd</sup> from Council. Motion denied. Reasons stated; lack of knowing full financial impact to budget, local State Representatives need to advocate on behalf of municipalities directly to Federal officials.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

COMMUNITY DEVELOPMENT: HYDE PARK INCLUSIONARY PLAYGROUND, ADDITIONAL FUNDING, APPROPRIATION

Agenda Item #1

In 2017, the City of Niagara Falls Community Development department ("NFCD") proposed that the City undertake the installation of an Inclusionary Playground in Hyde Park. With the assurance of the former NFCD director Seth Piccirillo that there was adequate funding available for the project, the City Council approved all the grant awards and vendor contracts related thereto. To date, the project is substantially complete; however, the invoice submitted by one of the contractors, 4<sup>th</sup> Generation, Inc., remains unpaid despite several attempts by the company to collect on the debt.

As you know, we have been conducting an extensive review of the operations of NFCD since the beginning of this year. This investigation has found that despite the assurances from the former director that an adequate funding was secured for the Inclusionary Playground, the project was \$25,000.00 short of what was needed to bring it to completion. Unfortunately, this is yet another example of the cavalier behavior at NFCD that was tolerated by the previous administration.

Since 4<sup>th</sup> Generation has performed work and properly invoiced the City for payment, the City is now obligated to compensate the company for services rendered. This Administration therefore requests that the City Council approve additional funding in the amount of \$25,000.00 to cover the aforementioned shortfall. The City Controller has determined that the source for this amount is available from reprogrammed CDBG funds (from previous years).

In addition, you will find that there is a second item on your agenda related to the Inclusionary Playground project. That item is a request for an additional \$34,882.00 for a change order associated with the construction of the playground. Please note that it is necessary to secure City Council approval of both this item and the change order request in order to compensate 4<sup>th</sup> Generation for their work on the project. The total amount related to both items is \$59,882.00.

Again, the City Controller has determined that the \$25,000.00 funding for this item is available from previous years' reprogrammed CDBG funds.

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: HYDE PARK INCLUSIONARY PLAYGROUND, 4<sup>TH</sup> GENERALTION  
CONSTRUCTION COMPANY, CHANGE ORDER #1/FINAL

Agenda Item #2

A contract for the above referenced Community Development funded project was awarded to 4<sup>th</sup> Generation Construction Company Inc., 5650 Simmons Avenue, Niagara Falls, New York in the amount of \$164,534.00.

As the project progressed, issues not originally included in the project's initial scope of work were discovered that required correction and/or repair. These additional tasks center on both the removal and replacement of a damaged sewer lateral serving the Hyde Park Ice Pavilion complex and the remediation of vandalism to the playground equipment and surfacing. The total amount for these extra comes to \$34,881.73, bringing the contract total to \$199,415.00. Funding is available via existing, reallocated HUD Community Development Block Grant allotments.

Will the Council vote to so approve and authorize the Mayor to execute this Change Order #1/Final 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: 2020 SIDEWALK REPLACEMENTS, VARIOUS LOCATIONS, HENWOOD CONSTRUCTION

Agenda Item #3

The following is the result of bids received on April 29, 2020 for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>	<u>ALTERNATE A</u>
Henwood Construction, Inc. 9138 Rivershore Drive Niagara Falls NY 14304	\$250,000.00	\$17,680.00

Valeri Concrete Construction, Inc.	\$440,000.00	\$52,000.00
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It is the recommendation of the undersigned that this contract be awarded to the low bidder, Henwood Construction, Inc. at the base bid plus alternate bid price total of \$267,680.00.

Please note that the base bid amount is completely reimbursable with NYS DOT CHIPS monies. The funding code for the base bid items will be H0320, which represents CHIPS funding to be received for 2020 projects, while the Department of Public Works' O&M Sidewalk line will fund the alternate bid work, which involves the replacement of missing bridge deck granite curbing on the Robbins Drive Bridge.

Additionally, the Contractor has agreed to extend the unit prices of his bid to complete sidewalk replacements for the Niagara Falls Water Board, in an amount not-to-exceed \$30,000.00, pending the execution of a standard Inter-Agency Agreement between the City and the Niagara Falls Water Board. Therefore, the City of Niagara Falls will enter into a contract with Henwood Construction, Inc. for a total of \$297,680.00 at this time.

Will the Council vote to so approve and authorize the Mayor to execute a contract for the City of Niagara Falls, in a form acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
	APPROVED

DEPARTMENT OF PARKS/PUBLIC WORKS: REORGANIZATION, (SEASONAL IMPACT TEAM WORKERS/LEADERS)

Agenda Item #4

One of the complaints that we as elected officials hear most often from our citizens and business owners concerns the cleanliness of the City. Time and time again, taxpayers lament that we as a City are not doing enough to address the trash, refuse and debris that negatively impacts our community. After discussing this matter with the Director of Parks and Public Works, the Administration believes that the best approach in which to deal with the litter issue is with a more aggressive deployment of the City's Seasonal Impact Team.

In order to attract and retain reliable employees for the Seasonal Impact Team, we believe that it is necessary to increase the current \$10.00 per hour wage for Seasonal Impact Team Workers to \$12.00 per hour, and increase the current \$12.00 per hour wage for Seasonal Impact Team Leaders to \$14.00 per hour. This modest increase in the hourly rate should put the City in a better position to compete with the private business community for entry-level laborers. The Department will continue to operate within the parameters of the 2020 adopted budget by adjusting work schedules to account for the increase in hourly wage, making this proposal cost-neutral.

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: MACDONALD, RYAN

Agenda Item #5

Date of Occurrence: October 5, 2013  
Date Claim Filed: December 9, 2013  
Date Action Commenced: September 18, 2014  
Location: Riverwalk path, east of Adam Canal.  
Nature of Claim: Premises Liability - bicycle accident  
City Driver: N/A  
Status of Action: Trial will be scheduled if not settled  
Recommendation/Reason: Best interest of City  
Amount to be Paid: \$60,000.00  
Make Checks Payable to: Ryan MacDonald in amount of \$37,152.91  
William Mattar, P.C., as Attorney, in  
amount of \$22,847.09  
Conditions: Stipulation of Discontinuance as to all  
parties, including the Power Authority of  
the State of New York, which the City  
indemnifies, and General Release to City  
must be approved by Corporation Counsel

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

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

Yeas	4
Spanbauer, Tompkins, Touma, Chairman Voccio	
Nays	1
Kennedy	

APPROVED

CLAIM: PORTER, ANDRE

Agenda Item #6

Date of Occurrence: December 4, 2015  
Date Claim Filed: Notice of Claim N/A to § 1983 claim  
Date Action Commenced: May 22, 2018  
Location: Hyde Park and Walnut Avenue and City Jail  
Nature of Claim: § 1983 claim alleging police misconduct  
City Driver: N/A  
Status of Action: Discovery complete. Case will be scheduled  
for trial if not settled.  
Recommendation/Reason: Best interest of City  
Amount to be Paid: \$10,000.00  
Make Check Payable to: Andre Porter  
Conditions: Stipulation of Discontinuance as to all  
parties in pending federal court case and  
General Release to City must be approved  
by Corporation Counsel

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

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

Yeas	4
Spanbauer, Tompkins, Touma, Chairman Voccio	
Nays	1
Kennedy	

APPROVED

RESOLUTION: PROFESSIONAL NURSES WEEK, DECLARING MAY 6-12, 2020,  
2020-25

BY: MAYOR RESTAINO, ALL COUNCIL MEMBERS

Agenda Item #7

WHEREAS, since President Ronald Reagan's National Proclamation in 1982, the week of May 6 through May 12 has been observed as "National Nurses Week", culminating on May 12, the birth date of Florence Nightingale; and

WHEREAS, in New York state there are nearly 30,000 nurses among the four distinct nursing professions of Registered Professional Nurse, Clinical Nurse Specialist, Licensed Practical Nurse and Nurse Practitioner, making nursing the largest licensed healthcare profession in the state; and

WHEREAS, the nursing profession, often described as both an art and science, embraces dedicated individuals with varied interests and strengths united in their passion for and commitment to both their patient and the improvement of the quality of healthcare; and

WHEREAS, as nurses are there for us across the spectrum of our lifespan, ushering in life at birth and allowing for a dignified death, we must ensure that they get the recognition that they deserve, especially as our community, our nation and the entire world battles through the Covid-19 crisis; and

WHEREAS, Covid-19, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout New York State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, we know that in providing care to those suffering from Covid-19, thousands of nurses and healthcare workers across the state have been exposed or have contracted the virus, and, tragically, many have died; and

WHEREAS, these modern-day heroes continue to risk their lives while helping to save the lives of others on the front line in the battle against Covid-19; and

WHEREAS, we are cognizant that the compassionate, safe and quality healthcare services provided by nurses will be an even more important component of the American healthcare delivery system in the future; and

WHEREAS, in appreciation, the City of Niagara Falls has declared the week of May 6 - 12, 2020 as "Professional Nurses Week" to celebrate and recognize the ways in which nurses lead the charge for health and wellness.

NOW, THEREFORE, BE IT RESOLVED that both the City Council and Mayor Robert M. Restaino of the City of Niagara Falls wish to honor the nurses who care for us all by proclaiming the week of May 6-12, 2020 as "Professional Nurses Week" in the City of Niagara Falls to celebrate nursing's many accomplishments and efforts to improve our healthcare system and to show our appreciation for professional nurses not just during this week, but at every opportunity throughout the year.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: MARCHISELLI PROGRAM, PIN 5761.57, BUFFALO AVENUE (R 384)  
CAYUGA DRIVE TO 102ND STREET, 2020-26

BY: COUNCIL MEMBER TOUMA

Agenda Item #8

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) and Construction/Construction Inspection, phase 4.

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

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

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

RESOLVED, that funds are currently available in the respective capital project fund balance; 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, PIN 5761.81, BUFFALO AVENUE FROM RAINBOW BLVD. TO 450 FT. WEST OF 24<sup>TH</sup> STREET, 2020-27  
BY: COUNCIL MEMBER TOUMA

Agenda Item #9

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

WHEREAS, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Buffalo Ave from Rainbow Blvd. to 450 Ft. West of 24th Street, Preliminary Engineering (Design I-VI) and Construction/Construction Inspection 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 funds are hereby re-appropriated collectively from Buffalo Avenue Phase 1 through Phase 3 and made available to cover the cost of participation in the above phase of the Project; and it is further

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

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

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

RESOLVED, this Resolution shall take effect immediately.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: MARCHISELLI PROGRAM, PIN 5761.89, RT 265 (MILITARY ROAD) RECONSTRUCTION; NIAGARA FALLS BLVD. TO CAYUGA DR. AND CAYUGA DR. RESURFACING TRUSCARORA RD. TO BUFFALO AVE., 2020-28  
BY: COUNCIL MEMBER TOUMA

Agenda Item #10

WHEREAS, a Project for the Rt. 265 (Military Rd.) Reconstruction; Niagara Falls Blvd. to Cayuga Dr. and Cayuga Dr. Resurfacing; Tuscarora Rd. to Buffalo Ave., P.I.N. 5761.89 ("the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Rt. 265 (Military Rd.) Reconstruction; Niagara Falls Blvd. to Cayuga Dr. and Cayuga Dr. Resurfacing; Tuscarora Rd. to Buffalo Ave., 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 funds are hereby allocated from the miscellaneous road reconstruction capital project fund balance; 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  
Nays

5  
0  
ADOPTED

There being no further business to come before the Council,  
Chairman Voccio adjourned the Meeting at 6:50 P.M.

Kathleen Ligammari  
City Clerk



MAY 20, 2020

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

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The Legislative session of the May 20, 2020 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Voccio at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, John Spanbauer, Kenny Tompkins, Andrew Touma, Council Chairman Chris Voccio

Also present: City Administrator Anthony Restaino, Corporation Counsel Chris Mazur, and City Controller Daniel Morello

Not Present: Mayor Restaino, on a conference call with Niagara Falls Ministerial Council

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

Council Chairman Voccio moved to approve the Minutes from the Council Meeting of May 6, 2020.

Yeas	5
Nays	0

APPROVED

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

Mark Laurie	Agenda Item #10; thanking Council for Resolution
Walter Reed	Concerns re: Covid-19 Pause Order violations throughout the City; need for more effective enforcement
Robert Ventry	Paving methods & request for list of streets to be Fixed; Requests that City lots be kept up with grass cutting

Administrative Update:

- In process of reconfiguring city buildings/departments for reopening. Adding safety measures for both staff and visitors. Exact re-open date not known yet.
- In terms of general public, Phase I opening does not mean social distancing and mask wearing will stop.
- New York Conference of Mayors solicited municipalities to submit photos promoting the benefits of wearing masks. The City participated and is included in a video NYCOM posted to YouTube.
- In response to speaker comments regarding street conditions, Administrator advised there was a delay with start of work due to Covid-19 pause restrictions. Also concerns that there would be a delay in CHIPS funding. He was advised by State representatives that those funds should not be delayed due to current events.
- Brian Higgins office released a statement that census response is down. He expressed the importance of an accurate count to secure as much federal funding as possible for The City.

Controllers Report: None

Review of Agenda Items:

- Item 3 regarding shared service of Assessor with Town of Niagara. Clarification requested whether this position was in lieu of or in addition to Town of Wilson. Also whether the portions of salary from other municipalities would be paid directly from them vs. The City collecting the funds and paying The Assessor in full.

Misc.:

- Councilman Tompkins advised a City surface lot adjacent to former St. Joseph school needs attention. Catholic Charities needs to park there. Admin will have DPW look at it.
- Councilman Touma discussed concerns regarding Library funding. Need to work toward it becoming fully independent financially. Chairman Voccio stated it would be a long process to work out logistics. Committee meetings will resume after COVID-19 pause limitations are lifted.
- Councilman Touma expressed a hope that The City could find a creative way to set off fireworks for Independence Day.
- Councilman Touma inquired about COVID-19 contact tracing efforts. Administrator assures The City is not paying for any of it. The state is.
- Councilman Touma inquired about how the border agents will address mandatory mask wearing in USA. Administrator advises The City would not be aware of the protocols they will have in place.
- Councilman Touma questioned whether The Executive Office had anything current regarding Hero's Act funding for municipalities. Administrator noted our State Representatives are actively working on our behalf to secure funding.
- Councilman Tompkins inquires if casino funds would come into play regarding Hero's Act. Per Administrator, data was provided to the State regarding The City's financial status.
- Councilman Kennedy expressed he had observed pothole work being done.
- Councilman Spanbauer expressed his appreciation of Administrations responsiveness to a homeless person situation.
- Chairman Voccio requested that Controllers report resume with the next Council meeting.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S CLAIMS FOR THE MONTH OF APRIL 2020

Agenda Item #1  
THIS ITEM WAS RECEIVED AND FILED

CITY CLERK REPORT FOR THE MONTH OF APRIL 2020

Agenda Item #2  
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE MAYOR

CONTRACT: CITY ASSESSOR, SHARED SERVICES, TOWN OF NIAGARA

Agenda Item #3

Attached (on file in the City Clerk's Office) is the proposed shared services agreement with the Town of Niagara which provides for the City Assessor to also act as the Assessor for the Town of Niagara.

The agreement provides that the Town of Niagara will cover the cost related to work performed on behalf of the Town and pay the sum of \$26,000.00 annually to the City of Niagara Falls. The assessor will devote at least six (6) hours per week during normal business hours to assessment activities in the Town.

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.

Yeas 5  
Nays 0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY ASSESSOR

HOMESTEAD AND NON-HOMESTEAD PROPORTIONS

Agenda Item #4

In accordance with Section 1903 of the Real Property Tax Law, the City Council must certify the attached (on file in the City Clerk's Office) referenced percentages and proportions.

Assessing units using Article 19 Homestead option must certify percentages and proportions when final class equalization rates are established by the Office of Real Property Services.

The certification is now due and the attached represents the necessary certifications.

Will Council certify the attached percentages and proportions?

Council Member Touma 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 #5

The following have requested City Council approval for Commissioner of Deeds for a term from July 1, 2020 to June 30, 2022.

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

- Daniel Dobrasz NFPD
- Julie Kunecki Code Enforcement
- Frances Curcione 3302 Walnut Ave., Niagara Falls, NY 14301
- Louisa Fasciano 1331 104<sup>th</sup> St, Niagara Falls, NY 14304
- Alyson Graham 2441 Woodlawn Ave., Niagara Falls, NY 14301
- Jean Kennedy 1423 Wyoming Ave, Niagara Falls, NY 14305
- Denise M. Pelosino 959 Lafayette Ave., Niagara Falls, NY 14305
- Richard D. Smith 1021 96<sup>th</sup> St., Niagara Falls, NY 14304

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

Yeas 5  
Nays 0

APPROVED

RESOLUTION: SHORT-TERM VACATION OR TRANSIENT RENTALS, MORATORIUM  
EXTENSION, 2020-29  
BY: ALL COUNCIL MEMBERS

Agenda Item #6

WHEREAS, on January 29, 2020, this Council adopted a resolution that imposed a ninety (90) day moratorium on the consideration of building/use permits for short-term, vacation or transient rentals in order to enable the City to develop a comprehensive and detailed plan concerning their location and approvals which is in concert with the City's Comprehensive Plan and Zoning Ordinance; and

WHEREAS, the City Administration immediately began working toward developing such a plan relating to the short-term rental issue and, from time to time, the Mayor has updated this Council on their progress; and

WHEREAS, the onset of the COVID-19 pandemic forced the Administration to turn its attention to the City's response to this unprecedented public health emergency, drawing its time and resources away from the short term rental project, which caused this Council to extend the moratorium through May 28, 2020; and

WHEREAS, with the end of moratorium on short-term, vacation or transient rentals rapidly approaching, there will not be sufficient time for the Administration to fully develop a comprehensive plan; and

WHEREAS, in order to allow the Administration to complete its work on this important project, a short extension is necessary.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the moratorium on the consideration of building/use permits for short-term, vacation or transient rentals is hereby extended, for a final time, for an additional thirty (30) days, and it is further

RESOLVED, that this moratorium shall terminate on June 30, 2020, with no further extensions considered.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: EDUCATIONAL TELEVISION, CHANNEL DESIGNATION, REASSIGNMENT,  
SPECTRUM, 2020-30  
BY: MAYOR RESTAINO, ALL COUNCIL MEMBERS

Agenda Item #7

WHEREAS, local Public Government and Educational Television ("PEG TV") is an invaluable public service to our community, broadcasting local government meetings, school board meetings, coverage of important City/school-sponsored events as well as other programming of interest to the community; and

WHEREAS, for over 15 years, our PEG TV station, the Our Schools Channel ("OSC"), operated by the Niagara Falls City School District, has provided this valuable public service to our community; and

WHEREAS, since the early 1980s, PEG TV was easily accessible, first on Niagara Frontier Cable, Adelphia Communications and Time Warner (now Spectrum Communications), on channels assigned to lower numbered designations; and

WHEREAS, however, since 2018, Spectrum has moved our local community access programming to channel 1302 which has resulted in viewers having trouble finding this channel since it is not in proximity to other local programming; and

WHEREAS, since this channel designation change, Spectrum has not used channels 13, 14, 17, 19 or 20 for any other programming; and

WHEREAS, during the current public health crisis, easing the flow of information between various levels of government and people has never been more critical as people are isolated at home and are relying on news outlets to receive information ranging from community closures to access to life saving healthcare; and

WHEREAS, the COVID-19 pandemic has spread further due to misinformation or lack of information and now is not the time to restrict local access channels; instead, it is time we enhance and amplify them; and

WHEREAS, with this in mind, the City Council is asking that the Public Service Commission, whose responsibility is to monitor and govern public services, to make our public access programming more accessible by moving our local PEG TV programming back to one of the unused lower tier channels.

NOW, THEREFORE, BE IT RESOLVED that both the City Council and Mayor Robert M. Restaino of the City of Niagara Falls request that the Public Service Commission order Spectrum Communications to move the Our Schools Channel, our local PEG TV channel, to a more accessible channel designation; and it is further

RESOLVED, that it is recommended that Spectrum Communications relocate OSC to one of the unused lower-tier channels, specifically either channels 13, 14, 17, 19 or 20.

Yeas 5  
Nays 0  
ADOPTED

RESOLUTION: PROMOTIONAL APPOINTMENT FREEZE  
BY: ALL COUNCIL MEMBERS

Agenda Item #8  
THIS ITEM WAS PULLED  
NO ACTION TAKEN ON THIS ITEM

RESOLUTION: CIVIL SERVICE COMMISSION, REAPPOINTMENT, 2020-31  
BY: ALL COUNCIL MEMBERS

Agenda Item #9  
NOW, THEREFORE, BE IT RESOLVED that the Niagara Falls City Council hereby reappoints the following individual to the City of Niagara Falls Municipal Civil Service Commission, effective June 1, 2020, for the term expiring on the date which appears opposite her name:

REAPPOINTMENT: \_\_\_\_\_ TERM EXPIRES:  
LORA ALLEN 5/31/2026  
1656 Michigan Ave.  
Niagara Falls, NY, 14302

Yeas 5  
Nays 0  
ADOPTED

RESOLUTION: GRADUATES MONTH, JUNE 2020, 2020-32  
BY: ALL COUNCIL MEMBERS

Agenda Item #10  
WHEREAS, the months of May and June are normally a time when our City's graduating high school and college students and their families would be celebrating their achievements and accomplishments at various commencement ceremonies; and

WHEREAS, graduation is not just a ceremony, but a rite of passage where graduates partake in exhibits of final class projects, parties, goodbyes with friends and teachers, photo sessions at school and campus landmarks, and triumphant and tearful embraces; and

WHEREAS, unfortunately, the COVID-19 health pandemic has put lives throughout the nation and, specifically, the City of Niagara Falls, on pause; and

WHEREAS, during this uncertain time, educational institutions throughout the community have decided to either postpone commencement ceremonies or conduct them in untraditional ways in order to safeguard the public health; and

WHEREAS, while the response to the public health crisis may deprive our students of the "pomp and circumstance" associated with graduation ceremonies, Niagara Falls has proven itself to be a resilient community, and our students are an integral part of that resiliency as they continue to demonstrate both the strength and the will to persevere during this extraordinary time; and

WHEREAS, the most effective way to recognize our student graduates is through everyone's active participation and acknowledgement of their commitment and achievements; and

WHEREAS, as communities are stronger when everyone participates, the City Council encourages all citizens to take the time to celebrate and recognize our City's graduating students, on all schooling levels; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby designates and proclaims the month of June, 2020, as Graduates' Month in the City of Niagara Falls.

Yeas	5
Nays	0

ADOPTED

There being no further business to come before the Council, Chairman Voccio adjourned the Meeting at 6:43 P.M.

Kathleen Ligammari  
City Clerk



**JUNE 3, 2020**

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The Legislative session of the June 3, 2020 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Voccio at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, John Spanbauer, Kenny Tompkins, Andrew Touma, Council Chairman Chris Voccio

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

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

Council Chairman Voccio moved to approve the Minutes from the Council Meeting of May 20, 2020

Yeas	5
Nays	0

APPROVED

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

Jarrett Steffen Clarification requested of Human Rights Commission; members list, requests a dedicated website with current content

Mayor Update:

- DPW is at full staff as of this week. They will focus on catching up with grass cutting around the city. A street paving schedule is planned to be released within the next couple weeks. Other departments are phasing in returning to full staff.
- Work ongoing to prepare City buildings for reopening to the public. The Council will be made aware when openings will occur.
- Public Information Officer Appointment is expected to be in place by the next Council meeting.

Administrative Update:

- Expanded on DPW staffing, that recent retirements in the department will leave a few vacancies and may hinder progress in some areas.
- Public hearings pending regarding Community Development funds.

Controllers Report:

- 2020 budget impacted by COVID-19 pandemic. As expected major revenue streams considerably below budget due to Covid-19 restrictions. Chairman Voccio requested the County tax revenue shortfall number be broken down to specific areas; hotel, restaurant, utility.

Review of Agenda Items:

- Item 4 - Councilman Spanbauer asked that USA Niagara look to shift festivals to the fall season to make up for the vast majority of summer events being cancelled due to COVID-19.
- Item 5 - Andrew Touma voiced his full support of this resolution.

Misc.:

- Councilman Touma inquired how Council meeting capacity will be maintained when they resume open to the public. Mayor responded the capacity would be approximately 60. Access to the building will be limited to main floor.
- Councilman Tompkins relayed the volume of grass cutting complaints and there has been an uptick of complaints that Modern Disposal has been bypassing bulk items.
- Councilman Touma reiterated his receiving complaints about Modern bulk item issue.
- Councilman Touma voiced his being sympathetic to George Floyd death and those before him. Systemic racial divide is not tolerable and must end.
- Councilman Kennedy proud of Mayor and law enforcement for joining with protestors during May 31. He would like to see the moment commemorated somehow.
- Councilman Spanbauer asked if there was any Intel on planned protest June 5. Mayor responded they have been in contact with the organizers and there is no credible indicators that it will be anything but a peaceful protest. No guarantee but they are preparing for the worst but hoping for the best.
- Councilman Kennedy expressed high grass complaints are mounting with him as well. Also inquired when the media would again have access to Council meetings. The mayor advised configuration of press area and spacing of attendees is being developed.
- Councilman Kennedy congratulated on acquisition of police grant. Mayor mentioned it has not been officially announced to them and how it will be applied exactly is under review.
- Chairman Voccio asked that Administration give the concerns of Robert Ventry from Council meeting May 20 a closer look regarding street paving.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: USER FEE SOFTWARE, WAM SOFTWARE INC., FUNDING

Agenda Item #1

As we move toward implementation of the sanitation user fee, the City will need to obtain specialized computer software to manage accounts and maintain program accuracy. Since we do not possess the needed software development capacity, it will be necessary to enter into an agreement a company who can provide this service.

After reviewing the credentials and capabilities of several different software manufacturers, it is hereby proposed that the City enter into an agreement with WAM Software Inc. to provide the technology needed in order to process the user fee information. Under the proposed two (2) year agreement, WAM will provide the City with a user system that can manage up to six individual accounts at one time. WAM will also provide the City with customer service, technical support and software updates, as needed and at no cost. This agreement will also include access to WAM's web server subscription service which will allow the City to access all of WAM's various services and web-based technologies. WAM's software also features state-of-the-art security features to prevent unauthorized access to City and taxpayer information.

WAM will provide the software and services at a cost of \$175.00 per month over the length of the agreement (which is 50% less than WAM's usual \$350.00 per month rate) Additionally, WAM's web services are available to the City at a cost of \$960 per year; however, WAM has offered the City a special rate of only \$20.00 for the remainder of the 2020 calendar year. Funding for this project is available from budget code A.8160.0000.0446.007.

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

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

Yeas	5
Nays	0

APPROVED

DEPARTMENT OF PUBLIC WORKS (SMALL PARKS), REORGANIZATION

Agenda Item #2

On April 15, 2020, the City Council approved a reorganization in Department of Public Works' Small Parks division, downgrading the position of Crew Leader to a Maintenance Worker II. In order to enhance efficiency, the Department would like to transfer the newly created MW II position from Small Parks (A.7110.3460) to Hyde Park (A.7110.3450). This will ensure that that there will be six (6) MW II's in both areas.

The proposed transfer will not impact DPW's 2020 biweekly line.

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 PROPERTIES: 435 13<sup>TH</sup> ST., 1201 FERRY AVENUE, 551 MEMORIAL PARKWAY, 548 7<sup>TH</sup> STREET, 712 & 713 TOWNSEND PLACE, NIAGARA ORLEANS REGIONAL LAND IMPROVEMENT CORPORATION (LAND BANK), TRANSFER

Agenda Item #3

The six (6) above-mentioned properties were acquired by the City through In Rem proceedings and have been held for economic development purposes for some time. It is recommended that the City transfer these properties to the Niagara Orleans Regional Land Improvement Corporation (the Land Bank) for further disposition.

Will the Council so approve and authorize the Mayor to execute any required documentation in the 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: OLD FALLS STREET, MANAGEMENT PROGRAMMING, USA NIAGARA DEVELOPMENT CORPORATION

Agenda Item #4

Attached (on file in the City Clerk's Office) for your information and review, please find the proposed agreement between the City of Niagara Falls and the USA Niagara Development Corporation ("USAN") relative to the control and management of Old Falls Street between Prospect and Third Streets. As you know, USAN owns and operates the Conference and Event Center on Old Falls Street and has contracted with Comcast Spectacore 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 Comcast Spectacore, to control, maintain, manage and program events on Old Falls Street between Prospect and Third Streets. This arrangement has worked out very well for the City; accordingly, it is requested that USAN be permitted to continue to control, maintain, manage and program Old Falls Street between Prospect and Third Streets during 2020, at no cost to the City.

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.

Yeas 5  
Nays 0

APPROVED

RESOLUTION: ADOPTION OF CHAPTER 703 OF THE CITY OF NIAGARA FALLS CODIFIED ORDINANCES ENTITLED "PROHIBITING THE FEEDING OF WILD ANIMALS." 2020-33

BY: COUNCIL MEMBERS KENNEDY, TOMPKINS, TOUMA

Agenda Item #5

WHEREAS, feeding wildlife may attract uncontrollable numbers of animals which may result in damage to property and irritation to surrounding property owners; and

WHEREAS, uneaten food may attract rodents, insects and other pests, thereby increasing the potential for transmittal of disease to other animals and humans; and

WHEREAS, providing wildlife with an artificial supply of food may lead to the production of animal families larger than the natural food supply can support; and

WHEREAS, feeding wildlife may cause wildlife to lose their natural fear of humans, thereby increasing the risk of injury from wild animals.

WHEREAS, the City Council has therefore determined that it is necessary and appropriate and in the best interests of public health, safety and general welfare of its residents to prohibit the feeding of all wild animals within the borders of the City.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby amends the City Codified Ordinances by enacting Chapter 703, entitled "Prohibiting the Feeding of Wild Animals." (on file in the City Clerk's Office)

Yeas 5  
Nays 0

ADOPTED

There being no further business to come before the Council, Chairman Voccio adjourned the Meeting at 6:48 P.M.

Kathleen Ligammari  
City Clerk



JUNE 17, 2020

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

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The Legislative session of the June 17, 2020 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Voccio at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, John Spanbauer, Kenny Tompkins, Andrew Touma, Council Chairman Chris Voccio

Also present: Mayor Robert M. Restaino, City Administrator Anthony Restaino, Assistant Corporation Counsel Thomas DeBoy, and City Controller Daniel Morello.

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

Council Chairman Voccio moved to approve the Minutes from the Council Meeting of June 3, 2020

Yeas	5
Nays	0

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

Shawn Levick            Proposal of "Asset-Based Community Development (ABCD)"  
to include dumpster yards throughout the City;  
Management of Block Clubs; Niagara beautification;  
Neighborhood watches

Mayor Update:

- June 29<sup>th</sup> resume enforcement of parking rules throughout city as well as parking attendants on duty at City run parking lots and ramps.
- Modification work ongoing to prepare City buildings for reopening to the public. The Council will be made aware when openings will occur.
- Fourth of July fireworks to be postponed due to COVID-19 concerns.
- Law department and Human Resources reviewed residency requirement relative to City Administrator appointment. His previous tenure with The City exempts him from the mandate.
- The City is working toward partnering with a nonprofit and other groups to offer youth programs. Council will be advised when details are complete.

Administrative Update:

- Preliminary process for 2021 budget has begun. Department heads to submit proposals by July 2. Individual meetings to be scheduled subsequently.

Controllers Report:

- 2020 expenditure report through May detailing salary 'other costs', primarily overtime. Costs down from 2019 mainly due to COVID-19 staffing reductions. Chairman Voccio requests this figure be closely monitored as the year progresses.

Review of Agenda Items:

- Item 2 - Councilman Spanbauer recommends a closer look at subsequent contracts to insure cost is kept to lowest possible level.
- Item 8 - Councilman Kennedy cited concerns over the wording of the resolution.

Misc.:

- Councilman Touma inquired if health insurance carrier bids were being sought. Mayor responded no plans in place to accept bids. City will work with current carrier to determine if current plans can be made more affordable. Controller added that an audit was conducted of claims paid to insure accuracy. Results pending.
- Councilman Touma inquired if there would be difficulty in meeting the April 2021 deadline of Governor Cuomo's executive order regarding police reform. Mayor indicated committees are in place to insure on going assessment of law enforcement policies and procedures and that any subsequent legislation to meet the Governors deadline will be met.
- Councilman Touma expressed concern that NFPD may not have sufficient working body cam equipment. Mayor indicated that recent conversations with the Superintendent assures equipment is adequate.
- Councilman Tompkins relayed resident inquiries about trash bin requests and related fees. Controller indicated that letters were expected to be sent this week.
- Councilman Tompkins inquired if progress was being made with Blue Cardinal project on North Main Street. Mayor expressed there were some delays due to COVID-19 situation however an aggressive game plan is on the horizon. Property stabilization is in progress along with environmental testing and acquiring any related permits.
- Councilman Kennedy inquired about status of PIO hire. Mayor indicated the selected candidate did not ultimately meet certain criteria. A search continues.
- Councilman Kennedy expressed his and many residents' appreciation for the Administration's handling of an ongoing property issue on Falls St. Administrator noted that it will continue to be monitored and assistance by DSS will be sought if necessary.
- Councilman Touma inquired about status of Niagara Scenic Parkway project. Mayor indicated it's on schedule and an agreement regarding light fixtures had just been reached.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CLAIM REPORT FOR THE MONTH OF MAY 2020

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: TROLLEY SERVICE, FUNDING, NIAGARA FRONTIER TRANSPORTATION AUTHORITY

Agenda Item #2

Previously, Trolley Service was provided to the City of Niagara Falls by the Niagara Frontier Transportation Authority ("NFTA") pursuant to a written agreement (on file in the City Clerk's Office). As in previous years, we believe that it is desirable to continue the NFTA's Trolley Service in the City.

Under the proposed agreement, Trolley Service will commence on June 19, 2020 and conclude October 25, 2020. The Service will then operate from June 19, 2020 through September 27, 2020 on a daily basis. From October 2, 2020 through October 31, 2020, Trolley Service will be on weekends only (Friday, Saturday and Sunday). From November 1, 2020 through December 31, 2020, guests at participating hotels will have access to the NFTA's regular fixed route, open door no-trolley service. The cost to the City for this service will be \$481,035.35. Funding is available from Tourism Fund balance.

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

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

Yeas 5  
Nays 0  
APPROVED

CONTRACT: ASSESSOR, SHARED SERVICES, TOWN OF NIAGARA

Agenda Item #3  
THIS ITEM WAS PULLED  
NO ACTION TAKEN

POLICE DEPARTMENT: CORONAVIRUS RESPONSE INITIATIVE GRANT AWARD

Agenda Item #4

The U.S. Department of Justice ("DOJ") has awarded the City of Niagara Falls Police Department a "Coronavirus Response Initiative Grant" in the amount of \$142,134.00 for fiscal year 2020. Funding for this initiative is provided by the DOJ pursuant to the *Coronavirus Emergency Supplemental Funding Program* ("CESF") and is designed provide financial assistance for local governments to prevent, prepare for and respond to the COVID-19 pandemic.

Specifically, the CESF grant will allow the NFPD to purchase personal protective equipment (surgical masks, N95 masks & latex gloves) and to cover overtime costs necessary to back fill employees due to illness from coronavirus. Attached hereto (on file in the City Clerk's Office), for your information and review, is a copy of the correspondence which outlines the CESF Grant Award.

Will the Council so approve the acceptance of this grant funding and authorize the Mayor to execute any documents necessary to implement the same, provided these documents are in form and content acceptable to the Corporation Counsel?

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

Yeas 5  
Nays 0  
APPROVED

DEPARTMENT OF PARKS/PUBLIC WORKS: REORGANIZATION, CREATION OF 3 TEMPORARY MW-2 POSITIONS, FUNDING

Agenda Item #5

In order to be prepared for increased activity in the downtown area it is necessary to create three (3) temporary MW-2 positions. These positions will be filled if needed based upon factors related to NYS Guidelines for Phase 4 openings. Funding is available within the Parking Operations Fund temporary wages budget line PO.1720.2560.0130.000.

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

THE FOLLOWING COMMUNICATIONH WAS SUBMITTED BY THE CITY CLERK

MAYOR'S APPROVAL OF RESOLUTION 2020-33

Agenda Item #6  
THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: TEMPORARY OUTDOOR DINING PERMITS, AUTHORITY TO CITY  
ADMINISTRATOR, 2020-34  
BY: ALL COUNCIL MEMBERS

Agenda Item #7

WHEREAS, in response to the COVID-19 pandemic, Governor Andrew M. Cuomo issued Executive Order 202, declaring a state of disaster emergency on March 7, 2020, which imposed strict social distancing restrictions across the State; and

WHEREAS, on March 16, 2020, Governor Cuomo issued Executive Order 202.3, restricting all on-premises consumption of food and beverage at eating and drinking establishments statewide, and later, on March 20, 2020, the Governor issued Executive Order 202.6, which directed all non-essential businesses to close in-office personnel functions; and

WHEREAS, the effects of COVID-19 and the response thereto have had a devastating effect on the local food and beverage industry; and

WHEREAS, as it appears that the statewide spread of COVID-19 is significantly decreasing, Governor Cuomo announced on April 26, 2020 that the State would begin a phased approach, using a data-driven, regional analysis, to reopen its industries and businesses; and

WHEREAS, on June 3, 2020 Niagara County entered Phase 2 of the reopening process, providing for the resumption of outdoor and take-out/delivery food services, so long as certain conditions, including social distancing, are maintained to prevent the spread of the coronavirus; and

WHEREAS, immediate action to respond to the situation is needed in order to allow local businesses to operate according to the Governor's order; and

WHEREAS, the City Council wishes to allow local businesses to operate as permitted by the Governor's order.

NOW, THEREFORE, BE IT RESOLVED that the Niagara Falls City Council hereby orders that the City Administrator is authorized to accept, review and either approve or deny applications from local businesses that wish to apply for temporary outdoor dining permits so they can offer outdoor seating/dining service during the declared emergency, and be it further

RESOLVED that the City Administrator is hereby authorized to accept, review and either approve or deny applications from local businesses that wish to apply for temporary permits to use public areas, including the City rights-of-way, for outdoor seating/dining service during the declared emergency, and be it further

RESOLVED all applications for temporary outdoor dining permits must meet all applicable state and local building and safety guidelines, regulations and recommendations, including those in the attached Interim Guidance (on file in the City Clerk's Office) from the New York State Department of Health, and be it further

RESOLVED that as it specifically related to the sale, service and consumption of alcoholic beverages in areas approved for temporary outdoor dining, the same is permitted provided that it is done in accordance with State regulations, and

BE IT FURTHER RESOLVED that all temporary outdoor dining permits issued pursuant to this resolution will expire on October 31, 2020 or as soon as the State of New York eliminates social distancing regulations, whichever first occurs.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: OFFICIAL COMMUNICATIONS, 2020-35  
BY: MAYOR RESTAINO, COUNCIL MEMBERS SPANBAUER, TOMPKINS, TOUMA,  
CHAIRMAN VOCCIO

Agenda Item #8

WHEREAS, the City of Niagara Falls has a multitude of boards and commissions, whose members, in their paid or unpaid capacity, in some sense represent the City; and

WHEREAS, each of the above has their own opinions and viewpoints on various issues which may or may not be the official position of the City of Niagara Falls but which they are free to express as individuals; and

WHEREAS, the City obviously has an interest in clarifying which statements are personal opinions, as opposed to official City policy.

NOW, THEREFORE, BE IT RESOLVED that both the City Council and Mayor Robert M. Restaino of the City of Niagara Falls resolve that henceforth no member of any City body, including boards and/or commissions, may issue statements representing the City unless the chairperson of such board or commission has written authorization from either the Mayor or the Chairperson of the City Council, depending upon the source of the board or committee's appointments.

Yeas	5
Nays	0

ADOPTED

Councilmember Touma motioned to Approve the 1<sup>st</sup> Amendment  
Councilmember Tompkins motioned to Approve the 2<sup>nd</sup> Amendment  
Councilmember Touma motioned to Approve the Agenda Item

There being no further business to come before the Council,  
Chairman Voccio adjourned the Meeting at 7:01 P.M.

Kathleen Ligammari  
City Clerk



JULY 1, 2020

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

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The Legislative session of the July 1, 2020 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Voccio at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, John Spanbauer, Kenny Tompkins, Andrew Touma, Council Chairman Chris Voccio

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

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

Council Member Touma moved to approve the Minutes from the Council Meeting of June 17, 2020

Yeas 5  
Nays 0

APPROVED

Laura Landers, CPA, Director at Freed Maxick, presented results of 2019 audited financial statements.

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

Numerous Agenda Item #9-mainly in support of Domestic Chicken Ordinance; Ordinance petition in favor of Agenda Item #9  
Carroll Schultz Reetz Agenda Item #11-Opposition to continued Moratorium on short-term rental permits  
Robert Ventry Ongoing issues with street repair and overgrown grass on City lots

Mayor Update:

- July 1 soft opening occurred in City Hall. Press release pending for the public. Many adjustments regarding building access, movement within building and access to departments, many by appointment.
- July 6 the Governors open meeting restrictions will be lifted. Next Council meeting will be open to public.
- Considering amnesty for parking fee late penalties that occurred during closings due to COVID pause.

Administrative Update: None

Controllers Report:

- Freed Maxick presentation covered it.

#### Review of Agenda Items:

- Item 2 - Councilman Touma questioned reason for increased cost of project. Administrator explained the pavers in original work order are not adequate for long term exposure to elements. Also better materials to be used for service road/walking path. The cost of better materials lends to longer lasting improvements with less maintenance.
- Item 3 - Councilman Tompkins questioned the cost of legal consultant vs. hiring. Mayor explained the cost of consultant is more economical vs. costs associated with recruitment, benefits and salary of a hire.
- Item 5 - Councilman Spanbauer expressed appreciation of the City's collaborating with NU toward neighborhood rehabilitation efforts.
- Item 11 - Mayor Restaino understands the frustration of property owners. He appreciates the Council understanding the processes involved to best formulate regulations.

#### Misc.:

- Councilman Touma inquired about the upkeep of medians on John B Daly Blvd and Niagara St. downtown. The Mayor indicated the temp DPW staff they approved at previous meeting would be tasked to maintain those areas.
- Councilman Tompkins expressed concern about vendors in the area selling illegal fireworks. The Mayor suggested any known outlets be reported to NFPD to be investigated.
- Councilman Spanbauer questioned enforcement efforts regarding illegal use of fireworks throughout City. The Mayor indicated NFPD is fully aware of the situation however culprits are a moving target. Law enforcement would need to witness the act in progress in order to press charges.
- Councilman Kennedy conveyed the numerous complaints he's received regarding illegal ATVs, mini bikes and the like. He suggested shared services with other law enforcement agencies or use of drone technology. The Mayor indicated Law Enforcement is well aware of the issue however with limitations in manpower it's difficult to handle the volume. The city is not in a position to procure drone technology.
- Councilman Kennedy expressed continued reports of trash collection issues. The Mayor suggested reporting addresses to Modern so they can investigate and ascertain trends.
- Councilman Kennedy expressed his fielding continued concerns about high grass. The Mayor noted the reduction in manpower coupled by the mandated COVID-19 staff reductions created the unfortunate back log. The Administrator will review how the cutting schedule is set and if a more efficient method may be developed.
- Councilman Kennedy questioned any progress with casino funds negotiations. The Mayor indicated active talks have been taking place. The ground work is being laid to a resolution.
- Per Chairman Voccio request, the Mayor gave a general overview of Chambers seating capacity, and distancing measures that will be in place as subsequent meetings will be open to the public.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK  
CITY CLERK'S REPORT FOR THE MONTH OF MAY 2020

Agenda Item @1  
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: HYDE PARK ROSE GARDEN & PERGOLA RESTORATION PROJECT, SCRUFARI CONSTRUCTION COMPANY, LLC, FUNDING, CHANGE ORDER #1

Agenda Item #2

On behalf of the Department of Community Development, a contract for the above referenced project was awarded to Scrufari Construction Company, LLC, 3925 Hyde Park Boulevard, Niagara Falls, New York on October 29, 2019 in the amount of \$209,030.00.

The City solicited and received a proposal from the contractor for additional site improvements that would enhance the overall project and comply with current Community Development funding mandates.

The improvements to be obtained via this order on contract include additional grading and drainage installation, service road betterments and the installation of color imprinted concrete around the perimeter of the building for aesthetic, safety and maintenance upgrades. The proposed cost of these additions is \$88,500.00, bringing the contract total to \$297,530.00. Funding for Change Order #1 is available through CDBG HUD funds earmarked for projects of this nature.

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

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

Yeas	5
Nays	0

APPROVED

COMMUNITY DEVELOPMENT: THIRD PARTY TRAINING/TECHNICAL CONSULTANT

Agenda Item #3

As we continue to review the situation in the Department of Community Development (hereinafter, "CD"), the Administration believes that it is necessary that the City contract with a third party provider of legal services to assist CD in the administration of its various contracts and programs. To that end, it is hereby proposed that Richard Zucco, Esq. of Niagara Falls undertake this project and perform the required third party legal services.

As you know, Mr. Zucco is a well-respected local attorney with extensive knowledge of the interworkings of CD contract and program administration. This knowledge will benefit the City as we continue to address the structural issues at CD. The term of a proposed agreement would be for one (1) year, with Mr. Zucco compensated for his services at a rate of \$175.00 per hour. There is no cost to the City's General Fund for this project as all funding is available from CDBG Administrative Revenue and 2015-20 Program Funds.

Mr. Zucco would provide the legal groundwork for CD contracts that will ultimately be reviewed and approved by the Corporation Counsel. This will allow for expedient disbursement of funds that require a contract between CD and a vendor or sub-recipient.

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

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

Yeas	5
Nays	0

APPROVED

FINANCE DEPARTMENT: PAYROLL, REORGANIZATION, FUNDING

Agenda Item #4

With the anticipated retirement of the Senior Auditor in the Payroll office in September 2020, there will be an opportunity to reorganize this office in a manner that will maintain essential services and maximize savings. The City Controller has proposed that the vacated Senior Auditor position (Grade 22) be eliminated and replaced with a newly created position entitled "Payroll Supervisor" (Grade 21). Sufficient savings have already been incurred by the City Controller's office due to the transfer of one employee to another office in February 2020 and subsequent downgrading of that respective position. Therefore, funding currently exists within A.1315.0000.0110.000 for this new position.

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: RISE GRANT PROGRAM, IMPLEMENTATION OF CITIES, AGREEMENT WITH NIAGARA UNIVERSITY

Agenda Item #5

As you know, the City of Niagara Falls was selected by the New York State Attorney General's office to be a recipient of a grant as part of Phase Three of the "Cities for Responsible Investment and Strategic Enforcement" ("Cities RISE") program. The program aims to innovatively address and transform blighted, vacant or poorly maintained problem properties through the use of housing and community data from various state agencies.

The City seeks to utilize the RISE program to develop and improve strategic housing and code enforcement programs through improved data analysis capabilities as well as input via community engagement. To implement the program, the Administration finds it necessary to enter into an agreement with an organization from our own community with the expertise and desire to bring about systemic change. Accordingly, we believe that Niagara University's Levesque Institute of Civil Engagement will assist the City in reaching our goal.

The Levesque Institute is committed to the rehabilitation of neighborhoods and encouraging new housing as a vital component to the revitalization of Niagara Falls. Based on our discussions, the Institute would assist the City with identifying and scheduling training for our Code Enforcement staff, project facilitation with designated City departments, providing project oversight for the City's designated lead and assistance in the establishment of the 311 system.

In order to facilitate this project, Niagara University would be compensated at a rate of \$100.00 per hour for primary engagement and \$25.00 per hour for support staff, along with an 8% Administrative fee. As it is anticipated that the project will take 200 hours to complete (approximately 4 hours per week), the total cost will be \$27,000.00. There will be no cost to the City's General Fund as all funding for the project is available from the proceeds of the Cities RISE grant.

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

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

Yeas 5  
Nays 0  
APPROVED

RESOLUTION: CLEAN NEIGHBORHOOD ORDINANCES, AMENDING CHAPTER 738, 2020-36  
BY: ALL COUNCIL MEMBERS

Agenda Item #6

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that Chapter 738 of the Codified Ordinances entitled "Clean Neighborhood Ordinances" is hereby amended to read as follows:

738.01 PURPOSE.

The accumulation of debris, garbage, junk, rubbish, {and} weeds, dead, dying and overgrown shrubbery and/or trees and the open storage of junked or abandoned vehicles within the City limits create conditions which contribute to fires and the spread of disease. Such conditions provide places for rodents and other noxious pests to reside and breed.

Junk and junked vehicles constitute dangerous nuisances which may imperil the safety of children and other citizens. Such conditions also contribute to the spread of blight and the deterioration of living conditions wherever they occur. The purpose of this Chapter is to prohibit the accumulation of debris, garbage, junk, rubbish and weeds and the open storage of junked or abandoned vehicles in order to provide for the protection, health, safety and well-being of all residents of and visitors to the City.

738.02 DEFINITIONS.

(h) Shrubbery is defined as living plant materials, including but not limited to shrubs, bushes, undergrowth, plants and vegetation which are encroaching upon the City right of way.

(i) Trees are defined as living plant materials, which are dead, dying and/or hazardous, and are encroaching upon the City right of way.

(j) Weeds. Weeds shall mean any overgrown plant matter, including, but not limited to, grass, thistles, milkweed, ragweed or poison ivy, which, because of its unkempt state, creates a fire, health or safety hazard or creates an unsightly condition.

738.03 DUTY OF OWNERS AND OCCUPANTS.

It is the duty of every owner and occupant of real property located within the City limits to keep the exterior of the property so owned or occupied free from all weeds, rubbish, junk, junked vehicles, garbage and debris, as well as shrubbery and trees which encroach upon the City right-of-way. This shall include the area between the curbstone and sidewalk of such property.

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

Yeas 5  
Nays 0  
ADOPTED

RESOLUTION: STATE HIGHWAYS, LIGHTING SYSTEM NIAGARA SCENIC (ROBERT MOSES) PROJECT, DISCOVERY WAY RECONSTRUCTION, TROLLEY PATH/NEW BICYCLE/PEDESTRIAN PATHS, 2020-37  
BY: COUNCIL MEMBERS KENNEDY, TOMPKINS, TOUMA, CHAIRMAN VOCCIO

Agenda Item #7

WHEREAS, the New York State Department of Transportation proposes to install, remove, relocate, replace, and/or reconstruct the lighting system(s) within a State Highway pursuant to the New York State Highway Law, such highway being identified as State Highway (S.H.) 67-2 relative to the project for the removal of the Niagara Scenic (Robert Moses) Parkway and improvements to the parkland and adjacent area, reconstruction of Discovery Way, reconstruction of the Trolley Path, and construction of new bicycle/pedestrian paths, a locally administered federal aid project, in City of Niagara Falls, Niagara County, PIN 5761.9B, D263805, S.H. 67-2, and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, NY hereby approves the attached Agreement (on file in the City Clerk's Office) for Installation, Maintenance, Repair and Energizing of Lighting System for State Highway 67-2; and be it further

RESOLVED that Mayor Robert M. Restaino has the authority to sign this agreement, with the concurrence of this Council; and

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

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: ANIMALS, FOWL AND DOGS, AMENDING CHAPTER 701  
BY: COUNCIL MEMBER TOMPKINS

Agenda Item #8

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that Chapter 701 of the Codified Ordinances entitled "Animals, Fowl and Dogs" is hereby amended to read as follows:

ANIMALS{,FOWL} AND DOGS

...

701.02 {FOWL} BEES AND LIVESTOCK PROHIBITED IN RESIDENTIAL DISTRICTS.  
No person shall keep or cause or allow to be kept upon any property in the City or in any building located thereon, which property is classified in the Zoning Ordinances as a residential district, any bees{, pigeons, chickens, geese, ducks, turkeys} or livestock.

701.03 CONSENT OF PROPERTY OWNERS TO KEEP PETS; PERMIT.  
Notwithstanding the provisions of Section 701.02, the Building Commissioner may issue a permit which may allow the keeping of such animals {or fowl} as pets in such residential districts providing the occupants of the properties on each side and in the rear of the property involved consent that such a permit be issued.

...

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

Yeas 1  
Tompkins  
Nays 4  
Kennedy, Spanbauer, Touma, Chairman Voccio

THIS ITEM WAS DEFEATED

RESOLUTION: FOWL, ENACTING CGCHAPTER 704  
BY: COUNCIL MEMBER TOMPKINS

Agenda Item #9

BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby amends the City's Codified Ordinances by enacting Chapter 704, entitled "Fowl."

CHAPTER 704

Fowl

<u>704.01</u>	<u>Prohibited Conduct</u>
<u>704.02</u>	<u>Exceptions for Chicken Hens</u>
<u>704.03</u>	<u>Chicken License Application Contents</u>
<u>704.04</u>	<u>Chicken Coop Setbacks and Limitations</u>
<u>704.05</u>	<u>Review, Expiration and Renewal of Chicken License</u>
<u>704.06</u>	<u>Penalties for Offenses</u>

704.01 Prohibited Conduct

It shall be unlawful for any person to keep any chicken, pigeon, turkey, duck or any fowl in any residential, commercial or manufacturing district in any building or structure or on the same lot or premises, except as provided in this Chapter.

704.02 Exceptions for Chicken Hens.

It shall be lawful for any person to keep, permit or allow any domesticated chicken hens in any residential district under the following terms and conditions and after having received a license to keep said chicken hens from the City Clerk as prescribed herein under the following terms and conditions;

- A. No more than five chicken hens shall be allowed for each single family dwelling or multifamily dwelling.
- B. No chicken hens shall be allowed in multifamily complexes, including duplexes, without the expressed written consent of the owner of the building and all tenants residing in the building other than the applicant.
- C. No chicken hens shall be allowed without the express written consent of all residents residing on property adjacent to that of the applicant.
- D. No roosters shall be allowed.
- E. Chicken hens are to be restricted to the rear or backyard of any lot in a residential zoning district or the rear or backyard of a residential use in all other zoning districts.
- F. Chicken hens shall be kept as pets and for personal use only; no person shall sell eggs or meat or engage in chicken breeding or fertilizer production for commercial purposes.
- G. Persons wishing to keep chicken hens within the City of Niagara Falls must obtain a license from the Office of the City Clerk after payment of an annual fee of \$25, and after inspection and approval of the coop and cage that chicken hens are to be kept in by an Animal Control Officer, pursuant to this Chapter.

704.03 Chicken License Application Contents.

The application for such license shall include the following information:

- A. The name, phone number and property address of the applicant;
- B. The location of the subject property;
- C. The size of the subject property;
- D. The number of chicken hens the applicant seeks to keep on the property;
- E. A description of any coops or cages that will house the chicken hens, together with a description of any fencing, barriers or enclosures surrounding the curtilage of the property;
- F. A scaled drawing showing the precise location of cages, coops, enclosures, fences and barriers in relation to property lines and to structures on adjacent properties;
- G. A description of the manner by which feces and other waste materials will be removed from the property or will be treated so as not to result in unsanitary conditions or in the attraction of rodents and insects;

- H. A signed statement from the property owner, if the applicant is not the property owner, granting the applicant permission to engage in the keeping of chicken hens as described in the license application;
  - I. A signed statement from any and all tenants of the building that they consent to the applicant's keeping of chicken hens on the premises;
  - J. A signed statement from any resident residing on a property adjacent to the applicant's property consenting to the applicant's keeping of chicken hens on the premises;
  - K. The addresses of all properties within a fifty-foot radius of the subject property.
- 704.04 Chicken Coop Setbacks and Limitations.

A. Setbacks.

- 1) The coops or cages housing such chicken hens must be situated at least 20 feet from any door or window of a dwelling, school, church or other occupied structure other than the applicant's dwelling.
- 2) The coops or cages housing such chicken hens may not be located in front or side street yard areas and shall not be located within five feet of a side yard lot line nor within 18 inches of a rear yard lot line, except where the rear lot line forms the side lot or front lot line of an abutting property, in which case the setback from such rear lot line shall be five feet. No chicken hens shall be kept in front yard or side street yard areas.

B. Enclosures/Coops and Cages.

- 1) The chicken hens shall be kept within both a coop and a fenced outdoor enclosure.
- 2) The chicken hens must be kept in the coop and fenced outdoor enclosure at all times and shall not be allowed to run free in the fenced outdoor enclosure unless a responsible individual, over 18 years of age, is directly monitoring said activity and is able to immediately respond should said chickens need to be returned to their individual cages.
- 3) The chicken coop shall be a covered, predator resistant, well ventilated structure providing a minimum of two square feet per chicken hen.
- 4) The outdoor enclosure shall be adequately fenced to contain the chicken hens and to protect the chicken hens from predators.
- 5) The coop must be kept in a clean, dry and sanitary condition at all times.
- 6) The outdoor enclosure shall be cleaned on a regular basis to prevent the accumulation of animal waste.
- 7) The total area of all coops or cages on a lot shall not be greater than 32 square feet for up to five chicken hens. Coops and cages, singly or in combination, shall not exceed seven feet in height.
- 8) The chicken feed or other food used to feed the chicken hens shall be stored in a rat-proof, fastened container stored within a structure, which shall only be unfastened for the retrieval of food and immediately re-fastened thereafter.
- 9) The chicken hens shall be fed only from an approved trough. Scattering of food on the ground is prohibited.

C. Sanitation and Nuisances.

- 1) Chicken hens shall be kept only in conditions that limit odors and noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby buildings or properties and to comply with applicable provisions of both the New York State and Niagara County sanitary codes.  
Chicken hens shall not be kept in a manner that is injurious or unhealthful to any animals being kept on the property.

D. Slaughtering. There shall be no outdoor slaughtering of chicken hens.

704.05 Review, Expiration and Renewal of Chicken License.

A. Initial review.

- 1) Upon receipt of a chicken license application and the requisite license fee, the City Clerk shall immediately notify the Animal Control Officer of said application, including the number of chicken hens sought to be licensed and the location of the proposed chicken coop or cages.
- 2) The City Clerk shall immediately notify those property owners who own the properties within 50 feet of the applicant's property and provide them with an opportunity to provide written comments as to their support or opposition to the proposed chicken coop.
- 3) The Niagara Falls City Council and the Office of the Mayor shall also immediately be notified of the chicken license application.
- 4) If the City Clerk receives no written comments evidencing opposition to or concern regarding the proposed chicken coop within 20 days of receipt of the application, he or she shall issue a license for up to five chicken hens to the applicant that shall be nontransferable and valid for one year from the date of a satisfactory inspection of an Animal Control Officer, which shall be subject to the renewal provisions set forth below.
- 5) If the City Clerk receives written comments evidencing opposition to the proposed chicken coop and cage within 20 days of receipt of the application, he or she shall file with the City Council the complete chicken license application and all comments received regarding the application for its consideration thereof.
- 6) The City Council shall determine, in its discretion, and taking into account the entire record before it, whether or not a chicken license shall be issued to the applicant. The City Council shall be empowered to impose further conditions on the license that it deems to be necessary to preserve the public health, safety and/or welfare.
- 7) The Animal Control Officer shall cause an inspection of the proposed chicken coop to be conducted to verify conformance with the provisions of this Chapter within 45 days of the applicant being issued a license.
- 8) After completion of the inspection by an Animal Control Officer and confirmation that the coop conforms to the specifications provided in the application approved by the City Clerk, the licensee shall be allowed to keep the number of chicken hens specified in the license on the premises.

- 9) A license issued to an applicant shall include the licensee's proper name, the property address for which the license is valid, the number of chicken hens allowed at the property address, a unique license number, the date the license was issued, an expiration date exactly one year from the date of issuance and any conditions imposed by the City Council.
- 10) Only one chicken license shall be issued per applicant and per property. No licensee shall be eligible to obtain a chicken license for multiple properties, nor shall more than one license be issued to one property address.

B. Renewal.

- (1) On the first business day of May of every year, the City Clerk shall file with and notify the City Council, the Office of the Mayor, the Department of Code Enforcement and the Department of Parks and Public Works of all chicken hen licenses issued in the prior year, including the names of the licensees, their property addresses, the number of chicken hens licensed at said property and the issuance and expiration dates of said licenses.
- (2) On or before June 1 of every year, the City Council, the Office of the Mayor or any other interested party shall file complaints received regarding licensed chicken hens.
- (3) Any complaints received regarding any particular chicken license issued shall be considered at a regular meeting of the City Council, at which the licensee and any other interested party shall have the right to be heard concerning said license.
- (4) The City Council may, in its discretion, not renew any chicken license for any reason after the licensee and any other interested party has been given an opportunity to be heard.
- (5) On the first business day of June of every year, the City Council shall proceed to consider renewal of all chicken licenses issued, as prescribed in this Chapter, and may revoke any license issued pursuant thereto.
- (6) If, at any time, the City Council is made aware of any complaints regarding a properly licensed chicken coop, it may proceed to hear the complaints of any interested party and the defense of the licensee at its regular meeting and may revoke the license issued for any reason pursuant to this Chapter.
- (7) If a license is renewed pursuant to the provisions hereof, the applicant may continue to keep chicken hens pursuant to the terms and conditions set forth herein and imposed in the initial license, provided that he or she pays the annual fee of \$25 on or before the expiration date of the license.
- (8) Except in the case of a chicken coop that is not permanently affixed to the ground and is therefore mobile, any licensee shall first obtain a building permit in accordance with Chapter 1107 of the City's Codified Ordinances prior to constructing or erecting a chicken coop not inconsistent herewith.

704.06

Penalties for Offenses

Any person, firm or corporation who shall violate any of the provisions of this chapter shall be punishable by a fine of not more than Two Hundred Fifty Dollars (\$250.00) or by imprisonment for not more than fifteen (15) days, or both. Each day in which any such violation shall continue shall be deemed a separate offense.

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

Yeas 1  
Tompkins  
Nays 4  
Kennedy, Spanbauer, Touma, Chairman Voccio  
THIS ITEM WS DEFEATED

RESOLUTION: 1300 BEECH AVENUE, ACQUISITION OF REAL ESTATE OWNED BY  
BRIGHTFIELDS CORPORATION, 2020-38  
BY: ALL COUNCIL MEMBERS

Agenda Item #10

WHEREAS, prior to 2012, the City of Niagara Falls owned a parcel of land known as "Tract II" at 1300 Beech Avenue, which is adjacent to Highland Avenue and Beech Avenue in the City; and

WHEREAS, this parcel of land was classified as a brownfield; and

WHEREAS, for the purposes of remediation, this parcel was transferred to the Brightfields Corporation by the City in 2012; and

WHEREAS, the intention of the parties was such that when the remediation was completed, the parcel would be transferred back to the City for the purposes of creating a public park there; and

WHEREAS, as the remediation was successful, the City now intends to reacquire 1300 Beech Avenue for the purpose and function of utilizing the property as a City park; and

WHEREAS, New York State law requires that City must make a good faith effort to negotiate with the Owner to purchase the Property; and

WHEREAS, the negotiated price for said transaction is the de minimis sum of ONE DOLLAR and 00/100 CENTS (\$1.00); and

WHEREAS, it is in the best interest of the City to acquire the property according to those terms.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby approves the acquisition of the property known as 1300 Beech Avenue, as reflected on the proposed Deed attached hereto (on file in the City Clerk's Office), and be it further

RESOLVED, that the Corporation Counsel be and is hereby authorized and directed to cause said Deed to be recorded in the office of the Niagara County Clerk, together with a certified copy of this Resolution.

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: MORATORIUM, SHORT-TERM, VACATION OR TRANSIENT RENTALS,  
EXTENDING, 2020-39  
BY: COUNCIL MEMBERS KENNEDY, TOMPKINS, TOUMA, CHAIRMAN VOCCIO

Agenda Item #11

WHEREAS, on January 29, 2020, this Council adopted a resolution that imposed a ninety (90) day moratorium on the consideration of building/use permits for short-term, vacation or transient rentals in order to enable the City to develop a comprehensive and detailed plan concerning their location and approvals which is in concert with the City's Comprehensive Plan and Zoning Ordinance; and

WHEREAS, while the City Administration immediately began working toward developing such a plan, the onset of the COVID-19 pandemic forced the Administration to turn its attention to the City's response to this unprecedented public health emergency, drawing its time and resources away from the short term rental project, which caused this Council to extend the moratorium through June 30, 2020; and

WHEREAS, the Administration has completed its work on the comprehensive plan and has submitted to the City Planning Board for review; and

WHEREAS, as the newly developed plan will require an amendment to the City's Zoning Ordinance, Planning Board review will also require submission of the plan to the Niagara County Planning Board and a Public Hearing, which could not have been accomplished during the Covid-19 shut down; and

WHEREAS, the review process will be completed by early August 2020, which falls during the City Council's summer recess; and

WHEREAS, in order allow for the completion of this process prior to our consideration of the specifics of the Short-Term Rental Ordinance, a short extension of the moratorium is necessary.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the moratorium on the consideration of building/use permits for short-term, vacation or transient rentals is hereby extended through September 2, 2020, at which time the moratorium shall terminate.

Yeas 5  
Nays 0  
ADOPTED

RESOLUTION: MAYOR RESTAINO, INTERGOVERNMENTAL COLLABORATION AGREEMENT, 2020-40

BY: COUNCIL MEMBER TOUMA, CHAIRMAN VOCCIO

Agenda Item #12

WHEREAS, as the Chief Executive of the City of Niagara Falls, the Mayor has the authority to negotiate contracts on the City's behalf which will be in the City's best interest; and

WHEREAS, inter-governmental collaborations are agreements which will benefit both the City and the other governmental entity involved; and

WHEREAS, the Mayor has identified several opportunities for these types of agreements and, in the negotiation of said agreements, he must ensure that when the City will be providing a service that it is meeting the needs of our governmental partner while determining the needs of the City department that will be tasked with providing the service which could require additional compensation or additional staff resulting in a savings to City taxpayers

NOW, THEREFORE, BE IT RESOLVED, that upon finalization of negotiations and the internal administration of the agreement, the Mayor will present the intergovernmental collaboration agreement and the internal method for the City department to accomplish the additional service, if any, to the City Council for ratification.

Yeas 5  
Nays 0  
ADOPTED

There being no further business to come before the Council, Chairman Voccio adjourned the Meeting at 7:25 P.M.

Kathleen Ligammari  
City Clerk



JULY 15, 2020

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

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The Legislative session of the July 15, 2020 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Voccio at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, John Spanbauer, Kenny Tompkins, Andrew Touma, Council Chairman Chris Voccio

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

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

Council Member Tompkins moved to approve the Minutes from the Council Meeting of July 15, 2020.

Yeas	5
Nays	0

APPROVED

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

Mary Hayes	City tree removal on property, no response from DPW over 3 years
Dominique Martelli	Refuse Fee objection

Mayor Update:

- Clarified funding allotment outlined in agenda item #4
- Clarified pending pedestal honoring John "Spider" Martin at corner of Main St. and Ontario Ave. The family is paying cost of the pedestal, Mayor advised them to wait for government approvals before moving forward.
- Clarification of agenda item 13 which is re-write of previously tabled item regarding signage ordinance.
- Update on Public Information Officer Position. A candidate is pending final review process.
- Addressed the concerns regarding the roll out of refuse fee billing. Resident concerns have been overwhelming as well as the volume of change requests that have yet to be handled. Added personnel is being sought to expedite the process.
- Gave status of the conditions of the property of former St. Mary's hospital on 6<sup>th</sup> Street. At the City's expense the property was cleared in 2019 of debris and over growth. Those costs charged to the owner have gone unpaid as well as taxes being in arrears. Due to manpower limitations it is not feasible for the City to continue maintenance there when a backlog of work exists throughout the City.

Administrative Update: None

Controllars Report:

- H.R.U sales tax and parking revenues down substantially due to COVID-19 travel restrictions.

Review of Agenda Items:

- Item 12 - Councilman Kennedy requested being added as sponsor

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK  
CITY CLERK'S CLAIM REPORT FOR THE MONTH OF JUNE 2020

Agenda Item #1  
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: SCHOOL BUS DIGITAL CAMERA SYSTEM, BUSPATROL AMERICA, LLC

Agenda Item #2

Notice that proposals were to be received was advertised in the Niagara Gazette and requests for proposals were sent to twelve (12) vendors. Six (6) responses were received.

BusPatrol America, LLC is to purchase, install, set-up, manage, and maintain digital cameras and the required hardware/software for cameras to be mounted on school buses utilized by the Niagara Falls City School District. This system shall be utilized by the Niagara Falls Police Department to enforce Section 1174 of the New York State Vehicle and Traffic law in accordance with Section 1174-A of the same. These services are being provided and produced at no up-front cost to the City, and instead BusPatrol America, LLC will receive sixty percent (60%) of the revenue derived from violators caught by the system. The remaining forty percent (40%) of the revenue will come to the City.

The term of this agreement is to be five (5) years, with the possibility of a mutual five (5) year extension. Will the Council authorize the Mayor to execute an agreement with Bus Patrol America, LLC in a form acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0

APPROVED

CONTRACT: SHARED SERVICES, NF CITY SCHOOL DISTRICT-SCHOOL BUS DIGITAL CAMERA SYSTEM

Agenda Item #3

We respectfully request you authorize the Mayor to enter into an agreement with the Niagara Falls City School District and its school bus provider to allow the placement of a digital camera system onto school buses.

As the Council is aware, the City intends to enter into an agreement with BusPatrol America, LLC to install, set-up, manage, and maintain digital cameras and the required hardware/software for this system. Because the school buses are owned by the third party vendor and leased to the Niagara Falls City School District pursuant to a written agreement, it is necessary for the three (3) parties to enter into a shared services agreement. This will allow the City and School District to work collaboratively on this program and to enhance the safety of our school aged children by providing the Niagara Falls Police Department with additional technological resources to ticket individuals who illegally pass a school bus.

It is anticipated that this program will last five (5) years, with the possibility of a mutual five (5) year extension, so the agreement shall mirror that term. Will the Council authorize the Mayor to execute an agreement with the Niagara Falls City School District and its school bus provider in a form acceptable to the Corporation Counsel?

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

Yeas 5  
Nays 0

APPROVED

GRANT AWARD: COVID-19, CD BLOCK GRANT AND EMERGENCY SOLUTIONS GRANT

Agenda Item #4

The U.S. Department of Housing & Urban Development ("HUD") has awarded the City of Niagara Falls supplemental Community Development Block Grant ("CDBG-CV") funds of \$1,403,659 and Emergency Solutions Grant ("ESG-CV") funds of \$1,124,108 in order to prevent, prepare for, and respond to the Covid-19 crisis.

To assist and aid in the fight against Covid-19, the following agencies are being recommended for the following award amounts based on submitted proposals.

Emergency Solutions Grant COVID -19 (ESG-CV) Funding

Agency	Amount	Proposed Activity
Catholic Charities	\$448,590.00	Homelessness Intervention, Rental Assistance, Utility Assistance
Community Missions	\$82,953.00	PPE, Emergency Shelter/Essential Services/Operational
Community Missions	\$176,913.00	Homelessness Intervention RRH, Rental Assistance
Community Missions	\$52,100.00	Emergency Shelter/Renovation
Pinnacle Community Service -(Passage House)	\$47,965.00	Emergency Shelter/Essential Services
Pinnacle Community Service -(Casey House)	\$61,706.00	Emergency Shelter/Essential Services
Pinnacle Community Service -(Casey House)	\$80,011.00	PPE, Outreach
Neighborhood Legal Services, Inc.	\$38,866.00	Homelessness Intervention RRH, Legal Advocacy to prevent homelessness
Heart, Love & Soul, Inc.	\$125,000.00	PPE, outreach, coordinated entry, many activities indirectly linked to by Continuum of Care (CoC)
	\$1,114,104.00	Total Awarded

Community Development Block Grant COVID -19 (CDBG-CV) Funding

Agency	Amount	Proposed Activity
YWCA Carolyn's House	\$31,000.00	Playground
Niagara University - Niagara Falls Health Equity Task Force	\$152,194.00	PPE, Outreach
Pinnacle Community Services (Casey House)	\$159,028.00	Porch Project, create social distancing within shelter
Pinnacle Community Services (Passage House)	\$39,021.88	Porch Project, create social distancing within shelter
Highland Club House	\$50,000.00	Highland Clubhouse Renovation, PPE, Outreach
Niagara Falls Memorial Medical Center	\$100,000.00	Know the signs suicide prevention due to Covid-19
YWCA Carolyn's House	\$51,229.00	Summer Youth Program
\$582,472.88		Total Awarded

Will the Council so approve the acceptance of this grant funding and authorize the Mayor to execute any documents necessary to implement the same, provided these documents are in form and content acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0

APPROVED

COMMUNITY DEVELOPMENT: AMENDMENT OF 2015-2019 CONSOLIDATED PLAN AND 2019 ANNUAL ACTION PLAN

Agenda Item #5

As we continue to review operations in the Department of Community Development, the Administration believes that it is necessary to amend the City of Niagara Falls' 2015-2019 Consolidated Plan and 2019 Annual Action Plan that cover the use of Community Development Block Grant ("CDBG") and Emergency Solutions Grant ("ESG") funding received by the City from the U. S. Department of Housing and Urban Development ("HUD").

The 2015-2019 Consolidated Plan included a public space improvements goal. Given the increasing need to stabilize target neighborhoods, remove dangerous and blighting influences, and improve transportation safety in low- and moderate-income areas, targeted property demolition and road milling and paving are being added as priorities to the public improvement plans.

Amendments to the 2019 Annual Action Plan include the reprogramming of unused CDBG funds from the accounts listed below to be used in Fiscal Year 2019-2020. The funds targeted for reprogramming consist of unused funds, balances for programs that no longer exist, or funds unlikely to be used in a timely manner. If these funds are not expended, the City's federal grant allocations will be at risk of recapture by HUD. Funds will be allocated for activities that will allow for timely expenditures. The recommended reprogramming is as follows:

Line Items for Reprogramming - Total: \$1,209,882.07

- 2016 - Niagara Falls Dog Park - \$5,575.02
- 2018 - PB Placemaking - \$260,000.00
- 2018 - Niagara Falls Housing Authority, the Driving Force Youth Program - \$7,367.85
  
- 2018 - Community Development Placemaking \$10,000.00
- 2018 - Family & Children's Service of Niagara, Homeless Youth Counseling - \$80,000.00
- 2018 - Orleans/Niagara BOCES, Health Sciences Training - \$337.62
- 2019 - Participatory Budgeting - \$360,000.00
- 2019 - Niagara Falls Housing Authority, Youth Program - \$3,259.58
- 2019 - Heart, Love, and Soul, Project Daybreak - \$383,342.00
- 2019 - Isaiah: 61, Workforce Development - \$100,000.00

Line Items for Funding Addition (FY 2019-20) - Total \$1,209,882.07

- 2019 - Low-income Area Vacant Housing Demolition & Clearance - \$500,000.00
- 2019 - DPW Target Area Road Milling and Paving - \$709,882.07

Will the Council so approve and authorize the aforementioned amendments and reprogramming?

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

Yeas	5
Nays	0

APPROVED

CONTRACT: ACTUARIAL EQUIVALENCE TESTING, MILLIMAN, INC.

Agenda Item #6

The City Controller is recommending that the City retain the services of Milliman, Inc. (hereinafter, "Milliman") to perform actuarial equivalence testing in connection with the retiree drug subsidy. Milliman has much experience in this area and has worked in the past with Blue Cross and Blue Shield. Attached (on file in the City Clerk's Office) is a copy of the proposed engagement contract. The reports Milliman generates will likely result in the City receiving subsidy payments from the federal government. The cost of these actuarial services is \$5,100.00 for calendar year 2021. Funding is available from the City Controller's budget line number A.1315.0000.0451.000.

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

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

Yeas	5
Nays	0

APPROVED

CONTRACT: UNRESTRICTED PARKING SPACES/PERMITS, NIAGARA CLUB, LLC, D/B/A SPOT COFFEE

Agenda Item #7

Niagara Club, LLC, d/b/a Spot Coffee` ("Spot Coffee"), is requesting that the City agree to allow Spot Coffee the use of 10 unrestricted parking spaces/permits in the City-owned parking lot located at 105 Rainbow Boulevard. Spot Coffee is proposing to pay the City at a rate of \$40 per month per space/permit, for a total the sum of \$400.00 a month. This is the current market rate.

The proposed Agreement, which is attached (on file in the City Clerk's Office) for your information and review, is one (1) year in length and provides that either party has the ability to terminate the same on thirty days written notice.

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

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

Yeas	5
Nays	0

APPROVED

CITY PROPERTY: 310 RAINBOW BLVD., SIGN ENCROACHMENT, HAMISTER GROUP, LLC

Agenda Item #8

The Hamister Group, LLC, the owners of the above referenced property has applied for a blade sign encroachment into the City's right-of-way on behalf of three (3) of their tenants.

This has been reviewed by the appropriate City departments and the Planning Board recommends that it be granted subject to the following conditions:

1. The minimum height above the sidewalk is ten (10) feet.
2. The owner will add the City of Niagara Falls as an additional insured on its liability insurance policy.
3. The owner will defend and indemnify the City from liability related to the sign encroachment.
4. The City can revoke permission for the encroachment on three (3) months' notice.

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

Will the Council so approve?

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

Yeas	5
Nays	0

APPROVED

CONTRACT: CONSULTING TRAINING, DEPT. OF HUMAN RESOURCES, JBM HR CONSULTING INC.

Agenda Item #9

As you know, the Human Resources Department ("HR") provides critical support for all elected officials, department heads, supervisors and staff of the City of Niagara Falls. In order to ensure that both the function and structure of this vital department continues to operate at the highest level, the Administration believes that it is necessary that City secure the services of an expert to access HR department protocols and procedures.

With this in mind, it is hereby proposed that JBM HR Consulting, Inc. ("JBM") undertake this project and perform the required services. JBM will provide, among other things: HR Assessment to determine most vulnerable areas to prioritize moving forward; proactive approaches to HR practices and guidelines to avoid unnecessary employee related issues; implementing practices to avoid litigation; performance management review; employee relations assessment; conflict resolution; mentoring/coaching as necessary; sample documentation, policies, procedures, forms, letters etc.; job description writing/analysis; team building/relationship building among co-workers; workplace process reviews, and; formal content training as needed.

The term of a proposed agreement would be for six (6) months with JBM carrying out this project at a cost of \$10,500.00; any further services that would be required would be billed at a rate of \$150.00 per hour. Funding for this project is from unused funds contained in the City Administrator's bi-weekly pay line.

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

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

Yeas	5
Nays	0

APPROVED

MAYOR'S APPROVAL: RESOLUTION 2020-36

Agenda Item #10

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY ASSESSOR

2020 GENERAL ASSESSMENT ROLL

Agenda Item #11

Listed below are the taxable total of the General Assessment Roll for the City of Niagara Falls, New York, as now constituted and completed by the Board of Assessment Review for the year 2019 and will be filed with the City Clerk on July 1, 2020.

Also, attached (on file in the City Clerk's Office), please find the exemption summary for the 2020 roll.

Total Taxable Assessed Value	\$1,282,274,599
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Homestead	\$886,088,237
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Non-Homestead	<u>396,186,362</u>
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Total	\$1,282,274,599
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THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: JOHN "SPIDER" MARTIN, JR., ADOPTING HONORARY STREET NAMING, 2020-41

BY: MAYOR RESTAINO, ALL COUNCIL MEMBERS

Agenda Item #12

WHEREAS, John "Spider" Martin, Jr. was born August 18, 1931 in Asheville, North Carolina, the son of John W. Martin, Sr. and Emogene McCorkle. His parents moved to Niagara Falls when John Jr. was a young boy to find employment; and

WHEREAS, John "Spider" Martin, Jr. grew up at 6A Center Court here in Niagara Falls, where he found his interest in music and began his preparatory music studies. He attended the Manhattan School of Music for a short time. Still a young man, he began traveling with Lionel Hampton's big band, where he worked with top recording artists such as Aretha Franklin, Etta Jones, William Pickett, "Philly" Joe Jones, Johnny "Hammond" Smith, Nat Adderly and many more; and

WHEREAS, in the mid to late seventies, John "Spider" Martin, Jr. led a quintet featuring a very young musician named Joe Locke. They toured the east coast and backed many jazz giants including Dizzy Gillespie, Count Basie, Ramsey Lewis, Pepper Adams, Jimmy McGriff, and Tony Bennett. "Spider", as he was commonly known, cut many albums on Tony Bennett's Indie Jazz label, Improv Records, including "Absolutely" with Joe Locke and "Make Magnificent Music" with Tony Bennett/The McPartlands & Friends at the Downtown Club in Buffalo New York; and

WHEREAS, John "Spider" Martin, Jr. traveled throughout the United States and overseas, and appeared at many Jazz Festivals. When he returned home, he brought many national artists to the Niagara Falls music scene, especially the Ontario House, where some performances included Dizzy Gillespie, Charlie Mariano and Lee Konitz. After recording several albums on his own, his focus changed to mentoring and educating students. He was the co-founder of the Production Center for the Arts in Florida, was active in charity work and hosted several concert series, including the Marathon for Cerebral Palsy. During his later years while home in Niagara Falls, he composed, orchestrated and performed with the Rochester and Buffalo Philharmonic orchestras; and

WHEREAS, John "Spider" Martin, Jr. passed away April 21, 2000, but his creative genius and musical styles have never been forgotten in the local jazz community, as he was inducted into the Niagara Falls Music Hall of Fame in 2018, and

WHEREAS, the City of Niagara Falls does recognize that in John "Spider" Martin, Jr. we had an outstanding citizen and amazing musician who shared his talent in many ways. Whether it was educating students or entertaining on the big stage, he represented his hometown of Niagara Falls, New York well.

NOW, THEREFORE, BE IT RESOLVED, that both the City Council and Mayor Robert M. Restaino of the City of Niagara Falls City Council do hereby honor the legacy of John "Spider" Martin, Jr. by giving the intersection of Main Street and Ontario Avenue the honorary name, 'John "Spider" Martin Way', and be it further

RESOLVED, that a 12" x 18" aluminum pedestal with graphic panel be placed at or near said intersection, subject to all necessary government approvals, giving the history and background information on his international travel, his music, and his relationship with and the Ontario House and the City of Niagara Falls.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: REPEALING AND REPLACING CHAPTER 1121 AND 1140 OF THE CODIFIED ORDINANCES IN THEIR ENTIRITY WITH CHAPTER 1309-REGULATIONS FOR SIGNAGE, AND AMENDING SCHEDULE OF THE ZONING ORDINANCE, 2020-42  
BY: COUNCIL MEMBER TOUMA

Agenda Item #13

WHEREAS, the Planning Board previously recommended that the City Council repeal Chapters 1121 and 1140 of the Codified Ordinances in their entirety and replace them with Chapter 1309 and amend Schedule 1 of the Zoning Ordinance; and

WHEREAS, this proposed amendment was tabled by the City Council at its April 22, 2020 meeting; and

WHEREAS, in order to address the questions and concerns raised by this Council, the proposed amendment has been revised, and this revision, as outlined in the attached (on file in the City Clerk's Office) recommendation and Planning Board resolution, is hereby submitted to the City Council for review.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby repeal Chapters 1121 and 1140 of the Codified Ordinances and replace with Chapter 1309 and amend Schedule 1 of the Zoning Ordinance.

Yeas

5

Nays

0

ADOPTED

There being no further business to come before the Council, Chairman Voccio adjourned the Meeting at 6:30 P.M.

Kathleen Ligammari  
City Clerk

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07/15/2020



JULY 29, 2020

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

---

The Legislative session of the July 29, 2020 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Voccio at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, John Spanbauer, Kenny Tompkins, Andrew Touma, Council Chairman Chris Voccio

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

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

Council Member Tompkins moved to approve the Minutes from the Council Meeting of July 15, 2020.

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	Niagara St. update-all concerts & fundraisers cancelled
Kathleen DuBois	Air B & B limitations
Tim Sweeney	Short Term Rentals; devastation in Las Vegas; Public Notices more readably available; more efficient ways to Address needs in specific parts in City
Cherrish Beals	Short Term Rentals

Mayor Update:

- Introduced Kristen Cavalleri, the new Public Information Officer. She is currently preparing improvements to social media access among other information outlets.
- Indicated additional streets were added to the paving schedule. Also more demolitions with the use of Community Development funds.
- Talking to a volunteer group to assist in cleanup and manicuring of medians on John Daly Blvd.
- Federal relief not likely soon to assist City financial shortfalls due to COVID-19 restrictions.
- Addressed concerns shared by Councilman Tompkins regarding lack of response to Refuse fee messages left. The Mayor reiterated the sheer volume of calls. Amplified by residents leaving multiple messages. Staff has been added however redundant calls are being made due to the numerous duplicate messages. Reminded that the due date had been extended to August 15 due to the timing of the bill drop.
- Met with Modern Disposal earlier in the day to discuss numerous concerns regarding service delivery inconsistencies. They recognize their partnership with the City in contributing to a positive image for both residents and visitors. Suggestions were shared. They plan on a closer working relationship with DPW and Code Enforcement.

- Councilman Touma expressed concern that Federal COVID relief funds for municipalities looks bleak. He also asked for status on casino funds negotiations. The Mayor indicated it's an election years for The Seneca's. As with any Nation, politics within it can cause disjointed efforts. It's his understanding talks are ongoing however no new information to present at this time.
- Mayor is working with CEO of Niagara Falls Memorial Med. Ctr. regarding virus testing. There may be Community development funds available to assist in continuing the efforts.

Administrative Update: None

Controllers Report:

- Tourism fund overview. 72% reduction in revenue as compared to same period 2019.
- Street light audit completed for period July 2018 thru December 2019. Result was City received \$11K+ refund from National Grid after review of actual consumption.
- County sales tax revenue up \$120k over same period 2019.
- Current tribal revenue reserve is \$1.3 mil.
- Councilman Touma questioned if there would be any change in costs with current health care provider. Controller didn't anticipate any major changes.
- Councilman Voccio questioned if volume of refuse service change requests would negatively affect user fee projections. The Mayor and Controller both felt the impact would be negligible.

Review of Agenda Items:

- Item 2 - Councilman Spanbauer clarified the contract applied to year 2021.

Misc:

- Councilman Touma found being included in budget planning meetings interesting and helpful.
- Councilman Spanbauer thanked police personnel and first responders for their professionalism and dedication particularly during the recent stresses with COVID-19 and race relations.
- Councilman Kennedy expresses continued concern with over grown areas still needing trimming. Particularly at intersections where view is obstructed.

THE FOLLOWING COMMUNICATION Was SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF JUNE 2020

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: MILITARY ROAD RECONSTRUCTION/CAYUGA DRIVE RESURFACING PROJECTS, FUNDING, CONSULTANT SERVICE AWARD, URBAN ENGINEERS

Agenda Item #2

Following the City's standard procedures, in conjunction with New York State Department of Transportation (NYSDOT) and FHWA guidelines for consultant selection, the firm of Urban Engineers of New York, DPC, has earned the position as the City's design consultant for the above-referenced Federally Funded Pass Thru projects.

Funding for the scoping and design phases is included in the recently executed agreements between the City and NYSDOT, originally approved by Council on May 6, 2020. Funding is available in the Road Reconstruction Capital account code H0812. The cost for the design-related portion of these projects is \$405,325.00 of which a local match of \$81,065.00 is currently required. The overall project cost is ultimately eligible for 95% reimbursement from the NYSDOT.

Therefore it is the recommendation of the undersigned that the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel.

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: A.D.A. COMPLIANCE PROJECT (BUILDINGS), WALTER JOHNSON BUILDING CO., FUNDING, CHANGE ORDER #2/FINAL

Agenda Item #3

A contract for the above referenced project was awarded to Walter Johnson Building Co. Inc. on March 20, 2018 in the amount of \$984,700.00. Change order #1 was approved by City Council on May 29, 2019 in the amount of \$18,992.25.

Subsequent to the start of the project, it was determined that in deference to the historic nature of City Hall, a lift would be substituted for the ramp installation and requisite rail removal originally slated for the Council Chambers. The cost associated with this substitution is \$14,590.00, bringing the contract total to \$1,018,282.25. Sufficient funding is available via the project bonding 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: DRAINAGE STRUCTURE REPLACEMENT & REPAIR PROJECT, 4<sup>TH</sup> GENERATION CONSTRUCTION CO., FUNDING, CHANGE ORDER #1

Agenda Item #4

A contract for the above referenced project was awarded to 4<sup>th</sup> Generation Construction Co. Inc. on April 22, 2020 in the amount of \$415,856.00.

Due to the addition of mill & overlay candidates funded with Community Development CBDG dollars, additional drainage structure replacements are required to complete the resurfacing process. The cost associated with the addition of 18 catch basins, obtained through the competitive bidding process, is \$67,150.00, bringing the contract total to \$483,006.00. Funding is available via 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 Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5  
Nays 0  
APPROVED

CONTRACT: RIGHT OF ENTRY AND ACCESS FOR THE LINWOOD ACCESS PARKING LOT, BLUE CARDINAL CAPITAL

Agenda Item #6

In furtherance of their project in the City's north end, Blue Cardinal Capital is planning an investigation of subsurface conditions on parcels that it owns in the North Main Street area. As part of this investigation, Blue Cardinal is requesting permission to examine the subsurface conditions in the City owned parking lot (on Linwood Avenue) adjacent to their properties.

The investigation will consist of using a 4 inch diameter auger to drill approximately 15 feet deep and insert a 1 inch well pipe that will extend to the existing grade elevation. Each hole will be filled with the soils removed up to the grade elevation and all excess soil will be removed. LaBella Associates, P.C. of Rochester, NY will be performing the work and will be providing the City with a certificate of insurance pursuant to our usual requirements.

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

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

Yeas 5  
Nays 0  
APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

MAYOR'S APPROVAL;

Agenda Item #6

Mayor's Approval of Resolution 2020-42  
THIS ITEM WAS RECEIVED AND FILED

COMMISSIONER OF DEEDS

Agenda Item #7

The following have requested City Council approval for Commissioner of Deeds for a term from October 1, 2020 to September 30, 2022.

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

Kari Fabiano	City Clerk's Office
Lori Parsnick	DPW
Kelly Cook	1026 92 <sup>nd</sup> St., Niagara Falls, NY 14304
Matthew Davis II	1317 Ashland Ave., Niagara Falls, NY 14301
Betty E. Ivancic	1246 86 <sup>th</sup> St., Niagara Falls, NY 14304
Elyse D. Kemp	1543 Centre Ave., Niagara Falls, NY 14305
Juanita Sirianni	3351 Ely Ave., Niagara Falls, NY 14303
Peter J. Zito	3351 Ely Ave., Niagara Falls, NY 14303

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

Yeas 5  
Nays 0  
APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

BUFFALO AVENUE, 24, EXISTING LOADING ZONE, EXTENSION

Agenda Item #8

At the Traffic Advisory Commission meeting held on July 20, 2020 the Commission recommended APPROVAL of the following item:

EXTEND THE EXISTING LOADING ZONE IN FRONT OF 24 BUFFALO AVENUE (SPoT COFFEE/THE NIAGARA CLUB) BY 20' ON BOTH THE EAST & WEST ENDS (40' TOTAL)

Request was made to facilitate a place for customers to have quick access for in & out service.

Submitted By: Nirel Patel, Owner, SPoT Coffee, 24 Buffalo Avenue

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

Yeas 5  
Nays 0  
APPROVED

RESOLUTION: TRAFFIC GENERALLY, CHAPTER 501, AMENDING, 2020-43  
BY: COUNCIL MEMBERS TOMPKINS, TOUMA, CHAIRMAN VOCCIO

Agenda Item #9

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that Chapter 501 of the Codified Ordinances entitled "Traffic Generally" is hereby amended to read as follows:

501.90 TOWING, IMMOBILIZATION AND STORAGE AUTHORIZED

...

(d) Vehicle Release to Owner

(1) Any vehicle removed, immobilized or stored as herein provided shall be promptly released to its owner upon the payment of the administrative impound fee of ~~{ \$50.00 }~~ \$125.00, payment of outstanding parking fines and the satisfaction of outstanding traffic warrants. (Amended 12/26/01) In addition to the foregoing, any vehicle that is immobilized by use of a wheel lock or other immobilization device shall be released to its owner upon the payment of the ~~{ \$75.00 }~~ \$100.00 "Parking Boot Fee".

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

Yeas 5  
Nays 0  
ADOPTED

RESOLUTION: CITY CLERK SERVICES, 2021, AMENDMENT OF SPECIFIC CHAPTERS OF THE CODIFIED ORDINANCES, 2020-44  
 BY: COUNCIL MEMBERS TOMPKINS, TOUMA

Agenda Item #10

NOW, THEREFORE, BE IT RESOLVED the following City Clerk service fees, applicable to the following Codified Ordinance chapters, shall be amended to the amounts listed below and shall take effect on January 1, 2021:

<u>Service</u>	<u>Ordinance Chapter</u>	<u>Current Fee</u>	<u>2021 Fee</u>
Airborne Vehicles (Helicopter)			
Business Fee	301.05	<del>[\$750.00]</del>	<u>\$800.00</u>
Vending (Coin Op)-Per Machine	303.04	<del>[\$ 30.00]</del>	<u>\$ 45.00</u>
Auctioneer	307.03	<del>[\$150.00]</del>	<u>\$200.00</u>
Junk Dealers	333.02	<del>[\$300.00]</del>	<u>\$350.00</u>
Second Hand Dealers	338.04	<del>[\$150.00]</del>	<u>\$200.00</u>
Street Performers	342.00	<del>[\$ 0.00]</del>	<u>\$ 25.00</u>
Petroleum - Storage	345.04	<del>[\$ 60.00]</del>	<u>\$ 75.00</u>
- Retail	345.04	<del>[\$ 70.00]</del>	<u>\$100.00</u>
- Wholesale	345.04	<del>[\$100.00]</del>	<u>\$150.00</u>
Theater	373.03	<del>[\$100.00]</del>	<u>\$150.00</u>
<u>Service</u>	<u>Ordinance Chapter</u>	<u>Current Fee</u>	<u>2021 Fee</u>
Sightseeing - Agency	375.05(1)	<del>[\$350.00]</del>	<u>\$400.00</u>
- Driver (each)	375.05(3)	<del>[\$ 50.00]</del>	<u>\$ 60.00</u>
Horse Drawn Carriage Business Fee	376.11	<del>[\$100.00]</del>	<u>\$200.00</u>
Animal Redemption from SPCA			
1 <sup>st</sup> Offense	701.05A(1)	<del>[\$ 50.00]</del>	<u>\$ 65.00</u>
2 <sup>nd</sup> Offense	701.05A(2)	<del>[\$ 100.00]</del>	<u>\$125.00</u>
3 <sup>rd</sup> Offense	701.05A(3)	<del>[\$ 150.00]</del>	<u>\$175.00</u>
Dog License - Spayed/Neutered			
Initial Fee	701.07(3)	<del>[ \$ 17.50]</del>	<u>\$ 20.00</u>
Renewal	701.07(3)	<del>[ \$ 12.50]</del>	<u>\$ 15.00</u>
Dog License - Unneutered/Unspayed			
Initial Fee	701.07(3)	<del>[\$ 25.50]</del>	<u>\$ 30.00</u>
Renewal	701.07(3)	<del>[\$ 20.50]</del>	<u>\$ 25.00</u>
Dog License-Late Fee/Expired License Fee	701.07(3)	<del>[\$ 10.00]</del>	<u>\$ 15.00</u>
Marriage Ceremonies	N/A	<del>[\$100.00]</del>	<u>\$150.00</u>

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

Yeas 5  
 Nays 0  
 ADOPTED

RESOLUTION: PERMITS, FEES AND CERTIFICATES, AMENDING CHAPTER 1107, 2020-45  
 BY: COUNCIL MEMBER TOUMA

Agenda Item #11

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that Chapter 1107 of the Codified Ordinances entitled "Permits, Fees and Certificates" is hereby amended to read as follows. All amended fees to be effective January 1, 2021.

1107.10 PERMIT FEES

- A. New Buildings & Additions to Existing Buildings. This does not include mechanical equipment, plumbing, heating and electrical work(s), which require separate permits.

1. Residential buildings, including accessory structures, i.e. porches, carports, additions, garages, sheds, etc.

Per each 1,000 cubic feet	\$15.00
Minimum fee	\$45.00

2. Commercial and industrial buildings:

Per each 1,000 cubic feet	\$20.00
Minimum fee	\$250.00

B. Other Work:

1. General remodeling, alterations, repairs:

**Residential**

First \$1,000 cost of construction	\$40.00
Each additional \$1,000 cost or fraction thereof	\$20.00

**Commercial/Industrial**

<b><u>First \$1,000 cost of construction</u></b>	<b><u>\$50.00</u></b>
<b><u>Each additional \$1,000 cost or fraction thereof</u></b>	<b><u>\$25.00</u></b>

2. New siding or roofing (100 **square** feet is a square)

First <b><u>10 square (1,000 square feet)</u></b> or less	\$50.00
Each additional <b><u>square (100 square feet)</u></b> or fraction thereof	\$5.00

3. Demolition of buildings:

Volume of Buildings:

<b><u>Residential detached accessory structures</u></b>	<b><u>\$75.00</u></b>
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**All other structures:**

0 <b><u>to 10,000 cubic feet</u></b>	{ \$75.00 }	<b><u>\$150.00</u></b>
10,001 to 20,000 cubic feet	{ \$200.00 }	<b><u>\$300.00</u></b>
20,001 to 50,000 cubic feet	{ \$225.00 }	<b><u>\$350.00</u></b>
50,001 to 100,000 cubic feet	{ \$275.00 }	<b><u>\$400.00</u></b>
100,001 to 200,000 cubic feet	{ \$325.00 }	<b><u>\$450.00</u></b>
200,001 to 500,000 cubic feet	{ \$425.00 }	<b><u>\$550.00</u></b>
Over 500,000 cubic feet	{ \$1250.00 }	<b><u>\$2000.00</u></b>

4. Moving Buildings:

**\$250.00**

a. On or across a public thoroughfare, except as Provided for in b and c herein, the sum of: \$250.00}

b. {Not exceeding 10 feet in width, 20 feet in length and 10 feet in height on vehicles over a public thoroughfare, the sum of: \$100.00}

c. {From one lot to another without moving onto a public thoroughfare, the sum of \$100.00}

d. {From one location on a lot to another location on the same lot, the sum of \$ 50.00}

5. Miscellaneous:

a. Fences/residential	{ \$20.00 }	<b><u>\$25.00</u></b>
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	Fences/commercial	\$150.00	
	<b><u>Industrial</u></b>		<b><u>\$300.00</u></b>
b.	Swimming pools installation		
	Above Ground	{ \$45.00 }	<u>\$50.00</u>
	In ground	{ \$100.00 }	<u>\$200.00</u>
c.	{Mechanical equipment installation, including drain tile, not part of general building permits	\$50.00 }	
<u>c.</u>	d. Trailer camp license renewal:	\$100.00	
<u>D</u>	e. Fireplaces and/or chimney:	\$50.00	
<u>e.</u>	f. Insulation applications:	\$50.00	
<u>f.</u>	g. Temporary tents, buildings, trailers:	\$150.00	
<u>g.</u>	h. {Others included but not limited to, windmills, parking lots, unvented heaters,} antennas, and {satellite dishes} new telecommunication facilities	{ \$35.00 }	
	<u>modifications/upgrade to existing</u>		
	<u>Per \$1,000 cost of construction</u>		<u>\$75.00</u>
	Minimum fee of:	{ \$100.00 }	<u>\$1000.00</u>
<u>h</u>	i. Solar panel systems installation:		
	Residential	\$100.00	
	Commercial and Industrial	\$500.00 }	
	<u>Solar Panel Farms</u>		<u>\$1000.00</u>
	i. <u>Parking Lots</u>		
	<u>Per \$1,000 cost of construction</u>		<u>\$35.00</u>
	<u>Per \$1,000 with a minimum fee of:</u>		<u>\$250.00</u>
<u>j.</u>	<u>Outdoor commercial patio (subject to review)</u>		<u>\$100.00</u>

6. Signs Where Permitted, New or Additional, Including Alterations to Existing Signs:

a.	Up to 100 square feet (each sign face):	<u>\$65.00 }</u>	<u>\$75.00</u>
b.	Each additional {100} one square <u>foot</u> {feet} (per face):	{ \$25.00 }	<u>\$2.00</u>
c.	Awnings and/or canopies (flat fee):	{ \$65.00 }	<u>\$75.00</u>
d.	Signage upon awning and/or canopy (flat fee)	{ \$65.00 }	<u>\$75.00</u>
e.	Awning and/or canopies with signage (flat fee)	{ \$130.00 }	<u>\$150.00</u>
f.	Free standing sign structure (excluding signage)		
	First \$1,000 of cost	\$100.00	
	Each additional \$1,000 of cost	\$50.00	
g.	Billboard {/Rooftop Billboard in Downtown Commercial District }		
	as per Sign Ordinance Section {1121.05 (g) }	<u>1309.17</u>	\$5,000.00
h.	{Billboard in other zoning districts as per Sign Ordinance		<u>\$2,000.00</u>
	<b>Section 1121.05 (h) }</b>		
<u>i.</u>	"A" Frame Sidewalk Signs		\$75.00

7. Liquid Containers:

a.	Tanks of 300 U.S. gallon capacity or less:	{ \$150.00 }	<u>\$200.00</u>
b.	Tanks of 600 U.S. gallon capacity or less:	{ \$200.00 }	<u>\$250.00</u>
c.	Tanks of 601 to 1,500 U.S. gallon capacity (inclusive):	{ \$250.00 }	<u>\$300.00</u>

- d. Tanks of 1,501 U.S. to 12,000 U.S. gallon capacity: **{ \$350.00 } \$400.00**
- e. Tanks over 12,000 U.S. gallons: **{ \$650.00 } \$700.00**
- f. Tank removals - one half of a, b, c, d, or e above  
Same as installation  
in addition to fee for new installations, if any.  
fee (when tank is removed & new installed-both fees apply).
- g. Tank relining or alterations: \$50.00
8. Certificates of Occupancy/Compliance/Completion:
- a. When building permit is required: NO FEE
- b. Redated Certificate of Occupancy/Compliance/Completion:
- Residential: One dwelling unit: \$40.00  
Residential: Each additional unit: \$20.00
- Commercial/Industrial: Per tenant: **{ \$40.00 } \$50.00**  
Commercial/Industrial: Each additional unit: **{ \$20.00 } \$25.00**
9. Planning Fees:
- a. **{ Site Plan Application Fee: \$10.00 }**  
**Residential: \$20.00**  
**Commercial/Industrial: \$100.00**
- b. Filing Application for Rezoning to the Planning Board  
**{ \$150.00 }**  
**Residential: \$250.00**  
**Commercial/Industrial: \$500.00**
- c. Purchase of Zoning Book \$95.00
- d. Zoning Map **{ (24" x 36" ) }** \$12.00
- e. Comprehensive plan **{ \$76.75 } \$95.00**
- f. Telecommunication Facility Application Fee  
\$500.00 plus
10. Additional Fees:
- a. Filing Board of Appeals Application \$150.00
- b. Home Improvement Registration License \$125.00
- c. Home Improvement Registration License Renewal:  
\$125.00
- d. Tower Permit Fee \$2,500.00 (base) plus \$100.00 per foot for  
Every foot of tower height according to the following schedule:
- i) In excess of 50 feet in R-1, R-2, R-3, R-4 **{ & NPD Districts, or (Waterfront Overlay) WO-Zone 1, 3, & 4 };** or
- ii) In excess of 100 feet in C-1, C-2, C-3 Districts or  
Ins. **{ WO-Zone 2 };** or
- iii) In excess of 150 feet in **{ M-1 or M-2 } I-1 or I-2** Districts
11. Plumbing, Drain and Sewer Cleaning and Mechanical Contracting Permit Fees:

**MECHANICAL**

- a. Installation Cost: (Total Cost of Labor, Material, etc.)  
First \$1,000.00 \$25.00  
Each \$1,000.00 or fraction thereof \$10.00

**PLUMBING**

- b. Fixtures and appurtenances each: **(\$10.00) \$15.00**
- c. Hotels/motels - new plumbing installation or remodel \$50.00**  
**per guest room** **(per room)**
- d** {c.} Water Heaters Up to 50 gallons in storage or **tankless**  
**(\$10.00) \$20.00**
- e** {d.} **Exterior** installation **or repair** of **commercial** sanitary or storm sewer piping for each 50 feet or fraction thereof  
**(\$30.00) \$40.00**
- f.** {e} Water service and distribution piping for each 50 ft \$30.00 or fraction thereof
- Exterior installation or repair of commercial water service piping for each 50 feet or fraction thereof** **\$40.00**
- g.** **Residential storm or sanitary repair, replacement or installation** **\$50.00**  
**Residential water service repair, replacement or installation** **\$50.00**
- h.** {g}. For each manhole, vault, interceptor, separator, { **sump and pumping system** } **and catch basin** **(\$35.00) \$40.00**
- i.** {f} For each backflow device certifying, testing and/or repairing: **\$10.00**  
**(any size)**
- {Up to 2 inches \$5.00  
Over 2 inches \$10.00}
- j.** **Sump crock with pump** **\$40.00**
- k.** **Interior drain tile** **\$50.00**
- l.** **Water and sewer cap off for demolitions** **\$50.00**
- m.** h. Miscellaneous items not covered are to be calculated based on installation cost in A.
- n.** ±. Additional Plumbing Fees:

Application to take the Plumbing Examination:

Master Plumber \$70.00  
Journeyman Plumber \$100.00

Examination Fees:

Journeyman Plumber \$100.00  
Master Plumber \$200.00

Registration Fees:

Mechanical or Fire Protection Contractor	\$175.00
Apprentice Plumber	\$20.00
Journeyman Plumber	\$50.00
Master Plumber	\$200.00
Reciprocal Journeyman Plumber	\$150.00

Renewal Fees:

Mechanical Contractor	\$150.00
Apprentice Plumber	\$15.00
Journeyman Plumber	\$40.00
Master Plumber	\$150.00
Inactive Master Plumbers	No fee

**{Reinstatement Fees:**

<b>Apprentice Plumber</b>	<b>\$20.00</b>
<b>Journeyman Plumber</b>	<b>\$50.00</b>
<b>Master Plumber</b>	<b>\$200.00</b>
<b>Mechanical Contractor</b>	<b>\$175.00}</b>

12- Electrical Permit Fees:	Residential	Commercial	Industrial
Minimum Electrical Inspection	\$50.00	<b><u>\$125.00</u></b> <del>(\$100.00)</del>	<b><u>\$250.00</u></b> <del>(\$200.00)</del>
<b><u>Solar Panel Installations</u></b>	<b><u>\$100.00</u></b>	<b><u>\$300.00</u></b>	<b><u>\$500.00</u></b>

Electrical Outlets - All Types of Occupancy

1-10	\$10.00	\$30.00	\$50.00
11-50	\$30.00	\$75.00	100.00
51-100	\$50.00	\$100.00	175.00
101-200	\$75.00	\$150.00	\$250.00

Each additional 25 outlets \$5.00 \$15.00 \$25.00

Service Installations **Repair**- One Meter - One Panel

Up to <del>{150}</del> <b><u>200</u></b> amps	<b><u>\$75</u></b> <del>(\$50.00)</del>	<b><u>\$125.00</u></b> <del>(\$100.00)</del>	<b><u>\$250.00</u></b> <del>(\$200.00)</del>
<b><u>{Over 150 amps to 200 amps}</u></b>	<b><u>\$75.00</u></b>	<b><u>\$125.00</u></b>	<b><u>\$250.00</u></b>
Over 200 amps to 400 amps	<b><u>\$125.00</u></b> <del>(\$100)</del>	<b><u>\$175</u></b> <del>(\$150)</del>	<b><u>\$350.00</u></b> <del>(\$300)</del>
Over 400 amps to 1000 amps	<del>\$150</del> <b><u>\$175.00</u></b> <del>(\$150)</del>	<b><u>\$275</u></b> <del>(\$250)</del>	<b><u>\$400.00</u></b> <del>(\$350)</del>
Over 1000 amps	<b><u>\$250.00</u></b> <del>(\$225)</del>	<b><u>\$375</u></b> <del>(\$350)</del>	<b><u>\$750.00</u></b> <del>(\$700)</del>

Additional meters \$10.00 \$15.00 \$25.00

Each additional panel \$0 \$15.00 \$25.00

Security and Fire Alarms **\$50.00** ~~(\$35)~~ **\$100.00** ~~(\$75)~~ **200.00** ~~(\$100)~~

Renewal of Electrical Contractor's License - Active	\$125.00
Renewal of Electrical Contractor's License - Inactive	\$40.00
Initial issuance of Electrical Contractor's License	\$225.00
Application to take Electrical Contractor's Exam	\$125.00
<b><u>{Security and Fire Alarm Permits</u></b>	<b><u>\$35.00</u></b>
<b><u>(under mechanical permits) }</u></b>	

13. Plan Review Fees: **(Upon submittal of plans)**

Residential (new homes <b><u>{only}</u></b> & <b><u>additions</u></b> )	\$150.00
Commercial (new construction & <b><u>alterations</u></b> )	\$300.00
Industrial (new construction & <b><u>alternations</u></b> )	\$400.00

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

Yeas  
Nays

5  
0  
ADOPTED

CODE ENFORCEMENT: EMERGENCY DEMOLITIONS, FUNDING

Agenda Item #12

The Acting Director of Code Enforcement advises that his budget line item for performing emergency demolitions is all but depleted. Because it is necessary to have funding available to perform emergency demolitions as a result of fires and various other issues, it is requested that the sum of \$200,000.00 be transferred from casino reserves to the Emergency Demolition Capital account code H0910.

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

There being no further business to come before the Council, Chairman Voccio adjourned the Meeting at 6:58 P.M.

Kathleen Ligammari  
City Clerk



AUGUST 7, 2020

SPECIAL COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The August 7, 2020 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman at 5:00 PM in the Council Chambers.

Present: Council Members William Kennedy, John Spanbauer, Kenny Tompkins, Andrew Touma, Chairman Chris Voccio

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



## City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

August 4, 2020

Members of the City Council  
and  
Kathleen Ligammari, City Clerk

Council Members and City Clerk

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on **Friday, August 7, 2020 at 5:00 p.m.** in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purposes:

**TO ALLOW THE MAYOR TO ACCESS COMMUNITY DEVELOPMENT GRANT FUNDING IN ORDER TO PROVIDE FOR ADDITIONAL AND EMERGENCY COVID-19 TESTING KITS TO BE MADE AVAILABLE FOR CITY RESIDENTS THROUGH NIAGARA FALLS MEMORIAL MEDICAL CENTER.**

Respectfully submitted,



Robert M. Restaino, Mayor



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Special meeting to vote on resolution allowing The Mayor to access Community Development grant funding, in order to provide additional and emergency COVID-19 testing kits. To be made available for City residents through Niagara Falls Memorial Medical Center.

Mayor Comments:

- Mayor gave overview of process and allocation.

Guest Speaker:

- Joseph Ruffolo CEO of NFMMC elaborated on the process and funding stream. Federal Government shifted priorities to southern and western states as their numbers dramatically increased. New supplier secured and cost increased.

Review of Agenda Item:

- Councilman Kennedy questioned that an exact amount was not defined in the resolution. He requested the Council be provided itemized statements to show amount spent and on what.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE MAYOR

RESOLUTION: COMMUNITY BLOCK GRANT/CARES ACT FUNDS TO PROVIDE FOR ADDITIONAL AND EMERGENCY COVID-19 TESTING FOR CITY RESIDENTS THROUGH MEMORIAL MEDICAL CENTER, 2020-46

BY: COUNCIL MEMBER TOUMA, CHAIRMAN VOCCIO

Agenda Item #1

WHEREAS, since the onset of the COVID-19 pandemic, our nation learned first-hand that the ideal response to a communicable disease outbreak is for public health officials to begin testing for it early; and

WHEREAS, early testing leads to quick identification of cases, quick treatment for those people and immediate isolation to prevent spread; and

WHEREAS, furthermore, early testing also helps to identify anyone who came into contact with infected people so they too can be quickly treated; and

WHEREAS, while our nation is not obviously in an ideal situation with regard to Covid-19, testing remains critical to the bigger public health picture on mitigation efforts, helping investigators characterize the prevalence, spread and contagiousness of the virus; and

WHEREAS, without a vaccine to halt the spread of the coronavirus, widespread testing and tracing of the illness will be essential to ensure public confidence that children can safely return to school in the fall or to ease the restrictions that have shuttered businesses since the onset of the pandemic; and

WHEREAS, there is funding available so that the City can provide for Additional and Emergency COVID-19 testing kits which can be made available for City residents through Niagara Falls Memorial Medical Center; and

WHEREAS, to foster this increased access to testing, the City will provide emergency funding as available from Community Development Block Grant ("CDBG") funds and designated unspent program income, as deemed eligible by the City Controller.

NOW, THEREFORE, BE IT RESOLVED that the Niagara Falls City Council hereby authorizes the Mayor to access CDBG funds and designated unspent program income, as deemed eligible by the City Controller, in order to provide for Additional and Emergency COVID-19 testing kits for City residents which will be administered by and through Niagara Falls Memorial Medical Center.

Yeas	5
Nays	0

ADOPTED

There being no further business to come before the Council, Chairman Voccio adjourned the Meeting at 5:26 PM.

Kathleen Ligammari  
City Clerk

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**SEPTEMBER 2, 2020**  
**REGULAR COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

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The Legislative session of the September 2, 2020 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Voccio at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, John Spanbauer, Kenny Tompkins, Andrew Touma, Council Chairman Chris Voccio

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

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

Presentation: National Anthem sung by Sonia Angeli

Council Member Tompkins moved to approve the Minutes from the Council Meeting of July 29, 2020 and the Special Meeting of August 7, 2020.

Yeas	5
Nays	0

APPROVED

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

Craig Avery	Agenda Item #10
Jeff Flach	Agenda Item #10
Tim McSweeney	Agenda Item #10
Dennis Thuman	Agenda Item #10
Cherrish Beals	Agenda Item #10
Alex Levine	Agenda Item #10
Todd Salinsky	Agenda Item #10
Robert Pascoal	Agenda Item #10
James Abbondanza	Agenda Item #10
Colin Ligamarri	Agenda Item #10
Ruth Cooper	Agenda Item #10
Carroll Schultz Reetz	Agenda Item #10
Frank Soda	Agenda Item #6
Donta Myles	Agenda Item #10
Diane Tattersall	Agenda Item #10
Ron Anderluh	Safety; Police Presence
Jeff Flach	Comprehensive Plan

Mayor Update:

- Introduced speaker for Grit Seed Inc. to demonstrate the COVID screening system proposed in agenda item 4. To be used for City staff daily reporting. Also has capability to interact with constituents.
- Demolition contracts under review pending bid process.

- Federal funding for COVID relief appears to be pending for municipalities.
- Completion of street paving has been priority. Pot hole filling and repair will resume thereafter. Mayor appreciates patience as they work through the projects.
- An NU intern will assist with compiling data from Social Justice Commission committee reports. Will provide Council a report by years end.
- Five days of rapid testing for COVID concluded with 750 individuals tested at Duke Center. About 12 positive results. Mayor conveyed to the Governor he'd like to continue with testing.

Administrative Update: None

Controllers Report:

- Revenue results through July. Highly impacted by COVID-19 travel restrictions and border closing.
- County sales tax revenue better than expected. 2.1% under budget.
- Hotel/restaurant tax 22% under budget.
- Parking revenue 86.6% under budget

Review of Agenda Items:

- Item 6 - Councilmen Kennedy and Spanbauer voiced their support of the shared services plan with NFHA.
- Item 10 - Chairman Voccio - Contends the current and proposed ordinances are both imperfect. He supports the new ordinance as it addresses the evolving short term rental industry. It's a living document that can be amended as needed.

Councilman Touma - Revision to the existing ordinance is necessary due to evolving industry.

Councilman Spanbauer - Supports revised ordinance. It does include enforcement.

Councilman Kennedy - The existing ordinance needed to be cleaned up.

Councilman Tompkins - Asked the Mayor if 'grandfathering' was considered and how violators would be handled.

Mayor indicated permits issued prior to moratorium would be honored. A third party vendor would monitor/track violations.

Misc:

- Councilman Tompkins inquired if there was any progress with casino funds stalemate. Mayor indicated no new status at this time.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S CLAIM REPORT FOR THE MONTH OF JULY 2020

Agenda Item #1  
THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF JULY 2020

Agenda Item #2  
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

FINANCE DEPARTMENT: REORGANIZATION, CONTROLLER'S OFFICE, FUNDING

Agenda Item #3

With the recent retirement of the Senior Account Clerk in the Controller's Office, there is an opportunity to reorganize this office in a manner that will maintain essential services and maximize efficiency. Accordingly, the City Controller has proposed eliminating the vacated Senior Account Clerk position (Grade 12) and creating a Principal Clerk position (Grade 12). Funding currently exists within A.1315.0000.0110.000 for this reorganization.

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: HEALTH SCREENING, GRIT SEED, INC., EMPLOYEE, COVID-19

Agenda Item #4

In an effort to prevent the further spread of the coronavirus, New York State requires employers to screen employees for COVID-19 symptoms before the employee can enter the workplace each day and maintain documentation of health screenings. Our review of the various methods available to gather and process this information has led the Administration to conclude that a simple to use, text message-based system is the most effective way to collect accurate information. Since we do not possess the technological capacity to implement such a program, it will be necessary to enter into an agreement with a company who can provide this service. Accordingly, it is hereby proposed that the City enter into an agreement with Grit Seed, Inc. for COVID-19 health screening.

Grit Seed is a Buffalo-based company that can provide two way personalized texting communication at scale making it easy to achieve higher check in rates and more accurate results. After the employee opts in by text message, they will receive a series of customizable questions in order to check in at the start of every shift. Grit Seed will also provide automated reminders if the employee has not checked in and will deliver detailed analytics on each check in and question response to the City. This company also has the ability to send mass text messages on behalf of the City.

Grit Seed will provide their service at a cost of \$3,000.00 per month over the length of the agreement; for 2020 purposes, the cost to the City would be \$12,000 for the City. Funding is available to cover these costs from savings previously earned within the City Administrator's bi-weekly pay line (A.1210.0001.0110.000). Additionally, COVID-19 related FEMA grant funding may be available to partially reimburse the City for these costs.

This service is not subject to competitive bidding as it is being procured in accordance with Section 103(4) of the General Municipal Law due to the unforeseen public health emergency arising from the COVID-19 crisis and the City's need to protect the life, health and safety of our employees, residents and the general public while they are present at public buildings. This situation requires immediate action which cannot wait due the potential health implications of not implementing this technology.

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

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

Yeas

5

Nays

0

APPROVED

CONTRACT: SCHOOL TAXES, SCHOOL DISTRICT, 2020-2021

Agenda Item #5

In prior years, the City has had an agreement in place with the Niagara Falls School District ("School District") which provides for the City to perform the necessary services each year to bill and collect School District property taxes. It is requested that this agreement be renewed for the 2020 - 2021 School District tax year.

In consideration for the performance of the services, the City will be paid the sum of \$79,815.91 by the School District, with an increase in the amount of the Consumer Price Index for calendar year 2020 when it has been determined; this amount also includes the cost of postage.

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

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

Yeas 5  
Nays 0  
APPROVED

CONTRACT: NF HOUSING AUTHORITY, SHARED SERVICES, COMMUNITY DEVELOPMENT DEPARTMENT, FUNDING

Agenda Item #6

In concert with the initiative to foster Intergovernmental Collaboration agreements with other governmental entities, please find an agreement (on file in the City Clerk's Office) with the Niagara Falls Housing Authority (NFHA) to provide administrative oversight to the Community Development Department with reporting to the City Administrator. The term of the agreement is from July 1, 2020 through December 31, 2023 at a rate of \$5,000 per month. Said agreement will be paid through administrative funds from both Community Development entitlement funding and Section 8 administrative funding. The 2020 budget included a salary for a Director of Community Development at a cost of \$74,769; this agreement would result in a savings of \$14,769 annually compared to that salary. Additional savings would also be earned through employee benefit costs.

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

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

Yeas 5  
Nays 0  
APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

MAYOR'S APPROVAL/VETO: RESOLUTIONS 2020-43, 2020-44, 2020-45

Agenda Item #7

APPROVAL

Resolution 2020-43, relative to Amending Chapter 501 of the Codified Ordinances entitled "Traffic Generally"

Resolution 2020-44, relative to the Amendment of Specific Chapters of the City of Niagara Falls Codified Ordinances for City Clerk Services in regard to the 2021 Fee Schedule.

VETO

Resolution 2020-45, relative to Amending Chapter 1107 of the Codified Ordinances entitled "Permits, Fees and Certificates"

THIS ITEM WAS RECEIVED AND FILED

SECOND HAND DEALER'S LICENSES

Agenda Item #8

Chapter 338 of the Codified Ordinances states: "338.03..City Council may grant a license to carry on the business of secondhand dealer within the City.."

The following has submitted an application for a secondhand dealer licenses. These applications have been approved by the Niagara Falls Police Department.

Kash Pro Unlimited  
1818 Pine Ave  
Niagara Falls, NY 14301

Niagara Coin & Collectables  
509 Third Street  
Niagara Falls, NY 14301  
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

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: CARTER, THOMAS L.

Agenda Item #9

Request for approval to settle and pay claim of Thomas L. Carter for pending federal courtlitigation and all other pending claims for which litigation has not yet commenced.

Date of Occurrence: October 31, 2018  
Date Claim Filed: January 28, 2019, and Notice of Claim N/A to § 1983 claim  
Date Action Commenced: October 30, 2019  
Location: 2400 block of Woodlawn Avenue  
Nature of Claim: § 1983 claim alleging police misconduct  
City Driver: N/A  
Status of Action: The City and one of its police officers were both named as defendants in a civil suit commenced in State Supreme Court. That case was removed to federal court, Western District of New York, by the City's outside counsel. A motion to dismiss has been made on behalf of the City only, and remains pending. At this juncture, Corporation Counsel determined that a settlement could be reached that will avoid continuing litigation costs.

Recommendation/Reason: Best interest of City  
Amount to be Paid: \$8,000.00  
Make Check Payable to: Viola, Cummings & Lindsay, LLP, as attorneys for Thomas L. Carter  
Conditions: Stipulation of Discontinuance as to all parties in pending federal court case and General Release to City must be approved by Corporation Counsel

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

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

Yeas 4  
Spanbauer, Tompkins, Touma, Voccio  
Nays 1  
Kennedy

APPROVED

RESOLUTION: CITY ZONING ORDINANCE, "SHORT TERM RENTAL UNITS", CHAPTER 1328.13, AMENDMENT  
BY: COUNCIL MEMBERS SPANBAUER, TOUMA, CHAIRMAN VOCCIO

Agenda Item #10

WHEREAS, the City Administration has recently proposed amendments to Chapter 1328.13 of the City Zoning Ordinance entitled "Short Term Rental Units"; and (paperwork on file in the city clerk's office)

WHEREAS, on August 19, 2020, the Planning Board made its recommendation to not enact proposed amendments to said Chapter; and

WHEREAS, the Administration believes that this amendment will boost our robust tourist industry by further concentrating lodging opportunities in the downtown area, promote fair and equal opportunities for Short Term Rental operators and enhance the lodging experience of our visitors while permitting the City to maintain and enforce the high standards we have come to expect from our hospitality industry; and

WHEREAS, the Administration understands that the City Council, in enacting the proposed amendments, may wish to adopt some or all of the Planning Board's recommendations hereto; and

WHEREAS, amendments will be forthcoming based on information from and agreed to by City Council members.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby amend Chapter 1328.13 of the City of Niagara Falls Zoning Ordinance entitled "Short Term Rental Units".

Yeas 4  
Spanbauer, Tompkins, Touma, Voccio  
Nays 1  
Kennedy

DEFEATED

THE VOTE ON THIS RESOLUTION HAD TO BE UNANIMOUS PER CORPORATION COUNSEL  
RESOLUTION WAS DEFEATED

There being no further business to come before the Council, Chairman Voccio adjourned the Meeting at 8:04 P.M.

Kathleen Ligammari  
City Clerk



**SEPTEMBER 16, 2020**  
**REGULAR COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

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The Legislative session of the September 16, 2020 Niagara Falls City Council Meeting was called to order by Council Chairman Chris Voccio at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, John Spanbauer, Kenny Tompkins, Andrew Touma, Council Chairman Chris Voccio

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

Council Chairman Voccio said the Prayer and 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 Items #4, #5, #11
Mary Hayes	need tree removal at 2213 Cleveland Ave., multiple requests
Bob Pascoal	Code Enforcement issues (quality of life)

Presentation: DOT proposed improvements of Niagara St, between Rainbow Blvd and John B. Daly Blvd; John B. Daly Blvd between Buffalo Ave and Niagara St.

+  
Mayor Update:

- Spoke to agenda items relating to City Rise Program. Moving briskly to achieve benchmarks to obtain full funding.
- Budget preparations slowed down due to COVID-19 related urgencies and pending finalizing of contract details. Advised Council the statutory deadline may not be met.
- City boat launch fees proposed by Councilman Spanbauer are being considered. Logistic being looked at.
- Conversations were had with NFPD brass regarding working with 20% workforce reduction. Also the need for equipment upgrade/replacement as much of current fleet is sub-par.
- Addressed parking pass contract with NCCC. Efficient control of inventory and allotment needs to be applied to reduce related costs and/or abuses.
- Advised approximately 20 structures are scheduled for demolition by years end.

Administrative Update: None

Controllers Report: None

Misc:

- Councilman Touma responded to the Mayors comments regarding NFPD workforce and equipment. States shift schedule adjustments would contribute to staffing efficiencies however union has been resistant.
- All Council members in agreement to extending deadline for budget due to unprecedented circumstance relating to pandemic.
- Councilman Touma suggested improvements to parking ramps be considered and planned for 2021 to include automated attendant.
- Councilman Touma recommends extension of walking path on Cayuga Island. Greenway funds applicable?
- Councilman Touma inquired that under Isaiah 61 program, trade unions could work with students encouraging skilled trade careers. Mayor responded that talks are in process regarding bringing trade school back to City.
- Councilman Touma suggests conversations regarding short term rental issues continue.
- Councilmen Kennedy and Tompkins expressed trash removal concerns are still received frequently. Councilman Tompkins noted that in light of City instituted refuse fee, DPW should be charged with addressing such issues, not directing residents to Modern Disposal. The Mayor responded that the removal contract is with Modern and as such the handling of related concerns falls on them. Council was advised of a dedicated resident feedback line which they noted would be shared via their social media platforms.
- Councilman Kennedy relayed he has received numerous stump removal complaints.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S CLAIMS FOR THE MONTH OF AUGUST 2020

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: EMPLOYEE ASSISTANCE PROGRAM, NORTHPOINT COUNCIL, INC.

Agenda Item #2

Attached (on file in the City Clerk's Office) for your information and review is the proposed agreement between the City and Northpointe Council, Inc., whereby Northpointe will provide Employee Assistance Program services for all non-public safety employees. The term of this proposed agreement is for one (1) year. The cost for these services is \$2.00 per employee, per month based on an employee count of 200, for a yearly total of \$4,800.00. Funds are available in the Department of Human Resources budget line A.1430.0000.0451.000.

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: CITIES RISE GRANT PROGRAM, SOFTWARE

Agenda Item #3

As you know, the City of Niagara Falls was selected by the New York State Attorney General's office to be a recipient of a grant as part of Phase Three of the "Cities for Responsible Investment and Strategic Enforcement" ("Cities RISE") program. The program aims to innovatively address and transform blighted, vacant or poorly maintained problem properties through the use of housing and community data from various state agencies.

+As part of that Grant, the State had provided a software program developed by Tolemi, Inc. which has the ability to identify properties in the City which have had numerous issues related to public safety, public works, and code enforcement. As the City enters Phase 3 of the Grant, it is imperative that the City enter into an agreement with Tolemi to continue the use of said software for the next two years. The cost for such an agreement is \$14,200.00 per year or \$28,400.00 over the term of the agreement. However, as all funding for the project is available from the proceeds of the Cities RISE grant, there will be no cost to the City's General Fund.

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

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: OUR SCHOOL CHANNEL (OSC, SCHOOL DISTRICT, FUNDING

Agenda Item #4

The 2020 Budget contains an appropriation in the amount of \$10,000.00 to the Niagara Falls City School District to assist in funding the operation of the "Our Schools Channel 21", public access channel OSC-21. In order to effectuate this, a Funding Agreement with the School District is required.

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

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

Yeas 5  
Nays 0

APPROVED

CONTRACT: SCHOOL RESOURCES OFFICERS, SCHOOL DISTRICT

Agenda Item #5

Over the last several years, the City has assigned police officers to serve as School Resource Officers at Niagara Falls High School and the Gaskill and LaSalle Prep Schools. Two officers have been assigned at the High School and one officer is assigned at each of the Prep Schools. As this has proven to be a very positive initiative for the School District as well as the City, it is proposed that this arrangement continue for the 2020-21 academic year.

In prior years, the City has had an agreement in place with the School District which provides for the deployment of School Resource Officers; it is requested that this agreement be renewed for the 2020-21 school year. The term of the agreement will commence on September 1, 2020 and terminate on June 30, 2021. The School District will reimburse the City for the total cost of salary and benefits for these four police officers, which totals approximately \$477,476.00.

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

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

Yeas 5  
Nays 0  
APPROVED

CONTRACT: RAINBOW PARKING RAMP, NCCC

Agenda Item #6

Niagara County Community College ("NCCC") has again requested parking access for its staff and students at the Culinary Institute in the City's Rainbow Parking Ramp. NCCC will purchase two hundred (200) parking spaces/permits during the academic year which runs from September through May 31 and fifty (50) parking permits during the months of June, July and August. The rate established per parking permit is \$20.00 per permit, per month.

The term of the proposed agreement is for two (2) years through August 31, 2022 and provides that either party has the ability to terminate the same on thirty days written notice.

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

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

Yeas 5  
Nays 0  
APPROVED

CONTRACT: BPAS ACTUARIAL & PENSION SERVICES, GASB75 VALUATION

Agenda Item #7

The City Controller advises that it is necessary to engage the services of BPAS Actuarial & Pension Services to perform a GASB No. 75 valuation during calendar year 2020 for the City's retiree group health benefits program. Attached (on file in the City Clerk's Office) for your information and review is a copy of the proposed service agreement (on file in the City Clerk's Office). The fees to be paid total \$9,500.00. Funding is available in budget line A.1315.0000.0451.000.

Will the Council so approve?

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

Yeas 5  
Nays 0  
APPROVED

CITY PROPERTY: 20<sup>TH</sup> STREET, 472, SALE

Agenda Item #8

The City has received a request to purchase the above referenced City owned vacant property for the sum of \$500.00.

This property was approved for sale by the Planning Board. Attached (on file in the City Clerk's Office) hereto is a copy of the Planning Board's approval.

Will the Council approve the sale of these premises for this price in an "as-is" condition, the closing on this property be performed within 30 days of the resident being informed of Council approval, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill?

The purchaser is responsible for paying the 2020 County tax, 2020 School tax (both installments) and 2020 City taxes (both installments).

Will the Council further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

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

Yeas 5  
Nays 0  
APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK'S OFFICE

SECOND HAND DEALERS: KASH PRO UNLIMITED, NIAGARA COIN & COLLECTIABLES

Agenda Item #9

Chapter 338 of the Codified Ordinances states: "338.03...City Council may grant a license to carry on the business of secondhand dealer within the City..."

The following has submitted an application for a secondhand dealer licenses. These applications have been approved by the Niagara Falls Police Department.

Kash Pro Unlimited  
1818 Pine Ave  
Niagara Falls, NY 14301

Niagara Coin & Collectables  
509 Third Street  
Niagara Falls, NY 14301

Will the Council so approve?

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

Yeas 5  
Nays 0  
APPROVED

RESOLUTION: CABLE TELEVISION COMMISSION, APPOINTMENT, 2020-47  
BY: COUNCIL MEMBERS KENNEDY, TOMPKINS, TOUMA, CHAIRMAN VOCCIO

Agenda Item #10

NOW, THEREFORE, BE IT RESOLVED that the Niagara Falls City Council hereby appoints the following individual to the City of Niagara Falls Cable Television Commission, effective September 17, 2020, for the term expiring on the date which appears opposite her name:

APPOINTMENT: TERM EXPIRES:

ANGELA L. SMITH 12/31/2022  
1723 Caravelle Drive A6  
Niagara Falls, NY 14304

Yeas 5  
Nays 0  
ADOPTED

RESOLUTION: DECLARING THE CITY OF NIAGARA FALLS, NY AS THE SEQRA LEAD AGENCY AND DETERMINING THAT ACTION FOR THE CONSTRUCTION OF JOHN B. DALY BLVD. FROM NIAGARA ST. TO PINE AVE., CITY OF NIAGARA FALLS, NIAGARA COUNTY, PIN #5755.57, IS A TYPE 1 ACTION AND WILL NOT HAVE A SIGNIFICANT ADVERSE EFFECT ON THE ENVIRONMENT, 2020-48  
BY: COUNCIL MEMBERS KENNEDY, TOMPKINS, TOUMA, CHAIRMAN VOCCIO

Agenda Item #11

WHEREAS, the City of Niagara Falls, NY is the sponsor for the construction of John B. Daly Boulevard, from Niagara Street to Pine Avenue, PIN 5755.57; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, as amended, the New York State Environmental Quality Review Act (SEQRA) and the implementing regulations at 6NYCRR Part 617 (the "Regulations"), the City desires to comply with SEQRA and the Regulations with respect to the Project; and

WHEREAS, the Project has been reclassified as a "Type I Action" as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.2 and a Full Environmental Assessment Form (FEAF) has been completed in support of the Project; and

WHEREAS, pursuant to SEQRA and the Regulations, the City has undertaken a coordinated review process with interested and involved agencies, indicating the City's desire to serve as the Lead Agency under the SEQRA process for the Project; and

WHEREAS, each of the involved agencies or potentially involved agencies has agreed to or raised no objection to the City serving as the SEQRA Lead Agency for the Project; and

WHEREAS, pursuant to the Regulations, the City has considered the significance of the potential environmental impacts of the Project by (a) using the criteria specified in Section 617.7 of the Regulations, and (b) examining the FEAF for the Project, including the facts and conclusions in Parts 1, 2, and 3 of the FEAF together with other available supporting information to identify the relevant areas of environmental concern, and (c) thoroughly analyzing the identified areas of environmental concern;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, NY hereby approves the establishment of the City as Lead Agency for the Project; and

BE IT FURTHER RESOLVED, based on examination of the FEAF and other supporting information, and considering both the magnitude and importance of each relevant area of environmental concern, and based further upon the City's knowledge of the area surrounding the Project and such further investigation of the Project and its potential environmental impact as the City has deemed appropriate, the City makes the following findings and determinations:

1. The Project is accurately described in the FEAF; and
2. The Project constitutes a "Type I Action" (as the quoted term is defined in the Regulations); and
3. No significant adverse environmental impacts are noted in the FEAF for the Project and none are known to the City; and

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

Yeas

5

Nays

0

ADOPTED

CONTRACT: RISE GRANT PROGRAM (ENTERPRISE COMMUNITY PARTNERS, INC.),  
IMPLEMENTATION

Agenda Item #12

In February of this year, the City of Niagara Falls was selected by the New York State Attorney General's office to be a recipient of a grant in the amount of \$882,625.00 as part of Phase Three of the "Cities for Responsible Investment and Strategic Enforcement" ("Cities RISE") program. The City was also awarded \$80,000.00 in Cities RISE grant funds as part of Phase Two of the program in 2018; \$55,000.00 of the grant was disbursed to the City in April of 2019.

The City plans to use the Phase III Grant amount, along with the remaining \$25,000.00 that has not been received from the Phase II Grant, to establish a 3-1-1 Call Center, implement a housing loan stabilization fund and provide training for City staff. However, in order to receive the grant disbursements, the City must enter into an agreement with Enterprise Community Partners, Inc., the funding source for the Cities RISE grant program, prior to the end of this month. Once grant funding is officially released to the City, it will begin to fully implement its aforementioned plan in early 2021.

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

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 Voccio adjourned the Meeting at 7:10 P.M.

Kathleen Ligammari  
City Clerk

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 NIAGARA FALLS, NEW YORK

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