

TABLE OF CONTENTS  
2022

JANUARY 1, 2022, ORGANIZATIONAL MEETING

Investment Policy, 2022-1 . . . . .	.1
Niagara Gazette, Official Paper, 2022-2 . . . . .	.2

JANUARY 5, 2022, REGULAR MEETING

Mayors Approval of Resolution 2021-55, 2021-65, 2021-66 . . . . .	.3
Resolution: Zoning Bd of Appeals, 2022-3 . . . . .	.4
Resolution: Tourism Advisory Bd, 2022-4 . . . . .	.4
Resolution: Planning Bd., 2022-5 . . . . .	.5
Resolution: Assessment Review Bd., 2022-6 . . . . .	.5
Resolution: Historic Preservation Bd., 2022-7 . . . . .	.5

JANUARY 14, 2022, SPECIAL MEETING

Resolution: exemptions on 2022 Assessment Roll, 2022-8 . . . . .	.8
Contract: Information Tech. Imp. Consultant Services, Avero Advisors . . . . .	.9
Contract: Breathing Apparatus Regulators, NFFD, Dival Fire & EMS supplies . . . . .	.9
Contract: Osmosis Filtration System Replacement, Hyde Park Ice Pavilion . . . . .	.10
Resolution: Dept. of Planning/Economic Dev., amending Article XVII, 2022-9 . . . . .	.10

JANUARY 19, REGULAR MEETING

City Clerk's Claims for the Month of December 2021 . . . . .	.14
Encroachment: Culbert's Pub, 8735 Buffalo Ave, Right-of Way . . . . .	.14
Resolution: Amendment to Zoning Ord., Chapter 1328.13 & SEQR, 2022-10 . . . . .	.15
Resolution: Public Hearing, LL #3 for the year 2021, 2022-11 . . . . .	.16
Resolution: Proposals for a City-Wide Reassessment Project, 2022-12 . . . . .	.16
Contract: NYSDOT, Proposed Shared Services . . . . .	.16

FEBRUARY 2, 2022, REGULAR MEETING

City Clerk's Report for the Month of December 21, 2021 . . . . .	.20
Contract: Computer Firewall, Install, Sirius Computer Services . . . . .	.20
Contract: SPCA Extension for services . . . . .	.21
Grant: NFFD, Purchase of Command Vehicle . . . . .	.21
Resolution: Black History Month, 2022-13 . . . . .	.21
Resolution: Marchiselli Program-Aid, PIN #5761.89, 2022-14 . . . . .	.22
Resolution: Solar Energy Systems, 2022-15 . . . . .	.23

FEBRUARY 16, 2022, REGULAR MEETING

City Clerk Report for the Month of January 2022 . . . . .	.26
City Clerk Claims for the Month of January 2022 . . . . .	.26
Mayor's Approval of Resolution 2022-10 . . . . .	.26
Commissioner of Deeds: Appointments . . . . .	.26
Claim: Sharon Thompson, Property Damage . . . . .	.26
Claim: Geico General Insurance: Morinello, Angelo . . . . .	.27
Resolution: City-Wide Assessment Project, 2022-16 . . . . .	.28
Resolution: STR Home Compliance, 2022-17 . . . . .	.28

FEBRUARY 25, 2022, SPECIAL MEETING

DPW, Entry Gate, New Rd. Corporation Yard . . . . .	.32
Fire Dept., Thermal Imaging Cameras . . . . .	.32
Train Station Marker . . . . .	.33
Police Dept., reorganization . . . . .	.33
Niagara Frontier Transit Metro System . . . . .	.34
USA Niagara Development Corp . . . . .	.34
LaSalle Education Club . . . . .	.35

MARCH 1, 2022, REGULAR MEETING

Contract: Occhino Corp., Buffalo Ave. resurfacing, Phase 1, CO . . . . .	.38
Resolution: STR, Moratorium, June 9, 2022, 2022-18 . . . . .	.38
Resolution: Porter Mansion, Niagara River Greenway Comm., 2022-19 . . . . .	.39

MARCH 16, REGULAR MEETING

City Clerk's Report for the Month of February 2022 . . . . .	.42
Contract: Buffalo Ave., resurfacing, Phase 4, CHA Companies, CO . . . . .	.42
Claim: Silva, Maria . . . . .	.43
Claim: Jackson, Jennifer . . . . .	.43
Resolution: Woman's History Month, March 2022, 2022-20 . . . . .	.44

MARCH 30, 2022, SPECIAL MEETING

Contract: Utility Abandonment, Regional Environmental Demolition . . . . .	.48
Purchase: Five Automated External Defibrillators, NFFD . . . . .	.49
Contract: Street Millings, Buffalo Fuel Corp. . . . .	.49
City Pools/Lifeguards, pay increase . . . . .	.50
Contract: CSX, National Grid . . . . .	.50

Contract: CSX, Maintenance Agreement, National Grid . . . . .	51
NFUFFA, Memorandum of Agreement . . . . .	51
Contract: SPCA . . . . .	52
Tatler Historic Preservation Foundation, restoration Project . . . . .	52
Contract: Grant Consultant Services, G&G Municipal Consulting . . . . .	53
APRIL 6, 2022, SPECIAL MEETING	
City Clerk Claims for the Month of February 2022 . . . . .	55
Resolution: Aquarium, Niag. River Greenway Comm., funding, 2022-21 . . . . .	56
Aquarium of Niagara, Nia. Gorge Discovery Center Project . . . . .	56
Aquarium of Niagara, Whirlpool Commons Plaza Project . . . . .	57
Contract: NFPD, Fleet Vehicles, Various Companies . . . . .	58
Hennepin Ave between S.91 & S.93 <sup>rd</sup> Sts, alternate parking . . . . .	59
1356 Ashland Ave. install handicapped access space . . . . .	59
2499 Whitney Ave, install handicapped access space . . . . .	59
2743 Grand Ave, install handicapped access space . . . . .	60
Resolution: Autism Awareness Month, April 2022, 2022-22 . . . . .	60
APRIL 22, 2022, SPECIAL MEETING	
Contract: Hyde Park Golf Course Parking Lot, Villani's Lawn/Landscape . . . . .	65
Contract: Purchase of Trash/Recycling Totes, Cascades Eng. . . . .	66
Contract: NFPD, Fleet Vehicles, Falls Dodge . . . . .	66
Contract: Demolition, Asbestos Monitoring, CO #1, AMD Eng. . . . .	67
Contract: Pothole Killer, Patch Management . . . . .	67
Contract: Telephone Lines, Tag & Swap, AT Technology . . . . .	68
Highland Clubhouse Grant: CDBG Cares Act Funds, Amendment . . . . .	68
MWBE Program, American Rescue Plan Funding . . . . .	69
Contract: Employee Benefits Broker/Consulting Service . . . . .	70
Contract: Garden Ave. Pocket Park Project, Fox Fence . . . . .	70
Contract: Garden Ave. Pocket Park Project, MRC . . . . .	71
Contract: NFPD, Fleet Vehicles, purchase, Falls Dodge . . . . .	71
Contract: NFFD, window replacements, Wonder Windows . . . . .	72
Contract: NFFD houses, HVAC upgrades, IRR Supply Centers . . . . .	73
APRIL 27, 2022, REGULAR MEETING	
City Clerk Claims for the Month of March 2022 . . . . .	76
City Clerk Report for the Month of March 2022 . . . . .	76
Contract: City Hall Boiler Room, Remediation, CO #2, Stohl Environmental . . . . .	76
Contract: Meals for Prisoners, Frankie's Donuts . . . . .	76
Code Enforcement: Expenses Incurred, various . . . . .	77
Contract: NF School District, OSC, funding . . . . .	77
Resolution: Elections, Polling Places, 2022-23 . . . . .	78
Resolution: Council Meeting Schedule, amended, 2022-24 . . . . .	78
Resolution: Henry, Kahlese "Big Baby", honoring, 2022-25 . . . . .	78
MAY 16, 2022, SPECIAL MEETING	
Contract: Customhouse Harriet Tubman Plaza, Vinny Bagwell . . . . .	82
Parks/Public Works: Recreation Specialist, pay increase . . . . .	83
Code Enforcement: Emergency Demo funding, American Rescue Plan . . . . .	83
Contract: Reverse Osmosis Filtration System Replacement, Ice Pavilion . . . . .	84
Contract: 911 Robbins Dr, Emergency Demolition, CO #1 . . . . .	84
Parking Restrictions: Highland Ave., between Beech Ave. & Profit Lane . . . . .	85
Bandstand Fee, waiver, Summerfest at the Sal . . . . .	85
Bandstand Fee, waiver, NFFD Educational Efforts . . . . .	85
Cannon Block Properties, Reacquisition . . . . .	86
City Market: Muto Development, Purchase Property . . . . .	86
City Market: Muto Development, Inc., Terminate Agreement . . . . .	87
Deed Restrictions: 324 Niagara St., Landlord LLC, amendment . . . . .	88
Contract: NFFD, Washers/Dryers, Statewide Machinery . . . . .	89
Dept. of Public Works: Clearing/Cutting Lots, K.J. Smith . . . . .	90
Contract: NFPD, Fleet Vehicles, Joe Basil Chev. . . . .	90
Public Hearing: Pulled by Mayor Restaino . . . . .	91
Contract: Environmental Assessment/Traffic Impact Study, Wendel Arch. . . . .	91
Contract: USA Niagara Devel. Corp., Supplemental Parking Lot . . . . .	91
MAY 25, 2022, REGULAR MEETING	
City Clerk Claims for the Month of April 2022 . . . . .	93
City Clerk's Report for the Month of April 2022 . . . . .	93
Contract: Center Court Pool, Commercial Pumps . . . . .	94
Contract: NFPD, Public Safety Communications Equipment/Service . . . . .	94
Commissioner of Deeds, Appointments . . . . .	95
Resolution: Public Hearing, Virginia Ave/17 <sup>th</sup> St, 2022-26 . . . . .	95

Resolution: Public Hearing, Virginia Ave/Tennessee Ave., 2022-27 . . . . .	.96
Resolution: Juneteenth, recognizing June 19 <sup>th</sup> , 2022-28 . . . . .	.96
Claim: Mulholland, Thomas . . . . .	.97
Resolution: Tavano, Josephine, reappointment, Civil Service Commission, 2022-29 . . . .	.98
JUNE 13, 2022, SPECIAL COUNCIL MEETING	
Parking Fees: 256 Third St., Senior Prom, waiver . . . . .	.101
Planning Dept.: 8643 Buffalo Ave., Encroachment request . . . . .	.101
Planning Dept: 435 Third St., Encroachment Request . . . . .	.102
Contract: 519 Cayuga Dr., Redevelopment . . . . .	.102
Contract: IT Strategic Plan/Upgrade . . . . .	.103
Pavilion Fee: Oasis, Waiver, family of Staff Sgt. Aram Bass . . . . .	.103
Contract: Early Voting Site-City Train Station . . . . .	.104
American Rescue Plan Funding: Security Camera Repair Program, Local Business . . . .	.104
City Property: 1335 Willow Ave., Sale . . . . .	.105
DPW: Lifeguard/Certification, Nathan Leo . . . . .	.106
Resolution: Zoning Ord, High Energy Usage Overlay District, 2022-31A . . . . .	.106
Resolution: Commercial Data Centers, extending Moratorium, 2022-31 . . . . .	.107
Resolution: Public Hearing, Eminent Domain, 2022-32 . . . . .	.108
Contract: User Fee Software, purchase . . . . .	.108
Community Development: Third Party Legal Consultant Extension . . . . .	.109
Contract: USA Niagara Development Corp, demo of walkway/escalator . . . . .	.110
City Clerk Office: Wideman, Vicky, appointment NF City Clerk . . . . .	.111
DPW/Parks: Emergency Overhead Electrical Feed replacement . . . . .	.111
DPW: Bandstand fee, Juneteenth event, waiver . . . . .	.112
DPW: Bandstand fee, Oasis, NF School District . . . . .	.112
Contract: Air Filling Station, Fire Dept. . . . .	.112
Community Development: 2022-2023 CD Annual Action Plan . . . . .	.113
Contract: Independence Day fireworks display . . . . .	.115
Contract: Vehicle Air Conditioning Service Unit . . . . .	.115
CDBG Grants: Cares Act Grants, extension . . . . .	.116
Contract: NFFD, Forcible entry Door Simulator . . . . .	.117
Contract: Hyde Park Pool Interior Resurfacing . . . . .	.117
Assessor: Cert, of Base Percentages, current percentages . . . . .	.118
Claim: Shaw, Jessica H. . . . .	.118
Claim: Progressive Insurance Co, Powell, James Allen . . . . .	.119
Claim: Hayes, Ada M. . . . .	.120
Claim: Beckwith, Roberta M. . . . .	.121
Contract: City Market, Consultant, Alfonso Muto . . . . .	.122
Resolution: Norma Higgs, honoring, 2022-30 . . . . .	.122
JUNE 22, 2022, REGULAR MEETING	
City Clerk Claims for the Month of May 2022 . . . . .	.126
City Clerk's Report for the Month of May 2022 . . . . .	.126
Resolution: Carroll, Stephen/Delia, honoring, 2022-33 . . . . .	.126
Resolution: LaSalle Prep School Robotics Program, honoring, 2022-35 . . . . .	.126
Resolution: Tourism Advisory Board, reestablishment, 2022-36 . . . . .	.127
Resolution: Tourism Advisory Board, appointments, 2022-37 . . . . .	.128
City Council Meeting Schedule, 2022, Not Approved . . . . .	.128
Contract: NFPD, Ford Expedition, purchase . . . . .	.128
Contract: drainage Structure Replacement/repair Project . . . . .	.129
JUNE 29, 2022, PUBLIC HEARING	
Public Hearing . . . . .	.131
JULY 5, 2022, SPECIAL MEETING	
Resolution: Amend. of City of NF Zoning Ordinance, High Energy Usage Overlay, 2022-38.	.133
JULY 12, 2022, SPECIAL MEETING	
Contract: Gill Creek Park Comfort Station . . . . .	.137
Purchase: Fleet Vehicles, NFPD . . . . .	.137
Purchase: Fleet Vehicles, NFDPW . . . . .	.138
Contract: 91 <sup>st</sup> St School Pool, Pump . . . . .	.138
Contract: Beech Ave, Community Park Design/Development . . . . .	.139
Contract: Actuarial Equivalence Testing . . . . .	.140
Contract: NTCC, Parking agreement . . . . .	.140
MOA: NF Police Club, Police Dispatchers-scheduling . . . . .	.141
Peach Festival: Bandstand Fee, waiver . . . . .	.141
Town of Niagara: Bandstand Fee, Electric Light Parade, waiver . . . . .	.141
Resolution: Bldg. Ordinances, Amending Chapter 1101, 2022-39 . . . . .	.142
Resolution: Permits, Fees/Certificates, amending Chapter 1107, 2022-40 . . . . .	.145
Resolution: Virginia Ave/17 <sup>th</sup> St., abandonment, 2022-41 . . . . .	.152

Resolution: Virginia Ave/Tennessee Ave., Partial abandonment of alley, 2022-42 . . .	152
Community Development: Rose Garden Project, retention payment . . . . .	153
CDBG Cares Act: Cazenovia Recovery, Grant Amendment . . . . .	154
CDBG Cares Act: Catholic Charities, Rapid Housing . . . . .	154
CDBG Grant: NACC, repairs . . . . .	155
CDBG Cares Act: Casey House & Passage House, repairs . . . . .	155
Claim: Black, Ra-Shee R. . . . .	155
Claim: Beck, Daniel J. and Debra . . . . .	156
Claim: St. Peter, Brooke . . . . .	156
Claim: Michaels, Edward P. . . . .	157
Claim: Parmer, Larhonda M. . . . .	158
Claim: Lancer Insurance Company . . . . .	158
JULY 20, 2022, COUNCIL MEETING	
City clerk's Report for the Month of June 2022 . . . . .	161
City Clerk Claims for the Month of June 2022 . . . . .	162
Commissioner of Deeds . . . . .	162
NF Block Club Council, Bandstand fee waived . . . . .	162
Library Construction Grant, Brydges Library . . . . .	162
Contract: NFPD Public Safety Communications equipment/services . . . . .	163
Contract: Gobike, Chasm Ave & Monteagle St. improvement project . . . . .	163
CARES Act CDBG, re-allocation . . . . .	164
25 <sup>th</sup> St, alternate overnight parking . . . . .	164
819 Maple Ave, handicapped access space . . . . .	164
424 22 <sup>nd</sup> St, handicapped access space . . . . .	164
2705 Pierce Ave, handicapped access space . . . . .	165
7724 Buffalo Ave, 1 hour parking restriction . . . . .	165
Resolution: 2022 City Council Meeting Schedule, defeated . . . . .	165
Resolution: Public Hearing, Article 111, amending, defeated . . . . .	166
Resolution: Amending Zoning Ord, High Energy Usage Overlay District, 2022-43 . . . . .	166
Resolution: Planning Board, special meeting, 2022-44 . . . . .	167
Resolution: Bishop Gordon M. Sweat/Refuge Temple of Christ Church, 2022-45 . . . . .	167
AUGUST 18, 2022, SPECIAL MEETING	
Traffic Signage, modification/installation, Lafayette Ave & Lewiston Rd . . . . .	169
Contract: Court Cleaning/Minor repairs, United Court System . . . . .	170
Contract: BPAS Actuarial & Pension services, retiree group health benefits . . . . .	170
Contract: School Resource Officer . . . . .	171
Contract: Officers of the Day, school district . . . . .	171
Contract: Billing/Collection School taxes, 2022-2023 . . . . .	172
Executive Office, executive assistant, budget amendment . . . . .	172
Justice Assistance Grant Program . . . . .	173
Earl W. Brydges Library, LED lighting Project . . . . .	173
Contract: Sal Maglie Stadium, improvement . . . . .	174
Contract: DPW, Bobcat Toolcat . . . . .	174
Contract: DPW, Goodall Carstart 3000 Jumpstarter . . . . .	175
Contract, NFPD, Panasonic Toughbook 55 rugged computers . . . . .	175
NFPD, 202 Ford Utility Police interceptor . . . . .	176
NFPD, used vehicles, purchase . . . . .	176
Contract: NFFD, equipment & supplies 1 of 2 . . . . .	177
Contract: NFFD, fire investigation equipment & supplies, 2 of 2 . . . . .	177
Contract: NFFD, Fire Hose . . . . .	178
Contract: NFFD, tablets, mounting hardware . . . . .	179
Contract: DPW, Tymco Sweeper Units . . . . .	179
Contract: NFPD, traffic radar antenna . . . . .	180
True Bethel Commons, Grant extension . . . . .	181
Resolution, Standard Workday & Reporting, 2022-46 . . . . .	181
Resolution: Public Hearing, Zoning Ord, High energy Usage Overlay District, 2022-47 . . . . .	182
Resolution: Public Hearing, Eminent Domain of 907 Falls St, 2022-48 . . . . .	182
Resolution: SEQRA Lead Agency, Centennial Park, 2022-49 . . . . .	184
Claim: Gray, David . . . . .	184
Claim: Kehoe, Robert E. . . . .	185
Contract: City Market, Property Management . . . . .	186
Contract: City Farmer's Market Management . . . . .	186
Pine Ave Redevelopment Project, Planters . . . . .	187
300 Third St, NFNy Hotel Management, Sheraton . . . . .	188
2205 & 2207 Welch Ave., Christ Redemption Tabernacle Church, sale . . . . .	188
Resolution: Business Licenses, amending Chapter 308. 2022-50 . . . . .	189
Contract: Harriet Tubman Statue, Vinny Bagwell, change order . . . . .	198

SEPTEMBER 6, 2022, PUBLIC HEARINGS	
Public Hearing: Eminent Domain . . . . .	201
Public Hearing: High Energy Usage Overlay District . . . . .	202
SEPTEMBER 7, 2022, COUNCIL MEETING	
City Clerk's Report for the Month of July 2022 . . . . .	203
City Clerk Claims for the Month of July 2022 . . . . .	203
Mayor's Approval of Resolutions 2022-39, #2022-40, #2022-50 . . . . .	204
City Clerk Claims for the Month of August 2022 . . . . .	204
Resolution: High Energy Usage Overlay District/SEQR, amendment, 2022-51 . . . . .	204
Resolution: Decorum, City Council Meetings, 2022-52 . . . . .	205
Resolution: Voting Procedures, Council, Abstentions, 2022-53 . . . . .	208
Contract: NF Parks Dept/Forestry, trees . . . . .	209
Contract: DPW, Jacobsen Mowers, purchase . . . . .	209
Contract: DPW, Zamboni, replacement batteries . . . . .	210
Contract: DPW, Snowplows . . . . .	210
Contract: Aerial Tower Fire Apparatus . . . . .	211
Contract: NFFD, 2-way radio . . . . .	211
Contract: Aerial Tower Fire Apparatus, Holmatro Tools . . . . .	212
City Corporation Yard, Security Services . . . . .	213
Regional Environmental Demo, Utility abandonment, asbestos abatement . . . . .	213
Contract: 5627 NFB, right of entry & access agreement . . . . .	213
Contract: NORLIC, right of entry & access . . . . .	214
Resolution: Commercial Data Centers, Moratorium extension, 2022-54 . . . . .	214
SEPTEMBER 30, 2022, SPECIAL COUNCIL MEETING	
Resolution: restore NY Communities Initiative Municipal Grant Program, 2022-55 . . . .	218
OCTOBER 5, 2022, COUNCIL MEETING	
City Clerk's Report for the Month of August 2022 . . . . .	221
Contract: Porter Rd Bridge Expansion Joint Replacement Project . . . . .	221
Contract: Blue Ford Utility Police Interceptor . . . . .	221
Contract: Buffalo Niagara Waterkeeper, ecological restoration projects . . . . .	222
Heritage District: Microgrant Program Extension . . . . .	222
Plati Niagara Inc, Reimbursement for improvement to City alleyway . . . . .	223
Contract: INMAR, Inc., consumer drug take back program . . . . .	223
Contract: Pest Control services, ORKIN . . . . .	224
Contract: NF Water Board, NFPD Substation . . . . .	224
Contract: 550 Main St., Redevelopment . . . . .	225
NF Housing Authority, sale of city owned real property, various addresses . . . . .	226
Property Sale, city-owned real property, RJ Davis & Company . . . . .	226
Property Sale: city owned real property to RJ Niagara . . . . .	227
Property Sale: 550 Main St, Niagara Wanderlusting . . . . .	228
City-Owned Properties, transfer to Niagara Orleans Regional Land, various . . . . .	228
Fire Dept., reorganization . . . . .	229
Dept. of Economic Development, increase in Director's Pay . . . . .	229
Neighborhood Legal ESG grant, extension . . . . .	229
City-Owned Properties, property purchase program, transfer . . . . .	229
Contract: United Steelworkers Local 9464 PERB . . . . .	230
Contract: Northpoint Council, employee assistance program . . . . .	231
Contract: NCCC, Rainbow Parking Ramp, parking . . . . .	231
Claim: Rivera, Jacqueline . . . . .	231
Resolution: McWilson, Marsha, honoring, 2022-56 . . . . .	232
Resolution: restore NY Communities Initiative Municipal Grant Program, 2022-57 . . . .	233
Resolution: Public Hearing, Recycling/Refuge Program for 2022-2023, 2022-58 . . . . .	233
Resolution: Amending Chapter 1137, Landlord Rental & Property Owner Reg., 2022-59 . . .	234
Resolution: Adding Chapter 1142, Rental Dwelling Unit Registration, 2022-60 . . . . .	235
Resolution: Adding Chapter 1143, Property Manager Registration, 2022-61 . . . . .	251
Contract: County of Niagara, transfer of vehicle to NFFD . . . . .	255
Contract: Hardware/Software/Web services, Axon enterprises, NFPF . . . . .	255
Finance Dept., reorganization, Billing & Collection . . . . .	256
Claim: Gibbons, Patricia L. . . . .	256
NOVEMBER 1, 2022, SPECIAL COUNCIL MEETING	
Presentation of the 2023 Executive Budget . . . . .	287
NOVEMBER 2, 2022, COUNCIL MEETING	
City Clerk's Report for the Month of September 2022 . . . . .	259
City Clerk's Claims Report for the Month of September 2022 . . . . .	259
Mayor's Approval of Resolutions 2022-59, 2022-60, 2022-61 . . . . .	259
Contract: Sewer Lateral Replacement Project . . . . .	259
Contract: CD Demolition Project . . . . .	260

Contract: Steam Trap Replacement Project, City Hall . . . . .	260
DPW: John Deere Excavator . . . . .	261
Contract:NFPD, Fleet Vehicles, Falls Dodge . . . . .	261
Contract: NFPD, Fleet Vehicles, Joe Basil . . . . .	262
Contract: NFPD, Fleet Vehicles, Falls Dodge . . . . .	262
Contract: DPW: Tilt Trailer, Purchase . . . . .	263
Contract: NFPD, FARO Focus Laser Scanners . . . . .	263
Contract: NFPD, Vista 911 Emergency Call Handling System . . . . .	264
Contract: NFPD, Fleet Vehicles, Black Dodge Durango . . . . .	264
Contract: NFPD, SASNY Grant Expenditure, Command Vehicle . . . . .	265
Contract: Engineering Dept., Fleet Vehicles . . . . .	266
Contract: DPW, John Deere Loader . . . . .	266
Contract: NFPD, Fleet Vehicles, Falls Dodge . . . . .	267
Contract: NFPD, Washers/Dryers, purchase . . . . .	267
Contract: NFPD, Scott RIT-PAK 4500 . . . . .	268
NYMIR, Reimburse Liability . . . . .	268
NFPD, Cops Hiring Program Grant . . . . .	269
NFPD, Patrick Leahy Bulletproof Vest partnership, Grant . . . . .	269
NFPD, Acceptance of Tactical Team Grant Award . . . . .	269
Ironworkers CDBG Grant . . . . .	270
CYBER Security Grant Award . . . . .	270
Jingle Falls Holiday Program, waiver of parking fees . . . . .	270
Master Khechen's Martial Arts Tournament, waiver of parking fees . . . . .	271
Contract: E-Waste Recycling Program . . . . .	271
531 Third St, LLC, sale of city owner real property . . . . .	272
Corp. Counsel: authorization to institute or prosecute legal proceedings . . . . .	272
Claim: Gonzalez, Jill M. . . . .	273
Claim: Carney, Mona J. . . . .	273
Claim: Collier, Karen . . . . .	274
Claim: LaMarca, Nora . . . . .	274
Claim: Merchants Preferred Insurance Co. . . . .	275
Resolution: 2023 Budget Meetings schedule, 2022-62 . . . . .	275
Resolution: recycling & refuse program for 2023, 2022-63 . . . . .	276
Resolution: Standard Workday & Reporting, 2022-64 . . . . .	277
Resolution: Private Sanitary Sewer Laterals, adding Chapter 251, 2022-35 . . . . .	277
Resolution: Home Rule Request, Public Safety Surcharge, 2022-66 . . . . .	281
Resolution: Public Hearing, 17 <sup>th</sup> St. between Penn. & Delaware Aves, 2022-67 . . . . .	282
Resolution: Public Hearing, alley S. of James Ave., 2022-68 . . . . .	282
Resolution: Public Hearing, 2 <sup>nd</sup> St. N. of Walnut Ave., 2022-69 . . . . .	283
Resolution: Public Hearing, 330 Ft. portion of Delaware Ave, 2022-70 . . . . .	283
Resolution: Winn, Tim, Honoring, 2022-71 . . . . .	284
City Clerk: Commissioner of Deeds, appointments . . . . .	285
Resolution: Councilman Spanbauer, Appointment of replacement, 2022-72 . . . . .	285
NOVEMBER 10, 2022, BUDGET SESSION	
Budget Work Session #1 . . . . .	289
NOVEMBER 15, 2022, PUBLIC HEARING	
In reference to the Proposed 2023 Budget . . . . .	291
NOVEMBER 15, 2022, BUDGET SESSION	
Budget Work Session #2 . . . . .	293
NOVEMBER 17, 2022, BUDGET SESSION	
Budget Work Session #3 . . . . .	295
NOVEMBER 22, 2022, BUDGET SESSION	
Budget Work Session #4 . . . . .	297
NOVEMBER 22, 2022, SPECIAL COUNCIL MEETING	
Brownfields Assistance Grant, 5627 NFB Property . . . . .	300
Resolution: Centennial Park SEQR, 2022-73 . . . . .	300
Resolution: Centennial Park Redevelopment Project, 2022-74 . . . . .	301
NOVEMBER 30, 2022, BUDGET SESSION	
Budget Work Session #5 . . . . .	305
DECEMBER 14, 2022, COUNCIL MEETING	
City Clerk's Claims for the Month of October 2022 . . . . .	307
City Clerk's Claims for the Month of November 2022 . . . . .	307
City Clerk's Report for the Month of October 2022 . . . . .	308
Second Hand Dealers, Licenses . . . . .	308
Contract: Demolition Contract, asbestos monitoring . . . . .	308
Contract: Sal Maglie Athletic Field, CO #1 . . . . .	309
Police Dept: DCJS Vehicle Theft/Insurance Fraud, Grant . . . . .	309

Contract: City Market, Property Management . . . . .	309
City Marshalls, appointments . . . . .	310
Police Dept: reorganization . . . . .	310
Contract: 311 System, VIA . . . . .	311
Contract: Fleet Vehicles, City of Niagara Falls . . . . .	311
Contract: Concrete Purchase . . . . .	312
Contract: Dump Truck/Plow, NFDPD . . . . .	312
Contract: Axon Camera/License Plate Reader, NFPD . . . . .	313
Contract: NFFD, Fire Apparatus, GMP Pumper Trucks . . . . .	313
Contract: Office of the Aging, Information/Assistance Program . . . . .	314
Contract: Senior Nutrition Program . . . . .	314
Contract: Niagara Beautification Commission . . . . .	315
Contract: Lawn Care/Snow Removal Equipment . . . . .	315
412 12 <sup>th</sup> St, Autistic Child Area . . . . .	316
Alternate Parking, DeVeaux St between College & Vanderbilt . . . . .	316
Homestead/Non-Homestead Proportions . . . . .	316
Claim: Torres-Cummings, Alejandrina . . . . .	317
Resolution: Water Board reappointment, 2022-75 . . . . .	317
Resolution: Robert (Bob) Bennett, recognizing, 2022-76 . . . . .	317
Resolution: Council Meeting Schedule, 20233, 2022-77 . . . . .	318
Resolution: Boards, Committees/Commissions, 2022-78 . . . . .	318
Resolution: Roads, Reconstruction, 2022-79 . . . . .	319
Resolution: Centennial Park Events Center Project, 2022-80 . . . . .	319
Resolution: Cannabis Businesses-Location, 2022-81 . . . . .	321
Resolution: Cannabis, Zoning Regulations, 2022-82 . . . . .	325
Resolution: Public Hearing, various properties, 2022-83 . . . . .	326
DECEMBER 28, 2022, SPECIAL COUNCIL MEETING	
Community Development: Amendment, Consolidation Plan . . . . .	328
Brownfields Assistance Grant . . . . .	329
Contract: IT Strategic Plan, Change Order . . . . .	329
Promotion pf NF/Television Advertising . . . . .	330
Contract: Centennial Park Project, Upper Edge Consulting . . . . .	330



**JANUARY 1, 2022**

**ORGANIZATIONAL MEETING**

**NIAGARA FALLS, NEW YORK**

---

The Organizational Meeting of January 1, 2022, Niagara Falls City Council Meeting, was called to order by Council Chairman Kenny Tompkins at 11:00 A.M. in the Council Chambers.

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

Present: Controller Daniel Morello, Assistant Corp. Counsel Thomas DeBoy

Council Chair Kenny Tompkins called the meeting to order at 11:04 AM.

Prayer offered by Maj. Stephen Carroll, Salvation Army.

Presentation of Flag by Niagara Falls Police Department Color Guard.

Pledge of Allegiance led by Chairman Tompkins

National Anthem was sung by Elizabeth Wagner, NFHS Sophomore.

Council Member Donta Myles was given the Oath of Office by NYS Assemblyman Angelo Morinello.

Council Member David Zajac was given the Oath of Office by NYS Supreme Court Judge Paul Wotaszak.

Council Member Traci Bax was given the Oath of Office by Mayor Robert Restaino.

Council Chairman Tompkins called for any nominations for Council Chair 2022.

Chairman Tompkins nominated Council Member Spanbauer. 2<sup>nd</sup> by Council Member Myles. There being no further nominations, Chairman Tompkins called for a vote. Council Member Spanbauer abstained. All remaining Council members voted yay to elect Council Member Spanbauer as Council Chair for 2022. Assemblyman Morinello administered the Oath of Office to Chairman Spanbauer.

Niagara County Legislator, District 4, Jeffery Elder was given the Oath of Office by NYS Assemblyman Angelo Morinello.

Niagara County Legislator, District 6, Christopher Voccio was given the Oath of Office by NYS Assemblyman Angelo Morinello.

The Meeting then proceeded to the Agenda.



THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

RESOLUTION RELATIVE TO INVESTMENT POLICY, ADOPTION, 2022, 2022-1  
BY: Council Member Spanbauer, Chairman Tompkins

Agenda Item #1

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 (on file in the City Clerk's Office) investment policy.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: NIAGARA GAZETTE, OFFICIAL NEWSPAPER, 2022-2  
BY: Council Member Spanbauer, Chairman Tompkins

Agenda Item #2

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 2022, but such designation shall not thereafter lapse until superseded.

Yeas

5

Nays

0

ADOPTED

MEETING ADJOURNED AT 11:29 AM

Kathleen Ligammari  
City Clerk



**JANUARY 5, 2022**  
**REGULAR COUNCIL MEETING**                      **NIAGARA FALLS, NEW YORK**

---

The Legislative session of the January 5, 2022 Niagara Falls City Council Meeting was called to order by Council Chairman John Spanbauer at 6:00 P.M. in the Council Chambers.

Present: Council Members Traci Bax, Donta Myles, Kenny Tompkins, David Zajac and Chairman John Spanbauer

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

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

Council Member Tompkins moved to approve the Minutes from the Council Meeting of December 15, 2021 and the Special Meeting of December 20, 2021.

Yeas	5
Nays	0

APPROVED

**PUBLIC HEARING**

Resolution relative to Amending the Niagara Falls City Charter, as amended, by Amending Article XVII, entitled "Department of Planning and Economic Development" by Amending Sections 17.1, 17.2, 17.3 and 17.3 (A)  
THERE WERE NO SPEAKERS

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

THERE WERE NO SPEAKERS ON AGENDA ITEMS

Presentation: None

Mayor/Administration Update: None

**Controllers Report:**

- 2021 books should be closed by the end of February. Preliminary numbers are anticipated to be presented at the next scheduled meeting.

Review of Agenda Items

No Council Member comments

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

MAYOR'S APPROVAL OF RESOLUTIONS 2021-55, 2021-65, 2021-66

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

RESOLUTION: ZONING BOARD OF APPEALS, APPOINTMENTS, 2022-3  
BY: ALL COUNCIL MEMBERS

Agenda Item #2

WHEREAS, the Council deems it desirable to continue the Zoning Board of Appeals during the year 2022; 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 Zoning Board of Appeals, effective immediately, for a term expiring on the date that appears opposite their names:

APPOINTMENT	TERM EXPIRES:
John Szczepczenski	12/31/2024
Karen Mock	12/31/2022 (To finish term of Earl Smeal)
Stosh Kajfasz	12/31/2024
Yeas	5
Nays	0

ADOPTED

RESOLUTION: TOURISM ADVISORY BOARD, APPOINTMENTS, RE-APPOINTMENTS, 2022-4  
BY: ALL COUNCIL MEMBERS

Agenda Item #3

WHEREAS, the term of all Board Members serving on the Tourism Advisory Board in 2021 expired no later than December 31 of such year; and

WHEREAS, the Council deems it desirable to continue such Board during the year 2022;

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:

RE-APPOINTMENT	TERMS EXPIRE:
Gaelean Bailie	12/31/2022
Angela Berti *	12/31/2022
Allen Booker *	12/31/2022
Sara Capen *	12/31/2022
Andrea Czopp *	12/31/2022
Verity Folan	12/31/2022
Nicholas Hurd	12/31/2022
Michael Marsch	12/31/2022
Roscoe Naguit	12/31/2022
Patrick Proctor	12/31/2022
Nico Santangelo	12/31/2022
Daniel Tighe	12/31/2022
Jason Zona	12/31/2022
* Non Voting Member	
APPOINTMENT	TERMS EXPIRE:
Cherrish Beals	12/31/2022
David Florio	12/31/2022
Paul Grenga	12/31/2022
Shawn LeVick	12/31/2022

Yeas	5
Nays	0

ADOPTED

RESOLUTION: PLANNING BOARD, APPOINTMENTS, RE-APPOINTMENTS, 2022-5  
BY: ALL COUNCIL MEMBERS

Agenda Item #4

WHEREAS, the Council deems it desirable to continue the Planning Board during the year 2022; 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 Planning Board, effective immediately, for a term expiring on the date that appears opposite their names:

<u>RE-APPOINTMENT</u>	<u>TERMS EXPIRE:</u>
-----------------------	----------------------

Joyce M. Williams	12/31/2024
-------------------	------------

<u>APPOINTMENT</u>	<u>TERMS EXPIRE:</u>
--------------------	----------------------

Ken Nossavage	12/31/2023 (to finish term of Michael Murphy)
---------------	---

Yeas	5
Nays	0

ADOPTED

RESOLUTION: ASSESSMENT REVIEW BOARD, APPOINTMENTS, RE-APPOINTMENTS, 2022-6

BY: ALL COUNCIL MEMBERS

Agenda Item #5

WHEREAS, the Council deems it desirable to continue the Assessment Review Board during the year 2022; 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 Assessment Review Board, effective immediately, for a term expiring on the date that appears opposite their names:

<u>RE-APPOINTMENT</u>	<u>TERMS EXPIRE:</u>
-----------------------	----------------------

J. Gary DiLaura	09/30/2026
-----------------	------------

<u>APPOINTMENT</u>	<u>TERMS EXPIRE:</u>
--------------------	----------------------

Samuel Archie	09/30/2022 (to finish the term of Bert Donahue)
---------------	---

Yeas	5
Nays	0

ADOPTED

RESOLUTION: HISTORIC PRESERVATION BOARD, APPOINTMENTS, RE-APPOINTMENTS, 2022-7

BY: ALL COUNCIL MEMBERS

Agenda Item #6

WHEREAS, the Council deems it desirable to continue the Historic Preservation Board during the year 2022; 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 Historic Preservation Board, effective immediately, for a term expiring on the date that appears opposite their names:

<u>RE-APPOINTMENT</u>	<u>TERMS EXPIRE:</u>
-----------------------	----------------------

Anne Smith	12/31/2025
Georgia Robinson-Bradberry	12/31/2025

<u>APPOINTMENT</u>	<u>TERMS EXPIRE:</u>
--------------------	----------------------

Andrea Fortin Nossavage	12/31/2023
Kristina Zell	12/31/2023

Yeas	5
Nays	0

ADOPTED

### Speakers

For Good of Community:

- Cherrish Beals Welcome new Council Members, appreciated appointment to Tourism Board, STR
- Todd Salansky Pending STR Ordinance Amendment

Misc: Council Member Myles expressed appreciation to speakers from the community and asks all Council members to give their concerns and suggestions consideration.

Chairman Spanbauer outlined pending plans to increase Council accessibility to residents to include: Office hours pilot program, develop an email distribution list, streamlined web page with timely updates.

There being no further business to come before the Council, Chairman Spanbauer adjourned the Meeting at 6:24 P.M.

Kathleen Ligammari  
City Clerk



**JANUARY 14, 2022**

**SPECIAL COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

The January 14, 2022 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Spanbauer at 5:00 PM in the Council Chambers.

Present: Council Members Bax, Myles, Tompkins, Zajac and Chairman Spanbauer

Also Present: Mayor Robert Restaino, City Administrator Anthony Restaino, Corporation Counsel Christopher Mazur, City Controller Daniel Morello

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on **Friday, January 14, 2022 at 5:00 p.m.** in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purposes:

1. Resolution Directing the City Assessor, Pursuant To NYS Governor's Executive Order 11.1, To Grant Exemptions on the 2022 Assessment Roll to All Property Owners Who Received That Exemption on the 2021 Assessment Roll, 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;
2. Approval of Award for Information Technology Improvement Consultant Services (Avero Advisors);
3. Approval of Award for Self-Contained Breathing Apparatus (SCOTT Paks), Regulators (Dival Fire & EMS Supplies/Dival Safety & Supplies) - NFFD;
4. Approval of Award for Reverse Osmosis Filtration System Replacement (Keppler Water Treatment, Inc.) - Hyde Park Ice Pavilion; and
5. Resolution to Approve the 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).

Respectfully submitted,

---

Robert M. Restaino, Mayor

Review of Agenda Items:

Item #2 - Council Member Tompkins requested clarification of scope of services.

Mayor Restaino described the 'macro' phase, determining appropriate technical modifications needed and 'micro' phase, determining specific needs of each department. Ultimately, upgrades will create needed efficiencies with cross governmental connectivity.

Council Member Spanbauer asked if implementation time frames were known. Mayor indicated assessment of needs would be within the year followed by subsequent acquisition.

Item #3 - Council Chair Spanbauer expressed his support of the expenditure.

Misc.:

Council Member Myles questioned the necessity of calling a special meeting for the agenda items presented. Mayor Restaino noted each item had a specific urgency, particularly Item 1.

#1. RESOLUTION RELATIVE TO DIRECTING CITY ASSESSOR TO GRANT EXEMPTIONS ON THE 2022 ASSESSMENT ROLL, 2022-8

BY: Council Member Tompkins

WHEREAS, on December 26, 2021, Governor Hochul issued Executive Order 11.1, (on file in the City Clerk's Office) 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 2022 assessment roll to all property owners who received either of those exemption on the 2021 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 Administration 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 2021 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 11.1 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 2022 Assessment Roll to all property owners who received that exemption on the 2021 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

5

Nays

0

ADOPTED

#2. CONTRACT: INFORMATION TECHNOLOGY IMPROVEMENT CONSULTANT SERVICES, AVERO ADVISORS

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

WITH: Avero Advisors  
512 West Broadway Avenue  
Maryville, Tennessee 37801  
FOR: Information Technology Improvement Consultant  
Services

Notice that proposals were to be received was advertised in the Niagara Gazette and requests for proposals were sent to thirty-six (36) vendors. Eight (8) responses were received.

Avero Advisors has proposed a two-phase approach to this project. Phase I (IT Assessment) includes a full assessment of the City's current IT infrastructure environment, including a cybersecurity risk assessment and IT modernization visioning. Phase II (Analysis and Strategic Plan) provides for an IT infrastructure and staff analysis, modernization strategies and the creation of an IT Strategic Plan for the City.

Upon City Council approval, this agreement shall be for one (1) year, with a mutual option to extend the agreement beyond the initial one year term. The cost to the City for this project shall not exceed \$74,100.00.

Funding for this project is available from American Rescue Plan Funds utilizing the Treasury Guidance Expenditure Category 1, which is the "Responding to Public Health Emergency" category. Will the Council so authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
APPROVED	

#3. CONTRACT: SELF CONTAINED BREATHING APPARATUS REGULATORS FOR NFFD TO DIVAL FIRE & EMS SUPPLIES

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of E-Z Flo + Regulator, Quick Connect Hose and Rectus Fitting sets for the City of Niagara Falls Fire Department as follows:

FROM: Dival Fire & EMS Supplies  
Dival Safety & Supplies  
1721 Niagara Street  
Buffalo, New York 14207  
FOR: Ninety (90) quantity E-Z Flo + Regulator, Quick  
Connect Hose and Rectus Fitting sets to be utilized  
with Self Contained Breathing Apparatus (SCOTT Paks)  
by City of Niagara Falls Firefighters.  
(Reference Dival Quotation dated 12/22/2021 and NYS  
Contract: PC69018)

Unit Cost: \$ 1,697.68

TOTAL COST: \$ 152,791.03



The above will be purchased utilizing the Treasury Guidance Expenditure Category 6.1, which is "Revenue Replacement for the Provision of Government Services". Will the Council so authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas

5

Nays

0

APPROVED

#4. CONTRACT: OSMOSIS FILTRATION SYSTEM REPLACEMENT FOR HYDE PARK ICE PAVILION TO KEPPLER WATER TREATMENT, INC.

The following was the result of bids received on November 24, 2021, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Keppler Water Treatment, Inc.	\$95,600.00
31 Lewis Road	
Akron NY14001	

It is the recommendation of the undersigned that this project be awarded to the sole bidder Keppler Water Treatment, Inc. at their Base Bid of \$95,600.00. 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 vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

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

Yeas

5

Nays

0

APPROVED

#5. RESOLUTION: AMENDING THE 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), 2022-9

BY: COUNCIL MEMBER TOMPKINS

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves and adopts the Proposed Local Law No. 5 for the Year 2021 for the purposes of amending 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) 4; and

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

NIAGARA FALLS LOCAL LAW NO. 5 FOR THE YEAR 2021  
(PROPOSED)

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.

Yeas	5
Nays	0

ADOPTED

There being no further business to come before the Council, Chairman Spanbauer adjourned the Meeting at 5:14 PM.

Kathleen Ligammari  
City Clerk



**JANUARY 19, 2022**  
**REGULAR COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

---

The Legislative session of the January 19, 2022 Niagara Falls City Council Meeting was called to order by Council Chairman John Spanbauer at 6:00 P.M. in the Council Chambers.

Present: Council Members Traci Bax, Donta Myles, Kenny Tompkins, David Zajac and Chairman John Spanbauer

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

Council Member Myles 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 Organizational Meeting of January 1, 2022 and Council Meeting of January 5, 2022

Yeas	5
Nays	0

APPROVED

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

Merle Smouse	Agenda Item #3
Kathy DuBois	Agenda Item #3
Gerald Skrlin	Agenda Items #3, #5, #4
Cherrish Beals	Agenda Item #3
Colin Ligammari	Agenda Item #3
Karen DiMaria	Agenda Item #3
Shirley Turner	Agenda Item #3
Bill Kennedy	Agenda Item #3
Mark Prenella Miller	Agenda Item #3
Todd Salansky	Agenda Item #3

Presentation: None

Mayor/Administration Update:

Chairman Spanbauer shared conversation with the Mayor regarding snow removal from weekend storm. Collaborative efforts existed with N.F. Water Board, Town of Niagara, Town of Lewiston, DOT and Niagara County.

Controllers Report:

- Controller Morello presented 2021 unaudited parking revenue results. Ramps and meters show positive growth.
- Controller reported City bond ratings with both S&P and Moody's were upgraded to 'stable' and 'positive' respectively.

## Review of Agenda Items

Item 3 - Council Member Myles expressed concern the ordinance would displace marginalized people in the designated zone. Council Member Bax asked for tangible data to substantiate his concern, of which he was unable to immediately produce. Council Member Tompkins indicated the majority of properties recently purchased in the zone, for the purpose of STR, were vacant and owned by the City. No displacement occurred, City was removed from ownership liability and property is back on tax rolls. Council Members Bax and Spanbauer detailed research they had done as this issue is not unique to the City, and after doing so expressed their support for it. Council Members Tompkins and Zajac also expressed their support.

Item 5 - Council Member Myles stated the time is not right for re-assessment while property values are inflated. Council Member Tompkins expressed the time is now for re-assessment. It has already been delayed enough. This action is the beginning of a likely three year process. Chairman Spanbauer explained how re-assessment would tax properties more fairly across all areas of the City. Council Members Bax and Tompkins clarified the funding for the project.

### Misc:

- Council Member Myles suggested department heads be present at Council meetings when items relate to their functions. Council Member Bax agreed.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK CLAIMS FOR THE MONTH OF DECEMBER 2021

### Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

ENCROACHMENT: CULBERT'S PUB, 8735 BUFFALO AVE., CITY RIGHT-OF WAY

### Agenda Item #2

Ulrich Signs, representing the above referenced property, has applied for an encroachment into the City's right-of-way for one exterior sign.

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

Yeas

5

Nays

0

APPROVED

RESOLUTION: AMENDMENT TO CITY OF NIAGARA FALLS ZONING ORDINANCE CHAPTER 1328.13 AND SEQR DETERMINATION OF NON-SIGNIFICANCE, 2022-10  
BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN SPANBAUER

Agenda Item #3

WHEREAS, the City Council is considering the adoption of the attached (on file in the City Clerk's Office) proposed Amendment to Zoning Ordinance Chapter 1328.13, entitled "Short Term Rental Units" (hereinafter "STR Ordinance"); and

WHEREAS, the City Council held a public hearing on June 21<sup>st</sup>, 2021 and the City of Niagara Falls Planning Board held a public hearing on December 8<sup>th</sup>, 2021 regarding the STR Ordinance; and

WHEREAS, the City Council has reviewed the Full Environmental Assessment Form (FEAF) part 1; and

WHEREAS, the City Council determines that the said action is classified as a Type 1 Action under part 617.4 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the City Council has determined that the proposed action is subject to a single agency review pursuant of Part 617.6(b) (1) of the SEQR Regulations; and

WHEREAS, the City Council determines that it is the most appropriate agency for making the determination of significance thereon under the SEQR Regulations; and

WHEREAS, the City Council has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in the FEAF part 1; and

WHEREAS, the City Council has completed part 2 and 3 of the FEAF; and

WHEREAS, a copy of the Full Environmental Assessment Form has been presented to the City Council for consideration; and

NOW, THEREFORE BE IT RESOLVED, the City Council hereby designates itself as the lead agency for the described action; and

BE IT FURTHER RESOLVED, the City of Niagara Falls City Council has reasonably concluded there would not be any substantial adverse impact on the following: land use planning or zoning regulations; intensity of use of the land; character or quality of the existing community; environmental characteristics; existing level of traffic or infrastructure, use of energy; public or private water supplies; public or private wastewater treatment utilities; character or quality of important historic, archaeological, architectural or aesthetic resources; natural resources; potential for erosion, flooding or drainage problems; or creation of a hazard to environmental resources or human health; and

BE IT FURTHER RESOLVED, the City Council determines upon the information and analysis documented that the proposed action will not result in any significant adverse environmental impacts; and

BE IT FURTHER RESOLVED, the City Council does hereby make a Determination of Non-Significance on the proposed adoption of the Amendment to the City of Niagara Falls Short Term Rental Ordinance; and

BE IT FURTHER RESOLVED, the City Council Chairperson is hereby directed to sign the FEAF part 3 and file with the City Clerk and other necessary agencies as evidence the City Council has determined the proposed action **will not** result in any significant adverse environmental impact; and

BE IT FINALLY RESOLVED, the City of Niagara Falls City Council hereby adopts the Amendment to the City of Niagara Falls Zoning Ordinance Chapter 1328.13.

Yeas

4

Council Members Bax, Tompkins, Zajac, Chairman Spanbauer

Nays

1

Council Member Myles

ADOPTED

RESOLUTION: PUBLIC HEARING, LOCAL LAW #3, FOR THE YEAR 2021 ENTITLED  
"REGULATION OF SOLAR ENERGY SYSTEMS", 2022-11  
BY: ALL COUNCIL MEMBERS

Agenda Item #4

RESOLVED, that the attached Proposed Local Law No. 3 for the year 2021 be introduced, and that a public hearing be held on such proposed Local Law on the 2nd day of February, 2022 at 6:00 p.m. in the Council Chambers of the City of Niagara Falls, New York, and that five (5) days' notice of said hearing be published in the Niagara Gazette preceding said hearing relative to the adoption of Proposed Local Law No. 3 for the Year 2021 entitled "Regulation of Solar Energy Systems."

Yeas

5

Nays

0

ADOPTED

RESOLUTION: ISSUANCE OF A REQUEST FOR PROPOSALS FOR A CITY-WIDE  
REASSESSMENT PROJECT, 2022-12  
BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN SPANBAUER

Agenda Item #5

WHEREAS, on December 15, 2021, by resolution, the City Council determined that it is appropriate and in the best interest of the City of Niagara Falls to commence an Assessment Equity Program for parcels of real property within its geographic boundaries; and

WHEREAS, in furtherance thereof, the City Council determined that the first step in moving forward to a unified tax rate system must begin with a comprehensive, City-wide property reassessment in order to determine the true market value of properties; and

WHEREAS, the City Council has determined that it is therefore necessary to solicit professional services from a qualified vendor to conduct a general reassessment to reflect revised assessments of real property for tax purposes; and

WHEREAS, accordingly, a Request for Proposals be must be issued for the purposes of conducting a general, full value reassessment for parcels of real property within the City.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby requests that that a Request for Proposals be issued for the purposes of conducting a general, full value reassessment for parcels of real property within the City; and

BE IT FURTHER RESOLVED that the City Council requests that funding for the City-wide reassessment project be made available from American Rescue Plan Funds, specifically "Revenue Replacement for the Provision of Government Services".

Yeas

4

Council Members Bax, Myles, Tompkins, Chairman Spanbauer

Nays

1

Council Member Zajac

ADOPTED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE MAYOR

CONTRACT: NYSDOT, PROPOSED SHARED SERVICES

Agenda Item #6

The City has been contacted by the NYSDOT to request that the City renew its Shared Services Agreement with the NYSDOT which will enable the NYSDOT and the City to provide each other with equipment, materials, and manpower to benefit each other during times of need. During this past winter it was necessary for the City to request and receive such assistance from the NYSDOT. This is primarily focused on roads and highways. The term of this agreement would be a period of four (4) years but may be terminated by either party on 60 days prior written notice. Attached (on file in the City Clerk's Office) hereto is a draft of a proposed agreement. Similar agreements have been executed by and between the NYSDOT and various other communities in Western New York.

Will the Council so approve and authorize the Mayor to execute the attached (on file in the City Clerk's Office) proposed agreement provided the same is in form and content satisfactory to the Corporation Counsel?

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

Yeas

5

Nays

0

APPROVED

#### PUBLIC SPEAKERS

##### FOR THE GOOD OF THE COMMUNITY

Mary Tillman	Housing, safety, roads, no positive changes seen yet
Tammy Stewart	Snow/garbage
Jockline Pryor	Gazette practices
Rosetta Smith	Snow removal
Tim Huether	City not held to same standard keeping property up
Kathy DuBois	Rescue Money uses, invest in Parks & Attractions
Cherrish Beals	Blight: STR vote will not be good for City
David Fabrizio	Veteran Memorial, 2 <sup>nd</sup> phase in process to add archway
Bill Kennedy	Snow removal was lacking
Dorothy West	Pleased with snow removal efforts



There being no further business to come before the Council,  
Chairman Spanbauer adjourned the Meeting at 8:28 P.M.

Kathleen Ligammari  
City Clerk





**FEBRUARY 2, 2022**  
**REGULAR COUNCIL MEETING**                      **NIAGARA FALLS, NEW YORK**

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The Legislative session of the February 2, 2022 Niagara Falls City Council Meeting was called to order by Council Chairman John Spanbauer at 6:00 P.M. in the Council Chambers.

Present: Council Members Traci Bax, Donta Myles, Kenny Tompkins, David Zajac and Chairman John Spanbauer

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

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

Council Chairman Spanbauer moved to approve the Minutes from the Special Council Meeting of January 14, 2022 and the Council Meeting of January 19, 2022.

Yeas

5

Nays

0

APPROVED

**COUNCIL CHAIRMAN COMMENTS:**

Chair Spanbauer reviewed guidelines for public speakers.

The Council Chairman asked if anyone wished to speak at the Public Hearing relative to adoption of Proposed Local Law No. 3 for the year 2021 entitled "Regulation of Solar Energy Systems".

THERE WERE NO SPEAKERS

Mayor/Administration Update: Mayor Restaino offered updates on the following topics...

- Regarding pending data collection center ordinance.
- Another major snow event is expected. Asked residents be prepared. City equipment snow removal equipment and personnel will be as ready as possible.
- Solar energy ordinance/regulation overview.
- Cannabis related ordinance/regulation conversations are ongoing.

**Controllers Report:**

- Controller Morello stated 2021 closing is still in progress. He offered an unaudited overview of Tourism fund results. Q4 funds are still trickling in.

## Review of Agenda Items

Item 3 - Council Chair Spanbauer expressed concern of the SPCAs desire to pull out of City contract. Council Member Myles echoed the concerns. Mayor Restaino offered insight as to the SPCA initiating the separation. Council Member Bax also offered her concerns. Discussion continued between Council and Mayor relative to SPCA turning their backs on a community that donates money and volunteers to support their mission. Ultimately, any alternative will likely not be less expensive but will certainly be more inconvenient to the community.

Item 5 - Council Member Myles offered a detailed commentary of his thoughts on Black History month and his reasoning behind 'No' vote.

Item 6 - Council Member Zajac requested clarification of funding process, exact parameters of the project and to be added as sponsor to item.

Item 7 - Council Chairman Spanbauer offered thanks to the Administration for their efforts in revising ordinance to cover this newer enterprise.

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

Gerald Skrlin                      Agenda Item #5

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF DECEMBER 2021

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: COMPUTER FIREWALL, INSTALL/INTEGRATE, FUNDING, SIRIUS COMPUTER SERVICES

Agenda Item #2

As we are all aware, much of the City's information technology is in need of serious improvement. The City's two computer firewalls are at end-of-life and are no longer supported. Therefore in order to keep the City networks secure and meet our current third-party software vendor's security and technical requirements, it is now necessary to upgrade both devices.

The City has received a proposal from Sirius Computer Solutions, Inc. to configure the two new firewalls and to integrate the City's Virtual Private Network ("VPN") in the amount of \$23,642.20. Funding is available from Tribal Revenue reserves.

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

Yeas

5

Nays

0

APPROVED

CONTRACT: SPCA, EXTENSION FOR SHELTERING SERVICES-MONTH-TO- MONTH,  
FUNDING

Agenda Item #3

The City's agreement for sheltering services with the Niagara County S.P.C.A. ("SPCA") expired at the end of December 2021. As I indicated previously, the SPCA no longer desires to be in contract with the City for sheltering services. The City continues to explore avenues for new service and, until such time as an alternative is in place, it is recommended that the terms of the existing agreement with the SPCA be continued on a month-to-month basis. Attached hereto (on file in the City Clerk's Office) is a copy of the proposed extension agreement. Funding is available in Account A.3510.0000.0449.599.

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

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

Yeas

5

Nays

0

APPROVED

GRANT: NFFD, PURCHASE OF COMMAND VEHICLE, FUNDING

Agenda Item #4

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 a new Command Vehicle for Battalion Chiefs ("Car 80"), along with the installation of the necessary emergency and computer tablet equipment and accessories.

There is no local cash match associated with this grant. The total cost of the purchase of the vehicle and installation of the equipment and accessories is \$51,711.64; funding for the additional \$1,711.64 is available from Tribal Revenue reserves.

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

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

Yeas

5

Nays

0

APPROVED

RESOLUTION: BLACK HISTORY MONTH, RECOGNIZING/HONORING, 2022-13

By: MAYOR ROBERT RESTAINO, ALL COUNCIL MEMBERS

Agenda Item #5

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 2022 theme for Black History Month, "*Black Health and Wellness*," acknowledges the legacy of not only Black scholars and medical practitioners in Western medicine, but also other ways of knowing (e.g., birth workers, doulas, midwives, naturopaths, herbalists, etc.) throughout the African Diaspora and considers activities, rituals and initiatives that Black communities have done to be well; 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	4
Bax, Tompkins, Zajac, Chairman Spanbauer	
Nays	1
Myles	

ADOPTED

RESOLUTION: MARCHISELLI PROGRAM-AID, RECONSTRUCTION, PIN #5761.89, 2022-14

BY: MAYOR ROBERT RESTAINO, COUNCIL MEMBERS BAX, TOMPKINS, CHAIRMAN SPANBAUER

Agenda Item #6

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

WHEREAS, the Administration of the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Rt. 265 (Military Rd.) Reconstruction; Niagara Falls Blvd. to Cayuga Dr. and Cayuga Dr. Resurfacing; Tuscarora Rd. to Buffalo Ave.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Niagara Falls, New York, duly convened does hereby approve the above-subject project; and it is hereby further

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

RESOLVED, that the local matching share of \$205,000.00 is hereby allocated from American Rescue Plan Funds, specifically "Revenue Replacement for the Provision of Government Services", to cover the cost of participation in the above phase of the project; and it is further

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

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

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

RESOLVED, this Resolution shall take effect immediately.

Agreement on file in the City Clerk's Office.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: SOLAR ENERGY SYSTEMS, ZONING ORDINANCE REVISIONS, 2022-15  
BY: MAYOR ROBERT RESTAINO, COUNCIL MEMBERS BAX, TOMPKINS, CHAIRMAN  
SPANBAUER

Agenda Item #7

WHEREAS, the City Council is considering the adoption of the proposed Local Law No. 3 for the Year 2021, entitled "Regulation of Solar Energy Systems", revisions to the Zoning Ordinance, and Zoning Map Amendments, hereinafter jointly referred to as "Solar Regulations", which are attached hereto (on file in the City Clerk's Office); and

WHEREAS, the Solar Regulations are the product of Mayor Robert Restaino's Administration's efforts to advance and protect the public health, safety, and welfare of City of Niagara Falls by creating regulations for the installation and use of solar energy generating systems; and

WHEREAS, the City of Niagara Falls Planning Board held a public hearing on December 8, 2021 regarding the revisions to the Zoning Ordinance and map amendments; and

WHEREAS, the City Council held a public hearing on February 2, 2022 regarding the proposed Local Law; and

WHEREAS, the City Council has reviewed the Full Environmental Assessment Form (FEAF) part 1; and

WHEREAS, the City Council determines that the said action is classified as a Type 1 Action under part 617.4 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the City Council has determined that the proposed action is subject to a single agency review pursuant of Part 617.6(b) (1) of the SEQR Regulations; and

WHEREAS, the City Council determines that it is the most appropriate agency for making the determination of significance thereon under the SEQR Regulations; and

WHEREAS, the City Council has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in the FEAF part 1; and

WHEREAS, the City Council has completed part 2 and 3 of the FEAF; and

WHEREAS, a copy of the Full Environmental Assessment Form has been presented to the City Council for consideration and this information is also on file with the City Clerk's office; and

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Niagara Falls, New York hereby designates itself as the lead agency for the described action; and

BE IT FURTHER RESOLVED, the City Council has reasonably concluded there would not be any substantial adverse impact on the following: land use planning or zoning regulations; intensity of use of the land; character or quality of the existing community; environmental characteristics; existing level of traffic or infrastructure, use of energy; public or private water supplies; public or private wastewater treatment utilities; character or quality of important historic, archaeological, architectural or aesthetic resources; natural resources; potential for erosion, flooding or drainage problems; or creation of a hazard to environmental resources or human health; and

BE IT FURTHER RESOLVED, the City Council determines upon the information and analysis documented that the proposed action will not result in any significant adverse environmental impacts; and

BE IT FURTHER RESOLVED, the City Council does hereby make a Determination of Non-Significance on the proposed adoption of the City of Niagara Falls Solar Local Law, Revisions to the Zoning Ordinance, and Map Amendments; and

BE IT FURTHER RESOLVED, the City Council Chairperson is hereby directed to sign the FEAF part 3 and file with the City Clerk and other necessary agencies as evidence the City Council has determined the proposed action **will not** result in any significant adverse environmental impact; and

BE IT FURTHER RESOLVED that the City Council of the City of Niagara Falls, New York hereby adopts the attached revisions to the Zoning Ordinance, and Map Amendments; and

BE IT FURTHER RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves and adopts the Proposed Local Law No. 3 for the Year 2021, entitled "Regulation of Solar Energy Systems"; and

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

Yeas  
Nays

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0  
ADOPTED

The Chairman asked if anyone wished to speak on the Good of the Community and the following spoke:

Kathy DuBois	Empathy, snow removal, Businesses not held to same standard
Gerald Skrlin	Nepotism
Dorothy West	Encourages Community engagement with each other
Knoel Harris	Local 295 attempts to limit parking, permit was issued to allow fence to be installed
Vernon Carr	Local 295, sidewalk needs fixing
Darlene Moore	Plows, trash, alley

There being no further business to come before the Council, Chairman Spanbauer adjourned the Meeting at 7:34 P.M.

Kathleen Ligammari  
City Clerk





**FEBRUARY 16, 2022**  
**REGULAR COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

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The Legislative session of the February 16, 2022 Niagara Falls City Council Meeting was called to order by Council Chairman John Spanbauer at 6:00 P.M. in the Council Chambers.

Present: Council Members Traci Bax, Donta Myles, Kenny Tompkins, David Zajac and Chairman John Spanbauer

Also present: Deputy Corporation Counsel Thomas DeBoy, and City Controller Daniel Morello.

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

**COUNCIL CHAIRMAN COMMENTS:**

Council Chairman Spanbauer reviewed guidelines for public speakers

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

Gerald Skrlin	Agenda Item #7
Arlene Doss	Agenda Item #7

**Presentation:**

NYS DOT presentation of Niagara Greenway Multi Use Trail Project, by: Scott, McKay, Sanjyot Viadya, John Wentz.

Mayor/Administration Update: None

**Controllers Report:**

- Still in process of closing 2021. Controller Morello anticipates presentation of 2021 Self Insurance and General Fund results during March meetings.

Review of Agenda Items

Item 7 - All Council Members expressed their justifications to support item.

Item 8 - Council Chair Spanbauer clarified the purpose of the firm is to specifically monitor compliance of STR operators and identify those operating illegally.

Misc

- Council Member Myles made recommendation that department heads be present at meetings that include agenda items specifically related to their operations.
- Council Member Myles expanded on his commentary at last meeting regarding Black History Month. In his opinion it would be more appropriate to recognize the black community and their history around the Juneteenth holiday.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF JANUARY 2022

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK CLAIMS FOR THE MONTH OF JANUARY 2022

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

MAYOR'S APPROVAL OF RESOLUTION 2022-10

Agenda Item #3

THIS ITEM WAS RECEIVED AND FILED

COMMISSIONER OF DEEDS: APPOINTMENTS

Agenda Item #4

The following have requested City Council approval for  
Commissioner of Deeds for a term from April 1, 2022 to March 31, 2024.

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

Leonard Lapp Jr.	City Clerks Office
Rosanna McGriggs	DPW

Larry Kessinger	496 23 <sup>rd</sup> Street Niagara Falls, NY 14303
Teresa M. Kurilovitch	9311 Niemal Drive Niagara Falls, NY 14304
Diane Ward	615 Main Street P.O. BOX 2105 NF, NY 14302
Gradyia Williams	8672 Griffon Ave Niagara Falls, NY 14304

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

Yeas

5

Nays

0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: SHARON THOMPSON, PROPERTY DAMAGE

Agenda Item #5

Date of Occurrence: June 10, 2020

Date Claim Filed: July 2, 2022

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

Location: Hyde Park Boulevard and Independence  
Avenue

Nature of Claim: Property damage to 2016 Dodge Journey VIN  
No. 3C4PDDAG5GT221399 which was struck by  
a rock which was thrown by a mower which  
was owned/operated by City of Niagara  
Falls: Department of Public Works,  
Equipment No. 429

City Driver: 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: \$556.42

Check Writing Details: Make payable to SHARON THOMPSON

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

Yeas 5  
Nays 0  
APPROVED

CLAIM: GEICO GENERAL INSURANCE: MORINELLO, ANGELO, PAY CLAIM

#### Agenda Item #6

Date of Occurrence: October 2, 2021

Date Claim Filed by Insured: October 6, 2021

Date Claim Filed by GEICO: December 20, 2021

Date Action Commenced: None at this time.

Location: Milled roadbed of 7<sup>th</sup> Street, directly north of Niagara Street.

Nature of Claim: Angelo Morinello sustained property damage to his automobile on the Date of Occurrence as he drove across Niagara Street and started traveling north on 7<sup>th</sup>. The undercarriage of his vehicle struck a metal manhole projecting above the milled roadbed. He submitted his claim to his insurer, GEICO, which paid \$1,097.77 toward vehicle repairs. GEICO then commenced a subrogation claim against the City, seeking reimbursement based upon alleged negligent road maintenance.

Status of Action: This matter has been investigated by Corporation Counsel and the City's insurer, NYMIR, who are in agreement that a reasonable settlement may be reached at this juncture that will avoid litigation costs and protect the City from legal action.

Recommendation/Reason: Settlement will not constitute an admission of fault and is in the best interests of the City.

Amount to be Paid: \$548.88

Check Writing Details: Make settlement draft payable to "GEICO GENERAL INSURANCE COMPANY as subrogee of Angelo Morinello."

Conditions: Prior to the City Controller issuing the settlement draft, a fully executed General Release must be received and approved by Corporation Counsel, and the payee must also submit its W-9 in a form acceptable to the Controller.

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

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

Yeas

5

Nays

0

APPROVED

RESOLUTION: CITY-WIDE ASSESSMENT PROJECT FOLLOWING VETO BY THE MAYOR, 2022-16

By: Council Member Tompkins, Chairman Spanbauer

Agenda Item #7

WHEREAS, on December 15, 2021, by resolution, the City Council of the determined that it is appropriate and in the best interest of the City of Niagara Falls to commence an Assessment Equity Program for parcels of real property within its geographic boundaries; and

WHEREAS, in furtherance thereof, the City Council determined that the first step in moving forward to a unified tax rate system must begin with a comprehensive, City-wide property reassessment in order to determine the true market value of properties; and

WHEREAS, the City Council has determined that it is therefore necessary to solicit professional services from a qualified vendor to conduct a general reassessment to reflect revised assessments of real property for tax purposes; and

WHEREAS, accordingly, a Request for Proposals be must be issued for the purposes of conducting a general, full value reassessment for parcels of real property within the City.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby requests that that a Request for Proposals be issued for the purposes of conducting a general, full value reassessment for parcels of real property within the City; and

BE IT FURTHER RESOLVED that the City Council requests that funding for the City-wide reassessment project be made available from American Rescue Plan Funds, specifically "Revenue Replacement for the Provision of Government Services".

Yeas

5

Nays

0

ADOPTED

RESOLUTION: SHORT TERM RENTAL HOME COMPLIANCE, GRANICUS INC., 2022-17

BY: COUNCIL CHAIRMAN SPANBAUER

Agenda Item #7

WHEREAS, in order to fully implement the City's recently amended Short Term Rental Ordinance, it is necessary to seek assistance in short-term rental registration, tax collection and enforcement activities; and

WHEREAS, it will be necessary for the City to enter into an agreement with a reputable company who can provide these services; and

WHEREAS, one such company with the ability to provide short term rental enforcement services is Granicus, Inc., a company that is known as an industry leader in short-term rental monitoring and compliance; and

WHEREAS, the City Council is aware that Granicus, Inc. has submitted a proposal where it will, among other things, provide the City with Address Identification, Compliance and Rental Activity Monitoring, Tax Collection, and a 24/7 Web and Phone Hotline; and

WHEREAS, Granicus, Inc. has offered to provide their full suite of services to handle the City's short-term rental enforcement needs at a cost of \$31,879.00 per year, for up to three years, with funding for this year to be determined by the City Controller; and

WHEREAS, the City Council recommends implementation of such a proposal as it is in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby requests that the Mayor enter into an agreement with Granicus, Inc., for the purposes of providing its services relative to short-term rental registration, tax collection and enforcement activities to the City; and

BE IT FURTHER RESOLVED that the City Council hereby authorizes the Mayor to enter into such an agreement provided that the terms thereof are consistent with those referenced above and that they are satisfactory to the Corporation Counsel in both form and content.

Yeas

5

Nays

0

ADOPTED

The following spoke on For the Good of the Community

Chris Smith

Roads

Kathy DuBois

Abandoned house, 603-613 Rainbow Blvd., blight in downtown

Jill Gonzales

Legal Dept. responses

Uniquia Lewis

Social Justice Commission; property valuation quote; reassessment needed

Gloria Dolson

Black History insights

Joyce Sanders

DOT Project; snow removal issues

Keith Lindsay

Welcomed new Council Members; ongoing issues with C.D. 2015 to the present

There being no further business to come before the Council,  
Chairman Spanbauer adjourned the Meeting at 7:46 P.M.

Kathleen Ligammari  
City Clerk



**FEBRUARY 25, 2022**

**SPECIAL COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

The February 25, 2022 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Spanbauer at 6:00 PM in the Council Chambers.

Present: Council Member Bax, Tompkins, Zajac, Chairman Spanbauer  
Council Member Myles was absent

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

Special Meeting called by Mayor Restaino

Review of Agenda Items:

Item #3 - Chairman Spanbauer requested clarification of grant funding.

Mayor Restaino indicated the City would not be responsible for any related funding.

Item #4 - Council member Zajac expressed his support of the expenditure.

Item #5 - Chairman Spanbauer questioned whether bid process applied to this expense. Mayor explained it is a supplemental service by NFTA. There would be no alternative provider.

Item #6 - Chairman Spanbauer indicated his support. Requested clarification of City's involvement with related maintenance, etc.

Misc.:

Mayor Restaino announced special lighting of The Falls in observance of the suffering in Ukraine.

February 22, 2022

Members of the City Council  
and  
Kathleen Ligammari, City Clerk

Council Members and City Clerk:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on **Friday, February 25, 2022 at 6:00 p.m.** in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purposes:

1. Approval of Award for Automatic Entry Gate at New Road Corporation Yard (Mark Cerrone Inc.);

2. Approval of Purchase for Thermal Imaging Cameras (Dival Fire & EMS Supplies/Dival Safety & Supplies) - NFFD;
3. Approval of Placement of Historical Marker at City Train Station;
4. Approval of Reorganization in Niagara Falls Police Department (Police Officers/Police Detectives);
5. Approval of Agreement with Niagara Frontier Transit Metro System (Trolley Service Funding);
6. Approval of Agreement with USA Niagara Development Corporation (Management/Programing of Old Falls Street); and
7. Approval of Funding for Mentorship Programs (LaSalle Educational Club).

Respectfully submitted,

---

Robert M. Restaino, Mayor

Item #1

LETTER OF AWARD FOR AUTOMATIC ENTRY GATE AT THE NEW ROAD CORPORATION YARD

The following were the result of bids received on January 12, 2022 for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>	<u>ALT#1</u>
Mark Cerrone Inc. 2368 Maryland Ave. Niagara Falls NY 14304	\$204,411.00	\$64,075.00
Scott Lawn Yard Inc.	\$222,000.00	\$78,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Mark Cerrone Inc. at their base bid of \$204,411.00 plus Alternate #1 of \$64,075.00 for a total of **\$268,486.00**. Funding for this project will be provided by the NYS Financial Restructuring Board in the amount of \$175,000.00, with the remaining \$93,486.00 being provided by Tribal Revenue Reserves.

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

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

Yeas	4
Council Members Bax, Tompkins, Zajac, Chairman Spanbauer	
Nays	0
Absent-Council Member Myles	

APPROVED

Item #2

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of four (4) Thermal Imaging Cameras for the City of Niagara Falls Fire Department as follows:

FROM: Dival Fire & EMS Supplies  
Dival Safety & Supplies  
1721 Niagara Street  
Buffalo, New York 14207



FOR: Four (4) quantity FLIR K53 Thermal Imaging Cameras to  
be utilized by City of Niagara Falls Firefighters.  
(Reference Dival Quotation dated 02/09/2022)

Unit Cost: \$ 4290.00

TOTAL COST: \$ 17,160.00

The above will be purchased utilizing the Treasury Guidance Expenditure Category 6.1, which is "Revenue Replacement for the Provision of Government Services". Will the Council so authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas 4

Council Members Bax, Tompkins, Zajac, Chairman Spanbuer

Nays 0

Absent-Council Member Myles

APPROVED

#### Item #3

The Niagara Frontier Chapter of the National Railway Historical Society intends to apply for a William G. Pomeroy Foundation grant for a National Register of Historical Places Marker, commemorating the capture of a confederate spy by a City policeman on December 16, 1864, at the NYCRR depot here in the City. The spy, John Yates Beall, was waiting for a train to take him to Canada (presumably via Suspension Bridge). He had recently attempted to derail a train between Buffalo and Dunkirk that was carrying prisoners of war. Before he could escape, he was apprehended by Officer D. H. Thomas. Officer Thomas is buried here in Oakwood Cemetery.

As railroad history is integral to the historical event because it occurred at the NYCRR depot, it is proposed that the historical marker be placed near the City's current Amtrak station. This location is also desirable as it is near to the site of Suspension Bridge, which was close to where Beall was apprehended.

The grant application requires permission from the landowner to install the marker at the proposed location. It is anticipated that this will add to the connectivity of the area which will hopefully make for a more enjoyable and informative experience for both visitors and residents alike.

Will the Council so approve and authorize the Mayor to implement the same?

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

Yeas 4

Council Members Bax, Tompkins, Zajac, Chairman Spanbauer

Nays 0

Absent-Council Member Myles

APPROVED

#### Item #4

The Niagara Falls Police Department is requesting to reorganize the staffing within their respective divisions so that the number of Police Officers are reduced from 92 budgeted positions to 90 and the number of Police Officer Detectives are increased from 26 budgeted positions to 28.

NFPD Administration has indicated that this reorganization will allow for more effective management of the respective Police Divisions. Total cost increases related to these promotions are \$6,418, including FICA costs. Savings incurred from the expected reduced overtime costs within the Detective division should cover these added costs.

Will the Council so approve?  
Council Member Tompkins moved that the communication be received and  
filed and the recommendation approved.

Yeas	4
Council Members Bax, Tompkins, Zajac, Chairman Spanbauer	
Nays	0
Absent-Council Member Myles	

APPROVED

Item #5

Previously, Trolley Service was provided to the City of Niagara Falls by the Niagara Frontier Transit Metro System ("Metro") pursuant to a written agreement. As in previous years, this Administration believes that it is desirable to continue the Metro's Trolley Service in the City.

Under the proposed agreement, Trolley Service will commence on May 27, 2022 and will continue through June 12, 2022 on weekends only (Friday, Saturday and Sunday). Beginning June 13, 2022, service will operate daily through and including September 25, 2022. The service will operate weekends only (Friday, Saturday and Sunday) beginning September 30, 2022 through and including October 30, 2022. The Service will operate hourly between 9:00 a.m. and 12:00 a.m. on the Service days indicated above. From October 31, 2022 through December 31, 2022, guests from participating hotels 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 \$569,515.59. Funding is available from Tourism Fund balance.

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

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

Yeas	4
Council Members Bax, Tompkins, Zajac, Chairman Spanbauer	
Nays	0
Absent-Council Member Myles	

APPROVED

Item #6

In previous years, the City Council has approved a series of management agreements between the City of Niagara Falls and the USA Niagara Development Corporation ("USAN") relative to the operation 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 the Niagara Tourism and Convention Corporation, d/b/a/ Destination Niagara to undertake daily management and operation of the Conference and Event Center. Over the last several years, the City has contracted with USAN to maintain, manage and program events on Old Falls Street between Prospect and Third Streets through the Conference and Event Center manager.

It is proposed by this Administration that USAN be permitted to continue to maintain, manage and program Old Falls Street between Prospect and Third Streets through December 31, 2023, at no cost to the City. A proposed agreement between the parties will reflect those terms.

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

Yeas	4
Council Members Bax, Tompkins, Zajac, Chairman Spanbauer	
Nays	0
Absent-Council Member Myles	

APPROVED

Item #7

Since 1967, the LaSalle Educational Club has provided college scholarships for Niagara Falls students. The Club also assists the youth in our community through mentoring programs that it provides as part of its services to the Niagara Falls City School District.

To further the LaSalle Educational Club's mentoring mission, this Administration is proposing the grant of funding in the amount of \$25,000.00. Funding is available from Treasury Guidance Expenditure Category 6.1, which is "Revenue Replacement for the Provision of Government Services".

Will the Council so approve?

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

Yeas 4

Council Members Bax, Tompkins, Zajac, Chairman Spanbauer

Nays 0

Absent-Council Member Myles

APPROVED

There being no further business to come before the Council, Chairman Spanbauer adjourned the Meeting at 6:08 PM.

Kathleen Ligammari  
City Clerk



**MARCH 1, 2022**

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The Legislative session of the March 1, 2022 Niagara Falls City Council Meeting was called to order by Council Chairman John Spanbauer at 6:00 P.M. in the Council Chambers.

Present: Council Members Traci Bax, Donta Myles, Kenny Tompkins, David Zajac and Chairman John Spanbauer

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

Council Member Zajac 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 and the following spoke:

Kathy DuBois	Agenda Item #2
Charish Beals	Agenda Item #2
Lori Caso	Agenda Item #3
Lou Rizzo	Agenda Item #2
Merle Smous	Agenda Item #2
Todd Salansky	Agenda Item #2
Henry Krawczyk	Agenda Item #1

Mayor/Administration Update: None

Controllers Report:

- Nearing completion of 2021 closeout. Controller Morello reviewed status of self-insurance fund (Medical, Dental, Comp.). Previous deficit in medical area was eliminated. Re: Comp, Council Member Tompkins questioned how results for 2021 compared to previous years. Morello did not have data readily available. Offered to research.

Review of Agenda Items

Item 1 - Council Member Myles questioned bid process as it related to this item. Council Member Tompkins clarified this was a change order on a project in process by originally awarded contractor.

Item 2 - Council Member Myles explained his pending 'no' vote. Chairman Spanbauer voiced his support of ordinance and the need to "do this right".

Dialogue: Myles expressed it would be helpful if related Department heads were present during meetings to offer immediate clarification for Council and residents. Council Member Bax explained the purpose of this extension to the moratorium was to allow the recently approved enforcement company additional time to integrate their systems with the City.

Item 3 - Council Member Tompkins expressed his support for the restoration of the historic structure.

Misc

- Council Chair Spanbauer addressed the concern regarding speakers stating their residential address before speaking. It is not mandated that addresses be made public. It is optional for speakers to indicate it.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: OCCHINO CORP., BUFFALO AVE RESURFACING, PHASE 4, CHANGE ORDER #1/FINAL

Agenda Item #1

A contract for the above referenced project was awarded to Occhino Corp. on March 17, 2021 in the amount of \$1,869,493.65

Subsequent to the start of the project, minor cost overruns for margin restorations and the NYSDOT mandated asphalt and fuel adjustments caused related bid items to exceed original contract quantities. However, significant cost underruns on critical contingency items usually encountered in heavy industrial sections of Buffalo Avenue allow these minor overruns to be addressed with no additional funds (\$0 change to the contract). It is also important to note that **all** costs associated with this project are reimbursable up to 95% per existing funding agreements between NYSDOT and the City.

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

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

Yeas

5

Nays

0

APPROVED

RESOLUTION: STR, MORATORIUM, JUNE 9, 2022, 2022-18

BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN SPANBAUER

Agenda Item #2

WHEREAS, on September 15, 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 through March 14, 2022; 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, that plan was finalized and, following the approvals of both the Niagara County and City of Niagara Falls Planning Boards and a public hearing, the City Council ratified the amendment to the City's Zoning Ordinance at its meeting on January 19, 2022; and

WHEREAS, in order to fully implement the City's newly amended Short Term Rental Ordinance, this Council determined that deemed it necessary for the City to seek assistance in short-term rental registration, tax collection and enforcement activities and that the City should to enter into an agreement with a reputable company who could provide these services; and

WHEREAS, the City Council passed a resolution at its February 16, 2022 meeting authorizing the Mayor to enter into such an agreement with Granicus, Inc., a company that is known as an industry leader in short-term rental monitoring and compliance; and

WHEREAS, while Granicus is already at work developing computer/web-based modules centered upon the City's Short Term Rental enforcement needs, additional work needs to be done by both Granicus and City personnel in order to successfully develop an implementation program; and

WHEREAS, in order allow for the completion of this process and to effectuate an efficient implementation of the City's short-term rental registration, tax collection and enforcement activities, a short extension of the moratorium is necessary.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the moratorium on the consideration of building/use permits for short-term, vacation or transient rentals is hereby extended through June 9, 2022; and

BE IT FURTHER RESOLVED that the City Council will monitor the implementation process for short-term rental registration, tax collection and enforcement activities and may adjust the parameters of the moratorium based on progress of the same.

Yeas	4
Council Members Bax, Tompkins, Zajac, Chairman Spanbauer	
Nays	1
Council Member Myles	

ADOPTED

RESOLUTION: PORTER MANSION, NIAGARA RIVER GREENWAY COMMISSION,  
RESTORATION, 2022-19  
BY: ALL COUNCIL MEMBERS

### Agenda Item #3

WHEREAS, Peter A. Porter (1853-1925), was a lawyer, author, historian, civic leader, and politician who is one of the most important figures in the history of Niagara Falls; and

WHEREAS, during the 1800's, the Porter Family owned all the land along Buffalo Avenue, including Goat Island; in 1876, on property now located at 6 Fourth Street, Peter Porter constructed a grand home as a wedding gift for his wife - the Porter Mansion; and

WHEREAS, this property, which at one time extended to the upper Niagara River, borders property now owned by the New York State Parks. The house itself is an elaborate Italianate design with 14 rooms, with parquet floors of oak trimmed with mahogany and walnut and six marble fireplaces. Of historical significance, the home boasts of a porte-cochere on a side entrance that was built to the perfect height for loading and unloading horse carriages. One of the most notable features of the house is the circular porch that faces the river; and

WHEREAS, the Tatler Inc. purchased the mansion in 1956; the Tatler Historic Preservation Foundation ("THPF"), a 501 (c) (3) (b) non-profit organization, was formed with the purpose of maintaining and restoring the Peter A. Porter Mansion at 6 Fourth Street in Niagara Falls, NY; and

WHEREAS, main focus of the THPF remains to study, preserve and protect the historically significant architecture of the original Porter Mansion, to serve as a link and connection between the Niagara River Area's rich past and unlimited future; and

WHEREAS, to further this effort, the THPF is requesting consideration for funding by the Niagara River Greenway Commission, via the Niagara Host Community, for restoration efforts to the historic Porter Mansion which will feature chimney restoration and dormer repair, removal of aluminum siding and restoration of original siding; and

WHEREAS, the Greenway Commission has added the THPF proposal to their agenda on March 8, 2022, but a resolution of support from the host community (the City of Niagara Falls) is necessary prior to consideration by the Commission; and

WHEREAS, the City Council is in support of this very important endeavor to save and restore this significant building that played an important role in the history of Niagara Falls.

NOW, THEREFORE, BE IT RESOLVED that the Niagara Falls City Council hereby indicates its support for the Tatler Historic Preservation Foundation's application to the Niagara River Greenway for funding of its proposed restoration project for the Porter Mansion, located at 6 Fourth Street, Niagara Falls, NY.

The Chairman asked if anyone wished to speak for the Good of the Community and the following spoke:

Henry Krawczyk	Dislike of Buffalo Ave. reconstruction effort; Corruption
Jockline Pryor	Concerns regarding Community Development operations, previous Administration to current; Issues with Niagara Gazette

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

Kathleen Ligammari  
City Clerk





**MARCH 16, 2022**  
**REGULAR COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

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The Legislative session of the March 16, 2022 Niagara Falls City Council Meeting was called to order by Council Chairman John Spanbauer at 6:00 P.M. in the Council Chambers.

Present: Council Members Traci Bax, Donta Myles, David Zajac and Chairman John Spanbauer

Absent: Kenny Tompkins

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

Council Member Bax 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 and the following spoke:

Henry Krawczyk                      Agenda Item #1

Presentation: Candace Corsaro, proposed military hero banners project.

Mayor/Administration Update: None

Controllers Report:

- 2021 unaudited results should be presentable by next regularly scheduled meeting.
- ARP Funds - To date, \$1,414,177 in projects has been approved. Council Member Myles questioned if more street and ally repairs would be paid out of this fund in addition to specific projects those in this approved allotment. Controller indicated there would be. The approvals happen in phases. Chairman Spanbauer clarified the approved funds in this segment is the City portion of projects.
- Tribal Revenue Available Balance - \$883,150. Chairman Spanbauer reiterated that the pending release of held tribal funds will mainly repay funds the State advanced the City, in anticipation of release. Residual litigation is yet to be finalized.
- Review of Parking Operations Fund - Significant increase in revenue since installation of automated ramp/lot attendant system.

COMMUNITY HAPPENINGS

- Council Member Bax discussed several items of interest for residents:
  1. To use \*311 or City website to register problems or issues.
  2. The City intends to open pools and splash pads this summer however it is contingent on hiring life guards and recreational leaders. City will provide certification course for anyone interested.
  3. City is in the process of addressing pot holes, tree removal and demolition of City owned properties.

4. Reminder to visit and support Aquarium of Niagara. Many improvements have been and are in the process of being made. "It's a jewel in our backyard."

#### Review of Agenda Items

Item 2 - Council Chair Spanbauer - Clarified scope of the project and this agenda item pertains to final phase.

Item 5 - Council Chair Spanbauer - Expressed his sentiments toward the importance of recognizing Women's History month at the local level.

#### Misc

- Council Member Myles - Questioned if paving methods used by City crew may be sub-par. Chairman Spanbauer suggested directing the inquiry to City Administrator/DPW.
- Council Member Myles - Suggests focusing sale of City owned properties to first time home buyers vs. investors. Owner occupied property is more likely to be properly maintained.
- Council Member Myles - Requests being provided a full hard copy of City Charter for reference.
- Council Chair Spanbauer - Mentioned pending improvements in and around Hyde Park, specifically Duck Island gazebo.
- Council Chair Spanbauer - Provided resource information for residents to see planned or in progress NYS road work projects. Web site: Greater Buffalo Niagara Transportation Council.
- Discussion between Council Chair Spanbauer and Council member Myles to clarify property re-assessment benefits/process.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF FEBRUARY 2022

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: BUFFALO AVE. RESURFACING, PHASE 4, CHA COMPANIES, INC., CHANGE ORDER #1/FINAL

Agenda Item #2

A contract for the above referenced project was awarded to CHA Companies, Inc. on January 23, 2019 in the amount of \$280,000.00.

Due to the extremely industrial and chemical laden nature of this corridor, extra inspection and material testing was required that exceeded the original scope of the project. The amount of additional testing/staffing used saved both time and substantial costs associated with remediation and disposal. The extra efforts on the part of the consultant was \$132,450.00, bringing CHA's contract to \$412,450.00.

It is important to note that this new contract total is still below the agreement between the City and the New York State Department of Transportation, and is 95% reimbursable via that same agreement. Funding for this project is available in Code H0636, which represents excess funds from Phase III of the Buffalo Avenue project.

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

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

Yeas

4

Council Members Bax, Myles, Zajac, Chairman Spanbauer

Absent

Council Member Tompkins

Nays

0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: SILVA, MARIA

Agenda Item #3

Date of Occurrence: August 26, 2017  
Date Claim Filed: November 7, 2017  
Date Action Commenced: November 9, 2018  
Location: Sidewalk on west side of 1<sup>st</sup> Street, adjacent to 28 Old Falls Street, owned by County of Niagara.  
Nature of Claim: Personal Injury - fall on public sidewalk.  
City Driver: N/A  
Status of Action: This case will be restored to the trial calendar of the New York State Supreme Court, Niagara County, if not settled.  
Recommendation/Reason: Best interest of City.  
Amount to be Paid: \$5,000.00  
Check Writing Details: Make payable to "VIOLA, CUMMINGS & LINDSAY, LLP, as attorneys for Maria Silva."  
Conditions: Stipulation of Discontinuance 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 Council so approve?

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

Yeas

4

Council Members Bax, Myles, Zajac, Chairman Spanbauer

Absent

Council Member Tompkins

Nays

0

APPROVED

CLAIM: JACKSON, JENNIFER

Agenda Item #4

Date of Occurrence: January 22, 2020  
Date Claim Filed: May 20, 2020  
Date Action Commenced: December 7, 2021 (First Pre-Trial Conference)  
Location: 223 78<sup>th</sup> Street, Niagara Falls, NY 14304  
Nature of Claim: Property damage to utility cable line entering into home at 223 78<sup>th</sup> Street, Niagara Falls, NY 14304 that occurred while City Forester was removing limbs from tree; fallen limbs brought down the utility line and damaged line where it entered into home

Status of Action: This matter has been investigated and a suit was commenced in the City of Niagara Falls Small Claims Court with a demand of \$2,400.00 for repairs performed at the residence. At this juncture, Corporation Counsel determined that a reasonable settlement could be reached that will avoid future litigation costs, reduce the potential amount owed by the City and protect the City from further legal action.

Recommendation/Reason: Best interest of City.

Amount to be Paid: \$1,200.00 (50% of the amount demanded via the small claims filing)

Check Writing Details: Make payable to JENNIFER JACKSON

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

Yeas

4

Council Members Bax, Myles, Zajac, Chairman Spanbauer

Absent

Council Member Tompkins

Nays

0

APPROVED

RESOLUTIONS: WOMAN'S HISTORY MONTH, MARCH 2022, 2022-20  
BY: ALL COUNCIL MEMBERS, MAYOR ROBERT M. RESTAINO

#### Agenda Item #5

WHEREAS, it is the custom of the City of Niagara Falls to recognize official months to acknowledge and celebrate individuals, groups and events of historic significance in order to add to the vitality, sensitivity, understanding, and inspiration of the diverse people of our City; and

WHEREAS, women of every race, class, and ethnic background have made historic contributions to the growth and strength of our nation in countless recorded and unrecorded ways;

WHEREAS, by playing a unique role throughout the history of our country, women have been critically important in our cultural, social, educational, industrial and economic institutions; and

WHEREAS, women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

WHEREAS, whether as educators, scientists, heads of state, politicians, civil rights crusaders, artists, entertainers, businesswomen, military personnel, aviators, entrepreneurs, philanthropists, health professionals, engineers, religious leaders, judges, lawyers, law enforcement personnel, athletes, mothers, nurturers, and as the foundation of our families and communities, American women continue to be at the forefront of our nation's very fabric and history; and

WHEREAS, the City of Niagara Falls and New York State have been, and continue to be, the home to many distinguished women who have made their mark in history as the first in their field to succeed, including: Lady Deborah Moody (1586-1659), first woman grantee for land ownership in the New World; Kate Mullany (1845-1906), an Irish immigrant who, in February of 1864 at age 25, organized along with her fellow workers, the first women's labor union in the country; Elizabeth Blackwell (1821-1910), first female physician; Linda Richards (1841- 1930), America's first trained nurse; Emma Willard (1787-1870), founder of the first endowed institution of education for women; Madam C.J. Walker (1867-1919), hairdressing entrepreneur, Harlem leader, and first self-made female millionaire in the U.S.; Buffalonian Louise Blanchard Bethune (1856-1913), a Buffalonian and the first professional female architect in the nation; Dr. Mary Edwards Walker (1832-1919), the first and only woman to be presented with the Congressional Medal of Honor; Harriet Tubman (1820-1913), who conducted Freedom Seekers across the Niagara River; Annie Edson Taylor (1838-1921), the American schoolteacher who, on her 63rd birthday, October 24, 1901, became the first person to survive a trip over Niagara Falls in a barrel, and; Dr. Bloneva Bond (1918-2004), who was the first African American Women to serve on the Niagara Falls City School District Board of Education; and

WHEREAS, mindful of the contributions of these women and so many others, the City of Niagara Falls, NY observes and honors Women's History Month and encourages all residents to appreciate the rich and varied contributions that women have made to our City.

NOW, THEREFORE, BE IT RESOLVED that the Niagara Falls City Council and Mayor Robert M. Restaino and do hereby adopt this resolution to designate and proclaim the month of March, in the year 2022, as "Women's History Month" in the City of Niagara Falls in order to honor and recognize the tremendous contributions made by American Women, throughout history and today.

Yeas

4

Council Members Bax, Myles, Zajac, Chairmn Spanbauer

Absent.

Council Member Tompkins

Nays

0

ADOPTED

#### SPEAKERS

For Good of Community:

Helen Krass	Hyde Park upkeep; improve signage; City lot used for personal use
Ella Moore	Police issues; attitude
Henry Krawczyk	Buffalo Ave. repaving; General
Deaconess Ellis	Trash behind property; property not kept up by landlords
Todd Salansky	Transparency; local support for Ukraine
Robert Ventry	Against re-assessment; suggested streets to repair; against special rates

There being no further business to come before the Council,  
Chairman Spanbauer adjourned the Meeting at 7:16 P.M.

Kathleen Ligammari  
City Clerk



**MARCH 30, 2022**

**SPECIAL COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

The March 30, 2022 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Spanbauer at 5:30 PM in the Council Chambers.

Present: Council Members Bax, Tompkins, Zajac  
Excused: Chairman Spanbauer  
Absent: Council Member Myles

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

Special meeting called by Mayor Restaino

March 25, 2022

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, March 30, 2022 at 5:30 p.m.** in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purposes:

1. Approval of Award for Utility Abandonment, Asbestos Abatement and/or Demolition of Buildings (Regional Environmental Demolition, Inc.);
2. Approval of Purchase Automated External Defibrillators (AEDs) - (Zoll Medical Corporation) - NFFD;
3. Approval of Award for Sale of Street Millings (Buffalo Fuel Corp.);
4. Reorganization in Department of Parks and Public Works (Lifeguards/Recreation Aide II);
5. Approval of Assumption of Maintenance Responsibilities Agreement - National Grid (Relative to CSX Grade Crossing Maintenance Agreement);
6. Approval of Agreement Grade Crossing Maintenance Agreement - CSX Transportation, Inc. (Assumption of Maintenance Responsibilities);
7. Approval of Memorandum of Agreement - Uniformed Firefighters Association, Local 714 (Fire Alarm Operators - Scheduling);

8. Approval of Extension Agreement for Sheltering Services (Niagara County S.P.C.A.);
9. Approval of Grant Funding for Porter Mansion Restoration Project (Tatler Historic Preservation Foundation);
10. Approval of Award Grant Consultant Services (G&G Municipal Consulting and Grant Writing); and
11. Approval of Funding for Garden Avenue Pocket Park Project (Community Development).

Respectfully submitted,

---

Robert M. Restaino, Mayor

Review of Agenda Items:

Item #3 - Council member Zajac received clarification that sale of street millings was awarded to highest bidder.

Item #4 - Mayor Restaino advised Council the current pay rate indicated was incorrect. The proposed increased rate is correct.

Item #7 - Council Members Bax and Zajac received clarification from Mayor Restaino that costs related to change would be neutral or lowered.

Item #11 - Per Mayor Restaino, the item was pulled due notice of price change prior to presentation to Council. Request with updated cost to be submitted at future meeting.

Special Meeting for Council to approve the following items.

Item #1

CONTRACT: UTILITY ABANDONMENT, ASBESTOS ABATEMENT/DEMOLITION OF BUILDINGS, REGIONAL ENVIRONMENTAL DEMOLITION

The following was the result of bids received on March 9, 2022, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Regional Environmental Demolition, Inc. 6281 Wendt Drive Niagara Falls NY 14304	\$470,729.31
Empire Dismantlement Corp.	\$524,000.00
Mark Cerrone Inc.	\$543,000.00
Metro Contracting & Environmental, Inc.	\$657,900.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, Regional Environmental Demolition, Inc. at their base bid price of \$470,729.31. 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 Bax moved that the communication be received and filed and the recommendation approved.

Yeas

3

Council Members Bax, Tompkins, Zajac

Excused: Chairman Spanbauer

Absent: Council Member Myles

Nays

0

APPROVED

Item #2

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of five (5) Automated External Defibrillators (AEDs) and required accessories for the City of Niagara Falls Fire Department as follows:

FROM: Zoll Medical Corporation  
269 Mill Road  
Chelmsford, Massachusetts 01824-4105

FOR: Five (5) quantity: AED Pro Semi-Auto/Manual at \$2580.60 each  
Five (5) quantity: AED Pro non-rechargeable lithium battery pack  
at \$114.24 each  
Five (5) quantity: Pedi-padz II Pediatric Multi-Function  
Electrodes at \$67.83 per pair  
Two (2) quantity: CPR Stat-padz HVP Multi-function CPR Electrodes  
at \$411.84 per case of 8 pr  
Six (6) quantity: CPR Stat-padz HVP Multi-function CPR Electrodes  
at \$55.15 per pair

(Reference Zoll Quotation No. Q-21891, Version 6)

TOTAL COST: \$ 14,967.93

The above will be purchased utilizing the Treasury Guidance Expenditure Category 6.1, which is "Revenue Replacement for the Provision of Government Services". Will the Council so authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas

3

Council Members Bax, Tompkins, Zajac

Excused: Chairman Spanbauer

Absent: Council Member Myles

Nays

0

APPROVED

Item #3

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

TO: Buffalo Fuel Corp.  
4870 Packard Road  
Niagara Falls, New York 14304

FOR: Sale of street millings generated during the 2022 paving  
season: \$3.15 per ton

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

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to four (4) vendors. Two (2) bid responses were received. 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 \$2.00 per ton.

Will the Council so approve?

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

Yeas

3

Council Members Bax, Tompkins, Zajac

Excused: Chairman Spanbauer

Absent: Council Member Myles

Nays

0

APPROVED

#### Item #4

As we transition from the restrictions placed upon the City due to the Covid-19 pandemic, a priority of this Administration is to reopen the City's pools and splash pads this summer. The Administration has already undertaken the recruitment process in order to address staffing needs at these facilities.

In order to attract and retain reliable employees at City pools and splash pads, we believe that it is necessary to increase the current \$12.50 per hour wage for Lifeguards to \$15.00 per hour, and increase the current \$9.00 per hour wage for Recreation Aide II to \$13.25 per hour. This modest increase in the hourly rate should put the City in a better position to compete with others in the business community for staffing.

The Department of Public Works will continue to operate within the parameters of the 2022 adopted budget to account for the increase in hourly wage, making this proposal cost-neutral.

Will the Council so approve?

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

Yeas

3

Council Members Bax, Tompkins, Zajac

Excused: Chairman Spanbauer

Absent: Council Member Myles

Nays

0

APPROVED

#### Item #5

In order to access and repair certain facilities, including caissons, towers and lines located in the City, National Grid requires improvements to be made to the road grade crossing located on 48<sup>th</sup> Street/New Road (near Lockport Road) that crosses railroad tracks owned by CSX Transportation Inc. CSX has agreed to allow National Grid to complete the project provided that the City, the owner of the road that crosses the railroad tracks, enters into a grade crossing maintenance agreement with CSX. This Maintenance Agreement, which is attached hereto (on file in the City Clerk's Office), outlines the terms and conditions governing the maintenance, repair, renewal, replacement and removal of the property and facilities owned and operated by CSX.

In order to facilitate their project, National Grid, pursuant to the terms of a companion Letter Agreement that has also been submitted for your review, agrees to assume responsibility for any obligation the City would assume pursuant to the CSX Maintenance Agreement, including any costs or fees associated therewith.

It is recommended that the Maintenance Agreement with CSX be approved since it will facilitate the completion of the National Grid project which is in the best interests of the City. The Maintenance Agreement with CSX has a term of one year, subject to termination by either CSX or the City upon 60 days prior written notice. It is anticipated that upon completion of the National Grid project, this Maintenance Agreement will be terminated by the City.

Will the Council so approve and authorize the Mayor to execute the same?

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

Yeas

3

Council Members Bax, Tompkins, Zajac

Excused: Chairman Spanbauer

Absent: Council Member Myles

Nays

0

APPROVED

#### Item #6

In order to access and repair certain facilities, including caissons, towers and lines located in the City, National Grid requires improvements to be made to the road grade crossing located on 48<sup>th</sup> Street/New Road (near Lockport Road) that crosses railroad tracks owned by CSX Transportation Inc. CSX has agreed to allow National Grid to complete the project provided that the City, the owner of the road that crosses the railroad tracks, enters into a grade crossing maintenance agreement with CSX. This Maintenance Agreement, which has also been submitted for your review, outlines the terms and conditions governing the maintenance, repair, renewal, replacement and removal of the property and facilities owned and operated by CSX.

In order to facilitate their project, National Grid, pursuant to the terms of the attached (on file in the City Clerk's Office) Letter Agreement which is submitted for your review, agrees to assume responsibility for any obligation the City would assume pursuant to the CSX Maintenance Agreement, including any costs or fees associated therewith.

It is recommended that the Letter Agreement be approved since it will facilitate the completion of the National Grid project which is in the best interests of the City. The Agreement will terminate upon completion of the project by National Grid and any of its corresponding maintenance, repair, and removal of the CSX property or facilities.

Will the Council so approve and authorize the Mayor to execute the same?

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

Yeas

3

Council Members Bax, Tompkins, Zajac

Excused: Chairman Spanbauer

Absent: Council Member Myles

Nays

0

APPROVED

#### Item #7

Attached (on file in the City Clerk's Office) please find the proposed Memorandum of Agreement between the City of Niagara Falls and the Niagara Falls Uniformed Firefighters Association, Local 714 ("Union"), relative to Fire Alarm Operators. In 2021, the Fire Department Administration and the Union developed a work schedule adjustment for the Fire Alarm Operators to increase departmental efficiency and overall safety. This proposed Agreement seeks to memorialize the scheduling adjustment and its effects on accrued time.

The foregoing proposed Agreement will continue to maintain departmental staffing continuity and has been approved and recommended by the Fire Chief. Furthermore, the proposed Agreement is in accord with the 2022 adopted budget and will not result in additional expenditures.

Will the Council so approve and authorize the Mayor to execute the same?

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

Yeas

3

Council members Bax, Tompkins, Zajac

Excused: Chairman Spanbauer

Absent: Council Member Myles

Nays

0

APPROVED

#### Item #8

The City's agreement for sheltering services with the Niagara County S.P.C.A. ("SPCA") expired at the end of December 2021. As I indicated previously, the SPCA no longer desires to be in contract with the City for sheltering services. The City continues to explore avenues for new service and, until such time as an alternative is in place, it is recommended that the terms of the existing agreement with the SPCA be continued on a month-to-month basis. Recently, the City Council approved a one month extension; attached hereto (on file in the City Clerk's Office) is a copy of the proposed extension agreement, which will expire on August 31, 2023. Sufficient funding for this agreement exists in the budget code A.3510.0000.0449.599.

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

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

Yeas

3

Council Members Bax, WTompkins, Zajac

Excused: Chairman Spanbauer

Absent: Council Member Myles

Nays

0

APPROVED

#### Item #9

As you are aware, the City Council has previously indicated its support of the Tatler Historic Preservation Foundation's proposed restoration project for the Porter Mansion, located at 6 Fourth Street, at its March 2, 2022 meeting. On March 15, 2022, the Niagara River Greenway Commission Host Community Standing Committee determined that the Tatler's proposed restoration project was consistent with the Greenway Plan and approved funding for it in the amount of \$235,000.00, which would come from the City's Greenway Commission Fund Account.

Accordingly, the City and the Tatler wish to agree on the terms and conditions relative to the grant funding to be provided by City from said Greenway Commission fund. It is therefore proposed that the City Council grant approval for this Administration to enter into a grant funding agreement relative to the Project. Upon execution of the Agreement, the City will release the grant funds to the Tatler according to the negotiated terms therein. Again, all funds are available from the City's Greenway Commission Fund.

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

Yeas 3

Council Members Bax, Tompkins, Zjac

Excused: Chairman Spanbauer

Absent: Council Member Myles

Nays 0

APPROVED

Item #10

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

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FOR: Grant Consultant Services

Notice that proposals were to be received was advertised in the Niagara Gazette and requests for proposals were sent to ten (10) vendors. Three (3) 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") continue to provide these services to the City. 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, with an option to extend, and the cost to the City shall be as follows:

1) Grant Writing Services: \$35,000.00 (for an unlimited number of standard grant applications not exceeding 65 hours per application);

2) Grant Administration (where grant permits reimbursement of administration costs): Vendor receives fees based upon the statutorily allowed limits, as set forth by the funding entities for the successful grant. These fees will be covered by the grant funds and not from the City's budget.

3) Grant Administration (where grant does not permit reimbursement): 50 hours per year at no cost to the City; \$145.00 per hour thereafter.

Funding will be available in A.1210.0001.0451.000. 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 Bax moved that the communication be received and filed and the recommendation approved.

Yeas

3

Council Members Bax, Tompkins, Zajac

Excused: Chairman Spanbauer

Absent: Council Member Myles

Nays

0

APPROVED

Item #11

GARDEN AVENUE POCKET PARK PROJECT

THIS ITEM WAS PULLED

NO ACTION WAS TAKEN

There being no further business to come before the Council, Chairman Spanbauer adjourned the Meeting at 5:19 PM.

Kathleen Ligammari  
City Clerk



APRIL 6, 2022

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The Legislative session of the April 6, 2022 Niagara Falls City Council Meeting was called to order by Council Chairman John Spanbauer at 6:00 P.M. in the Council Chambers.

Present: Council Members Traci Bax, Donta Myles, Kenny Tompkins, David Zajac and Chairman John Spanbauer

Also present: Deputy Corporation Counsel Thomas DeBoy

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

Council Member Tompkins moved to approve the Minutes from the Council Meeting of February 6, 2022, February 16, 2022 and the Special Meeting of February 25, 2022

Yeas

5

Nays

0

APPROVED

PRESENTATIONS: JOSEPH CONTI - WNY DISC GOLF CLUB  
GARY SIDDAL, ALEXANDRIA LANG - AQUARIUM OF NIAGARA  
PLANNED PROJECT  
DAN TIGHE - SHERATON HOTEL RE: PATIO MUSIC FEST PROPOSAL

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

THERE WERE NO SPEAKERS

MAYOR/ADMINISTRATION UPDATE: NONE

CONTROLLERS REPORT: NONE

COMMUNITY HAPPENINGS: NONE

Review of Agenda Items

Item 5 - Chairman Spanbauer explained ARP funds are being used for NFPD fleet vehicles, expressed his approval of using the funds for this purpose. Council Member Tompkins agreed.

Item 10 - Chairman Spanbauer expressed importance of promoting Autism awareness. Council Member Myles added his insight and support as his son is in the spectrum.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK CLAIMS FOR THE MONTH OF FEBRUARY 2022

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

RESOLUTION: AQUARIUM OF NIAGARA'S APPLICATION TO THE NIAGARA RIVER GREENWAY COMMISSION, FUNDING, NIAGARA GORGE DISCOVERY CENTER PROJECT, 2022-21

BY: ALL COUNCIL MEMBERS

Agenda Item #2

WHEREAS, the Aquarium of Niagara ("Aquarium") is leading a concentrated effort to implement smart-growth projects that drive annual visitation, revenue, and mission-based community impact; and

WHEREAS, over the past several years, the Aquarium has added improvements which include a new Humboldt penguin exhibit, an immersive jellyfish gallery, renovated programming space, an interactive mangrove habitat, and the soon-to-be completed Whirlpool Commons, a community destination that will serve as a vibrant entrance point to the facility; and

WHEREAS, as the Aquarium desires to build on this positive momentum, it has recently unveiled plans to manage and provide comprehensive programming at the Niagara Gorge Discovery Center, to reach beyond its present footprint and mature into an educational and cultural campus; and

WHEREAS, through a collaborative partnership with New York State Parks, the Aquarium will acquire the underutilized 5,000 square foot facility in order to create a space where visitors can form organic connections with regional wildlife through living exhibits, complemented by stimulating displays that will engage visitors with some of the lesser-known conservation stories of the Great Lakes; and

WHEREAS, to further this effort, the Aquarium requested consideration for funding by the Niagara River Greenway Commission, via the Niagara Host Community, for the Niagara Gorge Discovery Center Project; the Greenway Commission determined that the Project was consistent with the Greenway Plan and approved funding for it in the amount of \$300,000.00, which would come from the City's Greenway Commission Fund Account; and

WHEREAS, this funding request will support capital costs for the adaptive reuse of the Niagara Gorge Discovery Center which will transform the facility into an engaging and interactive hub, highlighting aquatic wildlife of the Great Lakes region; and

WHEREAS, the Greenway Commission requires a resolution of support from the host community (the City of Niagara Falls) prior to final approval; and

WHEREAS, the City Council enthusiastically supports of this very important endeavor in the City of Niagara Falls.

NOW, THEREFORE, BE IT RESOLVED that the Niagara Falls City Council hereby indicates its support for the Aquarium of Niagara's application to the Niagara River Greenway for funding of its proposed Niagara Gorge Discovery Center Project.

Yeas

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Nays

0

ADOPTED

AQUARIUM OF NIAGARA, NIAGARA GORGE DISCOVERY CENTER PROJECT (GRANT ADMINISTRATION)

Agenda Item #3

The Aquarium of Niagara submitted an application to the Niagara River Greenway Commission relative to its Niagara Gorge Discovery Center 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 March 15, 2022 meeting, 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 \$300,000.00, which would come from the City's Greenway Commission Fund Account.

As the City Council indicated its support of the Aquarium's Project, 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. It is therefore proposed that the City Council grant approval for this Administration to enter into a grant funding agreement relative to the Project. The City will release \$150,000.00 of the Grant Funds to Aquarium upon execution of the Agreement, with the remaining \$150,000.00 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 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 Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

#### AQUARIUM OF NIAGARA: WHIRLPOOL COMMONS PLAZA PROJECT (GRANT ADMINISTRATION)

##### Agenda Item #4

In 2021, the Aquarium of Niagara submitted an application to the Niagara River Greenway Commission relative to its Whirlpool Commons Plaza Project ("PROJECT"). The 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.

At its meeting held on June 9, 2021, the City Council authorized release of the grant funding to the Aquarium from the City's Greenway Commission fund. The terms of the grant funding agreement between the City and the Aquarium directed the City to release \$125,000.00 of the Grant Funds to Aquarium upon execution of the Agreement, with the remaining \$125,000.00 released to the Aquarium upon presentment of written certification of completion of the Project. While the initial installment of the grant was disbursed, the remaining \$125,000.00 was not, as Covid-19 pandemic related issues prevented the Aquarium from completing the project prior to the expiration of the grant agreement on September 30, 2021, which was the expected completion date.

The Aquarium has indicated that the Project is again moving forward and that it will be completed on or before June 30, 2022. It is proposed that the City Council authorize the release of the remaining \$125,000.00 to the Aquarium from the City's Greenway Commission Fund Account upon presentment of written certification of completion of the Project, which must occur on or before June 30, 2022.

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

Yeas

5

Nays

0

APPROVED

CONTRACT: NFPD, FLEET VEHICLES, VARIOUS COMPANIES

Agenda Item #5

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of twelve (12) fleet vehicles for the City of Niagara Falls Police Department.

The City's Purchasing Division has solicited mini-bids through the New York State Office of General Services' Vehicle Procurement process for twelve (12) 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: Beyer Ford, LLC  
170 Ridgedale Avenue  
Morristown, NJ 07960

FOR: One (1) 2022 Ford Police Interceptor Utility - Traffic  
\$ 38,980.70

TO: Falls Dodge, Inc. dba  
Joe Cecconi's Chrysler Complex  
2380 Military Road  
Niagara Falls, New York 14304-1563

FOR: One (1) 2021 Jeep Grand Cherokee - Chief \$ 40,999.61

TO: Joe Basil Chevrolet, Inc.  
Basil Fleet Sales  
511 Transit Road  
Depew, New York 14043

FOR: One (1) 2022 Chevrolet Tahoe PPV 4WD - Black - Deputy Chief  
\$42,280.01

TO: Joe Basil Chevrolet, Inc.  
Basil Fleet Sales  
511 Transit Road  
Depew, New York 14043

FOR: Three (3) 2022 Chevrolet Tahoe Police 4WD - White - Patrol  
\$ 41,042.74 each

Total: \$123,128.22

TO: Falls Dodge, Inc. dba  
Joe Cecconi's Chrysler Complex  
2380 Military Road  
Niagara Falls, New York 14304-1563

FOR: Six (6) 2021 Dodge Charger Police AWD - Detectives  
\$ 31,144.50 each

Total: \$186,867.00

The total purchase price for the twelve (12) vehicles is \$ 432,255.54. 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 twelve (12) vehicles from Empire Emergency Apparatus, 3995 Lockport Road, Niagara Falls, New York. The cost for these services is expected to be \$83,185.20 for a total cost to the City of \$515,440.74.

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 via the NYS Vehicle Marketplace.

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 authorize the Mayor to execute an agreement with the above named vendors in a form acceptable to the Corporation Council?

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

Yeas	5
Nays	0
APPROVED	

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

HENNEPIN AVENUE BETWEEN S.91 & S.93STS: ALTERNATE PARKING

Agenda Item #6

At the Traffic Advisory Commission meeting held on March 28, 2022 the Commission recommended APPROVAL of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON HENNEPIN AVENUE  
BETWEEN S. 91<sup>ST</sup> STREET & S. 93<sup>RD</sup> STREET

A Petition from the residents of this block was received with 61.5% of signatures.

Submitted By: William Robertson, 9129 Hennepin Avenue

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

Yeas	5
Nays	0
APPROVED	

1356 ASHLAND AVENUE: INSTALL 5" HANDICAPPED ACCESS SPACE

Agenda Item #7

At the Traffic Advisory Commission meeting held on March 28, 2022 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 1356 ASHLAND AVENUE

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

Submitted By: Lorri Yamamura, 1356 Ashland Avenue, Lower

It is requested that City Council approve this recommendation.

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

Yeas	5
Nays	0
APPROVED	

2499 WHITNEY AVENUE (27<sup>TH</sup> ST SIDE): INSTALL 5" HANDICAPPED ACCESS SPACE

Agenda Item #8

At the Traffic Advisory Commission meeting held on March 28, 2022 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 2499 WHITNEY AVENUE (27<sup>TH</sup> STREET SIDE)

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

Submitted By: Lorrie Mazur, 2499 Whitney Avenue

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

Yeas

5

Nays

0

APPROVED

2743 GRAND AVENUE: INSTALL 5" HANDICAPPED ACCESS SPACE

Agenda Item #9

At the Traffic Advisory Commission meeting held on March 28, 2022  
the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 2743 GRAND AVENUE

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

Submitted By: Mary Ann Ditillio, on behalf of her husband Alfonso  
Ditillio, 2743 Grand Avenue

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

Yeas

5

Nays

0

APPROVED

RESOLUTION: AUTISM AWARENESS MONTH, APRIL 2022, 2022-22

BY: MAYOR ROBERT M. RESTAINO, ALL COUNCIL MEMBERS

Agenda Item #10

WHEREAS, for over 50 years, the month of April has been dedicated  
as "National Autism Awareness Month", elevating awareness and education  
about autism and issues within the autism community; and

WHEREAS, autism is a disease with significant unmet patient needs  
and is a complex developmental disability that typically appears during  
the first three years of life and affects a person's ability to  
communicate and interact with others; and

WHEREAS, one in 68 children in the United States is affected by  
autism, Asperger's or Pervasive Developmental Disorder Not Otherwise  
Specified (including one in 54 boys) , as estimated by the Centers for  
Disease Control and Prevention (CDC); and

WHEREAS, there is no known single cause of autism, a spectrum  
disorder, meaning there can be great variation in the way it affects  
people; each child on the autism spectrum possesses unique abilities,  
symptoms and challenges; and

WHEREAS, many children on the spectrum often share common core  
symptoms which include impaired social interactions, such as reluctance  
to join group activities at school, not being aware of the needs of  
others, impaired communication and other impairments; and

WHEREAS, it is imperative that there be greater public awareness  
of this serious health issue, and more must be done to increase activity  
at the local, state and national levels, as greater awareness will lead  
to greater acceptance and improved opportunities for people with autism;  
and

WHEREAS, while World Autism Awareness Day was celebrated on April  
2, 2022, the City of Niagara Falls, NY recognizes the need to further  
recognize both individuals with Autism and their families and encourages  
all residents to work together to build an inclusive community where  
autistic individuals are embraced and supported to achieve the highest  
quality of life possible.

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council and Mayor Robert M. Restaino do hereby adopt this resolution to designate and proclaim April 2022, as "Autism Awareness Month" in the City of Niagara Falls, in conjunction with National Autism Awareness Month.

Yeas  
Nays

5  
0  
ADOPTED

The Chairman asked if anyone wished to speak on The Good Of The Community and the following spoke:

Luther Huston	Requests 424 Memorial be given Historical Designation
David Miller	78 <sup>th</sup> St. sidewalk in need of repair
Yvonne Alston Taylor	City needs to be cleaned up
Dorothy West	Is happy with positive things she sees happening around the City

Misc

- Council Member Myles Reiterated his opinion that department heads be present at Council meetings. They could add insight or clarification to any matters raised during the meeting as related to their department functions.
- Chairman Spanbauer announced his resignation from City Council to be effective upon appointment of a replacement but no later than May 25, 2022.

There being no further business to come before the Council,  
Chairman Spanbauer adjourned the Meeting at 7:42 P.M.

Kathleen Ligammari  
City Clerk



**APRIL 22, 2022**

**SPECIAL COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

The April 22, 2022 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Spanbauer at 5:30 PM in the Council Chambers.

Present: Council Members Tracy Bax, Kenny Tompkins, David Zajac, Chairman John Spanbauer

Absent: Council Member Donta Myles

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

Special Meeting for Council to approve the following items.

April 18, 2022

Members of the City Council  
and  
Kathleen Ligammari, City Clerk

Re: Mayor's Special Meeting of Niagara Falls City Council

Council Members and City Clerk:

You are hereby notified of the Mayor's Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on **Friday, April 22, 2022 at 5:30 p.m.** in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purposes:

1. Approval of Award for Grinding of Brush/Wood Waste - Department of Parks and Public Works (Villani's Lawn and Landscape, LLC);
2. Approval of Purchase of Trash/Recycling Totes Department of Parks and Public Works (Cascades Engineering);
3. Approval of Purchase of Fleet Vehicle - Niagara Falls Police Department (Warrants) - (Falls Dodge Inc. d/b/a Joe Cecconi's Chrysler Complex);
4. Approval of Change Order - Asbestos Monitoring For Demolition Contract (AMD Buffalo Fuel Corp.);
5. Approval of Agreement - Patch Management, Inc. (Spray Injection Pothole Repair - "Pothole Killer");
6. Approval of Agreement to Tag and Swap Telephone Lines - MIS Department (ATT Technology, Inc.);

7. Approval of Amendment to CDBG CARES Act - Community Development Department (Highland Clubhouse Grant);
8. Approval of Allocation of American Rescue Plan Funding (Minority and Women-Owned Business Enterprises "MWBE" Program);
9. Approval of Award Employee Benefits Broker and Consulting Services - (Assured Partners Benefit Advisors);
10. Approval of Purchase of Fencing for Garden Avenue Pocket Park Project - Community Development Department - (Fox Fence);
11. Approval of Purchase of Food Court Tables for Garden Avenue Pocket Park Project - Community Development Department - (MRC, Inc.);
12. Approval of Purchase of Fleet Vehicles - Niagara Falls Police Department (Patrol) - (Falls Dodge Inc. d/b/a Joe Cecconi's Chrysler Complex);
13. Approval of Award for Replacement of Windows at City Fire Houses - Niagara Falls Fire Department (Wonder Windows); and
14. Approval of Award for HVAC Upgrades at City Fire Houses - Niagara Falls Fire Department (Irr Supply Centers, Inc.).

Respectfully submitted,

---

Robert M. Restaino, Mayor

Special meeting called by Mayor Restaino

Review of Agenda Items:

Item #1: Chairman Spanbauer inquired when tree cutting debris would be cleared from golf course parking lot. Mayor Restaino indicated beginning of May it should be removed. Parks department uses mulch, remaining large trunks may be purchased in bulk from landscaping/garden companies.

Item #2: Chairman Spanbauer suggested on going costs associated with aging tote inventory be included in annual budget vs. using reserve funds. Mayor provided breakdown of costs per Councilmember Zajac inquiry.

Item #3: Mayor Restaino provided clarification between this and vehicles indicated in agenda Item 12, per Council Member Zajac inquiry.

Item #4: Mayor Restaino provided clarification per Council Member Zajac inquiry.

Item #5: Council Member Tompkins inquired when DPW would begin using hot patch. Mayor Restaino indicated the supplier is expected to have materials available sometime in May. Pot Hole Killer should begin in June.



Item #6: Chairman Spanbauer questioned the option of using ARP funds vs. tribal funds. Mayor Restaino indicated ARP funds would be applicable to the various forthcoming technological upgrades. This component is transitional in nature.

Item #8: Chairman Spanbauer indicated his support of the MWBE program.

Item #9: Mayor Restaino provided allocation clarification per Council Member Zajac inquiry.

Item #12: Chairman Spanbauer provided clarification that these vehicles are needed additions to fleet. Vehicles damaged by accidents are covered by insurance funds.

Misc:

- Chairman Spanbauer expressed his appreciation toward Administration for actively pursuing needed programs post pandemic.
- Mayor Restaino expressed his appreciation to City Clerk Kathleen Ligammari for her contributions as she moves on to private endeavors. Nadine Wasson will assume role of Acting City Clerk pending a permanent replacement.

Item #1

Contract: Hyde Park Golf Course Parking Lot, brush pile grinding, Villani's Lawn & Landscape, LLC

We respectfully request your approval for the expenditure of Tribal Revenue funds for the set up and grinding only of all brush material/wood waste currently being stored at the Hyde Park Golf Course Parking Lot. The City's Department of Public Works will load all ground material into City vehicles for removal from the Golf Course.

TO: Villani's Lawn & Landscape, LLC  
6405 Packard Road  
Niagara Falls, New York 14304

FOR: Set up and grinding of all material at Hyde Park Golf Course Parking Lot  
(Note: DPW will provide a loader and operator for support) -  
\$5,500.00

TOTAL COST: \$ 5,500.00

Funding for this project is available from the Tribal Revenue Reserves. Will the Council so authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas	4
Members Bax, Tompkins, Zajac, Chairman Spanbauer	
Absent	1
Council Member Myles	
Nays	0
	APPROVED

Item #2

Contract: Purchase of Trash/Recycling Totes, Cascades Engineering

As it is necessary for the Department of Public Works to repair/replace broken or otherwise unusable trash and recycling totes for residents and businesses, it is recommended that the City Council authorize the purchase of additional refuse containers and parts. Accordingly, it is proposed that the City enter into an agreement with Cascades Engineering for the purchase additional trash and recycling totes, lids, wheels, pins and hinges.

The cost of these items and their delivery is \$44,341.96; with \$20,000.00 already appropriated for the purchase of totes in budget code A.8160.0000.0419.599, the remaining \$24,342.96 in additional funding is available from Tribal Revenue reserves.

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

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

Yeas	4
Members Bax, Zajac, Tompkins, Zajac, Chairman Spanbauer	
Absent	1
Member Myles	
Nays	0
	APPROVED

Item #3

Contract: Fleet Vehicles, NFPD, Falls Dodge

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of one (1) 2022 Dodge Durango SXT AWD fleet vehicle for the City of Niagara Falls Police Department.

The City's Purchasing Division has solicited this mini-bid through the New York State Office of General Services' Vehicle Procurement process to replace an older, obsolete vehicle 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-bid as follows:

TO: Falls Dodge, Inc. dba  
Joe Cecconi's Chrysler Complex  
2380 Military Road  
Niagara Falls, New York 14304-1563

FOR: One (1) 2022 Dodge Durango SXT AWD - Warrants \$ 32,570.83

The total purchase price for this vehicle is \$ 32,570.83. Additionally, this vehicle will need to be lettered and striped, as well as have the lighting, radios and instrumentation installed. NFPD has acquired an estimate for the cost of fully outfitting this vehicle from Empire Emergency Apparatus, 3995 Lockport Road, Niagara Falls, New York. The cost for these services is expected to be \$7,847.59 for a total cost to the City of \$40,418.42.

The City Purchasing Division certifies that this bid was solicited in accordance with Section 103 of the General Municipal Law and in accordance with New York State's mini-bid procedures via the NYS Vehicle Marketplace.

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 authorize the Mayor to execute an agreement with the above named vendors in a form acceptable to the Corporation Counsel?

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

Yeas	4
Members Bax, Tompkins, Zajac, Chairman Spanbauer	
Absent	1
Member Myles	
Nays	0
APPROVED	

#### Item #4

Demolition Contract, Asbestos Monitoring, Change Order #2, AMD Environmental Consultants

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 2022 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 \$40,000.00 is requested of the remaining original upset amount to be committed to the City's current demolition monitoring needs. Funding is available through Community Development.

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

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

Yeas	4
Members Bax, Tompkins, Zajac, Chairman Spanbauer	
Absent	1
Member Myles	
Nays	0
APPROVED	

#### Item #5

Contract: Pothole Killer, Patch Management, Inc

We all know that each year in early Spring, fluctuating temperatures and freeze and thaw patterns from melting snow and ice causes moisture to seep into cracks in the pavement creating potholes. To address the pothole issue here in our City, it is recommended that Patch Management, Inc. be engaged once again this year to provide a "Pothole Killer" truck, an operator, and 200 tons of materials, service and support to the City in the fight against potholes.

The Director of the Department of Public Works will coordinate with Patch Management, Inc. for the commencement and conclusion of services. The operator will work 8 hour day and 40 hour week and will place up to 6 tons of aggregate and 120 gallons of spray patching emulsion each day. GPS recordings of all repairs will be provided. The cost of this service is \$192,000.00, with \$100,000.00 in funding available from Capital Code H0812 (road reconstruction) and \$92,000.00 from Tribal revenue reserves.

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

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

Yeas	4
Members Bax, Tompkins, Zajac, Chairman Spanbauer	
Absent	1
Member Myles	
Nays	0
APPROVED	

Item #6

Contract: Telephone Lines, Tag & Swap, AT Technology Inc.

In fall 2021, the City Council approved an agreement with Spectrotel, Inc. to provide enhanced network and telecommunications services to the City. Currently, the MIS Department is in the process of management of the transfer of the City's telephone lines from Windstream to Spectrotel. However, our staff does not possess the technical capacity to tag and swap the lines as required to implement such a program. Accordingly, it will be necessary to enter into an agreement with a company that can provide such services. It is hereby proposed that the City enter into an agreement with AT Technology, Inc. ("ATT") for the desired telecommunication services.

The City has received a proposal from ATT for the services and labor necessary to tag and swap telephone lines. The proposed cost is \$12,000.00, based on an estimated 80 hours labor at a rate of \$150.00 per hour. Funding is available from Tribal Revenue reserves. It is hoped that the project will not take the full 80 hours to complete, which will lead to some cost avoidance.

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

Yeas	4
Members Bax, Tompkins, Zajac, Chairman Spanbauer	
Absent	1
Member Myles	
Nays	0
APPROVED	

Item #7

Highland Clubhouse Grant, CDBG Cares Act funds, Amendment

In 2020, Council approved a grant of \$50,000.00 of CDBG CARES Act funds for renovations at 111 Grove Avenue. After the expenditure of \$3,000.00 for A&E, it was determined that the structure was unsafe and needs to be demolished. A new structure will be constructed on the site.

CDBG CARES funds can be used for construction of a new public facility to be owned by a not-for-profit, to be used for testing, diagnosis and treatment.

Highland Clubhouse has requested that the remaining funds be reallocated to the construction of the new facility. Under the HUD CARES Act regulations, the funds must be expended by 2026.

The repurposed grant will contain provisions to ensure that funds are available for the project before CDBG funds are released. All requirements for the demolition and new construction will be adhered to.

Will the Council vote to approve the repurposing of the original grant and reimburse the sub-recipient for expenses already incurred for (project costs and predevelopment expenses). Predevelopment expenses are defined as Architectural and Engineering fees, demolition costs, as well site prep work. Will the Council vote to approve as presented herein and to authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	4
Members Bax, Tompkins, Zajac, Chairman Spanbauer	
Absent	1
Member Myles	
Nays	0
APPROVED	

#### Item #8

##### MWBE Program, American Rescue Plan Funding

Small businesses are often regarded as the backbone of the American Economy. However, declining revenues and managing the costs of commercial rent, payroll and other expenses during the coronavirus pandemic have put the existence of many of these businesses at risk. But those challenges are even more acute for businesses owned by people of color and women.

With this in mind, this Administration has proposed the utilization of American Rescue Plan ("ARP") funding to expand opportunities for Minority and Women entrepreneurs to grow their businesses. This program's goal is to provide an alternative source of funding to benefit new and existing small business enterprises owned and controlled by socially and economically disadvantaged individuals—promoting economic development, job creation, and diversity in the City of Niagara Falls. It is our belief that by providing businesses that otherwise might not have the ability to compete with access to developmental assistance, they will possess a greater chance to flourish in today's economy.

Under our proposal, the City will provide the N.F.C. Development Corporation ("NFC"), the City's non-profit banking and lending arm, with \$3,000,000.00 to administer a Minority and Women Business Enterprise ("MWBE") Grant Program designed to expand access and opportunities for these businesses. NFC, whose mission is to attract new business and retain business and industry within the City, would distribute the funding according to its guidelines. NFC staff and the City's Economic Development staff will consider cash grants of up to \$50,000.00 for existing New York State certified MWBE businesses located within the City and up to \$25,000 for non-NYS certified MWBE start-ups or existing businesses within the City.

All MWBE Grant applications pursuant to this program must be submitted to NFC on or before April 15, 2024; project costs incurred between the date of application and August 31, 2024 are eligible project costs. Any funding that is not distributed prior to August 31, 2024 shall be repurposed according to ARP guidelines.

Funding for this program is available from American Rescue Plans Funds, expenditure category Section 2.9 Negative Economic Impacts - Small Business Economic Assistance.

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

Yeas	4
Members Bax, Tompkins, Zajac, Chairman Spanbauer	
Absent	1
Member Myles	
Nays	0
APPROVED	

Item #9

Contract: Employee Benefits Broker & Consulting Services, Assured Partners Benefit Advisors

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

WITH: Assured Partners Benefit Advisors  
d/b/a Premier Consulting Associates, LLC  
1416 Sweet Home Road, Suites 5 & 6  
Amherst, New York 14228

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 eighteen (18) vendors. Eight (8) responses were received.

Assured Partners will work with the Administration and the HR Department to provide services in accordance with the requirements of the above referenced RFP and its submitted proposal. Annual services will include medical consulting, pharmacy consulting and pharmacy reconciliation services. Consolidated billing, analytics, compliance, benefit administration and an on-line enrollment system are also included.

The cost to the City for these services shall be \$65,000.00 annually, for the first three (3) years. Funding is available in the various departments' medical insurance budget codes.

Will the Council authorize the Mayor to execute an agreement with Assured Partners Benefit Advisors in a form acceptable to the Corporation Counsel?

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

Yeas	4
Members Bax, Tompkins, Zajac, Chairman Spanbauer	
Absent	1
Member Myles	
Nays	0

APPROVED

Item #10

Contract: Garden Ave. Pocket Park Project, Fox Fence Inc

We respectfully request your approval for the expenditure of Community Development funds allocated for the Garden Avenue Pocket Park Project as follows:

TO: Fox Fence, Inc.  
2637 Lockport Road  
Niagara Falls, NY 14305

FOR: Labor, equipment and materials to install two sections of four (4) feet high all black chain link fence (approximately 86 LF total) **\$3,228.50**

Funding for this project will be provided by Community Development funds included within the "Miscellaneous Revenue" account (CD3.6981.0000.0450.500).

Will the Council so authorize the Mayor to execute an agreement with the above named vendors in a form acceptable to the Corporation Counsel?

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

Yeas	4
Members Bax, Tompkins, Zajac, Chairman Spanbauer	
Absent	1
Member Myles	
Nays	0
APPROVED	

Item #11

Contract: Garden Ave. Pocket Park Project, MRC

We respectfully request your approval for the expenditure of Community Development funds allocated for the Garden Avenue Pocket Park Project as follows:

TO: MRC  
PO Box 106  
Spring Lake, NJ 07762

FOR: GT-Site - ADA Food Court Table S/M - two (2) quantity plus shipping **\$5,186.71**  
(Reference NYS Contract # PC 67834)

Funding for this project will be provided by Community Development funds included within the "Miscellaneous Revenue" account (CD3.6981.0000.0450.500).

Will the Council so authorize the Mayor to execute an agreement with the above named vendors in a form acceptable to the Corporation Counsel?

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

Yeas	4
Members Bax, Tompkins, Zajac, Chairman Spanbauer	
Absent	1
Member Myles	
Nays	0
APPROVED	

Item #12

Contract: Fleet Vehicles, NFPD, purchase, Falls Dodge, INC Patrol

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of ten (10) 2021 Dodge Durango AWD fleet vehicles for the City of Niagara Falls Police Department.

The City's Purchasing Division has solicited this mini-bid through the New York State Office of General Services' Vehicle Procurement process 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-bid as follows:

TO: Falls Dodge, Inc. dba  
Joe Cecconi's Chrysler Complex  
2380 Military Road  
Niagara Falls, New York 14304-1563

FOR: Nine (9) 2021 Dodge Durango Police AWD - Patrol \$ 34,263.72 each  
TOTAL: \$308,373.48

TO: Falls Dodge, Inc. dba  
Joe Cecconi's Chrysler Complex  
2380 Military Road  
Niagara Falls, New York 14304-1563  
FOR: One (1) 2021 Dodge Durango Police AWD - Patrol \$ 33,860.57

The total purchase price for the ten (10) vehicles is \$ 342,234.05. 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 ten (10) vehicles from FM Communications, 1914 Colvin Boulevard, Tonawanda, Niagara Falls, New York. The cost for these services is expected to be \$112,250.00 for a total cost to the City of \$454,484.05.

The City Purchasing Division certifies that this bid was solicited in accordance with Section 103 of the General Municipal Law and in accordance with New York State's mini-bid procedures via the NYS Vehicle Marketplace.

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 authorize the Mayor to execute an agreement with the above named vendors in a form acceptable to the Corporation Counsel?

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

Yeas	4
Members Bax, Tompkins, Zajac, Chairman Spanbauer	
Absent	1
Member Myles	
Nays	0
	APPROVED

Item #13

Contract: NFFD, Window replacements, Wonder Windows

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the replacement of windows at two (2) City of Niagara Falls Fire Department Fire Stations (72<sup>nd</sup> Street and Bollier Avenue Fire Houses) as follows:

FROM: Wonder Windows  
3898 Broadway Street  
Buffalo, New York 14227  
FOR: Window replacements at 72<sup>nd</sup> Street Fire House \$14,115.00  
Window replacements Bollier Ave/Military Rd Fire House  
\$14,115.00  
TOTAL COST: \$ 28,230.00

The above will be purchased utilizing the Treasury Guidance Expenditure Category 6.1, which is "Revenue Replacement for the Provision of Government Services". Will the Council so authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas	4
Members Bax, Tompkins, Zajac, Chairman Spanbauer	
Absent	1
Member Myles	
Nays	0
	APPROVED



Item #14

Contract: NFFD houses, HVAC Upgrades, Irr Supply Centers, Inc.

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for upgrades to HVAC systems at two (2) City of Niagara Falls Fire Department Fire Stations (72<sup>nd</sup> Street and Bollier Avenue Fire Houses) as follows:

FROM:           Irr Supply Centers, Inc.  
                  908 Niagara Falls Boulevard  
                  North Tonawanda, New York 14120

FOR:            HVAC upgrades at 72<sup>nd</sup> Street Fire House                 \$7,412.00  
                  HVAC upgrades at Bollier Ave/Military Rd Fire House     \$8,535.65

TOTAL COST: \$ 15,947.65

The above will be purchased utilizing the Treasury Guidance Expenditure Category 1.7, which is "Capital Investment or Physical Plant Changes to Public Facilities". Will the Council so authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas	4
Members Bax, Tompkins, Zajac, Chairman Spanbauer	
Absent	1
Member Myles	
Nays	0

APPROVED

There being no further business to come before the Council, Chairman Spanbauer adjourned the Meeting at 5:47 PM.

Kathleen Ligammari  
City Clerk



APRIL 27, 2022

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The Legislative session of the April 27, 2022 Niagara Falls City Council Meeting was called to order by Council Chairman John Spanbauer at 6:00 P.M. in the Council Chambers.

Present: Council Members Traci Bax, Donta Myles, Kenny Tompkins, David Zajac and Chairman John Spanbauer

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

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

Council Member Tompkins moved to approve the Minutes from the Council Meetings of March 1, 2022, March 16, 2022, Special Meeting March 30, 2022, Meeting of April 6, 2022

Yeas

5

Nays

0

APPROVED

**PRESENTATIONS**

Shawn Levitt: Honoring Nikola Tesla; changing name of Oak Street into Tesla Street

**MAYOR/ADMINISTRATION UPDATE:**

NONE

**CONTROLERS REPORT:**

- \*2021 General Fund results unaudited, subject to change
- \*Auditors will be here starting May 2 and will be taking a couple of weeks for the audit
- \*Chairman Spanbauer asked if there was any update on the Casino Money
- \*Per the Controller, we received payment today
- \*38.9 Million Dollars-year by year breakdown has to be done
- \*The State took their money

**COMMUNITY HAPPENINGS:**

- \*April 30 at Niagara Street School will host the Council and Police reps for a meeting open to the Public to field questions
- \*Initiative on Home Improvement Loan
- \*Property Purchase Program-52 Lots to sell
- \*Funding for CD to fix Lateral Services
- \*311 Calls & Resolution Center
- \*City text alerts-information to residents

Corporation Counsel Christopher Mazur informed the Council that Agenda Item #9 is amended

Chairman Spanbauer is hosing a workshop before the next Special Meeting at 5:00 PM for anyone to speak on the items.

Big Baby Henry's fiancé & son were presented the Resolution which was dedicated to her and was read by Council Member Donta Myles

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

Henry Krawczyk                      Agenda Item #3

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK CLAIMS FOR THE MONTH OF MARCH 2022

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF MARCH 2022

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: CITY HALL BOILER ROOM, REMEDIATION, CHANGE ORDER #2/FINAL, STOHL ENVIERONMENTAL

Agenda Item #3

A contract for the above referenced project was awarded to Stohl Environmental Inc. on March 11, 2020, in the amount of \$13,570.00. Change Order #1 in the amount of \$5,000.00 was approved by the City Council at its February 3, 2021 meeting.

Subsequent to the completion of the initial boiler room survey, the City requested additional studies for mold and asbestos in and above the Finance Department offices. Costs for performing the field sampling and laboratory analysis was based upon the competitively-obtained item costs and will add an amount of \$1,956.00, bringing the final contract total to \$20,526.00. Funding is available in existing tribal revenues.

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

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

Yeas

5

Nays

0

APPROVED

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

Agenda Item #4

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)                      \$2.50  
Lunch/Supper - picked up by City (est. 9,000)                      \$2.95  
Vegetarian Request (est. 20)                      \$2.95  
Diabetic Request (est. 100)                      \$2.95

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

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 ten (10) vendors. Two (2) bid responses were received. This contract will be in effect from May 16, 2022 through May 15, 2023.

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

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

DEPARTMENT OF CODE ENFORCEMENT: EXPENSES INCURRED, VARIOUS

#### Agenda Item #5

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

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

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

Will the Council so order?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: NF SCHOOL DISTRICT, OSC, FUNDING

#### Agenda Item #6

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. The 2022 Budget contains an appropriation in the amount of \$10,000.00 to the Niagara Falls City School District for this purpose. Additionally, in late 2021, the City Council approved an additional \$5,000.00 to further OSC-21's operations which has not been distributed. In order to effectuate the release of the \$15,000.00 in total funding, a Funding Agreement with the School District is required. Funding will be available from budget code A.6330.0000.0449.599.

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

Yeas

5

Nays

0

APPROVED

RESOLUTION: ELECTIONS, POLLING PLACES, 2022-23  
BY: ALL COUNCIL MEMBERS

Agenda Item #7

WHEREAS, the School District Budget Vote and Board of Education Elections will be held on Tuesday, May 17, 2022; 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 (on file in the City Clerk's Office) communication.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: COUNCIL MEETING SCHEDULE, 2022, AMENDED, 2022-24  
BY: COUNCIL MEMBERS BAX, TOMPKINS, ZAJAC, CHAIRMAN SPANBAUER

Agenda Item #8

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 the remainder of 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; and be it further

RESOLVED that the City Council may call for additional meetings for the transaction of business pursuant to Chapter 3.9 of the City Charter.

Yeas

4

Members Bax, Tompkins, Zajac, Chairman Spanbauer

Nays

1

Member Myles

ADOPTED

RESOLUTION: HENRY, KAHLESE "BIG BABY", HONORING, 2022-25  
BY: MAYOR ROBERT RESTAINO, ALL COUNCIL MEMBERS

Agenda Item #9

WHEREAS, Asia Kahlese "Big Baby" Henry was born April 13, 1987 to Valencia Bedgood and Ralph Henry in Niagara Falls, NY; and,

WHEREAS, Asia was educated in Niagara Falls' public schools and was a 2005 Honors graduate of Niagara Falls High School where she received merits for her writing skills. Asia attended Niagara University as an English major and completed certificate and accredited courses including Project Management, Health Care, and Accounting. She studied the Stock Market and learned financial literacy and investing and then shared her knowledge information for free; and

WHEREAS, Asia possessed many gifts and talents such as her artistic abilities to draw, write poetry, model and sing. She was a poet who wrote and performed next level spoken word throughout our area. She was also a true "Hip Hop Head" and lover of music across all genres and, alongside Romone Rose, Asia was one-half of the Rap group "The Blessed". Asia was also a talented self-taught painter and stylist; and

WHEREAS, Asia's love and concern for people and our community was displayed through her record of volunteerism. Big Baby was an advocate for Non-Violence and Progressive Civic Engagement and worked with local victims of domestic violence. She promoted and encouraged clean eating, healthy living and a consistent exercise regimen. Asia was a Pure Saint who made and gave away cannabis infused edibles to local cancer patients to help ease their pain thru out their treatments and was active in many Lupus Awareness events; and

WHEREAS, she also participated in many local clean-up events in Niagara Falls and Buffalo, was involved in many social media groups that promoted healthy communication and mental health, and provided free face painting for Suga Lips, Inc., Ebony Snow, LLC and Niagara University; and

WHEREAS, many people knew Asia as a makeup artist ("MUA") in the community. Her flair for style led to her creating her own business, "FACECLYMAXX", which she operated at a kiosk at the Fashion Outlets of Niagara Falls, USA, and later at her residence. Asia was a local pioneer for women's beauty and was considered to be Niagara Falls' Official Make-Up Lady. A gifted and talented MUA Skilled beyond her years, Asia would go on to mentor and gift other up and coming MUA's with equipment & supplies to help get their passion off the ground. Extremely classy and stylish like a true Aries, Asia also modeled for Kells & Co., HHD, and in many local fashion shows over the years; and

WHEREAS, Asia was loved and adored by her co-workers at her many occupations over the years. In addition to her own business, she was most recently employed with Bank of America and held previous positions with the U.S. Social Security Administration, TeleTech Holdings and H&R Block. Big Baby was also involved local politics in Niagara and Erie County. She was pro 2nd Amendment and license to carry and an advocate for free speech and government transparency; and

WHEREAS, Asia was proudly known as the protective and loving, mother of her only child, Avery Ham. Asia homeschooled her son for many years to make sure his early education and reading comprehension was at its ultimate level before he re-entered the school system, where he is now an honor student in Charter School; and

WHEREAS, Asia Kahlese Henry entered into eternal rest on February 7, 2022. In addition to her son and her parents, she leaves her brother, Aries Bedgood, sister, Alayah White, one nephew, Aries, and a host of aunts, uncles, cousins and friends who will miss her dearly; and

WHEREAS, Niagara Falls should be proud of their daughter, Asia "Big Baby" Henry. A trustworthy, loving and dependable friend to the ones who were blessed to know her, she truly was a gift to our community.

NOW, THEREFORE, BE IT RESOLVED that the Niagara Falls City Council and Mayor Robert M. Restaino wish to honor the memory of Asia Kahlese "Big Baby" Henry and recognize her life, service, dedication and commitment to our City and the community at large by designating April 13, 2022, her birthday, as Asia "Big Baby" Henry Day in the City of Niagara Falls.

Yeas

Nays

5

0

ADOPTED

The Chairman asked if anyone wished to speak on the Good of the Community and the following spoke:

There being no further business to come before the Council, Chairman Spanbauer adjourned the Meeting at 7:0 P.M.

Nadine A. Wasson  
Acting City Clerk





**MAY 16, 2022**

**SPECIAL COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

The May 16, 2022 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Spanbauer at 5:30 PM in the Council Chambers.

Present: Council Member Tompkins, Zajac, Chairman Spanbauer

Excused: Council Member Bax

Absent: Council Member Myles

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

May 11, 2022

Members of the City Council  
and  
City Clerk

***Re: Mayor's Special Meeting of Niagara Falls City Council***

Council Members and City Clerk:

You are hereby notified of the Mayor's 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, May 16, 2022, at 5:30 p.m.** in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purposes:

1. Approval of Agreement - Vinny Bagwell (Harriet Tubman Statue);
2. Approval of Creation of *Recreation Specialist* - 2 Position (Department of Parks and Public Works);
3. Approval of Emergency Demolition Funding - American Rescue Plan (Department of Code Enforcement);
4. Approval of Change Order - Reverse Osmosis Filtration System Replacement - Hyde Park Ice Pavilion (Keppler Water Treatment Inc.);
5. Approval of Change Order - Emergency Demolition Of 911 Robbins Drive (Regional Environmental Demolition);
6. Approval of Modification of Parking Restrictions (Highland Avenue - between Beech Avenue and Profit Lane);
7. Approval to Waive City Bandstand Fee - Summerfest at the Sal (Niagara Falls Fire Fighters Toy Fund);
8. Approval to Waive City Bandstand Fee - Niagara Falls City School District;
9. Approval of Reacquisition of Cannon Block Properties - Penn Terra USRE Corp.;

10. Approval of Proposed Purchase of Real Property by City of Niagara Falls from Muto Development, LLC (774 19th Street, 810 19th Street, 812 19th Street, 814 19th Street, 818 19th Street, and 820 19th Street);
11. Approval of Agreement to Terminate the City Market Lease (Muto Development, LLC);
12. Approval of Amendment of Deed Restrictions - 324 Niagara Street (324 Niagara Street Landlord, LLC);
13. Approval of Award for Purchase of High-Capacity Washers and Dryers - Niagara Falls Fire Department (Statewide Machinery, Inc.);
14. Approval of Award for Clearing and Cutting of Lots - Department of Parks and Public Works (K.J. Smith Enterprises, Inc.);
15. Approval of Purchase of Fleet Vehicle - Niagara Falls Police Department - (Joe Basil Chevrolet, Inc.);
16. Relative to Approval to Call for a Public Hearing on the possible acquisition by Eminent Domain of 907 Falls Street and a portion of the property along John Daly Boulevard, consisting of SBL nos. 159.09-3-3 and 159.09-3-2;
17. Approval of Agreement for Environmental Assessment and Traffic Impact Study - Centennial Park Project (Wendel Architecture P.C.); and
18. Approval of Agreement with USA Niagara Development Corporation (Supplemental Parking Lot).

Respectfully submitted,

---

Robert M. Restaino, Mayor

Mayor Restaino pulled Agenda Item #16

In regards to Item #1, Council Chairman Spanbauer stated that Vinny Bagwell, the individual doing the Customhouse Harriet Tubman Plaza, is a well-known person.

Special Meeting for Council to approve the following items.

Item #1

Contract: Vinny Bagwell, Customhouse Harriet Tubman Plaza

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. 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. With regard to the City matching funds, the City Council approved that the required amount be provided from previously approved Greenway grant funding.

In order to complete the project, this Administration is now proposing entering into an agreement with Vinny Bagwell, the artist that was selected through the RFP process to design, sculpt and place the Harriet Tubman statue. Ms. Bagwell is a renowned sculptor and representational-figurative artist that has won numerous public-art commissions and awards around the United States. The proposed agreement has a term of 13 months from the date of its execution by the City. The total cost of the overall project is \$268,000.00, with funding from the aforementioned grant and the \$67,242.00, City match.

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

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

Yeas	3
Council Members Tompkins, Zajac, Chairman Spanbauer	
Excused	1
Council Member Bax	
Absent	1
Council Member Myles	
Nays	0
APPROVED	

#2

Department of Parks and Public Works: Recreation specialist, hourly pay rate increase

In order to assist in scheduling lifeguards and recreation aides this summer, the Administration deems it necessary to increase the rate of pay for *Recreation Specialist - 2* position in the Department of Parks and Public Works. This is a seasonal position currently paying \$10.75 per hour, it is being proposed that the hourly rate for this position be increased to \$16.00 per hour. Funding for this position is available in budget code A.7146.0100.0130.000.

Will the Council so approve?

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

Yeas	3
Council Members Tompkins, Zajac, Chairman Spanbauer	
Excused	1
Council Member Bax	
Absent	1
Council Member Myles	
Nays	0
APPROVED	

#3

Code Enforcement: Emergency Demolition Funding American Rescue Plan

To continue to 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. This Administration has proposed that the City allocate a portion of its share of American Rescue Plan funding for that purpose. Therefore, it is requested that the City Council authorize the transfer of \$500,000.00 from Treasury Guidance Expenditure Category 6.1, (Revenue Replacement for the Provision of Government Services) to the Department of Code Enforcement's emergency demolition capital account line.

Will the Council so approve?

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

Yeas	3
Council Members Tompkins, Zajac, Chairman Spanbauer	
Excused	1
Council Member Bax	
Absent	1
Council Member Myles	
Nays	0
APPROVED	

#4

Contract: Reverse Osmosis Filtration System Replacement, Hyde Park Ice Pavilion, Change Order #1/Final

A contract for the above referenced project was awarded to Keppler Water Treatment, Inc. on January 14, 2022, in the amount of \$95,600.00.

After the start of the project, it was determined that the removal of the existing circulating pump was obscured from inspection prior to the removal of the existing filtration system. Close inspection allowed the City to determine that replacement of the circulator, originally slated to stay, was warranted. The additional cost for the pump replacement is \$3,831.00, bringing the new contract total to \$99,431.00. Funding for the additional pump and its installation will be available from American Rescue Plan Funds under Treasury Guidance Expenditure Category 6.1, which is "Revenue Replacement for the Provision of Government Services".

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

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

Yeas	3
Council Members Tompkins, Zajac, Chairman Spanbauer	
Excused	1
Council Member Bax	
Absent	1
Council Member Myles	
Nays	0
	APPROVED

#5

Contract: 911 Robbins Dr., emergency Demolition, Change Order #1

On February 14, 2022, the Parks Department building at 911 Robbins Drive collapsed and it was necessary to solicit quotes for the emergency demolition. Regional Environmental Demolition was the lowest responsible bid at a cost of \$62,222.00.

It was necessary for the City to halt the emergency demolition as it pursued the proper insurance damage claim. These delays resulted in a net cost increase of \$15,300.00, bringing the new contract total to \$77,522.00. Funding is available through Capital Account Code for City Buildings H1315.

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

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

Yeas	3
Council Members Tompkins, Zajac, Chairman Spanbauer	
Excused	1
Council Member Bax	
Absent	1
Council Member Myles	
Nays	0
	APPROVED

#6

Parking Restrictions: Highland Ave., between Beech Ave. & Profit Lane

Recently, this Administration engaged in a lengthy discussion with representatives of the Tulip Corporation, Max's Lounge and the Elks Lodge relative to the recently imposed parking restrictions on a portion of Highland Avenue between Beech Avenue and Profit Lane. The current restriction is "No Parking - 7 PM to 7 AM". The parties have, however, agreed to a modification of the restriction to "No Parking - 1 AM to 7 AM."

Accordingly, it is hereby requested that the City Council approve this modification as it represents a satisfactory solution to the individual concerns of the business entities in this area. Upon approval, appropriate signage will be installed.

Will the Council so approve?

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

Yeas	3
Council Members Tompkins, Zajac, Chairman Spanbauer	
Excused	1
Council Member Bax	
Absent	1
Council Member Myles	
Nays	0

APPROVED

#7

Bandstand Fee: Waiver, Summerfest at the Sal

The Niagara Falls Fire Fighters Toy Fund has requested use of the City of Niagara Falls' bandstand on Sunday, August 7, 2022, at Sal Maglie Stadium as part of the annual "Summerfest at the Sal." It is proposed that the City Council authorize the City Administrator to waive the fee for use of the City bandstand for this event.

Will the Council so approve?

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

Yeas	3
Council Members Tompkins, Zajac, Chairman Spanbauer	
Excused	1
Council Member Bax	
Absent	1
Council Member Myles	
Nays	0

APPROVED

#8

Bandstand Fee: Waiver, NFSD, educational efforts

The Niagara Falls City School District has requested use of the City of Niagara Falls' bandstand on Wednesday, June 8, 2022, at Hyde Park School and Tuesday, June 21, 2022, at Cataract Elementary School in furtherance of its educational efforts. It is proposed that the City Council authorize the City Administrator to waive the fee for use of the City bandstand for the Niagara Falls City School District on the days listed above.

Will the Council so approve?

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

Yeas	3
Council Members Tompkins, Zajac, Chairman Spanbauer	
Excused	1
Council Member Bax	
Absent	1
Council Member Myles	
Nays	0
	APPROVED

#9

Cannon Block Properties: Reacquisition

In May 2019, a Purchase, Sale, and Development Agreement was reached between the Dyster Administration and Penn Terra USRE Corp. ("Penn Terra") for the sale and redevelopment of the five (5) Cannon Block properties located on Main and Third streets formerly owned by Dr. Mehta. In furtherance of this Agreement, the City transferred the properties in question to Penn Terra at the price of \$54,000.00, conditioned upon Penn Terra commencing construction of the development within two months of the closing and completion of the project within 24 months of that date.

Unfortunately, as Penn Terra has made no effort to commence any redevelopment the parcels in question, this Administration has taken the necessary steps to reacquire the property under the terms of the development agreement. To effectuate reacquisition of the property, the City must tender the original purchase price of \$54,000 to Penn Terra upon filing of the appropriate transactional and closing documents. Accordingly, it is hereby requested that the Council approve the reacquisition of these properties as it is in the best interest of the City. Funding is available in budget code A.0000.2770.599 - Undesignated Misc. Revenue.

Will the Council so approve and authorize the Mayor to execute the documents necessary to accomplish the same, provided that they are satisfactory to the Corporation Counsel in both form and content?

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

Yeas	3
Council Members Tompkins, Zajac, Chairman Spanbauer	
Excused	1
Council Member Bax	
Absent	1
Council Member Myles	
Nays	0
	APPROVED

#10

City Market: Muto Development, Purchase Property

As part of the proposed Agreement to terminate the City Market ground lease with Muto Development, it is proposed that the City purchase six (6) properties adjacent to the City Market that are currently owned by Muto. The properties, 774 19<sup>th</sup> Street, 810 19<sup>th</sup> Street, 812 19<sup>th</sup> Street, 814 19<sup>th</sup> Street, 818 19<sup>th</sup> Street and 820 19<sup>th</sup> Street are currently being utilized for additional customer/employee parking at the City Market.

As required under the City Charter, the proposed purchase was forwarded to the Niagara Falls Planning Board for its review and recommendation. While the Planning Board did approve the proposed purchase, it did so with the condition that the parcels be amalgamated into a single lot/SBL number. As the City plans to advertise the City Market property to potential operators following the termination of the ground lease, this condition has the potential to inhibit the marketability of the property should a potential operator have an interest in keeping these parcels separate. As the City is making a significant investment in the City Market, this Administration believes that approving the purchase with the proposed condition is inappropriate and counter to the City's best interests.

Accordingly, it is hereby requested that the City Council approve the purchase of this property without any condition. The purchase price for the six (6) parcels is included in the price for the termination of the Muto Ground Lease.

Will the Council so approve?

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

Yeas	3
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Council Members Tompkins, Zajac, Chairman Spanbauer	
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Excused	1
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Council Member Bax	
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Absent	1
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Council Member Myles	
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Nays	0
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APPROVED

#11

City Market: Muto Development, Inc., Terminate agreement

Pursuant to a lease agreement dating back to October 1999, Alfonse Muto and Muto Development, LLC ("Muto"), has been a tenant of the City of Niagara Falls relative to the real property known as the Niagara Falls City Market. Muto 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, it is hereby proposed that the City enter into an agreement with Muto Development to terminate the City Market ground lease.

Under the proposed agreement, the following will be accomplished: 1) Muto's ground lease agreement to operate the City Market will be terminated; 2) the City will assume the subleases that Muto currently has with the commercial tenants at the City Market; and 3) the City will acquire six (6) parcels of real property owned by Muto adjacent to the Market. The total cost for this transaction is Two Million Dollars (\$2,000,000.00). This price considers the present value of the underlying City Market ground lease through its projected end date in 2076. Funding is available from American Rescue Plan funding using Treasury Guidance Expenditure Category 6.1, which is "Revenue Replacement for the Provision of Government Services."

It is important to note that upon termination of the ground lease, the City will temporarily assume all operations at the City Market until such time as an agreement with a new operator can be reached. While it serves as operator of the City Market, the City will receive rent payments pursuant to the lease agreements of the retail tenants which will serve to offset expenditures related to this project.

Will the Council so approve and authorize the Mayor to execute 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 Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	3
Council Members Tompkins, Zajac, Chairman Spanbauer	
Excused	1
Council Member Bax	
Absent	1
Council Member Myles	
Nays	0
APPROVED	

#12

Deed Restriction: 324 Niagara St. Landlord, LLC, Amendment

324 Niagara Street housed the former Press Box restaurant. The property is a three-story commercial building on the north side of Niagara Street, with commercial space on the ground floor and apartments on the second and third floor. The parcel has approximately 22 feet of frontage by 99 feet deep and is identified as SBL No. 159.37-1-15. The City acquired the property in December 2015 through the in rem process.

The property was sold to 324 Niagara Street Landlord, LLC, an entity established by Savarino Companies, LLC, in December 2017. At the time of conveyance, Savarino had a development plan in place with a rapid timeline for completion. The deed contained a restriction that provided that construction of the development was to be completed within 12 months of the transfer date. In the event of failure to commence and complete construction within that period, the Premises was to be conveyed back to the City upon demand for the purchase price paid by 324 Niagara Street Landlord.

Unfortunately, Savarino's development plan was delayed and the project was not completed within the original timeframe. Nonetheless, Savarino continued work on the property. However, the Covid-19 pandemic complicated matters further.

To date, Savarino has pressed forward with redevelopment of the site and is moving closer to completing the project. Additional financing is necessary to complete the project which will require an amendment of the restrictions listed in the original deed. It is now proposed that deed be amended to provide that the project be completed no later than September 1, 2022, and that 324 Niagara Street Landlord shall have 100% of the first-floor commercial space under lease with occupancy by a non-residential commercial tenant no later than September 1, 2022. In the event of failure to commence and substantially complete construction and satisfy the commercial occupancy condition as set forth herein, 324 Niagara Street Landlord shall convey the Premises to the City upon demand and without cost.

As this is a worthwhile project and in the best interests of the City, it is requested that the City Council approve amendment of the deed to reflect the terms as noted above.



Will the Council so approve and authorize the Mayor to execute the documents necessary to accomplish the same, provided that they are satisfactory to the Corporation Counsel in both form and content?

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

Yeas	3
Council Members Tompkins, Zajac, Chairman Spanbauer	
Excused	1
Council Member Bax	
Absent	1
Council Member Myles	
Nays	0
	APPROVED

#13

Contract: Statewide Machinery, Inc., Washers/Dryers, NFFD

The City has solicited bids for four (4) high-capacity washers, four (4) bases and three (3) dryers to replace older equipment for the laundering of Niagara Falls Fire Department equipment. After receiving the bid responses, we respectfully request you award the above-referenced bid as follows:

TO: Statewide Machinery, Inc.  
319 West Main Street, Suite 5  
Batavia, New York 14020

FOR: Purchase of four (4) washers, four (4) bases and three (3) dryers  
Total Purchase Price: \$ 37,960.00

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 bid packages were sent to eight (8) vendors. Two (2) responses were received. The above referenced company submitted the lowest bid.

Funding for these expenditures is provided for through the approved DASNY Grant Funds awarded to the Niagara Falls Fire Department and available in account code H0818.2008.0818.0250.000

Will the Council so authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas	3
Council Members Tompkins, Zajac, Chairman Spanbauer	
Excused	1
Council Member Bax	
Absent	1
Council Member Myles	
Nays	0
	APPROVED

#14

Department of Public Works: Clearing/cutting of Lots, K.J. Smith Enterprises, Inc.

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

Parcels smaller than 0.30 acres	\$46.00 each
Parcels 0.31 - 1.00 acres	\$55.00 each
Parcels larger than 1.00 acres	\$65.00 per acre

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

Notice that bids were to be received was advertised in the Niagara Gazette and bid packages were sent to eleven (11) vendors. Two (2) responses were received.

Funds for this expenditure are included in DPW Grass Cutting/Clean Up account code A.8510.0000.0449.080.

Will the Council so approve?

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

Yeas	3
Council Member Tompkins, Zajac, Chairman Spanbauer	
Excused	1
Council Member Bax	
Absent	1
Council Member Myles	
Nays	0

APPROVED

#15

Contract: Fleet Vehicles, NFPD, Joe Basil Chevrolet, Inc.

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of one (1) 2023 Chevrolet Express 350 Passenger Van fleet vehicle for the City of Niagara Falls Police Department.

The City's Purchasing Division has solicited this mini-bid through the New York State Office of General Services' Vehicle Procurement process to replace an older, obsolete vehicle 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-bid as follows:

TO: Joe Basil Chevrolet, Inc.  
Basil Fleet Sales  
511 Transit Road  
Depew, New York 14043

FOR: One (1) 2023 Chevrolet Express 350 Passenger Van - Prisoner Transport \$40,065.20

The total purchase price for this vehicle is **\$40,065.20**, including up-fitting charges.

The City Purchasing Division certifies that this bid was solicited in accordance with Section 103 of the General Municipal Law and in accordance with New York State's mini-bid procedures via the NYS Vehicle Marketplace.

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 authorize the Mayor to execute an agreement with the above named vendors in a form acceptable to the Corporation Counsel?

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

Yeas	3
Council Members Tompkins, Zajac, Chairman Spanbauer	
Excused	1
Council Member Bax	
Absent	1
Council Member Myles	
Nays	0
APPROVED	

#16

Public Hearing

THIS ITEM WAS PULLED BY MAYOR RESTAINO

#17

Contract: Environmental Assessment and Traffic Impact Study, Wendel Architecture, LP.C.

In furtherance of the Centennial Park Project, this Administration hereby proposes that the City Council provide authorization for the City to enter into a professional services agreement with Wendel Architecture P.C., to provide a full environmental assessment and traffic impact study for the property identified for the Centennial Park Project, at a cost of \$85,930.00. Funds are available from Tribal Revenue reserves.

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

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

Yeas	3
Council Members Tompkins, Zajac, Chairman Spanbauer	
Excused	1
Council Member Bax	
Absent	1
Council Member Myles	
Nays	0
APPROVED	

#18

Contract: USA Niagara Development Corp., Supplemental Parking Lot

USA Niagara Development Corporation ("USAN") is the owner of three (3) contiguous parcels of real property located in the City bounded by First Street, Second Street and Niagara Street. USAN has offered the City the opportunity to utilize the Premises for the parking of vehicles to supplement the City's lots and parking ramp for the remainder of 2022. The cost to the City will be \$1.00 and the City may retain any revenues derived from parking activity. The City will be permitted to make any improvements necessary, in its discretion, to operate the Premises for the parking of vehicles.

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

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

Yeas	3
Council Members Tompkins, Zajac, Chairman Splanbauer	
Excused	1
Council Member Bax	
Absent	1
Council Member Myles	
Nays	0
	APPROVED

There being no further business to come before the Council, Chairman Spanbauer adjourned the Meeting at 5:52 PM.

Nadine A. Wasson  
Acting City Clerk



**MAY 25, 2022**

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The Legislative session of the May 25, 2022 Niagara Falls City Council Meeting was called to order by Council Chairman John Spanbauer at 6:00 P.M. in the Council Chambers.

Present: Council Members Traci Bax, Donta Myles, Kenny Tompkins, David Zajac and Chairman John Spanbauer

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

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

**CONTROLLERS REPORT:**

Dan Morello, City Controller, spoke on the 2022 Revenue that there is a positive growth

**COMMUNITY HAPPENINGS:**

Chairman Spanbauer acknowledged all the people attending the meeting

Concerning the Special Meetings, the Mayor & Council can call for a Special Meeting. He would like to have residents speak at all the Meetings.

Residents can call any member of the Council to speak to them.

Chairman Spanbauer is holding a Forum before the Special Meetings for residents to speak on the Items.

Juneteenth  
Pride Month

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

Todd Salansky	Agenda Items #3, #4, #5, #8, #9
Jennifer Lamoy	Agenda Items #3, #4, #6, #7, #9
Cherrish Beals	Agenda Item #8

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK CLAIMS FOR THE MONTH OF APRIL 2022

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF APRIL 2022

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: CENTER COURT POOL, COMMERCIAL PUMPS, SARACENI POOLS & SPAS

Agenda Item #3

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of two (2) pool pumps for the Center Court.

TO: Saraceni Pools and Spas  
2444 Military Road  
Niagara Falls, New York 14304

FOR: Pentair EQK750 7.5 HP Phase High Performance  
Commercial Pump  
Two (2) Quantity at \$5295.00 each

TOTAL COST: \$ 10,590.00

Funding for this project is available from American Rescue Plan Funds under the Treasury Guidance Expenditure Category 1.7 which is "Capital Investments or Physical Plant Changes to Public Facilities."

Will the Council so authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: NFPD, PUBLIC SAFETY COMMUNICATIONS EQUIPMENT/SERVICE, MOTOROLA SOLUTIONS INC.

Agenda Item #4

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for upgrading public safety communications equipment and services for the City of Niagara Falls Police Department.

These items have been solicited through the New York State Office of General Services Procurement Services, Award Number 23141, Group Number 77200, Contract Number PT68722 for two-way radios, vehicle radios and the replacement and upgrade of NFPD emergency dispatch consoles.

We respectfully request you award the above-referenced items as follows:

TO: Motorola Solutions, Inc. (Contractor)  
123 Tice Boulevard, Suite 202  
Woodcliff Lake, New Jersey 07677

FOR: Dispatch Console Replacement and Upgrade \$290,327.90

-----  
TO: Skywave Communications, Inc. (Subcontractor) - MWBE  
51 Goodway Drive South  
Rochester, New York 14623

FOR: Portable Two-Way Radios (160 quantity), Vehicle Radios (40 quantity), All Band Portable Radios (5 quantity) and accessories (batteries, chargers, microphones, licenses, programming, antenna)  
\$750,932.60

Total Expenditure: \$1,041,260.50

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 authorize the Mayor to execute an agreement with the above named vendors in a form acceptable to the Corporation Counsel?

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

Yeas

5

Nays

0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #5

The following have requested City Council approval for Commissioner of Deeds for a term from July 1<sup>st</sup>, 2022 to June 30<sup>th</sup>, 2024

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

Julie Kunecki  
Nikeshia Coates  
Jason Haug  
Joshua Miller

Code Enforcement  
Code Enforment  
NFPD  
NFPD

Alyson Graham	2441 Woodland Avenue Niagara Falls, NY 14301
Denise M. Pelosino	959 Lafayette Avenue Niagara Falls, NY 14305
Erin Jankowiak	2244 Katherine Drive Niagara Falls, NY 14301
Alexis Evans	453 76 <sup>th</sup> Street Niagara Falls, NY 14304
Kelly Cook	1026 92 <sup>nd</sup> Street Niagara Falls, NY 14304
Frances Curcione	3302 Walnut Avenue Niagara Falls, NY 14301
Louise Fasciano	1331 104 <sup>th</sup> Street Niagara Falls, NY 14304
Richard Smith	1021 96 <sup>th</sup> Street Niagara Falls, NY 14304
Jean Kennedy	1423 Wyoming Avenue Niagara Falls, NY 14305

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

Yeas

5

Nays

0

APPROVED

RESOLUTIONS

PUBLIC HEARING, ABANDONMENT OF RIGHT-OF-WAY, VIRGINIA AVE/SEVENTEENTH ST., 2022-26

BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN SPANBAUER

Agenda Item #6

WHEREAS, there has been a request relative to abandonment right of way that is situated at the southeast corner of the intersection of Virginia Ave and 17th Street; and

WHEREAS, this right of way abuts the property owned by Arlene Doss-Jackson, the requesting party, who wishes to make use of the space for improvements to her property; and

WHEREAS, the Planning Board of the City Niagara Falls approved the abandonment of said right-of-way; and

WHEREAS, the City Council hereby declares its intention to abandon the above right-of-way, as described above.

NOW, THEREFORE BE IT RESOLVED that public hearing be held on abandonment of the aforementioned right-of-way at a meeting of the City Council to be held on Wednesday, June 22, 2022, at 6:00 o'clock P.M. and the City Clerk is hereby directed to publish a notice of intention to discontinue and abandon the above-mentioned right-of-way in the Niagara Gazette once a week for two (2) successive weeks preceding June 22, 2022.

Yeas

5

Nays

0

ADOPTED

PUBLIC HEARING, ABANDONMENT OF A PORTION OF THE ALLEY SITUATED BETWEEN VIRGINIA AVE/TENESSEE AVE., 2022-27

BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN SPANBAUER

Agenda Item #7

WHEREAS, there has been a request relative to abandonment of a portion of the alley situated between Virginia Avenue and Tennessee Avenue, running adjacent to two residential properties; and

WHEREAS, the portion of the alley between Virginia Avenue and Tennessee Avenue to be abandoned constitutes its westerly most 72.10 feet as measured along its northerly right-of-way boundary with an approximate included area of 840 square feet; and

WHEREAS, the Planning Board of the City Niagara Falls approved the abandonment of said alley; and

WHEREAS, the City Council hereby declares its intention to abandon the above alley, as described above.

NOW, THEREFORE BE IT RESOLVED that public hearing be held on abandonment of the aforementioned alley at a meeting of the City Council to be held on Wednesday, June 22, 2022, at 6:00 o'clock P.M. and the City Clerk is hereby directed to publish a notice of intention to discontinue and abandon the above-mentioned alley in the Niagara Gazette once a week for two (2) successive weeks preceding June 22, 2022.

Yeas

5

Nays

0

ADOPTED

JUNETEENTH, RECOGNIZING JUNE 19<sup>TH</sup>, 2022-28

BY: MAYOR RESTAINO, ALL COUNCIL MEMBERS

Agenda Item #8

WHEREAS, the City of Niagara Falls, New York, is firmly committed to celebrating and promoting diversity, inclusion, and the rich cultural traditions of our City's ethnic communities; and

WHEREAS, Juneteenth, also known as "Juneteenth Independence Day," "Emancipation Day," "Emancipation Celebration," and "Freedom Day," is the oldest African American holiday observance in our country, commemorating the end of slavery in the United States of America; and

WHEREAS, on September 22, 1862, President Abraham Lincoln issued the *Emancipation Proclamation*, which declared that as of January 1, 1863, all enslaved people in the Confederate states engaged in rebellion against the Union "shall be then, thenceforward, and forever free"; and

WHEREAS, prior to the end of the Civil War, on January 31, 1865, the United States Congress passed the Thirteenth Amendment to the United States Constitution, which abolished slavery throughout the United States and its territories. Spontaneous celebrations erupted throughout the country when African Americans learned of their freedom; and

WHEREAS, the state of Texas, as part of the Confederacy, resisted the Emancipation Proclamation. But on June 18, 1865, Union troops led by Major General Gordon Granger arrived in Galveston, Texas, to take possession of the state and enforce the emancipation of its slaves.

Former slaves in Galveston rejoiced in the streets with jubilant celebrations. The following day, June 19th, became known as "Juneteenth." Juneteenth celebrations began in Texas the following year; and



WHEREAS, initially a regional celebration popular in Texas and neighboring states which brought remaining family members together who had resettled after June 19, 1865, Juneteenth grew to become a national event during which African American communities gathered to share in the spirit of the day, featuring outdoor activities, food, and prayer services; and

WHEREAS, Juneteenth education and celebrations declined in the early 20th century, but the Civil Rights Movement of the 1950s and 1960s saw a resurgence of interest in Juneteenth, along with renewed community celebrations of the day, which have now grown into an important national and local celebration of African American freedom, culture, and achievement.

WHEREAS, in 2020, New York State recognized Juneteenth as a state holiday, which has encouraged all residents to celebrate this day and to honor and reflect on the significant roles that African Americans have played in the history of our country; and

WHEREAS, Juneteenth commemorates African American freedom and emphasizes education and achievement. It is time for rejoicing marked with celebrations, picnics, and family gatherings. It is also a time for reflection, assessment, self-improvement, and for planning the future.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls and Mayor Robert M. Restaino hereby recognize and commemorate June 19th as "Juneteenth" in the City of Niagara Falls and join in celebrating Juneteenth as a day to honor and reflect on the significant role that African Americans have played in the history of the United States and how they have enriched society through their steadfast commitment to promoting unity and equality, and

BE IT FURTHER RESOLVED that all City residents and visitors are encouraged to share and participate in this important celebration of African American culture, history, and pride.

Yeas

5

Nays

0

ADOPTED

COMMUNICATION SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: MULHOLLAND, THOMAS

Agenda Item #9

Request for approval to settle the personal injury lawsuit of THOMAS MULHOLLAND.

Date of Occurrence:	February 8, 2015
Date Claim Filed:	March 11, 2015
Date Action Commenced:	October 20, 2015
Location:	Intersection of Walnut Avenue and 9 <sup>th</sup> Street.
Nature of Claim:	Personal Injury - motor vehicle accident.
City Driver:	Brittany Searight
Status of Action:	The parties reached a tentative settlement immediately before trial scheduled in New York State Supreme Court, Niagara County, which will become final if Council votes to approve it.
Recommendation/Reason:	Best interest of City.
Amount to be Paid:	One Million Two-Hundred and Five Thousand Dollars (\$1,205,000.00)
Check Writing Details:	Make payable to "Thomas Mulholland and Gibson McAskill & Crosby as attorneys"

Conditions: Stipulation of Discontinuance and General Release must be approved by Corporation Counsel.

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

Yeas

5

Nays

0

APPROVED

RESOLUTION

TAVANO, JOSEPHINE A., REAPPOINTMENT, NF MUNICIPAL CIVIL SERVICE  
COMMISSION, 2022-29  
BY: COUNCIL MEMBER BAX, CHAIRMAN SPANBAUER

Agenda Item #10

NOW, THEREFORE, BE IT RESOLVED that the Niagara Falls City Council hereby reappoints the following individual to the City of Niagara Falls Municipal Civil Service Commission, effective May 31, 2022, for the term expiring on the date which appears opposite her name:

REAPPOINTMENT:	TERM EXPIRES:
JOSEPHINE A. TAVANO	05/31/2028
953 Lafayette Avenue	
Niagara Falls, NY 14305	

Yeas	5
Nays	0

ADOPTED

The Chairman asked if anyone wished to speak on The Good of the Community and the following spoke:

Jennifer LaMoy	Communication, transparency; need to deserve trust; we're all equal; Council leadership lacking
Chantrice Allen	Violence, drug use; shut down Apartment Bldg. on 7 <sup>th</sup> St. & Pine Ave.
Jill Gonzalez	Unresolved issues; City owned down tree
Kathleen DuBois	Garbage; DPW is vital; lack of empathy in City
Todd Salansky	Transparency
Cherrish Beals	Frustrating not to be heard; Special Meetings
Mary Tillman	No changes; same issues addressed; needs of the people need to be met; respect one another
Jockline Pryor	CD missing money; a lot of FOILS submitted by her that responses are not good
Maria Tisby	Special Meetings; Censorship by elected officials
Frank Handley	No results; Black Businesses
Joseph Kissel	VP of NY Coalition for Open Government; Special Meetings
Lacory Edwards	Special Meetings; people not informed; need Community Center at Center Court
Ezra Scott, Jr.	Communication; transparency; Special Meetings
Bill Kennedy	Transparency
Chris Smith	History

PRESENTATION:

Cariol Horne, Buffalo Police Officer; Initiating a program to stop killings, asking for help pass Law statewide

There being no further business to come before the Council, Chairman Spanbauer adjourned the Meeting at 8:25 P.M.

Nadine A. Wasson  
Acting City Clerk



**JUNE 13, 2022**

**SPECIAL COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

The June 13, 2022 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Spanbauer at 5:30 PM in the Council Chambers.

Present: Council Members Bax, Tompkins, Chairman Spanbauer

Excused: Council Member Zajac

Absent: Council Member Myles

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

Special Meeting for Council to approve the following items.

June 9, 2022

Members of the City Council and City Clerk

Re: Mayor's Special Meeting of Niagara Falls City Council

Council Members and City Clerk:

You are hereby notified of the Mayor's 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, June 13, 2022, at 5:30 p.m.** in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purposes:

1. Approval of Waiver of Parking Fees for City Parking Lot - 256 Third Street (Niagara Falls City School District - Senior Prom);
2. Approval of Encroachment Request - 8643 Buffalo Avenue (American Legion Post #1142);
3. Approval of Encroachment Request - 435 Third Street (The GoldBar);
4. Approval of Agreement Relative to Redevelopment of 519 Cayuga Drive (WillberCo Development, Inc.);
5. Approval of Agreement to Implement IT Strategic Plan and Upgrades (Avero Advisors);
6. Approval of Waiver of Pavilion Fee - Hyde Park Oasis (Family of Staff Sgt. Aram Bass);
7. Approval of Right of Entry and Access Agreement - Early Voting Site at City Train Station (County of Niagara);

8. Approval of Allocation of American Rescue Plan Funding (Security Camera Rebate Program for Local Businesses Program);
9. Approval of Sale of Real Property (1335 Willow Avenue, Niagara Falls NY 14301);
10. Approval of Lifeguard Training/Certification Agreement (Matthew Leo);
11. Relative to Amendment of City of Niagara Falls Zoning Ordinance to Create a High Energy Usage Overlay District;
12. Relative to the Creation, Establishment, Development, Construction, Expansion, Enlargement and Operation of Commercial Data Centers in the City of Niagara Falls, Extending the Moratorium on the Consideration and/or Issuance of All Permits and/or Approvals Through September 13, 2022;
13. Resolution Calling for a Public Hearing on the Possible Acquisition by Eminent Domain of 907 Falls Street and a Portion Of The Property Along John Daly Memorial Parkway Consisting of SBL Nos. 159.09-3-3 and 159.09-3-2, in the City of Niagara Falls;
14. Approval of Agreement to Purchase User Fee Software (WAM Software Inc.);
15. Approval of Third-Party Legal Consultant Agreement (Department of Community Development);
16. Approval of Proposed Agreement Regarding Demolition of Walkway/Escalator Enclosure - Old Falls Street (USA Niagara Development Corporation);
17. Appointment of Vicky Wideman as Niagara Falls City Clerk;
18. Approval of Invoice for Emergency Overhead Electrical Feed Replacement - 911 Robbins Drive (M&M Electric Construction Company, Inc.);
19. Approval of Waiver of Bandstand Fee - Legends Park (Niagara Falls Juneteenth Event);
20. Approval of Waiver of Bandstand Fee - Hyde Park Oasis (Niagara Falls City School District);
21. Approval of Air Filling Station (SCBA) for City of Niagara Falls Fire Department (Fletch Air Systems);
22. Approval of 2022-23 Community Development Annual Action Plan;
23. Approval of Award for Independence Day Fireworks Display (Skylighters Fireworks of New York, LLC);
24. Purchase of Vehicle Air Conditioning Service Unit (Auto Plus-Niagara);
25. Approval of Extension of CARES Act Grants (Community Development);
26. Approval for Purchase of Forcible Entry Door Simulator - Niagara Falls Fire Department (East Coast Rescue Solutions);
27. Approval of Award for Hyde Park Pool Interior Resurfacing (Patterson-Stevens, Inc.);
28. Approval of Certification of Base Percentages, Current Percentages, and Current Base Proportions for Homestead and Non-Homestead Assessment Roll;

29. Request for Approval to settle property damage claim of Jessica H. Shaw;
30. Request for Approval to settle property damage claim of Progressive Insurance Company A/S/O James Allen Powell;
31. Request for Approval to settle property damage claim of Progressive Insurance Company A/S/O Jacqueline Rivera;
32. Request for Approval to settle property damage claim of Ada M. Hayes;
33. Request for approval to settle property damage claim of Roberta K. Beckwith;
34. Approval of Consulting Agreement for Temporary Management of the City Market (Alfonse Muto); and
35. Relative to Honoring Norma Higgs.

Respectfully submitted,

---

Robert M. Restaino, Mayor

PRESENTATION:

GOBIKE-Andy Wood-spoke on that they did a Public Survey and a Speed Study

Met with the Traffic Advisory Committee and it was unanimously approved  
There will be no cost to the City

PARKING FEES: 256 THIRD STREET, SENIOR PROM, WAIVER

Agenda Item #1

On Friday, June 17, 2022, Niagara Falls High School will hold its Senior Class Prom at the Niagara Falls Conference Center. The event will begin at 5:00 p.m. and end at approximately 11:00 p.m. The Administration is requesting that parking fees for 30 parking spots in the surface lot at 256 Third Street be waived to accommodate students and chaperones.

Will the Council so approve?

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

Yeas 3

Council Members Bax, Tompkins, Chairman Spanbauer

Nays 0

Excused: Council Member Zajac

Absent Council Member Myles

APPROVED

PLANNING DEPT: 8643 BUFFALO AVENUE, ENCROACHMENT REQUEST

Agenda Item #2

Cooper signs has made an encroachment request on behalf of their client, American Legion Post # 1142, in order to facilitate replacement of an existing sign into the City right-of-way located at 8643 Buffalo Avenue. Attached hereto, (on file in the City Clerk's Office) please find information relative to the location of the requested encroachment. The City of Niagara Falls Planning Board recommended approval of this encroachment request, with the attached conditions, at its May 4, 2022, meeting.

Will the Council so approve the encroachment request, subject to the conditions recommended by the Planning Board?

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

Yeas	3
Council Members Bax, Tompkins, Chairman Spanbauer	
Nays	0
Excused: Council Member Zajac	
Absent: Council Member Myles	

APPROVED

PLANNING DEPT: 435 THIRD STREET, ENCROACHMENT REQUEST

#### Agenda Item #3

Morgan Genovese, owner of the GoldBar, located at 435 Third Street, has requested an encroachment into the City right-of-way in order to facilitate patio seating and the addition of a stationary awning. Attached hereto, (on file in the City Clerk's Office) please find information relative to the location of the requested encroachment. The City of Niagara Falls Planning Board recommended approval of this encroachment request, with the attached conditions, at its June 1, 2022, meeting.

Will the Council so approve the encroachment request, subject to the conditions recommended by the Planning Board?

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

Yeas	3
Council Members Bax, Tompkins, Chairman Spanbauer	
Nays	0
Excused: Council Member Zajac	
Absent: Council Member Myles	

APPROVED

CONTRACT: 519 CAYUGA DRIVE, REDEVELOPMENT

#### Agenda Item #4

The former Goetzman Hardware property located at 519 Cayuga Drive has long been vacant and in tax arrears, with School taxes dating back to 2005 and City taxes dating back to 2006. Recently, this Administration has received a proposal from WillberCo Development, Inc. ("WillberCo"), the recent purchaser of the property, which outlines an extensive plan to redevelop the parcel. This proposal would require an adjustment to the outstanding unpaid taxes on the property by the City to further the project.

After reviewing this proposal, this Administration believes that the WillberCo plan has the potential to revitalize the property and enhance the LaSalle Business District corridor. Accordingly, this Administration recommends that the City enter into an agreement with WillberCo in order to advance the project.

Under a proposed agreement, it will be necessary for WillberCo to complete the following:

- Pay fifty percent (50%) of all base City taxes, which total \$16,784.47 as of April 30, 2022;
- Pay to the City all sums that it paid to the Niagara Falls School District for unpaid taxes on the property, including all penalties and interest. This amount, as of April 30, 2022, is \$17,069.40 in base taxes and \$22,443.37 in penalties and interest, for a grand total of \$39,512.77;
- Pay and remain current on all property taxes and fees on the property;
- Strict Compliance with all planning, zoning and code enforcement requirements related to construction; and

- The project must be completed by May 1, 2023.

Advancement of the WillberCo proposal is in the best interests of the City of Niagara Falls as it has potential to revitalize a long dormant parcel in the heart of a burgeoning business community.

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

Yeas 3

Council Members Bax, Tompkins, Chairman Spanbauer

Nays 0

Excused: Council Member Zajac

Absent: Council Member Myles

APPROVED

CONTRACT: IT STRATEGIC PLAN AND UPGRADE, AVERO ADVISORS

#### Agenda Item #5

In an effort to improve the City's information technology capabilities, the City contracted with Avero Advisors ("Avero") earlier this year to provide an assessment of our current IT infrastructure environment, provide staff analysis, develop modernization strategies and to create an IT Strategic Plan for the City. In furtherance of the Strategic Plan, it is proposed that the City further contract with Avero to perform the services required to undertake the same.

The work to be performed by Avero will include, among other things, a network rebuild, Active Directory cleanup, firewall implementation, discovery and stabilization of system backups, oversight and project management maintenance, as well as ad-hoc IT support. The term of agreement will run through December 31, 2022. The cost for Avero's services, including necessary hardware and software, is \$344,760.00; funding is available from American Rescue Plan Funds utilizing the Treasury Guidance Expenditure Category 1, which is the "Responding to Public Health Emergency" category.

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

Yeas 3

Council Members Bax, Tompkins, Chairman Spanbauer

Nays 0

Excused: Council Member Zajac

Absent: Council Member Myles

APPROVED

PAVILION FEE: OASIS, WAIVER, FAMILY OF STAFF SGT. ARAM BASS

#### Agenda Item #6

In September 2007, the City named the Oasis at Hyde Park after Staff Sgt. Aram Bass. Staff Sgt. Bass was a Niagara Falls native who was killed in combat in November 2005 during Operation Iraqi Freedom. Subsequently, the fee for the use of the Oasis was waived by previous administrations for the annual Bass family gathering without going to City Council for approval. Due to the Covid-19 pandemic, the family did not have the picnic in 2020 and 2021. This Administration would request that the City Council continue the waiver of the pavilion fee for the annual Bass family gathering.

Will the Council so approve?  
 Council Member Tompkins moved that the communication be received and  
 filed and the recommendation approved.  
 Yeas 3  
 Council Members Bax, Tompkins, Chairman Spanbauer  
 Nays 0  
 Excused: Council Member Zajac  
 Absent: Council Member Myles APPROVED

CONTRACT: EARLY VOTING SITE-CITY TRAIN STATION, COUNTY OF NIAGARA

#### Agenda Item #7

The Niagara County Board of Elections, (hereinafter, "NCBOE"), a department of the County of Niagara, has requested the right of entry upon and access to the City Train Station building at 825 Depot Avenue West for use as an early voting polling site. As you are aware, both the voting public and the overall election process have benefited from the availability of early voting sites. Early voting has eased Election Day congestion, leading to shorter lines and improved poll-worker performance. It also allows election officials to correct registration errors and fix voting system glitches earlier.

In furtherance of this endeavor, it is proposed that the City enter into a Right of Entry and Access Agreement with Niagara County. The NCBOE would be allowed to access the property on June 17, 2022, to set up operations for the Primary Election, with early voting to begin on June 18, 2022, and conclude on June 27, 2022. A second term for the General Election would begin on October 28, 2022 and conclude on November 7, 2022. The various times where the polling site would be open will be set by the NCBOE. The County will be responsible for the condition of the property and will provide the City with insurance and indemnification pursuant to our usual requirements.

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

Council Member Tompkins moved that the communication be received and  
 filed and the recommendation approved.  
 Yeas 3  
 Council Members Bax, Tompkins, Chairman Spanbauer  
 Nays 0  
 Excused: Council Member Zajac  
 Absent: Council Member Myles APPROVED

AMERICAN RESCUE PLAN FUNDING: SECURITY CAMERA REBATE PROGRAM FOR LOCAL BUSINESSES PROGRAM

#### Agenda Item #8

In an effort to help local business owners better protect their property, this Administration has launched the "Security Camera Rebate Program for Local Businesses." Under this program, the City will, through American Rescue Plan ("ARP") funding, make a \$700.00 rebate available for businesses that purchase exterior video camera security systems. All applicants (application on file in the City Clerk's Office) under to program must:

- be an owner of the business property located in the jurisdictional limits of the City (or, if the applicant is a tenant, they must have the owner's consent to install);
- provide proof of purchase and comply with an inspection by police;
- have all business license fees paid and up-to-date;



- agree to provide local law enforcement with any video and/or pictures from the system, upon request;
- ensure that the camera system have night vision operation and a 30-day storage minimum; and
- keep the system in operation for at least three years.

This rebate program covers only the cost of the video equipment; business owners are responsible for any installation and/or subscription costs.

Funding for this program will be \$500,000.00 and is available from American Rescue Plans Funds, expenditure category Section 2.2, "Strong Healthy Communities Neighborhood Features that Promote Health and Safety."

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

Yeas 3

Council Members Bax, Tompkins, Chairman Spanbauer

Nays 0

Excused: Council Member Zajac

Absent: Council Member Myles

APPROVED

CITY PROPERTY: 1335 WILLOW AVENUE, SALE

Agenda Item #9

In 2012, the City of Niagara Falls acquired the above property from then owner Harrison Davis through the In Rem process. Mr. Davis owed a significant amount of taxes on the property which led to the City taking said action. The City is still currently in possession of this property. Recently, Mr. Davis has expressed interest in reacquiring the property from the City.

In order to facilitate such a transaction, it is proposed that Mr. Davis pay all of the outstanding property taxes and penalties related to 1335 Willow Avenue. Additionally, as Mr. Davis owns two (2) other properties, the City would require that Mr. Davis bring both of those properties up to date as it relates to property taxation as well. As it concerns 1335 Willow Avenue, the outstanding City and School taxes and penalties total \$14,428.66.

It is proposed that sale of this property in its current state and bringing all three of Mr. Davis' properties current relating to property taxes is clearly in the best interests of the City. The Planning Board has recommended the disposal of this City-owned parcel (see attached).

Will the Council so approve disposal of this parcel and authorize the Mayor to execute any required documentation in the form acceptable to the Corporation Counsel?

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

Yeas 3

Council Members Bax, Tompkins, Chairman Spanbauer

Nays 0

Excused: Council Member Zajac

Absent: Council Member Myles

APPROVED

Agenda Item #10

In order to be able to utilize City swimming pools this year, there is the need to recruit young people to work as lifeguards. Lifeguards must be American Red Cross certified in order to fill these positions, which involves a two-day course to be conducted by a certified lifeguard instructor. Matthew Leo is a certified lifeguard instructor who will be conducting this two-day course. There is a fee of \$300.00 per student for the instructor. Funding will be available in budget code A.7310.4410.0451.000.

Will the Council vote to so approve?

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

Yeas 3

Council Members Bax, Tompkins, Chairman Spanbauer

Nays 0

Excused: Council Member Zajac

Absent: Council Member Myles

APPROVED

RESOLUTION: ZONING ORDINANCE, HIGH ENERGY USGE OVERLAY DISTRICT, AMENDMENT, 2022-31A

Agenda Item #11

WHEREAS, on December 20, 2021, the City Council of the City of Niagara Falls imposed 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

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 concerning the location, regulation and approvals of commercial data centers; and

WHEREAS, the Administration has developed proposed amendments to various sections of the City of Niagara Falls Zoning Ordinance to achieve the goals and purposes set forth in the moratorium; and

WHEREAS, the proposed amendments will also address the potential impacts of high energy usage generated by the Cannabis industry; 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, pursuant to NYS GML § 239-m, this proposed amendment must also be referred to the Niagara County Planning Board for its review and recommendation; and

WHEREAS, the Administration hereby submits the attached proposed amendments to the Zoning Ordinance, thereby creating a High Energy Usage Overlay District in furtherance thereof; and

WHEREAS, City Council will 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 twenty-five (25) or more acres; and

WHEREAS, the City's Environmental Planner is currently drafting 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 as indicated in the attached proposal; 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 makes a preliminary classification of 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 twenty-five (25) or more acres; and

BE IT FURTHER RESOLVED that upon completion of the Full EAF Part 1 form, City Council will circulate copies of the Full EAF Part 1 and this resolution to the involved agencies; and

BE IT FURTHER RESOLVED that these proposed amendments 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; and

RESOLVED that these proposed amendments also be referred to the Niagara County Planning Board pursuant to NYS GML § 239-m for its recommendation in furtherance of the Zoning Ordinance amendment process.

Yeas	3
Council Members Bax, Tompkins, Chairman Spanbauer	
Nays	0
Excused: Council Member Zajac	
Absent: Council Member Myles	

ADOPTED

RESOLUTION: COMMERCIAL DATA CENTERS, EXTENDING MORATORIUM THROUGH SEPTEMBER 13, 2022, 2022-31

Agenda Item #12

WHEREAS, on December 20, 2021, the City Council of the City of Niagara Falls imposed 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

WHEREAS, the moratorium was imposed so as 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; and

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

WHEREAS, as the newly developed plan will require an amendment to the City's Zoning Ordinance, Planning Board review will also require submission of the plan to the Niagara County Planning Board and a Public Hearing; and

WHEREAS, the review process is expected to be completed in August 2022; and

WHEREAS, in order allow for the completion of this process prior to our consideration of the specifics of the amendment to the City Zoning 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 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 is hereby extended through September 13, 2022, unless further extended by the City Council.

Yeas	3
Council Members Bax, Tompkins, Chairman Spanbauer	
Nays	0
Excused: Council member Zajac	
Absent: Council Member Myles	

ADOPTED

RESOLUTION: PUBLIC HEARING, EMINENT DOMAIN, SBL NOS. 159.09-3-3 AND 159.09-3-2, 2022-32

Agenda Item #32

WHEREAS, the Mayor and the City Council of the City of Niagara Falls are considering the acquisition of certain real property located at 907 Falls Street and a portion of the property located at John Daly Memorial Parkway in the City of Niagara Falls, those being designated as tax parcel numbers 159.09-3-2 and 159.09-3-3 (the "Property"); and

WHEREAS, the Mayor and the City Council are considering said acquisition for the following public purpose: to complete the assemblage of real estate necessary to move forward with a multifaceted year-round event campus and community redevelopment project referred to as the Niagara Falls Centennial Park Events Center at the Property; and

WHEREAS, the City Council, pursuant to Eminent Domain Procedure Law Article 2, wishes to hold a Public Hearing in order to inform the public of the proposed acquisition and to review the public use to be served by the acquisition, and to receive comments from the public on the proposed acquisition.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls as follows:

1. A Public Hearing will be held at 6:00 p.m. on June 29, 2022 at City Hall, 745 Main Street, Niagara Falls, New York, 14031: (a) to inform the public of the City Council's proposal to take, by eminent domain, all the real property located at 907 Falls Street and a Portion of the Property along John Daly Memorial Parkway, those properties being comprised of SBL Nos. 159.09-3-3 and 159.09-3-2 (the "subject property"), and (b) to review both the public use to be served by the proposed public project, and the impact on the environment and residents of the locality where such Project will occur.

2. The City Clerk is directed to publish the attached Public Notice in the City's Official Newspaper, the Niagara Gazette, which is a daily paper, in five successive issues, with the first publication no less than ten nor more than 30 days before the hearing, and to post the Public Hearing Notice at City Hall.

3. The City Clerk is to mail notice of the hearing, certified mail, return receipt requested, to the record owners of the subject property, no less than ten nor more than 30 days before the hearing.

4. This Resolution is effective immediately.

PASSED AND ADOPTED by the City Council of the City of Niagara Falls the 13th day of June 2022.

Yeas	3
Council Members Bax, Tompkins, Chairman Spanbauer	
Nays	0
Excused: Council Member Zajac	
Absent: Council Member Myles	

ADOPTED

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

Agenda Item #14

In June 2020, the City contracted with WAM Software, Inc. to provide specialized computer software to manage accounts and maintain program accuracy related to the billing and collection of the Refuse User Fee. As this agreement is expiring, it is now proposed that the Council approve a two-year extension of this agreement as the services provided by WAM have been satisfactory.

Under the proposed two (2) year agreement, WAM will provide the City with a user system that can manage up to six individual accounts at one time. WAM will also provide the City with customer service, technical support and software updates, as needed and at no cost. This agreement will also include access to WAM's web server subscription service which will allow the City to access all of WAM's various services and web-based technologies. WAM's software also features state-of-the-art security features to prevent unauthorized access to City and taxpayer information.

WAM will provide the software and services at a cost of \$410.00 per month over the length of the agreement. Additionally, WAM's web services are available to the City at a cost of \$960 per year. Funding for this project is available from budget code A.8160.0000.0446.007.

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

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

Yeas 3

Council Members Bax, Tompkins, Chairman Spanbauer

Nays 0

Excused: Council Member Zajac

Absent: Council Member Myles

APPROVED

#### COMMUNITY DEVELOPMENT: THIRD PARTY LEGAL CONSULTANT EXTENSION

##### Agenda Item #15

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. The consultancy was extended for an additional year, and the term expires May 31.

Mr. Zucco has provided assistance in the preparation of grant agreements and council agenda items for the CD Department, as well as being available to review matters such as grantee eligibility and program compliance. Mr. Zucco is retired as an attorney, and has referred matters requiring legal advice to the Corporation Counsel.

It is proposed that the consultancy be extended for an additional year on the same terms and conditions, at the current rate, with up to \$10,000 of additional funds appropriated to cover this consultancy. This will allow the continuation of the arrangement which has been beneficial to the Community Development Department.

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

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

Yeas 3

Council Members Bax, Tompkins, Chairman Spanbauer

Nays 0

Excused: Council Member Zajac

Absent: Council Member Myles

APPROVED

Agenda Item #16

USA Niagara Development Corporation ("USAN") is the owner of real property commonly known as 333 1<sup>st</sup> Street, Niagara Falls, NY. The City of Niagara Falls is owner of a three-sided walkway/escalator enclosure (approximately 4000 sq. ft.) directly adjacent to the south side of the structure on the USAN property, which is located entirely within City's right of way on Old Falls Street.

USAN desires to demolish the structure on its property to permit the redevelopment of the site; however, demolition of the structure would leave the City's walkway/escalator enclosure as a blighted and hazardous structure which would serve no legitimate purpose. Consequently, USAN has requested permission from the City to demolish the walkway/escalator enclosure as part of the demolition work on its own property. This will help protect the safety and welfare of pedestrians and promote economic development by removing an unsafe and undesirable structure from the downtown area.

As it is in the best interests of the City to allow USAN to demolish the enclosure to achieve the intended goals of this project, it is hereby proposed by this Administration that the City Council approve the granting of a license to USAN, its employees, agents, contractors, consultants and other necessary parties to enter onto and into the City's walkway/escalator enclosure and the surrounding right of way for the purposes of the design and construction of the project. This will include inspections, site work, design work, demolition preparation and demolition of the enclosure, all at no cost to the City. A proposed agreement between the parties will reflect those terms.

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

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

Yeas	3
Council Members Bax, Tompkins, Chairman Spanbauer	
Nays	0
Excused: Council Member Zajac	
Absent: Council Member Myles	

APPROVED

CITY CLERK OFFICE: WIDEMAN, VICKY, NF CITY CLERK, APPOINTMENT

Agenda Item #17

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

Will the Council vote to so approve?

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

Yeas 3

Council Members Bax, Tompkins, Chairman Spanbauer

Nays 0

Excused: Council Member Zajac

Absent: Council Member Myles

APPROVED

DEPARTMENT OF PUBLIC WORKS/PARKS: M & M ELECTRIC CONSTRUCTION CO. EMERGENCY OVERHEAD ELECTRICAL FEED REPLACEMENT

Agenda Item #18

As you know, on February 14, 2022, the roof of the Parks Department building at 911 Robbins Drive collapsed. As an emergency demolition of the building was required, the overhead electrical feed to the building had to be re-routed. M&M Electric Construction Company, Inc. was the lowest responsible bid at a cost of \$40,355.00. The work was completed satisfactorily, and M&M has submitted an invoice for payment. Funding is available through Capital Account Code for City Buildings H1315.

Will the Council vote to so approve?

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

Yeas 3

Council Members Bax, Tompkins, Chairman Spanbauer

Nays 0

Excused: Council Member Zajac

Absent: Council Member Myles

APPROVED

DEPARTMENT OF PUBLIC WORKS: BANDSTAND FEE, NF JUNETEENTH EVENT, WAIVED

Agenda Item #19

The Messenger of NFNJ Juneteenth Event Committee has requested use of the City of Niagara Falls' bandstand on Sunday, June 19, 2022, at Legends Park as part of their Juneteenth event. It is proposed that the City Council authorize the City Administrator to waive the fee for use of the City bandstand for this event.

Will the Council so approve?

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

Yeas 3

Council Members Bax, Tompkins, Chairman Spanbauer

Nays 0

Excused: Council Member Zajac

Absent: Council Member Myles

APPROVED

DEPARTMENT OF PUBLIC WORKS: BANDSTAND FEE, NF SCHOOL DISTRICT ( OASIS), WAIVED

Agenda Item #20

The Niagara Falls City School District has requested use of the City of Niagara Falls' bandstand on Tuesday, August 16, 2022, at the Hyde Park Oasis in furtherance of a Kindergarten meet and greet and registration. It is proposed that the City Council authorize the City Administrator to waive the fee for use of the City bandstand for the Niagara Falls City School District on the days listed above.

Will the Council so approve?

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

Yeas 3

Council Members Bax, Tompkins, Chairman Spanbauer

Nays 0

Excused: Council Member Zajac

Absent: Council Member Myles

APPROVED

CONTRACT: AIR FILLING STATION, FIRE DEPARTMENT, FLETCH AIR SYSTEMS

Agenda Item #21

We respectfully request your approval for the expenditure of FEMA Grant Funds and Tribal Revenue funds for the purchase of one Air Filling Station for the City of Niagara Falls Fire Department as follows:

FROM: Fletch Air Systems  
3297 Ridge Road  
Ransomville, New York 14131-9528

FOR: One (1) quantity Bauer Unicus 4 All-In-One Platform  
Breathing Air Compressor System Model UN4 18H-E3 to  
be utilized with Self Contained Breathing Apparatus  
Cylinders and (SCOTT Paks) by City of Niagara Falls  
Firefighters.

TOTAL COST: \$ 68,895.00



Funding sources are available as follows:

FEMA Grant Funds: \$38,843.00

Tribal Revenue Reserves Local Match Funds: \$30,052.00

Will the Council so authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas 3

Council Members Bax, Tompkins, Chairman Spanbauer

Nays 0

Excused: Council Member Zajac

Absent: Council Member Myles

APPROVED

COMMUNITY DEVELOPMENT: 2022-23 COMMUNITY DEVELOPMENT ANNUAL ACTION PLAN

Agenda Item #22

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 2022-23 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:

<b>Emergency Solutions Grant (ESG) Funding</b>		
<b>Agency</b>	<b>Amount</b>	<b>Proposed Activity</b>
YWCA	\$45,000	Homeless Prevention, Housing Relocation and Stabilization
Niagara Gospel Mission	\$50,000	Homeless Intervention, Rapid Rehousing, Mental Health
Pinnacle Community Service -(Passage House)	\$25,000	Passage House-Emergency Shelter
Pinnacle Community Service -(Casey House)	\$25,000	Casey House-Emergency Shelter
Heart Love & Soul	\$47,400	Outreach

**Community Development Block Grant (CDBG) Funding**

<b>Agency</b>	<b>Amount</b>	<b>Proposed Activity</b>
Consumer Credit Counseling (CCCS)	\$21,820	Financial Counseling & Homeownership Program
Niagara Falls Housing Authority	\$113,000	Youth Summer & After School Programming
NFMMC	\$155,000	Schoellkopf Park Improvements
Heart Love & Soul Inc.	\$91,180	Project Daybreak Expansion
YWCA	\$43,000	Carolyn's House Children's Program
Niagara Gospel Mission	\$30,000	Women's Shelter
Literacy Buffalo Niagara (LBN)	\$20,000	Adult Literacy Program
Field & Fork Network	\$35,000	City Market SNAP & Food Bucks
Niagara Habitat for Humanity	\$6,600	Acquisition of Vacant Land For New Home
Niagara Habitat for Humanity	\$6,600	Acquisition of Vacant Land For New Home
Niagara Falls Boys and Girl Club	\$30,000	716 United Youth Programming
Pinnacle-Casey House Renovations	\$59,145	Casey House Renovations
Milling and Road Paving	\$400,000	City of Niagara Falls
Targeted Demolition	\$400,000	City of Niagara Falls
Owner Occupied Rehabilitation	\$262,030	City of Niagara Falls
Clean Neighborhood Program	\$200,000	City of Niagara Falls

In addition, CDBG funds are allocated for acquisition, admin, planning, economic development, housing, public improvements and public services in the amount of \$2,341,718 plus \$135,000 in program income. HOME funds are allocated for acquisition, homebuyer assistance, homeowner rehab, multifamily rental new construction and rehab, and new construction ownership in the amount of \$531,573. ESG funds are allocated for conversion and rehab for transitional housing, financial assistance, overnight shelter, rapid re-housing (rental assistance), rental assistance services and transitional housing in the amount of \$205,194.

Will the Council so approve the aforementioned 2022-2023 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 Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 3

Council Members Bax, Tompkins, Chairman Spanbauer

Nays 0

Excused: Council Member Zajac

Absent: Council Member Myles

APPROVED

CONTRACT: INDEPENDENCE DAY FIREWORKS DISPLAY, SKYLIGHTERS FIREWORKS OF NEW YORK, LLC

Agenda Item #23

We respectfully request you award the above referenced request for proposal as follows:

TO: Skylighters Fireworks of New York, LLC  
P.O. Box 1357  
Orchard Park, NY 14127  
FOR: Fireworks Display at Hyde Park: \$25,000.00

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

Notice that proposals were to be received was advertised in the Niagara Gazette and requests for proposals were sent to five (5) vendors. One (1) bid and one (1) "No Bid" responses were received. After reviewing this proposal, it has been determined that Skylighters Fireworks of New York, LLC has met the specifications required in Request for Proposal # 2022-14.

Funds are available in the Tourism Fund account code T.6410.0000.0449.599.

Will the Council so authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas	3
Council Members Bax, Tompkins, Chairman Spanbauer	
Nays	0
Excused: Council Member Zajac	
Absent: Council Member Myles	

APPROVED

CONTRACT: VEHICLE AIR CONDITIONING SERVICE UNIT, AUTO PLUS-NIAGARA, FUNDING

Agenda Item #24

We respectfully request your approval for the expenditure of Tribal Revenue Reserve funds for the purchase of a Vehicle Air Conditioning Recover, Recycle and Recharge Machine/Service Unit for the City of Niagara Falls Department of Public Works.

Quotations have been received by the City's Purchasing Division to replace an older, obsolete vehicle service unit. Said unit is not compatible with newer City fleet vehicles, necessitating outsourcing for required servicing. Replacing the current unit with an upgraded machine will decrease City expenses due to this outsourcing, as well as decrease the amount of time vehicles are out of service for this maintenance cycle. Upon review of quotation responses, we respectfully request you award the above-referenced equipment purchase as follows:

TO: Auto Plus-Niagara (F-10232)	
6900 Mooradian Drive	
Niagara Falls, New York 14304	
FOR: One (1) Premier R-1234yf Recover, Recycle and Recharge Machine	
\$ 5,567.61	
One (1) Automotive UV Leak Detection Kit	\$ 204.93
One (1) OPTEON YF FREON Refrigerant Replacement	\$ 649.95
TOTAL:	\$ 6,422.49

Funding is available from the City's Tribal Revenue Reserves.

Will the Council so authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas 3

Council Members Bax, Tompkins, Chairman Spanbauer

Nays 0

Excused: Council Member Zjac

Absent: Council Member Myles

APPROVED

CDBG GRANTS: CARES ACT GRANTS, EXTENSION

Agenda Item #25

In 2020, Council approved grants of CDBG ESG CARES Act funds to various grantees in the amounts listed below. Many of the grantees have expressed concern that, due to staffing and other problems, they have not been able to expend all of the funds by the June 30, 2022 date required by the grant agreements. Some of the grants last to September 1, but those grants are also in jeopardy of not being completely spent.

Following is a list of all CARES grants:

CARES I

ESG

Catholic Charities	\$448,590.00
Community Missions	\$82,953.00
Community Missions	\$176,913.00
Community Missions	\$52,100.00
Pinnacle Community Service -(Passage House)	\$47,965.00
Pinnacle Community Service -(Casey House)	\$61,706.00
Pinnacle Community Service -(Casey House)	\$80,011.00
Neighborhood Legal Services, Inc.	\$38,866.00
Heart, Love & Soul, Inc.	\$125,000.00

CDBG

YWCA Carolyn's House	\$31,000.00
Niagara University - Niagara Falls	\$152,194.00
Health Equity Task Force	
Pinnacle Community Services (Casey House)	\$159,028.00
Pinnacle Community Services (Passage House)	\$39,021.88
Highland Club House	\$50,000.00
Niagara Falls Memorial Medical Center	\$100,000.00
YWCA Carolyn's House	\$51,229.00

CARES II (all CDBG)

- Buffalo Federation of Neighborhood Centers-\$74,000;
- Cazenovia Recovery Systems -\$70,000;
- Heart Love and Soul-\$100,000;
- Mt. St. Mary's Hospital -\$200,000;
- NF Boys and Girls Club-\$75,000;
- NF City School District-\$100,000;

- NF Memorial Medical Center-\$150,000;
- Independent Contractors Guild of WNY-\$50,000.

Will the Council vote to approve grant extensions to all CARES grantees of two years for CDBG grantees and extensions until September 1, 2023 for all ESG grantees from the date their grant agreement expires, as presented herein, and to authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	3
Council Members Bax, Tompkins, Chairman Spanbauer	
Nays	0
Excused: Council Member Zajac	
Absent: Council Member Myles	

APPROVED

CONTRACT: NFFD, FORCIBLE ENTRY DOOR SIMULATOR, EAST COAST RESCUE SOLUTIONS

#### Agenda Item #26

On behalf of the Niagara Falls Fire Department, the City has solicited quotes for one (1) Forcible Entry Door Simulator to be utilized during firefighter training. We respectfully request you award the above-referenced item as follows:

TO:	East Coast Rescue Solutions	
	4940 Merrick Road, Suite 172	
	Massapequa Park, New York 11762	
FOR:	Purchase of one (1) East Coast Rescue Solutions	
	Forcible Entry Door Simulator, GEN 3 DOOR	\$7,900.00
	Shipping Charges	\$ 550.00
Total Purchase Price:	\$8,450.00	

The City Purchasing Division certifies that all quotations were solicited in accordance with Section 103 of the General Municipal Law. The above referenced company submitted the lowest quote meeting the required equipment specifications.

Funding for these expenditures is provided for through the approved DASNY Grant Funds awarded to the Niagara Falls Fire Department and available in account code H0818.2008.0818.0250.000.

Will the Council so authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas	3
Council Members Bax, Tompkins, Chairman Spanbauer	
Nays	0
Excused: Council Member Zajac	
Absent: Council Member Myles	

APPROVED

CONTRACT: HYDE PARK POOL INTERIOR RESURFACING, PATTERSON-STEVENS, INC.

#### Agenda Item #27

The following was the result of bids received on May 25, 2022, for the above referenced project:

CONTRACTOR	BASE BID
Patterson-Stevens, Inc.	\$972,918.00
400 Sawyer Avenue	
Tonawanda, NY 14150	117

It is the recommendation of the undersigned that this project be awarded to the sole bidder Patterson-Stevens, Inc. at their Base Bid of \$972,918.00. Funding for this project is available from American Rescue Plan Funds under the Treasury Guidance Expenditure Category 2.22, which is "Strong Healthy Communities".

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

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

Yeas 3

Council Members Bax, Tompkins, Chairman Spanbauer

Nays 0

Excused: Council Member Zajac

Absent: Council Member Myles

APPROVED

ASSESSOR: CERTIFICATION OF BASE PERCENTAGES, CURRENT PERCENTAGES AND CURRENT BASE PROPORTIONS FOR HOMESTEAD & NON-HOMESTEAD ASSESSMENT ROLL

#### Agenda Item #28

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

Yeas 3

Council Members Bax, Tompkins, Chairman Spanbauer

Nays 0

Excused: Council Member Zajac

Absent: Council Member Myles

APPROVED

CLAIM: SHAW, JESSICA H.

#### Agenda Item #29

Date of Occurrence: July 31, 2021.

Date Claim Filed: October 21, 2021.

Date Action Commenced: Not Applicable.

Location: Intersection of 7<sup>th</sup> Street and Niagara Street.

Nature of Claim: Property damage to 2020 KIA automobile and related expenses not covered by Claimant's insurance, all resulting from a six-inch elevation difference created by the milling of 7<sup>th</sup> Street in anticipation of repaving.

City Driver: N/A

Status of Action: This matter has been investigated by Corporation Counsel and the City's insurer, NYMIR, and at this juncture, we are both recommending the settlement outlined below.

Recommendation/Reason: Best interest of City.

Amount to be Paid: \$1,927.36

Check Writing Details: NYMIR will issue the settlement draft to Claimant after it has secured a fully executed General Release in a form approved by Corporation Counsel. After payment, NYMIR will invoice the City for reimbursement in the same amount, which the City Controller will then be authorized to pay, provided that the invoice is accompanied by the signed General Release approved by Corporation Counsel.

Conditions: As set forth above.

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

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

Yeas 3

Council Members Bax, Tompkins, Chairman Spanbauer

Nays 0

Excused: Council Member Zajac

Absent: Council Member Myles

APPROVED

CLAIM: PROGRESSIVE INSURANCE CO., POWELL, JAMES ALLEN

#### Agenda Item #30

Date of Occurrence: July 4, 2021.

Date Claim Filed: July 26, 2021.

Date Action Commenced: Not Applicable.

Location: Intersection of 7<sup>th</sup> Street and Niagara Street.

Nature of Claim: Property damage to 2013 Hyundai Sonata automobile and related expenses paid by Claimant's insurance, all resulting from a six-inch elevation difference created by the milling of 7<sup>th</sup> Street in anticipation of repaving.

City Driver: N/A

Status of Action: This matter has been investigated by Corporation Counsel and the City's insurer, NYMIR, and at this juncture, we are both recommending the settlement outlined below.

Recommendation/Reason: Best interest of City.

Amount to be Paid: \$6,719.52

Check Writing Details: NYMIR will issue the settlement draft to Claimant after it has secured a fully executed General Release in a form approved by Corporation Counsel. After payment, NYMIR will invoice the City for reimbursement in the same amount, which the City Controller will then be authorized to pay, provided that the invoice is accompanied by the signed General Release approved by Corporation Counsel.

Conditions: As set forth above.

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

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

Yeas 3

Council Members Bax, Tompkins, Chairman Spanbauer

Nays 0

Excused: Council Member Zajac

Absent: Council Member Myles

119

APPROVED

CLAIM: PROGRESSIVE INSURANCE COMPANY, RIVERA, JACQUELINE

Agenda Item #31

Date of Occurrence: July 17, 2021.  
Date Claim Filed: August 24, 2021.  
Date Action Commenced: Not Applicable.  
Location: Intersection of 7<sup>th</sup> Street and Ferry Street.  
Nature of Claim: Property damage to 2014 Hyundai Sonata GLS automobile and related expenses paid by Claimant's insurance, all resulting from an elevation difference created by the milling of 7<sup>th</sup> Street in anticipation of repaving.  
  
City Driver: N/A  
Status of Action: This matter has been investigated by Corporation Counsel and the City's insurer, NYMIR, and at this juncture, we are both recommending the settlement outlined below.  
  
Recommendation/Reason: Best interest of City.  
Amount to be Paid: \$4,596.81  
Check Writing Details: NYMIR will issue the settlement draft to Claimant after it has secured a fully executed General Release in a form approved by Corporation Counsel. After payment, NYMIR will invoice the City for reimbursement in the same amount, which the City Controller will then be authorized to pay, provided that the invoice is accompanied by the signed General Release approved by Corporation Counsel.  
  
Conditions: As set forth above.

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

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

Yeas 3

Council Members Bax, Tompkins, Chairman Spanbauer

Nays 0

Excused: Council Member Zajac

Absent: Council Member Myles

APPROVED

CLAIM: HAYES, ADA M.

Agenda Item #32

Date of Occurrence: July 11, 2021.  
Date Claim Filed: July 26, 2021.  
Date Action Commenced: Not Applicable.  
Location: Manhole cover on the 600 block of 7<sup>th</sup> Street.  
Nature of Claim: Property damage to 2006 Buick automobile and related expenses not covered by Claimant's insurance, all resulting from an elevation difference created by the milling of 7<sup>th</sup> Street in anticipation of repaving.  
  
City Driver: N/A  
Status of Action: This matter has been investigated by Corporation Counsel and the City's insurer, NYMIR, and at this juncture, we are both recommending the settlement outlined below.  
  
Recommendation/Reason: Best interest of City.



Amount to be Paid: \$2,849.00  
Check Writing Details: NYMIR will issue the settlement draft to Claimant after it has secured a fully executed General Release in a form approved by Corporation Counsel. After payment, NYMIR will invoice the City for reimbursement in the same amount, which the City Controller will then be authorized to pay, provided that the invoice is accompanied by the signed General Release approved by Corporation Counsel.

Conditions: As set forth above.

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

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

Yeas 3

Council Members Bax, Tompkins, Chairman Spanbauer

Nays 0

Excused: Council Member Zajac

Absent: Council Member Myles

APPROVED

CLAIM: BECKWITH, ROBERTA K.

#### Agenda Item #33

Date of Occurrence: July 5, 2021.

Date Claim Filed: September 21, 2021.

Date Action Commenced: Not Applicable.

Location: Manhole on 7<sup>th</sup> Street near intersection with Niagara Street.

Nature of Claim: Property damage to 2006 Cadillac automobile and related expenses not covered by Claimant's insurance, all resulting from an elevation difference created by the milling of 7<sup>th</sup> Street in anticipation of repaving.

City Driver: N/A

Status of Action: This matter has been investigated by Corporation Counsel and the City's insurer, NYMIR, and at this juncture, we are both recommending the settlement outlined below.

Recommendation/Reason: Best interest of City.

Amount to be Paid: \$1,833.19

Check Writing Details: NYMIR will issue the settlement draft to Claimant after it has secured a fully executed General Release in a form approved by Corporation Counsel. After payment, NYMIR will invoice the City for reimbursement in the same amount, which the City Controller will then be authorized to pay, provided that the invoice is accompanied by the signed General Release approved by Corporation Counsel.

Conditions: As set forth above.

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

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

Yeas 3

Council Members Bax, Tompkins, Chairman Spanbauer

Nays 0

Excused: Council Member Zajac

Absent: Council Member Myles

121

APPROVED

Agenda Item #34

Recently, the City Council approved the termination the lease agreement with Muto Development relative to the operation of the Niagara Falls City Market. Accordingly, the City has assumed full control of the Market property. However, the City does not possess the ability to perform the management duties in connection with City Market operations and the leases and licenses of the various commercial tenants at the site. This Administration is presently searching for consultant to perform these property management functions on a longer-term basis; however, until such time as this search is completed, it is necessary to have a consultant on board to manage the property in the interim.

Alfonse Muto, the prior operator of the City Market facility, has offered to perform the required property management services as a consultant, on interim basis. Among other things, Muto will relay and notify the City of any complaints, concerns and correspondence from the commercial tenants at the Market, facilitate landscaping and garbage and waste collection in accordance with past practices and facilitate the collection and remittance of rental payments. The term of this Agreement shall be a period of three months; the work performed by Muto thereunder will be done for \$1.00.

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

Yeas 3

Council Members Bax, Tompkins, Chairman Spanbauer

Nays 0

Excused: Council Member Zajac

Absent: Council Member Myles

APPROVED

RESOLUTION: NORMA HIGGS, HONORING, 2022-30

BY: MAYOR ROBERT M. RESTAINO, ALL COUNCIL MEMBERS

Agenda Item #35

WHEREAS, Norma Higgs was born, raised and is a lifelong resident of the City of Niagara Falls, NY; and

WHEREAS, Ms. Higgs, or "NORMA" as she prefers, is a graduate of Niagara Falls High School, She worked in the insurance industry for several firms in Niagara Falls before becoming Executive Assistant to Supreme Court Justice Jacqueline Koshian; and

WHEREAS, Norma also served two Governors as a member of the Niagara Falls Bridge Commission, overseeing numerous maintenance and modernization projects on the three area international crossings during her terms; and

WHEREAS, now retired, Norma continues her dedication to the City of Niagara Falls through her volunteer and community advocacy efforts. She has proudly served on the boards of the Niagara Falls Block Club Council, Niagara Beautification Commission, and the Niagara Arts and Cultural Center (NACC) and continues her membership; and

WHEREAS, as a member of the Friends of the Local History Department and a columnist to the Niagara Gazette, Norma has helped to share the stories and histories of our City's residents and notable events; and

WHEREAS, as a resolute City resident, Norma has helped to organize events to honor those who served, at Veteran's Day and Flag Day ceremonies, City-wide clean-ups on Earth Day, and events supporting our first responders; and

WHEREAS, for many years, Norma served as the "town crier" for the City of Niagara Falls, as she has maintained a vast email list with whom she shared upcoming events, volunteer opportunities, and the good news of our City; and

WHEREAS, always expanding her horizons, Norma has also traveled extensively with family and friends and enjoys exploring new places and cultures; and

WHEREAS, in closing, Ms. Norma Higgs is truly a rare gem whose love and dedication to our City and its residents shines brightly. Norma stands as a true example to all those that seek to make a difference in our community.

NOW, THEREFORE, BE IT RESOLVED that both Mayor Robert M. Restaino and the Niagara Falls City Council wish to honor Ms. Norma Higgs and recognize her lifetime of community service, dedication and commitment to the citizens of Niagara Falls, NY and

BE IT FURTHER RESOLVED that Niagara Falls, NY expresses its sincere gratitude to Norma for making a positive difference in our community.

Yeas	3
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Council Members Bax, Tompkins, Chairman Spanbauer	
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Nays	0
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Excused: Council Member Zajac

Absent: Council Member Myles

ADOPTED

There being no further business to come before the Council, Chairman Spanbauer adjourned the Meeting at 6:10 PM.

Nadine A. Wasson  
Acting City Clerk



JUNE 22, 2022

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The Legislative session of the June 22, 2022 Niagara Falls City Council Meeting was called to order by Council Chairman John Spanbauer at 6:00 P.M. in the Council Chambers.

Present: Council Members Traci Bax, Donta Myles, Kenny Tompkins, David Zajac and Chairman John Spanbauer

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

Majors Steve Carroll & Delia Carroll 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 April 22, 2022, Council Meeting of April 27, 2022 and Special Council Meeting of May 16, 2022

Yeas

5

Nays

0

APPROVED

PRESENTATIONS: John Costilow, Partner at EFPR Group-to present the results of the 2022 City Financial Statement Audit

The Council Chairman asked if anyone wished to speak at the Public Hearing relative to Abandonment of Right-of-Way on Southeast Corner of the Intersection of Virginia Avenue and Seventeenth Street

THERE WERE NO SPEAKERS

The Council Chairman asked if anyone wished to speak at the Public Hearing relative to Abandonment of a portion of the alley situated between Virginia Avenue and Tennessee Avenue

THERE WERE NO SPEAKERS

Agenda Items #3 nd #4 were moved to before the Prayer

Major Steve Carroll said a few words after the Presentation to him and his wife.

COMMUNITY HAPPENINGS:

Per Council Chairman Spanbauer there will be fireworks at Hyde Park on July 3, 2022 at dusk

Council Member Donta Myles spoke of the Special Meeting of June 13, 2022.

A discussion followed by all the Council Members on the Special Meetings held by Mayor Restaino.

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

Ezra Scott, Jr.

Agenda Item #7

Henry Krawczyk

Agenda Items #5, #6, #8

Robert Venrty

Agenda Item #7

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK CLAIMS FOR THE MONTH OF MAY 2022

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF MAY 2022

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

RESOLUTIONS

CARROLL, STEPHEN AND DELIA, MAJORS, HONORING, 2022-33

BY: MAYOR ROBERT M. RESTAINO, ALL COUNCIL MEMBERS

Agenda Item #3

WHEREAS, in July 2016, the Majors Delia and Stephen Carroll arrived to take over the local Salvation Army on Buffalo Avenue, serving most of Niagara County; and

WHEREAS, the Carrolls have been officers and ordained ministers for 18 years, serving as leaders in Staten Island, Rhode Island, Ohio and as coordinators for the Salvation Army's youth work for the twenty-eight counties of Western Pennsylvania; and

WHEREAS, both of the Majors come from generations of Salvation Army officers going back to the 1940's. However, as a result of their experiences at Ground Zero on September 11, 2001, the Carrolls committed their lives to the service of God as officers in the Salvation Army; and

WHEREAS, in the six years they have been stationed in Niagara Falls, the Carrolls have transformed the food pantry into a "Client Choice Pantry" and added a Community Garden, Youth Archery Program, Youth Brass Band, tutoring programs and brought the Army to a strong financial position; and

WHEREAS, the Carrolls have provided and continue to provide food and other necessities through the pandemic and its wake and assist at other giveaways and back-to-school events in the City; and

WHEREAS, the Carrolls, with their four sons ranging in age from 8 to 18, look forward to continuing God's work through ministry by becoming the new Commanding Officers of the Salvation Army in Manchester, New Hampshire.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, NY and Mayor Robert M. Restaino acknowledge Major Delia Carroll and Major Stephen Carroll for their 6 years of compassion and commitment to our Community, and

BE IT FURTHER RESOLVED that the City thanks the Carrolls for becoming a part of our community and making it a much better place. We wish them well in their next endeavor.

Yeas

5

Nays

0

ADOPTED

LASALLE PREP SCHOOL ROBOTICS PROGRAM, HONORING, 2022-35

BY: MAYOR ROBERT M. RESTAINO, ALL COUNCIL MEMBERS

Agenda Item #4

WHEREAS, the Niagara Falls City School District's LaSalle Prep School Robotics Teams participated the VEX IQ World Robotics Championship on May 11, 2022 in Dallas TX; and

WHEREAS, VEX competitions foster STEM-related skills and capitalize on the motivational effects of competitions and robotics to help all students create an identity as a STEM learner; and

WHEREAS, VEX competitions also expose students to valuable soft skills like communication, collaboration and time-management and prepares students to become future innovators; and

WHEREAS, the LaSalle Prep students competed against 800 teams from 48 states and over 40 countries, with approximately 6,500 individual competitors participating; and

WHEREAS, the students began their journey to this competition in September 2021 by assembling their robots from thousands of individual parts, ultimately learning how to code and drive the same;

WHEREAS, at the competition, the LaSalle Prep students represented their City and school proudly by finishing 2nd, 3rd, 7th, 8th and 9th in the world in their respective divisions; and

WHEREAS, the 2nd Place team, "French Toast Mafia", consisted of Prep students Lilliana Misterkiewicz and Anelie Copelin, and the 3rd Place "Robo Revenge" team members were Aiden Chase, Michael Mettler and Ian Aube; and

WHEREAS, the other students representing LaSalle Prep at the competition were Gennarino Briglio, Lucus Chamberlain, Ryan Janese, Ryan Brady, Makayla Parise, Brodie Kennedy, Daniel Kneepple and Elijah Printup; and

WHEREAS, these young innovators are to be celebrated not only for their world-class performance at the competition, but for their commitment to education, science and technology. These students are a shining example of the high-quality education and instruction provided to our City students by the Niagara Falls City School District.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, NY and Mayor Robert M. Restaino acknowledge the students of the LaSalle Prep School Robotics program for their outstanding performance at the VEX IQ World Robotics Championship, and

BE IT FURTHER RESOLVED that City celebrates these gifted students for their drive, dedication and commitment to their educational pursuits, their School and our community.

Yeas

5

Nays

0

ADOPTED

TOURISM ADVISORY BOARD, REESTABLISHMENT, 2022-36

BY: ALL COUNCIL MEMBERS

Agenda Item #5

WHEREAS, the City Council deems it desirable to re-establish the Tourism Advisory Board, in order to advise the Council on matters related to tourism to gain insight and a diversified view of the conditions and needs of the tourism industry; and

WHEREAS, the Board will serve as an advisory board to the City Council and shall study the structure and operations of the hospitality and tourism industry and advise the Council as to how the City may best assist tourists and provide a pleasant and rewarding experience to visitors of our area.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby re-establishes the Tourism Advisory Board, pursuant to Chapter 3.6 of the Niagara Falls City Charter; and

BE IT FURTHER RESOLVED that the Board and its function shall cease on December 31, 2022, unless extended by the City Council.

Yeas

5

Nays

0

ADOPTED

TOURISM ADVISORY BOARD, APPOINTMENTS, 2022-37

Agenda Item #6

WHEREAS, the Council deems it desirable to continue the Tourism Advisory Board during the year 2022; 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>
GAELEAN BAILLE	12/31/2022
CHERRISH BEALS	12/31/2022
ANGELA BERTI *	12/31/2022
ALLEN BOOKER *	12/31/2022
SARA CAPEN *	12/31/2022
ANDREA CZOPP *	12/31/2022
DAVID FLORIO	12/31/2022
VERITY FOLAN	12/31/2022
PAUL GRENGA	12/31/2022
NICHOLAS HURD	12/31/2022
SHAWN LEVICK	12/31/2022
MICHAEL MARSCH	12/31/2022
ROSCOE NAGUIT	12/31/2022
PATRICK PROCTOR	12/31/2022
NICO SANTANGELO	12/31/2022
DANIEL TIGHE	12/31/2022
JASON ZONA	12/31/2022

\* Non-Voting Member

Yeas

5

Nays

0

ADOPTED

CITY COUNCIL MEETING SCHEDULE, 2022, AMENDMENT

BY: COUNCIL MEMBER MYLES

Agenda Item #7

THIS ITEM WAS NOT APPROVED

NO ACTION TAKEN

CONTRACT: NFPD, FORD EXPEDITION, PURCHASE, FALLS DODGE INC

Agenda Item #8

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of fleet vehicles for the City of Niagara Falls Police Department as follows:

TO: Falls Dodge, Inc. dba  
Joe Cecconi's Chrysler Complex  
2380 Military Road  
Niagara Falls, New York 14304-1563

FOR: One (1) 2019 Ford Expedition XL - Community  
Relations/Administrative Captain Vehicle  
COST: \$ 37,500.00

The City Purchasing Division certifies that this bid was solicited in accordance with Section 103 of the General Municipal Law.

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 authorize the Mayor to execute an agreement with the above named vendors in a form acceptable to the Corporation Counsel?



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

Yeas

5

Nays

0

APPROVED

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

Agenda Item #9

The following was the result of bids received on June 15, 2022, for the above referenced project:

CONTRACTOR

BASE BID

4<sup>th</sup> Generation Construction Co. Inc.  
5650 Simmons Ave.  
Niagara Falls NY 14304

\$758,499.00

Mark Cerrone Inc.

\$972,475.00

It is the recommendation of the undersigned that this project be awarded to the low bidder 4<sup>th</sup> Generation Co. Inc. at their Base Bid of \$758,499.00. Please note that this amount is completely reimbursable with NYSDOT CHIPS monies. The funding code will be H0322, which represents CHIPS funding to be received for 2022 projects.

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

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

Yeas

5

Nays

0

APPROVED

There being no further business to come before the Council,  
Chairman Spanbauer adjourned the Meeting at 8:00 P.M.

Nadine A. Wasson  
Acting City Clerk



WHEREAS, this moratorium, which was recently extended by this Council through September 13, 2022, was imposed to enable the City 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 commercial data centers; and

WHEREAS, the Administration has developed proposed amendments to various sections of the City of Niagara Falls Zoning Ordinance to achieve the goals and purposes set forth in the moratorium; and

WHEREAS, the proposed amendments will also address the potential impacts of high energy usage generated by the Cannabis industry; 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, pursuant to NYS GML § 239-m, this proposed amendment must also be referred to the Niagara County Planning Board for its review and recommendation; and

WHEREAS, the Administration hereby submits the attached proposed amendments to the Zoning Ordinance, thereby creating a High Energy Usage Overlay District in furtherance thereof; and

WHEREAS, City Council will 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 twenty-five (25) or more acres; and

WHEREAS, the City's Environmental Planner 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 as indicated in the attached proposal; 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 makes a preliminary classification of 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 twenty-five (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 agencies; and

BE IT FURTHER RESOLVED that these proposed amendments 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; and

RESOLVED that these proposed amendments also be referred to the Niagara County Planning Board pursuant to NYS GML § 239-m for its recommendation in furtherance of the Zoning Ordinance amendment process.

ADDITIONAL INFORMATION FILED IN THE CITY CLERK'S OFFICE

Yeas	4
Members Bax, Tompkins, Zajac, Chairman Spanbauer	
Nays	0
Absent-Member Myles	

ADOPTED

There being no further business to come before the Council, Chairman Spanbauer adjourned the Meeting at 5:45 P.M.

Vicky Wideman  
City Clerk



JULY 12, , 2022

**SPECIAL COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

The July 12, 2022 Special Meeting of the Niagara Falls City Council was called to order by Acting Council Chairman Tompkins at 5:30 PM in the Council Chambers.

Present: Council Members Bax, Myles, Tompkins, Zajac  
Excused: Chairman Spanbauer

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

July 7, 2022

Members of the City Council  
and  
City Clerk

***Re: Mayor's Special Meeting of Niagara Falls City Council***

Council Members and City Clerk:

You are hereby notified of the Mayor's 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, July 12, 2022, at 5:30 p.m.** in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purposes:

1. Approval of Award for New Gill Creek Comfort Station (McClendon Asphalt Paving);
2. Approval of Purchase of Fleet Vehicle/Outfitting for the Niagara Falls Police Department (Falls Dodge, Inc. and Empire Emergency Apparatus)
3. Approval of Purchase of Fleet Vehicle for the Niagara Falls Department of Parks and Public Works (Falls Dodge, Inc.)
4. Approval of Purchase of Pump for 91<sup>st</sup> Street Pool (Moley Magnetics);
5. Approval of Award for Beech Avenue Community Park Design and Development (Bergmann Associates, DPC);
6. Approval of Agreement for Actuarial Equivalence Testing (Milliman, Inc.);
7. Approval of Parking Agreement - 105 Rainbow Boulevard Lot – (Niagara Tourism & Convention Corporation);
8. Approval of Agreement – Police Dispatcher Scheduling (Niagara Falls Police Club)

9. Approval of Waiver of Bandstand Fee – Lewiston Kiwanis (Peach Festival);
10. Approval of Waiver of Bandstand Fee – Town of Niagara (Electric Light Parade);
11. Relative to Amending Chapter 1101 of the Codified Ordinances entitled “Building Ordinances”;
12. Relative to Amending Chapter 1107 of the Codified Ordinances entitled “Permits, Fees And Certificates;
13. Relative to the Abandonment of the City Right-Of-Way at the Southwest Corner of the Intersection of Virginia Avenue and 17th Street;
14. Relative to the Partial Abandonment of the Alley between Virginia Avenue and Tennessee Avenue;
15. Approval of Scrufari Construction Retention Payment (Community Development);
16. Approval of Cazenovia Recovery CARES Act Grant Amendment (Community Development);
17. Approval of Amendment to Catholic Charities CARES Act-ESG Grant (Community Development);
18. Approval of Grant of CDBG Funds to the NACC (Community Development);
19. Approval of Pinnacle CARES Act CDBG Reallocation (Community Development);
20. Approval of 2022 General Assessment Roll;
21. Request for Approval to settle personal injury lawsuit of Ra-Shee Black;
22. Request for Approval to settle personal injury lawsuit of Daniel and Debra Beck;
23. Request for Approval to settle personal injury lawsuit of Brooke St. Peter;
24. Request for Approval to settle personal injury lawsuit of Edward Michaels;
25. Request for approval to settle personal injury lawsuit of LaRhonda Parmer; and
26. Request for approval to pay judgments obtained by Lancer Insurance Company.

Respectfully submitted,

---

Robert M. Restaino, Mayor

CONTRACT: GILL CREEK PARK COMFORT STATION, MCCLENDON ASPHALT PAVING

Agenda Item #1

The following was the result of bids received on June 15, 2022, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
McClendon Asphalt Paving 1646 Falls Street Niagara Falls NY 14303	\$288,000.00
Sicoli Construction Services, Inc.	\$354,500.00
D. Myles, Inc.	\$382,000.00
Walter S. Johnson Building Co. Inc.	\$399,268.00
Willett Builders, Inc.	\$416,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder McClendon Asphalt Paving at their Base Bid of \$288,000.00. Funding for this project is available from American Rescue Plan Funds under the Treasury Guidance Expenditure Category 2.22, which is "Strong Healthy Communities".

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

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

Yeas

Members Bax, Tompkins, Zajac

3

Abstained-Council Member Myles

Excused-Council Chairman Spanbauer

Nays

0

APPROVED

PURCHASE: FLEET VEHICLES, NFPD, FALLS DODGE

Agenda Item #2

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of one (1) 2022 Dodge Charger Police Pursuit AWD fleet vehicle for the City of Niagara Falls Police Department.

Additionally, this vehicle will need to be lettered and striped, as well as have the lighting, radios and instrumentation installed. As such, NFPD has acquired an estimate for the cost of fully outfitting this vehicle

After receiving the mini-bid responses, we respectfully request you award the above-referenced as follows:

TO:	Falls Dodge, Inc. dba Joe Cecconi's Chrysler Complex 2380 Military Road Niagara Falls, New York 14304-1563
FOR:	One (1) 2022 Dodge Charger Police Pursuit AWD - Community
Relations	\$ 35,918.02
TO:	Empire Emergency Apparatus 3995 Lockport Road Niagara Falls, New York 14305
FOR:	Up-fitting of Dodge Charger (lettering, striping, lighting, radios, instrumentation)
	\$10,848.65
Total Expenditure:	\$46,766.67

The City Purchasing Division certifies that this bid was solicited in accordance with Section 103 of the General Municipal Law and in accordance with New York State's mini-bid procedures via the NYS Vehicle Marketplace.

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 authorize the Mayor to execute an agreement with the above named vendors in a form acceptable to the Corporation Counsel?

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

Yeas 3

Members Bax, Tompkins, Zajac

Abstained-Member Myles

Excused-Chairman Spanbauer

Nays 0

APPROVED

PURCHASE: FLEET VEHICLE, NFDPW, FALLS DODGE

Agenda Item #3

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of one (1) 2022 Dodge Ram 1500 Tradesman Pickup Truck for the City of Niagara Falls Department of Public Works, Automotive Repair Division.

After receiving the mini-bid responses, we respectfully request you award the above-referenced as follows:

TO: Falls Dodge, Inc. dba  
Joe Cecconi's Chrysler Complex  
2380 Military Road  
Niagara Falls, New York 14304-1563

FOR: One (1) 2022 Dodge Ram 1500 Classic Tradesman Regular Cab 4X4  
Pickup Truck with 8' bed and cap/shell

Total Cost: \$44,624.91

The City Purchasing Division certifies that this bid was solicited in accordance with Section 103 of the General Municipal Law and in accordance with New York State's mini-bid procedures via the NYS Vehicle Marketplace.

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 authorize the Mayor to execute an agreement with the above named vendors in a form acceptable to the Corporation Counsel?

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

Yeas 3

Members Bax, Tompkins, Zajac

Abstained-Member Myles

Excused-Chairman Spanbauer

Nays 0

APPROVED

CONTRACT: 91<sup>ST</sup> STREET SCHOOL POOL, PUMP, FUNDING

Agenda Item #4

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of one (1) pool pump for the 91<sup>st</sup> Street Pool, to replace an older, malfunctioning pump.



TO: Moley Magnetics  
5202 Commerce Drive  
Lockport, New York 14094

FOR: Peerless C1030A Pump --- Includes pump, motor and  
assembly of new pump unit and machining of impeller  
to customer specified trim size.  
One (1) Quantity: \$6056.18  
Shipping Cost: \$ 500.00

TOTAL COST: \$ 6,556.18

Funding for this project is available from American Rescue Plan Funds under the Treasury Guidance Expenditure Category 2.22 which is "Strong Healthy Communities."

Will the Council so authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas 3

Members Bax, Tompkins, Zajac

Abstain-Member Myles

Excused-Chairman Spanbauer

Nays 0

APPROVED

CONTRACT: BEECH AVE. COMMUNITY PARK DESIGN/DEVELOPMENT, BERGMANN ASSOCIATES, FUNDING

Agenda Item #5

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

WITH: Bergmann Associates, Architects, Engineers, Landscape  
Architects & Surveyors, D.P.C.  
280 East Broad Street  
Rochester, NY 14604

FOR: Professional services pertaining to Beech Avenue  
Community Park Design & Development

Notice that proposals were to be received for this Request for Proposals (RFP) was advertised in the Niagara Gazette and published on the City's website. RFP's were solicited directly to thirty-six (36) vendors. Seven (7) total responses were received. A scoring committee comprised of staff from the Planning Department, Community Development, Department of Public Works, and Engineering scored and ranked all seven proposals.

Bergmann Associates has proposed to satisfy the goals of the City through a thorough community engagement process and an evaluation of existing conditions, ultimately leading to the preparation of a master plan and final design and construction documents. Bergmann Associates has worked within the City frequently over the last 10 years including creating the 2013 Parks Master Plan and submitted the lowest bid in response to the RFP.

Upon City Council approval, this agreement shall be for one (1) year, with a mutual option to extend the agreement beyond the initial one year term. The cost to the City for this project shall not exceed \$189,860.00.

Funding for this project is available from American Rescue Plan Funds under the Treasury Guidance Expenditure Category 2.22 which is "Strong Healthy Communities". Will the Council so authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas	3
Members Bax, Tompkins, Zajac	
Abstained-Member Myles	
Excused-Chairman Spanbauer	
Nays	0

APPROVED

CONTRACT: ACTUARIAL EQUIVALENCE TESTING, MILLIMAN, INC., FUNDING

#### Agenda Item #6

The City Controller is recommending that the City retain the services of Milliman, Inc. (hereinafter, "Milliman") to perform actuarial equivalence testing in connection with the retiree drug subsidy. Milliman is very experienced in this area and has worked in the past with Blue Cross and Blue Shield. The reports Milliman generates will likely result in the City receiving subsidy payments from the federal government. The cost of these actuarial services is \$5,500.00 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 Bax moved that the communication be received and filed and the recommendation approved.

Yeas	3
Members Bax, Tompkins, Zajac	
Abstain-Member Myles	
Excused-Chairman Spanbauer	
Nays	0

APPROVED

CONTRACT: NTCC, PARKING AGREEMENT

#### Agenda Item #7

Niagara Tourism & Convention Corporation, d/b/a Destination Niagara, ("NTCC"), is requesting that the City agree to allow it the use of five (5) unrestricted parking spaces/permits in the City-owned parking lot located at 105 Rainbow Boulevard. NTCC will pay the City a rate of \$150.00 per month, per space/permit, for a total the sum of \$750.00 a month.

The proposed Agreement is one (1) year in length and provides that either party has the ability to terminate the same on thirty days written notice.

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

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

Yeas	3
Members Bax, Tompkins, Zajac	
Abstain-Member Myles	
Excused-Chairman Spanbauer	
Nays	0

APPROVED

MOA: NIAGARA FALLS POLICE CLUB, INC. (POLICE DISPATCHERS-SCHEDULING)

Agenda Item #8

Attached (on file in the City Clerk's Office) please find the proposed Memorandum of Agreement between the City of Niagara Falls and the Niagara Falls Police Club, Inc. ("Union"), relative to Police Dispatchers. The Police Department Administration and the Union developed a work schedule adjustment for the Police Dispatchers to increase departmental efficiency and overall safety. This proposed Agreement seeks to memorialize the scheduling adjustment and its effects on accrued time.

The foregoing proposed Agreement will continue to maintain departmental staffing continuity and has been approved and recommended by the Police Superintendent. Furthermore, the proposed Agreement is in accord with the 2022 adopted budget and will not result in additional expenditures.

Will the Council so approve and authorize the Mayor to execute the same?

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

Yeas 3

Members Bax, Tompkins, Zajac

Abstain-Member Myles

Excused-Chairman Spanbauer

Nays 0

APPROVED

PEACH FESTIVAL: BANDSTAND FEE, WAIVER, KIWANIS CLUB

Agenda Item #9

The Kiwanis Club of Lewiston, NY has requested use of the City of Niagara Falls' bandstand on Saturday, September 10, 2022, for the annual Peach Festival. It is proposed that the City Council authorize the City Administrator to waive the fee for use of the City bandstand for the Kiwanis Club on the date listed above.

Will the Council so approve?

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

Yeas 3

Members Bax, Tompkins, Zajac

Abstain-Member Myles

Excused-Chairman Spanbauer

Nays 0

APPROVED

TOWN OF NIAGARA: BANDSTAND FEE, ELECTRIC LIGHT PARADE, WAIVER

Agenda Item #10

The Town of Niagara has requested use of the City of Niagara Falls' bandstand on Saturday, November 19, 2022, for their annual Electric Light Parade. It is proposed that the City Council authorize the City Administrator to waive the fee for use of the City bandstand for this event.

Will the Council so approve?

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

Yeas 3

Members Bax, Tompkins, Zajac

Abstain-Member Myles

Excused-Chairman Spanbauer

Nays 0

APPROVED

Agenda Item #11

**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

ADOPTION OF NEW YORK STATE CODES

1101.01        Application of New York State Codes  
1101.02        Penalties for Violation

\*\*\*

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.}

A person, firm or corporation found to be in violation of any provision of the Codes adopted in Section 1101.01 of this Chapter that are found on Schedule A1 through A12 (below), shall be guilty of a violation, punishable by the monetary fine listed in each corresponding Schedule. Any fine charged pursuant to Schedule A1 through A12 must be paid within fifteen (15) days of the occurrence of said violation or said violation may be 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. In the event that the fine has not been paid within the prescribed fifteen (15) day period, each day in which any such violation shall continue shall be deemed a separate offense.

**City of Niagara Falls, NY**  
**Code Enforcement - Inspection Offenses 2022**

Schedule A1 - Exterior Property Areas				
Offense Code	Code Section Violated	Title of Code Section Violated	Fine Class	Fine Amount
2	302.1	Sanitation	B	\$ 85.00
3	302.2	Grading and Drainage	B	\$ 85.00
4	302.3	Sidewalks and Driveways	B	\$ 85.00
5	302.4	Weeds	B	\$ 85.00
6	302.5	Rodent Harborage	B	\$ 85.00
7	302.6	Exhaust Vents	B	\$ 85.00
8	302.7	Accessory Structures	B	\$ 85.00
9	302.8	Motor Vehicles	B	\$ 85.00
10	302.9	Defacement of Property	B	\$ 85.00

Schedule A2 - Swimming Pools, Spas and Hot Tubs				
Offense Code	Code Section Violated	Title of Code Section Violated	Fine Class	Fine Amount
11	303.1	Swimming Pools	C	\$ 75.00

Schedule A3 - Exterior Structure				
Offense Code	Code Section Violated	Title of Code Section Violated	Fine Class	Fine Amount
12	304.1.1	Unsafe Condition	D	\$ 175.00
13	304.2	Protective Treatment	D	\$ 175.00
14	304.2.1	Lead-Based Paint	D	\$ 175.00
15	304.3	Premises Identification	D	\$ 175.00
16	304.4	Structural Members	D	\$ 175.00
17	304.5	Foundation Walls	D	\$ 175.00
18	304.6	Exterior Walls	D	\$ 175.00
19	304.7	Roofs and Drainage	D	\$ 175.00
20	304.9	Overhang Extensions	D	\$ 175.00
21	304.10	Stairways, Decks, Porches and Balconies	D	\$ 175.00
22	304.11	Chimneys and Towers	D	\$ 175.00
23	304.12	Handrails and Guards	D	\$ 175.00
24	304.13	Window, Skylight and Door Frames	D	\$ 175.00
25	304.13.2	Openable Windows	D	\$ 175.00
26	304.14	Insect Screens	D	\$ 175.00
27	304.15	Doors (Exterior)	D	\$ 175.00
28	304.16	Basement Hatchways	D	\$ 175.00
29	304.17	Guards for Basement Windows	D	\$ 175.00
30	304.18	Building Security	D	\$ 175.00
31	304.18.1	Doors (Providing Access)	D	\$ 175.00

Schedule A6 - Handrails and Guard Rails				
Offense Code	Code Section Violated	Title of Code Section Violated	Fine Class	Fine Amount
41.A	307.1	General	G	\$ 75.00

Schedule A7 - Rubbish and Garbage				
Offense Code	Code Section Violated	Title of Code Section Violated	Fine Class	Fine Amount
42	308.1	Accumulation of Rubbish or Garbage	H	\$ 200.00
43	308.2	Disposal of Rubbish	H	\$ 200.00
44	308.2.1	Rubbish Storage Facilities	H	\$ 200.00
45	308.2.2	Refrigerators	H	\$ 200.00
46	308.3	Disposal of Garbage	H	\$ 200.00
47	308.3.1	Garbage Facilities	H	\$ 200.00
48	308.3.2	Containers	H	\$ 200.00

Schedule A12 - Codified City Ordinance Chapters				
Offense Code	Code Section Violated	Title of Code Section Violated	Fine Class	Fine Amount
65	705.02	Littering Prohibited	O	\$ 250.00
66	705.05	Bulk Dumping Prohibited	O	\$ 250.00
67	712 (All Subsections)	Noise	O	\$ 250.00
68	713 (All Subsections)	Offense Against Public Peace	O	\$ 250.00
69	731 (All Subsections)	Street and Side Walks	O	\$ 250.00
70	927 (All Subsections)	Trimming and Planting of City Trees	O	\$ 250.00
71	738.04	City Garbage Collection	O	\$ 250.00
72	738.11	Used Tires	O	\$ 250.00
73	739.06	Vehicle: Abandoned	O	\$ 250.00
74	1105.18	Stopping Work	O	\$ 250.00
75	1107.20	Copy of Permit and Plans on Work Site	O	\$ 250.00
76	1111.03	Permit Required (Plumbing)	O	\$ 250.00
77	1111.24	Identification of Vehicle (Plumbing)	O	\$ 250.00
78	1113.07	License Required (Electrical)	O	\$ 250.00
79	1113.21	Identification of Vehicle (Electrical)	O	\$ 250.00
80	1707.03	Permit Required for Repairs	O	\$ 250.00
81	1709.02	Non-Complying Dwellings	O	\$ 250.00

- 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.}

Except where otherwise provided in this Section, 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.

- C. Any person, firm or corporation violating any provision of the Codes adopted in Section 1101.01 of this Chapter shall

Yeas	3
Members Bax, Tompkins, Zajac	
Abstain-Member Myles	
Excused-Chairman Spanbauer	
Nays	0

ADOPTED

RESOLUTION: PERMITS, FEES AND CERTIFICATES, AMENDING CHAPTER 1107, 2022-40

Agenda Item #12

**BE IT RESOLVED** by the City Council of the City of Niagara Falls, New York that Chapter 1107 of the Codified Ordinances entitled "Permits, Fees and Certificates" is hereby amended to read as follows. All amended fees to be effective January 1, 2023.

1107.10 PERMIT FEES

A. New Buildings & Additions to Existing Buildings. This does not include mechanical equipment, plumbing, heating and electrical work(s), which require separate permits.

1. Residential buildings, including accessory structures, i.e. porches, carports, additions, garages, sheds, etc.

Per each 1,000 cubic feet \$15.00

Minimum fee \$45.00

2. Commercial and industrial buildings:

Per each 1,000 cubic feet \$20.00

Minimum fee \$250.00

- B. Other Work:

1. General remodeling, alterations, repairs:

**Residential**

First \$1,000 cost of construction \$40.00

Each additional \$1,000 cost or fraction thereof \$20.00

**Commercial/Industrial**

**First \$1,000 cost of construction** **\$50.00**

**Each additional \$1,000 cost or fraction thereof \$25.00**

2. New siding or roofing (100 **square** feet is a square)  
First **10 square (1,000 square feet)** or less \$50.00  
Each additional **square (100 square feet)** or fraction thereof  
\$5.00
3. Demolition of buildings: Volume of Buildings:

**Residential detached accessory structures** **\$75.00**

**All other structures:**

0	to 10,000 cubic feet	{ \$75.00 }	<u>\$150.00</u>
10,001	to 20,000 cubic feet	{ \$200.00 }	<u>\$300.00</u>
20,001	to 50,000 cubic feet	{ \$225.00 }	<u>\$350.00</u>
50,001	to 100,000 cubic feet	{ \$275.00 }	<u>\$400.00</u>
100,001	to 200,000 cubic feet	{ \$325.00 }	<u>\$450.00</u>
200,001	to 500,000 cubic feet	{ \$425.00 }	<u>\$550.00</u>
Over	500,000 cubic feet	{ \$1250.00 }	<u>\$2000.00</u>

4. Moving Buildings: **\$250.00**

- a. {On or across a public thoroughfare, except as  
Provided for in b and c herein, the sum of: \$250.00}
- b. {Not exceeding 10 feet in width, 20 feet in length  
and 10 feet in height on vehicles over a public  
thoroughfare, the sum of: \$ 100.00}
- c. {From one lot to another without moving onto a  
public thoroughfare, the sum of \$ 100.00}
- d. {From one location on a lot to another location  
on the same lot, the sum of \$ 50.00}

5. Miscellaneous:

a. Fences/residential	{ \$20.00 }	<u>\$25.00</u>
Fences/commercial		\$150.00
<b><u>Industrial</u></b>		<b><u>\$300.00</u></b>

- b. Swimming pools installation
- |              |             |                 |
|--------------|-------------|-----------------|
| Above Ground | { \$45.00 } | <u>\$50.00</u>  |
| In ground    |             | { \$100.00 }    |
|              |             | <u>\$200.00</u> |

- c. {Mechanical equipment installation, including drain tile,  
not part of general building permits \$50.00}

- c.** d. Trailer camp license renewal: \$100.00
- d.** e. Fireplaces and/or chimney: \$50.00
- e.** f. Insulation applications: \$50.00
- f.** g. Temporary tents, buildings, trailers: \$150.00



h. {Others included but not limited to, windmills,

modifications/upgrade to existing  
Per \$1,000 cost of construction

$$\begin{array}{r} \$75.00 \\ \hline \{\$100.00\} \quad \$1000.00 \end{array}$$

{i. Solar panel systems installation:

\$100.00

\$500.00 }

\$1000.00

Per \$1,000 cost of construction

**\$35.00**

\$250.00

j. Outdoor commercial patio (subject to review)	\$100.00
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6. Signs Where Permitted, New or Additional, Including Alterations

a. Up to 100 square feet (each sign face):	{ <b>\$65.00</b> }	<b><u>\$75.00</u></b>
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b. Each additional {100} one square foot {feet} (per face):

**{ \$25.00 }      \$2.00**

c. Awnings and/or <u>canopies</u> (flat fee):	{ \$65.00 }	<u>\$75.00</u>
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d. Signage upon awning and/or canopy (flat fee)

{ \$65.00 }	<u>\$75.00</u>
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e. Awning and/or canopies with signage (flat fee)

<u><u>{ \$130.00 }</u></u>	<u>\$150.00</u>
----------------------------	-----------------

f. Free standing sign structure (excluding signage)

First \$1,000 of cost

\$100.00

Each additional \$1,000 of cost

\$50.00

g. Billboard {/Rooftop Billboard in Downtown Commercial District }

as per Sign Ordinance Section {1121.05(g)} 1309.17

\$5,000.00

h. {Billboard in other zoning districts as per Sign Ordinance

**\$2,000.00**

Section 1121.05 (h) }

**i. "A" Frame Sidewalk Signs**

\$75.00

7. Liquid Containers:

a. Tanks of 300 U.S. gallon capacity or less:

**{ \$150.00 }      \$200.00**

b. Tanks of 600 U.S. gallon capacity or less:

**{ \$200.00 }      \$250.00**

- c. Tanks of 601 to 1,500 U.S. gallon capacity (inclusive):  
     {**\$250.00**}      **\$300.00**
- d. Tanks of 1,501 U.S. to 12,000 U.S. gallon capacity:  
     {**\$350.00**}      **\$400.00**
- e. Tanks over 12,000 U.S. gallons:                      {**\$650.00**}      **\$700.00**
- f. Tank removals - one half of a, b, c, d, or e above  
     Same as installation  
     in addition to fee for new installations, if any.  
     fee (when tank is                      removed & new                      installed-  
     both fees                      apply).
- g. Tank relining or alterations:                      \$50.00
8.      Certificates of Occupancy/Compliance/Completion:
- a. When building permit is required:                      NO FEE
- b. Redated Certificate of Occupancy/Compliance/Completion:  
     Residential:      One dwelling unit:                      \$40.00  
     Residential:      Each additional unit:                      \$20.00  
     Commercial/**Industrial**:                      Per tenant: {**\$40.00**}      **\$50.00**  
     Commercial/**Industrial**:                      Each additional unit:  
     {**\$20.00**}      **\$25.00**
9.      Planning Fees:
- a. {**Site Plan Application Fee**:                      **\$10.00**}  
     **Residential**:                      **\$20.00**  
     **Commercial/Industrial**:                      **\$100.00**
- b. Filing Application for Rezoning to the Planning Board  
     {**\$150.00**}  
     **Residential**:                      **\$250.00**  
     **Commercial/Industrial**:                      **\$500.00**
- c. Purchase of Zoning Book                      \$95.00
- d.      Zoning Map { (24" x 36") }                      \$12.00
- e. Comprehensive plan                      {**\$76.75**}      **\$95.00**
- f.      Telecommunication Facility Application Fee \$500.00 plus
10.      Additional Fees:
- a. Filing Board of Appeals Application                      \$150.00
- b. Home Improvement Registration License                      \$125.00
- c. Home Improvement Registration License Renewal:                      \$125.00
- d. Tower Permit Fee \$2,500.00 (base) plus \$100.00 per foot for  
     Every foot of tower height according to the following schedule:
- i) In excess of 50 feet in R-1, R-2, R-3, **R-4** {& NPD Districts,  
     **or (Waterfront Overlay) WO-Zone 1, 3, & 4**}; or
- ii) In excess of 100 feet in C-1, C-2, C-3 Districts or **Ins.**  
     {**WO-Zone 2**}; or

iii) In excess of 150 feet in {M-1 or M-2} I-1 or I-2

Districts

11. Plumbing, Drain and Sewer Cleaning and Mechanical Contracting  
Permit Fees:

**MECHANICAL**

a. Installation Cost: (Total Cost of Labor, Material, etc.)

First \$1,000.00	\$25.00
Each \$1,000.00 or fraction thereof	\$10.00

**PLUMBING**

b. Fixtures and appurtenances each:{\$10.00} \$15.00

c. Hotels/motels - new plumbing installation or remodel  
\$50.00  
per guest room (per room)

d {c.} Water Heaters Up to 50 gallons in storage or tankless  
{\$10.00} \$20.00

e {d.} Exterior installation or repair of commercial sanitary or  
storm sewer piping for each 50 feet or fraction thereof  
{\$30.00} \$40.00

f. {e Water service and distribution piping for each 50 feet  
\$30.00 or fraction thereof}  
Exterior installation or repair of commercial water service  
piping  
for each 50 feet or fraction thereof \$40.00

g. Residential storm or sanitary repair, replacement or installation  
\$50.00  
Residential water service repair, replacement or installation  
\$50.00

h. {g}. For each manhole, vault, interceptor, separator,{ sump  
and pumping system} and catch basin {\$35.00} \$40.00

i.                      {f}    For each backflow device certifying, testing and/or  
repairing:                      \$10.00

(any size)

{Up to 2 inches	\$5.00
Over 2 inches	\$10.00}

<u>j.</u> <u>Sump crock with pump</u>	<u>\$40.00</u>
<u>k.</u> <u>Interior drain tile</u>	<u>\$50.00</u>
<u>l.</u> <u>Water and sewer cap off for demolitions</u>	<u>\$50.00</u>

m.                      h.    Miscellaneous items not covered are to be calculated based  
on installation cost in A.

n.                      i.    Additional Plumbing Fees:

Application to take the Plumbing Examination:

Master Plumber	\$70.00
Journeyman Plumber	\$100.00
Examination Fees:	
Journeyman Plumber	\$100.00
Master Plumber	\$200.00
Registration Fees:	
Mechanical or Fire Protection Contractor	\$175.00
Apprentice Plumber	\$20.00
Journeyman Plumber	\$50.00
Master Plumber	\$200.00
Reciprocal Journeyman Plumber	\$150.00
Renewal Fees:	
Mechanical Contractor	\$150.00
Apprentice Plumber	\$15.00
Journeyman Plumber	\$40.00
Master Plumber	\$150.00
Inactive Master Plumbers	No fee

{Reinstatement Fees:

Apprentice Plumber	\$20.00
Journeyman Plumber	\$50.00
Master Plumber	\$200.00
Mechanical Contractor	\$175.00}

12- Electrical Permit Fees:

Residential Commercial	Industrial
Minimum Electrical Inspection \$50.00	<u>\$125.00</u> { <u>\$100.00</u> }
<u>\$250.00</u> { <u>\$200.00</u> }	

<u>Solar Panel Installations</u>	<u>\$100.00</u>	<u>\$300.00</u>	<u>\$500.00</u>
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# Electrical Outlets - All Types of Occupancy

1-10	\$10.00	\$30.00	\$50.00
11-50	\$30.00	\$75.00	\$100.00
51-100	\$50.00	\$100.00	\$175.00
101-200	\$75.00	\$150.00	\$250.00
Each additional 25 outlets	\$5.00	\$15.00	\$25.00
Service Installations	<u>Repair</u> - One Meter - One Panel		

Up to {150} 200 amps	\$75	{ \$50.00 }	\$125.00	{ \$100.00 }	\$250.00
{ \$200.00 }					
{ Over 150 amps to 200 amps	\$75.00		\$125.00		\$250.00 }
Over 200 amps to 400 amps		\$125.00	{ \$100.00 }	\$175.00	{ \$150.00 }
\$350.00	{ \$300.00 }				
Over 400 amps to 1000 amps	\$150	\$175.00	{ \$150.00 }	\$275.00	{ \$250.00 }
\$400.00	{ \$350.00 }				
Over 1000 amps	\$250.00	{ \$225.00 }	\$375.00	{ \$350.00 }	\$750.00
{ \$700.00 }					

Additional meters	\$10.00	\$15.00
\$25.00		
Each additional panel	\$0	\$15.00
\$25.00		
Security and Fire Alarms	\$50.00	{ \$35.00 }
\$200.00	{ \$100.00 }	\$100.00
		{ \$75.00 }
Renewal of Electrical Contractor's License - Active		\$125.00
Renewal of Electrical Contractor's License - Inactive	\$40.00	
Initial issuance of Electrical Contractor's License	\$225.00	
Application to take Electrical Contractor's Exam		\$125.00
{ Security and Fire Alarm Permits		\$35.00
(under mechanical permits) }		

## 13. Plan Review Fees: (Upon submittal of plans)

Residential (new homes {only} & additions)	\$150.00	<u>20% of</u>
<u>Permit Fee</u>		
Commercial (new construction & alterations)	\$300.00	<u>30% of</u>
<u>Permit Fee</u>		
Industrial (new construction & alternations)	\$400.00	<u>40% of</u>
<u>Permit Fee</u>		

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

Yeas

Members-Bax, Tompkins, Zajac

Abstain-Myles

Excused-Chairman Spanbauer

Nays

3

0

ADOPTED

RESOLUTION: VIRGINIA AVE. & 17<sup>TH</sup> ST, ABANDONMENT OF THE CITY RIGHT-OF-WAY,  
SOUTHWEST CORNER OF THE INTERSECTION, 2022-41

Agenda Item #13

WHEREAS, the City Council of the City of Niagara Falls desires to abandon a city rate of situated at the southwest corner of the intersection of Virginia Ave and 17th Street in order to facilitate utilization of the land by abutting property owner; and

WHEREAS, the Planning Board of the City of Niagara Falls at its meeting on May 4, 2022 recommended that the City Council approve the abandonment of the aforementioned city right of way (on file in the City Clerk's Office); and

WHEREAS, the City Council did, by resolution, give notice of its intention to abandon the aforementioned city right of way did direct the City Clerk to publish notice of such intention and that a public hearing would be held by the City Council at its meeting to be held in the Council Chambers on June 22, 2022 at 6:00 p.m. daylight savings time and advise that all persons interested would be heard thereon at that said time and place; and

WHEREAS, the hearing was duly held on June 22, 2022 at 6:00 p.m. daylight savings time in regard to said abandonment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that the city right of way situated at the southwest corner of the intersection of Virginia Ave and 17th Street is hereby abandoned. The said right of way is bounded and described as follows: Beginning at the intersection of the northeasterly line of Lot 34 of the New York Mile Reservation and the southerly line of Virginia Avenue, a 60-foot-wide City of Niagara Falls Right-of-Way; thence southeasterly alongside Mile Reservation Line, 33.51 feet to a point; thence westerly along the northerly line of Lot 403, 63.90 feet to a point along the easterly line of Seventeenth Street, a 60 foot wide City of Niagara Falls Right-of-Way; thence northerly along a northerly prolongation of said easterly of Seventeenth Street, a distance of 31.63 feet to a point, said point being the intersection of northerly prolongation of the easterly line of Seventeenth Street and the westerly prolongation of said southerly line of Virginia Avenue; thence easterly along the said westerly prolongation of the southerly line of Virginia Avenue, a distance of 53.11 feet to the point or place of beginning.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute any deeds or other documents desirable to effectuate this abandonment; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed in the Office of the Clerk of the County of Niagara.

Yeas

3

Members Bax, Tompkins, Zajac

Abstain-Member Myles

Excused-Chairman Spanbauer

Nays

0

ADOPTED

RESOLUTION: VIRGINIA AVE & TENNESSEE AVE., PARTIAL ABANDONMENT OF THE ALLEY,  
2022-42

Agenda Item #42

WHEREAS, the City Council of the City of Niagara Falls desires to abandon a portion of the alley running east-west between Tennessee Avenue and Virginia Avenue in order to facilitate utilization of the alley by abutting property owners; and

WHEREAS, the Planning Board of the City of Niagara Falls at its meeting on May 4, 2022 recommended that the City Council approve the abandonment of a portion of the aforementioned alley (on file in the City Clerk's Office); and

WHEREAS, the City Council did, by resolution, give notice of its intention to abandon a portion of the aforementioned alley and did direct the City Clerk to publish notice of such intention and that a public hearing would be held by the City Council at its meeting to be held in the Council Chambers on June 22, 2022 at 6:00 p.m. daylight savings time and advise that all persons interested would be heard thereon at that said time and place; and

WHEREAS, the hearing was duly held on June 22, 2022 at 6:00 p.m. daylight savings time in regard to said abandonment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that a portion of the alley running east-west between Tennessee Avenue and Virginia Avenue is hereby abandoned. The said alley portion is bounded and described as follows:

The area constituting the westerly most 72.10 feet as measured along the northerly right-of-way boundary, with an approximate area of 800 40 square feet (0.0192 acres).

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute any deeds or other documents desirable to effectuate this abandonment; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed in the Office of the Clerk of the County of Niagara.

Yeas

3

Members Bax, Tompkins, Zajac

Abstain-Member Myles

Excused-Chairman Spanbauer

Nays

0

ADOPTED

COMMUNITY DEVELOPMENT: ROSE GARDEN PROJECT, RETENTION PAYMENT, SCRUFARI CONSTRUCTION

Agenda Item #15

In 2021, the City reallocated funding to pay Scrufari Construction Company for work related to the Rose Garden Project. Not included within this reallocation was the retention payment required for the project. It is now proposed to appropriate \$14,876.52 of Community Development "miscellaneous revenue" funds to pay Scrufari the required retention. These funds derive from Urban Development Action grant repayments from many years ago.

Will the Council vote to approve payment of the Rose Garden Project retention in the amount of \$14,876.52 from Community Development funds as presented herein, and to authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas

3

Members Bax, Tompkins, Zajac

Abstain-Member Myles

Excused-Chairman Spanbauer

Nays

0

APPROVED

CDBG CARES ACT: CAZENOVIA RECOVERY, GRANT AMENDMENT

Agenda Item #16

In 2020, the City Council approved a grant of \$70,000.00 of CDBG CARES Act funds to Cazenovia Recovery Systems for COVID-related costs at their facility. Cazenovia has requested that the grant terms be amended to allow a short-term rental program, providing for up to \$650.00 per month rental assistance, with assistance decreasing by up to \$100.00 per month, for up to six months.

This use of funds is allowed under the CARES Act CDBG regulations. It will allow Cazenovia Recovery to use its remaining grant in a manner that will aid low- and moderate-income individuals and families who are having financial difficulty as a result of the pandemic.

Will the Council vote to approve the grant amendment for Cazenovia Recovery Systems as presented herein, and to authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas 3

Members Bax, Tompkins, Zajac

Abstain-Member Myles

Excused-Chairman Spanbauer

Nays 0

APPROVED

CDBG CARES ACT, CATHOLIC CHARITIES, REALLOCATION FOR RAPID REHOUSING

Agenda Item #17

In 2020, Council approved a grant of \$448,590.00 of CDBG CARES Act ESG funds to Catholic Charities for rapid rehousing and homeless prevention. Rapid rehousing funds are used to assist homeless families or individuals living in a shelter to find permanent housing. Homeless prevention funds are used to prevent a family or individual from moving into a shelter by stabilizing a current rental situation. The application of Catholic Charities specified to portions of the grant to be used for each category.

Due to the eviction moratorium, there was a decreased need for prevention funds. With the expiration of the moratorium, there is a greater need for prevention funds.

Catholic Charities has requested a re-allocation of \$135,000.00 from rapid rehousing to homeless prevention to meet this greater need.

Will the Council vote to approve the re-allocation of \$135,000.00 of the original grant from rapid rehousing to homeless prevention as presented herein and to authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas 3

Members Bax, Tompkins, Zajac

Abstain-Member Myles

Excused-Chairman Spanbauer

Nays 0

APPROVED



CDBG GRANT: NACC, REPAIRS

Agenda Item #18

The NACC has identified some repair issues at their building, and requested CDBG grant funding to assist in these repairs. They need funds to locate and repair a water leak in the building, to repair some electrical issues related to non-functioning lights and outlets in some of the tenant rooms, repair or replacement of the air handler system, which produces excess humidity, and repair of damage in the Portage room and tenant rooms (the causes of the damage have been repaired, but the damage has not been addressed).

Unexpended CDBG funds from 2018 and 2019 Annual Action Plans are available to pay for these costs.

Will the Council vote to approve a grant of \$100,000.00 to the NACC for repairs, as presented herein, and to authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas

3

Members Bax, Tompkins, Zajac

Abstain-Member Myles

Excused-Chairman Spanbauer

Nays

0

APPROVED

CDBG CARES ACT: CASEY HOUSE & PASSAGE HOUSE, REPAIRS

Agenda Item #19

THIS ITEM WAS PULLED BY MAYOR ROBERT M. RESTAINO

NO ACTION TAKEN

ASSESSOR: 2022 GENERAL ASSESSMENT ROLL

Agenda Item #20

Listed below are the taxable totals of the General Assessment Roll for the City of Niagara Falls, New York, as now constituted and completed by the Board of Assessment Review for the year 2022 and was filed with the City Clerk on July 1, 2022

Also, attached (on file in the City Clerk's Office), please find the exemption summary for the 2022 roll.

Total Taxable Assessed Value	\$1,284,722,048
Homestead	\$890,233,998
Non-Homestead	<u>394,488,050</u>
Total	\$1,284,722,048

THIS ITEM WAS RECEIVED AND FILED

CLAIM: BLACK, RA-SHEE R.

Agenda Item #21

Date of Occurrence:	December 14, 2019
Date Claim Filed:	January 23, 2020
Date Action Commenced:	January 12, 2021
Location:	Intersection of Weston Ave. and 18 <sup>th</sup> Street.
Nature of Claim:	Personal Injury - motor vehicle accident.
City Driver:	N/A.

155

Status of Action: This case will be restored to the trial calendar of the New York State Supreme Court, Niagara County, if not settled.  
Recommendation/Reason: Best interest of the City.  
Amount to be Paid: \$6,000.00  
Check Writing Details: Make payable to "LAW OFFICE OF CRAIG Z. SMALL, LLC, as attorneys for Ra Shee R. Black."  
Conditions: Stipulation of Discontinuance 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 Council so approve?

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

Yeas	3
Members Bax, Tompkins, Zajac	
Abstain-Member Myles	
Excused-Chairman Spanbauer	
Nays	0
	APPROVED

CLAIM: BECK, DANIEL J. AND DEBRA

Agenda Item #22

Date of Occurrence: June 27, 2014  
Date Claim Filed: Aug 3, 2015 - deemed timely by nunc pro tunc Order  
Date Action Commenced: September 24, 2015  
Location: 4800 block of Simmons Avenue  
Nature of Claim: Personal Injury - premises liability  
City Driver: N/A  
Status of Action: This case will be restored to the trial calendar of the New York State Supreme Court, Niagara County, if not settled.  
Recommendation/Reason: Best interest of the City.  
Amount to be Paid: \$250,000.00, to be paid by May 31, 2023.  
Check Writing Details: Make payable to "LAW OFFICE OF FRANCIS M. LETRO, as attorneys for Daniel J. Beck and Debra Beck."  
Conditions: Stipulation of Discontinuance and General Release 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 Council so approve?

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

Yeas	3
Members Bax, Tompkins, Zajac	
Abstain-Member Myles	
Excused-Chairman Spanbauer	
Nays	0
	APPROVED

CLAIM: ST. PETER, BROOKE

Agenda Item #23

Date of Occurrence: August 10, 2017  
Date Claim Filed: November 6, 2017  
Date Action Commenced: July 24, 2018  
156

Location: City owned and operated Rainbow Parking Ramp and a public sidewalk located immediately adjacent to First Street and the east wall of the ramp building.

Nature of Claim: Personal Injury -premises security.

City Driver: N/A.

Status of Action: This case will be restored to the trial calendar of the New York State Supreme Court, Niagara County, if not settled.

Recommendation/Reason: Best interest of City.

Amount to be Paid: \$15,000.00

Check Writing Details: Make payable to "THE BARNES FIRM, P.C., as attorneys for Brooke St. Peter."

Conditions: Stipulation of Discontinuance 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 Council so approve?

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

Yeas	3
Members Bax, Tompkins, Zajac	
Abstain-Member Myles	
Excused-Chairman Spanbauer	
Nays	0
	APPROVED

CLAIM: MICHAELS, EDWARD P.

#### Agenda Item #24

Date of Occurrence: August 30, 2019

Date Claim Filed: November 1, 2019

Date Action Commenced: June 19, 2020

Location: Public sidewalk in front of 491 18<sup>th</sup> Street.

Nature of Claim: Personal Injury - trip and fall.

City Driver: N/A

Status of Action: This case will be restored to the trial calendar of the New York State Supreme Court, Niagara County, if not settled.

Recommendation/Reason: Best interest of the City.

Amount to be Paid: \$5,000.00

Check Writing Details: Make payable to "LIPSITZ GREEN SCIME CAMBRIA LLP, as attorneys for Edward P. Michaels."

Conditions: Stipulation of Discontinuance 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 Council so approve?

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

Yeas	3
Members Bax, Tompkins, Zajac	
Abstain-Member Myles	
Excused-Chairman Spanbauer	
Nays	0
	APPROVED

CLAIM:  PARMER, LARHONDA M.

Agenda Item #25

Date of Occurrence:  February 5, 2018  
Date Claim Filed:  February 5, 2018  
Date Action Commenced:  June 26, 2018  
Location:  Westbound lane of Niagara Street between Memorial Parkway and 10<sup>th</sup> Street.  
Nature of Claim:  Personal Injury - motor vehicle accident.  
City Driver:  Michael Bower  
Status of Action:  This case will be restored to the trial calendar of the New York State Supreme Court, Niagara County, if not settled.  
  
Recommendation/Reason:  Best interest of City.  
Amount to be Paid:  \$30,000.00  
Check Writing Details:  Make payable to "LIPSITZ GREEN SCIME CAMBRIA LLP, as attorneys for Larhonda M. Parmer."  
Conditions:  Stipulation of Discontinuance 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 Council so approve?

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

Yeas	3
Members Bax, Tompkins, Zajac	
Abstain-Member Myles	
Excused-Chairman Spanbauer	
Nays	0

APPROVED

CLAIM:  LANCER INSURANCE COMPANY

Agenda Item #26

Date Claim Filed:  December 6, 2018, relative to property damage; Notice of Claim not required for two PIP Arbitration matters  
Date Action Commenced:  Petition to confirm arbitration award filed March 29, 2019  
Date of Occurrence:  Collision on October 3, 2018; multiple dates of PIP payments to LANCER insured  
Location:  Two-vehicle collision on the 1700 block of 18<sup>th</sup> Street  
Nature of Claim:  PIP Subrogation - Mandatory Arbitration  
City Driver:  Lance Small  
Status of Action:  Three judgments in favor of LANCER INSURANCE COMPANY: two secured in New York State Supreme Court, confirming PIP-Mandatory Arbitration Awards, and one obtained as a subrogated property damage claim in Niagara Falls City Court.  
Recommendation/Reason:  Satisfaction of Judgments owed by the City  
Amount to be Paid:  \$42,238.89  
Make Check Payable to:  Carman, Callahan & Ingham as attorneys for Lancer Insurance Company

Conditions: Amount to be paid will avoid six months of interest if paid in full by August 3, 2022; Satisfaction of Judgments to be approved by Corporation Counsel.

It is the recommendation of this Department that the above payment be approved and processed under the terms set forth above. Will the Council so approve?

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

Yeas 3

Members Bax, Tompkins, Zajac

Abstain-Member Myles

Excused-Chairman Spanbauer

Nays 0

APPROVED

There being no further business to come before the Council, Chairman Spanbauer adjourned the Meeting at 5:49 PM.

Vicky Wideman  
City Clerk



**JULY 20 , 2022**

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The Legislative session of the July 20, 2022 Niagara Falls City Council Meeting was called to order by Council Chairman John Spanbauer at 6:00 P.M. in the Council Chambers.

Present: Council Members Traci Bax, Donta Myles, Kenny Tompkins, David Zajac and Chairman John Spanbauer

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

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

Controllers Report:

- Controller Morello presented revenue figures related to sales tax and downtown parking revenue collected over 4th of July weekend and compared them to: 2019, 2021, and 2022 to date.

Item #8 - As per Corporation Council this item was pulled at the request of Pinnacle

Item #14 - Council Member Myles expressed concerns about one meeting a month; Council Member Tompkins inquired with Council Member Myles did he speak with the Mayor; Chairman Spanbauer expressed his thoughts about hosting another meeting; Council Member Zajac expressed his thoughts about special meetings; Council Member Bax expressed if a second meeting is held how would Council Member Myers, ensure that the items would move.

Council Update:

Chairman Spanbauer shared about how there will be a Resolution for Bishop Gordon Sweat of the Refuge

Item #15 - Council Member Myles expressed concerns about having a meeting called within 72 hours; Council Member Bax expressed concerns about the economic impact; Council Member Zajac - expressed thoughts about special meetings; Council Member Tompkins expressed thoughts about the Charter.

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

Kathy DuBois	Agenda Items #14, #15
Kenneth Hamilton	Agenda Items #5, #8, #15
Bob Pascoal	Agenda Item #14
Cherrish Beals	Agenda Items #14, #15
Robert Ventry	Agenda Item #14

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF JUNE 2022

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK CLAIMS FOR THE MONTH OF JUNE 2022

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #3

The following have requested City Council approval for Commissioner of Deeds for a term from October 1<sup>st</sup>, 2022 to September 30<sup>th</sup>, 2024

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

Kari Fabiano	NFPD
Lori Parsnick	DPW
Peter J. Zito	3351 Ely Ave Niagara Falls, NY 14303
Juanita Sirianni	3351 Ely Ave Niagara Falls, NY 14303
Betty E. Ivancic	1246 86 <sup>th</sup> St Niagara Falls, NY 14304

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

Yeas	5
Nays	0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

NF BLOCK CLUB COUNCIL, BANDSTAND FEE WAIVED, (CRIME NIGHT OUT)

Agenda Item #4

The Niagara Falls Block Club Council has requested use of the City of Niagara Falls' bandstand on Tuesday, August 2, 2022, for their annual Crime Night Out. It is proposed that the City Council authorize the City Administrator to waive the fee for use of the City bandstand for this event.

Will the Council so approve?

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

Yeas	5
Nays	0

APPROVED

LIBRARY CONSTRUCTION GRANT, CITY MATCHING FUNDS, EARL W. BRYDGES LIBRARY

Agenda Item #5

Through a New York State Library Construction Grant, a building refurbishment program was undertaken at the Earl W. Brydges Public Library. Under the program, the building underwent extensive renovations which included the replacement of seventeen (17) broken windows, the installation of an electronic door opener mechanism, a retrofit of both indoor and outdoor parking lot lighting to LED, eight (8) new drinking fountains and new flooring in the second-floor meeting room areas. These projects were undertaken to not only improve the visitor experience at the library, but to also increase security and energy efficiency.

Pursuant to the terms of the grant, the State provided \$166,474.00 in funding for the project, with a City match in the amount of \$80,088.00. As the project is completed, the City is required to release the matching funds. Funding for this amount is available in Capital Code H0904.

Will the Council so approve?

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

Yeas	5
Nays	0

162

APPROVED

07/20/2022



CONTRACT: NFPD PUBLIC SAFETY COMMUNICATIONS EQUIPMENT/SERVICES,  
FUNDING, SKYWAVE COMMUNICATINS, INC.

Agenda Item #6

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for upgrading public safety communications equipment and services for the City of Niagara Falls Police Department.

These necessary upgrades require the purchase and installation of a coaxial antenna system and bi-directional amplifier system (BDA) for Public Safety communications system operation and support.

We respectfully request you award the above-referenced items as follows:

TO: Skywave Communications, Inc. (MWBE)  
51 Goodway Drive South  
Rochester, New York 14623  
FOR: BDA (bi-directional amplifier system and coaxial antenna  
system) \$ 98,500.00

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 authorize the Mayor to execute an agreement with the above named vendors in a form acceptable to the Corporation Counsel?

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

Yeas 5  
Nays 0  
APPROVED

CONTRACT: GOBIKE (HEALTHY STREET INITIATIVE), CHASM AVE. & MONTEAGLE STREET INTERSECTION IMPROVEMENT PROJECT

Agenda Item #7

GObike recently presented their proposed intersection improvement project to the Traffic Advisory Commission on March 28, 2022. During that meeting, the Commission unanimously expressed their support for this project, which they felt was a positive step toward improving safety at this intersection and the use of striping, with its inexpensive and temporary nature, could be easily implemented (and later removed if deemed necessary).

It is hereby requested that the City Council approve the project and grant GObike permission to make temporary improvements within the Right of Way at the intersection of Main Street, Chasm Avenue, and Monteagle Street. These improvements will consist of painting, lane stripping, and signage as provided in the included materials. The proposed agreement shall be for one (1) year, with a mutual option to extend the agreement beyond the initial one-year term for maintenance purposes. There will be no cost to the City as GObike will be responsible to pay for all installation and maintenance costs associated with this project through their grant award from the 2021-2022 Verizon Media Fund.

Will the Council so approve and authorize the Mayor to execute the proposed agreement (on file in the City Clerk's Office) provided that the same is satisfactory to the Corporation Counsel in both form and content?

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

Yeas 5  
Nays 0  
APPROVED

CARES ACT CDBG, RE-ALLOCATION

Agenda Item #8  
THIS ITEM WAS PULLED BY THE MAYOR  
NO ACTION TAKEN

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

25<sup>TH</sup> STREET: ALTERNATE OVERNIGHT PARKING BETWEEN FALLS ST. & WELCH AVE.

Agenda Item #9

At the Traffic Advisory Commission meeting held on June 27, 2022 the Commission recommended APPROVAL of the following item:

INSTALL ALTERNATE OVERNIGHT PARKING ON 25<sup>th</sup> STREET BETWEEN FALLS STREET & WELCH AVENUE

A Petition from the residents of this block was received with 66.7% of signatures.

Submitted By: Mike Miller, 316 - 25<sup>th</sup> Street

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

Yeas	5
Nays	0
	APPROVED

819 MAPLE AVENUE: INSTLL 5' HANDICAPPED ACCESS SPACE

Agenda Item #10

At the Traffic Advisory Commission meeting held on June 27, 2022 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 819 MAPLE AVENUE

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

Submitted By: Frank Coscia, 819 Maple Avenue

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

Yeas	5
Nays	0
	APPROVED

424 22<sup>ND</sup> STREET: INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #11

At the Traffic Advisory Commission meeting held on June 27, 2022 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 424 - 22<sup>nd</sup> STREET

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

Submitted By: Gerald Cieplinski, 424 - 22<sup>nd</sup> Street

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

Yeas	5
Nays	0
APPROVED	

2705 PIERCE AVENUE: INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #12

At the Traffic Advisory Commission meeting held on June 27, 2022 the  
Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 2705 PIERCE AVENUE

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

Submitted By: Gillian Walker, on behalf of her mother, Barbara  
Walker, 2705 Pierce Avenue

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

Yeas	5
Nays	0
APPROVED	

7724 BUFFALO AVENUE (2 SPACES): INSTALL ONE HOUR PARKING RESTRICTION

Agenda Item #13

At the Traffic Advisory Commission meeting held on June 27, 2022  
the Commission recommended APPROVAL of the following item:

INSTALL ONE HOUR (8AM TO 6PM) PARKING RESTRICTION IN FRONT  
OF 7724 BUFFALO AVENUE (2 SPACES)

(Request was made to facilitate daytime, short-term parking for patrons  
of the business and prevent all day parkers.)

Submitted By: Peter Murray, owner, 7724 Buffalo Avenue (Swimmin'  
With The Fishes)

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

Yeas	5
Nays	0
APPROVED	

RESOLUTION: 2022 CITY COUNCIL MEETING SCHEDULE  
BY: COUNCIL MEMBER DONTA MYLES

Agenda Item #14

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 the remainder of 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; and be it  
further

RESOLVED that the City Council may call for additional meetings for the transaction of business pursuant to Chapter 3.9 of the City Charter.

AUGUST RECESS  
SEPTEMBER 7, 2022  
SEPTEMBER 21, 2022  
OCTOBER 5, 2022  
OCTOBER 19, 2022  
NOVEMBER 2, 2022  
NOVEMBER 16, 2022  
NOVEMBER 30, 2022  
DECEMBER 14, 2022  
DECEMBER 28, 2022

Yeas 2  
Member Myles, Chairman Spanbauer  
Nays 3  
Members Bax, Tompkins, Zajac

DEFEATED

RESOLUTION: PUBLIC HEARING RELATIVE TO AMENDING ARTICLE 111 OF THE NF CITY CHARTER, ENTITLED "CITY COUNCIL AND LEGISLATIVE BRANCH: BY AMENDING SECTION 3.9 (C)  
BY: COUNCIL MEMBER DONTA MYLES

Agenda Item #15

RESOLVED, that the attached (on file in the City clerk's Office) proposed Local Law for the year 2022 be introduced, and that a public hearing be held on such Local Law on the 7th day of September, 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 III of the Niagara Falls City Charter, entitled "City Council and Legislative Branch", by amending Section 3.9 (C).

Yeas 1  
Member Myles  
Nays 4  
Members Bax, Tompkins, Zajac, Chairman Spanbauer

DEFEATED

RESOLUTION: RELATIVE TO AMENDMENT OF CITY OF NIAGARA FALLS ZONING ORDINANCE TO CREATE A HIGH ENERGY USAGE OVERLAY DISTRICT, 2022-43  
BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN SPANBAUER

Agenda Item #16

WHEREAS, on July 5, 2022, the City Council approved a resolution indicating its desire to amend the Zoning Ordinance of the City of Niagara Falls New York to create a High Energy Usage Overlay District; and

WHEREAS, in furtherance thereof, it is necessary to hold a Public Hearing regarding such proposed amendment.

NOW, THEREFORE, BE IT RESOLVED that the City Council desires to amend the Zoning Ordinance of the City of Niagara Falls New York to create a High Energy Usage Overlay District; and

BE IT FURTHER RESOLVED that a Public Hearing be held regarding the proposed amendment to the Zoning Ordinance to create a High Energy Usage Overlay District on the **17th day of August, 2022 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 5  
Nays 0

ADOPTED

RESOLUTION: RELATIVE TO ORDERING A SPECIAL MEETING OF THE NF PLANNING BOARD, 2022-44  
BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN SPANBAUER

Agenda Item #17

WHEREAS, pursuant to Article XVII of the Niagara Falls City Charter, the City Council has the power to appoint the membership the Niagara Falls Planning Board; and

WHEREAS, furthermore, pursuant to Article IV of the Planning Board by-laws, the City Council may order the Planning Board to convene a Special Meeting; and

WHEREAS, the City Council is aware that there are certain matters that need to be addressed by the Planning Board, specifically review of the application of Martin Campbell for Level 2 Site Plan approval for construction of a new structure within the Special Flood Hazard Area at 8667 Champlain Avenue, and the adoption of a resolution setting forth the Planning Board's recommendations to the City Council with respect to the proposed High Energy Usage Overlay District Zoning amendment; and

WHEREAS, that according to its regular meeting schedule, the Planning Board is not scheduled to meet during the month of August, 2022; and

WHEREAS, the City Council has determined that the Planning Board must promptly address these certain matters, not only for those involved, but to the good of the citizens of the City of Niagara Falls.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls hereby orders that the Niagara Falls Planning Board convene a Special Meeting on Wednesday, August 10, 2022 at 6:00 p.m. in the City Council Chambers, 745 Main Street, Niagara Falls, NY 14302; and

BE IT FURTHER RESOLVED that only the following business will be conducted at said Special Meeting of the Niagara Falls Planning Board: Level 2 Site Plan review of the application of Martin Campbell for the approval of construction of a new structure within the Special Flood Hazard Area at 8667 Champlain Avenue, and; adoption of a resolution setting forth the Planning Board's recommendations to the City Council with respect to the proposed High Energy Usage Overlay District Zoning amendment; and, be it further

RESOLVED that appropriate notice of said Special Meeting be given as required by the Planning Board by-laws.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: RELATIVE TO HONORING BISHOP GORDON M. SWEAT AND REFUGE TEMPLE OF CHRIST CHURCH, 2022-45  
BY: MAYOR, ROBERT M. RESTAINO, ALL COUNCIL MEMBERS

Agenda Item #18

WHEREAS, On August 7, 2022, the Refuge Temple of Christ Church, located at 719 Ashland Avenue, Niagara Falls, N.Y. will be celebrating 25 years of service and ministry here in Niagara Falls; and

WHEREAS, Bishop Gordon M. Sweat has served as the pastor, teacher, motivator, and helper during these 25 years; and

WHEREAS, Refuge Temple of Christ has been an inspiration to many over the years and has supported the Niagara Falls Community in so many ways, such as the RHEMA Learning Center, through television, radio, social media and especially face-to-face counseling and community prayer; and

WHEREAS, the Church continues to fulfil its mission of serving others, through clothing and food giveaways, community education programs, tent revivals and so much more by reaching beyond themselves for the needs of others; and

WHEREAS, Churches are a great partner to have in City government, as they assist with the focus of community building and support; and

WHEREAS, we recognize that in Refuge Temple of Christ Church and Bishop Gordon Sweat, we have outstanding leaders and supporters of the Niagara Falls Community that continue to go above and beyond when called upon to serve.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Niagara Falls and Mayor Robert M. Restaino do hereby honor the Refuge Temple of Christ Church Family and Pastor Gordon M. Sweat on your 25<sup>th</sup> anniversary of serving and supporting the Niagara Falls community; and

BE IT FURTHER RESOLVED that the City congratulates you on this awesome celebration of Grace.

Yeas

5

Nays

0

ADOPTED

Speakers

For Good of Community:

Mark Moore	Streets
Tracy Gilmore	Rats
Bruce Myles	Council doesn't care about residents
Lakea Perry	Open Meetings
Geraldine Sankey	Need Mayor at Meetings
Kenneth Hamilton	Charter change; Special Meetings
Chris Smith	Sidewalks in Black neighborhoods
James Perry	Water Board

There being no further business to come before the Council, Chairman Spanbauer adjourned the Meeting at 8:02 P.M.

Vicky Wideman  
City Clerk



**AUGUST 18, 2022**

**SPECIAL COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

The August 18, 2022 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Spanbauer at 5:30 PM in the Council Chambers.

Present: Council Members Bax, Myles, Tompkins, Zajac  
Excused: Chairman Spanbauer

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

Council Member Tompkins was Acting Chairman  
Council Member Bax attended VIA Zoom & voted VIA Zoom  
Acting Chairman Tompkins said the Prayer and led the gathering in the Pledge of Allegiance.

**August 15, 2022**

Members of the City Council  
and  
City Clerk

Re: Mayor's Special Meeting of Niagara Falls City Council

Council Members and City Clerk:

You are hereby notified of the Mayor's 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 Thursday, August 18, 2022 at 5:30 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purposes:

Special Meeting for Council to approve the following items:

TRAFFIC SIGNAGE: MODIFICATION/INSTALLATION, INTERSECTION OF LAFAYETTE AVENUE & LEWISTON ROAD (ROUTE 104)

Agenda Item #1

Given its physical characteristics and its location near the City-line, the intersection of Lafayette Avenue and Lewiston Road (Route 104) raises safety concerns for both motorists and pedestrians alike. This intersection, which is situated in a residential area on the crest of a hill and in close proximity to the four-lane portion of Route 104 fronting Niagara University, often sees vehicles travelling at excessive speeds. This has lead to several collisions, some of which have caused property damage where vehicles have left the road.

In order to reduce speeds and increase safety, it is recommended that the City Council approve the modification/installation of traffic signage at the intersection of Lafayette Avenue and Lewiston Road to "ALL WAY" Stop Signs around the intersection. This will require the new Stop Signs to be placed on the northbound and southbound corners of Lewiston Road at its intersection with Lafayette Avenue. The new Stop Signs on Lewiston Road and the existing Stop Signs on Lafayette Avenue will bear accessory signage that will indicate that this is an "ALL WAY" intersection.

Additionally, the new Stop Signs on Lewiston Road will require the installation of additional signage that will alert motorists of the changes in the traffic pattern. Upon approval, all signage would be generated and installed by City staff.

Will the Council so approve?

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

Yeas 3

Members Bax, Tompkins, Zajac

Excused-Chairman Spanbauer

Abstained-Member Myles

Nays 0

APPROVED

CONTRACT: COURT CLEANING AND MINOR REPAIRS, UNITED COURT SYSTEM AND THE CITY OF NIAGARA FALLS

#### Agenda Item #2

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, 2022 and terminating on March 31, 2023. UCS

The proposed budget for this period of time calls for UCS to reimburse the City in the amount of \$227,460.00 for services rendered.

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

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

Yeas 3

Members Bax, Tompkins, Zajac

Excused: Chairman Spanbauer

Abstained: Member Myles

Nays 0

APPROVED

CONTRACT: BPAS ACTUARIAL & PENSION SERVICES, RETIREE GROUP HEALTH BENEFITS PROGRAM

#### Agenda Item #3

The City Controller advises that it is necessary to engage the services of BPAS Actuarial & Pension Services to perform a GASB No. 75 valuation during calendar year 2022 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 \$9,775.00. Funding is available in budget line A.1315.0000.0451.000.



Will the Council so approve?

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

Yeas

3

Members Bax, Tompkins, Zajac

Excused: Chairman Spanbauer

Abstained: Member Myles

Nays

0

APPROVED

CONTRACT: SCHOOL RESOURCE OFFICER, NF SCHOOL DISTRICT

#### Agenda Item #4

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. 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 2022-23 academic year.

In prior years, the City has had an agreement in place with the School District which provides for the deployment of School Resource Officers; it is requested that this agreement be renewed for the 2022-23 school year. The term of the agreement will commence on July 1, 2022 and terminate on June 30, 2022. Two (2) officers will be deployed from July 1, 2022 through August 31, 2022; four (4) officers will be deployed from September 1, 2022 through June 30, 2023. The School District will reimburse the City for the total cost of salary and benefits for the police officers, which totals approximately \$516,721.00, together with any cost adjustments incurred by the City pursuant to collective bargaining agreements.

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

Yeas

3

Members Bax, Tompkins, Zajac

Excused: Chairman Spanbauer

Abstained: Member Myles

Nays

0

APPROVED

CONTRACT: OFFICERS OF THE DAY, NF CITY SCHOOL DISTRICT

#### Agenda Item #5

Creating and maintaining a safe and orderly environment in our City schools is of paramount importance to students, staff, parents and the community. To this end it is the recommendation of this Administration that the City enter into an agreement with the Niagara Falls City School District. The District has requested the provision of uniform police officers to serve as "Officers of the Day" at the eight (8) elementary schools on days when students are in session, for a period not to exceed four (4) hours daily. The Officers of the Day will increase the safety of students and staff, promote and support organizational efficiency. They will work with the School Administration to address safety and traffic concern at the school locations and provide positive role models to students.

The term of this Agreement would coincide with the school year, beginning September 1, 2022 and terminating June 30, 2023. The fee for these services shall be paid at the overtime pay rate of each officer, in an amount not to exceed \$300,000.00, which shall be payable within thirty (30) days of receipt the City's invoice for services rendered, through June 30, 2023.

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

Yeas	3
Members Bax, Tompkins, Zajac	
Excused: Chairman Spanbauer	
Excused: Member Myles	
Nays	0

APPROVED

CONTRACT: BILLING/COLLECTION SCHOOL TAXES, 2022-2023, NF SCHOOL DISTRICT

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 2022 - 2023 School District tax year.

In consideration for the performance of the services, the City will be paid the sum of \$72,167.57 by the School District with an increase in the amount of the Consumer Price Index for calendar year 2022 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 Zajac moved that the communication be received and filed and the recommendation approved.

Yeas	3
Members Bax, Tompkins, Zajac	
Excused: Chairman Spanbauer	
Abstained: Member Myles	
Nays	0

APPROVED

EXECUTIVE OFFICE: EXECUTIVE ASSISTANT, BUDGET AMENDMENT

Agenda Item #7

The Executive Assistant in the Executive Office is retiring, effective September 2, 2022. A candidate has been selected to fill this position, effective September 6, 2022, which will require an increase in salary from \$35,000.00 (\$19.2308/hr.) to \$42,840.00 (\$23.5385/hr.). Funding currently exists due to a current vacancy within the Executive Office budget to accomplish this request.

Will the Council so approve?

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

Yeas	3
Members Bax, Tompkins, Zajac	
Excused: Chairman Spanbauer	
Abstained: Member Myles	
Nays	0

APPROVED

JUSTICE ASSISTANCE GRANT PROGRAM: APPROVAL OF APPLICATION

Agenda Item #8

The City of Niagara Falls, on behalf of itself and the County of Niagara, is requesting authority to apply to the US Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, for funding under the Edward Byrne Memorial Assistance Grant for the amount of \$36,827.00.

The City intends to use the full amount of the award for the enhancement of public safety both in the City and the County as a whole. The Niagara Falls Police Department (NFPD) will focus on retaining two (2) civilian police liaisons, Safe Neighborhood Active Patrol (SNAP) teams and the purchase of handheld radios for NFPD officers. Pursuant to an agreement with Niagara County, the Niagara County District Attorney's office will not be utilizing any funding under the grant and have agreed to allow the NFPD to expend the full amount of the award.

Will the Council so approve submission of the application for this grant?

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

Yeas 3

Members Bax, Tompkins, Zajac

Excused: Chairman Spanbauer

Abstained: Member Myles

Nays 0

APPROVED

EARL W. BRYDGES LIBRARY: LED LIGHTING PROJECT, FUNDING

Agenda Item #9

Recently, the Niagara Falls Public Library undertook an LED lighting conversion program at the Earl Brydges library. This lighting conversion project consisted of retrofitting the entire main library, including the City's record storage area on the third floor, with energy efficient LED lighting. Additional lighting conversion work was done in the second-floor administrative area and conference room in order to maintain a sustainable building function as well as improve the overall library patron experience.

The total cost for the LED lighting conversion project, which was undertaken by LED Solutions, LLC, was \$23,774.00. It is recommended that the City reimburse the Public Library for the funds that have been expended for this project as the same was done to improve the conditions of the City-owned library building. Funding for this amount is available in Capital Code H0904.

Will the Council so approve?

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

Yeas 3

Members Bax, Tompkins, Zajac

Excused: Chairman Spanbauer

Abstained: Member Myles

Nays 0

APPROVED

CONTRACT: SAL MAGLIE STADIUM, ATHLETIC FIELD IMPROVEMENTS, LOUIS DEL PRINCE & SONS

Agenda Item #10

The following was the result of bids received on August 10, 2022, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Louis Del Prince & Sons, Inc. 580 Cayuga Road Cheektowaga NY 14225	\$1,450,280.00
Scott Lawn Yard, Inc.	\$1,493,500.00
4 <sup>th</sup> Generation Construction	\$1,563,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Louis Del Prince & Sons, Inc. at their Base Bid of \$1,450,280.00. Funding for this project is available from American Rescue Plan Funds under the Treasury Guidance Expenditure Category 2.22, which is "Strong Healthy Communities".

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

Yeas	3
Members Bax, Tompkins, Zajac	
Excused: Chairman Spanbauer	
Abstained: Member Myles	
Nays	0
	APPROVED

CONTRACT: DPW, BOBCAT TOOLCAT, CLARK EQUIPMENT COMPANY, PURCHASE

Agenda Item #11

We respectfully request your approval for the expenditure of NYSDOT CHIPS funds for the purchase of two (2) Bobcat Toolcat Utility Work Machines for the City of Niagara Falls Department of Public Works as follows:

TO: Clark Equipment Company  
dba Bobcat Company  
250 East Beaton Drive, PO Box 6000  
West Fargo, ND 58078

FOR: Two (2) Quantity Bobcat Toolcat Utility Work Machine UW56 with Deluxe Road Package

Total Cost: \$126,080.40

It is the recommendation of the undersigned that this equipment request be awarded to the above named vendor per the specifications of NYS Contract #PC69396 - Group 40625, Award PGB-22792. Please note that this amount is completely reimbursable with NYSDOT CHIPS monies. The funding code will be H0322, which represents CHIPS funding to be received for 2022 projects.

Will the Council so authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas	3
Members Bax, Tompkins, Zajac	
Excused: Chairman Spanbauer	
Abstained: Member Myles	
Nays	0
	APPROVED

CONTRACT: DPW, GOODALL CAPSTART 3000 JUMPSTARTER, D & W DIESEL, INC.

Agenda Item #12

We respectfully request your approval for the expenditure of American Rescue Plan funds for the purchase of one (1) Goodall CapStart 3000 Jumpstarter to be installed in the City of Niagara Falls Department of Public Works, Automotive Repair Division Shop Truck, as follows:

TO: D&W Diesel, Inc.  
Buffalo Branch  
Buffalo, New York 14227  
FOR: One (1) Goodall CapStart 3000 12/24 Volt Jumpstarter (Goodall  
051539) \$9969.61  
Estimated Freight Charges:  
\$ 275.00

TOTAL COST: \$ 10,244.61

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 authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas 3  
Members Bax, Tompkins, Zajac  
Excused: Chairman Spanbauer  
Abstained: Member Myles  
Nays 0

APPROVED

CONTRACT: POLICE DEPARTMENT, PANASONIC TOUGHBOOK 55 RUGGED COMPUTERS, CS BUSINESS SYSTEMS

Agenda Item #13

We respectfully request your approval for the expenditure of American Rescue Plan funds for the purchase of Panasonic Toughbook 55 Rugged Computers and HAVIS Docking Stations to be utilized by the City of Niagara Falls Police Department, as follows:

TO: CS Business Systems (NYS MBE)  
1236 Main Street  
Buffalo, New York 14209  
FOR: Thirty (30) Panasonic Toughbook 55 Rugged Computers (FZ-  
55FZ008KM) \$3035.00 each  
Thirty (30) Panasonic Protection Plus - 5 year Warranty  
\$587.00 each  
Thirty (30) Panasonic Customer Portal  
\$25.00 each  
Thirty (30) HAVIS Docking Station  
\$673.00 each

TOTAL COST: \$ 129,600.00

The City Purchasing Division certifies that this bid was solicited in accordance with Section 103 of the General Municipal Law.

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 authorize the Mayor to execute an agreement with the above named vendors in a form acceptable to the Corporation Counsel?

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

Yeas	3
Members Bax, Tompkins, Zajac	
Excused: Chairman Spanbauer	
Abstained: Member Myles	
Nays	0
	APPROVED

CONTRACT: NFPD, 202 FORD UTILITY POLICE INTERCEPTOR, VAN BORTEL FORD

Agenda Item #14

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of fleet vehicles for the City of Niagara Falls Police Department as follows:

TO: Van Bortel Ford  
71 Marsh Road  
East Rochester, New York 14445  
FOR: One (1) 2022 Ford Utility Police Interceptor AWD Dark Blue  
\$34,471.07

TOTAL COST: \$34,471.07

This vehicle has been procured in accordance with Onondaga County Bid 8771 2022.

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 authorize the Mayor to execute an agreement with the above named vendors in a form acceptable to the Corporation Counsel?

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

Yeas	3
Members Bax, Tompkins, Zajac	
Excused: Chairman Spanbauer	
Abstained: Member Myles	
Nays	0
	APPROVED

CONTRACT: NFPD, USED VEHICLES, PURCHASE, FALLS DODGE, INC.

Agenda Item #15

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of fleet vehicles for the City of Niagara Falls Police Department (NID) as follows:

TO: Falls Dodge, Inc. dba  
Joe Cecconi's Chrysler Complex  
2380 Military Road  
Niagara Falls, New York 14304-1563  
FOR: One (1) 2016 Dodge RAM Express \$25,450.00  
One (1) 2018 KIA Sorento  
\$22,500.00 One (1) 2017 Dodge Grand Caravan  
\$18,700.00

TOTAL COST: \$ 66,650.00

The City Purchasing Division certifies that this bid was solicited in accordance with Section 103 of the General Municipal Law.

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 authorize the Mayor to execute an agreement with the above named vendors in a form acceptable to the Corporation Counsel?

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

Yeas

3

Members Bax, Tompkins, Zajac

Excused: Chairman Spanbauer

Abstained: Member Myles

Nays

0

APPROVED

CONTRACT: NFFD, FIRE INVESTIGATION EQUIPMENT & SUPPLIES, DIVAL SAFETY & SUPPLIES (1 OF 2)

#### Agenda Item #16

We respectfully request your approval for the expenditure of American Rescue Plan funds for the purchase of fire investigation equipment & supplies, to be utilized by the City of Niagara Falls Fire Department for scene illumination, documentation and evidence collection as follows:

TO:	Dival Safety & Supplies 1721 Niagara Street Buffalo, New York 14207
FOR:	One (1) quantity RAE MiniRae 3000 PID Gas Detector w/10.6 Lamp & Calibration Kit (NYS Contract PC69018): \$ 4603.28 One (1) quantity RAE Systems Flexible Inlet Probe Replacement: \$ 125.00 Estimated Shipping Charges: \$ 200.00

TOTAL COST: \$ 4,928.28

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 authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas

3

Member Bax, Tompkins, Zajac

Excused: Chairman Spanbauer

Abstained: Member Myles

Nays

0

APPROVED

CONTRACT: NFFD, FIRE INVESTIGATION EQUIPMENT & SUPPLIES (2 OF 2)

#### Agenda Item #17

We respectfully request your approval for the expenditure of American Rescue Plan funds for the purchase of fire investigation equipment & supplies, to be utilized by the City of Niagara Falls Fire Department for scene illumination, documentation and evidence collection as follows:

TO: Amazon.com

FOR: One (1) quantity Focus Flash for Canon & Nikon DSLR Cameras:  
\$34.99

One (1) quantity Dewalt 20V Reciprocating Saw: \$116.00  
One (1) quantity Dewalt 20V Oscillating Tool Kit w/battery &  
charger: \$119.00  
Two (2) quantity Cordless Handheld Emergency LED Spotlight  
(\$34.59 ea): \$69.18  
One (1) quantity Dewalt All-Purpose Cordless Work Light:\$149.00  
One (1) quantity Dewalt 20V Charging Station w/ 4Ah Battery Pack:  
\$179.00  
One (1) quantity Dewalt 20V MAX Battery 4-Pack: \$176.67  
One (1) quantity Olympus TG-6 Waterproof Camera: \$489.49  
Estimated Shipping Charges: \$100.00

TOTAL COST: \$ 1,433.33

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 authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas 3

Members Bax, Tompkins, Zajac

Excused: Chairman Spanbauer

Abstained: Member Myles

Nays 0

APPROVED

CONTRACT: NFFD, FIRE HOSE, WITMER PUBLIC SAFETY GROUP, INC./THE FIRE STORE

Agenda Item #18

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of fire hose and couplings for the City of Niagara Falls Fire Department:

TO: Witmer Public Safety Group, Inc./TheFireStore  
104 Independence Way  
Coatesville, Pennsylvania 19320

FOR: Twenty-one (21) quantity Mercedes MTFS-800-DP Hose, 50'  
lengths  
Twenty-one (21) quantity Mercedes Aluminum Coupling  
Fourteen (14) quantity Highwater Deluge Layflat Supply  
Hose, 50' lengths  
Fourteen (14) quantity Mercedes Aluminum Coupling w/locking  
lever

TOTAL COST: \$ 9,961.00

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 authorize the Mayor to execute an agreement with the above-named vendor in a form acceptable to the Corporation Counsel?



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

Yeas	3
Members Bax, Tompkins, Zajac	
Excused: Chairman Spanbauer	
Abstained: Member Myles	
Nays	0
	APPROVED

CONTRACT: NFFD, TABLETS/MOUNTING HARDWARE, DELL TECHNOLOGICS

Agenda Item #19

We respectfully request your approval for the expenditure of American Rescue Plan funds for the purchase of six (6) Dell Latitude 7220 tablets and mounting hardware, to be utilized by the City of Niagara Falls Fire Department as follows:

TO:	Dell Technologies One Dell Way RR2 8142 <u>Round Rock, Texas 78682</u>
FOR:	Six (6) quantity Dell Latitude 7220 (\$2078.23 each) \$12,469.38 (pricing per Dell NYS Umbrella Contract #PM20820)
TO:	Empire Emergency Apparatus 3995 Lockport Road <u>Niagara Falls, New York 14305</u>
FOR:	Six (6) quantity Havis Dock for Dell Latitude 12 Rugged Tablet w/ power supply, tilt swivel motion device for compact tablets, fixed adapter plate-short and shipping charges \$4,611.63

TOTAL COST: \$ 17,081.01

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 authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas	3
Members Bax, Tompkins, Zajac	
Excused: Chairman Spanbauer	
Abstained: Member Myles	
Nays	0
	APPROVED

CONTRACT: DPW, TYMCO SWEEPER UNITS, TYMCO, INC.

Agenda Item #20

We respectfully request your approval for the expenditure of NYSDOT CHIPS funds allocated for the purchase of two (2) TYMCO Sweeper and Cab/Chassis Equipment Units for use by the City of Niagara Falls Department of Public Works.

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

TO: TYMCO, Inc.

PO Box 2368

225 E. Industrial Boulevard

Waco, Texas 76703

FOR: Two (2) TYMCO Model 600 Sweeper and Cab/Chassis Equipment Units  
including Gutter Broom, Dust Control System, Hopper, Pick-up  
Head, Hand Hose and Camera System options:

\$326,676.00 each

Total Cost: \$653,352.00

It is the recommendation of the undersigned that this equipment request be awarded to the above named vendor per the specifications of Sourcewell Contract #122017-TYM. Please note that this amount is reimbursable with NYSDOT CHIPS monies. The funding code will be H0322, which represents CHIPS funding to be received for 2022 projects.

Will the Council so authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas

3

Members Bax, Tompkins, Zajac

Excused: Chairman Spanbauer

Abstained: Member Myles

Nays

0

APPROVED

CONTRACT: NFPD, TRAFFIC RADAR ANTENNA, FM COMMUNICATIONS, INC.

Agenda Item #21

We respectfully request your approval for the expenditure of American Rescue Plan funds for the purchase of single and dual Police Traffic Radar Antennas to be utilized by the City of Niagara Falls Police Department, as follows:

TO: FM Communications, Inc.

1914 Colvin Boulevard

Tonawanda, New York 14150-6995

FOR: Eight (8) Stalker DSR 2X Police Traffic Radar, Single Antenna  
\$2,450.00 each

Five (5) Stalker DSR 2X Police Traffic Radar, Dual Antenna  
\$3,350.00 each

TOTAL COST: \$ 36,350.00

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 authorize the Mayor to execute an agreement with the above named vendors in a form acceptable to the Corporation Counsel?

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

Yeas

3

Members Bax, Tompkins, Zajac

Excused: Chairman Spanbauer

Abstained: Member Myles

Nays

0

APPROVED

TRUE BETHEL COMMONS, GRANT EXTENSION

Agenda Item #22

In June, 2018 the City Council approved in the 2018-19 CDBG budget a grant of \$50,000.00 of CDBG funds for the True Bethel Commons Project. That \$14 Million project was delayed because of COVID, but is now fully funded and well under way.

The grant agreement requires expenditure of the CDBG funds for architect and other preliminary costs by June 30, 2021 and project completion by June 20, 2022. Because of these delays, extension of the expenditure and completion dates are necessary.

All preliminary documents for the expenditure of CDBG funds have been submitted and funds are ready to be disbursed. It is proposed that the date for expenditure of CDBG funds be extended to August 31, 2022, and date for completion of the project be extended to December 31, 2023.

Will the Council vote to approve the grant extension as presented herein, and to authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas

3

Members Bax, Tompkins, Zajac

Excused: Chairman Spanbauer

Abstained: Member Myles

Nays

0

APPROVED

RESOLUTION: STANDARD WORKDAY AND REPORTING, 2022-46

Agenda Item #23

WHEREAS, the City of Niagara Falls, New York hereby establishes the following as standard workdays for an appointed official and will report the following days worked to the New York State and Local Employee's Retirement System based on the record of activities maintained and submitted by this official to the clerk of this body;

Title	Name	Standard Work Day (Hours/Day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Appointed Official					
Planning Board Member	Ryan Dallavia	1 .0	12/1/21- 12/31/22	No	2 days per mo.
Planning Board Member	Kenneth Nossavage	1 .0	01/05/22- 12/31/23	No	2 days per mo.

WHEREAS, the clerk of this governing body of the State of New York does hereby certify that he/she has compared the foregoing with the original resolution passed by this governing body as part of the minutes of such meeting and that same is a true copy thereof and the whole of such original; and

WHEREAS, the clerk certifies that such members were present at such meeting and the council members voted in favor of the above resolution.

THEREFORE, BE IT RESOLVED, that the above is adopted by the Niagara Falls City Council and that the information be submitted to the New York State Comptroller and the clerk of the governing body to be maintained for at least ten (10) years.

Yeas	3
Members Bax, Tompkins, Zajac	
Excused: Chairman Spanbauer	
Abstained: Member Myles	
Nays	0
ADOPTED	

RESOLUTION: RESCEDULING THE PUBLIC HEARING REGARDING AMENDMENT OF CITY OF NIAGARA FALLS ZONING ORDINANCE TO CREATE A HIGH ENERGY USAGE OVERLAY DISTRICT, 2022-47

Agenda Item #24

WHEREAS, on July 12, 2022, the City Council approved a resolution scheduling a public hearing regarding the proposed amendment to the Zoning Ordinance to create a High Energy Usage Overlay District on the 17th day of August, 2022 at 6:00 P.M.; and

WHEREAS, it is now necessary to re-schedule this Public Hearing regarding such proposed amendment.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, NY hereby reschedules the Public Hearing regarding the proposed amendment to the City Zoning Ordinance to create a High Energy Usage Overlay District, which was originally scheduled to be held on August 17, 2022 at 6:00 P.M.; and

BE IT FURTHER RESOLVED the City Council hereby sets a new Public Hearing on this subject for TUESDAY, SEPTEMBER 6, 2022 at 7:00 P.M. and that five days' notice of said Public Hearing be published in the Niagara Gazette preceding said Public Hearing.

Yeas	3
Members Bax, Tompkins, Zajac	
Exxcused: Chairman Spanbauer	
Abstained: Member Myles	
Nays	0
ADOPTED	

RESOLUTION: CALLING FOR THE CONTINUATION OF THE PUBLIC HEARING ON THE POSSIBLE ACQUISITION BY EMINENT DOMAIN OF 907 FALLS ST. AND A PORTION OF THE PROPERTY ALONG JOHN DALY MEMORIAL PKWY. CONSISTING OF SBL NOS.159.09-3-3 AND 159/09-3-2, IN THE CITY OF NIAGARA FALLS, 2022-48

Agenda Item #25

WHEREAS, the City Council of the City of Niagara Falls is considering the acquisition of certain real property located at 907 Falls Street and a portion of the property located at John Daly Memorial Parkway in the City of Niagara Falls, those being designated as tax parcel numbers 159.09-3-2 and 159.09-3-3 (the "Property"); and

WHEREAS, the City Council is considering said acquisition for the following public purpose: to complete the assemblage of real estate necessary to move forward with a multifaceted year-round event campus and community redevelopment project referred to as the Niagara Falls Centennial Park Events Center ("Centennial Park" or the "Project") at the Property; and

WHEREAS, the City Council, pursuant to Eminent Domain Procedure Law Article 2, held a public hearing on the proposed acquisition at a special meeting on June 29, 2022, at 6:00 p.m., to inform the public of the proposed acquisition, to review the public use to be served by the acquisition, and to receive comments from the public on the proposed acquisition; and

WHEREAS, at the public hearing on June 29, 2022, the City Council informed the public of the proposed acquisition, discussed the Centennial Park proposal, heard comments on those issues from the owners of the Property, who were represented at the hearing by their attorneys, and it also heard comments from other interested parties and members of the public on the proposed acquisition and the Project who had an interest in the same; and

WHEREAS, at the conclusion of the hearing, the City Council determined that the public hearing on the proposed acquisition and the Centennial Park proposal should remain open to allow for further public consideration and comment on the same;

WHEREAS, the City Council, pursuant to Eminent Domain Procedure Law Article 2, wishes to hold a continuation of the June 29, 2022, public hearing, to further inform the public of the proposed acquisition, to continue discussions on the public use to be served by the acquisition, and/or to receive any further comments from the public on the proposed acquisition or the Project that might be made.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls as follows:

1. A continuation of the public hearing concerning the acquisition of the Property and the proposed Centennial Park project will be held at 6:00 p.m. on September 6, 2022 at City Hall, 745 Main Street, Niagara Falls, New York, 14031: (a) to inform the public of the City Council's proposal to take, by eminent domain, the Property; (b) to continue the City Council's review both the public use to be served by the proposed public project; and (c) to continue its consideration of the impacts on the environment and residents of the locality where such Project will occur.
2. The City Clerk is directed to publish the attached Public Notice in the City's Official Newspaper, the Niagara Gazette, which is a daily paper, in five successive issues, with the first publication no less than ten nor more than 30 days before the hearing, and to post the Public Hearing Notice at City Hall.
3. The City Clerk is to mail notice of the hearing, certified mail, return receipt requested, to the record owners of the subject property, no less than ten nor more than 30 days before the hearing.
4. This Resolution is effective immediately.

PASSED AND ADOPTED by the City Council of the City of Niagara Falls the 18th day of August, 2022.

Yeas

3

Members Bax, Tompkins, Zajac

Excused: Chairman Spanbauer

Abstained: Member Myles

Nays

0

ADOPTED

RESOLUTION: DECLARING THE CITY OF NIAGARA FALLS, NY AS THE SEQRA LEAD AGENCY AND DETERMINING THAT ACTION FOR THE ACQUISITION OF PROPERTY FOR AND CONSTRUCTION OF CENTENNIAL PARK IS A TYPE 1 ACTION AND DECLARING ITS INTENT TO ACT AS LEAD AGENCY FOR THE STATE ENVIRONMENTAL QUALITY ACT REVIEW, 2022-49

Agenda Item #26

WHEREAS, the City of Niagara Falls, NY is the sponsor for the acquisition (by purchase, land swap, and/or through eminent domain) of the property for and construction of Centennial Park on all or part of two parcels of land approximately 12 acres in size of which 9.8+/- acres will be used for the park. The Park (herein the "Project") will bound on the north by Falls Street, the east by 10th Street, the south by vacant property and to the west by John Daly Boulevard. Once complete the project will consist of a multi-faceted, year round event campus, that may include an indoor arena, outdoor amphitheater, a water feature, ice skating rink, a multilevel surface parking deck, and a wall climbing adventure course, as well as all related utilities. The site consists of two parcels (159.09-3-3 and 159.09-3-2); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, as amended, the New York State Environmental Quality Review Act (SEQRA) and the implementing regulations at 6 NYCRR Part 617 (the "Regulations"), the City desires to comply with SEQRA and the Regulations with respect to the Project; and

WHEREAS, the Project is classified as a "Type I Action" as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.2 and a Full Environmental Assessment Form (FEAF) has been completed in support of the Project; and

WHEREAS, pursuant to SEQRA and the Regulations, the City will undertake a coordinated review process with interested and involved agencies, and wishes to indicate the City's desire to serve as the Lead Agency under the SEQRA process for the Project; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, NY that the City hereby intends to act as Lead Agency for the review of the Centennial Park and hereby issues the attached (on file in the City Clerk's Office) Notice of Intent to act as Lead Agency.

Yeas	3
Members Bax, Tompkins, Zajac	
Excused: Chairman Spanbauer	
Abstained: Member Myles	
Nays	0

ADOPTED

CLAIM: GEICO GENERAL INSURANCE COMPANY, A/S/O DAVID GRAY

Agenda Item #27

Date of Occurrence:	March 18, 2021.
Date Claim Filed:	May 14, 2021.
Date Action Commenced:	January 13, 2022, N.Y.S. Supreme Court, Niagara County.
Location:	Intersection of 7 <sup>th</sup> Street and Niagara Street.
Nature of Claim:	City employee operating police vehicle backed into a parked car belonging to David Gray, resulting in property damage for which GEICO paid \$1,638.13 on behalf of its insured, Mr. Gray. The claimant, GEICO, thereby obtained equitable subrogation rights against the City in the amount of \$1,638.13.

City Driver: Domenic Senese.  
Status of Action: This matter has been investigated by Corporation Counsel, and at this juncture, we are recommending the settlement outlined below.  
Recommendation/Reason: Best interest of the City.  
Amount to be Paid: \$1,638.13.  
Check Writing Details: NYMIR issued a settlement draft to Claimant that included an additional \$500.00 payment for which GEICO did not meet its burden of proof and which was not approved by Corporation Counsel. Therefore, to avoid violation of N.Y. Const., art. VIII, § 1. the City Controller is authorized to reimburse NYMIR for \$1,638.13, provided that NYMIR's invoice is accompanied by a signed General Release approved by Corporation Counsel.  
Conditions: As set forth above.

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

Yeas

3

Members Bax, Tompkins, Zajac

Excused: Chairman Spanbauer

Abstained: Member Myles

Nays

0

APPROVED

CLAIM: KEHOE, ROBERT E.

#### Agenda Item #28

Date of Occurrence: January 27, 2022.  
Date Claim Filed: February 1, 2022.  
Date Action Commenced: Not Applicable.  
Location: Pine Ave., near 25<sup>th</sup> St.  
Nature of Claim: Property damage to Claimant's driver's side mirror of his 2012 Chevy Silverado pickup truck while parked on Pine, caused by a City vehicle passing by.  
City Driver: John Coffman.  
Status of Action: This matter has been investigated by Corporation Counsel and the City's insurer, NYMIR, and at this juncture, we are both recommending the settlement outlined below.  
Recommendation/Reason: Best interest of City.  
Amount to be Paid: \$216.70  
Check Writing Details: NYMIR issued the settlement draft to Claimant in the amount of \$216.70 on the City's behalf, and will secure a fully executed General Release in a form approved by Corporation Counsel. NYMIR will invoice the City for reimbursement in the same amount, which the City Controller will then be authorized to pay, provided that the invoice is accompanied by the signed General Release approved by Corporation Counsel.  
Conditions: As set forth above.

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

Yeas

3

Members Bax, Tompkins,

Excused: Chairman Spanbauer

Abstained: Member Myles

Nays

0

APPROVED

CONTRACT: NF CITY MARKET, PROPERTY MANAGEMENT

#### Agenda Item #29

Recently, the City Council approved the termination of the ground lease relative to the operation of the Niagara Falls City Market property. As the City moves forward with its plans for future operations at the market, it is clear that the City will require the assistance of a third party to provide oversight in the area of property management while the City operates the market; therefore, it will be necessary to enter into an agreement a company who can provide these services.

It is hereby proposed that the City enter into an agreement with J.R. Militello Realty, Inc./ Altair Real Estate Services ("Militello"), to provide the services that the City requires. Militello is a well-respected local company that has extensive experience managing public spaces. Under their proposal, Militello will, among other things, provide the City with: Strategic Real Estate Assessment (which will include review and monitoring of all existing lease agreements with the current City Market tenants), and; Property Management (which will include tenant relations, lease term coordination, oversight of maintenance, and management of vendor projects and services).

Militello's services are available to the City at the following cost: \$5,000.00 for Strategic Real Estate Assessment (\$2,500.00 upon initiation and the remainder payable upon completion of the summary report) and 3% of all scheduled rents or \$2,500.00 monthly, whichever is greater, for Property Management Services. The agreement would be in effect for up to one (1) year with an option to extend if so desired by the parties. Funding for this project is available from the revenue generated from the lease payments from City Market commercial tenants.

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

Yeas

3

Members Bax, Tompkins, Zajac

Excused: Chairman Spanbauer

Abstained: Member Myles

Nays

0

APPROVED

CONTRACT: CITY FARMER'S MARKET MANAGEMENT

#### Agenda Item #30

Recently, the City Council approved the termination of the ground lease relative to the operation of the Niagara Falls City Market property. One of the areas of the City Market operations that requires greater focus is the Farmer's Market, as it is an important space to the citizens of the City of Niagara Falls and the community at large as a food access point. However, the City is currently not positioned to manage the Farmer's Market portion of the City Market operations and it requires the services of an experienced manager to oversee the function.



It is hereby proposed that the City enter into an agreement with Field and Fork Network, Inc. ("Field and Fork"), to provide the services that the City requires. Field and Fork is a well-respected, local nonprofit organization that connects communities to innovative solutions that foster a sustainable food system. Under their proposal, Field and Fork will, among other things, provide the City with: vendor recruitment and management; Farmer's Market promotion and marketing; enforcement of Market rules and regulations and oversight of Farmer's Market operations; on-site tracking of SNAP/Double Up Food Bucks; management of SNAP and SNAP incentive programs; coordination of staff and volunteers, and; market event planning and management.

Field and Fork's services are available to the City at the following cost: 80% of all vendor payments generated at the Farmer's Market. The agreement would be in effect through November 30, 2022. Funding for this project is available from the revenue generated from the vendor payments at the Farmer's Market.

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

Yeas

3

Members Bax, Tompkins, Zajac

Excused: Chairman Spanbauer

Abstained: Member Myles

Nays

0

APPROVED

PINE AVENUE REDEVELOPMENT PROJECT, ENCROACHMENT ON CITY RIGHT-OF-WAY, PLANTERS

Agenda Item #31

Tony Poletti, representing Pine Avenue Redevelopment, has applied for an encroachment into the City's right-of-way for fourteen (14) planters to be placed at various locations along Pine Avenue.

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 applicant 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 planter encroachment for the duration of the objects' placement within the City's right-of-way.
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.
5. The applicant shall obtain written verification by the Traffic Engineering division that planter placement does not create line of sight issues for motorists.

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

Yeas

3

Members Bax, Tompkins, Zajac

Excused: Chairman Spanbauer

Abstained: Member Myles

Nays

0

APPROVED

300 THIRD STREET-NFNY HOTEL MANAGEMENT, LLC (SHERATON NIAGARA FALLS),  
ENCROACHMENT ON CITY RIGHT-OF-WAY

Agenda Item #32

Daniel Tighe, representing the above referenced property, has applied for an encroachment into the City's right-of-way for a sidewalk patio.

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 patio 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 Zajac moved that the communication be received and filed and the recommendation approved.

Yeas

3

Members Bax, Tompkins, Zajac

Excused: Chairman Spanbauer

Abstained: Member Myles

Nays

0

APPROVED

2205 WELCH AVENUE & 2207 WELCH AVENUE, CHRIST REDEMPTION TABERNACLE CHURCH,  
SALE

Agenda Item #33

The City has received a request to purchase the above referenced City-owned vacant property for a total of \$1,000.00.

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

Will the Council approve the sale of the premises for this price in an "as-is" condition, the closing on the 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 2022 City tax (second installment) and 2022-23 School tax (both installments).

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

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

Yeas

3

Members Bax, Tompkins, Zajac

Excused: Chairman Spanbauer

Abstained: Member Myles

Nays

0

APPROVED

Agenda Item #34

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that Chapter 308 of the Codified Ordinances entitled "Building Ordinances" is hereby amended to read as follows:

CHAPTER 308  
Business Licenses

<b>{308.01</b>	<b>Purpose and Applicability.</b>	<b>308.08</b>	<b>Standards for Approval or</b>
<b>308.02</b>	<b>Definitions.</b>		<b>Issuance of License.</b>
<b>308.03</b>	<b>License Required; Regulations.</b>	<b>308.09</b>	<b>Approval of License; Issuance.</b>
<b>308.04</b>	<b>Contents of Business License</b>	<b>308.10</b>	<b>Duties of Licensee.</b>
	<b>Application and Renewal</b>	<b>308.11</b>	<b>Revocation of License.</b>
	<b>Application.</b>	<b>308.12</b>	<b>Penalties for Offenses.</b>
<b>308.05</b>	<b>Application Procedure.</b>	<b>308.13</b>	<b>Severability.</b>
<b>308.06</b>	<b>Public Hearing.</b>	<b>308.14</b>	<b>When Effective.</b>
<b>308.07</b>	<b>Applications Requiring City</b>		
	<b>Council Action.</b>		

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**308.01      PURPOSE AND APPLICABILITY.**

The purposes of this chapter are the protection of government, order, conduct, the general welfare, safety, morals, health and well-being of the persons and property of the City of Niagara Falls. It is adopted pursuant to the General City Law.

- (a) **Applicability.** This chapter shall apply to all business operating within the City of Niagara Falls.

**308.02      DEFINITIONS.**

Whenever used in this chapter, the following terms shall have the meanings indicated:

- (a) **Business.** All kinds of trades, vocations, occupations, professions, enterprises, establishments and all other kinds of activities and matters which are conducted for profit within the City of Niagara Falls; provided, however, that this definition shall not include any and all professions licensed by the State of New York or otherwise licensed by the City of Niagara Falls.
- (b) **Garage Sale.** The sale of used household or personal items on a temporary basis from the seller's residence. The term "garage sale" does not include the sale of new items or any business conducted on a permanent basis.
- (c) **Jurisdiction.** Any governmental unit having some jurisdictional relevance to the licensee and to the intended business, including but not limited to the following:
- (1) **City of Niagara Falls City Council**
  - (2) **New York State Department of Health**
  - (3) **New York State Liquor Authority**
  - (4) **All agencies, boards, departments and authorities of Niagara County, New York State or Federal Government**

- (d) **Not-for-Profit Entity.** A not-for-profit entity is an entity existing pursuant to Internal Revenue Code Section 501(c)(3) or an entity possessing some similar status and is duly organized pursuant to laws of the State of New York.
- (e) **Person.** Any individual, company, society, association, corporation, limited liability company, manager, contractor, subcontractor, partnership, joint venture, bureau, agency, service club, trust, office or the officer, agent or employee of the foregoing; provided, however that this definition shall not be deemed to include a business, the sole function of which is the sale of goods and merchandise to other businesses for the purpose of resale by such other business.
- (f) **City Council.** The City Council of the City of Niagara Falls.
- (g) **City Clerk.** The City Clerk of the City of Niagara Falls.

**308.03      LICENSE REQUIRED; REGULATIONS.**

- (a) Effective July 1, 2019, no person shall open, keep, maintain, own, operate or carry on any business unless such person shall have first been issued a license therefor as provided in this chapter. Any business license approved and issued pursuant to this chapter that has not been revoked shall be effective for a one (1) year period of time commencing with the date of issuance. Any business license approved and issued prior to July 1, 2019 shall be effective July 1, 2019.
- (b) The business license shall be posted in a conspicuous place upon the premises for which the license is issued.
- (c) **Application for a business license and renewal of business license.**
  - (1) An application for a business license or for a renewal of a business license shall be made to the City Clerk by the person who is the owner of the business to be licensed. The application for the business license or for renewal of the business license shall be in the form and shall require such information as the City Clerk may require and shall be accompanied with a non-refundable application fee or a renewal fee in the amount of \$25.00. Within ten (10) days of receipt of any application for a business license or for the renewal of a business license, the City Clerk must either approve or renew such license or forward the business license application or renewal application to the City Council.
- (d) The agent or other representative of nonresidents who are doing business in the City of Niagara Falls shall be personally responsible for compliance with this chapter by their principals and the businesses they represent.
- (e) **Joint license.**
  - (1) A person engaged in two or more businesses at the same location shall not be required to obtain separate licenses for conducting each of the businesses but rather, shall be issued one license which shall specify on its face all such businesses at that location.
- (f) **Exemption.**
  - (1) A license shall not be required of a person for delivery in the City of Niagara Falls of property purchased or acquired from such person at his or her regular place of business outside the City of Niagara Falls where no intent by such person is shown to exist to evade the provisions of this chapter.

- (2) A license shall not be required for the sale of agricultural products, including but not limited to produce, pumpkins and Christmas trees. Notwithstanding the foregoing, a person conducting such a sale of agricultural products must register with the City Clerk on a form provided by the City Clerk.
- (g) Not-for-Profit
  - (1) A person may operate a not-for-profit entity in the City without applying for a business license but must register the not-for-profit entity with the City Clerk on a form provided by the City Clerk.
- (h) Garage Sales.

- (1) Notwithstanding any other provision of this chapter, a person may conduct up to two (2) garage sales in a calendar year without paying a fee. For the purpose of this chapter, a garage sale may last up to two consecutive weekend days plus one consecutive non-weekend day for a total of three (3) consecutive days (i.e., Friday, Saturday and Sunday or Saturday, Sunday and Monday). The person conducting the garage sale does not have to apply for a business license but must register the garage sale with the City Clerk on a form provided by the City Clerk. The person conducting the garage sale may put up a temporary sign advertising the garage sale on the premises of the garage sale, each day the garage sale is conducted.
- (2) A person conducting a garage sale more than two times in a calendar year will be deemed to be a business as defined in this chapter and must comply with all provisions of this chapter, including applying for a business license and paying the application fee.

308.04

**CONTENTS OF BUSINESS LICENSE APPLICATION AND RENEWAL APPLICATION.**

- (a) The written application for a business license or renewal thereof shall contain the following information as well as such additional information as may be reasonably required by the City Clerk:
  - (1) Name and address of the person applying for the license.
  - (2) Name of business or proposed business, place of business or proposed business and type of business.
  - (3) Prior criminal convictions of the person applying for the business license if the applicant is an individual, other than minor traffic infractions.
  - (4) The application must contain a copy of the New York State sales tax number and certificate as well as documents pertaining to the formation of any business entity operating the business such as a certificate of incorporation, limited liability company certificate, a partnership agreement or “d/b/a” (doing business as) registration.
  - (5) The application must disclose the names of all principals/owners of the business including all officers, directors, shareholders, members and partners together with addresses.
- (b) The application shall also contain such other information as the City Clerk or the City Council may from time to time reasonably require to fulfill the purpose of this chapter.

**308.05      APPLICATION PROCEDURE.**

- (a) Upon receipt of the business license application, the City Clerk must either approve the license application and issue a license or forward it to the City Council. The City Clerk must act upon each license application or renewal application presented to him or her within ten (10) days of his or her receipt thereof.
- (b) The City Council, upon receipt of a business license application or renewal application from the City Clerk, may either approve a business license application or reject the business license application. Any business license application forwarded by the City Clerk to the City Council shall be reviewed by the City Council at a regularly scheduled City Council meeting or a special meeting thereof. Such review shall be held within thirty (30) days of the City Clerk forwarding such business license application or renewal application to the City Council. The City Council may extend this thirty (30) day period of time by majority vote should it require additional time to review the license application. In the event the City Council votes to approve the business license application, the City Clerk shall then issue the business license.

**308.06      PUBLIC HEARING.**

- (a) When a business license application or renewal application is forwarded by the City Clerk to the City Council for action thereon, the City Council, at the time of its review of such application may, in its discretion, schedule a public hearing to be held upon such application. In such event, the City Council shall have an additional sixty (60) days within which to hold the public hearing and then either approve the business license application or reject the business license application. Notice of such public hearing shall be published at least once, no less than fifteen (15) days before the date of such hearing, in a newspaper of general circulation within the County of Niagara. The notice shall state the name of the applicant, the name of the proposed business, the type of the proposed business, the location of the proposed business and the date, time and place of the hearing. Following the close of such public hearing, the City Council shall then approve the business license application or reject the business license application.
- (b) In the event the City Council votes to approve the business license application, the City Clerk shall then issue the business license.

**308.07      APPLICATIONS REQUIRING CITY COUNCIL ACTION.**

The City Clerk shall forward the business license application or renewal application for the following businesses to the City Council for action thereon in accordance with the provisions of this chapter:

- (a) Gasoline stations.
- (b) Sale of food products of any kind or beverages of any kind that are proposed to be dispensed from any counter or window on the side of a building or structure to consumers outside the building or structure including but not limited to drive-in restaurant service.
- (c) Restaurants, bars, grills or any establishment selling alcoholic beverages and/or food which have entertainment by an orchestra, band and/or by mechanical means which produces music or sounds.

- (d) Any manufacturing business.
- (e) Any amusement business or rides, carnival slide, merry-go-rounds or any device or event for individual or group participation for recreation or amusement.
- (f) Any retail store selling alcoholic beverages for off-premises consumption.

**308.08      STANDARDS FOR APPROVAL OR ISSUANCE OF LICENSE.**

- (a) When reviewing a business license application or renewal application, the City Council shall consider the following criteria but shall in no way be limited thereby:
  - (1) The character of the neighborhood where the business would be established.
  - (2) The changes such business would bring to the neighborhood and whether these changes would be to the public good, welfare, health, safety or morals.
  - (3) The nuisance, refuse, litter, noise and adverse health conditions that such business might or will bring.
  - (4) The requirements for police protection and traffic control.
  - (5) The criminal record of the persons applying for the license.

- (b) The City Clerk shall consider the criteria contained herein when processing and reviewing a business license application or renewal application and making a determination to approve or renew such license or forward the business license application or renewal application to the City Council.

**308.09      APPROVAL OF LICENSE; ISSUANCE.**

- (a) Approval of license. When the City Clerk and/or the City Council approves a business license application, this means that the general concept of the business to be licensed is acceptable to the City Clerk and/or the City Council and that only compliance with the intent and content of this chapter has been met. All such other laws and requirements of any jurisdictions relevant to said business must be met before said business license may be issued by the City Clerk.
- (b) Issuance of license. No such business license will be issued by the City Clerk until the applicant for such license demonstrates to the City Clerk that it has complied with the laws and requirements of all jurisdictions involved. Upon demonstrating such compliance, the license will be issued by the City Clerk.

**308.10      DUTIES OF LICENSEE.**

Every person to whom a license is issued pursuant to this chapter shall:

- (a) Permit all inspections of the person's business by all City departments including but not limited to Police, Fire, Code Enforcement and the Department of Public Works.  
Such inspections will be limited to the review of any fact that would endanger the public good, welfare, health, safety or morals and be done on reasonable prior notice to the person named on the license.
- (b) Ascertain and at all times comply with all laws and regulations applicable to such licensed business.
- (c) Avoid all forbidden, improper, illegal and unnecessary practices or conditions which could or may affect the public good, welfare, health, safety or morals.

**308.11      REVOCATION OF LICENSE.**

(a) After a public hearing at which the licensee shall have an opportunity to be heard, the City Council may revoke any business license issued pursuant to this chapter to any person when the City Council makes a determination by majority vote that the person to whom the business license was issued is not conducting the business licensed in such a manner so as to not adversely affect the public good, welfare, health, safety and morals; or that the nature, environmental impact or character of the business licensed is such that it constitutes a danger to the public good, welfare, safety, health or morals. The public hearing shall be held pursuant to notice to be published no less than fifteen (15) days before the date of such hearing in a newspaper of general circulation within Niagara County. Such notice shall state the date, time and place of such hearing, the business whose license is proposed to be revoked and the name of the person to whom the license was issued.

(b) Summary action

(1) When the conduct of any licensee, agent or employee is so detrimental to the public good, welfare, health, safety or morals so as to constitute an immediate danger to public good, welfare, health, safety or morals and thus gives rise to an emergency, the City Administrator shall have the authority to order the cessation of the business immediately and/or the revocation of the license. Within ten (10) days after the City Administrator has acted summarily, the City Council shall conduct a special public hearing during which the City Council may, by majority vote, either vote to continue the revocation of the business license or reissue the license subject to whatever terms and conditions the City Council may impose.

**308.12      PENALTIES FOR OFFENSES.**

Any violation of this chapter shall be punishable, for each violation, by a fine of not more than \$250 or imprisonment for not more than fifteen (15) days, or both.

**308.13      SEVERABILITY.**

If any part of this chapter shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect or impair in any way any other provisions, and all other provisions shall remain in full force and effect.

**308.14      WHEN EFFECTIVE.**

This chapter shall take effect immediately.

Adopted 09/07/18

Amended 05/15/19 }

**308.01      Purpose and Applicability.**

**308.02      Definitions.**

**308.03      License Required; Regulations.**

**308.04      Contents of Business License**

**Application and Renewal**

**Application.**

**308.05      Approval of License; Issuance.**

**308.06      Duties of Licensee.**

**308.07      Revocation of License.**

**308.08      Penalties for Offenses.**

**308.09      Severability.**

**308.10      When Effective.**



**308.01 PURPOSE AND APPLICABILITY.**

**The purposes of this Chapter are the protection of government, order, conduct, the general welfare, safety, morals, health and well-being of the persons and property of the City of Niagara Falls. It is adopted pursuant to the General City Law.**

- A. Applicability. This Chapter shall apply to all business operating within the City of Niagara Falls.**

**308.02 DEFINITIONS.**

**Whenever used in this Chapter, the following terms shall have the meanings indicated:**

- A. Business. All kinds of trades, vocations, occupations, professions, enterprises, establishments and all other kinds of activities and matters which are conducted for profit within the City of Niagara Falls; provided, however, that this definition shall not include any and all professions licensed by the State of New York or otherwise licensed by the City of Niagara Falls.**
- B. City Council. The City Council of the City of Niagara Falls.**
- C. City Clerk. The City Clerk of the City of Niagara Falls.**
- D. Garage Sale. The sale of used household or personal items on a temporary basis from the seller's residence. The term "garage sale" does not include the sale of new items or any business conducted on a permanent basis.**
- E. Jurisdiction. Any governmental unit having some jurisdictional relevance to the licensee and to the intended business, including but not limited to the following:**
- (5) City of Niagara Falls**
- (6) New York State Department of Health**
- (7) New York State Liquor Authority**
- (8) All agencies, boards, departments and authorities of Niagara County, New York State or Federal Government**
- F. Not-for-Profit Entity. A not-for-profit entity is an entity existing pursuant to Internal Revenue Code Section 501(c)(3) or an entity possessing some similar status and is duly organized pursuant to laws of the State of New York.**
- G. Person. Any individual, company, society, association, corporation, limited liability company, manager, contractor, subcontractor, partnership, joint venture, bureau, agency, service club, trust, office or the officer, agent or employee of the foregoing; provided, however that this definition shall not be deemed to include a business, the sole function of which is the sale of goods and merchandise to other businesses for the purpose of resale by such other business.**
- 308.03 LICENSE REQUIRED; REGULATIONS.**
- A. Effective July 1, 2019, no person shall open, keep, maintain, own, operate or carry on any business unless such person shall have first been issued a license therefor as provided in this Chapter. Any business license approved and issued pursuant to this Chapter that has not been revoked shall be effective for a one (1) year period of time commencing with the date of issuance.**
- B. The business license shall be posted in a conspicuous place upon the premises for which the license is issued.**
- C. Application for a business license and renewal of business license.**

- (1) An application for a business license or for a renewal of a business license shall be made to the City Clerk by the person who is the owner of the business to be licensed. The application for the business license or for renewal of the business license shall be in the form and shall require such information as the City Clerk may require and shall be accompanied with a non-refundable application fee or a renewal fee in the amount of \$50.00.
- D. The agent or other representative of nonresidents who are doing business in the City of Niagara Falls shall be personally responsible for compliance with this Chapter by their principals and the businesses they represent.
- E. Joint license.
- (1) A person engaged in two or more businesses at the same location shall not be required to obtain separate licenses for conducting each of the businesses but rather, shall be issued one license which shall specify on its face all such businesses at that location.
- F. Exemption.
- (1) A license shall not be required of a person for delivery in the City of Niagara Falls of property purchased or acquired from such person at his or her regular place of business outside the City of Niagara Falls where no intent by such person is shown to exist to evade the provisions of this Chapter.
- (2) A license shall not be required for the sale of agricultural products, including but not limited to produce, pumpkins and Christmas trees. Notwithstanding the foregoing, a person conducting such a sale of agricultural products must register with the City Clerk on a form provided by the City Clerk.
- G. Not-for-Profit
- (1) A person may operate a not-for-profit entity in the City without applying for a business license but must register the not-for-profit entity with the City Clerk on a form provided by the City Clerk.
- H. Garage Sales.
- (1) Notwithstanding any other provision of this Chapter, a person may conduct up to two (2) garage sales in a calendar year without paying a fee. For the purpose of this Chapter, a garage sale may last up to two consecutive weekend days plus one consecutive non-weekend day for a total of three (3) consecutive days (i.e., Friday, Saturday and Sunday or Saturday, Sunday and Monday). The person conducting the garage sale does not have to apply for a business license but must register the garage sale with the City Clerk on a form provided by the City Clerk. The person conducting the garage sale may put up a temporary sign advertising the garage sale on the premises of the garage sale, each day the garage sale is conducted.
- (2) A person conducting a garage sale more than two times in a calendar year will be deemed to be a business as defined in this Chapter and must comply with all provisions of this Chapter, including applying for a business license and paying the application fee.
- I. The written application for a business license or renewal thereof shall contain the following information as well as such additional information as may be reasonably required by the City Clerk:

- (1) Name and address of the person applying for the license.
  - (2) Name of business or proposed business, place of business or proposed business and type of business.
  - (3) Prior criminal convictions of the person applying for the business license if the applicant is an individual, other than minor traffic infractions.
  - (4) The application must contain a copy of the New York State sales tax number and certificate as well as documents pertaining to the formation of any business entity operating the business such as a certificate of incorporation, limited liability company certificate, a partnership agreement or "d/b/a" (doing business as) registration.
  - (5) The application must disclose the names of all principals/owners of the business including all officers, directors, shareholders, members and partners together with addresses.
  - (6) A signed and notarized attestation by the applicant providing that the business in question complies and will continue to comply with all standards contained in this Chapter, the City Zoning Ordinance and all other applicable laws, standards and regulations.
- J. The application shall also contain such other information as the City Clerk or the City Council may from time to time reasonably require to fulfill the purpose of this Chapter.

#### **308.05 APPROVAL OF LICENSE; ISSUANCE.**

- A. Approval of License. When the City Clerk approves a business license application, this means that the general concept of the business to be licensed is acceptable to the City and that only compliance with the intent and content of this Chapter has been met. All such other laws and requirements of any jurisdictions relevant to said business must be met before said business license may be issued by the City Clerk.
- B. Issuance of License. No such business license will be issued by the City Clerk until the applicant for such license demonstrates that it has complied with the laws and requirements of all jurisdictions involved. Upon demonstrating such compliance, the license will be issued by the City Clerk.

#### **308.06 DUTIES OF LICENSEE.**

Every person to whom a license is issued pursuant to this Chapter shall:

- A. Permit all inspections of the person's business by all City departments including but not limited to Police, Fire, Code Enforcement and the Department of Public Works.  
Such inspections will be limited to the review of any fact that would endanger the public good, welfare, health, safety or morals and be done on reasonable prior notice to the person named on the license.
- B. Ascertain and at all times comply with all laws and regulations applicable to such licensed business.
- C. Avoid all forbidden, improper, illegal and unnecessary practices or conditions which could or may affect the public good, welfare, health, safety or morals.

#### **308.07 REVOCATION OF LICENSE.**

- A. After a public hearing at which the licensee shall have an opportunity to be heard, the City Council may revoke any business license issued pursuant to this Chapter to any person when the City Council makes a determination by majority vote that the person to whom the business license was issued is not conducting the business licensed in such a manner so as to not adversely affect the public good, welfare, health, safety and morals; or that the nature, environmental impact or character of the business licensed is such that it constitutes a danger to the public good, welfare, safety, health or morals. The public hearing shall be held pursuant to notice to be published no less than fifteen (15) days before the date of such hearing in a newspaper of general circulation within Niagara County. Such notice shall state the date, time and place of such hearing, the business whose license is proposed to be revoked and the name of the person to whom the license was issued.
- B. Summary Action - When the conduct of any licensee, agent or employee is so detrimental to the public good, welfare, health, safety or morals so as to constitute an immediate danger to public good, welfare, health, safety or morals and thus gives rise to an emergency, the City Administrator shall have the authority to order the cessation of the business immediately and/or the revocation of the license. Within ten (10) days after the City Administrator has acted summarily, the City Council shall conduct a special public hearing during which the City Council may, by majority vote, either vote to continue the revocation of the business license or reissue the license subject to whatever terms and conditions the City Council may impose.

**308.08        PENALTIES FOR OFFENSES.**

Any violation of this Chapter shall be punishable, for each violation, by a fine of not more than \$250.00 or 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

**308.09        SEVERABILITY.**

If any part of this Chapter shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect or impair in any way any other provisions, and all other provisions shall remain in full force and effect.

**308.10        WHEN EFFECTIVE.**

This Chapter shall take effect immediately.

**Bold and Underline Indicate Additions  
Bold and Brackets Indicate {Deletions}**

Yeas

3

Members Bax, Tompkins, Zajac

Excused: Chairman Spanbauer

Abstained: Member Myles

Nays

0

ADOPTED

CONTRACT: VINNY BAGWELL, CREATION OF HARRIET TUBMAN STATUE, CHANGE ORDER

Agenda Item #35

On May 16, 2022, the City Council approved and authorized the Mayor to execute an agreement with Vinnie Bagwell to construct a statue of Harriet Tubman at the Customhouse Harriet Tubman Plaza. The total cost of the overall project was approved for \$268,000.00.

Following execution of the contract and as part of the grant from New York State Office of Parks, Recreation & Historic Preservation (NYS OPRHP), the City received comments from NYS OPRHP requesting certain changes to the design of the statue. In order to facilitate those design changes, additional funding is needed in the amount of \$6,560.00. The new total cost of the overall project is \$274,560.00. The additional funding is available within the existing capital account and from the existing Greenway funding.

Will the Council so approve the additional funding?

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

Yeas

3

Members Bax, Tompkins, Zajac

Excused: Chairman Spanbauer

Abstained: Member Myles

Nays

0

APPROVED

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

Vicky Wideman  
City Clerk



**SEPTEMBER 6, 2022**

**PUBLIC HEARING**

**NIAGARA FALLS, NEW YORK**

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The 1<sup>st</sup> Public Hearing was called to order by Council Chairman Spanbauer at 6:00 p.m. in the Council Chambers.

Present: Council

The Chairman asked if anyone wished to speak regarding the calling for the continuation of the Public Hearing on the possible acquisition by Eminent Domain of 907 Falls Street and a portion of the property along John Daly Memorial Parkway consisting of SBL Nos. 159.09-3-3 and 159.09-3-2, in the City of Niagara Falls

The following spoke:

John Horn  
Helen Kress  
Ed Hill

The 2<sup>nd</sup> Public Hearing was called to order by Council Chairman Spanbauer at 7:00 PM in the Council Chambers

Present: Council

The Chairman asked if anyone wished to speak relative to rescheduling the Public Hearing regarding Amendment of City of Niagara Falls Zoning Ordinance to create a High Energy Usage Overlay district

The following spoke:

Sharon Bailey  
Patricia Frederick  
Will Rossi

There being no further business to come before the Council, Chairman Tompkins adjourned the Meeting.

Vicky Wideman  
City Clerk





**SEPTEMBER 7, 2022**

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The Legislative session of the September 7, 2022 Niagara Falls City Council Meeting was called to order by Council Chairman John Spanbauer at 6:00 P.M. in the Council Chambers.

Present: Council Members Traci Bax, Donta Myles, Kenny Tompkins, David Zajac and Chairman John Spanbauer

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

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

Council Member Tompkins moved to approve the Minutes from the Council Meeting of May 25, 2022, Special Meeting of June 13, 2022, Council Meeting of June 22, 2022, Public Hearing of June 29, 2022, Special Meeting of July 5, 2022, Special Meeting of July 12, 2022

Yeas

5

Nays

0

APPROVED

Item #5 - Myles stated the noise decimal was very low and he a noise test to be taken; He made a motion for a noise test to be taken before they voted, and the Council voted "No".

Item #6 - Council Chair shared how it was published in the Gazette how Council Members must do a better job on enforcing the rules.

Item #7 - Council Member Myles had lots of discussion about why they had to share why they were abstaining from a vote; the Council Chair shared with him why it was necessary.

Item #18 - Council Member Myles wanted to be clear about what properties were being transferred and how it was determined.

Item #19 - Every Council Member voted for this to be a walk on. Council Member Myles was concerned about the vacant property, wants to see something built around the waterfront.

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

Kathy DuBois                      Agenda Item #8

Todd Sklarski                      Agenda Items #5, #6, #7, #8

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF JULY 2022

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK CLAIMS FOR THE MONTH OF JULY 2022

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

MAYOR'S APPROVAL OF RESOLUTIONS 2022-39, 2022-40, 2022-50

Agenda Item #3

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK CLAIMS FOR THE MONTH OF AUGUST 2022

Agenda Item #4

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY COUNCIL

RESOLUTION: ZONING ORDINANCE, AMENDMENT, CREATE HIGH ENERGY USAGE  
OVERLAY DISTRICT/SEQR DETERMINATION OF NON-SIGNIFICANCE, 2022-51  
BY: ALL COUNCIL MEMBERS

Agenda Item #5

WHEREAS, the City of Niagara Falls City Council (hereinafter referred to as "City Council") is considering the adoption of the Amendment to the City of Niagara Falls Codified Zoning Ordinance in order to create a High Energy Usage Overlay District (hereinafter referred to as "Overlay"), prepared by City Council and which is attached ( on file in the City Clerk's Office) hereto; and

WHEREAS, the City Council held a public hearing on September 6, 2022 and the City of Niagara Falls Planning Board held a public hearing on July 27, 2022 regarding the Overlay; and

WHEREAS, the City Council has reviewed the Full Environmental Assessment Form (FEAF) part 1; and

WHEREAS, the City Council determines that the said action is classified as a Type 1 Action under part 617.4 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the City Council has determined that the proposed action is subject to a single agency review pursuant of Part 617.6(b) (1) of the SEQR Regulations; and

WHEREAS, the City Council has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in the FEAF part 1, and taken a hard look at the potential impacts of the Action; and

WHEREAS, the City Council has completed part 2 and 3 of the FEAF; and

WHEREAS, a copy of the Full Environmental Assessment Form has been presented to the City Council for consideration, and the Council has considered the comments at the public hearing; and

NOW, THEREFORE BE IT RESOLVED, the City Council hereby designates itself as the lead agency for the described action; and

BE IT FURTHER RESOLVED, the City of Niagara Falls City Council has reasonably concluded there would not be any substantial adverse impact on the following: land use planning or zoning regulations; intensity of use of the land; character or quality of the existing community; environmental characteristics; existing level of traffic or infrastructure, use of energy; public or private water supplies; public or private wastewater treatment utilities; character or quality of important historic, archaeological, architectural or aesthetic resources; natural resources; potential for erosion, flooding or drainage problems; or creation of a hazard to environmental resources or human health; and

BE IT FURTHER RESOLVED, the City Council determines upon the information and analysis documented that the proposed action will not result in any significant adverse environmental impacts; and

BE IT FURTHER RESOLVED, the City Council does hereby make a Determination of Non-Significance on the proposed adoption of the Amendment to the City of Niagara Falls Codified Zoning Ordinance to create a High Energy Usage Overlay District; and

BE IT FURTHER RESOLVED, the City Council Chairperson is hereby directed to sign the FEAF part 3 and file with the City Clerk and other necessary agencies as evidence the City Council has determined the proposed action **will not** result in any significant adverse environmental impact; and

BE IT FINALLY RESOLVED, the City of Niagara Falls City Council hereby adopts the Amendment to the City of Niagara Falls Codified Zoning Ordinance to create a High Energy Usage Overlay District.

Yeas

4

Members Bax, Tompkins, Zajac, Chairman Spanbauer

Nays

1

Member Myles

ADOPTED

RESOLUTION: RULES OF DECORUM AT CITY COUNCIL MEETINGS, 2022-52

BY: COUNCIL MEMBERS BAX, TOMPKINS, CHAIRMAN SPANBAUER

#### Agenda Item #6

WHEREAS, a growing number of Americans believe that our society is increasingly uncivil and that this problem is particularly acute and particularly detrimental in national, state and local political arenas, where it threatens government's ability to function democratically and effectively; and

WHEREAS, furthermore, an atmosphere of incivility and disrespect at legislative or administrative meetings can stifle participation and debate, threaten the quality of decisions and undermine the local democratic process; and

WHEREAS, two recently published editorials in the Niagara Gazette focused on the City Council rules for public speakers and how Council members must do a better job of enforcing the rules currently in place to ensure a more effective and organized meeting; and

WHEREAS, the current speaking rules, which were adopted by the Niagara Falls City Council on January 15, 2020, are as follows:

1. You must sign the appropriate sign-in sheet at least ten (10) minutes before the meeting begins.
2. You may sign-in to speak regarding a specific agenda item and/or "for the good of the community."
3. Each speaker is given up to five (5) minutes maximum, although you may use less than that if you make your point in less time.
4. If speaking about an agenda item, please refer to that agenda item at the very beginning of your five minutes.
5. You may not transfer the balance of your time to another speaker.
6. The Chairman may limit the number of speakers on a topic or agenda item or the overall speaking time if the same will unduly delay the commencement of the agenda.
7. Speakers are addressing the City Council as a body. If you would like to address an individual Council Member or anyone else, please do that separately, not during these meetings.
8. Please remain focused on the agenda item you signed up for, or for "the good of the community."
9. The Council will not respond to questions or statements during the meeting. This is an opportunity to share your ideas, not to engage in conversation.

10. This portion of the meeting is not for personal grievances
11. Please use the decorum expected speaking before a deliberative assembly in the United States of America.
12. The Chairman will enforce these rules; and

WHEREAS, while the Niagara Falls City Council certainly desires that the current rules for public speaking are adhered too, this Council has determined that the unruly and disorderly conduct at recent City Council meetings has made it necessary for it to adopt additional policies and rules to enhance civility and promote decorum at future public meetings; and

WHEREAS, the City Council believes that such guidelines will further its commitment to the democratic process, individual rights of expression, robust debate and tolerance for disparate views and will help ensure that civic engagement and local democracy continue to flourish in at City Council meetings.

NOW, THEREFORE IT BE RESOLVED THAT the City Council of the City of Niagara Falls, NY does hereby adopt the following rules, policies and procedures, in addition to the rules, policies and procedures currently in effect, at all regular meetings of the City Council:

ADDITIONAL SPEAKING RULES:

1. No person shall address the City Council without first being recognized and called up to the podium by the City Clerk and/or representative. The person shall respond when his/her name is called by the City Clerk and/or representative. Speakers once called should address the Council from the podium.
2. Each person addressing the City Council shall do so in an orderly manner and shall not engage in any conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of the City Council meeting. Any person who so disrupts the meeting may be subject to removal from that meeting.
3. Persons addressing the City Council shall address the Council as a whole and shall not engage in a dialogue with individual Councilmembers, City Staff, or with other members of the audience.
4. Members of the public addressing the City Council shall have five (5) minutes to speak. The City Clerk will notify the speaker when their time is expired. Once the City Clerk notifies the speaker that their time is expired, the speaker should immediately stop speaking and return to their seat.
5. Any public requests for City staff comment shall be made to the Council Chair, who may then direct such inquiries to the City Administration as appropriate.
6. Pursuant to *Robert's Rules of Order*, any Council member may interrupt a speaker and can raise a "point of order" if they believe the speaker rules have been broken. If a point of order is raised by a Council member, the Council member will inform the Council Chair of the infraction and the Chair will make a ruling. In addition, if dialogue among Council members is interrupted and/or hindered by a person attending the meeting, Council members may raise a point of order and request that such person be given a warning and/or removed from City Hall.

7. All persons in attendance at any City Council proceeding, either as a recognized speaker or not, are required to show proper decorum at all times during any proceeding and shall refrain from any conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of the meeting. Any person in attendance at any City Council proceeding engaging in such disruptive and/or disturbing conduct or impedes the conduct of the proceeding shall be subject to the rules of enforcement below.

#### ENFORCEMENT OF RULES

1. The Niagara Falls Police Department will have a member of the force present at each meeting to serve as the "Sergeant-at-Arms"
2. The Sergeant-at-Arms is available to assist the Council in maintaining order and decorum in the City Council Chambers. The Sergeant-at-Arms shall enforce the rules of decorum and, in doing so, may remove any person(s) from the City Council Chambers and/or take any other appropriate action, either upon the direction of the Council Chair or upon his or her own discretion, as applicable.
3. Upon a violation of the rules of decorum, the Council Chair will issue a warning by requesting that a person who is violating the rules cease such conduct. Should the person persist in violating these rules after receiving a warning from the Council Chair and/or a Council Member, the Council Chair will request the Sergeant-at-Arms to remove the person from City Hall.
4. The Sergeant-at-Arms is also authorized to warn any person attending the meeting that their conduct is violating the rules and that they are requested to cease such conduct. If inappropriate conduct persists, the Sergeant-at-Arms shall have the authority to remove the person from the meeting and request the person to exit City Hall.
5. In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible, and order cannot be restored by the removal of the individuals who are willfully interrupting the meeting, the City Council may, by a majority vote, order that the Council Chambers be cleared, and the meeting shall continue in session. Only matters appearing on the agenda may be considered in such session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend this session; and

BE IT FURTHER RESOLVED that the foregoing rules, policies and procedures shall take effect immediately.

Yeas

4

Members Bax, Tompkins, Zajac, Chairman Spanbauer

Nays

1

Member Myles

ADOPTED

Agenda Item #7

WHEREAS, Democratic institutions make their most significant decisions by voting on them. The public elects representatives at the federal, state, and local level, who, in turn, use voting procedures to pass laws, ordinances and resolutions that are essential for the orderly operation of government; and

WHEREAS, in the City of Niagara Falls, the City Council is the elected policy making, legislative and appropriating body of City government, with general powers that include, but are not limited to, the enactment or amendment of local laws, ordinances or resolutions, levying of taxes, adoption of an annual City budget, authority to make appropriations for municipal purposes, and approval of contracts and agreements on the City's behalf; and

WHEREAS, all of these powers, conferred by the City Charter, are accomplished by affirmative vote by City Council members; and

WHEREAS, Council members therefore have a legal as well as a fiduciary duty to all of the citizens of the City of Niagara Falls to vote on agenda items presented to the Council for action, unless there is an obvious conflict of interest or appearance of fairness question present which would require abstention or recusal; and

WHEREAS, abstention is a term in election procedure where an eligible voter is present during the vote, but refrains from voting parliamentary procedure and does not cast a ballot; and

WHEREAS, an abstention alone, without legitimate justification or authority, is a disservice to the citizens and visitors of our city, as it runs counter to the City Council's fundamental purpose under our Charter; and

WHEREAS, in the interests of transparency, if a Council member abstains from voting on an agenda item, said Council member must include the reason for the abstention, as our residents should be made aware of why a Council member has made a choice not to vote yes or no on a particular agenda item; and

WHEREAS, furthermore, should a Council member abstain from voting on an agenda item, said abstention should not be included in the Council's official vote tally, as the Council member did not cast a vote to either approve or not approve the particular item; and

WHEREAS, the City Council believes that such guidelines will further its commitment to the democratic process and will help ensure that civic engagement and local democracy continue to flourish in at City Council meetings.

NOW, THEREFORE IT BE RESOLVED THAT the City Council of the City of Niagara Falls, NY does hereby adopt the following rules and procedures at all regular meetings of the City Council:

1. Should a City Council member abstain from voting on any agenda or action item before the Council for vote, the Council member so abstaining must articulate the justification for said abstention for the purpose of recording the same in the official minutes of City Council proceedings.
2. Provided that a Council member abstain from voting on an agenda or action item before the City Council, said abstention should not be included in the City Council's official vote tally; and

BE IT FURTHER RESOLVED that the foregoing rules and procedures shall take effect immediately.

Yeas	4
Members Bax, Tompkins, Zajac, Chairman Spanbauer	
Nays	1
Member Myles	

ADOPTED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: NF PARKS DEPT./FORESTRY DIVISION, PURCHASE OF TREES,  
SCHICHTEL'S NURSERY

Agenda Item #8

We respectfully request your approval for the expenditure of Ash Tree Replacement Program Grant funds for the purchase of one hundred thirty-one (131) trees for the City's Forestry Division.

We respectfully request you award the above-referenced item as follows:

TO: Schichtel's Nursery, Inc. (V# 4809)  
7420 Peters Road  
Springville, New York 14141-9405

FOR: Purchase of **131** trees to be planted throughout the City as follows: 40 quantity Sugar Maple Trees (25 B&B \$115 ea. / 15 BR \$104 ea.)  
41 quantity American Elm Trees (26 B&B \$113 ea. / 15 BR \$104 ea.)  
30 quantity Basswood Trees (20 B&B \$109 ea. / 10 BR \$103 ea.)  
20 quantity Kentucky Coffee Trees (10 B&B \$117 ea. / 10 BR \$111 ea.)

TOTAL TREE COST: \$14,423.00

Planting of the trees will be completed by the City's Forestry Division on overtime, which is covered under the grant. It is anticipated that the total labor cost to plant the 131 trees shall not exceed **\$21,000.00**, 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 quotes were solicited in accordance with Section 103 of the General Municipal Law.

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

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: DPW, JACOBSEN MOWERS, PURCHASE, MTE EQUIPMENT SOLUTIONS

Agenda Item #9

We respectfully request your approval for the expenditure of American Rescue Plan funds for the purchase of two (2) Jacobsen HR600 Rotary Mowers for the City of Niagara Falls Department of Public Works, Parks Division as follows:

TO: MTE Equipment Solutions, Inc. (V# 4031)  
33 Thruway Park Drive  
West Henrietta, New York 14586

FOR: Two (2) Jacobsen HR600 11' Cut Wide Area Rotary Mower  
\$91,285.91 each

TOTAL COST: \$ 182,571.82

This item has been solicited through the New York State Office of General Services Procurement process, NYS GML "Piggyback" provisions, under Master Contract Massachusetts FAC116.

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 authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

Will the Council so authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
APPROVED	

CONTRACT: DPW, ZAMBONI 552 REPLACEMENT BATTERIES, PROLIFT INC

#### Agenda Item #10

We respectfully request your approval for the expenditure of American Rescue Plan funds for the purchase of two (2) TAB Brand Industrial Batteries to be installed in the Hyde Park Ice Pavilion Zamboni as follows:

TO: Prolift, Inc. (V# 710)  
1835 Dale Road  
Buffalo, New York 14225

FOR: Two (2) TAB Brand Industrial Batteries, Model 20-7USI143	
\$5419.00 each	
Two (2) Single Point Watering Systems	\$ 375.00 each
Two (2) Electrolyte Indicator Lights	\$ 95.00 each
Labor Charge for removal and installation of new batteries	
and accessories	\$ 375.00
Estimated Freight Charges:	\$ 400.00

TOTAL COST: \$ 12,553.00

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 authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
APPROVED	

CONTRACT: DPW, SNOWPLOWS, KENWORTH OF BUFFALO

#### Agenda Item #11

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of four (4) Kenworth T480 Cab and Chassis with dump and plow units for use by the City of Niagara Falls Department of Public Works.

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

TO: Kenworth of Buffalo (V# 13388)  
100 Commerce Drive  
Lackawanna, NY 14218

FOR: Four (4) 2023 Kenworth T480 Cab and Chassis @	\$129,711.00
each	\$518,844.00

TO: Valley Fab and Equipment, Inc. (V# 1702)  
9776 Trevett Road  
Boston, NY 14025



FOR: Two (2) 17' standard dump and standard plow equipment & installation	\$239,530.00
Two (2) 14' dump and wing plow w/ salt bodies equipment & installation	\$312,426.00
<i>Dump &amp; Plow Total:</i>	<u>551,956.00</u>

Total Cost: \$1,070,800.00

It is the recommendation of the undersigned that this equipment request be awarded to the above named vendors per the specifications of Sourcewell Contract #060920-KTC (cab & chassis) and Sourcewell Contract #080818-EEQ (dump & plow).

Will the Council so authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: HEAVY DUTY AERIAL TOWER FIRE APPARATUS, CHURCHVILLE FIRE EQUIPMENT CORP.

#### Agenda Item #12

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of one (1) Mid-Mount Aerial Ladder Truck for the City of Niagara Falls Fire Department as follows:

TO: Churchville Fire Equipment Corp.  
(Acting as Prime Agent for Pierce Manufacturing, Inc.)  
340 Sanford Road South  
Churchville, New York 14428

FOR: One (1) Pierce® 100' Pierce Ascendant™ HD Aerial Tower on an Enforcer Chassis

Note: Churchville Fire Equipment has offered the option of a 100% pre-payment deduction of \$55,071.00, due within 30 days of order placement, reducing the cost of the tower and chassis to \$1,525,437.00.

TOTAL COST: \$1,580,508.00

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

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 authorize the Mayor to execute an agreement with the above named vendors in a form acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: NFFD, TWO-WAY RADIO, MOTOROLA SOLUTIONS, INC.

#### Agenda Item #13

We respectfully request your approval for the expenditure of American Rescue Plan funds for the purchase of one (1) Motorola APX4500 Radio and mounting hardware for the 100' Aerial Tower Fire Apparatus for the City of Niagara Falls Fire Department.

We respectfully request you award the above-referenced items as follows:

TO: Motorola Solutions, Inc. (Contractor)  
c/o Skywave Communications, Inc. (Subcontractor) MWBE  
123 Tice Boulevard, Suite 202  
Woodcliff Lake, New Jersey 07677

FOR: One (1) Motorola APX4500 UHF R1 Model: M22QSS9PW1AN  
\$2,696.12

**Total Expenditure: \$2,696.12**

This item has been solicited through the New York State Office of General Services Procurement process, Contract Number PT68722.

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 authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: AERIAL TOWER FIRE APPARATUS, HOLMATRO TOOLS, EMPIRE EMERGENCY APPARATUS

#### Agenda Item #14

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of one (1) Holmatro Tools Option pack for the 100' Aerial Tower Fire Apparatus for the City of Niagara Falls Fire Department as follows:

TO: Empire Emergency Apparatus  
3995 Lockport Road  
Niagara Falls, New York 14305

FOR: One (1) Holmatro Tools Option pack for the 100' Aerial Tower Fire Apparatus

PSP50 Spreader w/two batteries, one charger, on board tool charging cord  
PCU50 Cutter w/two batteries, one charger, on board tool charging cord  
PTR50 Telescopic Ram w/two batteries, one charger, on board tool charging cord

TOTAL COST: \$45,639.00

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

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 authorize the Mayor to execute an agreement with the above named vendors in a form acceptable to the Corporation Counsel?

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

Yeas

5

Nays

0

APPROVED

CITY CORPORATION YARD, SECURITY SERVICES, WISDOM PROTECTIVE SERVICES,  
ADDITIONAL FUNDING

Agenda Item #15

As the Council is aware, it was the City's intention to purchase and install a security gate system at the Corporation Yard at 1785 New Road in early 2022. It was therefore anticipated that the City would be utilizing the services of the current security vendor, Wisdom Protective Services ("Wisdom"), for only a portion of the 2022 fiscal year. However, due to supply chain issues, installation of the security gate has been delayed. Consequently, the City has been required to continue using Wisdom's services at the Corporation Yard. Until such time as the security gate installation is complete, Wisdom has continued performing these services at the agreed upon rate of \$24.32 per hour.

As the vendor must be paid for their services, additional funding is required in the amount of \$83,500.00, through September 30, 2022. Funding is available from Tribal Revenue reserves.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

REGIONAL ENVIRONMENTAL DEMOLITION, UTILITY ABANDONMENT, ASBESTOS,  
ABATEMENT AND/OR DEMOLITION, CITY FUNDING

Agenda Item #16

On March 30th 2022, the City Council approved the award for Utility Abandonment, Asbestos Abatement and/or Demolition of buildings at various locations to Regional Environmental Demolition, Inc. ("RED"). The total cost of the project was to be covered through the use of CDBG funds. However, one of the properties that was demolished, 195 82nd Street, is not in a CDBG eligible zone and is not eligible for CDBG funding.

RED completed the demolition and restoration at the aforementioned location at a cost of \$18,500.00, including retention. As the vendor must be paid for the services rendered, additional funding is needed in the amount of \$18,500.00. Funding is available from Tribal Revenue reserves.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: 5627 NFB, RIGHT OF ENTRY AND ACCESS AGREEMENT-NIAGARA COUNTY  
BUILDING TRADES

Agenda Item #17

As you know, the former Junior's Truck Stop, located at 5627 Niagara Falls Boulevard, has been in the possession of the City for some time. In furtherance of a potential sale of the property, it is necessary to enter into an agreement with the potential buyer, the Niagara County Building Trades, in order to allow them access to the property to remove junk and debris and perform general cleanup activities at the long vacant site.

The Niagara County Building Trades, their apprentices and trainees will be performing the work and will be providing the City with a certificate of insurance pursuant to our usual requirements.

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

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

Yeas

5

Nays

0

APPROVED

CONTRACT: NORLIC, RIGHT OF ENTRY AND ACCESS

#### Agenda Item #18

Recently, the City has entered into discussions with the Niagara Orleans Regional Land Improvement Corporation ("NORLIC") for the transfer of several vacant properties to the land bank. These properties are located at 2901 Grand Avenue, 231 70th Street, 530 18th Street, 538 8th Street, and 552 5th Street in the City. In furtherance of a potential transfer of the properties, it is necessary to enter into an agreement with NORLIC in order to allow them access to the properties to perform investigation, stabilization and maintenance prior to the transfer.

NORLIC and its designees will be performing the work and will be providing the City with a certificate of insurance pursuant to our usual requirements.

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

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

Yeas

5

Nays

0

APPROVED

RESOLUTION: COMMERCIAL DATA CENTERS, MORATORIUM, EXTENSION THROUGH SEPTEMBER 30, 2022, 2022-54

BY: COUNCIL CHAIRMAN SPANBAUER

#### Agenda Item #19

WHEREAS, on December 20, 2021, the City Council of the City of Niagara Falls imposed 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

WHEREAS, the moratorium was imposed so as 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; and

WHEREAS, on June 13, 2022, this Council extended the moratorium through September 13, 2022, to provide additional time for final approval of the plan; and

WHEREAS, the Administration completed its work on the plan and proposed amending the City's Codified Zoning Ordinance to create a High Energy Usage Overlay District, and submitted the same to both the City and Niagara County Planning Boards for review; and

WHEREAS, following the approvals of both the Niagara County and City of Niagara Falls Planning Boards, a public hearing was held on Tuesday, September 6, 2022 before the Niagara falls City Council; and

WHEREAS, the proposed amendment to the Zoning Ordinance to create a High Energy Usage Overlay District has now been submitted to the City Council for approval at its regular meeting scheduled for Wednesday, September 7, 2022; and

WHEREAS, provided that the proposed amendment creating the High Energy Usage Overlay District is approved by this Council, we recognize that additional efforts must be made in order to fully implement the new statute; and

WHEREAS, the City staff tasked with the administration and enforcement of the new Overlay District will be required to develop a clear, concise and consistent framework to execute the terms of the Zoning Amendment; and

WHEREAS, by doing so, the City will be able to establish a framework for current operators to become legally compliant and establish a platform for new operations to proceed under the new statute; and

WHEREAS, in order to accomplish this task, 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 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 is hereby extended through September 30, 2022, unless further extended by the City Council.

Yeas	4
Members Bax, Tompkins, Zajac, Chairman Spanbauer	
Nays	1
Member Myles	

ADOPTED

The Chairman asked if anyone wished to speak on Good of the Community and the following spoke:

Dana Eric Misenheiner	Football League @ LaSalle Middle School
Kathy DuBois	Various
Todd Sklarski	Decorum
John Cooper, Niag. Gospel Mission	Vet Program
Gregory Palmer	City Streets, Garbage pickup

There being no further business to come before the Council,  
Chairman Spanbauer adjourned the Meeting at 7:58 P.M.

Vicky Wideman  
City Clerk



**SEPTEMBER 30, 2022**

**SPECIAL COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

The September 30, 2022 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Spanbauer at 5:30 PM in the Council Chambers.

Present: Council Members Bax, Myles, Tompkins, Zajac, Chairman Spanbauer

Also Present: Corporation Counsel Chris Mazur

Special Meeting for Council to approve the following items.

September 26, 2022

Members of the City Council  
and  
Vicky Wideman, 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, to be held on Friday, September 30, 2022 at 5:30 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purposes:

1. Adopt a Resolution to call for a Public Hearing relative to the application for the Restore NY Communities Municipal Grant Program and related Property Assessment List.

Respectfully submitted,

---

John Spanbauer, Chairperson

**RELATIVE TO CALLING FOR A PUBLIC HEARING  
ON OCTOBER 5, 2022 RELATIVE TO RESTORE NY COMMUNITIES  
INITIATIVE MUNICIPAL GRANT PROGRAM APPLICATION  
AND RELATED PROPERTY ASSESSMENT LIST**

BY:

Council Chairman John Spanbauer

**NOW, THEREFORE IT BE RESOLVED THAT** a public hearing will be held on the 5th day of October, 2022 at 6:00 PM Eastern Standard Time, in the City Council Chambers of the City of Niagara Falls, New York at City Hall, 745 Main St, and that required notice of said public hearing shall be published in the Niagara Gazette proceeding said hearing. The purpose of the hearing for public comment regarding a Restore NY Communities Municipal Grant application from the City and the related Property Assessment List. The purpose of the grant is to assist in revitalizing urban areas, disadvantaged communities and stabilize neighborhoods; and

**BE IT FURTHER RESOLVED** that the City Clerk is hereby directed to publish notice of the public hearing.

There being no further business to come before the Council, Chairman Spanbauer adjourned the Meeting at 5:32 PM.

Vicky Wideman  
City Clerk





**OCTOBER 5, 2022**

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The Legislative session of the October 5, 2022 Niagara Falls City Council Meeting was called to order by Council Chairman John Spanbauer at 6:00 P.M. in the Council Chambers.

Present: Council Members Traci Bax, Donta Myles, Kenny Tompkins, David Zajac and Chairman John Spanbauer

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

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

**PRESENTATIONS:**

Destination Niagara - Presentation and Power Point

Niagara Military Affairs - Presentation and Power Point

City Controller, Daniel Morello, presented the Controller's Report and Power Point

Items # 1 - Mayor Restaino expounded on:

Items # 2 - Mayor Restaino expounded on the: poor conditions of the joints and structural elements

Items # 3 - Mayor Restaino expounded on: what interceptor is

Items # 4 - The Mayor expounded on: how the funding was secured and, what the proposed agreement would allow

Items # 5 - Mayor Restaino expounded on: What the Microgrant program was and how it provided matching assistance to the owners

Item #6 - Mayor Restaino expounded on the: Plati Niagara and how they will pay for the National Grid improvements.

Item #7 - Mayor Restaino expounded on the: Consumer Drug Program

Item #8 - Mayor Restaino expounded on the: Agreement with Orkin is a piolet program; Council Member Myles stated, he wants the City to agree to do the same thing with his neighborhood when it comes to the skunks, possums, raccoons, and, rats.

Item #9 - Mayor Restaino expounded on the: Agreement with Niagara Falls Water Board regarding an unmanned [pbp,e , closed to the public sustat

Item #10 - Mayor Restaino expounded on the: The Contract for Development of acquired properties listed

Item #11 - Mayor Restaino expounded on the: Sale of the City owned property and how this land has been vacant, and, they want to develop them according to the Housing Authority Plan.

Item #12 - Mayor Restaino expounded on the: Restore NY Communities Initiative Municipal grant for project submitted by RN Davis

Item #13 - Mayor Restaino expounded on the: Sale of the property located at: 401 10<sup>th</sup> Street

Item #14 - Mayor Restaino expounded on the: City's reacquisition of the property of: 550 Main Street, Niagara Falls, NY 14301.

Item #15 - Mayor Restaino expounded on the: transfer of City owned properties for economic development

Item #16 - Mayor Restaino expounded on the: reorganization of the Fire Department Administration.

Item #17 - Mayor Restaino expounded on the: why they needed a budget amendment for the: Department of Economic Development

Item #18 - Mayor Restaino expounded on the: ESG funds of Neighborhood Legal Services, Inc. regarding the homeless prevention legal assistance.

Item #19 - Mayor Restaino expounded on the: on the transfer of city-owned Property Purchase Program" regarding how property owners and purchase vacant lots

Item #20 - Mayor Restaino expounded on the: settlement agreement between the City and the United Steelworkers Local 9434 regarding the City's lease agreement at the Hyde Park Golf Course

Item #21 - Mayor Restaino expounded on the: agreement with Northpoint Council, Inc. regarding the Employee Assistance Program

Item #22 - Mayor Restaino expounded on the: regarding the Parking Agreement which will afford parking spaces for the staff and students.

Item #23 - Mayor Restaino expounded on the: claim by Progressive seeking reimbursement of payments made to Rivera for property damage

Item #24 - Mayor Restaino recognized and honored Marsha McWilson for her life, talent, dedication and commitment to our city

Item #25 - Mayor Restaino expounded on the: Restore NY Communities Initiative and how he wanted people to be home owners; Council Member Myles what to make sure the houses could be sold to the residents, not to a company.

Item #26 - Mayor Restaino expounded on the: scheduling of a public hearing regarding paying the expenses for the recycling and refuse program

Item #27 - Mayor Restaino expounded on the: Codified Ordinances entitled: "Landlord Rental and Property Owners and how they will be held according the Ordinance 1137.

Item #28 - Mayor Restaino expounded on the: rental dwelling units and the purpose for adding them to chapter 1142 of the Codified Ordinances

Item #29 - Mayor Restaino expounded on the: property management and the purpose of adding them to: Chapter 1142 of the Codified Ordinances

Item #30 - Mayor Restaino expounded on the: purpose of using a Niagara County Sheriff's Department vehicle for the Niagara Falls Fire Department

Item #31 - Mayor Restaino expounded on: why this equipment and training on this equipment is needed

Item #32 - Mayor Restaino expounded on: why the finance department is in need restructuring, and therefore needs an Account Clerk

Item #33 - Mayor Restaino expounded on: why the City needed to settle the claim for Patricia Gibbons

The Council Chairman asked if anyone wished to speak on the Public Hearing Relative to Restore NY Communities Initiative Municipal Grant Program Application and Related Property Assessment List:

Henry Krawczyk  
Jockline Pryor  
Gloria J. Dolson

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

Henry Krawczyk	Agenda Item #12
Ken Hamilton	Agenda Items #27, #28, #29
Sandy Mock	Agenda Items #27, #28, #29
Karen Mock	Agenda Items #27, #28, #29

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF AUGUST 2022

Agenda Item #1  
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: PORTER ROAD BRIDGE EXPANSION JOINT REPLACEMENT PROJECT, GREENMAN-PEDERSON, INC.

Agenda Item #2

Following the receipt of a New York State Department of Transportation Safety Flag for the poor condition of joints and other structural elements of the bridge referenced above, the City selected a design firm to assess the issue(s) and design repairs necessary.

Following the City's standard for procurement of professional service providers, the firm selected to scope and design the remedial work on the Porter Road Bridge is:

Greenman-Pederson Inc.  
4950 Genesee Street - Suite 100  
Buffalo NY 14225

Please note that this amount is completely reimbursable with NYSDOT CHIPS monies (State Touring Routes). The funding code will be H0322, which represents CHIPS funding to be received for 2022 projects, at a not-to-exceed amount of \$50,000.00.

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

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

Yeas	5
Nays	0

APPROVED

CONTRACT: BLUE FORD UTILITY POLICE INTERCEPTOR, FM COMMUNICATIONS, INC.

Agenda Item #3

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase and up-fitting of fleet vehicles for the City of Niagara Falls Police Department as follows:

TO: FM Communications, Inc. (V# 2183)  
1914 Colvin Boulevard  
Tonawanda, New York 14150-6995  
FOR: Up-fitting for one (1) 2022 Ford Utility Police Interceptor  
AWD Dark Blue \$5,553.20 (includes the purchase and  
installation of lighting, radio and instrumentation)

TOTAL COST: \$5,553.20

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 authorize the Mayor to execute an agreement with the above named vendors in a form acceptable to the Corporation Counsel?

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

Yeas

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Nays

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APPROVED

CONTRACT: BUFFALO NIAGARA WATERKEEPER, ECOLOGICAL RESTORATION PROJECTS

Agenda Item #4

The Buffalo Niagara Waterkeepers ("BNW"), a local non-profit group, who has secured funding through the Environmental Protection Agency's "Great Lakes Restoration Initiative," wishes to enter into an agreement with the City of Niagara Falls to complete a green infrastructure project within Hyde Park, north of Duck Island, south of Porter Road, and east of Robbins Road, along the shoreline of Hyde Park Lake. This project will bring a major benefit to the community and to the ecological improvement of Gill Creek and Hyde Park Lake.

The proposed agreement would allow BNW access to City property for the purposes of designing, constructing, and post-construction inspecting and monitoring of the ecological improvements for a term not to exceed four (4) years from the date of execution, unless otherwise terminated or extended by the parties according to the terms of the agreement. No property rights are transferred or relinquished as part of the agreement. The City shall retain the right to review and approve all phases of design development and would contribute a total of \$300,000.00 toward the project from the Greenway Fund toward this project.

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

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

Yeas

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Nays

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APPROVED

HERITAGE DISTRICT: MICROGRANT PROGRAM EXTENSION

Agenda Item #5

In 2010, the City and USA Niagara Development Corporation established a Buffalo Avenue Heritage District Microgrant Program. The Heritage District is the only residential area within the USA Niagara Boundaries. The program provided matching assistance for owner-occupied residences of up to \$10,000 per property. The funds were used for exterior building improvements, code violation correction, and site improvements.

The Microgrant Program was originally set up for five (5) years and was extended for an additional five (5) years in 2015. All grant funds were disbursed prior to the Program's expiration in 2020; however, \$18,000.00 that was disbursed under the Program was recently returned to the City due to the sale of grant funded property.

As there is continued interest in the Program and due to the recouped funding, the Administration and USAN are proposing that the program be extended for another five (5) years, retroactive to October 26, 2020. Extension of the program will allow for the preservation and rehabilitation of more of the heritage structures within this special district.

Will the Council vote to approve an extension of the microgrant program as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas

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Nays

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APPROVED

PLATI NIAGARA, INC.: REIMBURSEMENT FOR IMPROVEMENT TO CITY ALLEYWAY

#### Agenda Item #6

As I am sure you are aware, Plati Niagara, Inc. ("Plati") is in the process constructing a hotel facility at its property located at 311 Rainbow Boulevard. Adjacent to the property is a City-owned alleyway that runs parallel to the hotel structure. Plati recently entered into a contract with National Grid for the installation and relocation of certain existing electric facilities to accommodate the construction the hotel. As a consequence of National Grid's construction work, certain improvements will be made to the City's alley that typically would be done at the City's expense. Plati has advanced \$156,998.41 to National Grid for the improvements to the alleyway. It is hereby proposed that the City Council authorize repayment of that sum to Plati for the improvement of the City asset. 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?

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

Yeas

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Nays

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APPROVED

CONTRACT: INMAR, INC., CONSUMER DRUG TAKE-BACK PROGRAM

#### Agenda Item #7

During a 12-month period ending in November 2021, an average of eight New York State residents died of drug overdoses daily, annually reaching 2,852 deaths. In 2021, more than 100,000 Americans died as a result of drug overdoses, making it a leading cause of death more prominent than car accidents and gun fatalities combined.

Despite a pervasive number of drug-related deaths year over year, old or unused prescriptions rarely find their way to a secure drug take-back location. Unused, leftover, or expired medications have proven to be a significant cause of drug misuse, accidental drug poisonings, and environmental damage. With this in mind, the City, through the Niagara Falls Police Department, has the opportunity to access a nationally known drug take back program.

Inmar, Inc., the largest provider of pharmaceutical reverse logistics services in the country, has launched a Consumer Drug Take-Back Program to help in the battle against prescription opioid abuse. The nationwide program provides subscribing hospital pharmacies, retail pharmacies and law enforcement agencies with DEA-compliant prescription drug take-back receptacles where individuals can simply and safely deposit surplus/expired medications. Once a receptacle is full, program subscribers follow a straightforward process for executing fully audited shipping of the receptacle's replaceable inner liner back to Inmar for certified destruction. Inmar's solution is easily implemented and managed in compliance with the DEA Secure and Responsible Drug Disposal Act of 2010.

It is hereby proposed that the City enter into an agreement with Inmar so as to implement its drug take-back program in the City. The term of the agreement will be for 3 years from the date of signing. The Niagara Falls Police Department will undertake local administration of the program. Participation in this drug take-back initiative is free, as the program is fully funded by pharmaceutical manufacturers.

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

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

Yeas

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Nays

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APPROVED

CONTRACT: PEST CONTROL SERVICES, ORKIN, LLC

#### Agenda Item #8

As you are all well aware, the City has received numerous complaints from residents in the area of 56th, 57th, 58<sup>th</sup>, 59<sup>th</sup> and 60th Streets near Buffalo Avenue concerning rats. In addition to enhanced monitoring by the City's Department of Public Works, it is recommended that the City Council approve an agreement with Orkin, LLC.

Orkin is the nationally known leader in pest control services. Under the proposed one (1) year agreement, Orkin personnel will investigate and set traps throughout the neighborhood. Additionally, Orkin staff will check the traps twice a month for the first two months and once a month for the next 10 months. The cost of proposed Orkin contract is for \$64,700.00, which includes purchase of equipment (traps). Funding is available from Tribal Revenue reserves.

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

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

Yeas

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Nays

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APPROVED

CONTRACT: NIAGARA FALLS WATER BOARD, NFPD Substation

#### Agenda Item #9

The City of Niagara Falls and the Niagara Falls Water Board have developed a plan to place an unmanned police substation, without public access, at the Niagara Falls Water Treatment Plant at 5815 Buffalo Avenue. This will allow the Niagara Falls Police Department ("NFPD") to discharge its functions more effectively and efficiently as officers will be able to perform certain tasks at the substation rather than traveling back to police headquarters at the other end of the City, resulting in less time in transit and faster response to the LaSalle area in the event of an emergency. The substation will also benefit the Water Board by providing an increase in the police presence at its facility to safeguard the Water Treatment Plant and to deter criminal activity.

The term of the proposed agreement will run through December 31, 2023 and shall automatically renew for one year terms thereafter, unless terminated by either party with proper notice. The NFPD will be provided with access to and the use of the guard house building at the Water Treatment Plant for the purpose of an unmanned police substation. The NFPD may also use meeting facilities and other spaces at the Water Treatment Plant for police purposes, subject to approval by the Executive Director and provided that such usage does not conflict with the Water Board operations. No suspects may be housed or detained on Water Board property. Each party will bear their own expenses in connection with the agreement and no payment shall be due to either party under the agreement. Furthermore, the agreement will contain a mutual indemnification provision as well as a requirement that each party name the other as an additional insured under their general liability insurance policy.

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

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

Yeas

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Nays

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APPROVED

CONTRACT: 550 MAIN STREET, REDEVELOPMENT, NIAGARA WANDERLUSTING, INC.

#### Agenda Item #10

Please recall that the City acquired title to properties located at 550 Main Street, 557 Third Street, 561 Third Street, 565 Third Street, 569 Third Street and 571 Third Street (the "Cannon Block") as a result of litigation commenced by the U.S. Attorney's Office against the former owner of properties several years ago.

The City subsequently issued a Request for Proposals and the proposal submitted by Penn Terra-USRE Corp. ("Penn Terra") scored the highest; by resolution dated November 14, 2018, the City Council then designated Penn Terra as the Preferred Developer of the Cannon Block. The proposal called for Penn Terra to amalgamate all parcels and construct a new residential building with on-site parking which will be used primarily for student rentals and for vacation rentals. Following City Council approval, the City sold the Cannon Block parcels to Penn Terra in February 2020 for the sum of \$54,000.00, conditioned upon Penn Terra commencing construction of the development within two months of the closing and completion of the project within 24 months of that date.

Unfortunately, short of amalgamating the parcels, Penn Terra made no effort to commence any redevelopment of the parcel in question (all of the parcels were merged into one, 550 Main Street - S/B/L No. 159.21-1-46.1). This Administration then took action to reacquire the property under the terms of the development agreement. The City Council approved the reacquisition of the property and the City then tendered the original purchase price of \$54,000 to Penn Terra to complete the transfer of ownership back to the City.

As development of the parcel in question continues to be a priority, it is requested that the City Council authorize the designation of Niagara Wanderlusting, Inc. as the "Preferred Developer" for the Premises, as its proposal was the second highest scored proposal submitted in response to the City's original development RFP.

Niagara Wanderlusting is a Niagara Falls-based, MWBE business with a long track record of successful ventures. The proposed plan for the premises will provide enhanced amenities and for improving travel experience of visitors, while simultaneously providing a centralized corporate headquarters for a growing MWBE industrial supply company. The Plan is to demolish all existing structures on the premises and to replace them with five duplex structures each containing two (2) vacation rental units and one commercial building. Construction will be phased over a 48 to 60 month period, starting with the commercial building and one duplex and continuing with the addition of at least one additional duplex yearly until completion.

In addition to designating Niagara Wanderlusting as the Preferred Developer, it is requested that the City Council authorize the Mayor to execute a sale, purchase and development agreement with Niagara Wanderlusting which will contain the terms of the development of the Premises.

It is anticipated that the redevelopment of the Cannon Block will create new jobs, raise property values, create community amenities, bring in local tax revenues and be attractive for new residents and businesses.

Will the Council approve the requests contained herein and authorize the Mayor to execute any agreements in this regard that are satisfactory in form and content to the Corporation Counsel?

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

Yeas

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Nays

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225

APPROVED

NF HOUSING AUTHORITY; SALE OF CITY-OWNED REAL PROPERTY, VARIOUS ADDRESSES

Agenda Item #11

Please be advised that the City is in receipt of a proposal submitted by the Niagara Falls Housing Authority regarding a plan to redevelop the Highland and Beech Avenue corridor. The Housing Authority desires to purchase nine City-owned vacant lots for development according to the Housing Authority's master plan for the corridor.

In furtherance of the proposal and in the overall best interests of the City, it is hereby requested that the City Council approve the conveyance of the following properties to the Niagara Falls Housing Authority:

2928 Highland Avenue  
2932 Highland Avenue  
3006 Highland Avenue  
3010 Highland Avenue  
3014 Highland Avenue  
3016 Highland Avenue  
3018 Highland Avenue  
3022 Highland Avenue  
3026 Highland Avenue

These properties were acquired by the City through In Rem proceedings and have previously been offered for public auction. It is proposed that not only will rehabilitation and revitalization of these properties enhance the appearance and stability of the corridor, but it will also lessen the City's financial burden related to upkeep of the premises.

The purchase price for each of the nine (9) properties is \$5,000.00, for a grand total of \$45,000.00, which has already been authorized by the Housing Authority. Based upon the location and condition of the properties in question, this price is both fair and adequate. The proposed transfer of the City-owned lots in question is clearly in the best interests of the City and in conformity with the requirements of the City Charter related to the disposition of City-owned property.

Will the Council so approve and authorize the Mayor to execute on behalf of the City all documents relating to the transfer of the properties in question, provided that the same are in a form acceptable to the Corporation Counsel?

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

Yeas  
Nays

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0  
APPROVED

PROPERTY SALE: CITY-OWNED REAL PROPERTY, RJ DAVIS AND COMPANY DEVELOPMENT

Agenda Item #12

In a separate item submitted for your approval, it was requested that the City Council approve the Restore NY Communities Initiative Municipal Grant application for the proposed project submitted by RJ Davis and Company Development, a Niagara Falls-based, MWBE business with a history of successful ventures. The project, Power City Landmark, is focused on the revitalization and rehabilitation of residential housing in the City by restoring twelve (12) blighted and condemned properties within the Southend Gateway Revitalization District. The proposed plan is intended to revitalize urban areas, disadvantaged communities and stabilize neighborhoods.



In furtherance of the grant application and in the overall best interests of the City, it is hereby requested that the City Council approve the conveyance of the following City-owned properties to RJ Davis and Company Development: 418 Memorial Parkway, 516 Ferry Avenue, 538 8<sup>th</sup> Street, 548 7<sup>th</sup> Street, 568 6<sup>th</sup> Street, 522 6<sup>th</sup> Street, 553 5<sup>th</sup> Street, 552 5<sup>th</sup> Street, 473 5<sup>th</sup> Street and 624 4<sup>th</sup> Street (the additional two (2) properties listed in the grant application are already owned by the company). These properties were acquired by the City through In Rem proceedings over a number of years and have been held by the City for economic development for quite some time. Not only will rehabilitation of these properties enhance the appearance and stability of neighborhoods, but it will also lessen the City's financial burden related to upkeep of the premises throughout the municipality.

The purchase price for each of the ten (10) properties is \$5,000.00, for a grand total of \$50,000.00. Based upon the location and conditions of the properties in question, this price is both fair and adequate. The proposed transfer of the City-owned lots in question is clearly in the best interests of the City and in conformity with the requirements of the City Charter related to the disposition of City-owned property. Additionally, the transfer of the properties will be subject to a certain development timeline.

Will the Council so approve and authorize the Mayor to execute on behalf of the City all documents relating to the transfer of the properties in question, provided that the same are in a form acceptable to the Corporation Counsel?

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

Yeas

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Nays

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APPROVED

PROPERTY SALE: CITY-OWNED REAL PROPERTY TO RJ NIAGARA, LLC.

#### Agenda Item #13

Please be advised that the City's Department of Economic Development is in receipt of a development proposal submitted by RJ Niagara, LLC, a Niagara Falls-based business with a record of successful renovation and rehabilitation projects. This proposal focuses on the acquisition of two City-owned properties located on 10th Street (an apartment building at 401 10th Street and a nearby vacant lot at 412 10th Street). The apartment building would be the subject of an extensive renovation leading to a proposed use of the premises as a long term rental. The vacant lot, which is across the street from the apartment building, would be paved and utilized for parking. Rehabilitation and revitalization of these properties within the Southend Gateway Revitalization District is intended to spur more incremental development in the surrounding area and provide much needed, modernized market rate amenities in an area that struggles with aging housing stock.

In furtherance of the proposal and in the overall best interests of the City, it is hereby requested that the City Council approve the conveyance of 401 10th Street and 412 10th Street to RJ Niagara, LLC. These properties were acquired by the City through In Rem proceedings and have been held by the City for economic development for quite some time. It is proposed that not only will rehabilitation and revitalization of these properties enhance the appearance and stability of the neighborhood, but it will also lessen the City's financial burden related to upkeep of the premises.

The proposed purchase price for the property at 401 10th Street is \$20,800.00 and the price for the vacant lot at 412 10th Street is \$800.00, for a grand total of \$21,600.00. Based upon the location and condition of the properties in question, this price is both fair and adequate. The proposed transfer of the City-owned lots in question is clearly in the best interests of the City and in conformity with the requirements of the City Charter related to the disposition of City-owned property. Additionally, the transfer of the properties will be subject to a certain development timeline.

Will the Council so approve and authorize the Mayor to execute on behalf of the City all documents relating to the transfer of the properties in question, provided that the same are in a form acceptable to the Corporation Counsel?

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

Yeas

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Nays

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APPROVED

PROPERTY SALE: 550 MAIN STREET, NIAGARA WANDERLUSTING, INC.

Agenda Item #14

In a separate item submitted for your approval, it was requested that the City Council authorize the designation of Niagara Wanderlusting, Inc. as the "Preferred Developer" for the Cannon Block property, as its proposal was the second highest scored proposal submitted in response to the City's original development RFP. Conditioned upon the approval of this designation, it is hereby requested that the City convey the premises to Niagara Wanderlusting, Inc.

Niagara Wanderlusting is a Niagara Falls-based, MWBE business with a history of successful ventures. The proposed plan for the premises will provide enhanced amenities and for improving travel experience of visitors, while simultaneously providing a centralized corporate headquarters for a growing MWBE industrial supply company.

The purchase price for the property is \$54,000.00, plus \$325.00 for expenses relative to the City's reacquisition of the property (this was the same price that the City paid to reacquire the property). Based upon the condition of the property, this price is both fair and adequate. The transfer of the property, which is in the City's best interest, will be conditioned upon a certain development timeline.

Will the Council so approve and authorize the Mayor to execute on behalf of the City all documents relating to the transfer of the property at 550 Main Street, provided that final agreements and such related documents are in a form acceptable to the Corporation Counsel?

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

Yeas

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Nays

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APPROVED

CITY-OWNED PROPERTIES: TRANSFER TO NIAGARA ORLEANS REGIONAL LAND IMPROVEMENT CORPORATION-LAND BANK, VARIOUS PROPERTIES

Agenda Item #15

The five (5) above-mentioned properties were acquired by the City through In Rem proceedings and have been held for economic development purposes for some time. It is recommended that the City transfer these properties to the Niagara Orleans Regional Land Improvement Corporation (the Land Bank) for further disposition as the same is in the best interests of the City.

Will the Council so approve and authorize the Mayor to execute any required documentation in the form acceptable to the Corporation Counsel?

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

Yeas

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Nays

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APPROVED

FIRE DEPARTMENT: REORGANIZATION

Agenda Item #16

With the anticipated retirement of the Jr. Account Clerk in the Fire Department Administration, there is an opportunity to reorganize this office in a manner that will maintain essential services and maximize efficiency. Accordingly, the Fire Chief has proposed to create an "Account Clerk" position. There will be savings to the City as the new position is at a lower pay grade than the current position, with longevity.

Will the Council so approve?

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

Yeas

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Nays

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APPROVED

DEPARTMENT OF ECONOMIC DEVELOPMENT: INCREASE IN DIRECTOR'S PAY

Agenda Item #17

As you know, the City has been attempting to fill the vacant position of Director in the Economic Development Department for some time. In order to make the position attractive for potential candidates, it is hereby proposed that the salary for the position, which is currently \$85,000.00 in the 2022 budget, be increased to \$115,000.00. Please recall that this position is fully funded by the City's Tourism Fund and that sufficient funds exist within the Tourism Fund Balance to cover the proposed increase in salary.

Will the Council so approve?

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

Yeas

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Nays

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APPROVED

NEIGHBORHOOD LEGAL ESG GRANT: EXTENSION

Agenda Item #18

In 2021, Council approved a grant of \$50,000.00 of 2020 ESG funds to Neighborhood Legal Services, Inc. for homeless prevention legal assistance in Niagara Falls. The funds were to be expended by June 30, 2022.

Due in part to City Court scheduling and the eviction moratorium, all of the funds were not expended. It is proposed that the grant be extended to allow for expenditure up to October 1, 2023.

Will the Council vote to approve the grant extension for Neighborhood Legal Services as presented herein, and to authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas

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Nays

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APPROVED

CITY-OWNED PROPERTIES: PROPERTY PURCHASE PROGRAM, TRANSFER

Agenda Item #19

On April 20, 2022, this Administration announced the creation of the "Property Purchase Program." This program has been designed to put long vacant City-owned lots into the hands of adjacent residential property owners. Not only will this program enhance the appearance and stability of neighborhoods, but it will also lessen the City's financial burden related to upkeep of vacant lots throughout the municipality.

It is proposed that the fifty-two (52) vacant residential lots listed on the attached file (on file in the City Clerk's Office) be offered to adjacent residential property owners for purchase. These properties were acquired by the City through In Rem proceedings over a number of years and have previously been offered for public auction. Offers will only be made to adjacent property owners that are current with all property taxes and whose properties are free of any existing code violations.

The minimum purchase price for each property will be \$500.00 and may also include additional closing related costs. This minimum price is fair and adequate based upon condition of the properties in question. The successful purchaser will also be required to amalgamate the vacant parcel with their adjacent property, creating one combined property under one S/B/L number. Once purchased, the properties can be used for a myriad of personal residential purposes including, but not limited to, gardens, pools, home additions, storage and parking.

The proposed transfer of the City-owned lots in question, in furtherance of the Property Purchase Program, is clearly in the best interests of the City and in conformity with the requirements of the City Charter related to the disposition of City-owned property.

Will the Council so approve and authorize the Mayor to execute any required documentation in the form acceptable to the Corporation Counsel?

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

Yeas

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Nays

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APPROVED

CONTRACT: UNITED STEELWORKERS LOCAL 9464, CITY OF NIAGARA FALLS

#### Agenda Item #20

Please recall that in 2019, the United Steelworkers Local 9434 ("USW") filed an improper practice charge at the Public Employment Relations Board ("PERB") regarding the City's lease agreement at the Hyde Park Golf Course (PERB Case No. U-36783). In 2020, PERB issued a ruling against the City and ordered that certain maintenance work at the golf course, which is now being performed by the operator, be returned to members of the USW. The City subsequently appealed this ruling and the Supreme Court, Appellate Division, 3<sup>rd</sup> Department, remanded the matter back to PERB for further discussion related to the original order.

During the pendency of the appeal, the City and the USW have engaged in discussions regarding a settlement of the proceeding and have now reached an agreement. This Agreement, which is attached (on file in the City Clerk's Office) for your information and review, will preserve the City's current arrangement with the vendor at the Hyde Park Golf Course as well as protect the USW's rights related to maintenance work.

Will the Council vote to approve the attached settlement agreement, thereby resolving PERB Case No U-36783, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas

4

Members Bax, Myles, Tompkins, Zajac

Nays

0

Abstained

Chairman Spanbauer

APPROVED

CONTRACT: NORTHPOINT COUNCIL, INC., EMPLOYEE ASSISTANCE PROGRAM

Agenda Item #21

Attached (on file in the City Clerk's Office) for your information and review is the proposed agreement between the City and Northpointe Council, Inc., whereby Northpointe will provide Employee Assistance Program services for all non-public safety employees. The term of this proposed agreement is for one (1) year. The cost for these services is \$2.00 per employee, per month based on an employee count of 200, for a yearly total of \$4,800.00. Funds are available in the Department of Human Resources budget line A.1430.0000.0451.000.

Will the Council so approve?

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

Yeas

4

Members Myles, Tompkins, Zajac, Chairman Spanbauer

Nays

0

Accused

Member Bax

APPROVED

CONTRACT: NCCC, RAINBOW PARKING RAMP, PARKING

Agenda Item #22

Niagara County Community College ("NCCC") has again requested parking access for its staff and students at the Culinary Institute in the City's Rainbow Parking Ramp. NCCC will purchase a variable number of parking spaces/permits during Fall and Spring semesters based upon enrollment and fifty (50) parking permits during the months of June, July and August. The rate established per parking permit is \$40.00 per permit, per month.

The term of the proposed agreement is for two (2) years through August 31, 2024 and provides that either party has the ability to terminate the same on thirty days written notice.

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

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

Yeas

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Nays

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APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: PROGRESSIVE INSURANCE COMPANY A/S/O JACQUELINE RIVERA

Agenda Item #23

Date of Occurrence: July 17, 2021.

Date Claim Filed: August 24, 2021.

Date Action Commenced: Not Applicable.

Location: Intersection of 7<sup>th</sup> Street and Ferry Street.

Nature of Claim: Subrogation claim by Progressive, seeking reimbursement of payments it made to its insured, Rivera, for property damage she sustained to her 2014 Hyundai Sonata GLS automobile due to an alleged road defect on 7<sup>th</sup> Street.

Status of Claim: The City, with Council approval, has already reimbursed our liability insurer, NYMIR, for paying Progressive's claim for the above-referenced property damage. NYMIR subsequently issued a \$638.60 payment to Progressive for the cost of a rental car during repairs, and NYMIR now seeks reimbursement from the City pursuant our deductible.

Recommendation/Reason: Best interest of City.

Amount to be Paid: \$638.60

Check Writing Details: NYMIR has already paid this amount to Progressive, and invoiced the City for reimbursement. Council's approval of this item will authorize the City Controller to pay \$638.60 to NYMIR, conditioned upon the City's receipt of a signed Release approved by Corporation Counsel.

Conditions: As set forth above.

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

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

Yeas

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Nays

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APPROVED

RESOLUTION: MCWILSON, MARSHA, HONORING, 2022-56

BY: MAYOR ROBERT M. RESTAINO, ALL COUNCIL MEMBERS

#### Agenda Item #24

WHEREAS, Niagara Falls' own Marsha McWilson is truly a woman of many gifts and talents; and

WHEREAS, the youngest of 12 children, Marsha began singing at 6 years old, as a member of the St. Johns AME Church choir. Her exposure to gospel music helped shape her style, which eventually transformed into the "Inspirational Blues" genre she currently performs today; and

WHEREAS, as a former radio host on the legendary WUFO Mix 1080AM, Marsha made a name for herself as an accomplished Gospel and Blues singer, performing with big names such as David and Tamela Mann, Yolanda Adams, Kim Burrell and Donnie McClurkin. She has appeared on television on Tyler Perry's "If Loving You Is Wrong"; and

WHEREAS, notwithstanding her popularity as an entertainer, Marsha McWilson has continued to uphold her faith through music, appearing on the Bobby Jones Gospel Show, and leading a gospel choir down the runway at Fashion Week in Toronto, Ontario. She is also currently evangelist at Zion Dominion Global Ministries; and

WHEREAS, along with singing and performing with a variety of celebrities, Marsha has received accolades for her contribution to music, as well as her community. In 2002, she was awarded the Humanitarian Award from the City of Niagara Falls. Marsha was also the first Black woman artist to be inducted into the Niagara Falls Music Hall of Fame; and

WHEREAS, Marsha is also known as a businesswoman, as she successfully opened her own salon called McWilson House of Beauty after graduating from the MarJon School of Beauty Culture in 1994; and

WHEREAS, Marsha has accomplished all of this and more despite several tragedies throughout her life. Marsha has persevered and, through her faith in God, has overcome the barriers holding her back; and

WHEREAS, the City of Niagara Falls is proud to honor its daughter, Marsha McWilson - Wife, Mother, Certified Woman Minority Business Owner, Recording Artist, Television Actress, Motivational Speaker, and so much more. We are all blessed to know her and truly appreciate her many gifts to our community.

NOW, THEREFORE, BE IT RESOLVED that the Niagara Falls City Council and Mayor Robert M. Restaino wish to honor Marsha McWilson and recognize her life, talent, dedication and commitment to our City and the community at large by designating October 5, 2022, as "Marsha McWilson Day" in the City of Niagara Falls.

Yeas

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Nays

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ADOPTED

RESOLUTION: RELATIVE TO RESTORE NY COMMUNITIES INITIATIVE MUNICIPAL GRANT PROGRAM APPLICATION, 2022-57

BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN SPANBAUER

Agenda Item #25

WHEREAS, City staff have prepared a Restore NY Communities Initiative Municipal Grant application for the proposed project submitted by RJ Davis and Company Development; and

WHEREAS, the project, Power City Landmark, is focused on the revitalization and rehabilitation of residential housing in the City by restoring twelve (12) blighted and condemned properties within the Southend Gateway Revitalization District; and

WHEREAS, a public hearing was held on the 5<sup>th</sup> day of October, 2022 at 6:00 PM Eastern Standard Time, in the City Hall Chambers of the City of Niagara Falls, New York at City Hall, 745 Main Street, and that the required notices of said hearing was published in the Niagara Gazette preceding said hearing; and

WHEREAS, at the hearing public comments were heard regarding the proposed Restore NY Grant application.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby finds that the proposed project is consistent with the municipality's local revitalization/urban development plan, that the proposed financing is appropriate for the specific project, and that the project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and

BE IT FURTHER RESOLVED that the City Council hereby authorizes the submission of the grant application to Empire State Development and authorizes the Mayor to take any and all appropriate action in furtherance thereof.

Yeas

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Nays

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ADOPTED

RESOLUTION: SCHEDULING A PUBLIC HEARING RELATIVE TO AN ESTIMATE OF THE AMOUNT NECESSARY TO PAY THE EXPENSES FOR THE RECYCLING AND REFUSE PROGRAM FOR FISCAL YEAR 2023, 2022-58

BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN SPANBAUER

Agenda Item #26

WHEREAS, Local Law #3 for the year 2019, a Local Law to amend the Niagara Falls City Charter as amended by adding Section 10.37, entitled "Taxation and Assessment", which was adopted by City Council on November 21, 2019 and was received and filed by the New York State Department of State on December 10, 2019; and

WHEREAS, Subsection 10.37 (A) (2) of 10.37 of the Charter requires that or before September 15<sup>th</sup> each year, the City Controller make an estimate of user fees and probable revenues to be received by the City for Recycling And Refuse during the current fiscal year and estimate the amount necessary to pay the expenses for the Recycling And Refuse program for the succeeding fiscal year; and

WHEREAS, on or about September 9, 2022, the City Controller provided the required information relating to recycling and refuse user fees and revenues to the City Council; and

WHEREAS, pursuant to subsection 10.37 (A) (2), the City Council is now required to convene a public hearing, whereby the council shall hear any taxpayer who wishes to be heard in reference thereto. After such hearing, the council shall consider such user fees and estimates and may adopt such estimates so submitted to it, add items thereto, or increase, diminish or reject any item therein contained, except such as relates to City indebtedness; and

WHEREAS, furthermore, at the first regular meeting of the City Council in the month of October preceding the expiration of the fiscal year, the City Council is to adopt the user fees and estimates as last amended; this would require the City Council to make such a determination at its meeting on October 5, 2022 without the benefit of the public hearing; and

WHEREAS, however, in 2021, Chapter 5.6 (B) of the City Charter was amended to move the date for the Mayor's submission of the proposed executive budget for the following fiscal year from the first working day of October to the first working day of November, in order to streamline the budget process; and

WHEREAS, with the executive budget proposal moved to November, and as the user fees and estimates are a significant part of any proposed budget, the Council has determined that it would therefore be beneficial to schedule both the public hearing and the Council's consideration and adoption of the user fee and estimates at its first regular meeting in November 2022 (November 2, 2022), which more closely corresponds with the Council's deliberations on the 2023 City Budget.

WHEREAS, accordingly, both the public hearing and the Council's consideration and adoption of the user fee and estimates should occur at the council's regular meeting on November 2, 2022.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York has determined that a public hearing pursuant to Section 10.37 of the City Charter be held on the 2nd day of November, 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 an estimate of the amount necessary to pay the expenses for the Recycling And Refuse program for fiscal year 2023; and it is further

RESOLVED, following said public hearing, at the Council's regular meeting on November 2, 2022, the City Council will adopt the user fees and estimates as last amended

Yeas	5
Nays	0

ADOPTED

RESOLUTION: AMENDING CHAPTER 1137 OF THE CODIFIED ORDINANCES ENTITLED "LANDLORD RENTAL AND PROPERTY OWNER REGISTRATION:", 2022-59  
BY: COUNCIL MEMBER TOMPKINS

Agenda Item 27

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that Chapter 1137 of the Codified Ordinances entitled "Landlord Rental and Property Owner Registration" is hereby amended to read as follows:

#### CHAPTER 1137

##### LANDLORD RENTAL AND PROPERTY OWNER REGISTRATION

1137.01	Purpose	1137.05	Penalties for Offenses
1137.02	Enforcement	1137.06	Severability
1137.03	Definitions	1137.07	Revocation of Chapter
1137.04	Property Registration		

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As of October 1, 2022, Chapter 1137 of the Codified Ordinances of the City of Niagara Falls shall be revoked and replaced by Chapter 1142 of the Codified Ordinances of the City of Niagara Falls in regard to all new landlord registrations

As of October 1, 2022, no new landlord registrations will be issued and/or renewed pursuant to Chapter 1137 of the Codified Ordinances of the City of Niagara Falls. All previously existing landlord registrations issued prior to October 1, 2022 pursuant to this Chapter will remain in effect until no later than their respective expiration dates. All previously existing landlord registrations granted under Chapter 1137 of the Codified Ordinances of the City of Niagara Falls will continue to be governed by Chapter 1137 until their respective expiration dates. Once the previously existing landlord registrations have expired, or have been terminated at an earlier date in accordance with the provisions set forth in Chapter 1137, any/all affected landlords will be required to comply with the provisions of Chapter 1142 of the Codified Ordinances of the City of Niagara Falls if said registrant still wishes to continue doing business as a residential landlord in the City of Niagara Falls.

As such, upon the expiration or termination of all previously existing registration(s) as granted pursuant to Chapter 1137 of the Codified Ordinances of the City of Niagara Falls, Chapter 1137 shall be fully revoked and replaced by Chapter 1142 of the Codified Ordinances of the City of Niagara Falls.

Bold and Underline Indicate Additions

Bold and Brackets Indicate {Deletions}

Yeas

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Nays

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ADOPTED

RESOLUTION: ADDING CHAPTER 1142 OF THE CODIFIED ORDINANCES ENTITLED "RENTAL DWELLING UNIT REGISTRATION", 2022-60

BY: COUNCIL MEMBER TOMPKINS

Agenda Item #28

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that Chapter 1142 of the Codified Ordinances entitled "Rental Dwelling Unit Registration" is hereby added to the Codified Ordinances of the City of Niagara Falls and shall read as follows:

### CHAPTER 1142

#### RENTAL DWELLING UNIT REGISTRATION

1142.01	Purpose	1142.13	Fees: Annual Review
By			
1142.02	Enforcement		Director
1142.03	Definitions	1142.14	Penalties for Offenses
1142.04	Rental Dwelling Unit Registration	1142.15	Enforcement
Inspection			
	Required; Exemptions		Criteria and Authority
1142.05	Application for Registration	1142.16	Notice of Violation
1142.06	Managing Agent Requirement	1142.17	Tenant Accountability
1142.07	Issuance or Denial of Rental	1142.18	Appeals
	Dwelling Unit Registration	1142.19	Severability
1142.08	Effect of Denial or Revocation	1142.20	Director's

## Regulations

1142.09	Term of Rental Dwelling Unit	1142.21	Remedies Not
Exclusive			
	Registration	1142.22	Fees: Fee Schedule
1142.10	Transfer of Rental Dwelling Unit	1142.23	Effective Date
	Registration		
1142.11	Revocation of Rental Dwelling		
	Unit Registration Certificate		
1142.12	Duties of Certificate Holder		

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### 1142.01 PURPOSE

The Niagara Falls City Council hereby finds and declares that the rental of dwelling units constitutes a business which impacts the public health, safety and general welfare of the people of the City of Niagara Falls. The intent of this chapter is to regulate the offering for rental of dwelling units to protect the public health, safety and general welfare of the people of the City of Niagara Falls and to further achieve the following beneficial purposes:

- A. The protection of the character and stability of residential areas;
- B. The correction and prevention of housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons occupying dwellings;  
The enforcement of minimum standards for heating, plumbing and other sanitary equipment necessary for health and safety;
- C. The enforcement of minimum standards for light and ventilation necessary for health and safety;  
The enforcement of minimum standards for the maintenance of existing residential buildings and the prevention of slum and blight conditions; and
- D. The preservation of the value of land and buildings throughout the City.

### 1142.02 ENFORCEMENT

This chapter shall be enforced by the Director of Code Enforcement and/or his/her designee.

### 1142.03 DEFINITIONS

As used in this chapter, the following terms shall have the meanings indicated:

ACTION or PROCEEDING - Any action or proceeding which may be instituted in the City Court of the City of Niagara Falls or the County Court of the County of Niagara or the Supreme Court of the County of Niagara or any court of competent jurisdiction with an alleged violation of any ordinance or law of the City of Niagara Falls.

BUILDING – Any improved real property, residential or mixed use (commercial-residential), located within the City of Niagara Falls that is non-owner occupied or is improved and unoccupied.

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CHANGE IN OCCUPANCY – Whenever a tenant shall move from, vacate or quit willingly or otherwise or express the firm intent to vacate or quit a rental unit.

DIRECTOR – The Director of Code Enforcement of the City of Niagara Falls, New York and/or his/her designee.

DWELLING UNIT - A single residential accommodation which is arranged, designed, used or, if vacant, intended for use exclusively as a domicile or residence of one or more human beings.

FOREIGN BUSINESS ENTITY – A for-profit business entity formed under laws other than the statutes of the State of New York (i.e. business entities formed under the laws of any state other than the State of New York and/or business entities formed under laws existing outside of the United States).

HOUSING CODE - All state and local laws, codes, ordinances, rules and regulations for the establishment and maintenance of housing standards.

IDENTIFICATION OF BUILDING – It is required that the house number be placed on the building in a conspicuous place.

#### LANDLORD AND PROPERTY OWNER REGISTRATION

STATEMENT – A form created by the Director and distributed to the owner of rental property and unoccupied property in accordance with standards and requirements set forth in this Chapter.

OWNER – Any individual or individuals, partnership or corporation or any similar type business organization, whether for profit or otherwise, in whose name title to a building stands, including a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of the property.

PROCESS – A summons, complaint or any notice, mandate or any other paper process issued under any provision of the Codified Ordinances of the City of Niagara Falls or any law or regulation of the State of New York.

RENTAL PROPERTY – Includes all properties which are either rented, leased, let or hired out to be occupied for residential or mixed used (commercial-residential), and are non-owner occupied. For any rental property to be considered owner occupied, the owner must prove that at least one (1) owner, partner, or shareholder of a corporation actually has his or her principal residence at the rental property and reside therein on a full-time basis, it being the actual domicile of that owner, partner, or shareholder. At the request of the City of Niagara Falls, any owner who claims to occupy the rental property shall provide a sworn affidavit providing the necessary information to support his or her claim that the premises are owner occupied.

RENTAL UNIT – A residential unit occupied by a party other than an owner.

RESIDENTIAL UNIT – One or more rooms with provision for sanitary and sleeping facilities, for food preparation, for living and for working.

TENANT – A party whose right to possession of a rental unit is subject to the express or implied consent of the owner.

UNOCCUPIED PROPERTY – Any improved real property that is not occupied by the owner or a tenant.

1142.04 RENTAL DWELLING UNIT REGISTRATION REQUIRED; EXEMPTIONS

A. REGISTRATION REQUIRED

1. No person shall allow to be occupied, or rent to another for occupancy, any dwelling unit unless the owner has first obtained a rental dwelling unit registration certificate as hereafter provided.

B. EXEMPTIONS

1. The provisions of this chapter shall not apply to owner-occupied properties containing two or fewer dwelling units; hotels; motels; bed-and-breakfast establishments; rooming or boarding houses; hospitals; nursing homes; or other dwelling units which offer or provide medical or nursing services if such units are subject to state or federal licensing or regulations concerning the safety of the users, patients or tenants.
2. Exemptions to provisions herein concerning lead in a property shall not apply to properties constructed after 1978, or to properties for which the owner has submitted a letter of compliance from a licensed lead inspector. In addition, the Director, or his/her designee, may determine that a property is in compliance. The Department of Code Enforcement reserves the right to request a third-party verification of compliance concerning safety of the property.

1142.05 APPLICATION FOR REGISTRATION

- A. Within sixty (60) days after the effective date of this chapter or within thirty (30) days prior to the expiration of a previously existing registration as granted pursuant to Chapter 1137 of the Codified Ordinances of the City of Niagara Falls, the owner of each dwelling unit existing on the effective date of this chapter shall make written application to the Director for a rental dwelling unit registration certificate. In addition, the owner of each dwelling unit constructed after the effective date of this chapter shall make written application to the Director for a rental dwelling unit registration certificate as herein provided prior to any initial occupancy. Such application shall be made on a form furnished by the Director and shall set forth the following information, in addition to other information required by the Director from time to time which may be necessary to administer, enforce, and insure compliance with the provisions of this chapter and the housing code.

1. Name, date of birth, principal residence address, principal business address, telephone number of the owner and address of property to be registered. A copy of the property owner's photo identification (ID) shall also be required upon submission of said application.

2. If the property owner is a foreign business entity, said foreign business entity must apply to do business in the State of New York by filing an 'Application for Authority' with the New York State Secretary of State pursuant to New York State Business Corporation Law § 1304, New York Limited Liability Company Law § 802 and New York State Revised Limited Partnership Act § 121-902. Proof of filing of the 'Application of Authority' may be requested by the Director along with the written application to the Director. If said foreign corporation subsequently revokes its 'Application(s) of Authority' after issuance of a Landlord Rental and Property Owner Registration, said registration shall be immediate revoked.
3. If the owner is an association, limited liability partnership, general partnership, joint tenancy, tenancy in common or tenancy by the entirety, then each and every owner or general partner shall be indicated on the application and register an address in accordance with subsection A(1) of this section. Applicant must also indicate which member(s) of the association, limited liability partnership, general partnership, joint tenancy, tenancy in common or tenancy by the entirety should be named in Court Actions on behalf of the association, limited liability partnership, general partnership, joint tenancy, tenancy in common or tenancy by the entirety and if said member(s) is/are the same member(s) designated as Agent(s) with the New York State Secretary of State.  
If the owner is a corporation the principal place of business of the corporation must be provided and the name, title, date of birth and residential address of all officers, directors, and managing and general agents must be included. Applicant must also indicate which member(s) of the corporation should be named in Court Actions on behalf of the corporation and if said member(s) is/are the same member(s) designated as Agent(s) with the New York State Secretary of State.
4. If the owner is an LLC the principal place of business of the LLC must be provided along with the number of members of the LLC as well as the name, title, date of birth and residential address of all officers, directors and managing and general agents of the LLC. Applicant must also indicate which member(s) of the LLC should be named in Court Actions on behalf of the LLC and if said member(s) is/are the same member(s) designated as Agent(s) with the New York State Secretary of State.

5. Designation of Managing Agent. In the event the owner does not reside in the County of Niagara or an adjoining county within the meaning of New York Criminal Procedure Law § 130.40 the owner must designate a managing agent. If a managing agent is required, then the owner shall provide the following information to the Department of Code Enforcement in addition to the information provided in subsections (A)(1)-(14) of this section: the name, residential address, business address, business telephone number, home/cellular telephone number, and fax number of a natural person, 18 years of age or over, who actually resides within the County of Niagara, New York or an adjoining county within the meaning of New York Criminal Procedure Law § 130.40, and who shall be designated by such owner as a managing agent responsible for and in control of the maintenance and operation of such dwelling, and who shall be designated as the person upon whom process may be served on behalf of the owner. A copy of the property managing agent's photo identification (ID) shall also be required upon submission of said application. There shall be endorsed upon such statements a written consent to such designation signed by such managing agent. An owner who is a natural person and who meets the requirements of this subsection as to the location of the residence or place of transacting business of a managing agent may designate him/herself as such managing agent.
- a. The owner shall be obligated, at all times, to keep this information updated, and when there is a change in ownership or a change in the managing agent, the owner shall be obligated to update the information by amending the rental dwelling registration statement within fifteen (15) days from the date of any such change.
  - b. Nothing contained in this section shall be construed as preventing a corporation which is an owner of real property from designating as its managing agent with respect thereto as any officer of such corporation who meets the requirements of this subsection as to location of the residence or the place of transacting business of the managing agent.
  - c. Any designation as managing agent made pursuant to the provisions of this section shall remain in full force and effect until changed or terminated as hereinafter provided.
6. The managing agent or owner shall keep a current record of all the tenants, and their names and addresses, who are renting, leasing or living in the premises.
7. Applicant shall provide all insurance information relating to the property, if any.

8. It shall be the responsibility of the owner to properly register any change of address, agent and/or any other information which occurs after the filing of the application.
  9. Applicant shall provide any further information that may be requested by the Director, City of Niagara Falls Fire Chief, City of Niagara Falls Police Chief, and Corporation Counsel as such information may be necessary to protect the interests of the City, the owner, and/or any occupant of the rental property. The Corporation Counsel shall have the authority to require each property owner registration statement to include a copy of the current declaration page for any insurance required by this section to be disclosed. At the request of a registering property owner, insurance information shall be considered proprietary and shall not be disclosed to the public pursuant to the Freedom of Information Law until the owner is given notice of the request and an opportunity to object.
  10. The application shall also include proof of a bond in the sum of \$25,000, filed with the Niagara Falls City Controller's Office. This bond is to indemnify and save harmless the City against all forms of damage and losses which may result from a fire or other catastrophic loss at the building which would cause the City to have to demolish or maintain the building. The bond requirement will be waived if the owner produces proof of at least \$25,000 in fire insurance and names the City of Niagara Falls as a certificate holder on that policy.
  11. For purposes of this section, a post office box shall not be accepted as the owner's address. Further, the building intended to be licensed shall not be accepted as the owner's address unless it is the principal place of business or residence of the owner. The owner shall specify the address to which all notices of violation issued pursuant to Chapter 1142.15 of the Codified Ordinances of the City of Niagara Falls, and other violations of the housing codes, and invoices for fees are to be forwarded.
  12. If the property was constructed prior to 1978, the owner shall certify that the owner is aware of the possibility of lead in the property; that the owner is aware of federal disclosure requirements concerning property that may contain lead and has complied with federal disclosure requirements; and that the owner is familiar with the use of lead-safe methods during painting, renovation, or repair of the property. Said certification will be made available for completion on the City of Niagara Falls webpage and in the Department of Code Enforcement at City Hall.
- B. Failure to provide such information shall be grounds to deny a rental dwelling unit registration certificate. In addition, delinquent property taxes owed in regard to the property to be registered shall be grounds to deny a rental dwelling unit certificate.

1142.06      MANAGING AGENT REQUIREMENT

- A. Pursuant to the provisions set forth in Chapter 1142.05(6) of the Codified Ordinance of the City of Niagara Falls, every owner who rents a residential rental premises which is subject to the provisions of this article and who does not maintain a bona fide residence in the County of Niagara or an adjoining county within the meaning of New York Criminal Procedure Law § 130.40, shall designate a managing agent who maintains a bona fide residence in the County of Niagara or an adjoining county. Such designation shall be indicated in the **space** provided by the owner on the registry application form as provided herein.
- B. A designated managing agent of an owner may be served with a notice of violation or order of violation or an appearance ticket or other service of process, whether criminal or civil, pursuant to and subject to the provisions of law, as if actually served upon the owner.
- C. No owner who designates a managing agent pursuant to the provisions of this article may assert the defense of lack of notice or lack of in personam jurisdiction based solely upon the service of process upon his designated agent.

1142.07      ISSUANCE OR DENIAL OF RENTAL DWELLING UNIT  
REGISTRATION

Upon completion of an inspection of a building and dwelling units therein, if the Director of Code Enforcement finds noncompliance with the housing code, the Director shall issue a notice of violation in accordance with Chapter 1142.16 of the Codified Ordinances of the City of Niagara Falls for the correction of any violations of the housing code. Upon reinspection, if the Director finds noncompliance with the notice of violation the Director shall deny a certificate or revoke any issued certificate in accordance with the procedure set forth in Chapter 1142.11 of the Codified Ordinances of the City of Niagara Falls. The Director shall issue a written statement setting forth the reasons for the denial or revocation.

1142.08      EFFECT OF DENIAL OR REVOCATION

- A. *Vacant units.* When a rental dwelling unit registration certificate has been denied or revoked, no further rental and/or occupancy of dwelling units then vacant shall be permitted until a rental dwelling unit registration certificate has been issued.
- B. *Occupied units.* In addition to other penalties under this chapter and the Codified Ordinances of the City of Niagara Falls, when a rental dwelling unit registration certificate has been denied or revoked, the dwelling units containing such violations shall be vacated after the Director provides notice to the owner and the occupants of the dwelling units containing said violations. Such notice shall direct the owner and occupants of the dwelling units containing such violations to vacate within a period of time as determined by the Director and may provide a reasonable period for the owner or occupants to correct such violations.



- C. For the owner, such notice shall be mailed by first class mail to the owner or the managing agent at the addresses provided by the owner pursuant to Chapter 1142.05 of the Codified Ordinances of the City of Niagara Falls or personally served upon the owner or managing agent by delivering the notice to the owner or managing agent or by delivering the notice to a person of suitable age and discretion at the owner or managing agent's residence or place of business. For the occupants, such notice shall be mailed to the occupant at the dwelling unit or posted conspicuously at the occupant's dwelling unit. Vacated dwelling units shall not be reoccupied until a rental dwelling unit registration certificate has been issued.
- D. *Occupied units; immediate hazard.* In addition to other penalties set forth under this chapter and the Codified Ordinances of the City of Niagara Falls, when a rental dwelling unit registration certificate has been denied or revoked for reasons which, in the determination of the Director, present violations of the housing code that create an immediate hazard to the health and safety of the occupants, the dwelling units containing such violations shall be vacated within thirty (30) days of such determination. The Director's determination shall be in writing and shall direct the owner and occupants of the dwelling units containing such violations to vacate the premises within a period of time not to exceed thirty (30) days, as determined by the Director. The Director's determination shall be mailed by first-class mail to the owner or managing agent at the addresses provided by the owner pursuant to Chapter 1142.05 of the Codified Ordinances of the City of Niagara Falls or personally served upon the owner or managing agent by delivering the notice to the owner or managing agent or by delivering the notice to a person of suitable age and discretion at the owner or managing agent's residence or place of business. The Director's determination shall also be posted at the subject building and, to the extent possible, it shall also be posted conspicuously at each dwelling unit. Vacated dwelling units shall not be reoccupied until a rental dwelling unit registration certificate has been issued.
- E. The notices provided under this section shall not be used to institute, or deemed to establish sufficient grounds for, a summary eviction proceeding under the Real Property Actions and Proceedings Law.

#### 1142.09 TERM OF RENTAL DWELLING UNIT REGISTRATION

A rental dwelling unit registration issued pursuant to this chapter shall expire one (1) year after the date of its issuance, unless sooner revoked pursuant to Chapter 1142.11 of the Codified Ordinances of the City of Niagara Falls. Within sixty (60) days prior to the expiration of a rental dwelling unit registration certificate, the owner shall make a new written application for a rental dwelling unit registration certificate in accordance with Chapter 1142.05 of the Codified Ordinances of the City of Niagara Falls. In no event shall a certificate be issued pursuant to this chapter remain in effect more than one (1) year after the date of its issuance unless further extended by the Director for sufficient cause.

1142.10          TRANSFER OF RENTAL DWELLING UNIT REGISTRATION

A rental dwelling unit registration issued pursuant to this chapter is transferable to any person who has acquired ownership of a registered building for the unexpired portion of the one (1) year term for which it was issued, provided that an application to transfer such certificate is filed with the Director within thirty (30) days of title transfer and the dwelling units therein are in compliance with the housing code.

1142.11          REVOCATION OF RENTAL DWELLING UNIT REGISTRATION  
CERTIFICATE

A. A rental dwelling unit registration certificate issued pursuant to this chapter may be revoked by the Director for any one or more of the following reasons:

1. Fraud, misrepresentation or a false statement as to a material fact in the application.
2. A finding that a rental dwelling unit registration was issued in error and not in accordance with applicable law.  
A violation of any of the provisions of this chapter, including noncompliance with a notice of violation issued pursuant to Chapter 1142.16 of the Codified Ordinances of the City of Niagara Falls.
3. The Director, or his/her designated representative, determines that the rental dwelling unit does not substantially conform with the terms/laws of this or any chapter of the Codified Ordinances of the City of Niagara Falls, the Charter of the City of Niagara Falls and/or any of the New York State Codes adopted pursuant to Chapter 1101 of the Codified Ordinances of the City of Niagara Falls.

B. Prior to such revocation, the Director shall hold a hearing, after at least ten (10) days' notice of the time and place of the hearing provided to the owner. The Director shall issue a written statement setting forth the reasons for the decision.

1142.12          DUTIES OF CERTIFICATE HOLDER

- A. Every holder of a rental dwelling unit registration certificate shall:
1. Conspicuously post the certificate in a protected mounting in the public corridor, hallway or lobby of the building for which the certificate was issued. This posting shall be in a common entrance. If no common entrance exists, then the posting shall be made at the entrance of each dwelling unit. In the alternative to such posting, the license shall be produced by the owner at the request of a tenant, a prospective tenant or upon demand of the Director.
  2. Conform with all other applicable state, county and City laws and ordinances on matters not specifically addressed in this chapter.

- B. The rental agreement or lease for a dwelling unit regulated under this chapter must include a disclosure of the smoking policy for the premises on which the dwelling is located. The disclosure must state whether smoking is prohibited on the premises, allowed on the entire premises or allowed in limited areas on the premises. If the smoking policy allows smoking in limited areas on the premises, the disclosure must identify the areas on the premises where smoking is allowed.

1142.13 FEES: ANNUAL REVIEW BY DIRECTOR

The Director shall review the fee schedule annually and recommend changes as he deems appropriate, to the City Council.

1142.14 PENALTIES FOR OFFENSES

- A. Any violation of this chapter by a person, firm, corporation, foreign business entity or any other entity shall be a violation punishable in accordance with the general penalty provisions under Chapter(s) 101.99 and/or 1101.02 of the Codified Ordinances of the City of Niagara Falls, with said penalties to be in addition to the revocation of a rental dwelling unit registration certificate issued under the provisions of this chapter. In addition, the annual registration fee will double thirty (30) days after the due date has passed and a second invoice for payment has been sent first-class mail to the owner or managing agent. In addition, a summons will be issued sixty (60) days after the due date has passed and a fine in the amount of Seventy Five and 00/100 Dollars (\$75.00) will be imposed in addition to the doubling of the registration fee, any/all outstanding registration fees and any additional late charges and/or penalties that may be charged. Furthermore, a notice to vacate may be issued and all tenants removed for failure to register a dwelling unit thirty (30) days after the due date has passed and after notice to the owner or managing agent and occupants by the Director
- B. Notwithstanding the lack of a specific reference thereto, failure to comply with any section, provision or requirement in this chapter shall be a violation and shall be punishable by a fine or penalty of not more than Two Hundred Fifty and 00/100 Dollars (\$250.00) or by imprisonment for not more than fifteen (15) days, or by both said fine and imprisonment, for each such offense and violation of any other applicable state statutes. Each day in which any such violation shall continue shall be deemed a separate offense. This chapter is a part of the City of Niagara Falls health, safety, housing, building, fire prevention and housing codes and a violation thereof shall be deemed to be a violation for purposes of state statutes allowing escrow of rent to remedy violations. Any charges involving violations of this chapter may be brought before the City of Niagara Falls Housing Court. Lead-based paint violations are subject to fines in accordance with the general penalty provisions under Chapter(s) 101.99 and/or 1101.02 of the Codified Ordinances of the City of Niagara Falls.

In addition, upon a finding of existing lead-based paint violations by the Department of Code Enforcement, the owner of the affected property must remediate said violation. Remediation is complete when a licensed lead inspector provides a letter of compliance for said property or when a licensed lead risk assessor provides a one (1) year letter of interim control for the property. Letters of interim control are valid for one (1) year and may be renewed only once. In addition, the Director of Code Enforcement and/or his/her designee, may determine that a lead-based paint violation is in compliance. The Department of Code Enforcement's determination may result in the revocation of the property's rental registration certificate.

1142.15 ENFORCEMENT INSPECTION CRITERIA AND AUTHORITY

- A. Upon the rental dwelling unit being registered, the owner of the rental dwelling unit consents to the inspection of the dwelling unit by the Director and/or his/her designated representative(s). The Director, and/or his/her designated representative(s), may make an inspection of the rental dwelling unit to determine whether or not such rental dwelling unit is in substantial compliance with this chapter, the Codified Ordinances of the City of Niagara Falls and the New York State Uniform Fire Prevention and Building Code. At the conclusion of said inspection, the Director, and/or his/her designated representative(s), shall provide the owner or managing agent with a copy of the results of the inspection.
- B. During regular business hours or in an emergency, the Director or his/her representative or any duly authorized City representative, upon the showing of proper credentials and in the discharge of his/her duties, may enter any building or rental unit within a building.
- C. At the request of the Director, the Corporation Counsel is authorized to make application to the City Court of the City of Niagara Falls or any other court of competent jurisdiction for the issuance of a search warrant to be executed by a police officer in order to conduct an inspection of any premises believed to be subject to this chapter. The Director may seek a search warrant whenever the owner, managing agent or occupant fails to allow inspections of any dwelling unit contained in the rental property where there is a reasonable cause to believe that there is a violation of this chapter, or a violation of the New York Uniformed Fire Prevention Building Code Act or of any code of the City of Niagara Falls or any applicable fire code.
- D. For properties constructed prior to 1978, the owner of the rental dwelling unit consents to the inspection of the dwelling unit by the Director and/or his/her designated representative(s) for lead violations or hazards. Upon testing of paint in the property, any owner found to have a property with existing lead-based paint violations must remediate the violation according to provisions set forth in this chapter.

Where violations or hazard are present, the rental dwelling unit registration certificate applicant must submit proof of completion of a local EPA Accredited Renovation, Repair and Painting Training Program in the time allotted by the Department of Code Enforcement. If the results of the inspection conducted pursuant to Chapter 1142.15, subsections (A) and (B), above, demonstrate that the dwelling unit is in substantial compliance with this chapter, the Codified Ordinances of the City of Niagara Falls and the New York State Uniform Fire Prevention and Building Code, the owner of the dwelling unit shall be entitled to retain his or her rental dwelling unit registration certificate.

1142.16 NOTICE OF VIOLATION

- A. Whenever the Director determines that a building or a dwelling unit contained therein is in violation of the housing code, he/she shall issue a notice of violation setting forth at a minimum:
1. The location of the subject property;
  2. Specific violations of the housing code; and
  3. A reasonable time, not to exceed sixty (60) days, for the correction of any violations.
- B. Said notice may contain any additional information as determined by the Director which may be necessary to achieve the goals of this chapter.
- C. For purposes of this chapter, the Director may grant additional time to correct violations of the housing code beyond sixty (60) days for sufficient cause as determined by the Director. Any such extensions shall be issued in writing by the Director stating the reasons for such extension and otherwise in accordance with the requirements of this section.
- The notice of violation may be mailed by first class mail to the owner or managing agent at addresses provided by the owner pursuant to Chapter 1142.05 of the Codified Ordinances of the City of Niagara Falls.

1142.17 TENANT ACCOUNTABILITY

- A. With respect to the dwelling unit which the tenant occupies, controls or uses, the tenant shall be responsible for the following standards:
1. Occupancy limitations and the lawful use of a dwelling unit.
  2. Maintenance of the dwelling unit in a clean, safe and sanitary condition.  
Maintenance of plumbing, cooking and refrigeration equipment, appliances, fixtures and facilities contained in the dwelling unit in a clean and sanitary condition and providing reasonable care in the operation and use thereof.
  3. Keeping exits in the dwelling unit free and clear.  
Disposing of garbage and refuse into provided facilities in a sanitary manner and keeping the dwelling unit free and clear from garbage, refuse and debris.

4. Keeping domestic animals and pets in an appropriate manner and under control.

B. To the extent that the owner can provide the Director with competent evidence that tenants have not complied with the above standards or that the tenants have contributed to the existence of housing code violations at the property, the Director may deem such circumstances to be sufficient cause to extend time for the correction of the violations pursuant to Chapter 1142.16, subsection (C) of the Codified Ordinances of the City of Niagara Falls.

#### 1142.18 APPEALS

- A. Any person affected by any notice or order which has been issued under any provision of this chapter or of any rule or regulation adopted pursuant thereto may request and shall be granted a hearing on the matter before the Director of Code Enforcement. Upon receipt of a written petition from such person, which petition shall contain a brief statement of the grounds therefor, the Director shall hold a hearing, at which time such person shall be given an opportunity to show why such notice or order should be modified and/or withdrawn. No such hearing shall be required unless the petition shall have been filed in the office of the Director within five (5) days after the date the notice or order was issued. On receipt of such petition, the Director shall set a time and place for such hearing and shall give the petitioner written notice thereof. The hearing shall be commenced not later than ten (10) days after the date on which the petition was filed. After such hearing, the Director may sustain, modify or withdraw the notice or order complained of by the petitioner, depending upon his finding as to whether the provisions of this chapter and of rules and regulations adopted pursuant thereto have been complied with. After any such hearing, in the case of any notice or order suspending any permit required by this chapter, when such notice or order has been sustained by the Director, such suspended permit shall be deemed to have been revoked. The proceedings at such hearing, including the findings and decision of the Director, shall be reduced to writing and entered as a matter of public record in the Department of Code Enforcement. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Director may appeal therefrom to any court of competent jurisdiction under the procedures provided by the laws of this state.
- B. No provision or requirement herein contained for a hearing shall in any way whatsoever affect or impair the right of the Director to at any time bring such legal proceedings, actions or prosecutions as otherwise or elsewhere are permitted by law or ordinance.

Whenever the Director finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately but, upon written petition to the Director, shall be afforded a hearing as soon as possible. After such hearing, depending upon his finding as to whether the provisions of this chapter and the rules and regulations adopted pursuant thereto have been complied with, the Director shall continue such order in effect or modify or revoke it.

1142.19 SEVERABILITY

If a term, part or provision, section, subdivision or paragraph of this chapter shall be held unconstitutional, invalid or ineffective, in whole or in part, such determination shall not be deemed to affect, impair or invalidate the remaining terms, parts, provisions, sections, subdivisions and paragraphs.

1142.20 DIRECTOR'S REGULATIONS

The Director is authorized to promulgate regulations consistent with the provisions of this chapter in order to carry out the objectives of this legislation.

1142.21 REMEDIES NOT EXCLUSIVE

The provisions of this chapter are not exclusive and are in addition to and do not supersede or preempt other remedies or provisions of the City, state, or federal laws and housing codes as may apply.

1142.22 FEES: FEE SCHEDULE

- A. *Certificate Issuance.* The fee, to be submitted at the time of application, for the issuance of a rental dwelling unit registration certificate shall be Ninety Five and 00/1000 (\$95.00) for a rental dwelling unit containing one (1), two (2) or three (3) rental units; One hundred and seventy five and 00/100 Dollars (\$175.00) for a rental dwelling unit containing four (4) or more rental units; and Two hundred and twenty five and 00/100 Dollars (\$225.00) for rental dwelling unit towers.
- B. *Annual Renewal Fee.* The owner of a rental dwelling unit shall pay an annual renewal fee of Twenty Five and 00/1000 (\$25.00) for a rental dwelling unit containing one (1) or two (2) rental units; and Forty and 00/100 Dollars (\$40.00) for a rental dwelling unit containing three (3) or more rental units, payable each year thereafter. The owner remains obligated to pay such fee during ownership of the rental dwelling unit and shall pay any delinquencies therein before transferring all or any part of the ownership of said unit. Notwithstanding the foregoing, a new owner making an application for a certificate is obligated, and shall be required, to pay all such current and delinquent annual fees with the application.

All funds generated from this chapter shall be used, among other things, for the hiring of an additional staff person and/or necessary equipment for the Rental Dwelling Unit Registration Program and Property Manager Registration Program in the Department of Code Enforcement.

Inspection Fees. Every property owner shall pay a fee of Seventy Five and 00/100 Dollars (\$75.00), to be assessed against the property, for each inspection after the second inspection in which violations of a state or local building code are found, unless such fee is waived by the Department of Code Enforcement. Inspectors shall assess the fee, after consultation with the Director of Code Enforcement, when, in the evaluation of the inspector, the status of the violation has not progressed or been satisfactorily completed. The fee shall not be applicable to inspections ordered after the commencement of a court action.

1142.23 EFFECTIVE DATE

This chapter shall be effective on October 1, 2022 whereupon Chapter 1137 of the Codified Ordinances of the City of Niagara Falls shall be revoked and replaced by this, Chapter 1142 of the Codified Ordinances of the City of Niagara Falls, in regard to all new landlord registrations

As of October 1, 2022, no new landlord registrations will be issued and/or renewed pursuant to Chapter 1137 of the Codified Ordinances of the City of Niagara Falls. All previously existing landlord registrations will remain in effect until no later than their respective expiration dates. All previously existing landlord registrations granted under Chapter 1137 of the Codified Ordinances of the City of Niagara Falls shall be still be governed by Chapter 1137 until their respective expiration dates. Once the previously existing landlord registrations have expired, or have been terminated at an earlier date in accordance with the provisions set forth in Chapter 1137, any/all affected landlords will be required to comply with the provisions of this, Chapter 1142 of the Codified Ordinances of the City of Niagara Falls, if said registrant still wishes to continue doing business as a residential landlord in the City of Niagara Falls.

As such, upon the expiration or termination of all previously existing registration(s) as granted pursuant to Chapter 1137 of the Codified Ordinances of the City of Niagara Falls, Chapter 1137 shall be fully revoked and replaced by this, Chapter 1142 of the Codified Ordinances of the City of Niagara Falls.

Bold and Underline Indicate Additions

Bold and Brackets Indicate {Deletions}

Yeas  
Nays

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0  
ADOPTED



RESOLUTION: ADDING CHAPTER 1143 OF THE CODIFIED ORDINANCES ENTITLED  
"PROPERTY MANAGER REGISTRATION", 2022-61  
BY: COUNCIL MEMBER TOMPKINS

Agenda Item #61

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that Chapter 1142 of the Codified Ordinances entitled "Property Manager Registration" is hereby added to the Codified Ordinances of the City of Niagara Falls and shall read as follows

## CHAPTER 1143

### PROPERTY MANAGER REGISTRATION

1143.01	Purpose	1143.09	Inspections
1143.02	Enforcement	1143.10	Revocation of License
1143.03	Definitions	1143.11	Transferability of License
1143.04	License Required	1143.12	Penalties for Offenses
1143.05	Application: Filing of Required Information	1143.13	Fees
		1143.14	Severability
1143.06	Referral of License Application	1143.15	Effective Date
1143.07	License Conditions		
1143.08	Expiration of License		

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#### 1143.01 PURPOSE

The City Council of the City of Niagara Falls hereby finds and declares that the management and rental of residential properties constitutes a business, which impacts upon the public health, safety, general welfare, comfort, peace and prosperity of the people of the City of Niagara Falls. The intent of this chapter is to regulate the management of residential rental properties to protect the public health, safety, general welfare, comfort, peace and prosperity of the people of the City of Niagara Falls by providing for a licensing procedure for property managers who engage in the management of three or more residential City properties.

#### 1143.02 ENFORCEMENT

This chapter shall be enforced by the Director of Code Enforcement and/or his/her designee.

#### 1143.03 DEFINITIONS

As used in this chapter, the following terms shall have the meanings indicated:

DIRECTOR – The Director of Code Enforcement of the City of Niagara Falls, New York and/or his/her designee.

DWELLING UNIT - A single unit providing complete independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

PROPERTY MANAGEMENT - The engaging on behalf of an owner of residential property of those activities commonly associated with the operation and rental of three (3) or more residential rental units, including but not limited to the advertising or soliciting of apartments or rental units for rent; tenant review and screening; the collecting and/or oversight of rental profits; and/or the conducting of and/or arranging for minor repairs and maintenance of residential properties in the City of Niagara Falls.

PROPERTY MANAGER - An individual or entity who engages in the property management of three (3) or more residential rental units in the City of Niagara Falls for a fee or salary. The individual must reside in Niagara County or the entity must be based in Niagara County or any adjoining county thereto within the meaning of New York Criminal Procedure Law § 130.40. A residential property occupied by its owner shall not be included in any calculation to determine property manager status.

RESIDENTIAL - For the purposes of this section and only this section the term "residential" shall refer to a property with any number of dwelling units and is not limited to one (1) or two (2) unit properties. If a dwelling unit is owner-occupied, that unit will not be included in the calculation to determine property manager status. For example, if a property has three (3) dwelling units and one (1) unit is occupied by the owner of the property, a property manager is not required for the property.

#### 1143.04 LICENSE REQUIRED

No person, firm, corporation or entity shall act as a property manager or engage in property management activities within the meanings of this chapter for two (2) or more non-owner occupied, residential rental units without first obtaining a license from the Director of Code Enforcement.

#### 1143.05 APPLICATION: FILING OF REQUIRED INFORMATION

- A. Within sixty (60) days after the effective date of this chapter all property managers existing on the effective date of this chapter shall make written application to the Director for a property manager registration certificate. In addition, all new property managers commencing property management services on or after the effective date of this chapter shall make written application to the Director for a property manager registration certificate as herein provided prior to the commencement of said property management services. Such application shall be made on a form furnished by the Director and shall set forth the following information, in addition to other information required by the Director from time to time which may be necessary to administer, enforce, and insure compliance with the provisions of this chapter and the housing code.
1. The name, address, e-mail address (if applicable) and telephone number of the individual or entity applying for the license. A copy of the applicant's photo identification (ID) shall also be required upon submission of said application.
  2. A description of all properties proposed to be managed by the applicant, including the street addresses, owner(s) name, address and telephone number, and number of units.
  3. Proof of insurance in amounts satisfactory to the Department of Code Enforcement, if deemed necessary by the Director or his/her designee.

If an applicant will collect rents or negotiate rental of property, a copy of his/her New York State real estate broker's license is required. If an applicant is licensed as "Associate Real Estate Broker" or "Real Estate Salesperson" a copy of the real estate broker's license they work under is required. If an applicant is strictly performing maintenance and no rents are collected and/or no negotiating of rental property is performed, then a broker's license is not required.

4. Any other additional information as required by the City of Niagara Falls.

B. Such information shall be filed and updated annually with the Department of Code Enforcement.

#### 1143.06 REFERRAL OF LICENSE APPLICATION

A. All applications for licenses and renewals thereof shall be referred by the Director of Code Enforcement to the Niagara Falls Police Department for approval. Upon receipt of said referral, the Niagara Falls Police Department shall promptly cause an investigation to be made into the criminal background and professional fitness of the applicant and shall promptly report to the Director of Code Enforcement as to whether or not approval and issuance of the license is recommended. If approval is not recommended, such report shall state the reasons therefore.

B. All applications for licenses and renewals shall also be forwarded to the Assistant Corporation Counsel acting as Housing Court Prosecutor within the City of Niagara Falls Law Department for review and comment. Said Housing Court Prosecutor shall have fourteen (14) days to review and comment upon the application after his/her receipt thereof.

C. All new applications for a property manager license shall be referred to the City Council for approval.

#### 1143.07 LICENSE CONDITIONS

A. If a property manager collects rents or negotiates the rental of property, a real estate broker, associate real estate broker or real estate salesperson license as issued by the New York State Department of State pursuant to Article 12-A of the New York State Real Property Law is required. As per Article 12-A of the New York State Real Property Law, a property manager or property management company who negotiates the rental of property or collects rents is required to be licensed as a real estate broker, associate real estate broker or real estate salesperson in the State of New York..

B. Upon approval of the license, a property manager must contact tenants in all dwelling units managed by the property manager and provide them with contact information as the property manager or property management company. This must be completed within thirty (30) days of approval.

If, subsequent to receiving a property management license, a property manager acquires additional properties and/or is removed as property manager for a previously managed property in the City of Niagara Falls, he shall notify the Department of Code Enforcement, in writing, of the additional properties he now manages and/or the properties that he no longer manages. Said notification must occur within forty five (45) days of acquiring the additional properties or the removal of the previously managed properties.

C. If a property manager is found by the City to be in violation of this chapter, or any section of the Codified Ordinance of the City of Niagara Falls pertaining to his/her duties as a property manager, the City Council shall have the authority to summon him to appear before it for review of his license.

D. The City of Niagara Falls may impose additional conditions upon any license issued pursuant to this chapter.

#### 1143.08 EXPIRATION OF LICENSE

All licenses issued pursuant to this chapter shall expire annually on the 31st day of December. Each new applicant for re-issuance or renewal shall be required to submit a new application in accordance with the requirements set forth in this chapter.

#### 1143.09 INSPECTIONS

The City of Niagara Falls, its departments, and agents may inspect any property managed by a licensee at any reasonable hour.

#### 1143.10 REVOCATION OF LICENSE

A license issued pursuant to this chapter may be revoked or suspended for cause by the Director of Code Enforcement after notice and a hearing. Any violation of or failure to comply with any of the laws or ordinances applicable to the management of residential properties shall be cause for revocation or suspension. The Director may consider such factors, including, but not limited to, the property manager's conduct during the license period, including relevant criminal or housing court actions and dispositions, the nature and disposition of any notices of violation from the Department of Code Enforcement issued for conduct at any of the properties included on said license, the nature and frequency of complaints about the properties generated from, among other sources, Police Department incident reports, 911 calls, 311 reports, property inspection reports and other verifiable information reported to the City.

#### 1143.11 TRANSFERABILITY OF LICENSE

Licenses issued hereunder are not transferable.

#### 1143.12 PENALTIES FOR OFFENSES

Any individual or entity engaging in activity in violation of this chapter shall be subjected to the penalties provided in Chapter 101.99 of the Codified Ordinances of the City of Niagara Falls.

#### 1143.13 FEES

The fees for licenses issued pursuant to this chapter shall be as follows:

Seventy five dollars and no more cents (\$75.00) per application.

The Director shall review the fee schedule annually and recommend changes as he deems appropriate, to the City Council.

Any individual or entity possessing proof of a valid "Real Estate Broker," "Associate Real Estate Broker" or "Real Estate Salesperson" license as issued by the New York State Department of State pursuant to Article 12-A of the New York State Real Property Law shall be exempt from having to pay the fee provided for in said chapter upon the presentation of said license to the Director of Code Enforcement.

All funds generated from this chapter shall be used, among other things, for the hiring of an additional staff person and/or necessary equipment for the Rental Dwelling Unit Registration Program and Property Manager Registration Program in the Department of Code Enforcement.

1143.14 SEVERABILITY

The provisions of this chapter are severable. If any court of competent jurisdiction decides that any section, clause, sentence, part, or provision of this chapter is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts, or provisions of the chapter.

1143.15 EFFECTIVE DATE

This chapter shall be effective on October 1, 2022.

**Bold and Underline Indicate Additions**

**Bold and Brackets Indicate {Deletions}**

Yeas

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Nays

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ADOPTED

CONTRACT: COUNTY OF NIAGARA, TRANSFER OF VEHICLE TO THE NFFD

Agenda Item #30

In furtherance of the safety of our residents and many visitors, the County of Niagara has offered a 2015 Chevrolet Tahoe previously used by the Niagara County Sheriff's Office to the Niagara Falls Fire Department. The vehicle has approximately 123,000 miles on the odometer and will be transferred to the City in "as is" condition. It is therefore recommended that the City Council approved such a transfer.

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

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

Yeas

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Nays

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APPROVED

CONTRACT: HARDWARE/SOFTWARE/WEB SERVICES, AXON ENTERPRISES, INC.-BODY CAMERAS, TAZERS, VIRTUAL REALITY TRAINING. NFPD

Agenda Item #31

In December 2021, the City Council approved an agreement with Axon Enterprises, Inc., ("Axon"), the world leader in Conducted Energy Weapons (Tasers), Body Worn Cameras and storage and Virtual Reality Training, to provide body camera technology, cloud-based evidence storage, Taser 7 less lethal and Virtual Reality training hardware and software for the Niagara Falls Police Department ("NFPD"). The initial agreement provided the equipment and training for all members of the department responsible for patrol activities; it is now recommended than the City expand the agreement to cover the remainder of the Department, including first-line supervisory personnel.

Under the proposed supplemental agreement, Axon will provide the integrated system of hardware, software, cloud-based storage and related services for fifty-five (55) additional officers at a cost of \$337,656.62 over the length of the agreement. The same terms and conditions in the original will apply for the supplement. 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 Tompkins 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, BILLING AND COLLECTION

Agenda Item #32

With the anticipated vacancy of a Billing and Collection Clerk position in the Billing and Collection office, there will be an opportunity to reorganize this office in a manner that will maintain essential services and maximize departmental flexibility. The City Controller has proposed that the vacated Billing and Collection Clerk position (Grade 7) be eliminated and replaced with an Account Clerk (Grade 7). As the positions are within the same salary grade, there will be no budgetary impact resulting from the change.

Will the Council so approve?

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

Yeas

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Nays

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APPROVED

CLAIM: PATRICIA L. GIBBONS

Agenda Item #33

Date of Occurrence:	October 1, 2020.
Date Claim Filed:	October 2, 2020.
Date Action Commenced:	Not Applicable.
Location:	10 <sup>th</sup> Street between Rainbow Blvd. and Falls Street.
Nature of Claim:	Property damage to 2014 Chevrolet Impala due to road defect.
City Driver:	N/A
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:	\$116.94
Check Writing Details:	Make payable to PATRICIA L. GIBBONS.
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 Chairman Spanbauer moved that the communication be received and filed and the recommendation approved.

Yeas

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Nays

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APPROVED

PUBLIC SPEAKERS

2. FOR THE GOOD OF THE COMMUNITY

Dana Eric Misenheimer

Trespassing issues

John Cooper

Code Blue for Gospel Mission

Jeff Flach

Conservation

Chris Smith

Roads in Black Community; various

Marion Moor

Various

Henry B. Krawczyk

Properties

Gloria Dolson

Neighbor's dog

Irene Lynch

Various

Chris Zych

Mayor doing a good job

There being no further business to come before the Council,  
Chairman Spanbauer adjourned the Meeting at 10:30 P.M.

Vicky Wideman  
City Clerk





NOVEMBER 2, 2022

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The Legislative session of the November 2, 2022 Niagara Falls City Council Meeting was called to order by Council Chairman John Spanbauer at 6:00 P.M. in the Council Chambers.

Present: Council Members Traci Bax, Donta Myles, David Zajac and Chairman John Spanbauer

Absent: Council Member Tompkins

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

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

Council Member Zajac moved to approve the Minutes from the Council Meeting of July 20, 2022, Special Meeting of August 18, 2022, Public Hearing of September 6, 2022, Council Meeting of September 7, 2022, Special Meeting of September 30, 2022

COMMUNITY HAPPENINGS:

THE COUNCIL CHAIRMAN ASKED IF ANYONE WOULD LIKE TO SPEAK AT THE PUBLIC HEARING RELATIVE TO AN ESTIMATE OF THE AMOUNT NECESSARY TO PAY THE EXPENSES FOR THE RECYCLING AND REFUSE PROGRAM FOR FISCAL YEAR 2023:

Joan Lee

Darleen Moore

Susan Ford

Mr. Shah Islam

Gwendolyn Walker

Gerald Skrlin

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

Marlon Moore                      Agenda Item #38

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

1.            City Clerk's Report for the Month of September 2022  
              THIS ITEM WAS RECEIVED AND FILED
2.            City Clerk's Claim Report for the Month of September 2022  
              THIS ITEM WAS RECEIVED AND FILED
3.            Mayor's Approval of Resolutions 2022-59, 2022-60, 2022-61  
              THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

4.            CONTRACT:    SEWER LATERAL REPLACEMENT PROJECT, 2613 WELCH AVE.,  
              LASALLE CONTRACTING CORP, CHANGE ORDER #1

A contract for the above referenced project was awarded to Lasalle Contracting Corp. on September 15, 2021 in the amount of \$190,650.00.

Subsequent to the start of the sewer lateral repair at the above-referenced location, a video survey of the lateral revealed a failure directly beneath an existing tree. Tree removal became necessary to complete the repairs. The cost associated with this out-of-scope task is \$2,980.00, changing the contract total to \$193,630.00. Funding is available through 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 Zajac moved that the communication be received and filed and the recommendation approved.

Yeas	4
Nays	0
Absent: Council Member Tompkins	1
APPROVED	

5. CONTRACT: COMMUNITY DEVELOPMENT DEMOLITION PROJECT, REGIONAL ENVIRONMENTAL DEMOLITION

A contract for the above referenced project was awarded to Regional Environmental Demolition, Inc. on March 30, 2022 in the amount of \$470,729.31. Change Order #1 for \$18,500.00 was approved by the City Council at its September 7, 2022 meeting.

Subsequent to the award and start of the project, the City removed three (3) sites from the proposed demolition list. Doing so, the contractor incurred costs that will require reimbursement, along with requisite overhead and profit. These costs, in addition to other ancillary expenses not originally included on the project's scope, add \$16,220.58 to the project. However, underruns elsewhere in the contract allow the additional work to be paid without increasing the original contract amount (\$0.00) change order.

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

Yeas	4
Nays	0
Absent: Council Member Tompkins	1
APPROVED	

6. CONTRACT: STEAM TRAP REPLACEMENT PROJECT, CITY HALL, DV BROWN & ASSOCIATES

The following was the result of bids received on October 18, 2022 for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>	<u>ALTERNATE "A"</u>
DV Brown & Associates, Inc. 567 Vickers Street Tonawanda, NY 14150	\$197,600.00	\$15,200.00

It is the recommendation of the undersigned that this project be awarded to the sole bidder DV Brown & Associates, Inc. at the combination of their Base Bid and Alternate "A" price of \$212,800.00. Additionally, to accommodate future maintenance efforts, two master steam traps will be installed in line with the boilers themselves for a complete cost of \$8,975.00, for a total contract amount of \$221,775.00.

Funding for this project is American Rescue Plan Funds under Treasury Guidance Expenditure Category 6.1, which is "Revenue Replacement for the Provision of Government Services".

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

Yeas	4
Absent: Councilmember Tompkins	1
Nays	0

APPROVED

7. CONTRACT: DPW, JOHN DEERE EXCAVATOR, FIVE STAR EQUIPMENT

We respectfully request your approval for the expenditure of NYSDOT CHIPS funds allocated for the purchase of one (1) John Deere 75G Excavator for use by the City of Niagara Falls Department of Public Works.

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

TO: Five Star Equipment, Inc.  
284 Ellicott Road  
West Falls, NY 14170  
FOR: One (1) John Deere 75G Excavator (0091FF)

Total Cost: \$151,137.52

It is the recommendation of the undersigned that this equipment request be awarded to the above named vendor per the specifications of NYS OGS Contract PC69403 and Sourcewell Contract 032119-JDC-064653. Please note that this amount is reimbursable with NYSDOT CHIPS monies. The funding code will be H0322, which represents CHIPS funding to be received for 2022 projects.

Will the Council so authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas	4
Absent: Council Member Tompkins	1
Nays	0

APPROVED

8. CONTRACT: NFPD, FLEET VEHICLES, FALLS DODGE, INC.

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of fleet vehicles for the City of Niagara Falls Police Department. We respectfully request you award the above-referenced mini-bid as follows:

TO: Falls Dodge, Inc. dba  
Joe Cecconi's Chrysler Complex  
2380 Military Road  
Niagara Falls, New York 14304-1563  
FOR: Five (5) 2022 Dodge Durango PPV - AWD  
\$35,987.33 each

TOTAL: \$179,936.65

The City Purchasing Division certifies that this bid was solicited in accordance with Section 103 of the General Municipal Law and in accordance with New York State's mini-bid procedures via the NYS Vehicle Marketplace.

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 authorize the Mayor to execute an agreement with the above named vendors in a form acceptable to the Corporation Counsel?

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

Yeas	4
Absent: Council Member Tompkins	1
Nays	0

APPROVED

9. CONTRACT: NFPD, FLEET VEHICLES, JOE BASIL CHEVROLET

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of fleet vehicles for the City of Niagara Falls Police Department. We respectfully request you award the above-referenced mini-bid as follows:

TO: Joe Basil Chevrolet, Inc.  
Basil Fleet Sales  
511 Transit Road  
Depew, New York 14043

FOR: Two (2) 2023 Chevrolet Tahoe SSV, 4x4, White  
\$52,835.04 each

TOTAL: \$105,670.08

The City Purchasing Division certifies that this bid was solicited in accordance with Section 103 of the General Municipal Law and in accordance with New York State's mini-bid procedures via the NYS Vehicle Marketplace.

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 authorize the Mayor to execute an agreement with the above named vendors in a form acceptable to the Corporation Counsel?

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

Yeas	4
Absent: Council Member Tompkins	1
Nays	0

APPROVED

10. CONTRACT: NFPD, FLEET VEHICLES, FALLS DODGE

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of fleet vehicles for the City of Niagara Falls Police Department. We respectfully request you award the above-referenced mini-bid as follows:

TO: Falls Dodge, Inc. dba  
Joe Cecconi's Chrysler Complex  
2380 Military Road  
Niagara Falls, New York 14304-1563

FOR: Two (2) 2022 Dodge Durango PPV AWD - Black  
\$ 35,919.45

TOTAL: \$71,838.90

The City Purchasing Division certifies that this bid was solicited in accordance with Section 103 of the General Municipal Law and in accordance with New York State's mini-bid procedures via the NYS Vehicle Marketplace.

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 authorize the Mayor to execute an agreement with the above named vendors in a form acceptable to the Corporation Counsel?

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

Yeas	4
Absent: Council Member Tompkins	1
Nays	0
APPROVED	

11. CONTRACT: DPW, TILT TRAILER, PURCHASE, FIVE STAR EQUIPMENT

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of one (1) 2024 Trail King Tilt Trailer for use by the City of Niagara Falls Department of Public Works.

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

TO: Five Star Equipment, Inc.  
284 Ellicott Road  
West Falls, NY 14170  
FOR: One (1) 2024 Trail King TKT24LP Tilt Trailer (TKT24T)  
Reference Sourcewell Contract 121918-TKI

Total Cost: \$39,626.51

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 authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas	4
Absent: Council Member Tompkins	1
Nays	0
APPROVED	

12. CONTRACT: NFPD, FARO FOCUS LASER SCANNERS, FARO TECHNOLOGIES

We respectfully request your approval for the expenditure of American Rescue Plan funds for the purchase of the FARO Laser Scanner Focus Premium Equipment Package to be utilized by the City of Niagara Falls Police Department. This equipment will be integral to 2D and 3D scene documentation, accident reconstruction, crime scene investigation and forensics including bullet trajectory and bloodstain pattern analysis.

TO: FARO Technologies, Inc.  
250 Technology Park  
Lake Mary, Florida 32746-7115  
FOR: One (1) each Laser Scanner Focus Premium Unit (LS9-HU), Power Block Battery, Standard Carbon Fiber Tripod, VR Ready Notebook, Customer Site Upgrade Five Day Course, Two Year Service Agreement, 80Mm Koppa Target Set, High Resolution Panorama Camera, Panocam Mount, FARO Zone 3D Advanced Digital Download Software with One Year Maintenance Agreement, Single User Soft Lock and shipping charges.

TOTAL COST: \$ 58,699.12

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 authorize the Mayor to execute an agreement with the above named vendors in a form acceptable to the Corporation Counsel?

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

Yeas	4
Absent: Council Member Tompkins	1
Nays	0
APPROVED	

13. CONTRACT: NFPD, VISTA 911 EMERGENCY CALL HANDLING SYSTEM, MOTOROLA SOLUTIONS

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the modernization of the outdated 9-1-1 Emergency Call Handling System currently in use by the City of Niagara Falls Police Department as follows:

TO: Motorola Solutions, Inc. (Contractor)  
123 Tice Boulevard, Suite 202  
Woodcliff Lake, New Jersey 07677

FOR: VESTA 9-1-1 Hardware Refresh w/ five (5) Years Support and Maintenance

TOTAL COST: \$392,275.16

The VESTA Project has been procured in accordance with Onondaga County Emergency Communications RFP # 21-3400-001 VESTA Call System Upgrades (E911).

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 authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas	4
Absent: Council Member Tompkins	1
Nays	0
APPROVED	

14. CONTRACT: NFPD, 2022 BLACK DODGE DURANGO FLEET VEHICLESD, EMPIRE EMERGENCY APPARATUS

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the up-fitting of four (4) fleet vehicles for the City of Niagara Falls Police Department as follows:

TO: Empire Emergency Apparatus  
3995 Lockport Road  
Niagara Falls, New York 14305

FOR: Up-fitting for one (1) 2022 Black Dodge Durango - LT/Supervisor Vehicle (includes the purchase and installation of lighting, radio and instrumentation)  
Sales Quote #8266  
\$9447.22 each

TO: Empire Emergency Apparatus  
 3995 Lockport Road  
 Niagara Falls, New York 14305

FOR: Up-fitting for one (1) 2022 Black Dodge Durango - Slicktop  
 Patrol Vehicle (includes the  
 purchase and installation of lighting, radio and instrumentation)  
 Sales Quote #8268  
 \$12,741.47 each

TO: Empire Emergency Apparatus  
 3995 Lockport Road  
 Niagara Falls, New York 14305

FOR: Up-fitting for two (2) 2022 Black Dodge Durango - Patrol  
 Vehicles (includes the purchase and installation of lighting, radio and  
 instrumentation)  
 Sales Quote #8269  
 \$11,705.63 each

TOTAL COST: \$45,599.95

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 authorize the Mayor to execute an agreement  
 with the above named vendors in a form acceptable to the Corporation  
 Counsel?

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

Yeas	4
Absent: Council Member Tompkins	1
Nays	0
	APPROVED

15. CONTRACT: NFFD, DASNY GRANT EXPENDITURE, COMMAND VEHICLE. JOE  
 BASIL CHEVRLET

We respectfully request your approval for the expenditure of DASNY  
 funds allocated for the replacement of one (1) Command vehicle (Car 80)  
 for the City of Niagara Falls Fire Department as follows:

TO: Joe Basil Chevrolet, Inc.  
 Basil Fleet Sales  
 511 Transit Road  
 Depew, New York 14043

FOR: One (1) 2023 Chevrolet Tahoe SSV 4WD - Red \$46,781.22

TOTAL COST: \$46,781.22

The City Purchasing Division certifies that this bid was solicited  
 in accordance with Section 103 of the General Municipal Law and in  
 accordance with New York State's mini-bid procedures via the NYS Vehicle  
 Marketplace.

Funding for these expenditures is provided for through the  
 approved DASNY Grant Funds awarded to the Niagara Falls Fire Department  
 and available in account code H0818.2008.0818.0250.000.

Will the Council so authorize the Mayor to execute an agreement  
 with the above named vendors in a form acceptable to the Corporation  
 Counsel?

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

Yeas	4
Absent: Council Member Tompkins	1
Nays	0
	APPROVED

16. CONTRACT: ENGINEERING DEPT., FLEET VEHICLES, DENOAYER CHEVROLET

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of one (1) 2023 Chevrolet Suburban 4WD for the City of Niagara Falls Engineering Department.

After receiving the mini-bid responses, we respectfully request you award the above-referenced as follows:

TO: Denooyer Chevrolet, Inc.  
127 Wolf Road  
Albany, New York 12205  
FOR: One (1) 2023 Chevrolet Suburban 4WD w/trailering package

Total Cost: \$59,938.95

The City Purchasing Division certifies that this bid was solicited in accordance with Section 103 of the General Municipal Law and in accordance with New York State's mini-bid procedures via the NYS Vehicle Marketplace.

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 authorize the Mayor to execute an agreement with the above named vendors in a form acceptable to the Corporation Counsel?

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

Yeas	4
Absent: Council Member Tompkins	1
Nays	0

APPROVED

17. CONTRACT: DPW, JOHN DEERE LOADER, FIVE STAR EQUIPMENT

We respectfully request your approval for the expenditure of NYSDOT CHIPS funds allocated for the purchase of one (1) John Deere 624 P Wheel Loader for use by the City of Niagara Falls Department of Public Works.

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

TO: Five Star Equipment, Inc.  
284 Ellicott Road  
West Falls, NY 14170  
FOR: One (1) John Deere 624 P Wheel Loader (6040DW)

Total Cost: \$315,185.04

It is the recommendation of the undersigned that this equipment request be awarded to the above named vendor per the specifications of NYS OGS Contract PC69403 and Sourcewell Contract 032119-JDC. Please note that this amount is reimbursable with NYSDOT CHIPS monies. The funding code will be H0322, which represents CHIPS funding to be received for 2022 projects.

Will the Council so authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas	4
Absent: Council Member Tompkins	1
Nays	0

APPROVED



18. CONTRACT: NFFD, FLEET VEHICLES, FALLS DODGE

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of two (2) 2022 Dodge Ram 1500 Classic Tradesman Pickup Trucks for the City of Niagara Falls Fire Department.

After receiving the mini-bid responses, we respectfully request you award the above-referenced as follows:

TO: Falls Dodge, Inc. dba  
Joe Cecconi's Chrysler Complex  
2380 Military Road  
Niagara Falls, New York 14304-1563  
FOR: Two (2) 2022 Dodge Ram 1500 Classic Tradesman Crew Cab 4X4  
Short Bed Pickup Trucks (\$44,409.30 each)

Total Cost: \$88,818.60

The City Purchasing Division certifies that this bid was solicited in accordance with Section 103 of the General Municipal Law and in accordance with New York State's mini-bid procedures via the NYS Vehicle Marketplace.

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 authorize the Mayor to execute an agreement with the above named vendors in a form acceptable to the Corporation Counsel?

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

Yeas	4
Absent: Council Member Tompkins	1
Nays	0

APPROVED

19. CONTRACT: NFFD, PURCHASE OF HIGH CAPACITY WASHERS/DRYERS, AMENDMENT, STATEWIDE MACHINERY

The City solicited bids for four (4) high capacity washers, four (4) bases and three (3) dryers to replace older equipment for the laundering of Niagara Falls Fire Department equipment. Upon installation of the first washer, it was determined the two smaller of the four washers are unable to handle the workload required. The awarded vendor can supply two larger units as follows:

TO: Statewide Machinery, Inc.  
319 West Main Street, Suite 5  
Batavia, New York 14020  
FOR: Two (2) quantity UniMac 60 lb. Commercial Hard Mount  
Washer-Extractor

Total Purchase Price: \$ 24,049.00

Funding sources are available as follows:

DASNY Grant	\$ 3,590.00
City Tribal Revenue Reserves	\$20,459.00

Will the Council so authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas	4
Absent: Council Member Tompkins	1
Nays	0

APPROVED

20. CONTRACT: NFFD, SCOTT RIT-PAK4500, DIVAL SAFETY & SUPPLIES

We respectfully request your approval for the expenditure of American Rescue Plan funds for the purchase of firefighting equipment to be utilized by the City of Niagara Falls Fire Department as follows:

TO: Dival Safety & Supplies  
1721 Niagara Street  
Buffalo, New York 14207  
FOR: One (1) quantity Scott RIT-Pak 4500, Medium, Rectus  
(NYS Contract PC69018):  
\$ 2,820.00

TOTAL COST: \$ 2,820.00

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 authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas 4  
Absent: Council Member Tompkins 1  
Nays 0

APPROVED

21. NYMIR, REIMBURSE LIABILITY

RE: Request for approval to reimburse our liability insured, New York Municipal Insurance Reciprocal (NYMIR), for a total of \$1,500.00, representing claimant deductibles that it paid relative to the following matters.

Claimant name	DOL	Deductibles paid by NYMIR to the subrogated insurer or its insured.	NYMIR Claim #
GEICO aso David Gray	3/18/21	\$500.00	CNIA-2021-007-001
Progressive aso James A. Powell	7/4/21	\$500.00	CNIA-2021-009-001
Progressive aso Jacqueline Rivera	7/17/21	\$500.00	CNIA-2021-012-001

Nature of Claims: All three of the above claimant insurers had insureds who suffered automobile property damage due to errors by City employees in 2021. Council previously approved reimbursing NYMIR for its payments to the three claimants based on their equitable subrogation rights, less \$500 per each due to lack of documentation concerning the claimants' rights to seek deductibles on behalf of the insureds. I am now satisfied that NYMIR's payment of the deductibles, totaling \$1,500.00, was proper.

Status of Action: N/A.  
Recommendation/Reason: Upon proper documentation, the City is contractually obligated to reimburse NYMIR for claims that, as here, are within the City's deductible.  
Amount to be Paid: \$1,500.00  
Check Writing Details: Payable to "NEW YORK MUTUAL INSURANCE RECIPROCAL."

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

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

Yeas	4
Absent: Council Member Tompkins	1
Nays	0

APPROVED

22. NFPD, COPS HIRING PROGRAM GRANT

The U.S. Department of Justice's Office of Community Oriented Policing Services has awarded the City of Niagara Falls a COPS Hiring Program ("CHP") grant in the amount of \$1,500,000.00 to fund six (6) 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.

Please note that there is no local cash 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 Zajac moved that the communication be received and filed and the recommendation approved.

Yeas	4
Absent: Council Member Tompkins	1
Nays	0

APPROVED

23. NFPD, PATRICK LEAHY BULLETPROOF VEST PARTNERSHIP GRANT AWARD

The City of Niagara Falls has been awarded \$57,200.00 in federal funding from the Bureau of Justice Assistance pursuant to the "Patrick Leahy Bulletproof Vest Partnership Grant Program." This unique U.S. Department of Justice initiative is designed to provide a critical resource to state and local law enforcement.

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

Yeas	4
Absent: Council Member Tompkins	1
Nays	0

APPROVED

24. NFPD, ACCEPTANCE OF TACTICAL TEAM GRANT AWARD

The City of Niagara Falls has been awarded \$75,000.00 in federal funding under the "Tactical Team Grant Program." Funding for this initiative is provided by the U.S. Department of Homeland Security's State Homeland Security Grant Program and is administered by the New York State Division of Homeland Security and Emergency Services. This funding is provided to improve and develop the Niagara Falls Police Department's tactical team capabilities through equipment, training, exercise, and planning projects that support counterterrorism missions

as well as sustainment of New York State Division of Criminal Justice Services SWAT Team Standards. The performance period for this award is October 1, 2022 through August 31, 2023.

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

Yeas	4
Absent: Council Member Tompkins	1
Nays	0

APPROVED

## 25. IRONWORKERS CDBG GRANT

The Ironworkers Union has requested a grant in the amount of \$120,000 for the renovation of its welding shop for job training. The grant will be from prior years unexpended CDBG funds. This will result in an increase in the ability of the Union to provide job training, in conformity with CDBG regulations.

Will the Council vote to approve the grant to the Ironworkers Union as presented herein, and to authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	4
Absent: Council Member Tompkins	1
Nays	0

APPROVED

## 26. CYBER SECURITY GRANT AWARD

The City of Niagara Falls has been awarded \$50,000.00 in federal funding under the "Cyber Security Grant Program." Funding for this initiative is provided by the U.S. Department of Homeland Security's State Homeland Security Grant Program and is administered by the New York State Division of Homeland Security and Emergency Services. This funding is provided to enhance and sustain the City's cyber security posture as well as ensure that our information systems are secured and protected from cyber incidents through equipment, training, exercise, and planning projects. The performance period for this award is October 1, 2022 through August 31, 2023.

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

Yeas	4
Absent: Council Member Tompkins	1
Nays	0

APPROVED

## 27. JINGLE FALLS HOLIDAY PROGRAM, WAIVER OF PARKING FEES/CITY PARKING LOTS/RAMP

The Jingle Falls Holiday Committee is planning events for the last Saturday in November and three Saturdays in December. The Administration is requesting that parking fees be waived at the surface lots and the parking ramp to accommodate residents and their families attending these holiday events on Saturday, November 26th, December 3rd, December 10th and December 17th, 2022, from 11am-9pm, respectively.

Will the Council so approve?  
 Council Member Zajac moved that the communication be received and  
 filed and the recommendation approved.  
 Yeas 4  
 Absent: Council Member Tompkins 1  
 Nays 0  
 APPROVED

28. MASTER KHECHEN'S MARTIAL ARTS TOURNAMENT, WAIVER OF PARKING FEES,  
 CITY PARKING LOTS/RAMP

Since 2018, Master Khechen's Martial Arts Academy has hosted the  
 Camil Khechen Tournament at the Niagara Falls Conference and Event  
 Center. The Camil Khechen Tournament, honoring Master Khechen's late  
 brother, is the largest annual tournament conducted by the association,  
 featuring over 1,000 competitors and hosting more than 3,500 attendees.  
 Hotel rooms and attractions have been pre-booked by attendees,  
 generating tourism revenue for the City.

The Administration is requesting that parking fees be waived at the  
 surface lots and the parking ramp to accommodate the competitors and  
 attendees that will be attending this event on Friday, November 11th and  
 Saturday, November 12<sup>th</sup>, 2022 from 4pm to 9pm, respectively.

Will the Council so approve?  
 Council Member Zajac moved that the communication be received and  
 filed and the recommendation approved.  
 Yeas 4  
 Absent: Council Member Tompkins 1  
 Nays 0  
 APPROVED

29. CONTRACT: E-WASTE RECYCLING PROGRAM, SUNN KING

In our technology driven age, we are increasingly dependent on  
 electronics equipment to assist us in performing basic, everyday tasks  
 at home, school and work. As this dependence proliferates, so does the  
 amount of electronic waste that is generated when older equipment is  
 replaced by new technology.

As you know, the City's trash and recycling contract does not  
 provide for the disposal of electronic goods (TV's, computers, video  
 game consoles, etc.). The City has had an electronic goods drop off  
 program at the corporation yard for the last several years where, for a  
 fee of \$5.00, residents can drop off "e-waste." However, the City is  
 required to palletize and wrap the recyclable electronic goods, in  
 addition to paying an outside vendor to process the materials.

Recently, the Administration has become aware of Sunnking, Inc., a  
 company from the Rochester area that has positioned itself as a leader  
 in the "e-scrap" industry, which can provide the City with cost  
 efficient method in which to dispose of electronic waste.

According to its proposal, Sunnking will partner with the City to  
 collect electronics stored at the corporation yard at no charge.  
 Sunnking will provide pallets, shrink wrap and Gaylord boxes to safely  
 and properly package and palletized collected electronics equipment. It  
 will then take possession of the equipment in a timely manner upon  
 receipt and recycle it by refurbishment, reuse or by de-manufacture. The  
 de-manufactured equipment is converted into components or scrap metal,  
 plastic or glass and shipped to end users or subsequent processors. All  
 hard drives and media devices received in computers or other electronic  
 equipment are either overwritten and erased or physically destroyed and  
 sent to a smelter for metal recovery. Sunnking will responsibly process  
 and recycle all collected electronics in accordance with all state,  
 federal, and international e-waste laws.

It is hereby proposed that the City enter into an agreement with  
 Sunnking to implement such a program at no cost to the City. The term of  
 the agreement will run through December 31, 2024.

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

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

Yeas	4
Absent: Council Member Tompkins	1
Nays	0

APPROVED

30. 531 THIRD STREET, LLC, SALE OF CITY OWNED REAL PROPERTY

Please be advised that the City's Department of Economic Development is in receipt of a request to purchase City-owned property submitted by 531 Third Street, LLC. This company has renovated the property at 531 Third Street to include ten high-end apartments on the 2nd and 3rd floors and three retail spaces at ground level. The purchase request relates to two vacant City-owned parcels at 524 and 530 Fourth Street, respectively, that are adjacent to their renovated property. It is proposed that these vacant lots would be cleared, fenced and maintained by the requesting entity and is intended to improve the aesthetics and overall appearance of the surrounding area.

In furtherance of the proposal and in the overall best interests of the City, it is hereby requested that the City Council approve the conveyance of 524 Fourth Street and 530 Fourth Street to 531 Third Street, LLC. These properties were acquired by the City through In Rem proceedings and have been held by the City for economic development for quite some time. It is proposed that not only will revitalization of these properties enhance the appearance and stability of the neighborhood, but it will also lessen the City's financial burden related to upkeep of the premises.

The proposed purchase price for 524 Fourth Street and 530 Fourth Street is \$1,000.00 each, for a grand total of \$2,000.00. Based upon the location and condition of the properties in question, this price is both fair and adequate. The proposed transfer of the City-owned lots in question is clearly in the best interests of the City and in conformity with the requirements of the City Charter related to the disposition of City-owned property.

Will the Council so approve and authorize the Mayor to execute on behalf of the City all documents relating to the transfer of the properties in question, provided that the same are in a form acceptable to the Corporation Counsel?

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

Yeas	4
Absent: Council Member Tompkins	1
Nays	0

APPROVED

31. CORPORATION COUNSEL: AUTHORIZATION TO INSTITUTE OR PROSECUTE LEGAL PROCEEDINGS

As you are aware, the City has worked to create a path forward for cryptocurrency and data centers. However, several companies which have never been in compliance are operating in violation of long-standing zoning and building code and creating potentially dangerous public nuisances. In furtherance of the City's obligations to protect the public health, and in an effort to enforce the provisions of the State Uniform Building Code and the Niagara Falls Zoning Ordinance, it is respectfully requested that the City Council authorize the Office of the Corporation Counsel, pursuant to Chapter XI, Section 11.1 of the City Charter, to institute or prosecute any action, proceeding or suit necessary to accomplish the same.

Will the Council so approve?

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

Yeas	4
Absent: Council Member Tompkins	
Nays	0

APPROVED

32. CLAIM: GONZALEZ, JILL M.

Date of Occurrence: June 3, 2020.  
Date Claim Filed: July 9, 2020.  
Date Action Commenced: Not Applicable.  
Location: 134 66<sup>th</sup> Street and adjacent City right-of-way.  
Nature of Claim: A limb fell from a dead City tree and pulled the electric service drop from Claimant's home. To restore power, the Claimant had to pay for repairs to her home's service cables, for which she seeks reimbursement.  
City Driver: N/A  
Status of Action: This matter has been investigated but has 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: \$750.00  
Check Writing Details: Make payable to JILL M. GONZALEZ.  
Conditions: None. The claimant provided a fully executed Release that is acceptable to this Department.

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

Yeas

4

Absent: Council Member Tompkins

Nays

0

APPROVED

33. CLAIM: CARNEY, MONA J.

Date of Occurrence: June 3, 2020.  
Date Claim Filed: July 9, 2020.  
Date Action Commenced: Not Applicable.  
Location: 136 66<sup>th</sup> Street and adjacent City right-of-way.  
Nature of Claim: A limb fell from a dead City tree and pulled the electric service drop from Claimant's home. To restore power, the Claimant had to pay for repairs to her home's service cables, for which she seeks reimbursement.  
City Driver: N/A  
Status of Action: This matter has been investigated but has 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: \$750.00  
Check Writing Details: Make payable to MONA J. CARNEY.  
Conditions: None. The claimant provided a fully executed Release that is acceptable to this Department.

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

Yeas

4

Absent: Council Member Tompkins

Nays

0

APPROVED

34. CLAIM: KAREN COLLIER AS ADMINISTRATOR TO THE ESTATE OF WAYNE D. DAVIS

Date of Occurrence: June 6, 2019

Date Claim Filed: July 24, 2020 - deemed timely by nunc pro tunc Order

Date Action Commenced: October 2, 2020

Location: 1570 Buffalo Avenue, City of Niagara Falls

Nature of Claim: Wrongful Death/Personal Injury

City Driver: N/A

Status of Action: This case will be restored to the trial calendar of the New York State Supreme Court, Niagara County, if not settled.

Recommendation/Reason: Best interest of the City.

Amount to be Paid: \$50,000.00, payable within six months of City's receipt of signed General Release and Stipulation of Discontinuance.

Check Writing Details: Make payable to "CAITLIN ROBIN & ASSOCIATES, PLLC, as attorneys for Karen Collier, as Administrator of the Estate of Wayne D. Davis."

Conditions: Stipulation of Discontinuance and General Release 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 Council so approve?

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

Yeas

4

Absent: Council Member Tompkins

Nays

0

APPROVED

35. CLAIM: LAMARCA, NORA

Date of Occurrence: June 6, 2022.

Date Claim Filed: July 12, 2022.

Date Action Commenced: Not Applicable.

Location: 569 66th Street, City of Niagara Falls.

Nature of Claim: Forestry chipper threw debris and broke Claimant's glass door. Her claim seeks the cost of replacement glass.

City Driver: N/A.

Status of Action: This matter has been investigated by Corporation Counsel and the City's insurer, NYMIR, and at this juncture, we are both recommending the settlement outlined below.

Recommendation/Reason: Best interest of City.

Amount to be Paid: \$461.37

Check Writing Details: With the approval of this Department, NYMIR issued a settlement draft to Claimant in the amount of \$461.37 on the City's behalf, and secured a fully executed Release in a form approved by Corporation Counsel. NYMIR has now issued a deductible invoice to the City for reimbursement. By approving this payment,



the City Controller will be authorized to pay NYMIR's deductible invoice upon receipt, in the amount of \$461.37.

Conditions: As set forth above.

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

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

Yeas

4

Absent: Council Member Tompkins

Nays

0

APPROVED

36. CLAIM: MERCHANTS PREFERRED INSURANCE CO. AS SUBROGEE OF ITS INSURED, NIAGARA FRONTIER INSPECTION AGENCY

Date of Occurrence: November 20, 2016.

Date Claim Filed: J anuary 18, 2017.

Date Action Commenced: February 16, 2018.

Location: 445 66th Street, City of Niagara Falls.

Nature of Claim: City tree located adjacent to the loss location dropped a large limb on a vehicle owned by Niagara Frontier Inspection Agency, LLC, and insured by Merchants Preferred Insurance Co. Merchants paid the LLC for the repair of the vehicle and subsequently initiated a subrogation action against the City in State Supreme Court. That action remains pending.

City Driver: N/A.

Status of Action: This matter has been fully investigated and at this juncture we are recommending the settlement outlined below. If not settled, the pending litigation will proceed to trial.

Recommendation/Reason: Best interest of the City.

Amount to be Paid: \$14,009.52

Check Writing Details: Make settlement draft payable to "Merchants Preferred Insurance Co., as subrogee of Niagara Frontier Inspection Agency, LLC."

Conditions: None. Acceptable closing documents have been provided to this Department, which we are holding in escrow pending Council's approval and payment of the settlement funds.

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

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

Yeas

4

Absent: Council Member Tompkins

Nays

0

APPROVED

RESOLUTION: 2023 BUDGET MEETINGS, SCHEDULING, 2022-62

BY: ALL COUNCIL MEMBERS

37 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 10th, 15th (following the public hearing), 17th and 22nd, 2022; and

BE IT FURTHER RESOLVED that a public hearing be held on November 15, 2022 at 5:00 p.m. in the Council Chambers of the City of Niagara Falls, New York pertaining to the adoption of the Proposed 2023 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 the City Council of Niagara Falls, New York, does hereby schedule a Budget Amendment Meeting to commence at 5:30 p.m. in the City Council Chambers on November 30, 2022; 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

Yeas	4
Absent: Council Member Tompkins	
Nays	0
ADOPTED	

RESOLUTION: RECYCLING AND REFUSE PROGRAM FOR FISCAL YEAR 2023, USER FEES, 2022-63

BY: COUNCIL MEMBERS BAX, TOMPKINS, CHAIRMAN SPANBAUER

38

WHEREAS, Local Law #3 for the year 2019, a Local Law to amend the Niagara Falls City Charter as amended by adding Section 10.37, entitled "Taxation and Assessment", which was adopted by City Council on November 21, 2019 and was received and filed by the New York State Department of State on December 10, 2019; and

WHEREAS, Subsection 10.37 (A) (2) of 10.37 of the Charter requires the City Controller make an estimate of user fees and probable revenues to be received by the City for Recycling and Refuse during the current fiscal year and estimate the amount necessary to pay the expenses for the Recycling and Refuse program for the succeeding fiscal year; and

WHEREAS, the City Controller provided the required information relating to recycling and refuse user fees and revenues to the City Council; and

WHEREAS, pursuant to subsection 10.37 (A) (2), the City Council convened a public hearing on November 2, 2022, where taxpayers had the opportunity to be heard in reference thereto; and

WHEREAS, after such hearing, the Council has considered such user fees and estimates and shall adopt such estimates so submitted to it, add items thereto, or increase, diminish or reject any item therein contained, except such as relates to City indebtedness; and

WHEREAS, the City Council shall now adopt the user fees and estimates as amended.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York, pursuant to Section 10.37 of the City Charter, hereby adopts the recycling and refuse user fees attached hereto (on file in the City Clerk's Office), as the same are necessary to pay the expenses for the City's Recycling and Refuse Program for fiscal year 2023; and

BE IT FURTHER RESOLVED that it is hereby directed that the adopted sums attached hereto be entered at large in the City Council meeting minutes and published proceedings by the City Clerk.

Yeas	3
Absent: council Member Tompkins	
Nays	1
Council Member Myles	

ADOPTED

RESOLUTION: STANDARD WORKDAY AND REPORTING RESOLUTION, 2022-64  
 BY: COUNCIL CHAIRMAN SPANBAUER

39

WHEREAS, the City of Niagara Falls, New York hereby establishes the following as standard workdays for an appointed official and will report the following days worked to the New York State and Local Employee's Retirement System based on the record of activities maintained and submitted by this official to the clerk of this body;

Title	Name	Standard Work Day (Hours/Day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Appointed Official					
Mayor	Robert M. Restaino	7.0	01/01/2020 -12/31/2023	No	24.96 days per month

WHEREAS, the clerk of this governing body of the State of New York does hereby certify that he/she has compared the foregoing with the original resolution passed by this governing body as part of the minutes of such meeting and that same is a true copy thereof and the whole of such original; and

WHEREAS, the clerk certifies that such members were present at such meeting and the council members voted in favor of the above resolution.

THEREFORE, BE IT RESOLVED, that the above is adopted by the Niagara Falls City Council and that the information be submitted to the New York State Comptroller and the clerk of the governing body to be maintained for at least ten (10) years.

Yeas	4
Absent: Council Member Tompkins	
Nays	0

ADOPTED

RERSOLUTION: PRIVATE SANITARY SEWER LATERALS, ADDING CHAPTER 251, 2022-65  
 BY: COUNCIL CHAIRMAN SPANBAUER

40

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that Chapter 251 of the Codified Ordinances entitled "Private Sanitary Sewer Laterals" is hereby added to the Codified Ordinances of the City of Niagara Falls and shall read as follows

#### CHAPTER 251

##### PRIVATE SANITARY SEWER LATERALS

<u>251.01</u>	<u>Purpose</u>	<u>251.05</u>	<u>Correction or</u>
<u>Abatement</u>			
<u>251.02</u>	<u>Enforcement</u>		<u>by Repair</u>
<u>251.03</u>	<u>Definitions</u>	<u>251.06</u>	<u>Correction or</u>
<u>Abatement</u>			
<u>251.04</u>	<u>Standards for Maintenance of</u>		<u>by Replacement</u>
	<u>Sanitary Sewer Laterals</u>	<u>251.07</u>	<u>Penalties</u>
	<u>for Offenses</u>		
		<u>251.08</u>	<u>Effective Date</u>

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#### 251.01                      PURPOSE

The purpose of this chapter is to reduce infiltration and inflow into the sanitary sewer system operated by the City of Niagara Falls and exfiltration of sewage into groundwater and waterways by requiring inspection, testing, repair, replacement and ongoing maintenance of private sewer laterals by property owners in the City of Niagara Falls. Said chapter further details the responsibilities imposed upon private property owners pursuant to New York State Property Maintenance Code § 506.2.

251.02 ENFORCEMENT

This chapter shall be enforced by the Director of Code Enforcement and/or his/her designee.

251.03 DEFINITIONS

As used in this chapter, the following terms shall have the meanings indicated:

EXFILTRATION - raw sewage that leaks out of laterals into soil, groundwater and waterways.

INFILTRATION - water other than wastewater that enters a sewer system (including sanitary sewer laterals or sewer service connections) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

INFLOW - water other than wastewater that enters a sewer system (including sanitary sewer laterals or sewer service connections) from sources such as, but not limited to, roof leaders, sump pumps, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters and drainage. Inflow does not include, and is distinguished from, infiltration.

SANITARY SEWER LATERAL or LATERAL - the sanitary sewer pipe running from the structures on a property conveying wastewater from the structure and connecting to the public sanitary sewer main.

251.04 STANDARDS FOR MAINTENANCE OF SANITARY SEWER LATERALS

- A. It is the sole responsibility of the private property owner to perform all required maintenance, repairs and replacements of sanitary sewer laterals in accordance with the requirements of this article and the requirements of the New York State Property Maintenance Code, New York State Plumbing Code, New York State Sanitary Code and all Codified Ordinances of the City of Niagara Falls.
- B. Laterals shall be kept free from roots, grease deposits and other solids which may impede the flow or obstruct the transmission of sewage.
- C. Laterals shall not exhibit any signs of infiltration.
- D. Laterals shall not exhibit any sign of exfiltration or leakage.
- E. Laterals, lateral pipe joints and all lateral pipes shall be in good working order, free from defects.

251.05 CORRECTION OR ABATEMENT BY REPAIR

- A. f at any time any sanitary sewer lateral is found by the Niagara Falls Water Board, Niagara Falls Department of Code Enforcement and/or Niagara Falls City Engineer to not be in compliance with the requirements of this chapter, New York State Property Maintenance Code, New York State Plumbing Code, New York State Sanitary Code and all Codified Ordinances of the City of Niagara Falls, the owner of the property must cause all necessary repairs made to bring the lateral into compliance. Said repairs must be made by a plumber licensed to do business in the City of Niagara Falls. I
- B. nless the Niagara Falls Water Board, Niagara Falls Department of Code Enforcement and/or Niagara Falls City Engineer allow additional time for good cause shown, the owner of the property must undertake to complete the required repairs to the satisfaction of the Niagara Falls Water Board, Niagara Falls Department of Code Enforcement and/or Niagara Falls City Engineer or their designees within thirty (30) days of the sooner of becoming aware of the noncompliance, or receiving notice from the Niagara Falls Water Board, City of Niagara Falls or otherwise, including an inspection by a plumber, that the lateral is not in compliance. U
- C. n addition to the penalties outlined in Chapter 251.06 of the Codified Ordinances of the City of Niagara Falls, if the owner of the property fails to complete the repairs and bring the lateral into compliance within the time required, the Niagara Falls Water Board may terminate water service to the property whereupon the lateral(s) is/are located. Properties without active water service may be condemned by the Niagara Falls Department of Code Enforcement. Water service shall only be restored by the Niagara Falls Water Board upon satisfactory completion of the necessary repairs. In addition, the Niagara Falls Water Board also reserves the right to take its own enforcement action upon failure to make repairs. I
- D. ommencement of said repairs shall require that a permit, issued by the City of Niagara Falls, be obtained by the licensed plumber performing the repairs. In addition, the Niagara Falls Water Board must also be informed by the licensed plumber before repairs may commence. A final inspection of all repairs shall be made by the City of Niagara Falls and/or the Niagara Falls Water Board upon completion of said repairs. After a passing inspection, written correspondence shall be issued by the Niagara Falls Water Board and/or the City of Niagara Falls to the property owner indicating that the repaired lateral complies with the requirements set forth in this chapter. C

- A. f at any time any sanitary sewer lateral is found by the Niagara Falls Water Board, Niagara Falls Department of Code Enforcement and/or Niagara Falls City Engineer to not be in compliance with the requirements of this chapter, New York State Property Maintenance Code, New York State Plumbing Code, New York State Sanitary Code and all Codified Ordinances of the City of Niagara Falls, an owner may choose to correct the noncompliance by replacing the sanitary sewer lateral. Any new sanitary sewer lateral, whether installed to correct a noncompliance or otherwise, must be installed in accordance with all applicable codes and regulations, including this chapter. Said replacement must be made by a plumber licensed to do business in the City of Niagara Falls. I
- B. nless the Niagara Falls Water Board, Niagara Falls Department of Code Enforcement and/or Niagara Falls City Engineer allow additional time for good cause shown, the owner of the property must undertake to complete the lateral replacement to the satisfaction of the Niagara Falls Water Board, Niagara Falls Department of Code Enforcement and/or Niagara Falls City Engineer or their designees within thirty (30) days of the sooner of becoming aware of the noncompliance, or receiving notice from the Niagara Falls Water Board, City of Niagara Falls or otherwise, including an inspection by a plumber, that the lateral is not in compliance. U
- C. n addition to the penalties outlined in Chapter 251.06 of the Codified Ordinances of the City of Niagara Falls, if the owner of the property fails to complete the replacement, thus failing to bring the lateral into compliance within the time required, the Niagara Falls Water Board may terminate water service to the property whereupon the lateral(s) is/are located. Properties without active water service may be condemned by the Niagara Falls Department of Code Enforcement. Water service shall only be restored by the Niagara Falls Water Board upon satisfactory completion of the replacement. In addition, the Niagara Falls Water Board also reserves the right to take its own enforcement action upon failure to replace. I
- D. ommencement of said replacement shall require that a permit, issued by the City of Niagara Falls, be obtained by the licensed plumber performing the replacement. In addition, the Niagara Falls Water Board must also be informed by the licensed plumber before the replacement may commence. A final inspection of the replacement shall be made by the City of Niagara Falls and/or the Niagara Falls Water Board upon completion of said replacement. After a passing inspection, written correspondence shall be issued by the Niagara Falls Water Board and/or the City of Niagara Falls to the property owner indicating that the replaced lateral complies with the requirements set forth in this chapter. C

E.

I

f an owner fails to complete repairs and/or replacement, thus failing to bring the lateral into compliance, the City may choose to enter upon the property and complete the required work. If, at any time, the City is required to enter upon the property and perform repairs in order to enforce the requirements of this chapter, New York State Property Maintenance Code, New York State Plumbing Code, New York State Sanitary Code and all Codified Ordinances of the City of Niagara Falls, the cost of doing so will be billed to the owner of the property, and in the event of nonpayment, will be a lien on the property which can be collected and enforced as part of, and in the same manner as, City taxes.

251.07

PENALTIES FOR OFFENSES

Any person, firm, association, or corporation which violates any of the provisions of this chapter or fails to complete remediation as required herein shall be guilty of a violation and, upon conviction, shall be punished by a fine of not more than \$250.00 or imprisonment for not more than fifteen (15) days, or both such fine and imprisonment. Each day the violation exists shall constitute a separate offense.

251.08

EFFECTIVE DATE

This chapter shall be effective on November 1, 2022.

**Bold and Underline Indicate Additions**  
**Bold and **Brackets** Indicate {Deletions}**

Yeas

4

Absent: Council Member Tompkins

Nays

0

ADOPTED

RESOLUTION: HOME RULE REQUEST, PUBLIC SAFETY SURCHARGE ON VEHICLE AND TRAFFIC CONDITIIONS IN THE CITY OF NF, 2022-66

BY: COUNCIL MEMBERS BAX, TOMPKINS, ZAJAC, CHAIRMAN SPANBAUER

41

WHEREAS, Section 1809 of the New York State Vehicle and Traffic Law authorizes the collection of a mandatory surcharge and crime assistance fee in circumstances involving violations of the New York State Vehicle and Traffic Law; and

WHEREAS, the current surcharges for most Vehicle and Traffic Law violations total eighty-eight dollars (\$88.00); and

WHEREAS, the City Council of the City of Niagara Falls believes that an additional mandatory surcharge of thirty-two dollars (\$32.00) be applied to New York State Vehicle and Traffic convictions occurring within the geographical city limits of the City of Niagara Falls: and

WHEREAS, the imposition of said surcharge would greatly assist the City of Niagara Falls in ensuring and enhancing the public safety of both its residents as well as the over 7 million tourists that visit the City each year; and

WHEREAS, the City of Niagara Falls is respectfully requesting that the State of New York Senate and Assembly introduce companion bills that would authorize and empower the City of Niagara Falls to implement a mandatory surcharge of thirty-two dollars (\$32.00) for all New York State Vehicle and Traffic convictions occurring within the geographical limits of 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 respectfully request that the New York State Senate and Assembly submit companion bills that would authorize and empower the City of Niagara Falls to implement a mandatory surcharge of thirty-two dollars (\$32.00) for all New York State Vehicle and Traffic convictions occurring within the geographical limits of the City of Niagara Falls, New York; and

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

Yeas

4

Absent: Council Member Tompkins

Nays

0

ADOPTED

RESOLUTION: PUBLIC HEARING, 17<sup>TH</sup> STREET BETWEEN PENN. & DELAWARE AVE, ABANDONMENT, 2022-67

BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN SPANBAUER

42

WHEREAS, there has been a request relative to abandonment of an unused and unimproved portion of Seventeenth Street between Pennsylvania Avenue and Delaware Avenue; and

WHEREAS, once the abandonment process is completed, the abandoned portion of the street will eventually be added to the footprint of a proposed solar project in the area; and

WHEREAS, the dimensions of the area to be abandoned are 50 ft. wide by 250 ft. long; and

WHEREAS, relevant City Departments have reviewed the proposed abandonment request and approves of the same; and

WHEREAS, the City Council hereby declares its intention to abandon the above street, as described above.

NOW, THEREFORE BE IT RESOLVED that public hearing be held on abandonment of the aforementioned portion of the Seventeenth Street between Pennsylvania Avenue and Delaware Avenue at a meeting of the City Council to be held on Wednesday, December 14, 2022, at 6:00 o'clock P.M. and the City Clerk is hereby directed to publish a notice of intention to discontinue and abandon the above-mentioned portion of the street in the Niagara Gazette once a week for two (2) successive weeks preceding December 14, 2022.

Yeas

4

Absent: Council Member Tompkins

Nays

0

ADOPTED

RESOLUTION: PUBLIC HEARING, ALLEY, SOUTH OF JAMES AVE AND PARALLEL TO HIGHLAND AVE., 2022-68

BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN SPANBAUER

43

WHEREAS, there has been a request relative to abandonment of a portion of the alley situated south of James Avenue, running parallel to Highland Avenue; and

WHEREAS, once the abandonment process is completed, the abandoned alley will eventually be added to the footprint of a proposed solar project in the area; and

WHEREAS, the dimensions of the alley be abandoned constitutes are 10 ft. wide by 304.16 ft. long; and

WHEREAS, relevant City Departments have reviewed the proposed abandonment request and approves of the same; and

WHEREAS, the City Council hereby declares its intention to abandon the above alley, as described above.

282



NOW, THEREFORE BE IT RESOLVED that public hearing be held on abandonment of the aforementioned alley at a meeting of the City Council to be held on Wednesday, December 14, 2022, at 6:00 o'clock P.M. and the City Clerk is hereby directed to publish a notice of intention to discontinue and abandon the above-mentioned alley in the Niagara Gazette once a week for two (2) successive weeks preceding Wednesday, December 14, 2022.

Yeas

4

Absent: Council Member Tompkins

0

Nays

ADOPTED

RESOLUTION: PUBLIC HEARING, SECOND STREET (WHIRLPOOL ST) NORTH OF WALNUT AVE, ABANDONMENT, 2022-69

BY: COUNCIL MEMBERS BAX, TOMPKINS, ZJAC, CHAIRMAN SPANBAUER

44

WHEREAS, there has been a request relative to abandonment of a no longer utilized portion of the Second Street north of Walnut Avenue; and

WHEREAS, this former roadway was removed and converted to parkland by the New York State Department of Parks, Recreation and Historic Preservation during the removal of the Niagara Scenic Parkway; and

WHEREAS, the Department of Parks, Recreation and Historic Preservation has requested abandonment of this now unused 66 foot-wide by 2000 foot-long street as it will develop this area in a manner consistent with parks and maintain the same conducive to a schedule which will enhance the experience of visitors to the park area; and

WHEREAS, relevant City Departments have reviewed the proposed abandonment request and approves of the same; and

WHEREAS, the City Council hereby declares its intention to abandon the above street, as described above.

NOW, THEREFORE BE IT RESOLVED that public hearing be held on abandonment of the aforementioned portion of the Second Street north of Walnut Avenue at a meeting of the City Council to be held on Wednesday, December 14, 2022, at 6:00 o'clock P.M. and the City Clerk is hereby directed to publish a notice of intention to discontinue and abandon the above-mentioned portion of the street in the Niagara Gazette once a week for two (2) successive weeks preceding December 14, 2022.

Yeas

4

Absent: Council Member Tompkins

0

Nays

ADOPTED

RESOLUTION: PUBLIC HEARING, 330 FOOT PORTION OF DELAWARE AVE, PROPOSED ABANDONMENT, 2022-70

BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN SPANBAUER

45

WHEREAS, there has been a request relative to abandonment of an unused and unimproved 330 ft. portion of Delaware Avenue; and

WHEREAS, once the abandonment process is completed, the abandoned portion of the street will eventually be added to the footprint of a proposed solar project in the area; and

WHEREAS, the dimensions of the area to be abandoned are 33 ft. wide by 330 ft. long, which is the northerly half of the easterly 330 feet of Delaware Avenue (the southerly half was abandoned by the City Council in December, 1990); and

WHEREAS, relevant City Departments have reviewed the proposed abandonment request and approves of the same; and

WHEREAS, the City Council hereby declares its intention to abandon the above street, as described above.

NOW, THEREFORE BE IT RESOLVED that public hearing be held on abandonment of the aforementioned 330 ft. portion of Delaware Avenue at a meeting of the City Council to be held on Wednesday, December 14, 2022, at 6:00 o'clock P.M. and the City Clerk is hereby directed to publish a notice of intention to discontinue and abandon the above-mentioned portion of the street in the Niagara Gazette once a week for two (2) successive weeks preceding December 14, 2022.

Yeas	4
Absent: Council Member Tompkins	
Nays	0
ADOPTED	

RESOLUTION: WINN, TIM, HONORING, 2022-71  
BY: MAYOR RESTAINO, ALL COUNCIL MEMBERS

46

WHEREAS, Niagara Falls' own Tim Winn is truly a man off many gifts and talents; and

WHEREAS, a native of Niagara Falls, NY, Tim Winn was a basketball star at LaSalle High School. Winn led the team to four straight Section VI titles and four straight appearances in the New York State Public High School Athletic Association Basketball Championships in Glens Falls, NY. Those appearances included two NYS Class A championships for LaSalle in 1995 and 1996; and

WHEREAS, during his basketball career, Winn was well-known as a defensive standout and, despite being only 5'10", he excelled at shutting down opposing players of any size; and

WHEREAS, one of his best known performances during his high school career was holding national player of the year Stephon Marbury to only 12 points in the New York State Federation tournament. Marbury was considered the top point guard in the country and averaged 30 points per game; and

WHEREAS, Tim was named First-Team All-Western New York three times (1994, 1995 and 1996) and was a two-time Western New York Player of the Year honoree during his junior and senior years. He is LaSalle's all-time leading scorer with 1,897 points, an 18.4 ppg. average, including a 52-point game; and

WHEREAS, while several high profile college programs recruited him, Tim chose St. Bonaventure after forming a relationship with their assistant Rob Lanier. Winn became a program-changing recruit for St. Bonaventure, becoming one of the greatest guards in Bona history. He led the Bonnies to 66 wins in his four years, an NIT berth in 1998, an appearance in the Atlantic 10 championship game and a spot in the 2000 NCAA tourney, taking national powerhouse Kentucky to double overtime. Winn tallied 1,407 points, 449 assists (sixth in Bona history), 319 steals (second) & 192 3-pointers (fifth). He was named an All-Atlantic 10 selection as both a junior and a senior, including first team honors and All-Defensive team status in 2000; and

WHEREAS, after college, Winn played professional basketball in several leagues across the U.S. and abroad. In 2006, while playing for the Buffalo Rapids of the American Basketball Association, he averaged 25 points, 11 assists, and 4 steals and represented the Rapids in the ABA All Star Game. Winn was a Buffalo News second team All-time All Western New York selection and was inducted into the St. Bonaventure Athletics Hall of Fame in 2010; and

WHEREAS, Tim Winn will be inducted into the Greater Buffalo Sports Hall of Fame on Wednesday, November 9, 2022 for his outstanding basketball accomplishments during his career as a high school, college and professional basketball player.

NOW, THEREFORE, BE IT RESOLVED that the Niagara Falls City Council and Mayor Robert M. Restaino wish to honor Tim Winn and recognize his life, talent, dedication and commitment to our City and the community at large by designating November 2, 2022, as "Tim Winn Day" in the City of Niagara Falls.

Yeas	4
Absent: Council Member Tompkins	
Nays	0
	ADOPTED

CITY CLERK: COMMISSIONER OF DEEDS, APPOINTMENTS

47

The following have requested City Council approval for Commissioner of Deeds for a term from January 1, 2023 to December 31, 2024.

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

Gary Bevilacqua	City Marshall
Wendy A. Fortin	Finance- Payroll
Vicky D. Wideman	City Clerk

John A. Biasucci	8510 Munson Avenue Niagara Falls, NY 14304
Alexis Evans	453 76 <sup>th</sup> Street Niagara Falls, NY 14304
Denise J. Garlitz	2249 Grand Avenue Niagara Falls, NY 14301
Lynda B. Grozio	640 73 <sup>rd</sup> Street Niagara Falls, NY 14304
John L. Szczepczenski	1246 89 <sup>th</sup> Street Niagara Falls, NY 14304
Paige Treat	6870 Sy Road Niagara Falls, NY 14304
Matthew Davis II	1317 Ashland Avenue Niagara Falls, NY 14301

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

Yeas	4
Absent: Council Member Tompkins	
Nays	0
	APPROVED

RESOLUTION: COUNCILMAN SPANBAUER, APPOINTMENT FOR REPLACEMENT, 2022-72  
BY: COUNCIL MEMBERS BAX, ZAJAC, CHAIRMAN SPANBAUER

48

WHEREAS, John Spanbauer began his current term as a Niagara Falls City Councilman on January 1, 2020 and his term is scheduled to end on December 31, 2023; and

WHEREAS, Council Member Spanbauer has indicated that he will resign from his position on the Council effective December 20, 2022, 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 Councilman Spanbauer to serve until the qualification of a successor so elected;

NOW, THEREFORE, BE IT RESOLVED by the Niagara Falls City Council that Vincent Cauley, residing at 1777 Welch Ave, Niagara Falls, NY 14303, and being a resident of the City of Niagara Falls, New York for the preceding year and an enrolled member of the Republican 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 John Spanbauer, to serve the remainder of the term of John Spanbauer, effective December 21, 2022.

Yeas 4

Absent: Council Member Tompkins

Nays 0

ADOPTED

The Chairman asked if anyone wished to speak on the Good of the Community:

Renate Collins

Pot Holes

Gwendolyn Walker

Garbage is being burned near her property

Mr. Shah Islam

Short Term Rentals

There being no further business to come before the Council, Chairman Spanbauer adjourned the Meeting at 8:30 P.M.

Vicky Wideman

City Clerk



**NOVEMBER 1, 2022**

**SPECIAL COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

The November 1, 2022 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Spanbauer at 5:00 PM in the Council Chambers.

Present: All Council Members

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

Special Meeting for the Mayor to present the 2023 Executive Budget

October 26, 2022

Members of the City Council  
and  
Vicky Wideman, 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, to be held on Tuesday, November 1, 2022 at 5:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1) Presentation of the 2023 Executive Budget.

Respectfully submitted,

Robert M. Restaino, Mayor

There being no further business to come before the Council, Chairman Spanbauer adjourned the Meeting at 6:00 PM.

Vicky Wideman  
City Clerk

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NOVEMBER 10, 2022

**BUDGET WORK SESSION #1**

**NIAGARA FALLS, NEW YORK**

The 2023 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 John Spanbauer.

Present: Council Members Bax, Zajac, Chairman Spanbauer

Absent: Council Member Myles

Excused: Council Member Tompkins

Also Present: Mayor Robert Restaino, City Administrator Anthony Restaino, Controller Dan Morello

The following Departments were addressed to the Council by Controller Dan Morello:

Purchasing

City Assessor

City Clerk

Records Management

MIS

Code Enforcement

Community Development

There being no further business to come before the Council, Chairman Spanbauer adjourned the meeting at 5:13 p.m.

Vicky Wideman

City Clerk

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NOVEMBER 15, 2022

**BUDGET WORK SESSION #2**

**NIAGARA FALLS, NEW YORK**

The 2023 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 John Spanbauer.

Present: Council Members Bax, Myles, Zajac, Chairman Spanbauer

Excused: Council Member Tompkins

Also Present: Mayor Robert Restaino, City Administrator Anthony Restaino

The following Departments were discussed, there were no Department Heads present:

Controller

Corporation Counsel

Risk Management

Fire Dispatch

Fire Administration

Fire Fighting

Fire Prevention

Fire Training

Fire Mechanics

Planning & Economic Development

There being no further business to come before the Council, Chairman Spanbauer adjourned the meeting at 5:20 p.m.

Vicky Wideman

City Clerk

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NOVEMBER 15, 2022

**PUBLIC HEARING**

**NIAGARA FALLS, NEW YORK**

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The November 15, 2022 Public Hearing was called to order by Council Chairman Spanbauer at 6:00 p.m. in the Council Chambers.

Present: Council Members Bax, Myles, Tompkins, Zajac, Chairman Spanbauer  
Also Present: Controller Dan Morello

The Chairman asked if anyone wished to speak regarding the Proposed 2023 Budget  
THERE WERE NO SPEAKERS

There being no further business to come before the Council, Chairman Spanbauer adjourned the Meeting at 5:03 PM.

Vicky Wideman  
City Clerk

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NOVEMBER 17, 2022

**BUDGET WORK SESSION #3**

**NIAGARA FALLS, NEW YORK**

The 2023 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 John Spanbauer.

Present: Council Members Bax, Myles, Zajac, Chairman Spanbauer

Excused: Council Member Tompkins

Also Present: Mayor Robert Restaino, City Administration Anthony Restaino, Controller Dan Morello

The following Departments were addressed to the Council by Controller Dan Morello:

Human Resources

Engineering

Police Dispatch

Police Administration

Police Patrol

Police Traffic

School Resource Officer

Office of Professional Standard

Criminal Investigation

Narcotics Investigation

Library

There being no further business to come before the Council, Chairman Spanbauer adjourned the meeting at 5:30 p.m.

Vicky Wideman  
City Clerk

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NOVEMBER 22, 2022

**BUDGET WORK SESSION #4**

**NIAGARA FALLS, NEW YORK**

The 2022 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 John Spanbauer.

Present: Council Members Bax, Myles, Tompkins, Zajac, Chairman Spanbauer  
Also Present: Mayor Robert Restaino, City Administrator Anthony Restaino,  
Controller Dan Morello

Controller Dan Morello spoke to the City Counsel on the following:

DPW Administration	Street Construction
Public Property Administration	Snow Removal
Building - City Hall	Parks-look at black tarp
Public Safety	Small Parks
	Mall Maintenance
Municipal City Court	Playground-Rec Centers
Miscellaneous Building	LaSalle Facility
Municipal Buildings-Police	Senior Center Operations
	Senior Center Maintenance
Carnegie Building	Swimming Pool Operations
Rainbow Mall	Swimming Pool Maintenance
Trades-DPW	Ice Pavillion
Central Garage	
Traffic Engineering	

There being no further business to come before the Council, Chairman Spanbauer adjourned the meeting at 6:07 p.m.

Vicky Wideman  
City Clerk



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NOVEMBER 22, 2022

SPECIAL COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The November 22, 2022 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Spanbauer at 5:30 PM in the Council Chambers.

Present: Council Members Bax, Myles, Tompkins, Zajac, Chairman Spanbauer  
Also Present: Mayor Robert Restaino, City Administrator Anthony Restaino, Corporation Counsel Chris Mazur, Controller Dan Morello

Special Meeting for Council to approve the following items.

November 17, 2022

Members of the City Council  
and  
Vicky Wideman, 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, to be held on **Tuesday, November 22, 2022 at 5:30 p.m (immediately following the City Council Budget meeting)** in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purposes:

1. Approval for Acceptance of Brownfields Assistance Grant (5627 Niagara Falls Boulevard property);
2. Relative to Centennial Park - SEQR determination of non-significance; and
3. Relative to Making Determination and Findings concerning the proposed acquisition of certain property located in the City of Niagara Falls, Niagara County, New York for the Centennial Park Redevelopment Project.

Respectfully submitted,

---

John Spanbauer, Chairperson

## #1 Brownfields Assistance Grant, 5627 NFB Property

As you know, several years ago, the City of Niagara Falls acquired the Junior's Truck Stop property at 5627 Niagara Falls Blvd through an in rem proceeding. The property has already undergone one environmental remediation project a few years ago and is in need of another in order to comply with State and Federal guidelines.

In order to secure the necessary funding for the remediation project, this Administration applied to the Niagara County Brownfield Development Corporation ("NCBDC") for a Brownfields Assistance Grant. Recently, the NCBDC approved the City's grant application and awarded the City the sum of \$125,000.00.

The funding will be used for the purposes of remediating the soil near the location of former underground petroleum storage tanks and abating asbestos in one of the site buildings. This will aid the City by providing a clean location for the proposed redevelopment of the site.

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

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

Yeas

5

Nays

0

APPROVED

## #2. Relative to Centennial Park SEQR Determination of Non-Significance, 2022-73

BY: Council Chairman John Spanbauer

WHEREAS, the City of Niagara Falls City Council (hereinafter referred to as "City Council") is considering a proposal for creation of Centennial Park. (the "Action"), with a subject site of vacant parcels (907 Falls Street and a Portion of the Property Along John Daly Memorial Parkway Consisting of SBL Nos. 159.09-3-3 and 159.09-3-2) approximately 12 acres in size of which no less than 9.8+/- acres will be used for the Park, which the City intends to acquire by eminent domain, and which is bound on the north by Falls St, the east by 10th street, the south by vacant property and to the west by John Daly Boulevard, which Project, once complete will consist of a multi-faceted year round event campus potentially including an indoor arena, outdoor amphitheater, a water feature, ice skating rink, a multilevel surface parking deck, and a wall climbing adventure course as well as all related utilities; and

WHEREAS, the City Council held duly noticed public hearings on June 29, 2022 and on September 6, 2022 on the proposed Action and potential acquisition; and

WHEREAS, the City Council has reviewed the Full Environmental Assessment Form (FEAF) part 1 and other information, including the Traffic Impact Study; and

WHEREAS, the City Council determined that the said Action is classified as a Type 1 Action under part 617.4 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the City Council has issued a Notice of Intent to Act as Lead Agency for the Project and no involved or interested agency objected to the City Council acting as Lead Agency; and

WHEREAS, the City Council has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in the FEAF part 1 and taken a hard look at the potential impacts of the Action; and

WHEREAS, the City Council has completed part 2 and 3 of the FEAF; and

WHEREAS, a copy of the Full Environmental Assessment Form has been presented to the City Council for consideration, and the Council has considered the comments at the public hearing; and

NOW, THEREFORE BE IT RESOLVED, the City Council hereby designates itself as the lead agency for the described action; and

BE IT FURTHER RESOLVED, the City of Niagara Falls City Council has reasonably concluded there would not be any substantial adverse impact on the following: land use planning or zoning regulations; intensity of use of the land; character or quality of the existing community; environmental characteristics; existing level of traffic or infrastructure, use of energy; public or private water supplies; public or private wastewater treatment utilities; character or quality of important historic, archaeological, architectural or aesthetic resources; natural resources; potential for erosion, flooding or drainage problems; or creation of a hazard to environmental resources or human health; and be it further

RESOLVED, the City Council determines upon the information and analysis documented that the proposed action will not result in any significant adverse environmental impacts; and be it further

RESOLVED, the City Council does hereby make a Determination of Non-Significance on the proposed Centennial Park Project; and be it further

RESOLVED, the City Council Chairperson is hereby directed to sign the FEAF part 3 and file with the City Clerk and other necessary agencies as evidence the City Council has determined the proposed action will not result in any significant adverse environmental impact

Yeas

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Nays

0

ADOPTED

#3. Relative to making determination and findings concerning the Proposed Acquisition of certain property located in the City of Niagara Falls, Niagara County, New York for the Centennial Park Redevelopment Project, 2022-74

BY: Council Chairman Spanbauer

WHEREAS, the City Council of the City of Niagara Falls (hereafter the "City Council" and the "City," respectively) is authorized and empowered by Section 20(13) of the General City Law to preserve and care for the safety, health, comfort and general welfare of the inhabitants of the City and visitors and tourists thereto. Under Section 21 of the General City Law, the "general welfare" includes the promotion of education, art, beauty, charity, amusement, recreation, health, safety, comfort and convenience, as well as the promotion, creation, development or expansion of business, commerce, industry and/or job opportunities; and

WHEREAS, from time to time, the City Council may also purchase real property, in the manner provided by law, or by acquisition in the manner provided by the Eminent Domain Procedural Law of the State of New York ("EDPL"), any lands or rights thereon, required for any public purpose, under Section 20(2) of the General City Law; and

WHEREAS, in furtherance of these purposes, the City Council has considered a potential undertaking known as the Centennial Park project (the "Project"), which is proposed to be a multifaceted year-round event campus and community redevelopment plan; and

WHEREAS, the undertaking and implementation of the Project requires the acquisition of certain parcels of property located in the City of Niagara Falls, New York (hereafter collectively referred to as the "Parcels"); and

WHEREAS, the City Council has proposed to use its powers of condemnation in accordance with the provisions of the EDPL to acquire the Parcels; and

WHEREAS, pursuant to the authorization contained in a resolution adopted by the City Council on June 13, 2022 (the "First Public Hearing Resolution"), the City Council: (A) caused notice of a public hearing of the City Council pursuant to Article 2 of the EDPL (the "First Public Hearing") to be published in the Niagara Gazette, a newspaper of general circulation available to the residents of the City of Niagara Falls, at least ten, but not more than thirty, days before the public hearing in at least five successive issues of the Niagara Gazette running from June 17, 19, and 22 through 26, 2022, (B) provided notice of the First Public Hearing on June 14, 2022, to all record assessment billing owners and counsel, at least ten, but not more than thirty, days before the First Public Hearing by certified mail, return receipt requested, and (C) conducted the First Public Hearing on June 29, 2022, at 6:00 o'clock p.m., at City Hall; and

WHEREAS, pursuant to the authorization contained in a resolution adopted by the City Council on August 18, 2022 (the "Second Public Hearing Resolution"), the City Council: (A) caused notice of a public hearing of the City Council pursuant to Article 2 of the EDPL (the "Second Public Hearing") to be published in the Niagara Gazette, a newspaper of general circulation available to the residents of the City of Niagara Falls, at least ten, but not more than thirty, days before the public hearings in at least five successive issues of the Niagara Gazette running from August 23, 24, 25, 26, and 27, 2022, (B) provided notice of the Second Public Hearing on August 22 and 26, 2022, to all record assessment billing owners and counsel, at least ten, but not more than thirty, days before the Second Public Hearing by certified mail, return receipt requested, and (C) conducted the Second Public Hearing on September 6, 2022, at 6:00 p.m., at City Hall; and

WHEREAS, at the First Public Hearing and Second Public Hearing (together, the "Public Hearings"), the City Council outlined the purpose and proposed location of the Project, the proposed public use the Project represented, along with any other information it considered pertinent, including maps and descriptions of the property to be acquired and adjacent parcels, and provided any person in attendance a reasonable opportunity to present oral or written statements and to submit any other documents concerning the Project and/or the proposed public use the Project represented; and

WHEREAS, following the Public Hearings, the Agency caused a transcript of the Public Hearings to be made (collectively referred to as the "Record"); and

WHEREAS, the City Council maintained the Record as being available to the public for examination without cost during normal business hours in the office of the City Clerk, that being City Hall, 745 Main Street, Niagara Falls, Niagara County, New York; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act"), and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (the "Regulations", and collectively with the SEQR Act, "SEQRA"), by resolution adopted by the members of the City Council on November 22, 2022 (the "SEQR Resolution"), the City Council (1) determined that the Project constitutes an "Unlisted Action" (as said quoted term is defined in SEQRA), (2) determined that the Project will not result in a significant adverse impact on the environment, and (3) prepared and issued a negative declaration with respect to the Project; and

WHEREAS, the City Council, pursuant to Article 2 of the EDPL, desires to adopt the determination and findings and brief synopsis attached hereto in connection with the acquisition of the Parcels; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls as follows:

Section 1. Based on the entire record of proceedings, including, but not limited to, the conceptual plans for the Project, information set forth in the EAF, the Negative Declaration, the information and materials from the Public Hearing, the City Council's knowledge of the Project site and the Parcels, input from the community, and pursuant to the requirements of the EDPL, the City Council makes the following findings with respect the Project:

A. Pursuant to Article 2 of the EDPL, the form and substance of the determination and findings attached hereto as Schedule "A" is hereby adopted and incorporated herein by reference.

B. Pursuant to Article 2 of the EDPL, the form and substance of the brief synopsis of the determination and findings attached hereto as Schedule "B" is hereby adopted and incorporated herein by reference.

Section 2. The City Clerk is hereby authorized and directed to take such further action on behalf of the Agency to effectuate the provisions of this Resolution and so as to fulfill the requirements of Article 2 of the EDPL.

Section 3. This Resolution shall take effect immediately.

Yeas

5

Nays

0

ADOPTED

There being no further business to come before the Council, Chairman Spanbauer adjourned the Meeting at 6:02 PM.

Vicky Wideman  
City Clerk



NOVEMBER 30, 2022

**BUDGET WORK SESSION #5**

**NIAGARA FALLS, NEW YORK**

The 2023 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 John Spanbauer.

Present: Council Members Myles, Tompkins, Zajac, Chairman Spanbauer

Absent: Council Member Bax

Also Present: Corporation Counsel Chris Mazur, Controller Dan Morello

RESOLUTION No. 2022-84

RELATIVE TO ADOPTING THE 2023 PROPOSED  
EXECUTIVE BUDGET AND DIRECTING  
TRANSMISSION OF THE SAME TO THE MAYOR

BY:

Council Chairman John Spanbauer  
Council Member Traci Bax  
Council Member Donta Myles  
Council Member Kenny Tompkins  
Council Member David Zajac

WHEREAS, on November 1, 2022, the Mayor duly presented this Council with the Proposed Executive Budget for 2023, including a capital plan; and

WHEREAS, the required public hearing on said proposed Executive Budget was held on November 15, 2022 at which the Council, the Mayor, the City Administrator and the City Controller were present, notice of which was published on November 9, 2022; and

WHEREAS, this Council thereafter met and considered the said Proposed Executive Budget; 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, 2022;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Niagara Falls, New York, that the Proposed Executive Budget for 2023 is hereby adopted without amendment, and

BE IT FURTHER RESOLVED, that the Clerk of this Council is directed to immediately transmit a copy of this resolution to the office of the Mayor on or before the end of December 1, 2022, and be it further

RESOLVED, that the Executive Budget heretofore adopted shall become operative without further action by this Council, and the Mayor is thereupon directed to spread the sum amounting to \$33,391,317.00 (Thirty Three Million, Three Hundred Ninety-one Thousand, Three Hundred Seventeen Dollars and No Cents) upon all taxable property within the City at such rates as will be sufficient to raise said sum, which sum shall be certified to him by the City Clerk, together with 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.



Controller Dan Morello made a motion to accept this Proposed Budget

Yeas

4

Absent: Council Member Bax

Nays

0

ADOPTED

There being no further business to come before the Council, Chairman Spanbauer adjourned the meeting at 5:33 p.m.

Kathleen Ligammari  
City Clerk



**DECEMBER 14, 2022**  
**REGULAR COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

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The Legislative session of the December 14, 2022 Niagara Falls City Council Meeting was called to order by Council Chairman John Spanbauer at 6:00 P.M. in the Council Chambers.

Present: Council Members Traci Bax, Donta Myles, Kenny Tompkins, David Zajac and Chairman John Spanbauer

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

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

**COMMUNITY HAPPENINGS:**

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

John Szczepczenski	Agenda Item #28
Jockline Pryor	Agenda Items #8, #9, #11, #12
Ezra Scott, Jr.	Agenda Item #30
Frank Handley	Agenda Item #6
Todd Salansky	Agenda Items #1, #3, #4, #6, #7, #8, #9, #10, #11, #12

#6. Council Member Myles stated that Sal Maglie Stadium has not been assessable for the whole community.

#6. Per the Mayor, the changes will ensure the Stadium will be a multipurpose Stadium

#11. Council Member Myles said "311" is a middle man to a middle man

#11. Per the Mayor, IT is working on the technology

#11. City Administrator 311 was mainly dealing with Code Enforcement

#23. Council Member Myles stated he's glad we're shifting from Homestead to Non-Homestead

#28. Council Member Myles thinks that a couple of the mentioned Boards are important

#28. Council Member Tompkins said these Boards were a set time

#28. Council Chairman Spanbauer stated that these Boards went through Administration

#30. Council Member Tompkins said we're asking the State to help us

#30. Council Member Myles said he was insulted that no one has asked the Community what they want

#32. Council Member Myles said he would like to have more conversation about this

#29. Council Member Myles said we are reallocating this money

#31. Mayor Restaino wanted to make sure the language was right

**THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK**

**CITY CLERK CLAIMS FOR THE MONTH OF OCTOBER 2022**

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

**CITY CLERK CLAIMS FOR THE MONTH OF NOVEMBER 2022**

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF OCTOBER 2022

Agenda Item #3

THIS ITEM WAS RECEIVED AND FILED

SECOND HAND DEALERS, LICENSES

Agenda Item #4

Chapter 338 of the Codified Ordinances states: "338.03...City Council may grant a license to carry on the business of secondhand dealer within the City..."

The following has submitted an application for a secondhand dealer licenses. These applications have been approved by the Niagara Falls Police Department.

Niagara Coin & Collectables  
509 Third Street  
Niagara Falls, NY 14301

Niagara Metals  
4861 Packard Road  
Niagara Falls, NY 14304

JS Used Appliances (New)  
2425 Hyde Park Blvd  
Niagara Falls, NY 14305

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: ASBESTOS MONITORING FOR DEMOLITION CONTRACT, AND ENVIRONMENTAL CONSULTANTS, CHANGE ORDER #3

Agenda Item #5

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.

Subsequent to the start of the project, it was determined that the contractual work performed by the City's environmental consultant at 195 82<sup>nd</sup> Street was not eligible for Community Development funding. As the work in question was satisfactorily completed to the City's requirements, and was a necessary portion of the 2022 Demolition Project, the contractor is due costs not exceeding \$800.00 for contractual professional services already performed. Funding is available from Tribal Revenue Reserves.

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

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

Yeas

5

Nays

0

APPROVED

CONTRACT: LOUIS DELPRINCE & SONS, SAL MAGLIE ATHLETIC FIELD  
IMPROVEMENTS, CHANGE ORDER #1

Agenda Item #6

A contract for the above referenced project was awarded to Louis Del Prince & Sons, Inc. on August 10, 2020 in the amount of \$1,450,280.00.

After the start of the project, required exploratory excavations and the discovery of underground features required the contractor to perform additional tasks and add/reroute proposed drainage piping. Costs for these additional tasks and piping to date is \$37,707.00, bringing the contract total to \$1,487,987.00. Funding for these required additional tasks is available from American Rescue Plan Funds under the Treasury Guidance Expenditure Category 2.22, which is "Strong Healthy Communities".

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

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

Yeas

5

Nays

0

APPROVED

POLICE DEPARTMENT: DCJS MOTOR VEHICLE THEFT AND INSURANCE FRAUD  
PREVENTION GRANT AWARD

Agenda Item #7

The New York State Division of Criminal Justice Service ("DCJS") has awarded the Niagara Falls Police Department with a 2023 "Motor Vehicle Theft and Insurance Fraud Prevention" Grant. Grant funding is available to the NFPD to provide support initiatives designed to reduce motor vehicle theft and related motor vehicle insurance fraud.

The grant award is in the amount of \$23,400.00, 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 Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas

5

Nays

0

APPROVED

CONTRACT: CITY MARKET, PROPERTY MANAGEMENT, J.R. MILITELLO REALTY  
INC/ALTAIR REAL ESTATE SERVICES

Agenda Item #8

Recently, the City Council approved an agreement with J.R. Militello Realty, Inc./Altair Real Estate Services ("Militello"), to provide property management at the Niagara Falls City Market. To that end, Militello is engaging in, among other things, tenant relations, lease term coordination, coordination of maintenance, and management of vendor projects and services on the City's behalf. When required maintenance and/or services are outside the scope of the contract or of their level of expertise (e.g., landscaping, snow removal, pest control, etc.), Militello will enter agreements with third party vendors to facilitate the completion of those activities, subject to the prior approval by the City. Militello will then submit an invoice to the City for the work, which the City then pays directly to Militello. However, since the City is not a party to the vendor contracts, Militello may be exposed to potential liability issues with the vendors that were not anticipated at the time of signing its agreement with the City. Accordingly, it is submitted that it is necessary to add additional terms to the City's agreement with Militello to address this issue.

It is hereby proposed that the City enter into an agreement with J.R. Militello Realty, Inc./Altair Real Estate Services to add an addendum to the original contract to accomplish this goal. During the remainder of the term of the original agreement, a 15% premium will be added to City-approved vendor agreements entered into by Militello for the provision of certain maintenance and tenant services done at the City Market on the City's behalf. This premium will be paid to Militello in addition to the fees listed in the original agreement. The specific items and services subject to this premium, which are outside the scope of Militello's general maintenance abilities, will be included in the addendum. Again, all vendor agreements entered into by Militello are subject to prior approval by the City. Funding is available from the revenue generated from the lease payments from City Market commercial tenants.

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

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

Yeas	5
Nays	0
	APPROVED

#### CITY MARSHALLS, APPOINTMENTS

##### Agenda Item #9

The City Council previously designated Gary Bevilacqua, Frederick Pucci, Eugene Pucci and Rocco Zendano, Jr. as City Marshalls with terms that will expire on December 31, 2022. It is recommended that these four (4) individuals be reappointed to terms expiring on December 31, 2024.

They will continue to provide satisfactory insurance coverage naming the City of Niagara Falls, New York as additional insured and their remuneration will continue to be limited to the fees that they collect for services rendered.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

#### POLICE DEPARTMENT: REORGANIZATION

##### Agenda Item #10

Currently, there is a Senior Account Clerk position in the Police Department Criminal Intelligence Division that is being filled by a provisional employee. The Police Superintendent has determined that there is an opportunity to reorganize the clerical staff in this division in a manner that will maintain essential services and maximize efficiency. Accordingly, it is proposed that the Senior Account Clerk position (Grade 12) be eliminated and replaced with a Principal Clerk position (Grade 12). The position will be filled by the same employee, who is a permanent Principal Clerk. This reorganization will result in no additional cost to the City's Budget.

Will the Council so approve?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: 3-1-1 SYSTEM, FUNDING, VISUALLY IMPAIRED ADVANCEMENT

Agenda Item #11

In 2020, the City established a 3-1-1 Call Center to create a central hub for local subscribers to access a variety of city services. That same year, the City entered into an agreement with Visually Impaired Advancement ("VIA") to operate the 3-1-1 system. The City seeks to renew the existing agreement with VIA.

Among other things, VIA works with the City regarding standard call handling protocols for 3-1-1 calls and cooperate with the City's software vendor to implement the desired call handling scripting, queuing, virtual hold, voicemail messaging, and reporting templates into the phone software platform to support mutually desired performance results. Via provides a local 10-digit phone number for the City of Niagara Falls to forward 3-1-1 calls to as well as providing trained Community Resource Specialists to answer 3-1-1 Niagara Falls calls/texts during business hours.

The contract term would extend through December 31, 2023. The total contract cost is \$95,850.00 (\$7,987.50 per month) for 2023. Funding for this project is available in the City Administrator's budget line 0446.006.

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

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

Yeas

5

Nays

0

APPROVED

CONTRACT: FLEET VEHICLES, CITY OF NIAGARA FALLS, PURCHASE, GENEDEE VALLEY FORD

Agenda Item #12

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of two (2) 2023 Ford Edge AWD SUVs for the City of Niagara Falls Vehicle Fleet. These vehicles are to be assigned to the Mayor and City Administrator.

After receiving the mini-bid responses, we respectfully request you award the above-referenced as follows:

TO: BJA1675 LLC dba  
Genesee Valley Ford - Avon.  
1675 Interstate Drive  
Avon, New York 14414  
FOR: Two (2) 2023 Ford Edge SEL AWD  
\$38,100.00 each

Total Cost: \$76,200.00

The City Purchasing Division certifies that this bid was solicited in accordance with Section 103 of the General Municipal Law and in accordance with New York State's mini-bid procedures via the NYS Vehicle Marketplace.

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 authorize the Mayor to execute an agreement with the above named vendors in a form acceptable to the Corporation Counsel?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: CONCRETE PURCHASE, PREFERRED MATERIALS, LLC

Agenda Item #13

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

\$155.00 per cubic yard

The City Purchasing Division certifies that this bid was solicited in accordance with Section 103 of the General Municipal Law.

Funds for this expenditure are included in the Department of Public Works (DPW) Construction and Repair account code A.5110.0200.0419.006.

Will the Council so authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: DUMP TRUCK/PLOW, NFDPD, KENWORTH OF BUFFALO

Agenda Item #14

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of one (1) 2023 Kenworth T480 Cab and Chassis with dump and plow units for use by the City of Niagara Falls Parks Department.

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

TO: Kenworth of Buffalo (V# 13388)

100 Commerce Drive

Lackawanna, NY 14218

FOR: One (1) 2023 Kenworth T480 Cab and Chassis

\$116,935.00

TO: Valley Fab and Equipment, Inc. (V# 1702)

9776 Trevett Road

Boston, NY 14025

FOR: One (1) 10' dump and plow - equipment & installation

\$104,055.00

Total Cost: \$220,990.00

It is the recommendation of the undersigned that this equipment request be awarded to the above named vendors per the specifications of Sourcewell Contract #060920-KTC (cab & chassis) and Onondaga County Contract #8996 (dump & plow).

Will the Council so authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: AXON CAMERA/LICENSE PLATE READER, NFPD, AXON ENTERPRISE, INC.

Agenda Item #15

We respectfully request your approval for the expenditure of American Rescue Plan funds for the purchase, installation and integration of in-vehicle cameras and license plate readers (LPR) to be utilized by the City of Niagara Falls Police Department.

TO: Axon Enterprise, Inc. (Vendor #13012)  
17800 N 85<sup>th</sup> Street  
Scottsdale, Arizona 85255

FOR: FLEET 3 Advanced, including FLEET 3 ALPR - API Integration Services (2023 -2027), Axon Signal Units, Cameras/Camera Kits, Licenses, Extended Warranty and installation services for fourteen patrol vehicles.

TOTAL COST: \$ 177,720.00

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 authorize the Mayor to execute an agreement with the above named vendors in a form acceptable to the Corporation Counsel?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: NFFD, FIRE APPARATUS, GMP PUMPER TRUCKS, EMPIRE EMERGENCY APPARATUS

Agenda Item #16

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of three (3) 1500 GPM Pumper Trucks for the City of Niagara Falls Fire Department as follows:

TO: Empire Emergency Apparatus (Vendor #3110)  
3995 Lockport Road  
Niagara Falls, New York 14305

FOR: Three (3) Rosenbauer Pumpers, complete with Rosenbauer Warrior Chassis. Price per unit includes \$45,000 for bid specified loose equipment and reflects a multi-unit purchase deduction, requiring payment for each fire truck chassis upon its completion **\$686,587.00 each**

**TOTAL COST: \$2,059,761.00**

Note: Empire Emergency Apparatus has offered the option of a \$3000.00 price deduction from each unit if the loose equipment is purchased and paid for within 30 days of contract award, for an additional savings of \$9000.00.



The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law. Funding sources for this project are available as follows:  
\$334,761.00 in bond funds are available in Capital Account Code H0818;

\$1,725,000 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 authorize the Mayor to execute an agreement with the above named vendors in a form acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: OFFICE OF THE AGING, INFORMATION AND ASSISTANCE PROGRAM, NIAGARA COUNTY

#### Agenda Item #17

In the past, the City has served as a contractor for the Niagara County Office for the Aging by providing information and assistance services to persons 60 years old or older who meet Office for the Aging eligibility requirements. These services are performed at 1201 Hyde Park Boulevard, Niagara Falls, New York. The City is paid an amount not to exceed \$9,025.00 for these services. The term of this agreement will be for three (3) years, January 1, 2023 to December 31, 2025 and may be terminated by either party on sixty (60) days written notice to the other.

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: SENIOR NUTRITION PROGRAM, NIAGARA COUNTY

#### Agenda Item #18

For the last several years the City has provided space at the John Duke Center and the LaSalle Senior Center so that the Niagara County Office of the Aging may operate a nutrition program for seniors. This program is attended by numerous senior citizens at both locations every day. This program is funded by the New York State Office for the Aging. The term of this agreement will be for three (3) years, January 1, 2023 to December 31, 2025 and may be terminated by either party on sixty (60) days written notice to the other.

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

Yeas	5
Nays	0
	APPROVED

CONTRACT: NIAGARA BEAUTIFICATION COMMISSION, RIGHT OF ENTRY & ACCESS TO CITY PROPERTY

Agenda Item #19

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, the City has agreed to grant NBC a non-exclusive, revocable license to enter upon City properties to perform these activities through December 31, 2024.

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

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

Yeas

5

Nays

0

APPROVED

CONTRACT: LAWN CARE/SNOW REMOVAL EQUIPMENT

Agenda Item #20

We respectfully request your approval for the expenditure of American Rescue Plan funds for the purchase of lawn care & snow removal equipment to be utilized by City of Niagara Falls Fire Department Firehouses as follows:

TO: Niagara Lawn & Garden Equipment (Vendor #9183)  
4835 Saunders Settlement Road  
Niagara Falls, New York 14305

FOR: One (1) quantity Cub Cadet LT42" Riding Mower  
\$2287.00 each  
Six (6) quantity Cub Cadet SC300 Push Lawnmower  
\$ 382.00 each  
One (1) quantity Cub Cadet 2x 28 IP Snow Blower  
\$1319.00 each

TOTAL COST: \$ 5898.00

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 authorize the Mayor to execute an agreement with the above named vendor in a form acceptable to the Corporation Counsel?

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

Yeas

5

Nays

0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

422 12TH STREET, AUTISTIC CHILD AREA SIGN FOR NORTHBOUND TRAFFIC

Agenda Item #21

At the Traffic Advisory Commission meeting held on December 5, 2022, the Commission recommended **APPROVAL** of the following item:

**INSTALL AN "AUTISTIC CHILD AREA" SIGN (FOR NORTHBOUND TRAFFIC )  
IN ADVANCE OF 422 12<sup>TH</sup> STREET**

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: Joshua Crumpton, on behalf of his son, Wesley, 422-12<sup>th</sup> Street

It is requested that City Council approve this recommendation.

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

Yeas

5

Nays

0

APPROVED

ALTERNATE PARKING, DEVEAUX ST BETWEEN COLLEGE & VANDERBILT AVENUES

Agenda Item #22

At the Traffic Advisory Commission meeting held on December 5, 2022 the Commission recommended **APPROVAL** of the following item:

**INSTALL ALTERNATE OVERNIGHT PARKING ON DEVEAUX ST BETWEEN COLLEGE  
AND VANDERBILT AVE.**

A Petition from the residents of this block was received with 66.7% of signatures.

Submitted by: Lisa Fix, 3917 DeVeaux Street

It is requested that City Council approve this recommendation.

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

Yeas

5

Nays

0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY ASSESSOR

HOMESTED/NON-HOMESTEAD PROPORTIONS

Agenda Item #23

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 Property Tax Law, I have calculated the locally adjusted proportions for the City of Niagara Falls 2023 tax levy:

**City of Niagara Falls**

Homestead 53.33131

Non-Homestead 46.66869

This calculation represents a 20% shift to the homestead class.

Will Council so approve?

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

Yeas

5

Nays

0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: TORRES-CUMMINGS, ALEJANDRINA

Agenda Item #24

Date of Occurrence: March 7, 2017  
Date Claim Filed: May 15, 2017  
Date Action Commenced: October 5, 2017  
Nature of Claim: Motor vehicle accident  
Location: Walnut Ave. and 19<sup>th</sup> Street intersection  
City Driver: Kelly Rougeux  
Status of Action: This case was tried in New York State Supreme Court and ended with a verdict against the Defendants on May 3, 2022, in the amount of \$1.4 million. Defendants thereafter filed an appeal.  
Recommendation/Reason: Best interest of the City. Settlement will stop post-judgment interest from continuing to accrue at 9%, and avoid the cost of litigating an appeal that would last at least another year.  
Amount to be Paid: \$1,300,000 payable in two installments (\$750,000 on or before December 31, 2022, and \$550,000 on or before March 31, 2023).  
Check Writing Details: Make payable to "Alejandrina Torres-Cummings and Schiffmacher Cinelli Adoff, LLP, as attorneys"  
Conditions: The Settlement Agreement hereby approved by the Council must be fully executed before the City Controller will be authorized to process the above two installment checks.

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

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

Yeas 5  
Nays 0

APPROVED

RESOLUTION: WATER BOARD REAPPOINTMENT, 2022-75  
BY: ALL COUNCIL MEMBERS

Agenda Item #25

**BE IT RESOLVED** that the following individual is hereby reappointed 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 12/31/2024  
2622 Kusum Court  
Niagara Falls, NY 14304

Yeas 5  
Nays 0

ADOPTED

RESOLUTION: ROBERT "BOB" BENNETT, RECOGNIZING, 2022-76  
BY: MAYOR RESTAINO, ALL COUNCIL MEMBERS

Agenda Item #26

WHEREAS, Robert "Rob" Bennett runs the Social Media page "Rob Shots" with almost 27k followers; and

WHEREAS, Rob grew up listening to the police scanner with his father and together they would occasionally go to police or fire incidents; and

WHEREAS, always fond of taking pictures, Rob invested in his first real camera in 2016 and then soon became a regular on many fire and police scenes. The photos he posts on his social media page make it the place to go for what is happening in Niagara Falls; and

WHEREAS, Rob's work is very much appreciated and valued by all our public safety officials, and both the Superintendent of Police and Fire Chief are grateful for his honest portrayal of the work their departments do; and

WHEREAS, Rob Bennett is at many community events, always taking photos and sharing them for all to see. His work has been recognized by our local newspaper and, as a result he now freelances for them as well; and

WHEREAS, "Rob Shots" is now the "go to" place to find out the happenings in Niagara Falls and we are grateful for his hard work and passion; and

NOW, THEREFORE, BE IT RESOLVED that the Niagara Falls City Council and Mayor Robert M. Restaino are proud to recognize Robert "Rob" Bennett for his positive contributions to the City of Niagara Falls.

Yeas

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Nays

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ADOPTED

RESOLUTION: COUNCIL MEETING SCHEDULE, 2023, 2022-77

BY: ALL COUNCIL MEMBERS

Agenda Item #77

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 2023; 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 2 (Organizational Meeting - 11:00 AM)

JANUARY 18

JULY 12

FEBRUARY 1

JULY 26

FEBRUARY 15

AUGUST - RECESS

MARCH 8

SEPTEMBER 6

MARCH 22

SEPTEMBER 20

APRIL 5

OCTOBER 4

APRIL 26

OCTOBER 18

MAY 3

NOVEMBER 1

MAY 24

NOVEMBER 15

JUNE 7

DECEMBER 6

JUNE 28

DECEMBER 20

Yeas

5

Nays

0

ADOPTED

RESOLUTION: BOARDS, COMMITTEES AND COMMISSIONS, UPDATING, 2022-78

BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN SPANBAUER

Agenda Item #28

WHEREAS, the City Council has reviewed the current list of City Boards, Committees and Commissions that is maintained by the City Clerk; and

WHEREAS, this Council has determined that there are a number of these Boards, Committees and Commissions that have either expired by operation of law or simply are no longer necessary.

NOW, THEREFORE, BE IT RESOLVED that the Niagara Falls City Council hereby determines that the following boards and committees shall be eliminated and or disbanded:

- Bellevue Local Development Corporation
- Bingo Inspections
- Charter Commission
- Cable Educational Access Channel Committee
- Compliance Review Board
- Financial Advisory Panel
- Fiscal Advisory Board
- Home Improvement Registration Review Board
- Municipal Building Construction Committee
- Love Canal Revitalization Agency
- Sewer Commission
- Water Commission

;and

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to remove all of the aforementioned Boards, Committees and Commissions from the City's current list maintained in the City Clerk's Office.

Yeas

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Nays

0

ADOPTED

RESOLUTION: ROADS, RECONSTRUCTION, ISSUANCE OF BONDS, AMENDING CITY COUNCIL REGULATION NO. 2011-50, 2022-79

BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN SPANBAUER

Agenda item #29

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that Resolution No. 2011-50, entitled "Reconstruction of Roads, Issuance of Bonds," is hereby amended in the following respects and shall read as follows:

\*\*\*

Section 1. For the purpose of paying the cost of the reconstruction of roads, in and for the City of Niagara Falls, Niagara County, New York, including sidewalks, curbs, gutters, drainage, landscaping, grading or improving rights of way, as well as other incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$4,762,000.00 bonds of said City pursuant to the provisions of the Local Finance Law.

\*\*\*

and be it further

RESOLVED that Resolution No. 2011-50 shall remain unchanged in all other respects.

Yeas

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Nays

0

ADOPTED

RESOLUTION: CENTENNIAL PARK EVENTS CENTER PROJECT, 2022-80

BY: COUNCIL MEMBER TOMPKINS

Agenda Item #30

WHEREAS, on October 14, 2021, Mayor Robert Restaino proposed the development of "Centennial Park", 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, 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 a myriad of activities, by delivering top-level facilities, attractions and entertainment for their families to enjoy year-round; and

WHEREAS, the City Council believes that Centennial Park is critical to the future of this City and has consistently supported the proposal; and

WHEREAS, on October 7, 2020, the City Council approved a consulting agreement with CJS Architects in connection with the Centennial Park Project and on December 20, 2021, this Council authorized reallocation of Community Development funds to in order to compensate CJS Architects for their services; and

WHEREAS, on October 27, 2021, this Council voted to show its unanimous support of the Centennial Park project as proposed by the Mayor; and

WHEREAS, on May 17, 2022 City Council provided authorization for the City to enter into a professional services agreement with Wendel Architecture P.C., to provide a full environmental assessment and traffic impact study for the property identified for the Centennial Park Project; and

WHEREAS, on June 13, 2022, the City Council, pursuant to Eminent Domain Procedure Law Article 2, scheduled a Public Hearing in order to inform the public of the proposed acquisition of property on Falls Street and along John Daly Boulevard for the Centennial Park Project and to review the public use to be served by the acquisition, and to receive comments from the public on the proposed acquisition; and

WHEREAS, on June 29, 2022, this Council conducted said Public Hearing, gathering additional information of the project. At the conclusion of the hearing, the City Council determined that the public hearing on the proposed acquisition and the Centennial Park proposal should remain open to allow for further public consideration and comment on the same; and

WHEREAS, on August 18, 2022, the City Council scheduled a second public hearing on the proposed acquisition and the Centennial Park proposal which it held on September 7, 2022; and

WHEREAS, on November 22, 2022, the City Council unanimously indicated that it had reviewed the Full Environmental Assessment Form (FEAF) part 1 and other information, including the Traffic Impact Study, prepared by Wendel. The Council then declared itself to be lead agency for the Centennial Park Project and made a SEQR Determination of Non-significance, concluding that there would not be any substantial adverse environmental impact from the Project; and

WHEREAS, also on November 22, 2022, this Council, based upon the information in the EAF, the Negative Declaration, the information and materials from the Public Hearing, its knowledge of the Project site and the Parcels, input from the community, and pursuant to the requirements of the Eminent Domain Procedure Law, unanimously issued Determinations and Findings supporting continuation of the Centennial Park Project; and

WHEREAS, the City Council has supported the Centennial Park Project since its inception and will continue to do all that it can to bring the Project to a successful conclusion. Furthermore, this Council 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 hereby encourages all residents of this community to likewise communicate their support of this project to their elected leaders.

Yeas

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Nays

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ADOPTED

RESOLUTION: ADULT-USW CANNABIS BUSINESSES-LOCATION, HOURS OF OPERATION, ENACTING CHAPTER 378 OF NF CODIFIED ORDINANCES, 2022-81  
BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN SPANBAUER

Agenda Item #31

**BE IT RESOLVED** that the City Council of the City of Niagara Falls, New York hereby amends the City's Codified Ordinances by enacting Chapter 378, entitled "Adult-Use Cannabis Businesses – Location, Hours of Operation."

### **CHAPTER 378**

### **ADULT-USE CANNABIS BUSINESSES – LOCATION, HOURS OF OPERATION**

#### **378.01 Purpose**

#### **378.02 Definitions**

#### **378.03 Hours of Operation and Distance for Adult-Use Cannabis**

#### **Businesses**

#### **378.04 Measurement**

#### **378.05 Penalties**

#### **378.06 Severability**

#### **378.07 Effective Date**

#### **378.01 PURPOSE**

**The City of Niagara Falls, in accordance with New York Office of Cannabis Management regulations, finds that it is in the best interest of the residents of the City of Niagara Falls to ensure the public good, welfare, health, safety and morals by regulating the Time, Place and Manner whereby duly licensed Cannabis Businesses may operate within City Limits.**

#### **378.02 DEFINITIONS**

**ADULT-USE CANNABIS RETAIL DISPENSARY: A duly licensed cannabis business that sells cannabis products for off-site consumption.**



**ADULT-USE CANNABIS ON-SITE CONSUMPTION SITE:** A duly licensed cannabis business that sells cannabis products for on-site consumption.

**COMMUNITY FACILITY:** a facility that may include, but not be limited to, a facility that provides day care to children; a public park; a playground; a public swimming pool; a library; or a center or facility where the primary purpose of which is to provide recreational opportunities or services to children or adolescents. The City Market shall be considered a Community Facility.

**HOUSE OF WORSHIP:** a whole building owned or leased by a religious corporation as described by New York State Religious Corporation Law or used by a religious corporation or association of any denomination pursuant to the written permission of the owner thereof, which is used by members exclusively as a meeting place for divine worship or other religious observances presided over by a member of the clergy.

**LICENSE:** a written authorization as provided under the Cannabis Law permitting persons to engage in a specified activity authorized pursuant to the Cannabis Law.

**LICENSEE:** an individual or an entity who has been granted a license under the Cannabis Law.

**ROAD:** any wide way leading from one place to another, including but not limited to, an alley, avenue, boulevard, causeway, court, crescent, drive, lane, loop, place, plaza, promenade, street, terrace, or way.

**SCHOOL GROUNDS:** any building, structure and surrounding outdoor grounds, including entrances or exits, contained within a public or private pre-school, nursery school, elementary or secondary school's legally defined property boundaries as registered in a county clerk's office as defined by Section 409 of the Education Law.

### **378.03 HOURS OF OPERATION AND DISTANCE FOR ADULT-USE CANNABIS BUSINESSES**

#### **A. Adult-use cannabis retail dispensary:**

1. **All adult-use cannabis retail dispensaries within the City of Niagara Falls shall abide by the following regulations:**
  - a) **No adult-use cannabis retail dispensary shall be located within one thousand (1000) feet of another similarly licensed adult-use cannabis retail dispensary.**
  - b) **No adult-use cannabis retail dispensary shall be located within five hundred (500) feet of school grounds as described in Section 378.02.**
  - c) **No adult-use cannabis retail dispensary shall be located within two hundred (200) feet of a House of Worship as described in Section 378.02.**
  - d) **No adult-use cannabis retail dispensary shall be located within five hundred (500) feet of a community facility as described in Section 378.02.**

2. Hours of Operation:
  - a) No adult-use cannabis retail dispensary shall be allowed to operate from 2:00 ante meridiem (a.m.) to 8:00 ante meridiem (a.m.).
  - b) Adult-use cannabis retail dispensaries shall be allowed to operate for a maximum of seventy (70) hours per week.
3. Inspection. All adult-use cannabis retail dispensaries shall submit to an inspection by the City of Niagara Falls Department of Code Enforcement once yearly and upon receipt of a complaint.

**B. Adult-use Cannabis for On-Site Consumption:**

1. All Adult-use Cannabis On-Site Consumption Sites within the City of Niagara Falls shall abide by the following regulations:
  - a) No Adult-use Cannabis On-Site Consumption Sites shall be located within one thousand (1000) feet of another similarly licensed adult-use cannabis on-site consumption site.
  - b) No Adult-use Cannabis On-Site Consumption Sites shall be located within five hundred (500) feet of school grounds as described in Section 378.02.
  - c) No Adult-use Cannabis On-Site Consumption Sites shall be located within two hundred (200) feet of a House of Worship as described in Section 378.02.
  - d) No Adult-use Cannabis On-Site Consumption Sites shall be located within five hundred (500) feet of a community facility as described in Section 378.02.
2. Hours of Operation:
  - (a.) No Adult-use Cannabis On-Site Consumption Sites shall be allowed to operate from 4:00 ante meridiem (a.m.) to 8:00 ante meridiem (a.m.).
  - (b.) Adult-use Cannabis On-Site Consumption Sites shall be allowed to operate for a maximum of seventy (70) hours per week.
3. Inspection:
  - (a.) All adult-use cannabis on-site consumption sites shall submit to an inspection by the City of Niagara Falls Department of Code Enforcement once yearly and upon receipt of a complaint.

#### **378.04 MEASUREMENT**

- A. The measurements in Section 378.03(A) and 378.03(B) are to be taken in a straight line from the center of the nearest entrance of such house of worship or the nearest point of school grounds to the center of the nearest entrance of each such premises licensed and operating pursuant to Section 72 and Section 77 of the Cannabis Law.
- B. Under this section “entrance” shall mean a main door of a house of worship, or of premises licensed and operating pursuant to New York Cannabis Law, regularly used to give ingress to the students of the school, to the general public attending the house of worship, and to patrons or guests of the premises licensed and operating pursuant to this Section or of the premises sought to be licensed, except that where a school or house of worship or premises licensed and operating pursuant to New York Cannabis Law or the premises sought to be licensed is set back from a public thoroughfare, the walkway or stairs leading to any such door shall be deemed an entrance; and the measurement shall be taken to the center of the walkway or stairs at the point where it meets the building line or public thoroughfare. Such definition shall not include cellars, back and side doors, delivery entrances, or emergency exits.
- C. If the School or House of Worship or premises licensed and operating pursuant to this Section or the premises sought to be licensed is situated on a corner lot, such establishment is considered to be on both roads of the intersection, whether or not there is an entrance to the building on both roads.

#### **378.05 PENALTIES**

Any person violating any of the provisions of this ordinance shall be deemed guilty of a violation and subject to a fine of not more than two hundred fifty dollars (\$250.00) or imprisonment for a period not to exceed fifteen (15) days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. In addition to the penalties described above, any licensed person that is issued a citation pursuant to this Chapter of said violation(s) will be reported to the New York Cannabis Control Board by the City of Niagara Falls.

#### **378.06 SEVERABILITY**

If any section, subdivision or provision of this local law or the application thereof to any person or circumstance be adjudged to be invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the section, subdivision or provision of 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.

#### **378.07 EFFECTIVE DATE**

This local law shall take effect immediately upon its adoption and filing with the City Clerk.

**Bold and Underline Indicate Additions**  
**Bold and Brackets Indicate {Deletions}**

Yeas  
Nays

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ADOPTED

RESOLUTION: CANNABIS, ZONING REGULATIONS, 2022-82  
BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN SPANBAUER

Agenda Item 32

**WHEREAS**, the recent legalization of recreational cannabis by New York State will require local municipalities to address a number of land use and zoning issues pertaining to cannabis related businesses; and

**WHEREAS**, the Zoning Ordinance and Comprehensive Plan for the City of Niagara Falls requires, among other things, 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 regulation and operation of the cannabis industry within its territorial boundaries; and

**WHEREAS**, without an inclusive and detailed plan to address these Cannabis-related operations in the City, the 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 plan, which is contained in the attached proposed Zoning Ordinance Amendment, entitled "Zoning Regulations Related to the Use, Cultivation, Production, and Sale of Recreational Cannabis", the contents of which is intended to be incorporated into the City Zoning Ordinance; and

**WHEREAS**, this Council hereby submits the attached proposed Zoning Ordinance amendment relative to the regulation of cannabis-related operations to both the Niagara County Planning Board and the City of Niagara Falls Board for their 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 Planner is currently drafting the Full EAF Part 1.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council desires to adopt the attached proposed Zoning Ordinance Amendment, entitled "Zoning Regulations Related to the Use, Cultivation, Production, and Sale of Recreational Cannabis," relative to the regulation of cannabis related operations in the City; 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, the proposed Zoning Ordinance amendment shall hereby be referred to both the Niagara County Planning Board and the City of Niagara Falls Planning Board for 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.

RESOLUTION: PUBLIC HEARING, VARIOUS PROPERTIES, 2022-83  
BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN SPANBAUER

Agenda Item #33

**WHEREAS**, on November 2, 2022, the City Council adopted four (4) resolutions scheduling public hearings relative to its notice of intention to discontinue and abandon the following unused, unimproved or unutilized City-owned right of ways: a 330 ft. portion of Delaware Avenue; a portion of Seventeenth Street (between Pennsylvania Avenue and Delaware Avenue); a portion of the alley situated south of James Avenue (running parallel to Highland Avenue); and a portion of Second Street, north of Walnut Avenue, respectively; and

WHEREAS, it is now necessary to reschedule the public hearings in order to allow for proper notice of the same to be given to the public.

NOW, THEREFORE BE IT RESOLVED that four (4) separate public hearings be held on the proposed abandonments of a 330 ft. portion of Delaware Avenue, a portion of Seventeenth Street (between Pennsylvania Avenue and Delaware Avenue), a portion of the alley situated south of James Avenue (running parallel to Highland Avenue), and a portion of Second Street north of Walnut Avenue, respectively, at a meeting of the City Council to be held on Wednesday, January 18, 2023, at 6:00 o'clock P.M.; and

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to publish a notice of intention to discontinue and abandon the above-mentioned unused, unimproved or unutilized City-owned right of ways in the Niagara Gazette once a week for two (2) successive weeks preceding January 18, 2023.

Yeas  
Nays

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ADOPTED

There being no further business to come before the Council, Chairman Spanbauer adjourned the Meeting at 8:11 P.M.

Vicky Wideman  
City Clerk



DECEMBER 28, 2022

SPECIAL COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The December 28, 2022 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Spanbauer at 5:30 PM in the Council Chambers.

Present: Council Members Bax, Cauley, Myles, Tompkins, Zajac

Council Member Kenny Tompkins was appointed "Acting Chairman"

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

Special Meeting for Council to approve the following items.

December 23, 2022

Members of the City Council  
and  
City Clerk

***Re: Mayor's Special Meeting of Niagara Falls City Council***

Council Members and City Clerk:

You are hereby notified of the Mayor's 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, December 28, 2022 at 5:30 p.m.** in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. Approval of Amendment of 2020-2024 Consolidated Plan – Department of Community Development;
2. Acceptance of Brownfields Assistance Grant (Niagara County Brownfield Development Corporation);
3. Approval for Change Order - Agreement to Implement IT Strategic Plan (Avero Advisors);
4. Approval of Acceptance of Gift – Promotion of Niagara Falls/Television Advertising (Smokin Joe's); and
5. Approval of Consultant Agreement for Compilation of Data related to Request for preparation of Feasibility Study for Centennial Park Project (Upper Edge Consulting).

Respectfully submitted,

---

Robert M. Restaino, Mayor

#1. COMMUNITY DEVELOPMENT: AMENDMENT OF 2020-2024 CONSOLIDATED PLAN

The City Council previously approved the five-year consolidated plan for Community Development Block Grant Funds for 2020-2024. The City has proposed an amendment to that five year plan.

The City of Niagara Falls is proposing to acquire 12 acres of land for the construction of improvements to be known as Centennial Park. The Park and related recreational facilities will be host to a multitude of events and activities, including but not limited to sporting events, concerts, indoor and outdoor gatherings, and youth-centered activities, with potential facilities including an indoor arena, an outdoor gathering space with a landscaped covering, ice skating rink, a multilevel surface parking deck, and/or a wall-climbing adventure course. The Park will be a public facility owned by the City and leased or operated under a management contract. The acquisition will be carried out by public purpose acquisition under the NYS Eminent Domain Procedure Act.

The CDBG funds will be available under the Section 108 Loan Guarantee Program for acquisition of land and improvements for Centennial Park. Under the program, the City obtains a federal loan and guarantees repayment with a pledge of future CDBG grant funds.

The statute authorizing the 108 program is found at Section 108 of the Housing and Community Development Act of 1974, as amended, 42 USC §5308. Governing regulations are located at 24 CFR part 570, subpart M. The application process is set out at 24 CFR 570.704(b).

The acquisition of improved or unimproved real property in fee, or by long-term lease, is an eligible activity for CDBG and Section 108 loan funds. 24 CFR 570.703(a). Use of the funds for public improvements or site preparation are also eligible under 24 CFR 570.703(a).

CDBG funds used under the Section 108 program are subject to the general CDBG regulations. The funds must be used for an eligible activity (real property acquisition or public facilities and improvements) to further one of the national objectives set out at 24 CFR 570.200(a)(2). In this instance, the appropriate national objective will be to benefit low or moderate ("L/M") income families or individuals. This project qualifies as benefitting L/M families or individuals as an area benefit activity.

An area benefit activity is an activity which is available to benefit all the residents of an area which is primarily residential. The activity must meet the identified needs of L/M income persons residing in an area where at least 51% of the residents are L/M income persons.

The project area will be the entire City, which qualifies as consisting of over 51% L/M individuals or families. Since the project is an area benefit activity which benefits the entire City and consists of over 51% L/M families and individuals, funds available under the Section 108 Loan Guarantee program can be used for property acquisition for the Centennial Park project.

The Section 108 authority available to the City is \$9.9 Million. The actual loan would be the award for purchase of the property in the Eminent Domain proceeding.

If the amendment is approved and the project proceeds, a portion of CDBG Funds for 2023 and 2024 (and future years) will be pledged to the repayment of the 108 loan. HOME and ESG funds will not be affected.

A public comment period on the substantial amendment to the 2020-2024 Consolidated Plan opened November 14, 2022. Public comments were received in writing for 30 calendar days. A public hearing on the proposed substantial amendment was held on December 22, 2022.

Will the Council so approve the determination that Centennial Park is an area benefit activity benefitting the entire City, approve the within described 2020-2024 Consolidated Plan Amendment, and authorize the Mayor to take such actions as are necessary to implement the same?

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

Yeas

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Nays

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APPROVED

## #2. BROWNFIELDS ASSISTANCE GRANT, ACCEPTANCE

As you know, several years ago, the City of Niagara Falls acquired the Junior's Truck Stop property at 5627 Niagara Falls Boulevard through an in rem proceeding. The property has already undergone one environmental remediation project a few years ago and is in need of another in order to comply with State and Federal guidelines.

In order to secure the necessary funding for the remediation project, this Administration applied to the Niagara County Brownfield Development Corporation ("NCBDC") for a Brownfields Assistance Grant. Recently, the NCBDC approved the City's grant application and awarded the City the sum of \$125,000.00.

The funding will be used for the purposes of remediating the soil near the location of former underground petroleum storage tanks and abating asbestos in one of the site buildings. This will aid the City by providing a clean location for the proposed redevelopment of the site.

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 Office of the Corporation Counsel?

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

Yeas

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Nays

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APPROVED

## #3 CONTRACT: IMPLEMENT IT STRATEGIC PLAN (AVERO ADVISORS) CHANGE ORDER

In an effort to modernize the City's information technology capabilities, the City contracted with Averro Advisors ("Averro") earlier this year to provide, among other things, a network rebuild, Active Directory cleanup, firewall implementation, discovery and stabilization of system backups, oversight and project management maintenance and ad-hoc IT support. In order to complete Phase 1 of the modernization of the City's IT infrastructure, additional funding is required for the following: \$86,689.30 for monitoring utilities, salvage inventories, circuit configuration Fiber Hardware; \$71,328.74 for OWA adjustments and addition file conversions, as well as MS Windows licensing, and; \$30,000.00 is to begin Antivirus Cleanup which is essential to cybersecurity and Website coordination. Accordingly, a total of \$188,018.04 is necessary to complete Phase 1 of the project. Funding is available from American Rescue Plan Funds utilizing the Treasury Guidance Expenditure Category 1, which is the "Responding to Public Health Emergency" category.

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 Office of the Corporation Counsel?

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

Yeas

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Nays

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APPROVED



#4.PROMOTION OF NIAGARA FALLS/TELEVISION ADVERTISING (SMOKIN JOE'S),  
ACCEPTANCE OF GIFT

During July and November of this year, a television commercial entitled "The New Niagara Falls" aired on local television during several evening newscasts. This commercial was designed to promote the City by focusing on the many positive changes occurring throughout our community.

These television advertising spots during the local news were ordered by Smokin Joe's at a cost of \$5,985.00. As the commercial airtime was ordered for the benefit of the City of Niagara Falls, it is hereby requested that the City Council formally acknowledge the acceptance of the same as a gift from Smokin Joe's.

Will the Council so approve and acknowledge the acceptance of this gift?

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

Yeas

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Nays

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APPROVED

#5.CONTRACT: UPPER EDGE CONSULTING (COMPLICATION OF DATA RELATED TO REQUEST FOR PREPARATION OF FEASIBILITY STUDY FOR CENTELLIAL PARK PROJECT)

Relative to the preparation of a feasibility study for the Centennial Park project, the City will submit an application to National Grid for funding of the same pursuant to its Strategic Economic Development Program. It will be necessary for the City to secure an experienced consultant in order to compile the data necessary in support of the submission to National Grid.

It is proposed that the City enter into an agreement with Upper Edge Consulting ("Upper Edge") for the performance of the required data collection services. Upper Edge is a local consulting firm with extensive experience assisting local governments in this area and its staff is very familiar with National Grid's eligibility requirements for the Strategic Economic Development Program. Funding is available from American Rescue Plan funding using 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 any documents necessary to accomplish the same, provided that they are satisfactory to the Office of the Corporation Counsel in both form and content?

Council Member Bax 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, Acting Chairman Tompkins adjourned the Meeting at 6:49 PM.

Vicky Wideman  
City Clerk

RESOLUTION No. 2023-  
***RELATIVE TO INTENT TO CHANGE THE NAME OF  
WALNUT AVENUE EXTENSION TO NIKOLA TESLA LANE***

BY:

Council Chairman David Zajac  
Council Member Traci Bax  
Council Member Vincent Cauley  
Council Member Donta Myles  
Council Member Kenny Tompkins  
Mayor Robert Restaino

**WHEREAS**, Nikola Tesla was a Serbian-American inventor, electrical engineer, mechanical engineer, and futurist who is best known for his contributions to the design of the modern alternating current (AC) electricity supply system; and

**WHEREAS**, Nikola Tesla had a significant impact on the Niagara Falls community and the Niagara Falls region with his work on the development of the first hydroelectric power plant at Niagara Falls; and

**WHEREAS**, Nikola Tesla's contributions to science and technology have had a lasting impact on our society and continue to inspire future generations of innovators and inventors; and

**WHEREAS**, the City of Niagara Falls has a rich history and is home to many landmarks that commemorate the contributions of its citizens; and

**WHEREAS**, Walnut Avenue Extension (between Third Street and Discovery Lane) is public street located in proximity to the where Nikola Tesla's work ensued; and

**WHEREAS**, the renaming of Walnut Avenue Extension to Nikola Tesla Lane would be a fitting tribute to Nikola Tesla's legacy and his contributions to the Niagara Falls community; and

**WHEREAS**, Walnut Avenue Extension currently has no known registered address on record; therefore, such a name change would not cause a disturbance to existing City residents; and

**WHEREAS**, both the City Council and the Mayor are 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 Walnut Avenue Extension to Nikola Tesla Lane and will hold a public hearing on said change at 6:00 PM Eastern Standard Time on April 26, 2023 in the Council Chambers; the City Clerk is hereby directed to publish in the Niagara Gazette at least one once prior to April 26, 2023 a Notice of Intention to change the name of Walnut Avenue Extension to Nikola Tesla Lane at this Council's regular meeting scheduled for April 26, 2023.

2022 INDEX  
CITY COUNCIL MINUTES  
NIAGARA FALLS, NEW YORK

"A"

American Rescue Plan funding, Security Camera rebate program . . . . .	104
Aquarium of Niagara, Niag. Gorge Discovery Center Project . . . . .	56
Aquarium of Niagara, Whirlpool Commons Plaza Project . . . . .	57
ASSESSOR:	
2022 General Assessment Roll . . . . .	155
Base Percentages, current percentages . . . . .	118

"B"

Bandstand Fee Waiver, NFSD Educational Efforts . . . . .	85
Bandstand fee Waiver, Summerfest at the Sal . . . . .	85
Bandstand fee Waiver, NF Block Club Council . . . . .	162
Brownfields Assistance Grant, 5627 NFB Property. . . . .	300 329
Budget Presentation, 2023 . . . . .	287
Budget Session #1 . . . . .	289
Budget Session #2 . . . . .	293
Budget Session #3 . . . . .	295
Budget Session #4 . . . . .	297
Budget Session #5 . . . . .	305

"C"

Cannon Block Properties; reacquisition . . . . .	86
Cares Act, CDBG, pulled by the Mayor . . . . .	164
CDBG Cares Act: Cazenovia Recovery . . . . .	154
CDBG Cares Act, Catholic Charities, Rapid Rehousing . . . . .	154
CDBG Cares Act: Casey House & Passage House, repairs . . . . .	155
CDBG Grant: NACC, repairs . . . . .	155
Center Court Pool, commercial pump, Saraceni Pools . . . . .	94
CITY ASSESSOR	
Homestead/Non-Homestead Proportions . . . . .	316

## CITY CLERK

Commissioner of Deeds, appointments . . . . .	26, 95, 162, 285
Wideman, Vicky, NF City Clerk, appointment . . . . .	.111
City Council Meeting Schedule, 2022, NOT APPROVED . . . . .	128
City Market: Muto Development, Purchase Property . . . . .	86
City Market: Muto Development Inc., terminate agreement . . . . .	.87
City Marshalls, appointments . . . . .	.310

## CITY PROPERTY :

1335 Willow Ave., Sale . . . . .	.105
----------------------------------	------

## CLAIMS:

Beck, Daniel J. & Debra . . . . .	156
Beckwith, Roberta K. . . . .	.121
Black, Ra-Shee R. . . . .	155
Carney, Mona J. . . . .	273
Collier, Karen . . . . .	274
Gibbons, Patricia . . . . .	256
Gonzalez, Jill M . . . . .	.273
Gray, David . . . . .	184
Hayes, Ada M. . . . .	120
Jackson, Jennifer . . . . .	.43
Kehoe, Robert E. . . . .	182
LaMarca, Nora . . . . .	274
Lancer Insurance Company . . . . .	.158
Merchants Preferred Insurance Co . . . . .	.275
Michaels, Edward P. . . . .	157
Morinello, Angelo, Geico . . . . .	27
Mulholland, Thomas . . . . .	97
Parmer, Larhonda M. . . . .	158
Progressive Insurance Co, James Allen Powell . . . . .	.119
Progressive Insurance Co, Jacqueline Rivera. . . . .	120, 231
Shaw, Jessica H. . . . .	.118
Silva, Maria . . . . .	43
St. Peter, Brooke . . . . .	156
Thompson, Sharon . . . . .	26
Torres-Cummings, Alejandrina . . . . .	.317

## CODE ENFORCEMENT:

Emergency Demolition Funding, American Rescue Plan . . . . .	83
Expenses incurred, various . . . . .	77

## COMMUNITY DEVELOPMENT:

Amendment of 2020-2024 Consolidated Plan . . . . .	.328
Annual Action Plan, 2022-23 . . . . .	113
CDBG Grants: CARES Act Grants . . . . .	116
Rose Garden Project, retention payment . . . . .	.153
Third Party Legal Consultant Extension . . . . .	.109

## CONTRACTS

311 System VIA . . . . .	311
5627 NFB, right of way/access-Niagara County building trades . . . . .	213
91 <sup>st</sup> St. School Pool, Pump . . . . .	.138
519 Cayuga Dr., Redevelopment . . . . .	.102
911 Robbins Dr., Emergency Demo, CO #1 . . . . .	.84
Actuarial equivalence testing . . . . .	.140
Air Filling Station, Fire Dept , . . . . .	112
Axon Camera/License Plate Reader, NFPD . . . . .	313
Beach Ave., Community Park Design/Development . . . . .	139
Billing/Collection School taxes, 2022-2023 . . . . .	172
BPAS Actuarial & Pension Services Retiree Health Benefits . . . . .	.170
Breathing Apparatus Regulators, NFFD, DIVAL . . . . .	.9
Bflo Ave. resurfacing, CHA Companies . . . . .	.42

Buff Niagara Waterkeeper, ecological restoration projects . . . . .	222
Centennial Park Project, Upper Edge Consulting . . . . .	330
City Farmer's Market Management . . . . .	186
City Hall Boiler Room, remediation, CO #2 . . . . .	76
City Market, Consultant . . . . .	122
City Market, Property Management. . . . .	186, 309
Community Development demolition project . . . . .	260
Computer Firewall, install, Sirius Computer Services . . . . .	20
Concrete Purchase . . . . .	312
County of Niagara, transfer of vehicle to NFFD . . . . .	255
Court Cleaning/minor repairs . . . . .	170
CSX, Maintenance Agreement, National Grid . . . . .	51
Defibrillators, Fire Dept., Zoll Medical Corp. . . . .	49
Demo Contract, Asbestos Monitoring, AMD Environmental, CO . . . . .	67
Demo Contract, Asbestos Monitoring, CO #3 . . . . .	308
DPW, Bobcat Toolcat, Clark Equipment Co . . . . .	174
DPW, Goodall Capstart 3000 Jumpstarter . . . . .	175
DPW, Jacobsen Mowers, purchase . . . . .	209
DPW, John Deere Excavator . . . . .	261
DPW, John Deere Loader . . . . .	266
DPW, Snowplows . . . . .	210
DPW, Tilt Trailer, Purchase . . . . .	263
DPW, Tymco Sweeper Units . . . . .	179
DPW, Zamboni, replacement batteries . . . . .	210
Drainage Structure replacement . . . . .	129
Dump Truck/Plow, NFDPD . . . . .	312
E-Waste Recycling Program . . . . .	271
Early Voting Site, Train Station . . . . .	104
Engineering Dept., Fleet Vehicles . . . . .	266
Employee Benefits Broker & Consulting Service . . . . .	70
Environmental Assessment/Traffic Impact Study, Wendel . . . . .	91
FARO Focus Laser Scanners, NFPD . . . . .	263
Fire Apparatus, NFFD . . . . .	313
Fleet Vehicles, purchase . . . . .	311
Forcible Entry Door Simulator . . . . .	117
Garden Ave., Pocket Park Project, Fox Fence. . . . .	70
Garden Ave. Pocket Park Project, MRC . . . . .	71
Gill Creek Park Comfort Station . . . . .	137
Gobike, Improvement Project . . . . .	163
Grant Writing Services, G&G Consulting . . . . .	53
Harriet Tubman Plaza, Vinny Bagwell. . . . .	82, 198
Hyde Park Golf Course Parking Lot, Villani's Lawn . . . . .	65
Hyde Park Pool interior resurfacing . . . . .	117
Independence Day fireworks . . . . .	115
Information Tech. Imp. Consultant Services, AVRO . . . . .	9
INMAR Inc., consumer drug take-back program . . . . .	223
IT Strategic Plan and Upgrade. . . . .	103, 329
Lawn Care/Snow Removal E	
Main St., 550, redevelopment . . . . .	225
Meals for Prisoners, Frankie's Donuts . . . . .	76
NCCC, Rainbow parking ramp, parking . . . . .	231
NFFD, Dasny Grant Expenditure . . . . .	265
NFFD, aerial tower fire apparatus, Holmatro Tools . . . . .	212
NFFD, equipment/supplies, 1 of 2 . . . . .	177
NFFD, equipment/supplies, 2 of 2 . . . . .	177
NFFD, fire hose, Witmer Public Safety Group . . . . .	178
NFFD, Fleet Vehicles, falls Dodge . . . . .	267
NFFD, Scott RIT-PAK4500 . . . . .	268

NFFD Washers & Dryers, Purchase . . . . .	267
NFPD, Fleet Vehicles, Falls Dodge . . . . .	261
NFPD Fleet Vehicles, Black Dodge Durango . . . . .	264
NFPD Fleet Vehicles, Joe Basil Chevrolet . . . . .	262
NFPD, Fleet Vehicles, Falls Dodge . . . . .	262
NFFD, tablets. mounting hardware . . . . .	179
NFFD, tower fire apparatus . . . . .	211
NORLIC, right of way & access . . . . .	214
NFPD, 202 Ford utility Police Interceptor . . . . .	176
NFPD, hardware/software/web services, Axon Enterprises . . . . .	255
NFFD houses, HVAC updates . . . . .	73
NFPD< Ford Expedition, purchase . . . . .	128
NFPD Public Safety Comm, Skyways Communication . . . . .	163
NFPD, Traffic Radar Antenna . . . . .	180
NFPD, Used Vehicles . . . . .	176
NFFD, Washers/Dryers, Statewide Machinery . . . . .	89
NFFD, Window Replacements, Wonder Windows . . . . .	72
NFPD, Fleet Vehicles . . . . .	58, 66, 71, 90
NFPD, Public Safety Communications Equipment . . . . .	94
NFPD, Police Interceptors . . . . .	221
NF School District, OSC, funding . . . . .	77
Niagara Beautification Commission . . . . .	315
Niagara Falls/Television Advertising . . . . .	330
Niagara Falls Water Board, NFPD substation . . . . .	224
Northpoint Council, employee assistance program . . . . .	231
NTCC, Parking Agreement . . . . .	110
NYSDOT, proposed Shared Services . . . . .	16
Occhino Corp., Bflo Ave resurfacing, CO #1/Final . . . . .	38
Office of the Aging . . . . .	314
Officers of the Day . . . . .	171
Osmosis Filtration System, KEPPLER Water . . . . .	10
Parks Dept/Forestry, purchase of trees . . . . .	209
Pest Control services, ORKIN . . . . .	224
Police Dept., Panasonic Toughbook Computers . . . . .	175
Porter Rd Bridge Expansion joint replacement project . . . . .	221
Pothole Killer, Patch Management . . . . .	67
Reverse Osmosis Filtration System, Ice Pavilion, CO #1 . . . . .	84
Sal Maglie Stadium, improvements . . . . .	174, 309
School Resource Officer . . . . .	171
Senior Nutrition Program . . . . .	314
Sewer Lateral replacement project . . . . .	259
SPCA ext, for services . . . . .	21, 52
Steam Trap replacement project . . . . .	260
Telephone Lines, Tag & Swap, AT Technology . . . . .	68
Totes, purchase, Cascades Engineering . . . . .	66
United Steelworkers Local 9464, PERB . . . . .	230
USER Fee software, purchase . . . . .	108
USA Niagara Development Corp, Supplemental Parking Lot . . . . .	91
USA Niagara Development Corp., Demo of walkway-Old Falls St . . . . .	110
Utility Abandonment, Regional Environmental Demolition, Inc. . . . .	48
Vehicle Air Conditioning Service Unit . . . . .	115
VISTA 911, Emergency Call Handling System . . . . .	264
Corporation Counsel: authorization to institute or prosecute . . . . .	272
Corporation Yard, security services . . . . .	213
CYBER Security Grant Award . . . . .	270
CSX, railroad tracks, National Grid Project . . . . .	50
"D"	
Deed Restriction: 324 Niagara St., Landlord, LLC, Amendment . . . . .	88

## DPW

Bandstand fee, NF School District . . . . .	112
Bandstand fee, NF Juneteenth Event . . . . .	112
Clearing/Cutting Lots, K.J. Smith Enterprises . . . . .	90
Entry Gate, New Rd., Corporation Yard . . . . .	32
Lifeguard, training Matthew Leo . . . . .	106
Overhead Electrical Feed replacement . . . . .	111
Recreation Specialist, hourly rate pay increase . . . . .	83

## "E"

Earl W. Brydges Library, LED Lighting Project . . . . .	173
Economic Development, increase in Director's pay . . . . .	229
Encroachment: Culbert's Pub, 8735 Buffalo Ave, City Right-of Way . . . . .	14
Executive Office/executive Assistant, budget amendment . . . . .	172

## "F"

### FINANCE DEPARTMENT

Reorganization, Billing & Collection . . . . .	256
--	-----

### FIRE DEPARTMENT

COPS Hiring Program Grant . . . . .	269
Firefighters MOA, Local 714, Departmental staffing . . . . .	51
Reorganization . . . . .	229
Thermal Imaging Cameras . . . . .	32

## "G"

Grant: NFFD, Purchase of Command Vehicle, funding . . . . .	21
---	----

## "H"

Heritage District: Microgrant Program Extension . . . . .	222
Highland Clubhouse Grant, CDBG Cares Act, Amendment . . . . .	68

## "I"

Ironworkers CDBG Grant . . . . .	270
----------------------------------	-----

## "J"

Jingle Falls Holiday Program, waiver of parking fees . . . . .	270
Juneteenth, recognizing, 2022-28 . . . . .	96
Justice Assistance Grant Program, approval . . . . .	1

## "K"

## "L"

LaSalle educational Club . . . . .	35
Library Construction Grant Earl Brydges Library . . . . .	162

## "M"

Master Khechen's Martial Arts Tournament, waiver of parking fees . . . . .	271
Mayor's Approval, Resolution 2022-10, 2022-39, 2022-40, 2022-50. . . . .	26,204
MOA, Niagara Falls Police Club, Police Dispatchers-scheduling . . . . .	141
MWBE Program, American Rescue Plan Funding . . . . .	69

## "N"

Neighborhood Legal ESG Grant, extension . . . . .	229
NF Housing Authority, sale, various addresses . . . . .	226
Niagara Gazette, Official Paper, 2022-2 . . . . .	2

## "O"

## "P"

Parking Fees: 256 Third St, Senior Prom . . . . .	101
Parking Restrictions: Highland Ave. between Beech Ave & Profit Lane . . . . .	85
Pavilion Fee: Oasis, waiver, family of Staff Sgt. Aram Bass . . . . .	103
Peach Festival, Bandstand fee, waiver . . . . .	141
Pine Ave. redevelopment project, planters . . . . .	187
Planning Dept.:	

8643 Buffalo Ave., Encroachment . . . . .	101
---	-----

735 Third St, Encroachment . . . . .	102
--------------------------------------	-----

Plati Niagara Inc., reimbursement for improvement to City alleyway . . . . .	223
--	-----

POLICE DEPARTMENT:

Acceptance of Tactical Team Grant Award . . . . .	269
DCJS Vehicle Theft/Insurance Fraud Grant . . . . .	309
Patrick Leahy Bulletproof Vest Grant Award . . . . .	269
Reorganization . . . . .	33, 310

PROPERTY

City Owned Properties, Property Purchase Program, transfer . . . . .	229
Sale, City-owned Real Property, RJ Davis & Company. . . . .	226
Sale, City-owned Real Property, RJ Niagara, LLC . . . . .	227
Sale, 550 Main St., Niagara Wanderlusting . . . . .	228
Transfer to Niagara Orleans Regional Land Improvement Corp . . . . .	228

PUBLIC HEARING

Eminent Domain, acquisition . . . . .	131, 201
High Energy Usage Overlay District . . . . .	202
Public Hearing . . . . .	291

PUBLIC WORKS:

PURCHASE:

NFDPW, Fleet Vehicle . . . . .	138
NFPD, Fleet Vehicles . . . . .	137

"Q"

"R"

Regional environmental Demolition, City funding . . . . .	213
---	-----

RESOLUTIONS

Adoption of 2023 Budget, 2022-84 . . . . .	305
Aquarium of Niagara, Niag. River Greenway Comm, 2022-21 . . . . .	56
Assessment Review Bd, apt., re-appt., 2022-6 . . . . .	5
Autism Awareness Month, April 2022, 2022-22 . . . . .	60
Bennett, Robert (Bob) recognizing, 2022-76 . . . . .	317
Bishop Gordon M. Sweat/Refuge Temple of Christ, honoring, 2022-45 . . . . .	167
Black History Month, recognizing, 2022-13 . . . . .	21
Boards, Committees & Commissions, 2022-78 . . . . .	318
Budget Meetings, 2023, 2022-62 . . . . .	275
Building Ordinances, Amending Chapter 1101, 2022-39 . . . . .	142
Business Licenses, amending Chapter 308, 2022-50 . . . . .	189
Cannbis Businesses, Chapter 378, 2022-81 . . . . .	321
Carroll, Stephen & Delia, Majors, honoring, 2022-33 . . . . .	126
Centennial Park Redevelopment Project, 2022-74, 2022-80 . . . . .	301, 319
Centennial Park SEQR, 2022-73 . . . . .	300
City Assessor to grant exemptions on 2022 Assessment Roll, 2022-8 . . . . .	8
City-Wide Reassessment Project, 2022-12022-16 . . . . .	16, 28
Commercial Data Centers Moratorium, 2022-31, 2022-54. . . . .	107,214
Council Meeting Schedule, Amended, 2022-24 defeated. . . . .	78,165,318
Councilman Spanbauer, appointment for replacement, 2022-72 . . . . .	285
Decorum rules, City Council meetings, 2022-52 . . . . .	205
Dept. of Planning/Economic Dev., amending Article XVII, 2022-9 . . . . .	10
Elections, Polling Places, 2022-23 . . . . .	78
Henry, Karlese "Big Baby", honoring, 2022-25 . . . . .	78
Higgs, Norma, honoring, 2022-30 . . . . .	122
Historic Preservation Bd., apt., re-appt., 2022-7 . . . . .	5
Hone Rule Request, Public Safety Surcharge, 2022-66 . . . . .	281
Investment Policy, Adoption 2022, 2022-1 . . . . .	1
Landlord Rental/Property Owner Reg, amending Chapter 1137, 2022-59 . . . . .	234
LaSalle Prep School, robotics Program, 2022-35 . . . . .	126
Marchiselli Program-Aid, PIN #5761.89, 2022-14 . . . . .	22
McWilson, Marsha, honoring, 2022-56 . . . . .	232
NF Planning Board, Special Meeting, 2022-44 . . . . .	167
Permits, Fees & Certificates, amending Chapter 1107, 2022-40 . . . . .	145



Planning Board, Appt, re-appt., 2022-4 . . . . .	5
Porter Mansion, Niag. River Greenway Comm, 2022-19 . . . . .	39
Property Manager Registration, adding Chapter 1143, 2022-61 . . . . .	251
Public Hearing ; 330 Ft. portion of Delaware Ave., 2022-70 . . . . .	283
Public Hearing: 17 <sup>th</sup> St-between Penn. & Delaware Aves,2022-67 . . . . .	282
Public Hearing, alley, South of James Ave., 2022-68 . . . . .	282
Public Hearing, Eminent Domain, 2022-32, 2022-48 . . . . .	108, 182
Public Hearing, High Energy Usage Overlay District, 2022-47 . . . . .	182
Public Hearing, restore NY comm./ property assessment list	
Public Hearing, Recycling/Refuge Program, amt necessary, 2022-58 . . . . .	233
Public Hearing, 2 <sup>nd</sup> St, north of Walnut A	
Public Hearing, various properties, 2022-83 . . . . .	325
Public Hearing, Virginia Ave./17 <sup>th</sup> St., 2022-26 . . . . .	95
Public Hearing, Virginia Ave./Tennessee Ave., 2022-27 . . . . .	96
Public Hearing, LL #3 for the year 2021, 2022-11 . . . . .	16
Public Hearing Zoning Ord., 2022-43 . . . . .	166
Recycling/Refuse Program, 2023, User Fees, 2022-63 . . . . .	276
Rental Dwelling Unit Registration, adding Chapter 1142, 2022-60 . . . . .	235
Restore NY Communities Initiative Grant Program, 2022-57 . . . . .	233
Roads, reconstruction, 2022-79 . . . . .	319
SEQRA Lead Agency, 2022-49 . . . . .	184
Solar Energy Systems, 2022-158 . . . . .	23
Standard Workday & reporting, 2022-46, 2022-64. . . . .	81, 277
STR Home Compliance, 2022-17 . . . . .	28
STR Moratorium, 2022-18 . . . . .	38
Tavano, Josephine, reappointment, 2022-29 . . . . .	98
Tourism Advisory Board, appointments, 2022-37 . . . . .	128
Tourism Advisory Board, reestablishment, 2022-36 . . . . .	127
Tourism Advisory Board, apt, re-appt, 2022-4 . . . . .	4
Virginia Ave/17 <sup>th</sup> St., abandonment, 2022-41 . . . . .	152
Virginia Ave & Tennessee Ave, partial abandonment, 2022-42 . . . . .	152
Voting Procedures, abstentions, 2022-53 . . . . .	208
Water Board reappointment, 2022-75	
Winn, Tim, honoring, 2022-71 . . . . .	284
Woman's History Month, 2022-20 . . . . .	44
Zoning Board of Appeals, Appointments, 2022-3 . . . . .	4
Zoning Ord, High Energy Usage, 2022-31A, 2022-38,2022-51. . . . .	106,133,204
Zoning Ord. ,Chapter 1328.13, amendment, 2022-10 . . . . .	15

"S"

Sale of 531 Third Street sale of owner real property . . . . .	272
Second Hand Dealers, licenses . . . . .	308
Street Millings, Buffalo Cuel Corp . . . . .	49

"T"

Tatler Historic Preservation Foundation, Porter Mansion . . . . .	52
300 Third St, Hotel Management, LLC, Sheraton NF, encroachment . . . . .	188
Town of Niagara, Bandstand fee, Electric Light Parade . . . . .	141

TRAFFIC ADVISORY COMMISSION:

411 12 <sup>th</sup> St, Austicic Child Area . . . . .	316
424 22 <sup>nd</sup> St., Handicapped access space . . . . .	164
25 <sup>th</sup> St Alternate overnight parking . . . . .	164
DeVeaux St between College & Vanderbilt, alternate parking . . . . .	316
Hennepin Ave, between S.91 & S.93 <sup>rd</sup> Sts, alternate parking . . . . .	59
1356 Ashland Ave. Handicapped access space . . . . .	59
7724 Buffalo Ave., 1 hour parking restriction . . . . .	165
2705 Pierce Ave., Handicapped access space . . . . .	165
819 Maple Ave., 5' Handicapped access space . . . . .	164
2499 Whitney Ave., Handicapped access space . . . . .	59

2743 Grand Ave., Handicapped access space . . . . .	.60
Traffic Signate, modification/installation, Lafayette Ave/Lewiston Rd . .	169
Train Station Marker . . . . .	33
Trolley Service . . . . .	.34
True Bethel Commons, grant extension . . . . .	.181

"U"

USA Niagara Development Corp . . . . .	34
--	----

"V"

"W"

Wages, City Pools, raise wages . . . . .	50
Welch Ave., 2205 & 2207, Christ Redemption Tabernacle Church, sale . . .	.188
NYMIR, Reimburse Liability . . . . .	.268

"X"

"Y"

"Z"