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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.

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
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<tr>
<td>5</td>
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</tbody>
</table>

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.
Yews 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.
Yews 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.

<table>
<thead>
<tr>
<th></th>
<th>January 1 (11:00 am)</th>
<th>April 22</th>
<th>July 29</th>
<th>August Recess</th>
<th>September 2</th>
<th>October 7</th>
<th>November 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>February 13(Thurs)</td>
<td>January 15</td>
<td>May 15</td>
<td>May 6</td>
<td>June 3</td>
<td>June 17</td>
<td>September 16</td>
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<tr>
<td>February 26</td>
<td>January 29</td>
<td>May 29</td>
<td>May 20</td>
<td>June 17</td>
<td>July 1</td>
<td>October 21</td>
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<td>March 11</td>
<td>February 26</td>
<td>June 26</td>
<td>July 1</td>
<td>July 15</td>
<td>November 4</td>
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<td>March 25</td>
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<td>December 9</td>
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Yews 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 Ligamarni
City Clerk
THIS PAGE LEFT BLANK INTENTIONALLY
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; 3rd 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
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 Quarantiillo  2303 Pine Avenue, Niagara Falls, NY  14301
Lisa A. Smith  226 78th 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
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 it 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:

<table>
<thead>
<tr>
<th>Appointment</th>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Earl Smeal</td>
<td>12/31/2022</td>
</tr>
<tr>
<td>8494 W. Rivershore Drive</td>
<td></td>
</tr>
<tr>
<td>Niagara Falls, NY 14304</td>
<td></td>
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</tbody>
</table>

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
Spanbauer, Tompkins, Touma, Chairman Voccio

Nays
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.

Yews 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

Yews 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.

Yews 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

01/15/2020
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
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


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

APPROVED

01/29/2020
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, 91ST 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 - 6th 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

01/29/2020
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 sixty and ending on February 28, 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 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 March, two thousand twenty, there is imposed and there shall be paid a tax of six [percentum] per centum (6%) 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.

. . .

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...
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

YEAS

5

NAYS

0

ADOPTED

01/29/2020
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

18

01/29/2020
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:

<table>
<thead>
<tr>
<th>RE-APPOINTMENT</th>
<th>TERMS EXPIRE:</th>
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<tbody>
<tr>
<td>Patrick Proctor</td>
<td>12/31/2020</td>
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<td>Angela Berti</td>
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<td>Gaelean Baille</td>
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<td>Andrea Czopp</td>
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<td>Roscoe Naguit</td>
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<td>Meghan Ayers</td>
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<td>Michael Marsch</td>
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<td>Sara Capen</td>
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<td>Frances (Skip) DiCamillo</td>
<td>12/31/2020</td>
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<td>Susan Swiatkowski</td>
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<td>Daniel Tighe</td>
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<thead>
<tr>
<th>APPOINTMENT</th>
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<tr>
<td>Bob Onesi</td>
<td>12/31/2020</td>
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<tr>
<td>Traci Bax</td>
<td>12/31/2020</td>
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<tr>
<td>Brian Lapp</td>
<td>12/31/2020</td>
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<tr>
<td>Maryann Hess</td>
<td>12/31/2020</td>
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* Non Voting Member

Yeas 5
Nays 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
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 WD AESLA, 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

23
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 92nd St., NF, NY 14304
Larry Kensinger     496 23rd 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) members 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

24
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:

| APPOINTMENT: | TERM EXPIRES:
<table>
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<tr>
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<tbody>
<tr>
<td>Patrick Brown</td>
<td>12/31/2022</td>
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<tr>
<td>984 Rankine Road</td>
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<tr>
<td>Niagara Falls, NY 14305</td>
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</tbody>
</table>

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; and
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 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

02/13/2020
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 3rd 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 pursing 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 fully 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 provided 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 5
Nays 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
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 1st 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 3rd 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 & 79th 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 13TH 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.

Yea 5
Nay 0
APPROVED

02/26/2020
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

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<th>Date of Occurrence:</th>
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<tr>
<td>Date Claim Filed:</td>
<td>January 13, 2017</td>
</tr>
<tr>
<td>Date Action Commenced:</td>
<td>July 5, 2017</td>
</tr>
<tr>
<td>Location:</td>
<td>Alley parallel to and north of Niagara Street, between Memorial Parkway and 12th Street</td>
</tr>
<tr>
<td>Nature of Claim:</td>
<td>Premises Liability - slip and fall</td>
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<tr>
<td>City Driver:</td>
<td>N/A</td>
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<tr>
<td>Status of Action:</td>
<td>Trial will be scheduled if not settled</td>
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<tr>
<td>Recommendation/Reason:</td>
<td>Best interest of City</td>
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<tr>
<td>Amount to be Paid:</td>
<td>$1,000.00</td>
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<tr>
<td>Make Check Payable to:</td>
<td>The Dietrich Law Firm, P.C., as attorneys Edgar Stone</td>
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<tr>
<td>Conditions:</td>
<td>Stipulation of Discontinuance as to all parties and General Release to City must be approved by Corporation Counsel</td>
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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 5
Nays 0
ADOPTED

02/26/2020
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
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