

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

March 6, 2020

The City Council  
Niagara Falls, New York

*RE: Payment of Invoice for tree and stump removal at 200 79<sup>th</sup> Street  
Bentley Tree Care*

Council Members:

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 200 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 200 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.

Kennedy\_\_\_\_\_ Spanbauer\_\_\_\_\_ Tompkins\_\_\_\_\_ Touma\_\_\_\_\_ Voccio\_\_\_\_\_

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?

Respectfully submitted,

ROBERT M. RESTAINO  
Mayor

Funding is in place

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Daniel Morello  
City Controller