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JANUARY
1, 2021

ORGANIZATIONAL MEETING

NIAGARA FALLS, NEW YORK

The Organizational Meeting of January 1, 2021 for the City of Niagara Falls was called to order by Council Chairman Chris Voccio at 11:00 AM in the Council Chambers.

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

Also present: 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 Chairman Voccio asked the City Clerk to call the roll. Present: Council Chairman Voccio, Council Member William Kennedy, Council Member John Spanbauer, Council Member Kenneth Tompkins, Council Member Andrew Touma.

Council Chairman Voccio called for any nominations for Council Chairman 2021.

Chairman Voccio nominated Councilman Tompkins. Councilman Kennedy 2nd that nomination. Council Chairman Voccio called for a vote. Council Members Kennedy, Voccio, Spanbauer and Touma voted for Kenneth Tompkins, Councilman Tompkins abstained. Kenneth Tompkins was voted Council Chairman for 2021.

City Clerk Kathleen Ligammari administered the oath of Office to Chairman Tompkins.

Review of Agenda Items

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

RESOLUTION: NIAGARA GAZETTE, OFFICIAL NEWSPAPER, 2021-1
BY: COUNCIL MEMBERS KENNEDY, TOMPKINS, TOUMA

Agenda Item #1

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that this designation shall be in effect for the year 2021, but such designation shall not thereafter lapse until superseded.

Yeas

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Nays

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ADOPTED

RESOLUTION: INVESTMENT POLICY, ADOPTION, 2021-2
BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN VOCCIO

Agenda Item #2

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

WHEREAS, the objectives of the investment policy are:

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

WHEREAS, the attached investment policy is designed to satisfy these objectives.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the City of Niagara Falls hereby adopts the attached investment policy.

Yeas

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Nays

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ADOPTED

There being no further business to come before the Council, Chairman Tompkins adjourned the Meeting at 11:05 A.M.

Kathleen Ligammari
City Clerk



JANUARY 6, 2021
REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The Legislative session of the January 6, 2021 Niagara Falls City Council Meeting was called to order by Council Chairman Kenny Tompkins at 6:00 P.M. in the Council Chambers.

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

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

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

Council Chairman Tompkins moved to approve the Minutes from the Council Meeting of December 9, 2020

Yeas

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Nays

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APPROVED

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

THERE WERE NO SPEAKERS

Mayor/Administration Update:

- Mayor provided clarification regarding agenda item 8. Federally approved roadway enhancements underway throughout the City. Sidewalk ramping/traction, audio and visual aids. Some City costs related to this project will be reimbursable. Upfront funds per resolution are available and were appropriated in 2018.
- Mayor advised Council that the benefits consulting contract with Brown & Brown for 2021 came in at lower cost vs. 2020.
- Mayor advised Council that interviews are ongoing for open positions in various departments. The goal is that all departments will develop more synchronized, effective communication for government to run more efficiently.
- Mayor advised Council that a resolution regarding the budget process section of Charter will be formulated in the near future with Corporation Counsel.
- Mayor advised Council efforts are still moving toward consolidating departments to and within City Hall.

Controllers Report: None

Review of Agenda Items:

- #4 - Councilmen requested clarification. Purchase of paving equipment vs. rental.
- #5 - Councilman Touma indicated his support.

Misc:

- Councilman Touma looking forward to cooperative engagement with Executive office. Mayor exploring viability of a 'retreat' for collaboration.
- Councilman Touma voiced the importance of goal setting and stressed the necessity of property reassessment at this time. He referenced Councilman Voccio's ongoing opposition to reassessment. Councilman Voccio responded that his opposition was with past administrations as it could be perceived as a 'money grab'.
- Chairman Tompkins asked for status of automating parking facilities. Mayor indicated requests for bids were going out soon. Targeting it would be operational mid-May.
- Administrator indicated land bank funds were pending for additional demolition work.
- Councilman Touma suggested restructuring board recommendations be revisited.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF NOVEMBER 2020

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK CLAIMS FOR THE MONTH OF DECEMBER 2020

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: EMPLOYEE BENEFITS BROKER/CONSULTING SERVICE, BROWN & BROWN OF NEW YORK, INC., FUNDING

Agenda Item #3

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

WITH: Brown & Brown of New York, Inc.
 45 East Avenue #700
 Rochester, New York 14604

FOR: Employee Benefits Broker and Consulting Services

Notice that proposals were to be received was advertised in the Niagara Gazette and requests for proposals were sent to fifteen (15) vendors. Nine (9) responses were received.

As the Council is aware, Brown & Brown of New York, Inc. ("Brown & Brown") is the current vendor providing these services to the City. Brown & Brown will continue to work with the Administration and the HR department to provide these services in accordance with the requirements of the RFP and its proposal. Brown & Brown will provide consulting and brokerage services for the stop loss, medical and pharmacy programs. It will also provide COBRA outsourcing services, summary plan descriptions, summary material modifications, ACA tracking and employee handbook review. They will also act as the City's Broker of Record for the group medicare, dental and ancillary lines.

This agreement shall be for one (1) year, and the cost to the City shall be \$75,000.00. Funding is available in the various departments' medical insurance budget codes.

Will the Council authorize the Mayor to execute an agreement with Brown & Brown of New York, Inc. in a form acceptable to the Corporation Counsel?

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

Yeas

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Nays

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APPROVED

CONTRACT: PAVING CONTROL SYSTEM, ADMAR SUPPLY, FUNDING

Agenda Item #4

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

TO: Admar Supply
1394 Military Road
Buffalo, New York 14217

FOR: Paving Control System, including components extended warranty, installation and training.

Paving Control System:	\$17,292.00
Extended Warranty:	900.00
Total Cost:	\$18,192.00

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 five (5) vendors. Two (2) responses were received. The above referenced company submitted the lowest bid. Please reference the attached tally sheet (on file in the City Clerk's Office) for bid submission details. The Department of Public Works also requested an extended warranty to protect the City's investment in this item, and the price for the extra two (2) years is set forth above.

Funds for this expenditure are available from Tribal fund revenues. Will the Council so approve?

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

Yeas

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Nays

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APPROVED

CONTRACT: POLICE CARS, PURCHASE, TOWN OF NIAGARA

Agenda Item #5

During a recent discussion with the Acting Police Superintendent, the NFPD is in need of additional police cars to take pressure off of the existing patrol vehicle fleet.

The Acting Police Superintendent has informed the Administration that the Town of Niagara has offered to sell the City four (4) of its used police cars. He has inspected these vehicles and indicates that they are in good working order and would satisfy the NFPD's needs. The total cost for the vehicles is \$45,000.00; funding is available in Tribal Funds.

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

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Nays

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APPROVED

CONTRACT: COURT CLEANING/MINOR REPAIRS, UNITED COURT SYSTEM, RENEWAL

Agenda Item #6

Section I of the existing contract between the UCS and the City of Niagara Falls for cleaning and minor repairs in the courthouse portion of 1925 Main Street provides for a renewal period commencing on April 1, 2020 and terminating on March 31, 2021.

The proposed budget for this period of time calls for UCS to reimburse the City in the amount of \$228,056 for services rendered. Attached hereto is a copy of the agreement renewal letter (on file in the City Clerk's Office) together with the budget.

Will the Council so approve and authorize the Mayor to execute this renewal letter?

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

Yeas

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Nays

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APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

MAYOR'S APPROVAL FOR RESOLUTION 2020-59

Agenda Item #7

THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: MARCHISELLI PROGRAM, TRANSPORTATION FEDERAL-AID PROJECT, 2021-3

BY: COUNCIL MEMBERS KENNEDY, SPANBAUER, TOMPKINS, TOUMA

Agenda Item #8

WHEREAS, a Project for the City of Niagara Falls Pedestrian Safety Action Plan (P.S.A.P.), P.I.N. 5762.67 (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 100% federal eligible funds and \$51,000.00 non-federal eligible funds; and

WHEREAS, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the non-federal eligible share of the costs of engineering design, construction and construction inspection.

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

RESOLVE, that the City Council of the City of Niagara Falls, New York, hereby approves the above-subject Project; and it is hereby further

RESOLVED, that the City Council of the City of Niagara Falls, New York, 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 all work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$51,000.00 is hereby appropriated from capital funds previously designated for this Project 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 of the full federal and non-federal share costs of the project exceeds the amount appropriated above, the City of Niagara Falls shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT 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

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Nays

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ADOPTED

RESOLUTION: CITY ASSESSOR, PANDEMIC DISASTER EMERGENCY,
SENIOR/DISABILITY EXEMPTIONS, GOVERNOR'S EXECUTIVE ORDER, 2021-4
BY: COUNCIL MEMBERS SPANBAUER, TOMPKINS, TOUMA, CHAIRMAN VOCCIO

Agenda Item #9

WHEREAS, on March 7, 2020, Andrew M. Cuomo, Governor of the State of New York issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York (on file in the City Clerk's Office); and

WHEREAS, on December 18, 2020, the Governor issued Executive Order 202.83, a portion of which includes a local option pertaining to Senior Citizens' and Persons with Disabilities' partial property tax exemption, Subdivisions 7, 7-a and 8 of Section 459-c of the Real Property Tax Law (Partial Tax Exemption for Persons with Disabilities), and Subdivisions 5, 5-a, 5-b, 5-c and 6 of Section 467 of the Real Property Tax Law (Partial Tax Exemption for Low Income Senior Citizens), to the extent necessary to permit the governing body of an assessing unit to adopt a resolution directing the assessor to grant exemptions pursuant to such section on the 2021 assessment roll to all property owners who received either of those exemption on the 2020 assessment roll, unless there has been a change in status that would no longer qualify the homeowner, dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for assessors to mail renewal applications to such persons; and

WHEREAS, the City is desirous to adopt such resolution while also allowing the assessor to require a renewal application to be filed when the assessor has reason to believe that an owner who qualified for the exemption on the 2020 assessment roll may have since changed primary residence, added another owner to the deed, transferred the property to a new owner, or died;

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Niagara Falls directs the City Assessor, pursuant to the NYS Governor's Executive Order 202.83 Continuing Temporary Suspension and Modification of Laws relating to the pandemic disaster emergency, specifically as it pertains to Senior and Disability Exemptions, Section 467 and 459c of the Real Property Tax Law, to grant exemptions on the 2021 Assessment Roll to all property owners who received that exemption on the 2020 Assessment Roll, except in the case that there is a change of status that would no longer qualify the homeowner, thereby dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for assessors to mail renewal applications to such persons.

Yeas

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Nays

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ADOPTED

There being no further business to come before the Council, Chairman Tompkins adjourned the Meeting at 6:28 P.M.

Kathleen Ligammari
City Clerk



JANUARY 20, 2021
REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The Legislative session of the January 20, 2021 Niagara Falls City Council Meeting was called to order by Council Chairman Kenny Tompkins at 6:00 P.M. in the Council Chambers.

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

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 Touma moved to approve the Minutes from the Organizational Meeting of January 1, 2021 and the Council Meeting of January 6, 2021.

Yeas

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Nays

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APPROVED

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

Tony Palmer Planning Board appointment, disappointed his credentials were questioned and reappointment is being reconsidered

Shirley Hamilton Racism issues, NFWB toxic environment, Pat Brown removal requested

Jeffrey Elder Racism issues, per Pat Brown NFWB

Gloria Dolson Racial inequities continue in Niagara Falls, cooperative discussions need to begin between officials and the community

Leslie Nickerson Asks for Pat brown removal from NFWB

Donta Myles Racism issues, RE: Pat Brown

Jesse Scott Pat Brown issue, asks Council to re-examine appointment

Mayor/Administration Update:

- Mayor provided clarification regarding agenda item 4. The reference to year 2020 is accurate. Funding is retroactive for partnering with Boy & Girls Club for youth programs.

Controllers Report: Revenue results, unaudited, through December 2020.

- Hotel, restaurant, utility tax (Thru November) down 25.8%
- County sales tax: down .3%
- Combined parking operation/violations: down 75.2%

Review of Agenda Items: No remarks

Misc:

- Councilman Touma inquired about vaccine distribution issues. Concerned that the elderly, some of the most vulnerable and least tech savvy, are being left out. Most directives and information is obtainable online. The overall process is dysfunctional. Suggests City and School District resources could be utilized toward this effort. The Mayor indicated earlier in the day there was conversation to discuss the City being a mass distribution center. The logistics and details would be forthcoming.
- Councilman Touma mentioned there is a proposal from new Federal Administration for \$350 billion in aid to municipalities in response to shortfalls due to pandemic. He questioned if the Mayor had knowledge of distribution method if passed. Direct to municipalities vs. funneled through Albany. The Mayor was hopeful that if distribution mirrored CARES/Heroin's Act, municipalities would be in direct receipt. It would certainly assist in closing out 2020 and providing relief in 2021 with likely reductions in state aid.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF DECEMBER 2020

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: REGIONAL ENVIRONMENTAL DEMOLITION, INC., COMMUNITY DEVELOPMENT DEMOLITION PROJECT, CHANGE ORDER #1

Agenda Item #2

A contract for the above referenced project was awarded to Regional Environmental Demolition, Inc. on October 21, 2020 in the amount of \$381,538.00.

Subsequent to the start of the project, three (3) additional structures were selected for demolition by the Administration, in conjunction with the City's Code Enforcement Department. The combination of buildings added and deleted from the project resulted in a net cost increase of \$19,268.00, bringing the new contract total to \$400,806.00. Funding is again secured by 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 Touma moved that the communication be received and filed and the recommendation approved.

Yeas

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Nays

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COMMUNITY DEVELOPMENT: 2020-2024 CONSOLIDATED PLAN ADOPTION

Agenda Item #3

The City of Niagara Falls Department of Community Development has prepared a five year Consolidated Plan in order to implement federal grant programs efficiently. These grant programs fund housing, community development and neighborhood based services within the City. The Consolidated Plan provides a framework for the annual applications for federal entitlement funds available through the Community Development Block Grant (CDBG) Program, HOME Investment Partnerships (HOME) Program and Emergency Solutions Grant (ESG) Program. The City is required to submit this five year strategic plan to the United States Department of Housing and Urban Development (HUD) for approval.

The 2020-2024 Five Year Consolidated Plan is the end result of a well advertised citizen participation process. Public participation is essential to this process. A summary of the participation process is included hereafter.

The proposed 2020-24 Consolidated Plan is on file in the Community Development Office and in the City Clerk's Office and is also posted on the Community Development Department's website. An important part of the Consolidated Plan is the Strategic Plan. An excerpt from the Strategic Plan portion of the Consolidated Plan follows:

Strategic Plan

Strategic Plan Overview

The City of Niagara Falls, New York prepares a five-year strategic plan in order to efficiently implement federal programs that fund housing, community development, and neighborhood-based services within the City. Public participation is essential to this process.

The end result of the process is a consolidated plan and annual applications for the use of federal entitlement funds available through the Community Development Block Grant (CDBG) Program, HOME Investment Partnerships (HOME) Program and Emergency Solutions Grant (ESG) Program. The City of Niagara Falls submits this five-year strategic plan to the United States Department of Housing and Urban Development (HUD) for approval.

The Plan serves the following functions:

1. A management tool that focuses HUD investment on a comprehensive strategy rather than a series of isolated annual applications and projects.
2. An application for CDBG, HOME and ESG funds under HUD's formula grants.
3. An assessment tool to track annual spending and project-based performance.

Based on the FY 2020 allocation, the 2020 - 2024 Consolidated Plan will direct the following resources:

CDBG Annual: \$2,385,727 CDBG 5 Year Estimate: \$11,928,635
HOME Annual: \$458,130 HOME 5 Year Estimate: \$2,290,650
ESG Annual: \$202,920 ESG 5 Year Estimate: \$1,014,600
Annual Total: \$3,046,777 5 Year Total: \$15,233,885

Based on the Needs Assessment and Market Analysis for the City of Niagara Falls, the City's Strategic Plan focuses on furthering, either directly or through partner organizations, the following goals:

- Supporting businesses either owned by low- and moderate-income individuals or creating employment opportunities for low- and moderate-income individuals through microenterprise grants and technical support
- Capitalizing physical investments in commercial properties and small business development projects.
- Supporting functional job training programs within the City of Niagara Falls with a focus on entry level trades and medical arts employment opportunities
- Funding needed infrastructure improvements in traditional commercial corridors
- Eliminating blighting influences throughout the City through targeted demolitions
- Funding residential rehabilitation of owner occupied and rental properties to increase the number of affordable, quality residential units
- Supporting the development of affordable housing units throughout the City
- Funding public infrastructure improvements in low- and moderate-income residential areas

- Supporting youth programming that focuses on the 12-17 age range
- Furthering public park improvements, consistent with the adopted Niagara Falls Parks Master Plan
- Supporting community policing strategies that both increase police visibility and make the police department accessible to residents
- A commitment to the sale and renovation of city owned vacant houses whenever financially feasible for the betterment of the surrounding area
- Investing in safety net stakeholders dedicated to rapid re-housing and homelessness prevention
- Creating more beds for homeless individuals
- The City will attempt to utilize federal resources to leverage additional funds to support the aforementioned goals.

Will the Council so approve the aforementioned 2020-2024 Consolidated Plan and authorize the Mayor to take such actions as are necessary to implement the same?

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

Yeas

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Nays

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APPROVED

CONTRACT: YOUTH DEVELOPMENT PROGRAM 2020, NIAGARA COUNTY

Agenda Item #4

It is recommended that the City undertake and carry out the Niagara Falls Youth Board Recreation Program on behalf of the Niagara County Department of Social Services and the Niagara County Youth Bureau (the "County"). The City will be undertaking certain recreational activities for City youth on behalf of the County. In consideration for the City undertaking and carrying out these recreational programs, the County will pay the City an amount not to exceed \$24,000.00 (agreement on file in the City Clerk's Office). The term of this agreement will be from January 1, 2020 through December 31, 2020.

Will the Council so approve and authorize the Mayor to execute an agreement 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

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Nays

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APPROVED

CONTRACT: SELF CONTAINED BREATHING APPARATUS (SCBA), GRANT APPLICATION, NFFD

Agenda Item #5

Attached (on file in the City Clerk's Office) please find correspondence from City Fire Chief Joseph Pedulla relative to the above. As you can see, the NFFD is in desperate need of the requested equipment and, without a successful grant application, it will force the City to make significant expenditures to purchase the equipment on its own.

Accordingly, it is recommended that the City enter into an agreement with Grantmaster to perform the necessary grant writing and processing. The cost to write, submit, and manage the grant is \$2,600.00. Should the City be awarded the grant, we would be eligible for a reimbursement of up to \$1,500.00. Funding is available through the City Administrator's budget line A.1210.0001.0451.000.

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

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Nays

0

APPROVED

DEPARTMENT OF PUBLIC WORKS: REORGANIZATION

Agenda Item #6

In reviewing ways to reduce costs while increasing productivity in the department, it is being recommended that the Jr. Account Clerk position (Grade 3) at \$33,765.00 and a Public Works Project Coordinator position, at \$49,250.00, be abolished and an Account Clerk position (Grade 7) at \$34,982.00 be created. Further, it is recommended that the position of Clean Neighborhood Inspector (Grade 11) at \$32,498.00 be upgraded to a Grade 16B at a salary of \$37,413.00. This reorganization will result in a savings of \$43,118 in the department's 2021 biweekly line plus reduction in benefit costs.

Will the Council so approve?

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

Yeas

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Nays

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APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: ERIE INSURANCE CO., SUBROGEE OF ITS INSUREDS, JAMES AND SHEILA EICHELBERGER

Agenda Item #7

Date of Occurrence: March 2, 2018.

Date Claim Filed: April 19, 2018.

Date Action Commenced: May 31, 2019.

Location: Access-controlled parking lot behind the Public Safety Building at 1925 Main Street.

Nature of Claim: Negligence claim against the City arising out of a DPW snow plow truck striking a parked vehicle insured by Erie Insurance Company. The Complaint seeks reimbursement of property damage to the insured vehicle, including interest, together with the insured's deductible.

City Driver: James L. Bradley.

Status of Action: Discovery has been completed and the case will proceed to trial if not settled.

Recommendation/Reason: Best interest of City. The proposed settlement avoids the cost and uncertainty of a trial, including the risk that a verdict may exceed the proposed settlement.

Amount to be Paid: \$3,500.00

Check Writing Details: Make payable to "ERIE INSURANCE COMPANY A/S/O EICHELBERGER" and note "Index No.: E168941/2019".

Conditions: Stipulation of Discontinuance as to the pending litigation and fully executed General Release to City must be received and 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 Touma moved that the communication be received and
filed and the recommendation approved.

Yeas

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Nays

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APPROVED

There being no further business to come before the Council,
Chairman Tompkins adjourned the Meeting at 6:57 P.M.

Kathleen Ligammari
City Clerk



FEBRUARY 3, 2021
REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The Legislative session of the February 3, 2021 Niagara Falls City Council Meeting was called to order by Council Chairman Kenny Tompkins at 6:00 P.M. in the Council Chambers.

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

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

Council Member Voccio 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 January 20, 2021

Yeas

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Nays

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APPROVED

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

Robert Pascoal	Agenda Item #3, against handling of 424 Memorial Pkwy. issue
Shirley Hamilton	Pat Brown resignation, concerns still exist, systematic racism throughout State agencies
Mary Lawton	Senior Center closed, needs to reopen, many benefits for seniors
Joyce Sanders	Issues at Schoelkoff Health center, COVID deaths not handled properly
Leslie Nickerson	Make best choice for Water Board, suggests feedback from community
Kwame Morris	Representing "Men Standing Strong Together", instill pride in Community, people of color not represented in City Government
Gloria Dolson	Highlighted noteworthy Black people in History, local government leaders need to engage with Black Community more

Mayor/Administration Update:

- Provided clarification regarding agenda item 13. The referenced funding is the City share for the project.
- Collaboration underway between NFPD and related County agencies.
- Federal COVID relief funds for municipalities may be in jeopardy.
- Regarding agenda item 3, it is unfortunate that the matter has been drawn out as long as it has. It needed to be brought to a close and the item before them is the least bad choice.

Controllers Report:

2.6 million released of 3.5 million withheld from State aid to the City.

Review of Agenda Items:

- Item 3: Councilmen Spanbauer and Kennedy expressed agreement with the Mayor's assessment.
- Item 9: Councilman Touma clarified with Mayor, on behalf of constituent inquiry, that there is a contingency fund for such settlements.
- Item 14: Councilman Spanbauer suggests future maintenance needs be considered when developing public use amenities.

Misc:

- Chairman Tompkins inquired about status of Blue Cardinal project. Mayor indicated there were delays due to Covid situation and they are well aware of time frames. They are making effort to catch up, weather permitting.
- Councilman Touma reminding residents/property owners are responsible for clearing sidewalks of snow.
- Chairman Tompkins inquired if any news on casino funds. Mayor indicated there was not.
- Chairman Tompkins inquired if RFPs were completed for automated parking attendant system. The Mayor indicated they were and more to report by next Council meeting.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK CLAIM REPORT FOR THE MONTH OF JANUARY 2021

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: MOLD, ASBESTOS AND LEAD TESTING & REMEDIATION, CITY HALL BOILER, STOHL ENVIRONMENTAL, CHANGE ORDER #1

Agenda Item #2

A contract for the above-referenced project was awarded to Stohl Environmental on March 11, 2020 in the amount of \$13,570.00.

The actual remediation of the Mold, Lead and Asbestos is being completed by Metro Contracting & Environmental Inc. Per New York State Department of Labor and Department of Health guidelines for removing asbestos, third-party air monitoring will be required during the asbestos removal portion of the work. The City has received a proposal from Stohl Environmental to perform this air monitoring for a not-to-exceed amount of \$5,000.00. This change will result in an additional \$5,000.00 to their contract, bringing the total contract amount to \$18,570.00. Funding is available from existing tribal revenues.

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

Yeas

5

Nays

0

APPROVED

Agenda Item #3

On the recommendation of former Director of Community Development Seth Piccirillo, the City Council authorized the conveyance of 424 Memorial Parkway to Matthew Melcher and Ryan Cali for \$1,000.00 on July 3, 2017. The deed from the City required Melcher and Cali to rehabilitate the property and reside in it for 5 years or "[t]he Premises shall revert to Grantor upon failure of Grantees to comply with these conditions."

Due to unforeseen circumstances, Melcher and Cali were unable to comply; however Mr. Piccirillo was aware of their problems and, even though he had no authority to do so, assured them that they could sell the property to someone else willing to fulfill the requirements. Melcher and Cali sold the property for \$10,000 to Karen Mock and Noah Munoz in December 2018.

On April 30, 2019, Mr. Piccirillo appeared before the City Council and attempted to explain his actions and justify the sale of the property to Mock and Munoz; the Council unanimously voted against approving the sale. The former Corporation Counsel was then instructed to initiate proceedings to enforce the reverter clause in the original deed. Mock and Munoz and retained an attorney to protect their interests.

Subsequently, on December 11, 2019, the matter of the sale of the property to Mock and Munoz was presented to the Council for a second time where it was again recommended that the Council approve the conveyance. During the meeting, the Council voted 4 to 2 against the approval.

This matter is now being brought before you again in hopes of finally resolving this issue. Mr. Piccirillo did not have authority to approve the sale of the property to Mock and Munoz and, as a consequence, has created a situation that appears destined for litigation. As he had done on several other occasions, Mr. Piccirillo misled the City Council, attempting to use it to justify his actions by approving the second sale of the property.

After conferring with Corporation Council Chris Mazur, this Administration believes that it is in the best interests of the City to recommend that the Council approve the second conveyance and settle this matter. According to the parameters of the settlement, Noah Munoz, individually, will agree to abide by the original conditions imposed on the purchasers of the property at the Department of Community Development auction. Mr. Munoz will take title to the property immediately and within sixty (60) days of the recording of that deed, he will submit a detailed repair/rehabilitation plan to the City Department of Community Development. Further, Mr. Munoz will repair/rehabilitate the property up to all appropriate codes within one (1) year of the date of the recording of the deed and must reside in the premises for not less than five (5) years from the date of completion of rehabilitation of the property up to code. Additionally, in the event that Noah Munoz fails to abide by the above mentioned conditions, the 424 Memorial Parkway will revert to the City.

These conditions will be memorialized in the form of a written settlement agreement. Since these are the conditions that were originally imposed on the original purchasers, Melcher and Cali, rather than engage in litigation which may or may not be successful, it is recommended that the City Council approve the above. The desired result will be the repair/rehabilitation of the Premises and be owner occupied

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

Nays

5

0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

441 18TH STREET, INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #4

At the Traffic Advisory Commission meeting held on January 25, 2021 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 441 - 18TH STREET

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

Submitted By: Donald Dashineau, 441 - 18TH Street

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

FERRY AVENUE BETWEEN 15TH & 17TH STS., NO PARKING TUESDAY

Agenda Item #5

At the Traffic Advisory Commission meeting held on January 25, 2021 the Commission recommended APPROVAL of the following item:

INSTALL OVERNIGHT PARKING ON FERRY AVENUE BETWEEN 16TH STREET & 17TH STREET (SOUTH SIDE ONLY) WITH A "NO PARKING TUESDAY 7AM TO 1PM" RESTRICTION

A Petition from the residents of this block was received with 64.3% of signatures.

Submitted By: James Dolson, 1618 Ferry 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

73RD STREET; BETWEEN LINDBERGH & GIRARD AVENUES, INSTALL ALTERNATE OVERNIGHT PARKING

Agenda Item #6

At the Traffic Advisory Commission meeting held on January 25, 2021 the Commission recommended APPROVAL of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON 73RD STREET BETWEEN LINDBERGH AVENUE & GIRARD AVENUE

A Petition from the residents of this block was received with 84.4% of signatures.

Submitted By: Ronald Lucarini, 537 - 73RD Street

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

MAIN STREET, REMOVE ON STREET PARKING BETWEEN WILLOW & PIERCE AVENUES

Agenda Item #7

At the Traffic Advisory Commission meeting held on January 25, 2021 the Commission recommended APPROVAL of the following item:

REMOVE ON STREET PARKING ON MAIN STREET, WEST SIDE,
BETWEEN WILLOW AVENUE & PIERCE AVENUE

The removal of these five spaces of "Two Hour Parking" at this location will facilitate a smoother flow of traffic southbound through the Main Street/Portage Road Y-Intersection.

Submitted By: Mayor Robert Restaino

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

3319 B STREET; INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #8

At the Traffic Advisory Commission meeting held on January 25, 2021 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 3319 B STREET

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

Submitted By: Pamela Curley, 3319 B Street

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

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Nays

0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: CHAUTAUQUA PATRONS INSURANCE COMPANY, AMA WASHINGTON SQUARE, INC.

Date of Occurrence: March 29, 2016.

Date Claim Filed: April 7, 2016.

Date Action Commenced: November 29, 2016.

Location: 1309 Pine Avenue, Family Dollar retail location.

Nature of Claim: Negligence claim against the City for a one vehicle accident involving a Police vehicle that left the road while responding to an emergency call, striking the Family Dollar store. The Complaint seeks reimbursement of property damage to the building.

City Driver: Christopher McKimmie.

Status of Action: Discovery is nearly complete and the case will proceed to trial if not settled.

Recommendation/Reason: Best interest of City. Settlement will avoid the cost and uncertainty of trial, including the risk that a verdict may ultimately exceed the proposed settlement amount.

Amount to be Paid: \$125,000.00
Check Writing Details: Make payable to "Chautauqua Patrons Insurance Company, and Walsh, Roberts & Grace" and reference "Index No. E160078/2016"

Conditions: Stipulation of Discontinuance as to the pending litigation and fully executed General Release to City must be received and 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 Touma moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

CLAIM: RANDALL C. BOERSIG V. CITY OF NIAGARA FALLS AND THE NIAGARA FALLS URBAN RENEWAL AGENCY

Agenda Item #10

Date of Occurrence: February 21, 2017.

Date Claim Filed: May 22, 2017.

Date Action Commenced: February 15, 2018.

Location: Former Niagara Science Museum at 3625 Highland Ave., and DPW Yard on New Road.

Nature of Claim: Negligent bailment claim against the City and NFURA arising out of DPW Clean Team's alleged failure to properly secure plaintiff's museum exhibits during and after the cleaning out of the former Niagara Science Museum at 3625 Highland Avenue

City Driver: N/A.

Status of Action: Pending lawsuit in Niagara County Supreme Court, where proposed settlement was reached during pre-trial conferences. Discovery will resume and the case will proceed to trial if not settled.

Recommendation/Reason: Best interest of City. The proposed settlement avoids further discovery expenses and the cost and uncertainty of a trial, including the risk that a verdict may exceed the proposed settlement, and the General Release protects both the City and NFURA.

Amount to be Paid: \$1,000.00

Check Writing Details: Make payable to "Smith & Messina, LLP, as attorneys for Randall C. Boersig." and note "Index No. E163960/2018".

Conditions: None. Appropriate Stipulation of Discontinuance and fully executed General Release have been provided.

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

Yeas

5

Nays

0

APPROVED

RESOLUTION: TOURISM ADVISORY BOARD, RE-APPOINTMENTS/APPOINTMENTS, 2021-5
BY: COUNCIL MEMBERS KENNEDY, TOUMA, VOCCIO, CHAIRMAN TOMPKINS

Agenda Item #11

WHEREAS, the Council deems it desirable to continue the Tourism Advisory Board during the year 2021; 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	12/31/2021
Angela Berti *	12/31/2021
Gaelean Baille	12/31/2021
Andrea Czopp *	12/31/2021
Roscoe Naguit	12/31/2021
Michael Marsch	12/31/2021
Sara Capen *	12/31/2021
Frances (Skip) DiCamillo	12/31/2021
Susan Swiatkowski *	12/31/2021
Daniel Tighe	12/31/2021
Bob Onesi	12/31/2021
Traci Bax	12/31/2021
Brian Lapp	12/31/2021
Maryann Hess	12/31/2021
Allen Booker *	12/31/2021

* Non Voting Member

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
--------------------	----------------------

Verity Folan	12/31/2021
Yeas	
Nays	

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0
ADOPTED

RESOLUTION: PLANNING BOARD, APPOINTMENTS AND RE-APPOINTMENTS, 2021-6
BY: COUNCIL MEMBERS KENNEDY, SPANBAUER, TOUMA, CHAIRMAN TOMPKINS

Agenda Item #12

BE IT RESOLVED, that the following individuals are current members of the City of Niagara Falls Planning Board with a term expiring on the date which appears opposite their names:

<u>CURRENT MEMBER</u>	<u>TERM EXPIRES:</u>
Joyce Williams	12/31/2021
Schurron Cowart	12/31/2022
Charles MacDougall	12/31/2023
Michael Murphy	12/31/2023

BE IT FURTHER RESOLVED, that member Willie Dunn resigned from the Planning Board in October, 2020.

BE IT FURTHER RESOLVED, that the following individuals are hereby re-appointed to the City of Niagara Falls Planning Board for the term expiring on the date which appears opposite their name:

<u>RE-APPOINTMENTS</u>	<u>TERM EXPIRES:</u>
Tony Palmer	12/31/2024
Timothy Polka	12/31/2024

BE IT FURTHER RESOLVED, that the following individuals are hereby appointed to the City of Niagara Falls Planning Board for the term expiring on the date which appears opposite their name:

APPOINTMENT	TERM EXPIRES:
Robert Burns	12/31/2024
Joseph Giaquinto	12/31/2024
Joseph Sarkees, Jr.	12/31/2024

Yeas	5
Nays	0

ADOPTED

RESOLUTION: AUTHORIZING THE IMPLEMENTATION AND FUNDING OF A STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE TRANSPORTATION FEDERAL-AID PROJECT, TO FULLY FUND THE LOCAL SHARE OF A FEDERAL-AND STATE-AID ELIGIBLE AND INELIGIBLE PROJECT COSTS AND APPROPRIATING FUNDS THEREFORE, 2021-7
BY: COUNCIL MEMBERS KENNEDY, TOUMA, CHAIRMAN TOMPKINS

Agenda Item #13

WHEREAS, a Project for the Niagara Street Betterment between Fifth Street and John B. Daly Boulevard, P.I.N. 5813.48 (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 95% Federal funds and 5% non-federal funds; and

WHEREAS, the Niagara Falls City Council desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of aforementioned work for the Project or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation ("NYSDOT") pursuant to Agreement; and it is further

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

RESOLVE, that the City Council of the City of Niagara Falls, New York, hereby approves the above-subject Project; and it is hereby further

RESOLVED, that the City Council of the City of Niagara Falls, New York, hereby authorizes the City of Niagara Falls to pay in the first instance the full non-federal share of the cost of \$1,190,594.43 work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$59,529.73 is hereby appropriated from excess reserves within the Road Reconstruction Capital Project account code 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 non-federal share of the costs of the project exceed the amount appropriated above, the City of Niagara Falls shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT 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 the non-federal share 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

Yeas	5
Nays	0

ADOPTED

RESOLUTION: NIAGARA STREET BETTERMENT PROJECT BETWEEN FIFTH STREET AND JOHN B. DALY BOULEVARD, P.I.N. 5813.48, MAINTENANCE OF BICYCLE PATHS AND RELATED AMENITIES, 2021-8
BY: COUNCIL MEMBERS KENNEDY, TOUMA, CHAIRMAN TOMPKINS

Agenda Item #14

WHEREAS, the New York State Department of Transportation is undertaking a project identified as P.I.N. 5813.48 for the betterment Niagara Street between Fifth Street and John B. Daly Boulevard; and

WHEREAS, the Niagara Falls City Council approves this Project and desires to have certain related amenities included as part thereof; and

WHEREAS, the State of New York has agreed to provide, as a part of the Project, a bicycle path and related amenities associated with P.I.N. 5813.48 provided that the City of Niagara Falls agrees to provide maintenance for a period of not less than twenty-five (25) years.

NOW, THEREFORE, BE IT RESOLVED by the City Council that the City of Niagara Falls, New York does hereby approve the above Project; and

BE IT FURTHER RESOLVED that the City shall maintain, repair and operate such bicycle path and related amenities; and be it further

RESOLVED that the Mayor is authorized to enter into agreement with the State of New York and through the Commissioner of Transportation to commit the City to provide, at its own expense, maintenance that shall include landscaping, repair and replacement of street furniture (trash receptacles, benches, and bike racks) and general upkeep along Niagara Street; 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; and be it further

RESOLVED, this Resolution shall take effect immediately.

Yeas

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Nays

0

ADOPTED

RESOLUTION: REVEREND SILVESTER BEAMAN, HONORING, 2021-9
BY: MAYOR ROBERT M. RESTAINO, COUNCIL MEMBERS KENNEDY, SPANBAUER, TOUMA, VOCCIO, CHAIRMAN TOMPKINS

Agenda Item #15

WHEREAS, Reverend Silvester S. Beaman, being a native of the City of Niagara Falls, New York; and

WHEREAS, Reverend Beaman currently serves as Pastor of Bethel African Methodist Episcopal Church in Wilmington Delaware; and

WHEREAS, Reverend Beaman has been a longtime friend and spiritual advisor to President Joseph Biden and family; and

WHEREAS, Reverend Beaman was personally selected by President Biden to deliver the benediction at his Presidential Inauguration on January 20, 2021;

NOW, THEREFORE, BE IT RESOLVED that both the City Council and Mayor Robert M. Restaino of the City of Niagara Falls wish to honor and recognize Reverend Silvester S. Beaman for being bestowed the distinguished honor of participating in this historic event and being a source of pride for his home town of Niagara Falls New York.

Yeas

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Nays

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ADOPTED

There being no further business to come before the Council,
Chairman Tompkins adjourned the Meeting at 7:13 P.M.

Kathleen Ligammari
City Clerk



FEBRUARY 17, 2021
REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The Legislative session of the February 17, 2021, Niagara Falls City Council Meeting was called to order by Council Chairman Kenny Tompkins at 6:00 P.M. in the Council Chambers.

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

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.

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

Gloria Dolson Wishes continued dialogue & action to ease racial disparity

Ron Anderluh (presented by Council Member Spanbauer) various enhancement suggestions for Niagara St. Business District

Mayor/Administration Update:

- Collaborative effort to place more snow removal equipment on the roads with weather event 2/16 was blocked by related collective bargaining units.
- Mayor met with an individual to coordinate placing historic markers in the City to commemorate suffrage convention held here in 1910 as well as various notable African American residents for their contributions to the community. Hopefully to begin in the spring.

Controllers Report:

Tourism fund at 50% reduction in 2020. Chairman Tompkins questioned if trolley operations were reduced in line with pandemic related reduction in ridership. Controller explained their hours were reduced and they were able to draw from reserves to keep them operational.

Councilman Touma expressed that bed tax disbursement should be looked at.

Councilman Spanbauer complimented the Controller for his efforts through budget process and managing financial burdens resulting from pandemic.

Review of Agenda Items:

- Item 3: Councilmen Touma supportive of grant writer position.
- Item 14: Councilman Kennedy voiced opposition to Water Board appointee.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF JANUARY 2021

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: PURCHASE OF TREES, SCHICHEL'S NURSERY

Agenda Item #2

Planting of the trees will be completed by the City's Forestry Division on overtime. It is anticipated that the total labor cost to plant the 150 trees shall not exceed \$16,000.00, based on the costs of the prior phases of planting. This expenditure will include FICA and the contractually obligated overtime meals.

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

Bid packages were sent to twelve (12) vendors. Three (3) responses were received. Please reference the attached tally sheet (on file in the City Clerk's Office) for bid submission details.

Funds for all of these expenditures are available from the approved Greenway funds in capital account code H1907.

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

CONTRACT: GRANT CONSULTANT SERVICES, G&G MUNICIPAL CONSULTING AND GRANT WRITING

Agenda Item #3

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

WITH: G&G Municipal Consulting and Grant Writing
P.O. Box 39
Spencerport, New York 14559

FOR: Grant Consultant Services

Notice that proposals were to be received was advertised in the Niagara Gazette and requests for proposals were sent to fourteen (14) vendors. Two (2) responses were received.

The City conducted this RFP to find a vendor capable of rendering grant consultant services to all City departments on an ongoing and as needed basis. After a review of the proposals received, the Administration is recommending that G&G Municipal Consulting and Grant Writing ("G&G") provide these services going forward. G&G will provide both grant writing and grant administration services to all City departments and will also assist departments in finding grant opportunities. This will allow the City to maximize the revenue from grant awards and help defray costs and provide services which would otherwise need to be provided with local tax dollars.

This agreement shall be for one (1) year, and the cost to the City shall be as follows:

1) Grant Writing Services: \$30,642.50 (for an unlimited number of grant applications);

2) Grant Administration (where grant permits reimbursement of administration costs): Vendor

receives ninety percent (90%) of permitted costs, City retains ten percent (10%)

3) Grant Administration (where grant does not permit reimbursement): 50 hours per year at no cost, \$55.00 per hour thereafter.

Funding will be available in A1210.0001.0451.000. Will the Council authorize the Mayor to execute an agreement with G&G Municipal Consulting and Grant Writing in a form acceptable to the Corporation Counsel?

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

Yeas

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Nays

0

APPROVED

GRANT: BEAUTIFICATION OF CITY-OWNED PROPERTY, NATIONAL GRID GRANT

Agenda Item #4

As you may know, National Grid has proposed construction work at its existing electric substation located at 4507 Royal Avenue. During pre-application discussions, representatives from the City expressed concerns regarding the visual impact of National Grid's construction activities on the City's residential community.

In order to address the City's concerns, National Grid is proposing a grant to the City in the amount of TEN THOUSAND (\$10,000.00) DOLLARS to be used to plant shade trees on City-owned properties, for City-owned property beautification and/or any other similar use. Inasmuch as National Grid's Royal Avenue project has received the necessary approvals and is scheduled to go forward, it is recommended that the aforementioned grant be approved to allow the City to undertake the designated beautification efforts.

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

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Nays

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APPROVED

GRANT: ROBERT ANDERSON PARK, BEAUTIFICATION, NATIONAL GRID GRANT

Agenda Item #5

As you may know, National Grid is proposing to re-build its existing electric substation located at 7420 Stephenson Avenue. During pre-application discussions, representatives from the City expressed concerns regarding the re-build's visual impact on the residential community in the vicinity of the Stephenson Station and the nearby City Park (Robert Anderson Park).

In order to address the City's concerns, National Grid added additional landscaping on the Stephenson Station site and is proposing a grant to the City in the amount of FIFTEEN THOUSAND (\$15,000.00) DOLLARS to be used for the beautification or upgrade of Robert Anderson Park. Inasmuch as National Grid's re-build project has received the necessary approvals and is scheduled to go forward, it is recommended that the aforementioned grant be approved to allow the City to undertake beautification efforts at the park.

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

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Nays

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APPROVED

CONTRACT: CAROLYN'S HOUSE, 2021 PILOT AGREEMENT

Agenda Item #6

As you know, Carolyn's House, L.P. is the owner of property at 542 Sixth Street in the City where it provides residential and support service facilities for women emerging from crisis. On March 3, 2003, the City Council authorized the City to enter into a fifteen (15) year Payment in Lieu of Taxes (PILOT) Agreement with Carolyn's House, commencing in 2006. This agreement has now expired.

It is proposed that in order to further its' mission, the City extend the term of the PILOT Agreement with Carolyn's House for the 2021 tax year. Payments owed under the proposed extension will reflect the 2% annual increase previously contemplated under the expired PILOT Agreement and shall be made for current tax year in the amount of Nine Thousand, Eight Hundred Twenty-Four Dollars and Eighty-Four Cents (\$9,824.84).

Will the Council so approve and authorize the Mayor to execute an agreement along with any documents necessary to implement the same, provided they 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

CONTRACT: UTILITY ABANDONMENT, ASBESTOS ABATEMENT, AND/OR DEMOLITION OF BUILDINGS (VARIOUS LOCATIONS), METRO CONTRACTING & ENVIRONMENTAL, INC.

Agenda Item #7

The following was the result of bids received on February 10, 2021, for the above referenced project:

CONTRACTOR	BASE BID	ALT. A	ALT.B
Metro Contracting & Environmental, Inc.	\$148,234.00	\$23,872.00	\$47,494.00
6281 Wendt Drive			
Niagara Falls NY 14304			

Regional Environmental Demo, Inc.	\$158,069.40	\$20,000.00	\$56,100.00
Mark Cerrone Inc.	\$174,800.00	\$31,550.00	\$69,650.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, Metro Contracting & Environmental, Inc. at the combination of their base bid and Alternate B price of \$195,728.00. Funding is available through a grant by the Niagara Orleans Regional Land Improvement Corp. (NORLIC).

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

Yeas	5
Nays	0

APPROVED

CONTRACT: DOWNTOWN PARKING IMPROVEMENTS PROJECT, PHASE 2, BER-NATIONAL AUTOMATION

Agenda Item #8

The following were the result of bids received on January 26, 2021 for the above referenced project:

CONTRACTOR	BASE BID	ALT. 1	ALT. 1A
Ber-National Automation	\$392,000.00	\$96,857.00	\$10,000.00
1137 E. Main Street			
Rochester NY 14609			

Flash Parking Inc.	\$407,046.00	\$106,035.00	\$6,000.00
Ber-National Controls Inc.	\$619,860.00	\$128,555.00	\$34,275.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Ber-National Automation, at their Base Bid and Alternates 1 and 1A amounts, for a total bid price of \$498,857.00. Funding is available in Tribal Revenue reserves, however the City has submitted a request to the New York State Financial Restructuring Board for grant funding to cover up to 100% of the project costs.

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

Yeas

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Nays

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APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS, APPOINTMENTS, RE-APPOINTMENTS

Agenda Item #9

The following have requested City Council approval for Commissioner of Deeds for a term from April 1, 2021 to March 31, 2023.

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

James Bragg	Planning
Jennifer Myers	DPW
Nadine Wasson	City Clerk Office

Kathleen Baldwin	839 - 17 th Street Niagara Falls, NY 14301
Scott Bax	8654 Hennepin Ave, Niagara Falls, NY 14304
Rebecca Dyster	626 Orchard Pkwy Niagara Falls, NY 14301
Alexis Evans	453 76th St Niagara Falls, NY 14304
Timothy Huether	629 Ashland Ave, Niagara Falls, NY 14301
Evonne Holstrom	3055 Dorchester Rd. Niagara Falls, NY 14305
Ragini Jain	6700 Lindbergh Ave, Niagara Falls, NY 14304
James Joyce	2744 Thornwood Dr. Niagara Falls, NY 14304
Victoria Komorowski	167 - 67 th Street, Niagara Falls, NY 14304
Gail Merino	9365 Rivershore Dr. Niagara Falls, NY 14304
Allison Moore	2653 Porter Rd, Niagara Falls, NY 14305
Rozanne Muto	642 - 19 th Street Niagara Falls, NY 14301
Lori Jo Pellow	1867 South Ave, Niagara Falls, NY 14305
Diana Restaino	826 College Ave, Niagara Falls, NY 14305
David Tothill	2256 Ontario Ave, Niagara Falls, NY 14305
Dennis Virtuoso	2703 Independence Ave NF NY 14301
Jennifer Weigel	454 27 th Street Lower, Niag.Falls, NY14303

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

Yeas

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Nays

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APPROVED

RESOLUTION: BLACK HISTORY MONTH, RECOGNIZING AND HONORING, 2021-10
BY: MAYOR ROBERT M. RESTAINO, ALL COUNCIL MEMBERS

Agenda Item #10

WHEREAS, the origin of Black History Month began in 1915, half a century after the Thirteenth Amendment abolished slavery in the United States, and grew out of "Negro History Week," the creation of Harvard trained historian Carter G. Woodson and other prominent African Americans; and

WHEREAS, with the Civil Rights Movement and a growing awareness of black identity, Black History Month or National African American History Month evolved to an annual celebration of achievements by Black Americans and a time for recognizing the central role of African Americans in U.S. history; and

WHEREAS, the 2021 theme for Black History Month, "*Black Family: Representation, Identity, and Diversity*", explores the spread of Black families across America and the challenges they faced, offering a rich tapestry of images in exploring the African American past and present; and

WHEREAS, the contributions of African Americans from all walks of life and their endeavors throughout history making unforgettable marks in our Nation as artists, scientists, educators, business people, influential thinkers, members of the faith community, athletes, and political and governmental leaders, reflects the greatness of our country; and

WHEREAS, remaining hopeful and confident about the path ahead, and a time to acknowledge the courageous fight for the rights, liberties, and freedoms for all Americans, the City of Niagara Falls, NY observes and honors Black History Month and encourages all residents to appreciate the many and varied contributions to our City by African Americans and their families.

NOW, THEREFORE, BE IT RESOLVED that the Niagara Falls City Council and Mayor Robert M. Restaino and do hereby adopt this resolution to honor Black History Month and recognize the tremendous contributions made by African Americans, throughout history and today.

Yeas

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Nays

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ADOPTED

RESOLUTION: MARCH 31, 2021 CITY COUNCIL MEETING, CANCELING, 2021-11
BY: COUNCIL MEMBERS TOUMA, VOCCIO, CHAIRMAN TOMPKIONS

Agenda Item #11

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the City Council meeting scheduled for March 31, 2021 at 6:00 p.m. is hereby canceled.

Yeas

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Nays

0

ADOPTED

RESOLUTION: PUBLIC HEARING, AMENDING CHARTER AMENDING ARTICLE V, ENTITLED "BUDGET, CAPITAL PROJECTS AND TAXATION: AMENDING THE FIRST PARAGRAPH OF SECTION 5.3 AND BY AMENDING SECTION 5.6 (B), 2021-12
BY: COUNCIL MEMBERS TOUMA, VOCCIO, CHAIRMAN TOMPKINS

Agenda Item #12

RESOLVED, that the attached Local Law No. 1 for the year 2021 be introduced, and that a public hearing be held on such Local Law on the 3rd day of March, 2021 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 Article V of the Niagara Falls City Charter, entitled "Budget, Capital Projects and Taxation", by amending the first paragraph of Section 5.3 and by amending Section 5.6(B).

NIAGARA FALLS LOCAL LAW NO. 1 FOR THE YEAR 2021

A local law to amend the Niagara Falls City Charter, as amended, by amending Article V of the Niagara Falls City Charter, entitled "Budget, Capital Projects and Taxation", by amending the first paragraph of Section 5.3 and by amending Section 5.6(b) as follows:

BE IT ENACTED by the City Council of the City of Niagara Falls, as follows:

Section 1. Authority

This local law is enacted pursuant to the authority of Section 10 of the Municipal Home Rule Law authorizing City's to adopt a local law which may amend or supersede any provision of State law in relation to the property, affairs or government of the City unless there is a State legislative restriction on such amendment or supersession.

Section 2. Amendment

The Niagara Falls City Charter is hereby amended by amending Section 5.3 and Section 5.6(B) of Article V, entitled "Budget, Capital Projects and Taxation", to read as follows:

SECTION 5.3 EXECUTIVE BUDGET PRESENTATION

The Mayor shall annually propose an executive budget to the Council on or before the first working day of **November** [October]. Said proposal shall include a budget and a capital improvements program along with all necessary supporting schedules, exhibits, summaries and a budget message. Said message shall describe the main features of the budget proposed for operating and capital expenditures and for the several funds; shall estimate income from all sources and shall explain significant changes from current expenditures and revenue. The budget message shall further include the Mayor's recommendations for financing the budget and a statement of services to be provided and development objectives to be attained through the proposed expenditures.

SECTION 5.6 COUNCIL ACTION

B. Said hearing shall be held at least one week subsequent to the date of publication of such notice, but in no event later than the 1st day of **December** [November]. At said hearing the Mayor, the Administrator, the Director of Finance and such office department heads and personnel as the Mayor may deem necessary and proper shall be present, and any person may be heard for or against the executive budget as presented by the Mayor. The Council shall have and exercise the power, in connection with the executive budget hearings, to require the testimony of any officer and employee of the executive branch and the production of all such records as said Council may consider relevant in reaching independent conclusions and decisions on the proposed executive budget.

Yeas
Nays

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0
ADOPTED

RESOLUTION: NIAGARA ST BETTERMENT PROJECT BETWEEN RAINBOW BLVD. & JOHN B. DALY BLVD., P.I.N. 5813.48, MAINTENANCE OF BICYCLE PATHS, 2021-13
BY: COUNCIL MEMBERS KENNEDY, TOUMA, VOCCIO, CHAIRMAN TOMPKINS

Agenda Item #13

WHEREAS, the New York State Department of Transportation is undertaking a project identified as P.I.N. 5813.48 for the betterment Niagara Street between Rainbow Boulevard and John B. Daly Boulevard; and

WHEREAS, the Niagara Falls City Council approves this Project and desires to have certain related amenities included as part thereof; and

WHEREAS, the State of New York has agreed to provide, as a part of the Project, a bicycle path and related amenities associated with P.I.N. 5813.48 provided that the City of Niagara Falls agrees to provide maintenance for a period of not less than twenty-five (25) years.

NOW, THEREFORE, BE IT RESOLVED by the City Council that the City of Niagara Falls, New York does hereby approve the above Project; and

BE IT FURTHER RESOLVED that the City shall maintain, repair and operate such bicycle path and related amenities; and be it further

RESOLVED that the Mayor is authorized to enter into agreement with the State of New York and through the Commissioner of Transportation to commit the City to provide, at its own expense, maintenance that shall include landscaping, repair and replacement of street furniture (trash receptacles, benches, and bike racks) and general upkeep along Niagara Street; 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; and be it further

RESOLVED, this Resolution shall take effect immediately.

Yeas

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Nays

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ADOPTED

RESOLUTION: WATER BOARD, APPOINTMENT, 2021-14

BY: COUNCIL MEMBERS TOUMA, VOCCIO, CHAIRMAN TOMPKINS

Agenda Item #14

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:
Michael J. Asklar	12/31/2022
2622 Kusum Court	
Niagara Falls, NY 14304	

Yeas

4

Spanbauer, Touma, Voccio, Chairman Tompkins

Nays

1

Kennedy

ADOPTED

There being no further business to come before the Council, Chairman Tompkins adjourned the Meeting at 6:37 P.M.

Kathleen Ligammari
City Clerk



MARCH 3, 2021
REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The Legislative session of the March 3, 2021 Niagara Falls City Council Meeting was called to order by Council Chairman Kenny Tompkins at 6:00 P.M. in the Council Chambers.

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

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 Touma moved to approve the Minutes from the Council Meetings of February 3, 2021 and February 17, 2021.

Yeas

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Nays

0

APPROVED

The Chairman asked if anyone wished to speak on regarding Local Law #1 for the year 2021 relative to amending Article V of the Niagara Falls City Charter, entitled "Budget, Capital Projects and Taxation", by amending the first paragraph of Section 5.3 and by amending Section 5.6(B).

THERE WERE NO SPEAKERS

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

April Manarino-for	Ron Anderluh	Requests Gill Creek Park to be renamed for him
Russ Petrozzi	Homestead & Non-Homestead Tax Reform as tribute to Ron Anderluh wishes	
James Cancemi	Tribute to Ron Anderluh and his efforts toward the betterment of the City	

Presentation:

Niagara Falls Kite Festival, Ken Hamilton presenter.

Mayor/Administration Update:

- Mayor has been in contact with Federal government by phone and in writing regarding proposed Covid relief funding. Department heads tasked with compiling data showing negative financial impact within their areas due to pandemic.

Controllers Report:

Parking, Train Station & Self Insured fund balance sheets reviewed.

Review of Agenda Items:

No Comments

Misc:

- Councilman Spanbauer questioned how pothole concerns should be reported. Administrator indicated he be advised and would relay items to DPW.
- Councilman Spanbauer referenced previously filed financial review reports by the State. Suggests Council and Administration revisit the documents together and implement any of its recommendations that would have positive impact.
- Councilman Touma Inquired about Public Safety plan required by State. The Mayor explained the process and progress so far toward its completion.
- Councilman Touma reference the recent court appeal that affirmed the Seneca's owe the State per compact agreement. He stresses they need to pay.
- Councilman Touma stressed importance of restructuring assessments.
- Councilman Touma announced his resignation from Council seat effective March 31.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S CLAIMS FOR THE MONTH OF FEBRUARY 2021

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE MAYOR

CLEAN UP FEES, REMOVAL FROM CITY TAX, 1561 WHITNEY AVENUE

Agenda Item #2

Recently, this Administration became aware of a situation involving a property owner and the assessment of fees pursuant to an Order of Cleanup issued by the Department of Public Works ("DPW"). On or about April 22, 2019, DPW issued a cleanup order for a property located at 1561 Whitney Avenue. In late fall of that year, the previous owner of the property entered into a sales contract with Dennis Williams to purchase the property. Accordingly, a tax search was ordered by Mr. Williams' attorney on November 12, 2019. At the time of the search, there had been no assessment of the cleanup fees by the City as the request to bill the previous property owner was not received by the Finance Department until December 30, 2019.

On or about February 25, 2020, Mr. Williams closed on the sale and took possession of the property. On or about April 21, 2020, the Billing and Collection office sent Mr. Williams a bill for \$470.38 pursuant to the April 22, 2019 Order of Cleanup.

As Dennis Williams did not own the property at the time of the clean-up and was unaware of the existence of the fees related thereto until after he closed on the property, it is recommended that the City Council remove the charges pursuant to the Order of Clean-up from Mr. Williams' taxes at 1561 Whitney Ave. The total amount for the base fee, administration fee and disbursement fees relative to the cleanup order totals \$470.38.

Will the Council approve counsel so approve?

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, APPOINTMENT

Agenda Item #3

Due to clerical error, the Commissioner of Deeds shown below was omitted from list submitted for approval meeting of February 17. Will Council approve their renewal for the term from April 1, 2021 to March 31, 2023?

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

Michelle Kelly 6921 Nash Rd, North Tonawanda, NY 14120
Council Member Voccio moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

RESOLUTION: RELATIVE TO RE-APPOINTMENT OF BOARD OF ASSESSMENT REVIEW
BOARD MEMBER, 2021-15

BY: COUNCIL MEMBER TOUMA, COUNCIL CHAIRMAN TOMPKINS

Agenda Item #4

WHEREAS, the Council deems it desirable to continue the Board of Assessment Review previously established.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York hereby re-appoints the following individual to the Board of Assessment Review stated below, effective immediately, for a term expiring on the date that appears opposite her name:

BOARD OF ASSESSMENT REVIEW:

RE-APPOINTMENT: TERM EXPIRES:

Bridget Edwards 9/30/2025

6044 Devlin Ave

Niagara Falls, NY 14304

Yeas

5

Nays

0

ADOPTED

RESOLUTION: RELATIVE TO AMENDING CHAPTER 365 OF THE CODIFIED ORDINANCES
ENTITLED "TAXICABS AND TAXICAB DRIVERS"

BY: COUNCIL MEMBER TOUMA, CHAIRMAN TOMPKINS

Agenda Item #5

THIS ITEM WAS PULLED FROM THE AGENDA

NO ACTION TAKEN

RESOLUTION: RELATIVE TO AMENDING THE NIAGARA FALLS CITY CHARTER, AS AMENDED, BY AMENDING ARTICLE V OF THE NIAGARA FALLS CITY CHARTER, ENTITLED "BUDGET, CAPITAL PROJECTS AND TAXATION", BY AMENDING THE FIRST PARAGRAPH OF SECTION 5.3 AND BY AMENDING SECTION 5.6(B)., 2021-16
BY: COUNCIL MEMBERS TOUMA, VOCCIO, CHAIRMAN TOMPKINS

Agenda Item #6

WHEREAS, the Niagara Falls City Charter currently provides that the Mayor propose his annual executive budget to the Council on or before the first working day of October; and

WHEREAS, the City Charter, as originally drafted, provided that the Mayor propose the executive budget to the Council on or before the first working day of November each year; and

WHEREAS, in the interests of budgetary collaboration and governmental efficiency, the City Council believes that it is in the City's best interest to return the executive budget presentation requirements of the City Charter to its original intent; and

WHEREAS, in order to accomplish this, the attached proposed local law (on file in the City Clerk's Office) will need to be adopted in order to amend Sections 5.3 and 5.6 (B) of Article V of the City Charter entitled "Budget, Capital Projects and Taxation".

NOW, THEREFORE, BE IT RESOLVED that the Niagara Falls City Council hereby approves and adopts Local Law Number 1 for the year 2021 for the purposes of amending Article V of the Niagara Falls City Charter, and titled "Budget, Capital Projects and Taxation", by amending the first paragraph of Section 5.3 and by amending Section 5.6(B); and

BE IT FURTHER RESOLVED, that the Clerk of this Council is directed to complete and certify the Local Law and forward copies to the New York State Legislature as required.

Yeas
Nays

5
0
ADOPTED

There being no further business to come before the Council, Chairman Tompkins adjourned the Meeting at 6:53 P.M.

Kathleen Ligammari
City Clerk



MARCH 17, 2021
REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The Legislative session of the March 17, 2021 Niagara Falls City Council Meeting was called to order by Council Chairman Kenny Tompkins at 6:00 P.M. in the Council Chambers.

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

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

Major Stephen Carroll said the Prayer and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Council Chairman Tompkins moved to approve the Minutes from the Council Meeting of March 3, 2021.

Yeas	5
Nays	0

APPROVED

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

Sam Archie with Amy Cafarella request rename Baseball Diamond 5 in
Memory of Jeff Cafarella

- Ezra Scott, Jr.
1. Participation in mass vaccination rally
 2. Beware of concerns residents may have regarding pending installation of 5G Telecom Infrastructure

Thanks to Council and Administration for efforts

Mayor/Administration Update:

- No Report

Controllers Report:

Overview/timeline of pending American Rescue Plan Act Federal funds.

Review of Agenda Items

- Item 10 - Councilman Voccio voiced opposition.
- Item 10 - Councilman Touma voiced his support of it.
- Item 12 - Councilman Touma voiced support of Council selection of Frank Soda to fill the remainder of his term.

Misc:

- Councilman Touma inquired about any updates on anticipated casino funds. The Mayor indicated no new updates.
- Councilman Touma inquired if any details were known regarding recently passed federal stimulus funding. Mayor indicated the Controller report would address it.

- Councilman Spanbauer wanted to remind public of Covid 19 vaccination mass distribution site at Conference Center.
- Chairman Tompkins presented Councilman Touma with a commemorative plaque in appreciation of his service on the Niagara Falls City Council.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF FEBRUARY 2021

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: CITY HALL BOILER ROOM ASBESTOS, LEAD & MOLD REMEDIATION, METRO CONTRACTING & ENVIRONMENTAL, CHANGE ORDER #1

Agenda Item #2

A contract for the above referenced project was awarded to Metro Contracting & Environmental Inc. on October 21, 2020, in the amount of \$68,300.00.

While performing the remediation, additional pipe insulation was exposed and found to contain mold. The Contractor offered to remediate this additional mold-containing pipe insulation at no additional cost. However, there will be a cost of \$1,140.00 to re-insulate this piping with new insulation. This change will result in an additional \$1,140.00 to their contract, bringing the total contract amount to \$69,440.00. Funding for this change order will be 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 Touma moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

CONTRACT: ASBESTOS MONITORING FOR DEMOLITION CONTRACT, AMD ENVIRONMENTAL CONSULTANTS, INC., CHANGE ORDER #1

Agenda Item #3

A contract for professional services was awarded to AMD Environmental Consultants, Inc. on October 21, 2020 for mandated environmental monitoring associated with structural demolition work.

Prior to the start of the City's pending 2021 demolition contract, it is necessary to extend the required environmental monitoring tasks, currently being performed by AMD Environmental Consultants, to cover the new project. The rates, as previously obtained by competitive bidding, will be held by the consultant and a not-to-exceed amount of \$15,000.00 is requested of the remaining original upset amount to be committed to the City's current demolition monitoring needs. Funding is available through a grant by the Niagara Orleans Regional Land Improvement Corp. (NORLIC).

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

Yeas

5

Nays

0

APPROVED

CONTRACT: WATER SERVICE REPLACEMENT PROJECT, 4TH GENERATION
CONSTRUCTION, INC., CHANGE ORDER #1

Agenda Item #4

A contract for the above-referenced project was awarded to 4th Generation Construction, Inc. 5650 Simmons Avenue Niagara Falls, NY on April 30, 2019 in the amount of \$374,200.00.

Subsequent to the start of the project, several changes to the project's scope and the funding requirements allowed the City to add a substantial number of extra lead service replacements (approximately 34% above original award). The costs associated with the additional services is \$44,137.00, bringing the contract total to \$418,337.00. It's important to note that all costs are completely reimbursable through an existing New York State Department of Health grant.

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

Yeas

5

Nays

0

APPROVED

CONTRACT: REHABILITATION OF BUFFALO AVE; FROM RAINBOW BLVD. TO 450' WEST
OF 24TH ST. -PIN 5761.81, OCCHINO CORP.

Agenda Item #5

The following was the result of bids received on February 17, 2021 for the above referenced project.

CONTRACTOR	BASE BID
Occhino Corp.	\$1,869,493.65
2650 Seneca Street	
West Seneca NY 14224	
Ed Bauer Construction	\$1,975,380.60
4 th Generation Construction, Inc.	\$1,982,819.00
Accadia Site Contracting, Inc.	\$2,166,085.00
LJ Quigliano II, Inc.	\$2,176,573.80
Mark Cerrone, Inc.	\$2,198,511.52
Scott Lawn Yard	\$2,388,889.00

Our design consultant CHA, has reviewed the bid package and recommended award of this project to Occhino Corp. Similarly, the New York State Department of Transportation has reviewed the proposal package and has also found the bid award package acceptable. Please note that the City is receiving 80% reimbursement of all project cost from Federal Highway Administration, 15% State Marchiselli Funding, and a 5% Local share funding match. This funding was previously approved by the Council at its May 6, 2020 meeting.

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: INSTALLATION OF INTERPRETIVE & ORNAMENTAL MARKER SIGNS, ASI
SIGNAGE INNOVATIONS, INC.

Agenda Item #6

The Planning Department solicited quotes for the installation of thematic signage at two separate municipal parks. From the firms solicited, the City received the two response below:

ASI Signage Innovations, Inc.	\$16,345.00
2957 Alt Boulevard	
Grand Island NY 14072	

Cooper Sign Company	\$18,368.00
---------------------	-------------

It is the recommendation of the undersigned that ASI Signage Innovations, Inc. be awarded the project at the quoted price of \$16,345.00. Funding is available via the Blueway Trail Grant, funding code H0961.

Will the City 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: STREET MILLINGS, SALE, MODERN DISPOSAL SERVICES, BID #2021-06

Agenda Item #7

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

TO: Modern Disposal Services, Inc.
4746 Model City Road, P.O. Box 209
Model City, New York 14107-0209

FOR: Sale of street millings generated during the 2021
paving season: \$ 2.85 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 five (5) vendors. Two (2) bid responses were received (on file in the City Clerks office). The above referenced company submitted the highest price for the millings. The other bid received was from Redland Quarries of NY, Inc.d/b/a Lafarge at \$ 2.50 per ton.

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

FINANCE DEPARTMENT: REORGANIZATION

Agenda Item #8

Due to a recent promotion, there is an opportunity to reorganize the City Controller's office in a manner that will maintain essential services. The City Controller has proposed that the vacated Finance Clerk position (Grade 7) be eliminated and replaced with an "Account Clerk" position (Grade 7). As this position is a similar grade, there will be no impacts to salary rates. Funding currently exists within A.1315.0000.0110.000 for this position

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 OF NIAGARA FALLS: NEW YORK STATE POLICE REFORM AND REINVENTION
 COLLABORATIVE PLAN

Agenda Item #9

Pursuant to the directives contained in the Governor's Executive Order No. 203, please find attached (on file in the City Clerk's Office) hereto the City of Niagara Falls' *"New York State Police Reform and Reinvention Collaborative Plan"*. With the establishment of the Social Justice Commission in June 2020, the City's Law Enforcement Committee, a group consisting of community leaders and members of the Niagara Falls Police Department (NFPD), was convened. The Committee met throughout the summer of 2020, reviewing the policies and practices of the NFPD and its relationship with people of color.

The concerted and cooperative efforts of community members, police personnel and the City Administration have led to the development of the Collaborative Plan, which puts forth recommendations which our community believes serve the purposes set forth in the aforesaid Executive Order.

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

RESOLUTION: TAXICABS AND TAXICAB DRIVERS, AMENDING CHAPTER 365, 2021-17
 By: COUNCIL MEMBER TOUMA, CHAIRMAN TOMPKINS

Agenda Item #10

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 365 of the Codified Ordinances entitled Taxicabs and Taxicab Drivers is hereby amended to read as follows on the following pages:

March 17, 2021 Amendments

Change the definition of "Livery"

Amendments as shown as underscored language to be added or bracketed language to be removed from Sections 365.11, 365.20, 365.21, 365.24 and 365.32.

CHAPTER 365

Taxicabs, [and] Taxicab Drivers, Liveries and Livery Drivers

365.00 Legislative Findings and Application.	365.23	Consideration of
Declarations.	365.24	
Issuance of License;		
365.01 Definitions.		
Duration and Annual Fee.		
365.02 Taxicab Medallion and	365.25	License Period.
Registration Permit Required;	365.26	Display of
License.		
<u>Livery Registration and</u>	365.27	Dress, Behavior
and Grooming of		
<u>Permit Required</u>		Taxicab Drivers
<u>and Livery Drivers</u>		
365.03 Applicability of Chapter.		and Use
of Radio.		
365.04 Number of Taxicab Medallions	365.28	Suspension and

Revocation of Limited. Driver's License.			
365.05 Public Hearing.			
365.06 Application for <u>Taxicab</u> Medallions		365.29	
Notice to Driver.			
and Driver's Licenses <u>for Taxicab</u>	365.30	Failure to Comply	
with City, <u>and Livery</u> .		State and Federal	
Laws.			
365.07 Taxicab Medallion.	365.31	Designation of	
Taxicabs.			
365.08 Transferability of Taxicab	365.32	Taximeter	
Required.			
Medallions.	365.33	Periodic	
Inspections of			
365.09 Medallion Fees.		Taximeter	
Required.			
365.10 Taxicab <u>and Livery</u> Registration Permit.		365.34	
Rates of Fare; Rate Card Required.			
365.11 Taxicab <u>and Livery</u> Registration		365.35	
Open Stands Established; Use			
Permit Fees.		and Parking.	
365.12 Application for Taxicab <u>and Livery</u>		365.36	Solicitation
Registration Permit.		Discharge of	
Passengers.			
365.13 Liability and Worker's		365.37	
Receipts.			
Compensation Ins. Required.	365.38	Refusal of	
Passenger to Pay			
365.14 Inspection of Vehicles.		Legal	
Fare.			
365.15 Emergency Taxicab <u>and Livery</u>		365.39	Direct
Routes.			
Registration Permits.	365.40	Taxicab Service.	
365.16 Schedule of Rates; Display.		365.41	
Manifests.			
365.17 Suspension and Revocation of		365.42	Service
Contract Reports.			
Medallion and Taxicab Registration	365.43	Transferring the	
Taxicab			
Permit <u>or Livery Registration Permit</u> .			
Vehicle.			
365.18 Taxicab Driver's License <u>and Livery</u>		365.44	
Appeal.			
<u>Driver's License</u> .	365.45	Police	
Department; Duty to			
365.20 Application for Driver's License		Enforce	
Chapter.			
<u>and Livery Driver's License</u> .	365.46	Penalty.	
365.21 Examination of Applicant.		365.99	
Separability.			
365.22 Police Investigation of Applicant.			

365.00 LEGISLATIVE FINDINGS AND DECLARATION.

(a) It is hereby determined by the City Council and the City Officials that the taxicab and livery industry is an integral and vital element which is necessary to assure adequate and safe public transportation for our residents and visitors.

(b) It is also determined that the taxicab and livery industry is especially suited for inclusion in the Convention and Visitors Bureau, the Chamber of Commerce and all City meetings and functions related to public transportation and tourism issues.

(c) It is found that a spirit of mutual cooperation and public pride exists between the taxicab and livery industry and other governmental and civic organizations and that it is essential that goodwill be maintained amongst all.

(d) It is also found that reasonable standards and regulations relating to the number of taxicabs and livery vehicles, the number and location of taxicab stands and the condition and appearance of the taxicab and livery vehicles and drivers are needed to assure fairness and to promote the public health, safety and welfare.

365.01 DEFINITIONS.

The following words and phrases, when used in this chapter, have the meanings as set out herein:

(a) "Person" means and includes an individual, a corporation or other legal entity, a partnership and any incorporated association.

(b) "Street" means and includes any street, avenue, alley, court, bridge or public thoroughfare within the City.

(c) "City" means the City of Niagara Falls, New York.

(d) "Taxicab" means a motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of less than seven persons and not operated on a fixed route.

(e) "Livery" means every motor vehicle, other than a taxicab or a bus, used in the business of transporting passengers for compensation. Livery shall not include any legally permitted ride sharing services, such as UBER and LYFT, as well as vehicles which are rented or leased without a driver.

~~[(e)]~~ [(f)] "Cruising" means the driving of a taxicab on the streets of the City in search of or soliciting prospective passengers for hire.

~~[(f)]~~ [(g)] "Taxicab and livery registration permit" means the permit issued by the Superintendent of Police to a taxicab medallion owner and livery owner which evinces that the operating taxicab or livery has fulfilled the annual inspection and registration requirements as mandated by this Ordinance.

~~[(g)]~~ [(h)] "Driver's license" means the permission granted by the City to a person to drive a taxicab or livery upon the streets of the City.

~~[(h)]~~ [(i)] "Taximeter" means a meter instrument or device attached to a taxicab which measures mechanically the distance driven and the waiting time upon which the fare is based.

~~[(i)]~~ [(j)] "Waiting time" means the time when a taxicab is not in motion from the time of acceptance of a passenger or passengers to the time of discharge, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act or fault of the passenger or passengers.

~~[(j)]~~ [(k)] "Open stand" means a public place alongside the curb of a street in the City which has been designated by the City as reserved exclusively for the use of taxicabs.

~~[(k)]~~ [(l)] "Owner" means any person owning or having control of the use of a taxicab or livery or both upon the streets of the City.

~~[(l)]~~ [(m)] "Manifest" means a daily record prepared by a taxicab or livery driver of all trips made by such driver showing time and place of origin, destination, number of passengers and the amount of fare of each trip.

~~[(m)]~~ [(n)] "Rate card" means a card issued by the Superintendent of Police for display in each taxicab which contains the rates of fare then in force.

~~[(n)]~~ [(o)] "Medallion" means the plate issued by the City of Niagara Falls which represents the privilege given to the possessor to operate a taxicab in the City of Niagara Falls.

365.02 TAXICAB MEDALLION AND REGISTRATION PERMIT REQUIRED;
LIVERY REGISTRATION AND PERMIT REQUIRED.

No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the City without having first obtained a taxicab medallion for each vehicle desired to be operated and a taxicab registration permit affixed to each such vehicle. No person shall operate or permit a livery owned or controlled by him to be operated as a vehicle for hire within the City without having first obtained a livery registration permit affixed to each such vehicle.

365.03 APPLICABILITY OF CHAPTER.

The provisions of this Chapter shall apply to the operation of a taxicab or a livery upon the streets of the City where the point of origin of the fare, or place where the passenger is picked up, begins within the corporate limits of the City, regardless whether the point of destination is within or without the City.

The provisions of this Chapter shall not apply to the operation of a taxicab or a livery upon the streets of the City where the point of origin of the fare begins outside the corporate limits of the City regardless of whether the point of destination is within the City.

. . .

365.06 APPLICATION FOR TAXICAB MEDALLIONS AND DRIVER'S LICENSE
FOR TAXICAB AND LIVERY

(a) An application for any available taxicab medallion shall be filed with the Superintendent of Police upon forms provided by the City, and shall be verified under oath and shall furnish the following information:

(1) Name, address, age and whether applicant is a citizen of the United States, a noncitizen national of the United States, a lawful permanent resident (Alien#) or an alien authorized to work (Alien# or Admission#) and provide expiration date and if a corporation the name, address, age and whether each officer, director and shareholder is a citizen of the United States, a noncitizen national of the United States, a lawful permanent resident (Alien#) or an alien authorized to work (Alien# or Admission#) and provide expiration date.

(2) Experience of applicant in the transportation of passengers.

(3) Number of taxicab medallions desired by the applicant.

(4) The financial status of the applicant, including the amounts of all unpaid judgments against the applicant arising out of the use of a motor vehicle.

(5) The name or names of persons not an applicant, or, if a corporate applicant not an officer, director or stockholder of such corporation having an interest, financial, proprietary or other, direct or indirect, in the taxicab or the business to be licensed, or having made any loan to an applicant for such taxicab or having any lien or mortgage on such taxicab, setting forth the names and addresses of such person or persons, the nature of the interest and the date acquired.

(6) The name of any person not an applicant herein, or, if a corporate applicant, any person not an officer, director or stockholder of such corporation who shares or will share on a percentage basis, or in any way in the receipts, losses or deficiencies of the operation of the taxicab, to any extent whatsoever other than by fixed salary, setting forth the names and addresses of such persons, the nature and percentage of the share and the date acquired.

(7) Whether the applicant has previously held a taxicab medallion from any locality or a former "taxicab permit" from the City of Niagara Falls and if such medallion or permit has ever been suspended or revoked, and if so, for what cause.

- (8) Such further information as the Superintendent of Police of the City of Niagara Falls may require. (Adopted 7/13/88.)
- (b) No person shall be issued a taxicab and/or livery driver's license unless such person meets the following qualifications:
-

365.10 TAXICAB AND LIVERY REGISTRATION PERMIT.

Except as provided in Section 365.03 herein, no taxicab or livery shall be operated on the streets of Niagara Falls unless it has been issued a taxicab or livery registration permit. Each vehicle issued a permit under this Chapter shall affix a decal, supplied by the City of Niagara Falls, to the lower right hand corner of the rear window. The permit decal must be visible at all times and not placed on tinted windows/glass. Said decals shall be issued in a distinctively different color each year as proscribed by the Superintendent of Police.

Taxicab and livery registration permits shall be non-transferable and must be renewed annually.

365.11 TAXICAB AND LIVERY REGISTRATION PERMIT FEES.

The annual cost of a taxicab registration permit shall be Seventy Dollars (\$70.00). The annual cost of a livery registration permit shall be Forty Dollars (\$40.00). No taxicab or livery registration permit decal shall be issued until such fee is paid. The taxicab or livery registration permit shall be issued between and including the dates of June 1 and June 15 of each year and all of such permits shall expire on the anniversary date in the next calendar year, unless sooner suspended or revoked. Any owner to whom a permit is issued during the permit year shall pay the full amount of the annual permit fee. All revenues generated by the collection of taxicab or livery permit fees shall be budgeted for the administration and enforcement of the taxicab and livery ordinance. [Permits expiring between April 1 and April 15, 2021 are hereby extended for sixty (60) days and will expire between June 1 and June 15, 2021].

365.12 APPLICATION FOR TAXICAB AND LIVERY REGISTRATION PERMIT.

An application for a taxicab or livery registration permit shall be filed with the Superintendent of Police upon forms provided by the City, and such application shall contain the following information:

- (a) Make, model type and vehicle identification number of the vehicle to be registered.
- (b) Year of manufacture and seating capacity of each vehicle.
- (c) New York State license number of each vehicle to be registered.
- (d) The color scheme and insignia to be used to designate each vehicle.

In addition to the application and filing fee, [a taximeter certification issued within the last twelve (12) months and] proof of liability insurance and worker's compensation insurance, if required in accordance with Section 365.13, must be submitted at the time of application; and in the case of a taxicab, a taximeter certification issued within the last twelve (12) months.

The Superintendent of Police shall keep records of all vehicles registered pursuant to this chapter. Said records shall include the date of original vehicle inspection and shall record any subsequent inspections of the vehicle as well as any vehicle equipment and vehicle condition violations.

365.13 LIABILITY AND WORKER'S COMPENSATION INSURANCE REQUIRED.

(a) No taxicab or livery permit shall be issued or continued in operation unless there is in full force and effect a liability insurance policy issued by an insurance company authorized to do business in the State of New York, and approved by the City for each vehicle authorized in the minimum amount of Twenty-five Thousand Dollars (\$25,000) for bodily injury to any one person; in the minimum amount of Fifty Thousand Dollars (\$50,000) for injuries to more than one person which are sustained in the same accident, and ten thousand dollars (\$10,000) for property damage resulting from any one accident. Such policy or policies shall insure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder, his servants or agents. Such policy or policies shall be filed with the Superintendent of Police shall have at least fifteen days' written notice of such cancellation, which requirement shall be conspicuously placed on said policy or policies and any Certificate evidencing such insurance.

(b) No taxicab or livery permit shall be issued or continued in operation unless there is in full force and effect a worker's compensation insurance policy issued by an insurance company authorized to do business in the State of New York, and approved by the City for each vehicle authorized in the statutory minimum amount. This provision may be waived if the taxicab or livery owner can produce a letter from the State of New York within the last twelve (12) months confirming that the taxicab or livery owner does not need worker's compensation insurance.

365.14 INSPECTION OF VEHICLES.

Prior to the use and operation of any vehicle and the issuance of a taxicab or livery registration permit under the provisions of this chapter, such vehicle shall be thoroughly and carefully examined and inspected by the Police Department and must be found to comply with such reasonable rules and regulations as may be prescribed by the Superintendent of Police. These rules and regulations shall be promulgated to provide safe and comfortable transportation and shall specify such safety equipment and regulatory devices as the Superintendent of Police shall deem necessary therefor.

In addition to periodic inspections by the Police Department, at such intervals as shall be established by the Superintendent of Police, taxicab and livery vehicles are subject to on-the-spot "no notice" inspections by police officers. Inspections shall not be initiated nor undertaken while a fare is present. Such inspections shall require, but are not limited to, the following vehicular standards:

(a) All vehicles shall have current New York State Inspection Certificates.

(b) The exterior of the vehicles shall be generally clean and free from rust and damage.

(c) The vehicle paint must be applied in a professional manner. Automobile make insignias and vehicle chrome shall not be painted over.

(d) Vehicles must be completely assembled and shall not be structurally altered from the manufacturer's design including, but not limited to, having the lights, exhaust system, fenders and bumpers properly attached.

(e) Any lettering or company logo applied to the exterior of the vehicle must be professionally air-brushed or neatly stenciled upon the vehicle. A decal insignia shall be considered an acceptable substitute for the above requirement.

(f) The interior of the vehicle must be kept clean and sanitary, and shall be free of all litter and debris.

If a vehicle has been involved in an accident causing physical damage so as to violate the above vehicle standards, it shall not be automatically excluded from service, if the vehicle can still be operated safely. The taxicab or livery owner shall have 24 hours to have the vehicle evaluated by the Police Department, in order to determine if the vehicle should be taken out of service or to determine the exact date repairs will be made. If a vehicle is taken out of service on account of the police inspection of damage, the taxicab or livery owner shall be notified in writing.

(g) A violation of any of the above vehicle standard requirements will be punishable by a fine of not more than Two Hundred Fifty Dollars (\$250.00) for each offense. Each day a violation continues shall constitute a separate offense.

365.15 EMERGENCY TAXICAB AND LIVERY REGISTRATION PERMITS.

The Mayor may, in case of a declared public emergency or necessity, waive or modify any or all of the requirements of this chapter and may issue a temporary permit for the operation of any vehicle defined in this chapter upon the streets of the City without a public hearing, such permit to be revocable at any time with by the Mayor or his designee.

365.16 SCHEDULE OF RATES FOR TAXICABS; DISPLAY.

There shall be displayed in the passenger's compartment of each taxicab in full view of the passengers, a card not less than four inches by six inches in size, which shall have plainly printed thereon the name of the owner or the [fictitious] name under which such owner operates the business, the address and telephone number of such owner and a correct schedule of the rates to be charged for conveyance in such vehicle. Such card shall be approved as to form by the Superintendent of Police before being so displayed. A true and correct copy of the card, as approved, shall be filed with the Superintendent of Police.

365.17 SUSPENSION AND REVOCATION OF MEDALLION AND TAXICAB REGISTRATION PERMIT OR LIVERY REGISTRATION PERMIT.

A taxicab medallion or taxicab registration permit or livery registration permit issued under the provisions of this chapter, may be revoked or suspended by the City Administrator, if the owner thereof has:

- (a) Violated any material provisions of this chapter.
- (b) Falsified any information on the application or failed to notify the Superintendent of Police of any material change of status from that indicated in the application.
- (c) Abandoned the taxicab medallion or taxicab registration permit or livery registration permit. The medallion or permit shall be deemed abandoned when a taxicab assigned a medallion or taxicab registration permit or livery issued a livery registration permit has not been regularly operated as a taxicab or livery for a period of six (6) months, or
- (d) Conducted himself in a manner indicating he is not a fit and proper person to hold such an owner's medallion or taxicab registration permit or livery registration permit.

In the event any person to whom an owner's medallion or taxicab registration permit or livery registration permit is issued has such medallion or permit suspended on three separate occasions, such medallion or permit shall be revoked. Whenever any medallion shall be revoked, the same shall be surrendered to the Superintendent of Police.

If the medallion is suspended, the same shall be surrendered to the Superintendent of Police and retained by him until the suspension period expires. In the case of suspension or revocation of the taxicab registration permit or livery registration permit, the identifying decal shall be immediately removed.

Prior to suspension or revocation, the owner shall be given written notice of the proposed action to be taken together with a statement of the basis therefor and shall have an opportunity to be heard by the City Administrator within two weeks of receiving said written notice. No suspension or revocation shall be effective until a written decision of the Administrator is filed in the Office of the City Clerk.

365.18 TAXICAB DRIVER'S LICENSE AND LIVERY DRIVER'S LICENSE.
Except as provided in Section 365.03 of this Chapter, no person shall operate a taxicab for hire or livery upon the streets of the City and no person who owns or controls a taxicab or livery shall permit it to be so driven, and no taxicab or livery licensed by the City shall be driven at any time for hire unless the driver of such taxicab or livery shall have first obtained and shall have then in force a taxicab driver's license or livery driver's license issued under the provisions of this chapter. This prohibition shall not apply to a taxicab or livery driver who is returning a fare to a destination outside the corporate limits of the City which fare originated outside the corporate limits of the City, provided the return fare is made within 24 hours of the drop off of the originating fare.

365.20 APPLICATION FOR TAXICAB DRIVER'S LICENSE AND LIVERY DRIVER'S LICENSE.

An application for a taxicab driver's license or livery driver's license shall be filed with the Superintendent of Police on forms provided by the City, and such application shall be verified under oath and shall contain the following information:

. . .

Any false statements made by the applicant on the application for a taxicab driver's license or livery driver's license shall be sufficient cause for the refusal of the issuance of a taxicab driver's license or livery driver's license to such applicant, or shall be sufficient cause for the revocation or suspension of a taxicab driver's license or livery driver's license after the issuance of same.

Upon request, a person who has been issued a taxicab driver's license by the City may request from the Superintendent of Police, on forms provided by the City, a livery driver's license. Provided the taxicab driver's license is valid and has not been revoked or suspended, a livery driver's license shall be issued for no additional fee.

Upon request, a person who has been issued a livery driver's license by the City may request from the Superintendent of Police, on forms provided by the City, a taxicab driver's license. Provided the livery driver's license is valid and has not been revoked or suspended, a taxicab driver's license shall be issued upon the payment of an additional fee in the amount of Twenty Five Dollars (\$25.00).

365.21 EXAMINATION OF APPLICANT.

Before licensing, all taxicab drivers and livery drivers must undergo a local orientation program of up to two hours coordinated by [the Niagara Tourism & Convention Corporation (NTCC) Prior to the issuance or renewal of a license, each driver must successfully complete a test of the information covered during the program.] Destination Niagara USA. The applicant is responsible to pay any fee incurred by [the NTCC] Destination Niagara USA for administering the [test] program.

Such program shall include, but is not limited to, the geography of the City, traffic laws and regulations and public relations and appearance.

365.22 POLICE INVESTIGATION OF APPLICANT.

The Police Department of the City shall conduct an investigation of each applicant for a taxicab driver's license and livery driver's license, and a report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the Superintendent of Police.

365.23 CONSIDERATION OF APPLICATION.

The Superintendent of Police shall, upon consideration of the application and the reports and certificate required to be attached thereto, in his discretion, approve or reject the application. If the application is rejected, the applicant may request a personal appearance before the Superintendent of Police to offer evidence why his application should be reconsidered.

365.24 ISSUANCE OF LICENSE; DURATION AND ANNUAL FEE.

Upon approval of an application for a taxicab driver's license or livery driver's license, the Superintendent of Police shall issue a license to the applicant which shall bear the name, address, age, signature and photograph of the applicant, issuance number, date of expiration and the name of the owner for which such driver is authorized to operate a vehicle. Such license shall be valid only so long as the driver continues in the employ of such owner. Upon the termination of any driver's employment, the owner by whom such driver has been employed shall immediately give the Superintendent of Police written notice of such termination, the reasons therefor, and shall forthwith surrender the driver's license to the Superintendent of Police for cancellation.

Such license shall be in effect for the remainder of the calendar year. A taxicab driver's license for every calendar year thereafter shall be issued upon the payment of Fifty Dollars (\$50.00), unless the license for the preceding year has been revoked. A livery driver's license fee for every calendar year thereafter shall be issued upon the payment of Twenty-Five Dollars (\$25.00), unless the license for the preceding year has been revoked.

365.25 LICENSE PERIOD.

A taxicab driver's license or livery driver's license shall be issued as of January 1st in each year and shall be valid to and including December 31st of that same year unless sooner suspended or revoked. Any driver to whom a license is issued during the license year shall pay the full amount of the annual license fee.

• • •

365.27 DRESS, BEHAVIOR AND GROOMING OF TAXICAB DRIVERS AND LIVERY DRIVERS AND USE OF RADIO FREQUENCY BY TAXICABS ONLY.

(a) Each driver shall make a presentable appearance while operating taxicabs and liveries in the City of Niagara Falls, and shall be clean, well-groomed, neatly dressed, and conduct himself or herself in a professional, courteous manner. Every driver shall be required to wear a shirt with a collar.

(b) Each taxicab driver shall be permitted to use only the radio frequency that is used by the company the driver is affiliated with. The monitoring of another cab [or livery] company's frequency is strictly prohibited and will lead to sanctions against the driver and/or company the driver is affiliated with. Liveries and livery operators are not permitted to use radio frequencies.

365.28 SUSPENSION AND REVOCATION OF DRIVER'S LICENSE.

A taxicab driver's license or livery driver's license may be suspended for the following reasons:

• • •

No driver or operator whose license has been revoked shall be eligible to be licensed as a taxicab driver or livery driver in the City for a period of three (3) years, unless otherwise prohibited by Section 365.19 of this Chapter.

365.29 NOTICE TO DRIVER.

A taxicab driver's license or livery driver's license shall be deemed to be suspended or revoked as of the third day after the Superintendent of Police shall cause to be deposited in the United States Post Office within the City, a registered letter giving notice of such revocation or suspension, and directed to the person named and to the address given on the application pursuant to which such license was issued. In the event a person has both a taxicab driver's license and a livery driver's license, a suspension or revocation of one license has the effect of suspending or revoking the other license.

365.30 FAILURE TO COMPLY WITH CITY, STATE AND FEDERAL LAWS.

Every driver licensed under this chapter shall comply with all City, State and Federal laws. Failure to do so will justify the suspension or revocation of a license.

365.31 DESIGNATION OF TAXICAB.

The taxicabs of every owner operating a taxicab within a City shall be of a color scheme and bear the owner's trade name, monogram or insignia which are clearly and easily distinguishable from the color scheme, owner's trade name, monogram or insignia used on the taxicabs of any other owner's already operating under this chapter. No change whatever in the color scheme or distinguishing characteristics of any taxicab shall be made without written permission from the Superintendent of Police, and it shall be unlawful for any person soliciting patronage from any vehicle described in this chapter to represent by word, sign or insignia that the vehicle for which he is soliciting such patronage is a vehicle owned or operated by other than the actual owners.

Every taxicab operated within the City shall bear the following identification: the owner's trade name, monogram or insignia, together with a cab number and the owner's telephone number or numbers painted upon the metal portion of the outside of each side of the taxicab and the cab number and owner's telephone number or numbers painted upon the outside rear panel of the taxicab. All lettering mentioned in this paragraph shall be not less than two and one-quarter inches in height and not less than five-sixteenths inch stroke. In addition to the identification hereby required, taxicabs may bear the following signs or advertisements:

(a) A metal sign bearing the words "For Hire", and being no larger than six inches by nine inches;

(b) A sign attached to the top of the cab bearing the word "Vacant" and being no larger than two and one-half inches by nine inches, and

(c) Advertisements not exceeding twelve square feet in total area, subject to the rules and regulations of the Superintendent of Police.

If, after a permit has been issued for a taxicab hereunder, any portion of this section is violated in such a manner as to be misleading or deceiving to the public, the Superintendent of Police in his discretion, may suspend or revoke the permit of the owner covering such taxicab or taxicabs.

(d) This section shall not apply to liveries operating in the City.

365.32 TAXIMETER REQUIRED.

All taxicabs operated under the authority of this chapter shall be equipped with taximeters fastened in front of the passengers, visible to them at all times day and night; and, after sundown, the face of the taximeter shall be illuminated. Such taximeter shall be operated mechanically by a mechanism of standard design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism. No taximeter shall be operated from any wheel to which power is applied. They shall be sealed at all points and connections which, if manipulated, would affect their correct reading and recording. Each taximeter shall have thereon a flag to denote when the vehicle is employed and when it is not employed, and it shall be the duty of the driver to throw the flag of such taximeter into a non-recording position at the termination of each trip. The taximeters shall be subject to inspection from time to time by the Police Department. Any inspector or other officer of the Police Department is hereby authorized either on complaint of any person or without such complaint, to inspect any meter and, upon discovery of any inaccuracy therein, to notify the person operating such taxicab to cease operation. Thereupon, such taxicab shall be kept off the streets, until the taximeter is repaired and in the required working condition.

This section shall not apply to liveries operating in the City.

[Notwithstanding the foregoing, the owner of a livery operating under the authority of this chapter may, at the option of the owner, equip the livery so owned with a taximeter. In the event the owner equips the said livery with a taximeter, all applicable provisions of this chapter pertaining to taximeters shall apply. In addition, the owner, prior to installation of the taximeter in the livery vehicle, agrees to immediately give written notice to the Superintendent of Police of the installation of the taximeter.]

...

365.35 OPEN STANDS ESTABLISHED; USE AND PARKING.

The Traffic Engineer is hereby authorized and empowered to establish open taxi stands for the exclusive use of taxicabs in such places upon the streets of the City as he deems necessary. In creating an open stand, the Traffic Engineer shall take into consideration the need for such stands by the taxicab owners and the convenience to the general public. He shall prescribe the number of taxicabs that shall occupy such open stands. The Traffic Engineer shall not create an open stand in front of any place of business where the abutting property owners object to the same or where such open stand would tend to create a traffic hazard. Such open stands shall be designated by appropriate signs or curb markings as the Traffic Engineer shall determine.

Open stands shall be used by the different drivers on a first come, first serve basis. The driver shall pull into the open stand from the rear and shall advance forward as the vehicles ahead pull off. A driver shall be in attendance at every taxicab parked in an open taxi stand. Nothing in this chapter shall be construed as preventing a passenger from boarding the vehicle of his choice that is parked at an open stand.

No owner or driver of a taxicab shall stand or park such vehicle at any place on a public street other than an open stand, except for the purpose of discharging or receiving passengers.

No person shall park or stand any vehicle other than a taxicab in an open taxi stand.

Liveries may not utilize open taxi stands for parking or for any other purpose.

365.36 SOLICITATION, ACCEPTANCE AND DISCHARGE OF PASSENGERS.

No driver shall solicit passengers for a taxicab except when sitting in the driver's compartment of such taxicab or while standing immediately adjacent to the curb side thereof. **No driver of a livery may solicit passengers for a livery.** The driver of any taxicab shall remain in the driver's compartment or immediately adjacent to his vehicle at all times when such vehicle is upon the public street, except that, when necessary, a driver may be absent from his taxicab for not more than ten consecutive minutes, and provided further that nothing herein contained shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of such vehicle.

No driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoy any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage.

Drivers of taxicabs **and liveries** shall not receive or discharge passengers in the roadway but shall pull up to the right hand sidewalk as nearly as possible, or in the absence of a sidewalk, to the extreme right hand side of the road, and there receive or discharge passengers, except upon one-way streets where passengers may be discharged at either the right or left hand sidewalk or side of the roadway, in the absence of a sidewalk.

No driver shall cruise in search of passengers, except in such areas and at such time as shall be designated by the Traffic Engineer. Such areas and times shall only be designated when the Traffic Engineer finds that taxicab cruising would not congest traffic or be dangerous to pedestrians and other vehicles.

No driver, owner or operator shall solicit passengers at the terminal of any other common carrier, not at any intermediate points along any established route of any other common carrier.

No driver shall permit any other person to occupy or ride in such taxicab unless the person or persons first employing the taxicab shall consent to the acceptance of an additional passenger or passengers. No charge shall be made for an additional passenger except when the additional passenger rides beyond the previous passenger's destination, and then only for the additional distance so traveled.

No driver shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity of his taxicab, as stated in the permit for such vehicle. A child in arms shall not be counted as a passenger.

No driver shall refuse or neglect to convey any orderly person or persons, upon request, unless previously engaged or unable or forbidden by the provisions of this chapter to do so.

It shall be a violation of this chapter for any driver of a taxicab to solicit business for any hotel, or to attempt to divert patronage from one hotel to another. Neither shall such driver engage in selling intoxicating liquors or soliciting business for any immoral purpose, or use his vehicle for any purpose other than the transporting of passengers.

365.37 RECEIPTS.

The driver of any taxicab or livery shall, upon demand by the passenger, render to such passenger a receipt for the amount charged, either by a mechanically printed receipt or by a specially prepared receipt on which shall be the name of the owner, license number or motor number, amount of meter reading or charges, and date of transaction.

. . .

365.41 MANIFESTS.

Every driver of a taxicab and livery shall maintain a daily manifest upon which are recorded all trips made each day, showing the time and place of origin, the destination of each trip and amount of fare, and all such completed manifests shall be returned to the owner by the driver at the conclusion of his tour of duty. The forms for each manifest shall be furnished to the driver by the owner, and shall be of a character approved by the Superintendent of Police.

Every owner of a permit shall retain and preserve all drivers' manifests in a safe place for at least the calendar year next preceding the current calendar year, and such manifests shall be available to the Superintendent of Police.

365.42 SERVICE CONTRACT REPORTS.

It shall be mandatory for all owners to file with the Superintendent of Police, copies of all contracts, agreements, arrangements, memoranda or other writings relating to the furnishing of taxicab or livery service to any hotel, theater, hall, public resort, terminal or other place of public gathering, whether such arrangement is made with the owner or any corporation, firm or association with which the owner may be interested or connected. Failure to file such copies within seven days shall be sufficient cause for the revocation of a permit of any offending owner or the cancellation of any cab stand privileges.

. . .

365.44 APPEAL.

If any person is aggrieved by any act or failure to act on the part of the Superintendent of Police either in issuing, failure to issue, suspending or revoking any owner's permit or driver's license, such aggrieved party may file with the City Clerk a statement addressed to the **[City Administrator] Niagara Falls City Council**, setting forth the full facts and circumstances in connection with the action or failure of action on the part of the Superintendent of Police. Such appeal must be filed within ten days after commission or omission of the act by which the appellant claims to have been aggrieved.

The [City Administrator] Niagara Falls City Council shall call [a meeting] for a public hearing not less than [ten] thirty days from the date on which such appeal shall have been filed with the City Clerk, shall hear the appellant and his witnesses and determine the merits of the appeal, and the [ruling of the City Administrator] decision by a majority vote of the Niagara Falls City Council thereon shall be final.
(C66 S39, adopted 1-13-69; amended 12/29/11.)

. . .

Bold and Underlining indicate Additions.
Bold and Brackets indicate Deletions.

Yeas	3
Spanbauer, Touma, Chairman Tompkins	
Nays	1
Voccio	
Abstain	1
Kennedy	

ADOPTED

RESOLUTION: FLOOD DAMAGE PREVENTION, PUBLIC HEARING, 2021-18
BY: COUNCIL MEMBER TOUMA, CHAIRMAN TOMPKINS

Agenda Item #11

RESOLVED, that Local Law No. 2 for the year 2021 be introduced, and that a public hearing be held on such Local Law on the 14th day of April, 2021 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 adopting a new Local Law entitled "Flood Damage Prevention" to replace the existing Local Law No. 3 for the year 2010 bearing the same name.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: NIAGARA FALLS COUNCIL, TEMPORARY VACANCY, 2021-19
BY: COUNCIL MEMBERS KENNEDY, SPANBAUER, CHAIRMAN TOMPKINS

Agenda Item #12

WHEREAS, Andrew Touma began his current term as a Niagara Falls City Councilman on January 1, 2018 and his term is scheduled to end on December 31, 2021; and

WHEREAS, Council Member Touma has indicated that he will resign from his position on the City Council effective March 31, 2021, thereby creating a vacancy on the City Council; and

WHEREAS, Section 2.8 of the City Charter provides that this Council shall fill such vacancy temporarily by appointing a qualified person of the same political party as Andrew Touma to serve until the qualification of a successor so elected;

NOW, THEREFORE, BE IT RESOLVED by the Niagara Falls City Council that Frank A. Soda, residing at 4221 McKoon Avenue, Niagara Falls, NY 14305, and being a resident of the City of Niagara Falls, New York for the preceding year and an enrolled member of the Democratic Party, and who is otherwise qualified under the City Charter, is hereby appointed as a member of the City Council of Niagara Falls, New York to fill the vacancy in that office created by the resignation of Andrew Touma, to serve the remainder of the term of Andrew Touma, effective April 1, 2021.

Yeas	5
Nays	0

ADOPTED

There being no further business to come before the Council, Chairman Tompkins adjourned the Meeting at 6:26 P.M.

Kathleen Ligammari
City Clerk



APRIL 14, 2021
REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The Legislative session of the April 14, 2021 Niagara Falls City Council Meeting was called to order by Council Chairman Kenny Tompkins at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Frank Soda, John Spanbauer, Chris Voccio, Council Chairman Kenny Tompkins

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

Council Chairman Tompkins 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 March 17, 2021.

Yeas

5

Nays

0

APPROVED

The Chairman asked if anyone wished to speak on regarding a new Local Law entitled "Flood Damage Prevention" to replace the existing Local Law No. 3 for the year 2010 bearing the same name.

THERE WERE NO SPEAKERS

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

Marlon Moore	Bring back D.A.R.E.
Zamarec Moore	Bring back D.A.R.E.
David Colucci	Speeding problem on Walnut Avenue
Daniel Trane	Neighbor trees overgrown on his property is his responsibility; Stumps remain after trees cut throughout the City; Alleys full of trash; overgrown grass is eyesore, City needs to be cleaned up
Robert Ventry	Streets in need of repair
Christopher Fortin	Streetlights out; crime ridden City; Better lighting will help deter

Mayor/Administration Update:

- Mayor responded to speakers concerns regarding street lights. Upgrades are a priority pending funding and bid process.

Controllers Report: Overview of 2020 general fund revenue/expense, pending final audit.

Review of Agenda Items

- Item 9 - Mayor offered clarification of purpose of funds transfer. Councilman Soda requested resolution format for any subsequent transfer of funds between departments per charter.
- Item 10 - Councilman Voccio requested clarification of funding purpose.

- Item 11 - Councilman Kennedy read proclamation honoring the late Jeff Cafarella's commitment to little league and community.
- Item 18 - Councilman Kennedy voiced support of opposition to the plant and thanked School Board for their initiative toward it.

Misc:

- Councilman Tompkins Inquired about any updates on anticipated casino funds. The Mayor indicated no new updates however he hopes that talks will take place sooner than later to come to an amical agreement for all.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK CLAIMS FOR THE MONTH OF MARCH 2021

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

RAINBOW PARKING RAMP: LIGHTING UPGRADE, FUNDING

Agenda Item #2

Lime Energy, through the implementation of National Grid's *Small Business Direct* Installation Program, is proposing to upgrade the lighting at the City's Rainbow Parking Ramp. The proposal includes the installation of 601 new LED lights with fixtures, 27 new LED flat panels in the elevator landings and 6 exterior LED lights. The total amount to implement the above, which includes installation, recycling and permit is \$4,065.96. Funding is available from PO.1720.2560.0422.000.

Will the Council so approve 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 Voccio moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

CODE ENFORCEMENT DEPARTMENT: EMERGENCY DEMOLITION FUNDING

Agenda Item #3

In order to continue to properly respond to situations which require emergency demolitions and/or the securing of vacant properties as a result of fires and various other issues, it is necessary to have additional resources made available to the Department of Code Enforcement to fund said emergency demolitions. Therefore, it is requested that the sum of \$200,000.00 be transferred from tribal revenues to the Department of Code Enforcement's emergency demolition capital account line.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: SOFTWARE, IMPLEMENTATION OF CITIES RISE GRANT PROGRAM
(DOWNHOME SOLUTIONS, INC.)

Agenda Item #4

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, a loan stabilization program will be established to provide a funding source to qualified homeowners for rehabilitation. The City needs to purchase a loan software program for use with the loan stabilization fund in order to properly account for all loans that will be issued as part of this program. To that end, it is proposed that City contract with DownHome Solutions, the developer of the DownHome Loan Manager (DLM) software program, which is a loan- tracking software tool designed expressly for community lenders. Funding for this software is available through the Cities RISE grant program, with 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 Voccio moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

DEPARTMENT OF PARKS AND PUBLIC WORKS: REORGANIZATION

Agenda Item #5

To maintain essential services while maximizing savings and efficiency, it is proposed that the job title of the "Administrative Assistant - Public Property" (Grade 19) in the Department of Parks and Public Works to be amended to "Administrative Assistant" (Grade 15). This will further the City's efforts to eliminate specialized job titles once they become vacant, which will provide departments with greater flexibility. This change has already been approved by the Civil Service Commission. This proposal will result in a net savings of \$6,058.23 in the department's 2021 biweekly line.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: NIAGARA FALLS CITY SCHOOL DISTRICT (OUR SCHOOLS CHANNEL (OSC-21)), FUNDING

Agenda Item #6

The 2021 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 Voccio moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

SALE: 1345 NIAGARA AVENUE, BEATRICE NIX, APPROVAL

Agenda Item #7

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 hereto (on file in the City Clerk's Office) 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 2021 County tax, 2021 School tax (both installments) and 2021 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 Voccio moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

CONTRACT: CITY PROPERTY, CASH REALTY & AUCTIONS, LLC, PROFESSIONAL AUCTIONEER

Agenda Item #8

THIS ITEM WAS PULLED

NO ACTION TAKEN

DPW: BUEGET TRANSFER, POLICE DEPARTMENT, REPAIR OF POLICE CARS

Agenda Item #9

As there is a serious need to service and repair the City's fleet of police cars, it is hereby proposed that a budget transfer from the Police Department to the Department of Parks and Public Works is necessary in order to facilitate the same. Therefore, it is requested that \$6,000.00 be transferred from Police overtime budget code A.3120.2792.0140.000 to the DPW budget code A1640.0000.0140.000 and \$459.00 from the respective Police overtime FICA line A.3120.2792.0810.000 to DPW FICA line A.1640.0000.0810.000.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: HARRIET TUBMAN STATUE (GRANT ADMINISTRATION), FUNDING

Agenda Item #10

In December of 2015, the City of Niagara Falls received notification that the New York State Office of Parks, Recreation & Historic Preservation was awarding a grant of \$201,725.00 for the Customhouse Harriet Tubman Plaza (HAS Dev - 154097), with a five year completion date. Under the previous administration, a resolution was presented to City Council that was inaccurate as to the size of the grant and the actual amount of matching funds required from the City regarding the Customhouse Harriet Tubman Plaza.

The grant was amended in 2017, with funding to be used for the design and placement of a statue honoring Harriet Tubman, with a City match of \$67,242.00.

In order to complete the project, this Administration has worked with the New York State Office of Parks, Recreation & Historic Preservation to have the grant extended to December, 2021. As the State has consented to the extension, an amendment of the underlying agreement and grant certifications is necessary. With regard to the \$67,242.00 in City matching funds, it is proposed that this amount be provided from previously approved Greenway grant funding, included in capital code H1519.

Will the City Council authorize the Mayor to execute an amendment to the contract and other certifications with the New York State Office of Parks, Recreation & Historic Preservation in order to move forward with this project?

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

Yeas

5

Nays

0

APPROVED

HONORING: CAFARELLA, JEFF, HYDE PARK LITTLE LEAGUE SCOREBOARD

Agenda Item #11

In fall 2020, our community lost one of its most cherished members, Jeff Cafarella. For over 25 years, Mr. Cafarella dedicated himself to youth baseball, specifically the Hyde Park Little League. He worked tirelessly to improve facilities, organize league activities and promote fair play for the benefit of our children. It is appropriate that the City of Niagara Falls honor Jeff's dedication, perseverance and service to the youth of our City by commemorating his legacy at Hyde Park.

After consultation with Jeff's family, it has been determined that appropriate way to honor his commitment to our community is through the installation of a scoreboard bearing his name. The scoreboard, donated to the City by Greenpac, will have a sign placed upon it reading "Jeff Cafarella Memorial Field" and will be installed by the City DPW at Hyde Park Diamond No. 5.

Will the Council so approve?

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

Yeas

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Nays

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APPROVED

CONTRACT: DISCOVER NIAGARA SHUTTLE, NF NATIONAL HERITAGE AREA, INC., FUNDING

Agenda Item #12

The Niagara Falls National Heritage Area, Inc. ("NFNHA") has developed the "Discover Niagara Shuttle", a hop-on/hop-off shuttle that will transport visitors to tourism points in the City of Niagara Falls, as part of a comprehensive transportation network that connects visitors and residents with the natural, cultural, and historic assets of our area. Pursuant to State law, the City has increased the Occupancy Tax by one percent (1%) as a dedicated source of revenue for the sole purpose of NFNHA operating the Discover Niagara Shuttle.

The proposed agreement (on file in the City Clerk's Office) will formalize the City's relationship with NFNHA for the continued operation of the Discover Niagara Shuttle by arranging a payment structure of the additional 1% Occupancy Tax to NFNHA.

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

Council Member Voccio 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: RITZ, LARRY

Agenda Item #13

Date of Occurrence: May 15, 2020

Date Claim Filed: May 21, 2020

Date Action Commenced: Not Applicable. Being resolved prior to litigation.

Location: Intersection of 3202 Pine Avenue and 30th Street in the City of Niagara Falls

Nature of Claim: Property damage to 2016 Chevrolet Equinox
VIN No. 2GNFLFEK8G6122094 which was rear
ended by City of Niagara Falls DPW Clean
Crew Truck #261

City Driver: Nathaniel S. Regester

Status of Action: This matter has been investigated but not
yet been placed in suit. At this
juncture, Corporation Counsel determined
that a reasonable settlement could be
reached that will avoid litigation costs
and protect the City from legal action.

Recommendation/Reason: Best interest of City.

Amount to be Paid: \$2,711.07

Check Writing Details: Make payable to LARRY RITZ

Conditions: Fully executed General Release to City
must be received and 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 Voccio 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

MAYOR'S APPROVAL

Agenda Item #14

Please be advised that Mayor Robert M. Restaino, on March 19,
2021, duly approved the following:

Resolution 2021-17, relative to amending Chapter 365 of the
Codified Ordinances entitled "Taxicabs and Taxicab Drivers"
THIS ITEM WAS RECEIVED AND FILE

RESOLUTION: POLLING PLACES, SCHOOL DISTRICT BUDGET VOTE/BOARD OF
EDUCATION ELECTIONS, 2021-20
BY: COUNCIL MEMBERS KENNEDY, SODA, VOCCIO, CHAIRMAN TOMPKINS

Agenda Item #15

WHEREAS, the School District Budget Vote and Board of Education
Elections will be held on Tuesday, May 18, 2021; and

WHEREAS, attached is a communication from the School District of
the City of Niagara Falls, New York requesting approval for the use of
polling places within the City of Niagara Falls, New York.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of
Niagara Falls, New York does hereby approve the use of the polling places
listed on the attached communication (on file in the City Clerk's Office)

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: FLOOD DAMAGE PREVENTION, LOCAL LAW #2, 2021-21
BY: COUNCIL MEMBERS KENNEDY, SODA

Agenda Item #16

WHEREAS, the City of Niagara Falls is a participant in the National
Flood Insurance Program; and

WHEREAS, new Flood Insurance Study and Flood Insurance Rate Maps
("FIRMS") establishing base flood elevations for the City have recently
been completed by the Federal Emergency Management Agency ("FEMA"); and

WHEREAS, to maintain an eligibility in the National Flood Insurance Program, it is necessary that the City adopts the new FIRMS into its floodplain management regulations to meet the standards of Section 60.3 (e) of the program regulations by May 4, 2021; and

WHEREAS, in order to meet this deadline, a local law in that regard must be passed and submitted to the Department of Environmental Conservation.

NOW, THEREFORE, BE IT RESOLVED that the Niagara Falls City Council hereby approves and adopts Local Law Number 2 for the year 2021 entitled "Flood Damage Prevention as authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36"; and

BE IT FURTHER RESOLVED that the Clerk of this Council is directed to complete and certify the Local Law and forward copies to the New York State Legislature as required.

Yeas

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Nays

0

ADOPTED

RESOLUTION: ZONING ORDINANCE, AIRPORT PROTECTION OVERLAY, 2021-22

BY: ALL COUNCIL MEMBERS

Agenda Item #17

WHEREAS, the Niagara Falls Planning Board is recommending the adoption of the proposed Zoning Chapter 1319.4 Airport Protection Overlay District together with the new Schedule 14 Airport Overlay District Zone and Schedule 14-B Airspace Plan, and;

WHEREAS, the overlay is to prevent the creation or establishment of airport hazards, and;

WHEREAS, the objective of this overlay is to regulate the height, land use and construction of development within the environs that is consistent with Federal Aviation Administration (FAA) regulations, particularly Part 77 Regulations, to ensure the safety of aircraft approach to and departure from the Niagara Frontier Transportation Authority's (NFTA) Niagara Falls International Airport and its runways, and;

WHEREAS, the purpose and intent of the Airport Protection Overlay District is to prevent encroaching development from interfering with operations at the Niagara Falls Air Reserve Station, and;

WHEREAS, the Airport Protection Overlay District would require that the Niagara Falls Air Reserve Station/Department of Defense, FAA, and the NFTA be advised of any development proposals within this overlay before site plan review and the issuance of building permits, and;

WHEREAS, this Airport Protection Overlay District satisfies local land use regulations essential for the Niagara Falls Air Reserve Station to remain competitive through the Base Realignment and Closure (BRAC), and;

WHEREAS, the Niagara Falls Air Reserve Station is currently Niagara County's largest employer, with over 3,000 full-time and part-time employees generating over \$88 million annually in payroll, and;

WHEREAS, the Planning Board hereby accepts and adopts the findings of the SEQRA review, November 2, 2020, and;

WHEREAS, the Planning Board duly conducted a Public Hearing on November 12, 2020 with notice of such hearing duly advertised in the Niagara Gazette on October 25, 2020, October 31, 2020 and November 6, 2020 for the purposes of receiving further comments, and;

WHEREAS, the Planning Board duly conducted a Public Hearing on March 24, 2021 with notice of such hearing on March 3, 2021, March 13, 2021 and March 20, 2021 for the purposes of receiving further comments, and;

WHEREAS, a copy of this proposed Chapter 1319.4 Airport Protection Overlay District Schedule 14 Airport Overlay District Zone and 14-B Airport Overlay Airspace Plan were sent to every property owner in the affected area, and;

WHEREAS, at both the November 12, 2020 and March 24, 2021 meetings, Colonel Carl Magnusson, USAF Base Commander, spoke and stated supported for this Airport Protection Overlay District, and;

WHEREAS, the Niagara Falls Planning Board has determined that the proposed Airport Protection Overlay District furthers the goals and objectives within the City of Niagara Falls Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby adopt Chapter 1319.4 Zoning Ordinance entitled "Airport Protection Overlay District Together With Schedule 14 Airport Overlay District Zone and Schedule 14-B Airspace Plan" to the City of Niagara Falls Codified Ordinances.

Yeas

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Nays

0

ADOPTED

RESOLUTION: PROPOSED ASPHALT PLANT, TOWN OF NIAGARA, 2021-23
BY: COUNCIL MEMBERS KENNEDY, SODA, VOCCIO, CHAIRMAN TOMPKINS, MAYOR
RESTAINO

Agenda Item #18

WHEREAS, an application has been filed with the New York State Department of Environmental Conservation (DEC) for construction of a hot asphalt plant to be located at 4660 Witmer Road in the Town of Niagara, New York, west of the intersection of Interstate 190, near the entrance of the Niagara University Campus; and

WHEREAS, the City Council recognizes that the City of Niagara Falls does not have standing to object to the project pursuant to New York State law; and

WHEREAS, the plant as proposed will have a 12-month rolling production of 150,000 tons of hot mix asphalt and will potentially emit compound emissions, such as benzene, formaldehyde, and toluene; and

WHEREAS, the Department of Environmental Conservation has made a tentative determination to approve the application for the plant, pending public comments made by May 3, 2021; and

WHEREAS, due to the potential environmental and public health impact of the project, a significant number of residents in our community have spoken out against it, including over 2,500 on-line petitioners; and

WHEREAS, as a result of this public opposition, the Town of Niagara town board has rescinded its approval of the project and will submit the proposed project to the Niagara County Planning Board for consideration as required under New York State law; and

NOW BE IT RESOLVED, that the City Council of the City of Niagara Falls, NY and Mayor Robert M. Restaino are hereby opposed to the construction of a hot mix Asphalt Plant to be located at 4660 Witmer Road, in the Town of Niagara, west of Interstate 190, near the entrance of the Niagara University Campus, and be it further

RESOLVED, that a certified copy of this Resolution be sent to the New York State Department of Environmental Conservation relative to its request for public comment, and be it further

RESOLVED, that a certified copy of this Resolution be sent to the Supervisor of the Town of Niagara, the Chairman of the Niagara County Legislature, the Niagara County Planning Board, Congressman Brian Higgins, New York Senator Robert Ortt and New York Assemblyman Angelo Morinello.

Yeas

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Nays

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ADOPTED

There being no further business to come before the Council, Chairman Tompkins adjourned the Meeting at 6:53 P.M.

Kathleen Ligammari
City Clerk



April 28, 2021

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The Legislative session of the April 28, 2021 Niagara Falls City Council Meeting was called to order by Council Chairman Kenny Tompkins at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Frank Soda, John Spanbauer, Chris Voccio, Council Chairman Kenny Tompkins

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

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

Council Chairman Tompkins moved to approve the Minutes from the Council Meeting of April 14, 2021

Yeas

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Nays

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APPROVED

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

Mary Lawton
Gloria Dolson

Senior Center
Vacant Property sales, vacant lots, give neighbors property owners 1st option at buying

Mayor/Administration Update:

- Mayor indicated no new developments regarding Seneca Casino funds. Also detail still pending regarding American Rescue Plan funds guidelines.

Controllers Report: Overview of pre audited 2021 1st quarter revenue for Tourism fund, County sales tax and Hotel/Restaurant/Utilities taxes.

Review of Agenda Items

- Item 4 - Chairman Tompkins inquired if persons seeking property through auction are vetted as being in good standing with the City. The Mayor indicated such mechanisms are currently in place. Councilman Spanbauer inquired how much (percentage) of such outstanding funds are recouped. Controller responded.
- Item 11 - Mayor Restaino read excerpts of resolution honoring recently deceased Denise Yvonne Brewer Easterling for her numerous contributions to the community.

Misc:

- Councilman Kennedy conveyed resident pothole concerns. Particularly 2200 - 2400 McKenna Ave. Mayor indicated once John Daly Blvd median work is complete, higher focus will be on pothole repair.

- Councilman Spanbauer asked who was responsible for the 'Hooker Docks' area. It is becoming over grown and accumulating debris. Mayor indicated it would be determined who was responsible to address the issues.
- Councilman Soda asked if it would be feasible for City to be proactive, reaching out to property owners of adjacent vacant lots for purchase. Mayor indicated it would be a positive effort if staffing allows.
- Mayor discussed recent Niagara Falls Strategic Development Fund meeting which was very positive. Submissions to be considered for funding are due by May 14.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF MARCH 2021

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: DISPOSITION OF SURPLUS CITY PROPERTY OTHER THAN REAL PROPERTY, PROFESSIONAL AUCTIONEER, CASH REALTY & AUCTIONS, LLC

Agenda Item #2

As the Council is aware, the City has utilized Cash Realty & Auctions, LLC ("Cash") to dispose of surplus City property (other than real property, which is auctioned off separately via the In-Rem tax foreclosure process) since May 15, 2019. Cash is a locally owned and operated professional auctioneering service that has been in business for over thirty (30) years. Their website receives approximately five thousand (5,000) hits a week and they conduct hundreds of auctions each year. They have an experienced local team, several local municipal clients including Erie County, and impeccable references. The Purchasing Division reports that Cash has done an excellent job on the City's behalf during the last two years. As such, we are proposing to retain Cash as the City's professional auctioneer through May 15, 2023.

The terms of Cash's proposal remain unchanged: Cash will conduct professional online auctions on the City's behalf at no cost to the City. Following the conclusion of the auction, the City will retain full control of whether to dispose of the item at the highest price posted, or to reject the bids if the prices are insufficient. Cash will remit the full bid price to the City, and the successful bidder will pay an additional fee equal to 9.5% of its bid price to Cash.

Based upon the recommendation of the Purchasing Division, it is the recommendation of the Administration that the City retain Cash as professional auctioneer and that the City enter into a two (2) year agreement based upon the terms and conditions stated herein.

Will the Council so approve and authorize the Mayor to execute all documents necessary to retain this vendor, in a form acceptable to the Corporation Counsel?

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

Yeas

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Nays

0

APPROVED

BID #2021-08: CLEARING AND CUTTING OF LOTS, 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 thirteen (13) 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 DPW Grass Cutting/Clean Up account code A.8510.0000.0449.000.

Will the Council so approve?

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

Yeas

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Nays

0

APPROVED

DEPARTMENT OF CODE ENFORCEMENT: REPAIR, DEMOLITION, BOARD OF STRUCTURES, EXPENSES, APRIL 1, 2020 TO MARCH 31, 2021

Agenda Item #4

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

Yeas

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Nays

0

APPROVED

CONTRACT: 2020 DRAINAGE STRUCTURE REPLACEMENT/REPAIR PROJECT, 4TH GENERATION CONSTRUCTION CO, CHANGE ORDER #2, FUNDING

Agenda Item #5

A contract for the above referenced project was awarded to 4th Generation Construction Co. Inc. on April 22, 2020 in the amount of \$415,356.00.

Due to discoveries of failed manhole risers and cast iron basins not evident prior to the milling/resurfacing process, additional quantities of catch basin replacements and manhole restorations were performed that were not included in the project's original scope. The costs associated with the extra drainage structure improvements total \$47,450.00, bringing the new contract total to \$462,806.00. 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 change order in a form acceptable to the Corporation Counsel?

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

Yeas

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Nays

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APPROVED

CONTRACT: MEALS FOR PRISONERS, FRANKIE'S DONUTS, INC.

Agenda Item #6

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

TO: Frankie's Donuts, Inc.
717 Portage Road
Niagara Falls, New York 14301

FOR: Meals for prisoners at the Municipal Services Building:
Breakfast - picked up by City (est. 3,000) \$1.25
Lunch/Supper - picked up by City (est. 9,000) \$1.75
Vegetarian Request (est. 20) \$1.75
Diabetic Request (est. 100) \$1.75

(Note: unit price for diabetic request is added to the unit price of meal when purchased.)

The City Purchasing Division certifies that all bids (on file in the City Clerk office) 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 eleven (11) vendors. Two (2) bids were received. This contract will be in effect from May 16, 2021 through May 15, 2022.

Funds for this expenditure are available in Prisoner Meals A.3120.0001.0449.010.

Will the Council so approve?

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

Yeas

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Nays

0

APPROVED

DEPARTMENT OF COMMUNITY DEVELOPMENT: PREPARATION OF 2021-2022 CONSOLIDATED ACTION PLAN

Agenda Item #7

The Department of Community Development requested proposals for a consultant for the preparation of its 2021-2022 Annual Action Plan. The consultant will provide services regarding the Consultation (PR-10), Citizen Participation (PR-15), and Needs Assessment (NA) and Housing Market Analysis (MA) sections of the Annual Action Plan 2021-2022, as applicable. In addition, the consultant will oversee and coordinate all public hearings, the public comment portions, as well as the six main sections of the Annual Action Plan 2021-2022 (Needs Assessment, Market Analysis, Strategic Plan, Action Plan, Executive Summary, and the Plan Process).

Additionally, the Plan will address the City's HOME Program, the Emergency Solutions Grant Program, and the Community Development Block Grant Program (CDBG) and its related Annual Action Plan 2021-2022. The Plan must be ready to submit to HUD by August 12, 2021.

H. Sicherman and Company, Inc., d/b/a The Harrison Studio, was the only company submitting a proposal. H. Sicherman aided the City in preparing its 5 year plan and is well qualified to provide the services requested. The fee for the services will be not to exceed \$13,000.00. CDBG Administrative funds will be the source of monies to pay for the consulting services.

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

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

Yeas

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Nays

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APPROVED

FIRE DEPARTMENT: PURCHASE OF EQUIPMENT, STATE/MUNICIPAL FACILITIES PROGRAM, GRANT AWARD

Agenda Item #8

The City of Niagara Falls was recently awarded a State and Municipal Facilities Program Grant in the amount of \$50,000.00 grant from the Dormitory Authority of the State of New York ("DASNY"). The Niagara Falls Fire Department applied for this grant in order to purchase specialized washers and dryers to launder firefighting turn-out gear. This equipment is needed to enhance the safety for our firefighters as it is crucial to remove dirt, soot and carcinogens from turn-out gear after each fire. This grant will also be used to purchase a forcible entry simulator to train our firefighters in forcing open doors with many different types of locking mechanisms.

Please note that there is no local match associated with this grant.

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

Yeas

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Nays

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APPROVED

CITY PROPERTY: 1611 PINE AVENUE, ENCROACHMENT ON CITY RIGHT-OF WAY

Agenda Item #9

Sheila Gavazzi, representing the above referenced property, has applied for an awning encroachment into the City's right-of-way.

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

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

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

Will the Council so approve?

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

Yeas

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Nays

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APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK'S OFFICE

MAYOR'S APPROVAL

Agenda Item #10

THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: DENISE YVONNE BREWER EASTERLING, HONORING, 2021-24

BY: ALL COUNCIL MEMBERS, MAYOR ROBERT RESTAINO

Agenda Item #11

WHEREAS, Denise Yvonne Brewer Easterling was born on April 27, 1952 to the late Ollie and Susie Brewer in Niagara Falls, NY; and

WHEREAS, Denise was educated in Niagara Falls' public schools and is a proud alumna of Center Avenue Elementary, North Junior and Niagara Falls High School. She returned to complete her education in 2000 at Niagara University where she earned her Bachelor of Science Degree in Travel/Tourism Administration in 2004 and her Master's Degree in Education Leadership, *cum laude*, in 2007. Denise was also a member of the Eta Sigma Delta Honor Society; and

WHEREAS, Denise Easterling was a 12 year breast cancer survivor and the recipient of several community, educational, and professional awards, including: induction into the Niagara Falls Housing Authority "Wall of Fame"; Sisterhood Incorporated's "Rosa Parks Achievement Award"; a Senator Antoine M. Thompson 2010 "Annual Women's History Month" honoree, and; *Niagara Gazette's* "Women of Distinction" honoree in 2011; and

WHEREAS, in 1993, Denise founded of *Underground Railroad Tours by Denise* ("UGRR TBD"), providing consultation, research, guided tours, lectures, and presentations about the Underground Railroad historical activity in Niagara County specifically, and African American history surrounding the Underground Railroad generally. As part of her work at UGRR TBD, Denise created the fictional character, "Mrs. Queenie Rivers"; and

WHEREAS, during the mid-1980's, Denise worked at WJL Radio 1440 where she also produced the 30 minute public service program "Soul Vibrations"; during this same period, she also wrote a column for the *Niagara Gazette* and served as Production Manager at the Edwin Mellon Press in Lewiston, NY. In the 1990's, Denise joined the *Buffalo Challenger* as the Managing and Assistant Editor. During the early 2000's, she was performing Underground Railroad research and conducting tours for the Murphy Orchards Farm, a National Freedom Trail site. Denise also worked as an Underground Railroad consultant with the Castellani Museum "Freedom Crossings" installation and with Marble Orchards, the Lewiston Arts Council Troupe.

WHEREAS, as part of her long record of volunteerism, Denise was active on numerous boards and committees. To mention but a few, Denise was a board member of the Highland Avenue Neighborhood Preservation Corp., the award winning Niagara Falls Faith-Based Collaborative and 1990's Niagara Falls Underground Railroad Committee, where she coordinated a 19-day tour retracing of Underground Railroad trails and locations on the east coast from Atlanta to New York City, to Harriet Tubman's hometown of Auburn, NY, to Niagara Falls, NY, Niagara Falls, Ontario and Niagara-on-the Lake. For several years Denise acted as MC, coordinator, and tour guide of the Freedom Trail Festival sponsored by Niagara University. Denise proudly served as President of the New Niagara Community Center, Vice Chair and Treasurer of Niagara Falls Underground Railroad Heritage Interpretive Center Museum and as a director with the Niagara Falls Preservation Commission and the Niagara Falls Tourism Advisory Board; and

WHEREAS, prior to her short illness with pancreatic cancer, Denise was Administrative Assistant at St. John's AME Church, where she was also an active Sunday School student and always read in the adult class. She also participated on the Lay Board and with the Trailblazing Seniors. She loved to dance, share Black History, laugh, and spend time with her friends and family; and

WHEREAS, on January 31, 2021, surrounded by her loved ones, Denise left us to dance around the Throne of Glory. Her legacy of love and life will be carried on through the many who have crossed her path, but none more honored than her daughter Rozonia Easterling, daughter and son-in-love Marchia and Stacy Robinson; sisters Darlene, Desiree and Danielle; grandchildren Joi, Dezmond, Sharmain & Blair Robinson; Grammy's great grand's Dez'Janae, Xymire, Dakkhari, Eric George, Jr., Jbyi and Lathan Portis; nephews Chaunce & Devon Brewer; dear friend Vester Brown, and many family and friends. She was predeceased by husbands Robert Easterling and Simba Mlee and her brother, Orlando Derrick.

WHEREAS, Denise, known to her loved ones as Nesie, Grammy, Gram, Mom, Sister and Aunt, has continued her devotion and dedication to education and community through the gift of her earthly body to science.

NOW, THEREFORE, BE IT RESOLVED that the Niagara Falls City Council and Mayor Robert M. Restaino wish to honor the memory of Denise Yvonne Brewer Easterling and recognize her life, service, dedication and commitment to our City, our children, our history and the community at large by designating April 28, 2021 as "Denise Easterling Day" in the City of Niagara Falls.

There being no further business to come before the Council,
Chairman Tompkins adjourned the Meeting at 6:40 P.M.

Kathleen Ligammari
City Clerk



MAY 12, 2021

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The Legislative session of the May 12, 2021 Niagara Falls City Council Meeting was called to order by Council Chairman Kenny Tompkins at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Frank Soda, John Spanbauer, Chris Voccio, Council Chairman Kenny Tompkins

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 Chairman Tompkins moved to approve the Minutes from the Council Meeting of April 28, 2021

Yeas

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Nays

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APPROVED

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

Daniel Trane Plastic left in street from Water Board; alley trash;
street cleaners not doing job well; grass cutting
Gloria J. Dolson Thanked Council for efforts; intersection signage
clarity needed

Mayor/Administration Update:

- The Governor announced vaccine sites at NFTA locations to include bus depot on Portage Rd.
- A.R.P. Treasury regulations were issued May. 11. Administration in the process of reviewing the contents of the very detailed document.
- Re: vacant City property topic discussed at previous meeting. A list has been compiled of all vacant City owned properties. The Mayor had discussions with N.U. to provide student assistance with the Assessor's office to notify adjacent property owners of availability to purchase. Efforts forthcoming.

Controllers Report: No report. In process of reviewing A.R.P regulations.

Review of Agenda Items

- Item 2 - The Mayor clarified that this work coincides with paving needs. The asphalt plant is not yet able to supply the City with materials yet.
- Item 5 - Mayor Restaino clarified NFPD officer staffing levels as related to the grant. Further clarification given to Councilman Spanbauer's inquiry of grant period.
- Item 6 - Councilman Spanbauer expressed hope that the City can sponsor a concert or event late summer or fall as things open up more post pandemic.

- Item 7 - Councilman Soda asks for an Assessor tutorial regarding growing gap and disparity between property market value and assessed value. The Mayor indicated a plan would be made to include the Assessor at a future meeting.
- Item 9 - Councilman requested clarification of vending 'equipment'. Corp. Counsel Mazur responded.

Misc:

- Councilman Tompkins questioned if conference center vaccine site would be discontinued in light of pop up distributions at NFTA sites. The Mayor indicated that may be possible and that mobile distribution methods will also be explored.
- Councilman Kennedy inquired about Blue Cardinal project status. Mayor responded that they are in the process of 'repositioning financing' and it should be complete soon. They are working with a firm that is well versed in their type of project.
- Councilman Kennedy also asked about status of waste water treatment facility upgrade. The Mayor indicated the Water Board would be responsible for that timeline which to his understanding includes upgrades to interior and training efforts.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK CLAIM'S FOR THE MONTH OF APRIL 2021

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: 2021 DRAINAGE STRUCTURE REPLACEMENT/REPAIR PROJECT (VARIOUS LOCATIONS), 4TH GENERATION CONSTRUCTION CO.

Agenda Item #2

The following was the result of bids received on May 5, 2021, for the above referenced project:

CONTRACTOR	BASE BID
4 th Generation Construction Co. Inc.	\$510,510.00
5650 Simmons Ave.	
Niagara Falls NY 14304	
Mark Cerrone Inc.	\$558,575.00

It is the recommendation of the undersigned that this project be awarded to the low bidder 4th Generation Co. Inc. at their Base Bid of \$510,510.00. Please note that this amount is completely reimbursable with NYSDOT CHIPS monies. The funding code will be H0321, which represents CHIPS funding to be received for 2021 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 Voccio moved that the communication be received and filed and the recommendation approved.

Yeas

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Nays

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APPROVED

FINANCE DEPARTMENT: REORGANIZATION

Agenda Item #3

Due to a recent promotion, there is an opportunity to reorganize the City Controller's office in a manner that will maintain essential services. The City Controller has proposed that the vacated Finance Clerk position (Grade 7) be eliminated and replaced with an "Account Clerk" position (Grade 7). As this position is a similar grade, there will be no impacts to salary rates. Funding currently exists within A.1315.0000.0110.000 for this position

Will the Council so approve?

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

Yeas

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Nays

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APPROVED

CONTRACT: COMMUNITY DEVELOPMENT, THIRD PARTY LEGAL SERVICES CONSULTANT, RICHARD ZUCCO

Agenda Item #4

In June, 2020 the City Council approved hiring Richard Zucco, the retired Community Development legal counsel, as a third-party consultant to provide services to the Community Development Department. The rate of pay was \$175.00 per hour, with a total of \$30,000.00 appropriated from CDBG funds.

The one year agreement is expiring. Less than half of the \$30,000.00 has been expended. It is proposed that the consultancy be extended for an additional year on the same terms and conditions, at the current rate, with no additional funds appropriated. This will allow the continuation of the arrangement which has been beneficial to the Community Development Department.

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

Yeas

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Nays

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APPROVED

POLICE DEPARTMENT: COPS HIRING PROGRAM GRANT

Agenda Item #5

On October 7, 2020, the City Council approved acceptance of the U.S. Department of Justice's COPS Hiring Program ("CHP") grant in the amount of \$2,308,478.00 to fund eight (8) police officer positions over a three (3) year period. Implementation of the CHP grant will allow the NFPD to increase its community policing and crime prevention efforts.

However, as you know, eight (8) vacant positions were eliminated in the 2021 NFPD budget. We are now seeking to hire eight (8) police officers in accordance with the grant to back fill the positions that were previously cut in the 2021 budget. Originally, it was thought that this would require the City to amend the grant to change the hiring category from "New Hires" to "Rehires Previously Laid Off", but this not the case. Accordingly, we are requesting that the Council authorize hiring these additional Police Officers by amending line A.3120.2700.0110.000 of the NFPD budget to include these eight (8) positions.

Will the Council so approve the hiring of eight (8) officers in accordance with the CHP grant 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 Voccio moved that the communication be received and filed and the recommendation approved.

Yeas

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Nays

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APPROVED

05/12/2021

CONTRACT: USA NIAGARA DEVELOPMENT CORP., (MANAGEMENT/PROGRAMING OF OLD FALLS STREET)

Agenda Item #6

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 Global Spectrum 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 Global Spectrum, 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 2021, 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 Voccio moved that the communication be received and filed and the recommendation approved.

Yeas

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Nays

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APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY ASSESSOR

HOMESTEAD/NON-HOMESTEAD ASSESSMENT ROLL: CERTIFICATION OF BASE PERCENTAGES, CURRENT PERCENTAGES AND CURRENT BASE PROPORTIONS

Agenda Item #7

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

Yeas

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Nays

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APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CITY PROPERTY: 200 RAINBOW BLVD., ENCROACHMENT ON CITY RIGHT-OF WAY

Agenda Item #8

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

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

1. The owner will add the City of Niagara Falls as an additional insured on its liability insurance policy and provide a copy to the City.

2. The owner will defend and indemnify the City from liability related to the awning encroachment.
3. The City can revoke permission for the encroachment on ninety (90) days notice.
4. The City right-of-way will not be obstructed and will at all times allow for the safe passage of pedestrians.

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

Will the Council so approve?

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

Yeas

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Nays

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APPROVED

RESOLUTION: AMENDING CHAPTER 341 OF THE CODIFIED ORDINANCES ENTITLED "VENDORS AND PEDDLERS", 2021-25

BY: COUNCIL MEMBERS KENNEDY, SODA, VOCCIO, CHAIRMAN TOMPKINS

Agenda Item #9

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that Chapter 341 of the Codified Ordinances entitled "Vendors and Peddlers" is hereby amended to read as follows:

...

341.16 Old Falls Street Special Vending District

...

(d) Vending Carts [Hand carts only]. Vending operations in the Old Falls Street Special Vending District shall be limited to professionally-fabricated [hand/push] carts [style] and related equipment.

...

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

Yeas

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Nays

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ADOPTED

RESOLUTION: OUTDOOR DINING PERMITS, AUTHORITY TO CITY ADMINISTRATOR, 2021-26

BY: ALL COUNCIL MEMBERS

Agenda Item #10

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, the Niagara Falls City Council approved resolution 2020-34 on June 17, 2020 to authorize an expedited process to approve temporary outdoor dining in order to allow local businesses to operate according to the Governor's orders; and

WHEREAS, resolution 2020-34 expired on November 30, 2020 but the COVID-19 emergency is ongoing and local businesses are unable to open indoor dining at full capacity; and

WHEREAS, the City Council wishes to support local businesses and allow them 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 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 November 30, 2021 or as soon as the State of New York eliminates social distancing regulations, whichever first occurs.

Yeas

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Nays

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ADOPTED

There being no further business to come before the Council, Chairman Tompkins adjourned the Meeting at 6:39 P.M.

Kathleen Ligammari
City Clerk



MAY 26, 2021

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The Legislative session of the May 26, 2021 Niagara Falls City Council Meeting was called to order by Council Chairman Kenny Tompkins at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Frank Soda, John Spanbauer, Chris Voccio, Council Chairman Kenny Tompkins

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

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

Council Chairman Tompkins moved to approve the Minutes from the Council Meeting of May 12, 2021

Yeas

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Nays

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APPROVED

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

Danny B.	Removal of property on his porch by Clean Team
Andrea Fortin-Nosavage	Short Term Rental violations
Gretchen Leffler	Short Term Rental violations
Marla Price	Short Term Rental
Donna Delles	Short Term Rental
Laura Rotella	Short Term Rental
Ezra Scott Jr.	Policing/residential issues
Thomas Sisco	Crime concerns
Helen Coleman	Gluck Park, foot patrols needed, NFPD should engage with youth
Jockline Pryor	Short term rental concerns; poor recognition of anniversary of George Floyd in the Niagara Gazette
Gloria Dolson	Short Term rental concerns; poor recognition of anniversary of George Floyd in the Niagara Gazette
JaNasha Peay	Gluck Park concerns
Javonna Ridgeway	Gluck Park concerns

Mayor/Administration Update:

- Advised Council and residents there is language in the American Cares Act document regarding funds to municipalities, which allows Congress to claw back unencumbered funds.
- In response to speakers concerns regarding Gluck Park, Mayor indicated he was committed to developing a plan to secure it and make it a safe environment for community use.
- Regarding Short Term Rental (STR) concerns. Mayor indicated 300 STRs has grown to 400 since failure to pass previously submitted ordinance change. Council needs to pass common sense legislation to rectify issues.

- Review of American Rescue Plan document brought forth a glaring issue with wording, hopefully a typographical error. Further clarification pending.

Controllers Report:

- Overview of DOT Touring Route Program.
- User fee results being updated.
- Audit results anticipated to be presented in June.
- 2022 Budget process to begin soon.

Review of Agenda Items

- Item 3 - Councilman Soda requested clarification of funding.
- Item 4 - Councilman Spanbauer offering general statement regarding hope that auxiliary funds will be budgeted for such matters vs. relying on casino funds reserve. It appears such measures are being pursued.
- Item 11 - Councilman Voccio explained his pending no vote, Councilman Soda explained his vote of support.

Misc:

- Councilman Spanbauer stated Council has reviewed the Mayors STR plan and they are committed to making changes.
- Councilman Kennedy suggested school district resource officers be positioned in are of Gluck Park during summer recess.
- Councilman Soda questioned the roles of various Boards & Commissions. Do they have regulatory or advisory role over Council? The obscure clause in zoning/planning ordinance requiring super majority vote to pass items is not consistent with most levels of government process.
- Chairman Tompkins voiced need to get serious about property reassessment. Most nearby municipalities have in recent years, it's been over 20 years for the City. The Mayor contributed that the levy needs to be adjusted as well. Councilman Spanbauer indicated that the 2015 Advisory Board suggested reassessment.
- Councilman Soda addressed a speakers frustration that Council does not offer responses to concerns subsequent to the meeting they are expressed. He notes that is had been a practice with previous Council bodies and suggests it should resume.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF APRIL 2021

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: PROJECT MANAGEMENT SOFTWARE, PURCHASE, WORKZONE PROJECT MANAGEMENT SOFTWARE, INC.

Agenda Item #2

In reviewing ways to reduce costs while increasing productivity throughout our various departments, it is being recommended that the City utilize project management software. Project management software is employed in a wide-range of industries for project planning, resource allocation and scheduling. This type of software allows for establishing a schedule for all parties involved so as to monitor progress in meeting timelines for the completion of projects and to provide more accurate information on project status and accountability. 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 various project management software packages, it has been determined that Workzone Project Management Software would best meet the needs of the City; therefore, it is hereby proposed that the City enter into an agreement with Workzone Project Management to provide the needed technology. The software has an annual cost of \$5,760.00 with a one-time set-up and training fee of \$630.00. Funds are available in the MIS Budget Line A.1680.0000.0444.007.

Will the Council so approve 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 Kennedy moved that the communication be received and filed and the recommendation approved.

Yeas

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Nays

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APPROVED

CONTRACT: TROLLEY SERVICE FUNDING, NFTA

Agenda Item #3

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

Under the proposed agreement (on file in the City Clerk's Office), Trolley Service will commence on May 28, 2021 and will continue through June 13, 2021 on weekends only (Friday, Saturday and Sunday). Beginning June 14, 2021, service will be seven (7) calendar days following the City's written notice to Metro (the "Service Start Date") and operate daily through and including September 26, 2021. The service will operate weekends only (Friday, Saturday and Sunday) beginning October 1, 2021 through and including October 31, 2021. The Service will operate hourly between 9:00 a.m. and 12:00 a.m. on the Service days indicated above. From November 1, 2021 through December 31, 2021 guests from participating Hotels (defined below) will have access to Metro's regular fixed route, open-door, and non-trolley service. The cost to the City for this service will be \$552,985.59. 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 Kennedy moved that the communication be received and filed and the recommendation approved.

Yeas

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Nays

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APPROVED

CONTRACT: HVAC CONTROL SYSTEM/SERVICE-MUNICIPAL BUILDING, REPAIR, TRANE US, INC.

Agenda Item #4

As it concerns the HVAC Control System at the City's Municipal Building at 1925 Main Street, the computer motherboard and related equipment is in need of replacement. This is caused the system to malfunction and default to a "heat only" setting which has made it impossible to adjust the temperature in the building.

In order to service the Control System and repair and replace the necessary hardware, it is hereby proposed that the City enter into an agreement with Trane US, Inc., to undertake the same. The cost for this service is \$59,089.00; funding is available from tribal funds.

Additionally, in order to properly monitor the HVAC Control System at the facility, it is proposed that the City enter into a three (3) year service agreement with Trane US, Inc. to provide needed maintenance to the system. The cost for Year 1 of this agreement is \$10,272.00; Year 2 is \$10,584.00, and; Year 3 is \$10,896.00. Funding for the first year of the service agreement funding would come from tribal funds; years 2 and 3 of the service agreement would be allocated from the 2022 and 2023 Department of Parks and Public Works budgets.

Will the Council so approve 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 Voccio moved that the communication be received and filed and the recommendation approved.

Yeas

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Nays

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APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

452 20TH STREET: INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #5

At the Traffic Advisory Commission meeting held on May 17, 2021 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 452 - 20TH STREET

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

Submitted By: Norine Vathy, on behalf of her mother, Mary Chmielewski, 452 - 20th Street

It is requested that City Council approve this recommendation.

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

Yeas

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Nays

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APPROVED

1937 CUDABACK AVENUE: INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #6

At the Traffic Advisory Commission meeting held on May 17, 2021 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 1937 CUDABACK AVENUE

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

Submitted By: Keri Raymond, 1937 Cudaback Avenue

It is requested that City Council approve this recommendation.

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

Yeas

5

Nays

0

APPROVED

1355 WILLOW AVENUE: INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #7

At the Traffic Advisory Commission meeting held on May 17, 2021 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 1355 WILLOW AVENUE

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

Submitted By: Linda Green, 1355 Willow Avenue, Apt. 1

It is requested that City Council approve this recommendation.
Council Member Kennedy moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

403 9TH STREET: INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #8

At the Traffic Advisory Commission meeting held on May 17, 2021 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 403 - 9TH STREET

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

Submitted By: Katrina Thomas, on behalf of her daughter, Keiasia Hutcherson, 403 - 9th Street, Apt. 1

It is requested that City Council approve this recommendation.
Council Member Kennedy moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

2736 LIVINGSTON AVENUE: INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #9

At the Traffic Advisory Commission meeting held on May 17, 2021 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 2736 LIVINGSTON AVENUE

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

Submitted By: Joseph Collins, 2736 Livingston Avenue

It is requested that City Council approve this recommendation.

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

Yeas

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Nays

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APPROVED

INFORMATIONAL ITEMS: DENIED

Agenda Item #10

At the Traffic Advisory Commission meeting held on May 17, 2021, the Commission:

DENIED:

1) Request submitted by Maureen Trimmer, on behalf of her mother, Elaine Connor, 3623 Chapin Avenue to INSTALL A 5' HANDICAPPED ACCESS SPACE IN FRONT OF 3623 CHAPIN AVENUE. The request was denied since the criteria for the handicapped access space was not met. The residence has a wide driveway to provide access, and therefore the Commission denied this request.

2) Request submitted by Paula Manganero, on behalf of her husband Anthony Manganero, 523 - 76th Street to INSTALL A 5' HANDICAPPED ACCESS SPACE IN FRONT OF 523 - 76TH STREET. The request was denied since the criteria for the handicapped access space was not met. The residence has a wide driveway to provide access, and therefore the Commission denied this request.

3) Request submitted by Judy Deull, 812 Cayuga Drive to INSTALL ALL WAY STOP SIGNS AT THE INTERSECTION OF CAYUGA DRIVE AND SOUTH MILITARY ROAD. The intersection was studied with the following results: Accidents (right angle and turning collision): 2016/0, 2017/0, 2018/0, 2019/0, 2020/1, 2021/0 to present. Traffic Volume (average of the 8 highest hours per day): Cayuga Drive = 769 vehicles, South Military Road = 201 vehicles. This intersection falls short of the MUTCD Minimum Warrants (for 2 of the 3 following criteria) for the placement of "ALL WAY" stop signs (5+ right angle and turning collision accidents per 12 month period and 500 total vehicles per hour for the highest 8 hours per day with a close to even (60/40 or better) split between main road and side road), and therefore the Commission denied this request.

THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: LOCALLY ENHANCED INFRASTRUCTURE PROJECTS, EXPRESSING SUPPORT, 2021-27

BY: COUNCIL MEMBERS KENNEDY, SODA, SPANBAUER, CHAIRMAN TOMPKINS

Agenda Item #11

WHEREAS, the original construction of the Niagara Scenic Parkway denied residents of the City of Niagara Falls, New York the pleasure of unobstructed access to the shore of the Niagara River and the rim of the Niagara Gorge; and

WHEREAS, the construction of the LaSalle Expressway resulted in a division of traditional neighborhoods within the LaSalle section of the City of Niagara Falls and negatively impacted the residential character of this area; and

WHEREAS, the construction of one-way thoroughfares on Walnut Avenue and Ferry Avenue have created the opportunity for the excessive speed that is frequently demonstrated by motorists traveling through the adjacent residential areas; and

WHEREAS, there are several elementary schools located on streets in Niagara Falls that have been modified to accommodate increased commercial traffic thus necessitating the implementation of reduced-speed zones near these schools; and

WHEREAS, President Joe Biden has included a significant allocation of funding for infrastructure revitalization within the proposed American Jobs Plan and United States Senator Charles Schumer has included funding for similar projects in the proposed Reconnecting Communities Act; and

WHEREAS, in the past, transportation investments in urban areas often failed to anticipate the divisions that would be created within neighborhoods and the reduction of affordable transportation that has resulted from these infrastructure projects; and

WHEREAS, while past transportation investment has been directed toward projects that were intended to increase traffic volume and traffic flow these investments have also contributed to poor air quality and noise pollution; and

WHEREAS, future capital investment in transportation infrastructure must be focused on promoting a safe and healthy living environment for neighborhood residents;

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does enthusiastically encourage and support the passage of the American Jobs Plan and the Reconnecting Communities Act; and

BE IT FURTHER RESOLVED the City Council does respectfully request the New York State Department of Transportation to initiate studies and make recommendations for so-called "traffic calming" modifications to those thoroughfares whose configuration has created a negative impact on the residential areas in which they are located; and

BE IT FURTHER RESOLVED that the City Council also respectfully requests that the Mayor and the City Administrator allocate funds from the local share of the American Rescue Plan Act for infrastructure projects in those neighborhoods that have been marginalized or disadvantaged by previous federal and state highway projects; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be sent to the offices of U. S. Senator Charles Schumer, U. S. Senator Kirsten Gillibrand, Congressman Brian Higgins, Congressman Christopher Jacobs, and the New York State Department of Transportation, Region 5.

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

ADOPTED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS: APPOINTMENTS

Agenda Item #12

The following have requested City Council approval for Commissioner of Deeds for a term from July 1, 2021 to June 30, 2023.

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

Victoria Gemuend	Engineering
Linda Roulley	Corp. Counsel
Angela Eugeni	City Clerk

Samuel Archie	2133 North Ave., Niagara Falls, NY 14305
Gloria Dolson	1502 Ontario Ave., Niagara Falls, NY 14305
James Joyce	2744 Thornwoods Dr., Niagara Falls, NY 14304
Mark Nearhood	1125 Oak Place, Niagara Falls, NY 1430
Jockline Pryor	507 - 5 th Street, Niagara Falls, NY 14301
Frederick Pucci	2991 McKoon Ave., Niagara Falls, NY 14305
Eugene Pucci	619 Pine Ave., Niagara Falls, NY 14301
Vincent Mameli	462 77 th Street Niagara Falls, NY 14304
Barbara Gonzalez	2412 North Avenue Niagara Falls, NY 14305
Renae Kimble	3302 Hyde Park Blvd Niagara Falls, NY 14305
Dorothy West	245 71 st Street Niagara Falls, NY 14304

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

Yeas

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Nays

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APPROVED

MAYOR'S APPROVA: RESOLUTION 2021-25

Agenda Item #13

THIS ITEM WAS RECEIVED AND FILED

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

Kathleen Ligammari
City Clerk



JUNE 1, 2021

SPECIAL COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The June 1, 2021 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Tompkins at 5:00 PM in the Council Chambers.

Present: Corporation Counsel Chris Mazur, City Controller Daniel Morello.

Special meeting to consider a moratorium on the consideration of building/use permits for short-term, vacation or transient rentals, so as to enable the City to develop a comprehensive and detailed plan concerning the location, regulation and approvals of such rentals.

Comments prior to vote:

- Councilmen Spanbauer clarified that permits already submitted and approved are not affected by the moratorium.
- Councilman Kennedy stated he is not against proposed ordinance changes, the problem is with enforcement. He hasn't seen evidence of complaints toward short term rentals (STR). Feels moratorium stymies legitimate operators seeking permits and does nothing to address illegal operators.
- Chairman Tompkins states overhauled ordinance is very close to completion and will address primary issues.
- Councilman Spanbauer read a statement explaining need to come up with an effective plan that is enforceable.

Item approved by 4-1 vote.



City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

May 28, 2021

Members of the City Council
and
Kathleen Ligammari, City Clerk

Re: Special Meeting of the Niagara Falls City Council

Council Members and Madam:

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 Tuesday, June 1, 2021 at 5:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, NY, for the following purpose:

To consider a moratorium on the consideration of building/use permits for short-term, vacation or transient rentals so as to enable the City to develop a comprehensive and detailed plan concerning the location, regulation and approvals of short-term, vacation or transient rentals.

Respectfully submitted,


Kenny Tompkins, Council Chair



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RESOLUTION No. 2021-28

RELATIVE TO SHORT-TERM, VACATION OR TRANSIENT RENTALS, CREATING A MORATORIUM
ON THE CONSIDERATION
OF APPLICATIONS FOR BUILDING/USE PERMITS
THROUGH SEPTEMBER 16, 2021

BY:

Council Chairman Kenny Tompkins

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 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, among other things, 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

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 through September 16, 2021, a 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, regulation and approvals of short-term, vacation or transient rentals.

Council Member Spanbauer 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 Tompkins adjourned the Meeting at 5:12 PM.

Kathleen Ligammari
City Clerk



JUNE 9, 2021

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The Legislative session of the June 9, 2021 Niagara Falls City Council Meeting was called to order by Council Member Chris Voccio at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Frank Soda, John Spanbauer, Chris Voccio
Council Chairman Kenny Tompkins was absent

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

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

Council Member Voccio asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Gene Carella	Agenda Item #2
Cherish Beals	Agenda Item #9
Donta Myles	Agenda Item #9; asks Council to respond to publicly Expressed issues-answers/acknowledgment
Jockline Pryor	Agenda Item #6
Daisy McClain	Nearby Park not safe/no swings
Gloria Dolson	Nearby Park not safe/no shade at Legends Park
Mary Tillman	General observations of needed improvements throughout City
Adam Giacometti	Agenda Item #2
Curtis DuBois	Defense of their STR
Kathy DuBois	Defense of their STR
Laurie Jacklin	Defense of their STR
Cherish Beals	Gluck Park violence
Mary Supon	No response to Memorial Tree request at Hyde Park
Tim Huether	Sink Hole on Ashland Ave. needs attention
Robert Ventry	Prioritize road paving, worse 1 st
Donta Myles	Request more engagement from Council Members in Community
Ezra Scott, Jr.	More Police presence in high crime areas, relationship building
Jockline Pryor	Status of Refuse Fee; plan submitted to Mayor not acknowledged
Anthony Gelose	Supports STR of DuBois

Presentation: Andrea Czopp, Destination Niagara report

Mayor/Administration Update:

- Administrator introduced Assessor James Bird to give Council overview of Homestead vs. Non homestead tax rates. Also stated reasons reassessment is needed. Councilman Soda requested further clarification of property assessed value vs. market value and reason for disparity between both figures.
- Administrator addressed Chairman Tompkins inquiry at previous meeting regarding bus patrols. He indicated a related resolution is anticipated to be presented at the next regular meeting.

Controllers Report: None

Review of Agenda Items

- Item 2 – Councilman Spanbauer explained the RFP process. Discussion between Council and Corporation Counsel toward amending language in the resolution.
- Item 9 – Councilman Soda clarified reasons behind change of ordinance.

Misc:

- Councilman Kennedy brought attention to stop sign at 24th St. and Niagara Avenue being blocked by bushes.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S CLAIM REPORT FOR THE MONTH OF MAY 2021

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: HYDE PARK ICE PAVILION OPERATION, FIVE JAY'S ENTERPRISES, INC.

Agenda Item #2

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

WITH: Five Jay's Enterprises, Inc.
87 Marlin Court
Grand Island, New York 14072

FOR: Operation of the Hyde Park Ice Pavilion

Notice that proposals were to be received was advertised in the Niagara Gazette and requests for proposals were sent to eleven (11) vendors. Two (2) proposals were received, as well as one (1) "No Bid" response.

Five Jay's Enterprises, Inc. ("Five Jay's") is a new organization created specifically for this project. Leading this organization is an experienced local team with over twenty five years of experience in public facility management, much of this time in ice arenas; and twenty years of experience in the creation and management of business plans, operations and turning around distressed properties, primarily in the Food & Beverage Industry. Mindful of the long history of the Hyde Park Ice Pavilion, this vendor is well positioned to move HPIP forward with an innovative marketing plan, strong ties to local youth hockey organizations and the creation of programs and opportunities for engaging youth, by creating partnerships with such groups as the Boys and Girls Clubs and the local corporate community.

Five Jay's will assume management of the Hyde Park Ice Pavilion as an independent contractor and can provide staffing, equipment, amenities, marketing, routine maintenance, repairs and services for the operation and maintenance of the property. They have a sound transition plan, will assume responsibility for completing and paying the usual maintenance and repair costs, and have a viable marketing strategy for increasing revenue. The growth of food & beverage operations at the facility is a key component in marketing this facility as a year round venue for private parties, social events and corporate meetings, especially in the off season.

The proposed fee schedule to be paid by Five Jay's for the first three years of operation is attached hereto. As you are aware, utility costs at the facility have averaged \$149,760.00 over the last five (5) years. As such, the estimated total to be paid to the City over the three years is approximately \$564,000.00, and could be higher if utilities costs rise during that time.

Based on the recommendation of the scoring committee, it is the recommendation of the Administration that the City retain Five Jay's as an independent contractor and that the City enter into a three (3) year agreement with a mutual extension of up to two (2) years based upon the same terms and conditions stated herein.

Will the Council so approve and authorize the Mayor to negotiate an agreement, and any other documents necessary to retain Five Jay's Enterprises, Inc. in a form acceptable to the Corporation Counsel and return to the City Council?

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

Yeas	4
Kennedy, Soda, Spanbauer, Voccio	
Nays	0
Absent	
Chairman Tompkins	

APPROVED

CONTRACT: HABITAT FOR HUMANITY, INC., 612 61ST STREET, CHDO

Agenda Item #3

The City approved last year a grant of up to \$208,990.00 to Niagara Area Habitat for Humanity, Inc. Habitat proposes to use the entire grant for construction of a new home at 612-61st St. The home will be approximately 1,400 square feet, will have solar panels and increased insulation and will be financed partly by a grant from National Fuel under its NetZero energy program.

Habitat is still pursuing other grants. The CHDO funds cannot be used to pay project costs for which there are other sources of funds. Since housing costs have increased, it is contemplated that, even with additional grants, the entire CHDO grant will be used.

The home will be sold to a person or family meeting low/moderate income guidelines, and will comply with all CHDO requirements. The occupancy of the home will be subject to affordability guidelines for 15 years.

Upon completion of construction, the homeowners will obtain a bank mortgage. The sale proceeds will be subject to program income requirements, and can be used by Habitat for other similar projects.

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

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

Yeas	4
Kennedy, Soda, Spanbauer, Voccio	
Nays	0
Absent	
Chairman Tompkins	

APPROVED

CONTRACT: 225 SECOND ST & 233 THIRD ST. PARKING LOT, RUPAL CORPORATION

Agenda Item #4

Rupal Corporation ("Rupal") is requesting that the city agreed to allow Rupal the use of 57 unrestricted parking spaces/permits in the City-owned parking lot located at 225 Second Street and 238 Third Street (Third Street Lot). Rupal is proposing to pay the city at a rate of \$50.00 per month per space permit, for a total sum of \$2850.00 per month.

The proposed agreement, which is attached (on file in the City Clerk's Office) for your information review, is three (3) years in length and provides that the City has the ability to terminate the same on 30 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 Soda moved that the communication be received and filed and the recommendation approved.

Yeas	4
Kennedy, Soda, Spanbauer, Voccio	
Nays	0
Absent	
Chairman Tompkins	

APPROVED

CONTRACT: NIAGARA BEAUTIFICATION COMMISSION, RIGHT OF ENTRY/ACCESS FOR CITY PROPERTIES FOR MAINTENANCE/PRESEERVATION

Agenda Item #5

As you well know, the City is the owner of numerous parks and green areas which offer a wide range of recreational opportunities. The Niagara Beautification Commission ("NBC") is a non-profit organization which furnishes services to citizens throughout the City by promoting and fostering neighborhood beautification projects. NBC, through its volunteers and members, have been actively involved in maintenance, stewardship and restoration efforts throughout the City and, in particular, the Hyde Park Rose Garden.

NBC has requested the right of entry upon and access to City properties, particularly the Rose Garden, for the purpose of conducting maintenance and preservation activities. Pursuant to the attached agreement (on file in the City Clerk's Office), the City has agreed to grant NBC a non-exclusive, revocable license to enter upon City properties to perform these activities through December 31, 2022.

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

Yeas	4
Kennedy, Soda, Spanbauer, Voccio	
Nays	0
Absent	
Chairman Tompkins	

APPROVED

AQUARIUM: WHIRLPOOL COMMONS PLAZA PROJECT, GRANT

Agenda Item #6

The Aquarium of Niagara submitted an application to the Niagara River Greenway Commission relative to its Whirlpool Commons Plaza Project ("PROJECT"). This Project is designed to connect residents and visitors to the region's rich ecological assets and promote the critical mission of environmental conversation and offer more family-centric activities in the City.

At its meeting held earlier this year, the Niagara River Greenway Commission Host Community Standing Committee determined that the Project was consistent with the Greenway Plan and approved funding for it in the amount of \$250,000.00, which would come from the City's Greenway Commission Fund Account.

As the City Council has previously indicated its support of the Whirlpool Commons Plaza Project at its December 9, 2020 meeting, the City and the Aquarium wish to agree on the terms and conditions relative to the grant funding to be provided by City from said Greenway Commission fund. To that end, please find attached (on file in the City Clerk's Office) the proposed grant funding agreement relative to the Project. Pursuant to its terms, the City will release \$125,000.00 of the Grant Funds to Aquarium upon execution of the Agreement, with the remaining \$125,000.00 of the Grant Funds released to the Aquarium upon presentment of written certification of completion of the Project. Again these funds are available from the City's Greenway Commission Fund.

Will the Council vote to approve the grant to the Aquarium of Niagara as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	4
Kennedy, Soda, Spanbauer, Voccio	
Nays	0
Absent	
Chairman Tompkins	

APPROVED

CITY CLERK: BUSINESS LICENSE, CULBERT'S PUB INC

Agenda Item #7

Chapter 308 Business Licenses of the Codified Ordinances requires the City Clerk to forward Business License Applications to the City Council in certain circumstances. The following Application(s) requires City Council Action.

Culbert's Pub Inc.
8735 Buffalo Avenue
Niagara Falls, NY 14304

The application is attached (on file in the City Clerk's Office for your review.

Will the Council so approve?

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

Yeas	4
Kennedy, Soda, Spanbauer, Voccio	
Nays	0
Absent	
Chairman Tompkins	

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: MORGAN, LAVERNE S.

Agenda Item #8

Date of Occurrence:	June 30, 2020.
Date Claim Filed:	July 2, 2020.
Date Action Commenced:	Not Applicable.
Location:	Intersection of 7 th Street and Pine Avenue.
Nature of Claim:	Property damage to 2010 Chevrolet Impala (License Plate No. FBJ-6337) which was struck by City of Niagara Falls Department of Public Works Zoom Clean Vehicle #261 (License Plate No. AY3413).
City Driver:	Geonni R. Rychel.

Status of Action:	This matter has been investigated but not yet been placed in suit. At this juncture, Corporation Counsel determined that a reasonable settlement could be reached that will avoid litigation costs and protect the City from legal action.
Recommendation/Reason:	Best interest of City.
Amount to be Paid:	\$1,341.00
Check Writing Details:	Make payable to LAVERNE S. MORGAN.
Conditions:	Fully executed General Release to City must be received and 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 Soda moved that the communication be received and filed and the recommendation approved.

Yeas	4
Kennedy, Soda, Spanbauer, Voccio	
Nays	0
Absent	
Chairman Tompkins	

APPROVED

RESOLUTION: ZONING ORDINANCE SECTION 1302.4.2 (D), AMENDING, 2021-29
 BY: COUNCIL MEMBERS SODA, SPANBAUER, VOCCIO, CHAIRMAN TOMPKINS

Agenda Item #9

WHEREAS, the City Council of the City of Niagara Falls, New York is the legislative, policy-making, and appropriating body for the City; and

WHEREAS, the members of the City Council are elected to four-year terms of office, but serve in a part-time capacity and rely on the City department heads and other personnel to assist them in the performance of their respective duties; and

WHEREAS, the City Council is empowered by the City Charter of the City of Niagara Falls, New York to adopt an annual budget which appropriates funds for municipal services; levy taxes and special assessments; borrow money; enter into contracts, franchises, and other agreements; amend the City Charter; investigate the conduct of city affairs; and to exercise all powers of local legislation with respect to enacting, amending, or rescinding local laws, ordinances, and resolutions; and

WHEREAS, the City Council is further empowered by the City Charter of the City of Niagara Falls, New York to have access to all records and papers kept by all City officers, departments, boards, commissions, agencies and other instrumentalities of City government; and

WHEREAS, the City Council is further empowered by the City Charter of the City of Niagara Falls, New York to establish such citizen advisory bodies as it deems necessary to provide itself with advice and recommendations with respect to specific matters, except as may affect the executive branch; and

WHEREAS, the Planning Board of the City of Niagara Falls is empowered by the City Charter to study and consider all proposed amendments to the zoning ordinance of the City, including all proposed changes in the boundaries of districts established thereby, and to submit to the City Council a definite recommendation thereon, previous to the adoption of any amendment by the City Council; and

WHEREAS, the Board of Appeals of the City of Niagara Falls is empowered by the City Charter to consider all appeals from a decision by an administrative official, to decide any question involving the interpretation of any provision of the zoning ordinance; and

WHEREAS, Section 1302.4.2 (D) of the Zoning Ordinance (July 24, 2009) of the City of Niagara Falls New York mandates that amendments to the Zoning Ordinance not approved by the Planning Board of the City of Niagara Falls may be adopted only by a unanimous vote of the City Council; and

WHEREAS, local planning boards possess only advisory powers with respect to land use regulations that may be included in their respective recommendations to local governing bodies; and

WHEREAS, neither New York State General Municipal Law nor the City Charter of the City of Niagara Falls, New York includes a provision for unanimous consent of the governing body with respect to its legislative and policy-making function; and

WHEREAS, the provision for unanimous consent of the City Council contained within Section 1302.4.2 (D) of the Zoning Ordinance must be considered a serious usurpation of the legislative and policy-making authority of the City Council;

NOW, THEREFORE, BE IT RESOLVED that the City Council desires to amend Section 1302.4.2 (D) of the Zoning Ordinance (July 24, 2009) of the City of Niagara Falls New York, and

BE IT FURTHER RESOLVED that the mandate for unanimous approval by the City Council for amendments to the Zoning Ordinance not approved by the Planning Board be abolished and replaced by a provision for three-fourths majority approval of the City Council as constituted by the City Charter; that being four (4) votes; and

BE IT FURTHER RESOLVED that a public hearing be held regarding the proposed amendment to Section 1302.4.2 (D) of the Zoning Ordinance on the 23rd day of June 2021 at 6:00 P.M. Eastern Standard Time, in the City Council Chambers of the City of Niagara Falls, New York, and that five days' notice of said public hearing be published in the Niagara Gazette preceding said public hearing.

Yeas	4
Kennedy, Soda, Spanbauer, Voccio	
Nays	0
Absent	
Chairman Tompkins	

ADOPTED

There being no further business to come before the Council, Council Member Voccio adjourned the Meeting at 7:54 P.M.

Kathleen Ligammari
City Clerk



JUNE 21, 2021

PUBLIC COMMENT SESSION

NIAGARA FALLS, NEW YORK

The, 2021 Public Comment Session to review and discuss changes to City's STR Ordinance was called to order by Council Chairman Tompkins at 6:00 p.m. in the Council Chambers.

Present: Council

The Chairman asked if anyone wished to speak regarding the Ordinance and the following spoke:

K. Masur
Andrea Fortin-Nossavage
Merle Smouse
Marla Price
Chandra Bambah
Ken Nossavage
Bob Pascoe
Carroll Schultz Reetz
Kurt DuBois
James Abbondanza
Anthony Kutis
Stephen Kutis
Tim Huether
Dennis Thomas
Cherrish Beals

There being no further business to come before the Council, Chairman Tompkins adjourned the Meeting at 7:16 PM.

Kathleen Ligammari
City Clerk



JUNE 23, 2021

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The Legislative session of the June 23, 2021 Niagara Falls City Council Meeting was called to order by Council Chairman Kenny Tompkins at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Frank Soda, John Spanbauer, Chris Voccio, Council Chairman Kenny Tompkins

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

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

Council Member Voccio moved to approve the Minutes from the Council Meeting of May 26, 2021 and the Special Meeting of June 1, 2021

Yeas

5

Nays

0

APPROVED

Council Chairman Tompkins asked if anyone wished to speak on the Resolution relative to Amending City of Niagara Falls Zoning Ordinance Section 1302.4.2 (D)

The following spoke:

Todd Salansky

Paul Dolan

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

Kathy Dubois	Rainbow Mall
Todd Salansky	Splash Pad
Paul Dolan	Coordinate between City & Small Businesses
Ezra Scott, Jr.	Building relationships with Law Enforcement
Lacory Edwards	How the City plans to spend American Rescue Plan
Portland Jackson	Invites Council & Administration to meeting
Donta Myles	Equal Police presence for all areas
Bob Belton	Structural Racism
F. Mohammad	Road work issues
Leslie Nickerson	Social Justice
Daisy McClain	Improve Gluck Park
Gloria Dolson	Social Justice; building relations
Eddie Briggs	Ashland Avenue tree down
Wilford Boans	Social Justice; building relations

Presentation: Kathryn M. Barrett, CPA, Director at Freed Maxick. Results of 2020 Financial statement audit.

Mayor/Administration Update:

- Mayor indicated revised regulations were received regarding new restrictions with A.R.P funds.

- Mayor advised summer youth programs were rolled out the previous Friday. Details available on City web site. There is possibility programs could extend into fall. Transportation and food included.
- Mayor briefed Council on walk on item regarding July 4th fireworks sponsored generously by Joe Cecconi Chrysler.

Controllers Report: None

Review of Agenda Items

- Item 6 – Councilman Kennedy expressed appreciation of support for this resolution. Unlicensed ATVs, motor bikes, etc. are a menace and dangerous.

Misc:

- Councilman Spanbauer complimented the summer youth program offerings.
- Councilman Kennedy requested status of tree that fell on house 74th St.
- Councilman Kennedy reporting sink hole on Vanderbilt Ave.
- Councilman Kennedy requested update on Blue Cardinal project. Mayor indicated financing is coming together, anticipate work to continue in August, there is active interest in the project from investors.
- Councilman Kennedy inquired status of Hotel Niagara rehab. Mayor indicated the developer is having difficulty with financing, impacted by pandemic.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF MAY 2021

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE MAYOR

CONTRACT: OUTWARD FACING SCHOOL BUS PHOTO VIOLATION MONITORING SYSTEM, BUS PATROL AMERICA, LLC

Agenda Item #2

On October 29, 2019, the Niagara Falls City Council unanimously adopted Chapter 747 of the Codified Ordinances, entitled "*Owner Liability For Failure Of Vehicle Operator To Stop For A School Bus Displaying A Red Visual Signal And Stop-Arm,*" imposing owner liability for failure of a vehicle operator to stop for a school bus displaying a red visual signal and stop-arm. The Ordinance establishes fines for each violation as authorized by Section 1174-a of the VTL, and further authorizes the City to cause to be installed and operated an outward facing school bus photo violation monitoring systems on school buses operated by the City School District of the City of Niagara Falls (hereinafter referred to as "School District").

On November 20, 2019, as the project is beneficial to the public interest and enhanced safety and security for the children and community at large, the City issued a Request for Proposals for School Bus Arm Camera Services, and on December 18, 2019, BusPatrol America, LLC, submitted a proposal to the City to perform the solicited services.

BusPatrol's proposal was the highest scoring proposal received by the City and, accordingly, the City seeks to enter into a Memorandum of Understanding with BusPatrol to undertake this project and perform the required services. In conjunction with the School District and Niagara Falls Coach Lines (owners of the school buses), BusPatrol will install, maintain and operate outward facing school bus photo violation monitoring systems on school buses operated by the School District. BusPatrol will provide a turn-key, web-based school bus photo violation monitoring system that can be used to capture images of vehicles operated in violation of Section 1174, issue citations to the owner of such vehicle when approved by an authorized City Technician, and collect fines from the owner of such vehicle as authorized by Section 1174-a.

The proposed Agreement shall run through December 1, 2024. In the event that the Stop Arm Law is extended beyond December 1, 2024, this Agreement may be extended upon mutual agreement of the parties for an additional five (5) year term. Forty percent (40%) of the gross revenue from the collection of civil penalties pursuant to VTL Section 1174-a (not including credit card processing fees) will be disbursed to the City on a monthly basis with BusPatrol retaining the balance of the funds to defray the cost of the system and its operation.

Will the Council so approve and authorize the Mayor to execute the attached (on file in the City Clerk's Office) proposed agreement provided that the same is satisfactory to the Corporation Counsel in both form and content?

Council Member Voccio 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: BRADFIELD, KRISTIN

Agenda Item #3

Date of Occurrence: August 31, 2016
Date Claim Filed: November 3, 2016
Date Action Commenced: June 27, 2016
Location: Northbound curb lane of Military Road, near 2525 Military
Nature of Claim: Personal Injury - motor vehicle accident
City Driver: John Rosino
Status of Action: Trial scheduled to proceed if not settled
Recommendation/Reason: Best interest of City
Amount to be Paid: \$60,000.00
Make Check Payable to: "Steve Boyd, P.C., as attorneys for Kristin Bradfield"
Conditions: Stipulation of Discontinuance as to all parties and General Release 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 Voccio moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

CLAIM: FAMILY DOLLAR STORES OF NEW YORK, INC.

Agenda Item #4

Date of Occurrence: March 29, 2016.
Date Claim Filed: May 11, 2016.
Date Action Commenced: April 17, 2017
Location: 1309 Pine Avenue, Family Dollar retail location.

Nature of Claim: Negligence claim against the City for a one vehicle accident involving a Police vehicle that left the road while responding to an emergency call, striking the Family Dollar store. The Complaint seeks reimbursement of property damage to equipment and store inventory, with a component claim of lost profits, as well as reimbursement for its workers' compensation payments to an employee.

City Driver: Christopher McKimmie.

Status of Action: Discovery is nearly complete and the case will proceed to trial if not settled.

Recommendation/Reason: Best interest of City. Settlement will avoid the cost and uncertainty of trial, including the risk that a verdict may ultimately exceed the proposed settlement amount.

Amount to be Paid: \$220,000.00

Check Writing Details: Make payable to "Family Dollar Stores of New York, Inc." and reference "Index No. E161325/2017"

Conditions: Stipulation of Discontinuance as to the pending litigation and fully executed General Release to City must be received and 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 Voccio moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

CLAIM: MANTELL, FRANK

Agenda Item #5

Date of Occurrence: January 15, 2020.

Date Claim Filed: January 30, 2020.

Date Action Commenced: N/A.

Location: NFFD Station parking lot at 740 10th Street.

Nature of Claim: Contractual indemnification claim pursuant to Section 4.13 of CBA with Local 714, requiring City to reimburse unit members up to a maximum of \$750.00 per claim for their lost, damaged or stolen property not covered by insurance.

City Driver: N/A.

Status of Action: Pre-litigation.

Recommendation/Reason: The proposed settlement satisfies the City's contractual duty to the claimant, who suffered both property damage and theft of property that meets the criteria for reimbursement.

Amount to be Paid: \$563.00

Check Writing Details: Make payable to "Frank Mantell"

Conditions: Fully executed General Release to City must be received and 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 Soda moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

RESOLUTION: AMENDING CHAPTER 501, ENTITLED "TRAFFIC GENERALLY", 2021-30
BY: COUNCIL MEMBERS KENNEDY, VOCCIO, CHAIRMAN TOMPKINS

Agenda Item #6

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:

501.51 OPERATION OF ALL-TERRAIN VEHICLES (ATVs) AND MOTORCYCLES

(a) Definitions:

(1) All-Terrain Vehicle ("ATV") - any self-propelled, motorized vehicle which is designed to travel on 3 or 4 wheels, having a seat designed to be straddled by the operator and handlebars for steering control and used for operation primarily on off-highway trails or off-highway competitions

(2) Motorcycle - Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor. For purposes of this subsection, this definition shall include, but not be limited to, motor vehicles also known as minibikes, pocket bikes, motorized bicycles, pit bikes and monkey bikes.

(b) Prohibition of Operation in a Park: In addition to the provisions set forth in the New York State Vehicle and Traffic Law ("VTL"), no person shall operate a motor vehicle within a park in a reckless manner or that creates a hazardous or physically offensive condition, or that unreasonably alarms or annoys another person using the park. Prohibited conduct shall include operating a motor vehicle in proximity to pedestrian or other users of the park by crossing over any pavement markings that separate pedestrian non-vehicular areas from vehicular areas or otherwise operating a vehicle in a manner so as to endanger or create a risk of injury to users of the park; and operating a motor vehicle adjacent to areas designated for pedestrian or non-vehicular use in excess of the posted speed limit in the park.

(c) Prohibition of Operation: In addition to the provisions set forth in the VTL, no person shall operate an ATV, motorcycle or any other motor vehicle, as defined under Section 125 of the VTL, in the City of Niagara Falls unless such ATV, motorcycle or motor vehicle is both registered and covered by liability insurance in accordance with the provisions of the VTL; provided, however, that an ATV, or any vehicle that is not street legal, may be operated without the aforementioned requirements by government officials, the Niagara Falls Police Department, the Niagara County Sheriff's Department, the New York State Police, New York State Parks Police, the Federal Bureau of Investigation or the Bureau of Alcohol, Tobacco, Firearms and Explosives or other law enforcement agency having proper jurisdiction, in furtherance of their official duties. In accordance with the provisions of the VTL, in any case where an ATV/Motorcycle is in operation, the minimum amount of required insurance coverage shall be \$50,000.00. At no time shall these rules apply to the operation of an ATV as an emergency vehicle by any authorized emergency, police or civil department.

(d) Violations: A violation of any requirement contained in subsection (b) and/or (c) above shall be punishable by a fine of not more than \$2,500.00, but no less than \$500.00, and/or the seizure of the ATV/Motorcycle in question.

(1) First Violation: Shall be punishable by a fine of not more than \$2,500.00, but no less than \$500.00, plus any applicable storage and processing fees.

(2) Second Violation: In addition to the fine/fees referenced in subsection (d)(1) above, said ATV/motorcycle may be appropriated by the City if the owner/operator does not have the following requirements listed below:

(A) Acceptable Proof of Ownership

(1) New ATV/motorcycle - a completed Manufacturer's Certificate of Origin ("MCO"), Manufacturer's Statement of Origin ("MSO"), or an out-of-state title certificate or registration certificate; or

(2) Used ATV/motorcycle - a completed "Certification of Sale or Transfer" ("CMV-51") with either the MCO/MSO, or a New York State transferable registration signed by the previous owner; or

(3) If the ATV/motorcycle in question has never been registered and the owner does not have the aforementioned ownership documents, the owner must complete and submit a "Statement of Ownership" ("CMV-51B") through the Department of Motor Vehicles.

(B) Required Protective Gear: Any operator or passenger must wear a United States Department of Transportation ("USDOT") approved helmet when riding an ATV or Motorcycle.

(C) Required ATV/Motorcycle Safety Equipment: Any ATV/Motorcycle operated within the City of Niagara Falls must have the following:

(1) Brakes in good operating condition;

(2) A muffler is in good operating condition and meeting federal standards;

(3) A spark arrester is in good operating condition and approved by the U.S. Forest Service;

(4) Tires with at least 2/32nd of an inch tread, without visible breaks, cuts, exposed cords, bumps or bulges; and

(5) A lighted white headlight and red taillight lighted at all times when said ATV/Motorcycle is operated at night (the ATV/Motorcycle's headlight and taillight lighted when operating 30 minutes after sunset to 30 minutes before sunrise.

(3) Any individual found operating an ATV/motorcycle in violation of the above requirements shall have their vehicle appropriated by the City and not returned if the violator and/or the ATV/Motorcycle itself has three or more prior violations.

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

Yeas
Nays

5
0
ADOPTED

RESOLUTION: BOARD OF APPEALS, APPOINTMENT. 2021-31
BY: CHAIRMAN TOMPKINS

Agenda Item #7

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>
Joseph Collura 2223 Forest Avenue Niagara Falls, NY14301	12/31/2023
Yeas	5
Nays	0
	ADOPTED

RESOLUTION: ORIENTATION PROGRAM FOR NEWLY ELECTED CITY COUNCIL, 2021-32
BY: COUNCIL MEMBERS SODA, SPANBAUER, VOCCIO, CHAIRMAN TOMPKINS

Agenda Item #8

WHEREAS, the City Council of the City of Niagara Falls, New York is the legislative, policy-making, and appropriating body for the City; and

WHEREAS, the members of the City Council are elected to four-year terms of office, but serve in a part-time capacity and rely on the City department heads and other personnel to assist them in the performance of their respective duties; and

WHEREAS, the members of the City Council annually elect a presiding officer known as the Council Chairman; and

WHEREAS, the City Council is empowered by the Niagara Falls City Charter to adopt an annual budget which appropriates funds for municipal services; levy taxes and special assessments; borrow money; enter into contracts, franchises, and other agreements; amend the City Charter; investigate the conduct of city affairs; and to exercise all powers of local legislation with respect to enacting, amending, or rescinding local laws, ordinances, and resolutions; and

WHEREAS, there are local elections scheduled every two years for the election of members to the City Council which have the potential for changing the membership of this legislative branch of local government; and

WHEREAS, the Niagara Falls Financial Advisory Panel was created by resolution (No. 2015-8) of the City Council at it's regularly scheduled meeting on January 20, 2015, for the purpose of providing the City Council recommendations that would facilitate the advancement of future budgetary strategies.

WHEREAS, one of the recommendations made by the Niagara Falls Financial Advisory Panel was that the City Controller, Corporation Counsel, City Clerk, and City Administrator collaborate on the development of a formal orientation for newly elected members of the City Council that focuses on the topics of financial reporting, budgetary mechanics and scheduling, and the responsibilities for financial oversight.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York hereby directs the Council Chairman to establish, organize, and preside over a formal orientation program for newly elected members of the City Council; and

BE IT FURTHER RESOLVED, that the Council Chairman will schedule this new member orientation once the results of the November General Election have been certified as official by the Niagara County Board of Elections, but prior to any new member being sworn in at the Council's annual meeting on January 1; and

BE IT FURTHER RESOLVED, that the Council Chairman will organize presentations from himself, the City Clerk, Corporation Counsel, and City Controller during this orientation process. In addition, the City Administrator will meet with new Council members and provide an orientation on the administrative operations of the City; and

BE IT FURTHER RESOLVED, that the new member orientation will focus primarily on the topics of regular meeting agenda development; City Council Office organization; communications between a City Council member and other City Departments; general responsibilities of a member of the City Council; the form and content of City Council resolutions; the method of financial reporting; the mechanics of developing and adopting the annual city budget; and any other topic deemed necessary by the Council Chairman and City Administrator for the introduction of newly elected members of the City Council to the process of local governance within the City of Niagara Falls, New York.

Yeas

5

Nays

0

ADOPTED

CONTRACT: INDEPENDENCE DAY FIREWORKS, SKYLIGHTERS FIREWORKS OF NY, JOE CECCONI'S CHRYSLER COMPLEX

Agenda Item #9

We respectfully request you award the above referenced request for proposal ("RFP") as follows:

TO: Skylighters Fireworks of New York, LLC
P.O. Box 1357
OrchardPark,NY 14127

FOR: Fireworks display on July 4, 2021 at Hyde Park:
\$25,000.00

The City Purchasing Division certifies that all proposals were solicited in accordance with Section 103 of the General Municipal Law and the City's adopted purchasing guidelines.

Notice that proposals were to be received was advertised in the Niagara Gazette and request for proposals packages were sent to five (5) vendors. One (1) proposal and one (1) "No Proposal" response were received. After reviewing the proposal, it was determined that Skylighters Fireworks of New York, LLC has met all the specifications required in Request for Proposals # 2021-12.

The proposed fireworks display is being paid for by a generous donation to the City from Joe Cecconi's Chrysler Complex.

Will the Council vote to accept this donation and to award of RFP to Skylighters Fireworks of New York, LLC ?

Council Member Kennedy 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 Tompkins adjourned the Meeting at 7:50 P.M.

Kathleen Ligammari
City Clerk



JULY 7, 2021

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The Legislative session of the July 7, 2021 Niagara Falls City Council Meeting was called to order by Council Chairman Kenny Tompkins at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Frank Soda, John Spanbauer, Chris Voccio, Council Chairman Kenny Tompkins

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

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

Council Chairman Tompkins moved to approve the Minutes from the Council Meeting of June 9, 2021 and the Public Comment Session of June 21, 2021

Yeas

5

Nays

0

APPROVED

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

Kathy DuBois	Agenda Item #7
William Oleski	3 rd St. Business Owner "Thursdays on 3 rd " proposal
Cherrish Beals	Downtown image needs to be cleaned up if STRs are to be limited to that area
Jim Szwedo	Gill Creek Park, Niagara St. District, needs City to support needed restrooms for Gil Creek Park
Robert Ventry	City weed problem needs to be addressed
Michael Palmeri	Gill Creek Park needs restrooms
Donta Myles	Blight needs to be addressed
Rodney Sheard	Focus on community safety, engagement
Gloria Dolson	Focus on community safety
Tim Heuther	670 Ashland Avenue needs demolition
Gerard Skrlin	Embarking on Social Disfunction Project as relates to City issues

Mayor/Administration Update:

- Mayor expanded on efforts to open splash pads for the season despite it not being in the budget due to negatively impacted revenue during pandemic.
- Mayor advised of a public input meeting regarding American Recue Funds.

Controllers Report: County tax, HRU tax and parking revenues are rebounding well post 2020 pandemic shut downs.

Review of Agenda Items

- Item 1 - Councilman Voccio requested the Mayor expand on the funding details for this project. Mayor explains the City must advance funding to insure federal funding will stay in place.

- Item 3 - Councilman Spanbauer elaborated on the Mayors sentiments regarding splash pad funding.
- Item 3 - Councilman Soda asked that funding sources be consistently noted on all items that involve expense.
- Item 5 - Mayor explained the additional cost is to allow all Code Enforcement personnel and DPW Supervisory staff have access to all components of the 3-1-1 system.
- Item 8 - Councilman Spanbauer voiced support of the resolution.

Misc:

- Councilman Spanbauer offered a sports analogy that it takes two years for a new coach to turn a team around. Public expectation that all the City issues should have been cleaned up in the 18 months of the new Administration is unreasonable. They are fully aware of all the issues within the City.
- Councilman Spanbauer expressed thanks to Joe Cecconi Chrysler for sponsoring the spectacular 4th of July fireworks. Conversation continued into the enforcement of illegal fireworks throughout the city. The Mayor indicated that with the County allowing certain fireworks and the availability of those not legal in nearby states, enforcement is extremely difficult. Police would need to witness the wick being lit. Acknowledges it is a widespread quality of life issue around the holiday.
- Chairman Tompkins requested any update on Blue Cardinal project. The Mayor indicated their funding had been secured. They are in process of securing contractors to perform stabilization work on many of the buildings.
- Chairman Tompkins requested any update on casino funds. Mayor indicated it's been strangely quiet on the State side which hopefully indicates progress is being made.
- Chairman Tompkins inquired if demolition funding still had a balance or if additional funds be available to address more properties. The Mayor indicated there would be additional Community Development funds forthcoming. Mayor added that the City has been precluded from property sales due to State driven moratorium which is in place through August 2021. The Mayor also added that a list of City owned vacant lots/properties is in process of being compiled and identifying adjacent property owners. They will eventually be given the opportunity to purchase to increase their property footprint, removing the City from upkeep responsibility.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: JOHN B. DALY BLVD. EXTENSION PROJECT, FINAL DESIGN PHASE, FUNDING, STANTEC CONSULTING GROUP, CHANGE ORDER #3

Agenda Item #1

A contract for the above referenced project was awarded to Stantec Consulting Group Inc. on June 7, 2004 for professional consultant services and design related tasks in the amount of \$430,449.00. Change Orders #1 and #2 were approved by the City Council at its March 7, 2005 and June 8, 2015 meetings, respectively, in the amount of \$42,000.00.

The City has recently committed to completing the final design portion of the above-referenced project. Costs associated with the development of drainage and grading plans, material quantification and specification of methods, materials and procedures leading to the creation of biddable construction documents has been determined to be \$490,000.00. This would bring the total design costs for this project to \$962,449.00. Funding for these final design efforts is presently available from previous unspent funds allocated to the project in the amount of \$337,326.00 and \$152,674.00 from tribal revenues.

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

Yeas

5

Nays

0

APPROVED

CONTRACT: 20/20 DRAINAGE STRUCTURE REPLACEMENT/REPAIR PROJECT-
ARITHMATIC CORRECTION/CLARIFICATION, FUNDING, 4TH GENERATION
CONSTRUCTION CO.

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

DEPARTMENT OF PARKS/PUBLIC WORKS: RECREATION SPECIALIST, 2 POSITIONS

Agenda Item #3

In order to staff the splash pads located at City parks this summer, this Administration deems it necessary to create six (6) part-time *Recreation Specialist* - 2 positions. These positions will need to be funded for a period of eight weeks. Each position will pay \$10.75 per/hr. for the required 20 hours per week. The total appropriation necessary to fund these positions is \$11,110.00, including FICA. Sufficient funding exists within both the DPW Youth Activities and DPW Swimming Pool Maintenance budget lines to cover these costs.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: CONSULTANT, DEPARTMENT OF PLANNING, LABELLA ASSOCIATES,
D.F.C., FUNDING

Agenda Item #4

The Planning Department, specifically the Environmental Planner, is responsible for completing all environmental reviews for the City of Niagara Falls including SEQR, NEPA, Floodplain Development, and similar actions. However, due to a recent retirement, the Environmental Planner position is currently vacant. As the City is in process of filling this position and during the requisite training of the new hire, it is necessary that the City enter into to a contract with a qualified consultant to ensure that both the function and structure of the department continues to operate at the highest level.

With this in mind, it is hereby proposed that LaBella Associates, D.P.C. ("LaBella") undertake this project and perform the required services. LaBella will provide, among other things: review of EAF and application materials; preparation of documents such as resolutions, findings statements, or explanatory memoranda; review of development projects requiring Site Plan, Special Use Permit, Area Variance, or Use Variance approval; review of Local Laws or Zoning Map/Text Amendments; coordinated SEQR review and preparation of Environmental Impact Statements; attendance at board or legislative meetings as necessary; providing an hour of training to each of the potential lead agencies such as the Planning Board, Zoning Board of Appeals and City Council on the SEQR process; acting as the "Local Administrator" for the City of Niagara Falls Local Law for Flood Damage Prevention; and reviewing projects for National Environmental Policy Act (NEPA) compliance as necessary.

The term of a proposed agreement would be for six (6) months and the cost will be \$15,000.00. Funding will come from the following sources: \$10,000.00 will be utilized from A.1210.0001.0451.000, which is the City Administrator Consultants budget line, and the remaining \$5,000.00 will be utilized from CDBG Admin funding from Community Development.

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

Yeas

5

Nays

0

APPROVED

CONTRACT: 3-1-1 SYSTEM (RPRT), IMPLEMENTATION, FUNDING

Agenda Item #5

On December 9, 2020, the City Council approved an agreement with RPRT, a Western New York software development company, to provide licensing for the City's 3-1-1 system and integration with the Building Blocks software component of the CitiesRise program. The total contract cost at that time was \$5,280.00. This price was based on the issuance of ten (10) software licenses to the City. After further review, the City seeks to acquire eleven (11) additional license holders to access the system, which will add \$2,160.00 to the cost of the project; however, there will be no cost to the City's General Fund as all funding for the project is available from the proceeds of the CitiesRISE grant.

Will the Council so approve and authorize the Mayor to execute an agreement for the licenses provided that it is satisfactory to the Corporation counsel in both form and content?

Council Member Voccio 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

MAYOR'S APPROVAL FOR RESOLUTION 2021-29

Agenda Item #6

THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: CLARIFICATION ON THE ISSUANCE OF BUILDING PERMITS, FOR
SHORT-TERM, VACATION OR TRANSIENT RENTALS, 2021-33

BY: COUNCIL MEMBER SPANBAUER, CHAIRMAN TOMPKINS

Agenda Item #7

WHEREAS, on June 1, 2021, the City Council of the City of Niagara Falls imposed a moratorium on the consideration of building/use permits for short-term, vacation or transient rentals; and

WHEREAS, as it related to the consideration of building permit applications associated with short-term, vacation or transient rentals, it was the intention of this Council that the moratorium would apply only to work at properties that had not yet received a Special Use Permit prior to the effective date of June 1, 2021;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls that, as it relates to the consideration of building permit applications associated with short-term, vacation or transient rentals, that the moratorium imposed by this Council on June 1, 2021 applies only to work at properties that had not yet received a Special Use Permit prior to the effective date of June 1, 2021; and

BE IT FURTHER RESOLVED that the all other terms of the moratorium on the consideration of building/use permits for short-term, vacation or transient rentals adopted by this Council on June 1, 2021 shall remain in full force and effect.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: AMENDMENT OF NIAGARA FALLS ZONING ORDINANCE CHAPTER
1328.13, 2021-34

BY: COUNCIL MEMBER SPANBAUER, CHAIRMAN TOMPKINS

Agenda Item #8

WHEREAS, on June 1, 2021, the City Council of the City of Niagara Falls imposed a moratorium on the consideration of building/use permits for short-term, vacation or transient rentals; and

WHEREAS, this moratorium was imposed to enable the City Council to develop a comprehensive and detailed plan which is in concert with the comprehensive plan and zoning ordinance concerning the location, regulation and approvals of short-term, vacation or transient rentals; and

WHEREAS, this Council has developed a proposed amendment to Chapter 1328.13 of the City of Niagara Falls Zoning Ordinance to achieve the goals and purposes set forth in the moratorium; and

WHEREAS, pursuant to Chapter 1302.4.1 (B) (3) of the Zoning Ordinance, the City Council must, by resolution, submit its intention to amend the Zoning Ordinance and, upon adoption of said resolution, shall refer to the same to the City of Niagara Falls Planning Board for its recommendation; and

WHEREAS, this Council hereby submits the attached proposed amendment (on file in the City Clerk's Office) to Chapter 1328.13 of the Zoning Ordinance dealing with short-term, vacation or transient rental properties in furtherance thereof.

NOW, THEREFORE, BE IT RESOLVED that the City Council desires to amend Chapter 1328.13 of the Zoning Ordinance of the City of Niagara Falls New York; and

BE IT FURTHER RESOLVED that the City Council desires that the language contained in the current Chapter 1328.13 of the Zoning Ordinance be abolished and replaced by the attached proposed amendment; and

BE IT FURTHER RESOLVED that this proposed amendment be referred to the City of Niagara Falls Planning Board for its recommendation pursuant to Chapter 1302.4.1 (B) (3), in furtherance of the Zoning Ordinance amendment process.

Yeas

4

Council Members Soda, Spanbauer, Voccio, Chairman Tompkins

Nays

1

Council Member Kennedy

ADOPTED

There being no further business to come before the Council,
Chairman Tompkins adjourned the Meeting at 7:26 P.M.

Kathleen Ligammari
City Clerk



JULY 21 , 2021

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The Legislative session of the July 21, 2021 Niagara Falls City Council Meeting was called to order by Council Chairman Kenny Tompkins at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Frank Soda, John Spanbauer, Chris Voccio, Council Chairman Kenny Tompkins

Also present: 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 Chairman Tompkins moved to approve the Minutes from the Council Meeting June 23, 2021.

Yeas

5

Nays

0

APPROVED

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

Cherrish Beals	Agenda Item #20
Todd Solasky	Agenda Item #20
Donta Myles	Public Safety Concerns
Gerald Skrlin	Neglected properties neighboring his
Robert Ventry	Clean up Main Street; clean neighborhoods; building
	at 18 th & Ontario Ave. not safe
Paul Dolan	Economic state of the City

Presentation: Whitney Skeans, Senior Program Manager, Electric Vehicles NY, National Grid

Chairman Tompkins: Provided feedback to several concerns voiced by residents at previous meetings.

Mayor/Administration Update: None

Controllers Report:

- 2022 Budget process has begun. Meetings with department heads in process.
- Comment/concern deadline for municipalities re; American Rescue Plan Funds was July 16. Over 700 entries submitted nationwide, many echoed Niagara Falls input.

Review of Agenda Items

- Item 3 - Councilman Spanbauer requested clarification of "mini bid". Corp. Counsel Mazur noted it required less qualifying criteria.
- Item 5 - Councilman Soda requested timeline/process around selling City owned property. Corp. Counsel Mazur agreed that two months is generally time frame for City to do due diligence.

- Item 10 - Councilman Soda questioned use tribal funds for delayed capital projects Vs. budgeting anticipated costs. Controller Morello outlined the various financing methods/sources depending on the nature of the project.
- Item 11 - Councilman Soda requested clarification of City responsibility to secure tanks on the property vs. previous corporate owner.
- Item 17 - Councilmen Kennedy and Soda requested clarification of amount of settlement and source of disbursement.
- Item 20 - Councilman Kennedy requested clarification.

Misc:

- Councilman Soda requested capital account balance.
- Councilman Kennedy mentioned the park at Caravelle Dr. needs picnic tables and stop sign at Ashland Ave. & 17th St. is obstructed by tree branches.
- Councilman Spanbauer inquired as to the challenges the recent rain storms presented to the Administration.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S CLAIMS FOR THE MONTH OF JUNE 2021

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF JUNE 2021

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: NFPD VEHICLES, JOE CECCONI'S CHRYSLER

Agenda Item #3

The City has solicited mini-bids through the New York State Office of General Services' Vehicle Procurement process for three (3) vehicles to replace older, obsolete vehicles and update the Niagara Falls Police Department's ("NFPD") fleet. After receiving the mini-bid responses, we respectfully request you award the above-referenced mini-bids as follows:

TO: Falls Dodge, Inc. dba
Joe Cecconi's Chrysler Complex
2380 Military Road
Niagara Falls, New York 14304-1563
FOR: Three (3) 2021 Dodge Charger Police AWD (LDEE48)
\$ 28,139.72 each

The total purchase price for the three (3) vehicles is \$ 84,419.16. Additionally, these vehicles will need to be lettered and striped, as well as have the lighting, radios and instrumentation installed. NFPD has acquired estimates for the costs of fully outfitting these three (3) vehicles from Empire Emergency Apparatus, 3995 Lockport Road, Niagara Falls, New York. The cost for these services is expected to be \$28,919.73, for a total cost to the City of \$113,338.89.

The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law and in accordance with New York State's mini-bid procedures.

As the Council is aware, NFPD has bond funds remaining for this purpose. As such, funds for these expenditures are available in capital account code H0816.

Will the Council so approve these expenditures?

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

Yeas

5

Nays

0

APPROVED

PROPERTY: 2415 WESTON AVENUE, SALE

Agenda Item #4

THIS ITEM WAS PULLED

NO ACTION TAKEN

PROPERTY: 631 25TH STREET, SALE

Agenda Item #5

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 hereto (on file in the City Clerk's Office) 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 2021 School tax (both installments) and 2021 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 Voccio moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

CONTRACT: SCHOOL TAXES, 2021-2022, COLLECTION

Agenda Item #6

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 2021 - 2022 School District tax year.

In consideration for the performance of the services, the City will be paid the sum of \$67,872.00 by the School District with an increase in the amount of the Consumer Price Index for calendar year 2021 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 Soda moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

CARES ACT: EXTENSION OF COVID-19 RESPONSE GRANT AWARD

Agenda Item #7

On July 15, 2020, the City Council approved grants of CARES Act funds to various local agencies for programs related to Covid-19. The grant agreements reflected a one-year term, through June 30, 2021. The agencies receiving grants are as follows:

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

Due to the difficulties of operating with COVID restrictions, the grants have not been fully expended. It is proposed to extend the time of completion for expending the grants by one year, with no additional funds appropriated, through June 30, 2022. The second round, approved in December, expire June 20, 2022. This will allow all CARES grants to expire at the same time.

Will the Council vote to approve the extension presented herein and to authorize the Mayor to execute any documents necessary to effectuate the same, provided these documents are in form and content acceptable to the Corporation Counsel?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: HYDE PARK ICE PAVILION SEWER LATERAL REPAIR PROJECT, J. R. SWANSON

Agenda Item #8

The Engineering Department solicited quotes for the repair of a 10" sanitary sewer at the Hyde Park Ice Pavilion. From the firms solicited, the City received one response below:

J.R Swanson Plumbing Co. Inc.
413 103rd Street
Niagara Falls NY 14304

\$18,300.00

It is the recommendation of the undersigned that J.R. Swanson Plumbing Co. Inc. be awarded the project at the quoted price of \$18,300.00. Funding will be available by transferring from excess funds in Capital Account Code H0812 to Capital Account Code H0819.

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

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

Yeas

5

Nays

0

APPROVED

CD BLOCK GRANT: NY BOYS/GIRLS CLUB, ASBESTOS MONITORING

Agenda Item #9

The Niagara Falls Boys & Girls Club ("NFBGC") is currently demolishing one of its buildings and is in need of funds for asbestos monitoring during the demolition. It is proposed that the City provide grant funds to assist NFBGC with the project. The cost for the services is not to exceed \$8,000.00. Funds are available from 2015 CDBG funds that have been approved for the City and not yet appropriated.

Will the Council so approve and authorize the Mayor to execute any documents necessary to effectuate the same, provided these documents are in form and content acceptable to the Corporation Counsel?

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

Yeas

5

Nays

0

APPROVED

CODE ENFORCEMENT: EMERGENCY DEMOLITION FUNDING

Agenda Item #10

In order to continue to properly respond to situations which require emergency demolitions and/or the securing of vacant properties as a result of fires and various other issues, it is necessary to have additional resources made available to the Department of Code Enforcement to fund said emergency demolitions. Therefore, it is requested that the sum of \$60,000.00 be transferred from tribal revenues to the Department of Code Enforcement's emergency demolition capital account line.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: WENDT'S DAIRY, TANK CLOSURE

Agenda Item #11

As you know, the City acquired the former Wendt's Dairy property at 8450 Buffalo Avenue several years ago through the In Rem process. On March 16, 2021, the New York State Department of Environmental Conservation ("DEC") visited the facility to determine compliance with New York State's Chemical Bulk Storage ("CBS") regulations. After touring the facility, a number of violations were identified that require immediate attention to bring the facility into compliance.

In order for the City to comply with CBS regulations, several above-ground tanks inside the facility must be permanently closed according to DEC guidelines. Failure to do so may expose the City to civil penalties under the Environmental Conservation Law. Accordingly, it is proposed that the City enter into an agreement with Environmental Service Group (NY), Inc. ("ESG") to perform the necessary remedial work at the Wendt's facility. ESG will clean the processing tanks, cut and package pipes for disposal, remove clean poly tanks for disposal, remove/dispose caustic and acidic crystals in bottom of tanks, remove/dispose of oil in drums, and prepare the DEC Tank Closeout Report. The cost for these services is \$23,530.00. Funding for this project will be available by transferring excess funds from capital account code H0812 to capital account code H1315 related to City buildings.

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

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

APPROVED

CONTRACT: BPAS ACTUARIAL & PENSION SERVICES, GASB75 VALUATION

Agenda Item #12

The City Controller advises that it is necessary to engage the services of BPAS Actuarial & Pension Services to perform an interim GASB No. 75 valuation during calendar year 2021 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. The fees to be paid total \$3,000.00. Funding is available in budget line A.1315.0000.0451.000.

Will the Council so approve?

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

Yeas	5
Nays	0

APPROVED

CITY ASSESSOR: REORGANIZATION

Agenda Item #13

With the anticipated retirement of the Administrative Aide - Assessor in the City Assessor's Office, there is an opportunity to reorganize this office in a manner that will maintain essential services and maximize efficiency. Accordingly, the City Assessor has proposed to create an "Assessor Information Clerk" position. It is proposed that this position be created effective October 18, 2021 in order to provide for some overlap of the two positions prior to the anticipated retirement. There will be savings to the City as the new position is at a lower pay grade than the current position.

Will the Council so approve?
 Council Member Voccio 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

CITY ASSESSOR: 2021 GENERAL ASSESSMENT ROLL, INFORMATIONAL ITEM

Agenda Item #14
 THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATION WAS SUBMITTED FROM THE TRAFFIC ADVISORY
 COMMISSION

1358 MICHIGAN AVE, HANDICAPPED ACCESS SPACE, DENIED, INFORMATIONAL ITEM

Agenda Item #15
 THIS ITEM WAS RECEIVED AND FILED
 NO ACTION TAKEN

THE FOLLOWING COMMUNICATION WAS SUBMITTED FROM THE CITY CLERK

COMMISSIONER OF DEEDS: APPOINTMENTS

Agenda Item #16
 The following have requested City Council approval for
 Commissioner of Deeds for a term from October 1, 2021 to September 30,
 2023.

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

Eric Barlow	NFFD
Kimberly Carter	Engineering
Patrick Ciccarelli	Code Enforcement
Latricia Herbert	City Clerk
William Kennedy II	City Council
Paul Warmington	NFPD

Donald P. McCoy	646 Pasadena Ave Niagara Falls, NY 14304
Victoria Shank	1839 Niagara Ave Niagara Falls, NY 14305
Kathleen L. Steinman	2242 Grand Avenue Niagara Falls, NY 14301
Randal Ubriaco	837 15 th Street Niagara Falls, NY 14301

Council Member Voccio moved that the communication be received and
 filed and the recommendation approved.
 Yeas 4
 Soda, Spanbauer, Voccio, Chairman Tompkins
 Abstain 1
 Kennedy
 APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

PROPERTY TAX LAW: SETTLEMENT, REAL PROPERTY TAX LAW ARTICLE 7, ELEVENTH STREET PROPERTIES

Agenda Item #17

Nature of Litigation: Petitioner, Eleventh Street Properties, L.L.C., is the owner of 220 Memorial Parkway (SBL: 159.10-1-3). This is commercial property consisting of two acres and a warehouse that had been previously used for light manufacturing, cold storage and as a distribution warehouse, all before 2011. Starting with the 2011-2012 tax year, the owner challenged the parcel's assessed value of \$365,900.00 on the grounds that it was excessive for a property that had no tenants and which was not being used for any of the purposes noted above. Unable to secure a reduction in assessed value through the administrative review process, the owner commenced an Article 7 tax assessment review proceeding for the 2011-2012 tax year, with new filings made for each succeeding tax year to present. All such pending cases are currently assigned to the Honorable Matthew J. Murphy, J.S.C., for expedited resolution either by settlement or a trial to be scheduled this year.

Proposed Settlement: Following the completion of discovery and numerous pre-trial conferences conducted by the Court, and additional settlement discussions between the attorneys for the respective parties, including the intervenors, the County of Niagara and the Niagara Falls City School District, a tentative settlement has been reached that is now recommended by the City Assessor and Corporation Counsel. The proposed settlement calls for the property's assessed value to be reduced to \$100,000.00 for each tax year at issue. If approved, this would result in the City and the two intervenors each being required to pay refunds to the Petitioner for its overpayment of taxes to date, measured from the 2011-2012 tax year. For the City of Niagara Falls, the settlement, if approved by Council and then subsequently approved by Judge Murphy, will require a total refund payment in the amount of \$85,434.78, not including the addition of statutory interest that the City Controller will need to calculate up to the date of payment.

Recommendation/Reason: Both the City Assessor and this Department recommend settlement of these cases as being in the best interest of the City. Council approval will further authorize this Department to sign the attached Consent Order (on file in the City Clerk's Office), which is a necessary step before Court approval of the settlement may be requested.

Amount to be Paid: \$85,434.78, plus the statutory interest that will need to be calculated and added to the settlement draft by the City Controller once the settlement has been finalized by the Court.

Check Writing Details: Make payable to "Wolfgang & Weinmann, as attorneys for NFR Gateway, L.L.C."

Conditions: The City's settlement draft for \$85,434.78, plus statutory interest as calculated by the City Controller, may not be issued unless and until the settlement has been finalized by the complete execution, Court approval and filing of the attached Consent Order with the Niagara County Clerk's Office.

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

Yeas	5
Nays	0
	APPROVED

CLAIM: WHITEHORNE, KELLY M.

Agenda Item #18

Date of Occurrence:	October 5, 2020
Date Claim Filed:	October 9, 2020
Date Action Commenced:	Not Applicable. Being resolved prior to litigation.
Location:	1049/1050 101 st Street, Niagara Falls, NY 14304
Nature of Claim:	Property damage to parked 2004 Buick Regal VIN No. 2G4WB52KX41313465 which was struck by City of Niagara Falls Forestry Equipment #625, City Vehicle Plate No. AB4432
City Driver:	David Robertson
Status of Action:	This matter has been investigated but not yet been placed in suit. At this juncture, Corporation Counsel determined that a reasonable settlement could be reached that will avoid litigation costs and protect the City from legal action.
Recommendation/Reason:	Best interest of City.
Amount to be Paid:	\$2,177.69
Check Writing Details:	Make payable to KELLY M. WHITEHORNE
Conditions:	Fully executed General Release to City must be received and 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 Voccio moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CLAIM: NATIONAL UNION INSURANCE CO., ST. JOHNSBURG FIRE CO.

Agenda Item #19

Date of Occurrence:	November 20, 2020
Date Claim Filed:	January 11, 2021
Date Action Commenced:	Not Applicable. Being resolved prior to litigation.
Location:	47 th Street & Niagara Falls Boulevard

Nature of Claim: The Notice of Claim alleges that the St. Johnsburg Fire Company, Inc.'s 2002 Ford Mini Pumper sustained damage while responding to a mutual aid call of the Niagara Falls Fire Department. New York General Municipal Law § 209 provides the mechanism for a mutual aid fire company such as St. Johnsburg to recover its losses from the City.

Status of Action: This matter has been investigated but not yet been placed in suit. At this juncture, Corporation Counsel determined that a reasonable settlement could be reached that will avoid litigation costs and protect the City from legal action.

Recommendation/Reason: Best interest of City.

Amount to be Paid: \$534.69

Check Writing Details: Make payable to "NATIONAL UNION INSURANCE COMPANY," and reference "St. Johnsburg Fire Company loss"

Conditions: Fully executed General Release to City must be received and 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 Voccio moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

RESOLUTION: BUILDING ORDINANCES, CHAPTER 1101, AMENDING, 2021-35
 BY: COUNCIL MEMBERS SODA, SPANBAUER, VOCCIO, CHAIRMAN TOMPKINS

Agenda Item #20

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that Chapter 1101 of the Codified Ordinances entitled "Building Ordinances" is hereby amended to read as follows:

CHAPTER 1101

[BUILDING ORDINANCES

New York State Property Maintenance Code

1101.01 Application of State Code

1102.02 Penalties for Violation

1101.01 APPLICATION OF NEW YORK STATE PROPERTY MAINTENANCE CODE

There is hereby adopted by the City of Niagara Falls, New York a code known as New York State Property Maintenance Code, effective January 1, 2003. (Adopted by City Council 11/12/85; amended 09/18/03.)

1102.02 PENALTIES FOR VIOLATION

A. A person, firm or corporation found to be in violation of the New York State Property Maintenance Code, as adopted in Section 1101.01 of this Chapter, shall be guilty of a violation and is punishable by a fine not more than Two Hundred Fifty and 00/100 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. (Section added 09/18/03)

B. Any person, firm or corporation violating any of the provisions of the New York State Property Maintenance Code shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation, and the City may maintain an action against each person, firm or corporation to recover for such expense, loss or damage, together with the costs of executing such notice or orders required. (Section added 09/18/03)]

ADOPTION OF NEW YORK STATE CODES

1101.01 Application of New York State Codes

1101.02 Penalties for Violation

1101.01 APPLICATION OF NEW YORK STATE CODES

There is hereby adopted and incorporated by reference in this Part 11 of the City Ordinances, as is fully set forth herein, all applicable provisions of the:

A. New York State Uniform Fire Prevention and Building Code (hereinafter referred to as the "the Uniform Code"), adopted pursuant to Article 18 of the New York Executive Law and set forth in Parts 1219-1227 of Title 19 of the New York Code Rules and Regulations ("19 NYCRR Part 1219 et seq."), as amended, including but not limited to the publications known as the:

- 1) 2020 Building Code of New York State
- 2) 2020 Existing Building Code of New York State
- 3) 2020 Fire Code of New York State
- 4) 2020 Fuel Gas Code of New York State
- 5) 2020 Mechanical Code of New York State
- 6) 2020 Plumbing Code of New York State
- 7) 2020 Property Maintenance Code of New York State
- 8) 2020 Residential Code of New York State

B. New York State Energy Conservation Construction Code, (hereinafter referred to as the "Energy Code"), adopted pursuant to Article 11 of the New York Energy Law and set forth in Title 19 of the New York Code Rules and Regulations Part 1240 ("19 NYCRR Part 1240"), as amended, including but not limited to the publication known as the 2020 Energy Conservation Construction Code of New York State.

1102.02 PENALTIES FOR VIOLATION

A. A person, firm or corporation found to be in violation of any provision of the Codes adopted in Section 1101.01 of this Chapter shall be guilty of a violation and is punishable by a fine of not more than Two Hundred Fifty and 00/100 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.

B. Any person, firm or corporation violating any provision of the Codes adopted in Section 1101.01 of this Chapter shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation, and the City may maintain an action against each person, firm or corporation to recover for such expense, loss or damage, together with the costs of executing such notice or orders required.

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

Yeas
Nays

5
0
ADOPTED

COMMUNITY DEVELOPMENT: 2021-2022 ANNUAL ACTION PLAN, ADOPTION

Agenda Item #21

The City of Niagara Falls prepares an Annual Action Plan in order to implement federal grant programs. These grant programs fund housing, community development and neighborhood-based services within the City. The annual action plan provides a framework for the annual expenditure of federal entitlement funds available through the Community Development Block Grant (CDBG) Program, HOME Investment Partnerships (HOME) Program and Emergency Solutions Grant (ESG) Program. The City of Niagara Falls submits this plan to the United States Department of Housing and Urban Development (HUD) for approval.

The proposed 2021-22 Annual Action Plan and grant funding recommendations has been provided to Council members and is on file in the Community Development Office and in the City Clerk's Office.

A summary of goals and proposed expenditures is as follows:

Milling and Road Paving	CDBG:	\$515,000
Small Business Support Fund	CDBG:	\$100,000
Targeted Demolition	CDBG:	\$415,000
Owner Occupied Residential Rehabilitation	CDBG:	\$400,000
Single Family Homeownership Initiatives	CDBG:	\$17,030
Clean Neighborhood Programming	CDBG:	\$107,058
Youth Mentoring and Counseling	CDBG:	\$143,741
Homeless Assistance and Prevention	CDBG:	\$143,000
Facility Improvements	CDBG:	\$112,000
HOME Investment Partnership	HOME:	\$403,847
Emergency Solutions Grant	ESG:	\$50,000
Increase % of Homeless Persons in Permanent Housing	ESG:	\$144,880

Will the Council so approve the aforementioned 2021-2022 Annual Action Plan and the related grant award recommendations and authorize the Mayor to take such actions as are necessary to implement the same?

Council Member Voccio 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 Tompkins adjourned the Meeting at 7:14 P.M.

Kathleen Ligammari
City Clerk



AUGUST 25, 2021

SPECIAL COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The August 25, 2021 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Tompkins at 5:00 PM in the Council Chambers.

Present: Mayor Robert Restaino, Administrator Anthony Restaino

Also Present: Corporation Counsel Chris Mazur, and City Controller Daniel Morello.

Special Meeting for Council to approve the following items.

August 20, 2021

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 Wednesday, August 25, 2021 at 5:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purposes:

1. Approval of Inter-municipal Agreement for continued operation of the Niagara County Law Enforcement Academy;
2. Approval of Community Development Department Miscellaneous Revenues Grant to Ellicott Development;
3. Approval of Acceptance of Assistance to Firefighters Grant Award (NFFD);
4. Approval of Acceptance of DCJS Tactical Team Grant Award (NFPD);
5. Approval of Acceptance of District Attorney's Forfeiture Fund Award (NFPD);
6. Approval of Inter-municipal Agreement with Niagara County and City of Lockport for Collection of Occupancy Taxes from Airbnb;
7. Approval of Extension of Agreement with Niagara Tourism & Convention Corporation;
8. Approval of Agreement with Unified Court System for Court Cleaning and Minor Repairs; and
9. Approval of Agreement with Niagara Falls City School District for School Resource Officers.

Respectfully submitted,

Robert M. Restaino, Mayor

Comments prior to vote:

- Mayor Restaino addressed the Council to offer projected increases to property taxes to cover cost of additional manpower across various departments.
- Item #2: Councilman Soda discussed/requested clarification of 'UDAC' program from Controller Morello.
- Item #3: Councilman Soda requested clarification of the equipment being sought for fire department.
- Item #7: Councilman Spanbauer requested copy of original document.

All nine (9) items presented to Council passed.

CONTRACT: NIAGARA COUNTY LAW ACADEMY, CONTINUED OPERATION

Agenda Item #1

As you know, the Niagara County Law Enforcement Academy, which has been jointly operated by the County and the City for a number of years, has an opportunity to relocate its educational program to the campus of the Niagara County Community College. The College has agreed to provide the necessary physical space and logistical support for the operation of the Academy at no cost to either the City of Niagara Falls or the County, pursuant to a five year inter-municipal agreement that is now being finalized by our Corporation Counsel and the County Attorney.

Other than changing the location of the Academy, the inter-municipal agreement will enable the Academy to continue its important mission of offering a "Basic Course for Police" that is approved by the New York State Division of Criminal Justice Services as a pre-employment course to new recruits selected by law enforcement agencies throughout the County, including our own City Police Department.

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

Yeas

5

Nays

0

APPROVED

GRANT: ELLICOTT DEVELOPMENT (FORMER GAZETTE BLDG.) CD MISC. REVENUES

Agenda Item #2

Under the prior administration, a commitment was made to Ellicott Development to provide \$147,000.00 in Community Development funds for Ellicott's expenses related to removal of hazardous substances and correction of dangerous conditions in the former Gazette Building which Ellicott purchased. The City also received a commitment from Empire State Development for \$91,812.00, to reimburse the City for a portion of the City grant. The commitment to Ellicott was never brought to Council for approval, but the work proceeded. Ellicott has completed the work and requested the grant funds.

The Controller has identified Community Development "miscellaneous revenue" funds as a possible source from which this grant can be paid. These funds derive from Urban Development Action Grant repayments from many years ago. Miscellaneous revenues are not subject to all CDBG regulations. If approved, the ESD grant will be deposited into the miscellaneous revenue account to reimburse the City partially for the cost of the City grant to Ellicott Development.

Will the Council vote to approve the grant of \$147,000.00 of Community Development miscellaneous revenues to Ellicott Development for purposes set forth herein (on file in the City Clerk's Office), to accept the \$91,812.00 from ESD to reimburse the City for a portion of the grant, and to authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	4
Kennedy, Soda, Spanbauer, Chairman Tompkins	
Nays	0
Abstain	1
Voccio	

APPROVED

GRANT: NIAGARA FALLS FIRE DEPARTMENT, ASSISTANCE TO FIREFIGHTERS GRANT, U.S. DEPT. OF HOMELAND SECURITY

Agenda Item #3

The U.S. Department of Homeland Security has approved the Niagara Falls Fire Department's application for a 2020 Assistance to Firefighters Grant ("AFG") in the amount of \$314,718.18. The purpose of the AFG program is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards (Award Letter on file in the City Clerk's Office).

The totality of the grant amount is to be used for firefighting equipment. As a condition of the grant, a ten percent (10%) contribution of non-federal funds is required. Funding for the City's \$31,471.82 contribution is available from Tribal Revenue reserves, bringing the total budget for the project to \$346,190.00.

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

Yeas	5
Nays	0

APPROVED

GRANT: NIAGARA FALLS POLICE DEPT., DCJS TACTICAL TEAM GRANT AWARD

Agenda Item #4

The New York State Division of Criminal Justice Service ("DCJS") has awarded the Niagara Falls Police Department with a 2021 Tactical Team grant. Grant funding is available to the NFPD to provide state of the art training and equipment for its DCJS Certified Emergency Response Team so as to provide better services for our community during critical incidents.

The grant award is in the amount of \$74,828.00, which is fully funded and does not require any local cash match.

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

Yeas	5
Nays	0

APPROVED

GRANT: NIAGARA FALLS POLICE DEPT., DISTRICT ATTORNEY'S FORFEITURE FUND AWARD

Agenda Item #5

The Manhattan County District Attorney's office has created a Forfeiture Fund that is specifically meant to assist law enforcement agencies throughout New York State with costs brought on by the recent criminal discovery reforms and bail reform laws. Through the Niagara County District Attorney's office, the Niagara Falls Police Department is scheduled to receive \$157,805.00 from this Fund for its work on the aforementioned compliance and reform matters (letter from Niagara county District Attorney filed in the City Clerk's office).

Will the Council so approve the acceptance of this 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 Spanbauer moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

CONTRACT: AIRBNB OCCUPANCY TAXES, COLLECTION, NIAGARA COUNTY & CITY OF LOCKPORT, MOU

Agenda Item #6

The County of Niagara has recently entered into an agreement with Airbnb (the Internet-based platform through which third parties offering accommodations and booking for such accommodations) in order to facilitate the reporting, collection and remittance of applicable hotel room occupancy taxes imposed under the New York State Tax Law. The City of Niagara Falls, along with the City of Lockport, seeks to enter into the attached (on file in the City Clerk's Office) Memorandum of Understanding with the County of Niagara to authorize the County to collect their occupancy taxes, solely related to the taxable booking transactions with Airbnb, on their behalf.

Under this agreement, Niagara County will collect from Airbnb the taxes that it collects, reports and pays from its hosts/guests from within Niagara County. This amount would be subject to a 5% administrative fee to be retained by the County to cover its administrative expenses. Out of the balance of the taxes after the 5% administrative fee, the County will distribute funds to NTCC and the Discover Niagara Shuttle as indicated in the Tax Law. The County Treasurer will provide quarterly reports to all parties to the agreement as to the distribution of funds.

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

Yeas 5

Nays 0

APPROVED

CONTRACT: NIAGARA TOURISM & CONVERNTION CORP., EXTENSION

Agenda Item #7

The City seeks to extend its Agreement with the NTCC to run concurrent with NTCC's agreement with the County of Niagara; NTCC's agreement with the County has been extended through May 31, 2023. NTCC must have an agreement with the County of Niagara in order for it to enter into an agreement with the City.

Inasmuch as the NTCC and the County have entered into an agreement, it is recommended that the City extend its agreement with the NTCC through May 31, 2023. Attached (on file in the City Clerk's Office) is a copy of a proposed Extension Agreement.

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

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

Yeas

5

Nays

0

APPROVED

CONTRACT: COURT CLEANING AND MINOR REPAIRS, UNIFIED COURT SYSTEM AND THE CITY OF NIAGARA FALLS

Agenda Item #8

Section I of the existing contract between the UCS and the City of Niagara Falls for cleaning and minor repairs in the courthouse portion of 1925 Main Street provides for a renewal period commencing on April 1, 2021 and terminating on March 31, 2022.

The proposed budget for this period of time calls for UCS to reimburse the City in the amount of \$254,558 for services rendered. Attached (on file in the City Clerk's Office) hereto is a copy of the agreement renewal letter together with the budget.

Will the Council so approve and authorize the Mayor to execute this renewal letter?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: SCHOOL RESOURCES OFFICERS, NIAGARA FALLS CITY SCHOOL DISTRICT

Agenda Item #9

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 2021-22 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 (on file in the City Clerk's Office) be renewed for the 2021-22 school year. The term of the agreement will commence on September 1, 2021 and terminate on June 30, 2022. The School District will reimburse the City for the total cost of salary and benefits for these four police officers, which totals approximately \$483,547.00.

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 Spanbauer 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
Tompkins adjourned the Meeting at 5:19 PM.

Kathleen Ligammari
City Clerk



SEPTEMBER 1, 2021
REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The Legislative session of the September 1, 2021 Niagara Falls City Council Meeting was called to order by Council Chairman Kenny Tompkins at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Frank Soda, John Spanbauer, Chris Voccio, Council Chairman Kenny Tompkins

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

Council Member Soda said the Prayer and the Chairman 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:

Cherrish Beals	Agenda Item #11; Ordinances not updated in related department web page; continued opposition to STR Ord. change
Mary DeBacco	Public Safety issues
Donta Myles	Public Safety issues

Council Chair Comments:

Chairman Tompkins provided feedback to several concerns voiced by residents at previous meetings.

Mayor/Administration Update: None

Controllers Report:

- Presented year to date revenue comparisons (through July) to 2020 (pandemic impacted) and 2019 (pre pandemic).
County sales tax: +22% over 2020, +19% over 2019. Voccio asked Controller to expand on projections/actuals.
HRU: +13% over 2020, -12% under 2019
Parking: Metered parking doing well. Surface lots negatively impacted by new gates and staffing issues.
Tourism (bed tax): Significantly improved, also includes increase from previous 5% to 6%.
- Voccio commented that the numbers that have exceeded 2019 are notable in that fewer international and virtually no Canadian tourists have contributed to it.

Review of Agenda Items

- Item 3 - Councilman Soda requested clarification of bid review process.
- Item 8 (pulled) - Councilman Soda requested clarification of the balance in the account that was referenced in it.

Misc:

- Councilman Kennedy mentioned the overgrowth of grass on sidewalks of the 2400 block of LaSalle Ave. As well as tree limbs that need attention on 2700 block of LaSalle Ave.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK CLAIMS FOR THE MONTH OF JULY 2021

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF JULY 2021

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: LASALLE CONTRACTING CORP., ON CALL PLUMBING SERVICES

Agenda Item #3

THIS ITEM WAS TABLED

NO ACTION TAKEN

CONTRACT: 311 SYSTEM, IMPLEMENTATION, T-MOBILE

Agenda Item #4

As you know, 311 Service is a three digit abbreviated dialing arrangement for accessing non-emergency police and other government services. Pursuant to an order by the Federal Communications Commission ("FCC"), 311 Service is made available upon request to a requesting entity for a particular jurisdiction. The City plans to establish a 311 Call Center to create a central hub for local subscribers to access a variety of City services. Pursuant to the FCC order, the City has requested 311 Service from T-Mobile Northeast, LLC and Sprint Spectrum L.P. ("T-Mobile"); accordingly, T-Mobile will provide 311 abbreviated dialing service to the City of Niagara Falls, NY.

The City is now looking to contract with T-Mobile to provide this service. The contract term will continue for a period of one (1) year. After the conclusion of the initial term, the Agreement will continue on a month-to-month basis until terminated by either party. Pursuant to the terms of the FCC order, there is no cost to the City for the service.

Will the Council so approve and authorize the Mayor to execute an agreement provided that it is satisfactory to the Corporation counsel in both form and content?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: 311 SYSTEM, IMPLEMENTATION, VERIZON WIRELESS

Agenda Item #5

As you know, 311 Service is a three digit abbreviated dialing arrangement for accessing non-emergency police and other government services. Pursuant to an order by the Federal Communications Commission ("FCC"), 311 Service is made available upon request to a requesting entity for a particular jurisdiction. The City plans to establish a 311 Call Center to create a central hub for local subscribers to access a variety of City services. Pursuant to the FCC order, the City has requested 311 Service from Cellco Partnership, doing business as Verizon Wireless ("Verizon Wireless"); accordingly, Verizon Wireless will provide 311 abbreviated dialing service to the City of Niagara Falls, NY.

The City is now looking to contract with Verizon Wireless to provide this service. The contract term will continue for a period of one (1) year. After the conclusion of the initial term, the Agreement will continue on a month-to-month basis until terminated by either party. Pursuant to the terms of the FCC order, there is no cost to the City for the service.

Will the Council so approve and authorize the Mayor to execute an agreement provided that it is satisfactory to the Corporation counsel in both form and content?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: 311 SYSTEM, IMPLEMENTATION, AT & T MOBILITY, LLC

Agenda Item #6

As you know, 311 Service is a three digit abbreviated dialing arrangement for accessing non-emergency police and other government services. Pursuant to an order by the Federal Communications Commission ("FCC"), 311 Service is made available upon request to a requesting entity for a particular jurisdiction. The City plans to establish a 311 Call Center to create a central hub for local subscribers to access a variety of City services. Pursuant to the FCC order, the City has requested 311 Service from AT&T Mobility LLC ("AT&T Mobility"); accordingly, AT&T Mobility will provide 311 abbreviated dialing service to the City of Niagara Falls, NY.

The City is now looking to contract with AT&T Mobility to provide this service. The contract term will continue for a period of one (1) year. After the conclusion of the initial term, the Agreement will continue on a month-to-month basis until terminated by either party. Pursuant to the terms of the FCC order, there is no cost to the City for the service.

Will the Council so approve and authorize the Mayor to execute an agreement provided that it is satisfactory to the Corporation counsel in both form and content?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: ACTUARIAL EQUIVALENCE TESTING, FUNDING, MILLIMAN, INC.

Agenda Item #7

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 \$5,300.00 for calendar year 2022. 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 Soda moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

CONTRACT: NF POLICE DEPARTMENT, INFORMATION TECHNOLOGY CONSULTING SERVICES, FUNDING, CHRIS SOLURI AND RON STIPP

Agenda Item #8
THIS ITEM WAS PULLED
NO ACTION TAKEN

CONTRACT: AQUARIUM OF NIAGARA, EASEMENT, CONSTRUCTION OF A CONCRETE PAD IN FURTHERANCE OF THE "WHIRLPOOL COMMONS" PROJECT

Agenda Item #9

The City has been requested by the Aquarium of Niagara to grant an easement to allow for the construction of a concrete pad in furtherance of its "Whirlpool Commons" project that was previously supported by the Council. The proposed easement area is owned by the City and is a portion of the removed area of Whirlpool Street adjacent to the Aquarium.

Will the Council approve the granting of the easement and authorize the Mayor to execute the easement agreement (on file in the City Clerk's Office) and any other documentation necessary to implement the same, provided these documents are in form and content acceptable to the Corporation Counsel?

Council Member Soda 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 OF RESOLUTION 2021-30

Agenda Item #10
THIS ITEM WAS RECEIVED AND FILED

MAYOR'S APPROVAL OF RESOLUTION 2021-34

Agenda Item #11
THIS ITEM WAS RECEIVED AND FILED

MAYOR'S APPROVAL OF RESOLUTION 2021-35

Agenda Item #12
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: GUY, CASSIE LYNN

Agenda Item #13

Date of Occurrence:	August 12, 2020
Date Claim Filed:	October 2, 2020
Date Action Commenced:	Not Applicable. Being resolved prior to litigation.
Location:	1925 Main Street, Niagara Falls, New York
Nature of Claim:	Property damage to parked 2017 Subaru Impreza VIN No. 4S3GTAM68H3741629 which was struck by City of Niagara Falls Traders Crew Truck (Department of Public Works), City Vehicle Plate No. AE9353 (Equipment No. 453)
City Driver:	Anthony Paretto

Status of Action: This matter has been investigated but not yet been placed in suit. At this juncture, Corporation Counsel determined that a reasonable settlement could be reached that will avoid litigation costs and protect the City from legal action.

Recommendation/Reason: Best interest of City.

Amount to be Paid: \$659.29

Check Writing Details: Make payable to CASSIE LYNN GUY

Conditions: Fully executed General Release to City must be received and 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 Soda moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

RESOLUTION: LEWISTON PEACH FESTIVAL, BANDSTAND FEE, WAIVED, 2021-36
BY: ALL COUNCIL MEMBERS

Agenda Item #14

WHEREAS, the Kiwanis Club of Lewiston, NY has requested use of the City of Niagara Falls' bandstand on Saturday, September 11, 2021, for the annual Peach Festival.

NOW, THEREFORE, BE IT RESOLVED that the Niagara Falls City Council hereby directs the City Administrator to waive the fee for use of the City bandstand for the Kiwanis Club of Lewiston, NY, in furtherance of the Peach Festival festivities for Saturday, September 11, 2021.

Yeas	5
Nays	0
	ADOPTED

There being no further business to come before the Council,
Chairman Tompkins adjourned the Meeting at 6:45 P.M.

Kathleen Ligammari
City Clerk



SEPTEMBER 15 , 2021
REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The Legislative session of the September 15, 2021 Niagara Falls City Council Meeting was called to order by Council Chairman Kenny Tompkins at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Frank Soda, John Spanbauer, Chris Voccio, Council Chairman Kenny Tompkins

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.

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

Michael Murphy	Walk on Item #8
Jockline Pryor	Agenda Item #4 (Pulled), Agenda Item #6
Todd Salansky	Walk on Item #10
Peter Dolansky	STR Moratorium
Gerald Skrlin	Illegal Boardinghouse
Donta Myles	Crime; NY Peace Makers
Jockline Pryor	Crime; Garbage Fee
Beth Hosey	Slum Lords

Presentation:

Robert Schaller, DOT. Overview of traffic study and proposed reconfiguration of Walnut/Ferry Ave. corridor between Packard Rd. and Main St.

Council Chair Comments:

ON FILE IN THE CITY CLERK'S OFFICE

Mayor/Administration Update:

- American Rescue Funds community engagement series continues. Two more planned which will have included all legislative districts in the City.
- 2022 budget preparation continues to be in the forefront.
- Blue Cardinal progress updates pending.
- Expressed appreciation to Council for reconsidering item 11, previously tabled.

Controllers Report:

- 2022 budget preparation has been primary focus. Advised Council that NY State has fully funded the budgeted 2021 casino disbursement.

Review of Agenda Items

- Item 5 - Mayor clarified basis of the result indicated in the item.
- Item 8 - Councilmen Spanbauer and Soda voiced their support for this action and clarified basis for it.
- Item 9 - Mayor clarified maintenance of proposed park. USA Niagara would assume responsibility. No City general funds would be used toward this project.
- Item 11 - Councilman Kennedy requested clarification of company name for bid awardee.

Misc:

- Chair Tompkins mentioned grass overgrowth at Highland and College Avenue intersection. Also expressed appreciation to the Administrator for being personally proactive with resident concerns brought to his attention.
- Councilman Kennedy reiterated the overgrowth of grass on sidewalks in the proximity of 2439 and 2450 LaSalle Ave. Virtually all grass which would hinder wheelchair operation.
- Councilman Kennedy inquired whether City or water Board is responsible for residual curb repair needed post hydrant work. The Mayor indicated he would be in contact with Water Board Director.
- Councilman Spanbauer understands residents desire for added manpower/services within the City, however asks they understand that the financial burden would fall on residents by way of taxes.
- Councilman Spanbauer asked the Mayor what main topics were raised at ARF community engagement sessions. Mayor indicated similar concerns as presented at Council meetings; public safety, infrastructure, assistance for small business.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S CLAIMS FOR THE MONTH OF AUGUST 2021

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF AUGUST 2021

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

MEMORIAL: CHARLOTTE DETT, MEMORIAL MARKER

Agenda Item #3

The newly emerging history of Charlotte Dett has sparked the interests of scholars and has raised questions of how might she be recognized within the city that her leadership and activism flourished. Miss Dett was born in 1862 in Drummondville (now Niagara Falls), Canada. She and her family relocated to Niagara Falls, New York in 1893 where she opened a 17 room boarding house at 362 2nd Street (now the Sheraton parking lot).

Miss Dett believed in principles of education, community, activism and leadership which led her to lead a great life of activism and civic leadership promoting equal voting and political participation, racial unity, equity and fairness. She also supported the upward progression of African American women, and operating a boarding house that was one of the few places in Niagara Falls a Black individual would be able to stay at the time. Additionally, one of Charlotte Dett's most concrete and long-lasting contributions to the Niagara Falls community and the African American community, in particular, was helping to establish the Niagara Community Center.

In recognition of Charlotte Dett's many contributions, it is proposed that a marker celebrating her life be placed in the City of Niagara Falls. The marker, which would be privately funded, would be placed on Old Falls Street near the Arcade at the Falls and Rainforest Café, which is proximate to where her boarding house was once located. It is anticipated that this will add to the connectivity of the area which will hopefully make for a more enjoyable and informative walk down Old Falls Street.

Will the Council so approve and authorize the Mayor to implement the same?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: INFORMATION TECHNOLOGY CONSULTING SERVICES-NFPD

Agenda Item #4

THIS ITEM WAS PULLED

NO ACTION TAKEN

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

PAYMENT: TAX REFUNDS

Agenda Item #5

Background and Status of Underlying Litigation:

Petitioner, NFR GATEWAY, LLC (NABISCO), is the owner of both parcels in question. The first, 126 Memorial Parkway (SBL: 159.55-1-1), is 5.3 acres and includes a 162,488 square foot warehouse constructed in 1975 and formerly used by Nabisco up until 2001. Once zoned Industrial, it was rezoned after Nabisco ceased operations as Downtown - 'D1-A Near Casino'. For some years since, it has been used as a rental storage facility. The second parcel, 816 Rainbow Boulevard (SBL: 159.09-3-4.1) is 5.26 acres and includes 5 buildings totaling approximately 199,000 square feet and all constructed between 1910 and 1917. Up until Nabisco closed its Niagara Falls plant in 2001, these had served as the Nabisco plant and grain silos. This parcel was similarly rezoned from Industrial to 'D1-A Near Casino', but its use has been further curtailed by the presence of environmental contamination, which the Court found required a significant reduction in assessed value.

Starting with the 2011-2012 tax year, the Petitioner challenged the assessed values for both parcels on the grounds that they were excessive. Unable to secure property tax reductions through the administrative review process, Petitioner commenced an Article 7 tax assessment review proceeding for the 2011-2012 tax year, with new filings made each succeeding tax year up to and including 2020-2021. All such cases were combined for purpose of a bench trial before Judge Boniello, which culminated in a March 2019 Court Decision that significantly reduced the taxable values. However, payment of refunds was delayed at that time by an appeal by the City and intervening School District and County to the Appellate Division Fourth Department, which was ultimately decided in Petitioner's favor on October 2, 2020.

Judge Boniello thereafter issued his November 12, 2020, Court Order directing the City and Intervenor to pay ten years of property tax refunds. This Order now requires payment of refunds with statutory interest following the denial of the City's motion for leave to appeal to the New York State Court of Appeals on April 1, 2021.

Recommendation/Reason for Payment:

Based upon Judge Boniello's November 12, 2020, Court Order, and with no remaining avenues to appeal same, both the City Assessor and this Department recommend that the City pay the required tax refunds to comply with the Order and stop the continued accrual of interest owed to Petitioner. The Assessor has calculated the City's total share of refunds for both parcels to total \$ 771,721.99, before the addition of statutory interest owed to Petitioner. The City Controller will need to separately calculate the statutory interest up to the date of payment so that it may be included in the City's draft.

Amount to be Paid:

\$ 771,721.99 plus the statutory interest that the Controller will calculate, up to the date of payment, for inclusion in the City's draft.

Check Writing Details:

Make draft payable to "Wolfgang & Weinmann, as attorneys and agents for NFR Gateway, LLC"

It is the recommendation of this Department that the Court ordered refunds be paid with statutory interest added to the payment draft by the City Controller.

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

Yeas

5

Nays

0

APPROVED

RESOLUTION: RELATIVE TO INTENT TO CHANGE THE NAME OF THE 500 BLOCK OF WHIRLPOOL STREET TO SECOND STREET, 2021-37

BY: COUNCIL CHAIRMAN TOMPKINS

Agenda Item #6

WHEREAS, the 500 block of Whirlpool Street, between Walnut Avenue and Main Street, was originally designated as "Second Street"; and

WHEREAS, due to the removal of a portion of the Niagara Scenic Parkway (formerly the Robert Moses Parkway), the 500 block of Whirlpool Street is no longer being adjoined to the balance of Whirlpool Street; and

WHEREAS, this separation of the 500 block of Whirlpool Street presents ample opportunity to reunite the 500 block of Whirlpool with its historical designation as Second Street; and

WHEREAS, the name, "Second Street" provides navigational continuity to the area, as the 500 block of Whirlpool Street is bordered by First Street to the west and Third Street to the east; and

WHEREAS, the renaming of the 500 block of Whirlpool to its former name would reunite the street, and cause less confusion to motorists, pedestrians and tourists looking to traverse Downtown Niagara Falls; and

WHEREAS, of the eleven (11) properties located on the 500 Block, ten (10) are currently vacant and owned by USA Niagara (who proposed the change as it is currently undertaking a development strategy in the area), and the other is owned by the New York State Office of Parks, Recreation and Historic Preservation; thus any name change would not cause a disturbance to existing residents; and

WHEREAS, this Council is of the opinion that said name change is desirable.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that pursuant to Chapter 901.02 of the Codified Ordinances, the City Council does hereby express its intent to change the name of the 500 block of Whirlpool Street to Second Street and will hold a public hearing on said change at 6:00 PM Eastern Daylight Time on September 29, 2021 in the Council Chambers; the City Clerk is hereby directed to publish in the Niagara Gazette at least one once prior to September 29, 2009 a Notice of Intention to change the name of the 500 block of Whirlpool Street to Second Street at this Council's regular meeting scheduled for September 29, 2021.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: TOURISM ADVISORY BOARD APPOINTMENTS, 2021-38
BY: COUNCIL CHAIRMAN TOMPKINS

Agenda Item #7

WHEREAS, the Council deems it desirable to continue the Tourism Advisory Board throughout the year 2021; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby 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>APPOINTMENT</u>	<u>TERMS EXPIRE:</u>
Nicholas Hurd	12/31/2021
Nico Santangelo	12/31/2021
Jason Zona	12/31/2021

Yeas

4

Nays

1

ADOPTED

RESOLUTION: ZONING ORDINANCE CHAPTER 1302.4.2(D), AMENDMENT, 2021-39
BY: COUNCIL MEMBER SODA, CHAIRMAN TOMPKINS

Agenda Item #8

WHEREAS, the City Council has recently proposed an amendment to Chapter 1302.4.2 (D) of the City Zoning Ordinance; and

WHEREAS, the proposed amendment was duly submitted to the Niagara Falls Planning Board for its review and recommendation

WHEREAS, at its meeting held on July 14, 2021, the City Planning Board made no recommendation relative to the proposed amendment and removed the same from its agenda; and

WHEREAS, as the Planning Board declined to make a report to the City Council of its recommendation within sixty (60) days, pursuant to Chapter 1302 its recommendation shall be deemed to be an approval by the Planning Board; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby amend Chapter 1302.4.2 (D) of the City of Niagara Falls Zoning Ordinance to read as follows:

D. Affect of Planning Board Recommendation.

No amendment of this Zoning Ordinance that has not been approved by the Planning Board shall be adopted except by [unanimous vote of the City Council] three-fourths majority approval of the City Council as constituted by the City Charter; that being four (4) votes...

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

Yeas	4
Nays	1
ADOPTED	

RESOLUTION: HYDRAULIC CANAL INTERPRETIVE TRAIL PROJECT, GRANT

APPLICATION, 2021-40

BY: COUNCIL CHAIRMAN TOMPKINS

Agenda Item #9

WHEREAS, the City of Niagara Falls is submitting a grant application to the New York State Department of Transportation to construct a hydraulic canal interpretive trail project utilizing Federal TAP funding; and

WHEREAS, this project will establish an accessible pedestrian connection between the newly constructed portions of the Niagara Falls State Park ("State Park") trail system and downtown Niagara Falls; and

WHEREAS, the improvement will benefit residents and visitors by activating underutilized land in the downtown area, providing a new accessible route into the State Park and providing a highly functional and visible physical connection between the State Park and City streets; and

WHEREAS, USA Niagara Development Corporation ("USAN") will oversee all aspects of the design and construction of project; and

WHEREAS, the project will be constructed on the contiguous parcels owned by USAN between 1st Street, 2nd Street, Main Street and Niagara Street in downtown Niagara Falls; and

WHEREAS, the above project's estimated total cost is \$4,940,000, which will include \$3,952,000 in assistance from New York State DOT and a local/city share of \$988,000; and

WHEREAS, the required local/city share is available through USAN and therefore the project requires no financial commitment from the City of Niagara Falls; and

WHEREAS, that submission of the City's application for the grant shall be conditioned upon the signed agreement between USAN and the City stating, in pertinent part, that USAN, as owner of the parcels where the trail project will be located, will be responsible for the maintenance obligations relative to the parcels which make up the trail project site, until and unless a future alienation of the parcels by USAN relieves USAN of any or all such maintenance obligations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this grant application and authorized the Mayor to act on behalf of the City in all matters related to the application and grant.

Yeas	5
Nays	0
ADOPTED	

RESOLUTION: SHORT-TERM VACATION OR TRANSIENT RENTALS, EXPENDING
MORATORIUM THROUGH MARCH 14, 2021, 2021-41
BY: COUNCIL MEMBER SODA, CHAIRMAN TOMPKINS

Agenda Item #10

WHEREAS, on June 1, 2021, the City Council of the City of Niagara Falls imposed a moratorium on the consideration of building/use permits for short-term, vacation or transient rentals; and

WHEREAS, this moratorium was 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, regulation and approvals of short-term, vacation or transient rentals; and

WHEREAS, the City has finalized such a plan and will submit the same to the City Planning Board for review; however, 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 cannot be completed prior to the end of the moratorium on short-term, vacation or transient rentals; 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 for an additional one hundred eighty (180) days, through March 14, 2022.

Yeas	4
Nays	1

ADOPTED

CONTRACT: ON-CALL PLUMBING SERVICES, RESIDENTIAL COMBINED SEWER LATERAL REPLACEMENT PROJECT (REBID), Lasalle Contracting Corp.

Agenda Item #11

The following was the result of bids received on August 4, 2021, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Lasalle Contracting Corp. 2104 Niagara Street Niagara Falls NY 14303	\$190,650.00
J.R Swanson Plumbing Co.	\$232,365.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, Lasalle Contracting Corp. at their base bid \$190,650.00. Funding is available through Community Development.

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

Yeas	4
Kennedy, Soda, Spanbauer, Chairman Tompkins	
Nays	0
Abstain	1
Voccio	

APPROVED

There being no further business to come before the Council,
Chairman Tompkins adjourned the Meeting at 7:34 P.M.

Kathleen Ligammari
City Clerk



SEPTEMBER 29, 2021
REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The Legislative session of the September 29, 2021 Niagara Falls City Council Meeting was called to order by Council Chairman Kenny Tompkins at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Frank Soda, John Spanbauer, Chris Voccio, Council Chairman Kenny Tompkins

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

Council Member Voccio 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 Special Council Meeting of August 25, 2021 and the Council Meeting of September 1, 2021.

Yeas	5
Nays	0

APPROVED

The Chairman asked if anyone wished to speak on the Public Hearing relative to expressing the intent to change the name of the 500 Block of Whirlpool Street to Second Street

THERE WERE NO SPEAKERS

COUNCIL CHAIRMAN COMMENTS:

ON FILE IN THE CITY CLERK'S OFFICE

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

Todd Salasky	Agenda Item #5
Jennifer Lamoy	Handicap entrance should be manned for meetings
Gerald Skrlin	Social Class issues
Todd Salasky	Memorial Pkwy. & LaSalle Ave STR's
Donta Myles	Transparency; Public Safety
Jennifer LaMoy	Crime
Cherrish Beals	Responding to Chairman's comments; STR Ordinance questions
Bob Krause	STR vs LTR; suggest "Performance Bonds" be placed on Public funded Projects
Robert Ventry	Walnut & Ferry Avenues proposed changes
Dorothy West	Asks Council participation in Walk for Children
Jockline Pryor	Copy of Chairmans comments; Refuse fee opposition
Mary Tillman	Promote Change & Positivity
Dennis Thuman	STR; Disappointment with Council
Gloria Dolson	Various problems; Community & City Leaders need to coordinate
Beth Hosey	Property Management issues

Mayor/Administration Update:

- Mayor Restaino indicated no specific report. 2022 budget preparation continues to be focus. Information on potential major developments will be forthcoming.

Controllers Report:

- Controller explained current 'Fiscal Stress' score.

Review of Agenda Items

- Item 2 - Councilman Soda requested clarification. Councilman Spanbauer inquired if list of demolished structures was available. Controller indicated a list is maintained.
- Item 4 - Councilmen Soda inquired if any related work would be performed in 2021. Controller indicated it would be 2022. Councilman Spanbauer expressed his approval of the cost.
- Item 9 - Councilman Kennedy expressed his appreciation to those who sponsored the item.
- Item 10 - Mayor Restaino shared with Council that he submitted a letter to the Independent Districting Council in opposition to re-establishment of so-called "Earmuff" Congressional district.

Misc:

- Councilman Spanbauer explained the RFP process to attendees.
- Councilman Soda requested a work session with the Controller to clarify financial related matters.
- Councilman Kennedy inquired whether City or water Board is responsible for residual curb repair needed post hydrant work. The Mayor indicated he would be in contact with Water Board Director.
- Councilman Spanbauer voiced need to get out of financial stress classification. City employees need to contribute more toward medical expense.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

PURCHASE: SCHICHTEL'S NURSERY, TREES, FUNDING

Agenda Item #1

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

TO: Schichtel's Nursery
7420 Peters Road
Springville, New York 14141-9405
FOR: Purchase of 131 trees to be planted throughout the City,
per the attached tally sheet
\$13,635.00

Planting of the trees will be completed by the City's Forestry Division on overtime. It is anticipated that the total labor cost to plant the 131 trees shall not exceed \$15,100.00, based on the costs of the prior phases of planting. This expenditure will include FICA and the contractually obligated overtime meals.

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

Bid packages were sent to thirteen (13) vendors. Four (4) responses were received. Please reference the attached (on file in the City Clerk's Office) tally sheet for bid submission details.

Funds for all of these expenditures are available from the approved Greenway funds in capital account code H1907.

Will the Council so approve?
 Council Member Soda moved that the communication be received and
 filed and the recommendation approved.
 Yeas 5
 Nays 0
 APPROVED

DEPARTMENT OF PUBLIC WORKS/PARKS: ROSE GARDEN PAYMENT, CDBG FUNDS,
 SCRUFARI CONSTRUCTION, FUNDING

Agenda Item #2

In 2019 the Niagara Falls City Council approved a City Parks improvement project related to the Rose Garden utilizing Community Development Block Grant funds ("CDBG"). Funding for this project was eliminated in 2020 via City Council approval at the July 15, 2020 meeting to provide CDBG funds for various demolitions. However, the Rose Garden project started prior to the transferring of these funds for the various demolitions. The City reached out to HUD for guidance on paying this outstanding invoice. HUD provided the City with the recommendation being proposed in this particular council resolution.

It is now proposed to appropriate \$184,661.98 from City Tribal Revenue funds to pay Scrufari Construction for the Rose Garden Project. To offset the use of Tribal Revenue reserves on this project, the City plans to utilize 2020 CDBG funds of up to \$250,000.00 to pay for emergency demolition costs, which are typically paid from City Tribal Revenues funds (Letter from HUD on file in the City Clerk's Office).

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

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

Yeas 3
 Spanbauer, Voccio, Chairman Tompkins
 Nays 2
 Kennedy, Soda

APPROVED

CONTRACT: EMPLOYEE ASSISTANCE PROGRAM, NORTHPOINTE COUNCIL, INC.,
 FUNDING

Agenda Item #3

Attached for your information and review is the proposed agreement (on file in the City Clerk's Office) 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 Soda moved that the communication be received and filed and the recommendation approved.

Yeas 5
 Nays 0

APPROVED

Agenda Item #4

As we are all aware, the City's network and telecommunications services are insufficient to meet the demands being placed upon them and are in need of serious improvement. In seeking a solution to the City's telecommunication issues, the primary goal is not only to ensure that the new service will support the existing telephony and network infrastructure, but also to provide added resiliency to avoid major outages that can lead to public safety issues. Since we do not possess the technical capacity to implement such a program, it will be necessary to enter into an agreement with a company that can provide such services. Accordingly, it is hereby proposed that the City enter into an agreement with Spectrotel, Inc. for the desired network and telecommunication services.

Spectrotel is a next-generation, enterprise-level network aggregator and managed solutions provider with over 23 years of experience coordinating and managing disparate carriers and networks. Spectrotel's proposed service will include: replacement of the existing Windstream services; providing fully diverse Internet circuits serving both City Hall and the Public Safety Building; 24x7x365 monitoring and support; replacement of outdated phone system services; utilizing compatible technologies that employ multiple Internet circuits to support inbound/outbound calling; replacement of vulnerable radio technology, and; installation of new QTM/UTP firewalls. Implementation of Spectrotel's services will create a more efficient, scalable and cost-effective telecommunications environment.

The proposed agreement with Spectrotel will have a three (3) year term. Spectrotel will provide their service at a cost of \$58,355.16 per year along with a one-time set-up fee of \$5,306.00. Funds are available and will be budgeted annually in each Department's telephone budget line 0421.001.

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 Soda 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

MAYOR'S APPROVAL

Agenda Item #5

Please be advised that, Mayor Robert M. Restaino, on September 17, 2021, duly approved the following:

Resolution 2021-39, relative to the Amendment of City of Niagara Falls Zoning Ordinance Chapter 1302.4.2 (D).

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CITY PROPERTY: SIGNAGE ON 3RD STREET, ENCROACHMENT ON CITY RIGHT-OF-WAY, GRAY LINE NIAGARA FALLS

Agenda Item #6

Mr. Verity Folan, representing Gray Line Niagara Falls, has applied for a sign encroachment into the City's right-of-way on 3rd Street.

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

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

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

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

RESOLUTION: NAME CHANGE, 500 BLOCK OF WHIRLPOOL STREET TO SECOND STREET, 2021-42

BY: ALL COUNCIL MEMBERS

Agenda Item #7

WHEREAS, by resolution adopted September 15, 2021, this Council directed the Clerk of the Council to publish a Notice of Intention to consider a change of name of the 500 block of Whirlpool Street to Second Street at the regularly scheduled meeting of this Council on September 29, 2021 and to hold a public hearing thereon; and

WHEREAS, this Council has considered the aforesaid change of name and is of the opinion that said renaming is desirable.

NOW, THEREFORE, BE IT RESOLVED, by the Niagara Falls City Council that the name of the 500 block of Whirlpool Street be and is hereby changed to be henceforth known as "Second Street"; and

BE IT FURTHER RESOLVED, that the Clerk of this Council is hereby directed to forward a copy of this resolution to the Mayor and City Administrator so that this change can be implemented through the appropriate City departments; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to the Niagara County Clerk.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: STAFF SERGEANT DAVID G. BELLAVIA (RET), HONORING, 2021-43

BY: MAYOR ROBERT M. RESTAINO, ALL COUNCIL MEMBERS

Agenda Item #8

WHEREAS, David G. Bellavia enlisted in the United States Army in July, 1999 and was deployed to Iraq after serving in Kosovo; and

WHEREAS, on November 10, 2004, while serving as squad leader, Staff Sergeant Bellavia distinguished himself with intrepid acts of gallantry above and beyond the call of duty; and

WHEREAS, as his platoon became trapped in a room by intense enemy fire, Staff Sergeant Bellavia retrieved an automatic weapon and engaged the insurgents; with enemy rounds impacting all around him, Staff Sergeant Bellavia fired at the enemy position in a manner that allowed his squad to escape; and

WHEREAS, Staff Sergeant Bellavia observed an insurgent loading a rocket propelled grenade to launch at his platoon, he assaulted the enemy position; and

WHEREAS, acting on instinct to save his platoon from imminent threat, Staff Sergeant Bellavia cleared the entire house, killing four insurgents and badly wounding a fifth; and

WHEREAS, Staff Sergeant Bellavia was awarded the Silver Star for his bravery in November, 2004; on June 7, 2019, it was revealed that the Silver Star would be upgraded to the Medal of Honor, making Staff Sergeant Bellavia the first and currently only living recipient of the Medal of Honor for service during the Iraq war.

NOW THEREFORE, BE IT RESOLVED that the Niagara Falls City Council and Mayor Robert M. Restaino wish to honor Staff Sergeant David G. Bellavia for his selfless acts of bravery and courage and thank him for his dedication to our country and its citizens.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: INDIGENOUS PEOPLES WEEKEND, SUPPORT, 2021-44

BY: MAYOR ROBERT M. RESTAINO, COUNCIL MEMBERS KENNEDY, SODA, SPANBAUER

Agenda Item #9

WHEREAS, the City of Niagara Falls recognizes that the Indigenous Peoples of the lands, which would later become known as the Americas, have occupied these lands since time immemorial; and

WHEREAS, the City of Niagara Falls recognizes the fact that the City is built upon the homelands and villages of the Indigenous Peoples of this region, without whom the building of the City would not have been possible; and

WHEREAS, the City values the many contributions made to our community through Indigenous Peoples' knowledge, labor, technology, science, philosophy, arts and the deep cultural contribution that has substantially shaped the character and history of the City of Niagara Falls; and

WHEREAS, Indigenous People's Weekend, which will be celebrated October 8th through October 11th, 2021, was created to honor the past, present and futures of indigenous peoples, acknowledge the legacy of colonialism and to raise awareness of its present-day impact; and

WHEREAS, the City Council seeks to the honor our nation's indigenous roots, history, and contributions.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, that it hereby designates and proclaims, in the spirit of solidarity and in celebration of the original people of North America, that October 8th through October 11th, 2021 shall be known as "Indigenous Peoples' Weekend" in the City of Niagara Falls; and

BE IT FURTHER RESOLVED that the City Council firmly commits to continue its efforts to promote the well-being and growth of Niagara Falls' American Indian and Indigenous communities; and be it further

RESOLVED that our City is proud to celebrate the thriving cultures and values of the Indigenous Peoples of our region.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: CONGRESSIONAL DISTRICTS, SUPPORT FOR COMPACT, CONTIGUOUS AND INTEGRATED, 2021-45

BY: COUNCIL MEMBERS KENNEDY, SODA, SPANBAUER, CHAIRMAN TOMPKINS

Agenda Item #10

WHEREAS, because of the federal decennial census, New York State must redraw district lines for the United States House of Representatives; and

WHEREAS, the New York State Independent Redistricting Commission is presently accepting public comment on the redrawing of congressional districts in New York State; and

WHEREAS, since 2013, nearly all residents of the City of Niagara Falls have lived in the 26th Congressional District, which unites the cities of Niagara Falls, North Tonawanda, Tonawanda, Buffalo and Lackawanna with contiguous towns and villages; and

WHEREAS, Niagara Falls' placement within this district has been wholly and entirely proper, given that the City of Niagara Falls and the City of Buffalo and the adjacent communities are integral components of the Niagara Frontier, a compact and contiguous region of New York State with an integrated economy and many shared interests; and

WHEREAS, the current 26th Congressional District, including the City of Niagara Falls, meets all of the generally accepted criteria for a good-government district, including compactness, contiguity, and preservation of communities of interest, as well as combining residents of shared interest throughout the district; the maintenance of this type of district with Niagara Falls included therein is essential to the growth and betterment of our City; and

WHEREAS, from 2003 to 2012, the City of Niagara Falls was situated within the so-called "Earmuff District," which rather than connecting Niagara Falls to Buffalo instead connected our community to metropolitan and suburban Rochester more than 80 miles to the east; and

WHEREAS, the so-called "Earmuff District" stretched from Niagara Falls north to Porter and Youngstown, then traversed across the shores of Lake Ontario, through portions of 10 towns in Niagara, Orleans and Monroe counties, including the City of Rochester and additional towns to that city's southeast; and

WHEREAS, inclusion in the so-called "Earmuff District" clearly violated the generally accepted criteria for good-government redistricting, particularly in terms of compactness and preservation of communities of interest; and

WHEREAS, draft maps have recently circulated in various publications which have suggested that - solely for partisan political purposes - the State of New York should re-establish an "Earmuff District" that would reunite the City of Niagara Falls, among other Niagara Frontier localities, with the City of Rochester; and

WHEREAS, the New York State Independent Redistricting Commission recently released two sets of maps, both of which removed Niagara Falls from being paired up with Buffalo in the same congressional district; and

WHEREAS, adoption of one of these maps drafted by the Independent Redistricting Commission would result in the first instance in decades wherein Niagara Falls is decoupled from Buffalo in a congressional district; and

WHEREAS, given the many similarities shared by Niagara Falls and Buffalo, it is unwise to place these two localities in different congressional districts; and

WHEREAS, it is incumbent upon the City Council of the City of Niagara Falls, New York to make its voice heard on behalf of City residents as critical decision-making lies ahead in terms of congressional redistricting; and

NOW, THEREFORE, BE IT RESOLVED, that in the congressional redistricting process, the City Council of the City of Niagara Falls, New York does hereby encourage the City's inclusion in a congressional district with other densely populated municipalities within the Niagara Frontier, including, but not limited to the City of Buffalo, and does hereby discourage any effort to re-establish a so-called "Earmuff District" connecting any portion of the Niagara Frontier to the City of Rochester; and

BE IT FURTHER RESOLVED, that this City Council does hereby encourage the decision-making authorities, including, but not limited to the New York State Independent Redistricting Commission, the New York State Legislative Task Force on Demographic Research and Reapportionment and/or the New York State Legislature to couple the City of Niagara Falls with the City of Buffalo, and to reject all efforts to re-establish a so-called "Earmuff District," or any district which seeks to similarly connect the Buffalo and Rochester metropolitan areas; and

BE IT FURTHER RESOLVED, that this City Council does hereby encourage the decision-making authorities, including, but not limited to the New York State Independent Redistricting Commission, the New York State Legislative Task Force on Demographic Research and Reapportionment and/or the New York State Legislature, to adhere to the *New York State Constitution, Article III, Section 1, Paragraphs 3 and 4* with regard to the requirement for the preservation of cores of prior districts when engaging in the congressional redistricting process; and be it further

RESOLVED, that certified copies of this Resolution be sent to the New York State Independent Redistricting Commission (250 Broadway, 22nd Floor, New York, NY 10007), the New York State Legislative Task Force on Demographic Research and Reapportionment (250 Broadway, Suite 2100, New York, NY 10007), the Speaker of the New York State Assembly and the Majority Leader of the New York State Senate, and to the local offices of the Representatives in Congress in New York's 26th and 27th Congressional Districts.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: SPCA, BANDSTAND FEE, WAIVED, 2021-46

BY: COUNCIL CHAIRMAN TOMPKINS

Agenda Item #11

WHEREAS, the Niagara County Society for the Prevention of Cruelty to Animals ("SPCA") has requested use of the City of Niagara Falls' bandstand on Saturday, September 25, 2021, as part of their fundraising activities at their facility on Lockport Road; and

NOW, THEREFORE, BE IT RESOLVED that the Niagara Falls City Council hereby directs the City Administrator to waive the fee for use of the City bandstand for the Niagara County SPCA, in furtherance of their fundraising efforts on Saturday, September 25, 2021.

Yeas

5

Nays

0

ADOPTED

There being no further business to come before the Council, Chairman Tompkins adjourned the Meeting at 7:59 P.M.

Kathleen Ligammari
City Clerk



OCTOBER 13, 2021

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The Legislative session of the October 13, 2021 Niagara Falls City Council Meeting was called to order by Council Chairman Kenny Tompkins at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Frank Soda, John Spanbauer, Chris Voccio, Council Chairman Kenny Tompkins

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

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

COUNCIL CHAIRMAN'S COMMENTS:
ON FILE IN THE CITY CLERK'S OFFICE

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

Jockline Pryor	Agenda Item #4
Kathleen DuBois	Crime; Pending Election
Gerald Skrlin	Rule of Law; Foil results
Jockline Pryor	Issues with the Gazette article focus
Gloria Dolson	Crime; All Parks not maintained equally, cooperation needed throughout the Community

Presentation: John Cooper/Holly Curcione, Niagara Military Affairs Council

Mayor/Administration Update:

- Mayor Restaino indicated no specific report. 2022 budget preparation continues to be focus. Water Board & SPCA details are pending.
- Mayor Restaino elaborated on walk-on item regarding discontinuing lease for City Market operation.
- Mayor Restaino submitted for the record, a supporting letter to agenda item 5, enactment of US Senate Bill S.1942.

Controllers Report: None

Review of Agenda Items

- Item 3 - Councilman Soda indicated his social connection with two of the listed vendors. He has no financial interest or connection to their businesses.
- Item 6 - Councilmen Soda requested background of current lease agreement and planned development. The Mayor outlined a strategic goal to improve overall business district.

Misc:

- Councilman Kennedy reported various street lights out, felled branches to be removed and stop signs blocked by branches.
- Councilman Spanbauer offered to personally clarify agenda items to residents requesting it. Also thanked administration for 'saturation patrols' that were conducted in partnership with law enforcement agencies.
- Councilman Soda requested a summary of ARP guidelines be available for review.
- Councilman Soda requests detail of auditor report re; bond rating.
- Councilman Spanbauer questioned logic of length of current City Market lease agreement.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

COMMUNITY DEVELOPMENT: CD PLAN AMENDMENTS

Agenda Item #1

The City has proposed substantial amendments to its 2020-2024 Consolidated Plan and 2020 Annual Action Plan that cover the use of Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Solutions Grant (ESG) funding. The proposed amendments and action to date are set forth in the attached (on file in the City Clerk's Office) description.

In addition to the public comments, a public hearing was held October 4, 2021 at 5PM. The public comments received are available to Council.

Will the Council Vote to approve the proposed amendments as presented herein and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: HYDE PARK ICE PAVILION SEWER LATERAL REPAIR PROJECT, J.R. SWANSON PLUMBING CO., CHANGE ORDER, FUNDING

Agenda Item #2

A contract for the above referenced project was awarded to J.R. Swanson Plumbing Co. Inc. on July 21, 2021 in the amount of \$18,300.00.

As the repair neared completion, the summary video showed piping failures not immediately visible beforehand. Costs associated with additional piping and manhole alterations were based upon competitively obtained process and contractually established "Contingency Item" costs and totaled \$1,000.00, bringing the final contract total to \$19,300.00.

Funding will be available by transferring from excess funds in Capital Account Code H0812 to Capital Account Code H0819.

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 Voccio 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

SECOND HAND DEALERS, APPLICATIONS

Agenda Item #3

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 license. These applications have been approved by the Niagara Falls Police Department.

Kash Pro Unlimited
1818 Pine Avenue
Niagara Falls, NY 14301

Niagara Coins & Collectibles
509 Third Street
Niagara Falls, NY 14301

Niagara Metals, LLC
4861 Packard Rd
Niagara Falls, NY 14304

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

RESOLUTION: NIAGARA RIVER GORGE, CONNECTING NIAGARA UNIVERSITY, 2021-47
BY: MAYOR RESTAINO, ALL COUNCIL MEMBERS

Agenda Item #4

WHEREAS, New York State now leads the nation in the creation of world class biking trails, with the goal of connecting all our communities to safe, non-automotive transportation; and

WHEREAS, in furtherance of that goal, New York State has developed the Shoreline Trail System, a network of trails that link the shores of Lake Ontario to the shores of Lake Erie; and

WHEREAS, New York State is dedicated to promoting the Shoreline Trail and creating access to the trail system from surrounding communities; and

WHEREAS, Niagara University, with an academic community of more than 4,000 students and a goal to create a bike-friendly campus and encourage active recreation, has built a bike trail from the university to Reservoir State Park (the "NU Power Trail"); and

WHEREAS, the Ralph C. Wilson, Jr. Gateway Plaza at Devil's Hole, which is currently under construction, will provide new opportunities to connect Niagara University with the Shoreline Trail System and the new \$50 million Gorgeview Trail leading to the City of Niagara Falls' downtown business district, and

WHEREAS, while making a connection from Niagara University to Devil's Hole is a fundamental part of trail access, the intersection at Route 104, Hyde Park Boulevard and University Drive is currently hazardous, as it lacks a safe crosswalk, signal lights and logos for the student population who would like to connect to the trails; and

WHEREAS, in addition, the portion of Route 104 from the intersection of Hyde Park Boulevard to the Niagara Falls' City line is very dangerous as well, as its design promotes many motorists to carry unsafe and excessive speeds into the Devil's Hole and residential areas nearby; and

WHEREAS, there are in place plans to reconfigure the intersection at Route 104, Hyde Park Boulevard and University Drive making this the perfect opportunity to create a safe, secure connection between Niagara University and the Shoreline Trail System, thereby giving over 4,000 students the freedom to enjoy the beautiful trails and patronize the businesses in the Niagara Falls area.

NOW, THEREFORE, BE IT RESOLVED, by the Niagara Falls City Council and Mayor Robert M. Restaino, that it is hereby requested that New York State consider a traffic calming/public access design on Route 104 (Lewiston Road), from Niagara University to the Niagara Falls City line, and

BE IT FURTHER RESOLVED, that the Clerk of this Council is hereby directed to forward copies of this resolution to Governor Kathy Hochul, Leaders of the State Assembly and Senate, Assemblyman Angelo J. Morinello, Senator Robert G. Ort, Senator Timothy M. Kennedy, U.S Congressman Brian Higgins, Lewiston Supervisor Steven Broderick, the Niagara County Legislature, and New York State Department of Transportation Regional Director Francis P. Cerillo.

Yeas
Nays

5
0
ADOPTED

RESOLUTION: UNITED STATES SENATE BILLS, 1942, NATIONAL HERITAGE AREA
ACT OF 2021, 2021-48
BY: ALL COUNCIL MEMBERS

Agenda Item #5

WHEREAS, National Heritage Areas (NHAs) are designated by Congress as places where natural, cultural, and historic resources combine to form a cohesive, nationally important landscape; and

WHEREAS, through their resources, National Heritage Areas tell nationally important stories that celebrate our nation's diverse cultural heritage in that NHAs are lived-in landscapes; and

WHEREAS, the United States Senate Bill S. 1942, the National Heritage Area Act of 2021, will provide long-term stability to National Heritage Areas (NHAs); standardize the funding, designation, evaluation, and oversight of NHAs; and strengthen protections for private property rights; and

WHEREAS, U. S. Senate Bill S. 1942 will also eliminate the need for action on numerous individual reauthorization bills that have been introduced for the 30 National Heritage Areas that will expire in 2021; and

WHEREAS, for our local area, U. S. Senate Bill S. 1942 will provide crucial long-term sustainability for the Niagara Falls National Heritage Area to continue doing great and important work; and

WHEREAS, the Niagara Falls National Heritage Area plays a pivotal role in the preservation and promotion of the natural, cultural, and historic resources within our community and our community relies on the Niagara Falls National Heritage Area to initiate and manage complex and long-term projects among many area stakeholders;

WHEREAS, in furtherance of the Senate Bill, Mayor Robert Restaino has submitted correspondence to the Senate Select Committee on behalf of the City urging its passage into law.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York desires to make its voice heard on behalf of all city residents by communicating its strong support for the passage of United States Senate Bill S. 1942; and

BE IT FURTHER RESOLVED, that the City Council does hereby encourage all residents of this community to likewise communicate their support for the passage of United States Senate Bill S. 1942 by writing letters of support and forwarding them to Mr. Thomas Lowe, President of the Board of Directors of the Niagara Falls Heritage Area, Timon Hall Suite 125, Niagara University, New York 14109 and

BE IT FURTHER RESOLVED that certified copies of this resolution be sent to Mr. Thomas Lowe, President of the Board of Directors of the Niagara Falls Heritage Area and to the offices of U. S. Senator Charles Schumer, U. S. Senator Kirsten Gillibrand, Congressman Brian Higgins, and Congressman Christopher Jacobs.

Yeas

5

Nays

0

ADOPTED

CONTRACT: CITY MARKET LEASE (MUTO DEVELOPMENT LLC),TERMMINATE CONTRACT

Agenda Item #6

Pursuant to a lease agreement dating back to October 1999, Alfonse Muto and Muto Development, LLC, has been a tenant of the City of Niagara Falls relative to the real property known as the Niagara Falls City Market. Muto Development currently operates the farmers market at the City Market and subleases retail space in the market property to several businesses. Currently, this lease agreement runs through July 2032, with an additional 44 year option that would extend it through 2076.

The Administration believes that the termination of the long-term City Market lease will provide the City with a once in a generation opportunity to plot a course that will not only allow the City Market to reach its full potential, but to serve as a catalyst to the revitalization of the Pine Avenue corridor and its nearby neighborhoods.

Accordingly, the Administration is seeking authorization to undertake negotiations with Muto Development to terminate the City Market lease. Upon finalization of negotiations and the internal administration of the agreement, the Mayor will present the agreement and the internal method for the City to accomplish the services, if any, to the City Council for ratification.

Will the Council so approve and authorize the Mayor to negotiate an agreement terminating the existing City Market lease, along with any additional documents necessary to accomplish the same, provided that they are satisfactory to the Corporation Counsel in both form and content?

Council Member Voccio 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 Tompkins adjourned the Meeting at 7:06 P.M.

Kathleen Ligammari
City Clerk



OCTOBER 27, 2021
REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The Legislative session of the October 27, 2021 Niagara Falls City Council Meeting was called to order by Council Chairman Kenny Tompkins at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Frank Soda, John Spanbauer, Chris Voccio, Council Chairman Kenny Tompkins

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 CHAIRMAN COMMENTS: ON FILE IN THE CITY CLERK'S OFFICE

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

Jennifer Lamoy	Agenda Items #1 through #7
Bob Pascoal	Process issues
Donta Myles	Feels voice of people are not heard
Shawn Wright	Disagrees with Halloween hours
Jennifer Lamoy	Various concerns

PRESENTATION: Rich Meranto, upgrading video quality in the Chambers

Mayor/Administration Update:

- Mayor Restaino mentioned October is Domestic Violence Awareness month with various related activities in the City.
- Mayor Restaino indicated that due to its close proximity, the City has been made aware of a rash of shoplifting incidents in Town of Niagara.
- Mayor Restaino indicated he was informed by Federal sources of ongoing investigations of fraudulent PPP loan activity within the City. He will keep Council informed of developments.
- Mayor Restaino advised that due to the NYS Controllers office mandating changes in retirement fund balance, some adjustments to budget are necessary.
- Administrator Restaino gave overview of pending launch of 311 system and its operations.
- Mayor Restaino gave overview of LaSalle Streetscape project and its timeline to completion, ETA Oct. 2022.
- Mayor Restaino outlined leaf pickup schedule which would be posted on City website.

Controllers Report:

Controller Morello explained the 2019 Single Audit was not completed until Nov. 2020 due to pandemic. Due to the late reporting, repeat findings were identified in the 2020 audit. Adjustments/procedures were implemented to correct in 2021.

Review of Agenda Items

- Item 3 - Councilman Kennedy requested clarification of cost. Councilman Soda clarified it was a new vendor for the City.
- Item 5 - Add Councilman Spanbauer as sponsor.
- Items 5 thru 7 - Councilman Soda requested that amended/corrected items & walk-on documents be included in 'supporting documents' on web site. Corp. Counsel Mazur to clarify state guidelines re; Zoning & Planning as they relate to local solar ordinances.
- Item 6 - Councilman Soda requested clarification of related public hearing timing.
- Item 8 - Councilman Voccio requested the Mayor to provide overview of the project. The Mayor additionally noted it would be a combination of public and private investment.

Misc: None

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S CLAIMS FOR THE MONTH OF SEPTEMBER 2021

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF SEPTEMBER 2021

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: PROFESSIONAL AUDITING SERVICES, EFPR GROUP, LLP

Agenda Item #3

In accordance with our debt requirements, and in addition to the provisions of the federal "Single Audit Act" which require any local government that expends \$750,000 or more in federally awarded funds in its fiscal year, it is requested that the City Council authorize the Mayor to enter into an agreement for Professional Independent Financial Statement Audits agreement with EFPR Group, LLP, 6390 Main Street Suite 200, Williamsville NY 14221.

Notice that proposals to be received were advertised in the Niagara Gazette and Requests for Proposals were sent to eight (8) vendors. Three (3) responses were received. The selected vendor also provided the lowest cost for their services out of all the responses received. Funds for this expenditure are available in the account code A.1315.0000.0459.000 for the City audit and Community Development admin funds for the Single Audit.

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

Yeas

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Nays

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APPROVED

ENGINEERING DEPARTMENT: REORGANIZATION, FUNDING

Agenda Item #4

With the recent vacancy in the position of the Senior Project Designer in the Engineering Department, there is an opportunity to reorganize this office in a manner that will maintain essential services and maximize efficiency. Accordingly, there is a proposal to eliminate the vacated Senior Project Designer (Grade 23) and creating a CAD Drafting Technician position (Grade 14). Funding is available due to previous vacancies within the department, therefore funding is available in A.1440.0000.0110.000 for this reorganization.

Will the Council so approve?

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

Yeas

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Nays

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APPROVED

RESOLUTION: PROPOSED NIAGARA FALLS LOCAL LAW NO. 3 FOR THE YEAR 2021, ENTITLED "REGULATION OF SOLAR ENERGY SYSTEMS" AND PROPOSED AMENDMENTS TO THE CITY OF NIAGARA FALLS ZONING ORDINANCE IN FURTHERANCE OF REGULATION OF SOLAR ENERGY SYSTEMS TO THE NIAGARA COUNTY PLANNING BOARD, 2021-49
BY: COUNCIL MEMBER SPANBAUER, CHAIRMAN TOMPKINS

Agenda Item #5

WHEREAS, the solar energy industry has grown in recent years due to the economic and environment advantages of renewable energy, federal and state tax benefits and solar industry innovation; and

WHEREAS, among other things, the Zoning Ordinance and Comprehensive Plan for the City of Niagara Falls requires that land be used in the City in the most beneficial and convenient manner, preserving relationships among the residential, commercial, industrial and recreational areas within the City; and

WHEREAS, the City of Niagara Falls currently has no specific regulations related to the installation, implementation and operation of solar energy systems within its territorial boundaries; and

WHEREAS, without an inclusive and detailed plan by the City to address the development and operation of solar energy systems in the City of Niagara Falls, the above purposes and requirements referenced in the Comprehensive Plan and Zoning Ordinance may be jeopardized; and

WHEREAS, to that end, the City has developed such a solar energy plan which is contained in the attached proposed Local Law No. 3 for the year 2021, entitled "Regulation of Solar Energy Systems", the contents of which is intended to be incorporated into the City Zoning Ordinance; and

WHEREAS, this Council hereby submits the attached proposed Local Law and Zoning Ordinance and map amendments relative to the regulation of solar energy systems to the Niagara County Planning Board for its review and recommendation thereupon; and

WHEREAS, City Council may classify the action under 6 NYCRR 617.4(b)(6)(2) as Type I action because it will result in the adoption of changes in the allowable uses within City zoning districts, affecting 25 or more acres; and

WHEREAS, the City's environmental consultant, LaBella Associates, has drafted the Full EAF Part 1.

NOW, THEREFORE, BE IT RESOLVED that the City Council desires to adopt Local Law No. 3 for the year 2021 relative to the regulation of solar energy systems; and

BE IT FURTHER RESOLVED that the City Council desires that the language contained in the current Zoning Ordinance be amended according to the attached proposed regulations; and be it further

RESOLVED that in furtherance thereof, both the proposed Local Law and proposed Zoning Ordinance and map amendment shall hereby be referred to the Niagara County Planning Board for its review and recommendation, in furtherance of the Zoning Ordinance amendment process; and be it further

RESOLVED that the City Council does hereby declare its intent to act as Lead Agency for the purpose of SEQRA review, and be it further

RESOLVED that the City Council classifies this action as a Type I Action under 6 NYCRR 617.4(b)(6)(2) because the action results in the adoption of changes in the allowable uses within city zoning districts, affecting 25 or more acres, and be it further

RESOLVED that the City Council will circulate copies of the Full EAF Part 1 and this resolution to the involved and interested agencies.

Yeas

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Nays

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ADOPTED

RESOLUTION: RELATIVE TO AMENDING CITY OF NIAGARA FALLS ZONING ORDINANCE IN FURTHERANCE OF REGULATION OF SOLAR ENERGY SYSTEMS, 2021-50

BY: COUNCIL CHAIRMAN TOMPKINS

Agenda Item #6

WHEREAS, the solar energy industry has grown in recent years due to the economic and environment advantages of renewable energy, federal and state tax benefits and solar industry innovation; and

WHEREAS, among other things, the Zoning Ordinance and Comprehensive Plan for the City of Niagara Falls requires that land be used in the City in the most beneficial and convenient manner, preserving relationships among the residential, commercial, industrial and recreational areas within the City; and

WHEREAS, the City of Niagara Falls currently has no specific regulations related to the installation, implementation and operation of solar energy systems within its territorial boundaries; and

WHEREAS, without an inclusive and detailed plan by the City to address the development and operation of solar energy systems in the City of Niagara Falls, the above purposes and requirements referenced in the Comprehensive Plan and Zoning Ordinance may be jeopardized; and

WHEREAS, to that end, the City has developed such a solar energy plan which is contained in the proposed Local Law No. 3 for the year 2021, entitled "Regulation of Solar Energy Systems", the contents of which is intended to be incorporated into the City Zoning Ordinance; and

WHEREAS, pursuant to Chapter 1302.4.1 (B) (3) of the Zoning Ordinance, the City Council must, by resolution, submit its intention to amend the Zoning Ordinance and, upon adoption of said resolution, shall refer to the same to the City of Niagara Falls Planning Board for its recommendation; and

WHEREAS, this Council hereby submits the attached proposed amendments to of the Zoning Ordinance relative to the regulation of solar energy systems in furtherance thereof; and

WHEREAS, City Council may classify the action under 6 NYCRR 617.4(b)(6)(2) as Type I action because it will result in the adoption of changes in the allowable uses within City zoning districts, affecting 25 or more acres; and

WHEREAS, the City's environmental consultant, LaBella Associates, has drafted the Full EAF Part 1.

NOW, THEREFORE, BE IT RESOLVED that the City Council desires to amend the Zoning Ordinance of the City of Niagara Falls New York relative to the regulation of solar energy systems; and

BE IT FURTHER RESOLVED that the City Council desires that the language contained in the current Zoning Ordinance be amended according to the attached proposed regulations; and be it further

RESOLVED that this proposed amendment be referred to the City of Niagara Falls Planning Board for its recommendation pursuant to Chapter 1302.4.1 (B) (3), in furtherance of the Zoning Ordinance amendment process; and be it further

RESOLVED that the City Council does hereby declare its intent to act as Lead Agency for the purpose of SEQRA review, and be it further

RESOLVED that the City Council classifies this action as a Type I Action under 6 NYCRR 617.4(b)(6)(2) because the action results in the adoption of changes in the allowable uses within city zoning districts, affecting 25 or more acres, and be it further

RESOLVED that the City Council will circulate copies of the Full EAF Part 1 and this resolution to the involved and interested agencies; and be it further

RESOLVED that a public hearing be held regarding the proposed amendment to the Zoning Ordinance in the Council Chambers of the City of Niagara Falls, New York, on a date and time set by resolution of this Council, provided that notice of said public hearing be published in the Niagara Gazette at least five (5) days' preceding said public hearing.

Yeas

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Nays

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ADOPTED

RESOLUTION: RELATIVE TO REGULATION OF SOLAR ENERGY SYSTEMS, ENACTING A MORATORIUM ON THE ESTABLISHMENT, CONSTRUCTION, ENLARGEMENT OR ERECTION OF SOLAR ENERGY FACILITIES OR SOLAR ENERGY SYSTEMS ON NON-RESIDENTIAL PARCELS WITHIN THE CITY OF NIAGARA FALLS FOR ONE HUNDRED TWENTY (120) DAYS, THROUGH FEBRUARY 24, 2022, 2021-51
BY: COUNCIL CHAIRMAN TOMPKINS

Agenda Item #7

WHEREAS, the solar energy industry has grown in recent years due to the economic and environment advantages of renewable energy, federal and state tax benefits and solar industry innovation; and

WHEREAS, among other things, the Zoning Ordinance and Comprehensive Plan for the City of Niagara Falls requires that land be used in the City in the most beneficial and convenient manner, preserving relationships among the residential, commercial, industrial and recreational areas within the City; and

WHEREAS, the City of Niagara Falls currently has no specific regulations related to the installation, implementation and operation of solar energy systems within its territorial boundaries; and

WHEREAS, without an inclusive and detailed plan by the City to address the development and operation of solar energy systems in the City of Niagara Falls, the above purposes and requirements referenced in the Comprehensive Plan and Zoning Ordinance may be jeopardized; and

WHEREAS, to that end, the City has developed such a solar energy plan which is contained in the proposed Local Law No. 3 for the year 2021, entitled "Regulation of Solar Energy Systems", which is intended to be incorporated into the City Zoning ordinance; and

WHEREAS, the City wishes to submit the same to the City Planning Board for review; however, as the newly developed plan will require both the adoption of a Local Law and 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; and

WHEREAS, in order allow for the completion of this process prior to our consideration of the specifics of solar energy system regulations, this Council believes it is necessary to enact a temporary one hundred twenty (120) day moratorium on the establishment, construction, enlargement or erection of solar energy facilities or solar energy systems on non-residential parcels and for non-residential uses within the City.

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 moratorium on the consideration of building/use permits for the establishment, construction, enlargement or erection of solar energy facilities or solar energy systems on non-residential parcels and for non-residential uses within the City in the City of Niagara Falls for one hundred twenty (120) days, through February 24, 2022, and

IT IS FURTHER RESOLVED, that this moratorium is imposed to allow for the review of the proposed Local Law No. 3 for the year 2021, entitled "Regulation of Solar Energy Systems" and corresponding amendments to the City's Zoning Ordinances, incorporating the same.

Yeas	5
Nays	0
ADOPTED	

RESOLUTION: RELATIVE TO SUPPORT OF THE CITY OF NIAGARA FALLS CENTENNIAL PARK EVENTS CENTER PROJECT, 2021-52
BY: ALL COUNCIL MEMBERS

Agenda Item #8

WHEREAS, Niagara Falls, a true wonder of the world, continues to attract several million visitors to the Western New York region each year; and

WHEREAS, in order to encourage development and prosperity in our City, we must continue to seek out new and exciting ways to both attract and retain visitors to our City while also providing our own local residents with quality entertainment and attractions; and

WHEREAS, the residents of the City of Niagara Falls believe that we can chart our own course in this endeavor, with the help of the governor and the resources of New York State; and

WHEREAS, Empire State Development, USA Niagara and the New York State Parks continue to make improvements to state owned land and invest in assets adjacent to the Falls, but further investment is needed; and

WHEREAS, the City is currently interested in partnering with multiple entities to build a multifaceted year-round event campus capable of hosting a multitude of events including, but not limited to, sporting events, concerts, indoor/outdoor gatherings, multiple youth centered activities for visitors and, especially, our local residents; and

WHEREAS, to that end, on October 14, 2021, Mayor Robert Restaino proposed the development of "Centennial Park", a perennial events center, which is designed to achieve that goal and encourage and retain visitors to Niagara Falls year-round and attract local residents to our downtown area; and

WHEREAS, the Centennial Park proposal includes plans for an indoor arena, outdoor amphitheater, water feature ice-skating rink, multilevel surface parking deck and wall climbing adventure course; and

WHEREAS, as a year-round complex, Centennial Park will also take advantage of the winter season and all the amenities and activities for families that the winter season has to offer; and

WHEREAS, for our tourism industry, the Centennial Park complex will bring more visitors to the area with longer stays in a balance between the seasons, encouraging visitors to come in the fall/winter season while giving people more to do during their visit and encouraging longer stays and attracting new and non-traditional visitors to the area; and

WHEREAS, the Events Campus will also engage and integrate with local businesses, creating high quality, year-round local jobs that will align with our local workforce supply; and

WHEREAS, most importantly, Centennial Park will provide our own local residents with "something to do" in Niagara Falls, by delivering top-level facilities, attractions and entertainment for their families to enjoy year-round; and

WHEREAS, both the City Council and the Mayor believe that Centennial Park is critical to the future of this City and encourages the leadership of state and local county government, the local business community, and the community at large to join us in support of this worthwhile project, ensuring that it not just a proposal, but a reality.

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of Niagara Falls hereby supports and encourages the promotion and development of the proposed event campus known as Centennial Park as proposed by Mayor Robert M. Restaino; and

BE IT FURTHER RESOLVED that the City Clerk is directed to provide a certified copy of this Resolution to the Governor Kathy Hochul, New York State Senator Robert Ortt, New York State Assemblyman Angelo Morinello, and the Chairman of the Niagara County Legislature; and be it further

RESOLVED that the City Council and the Mayor hereby encourage all residents of this community to likewise communicate their support of this project to their elected leaders.

Yeas
Nays

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ADOPTED

There being no further business to come before the Council,
Chairman Tompkins adjourned the Meeting at 7:13 P.M.

Kathleen Ligammari
City Clerk



NOVEMBER 1, 2021

SPECIAL COUNCIL MEETING & BUDGET

NIAGARA FALLS, NEW YORK

The November 1, 2021 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Tompkins at 6:00 PM in the Council Chambers.

Present: Council Members Kennedy, Soca, Spanbauer, Voccio, Chairman Tompkins

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

Item #1 - Mayor Restaino presented overview of 2022 Executive budget.

Highlights of 2021 activities as the year end approaches:

- Automated payment collection systems have been installed in the downtown parking ramp and surface lots.
- Parking ramp lighting has been upgraded and long out of service elevators have been repaired and are operational.
- Available funding allowed the paving of 20 streets by DPW.
- Available resources allowed demolition of 25 derelict houses.
- Partnership with Niagara Falls School District, Boys & Girls Club and various agencies allowed continuation of spring, summer and fall youth programs. Continued partnership is anticipated.
- Previous administration unfulfilled promise of a park on Garden Avenue had commenced and will proceed as materials are available. Expected completion, spring of 2022.
- NFPD Partnership with various local law enforcement agencies and federal agencies, has assisted in addressing increased violence as is prevalent in most urban centers.
- Achieved an agreement with Niagara County regarding collection of STR bed tax county-wide, extending agreement with Destination Niagara and insuring the City was made whole with the collection of those STR bed tax revenues.
- Planned launch later this month regarding several Neighborhood Improvement Programs to include initiatives which have already begun roll out or were approved by Council; Housing Stabilization Fund - Provides resources and funding for home improvements, Sewer Lateral Improvement. Details are being finalized to allow home owners the option to purchase adjacent City owned property to increase their property footprint. This would minimize the upkeep burden with City resources.

- Exploring the offering of an 'In-REM' online auction prior to the end of 2021. Again, reducing surplus property, the maintenance of which burdens City resources.

2022 Budget

Review of proposed capital projects (subject to availability of revenue):

- Street repair: Proposed amount of \$5.7 million+
- Various building/facilities improvements: \$3.7 million+
- NFPD equipment/technology/storage upgrades: \$2.4 million
- NFFD aging fleet and safety equipment: \$600k+
- Community Development Projects (Parks: Stephenson Ave., Beech Ave.): Under \$2.4 million
- Address equipment and storage concerns at DPW: \$1.8 million

Total: Just under \$18 million

Expense

- Anticipating a shortfall during 2021 budget preparation due to the pandemic and closed borders, both public safety units stepped up to provide concessions to minimize impact on the budget. Those concessions (work schedule assignments and holiday pay) have expired and need to be budgeted in 2022 in the amount of \$1 million+.
- Increase in contract with Modern Disposal, just under \$150k.
- NYS mandated retirement account balance. Increase of approx. \$300k.
- Open the Duke Senior Center along with city pools and splash pads to include new position of Youth & Senior Services Director. Previously two positions combined to one.
- Addition of Economic Development Director. Will put City in position of being pro-active vs. reactive with regard to expanding tax base. To be funded out of tourism fund.
- Addition of MIS Director needed to oversee long overdue technology upgrades/enhancements.
- Creation of Account Clerk position in Code Enforcement. Would free officers to perform the demand of field work vs. clerical.
- Creation of the position of Engineering Technician in the Engineering Department to address a continuing requirement.

Total Expense increase: \$1.65 million

Revenue

- Projected County sales tax increase: \$500k
- Proposed property tax increase up to the tax cap: \$645k
(Homestead increase: .44 p/ 1000, Non homestead increase: .68 p/ 1000.)

Total Revenue increase: \$1.65 million

Miscellaneous Funds

- Library: Continue to fund at same level as 2021 budget.
- Tourism: Conservative revenue estimate due to unknown impact of border reopening. Transfer from this fund to cover cost of Economic Development Director.
- Parking operations: Reduction in staffing expense anticipated as result of automation.
- Debt Service: Projected increase as bonds being currently paid will adjust whether payments apply to principle or interest.

In closing:

- This budget is believed to fairly and appropriately fund a level of service for residents.
- Revenues represent the trends that have been evident over the course of 2021.
- The personnel additions will create a more responsive government.
- The addition of Youth & Senior Service Director will restore programs for seniors and coordinate youth programs.

There being no further business to come before the Council, Chairman
Tompkins adjourned the Meeting at 7:27 PM.

Kathleen Ligammari
City Clerk



NOVEMBER 4, 2021

SPECIAL COUNCIL MEETING/BUDGET#1 **NIAGARA FALLS, NEW YORK**

The November 4, 2021 Special Meeting/Budget of the Niagara Falls City Council was called to order by Council Chairman Tompkins at 5:00 PM in the Council Chambers.

Present: Council Members Kennedy, Soda, Spanbauer, Voccio, Chairman Tompkins

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

Item #1 - Proposed schedule of 2022 Budget review meetings (Nov. 4, 5pm; Nov. 9 & 18, 4:15pm), Public hearing for or against proposed budget (Nov. 30, 5pm), Budget amendment meeting (following public hearing, Nov. 30).

Item 2 - The following departments were reviewed by Council:

- NFPD - All departments
- Assessor
- Human Resources
- M.I.S.
- Library

November 2, 2021

Members of the City Council
and
Kathleen Ligammari, City Clerk

Council Members and Madam:

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 and with the written consent of all City Council members, to be held on Thursday, November 4, 2021 at 5:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purposes:

- 1) Consideration of Resolution to schedule Budget Meetings, Budget Amendment Meetings and a Public Hearing relative to the proposed 2022 Executive Budget; and
- 2) Meeting relative to the proposed 2022 Executive Budget.

Respectfully submitted,

Kenny Tompkins, Council Chair

William Kennedy II, Council Member

Frank Soda, Council Member

John Spanbauer, Council Member

Christopher Voccio, Council Member

Special Meeting for Council to approve the following item.

RESOLUTION: RELATIVE TO SCHEDULING 2022 BUDGET MEETINGS, 2021-53

BY: ALL COUNCIL MEMBERS

Agenda Item #1

BE IT RESOLVED that the City Council of Niagara Falls, New York, does hereby schedule Budget Meetings to commence in the City Council Chambers at 5:00 p.m. on November 4, 2021 and at 4:15 p.m. on November 9th and 18th, 2021; and

BE IT FURTHER RESOLVED that the City Council of Niagara Falls, New York, does hereby schedule Budget Amendment Meetings to commence at 5:00 p.m. in the City Council Chambers on November 30, 2021 (following the public hearing); and

BE IT FURTHER RESOLVED, that a public hearing be held on November 30, 2021 at 5:00 p.m. in the Council Chambers of the City of Niagara Falls, New York pertaining to the adoption of the Proposed 2022 Executive Budget, at which time the Mayor, Administrator and Controller shall be present, at which time any person may be heard for or against the proposed budget; and be it further

RESOLVED, that a copy of this resolution calling for a hearing, together with the budget summary, be published in the Niagara Gazette at least one week prior to the date of said hearing; and be it further

RESOLVED that copies of said proposed budget be made available for inspection in the office of the City Clerk.

Yeas 5

Nays 0

ADOPTED

There being no further business to come before the Council, Chairman Tompkins adjourned the Meeting at 5:47 PM.

Kathleen Ligammari
City Clerk



NOVEMBER 9, 2021

BUDGET WORK SESSION #

NIAGARA FALLS, NEW YORK

The November 9, 2021 Budget Work Session of the Niagara Falls City Council was called to order at 4:15 p.m. in the Council Chambers by Council Chairman Kenny Tompkins.

Present: All Council Members

Also Present: Mayor Robert M. Restaino, City Administrator Anthony Restaino, Controller Dan Morello, Corporation Counsel Chris Mazur

The following Departments were reviewed:

Controller

City Clerk

Corporation Counsel

Engineering

Niagara Falls Fire Department-All Divisions

Code Enforcement

Planning/Economic Development

There being no further business to come before the Council, Chairman Tompkins adjourned the meeting at 5:00 p.m.

Kathleen Ligammari
City Clerk

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NOVEMBER 10, 2021
REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The Legislative session of the November 10, 2021 Niagara Falls City Council Meeting was called to order by Council Chairman Kenny Tompkins at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Frank Soda, John Spanbauer, Chris Voccio, Council Chairman Kenny Tompkins

Also present: Asst. Corporation Counsel Thomas DeBoy, and City Controller Daniel Morello.

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

Council Member Voccio moved to approve the Minutes from the Council Meeting of October 13, 2021

Yeas

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Nays

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APPROVED

COUNCIL CHAIRMAN COMMENTS:

ON FILE IN THE CITY CLERK'S OFFICE

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

Ken Hamilton Opposes dedicating streets to individual Armed Service Members

Mayor/Administration Update: None

Controllers Report: Provided overview of revenue collection:

- County sales tax: Unaudited through September
- Hotel/Restaurant/Utility: Unaudited through September
- Parking: Unaudited through October
- Tourism: Unaudited through October

Review of Agenda Items

- Item 1 - Councilman Tompkins questioned the out of area residency of a listed Commissioner of Deeds appointee. Clerk clarified they are eligible as they are employed within the City.

Misc:

- Council Members Voccio, Spanbauer and Tompkins requested clarification of Controllers report details.
- Councilman Voccio initiated discussion related to increasing City portion of bed tax (Tourism fund) and the nature of process to do so.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS APPOINTMENTS

Agenda Item #1

The following have requested City Council approval for Commissioner of Deeds for a term from January 1, 2022 to December 31, 2023.

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

John S. Conti	NFPD
Paul Kudela	NFPD
Rocco D. Zendano Jr.	NFPD
Kathleen M. Ligammari	City Clerk
Paul Martell	Community Development
Kristina M. Zell	NFPD

Tina Aronne	1320 Vanderbilt Ave Niag Falls, NY 14305
Kylee Ryan	360 North 3 RD Street Lewiston, NY 14092
Kelly L. Colucci	2303 Pine Avenue Niagara Falls, NY 14301
Karen Quarantillo	2303 Pine Avenue Niagara Falls, NY 14301
Lisa A. Smith	226 78 th Street Niagara Falls, NY 14304

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

Yeas

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Nays

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APPROVED

RESOLUTION: WATER BOARD INFRASTRUCTURE INITIATIVE, 2021-54
BY: ALL COUNCIL MEMBERS

Agenda Item #2

WHEREAS, the Niagara Falls Water Board has undertaken an effort described as its "Infrastructure Initiative"; and

WHEREAS, the said Initiative includes a "Request for Federal Infrastructure Funding"; and

WHEREAS, the said request details the need for funding the conversion and modification of the Water Board's Waste Water Treatment Plant ("WWTP"), from a "physical-chemical process" using activated carbon filtration, to an up-to-date biological process; and

WHEREAS, the WWTP is the largest remaining physical-chemical treatment plant in the United States; and

WHEREAS, the WWTP is inefficient and obsolete, as evidenced by the incident in July 2017 where "black water" infiltrated into the lower Niagara River, threatening harm to the river and Great Lakes waterways; and

WHEREAS, that incident cast unwanted attention upon one of the world's great natural wonders, to wit: our falls of Niagara, on both sides of the international boarder; and

WHEREAS, the day-to-day operation of the said WWTP has become increasingly more costly, with the one recent example being an extraordinary increase in the cost of Sodium Hypochlorite from \$0.359 per gallon to \$1.18 per gallon, resulting in a yearly, and unsustainable, cost increase of \$6,059,000; and

WHEREAS, with the estimated cost of the conversion and modification exceeding the sum of \$200 million, it is obvious that without substantial support from New York State and the United States government, the project is not economically feasible; and

WHEREAS, on October 14, 2021, Mayor Robert Restaino indicted his support of the WWTP "Infrastructure Initiative" in a direct meeting with Senator Kirsten Gillibrand and urging federal assistance toward its implementation; and

WHEREAS, the City Council also recognizes the significance of the initiative described above and wishes to publicly express our support.

THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council hereby formally expresses its support for the Niagara Falls Water Board's "Infrastructure Initiative" and urges the State of New York and the federal government to do all in their power to provide adequate funds for the conversion and modification of the Niagara Falls Water Board's Waste Water Treatment Plant, and

BE IT FURTHER RESOLVED, that the City Clerk provide copies of this resolution be to United States Senators Chuck Schumer and Kirsten Gillibrand, U.S. House of Representatives Member Brian Higgins, New York State Governor Kathy Hochul, State Senator Robert Ortt, State Assemblyman Angelo Morinello and to such other elected and appointed officials as the Niagara Falls Water Board may deem appropriate.

Yeas
Nays

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ADOPTED

There being no further business to come before the Council,
Chairman Tompkins adjourned the Meeting at 6:24 P.M.

Kathleen Ligammari
City Clerk



NOVEMBER 15, 2021

SPECIAL COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The November 15, 2021 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Tompkins at 5:00 PM in the Council Chambers.

Present: All Council Members

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

November 12, 2021

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 **Monday, November 15, 2021 at 5:00 p.m.** in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purposes:

1. Approval of Consultant Service for Preparation of 2022-23 Community Development Annual Action Plan (H. Sicherman);
2. Approval of Bid for Rental and Laundering of Work Garments - 2021-25 – (Unifirst Corporation);
3. Resolution to Amend Chapter 731 of Codified Ordinances (“Streets and Sidewalks”);
4. Resolution Calling for a Public Hearing Relative to Amendment of City Charter, Article VI, Section 5.14 (second paragraph) (“Department of Public Works”);
5. Approval of Disposal of City Owned Properties;
6. Approval of Amendment to Operations Agreement with the Niagara Falls Water Board;
7. Approval of Reorganization in Finance Department (City Controller’s Office);

Respectfully submitted,

Robert M. Restaino, Mayor

Special meeting called by Mayor Restaino

Mayor Update:

- Monday Nov. 22, '311' system will begin operation (1st phase). Normal hours Mon. - Fri. 8am - 4pm. Visually Impaired group will man call center. DPW and Code Enforcement departments to be initially rolled out. Once contracted cell service providers are fully online, mobile callers will connect dialing '311'.

Review of Agenda Items:

Item 1: Council Member Soda requests Community Development provide full action plan to Council for review

Item 2: Council reviewed supporting chart distributed prior to start of meeting.

Items 3 and 4: Council Member Spanbauer questioned catalyst for amendments to Chapter 731 "Streets and Sidewalks" and "Article VI, Section 5.14 'Department of Public Works'. Mayor indicated original language was crafted over 100 years ago. Language updates needed per insurers as relates to City codes as well as case law. Council Members Voccio, Soda and Chair Tompkins sought further clarification.

Item 5: Council Member Spanbauer requested clarification of rehab timelines regarding listed properties.

Item 6: Council Member Voccio requested anticipated benefit of adjusted City functions as relates to Water Board billing and collections. Mayor Restaino provided clarification and indicated continued vigilance with reviewing similar agreements. Council Member Kennedy suggested periodic review of impact of changes. Council Member Spanbauer suggested the possibility of shared equipment agreements between City and Water Board.

Special Meeting for Council to approve the following items.

COMMUNITY DEVELOPMENT: 2022-2023 ANNUAL ACTION PLAN

Item #1

The Community Development Department solicited proposals for preparation of its 2022-23 Annual Action Plan. H. Sicherman and Company, Inc. was the only company responding.

H. Sicherman has proposed to complete the 2022-23 Action Plan for a flat fee of \$10,000.00, including all related costs. The services will include four (4) Stakeholder Sessions, Needs Assessments and a public hearing. In addition to HUD requirements, H. Sicherman will include appropriate affordability and housing impediments assessment, updating of demographic, housing and transportation issues.

Services will be provided so that the final Action Plan will be available for submission on April 30, 2022. Funding is available from CDBG Administrative funds.

H. Sicherman provided excellent services to Community Development for its 2021-22 Annual Plan. The quality of services and familiarity of the consultant with the needs of the Community Development Department support hiring this consultant to prepare the 2022-23 Annual Action Plan.

Will the Council vote to approve the hiring H. Sicherman and Company, Inc. to prepare the 2022-23 Community Development Annual Action Plan as presented herein and to authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas

5

Nays

0

APPROVED

BID: WORK GARMENTS, RENTAL & LAUNDERING

Item #2

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

TO: Unifirst Corporation
3999 Jeffrey Boulevard
Buffalo, New York 14219

FOR: Rental & Laundering of Work Garments for the City of Niagara Falls and the Niagara Falls Water Board, for a term of three (3) years.

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 six (6) vendors. Three (3) responses were received. Please reference the attached tally sheet (on file in the City Clerk's Office) for bid submission details.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

RESOLUTION: STREETS & SIDEWALKS, CHAPTER 731, AMENDING, 2021-55

BY: COUNCIL CHAIRMAN TOMPKINS

Item #3

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that Chapter 731 of the Codified Ordinances entitled "STREETS AND SIDEWALKS" is hereby amended such that §§ 731.01, 731.06, 731.07 and 731.99 shall read as follows:

731.01 SIDEWALKS TO BE KEPT CLEAN AND IN GOOD REPAIR.

[It shall be the duty of every owner of premises fronting on a public street to keep the sidewalk in front of same unobstructed, clean and in good order and repair.] Each owner of any premises fronting or abutting on any street shall repair, keep safe and maintain all public sidewalks abutting the premises, including but not limited to keeping all improved portions thereof - whether made of stone, asphalt, concrete, brick or another type of paver, or any combination of same - free and clear of snow, ice, dirt, refuse, obstruction or other hazard. Any such owner shall be liable for any injury or damage by reason of omission or failure to repair, keep safe and maintain such sidewalk, or negligence in performing those functions. (C. 1 §5, adopted [12/29/19] 12/29/1919, amended / / .)

731.06 REPEALED [SNOW REMOVAL BY OWNER.

It shall be the duty of every owner or occupant of premises fronting on any street or alley to remove all snow from the sidewalk in front of such premises before 9:00 a.m., each day if such premises are used for business purposes, and before 12:00 noon each day if such premises are used for other than business purposes. The snow shall be removed the full width of the flagging or paved walk. In case the walk is not flagging or paved, it shall be necessary to remove such snow for a space of five feet in width only. (C. 1 §11, adopted 1/21/24.)]

731.[06]07 CORRECTIVE ACTION [SNOW REMOVAL] BY CITY.

It shall be the duty of the Director of Public Works to enforce the provisions of Section 731.01[6] and, in case of any violation that comes to the attention of the Director, he or she is empowered and may choose, in their sole discretion and consistent with Article VI of the City Charter, [directed] to take corrective action, such as removing snow and/or ice from the improved portions of such public sidewalks, and to charge the cost thereof to each [the] owner [or occupant] of the abutting premises. The Director shall keep an account of all such expenses incurred, and on or before May 1 in each year shall make a detailed report to Council of such expenses and of the land in front of which such corrective action work shall have been performed, and the names of the owners [or occupants] who have not paid to the Director the amount of such expenses. The Council shall thereupon order the same assessed upon such premises in the next assessment roll. (C. 1 §12, adopted 12/29/[19]1919, amended / / .)

731.99 PENALTY.

[(a) Any person violating Section 731.09 shall be fined not more than fifty dollars (\$50.00) or imprisoned not more than six months or both. (C. 1 S30, adopted 6/2/[24]1924.)

(b) Any person violating Section 731.14 shall be fined not more than five dollars (\$5.00) or imprisoned not more than six months or both. (C. 1 S38, adopted 12/29/[19]1919.)]

Any firm, person, or corporation who shall violate any provision of this Chapter shall be punished by a fine 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 violation shall continue shall be deemed a separate offense.

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

Yeas	5
Nays	0
ADOPTED	

RESOLUTION: PUBLIC HEARING, DEPT. OF PUBLIC WORKS, AMENDING ARTICLE; E VI, 2021-56

BY: COUNCIL CHAIRMAN TOMPKINS

Item #4

RESOLVED, that the attached Local Law No. 4 for the year 2021 be introduced, and that a public hearing be held on such Local Law on the 1st day of December, 2021 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 Article VI of the Niagara Falls City Charter, entitled "Department of Public Works," by amending the second paragraph of Section 5.14.

Yeas	5
Nays	0
ADOPTED	

CITY PROPERTIES: DISPOSAL

Item #5

The following properties were acquired in recent IN REM proceedings and had been held and deeded to the City. Pursuant to Planning Board recommendations at its meeting on September 22, 2021, the following City owned properties are approved for disposition:

455 4 th Street	Power City Hospitality
456 4 th Street	Niagara Hospitality
460 4 th Street	Niagara Hospitality
466 4 th Street	Niagara Hospitality
511 4 th Street	Niagara Hospitality
519 4 th Street	Niagara Hospitality
535 4 th Street	Niagara Hospitality
541 4 th Street	LSNY Holdings
422 6 th Street	Niagara Hospitality
441 6 th Street	Niagara Hospitality
474 6 th Street	Niagara Hospitality
447 9 th Street	Niagara Hospitality
600 Niagara Street	TM Montante
602 Niagara Street	TM Montante
417 Elmwood Avenue	Niagara Hospitality
446 Elmwood Avenue	Niagara Hospitality
606 Elmwood Avenue	Niagara Hospitality
628 Elmwood Avenue	Niagara Hospitality
640 Elmwood Avenue	Niagara Hospitality

Will the Council so approve and authorize the Mayor to execute any required documentation in the form acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
APPROVED	

CONTRACT: NF WATER BOARD, AMEND OPERATIONS AGREEMENT

Item #6

As you know, the City and the Niagara Falls Water Board are parties to an operations agreement which provides, among other things, for the City to furnish certain services (such as billing and collection, engineering, etc.) to the Water Board according to a fee schedule. This agreement has not been updated since 2008. The City and the Water Board have now reached an agreement to amend the current Operations Agreement, updating relevant terms and conditions therein so as to avoid any interruption of services. Accordingly, the proposed Third Amendment to the Operations Agreement, which is attached (on file in the City Clerk's Office) hereto for your information and review, is submitted for your approval.

Will the Council so approve and authorize the Mayor to execute the amendment agreement provided that the same is acceptable to the Corporation Counsel in form and content.

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

Yeas	5
Nays	0
APPROVED	

FINANCE DEPARTMENT: REORGANIZATION

Item #7

As the position of "Auditor/Budget Analyst" in the City Controller's Office has been vacant throughout 2021, there is an opportunity to reorganize this office in a manner that will maximize efficiency. Recently, the Civil Service Commission approved a change in job specifications for the "Accountant" position to reflect duties more in line with current departmental responsibilities. The Controller has proposed eliminating the vacant "Auditor/Budget Analyst" position, replacing it with the "Accountant" position.

The City Controller also proposes downgrading the "Accountant" position from a Grade 21 to Grade 20. As the "Auditor/Budget Analyst" position is a Grade 20 position, no change will be needed from a funding perspective; it is essentially just a name change of the vacant position. Funding is currently available in the City Controller's bi-weekly line (A.1315.0000.0110.000).

Will the Council so approve?

Council Member Voccio 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 Tompkins adjourned the Meeting at 5:28 PM.

Kathleen Ligammari
City Clerk



NOVEMBER 18, 2021

BUDGET WORK SESSION #3

NIAGARA FALLS, NEW YORK

The November 18, 2021 Budget Work Session of the Niagara Falls City Council was called to order at 4:15 p.m. in the Council Chambers by Council Chairman Kenny Tompkins.

Present: All Council Members

Also Present: Mayor Robert M. Restaino, City Administrator Anthony Restaino, Corporation Counsel Chris Mazur, Controller Dan Morello

The following Departments were reviewed:

DPW-All Divisions

Community Development

Misc. Clarifications/questions-Overall

There being no further business to come before the Council, Chairman Tompkins adjourned the meeting at 5:18 p.m.

Kathleen Ligammari
City Clerk

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NOVEMBER 29, 2021

SPECIAL COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The November 29, 2021 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Tompkins at 6:00 PM in the Council Chambers.

Present: All Council Members

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

November 24, 2021

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 **Monday, November 29, 2021 at 6:00 p.m.** in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purposes:

1. Executive Presentation Relative to Implementation of the American Rescue Plan; and
2. Executive Presentation Relative to the City of Niagara Falls Neighborhood Improvement Initiative.

Respectfully submitted,

Robert M. Restaino, Mayor

Presentations:

1. Executive presentation relative to implementation of the American Rescue Plan
 - Slide presentation details specifics.
2. Executive presentation relative to the City of Niagara Falls Neighborhood Improvement Initiative:

- Housing Stabilization Fund, funded through RISE grant. Loans available for improvements to exterior of homes. Eligibility requirements pending finalization.
- Sewer Lateral Repair Program. Five year forgivable grant. Residential, owner occupied properties. Eligibility requirements pending finalization.
- City owned vacant lots available for purchase by adjacent home owners (owner occupied).

There being no further business to come before the Council, Chairman Tompkins adjourned the Special Meeting at 6:59 PM.

Kathleen Ligammari
City Clerk



November 30, 2021

BUDGET WORK SESSION #

NIAGARA FALLS, NEW YORK

The November 30, 2021 Budget Work Session of the Niagara Falls City Council was called to order at 5:00 p.m. in the Council Chambers by Council Chairman Kenny Tompkins.

Present: All Council Members

Also Present: Mayor Robert M. Restaino, City Administrator Anthony Restaino, Corporation Counsel Christopher Mazur, City Controller Daniel Morello

There was a Public Hearing before this meeting regarding the 2022 Proposed Budget.

Council submitted eight proposed amendments. Seven defeated, one approved.

During a brief intermission, Corporation Counsel and Controller prepared Resolution Regarding Adopting Proposed 2022 Budget With Amendments.

Council passed Resolution: 3 in favor, 2 opposed.

RESOLUTION: ADOPTING PROPOSED 2022 BUDGET WITH AMENDMENTS, 2021-57
BY: ALL COUNCIL MEMBERS

WHEREAS, on November 1, 2021, the Mayor duly presented this Council with the Proposed Executive Budget for 2022, including a capital plan; and

WHEREAS, the required public hearing on said proposed executive budget was held on November 30, 2021, at which time the Council and the City Controller were present, notice of which was published on November 23, 2021; and

WHEREAS, this Council thereafter met and considered the said Proposed Executive Budget and after due deliberation amended the same; and

WHEREAS, Section 5.6(d) of the Niagara Falls City Charter requires the Council to transmit the Executive Budget to the Mayor with any amendments on or before December 1, 2021;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Niagara Falls, New York, that the Proposed Executive Budget for 2022 is hereby adopted as amended, which amendments, identified as budget resolutions numbers 1 and 2 requiring no action by the Mayor, are attached hereto and made a part hereof; and be it further

RESOLVED, that the Clerk of this Council is directed to immediately transmit a copy of this resolution, together with the aforesaid amendments, to the office of the Mayor on or before the end of December 1, 2021; and be it further

RESOLVED, that in the event that the Mayor shall approve all of the aforesaid amendments to the executive budget, the executive budget as amended and heretofore adopted shall become operative without further action by this Council, and the Mayor is thereupon directed to spread the sum amounting to \$32,696,465.00 dollars upon all taxable property within the City at such rates as will be sufficient to raise said sum, which such amounts of unpaid local assessments, water, sewer, sidewalk charges and other charges provided by law, as may be certified by the Controller and the Director of Public Works and the Niagara Falls Water Board upon the assessment rolls of the City of Niagara Falls as prescribed by law; and be it further

RESOLVED, that upon reconsideration and action by this Council on any of the aforesaid amendments which the Mayor may have vetoed, the executive budget as amended and heretofore adopted shall become operative without further action by this Council, but in the event any veto is not overridden, the amounts thereof shall be adjusted by the Controller, by adding or subtracting, as the case may be, from the foregoing sum directed to be levied, without further action by this Council, which sum as adjusted shall be certified by the City Clerk to the Mayor, and the Mayor is thereupon directed to spread said sum as adjusted upon the taxable property within the City at such rates as will be sufficient to raise the sum required.

There being no further business to come before the Council, Chairman Tompkins adjourned the meeting at 5:54 p.m.

Kathleen Ligammari
City Clerk



December 1, 2021

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The Legislative session of the December 1, 2021 Niagara Falls City Council Meeting was called to order by Council Chairman Kenny Tompkins at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Frank Soda, John Spanbauer, Chris Voccio, Council Chairman Kenny Tompkins

Also present: Assistant Corporation Counsel Thomas DeBoy

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

Council Member moved to approve the Minutes from the Council Meeting

COUNCIL CHAIRMAN COMMENTS: ON FILE IN THE CITY CLERK'S OFFICE

The Council Chairman asked if anyone would like to speak on the Public Hearing relative to amending the Niagara Falls City Charter. As amended Article VI, entitled "Department of Public Works" by amending the second paragraph of Section 5.14.

The following spoke:
Jennifer LaMoy

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

Angela Carabello	Agenda Item #5
Jennifer LaMoy	Agenda Items #3 through #9
Gino Tribets	Agenda Item #5
Todd Salansky	Agenda Item #5
Jennifer LaMoy	Controller report not visible enough, not comprehensive enough
Todd Salansky	Issue with Special Meetings; sale of City property to questionable buyers
Gerald Skrlin	Community cooperation

Mayor/Administration Update: None

Controllers Report: None

Review of Agenda Items

- Item 5 - Councilman Kennedy expressed his disapproval of removing a stop sign that was approved for installation a couple years ago.
- Item 9 - Councilman Kennedy expressed approval of installing signs to make motorists aware of autistic children in area. Anticipates an increase of such requests.
- Item 10 - Councilman Soda requested clarification of process of notification to city.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF OCTOBER 2021

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S CLAIMS FOR THE MONTH OF OCTOBER 2021

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

2425 LASALLE AVE: INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #3

At the Traffic Advisory Commission meeting held on November 15, 2021 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE

IN FRONT OF 2425 LASALLE AVENUE

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

Submitted By: Jimetta Williams, on behalf of her husband Johnnie Williams, 2425 Lasalle Avenue

It is requested that City Council approve this recommendation.
Council Member Voccio moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

1148 LASALLE AVE: INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #4

At the Traffic Advisory Commission meeting held on November 15, 2021 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE

IN FRONT OF 1148 LASALLE AVENUE

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

Submitted By: Pearl Lankin, 1148 Lasalle Avenue

It is requested that City Council approve this recommendation.

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

Yeas

5

Nays

0

APPROVED

CAYUGA DRIVE: REMOVE STOP SIGNS AT INTERSECTION, 93RD STREET

Agenda Item #5

At the Traffic Advisory Commission meeting held on November 15, 2021 the Commission recommended APPROVAL of the following item:

REMOVE THE STOP SIGNS ON CAYUGA DRIVE AT THE INTERSECTION OF 93RD STREET (FOR EAST AND WEST BOUND TRAFFIC)

Request was made as the resident felt that the Stop Signs were not necessary and were often not being obeyed, creating a hazard and nuisance for pedestrians, other motorists and residents of the area. A petition, signed by approximately 90 residents was submitted along with this request.

Submitted By: Angela Carabello, 9304 Cayuga Drive

It is requested that City Council approve this recommendation. Council Member Voccio moved that the communication be received and filed and the recommendation approved.

Yeas 0
Nays 5

Council Members Kennedy, Soda, Spanbauer, Voccio, Chairman Tompkins

DEFEATED

HIGHLAND AVE: NO STANDING, BETWEEN BEECH AVE. & PROFIT LANE, INSTALL

Agenda Item #6

At the Traffic Advisory Commission meeting held on November 15, 2021 the Commission recommended APPROVAL of the following item:

INSTALL A "NO STANDING 7PM TO 7AM" PARKING RESTRICTION ON HIGHLAND AVENUE, EAST SIDE, BETWEEN BEECH AVENUE AND PROFIT LANE

Request was made to assist in reducing congestion and in the interest of public safety for the employees at the manufacturing plant.

Submitted By: Robert M. Restaino, Mayor and John V. Faso, Superintendent, Niagara Falls Police Department, on behalf of Tulip Corporation, 3125 Highland Avenue

It is requested that City Council approve this recommendation. Council Member Voccio moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

COLLEGE & MCKOON AVE: PEDESTRIAN ACTUATED TRAFFIC SIGNAL

Agenda Item #7

At the Traffic Advisory Commission meeting held on November 15, 2021 the Commission recommended APPROVAL of the following item:

CHANGE THE EXISTING PEDESTRIAN ACTUATED TRAFFIC SIGNAL AT THE INTERSECTION OF COLLEGE AVENUE AND MCKOON AVENUE TO A FLASHING RED BEACON FOR ALL DIRECTIONS AND INSTALL ALL WAY STOP SIGNS

Request was made to increase safety and reduce speeds at and in the area

around this intersection.

Submitted By: Robert M. Restaino, Mayor and John V. Faso,
Superintendent, Niagara Falls Police Department

It is requested that City Council approve this recommendation.

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

Yeas	5
Nays	0
APPROVED	

JAMES AVE: INSTALL ALTERNATE OVERNIGHT PARKING

Agenda Item #8

At the Traffic Advisory Commission meeting held on November 15, 2021
the Commission recommended APPROVAL of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON JAMES AVENUE FROM
LEWISTON ROAD, WEST TO THE GORGE

A Petition from the residents of this block was received with 76.5% of
signatures.

Submitted By: Ron Ashker, 934 James Avenue

It is requested that City Council approve this recommendation.

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

Yeas	5
Nays	0
APPROVED	

1215 GARFIELD AVE: INSTALL AUTISTIC CHILD AREA SIGNS

Agenda Item #9

At the Traffic Advisory Commission meeting held on November 15, 2021
the Commission recommended APPROVAL of the following item:

INSTALL "AUTISTIC CHILD AREA" SIGNS (BOTH DIRECTIONS) IN ADVANCE
OF 1215 GARFIELD AVENUE

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: Marisa Adams, on behalf of her son, Mack, 1215
Garfield Avenue

It is requested that City Council approve this recommendation.

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

Yeas	5
Nays	0
APPROVED	

BY: COUNCIL MEMBERS SPANBAUER, VOCCIO, CHAIRMAN TOMPKINS

Agenda Item #10

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves and adopts Local Law No. 4 for the Year 2021 for the purposes of amending Article VI of the Niagara Falls City Charter, entitled "Department of Public Works," by amending the second paragraph of Section 5.14; and

BE IT FURTHER RESOLVED that the Clerk of this Council is hereby directed to complete and certify the Local Law (on file in the City Clerks Office) and forward copies to the New York State Legislature as required.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: PLANNING BOARD APPOINTMENT, 2021-59

BY: COUNCIL MEMBERS SPANBAUER, VOCCIO, CHAIRMAN TOMPKINS

Agenda Item #11

BE IT RESOLVED, that member Robert Burns resigned from the Planning Board in early November 2021; and

BE IT FURTHER RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Planning Board for the remainder of Robert Burns' unexpired term, which expires on the date which appears opposite his name:

APPOINTMENT

TERM EXPIRES:

Ryan Dallavia
1106 Maple Avenue
Niagara Falls, NY 14305

12/31/2024

Yeas

5

Nays

0

ADOPTED

RESOLUTION: CITY COUNCIL MEETING SCHEDULE, 2022, 2021-60

BY: COUNCIL MEMBERS SPANBAUER, VOCCIO, CHAIRMAN TOMPKINS

Agenda Item #12

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it hereby adopts the schedule of dates below as the official schedule of meeting dates for the Niagara Falls City Council for 2022; and

BE IT FURTHER RESOLVED that the City Council of the City of Niagara Falls, New York will hold its work sessions in conjunction with legislative sessions at 6:00 pm on the dates listed below, except as noted.

*JANUARY 1 (Organizational Meeting - at 11:00 am)

JANUARY 5

JULY 6

JANUARY 19

JULY 20

FEBRUARY 2

AUGUST RECESS

FEBRUARY 16

SEPTEMBER 7

MARCH 1 (TUESDAY)

SEPTEMBER 21

MARCH 16

OCTOBER 5

APRIL 6

OCTOBER 19

APRIL 27

NOVEMBER 2

MAY 11

NOVEMBER 16

MAY 25

NOVEMBER 30

JUNE 8

DECEMBER 14

JUNE 22

DECEMBER 28

Yeas

5

Nays

0

ADOPTED

RESOLUTION: SENIOR CITIZEN COUNCIL, RE-APPOINTMENTS, 2021-61

12/01/2021

BY: COUNCIL MEMBERS SPANBAUER, VOCCIO, CHAIRMAN TOMPKINS

Agenda Item #13

BE IT RESOLVED, that the following individuals are hereby re-appointed to the City of Niagara Falls Senior Citizen Council for the term expiring on the date which appears opposite his/her name:

<u>RE-APPOINTMENT</u>	<u>TERM EXPIRES</u>
George Kralick 512 - 82 nd Street Niagara Falls, NY 14304	12/31/2022
Harold Fox 2243 Cleveland Avenue Niagara Falls, NY 14302	12/31/2022
Robert Ramos 2481 South Avenue Niagara Falls, NY 14305	12/31/2022
Norman Bock 3807 Pine Avenue Niagara Falls, NY 14301	12/31/2022
Angelo Ciraolo 8215 Lindbergh Avenue Niagara Falls, NY 14304	12/31/2022
Marie DeFelice 2540 Jerauld Avenue Niagara Falls, NY 14305	12/31/2022
Caroline Fera 611 - 33 rd Street Niagara Falls, NY 14301	12/31/2022
Lucy Harmera 3019 Welch Avenue Niagara Falls, NY 14303	12/31/2022
Louise Morreale 3239 North Avenue Niagara Falls, NY 14305	12/31/2022
Jean Stewart 3022 Orleans Avenue Niagara Falls, NY 14303	12/31/2022
Ed Weber 1306 Maple Avenue Niagara Falls, NY 14305	12/31/2022
Mary Worthing 607 - 38 th Street Niagara Falls, NY 14301	12/31/2022
Richard Wroblewski 420 - 27 th Street Niagara Falls, NY 14301	12/31/2022

appointed for a one (1) year, two (2) year, and three (3) year terms as determined by the City Council.

Yeas
Nays

5
0
ADOPTED

There being no further business to come before the Council,
Chairman Tompkins adjourned the Meeting at 6:52 P.M.

Kathleen Ligammari
City Clerk



December 15, 2021

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The Legislative session of the December 15, 2021 Niagara Falls City Council Meeting was called to order by Council Chairman Kenny Tompkins at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Frank Soda, John Spanbauer, Chris Voccio, Council Chairman Kenny Tompkins

Also present: Asst. Corporation Counsel Thomas DeBoy, and City Controller Daniel Morello.

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

Council Chair Comments:

Noted adjusted agenda format regarding speakers. Gave recognition to outgoing Council Members Kennedy, Soda and Voccio, presenting them with commemorative plaques.

Council Member Voccio moved to approve the Minutes from the Budget Work Session of November 10, 2021, Special Council Meeting of November 15, 2021, Budget Work Session of November 18, 2021, Special Council Meeting of November 29, 2021, Public Hearing of November 30, 2021, Budget Work Session and adopting 2022 Budget on November 30, 2021 and Regular Meeting of December 1, 2021.

Yeas

5

Nays

0

APPROVED

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

Donta Myles

Agenda Item #4

Tim Huether

Agenda Item #5

Presentation: Tom Lowe, Project Director for Niagara Falls Local Food Action.

Mayor/Administration Update: None

Controllers Report:

- Financial Restructuring Board authorized reimbursing City for, 1) the cost for new automated parking facility equipment in excess of \$400k., 2) the cost of new security gate installation at DPW yard.
- County sales tax and HRU tax revenue on target to exceed 2021 budget expectations.

Review of Agenda Items

- Item 3 - Councilman Soda expressed his support of adjusted homestead and non-homestead proportions.
- Item 4 - Councilman Spanbauer explained property equalization rates for those in attendance. Indicated his support for reassessment. Councilman Soda presented examples of currently disproportionate property assessments.
- Item 5 - Councilman Voccio expressed disappointment the item had not been fully circulated for sponsorship. Councilman Soda sought clarification from Assistant Corporation Counsel whether the refuse fee was actually tied to cost of totes.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF NOVEMBER 2021

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK CLAIMS FOR THE MONTH OF NOVEMBER 2021

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY ASSESSOR

HOMESTEAD & NON-HOMESTEAD PROPORTIONS, LOCALLY-ADJUSTED

Agenda Item #3

In accordance with Resolution 1998-140 relative to the two-tier property tax system that was adopted November 24, 1998 and Section 1903-4c of the Real Property Tax Law, I have calculated the locally adjusted proportions for the City of Niagara Falls 2021 tax levy:

City of Niagara Falls

Homestead	53.15741
Non-Homestead	46.84259

This calculation represents a 20% shift to the homestead class.

Will the Council so approve?

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

Yeas 4

Council Members Soda, Spanbauer, Voccio, Chairman Tompkins

Nays 1

Council Member Kennedy

APPROVED

RESOLUTION: CITY-WIDE REASSESSMENT PROJECT, 2021-62

BY: COUNCIL MEMBERS SODA, SPANBAUER, CHAIRMAN TOMPKINS

Agenda Item #4

WHEREAS, the City Council of the City of Niagara Falls has determined that it is in the best interest of the City to commence an Assessment Equity Program for parcels of real property within its geographic boundaries; and

WHEREAS, the City of Niagara Falls has not conducted a City-wide reassessment project in 15 years, and consequently, real property in the City is assessed at its value as of the year of 2006; and

WHEREAS, the current equalization rate is 67% and is expected to continue declining, with inequities of assessed values common throughout the City's 22,804 parcels; a current and comprehensive reassessment will allow the tax levy to be more fairly distributed; and

WHEREAS, NYS Real Property Tax Law Section 305 states that "all real property in each assessing unit shall be assessed at a uniform percentage of value"; and

WHEREAS, both the NYS Financial Restructuring Board (June 19, 2017) and the Niagara Falls Financial Advisory Panel (November 30, 2015) recommended a City-wide revaluation, and the NYS Financial Restructure Board specifically stated "the City would gain significant benefit from a city-wide reassessment of all properties (and across all categories). The City's current valuations result in assessments that are not consistently accurate. Moreover, the dated nature of the City's property data (particularly regarding commercial properties) prevents assessments from being kept accurate through regular updates. A full revaluation would enable the City to better manage and project trends within its taxable assessed valuation. This would ensure that property owners are being taxed fairly and equitably based on the true value of their property, as well as enable the City to add to its taxable base, and by default, revenue at a constant tax rate."; and

WHEREAS, the two-tier taxation system (Homestead and Non-Homestead) that is utilized in Niagara Falls is believed to be an obstacle to economic development and many communities throughout New York State have recognized the disadvantages that result from such a system and have eliminated the system; and

WHEREAS, many local municipalities in both Erie and Niagara Counties, such as Amherst, Clarence and Cheektowaga, consistently update property reassessments every 3-5 years; the City of Buffalo completed a full reassessment in 2020 and the City of Lockport and the Town of Lockport will undergo reassessment projects in 2022; and

WHEREAS, the first step in moving forward to a unified tax rate system has to begin with a comprehensive, city-wide property reassessment in order for the City to determine the true market value of properties; and

WHEREAS, this City Council understands that at this time it is appropriate to conduct a city-wide reassessment that will be in the best interest for the future of the City of Niagara Falls; and

WHEREAS, the City will solicit professional services from a qualified vendor to ensure the City's resources are adequately utilized, and for this contractor to conduct a general reassessment to reflect revised assessments of real property for tax purposes; and

WHEREAS, the hired firm must provide the City a quality comprehensive project to produce fair and equitable assessments, as well as engage the community in the entire process to ensure proper information is being communicated.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby supports the following principles with regard to real property reassessment

1. Taxpayer Fairness: The proposed reassessment for roll year 2024 and all subsequent general reassessments, shall be conducted in a fair and equitable manner;
2. Funding for Reassessment: The majority of the funding for the city-wide reassessment would be covered by American Rescue Plan Funds (approximately \$750,000). In addition to the American Rescue Plan Funds, the City will seek funding from the NYS Financial Restructuring Board and NYS Department of Taxation and Finance to offset the cost of the reassessment project; and

3. Recurring Reassessments: The proposed reassessment for roll year 2024 shall be conducted in a manner that creates the necessary technological infrastructure to support recurring general reassessments. The City Council supports a five (5) year recurring reassessment.

Yeas	3
Council Members Soda, Spanbauer, Chairman Tompkins	
Nays	2
Council Members Kennedy, Voccio	

ADOPTED

RESOLUTION: REFUSE COLLECTION & RECYCLING, AMENDING CHAPTER 10.37
BY: COUNCIL MEMBER WILLIAM KENNEDY II

Agenda Item #5

WHEREAS, the COVID-19 pandemic has had an unprecedented socio-economic impact throughout the world; and

WHEREAS, as the pandemic nears the end of its second full year, it is apparent to nearly everyone that the world economy will continue to suffer its effects for many years, and perhaps decades, to come; and

WHEREAS, here in the City of Niagara Falls, our local residents and businesses, which already face a significant burden from taxes and fees, are now facing the unemployment, shortages, and rising prices caused by the pandemic, creating an even greater hardship to our economy; and

WHEREAS, these hardships have been exacerbated by record increases in gas, electric and water and sewer rates; and

WHEREAS, Chapter 10.37 of the Niagara Falls City Charter, entitled "Residential, Commercial and Institutional User Fees for Refuse Collection and Recycling", sets forth the procedures for the City Council to establish the user fees related to trash and recycling collection in the City; and

WHEREAS, in order to provide both our residents and businesses with a level of relief from rising taxes and fees, the Niagara Falls City Council supports placing a cap on the residential, commercial and institutional user fees for refuse and recycling collection at the 2022 rates; and

WHEREAS, to accomplish this, this Council supports the amendment of Chapter 10.37 of the Niagara Falls City Charter to reflect a procedure to cap the user fees at this level.

NOW, THEREFORE BE IT RESOLVED that the City Council for the City of Niagara Falls hereby supports the amendment of Chapter 10.37 of the Niagara Falls City Charter, entitled "Residential, Commercial and Institutional User Fees for Refuse Collection and Recycling" to set a cap on the user fees collected pursuant thereto at the 2022 rates.

Yeas	2
Council Members Kennedy, Voccio	
Nays	3
Council Members Soda, Spanbauer, Chairman Tompkins	

DEFEATED

PUBLIC SPEAKERS

FOR THE GOOD OF THE COMMUNITY

Ken Hamilton	Ferry & Walnut Ave. Project opposes
Tim Huether	Feels Administration be required to offer update

Misc:

Council Members Kennedy, Soda and Voccio offered parting words as they approach the end of their terms on Council.

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

Kathleen Ligammari
City Clerk



DECEMBER 20, 2021

SPECIAL COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The December 20, 2021 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Tompkins at 5:00 PM in the Council Chambers.

Present: Council Members Kennedy, Soda, Spanbauer, Voccio,
Chairman Tompkins

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

December 16, 2021

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 **Monday, December 20, 2021 at 5:00 p.m.** in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purposes:

1. Resolution Approving the Allocation of the City of Niagara Falls' Share of American Rescue Plan Funding;
2. Approval of Agreement with Niagara Falls City School District (Our Schools Channel (OSC), Funding);
3. Approval of Bid for Purchase of Concrete (Preferred Materials, LLC);
4. Resolution Imposing a One Hundred-Eighty (180) Day Moratorium on the Consideration and/or Issuance of all Permits and/or Approvals Relative to Commercial Data Centers;
5. Approval of Bids for Armed Security Services (Asset Protection Services, Inc.) and Unarmed Security Services (Wisdom Protective Services);
6. Resolution Amending Chapter 1111 of the Codified Ordinances entitled, "Plumbing Code of the City of Niagara Falls, New York";
7. Resolution Amending Chapter 1113 of the Codified Ordinances entitled, "Electrician Licensing and Regulations";

8. Resolution Calling for a Public Hearing Relative to Amendment of City Charter, Article XVII, entitled "Department of Planning and Economic Development", by Amending the title of Article XVII and by Amending Sections 17.1, 17.2, 17.3 And 17.3 (A);
9. Approval of Reallocation of Community Development Funds, Centennial Park Architect (Payment of CJS Architects, LLP); and
10. Approval of Agreement to Purchase Body Cameras, Tasers, Virtual Reality Training Hardware/Software/Web Services (Axon Enterprises, Inc.) - NFPD.

Respectfully submitted,

Robert M. Restaino, Mayor

Review of Agenda Items:

Item #1 - Council Member Kennedy requested to be added as sponsor.

Council Member Soda asked for clarification of category inclusions.

Item #2 - Council Member Soda clarified with Controller that transfer of funds would be from the Councils' consulting budget line.

Item #4 - Council Member Voccio requested the Mayor explain enforcement process and/or recourse with non-compliant companies. Per the Mayor, the Planning Department issued the two currently known operators a list of requirements to adhere to. Responses pending.

Items #6 & 7 - Soda questioned Corp. Counsel whether public hearings were needed. Answer was, no.

Item #8 - Council Member Soda questioned if creation of distinct departments would require formation of new Planning Board. Answer, no.

Special Meeting for Council to approve the following items.

ITEM #1

RESOLUTION RELATIVE TO APPROVAL OF THE ALLOCATION OF THE CITY OF NIAGARA FALLS' SHARE OF AMERICAN RESCUE PLAN FUNDING, 2021-63

BY: COUNCIL MEMBERS KENNEDY, SPANBAUER, CHAIRMAN TOMPKINS

WHEREAS, on March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (H.R. 1319) into law; the \$1.9 trillion package, based on President Biden's American Rescue Plan, is intended to combat the COVID-19 pandemic, including the public health and economic impacts; and

WHEREAS, the American Rescue Plan Act established the Coronavirus State Fiscal Recovery Fund and Coronavirus Local Recovery Fund, which together make up the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program, is intended to provide support to State, territorial, local, and Tribal governments in responding to the economic and public health impacts of COVID-19 and in their efforts to contain impacts on their communities, residents, and businesses; and

WHEREAS, according to the applicable Federal guidelines regarding their use, eligible Program funds shall be used to: respond to the COVID-19 public health emergency or its negative economic impacts; respond to workers performing essential work during the COVID19 public health emergency by providing premium pay to such eligible workers of the recipient; for the provision of government services, to the extent of the reduction in revenue of such recipient due to the COVID-19 public health emergency, and; to make necessary investments in water, sewer, or broadband infrastructure; and

WHEREAS, American Rescue Plan funds may be used to cover eligible costs incurred during the period that began on March 3, 2021 and ends on December 31, 2024. As long as funds are allocated to projects by December 31, 2024, they must be fully expended by December 31, 2026 or they must be returned to the Department of the Treasury; and

WHEREAS, in May 2021, the City of Niagara Falls received award of \$28,603,764.00 and by May 2022 the City should receive the remaining \$28,603,764.00, which will bring the total amount of the award to \$57,207,528.00; and

WHEREAS, between July 8, 2021 and October 28, 2021, Mayor Robert Restaino and his Administration held five (5) community meetings to obtain feedback from the public as to how American Rescue Plan funds should be utilized. These community engagement meetings were held at Abate Elementary School, Gill Creek Park, the LaSalle Public Library, St. Raphael's Church and the John Duke Center, respectively, ; and

WHEREAS, recurring topics that were identified during these meetings included: public safety concerns; infrastructure issues related to City-owned building, roads, sidewalks, and water/sewer lines; Small Business support; vacant homes and demolitions; technology improvements; improvements to parks, and: youth programming and activities; and

WHEREAS, it is now proposed that the City's allocation of American Rescue Plan funds be utilized, generally, as follows (with more specificity as provided on the City's website):

Investment in Community:	\$26,420,000
Investment in Public Safety:	\$11,445,915
Investment in City Owned Buildings:	\$10,167,000
Investment in Small Business/MWBE:	\$3,500,000
Investment in City Operations:	\$2,500,000
City Budget Reimbursement:	\$600,000
Administrative Expenses:	\$1,500,000

The total amount of funds generally allocated is \$56,132,915.00, which will provide the City with flexibility to both add additional projects and deal with the possibility of project cost increases prior to December 31, 2026; and

WHEREAS, in addition to the above proposal, the City Council, at its December 15, 2021 meeting, the passed a resolution affirming its support for a City-wide reassessment program and declaring that the majority of the funding for the reassessment would be covered by American Rescue Plan Funds; and

WHEREAS, prior to undertaking specific projects requiring the utilization of American Rescue Plan funding, the Administration will secure all necessary approvals from the City Council as required under the City Charter; and

WHEREAS, the City is required to submit quarterly project and expenditure reports to the Treasury Department beginning in January 2022, which will provide overview of each approved project and identify respective expenditure category as provided by Treasury Department. Entities that receive funding from the City will also need to adhere to Treasury program guidance. The City will provide status updates for each project on quarterly basis; and

WHEREAS, the City Council hereby issues its approval and support for the aforementioned American Rescue Plan fund allocations as they will greatly assist the City's recovery from the effects of the pandemic.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby supports and adopts Mayor Robert Restaino's program for allocation of the City's share of American Rescue Plan funding and hereby authorizes the Mayor to proceed with all steps necessary to implement the same.

Yeas	5
Nays	0
ADOPTED	

ITEM #2

CONTRACT: NIAGARA FALLS CITY SCHOOL DISTRICT (OUR SCHOOLS CHANNEL (OSC), FUNDING)

Each year, the City provides financial support to the Niagara Falls City School District to assist in funding the "Our Schools Channel 21", public access channel OSC-21. It is now necessary to appropriate an additional \$5,000.00 to further OSC-21's operations. In order to effectuate this, a Funding Agreement (on file in the City Clerk's Office) with the School District is required. Funding is available from City Council code A1010.1010.0449.599.

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

Yeas	5
Nays	0
APPROVED	

ITEM #3

CONTRACT: CONCRETE, PREFERRED MATERIALS, LLC

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

TO: Preferred Materials, LLC
1765 New Road
P.O. Box 583
Niagara Falls, New York 14304

FOR: Purchase of 4000 PSI Concrete with air, ASTM size 67 coarse aggregate
\$141.50 per cubic yard

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 seven (7) vendors. Preferred Materials, LLC submitted the lowest bid.

Funds for this expenditure are included in the DPW Construction and Repair account code A.5110.0200.0419.006.

Will the Council so approve?
Council Member Voccio moved that the communication be received and
filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

ITEM #4

RESOLUTION: MORATORIUM ON COMMERCIAL DATA CENTERS, 2021-64

BY: COUNCIL MEMBER SPANBAUER, CHAIRMAN TOMPKINS

WHEREAS, "the Digital Revolution", which began in the 1980's and continues on today, is epitomized by the advancement of technology from analog electronic and mechanical devices to the digital technology available today; and

WHEREAS, this revolution in telecommunications, computing technology and interconnectivity has forever changed the way we think and live; and

WHEREAS, due to these developments, tech-based industries have grown exponentially in recent years; and

WHEREAS, one such industry whose presence has expanded both here in the City of Niagara Falls and across the country is the creation/development/expansion of Commercial Data Centers; and

WHEREAS, Commercial Data Centers, which are synonymous with data collection, data extraction, data mining, data storage, cloud storage, cryptocurrency mining, transactional analysis and proof-of-work authentication and related industries, have also generated a great deal of controversy nationwide due to their effect upon the quality of life of nearby property owners, high levels of energy consumption, thermal impacts, electronic waste generation and overall environmental impact; 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 creation, development, construction, expansion and operation of Commercial Data Centers 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 one hundred-eighty (180) day moratorium on the consideration and/or issuance of all permits and/or approvals relative to the creation, establishment, development, construction, expansion, enlargement and operation of Commercial Data Centers in the City of Niagara Falls, 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 for Commercial Data Centers in the City of Niagara Falls; and it is further

RESOLVED, that this moratorium shall remain in effect until June 15, 2022, unless further extended by the City Council.

Yeas

4

Soda, Spanbauer, Voccio, Chairman Tompkins

Nays

1

Kennedy

ADOPTED

ITEM #5

CONTRACT: SECURITY GUARD SERVICES, WISDOM PROTECTIVE SERVICES AND ASSET PROTECTIVE SEERVICES, INC.

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

TO: Wisdom Protective Services Local Office: Wisdom Protective Services
837 Old Country Road 70 Niagara Street, Suite 200
Westbury, New York 11590 Buffalo, New York 14202

FOR: Unarmed Security Guard Services at the Corporation Yard and Train Station. The Contract is in effect from January 1, 2022 through December 31, 2022, and, if mutually agreeable, may be extended yearly for up to two (2) additional one year terms through December 31, 2024. \$24.32 per hour

TO: Asset Protective Services, Inc.
274 Delaware Avenue
Buffalo, New York 14202

FOR: Armed Security Guard Services at City Hall in Niagara Falls, New York. The Contract is in effect from January 1, 2022 through December 31, 2022, and, if mutually agreeable, may be extended yearly for up to two (2) additional one year terms through December 31, 2024. \$27.12 per hour

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 nineteen (19) vendors. The above referenced companies submitted the lowest bids.

Bid # 2021-24 Security Guard Services

Funds for Unarmed Security Guard Services are expected to be budgeted for in A.1490.0001.0449.004 and AT.1620.2305.0449.004. Funds for Armed Security Guard Services are expected to be budgeted for in A.1620.2300.0449.004.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

ITEM #6

RESOLUTION: AMENDING CHAPTER 1111, ENTITLED "PLUMBING CODE OF THE CITY OF NIAGARA FALLS, NEW YORK", 2021-65

BY: COUNCIL MEMBER SPANBAUER, CHAIRMAN TOMPKINS

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that Chapter 1111 of the Codified Ordinances, entitled "Plumbing Code of The City of Niagara Falls, New York", is hereby amended such that said Chapter shall read as follows:

CHAPTER 1111

{PLUMBING CODE OF THE CITY OF NIAGARA FALLS, NEW YORK

1111.01 DEFINITIONS

For purposes of this Chapter, the following terms shall have the following meanings:

- (a) "Board" shall mean the examining board of plumbers for the City of Niagara Falls as established by Article 4 of the General City Law.

- (b) "Boiler" shall mean a closed heating appliance intended to supply hot water or steam for space heating, processing or power purposes.
- (c) "Chimney" shall mean a primarily vertical enclosure containing one or more passageways.
- (d) "Code" or "Plumbing Code" shall mean the provisions of this chapter of the Codified Ordinances, the rules and regulations governing plumbing adopted by the Examining Board of Plumbers, as amended, as well as the applicable provisions of the Uniform Fire Prevention and Building Code and the National Standard Plumbing Code.
- (e) "Cooling System" shall mean a combination of interconnected refrigerant, containing parts constituting one closed refrigerant circuit in which a refrigerant is circulated for the purpose of extracting heat.
- (f) "Department" shall mean the Department of Inspections.
- (g) "Director" shall mean the Director of the Department of Inspections or his designated representative.
- (h) "Drain and Sewer Cleaning" shall mean the conducting or engaging in cleaning sanitary drainage and/or storm drainage systems, the attendant vent systems within or adjacent to any building or structure, to the point of their connections with public systems or other approved terminals.
- (i) "Engage in the Business of Plumbing" A person conducts or engages in the business of plumbing when he performs plumbing work for hire, either himself or through employees, irrespective of whether he **receives compensation therefor.**
- (j) "Fire Protection Equipment and System" shall mean apparatus, assemblies or systems, either portable or fixed, used to prevent, detect, control or extinguish fire.
- (k) "Master Plumber" shall mean a person engaging in the business of plumbing and who, by himself or through journeymen plumbers in his employ, performs plumbing work and who holds a master plumber's license under the provisions of this Ordinance.
- (l) "Mechanical Contracting" shall mean conducting or engaging in the installation, alteration, extension, replacement, repair or maintenance of any mechanical system.
- (m) "Mechanical Systems" shall mean an appliance, device or apparatus, including any attachments or apparatus designed for heating, ventilating, cooling, steam and hot water heating, water heaters, process typing, boilers and pressure vessels, appliances using gas, liquid or solid fuel, chimneys and vents, mechanical refrigeration, fireplaces, barbecues, incinerators, crematories, air pollution and fire protection systems.
- (n) "Person" shall mean any individual, partnership, unincorporated association or corporation.

- (o) "Plumbing" shall mean the practice, materials and fixtures used in the installation, maintenance, extension and alteration of piping, fixtures, appliances and appurtenances in connection with any of the following: sanitary drainage or storm drainage systems, the attendant vent systems and the water supply systems, within or adjacent to any building or structure, to their connections with public systems or other approved terminals.
- (p) "Plumbing Work" shall mean the installation, alteration, extension, replacement, repair or maintenance of any plumbing, piping, fixtures, devices, appliances and appurtenances in connection with sanitary drainage or storm drainage system, the attendant vent systems and water supply systems, within or adjacent to any building or structure, to their connections with public systems or other approved terminals. Plumbing work also includes the installation, repair and testing of all back flow preventers.
- (q) "Plumbing System" shall mean the water supply system, the drainage system, the vent system, fixtures and traps, including their respective connections, devices and appurtenances within the property lines of the premises.
- (r) "Vent" shall mean a conduit or passageway for conveying products of combustion from fuel-fired appliances, or their vent connectors, to the outside atmosphere.
- (s) "Ventilating System" shall mean any system of ducts, pleuums and air handling equipment which circulates air within a space or spaces and includes a system made up of one or more air handling units.

1111.02 BASIC PRINCIPLES

The purpose of this ordinance is to provide a mechanism for the proper enforcement of the plumbing code and mechanical code as well as to provide for the inspection of plumbing and mechanical work within the City of Niagara Falls, and to that end to provide permits and appropriate penalties and other administrative action for the failure to comply with such plumbing and mechanical codes.

1111.03 PERMITS

(a) Permits Required:

- (1). It shall be unlawful to install, maintain, extend, alter, or replace any plumbing or mechanical systems, or any piping, fixtures, appliances and appurtenances in connection with sanitary drainage or storm drainage systems, the attendant vent systems and the water supply systems, within or adjacent to any building or structure, to their connections with public systems or other approved terminals without first applying for and obtaining a plumbing permit from the Department of Inspections. A permit shall be required for cross-connection corrections, and for any installation, service, maintenance, testing, repair or modification of a back flow prevention device as provided for in Chapter 1 of the State Sanitary Code

§5 -1.31(d) and Section 225 of the Public Health Law subdivision 10.

(b) Permits Not Required. A permit shall not be required for the repair of leaks, unstopping of sewers and waste lines, or the repair or maintenance of faucets or valves.

(c) To Whom Permits May be issued.

(1) (A) Permits covering plumbing work in the City of Niagara Falls shall only be issued to a master plumber registered with the Clerk of the Plumbing Board, except as provided in paragraph (2) hereof.

(B) Permits covering mechanical work in the City of Niagara Falls shall only be issued to a master plumber or mechanical contractor registered with the Clerk of the Plumbing Board, except as provided in paragraph (2) hereof.

(Adopted 02/08/11)

(2) Nothing herein contained shall prohibit any bona fide owner of a single family dwelling from personally performing plumbing work within such owner's residence, provided that such owner shall:

(A) Sign an affidavit showing the applicant to be the owner and occupant; that he or she will personally perform the plumbing for which the application is made and is reasonably familiar with the requirements of the Code and capable of performing the installation in accordance with the Code.

(B) Apply for and secure a permit.

(C) Pay all fees.

(D) Apply for inspections; and

(E) Receive the approval of the Plumbing Inspector.

(3) The failure to obtain a permit may be waived by the Director of Inspections for emergency situations outside of normal business hours. In the event of such waiver, the master plumber shall obtain a permit on the next business day.

(d) Application for a Permit Prior to Starting Work. A application for a permit, accompanied by the required fees, shall be presented to the Department of Inspections and must be approved before any plumbing work is commenced. Except in the case of single or two-family dwellings, plans and specifications shall be submitted with the application for a permit.

If a permit is issued, and additional plumbing not covered by this permit is installed, an additional permit fee shall be required.

(e) Validity of the Permit. A permit shall not be valid until the application has been approved by the Chief Plumbing Inspector or a City Code Enforcement Officer and countersigned by the Director of Inspections or a licensed Professional Engineer. (Amended 07/28/09)

(f) Failure to Obtain Permits before Starting Work.

(1) It shall be unlawful for any person to commence any plumbing work without first having obtained an approved and valid permit.

(2) Any plumbing work undertaken without a permit shall be deemed a nuisance and shall be reconstructed or altered as directed by the Chief Plumbing Inspector.

- (3) In addition to the penalties as provided for in Section 1111.99, any person who shall commence any plumbing work without a valid permit shall pay double the permit fee.

(g) Permit Application. The application used by the Department of Inspections shall include the name and address of the owner, the address where work is to be performed, the name and address of the Master Plumber to whom the permit is issued, and any other information deemed necessary.

(h) Fraudulent Application for a Permit. It shall be unlawful for any person to give or furnish false, misleading or otherwise fraudulent information in order to obtain a permit from the Department of Inspections.

(I) Permits Revoked or Expired.

- (1) Any permit issued in violation of the laws of the State of New York, this Chapter or any other Chapter of the Codified Ordinances, or as a result of false, misleading or fraudulent information, shall be subject to revocation by the Director of Inspections, in addition to any other penalties or sanctions provided by law. The master plumber shall be notified to appear and show cause why the permit should not be revoked. Failure to appear shall be sufficient cause to revoke the permit.
- (2) If work for which a permit has been issued is not commenced within six (6) months from the issuance thereof, or if the work has been abandoned for a period of six (6) months, the permit shall lapse and cease to be in effect.

(j) Incomplete Installations.

- (1) Notification Required. A master plumber, to whom a permit under this Chapter has been issued and who quits work on the plumbing system for any reason, shall notify the Department of Inspections of any part of the plumbing work which has been completed, and shall also request an inspection. It shall be unlawful for a master plumber who quits work on a plumbing system to fail to notify the department and to request an inspection.
- (2) Transfer of Permit. A master plumber may transfer the permit to another master plumber, upon payment by the latter of a transfer fee of \$10.00.
- (3) Violation Corrections on Transferred Permits. If the Department of Inspections issues a notice of violation to a master plumber, correction of the said violation shall not be made by any other master plumber unless the prior permission of the Department has been obtained.

1111.04 INSPECTIONS

(a) Records. Records shall be made and maintained of plans examined, permits issued, inspection services rendered, tests conducted, complaints investigated, violations and cases referred for legal action.

(b) Examination of Plans. All plans and specifications required to be submitted shall be examined for acceptability under the provisions of the Plumbing Code.

(c) Inspection Required. All installations, alterations, or replacements of sewers, storm drains, and other plumbing work, or plumbing appurtenances and appliances, must be inspected for compliance with the Plumbing Code.

(d) Notice of Violation. Notices of violation of the Code shall be in writing and delivered or mailed to the master plumber or other person responsible for the violation or for correction of such violation.

(e) Complaints. Upon receipt of a complaint, the Plumbing Inspector shall investigate for unsanitary or hazardous conditions caused by an improperly installed or maintained plumbing system. If such unsanitary or hazardous conditions are found to exist, the owner or his authorized agent or the master plumber shall be notified to immediately correct such conditions to comply with the Code or other applicable law.

(f) Right of Entry. Any plumbing inspector or other duly authorized employee of the Department of Inspections, upon showing proper identification, shall be granted immediate entrance to any building or premises at any reasonable hour, and shall be permitted to inspect any part of the plumbing system of the building or premises for compliance with the provisions of this Code.

(g) Request for an Inspection. If a plumbing system is ready for inspection or test, it shall be the duty of the master plumber to request such inspection at least 24 hours in advance. Where injury or property damage may occur because of a hazardous condition, such advance notice may be waived by the Department.

(h) Presence of Permit Holder. It shall be the duty of the master plumber, or his employee representative to ensure that the work will pass any and all tests before making a request for an inspection. The master plumber or his employee shall be present at the time of the inspection.

(i) Failure to Make Inspection. If the plumbing inspector is unable to appear within one working day after the day upon which an inspection or test is requested, the inspection or test shall be deemed to have been made. The master plumber shall be required, within three (3) working days thereafter, to file an affidavit with the Department of Inspections stating that the plumbing work was installed in accordance with the Code and the approved plans and permits, that it was free from defects, that the required test were made and that the system was free from leaks. This provision shall not apply when an appointment cannot be made with a plumbing inspector.

(j) Covering of Work. No plumbing work shall be covered, back filled or concealed until it has been inspected and approved.

(k) Uncovering of Work. If any plumbing work is covered before being approved, it shall be uncovered after a notice to the responsible person, firm or corporation by the Department of Inspections, at the sole cost and expense of such responsible person.

(l) Inspection of Existing Plumbing System. Inspections of existing plumbing systems shall be made upon a complaint of the public, or when it is deemed by the Department of Inspections that a health or safety hazard exists by reason of an existing plumbing system or lack thereof. The owner of a building or premises, or his agent shall immediately cause the installation of additional plumbing or make such corrections as may be necessary to abate such nuisance and bring the plumbing installation in compliance with the provisions of the code within the time directed by the Plumbing Inspector.

(m) Inspections Not Required.

No tests or inspection shall be required where a plumbing system is set up for exhibition purposes and is not directly connected to a sewage system, for minor repairs, the unstopping of sewers or drains, or if less than five (5) feet of pipe is replaced.

(n) Violations.

(1) Notice of Violation of the Rules. If the plumbing inspection, reinspection or tests reveal failure of any plumbing work to comply with the provisions of the Plumbing Code, or the laws of the State of New York, the plumbing work shall be declared unlawful by the Plumbing Inspector and a written notice of violation shall be delivered or mailed to the master plumber or, if none, the owner.

(2) Time for Compliance. All notices of violation shall indicate the requirement of immediate compliance. On new construction, alterations, additions, or replacements, violations which are not corrected within ten (10) days shall be referred to the Corporation Counsel's Office for legal action. The time allowed for compliance in existing buildings or premises shall be at the discretion of the Director of Inspections.

(o) Tests.

(1) Tests Required.

- (A) In all new construction all soil, waste, vent, water service pipe, and water distribution piping in the plumbing and drainage system shall be subjected to a water or air test.
- (B) Underground building sewers may be subjected to a test at the discretion of the Department of Inspections.
- (C) In replacements, repairs, or alterations of the plumbing system which cannot reasonably be subjected to a water pressure test, the piping shall be thoroughly flushed with water in the presence of the plumbing inspector until he is satisfied that the work is acceptable.

(2) Methods of Testing. All tests methods shall be made upon the plumbing system as prescribed in the National Standard Plumbing Code.

1111.05 STOP WORK ORDERS.

Whenever, in the opinion of the Director of Inspections, by reason of defective or illegal work in violation of any the provisions or requirements of the Plumbing Code, a legal notice may be issued ordering all persons to immediately cease and desist from any work and to immediately vacate the premises at which said work is being conducted until the condition of violation

has been remedied. It shall be unlawful for any person to continue any work, or to remain or return to the applicable premises, after a stop work order has been issued pursuant to this section, unless and until the prior written permission of the Director of Inspections has been obtained by such person.

1111.06 MAINTENANCE OF PLUMBING SYSTEMS.

(a) The plumbing system of any premises in this City shall be maintained in a legal, adequate, sanitary and safe condition by the owner or his agent.

(b) If a plumbing system on any premises is found to be illegal, inadequate, unsanitary, or in hazardous condition, it shall be repaired, replaced, renovated or removed immediately by the owner or his agent upon notice from the Department of Inspections.

(c) Every occupant of a dwelling or dwelling unit shall keep all plumbing fixtures and other related facilities in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

(d) Whenever the owner, lessee or agent of the owner, or any person having charge or care of such dwelling unit, fails or refuses to comply with any notice or order, such dwelling or dwelling unit may be condemned by the Director of Inspections as being unfit for human habitation, and shall be vacated. The Director shall cause to be posted on the premises a placard to this effect. It shall be unlawful for any person to deface or remove such placard without the consent of the Director. It shall be unlawful for any person to reside in, use or occupy such premises for any reason until the placard is removed by the Director upon compliance with this Code.

1111.07 INSPECTORS OF PLUMBING.

(a) The chief plumbing inspector of the City of Niagara Falls shall hold a certificate of Competency and discharge the duties prescribed under the General City Law and this Code, in addition to other duties as imposed upon him by the Director of Inspections.

(b) The plumbing inspectors shall receive and carry with them a suitable means of identification for the purpose of inspection and examination of all premises where plumbing work is being performed. In the discharge of their duties, said inspectors shall have the authority at any reasonable hour to immediately enter any building or premises to inspect the plumbing work.

(c) The chief plumbing inspector shall keep a record of plans, drawings, descriptions, applications to install plumbing, permits issued, certificates of approval of completed work and reports of notices and orders issued. A monthly report shall be submitted to the Director of all plumbing inspections.

(d) The chief plumbing inspector shall cause the arrest and prosecution of all persons unlicensed to do plumbing work in violation of the provisions of this Code.

(e) The chief plumbing inspector shall in November of each year, certify to the Board all master plumbers, journeymen and apprentice plumbers entitled to renewal of their licenses or registrations. He shall also report those plumbers not entitled to renewal of their licenses or registrations.

(f) The Plumbing Inspector, acting in good faith and without malice, shall not be liable for damages by reason of anything done in any action or proceeding instituted under the provisions of this code or by reason of any act or mission in the performance of his official duties.

(g) In the event the Chief Plumbing Inspector is unable to conduct an inspection as required herein due to illness, incapacity or unavailability such inspection may be conducted by a Certificate of Competency holder or any member of the Examining Board of Plumbers for the City of Niagara Falls, New York, designated by the Chief Plumbing Inspector or the Building Commissioner. In such an event, the designated inspector shall be entitled to receive payment of \$45.00 from the City for each inspection conducted. However, such inspector shall be prohibited from conducting an inspection of work performed by a company that he may be currently employed by. (Amended 05/02/07)

1111.08 INSURANCE AND BONDS.

(a) Plumbing permits shall not be issued to a master plumber until certificates of insurance acceptable to the City of Niagara Falls have been filed. The minimum general liability shall be \$100,000, single limit each occurrence, and \$300,000 aggregate bodily injury and property damage. Such policy shall name the City of Niagara Falls as an additional insured and shall not be cancelled unless thirty (30) days prior written notice has been given to the City of such cancellation. In addition to general liability insurance, proof of workers' compensation and New York State Disability coverage shall be required if said master plumber has employees under his supervision.

(b) Each master plumber shall file a bond in the sum of \$5,000 with the City of Niagara Falls, New York, containing the specific conditions and requirements that all work performed by said master plumber or employees under his supervision shall be performed in accordance with the provisions of this Code and that he will pay all fines and penalties properly imposed upon him for violations of the provisions of this Code. A master plumber's license shall not be valid unless a bond is executed and deposited as herein provided.

(c) A master plumber desiring to do work in the public right-of-way must meet the requirements under Chapter 903 of the Codified Ordinances and furnish any additional insurance required by the City.

(d) It shall be the duty of the master plumber to maintain current insurance certificates and plumber's bond and to have same on file with the City. In the event that the foregoing insurance or bond lapse or are cancelled, or the current certificates are not on file with the City, the master plumber's license shall be suspended until proof of the same are submitted to the Clerk of the Board, in addition to the reinstatement fee provided under this Code.

1111.09 REGISTRATION AND LICENSING OF JOURNEYMEN PLUMBERS.

(a) Definition: The term journeyman plumber as used in this section shall mean a mechanic who has served their apprenticeship or learned his trade or handicraft.

(b)License Required: No person shall perform any plumbing work as a journeyman plumber in the City of Niagara Falls, New York, without being duly registered and licensed as provided hereinafter.

(c)Qualifications Required: Applicants for a journeyman's license shall have one year experience in the business.

(d)Application for a License: Any person meeting the qualifications of 1111.09(c) and desiring a journeyman's license shall make application with the Clerk of the Board upon the forms provided.

(e)Examination:

(1) An applicant who has been accepted by the Board shall be given an examination. If the applicant obtains a passing grade, he shall be entitled to a journeyman's license. The Board shall determine a passing grade but in no case shall it be lower than 50 percent.

(2) An individual currently licensed as a journeyman plumber in a municipality in Niagara, Erie, Orleans, Genesee, Wyoming, Chautauqua or Cattaraugus Counties is not required to take the examination set forth in subparagraph (1) above. (Adopted 03/04/14)

(f)Registration: Each applicant upon receiving the approval of the Board shall be entitled to register his name with the Clerk of the Board as a journeyman plumber, pay the required fee and receive a license.

(g)Journeyman's Card: A journeyman shall at all times while in the performance of plumbing work in this City carry the identification card provided. Said card shall be exhibited upon demand to any plumbing inspector or other duly authorized agent of the Department of Inspections.

(h)Renewal of License: Each license shall expire one year from the date it is issued and may be renewed within thirty (30) days preceding such expiration. If the license is allowed to lapse, a reinstatement fee must be paid.

(i)Suspension or Revocation of Licenses: The Board may suspend or revoke a journeyman's license after a hearing for any of the following causes:

- (1) Submitting fraudulent information on an application for a license or renewal of said license.
- (2) Repeated violations of good workmanship or other provisions of New York State, Water Board or City rules and regulations.
- (3) Allowing an unlicensed person in any manner to utilize said license to perform plumbing work in the City.

(Section amended 03/21/07)

1111.10 REGISTRATION AND LICENSING OF MASTER PLUMBERS.

(a)License Required. It shall be unlawful for any person to engage in the business of plumbing in this City or to imply to the public that he is engaged in the business of plumbing in this City unless he has registered with and obtained a license as a master plumber from the Board.

(b)Qualifications. The applicant for a master plumber's license shall have at least ten years' experience in the plumbing trade; five years of which shall be as a journeyman plumber. In addition, the applicant shall obtain a certificate of competency from the Board.

(c) Applications.

- (1) Applications shall be advertised at least once each year at the discretion of the Board.
- (2) Applications from qualified candidates for examinations shall be filed with the Clerk of the Board at least 60 days prior to the examination.
- (3) The Clerk shall present said application at the next regular meeting of the Board. At this time the Board shall review the application and shall determine the qualifications of the applicant to sit for the examination. Notice of the Board's action shall be sent to the applicant within 30 days of said meeting. An applicant who qualifies must then pay nonrefundable application and examination fees.

(d) Examinations.

- (1) Examinations to qualified applicants shall be given at the time and place set by the Board. During the examination of applicants, only the Board, the clerk and the applicants shall be present.
- (2) All tests formulated by the Board shall be of such character as to fully test the fitness and qualifications of the applicant in the trade of plumbing. Each test shall be given in three parts: (1) questions on the plumbing code and Practical Plumbing; (2) drawings of plumbing installations; and (3) plumbing layout and aptitude. The applicant must attain a grade of at least 75 points in order to receive a certificate of competency.
- (3) An applicant who has failed the test may notify the Board of his intent to be re-examined by registered mail to the chairman of the Board without having to file another application.

(e) Licenses.

- (1) Upon receipt of a certificate of competency, the applicant shall register his name and business address in this City with the clerk of the Board on forms provided by the Board and pay the required registration fee, whereupon he shall receive a master plumber's license. Said license shall be the same as the certificate of registration under article 4 of the General City Law.
- (2) All licenses shall expire on the 31st day of December of the year in which they have been issued and may be renewed within thirty (30) days preceding such expiration date on the renewal applications provided by the Board, and shall be accompanied by the appropriate fee.

- (3) A master plumber who permits his license to lapse may apply for reinstatement upon payment of a reinstatement fee.
- (4) Any master plumber who abandons or ceases to engage in the business of plumbing work shall surrender his metal plate to the Board. A lapse of six months shall be considered an abandonment of the business.
- (5) Every master plumber shall give immediate notice of any change of location of his place of business to the Board.
- (6) All vehicles utilized by a master plumber in the business of plumbing shall be identified. All vehicles shall conspicuously display the name of the company, the identification number provided by the Examining Board of Plumbers, and identify the company as a plumber licensed by the City of Niagara Falls, New York.

(f) Use of License by Others. No person who has obtained a master plumber's license in this City shall allow his name or license to be used by another person either for the purpose of obtaining permits or for engaging in plumbing work under said license. Furthermore, no person who has obtained a master plumber's license may subcontract any plumbing work unless such a subcontractor is licensed as a master plumber pursuant to this ordinance. The permitted and subcontractor shall be required to provide the Director with a copy of any and all contract documents pertaining to the plumbing work prior to the commencement of said plumbing work.

In the sole discretion of the Director and upon his request, the permitted and/or subcontractor shall be required to provide to the Director any and all information and documentation to verify the status of any persons engaging in plumbing work, including but not limited to employment and payroll records. In the event a permitted and/or subcontractor should fail to comply with any such request from the Director, any and all permits issued by the Director shall be immediately revoked, and said person or persons shall immediately cease and desist in the performance of any work and immediately vacate the affected premises.

(g) Installation Compliance. Master plumbers shall perform all associated work in compliance with the terms and conditions of the Uniform Fire Prevention and Building Code, the National Plumbing Code and the Plumbing Code for the City of Niagara Falls.

(h) Suspension or Revocation. The Board may, after written notice and a hearing, suspend or revoke the license of any master plumber for the violation of this plumbing code or any law which pertains to said license. Said license shall be suspended: for thirty (30) days for a first violation committed within a five (5) year period; for ninety (90) days for a second violation committed within a five (5) year period; and for six (6) months for a third violation committed within a five (5) year period. For any subsequent violation, irrespective of when committed, said license shall be permanently revoked.

1111.11 REGISTRATION OF APPRENTICES.

To establish a record of his apprenticeship, each apprentice or learner, who contemplates filing an application for a Journeyman's License, shall within sixty (60) days after beginning such apprenticeship, register his name with the Clerk of the Board on the forms provided by the Board, setting forth the date on which apprenticeship was begun, name of employer, any trade school attended and such other information as the Board may require and which registration shall constitute a record of apprenticeship. Upon paying the required fee, an identification card shall be issued to said apprentice.

1111.12 REGISTRATION AND LICENSING OF DRAIN AND SEWER CLEANERS.

(a)Registration and License Required. It shall be unlawful for any person to engage in the business of drain and sewer cleaning in this City unless such person has registered with the Board and paid the required fee. Upon registration and payment of the fee, a license shall be issued to such person.

(b)Such person shall not be issued a license until certificates of insurance acceptable to the City of Niagara Falls have been filed. The minimum general liability shall be \$100,000, single limit each occurrence, and \$300,000 aggregate bodily injury and property damage. Such policy shall name the City of Niagara Falls as an additional insured and shall not be cancelled unless thirty (30) days prior written notice has been given to the City of such cancellation. In addition to general liability insurance, proof of workers' compensation and New York State Disability coverage shall be required if said business has employees under its supervision.

(c)Renewal of License. Each license shall expire on the last day of the month of the year in which it is issued. In the event a drain and sewer cleaner is validly and properly registered and licensed for the year 1997, he shall be entitled to renew such registration and license for the year 1998 within thirty (30) days preceding December 31, 1997.

(d)Requirement of Master Plumber License. Commencing January 1, 1998, it shall be unlawful for any person to engage in drain and sewer cleaning in this City unless such person shall possess a valid license as a Master Plumber, unless such person shall possess a license issued pursuant to subparagraph (c) hereinabove. In the event a person shall possess a license issued pursuant to subparagraph (c) as of January 1, 1998, and such person shall thereafter fail to renew said license, said license shall thereafter be null and void, and such person shall be prohibited from engaging in drain and sewer cleaning in this City, unless such person shall first obtain a license as a Master Plumber.

(e)Suspension or Revocation. The Board may, after written notice and a hearing, suspend or revoke the license of any drain and sewer cleaner for any violation of this plumbing code or any law which pertains to conducting the business of a drain and sewer cleaner. Said license shall be suspended for thirty (30) days for a first violation committed within a five (5) year period; for ninety (90) days for a second violation committed within a five (5) year period; and for six (6) months for a third violation committed within a five (5) year period. For any subsequent violation, irrespective of when committed, said license shall be permanently revoked.

1111.13 REGISTRATION AND LICENSING OF MECHANICAL CONTRACTORS.

(a)Registration and License Required. It shall be unlawful for any person to engage in the business of mechanical contracting unless such person has registered with the Board and paid the required fee. Upon registration and payment of the fee, a license shall be issued to such person.

(b)Renewal of License. Each license shall expire on the last day of the month of the year in which it is issued.

(c)Suspension or Revocation. The Board may, after written notice and a hearing, suspend or revoke the license of any mechanical contractor for any violation of this plumbing code or any law which pertains to conducting the business of a mechanical contractor. Said license shall be suspended for thirty (30) days for a first violation committed within a five (5) year period; for ninety (90) days for a second violation committed within a five (5) year period; and for six (6) months for a third violation committed within a five (5) year period. For any subsequent violation, irrespective of when committed, said license shall be permanently revoked.

(d)Insurances. A license shall not be issued pursuant to this section until certificates of insurance acceptable to the City of Niagara Falls have been filed. The minimum general liability shall be \$100,000, single limit each occurrence, and \$300,000 aggregate bodily injury and property damage. Such policy shall name the City of Niagara Falls as an additional insured and shall not be cancelled unless thirty (30) days prior written notice has been given to the City of such cancellation. In addition to general liability insurance, proof of Workers' Compensation and New York State Disability coverage shall be required if said person has employees under its supervision.

1111.20 FEES FOR LICENSES AND PERMITS

The fees for licensing and plumbing work permits set forth in Section 1107.10 [B] [10] of the Chapter 1107 of the Codified Ordinances shall be paid prior to the issuance of any license or permit. (Amended 11/30/11)

1111.21 CONDEMNATION OF A PLUMBING SYSTEM: DISCONTINUANCE OF WATER SERVICE.

The Chief Plumbing Inspector shall have the power to inspect and condemn existing plumbing systems in buildings when, in his judgment, the same is in such condition to be a possible health or safety hazard, or where work on said system has been done in violation of this ordinance, the National Standard Plumbing Code or any other applicable law, rule or regulation. The owner and tenant of such a building shall be notified that the plumbing violation must be corrected immediately to comply with the requirements of the city ordinances. If compliance is not achieved within the required time, the Chief Plumbing Inspector may order the service discontinued or disconnected from the premises and the same shall not be resumed until approval is given by the Chief Plumbing Inspector.

1111.22 CONDEMNATION OF FUEL GAS PIPING, EQUIPMENT, AND SYSTEMS:
DISCONTINUANCE OF SERVICE.

The Chief Plumbing Inspector shall have the power to inspect and condemn existing fuel gas systems in buildings when, in his judgment, the same is in such condition to be a possible health or safety hazard, or where work on said system has been done in violation of this ordinance, the National Fuel Gas Code, or any other applicable law, rule or regulation. The owner and tenant of such a building shall be notified that the fuel gas violation must be corrected immediately to comply with the requirements of the city ordinances. If compliance is not achieved within the required time, the Chief Plumbing Inspector may order the service discontinued or disconnected from the premises and the same shall not be resumed until approval is given by the Chief Plumbing Inspector.

1111.23 INCORPORATION OF APPLICABLE LAW, RULES AND REGULATIONS.

The provisions of the Uniform Fire Prevention and Building Code (9 NYCRR Title 9), the National Standard Plumbing Code, the National Fuel Gas Code, the National Fire Protection Association Standards, and the American Society of Heating, Refrigerating and Air-Conditioning Engineers Standards, together with any amendments thereto, are hereby incorporated into this Chapter as if fully set forth herein.

1111.24 IDENTIFICATION OF VEHICLES.

All vehicles used in the performance of the businesses of plumbing, drain and sewer cleaning and mechanical contracting in Niagara Falls, New York, shall be identified with signs on each side.

Such plates or signs shall be at least a minimum of twelve (12) inches high and not less than a minimum of eighteen (18) inches in length containing the business or corporation's name with letters no less than two (2) inches in height.

(Section added 05/26/04)

1111.99 CRIMINAL PENALTIES AND CITATIONS.

(a) It shall be unlawful for any person to violate any of the provisions of this Chapter. Each day such violation exists shall be a separate and distinct offense. Each violation of this Chapter shall be punishable by a fine of not less than \$250.00 and not more than \$500.00, or imprisonment of not more than 15 days, or both.

(b) Any person violating the provisions of this Chapter may receive a citation pursuant to the provisions of Chapter 740 of the Ordinances of the City of Niagara Falls for each offense. Upon receiving the citation, the alleged violator shall be subject to a forfeiture of one hundred dollars (\$100.00) if paid within five (5) days commencing on the day following the day the citation is issued, and two hundred dollars (\$200.00) if paid after five days and before fifteen (15) days. If the person to whom the citation is issued does not answer the citation within fifteen (15) days of issuance, a warrant for the arrest of the person shall be issued for the violation. In addition, the City shall be entitled to a civil judgment against such person for Two Hundred Dollars (\$200.00), together with the costs and expenses incurred in obtaining such civil judgment.

(c) In addition to the foregoing penalties, any master plumber who violates the provisions of this chapter shall be subject to suspension or revocation of his license as provided in Section 1111.10.}

PLUMBING AND MECHANICAL CODE
OF THE CITY OF NIAGARA FALLS, NEW YORK

1111.01 DEFINITIONS

For purposes of this Chapter, the following terms, whether capitalized or not, shall have the following meanings:

(a) "Board" shall mean the examining board of plumbers for the City of Niagara Falls ("City"), as established by Article 4 of the General City Law.

(b) "Boiler" shall mean a closed heating appliance intended to supply hot water or steam for space heating, processing or power purposes.

(c) "Chimney" shall mean a primarily vertical enclosure containing one or more passageways.

(d) "Code" shall mean the provisions of this Chapter of the Codified Ordinances as well as all applicable provisions of the New York State Uniform Fire Prevention and Building Code (Uniform Code) - e.g., the Plumbing Code of New York State (PCNYS), the Mechanical Code of New York State (MCNYS), and the Fuel Gas Code of New York State (FGCNYS) - all of which are adopted and incorporated by Section 1111.23 below as if fully set forth therein.

(e) "Cooling System" shall mean a combination of interconnected refrigerant, containing parts constituting one closed refrigerant circuit in which a refrigerant is circulated for the purpose of extracting heat.

(f) "Department" shall mean the Department of Code Enforcement (formerly known as the Department of Inspections).

(g) "Director" shall mean the Director of Code Enforcement (formerly known as the Director of Inspections) or his designated representative.

(h) "Drain and Sewer Cleaning" shall mean the cleaning of sanitary drainage and/or storm drainage systems, the attendant vent systems within or adjacent to any building or structure, to the point of their connections with public systems or other approved terminals.

(i) "Engage in the Business of Plumbing" A person conducts or engages in the business of plumbing when they perform plumbing work for hire, either individually or through employees, irrespective of whether the person receives compensation therefor.

(j) "Fire Protection Equipment and System" shall mean apparatus, assemblies or systems, either portable or fixed, used to prevent, detect, control or extinguish fire.

(k) "Master Plumber" shall mean a natural person, or a domestic corporation meeting all the conditions set forth General City Law § 45-a, engaging in the business of plumbing who, by himself or through journeymen plumbers and/or apprentices in his employ, performs plumbing work in the City and who is registered with and licensed as a master plumber by the Board under the provisions of this Chapter.

(l) "Mechanical Contracting" shall mean conducting or engaging in the installation, alteration, extension, replacement, repair or maintenance of any mechanical system, and include Drain and Sewer Cleaning, as defined above.

(m) "Mechanical Contractor" shall mean a person engaging in the business of mechanical contracting who, by himself or through his employees, performs mechanical contracting work in the City and who is registered with and licensed as a mechanical contractor by the Board under the provisions of this Chapter.

(n) "Mechanical System" shall mean an appliance, device or apparatus, including any attachments or apparatus designed for heating, ventilating, cooling, steam and hot water heating, water heaters, process typing, boilers and pressure vessels, appliances using gas, liquid or solid fuel, chimneys and vents, mechanical refrigeration, fireplaces, barbecues, incinerators, crematories, air pollution and fire protection systems.

(o) "Person" shall mean any individual, partnership, unincorporated association or corporation.

(p) "Plumbing" shall mean the practice, materials and fixtures used in the installation, maintenance, extension and alteration of piping, fixtures, appliances and appurtenances in connection with any of the following: sanitary drainage or storm drainage systems, the attendant vent systems and the water supply systems, within or adjacent to any building or structure, to their connections with public systems or other approved terminals.

(q) "Plumbing Work" shall mean the installation, alteration, extension, replacement, repair or maintenance of any plumbing, piping, fixtures, devices, appliances and appurtenances in connection with sanitary drainage or storm drainage system, the attendant vent systems and water supply systems, within or adjacent to any building or structure, to their connections with public systems or other approved terminals. Therefore, plumbing work includes all types and kinds of drain and sewer cleaning. Plumbing work also includes the installation, repair and testing of all back flow preventers.

(r) "Plumbing System" shall mean the water supply system, the drainage system, the vent system, fixtures and traps, including their respective connections, devices and appurtenances within the property lines of the premises.

(s) "Vent" shall mean a conduit or passageway for conveying products of combustion from fuel-fired appliances, or their vent connectors, to the outside atmosphere.

(t) "Ventilating System" shall mean any system of ducts, pleuums and air handling equipment which circulates air within a space or spaces and includes a system made up of one or more air handling units.

1111.02 BASIC PRINCIPLES

The purpose of this ordinance is to provide a mechanism for the proper enforcement of this Code, which adopts and incorporates, as if fully set forth in Section 1111.23 of this Chapter, all applicable provisions of the New York State Uniform Fire Prevention and Building Code (Uniform Code) - e.g., the Plumbing Code of New York State (PCNYS), the Mechanical Code of New York State (MCNYS), the Fuel Gas Code of New York State (FGCNYS) - as well as to provide for the inspection of plumbing and mechanical contracting work within the City, and to that end to provide permits and appropriate penalties and other administrative action for the failure to comply with this Code. Thus, any violation of a provision, standard or requirement of the Uniform Code, such as the PCNYS, MCNYS, or FGCNYS shall constitute a violation of this Code and Chapter.

1111.03 PERMITS

(a) Permits Not Required In Limited Situations: No permit shall be required under this Chapter for:

- (1) the unstopping or snaking of a waste line located in the interior of a structure;
- (2) the unstopping or snaking of a sewer lateral connecting a structure's plumbing system to a sewer main, provided that no excavation is involved;
- (3) the repair or maintenance of a structure's interior faucets or valves, and those attached directly to the exterior walls of such structure;
- (4) the removal and reinstallation of the same toilet;
- (5) the simple repair of plumbing leaks and/or the replacement of up to five feet of a water line and up to five feet of a waste line, provided that all such work is confined to the walls or interior of a building or structure.

(b) Permits Required For All Other Types of Plumbing and Mechanical Work:

- (1) For all plumbing or mechanical contracting work not exempted by subsection (a) of this section, it shall be unlawful to install, maintain, extend, alter, or replace any plumbing system or mechanical system, or any piping, fixtures, appliances and appurtenances in connection with sanitary drainage or storm drainage systems, the attendant vent systems and the water supply systems, within or adjacent to any building or structure, to their connections with public systems or other approved terminals without first applying for and obtaining a permit from the Department. A permit shall be required for cross-connection corrections, and for any installation, service, maintenance, testing, repair or modification of a back flow prevention device as provided for in Chapter 1 of the State Sanitary Code §5 -1.31(d) and Public Health Law § 225 (10).

- (2) The failure of any registered and licensed master plumber or mechanical contractor to obtain a permit may be temporarily waived by the Director, at his or her sole discretion, only for emergency situations outside of normal business hours. In the event of such waiver, the master plumber or licensed mechanical contractor shall apply for and obtain the necessary permit on the next business day immediately following the Director's grant of the temporary waiver.

(c) To Whom Permits May Be Issued:

- (1) (A) Permits covering plumbing work in the City of Niagara Falls shall only be issued to a master plumber registered with the Clerk of the Board, except as provided below in paragraph (2) of this subsection.
- (B) Permits covering mechanical contracting work in the City of Niagara Falls shall only be issued to a mechanical contractor registered with the Clerk of the Board, except as provided below in paragraph (2) of this subsection.
- (2) Limited exception for an owner-occupied, single-family residence: Nothing herein contained shall prohibit any bona fide owner of a single-family dwelling, who actually resides therein, from personally performing plumbing or mechanical contracting work limited to the interior of such owner's residence, provided that such owner shall:
- (A) Sign and file an affidavit with the Department showing that he or she is the current owner and occupant; that he or she will personally perform the plumbing or mechanical for which the application is made and is reasonably familiar with the requirements of the Code and capable of performing the installation in accordance with the Code;
- (B) Apply for and secure a plumbing or mechanical permit, as required;
- (C) Pay all required fees to the City;
- (D) Apply for inspections of all his plumbing or mechanical contracting work; and
- (E) Receive the written approval of the Chief Plumbing Inspector and Director.
- (d) Application for a Permit Prior To Starting Work: Except as otherwise allowed by subsections (a) and (b) (2) of this section, an application for a permit, accompanied by the required fees, shall be presented to the Department and the required permit shall be signed by the Director to record his or her approval thereof before any plumbing or mechanical contracting work is commenced.

(e) Application Content: The Department's application form shall require the applicant to accurately identify the address where plumbing or mechanical contracting work is proposed to be performed, the name and address of the property owner and, if applicable, the name and address of the master plumber or mechanical contractor to whom the permit is to be issued, and the name and address of the applicant's customer, if different from the property owner. The applicant shall also complete the form to fully and truthfully describe the scope and details of the proposed plumbing or mechanical contracting work and provide any other information deemed necessary by the Department. Applicants are cautioned that Article 175 of New York Penal Law makes it a crime to file any written instrument, including computer data, with a public office or public servant that contains a false statement or false information.

(f) Plans and Specifications: Before a permit is issued and approved by the Director, he or she may require the submission and approval of plans and specifications in triplicate showing the details and extent of the proposed plumbing or mechanical contracting work. If, in the course of the work, it is found necessary to make any change from the approved plans and specifications on which a permit has been issued, amended plans and specifications shall be submitted; and, if approved, a supplementary permit shall be issued to cover the change once the same conditions required to secure the original permit have been satisfied. All plans and specifications submitted either before or after a permit is issued must be acceptable to the Director and shall be revised or corrected upon the Director's request.

(g) Permit Issuance and Conditions, Including Bonds and Insurance:

- (1) No permit shall be considered valid and issued by the Department until the application for same has been approved by the Chief Plumbing Inspector and also countersigned by the Director.
- (2) Neither the Department nor the Engineering Department may issue any permit to a master plumber or mechanical contractor before such person has:
 - (A) demonstrated they are currently registered with and licensed by the Board as a master plumber or mechanical contractor authorized to conduct business in the City, and that such registration and license is not lapsed, suspended or revoked;
 - (B) executed an agreement with the City that remains in effect at the time of the permit application, whereby such person promises:
 - (i) to defend, indemnify and hold harmless the City, including its officers, agents, employees and volunteers, from and against any and all liability, loss, damage, claim or action, to the fullest extent permitted by law, arising out of the work, operations performed or services provided by such person in the City of Niagara Falls;

(ii) to procure and maintain certain surety bonds and policies of insurance covering such person's work, operations performed or services provided in the City of Niagara Falls, including liability insurance that shall provide coverages and limits as specified by the City and also name the City as an additional insured so as to provide primary and non-contributory coverage to the City, its officers, agents, employees and volunteers; and

(C) filed all bonds, required certificates of insurance and other required insurance documents with the Clerk of the Board that are acceptable to the City Risk Manager, which must indicate, at the time of the permit application, that the associated bonds and insurance policies are current and otherwise comply with such person's procurement duties under the agreement referenced above in paragraph (2) (B) of this subsection.

(3) Any person receiving a permit as provided in this Chapter shall cause the same to be kept at all times on site and in the possession of the person in charge of the work, who shall exhibit same upon demand by the Director or his designee, or any police officer of the City. In the event that a permit is not exhibited after demand has been made, the Director, his designee or any police officer shall order all further work to stop in accordance with Section 1111.05.

(h) Failure to Obtain Permits before Starting Work: Except as otherwise allowed by subsections (a) and (b) (2) of this section:

(1) It shall be unlawful for any person to commence any plumbing or mechanical contracting work without first having obtained an approved and valid permit.

(2) Any plumbing or mechanical contracting work undertaken without a permit in violation of this Chapter shall be deemed a nuisance and shall be reconstructed or altered as directed by the Chief Plumbing Inspector.

(3) In addition to the penalties as provided for in Section 1111.99, any person who shall commence any plumbing or mechanical contracting work without a valid permit shall pay double the permit fee.

(i) Additional Work Beyond the Scope of a Permit: All work performed under a permit issued by the Department or the Engineering Department shall conform to the application, the plans and specifications, where applicable, and any amendments thereof that have been approved by the applicable Department. If any additional plumbing or mechanical contracting work is performed that exceeds the scope of the foregoing, then an additional permit approved by the applicable Department shall be required, together with payment of the associated fee.

(j) Permits Suspended, Revoked or Expired:

- (1) Any permit that has been issued to a master plumber or mechanical contractor by the mistake of the Department or the Engineering Department, or in violation of the laws of the State of New York, this Chapter or any other Chapter of the Codified Ordinances, or as a result of false, misleading or fraudulent information provided by the permit applicant or that applicant's agent(s), shall be subject to revocation by the applicable department Director, in addition to any other penalties or sanctions provided by law.
 - (2) Whenever the City discovers that a surety bond, insurance policy, certificate or other insurance document required pursuant to subsection (g) of this section has been omitted, cancelled, expired, lapsed, or otherwise does not meet the City's requirements during the course of any permitted work, each affected permit shall immediately be suspended or revoked by the applicable department Director. In addition thereto, the applicable Director may exercise his or her separate power to issue one or more stop work orders.
 - (3) If work for which a permit has been issued is not commenced within six (6) months from the issuance thereof, or if the work has been abandoned for a period of six (6) months, the permit shall lapse and cease to be in effect.
- (k) Incomplete Installations:
- (1) Notification Required: A master plumber, to whom a permit under this Chapter has been issued and who quits work on the plumbing system for any reason, shall immediately notify the Department of any part of the plumbing work which has been completed, and shall also request an inspection. It shall be unlawful for a master plumber who quits work on a plumbing system to fail to notify the department and to request an inspection.
 - (2) Surrender or Transfer of Permit: Within two business days of giving the Department notice of quitting work under subsection (k)(1) above, the permit holder must either surrender the permit to the Department, or transfer the permit to a substitute master plumber or mechanical contractor, as required by the permitted work, upon payment by the appropriate licensed substitute of a transfer fee of \$10.00.
 - (3) Violation Corrections on Transferred Permits: If the Department issues a notice of violation to a permit holder, correction of the said violation shall not be made by any other master plumber or mechanical contractor, as required by the permitted work, unless the prior written permission of the Director has been obtained.

1111.04 INSPECTIONS

(a) Records: Records shall be made and maintained by the Department of plans examined, permits issued, inspection services rendered, tests conducted, complaints investigated, violations and cases referred for legal action.

(b) Examination of Plans: All plans and specifications required to be submitted to the Department pursuant to this Chapter shall be examined for compliance with the provisions of this Code.

(c) Inspection Required: All plumbing or mechanical contracting work performed under any permit issued under this Chapter, including all associated installations, alterations, replacements, appurtenances and appliances, shall be inspected for compliance with the provisions of this Code.

(d) Notice of Violation: Notices of violation of the Code shall be in writing and delivered or mailed to the master plumber, mechanical contractor, or other person responsible for the violation or for correction of such violation.

(e) Complaints: Upon receipt of a complaint, the Plumbing Inspector shall investigate for unsanitary or hazardous conditions caused by an improperly installed or maintained plumbing system or mechanical system. If such unsanitary or hazardous conditions are found to exist, the owner or his authorized agent, or the master plumber or mechanical contractor, as the case may be, shall be notified to immediately correct such conditions to comply with the Code or other applicable law.

(f) Right of Entry: Any Plumbing Inspector or other duly authorized employee of the Department, upon showing proper identification, shall be granted immediate entrance to any building or premises at any reasonable hour, and shall be permitted to inspect any part of the plumbing system or mechanical system of the building or premises for compliance with the provisions of this Code.

(g) Request for an Inspection: If a plumbing system or mechanical system is ready for inspection or test, it shall be the duty of the corresponding permit holder (either the master plumber or the mechanical contractor) to request such inspection at least 24 hours in advance. Where injury or property damage may occur because of a hazardous condition, such advance notice may be waived by the Department.

(h) Presence of Permit Holder: It shall be the duty of the permit holder (either the master plumber or the mechanical contractor) to ensure that its work will pass any and all tests before making a request for an inspection. The permit holder or his designated employee representative shall be present at the time of the inspection.

(i) Failure to Make Inspection: If the Plumbing Inspector is unable to appear within one working day after the day upon which an inspection or test is requested, the inspection or test shall be deemed to have been made, provided that the permit holder shall be required, within three (3) working days thereafter, to file an affidavit with the Department stating that its work was installed in accordance with the Code and the approved plans and permit, that the required test were made, and that the system is free from both leaks and defects.

(j) Covering of Work: No plumbing or mechanical contracting work shall be covered, back filled or otherwise concealed until it has been inspected and approved.

(k) Uncovering of Work: If any plumbing or mechanical contracting work is covered before being approved, it shall be uncovered after a notice to the responsible person by the Department, at the sole cost and expense of such responsible person.

(l) Inspection of Existing Plumbing System: Inspections of an existing plumbing system or mechanical system shall be made upon a complaint of the public, or when it is deemed by the Department that a health or safety hazard exists by reason of such an existing system or lack thereof. The owner of a building or premises, or his agent, shall immediately cause the installation of additional plumbing or mechanical systems or make such corrections to the existing system as may be necessary to abate such nuisance and bring the affected property into compliance with the provisions of the Code within the time directed by the Plumbing Inspector.

(m) Inspections Not Required: No tests or inspection shall be required for minor repairs, the unstopping of sewers or drains, or if less than five (5) feet of pipe is replaced, or where a plumbing system is set up for exhibition purposes and is not directly connected to a sewage system.

(n) Violations:

- (1) Notice of Violation of the Rules: If the Department's inspection, reinspection or tests reveal failure of any plumbing or mechanical system to comply with the provisions of the Code, or the laws of the State of New York, such system or work shall be declared unlawful by the Plumbing Inspector and a written notice of violation shall be delivered or mailed to the permit holder or, if none, the owner.
- (2) Time for Compliance: All notices of violation shall indicate the requirement of immediate compliance. On new construction, alterations, additions, or replacements, violations which are not corrected within ten (10) days shall be referred to the Corporation Counsel's Office for legal action. The time allowed for compliance in existing buildings or premises shall be at the discretion of the Director.

(o) Tests:

(1) Tests Required:

- (A) In all new construction all soil, waste, vent, water service pipe, and water distribution piping in the plumbing and drainage system shall be subjected to a water or air test.
- (B) Underground building sewers may be subjected to a test at the discretion of the Department.
- (C) In replacements, repairs, or alterations of the plumbing system which cannot reasonably be subjected to a water pressure test, the piping shall be thoroughly flushed with water in the presence of the Plumbing Inspector until he is satisfied that the work is acceptable.

- (2) Methods of Testing: All tests methods shall be made upon the plumbing system as prescribed in the Plumbing Code of New York State.

1111.05 STOP WORK ORDERS

Whenever the Department becomes aware of defective or illegal work in violation of any the provisions or requirements of this Code, the Director, his designee or any police officer shall be authorized to order all further work to stop. Said order may be made orally or in writing, and may include a directive to the person in charge of the job or work to take designated measures to ensure the safety of the public. Except for completing any designated safety measures, no person shall otherwise remain or continue to work on site until said order is rescinded. Said order may only be rescinded in a writing signed by the Director. In the event that any person violates such a stop work order, the Director shall be further authorized to contact the City Police Department to request an arrest or the issuance of an arrest warrant for such violation.

1111.06 MAINTENANCE OF PLUMBING SYSTEMS

(a) The plumbing system of any premises in this City shall be maintained in a legal, adequate, sanitary and safe condition by the owner or his agent.

(b) If a plumbing system on any premises is found to be illegal, inadequate, unsanitary, or in hazardous condition, it shall be repaired, replaced, renovated or removed immediately by the owner or his agent upon notice from the Department.

(c) Every occupant of a dwelling or dwelling unit shall keep all plumbing fixtures and other related facilities in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

(d) Whenever the owner, lessee or agent of the owner, or any person having charge or care of such dwelling unit, fails or refuses to comply with any notice or order, such dwelling or dwelling unit may be condemned by the Director and/or the Chief Plumbing Inspector as being unfit for human habitation, and shall be vacated. The Director and/or the Chief Plumbing Inspector shall cause to be posted on the premises a placard to this effect. It shall be unlawful for any person to deface or remove such placard without the consent of the Director and/or the Chief Plumbing Inspector. It shall be unlawful for any person to reside in, use or occupy such premises for any reason until the placard is removed by the Director and/or the Chief Plumbing Inspector upon compliance with this Code.

1111.07 INSPECTORS OF PLUMBING

(a) Each Inspector of Plumbing ("Plumbing Inspector") of the City, including any Chief Plumbing Inspector, shall:

- (1) hold a Certificate of Competency issued by the Board, and shall discharge the duties prescribed under the General City Law and this Code, in addition to other duties as assigned to him by the Director;
- (2) receive and carry with them a suitable means of identification for the purpose of inspection and examination of all premises where plumbing and/or mechanical contracting work is being performed;
- (3) have the authority in the discharge of his duties and at any reasonable hour to immediately enter any building or premises to inspect the plumbing and/or mechanical contracting work or systems located therein; and
- (4) not be liable for damages by reason of anything done in any action or proceeding instituted under the provisions of this Code or by reason of any act or omission in the performance of his official duties if he has acted in good faith and without malice.

(b) The Chief Plumbing Inspector shall:

- (1) keep a record of all plans, drawings, descriptions, specifications and applications to install plumbing and/or mechanical systems, permits issued, certificates of approval of completed work and reports of notices and orders issued;
- (2) submit a monthly report to the Director of all plumbing inspections;
- (3) immediately notify the Director upon becoming aware of any person conducting the business or work of a master plumber and/or mechanical contractor in the City who is not registered with Board to conduct such business or perform such work. Thereafter, the Director, his designee or any police officer may order all further work to stop in accordance with Section 1111.05. The Director or his designee shall be further authorized to contact the City Police Department to request an arrest or the issuance of an arrest warrant relative to such unregistered person; and
- (4) in November of each year, certify to the Board all master plumbers, journeymen plumbers, apprentice plumbers, and mechanical contractors entitled to renewal of their respective registrations and licenses. He shall also report all persons not entitled to renewal of their registration and license under this Chapter.

(c) In the event the Chief Plumbing Inspector is unable to conduct an inspection of a plumbing and/or mechanical system, or plumbing and/or mechanical contracting work as required herein due to illness, incapacity or unavailability, then such inspection may be conducted by a Certificate of Competency holder or any member of the Board designated by the Chief Plumbing Inspector or, in his absence, the Director. In such event, the designated inspector shall serve as an independent contractor to the City who, after registering as an independent contractor with the Controller's Office, shall be entitled to receive payment of \$45.00 from the City for each inspection conducted. However, such inspector shall be prohibited from conducting an inspection of work performed by a company that he may own, in whole or in part, or be currently employed by.

1111.08 ANNUAL INSURANCE AND BOND

(a) In addition to all other prerequisites set forth by this Chapter, no master plumber or mechanical contractor shall be permitted to register, re-register, or annually renew his registration with the Board until he has filed with the Clerk of the Board current proof of his compliance with the City's surety bond requirements, indemnification requirements, and insurance procurement requirements imposed pursuant to Section 1111.03 (g) (2) (B) of this Chapter. Furthermore, if the City or Board discover that such a required surety bond, insurance policy, certificate or other insurance document has been omitted, cancelled, expired, lapsed, or otherwise does not meet the City's requirements, then the Board may either suspend or revoke his registration and license in accordance with law.

(b) A master plumber or mechanical contractor registered with the Board is only eligible to receive and hold a permit issued by the Department or the Engineering Department if, during each year of his registration, he remains in full compliance with the City's surety bond requirements, indemnification requirements, and insurance procurement requirements governed by Section 1111.03 (g) (2) (B) of this Chapter.

(c) It is unlawful for any plumber, including a master plumber registered with the Board, to dig, excavate or otherwise open any street, lane, alley, or other public right-of-way in the City, unless he shall have first applied for and been issued a street opening permit from the Engineering Department pursuant Chapter 903 of the Codified Ordinances. Any registered master plumber desiring to dig, excavate or otherwise open any street, lane, alley, or other public right-of-way in the City is cautioned that he must first apply to the Engineering Department for eligibility to receive a street opening permit from such Department, and if accepted, he must further meet all the additional requirements imposed by Chapter 903 of the Codified Ordinances before a street opening permit will be issued, including the more stringent procurement duties in relation to the City's surety bond and insurance requirements governed by Section 1111.03 (g) (2) (B) of this Chapter.

(d) No mechanical contractor, regardless of registration status with the Board, is eligible to apply for or receive a street opening permit from the Engineering Department. Therefore, it is unlawful for any mechanical contractor to dig, excavate or otherwise open any street, lane, alley, or other public right-of-way in the City.

1111.09 REGISTRATION AND LICENSING OF JOURNEYMEN PLUMBERS

(a) Definition: The term journeyman plumber as used in this Chapter shall mean a mechanic who has served their apprenticeship or learned his trade or handicraft, but who must still perform their plumbing work under the supervision of a master plumber.

(b) Registration and License Required: No person shall perform any plumbing work as a journeyman plumber in the City without being duly registered and licensed as provided hereinafter.

(c) Qualifications to Apply: Anyone wishing to apply for a journeyman's license must first have at least one year experience in the business.

(d) Application for a License: Any person meeting the qualifications of 1111.09(c) and desiring a journeyman's license shall make application with the Clerk of the Board upon the forms provided.

(e) Examination:

(1) An applicant, who has been determined by the Board to have met the minimum one year experience requirement in Section 1111.09 (c), must have either already taken and passed an in-person, proctored 'Journeyman Plumber' examination through the International Code Council's Contractor/Trades examination program ("ICC") within one year prior to their application date, or they must take and pass such examination within six months of their application. In either case, the applicant must submit sufficient evidence to the Board to establish that they received a passing grade from ICC within the applicable timeframe above. If the Board is satisfied with such evidence, then the applicant shall be entitled to a journeyman's license. The Board reserves the right to replace the aforementioned ICC examination with another product or vendor, in which case this subsection shall be amended accordingly.

(2) An individual currently licensed as a journeyman plumber in a municipality in Niagara, Erie, Orleans, Genesee, Wyoming, Chautauqua or Cattaraugus Counties is not required to take the examination set forth above in paragraph (1) of this subsection.

(f) Registering with Board: Each applicant upon receiving the approval of the Board shall be entitled to register his name with the Clerk of the Board as a journeyman plumber, pay the required fee and receive a license.

(g) Journeyman's Card: A journeyman shall at all times while in the performance of plumbing work in this City carry the identification card provided. Said card shall be exhibited upon demand to any Plumbing Inspector or other duly authorized agent of the Department.

(h) Renewal of Registration and License: Each registration and license shall expire one year from the date it is issued and may be renewed within thirty (30) days preceding such expiration. If the registration and license is allowed to lapse, a reinstatement fee must be paid.

(i) Suspension or Revocation of Registration and License: The Board may suspend or revoke a journeyman's registration and license after a hearing for any of the following causes:

- (1) Submitting fraudulent information on an application for a license or renewal of said license.
- (2) Repeated violations of good workmanship or other provisions of applicable: (i) New York State Codes adopted by this Chapter; (ii) City Ordinances, including this Chapter; and/or (iii) Niagara Falls Water Board or City rules and regulations.
- (3) Allowing an unlicensed person in any manner to utilize said license to perform plumbing work in the City.

1111.10 REGISTRATION AND LICENSING OF MASTER PLUMBERS

(a) Registration and License Required: It shall be unlawful for any person to engage in the business of plumbing in this City, or to imply to the public that they are engaged in the business of plumbing in this City, unless they are currently registered with and licensed by the Board as a master plumber authorized to conduct business in the City, and such registration and license is not lapsed, suspended or revoked;

(b) Qualifications to Apply: Anyone wishing to apply for a master plumber's license must have at least ten (10) years' experience in the plumbing trade.

(c) Application for a License: Any person believing that they meet the qualifications of Section 1111.10(b) and desiring a master plumber's license shall first make application with the Clerk of the Board upon the forms provided. The Clerk shall present said application at the next meeting of the Board, which shall either be a regular meeting (scheduled at a stated interval), or a special meeting if a regular meeting will not be conducted before the expiration of said thirty days. The Board will then promptly review the submission to determine whether the applicant is either qualified or unqualified, and then notify the applicant in writing of its determination, including an explanation of any determination that the applicant is unqualified.

(d) Examination:

- (1) An applicant who has been determined by the Board to have met the minimum experience requirements in Section 1111.10 (b) must have either already taken and passed an in-person, proctored 'Master Plumber with Gas' examination through the International Code Council's Contractor/Trades examination program ("ICC") within one year prior to their application date, or they must take and pass such examination within six months of their application. In either case, the applicant must submit sufficient evidence to the Board to establish that they received a passing grade from ICC within the applicable timeframe above. If the Board is satisfied with such evidence, then it shall proceed to further examine and determine such applicant's fitness and qualifications for the possible issuance of a certificate of competency that will entitle him to register as a master plumber in the City. The Board reserves the right to replace the aforementioned ICC examination with another product or vendor, in which case this subsection shall be amended accordingly.

- (2) An individual currently registered as a master plumber by another board of examining plumbers governed by Article 4 of the General City Law in Niagara, Erie, Orleans, Genesee, Wyoming, Chautauqua or Cattaraugus Counties is not required to take the examination set forth above in paragraph (1) of this subsection.
- (3) Before the Board may proceed to further examine and determine an applicant's fitness and qualifications for the possible issuance of a certificate of competency that will entitle him to register as a master plumber, the applicant shall pay the sum of ten dollars to the Clerk of the Board. No matter the Board's decision, each applicant will be promptly notified in writing of the decision to either grant or deny a certificate of competency, and in the event of denial, such letter will explain the Board's reasons. In the event of a decision to grant the certificate, the Board's letter shall also include the certificate of competency.

(e) Registering with Board and Annual Renewals:

- (1) Only upon receipt of a certificate of competency from the Board shall the applicant register his name and business address as a master plumber in this City with the Clerk of the Board on forms provided by the Board and pay the required registration and license fee, whereupon the Board shall issue him a master plumber's license and an appropriate metal plate lettered and marked "licensed plumber." Said metal plate and license shall further qualify as a certificate of registration, as that phrase is used in Article 4 of the General City Law.
- (2) All registrations and licenses issued to master plumbers under this Chapter shall expire on the 31st day of December of the year in which they have been issued and may be renewed within thirty (30) days preceding such expiration date on the renewal applications provided by the Board, and shall be accompanied by the appropriate fee.
- (3) A master plumber who permits his registration and license to lapse may apply for reinstatement upon payment of a reinstatement fee.
- (4) Any registered master plumber who abandons or ceases to engage in the business of plumbing work shall surrender his metal plate to the Board. A lapse of six months shall be considered an abandonment of the business.
- (5) Every master plumber shall give immediate notice of any change of location of his place of business to the Board.
- (6) All vehicles utilized by a master plumber in the business of plumbing shall be identified. All vehicles shall conspicuously display the name of the registered plumber, identifying him as plumber licensed by the City, together with the identification number provided by the Board.

(f) Use of Registration or License by Others: No person who registered with the Board as a master plumber or been issued a plumbing license under this Chapter shall allow his name or license to be used by another person either for the purpose of obtaining permits or for engaging in plumbing work under said license.

) Restrictions on Subcontracting: No master plumber registered with the Board may subcontract any portion of its plumbing work to a subcontractor unless that subcontractor is also currently registered by the Board and licensed as a master plumber pursuant to this Chapter, and in full compliance with Section 1111.03 (g)(2)(B) and Section 1111.08 of this Chapter relating to surety bond requirements, indemnification requirements, and insurance procurement requirements. If a master plumber's subcontractor performs or intends to perform any plumbing work under a permit issued to the master plumber rather than the subcontractor, and the City discovers that a surety bond, insurance policy, certificate or other insurance document required of the subcontractor pursuant to Section 1111.03 (g)(2)(B) or Section 1111.08 has been omitted, cancelled, expired, lapsed, or otherwise does not meet the City's requirements during the course of any permitted work, then each affected permit shall immediately be suspended or revoked by the applicable department Director. In addition thereto, the applicable Director may exercise his or her separate power to issue one or more stop work orders. Moreover, the permitted and subcontractor, if any, shall be required to provide the Director with a copy of any and all contract documents pertaining to the plumbing work prior to the commencement of said plumbing work.

(h) Director's Access to Documents and Information: In the sole discretion of the Director and upon his request, a plumber registered with the Board and/or such plumber's subcontractor shall be required to provide to the Director any and all information and documentation to verify the status of any persons engaging in plumbing work, including but not limited to employment and payroll records. In the event that one or both shall fail to comply with any such request from the Director, any and all permits issued by the Director may be immediately suspended or revoked, and said person or persons affected thereby shall immediately cease and desist in the performance of any work and immediately vacate the affected premises.

(i) Installation Compliance: All work performed personally by the permittee and/or performed by others, whether in the employ of such master plumber or as a valid subcontractor, shall comply with the provisions of this Code and all other applicable City Ordinances. The permittee shall therefore be solely responsible for supervising all work performed in connection with its permit, and for ensuring that such work fully complies with this Code and all other applicable Ordinances.

(j) Revocation of Registration and License: Consistent with General City Law § 47 governing the cancellation or revocation of a plumber's registration with an Examining Board of Plumbers, the Board may, after written notice and a hearing, revoke a master plumber's registration for a violation of the rules and regulations for plumbing and drainage duly adopted and enforced in the City. Furthermore, registered plumbers are cautioned that General City Law § 55 provides that any person violating any of the provisions of Article 4 of the General City Law or any rules or regulations of the examining board of plumbers in any city regulating the plumbing and drainage of buildings in such city, shall be guilty of a misdemeanor, and on conviction, if a master plumber, shall in addition, forfeit any certificate of competency which he may hold under the provisions thereof. In the absence of a certificate of competency, such person shall not be permitted to re-register as a master plumber with the Board.

1111.11 REGISTRATION OF APPRENTICES

To establish a record of his apprenticeship, each apprentice or learner who contemplates filing an application for a Journeyman's License may, within sixty (60) days after beginning such apprenticeship, register his name with the Clerk of the Board on the forms provided by the Board, setting forth the date on which apprenticeship was begun, name of employer, any trade school attended and such other information as the Board may require and which registration shall constitute a record of apprenticeship. Upon paying the required fee, an identification card shall be issued to said apprentice.

1111.12 Repealed.

1111.13 REGISTRATION AND LICENSING OF MECHANICAL CONTRACTORS

(a) Registration and License Required: It shall be unlawful for any person to engage in the business of mechanical contracting in this City, or to imply to the public that they are engaged in the business of mechanical contracting in this City, unless they have previously registered with the Board and hold a valid license as a mechanical contractor from the Board that has neither lapsed nor been suspended or revoked.

(b) Applications: The applicant for a mechanical contractor's license must meet the qualifications set forth in the application form established by the Department, and must complete all sections of the application before signing and submitting same to the Clerk of the Board.

(c) Registering with Board and Annual Renewals:

- (1) If the application is approved, the Clerk will notify the applicant, who shall then register their full legal name and business address with the Clerk on forms provided by the Board and pay the required registration fee, whereupon they shall receive a mechanical contractor's license.

- (2) All registrations and licenses issued to mechanical contractors under this Chapter shall expire on the 31st day of December of the year in which they have been issued and may be renewed within thirty (30) days preceding such expiration date on the renewal applications provided by the Board, and shall be accompanied by the appropriate fee.
- (3) A mechanical contractor who permits his registration and license to lapse may apply for reinstatement upon payment of a reinstatement fee.
- (4) Any mechanical contractor who abandons or ceases to engage in the business of mechanical contracting work shall surrender its license to the Board. A lapse of six months shall be considered an abandonment of the business.
- (5) Every mechanical contractor shall give immediate notice of any change of location of its place of business to the Board.
- (6) All vehicles utilized by a mechanical contractor in the business of mechanical contracting shall be identified. All vehicles shall conspicuously display the name of the licensed individual or person, identify them as a mechanical contractor licensed by the City and include their identification number provided by the Clerk of the Board.

(d) Use of Registration or License by Others: No person who registered with the Board as a mechanical contractor or has been issued a license under this Chapter shall allow his name or license to be used by another person either for the purpose of obtaining permits or for engaging in mechanical contracting work under said license.

(e) Subcontracting: A mechanical contractor registered with the Board may, acting as a general contractor, subcontract out any portion of its mechanical contracting work to a subcontractor provided that, prior to the subcontractor commencing any work, the general contractor first supplies the Clerk of the Board with a certified copy of its written agreement with the subcontractor, fully signed by both the general contractor and the subcontractor, wherein the subcontractor promises:

- (1) to defend, indemnify and hold harmless the City, including its officers, agents, employees and volunteers, from and against any and all liability, loss, damage, claim or action, to the fullest extent permitted by law, arising out of, in connection with, or as a consequence of the performance of the work or services required of the subcontractor under its agreement with the general contractor; and
- (2) to procure and maintain policies of insurance covering such subcontractor's work, operations performed or services provided in the City of Niagara Falls, with coverages and limits at least equal to those that the general contractor is required to procure pursuant Section 1111.03 (g) (2) (B) and Section 1111.08 of this Chapter, including liability insurance that shall name the City as an additional insured so as to provide primary and non-contributory coverage to the City, its officers, agents, employees and volunteers; and

Further, it shall be the duty of such general contractor to ensure the subcontractor's compliance with paragraphs (1) and (2) of this subsection throughout the course of the subcontractor's work. If the City discovers that an insurance policy, certificate or other insurance document required of the subcontractor pursuant to subsection has been omitted, cancelled, expired, lapsed, or otherwise does not meet the City's requirements during the course of any permitted work, then each affected permit shall immediately be suspended or revoked by the applicable department Director. In addition thereto, the applicable Director may exercise his or her separate power to issue one or more stop work orders. Moreover, the permitted and subcontractor, if any, shall be required to provide the Director with a copy of any and all contract documents pertaining to the mechanical contracting work prior to the commencement of said work.

(f) Director's Access to Documents and Information: In the sole discretion of the Director and upon his request, a mechanical contractor registered with the Board and/or its subcontractor shall be required to provide to the Director any and all information and documentation to verify the status of any persons engaging in mechanical contracting, including but not limited to employment and payroll records. In the event that one or both shall fail to comply with any such request from the Director, any and all permits issued by the Director may be immediately suspended or revoked, and said person or persons affected thereby shall immediately cease and desist in the performance of any work and immediately vacate the affected premises.

(g) Installation Compliance: All mechanical contracting work performed personally by the permittee and/or performed by others, whether in the employ of such mechanical contractor or as a valid subcontractor, shall comply with the provisions of this Code and all other applicable Ordinances of the City. The permittee shall therefore be solely responsible for supervising all work performed in connection with its permit, and for ensuring that such work fully complies with this Code and all other applicable Ordinances.

(h) Revocation of Registration and License: The Board may, after written notice and a hearing, revoke the registration and license of any mechanical contractor for the violation of this Code or any other Ordinance or law that pertains to said license or its mechanical contracting work in the City. Said license shall be revoked for thirty (30) days for a first violation committed within a five (5) year period; for ninety (90) days for a second violation committed within a five (5) year period; and for six (6) months for a third violation committed within a five (5) year period. Re-registration following any of the foregoing periods of revocation shall require the mechanical contractor to pay a new fee. However, for any subsequent violation, irrespective of when committed, said registration and license shall be permanently revoked.

1111.20 FEES FOR LICENSES AND PERMITS

The fees for registration and licensing by the Board and all permits issued by the Department under this Chapter are set forth in Section 1107.10 of Chapter 1107 of the Codified Ordinances, which must be paid in full prior to the issuance of any such registration, license or permit.

1111.21 CONDEMNATION OF A PLUMBING SYSTEM: DISCONTINUANCE OF WATER SERVICE

The Chief Plumbing Inspector shall have the power to inspect and condemn existing plumbing systems in buildings when, in his judgment, the same is in such condition to be a possible health or safety hazard, or where work on said system has been done in violation of this ordinance, the National Standard Plumbing Code or any other applicable law, rule or regulation. The owner and tenant of such a building shall be notified that the plumbing violation must be corrected immediately to comply with the requirements of the city ordinances. If compliance is not achieved within the required time, the Chief Plumbing Inspector may order the service discontinued or disconnected from the premises and the same shall not be resumed until approval is given by the Chief Plumbing Inspector.

1111.22 CONDEMNATION OF FUEL GAS PIPING, EQUIPMENT, AND SYSTEMS: DISCONTINUANCE OF SERVICE

The Chief Plumbing Inspector shall have the power to inspect and condemn existing fuel gas systems in buildings when, in his judgment, the same is in such condition to be a possible health or safety hazard, or where work on said system has been done in violation of this ordinance, the National Fuel Gas Code, or any other applicable law, rule or regulation. The owner and tenant of such a building shall be notified that the fuel gas violation must be corrected immediately to comply with the requirements of the city ordinances. If compliance is not achieved within the required time, the Chief Plumbing Inspector may order the service discontinued or disconnected from the premises and the same shall not be resumed until approval is given by the Chief Plumbing Inspector.

1111.23 INCORPORATION OF APPLICABLE LAW, RULES AND REGULATIONS

Consistent with Chapter 1101 of the Codified Ordinances, and the Board's exercise of its discretion under General City Law § 44 to adopt a State recommended standard plumbing code, this Code adopts and incorporates, as if fully set forth herein, all applicable provisions of the New York State Uniform Fire Prevention and Building Code (Uniform Code), including, for example, the Plumbing Code of New York State (PCNYS), the Mechanical Code of New York State (MCNYS), and the Fuel Gas Code of New York State (FGCNYS), together with any amendments thereto.

1111.24 IDENTIFICATION OF VEHICLES

All vehicles used in the performance of the businesses of plumbing and mechanical contracting in Niagara Falls, New York, shall be identified with signs on each side.

Such plates or signs shall be at least a minimum of twelve (12) inches high and not less than a minimum of eighteen (18) inches in length containing the business or corporation's name with letters no less than two (2) inches in height.

1111.99 CRIMINAL PENALTIES AND CITATIONS

(a) It shall be unlawful for any person to violate any of the provisions of this Chapter. Each day such violation exists shall be a separate and distinct offense. Each violation of this Chapter shall be punishable by a fine of not less than \$250.00 and not more than \$500.00, or imprisonment of not more than 15 days, or both.

(b) Any person violating the provisions of this Chapter may receive a citation pursuant to the provisions of Chapter 740 of the Ordinances of the City of Niagara Falls for each offense. Upon receiving the citation, the alleged violator shall be subject to a forfeiture of one hundred dollars (\$100.00) if paid within five (5) days commencing on the day following the day the citation is issued, and two hundred dollars (\$200.00) if paid after five days and before fifteen (15) days. If the person to whom the citation is issued does not answer the citation within fifteen (15) days of issuance, a warrant for the arrest of the person shall be issued for the violation. In addition, the City shall be entitled to a civil judgment against such person for Two Hundred Dollars (\$200.00), together with the costs and expenses incurred in obtaining such civil judgment.

(c) In addition to the foregoing penalties, any master plumber or mechanical contractor who violates the provisions of this Chapter shall be subject to suspension or revocation of permits and/or the suspension or revocation of their registration with the Board and associated license as set forth herein above.

Bold and Underline Indicate Additions
Bold and Brackets Indicate {Deletions}

Yeas	3
Soda, Spanbauer, Voccio	
Nays	2
Kennedy, Chairman Tompkins	

ADOPTED

ITEM #7

RESOLUTION: AMENDING CHAPTER 1113 ENTITLED "ELECTRICIAN LICENSING AND REGULATIONS", 2021-66

BY: COUNCIL MEMBER SPANBAUER, CHAIRMAN TOMPKINS

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that Chapter 1113 of the Codified Ordinances, entitled "ELECTRICIAN LICENSING AND REGULATIONS", is hereby amended such that §§ 1113.04 and 1113.05 thereof shall read as follows:

1113.04 DUTIES OF THE BOARD AND COUNCIL.

{It shall be the duty of the Board to examine all applicants desiring a Master Electrician's License as to their suitability to be seated for examination. The City Council, as an alternative, may enter into a contract with an outside agency, firm or person approved by the Board of Examiners of Electricians as to their qualifications to conduct such examination. In such case, it shall be the exclusive duty of such outside agency, firm, or person, to conduct such examination. The examination shall examine applicants as to their practical knowledge of electricity and the National Electrical Code as to their ability to conduct electrical work and the business of installing electrical machinery,

apparatus and wiring.}

(a) It shall be the duty of the City's Board of Examiners of Electricians ("Board") to screen all applicants desiring a Master Electrician's License from the City in order to determine their eligibility to apply for such license. In performing such duty, the Board shall be guided by the eligibility standards set forth below in Section 1113.05. Prior to determining whether an applicant is qualified to apply, the Board may require said person to appear before the Board in person to answer questions concerning his qualifications and/or to produce satisfactory documentation to enable the Board to determine whether he meets the eligibility requirements under Section 1113.05 (a) hereof.

(b) The City Council shall designate an outside agency, firm and/or person qualified to formulate and conduct the examination of all applicants, provided that if a contract between the City and such designee is required, same shall be approved by Council prior to the first examination administered by the designee. It shall be the exclusive duty of such outside agency, firm, and/or person, to conduct such examination, which shall examine applicants as to their practical knowledge of electricity, electrical systems, the National Electrical Code, and their ability to conduct electrical work and the business of installing electrical machinery, systems, apparatus and wiring.

1113.05 APPLICATION FEE, ELIGIBILITY, EXAMINATION AND
ISSUANCE.

{(a) Any person desiring a license to engage in the business of electrical work as a Master Electrician shall file in the Office of the City Clerk, an application for such license. (Amended 03/14/91, 06/05/92; 03/22/06; 02/08/11)}

(b) No person shall be eligible to sit for the examination for a master electrician license unless he shall have first satisfied one of the following combinations of education and experience:

(1) Five (5) years of appropriate experience as a journeyman. A journeyman for this ordinance is one who has completed a New York State approved apprenticeship program and has worked as a journeyman for five (5) years with a minimum of 1500 hours per year in the electrical construction industry; or

(2) Ten (10) years of experience in the electrical industry doing electrical work in compliance with the national electric code consisting of at least 1500 hours per year with documentation by the employer, in addition to graduation from a two-year or four-year New York State accredited college with a degree in an electrical-related discipline; or

(3) Ten (10) years of experience in the electrical industry doing electrical work in compliance with the national electric code consisting of at least 1500 hours per year with documentation by the employer, in addition to 700 classroom hours of electrical course work approved by the Board with documentation of successful completion of such courses.

(c) Prior to permitting any person to sit for the examination, the Board may require said person to appear before the Board to answer questions concerning his qualifications and to produce satisfactory documentation to enable the Board to determine whether he meets the eligibility requirements under subsection (b) hereof. After the Board has determined that an applicant is eligible to sit for the examination, the applicant shall pay an application fee in the sum of \$125.00 together with all fees required by the outside agency, firm or person conducting the licensing examination. Said application fee is not refundable, but shall be applied to the initial license fee should the applicant successfully complete the examination. (Amended 02/08/11)

(d) The test for the master electrician license shall be given annually at a time and place to be decided by the Board of Examiners. All applications shall be filed no later than the thirtieth day of June prior to the date on which the examination is scheduled, except that for the 2009 examination all applications must be filed by October 5, 2009. (Amended 09/22/09).

(e) Upon certification from the Board of Examiners that the applicant has successfully completed the examination, the City Clerk shall forthwith issue a master electrician license to the applicant upon payment of the required license fee.

(f) Any person who has previously applied for and been determined to be eligible to sit for the examination by the Board under the former provisions of this ordinance, and who has sat for said examination, and is not otherwise disqualified shall continue to be eligible to sit for said examination, notwithstanding the provisions of subsection (b) hereof.

(g) An applicant who has violated any provision of Chapter 1113 of the Codified Ordinances in the twelve (12) month period preceding the examination shall not be eligible to be seated for the examination.}

(a) Qualifications to Apply: Anyone wishing to apply for a Master Electrician's License from the City must be able to demonstrate to the Board that they:

(1) have not violated any provision of this Chapter of the Codified Ordinances in the twelve (12) month period preceding the application; and

(2) satisfy one of the following combinations of education and experience:

(A) Five (5) years of appropriate experience as a journeyman. A journeyman for this ordinance is one who has completed a New York State approved apprenticeship program and has worked as a journeyman for five (5) years with a minimum of 1500 hours per year in the electrical construction industry; or

(B) Ten (10) years of experience in the electrical industry doing electrical work in compliance with the national electric code consisting of at least 1500 hours per year with documentation by the employer, in addition to graduation from a two-year or four-year New York State accredited college with a degree in an electrical-related discipline; or

(C) Ten (10) years of experience in the electrical industry doing electrical work in compliance with the national electric code consisting of at least 1500 hours per year with documentation by the employer, in addition to 700 classroom hours of electrical course work approved by the Board with documentation of successful completion of such courses.

(b) Application for a License: Any person believing that they meet the qualifications of the above subsection (a), and desiring a license to engage in the business of electrical work as a Master Electrician, shall first make and file an application with the City Clerk upon the forms provided. The Clerk shall promptly relay said application to the Board for consideration at its next meeting, which shall either be a regular quarterly meeting, or a special meeting called by the Board in the event that a regular meeting will not be conducted before the expiration of thirty days from the date the application was filed with the Clerk. The Board will then promptly review the submission to determine whether the applicant is either qualified or unqualified, and notify the applicant in writing of its determination, including an explanation of any determination that the applicant is unqualified.

(c) After the Board approve an application by determining that the applicant has met the qualifications of the above subsection (a), he shall pay an application fee in the sum of \$125.00. Said application fee is not refundable, but shall be applied to the initial license fee should the Board ultimately decide to issue a certificate of competency to the applicant.

(d) Examination and Certificate of Competency:

- (1) An applicant who has been determined by the Board to have met the minimum experience requirements, set forth above in subsection (a) hereof, must have either already taken and passed the 'G16 Master Electrician' examination through the International Code Council's Contractor/Trades examination program ("ICC") within one year prior to their application date, or they must take and pass such examination within six months of their application. In either case, the applicant must submit sufficient evidence to the Board to establish that they received a passing grade from ICC within the applicable timeframe above. If the Board is satisfied with such evidence, then it shall proceed to further examine and determine such applicant's fitness and qualifications for the possible issuance of a certificate of competency that will entitle him to register as a master electrician in the City.
- (2) An applicant currently licensed as a Master Electrician in a municipality in Niagara, Erie, Orleans, Genesee, Wyoming, Chautauqua or Cattaraugus Counties is not required to take the examination set forth above in paragraph (1) of this subsection. If the Board is satisfied with the applicant's evidence of such license, then it shall proceed to further examine and determine such applicant's fitness and qualifications for the possible issuance of a certificate of competency that will entitle him to register as a master electrician in the City.
- (3) No matter the Board's decision, each applicant will be promptly notified in writing of the decision to either grant or deny a certificate of competency, and in the event of denial, such letter will explain the Board's reasons. In the event of a decision to grant the certificate, the Board's letter shall also include the certificate of competency.

(e) Upon an applicant being granted a certificate of competency by the Board, the City Clerk shall forthwith issue a Master Electrician's License to the applicant upon payment of the required license fee.

Bold and Underline Indicate Additions
Bold and Brackets Indicate {Deletions}

Yeas	3
Soda, Spanbauer, Voccio	
Nays	2
Kennedy, Chairman Tompkins	

ADOPTED

ITEM #8

RESOLUTION: PUBLIC HEARING, AMENDING ARTICLE XVII, ENTITLED "DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT" BY AMENDING THE TITLE OF ARTICLE XVII AND BY AMENDING SECTIONS 17.1, 17.2, 17.3 AND 17.3 (A), LOCAL LAW #5, 2021-67
BY: COUNCIL MEMBER SPANBAUER, CHAIRMAN TOMPKINS

RESOLVED, that the attached Local Law No. 5 for the year 2021 be introduced, and that a public hearing be held on such Local Law on the 5th day of January, 2022 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 Article XVII, entitled "Department of Planning and Economic Development", by amending the title of Article XVII and by amending Sections 17.1, 17.2, 17.3 and 17.3 (A).

NIAGARA FALLS LOCAL LAW NO. 5 FOR THE YEAR 2021

A local law to amend the Niagara Falls City Charter, as amended, by amending Article XVII, entitled "Department of Planning and Economic Development", by amending the title of Article XVII and by amending Sections 17.1, 17.2, 17.3 and 17.3 (A) as follows:

BE IT ENACTED by the City Council of the City of Niagara Falls, as follows:

Section 1. Authority

This local law is enacted pursuant to the authority of Section 10 of the Municipal Home Rule Law authorizing City's to adopt a local law which may amend or supersede any provision of State law in relation to the property, affairs or government of the City unless there is a State legislative restriction on such amendment or supersession.

Section 2. Amendment

The Niagara Falls City Charter is hereby amended by amending the title of Article XVII and by amending Sections 17.1, 17.2, 17.3 and 17.3 (A), to read as follows:

DEPARTMENT OF PLANNING [AND ECONOMIC DEVELOPMENT]

Section 17.1

DEPARTMENT OF PLANNING [AND ECONOMIC DEVELOPMENT]. There is hereby created a "Department of Planning [**and Economic Development**]", which shall consist of the Planning Board, appointed as hereinafter provided, and a Director of Planning [**and Economic Development**].

Section 17.2

DIRECTOR OF PLANNING [AND ECONOMIC DEVELOPMENT]. The City Administrator shall appoint the Director of Planning [**and Economic Development**]. The Director of Planning [**and Economic Development**] shall be the administrative head of the Department of Planning [**and Economic Development**], and the Director of the technical staff of the department under the direction of the City Administrator.

Section 17.3

[ECONOMIC DEVELOPMENT]. The Department of Planning and Economic development under the direction of the Director of Planning and Economic Development shall also furnish and perform all services and activities pertaining to economic development within the City of Niagara Falls, including any urban renewal project areas if so requested or agreed to by the Niagara Falls Urban Renewal Agency. Such economic development activities and services may be either industrial or commercial and shall include, but not be limited to, establishing developer contacts; negotiations with developers; structuring

development proposals; coordination of financing programs to implement development; preparation and structuring of economic development programs and applications for submission to federal, state or local agencies; implementation of funding programs with banking and lending institutions; coordination with other organizations or agencies as may be required; and such other functions necessary to stimulate and encourage economic development; and any related activity as may be directed by the City Administrator.]

[Section 17.3]

A. PLANNING BOARD, APPOINTMENT OF. There shall be appointed by the City Council nine (9) members of a Planning Board, who shall serve without compensation. Of the members of the Planning Board appointed under the provisions hereof, the appointment of as nearly as possible of one-third of the members of the Board shall be for a term of one year, one-third for a term of two years and one-third for a term of three years. At the expiration of such terms, the terms of office of their successors shall be three years, so that the term of office of one-third of such members of such Board, as nearly as possible, shall expire each year. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired term.

Said Board shall annually elect a chairman, and vice chairman. The Board shall hold meetings as provided in its rules or at the call of its chairman and shall keep full and complete minutes of the meetings and all hearings and proceedings of the Board. The Director of Planning [and Economic Development], or such staff member as such Director shall delegate, shall serve as the Secretary of the Planning Board.

Section 3. Separability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the City Council of the City of Niagara Falls hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 4. Repealer

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 5. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with the Municipal Home Rule Law.

development proposals; coordination of financing programs to implement development; preparation and structuring of economic development programs and applications for submission to federal, state or local agencies; implementation of funding programs with banking and lending institutions; coordination with other organizations or agencies as may be required; and such other functions necessary to stimulate and encourage economic development; and any related activity as may be directed by the City Administrator.]

[Section 17.3]

A. PLANNING BOARD, APPOINTMENT OF. There shall be appointed by the City Council nine (9) members of a Planning Board, who shall serve without compensation. Of the members of the Planning Board appointed under the provisions hereof, the appointment of as nearly as possible of one-third of the members of the Board shall be for a term of one year, one-third for a term of two years and one-third for a term of three years. At the expiration of such terms, the terms of office of their successors shall be three years, so that the term of office of one-third of such members of such Board, as nearly as possible, shall expire each year. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired term.

Said Board shall annually elect a chairman, and vice chairman. The Board shall hold meetings as provided in its rules or at the call of its chairman and shall keep full and complete minutes of the meetings and all hearings and proceedings of the Board. The Director of Planning [and Economic Development], or such staff member as such Director shall delegate, shall serve as the Secretary of the Planning Board.

Section 3. Separability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the City Council of the City of Niagara Falls hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 4. Repealer

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 5. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with the Municipal Home Rule Law.

Yeas	5
Nays	0
	ADOPTED

ITEM #9

COMMUNITY DEVELOPMENT: REALLOCATION OF CD FUNDS, PAYMENT OF CJS ARCHITECTS, LLP

In December 2013, the City allocated \$40,000.00 of casino revenues for the New Jerusalem Boys Reporting Center. Although the grant was extended, only \$17,869.11 of funds were drawn down, leaving \$23,130.89. The grant has long since expired.

On October 7, 2020, the City Council approved an agreement with CJS Architects in the amount of \$15,000.00 for services in connection with the Niagara Gateway/Centennial Park Project. The aforementioned balance of funds is available to pay \$15,000.00 to CJS Architects, LLP for their completed work. The remaining \$7,130.89 of unspent funds previously allocated will be reimbursed back to Tribal Revenue reserves.

Will the Council vote to approve the appropriation of \$15,000.00 to pay CJS Architects as presented herein and to authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	5
Nays	0

253	APPROVED
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ITEM #10

CONTRACT: HARDWARE/SOFTWARE/WEB SERVICES-AXON ENTERPRISES, INC, BODY CAMERAS, TASERS, VIRTUAL REALITY TRAINING (NF POLICE DEPT.)

As you know, we are now at the point where we begin to implement projects that will be funded from the City's share of American Rescue Plan ("ARP") proceeds. It was made clear during the community engagement sessions over the last several months that public safety is a major concern to City residents. Currently, law enforcement agencies throughout the country are in the process of providing their police officers with greater access to enhanced technology to improve services; the City of Niagara Falls should be no exception.

Policing has changed dramatically over the past few years due to several very public events. Body-worn cameras are being adopted by law enforcement agencies around the country to improve transparency, collect evidence, strengthen officer performance and accountability and to investigate and resolve complaints and officer-involved incidents. At this time, the body camera technology utilized by the Niagara Falls Police Department ("NFPD") is 8-10 years old.

The NFPD also understands that it is imperative that their officers have a reliable "less-lethal" option when a situation calls for use of force to effectively stop a threat with minimum exposure to injury for both the subject and the officer. The NFPD currently uses a small number of older generation Taser devices that need to be replaced with current technology.

Additionally, the call for increased transparency and accountability for law enforcement requires a robust method of storage for Taser information (deployments, tests) and captured video. The storage element must also provide dependable retention and access to all captured technology information, along with the ability to share evidence with the District Attorney's Office in full compliance with NY Discovery Laws.

This Administration formed the Social Justice Commission in 2020 which called for building trust and incorporating mandatory training, including de-escalation training, among many other measures. Virtual Reality ("VR") technology can provide the NFPD with a cost effective and time efficient means to provide necessary training. VR Training is the future of law enforcement, where officers can be trained using VR headsets instead of in-person training. VR training is also proven to provide a higher retention of knowledge over a shorter period.

After reviewing the credentials and capabilities of several hardware/software providers, the Niagara Falls Police Department has recommended Axon Enterprises, Inc., ("Axon") as the vendor to provide body camera technology, cloud-based evidence storage, Taser 7 less lethal and Virtual Reality training hardware and software that the Department needs. Axon, founded in 1993, is the world leader in Conducted Energy Weapons (Tasers), Body Worn Cameras and storage and has groundbreaking Virtual Reality Training. Selecting Axon to provide the necessary equipment and technology also allows for a seamless transition to integrate with other Axon users, specifically the Niagara County Sheriff's Office, the Town of Niagara Police Department, the North Tonawanda Police Department, the Lewiston Police Department, the Lockport Police Department and the New York State Police.

Accordingly, it is hereby proposed that the City enter into an agreement with Axon. Under the proposed five (5) year agreement (on file in the City Clerk's Office), Axon will provide the integrated system of hardware, software, cloud-based storage and related services at a cost of \$152,390.80 per year over the length of the agreement. The total cost of the program is \$765,991.49; by bundling services and applying available discounts, this price is \$311,551.40 lower than Axon's typical rate. Funding for this project is available from American Rescue Plan Funds under the Treasury Guidance Expenditure Category 6.1, which is "Revenue Replacement for the Provision of Government Services".

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 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 Tompkins adjourned the Meeting at 5:12 PM.

Kathleen Ligammari
City Clerk

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