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**NIAGARA FALLS CITY COUNCIL**

January 2, 2023  
City of Niagara Falls - 11am  
Organizational Meeting  
Ceremonial Swearing- In

- ❖ Call meeting to order.....Acting Chairman Kenny Tompkins
- ❖ Opening Prayer.....Sgt. Pete Robinson, NY State Courts
- ❖ Pledge of Allegiance.....Sgt. Pete Robinson, NY State Courts
- ❖ National Anthem.....Sgt. Pete Robinson, NY State Courts
  
- ❖ City Clerk to call the roll
  
- ❖ Nomination for Council Chair Person
  
- ❖ Council Member Bax nominated Council Member David Zajac  
Council Member Cauley nominated Council Member David Zajac  
Council Member Myles nominated Council Member David Zajac  
Council Member Tompkins nominated Council Member David Zajac
- ❖ All Council Members voted for Council Member David Zajac for Council Chairperson
- ❖ Council Member David Zajac was elected Council Chairperson for 2023
  
- ❖ Oath of office for new Council Chair Person  
*(by Vicky Wideman, City Clerk)*  
  
*Oath of Office for new Council Member Vincent Cauley*  
*BY: City Clerk, Vicky Wideman*  
  
*Oath of Office for various officials*  
*Assembly Member Angelo Morinello*  
*Oath of Office by Mayor Robert M. Restaino*
  
- ❖ Items for Council Action:
  - a. Resolution Relative to Investment Policy, Adoption, 2023  
BY: ALL COUNCIL MEMBERS

**RELATIVE TO ADOPTION OF INVESTMENT POLICY  
FOR THE CITY OF NIAGARA FALLS**

BY:  
ALL COUNCIL MEMBERS

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

**WHEREAS**, the objectives of the investment policy are:

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

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

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

INVESTMENT POLICY FOR  
CITY OF NIAGARA FALLS, NEW YORK  
(2023)

I. SCOPE

This investment policy applies to all moneys and other financial resources available for investment on behalf of the CITY OF NIAGARA FALLS, NEW YORK [hereinafter "CITY"] or on behalf of any other entity or individual.

II. OBJECTIVES

The primary objectives of the CITY's investment activities are, in priority order:

1. To conform with all applicable federal, state and other legal requirements (legal);
2. To adequately safeguard principal (safety);
3. To provide sufficient liquidity to meet all operating requirements (liquidity); and
4. To obtain a reasonable rate of return (yield).

III. DELEGATION OF AUTHORITY

The governing board's responsibility for administration of the investment program is delegated to the City Controller who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the CITY to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. DIVERSIFICATION

It is the policy of the CITY to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

VI. INTERNAL CONTROLS

It is the policy of the CITY for all moneys collected by any officer or employee of the government to transfer those funds to the City Controller within 10 days of deposit, or within the time period specified in law, whichever is shorter.

The City Controller is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

VII. DESIGNATION OF DEPOSITARIES

The banks and trust companies authorized for the deposit of monies up to the maximum amounts are:

<i>Depository Name</i>	<i>Maximum Amount</i>	<i>Officer</i>
Manufacturers and Traders Trust Company	\$100 Million	City Controller

VIII. COLLATERIZING OF DEPOSITS

In accordance with the provisions of General Municipal Law, §10, all deposits of CITY, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. By a pledge of "eligible securities" with an aggregate "market value" as provided by GML §10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.
2. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt to obligations are rated in one of the three highest rating categories by at least one categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims - paying ability - is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by the depository and/or a third party bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the CITY or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

X. PERMITTED INVESTMENTS

As authorized by General Municipal Law, §11, the CITY authorizes the City Controller to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit accounts;
- Certificates of deposit;
- Obligations of the United States of America;
- Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- Obligation of the State of New York
- Obligations issued pursuant to LFL §24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the CITY;
- Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments;
- Certificates of Participation (COPs) issued pursuant to GML §109-b;
- Obligations of this local government, but only with any moneys in a reserve fund established pursuant to GML §§6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the CITY within such times as the proceeds will be needed to meet expenditures or purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the CITY within two years of the date of purchase.

XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The CITY shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the CITY. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The City Controller is responsible for evaluating the financial position and maintaining a listing of proposed depositaries, trading partners and custodians. Such listing shall be evaluated at least annually.

XII. PURCHASE OF INVESTMENTS

The City Controller is authorized to contract for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.
2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.
3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the CITY by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, §10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions;

- All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- No substitution of securities will be allowed.
- The custodian shall be a party other than the trading partner.

PPENDIX A

Schedule of Eligible Securities

- (i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest by the United States of America, an agency thereof or a United States government sponsored corporation.
- (ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Bank, the Asian Development Bank, and the African Development Bank.
- (iii) Obligations partially insured, or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.
- (iv) Obligations issued or fully insured, or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.
- (v) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- (vi) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- (vii) Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- (viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally statistical rating organization.

- (ix) Any mortgage related securities as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.
- (x) Commercial paper and bankers' acceptances issued by a bank, other than the Bank, rated in the highest short term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged.
- (xi) Zero coupon obligations of the United States government marketed as "Treasury strips".

Yeas 5  
 Nays 0  
 ADOPTED

b. Resolution Relative to Niagara Gazette, Official Newspaper, 2023  
 BY: ALL COUNCIL MEMBERS

RESOLUTION No. 2023-2

RELATIVE TO DESIGNATING THE NIAGARA GAZETTE  
 AS THE OFFICIAL NEWSPAPER

BY:

Council Member Traci Bax  
 Council Member Vincent Cauley  
 Council Member Donta Myles  
 Council Member Kenny Tompkins  
 Council Member David Zajac

**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 2023, but such designation shall not thereafter lapse until superseded.

Yeas 5  
 Nays 0  
 ADOPTED

❖ Council members welcome all officials

❖ Meeting adjourned 11:12 AM





**JANUARY 11, 2023**  
**SPECIAL COUNCIL MEETING** **NIAGARA FALLS, NEW YORK**

---

The Legislative session of the January 11, 2023 Niagara Falls City Council Special Meeting was called to order by Council Chairman Zajac at 5:00 P.M. in the Council Chambers.

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

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

January 5, 2023

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 Wednesday, January 11, 2023 at 5:00 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,

\_\_\_\_\_  
David Zajac, Chairperson

***RELATIVE TO CALLING FOR A PUBLIC HEARING  
ON JANUARY 18, 2023 RELATIVE TO RESTORE NY COMMUNITIES  
INITIATIVE MUNICIPAL GRANT PROGRAM APPLICATION  
AND RELATED PROPERTY ASSESSMENT LIST***

BY:

Council Member Kenny Tompkins

**NOW, THEREFORE IT BE RESOLVED THAT** a public hearing will be held on the 18th day of January, 2023 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.

Yeas	4
Members Bax, Cauley, Tompkins, Chairman Zajac	
Absent: Member Myles	
Nays	0

ADOPTED

There being no further business to come before the Council, Chairman Zajac adjourned the Meeting at 5:05 P.M.

Vicky Wideman  
City Clerk



JANUARY 18, 2023

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

---

The Legislative session of the January 18, 2023 Niagara Falls City Council Meeting was called to order by Council Chairman Zajac at 6:00 P.M. in the Council Chambers.

Present: All Council Members

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

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

COMMUNITY HAPPENINGS:

The Council Chairman asked if anyone wished to speak at the Public Hearing relative to the application for the Restore NY Communication Municipal Grant Program and related Property Assessment List:

Jennifer LaMoy  
Michael S. Gawel  
Jockline Pryor

The Council Chairman asked if anyone wished to speak at the Public Hearing relative to the proposed abandonment of a portion of Seventeenth St. between Pennsylvania & Delaware Ave.

Jennifer LaMoy

The Council Chairman asked if anyone wished to speak at the Public Hearing relative to abandonment of the alley situated South of James Ave. & parallel to Highland Ave.

Jennifer LaMoy  
Jockline Pryor

The Council Chairman asked if anyone wished to speak at the Public Hearing relative to the proposed abandonment of a portion of Second St. (Whirlpool) North of Walnut Ave.

Jennifer LaMoy  
Gerald Skrlin  
Michael Gawel  
Jockline Pryor

The Council Chairman asked if anyone wished to speak at the Public Hearing on the proposed abandonment of a 330 foot portion of Delaware Ave.

Jennifer LaMoy  
Jockline Pryor

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

Jennifer LaMoy	Agenda Items #3, #4, #11, #12, #15, #18
Cherrish Beals	Agenda Items #4, #19, #22
Jockline Pryor	Agenda Items #1 through #22

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF NOVEMBER 2022

Agenda Item #1  
THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S CLAIMS FOR THE MONTH OF DECEMBER 2022

Agenda Item #2  
THIS ITEM WAS RECEIVED AND FILED

MAYOR'F APPROVAL OF RESOLUTION 2022-65

Agenda Item #2  
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

PINNACLE CDBG-CV FUNDS, REPROGRAMING

Agenda Item #4

In 2020, Community Development allocated CDBG-V Grant funds to Pinnacle for improvements at their Casey House and Passage House facilities. \$159,028.00 was to be spent for Casey House improvements and \$39,021.88 for Passage House improvements.

Pinnacle advises that the costs and improvements were less than anticipated. There is \$106,883.15 remaining (\$101,878.06 from Casey House and \$5,005.09 from Passage house).

Pinnacle has requested that we reprogram \$80,738.00 to its street outreach program and \$26,145.15 to improvements and operations. These activities are eligible under the CDBG-CV regulations.

The CDBG-CV funds must be expended this year. Therefore, it is recommended that \$106,883.15 be reprogrammed for these activities.

Will the Council vote to approve reprogramming the use of \$106,883.15 of CDBG-CV previously awarded Pinnacle 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 5  
Nays 0

APPROVED

ESG FUNDS TO PINNACLE, REPROGRAMING

Agenda Item #5

Community Development allocated Emergency Solutions Grant funds to Community Missions. Community Missions advises that it will be unable to expend \$14,546.41 of the funds for Rapid Rehousing and Homeless Prevention. In addition, Pinnacle advises that they can spend the full \$14,546.41 as part of Youth homeless prevention and operations at the Casey House. Therefore, it is recommended that \$14,546.41 of ESG funds be reprogrammed from Community Missions to Pinnacle for Casey House. These Emergency Solutions Grant funds are subject to HUD recapture if not spent in a timely manner.

Will the Council vote to approve reprogramming \$14,546.41 of ESG funds from Community Missions to Pinnacle 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 5  
Nays 0

APPROVED

CONTRACT: HOLMATRO TOOLS OPTION, NFFD, AERIAL LADDER TRUCK FIRE APPARATUS, EMPIRE EMERGENCY APPARATUS

Agenda Item #6

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' Pierce Aerial, HD 107 ASL, Tandem Ladder Truck 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  
[Reference Quote # 8454]

TOTAL COST: \$60,796.18

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: FIRE APPARATUS, NFFD, PIERCE AERIAL LADDER TRUCK, CHURCHVILLE FIRE EQUIPMENT CORP.

Agenda Item #7

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of one (1) 100' Pierce Aerial Ladder Truck for the City of Niagara Falls Fire Department as follows:

TO: Churchville Fire Equipment Corporation (V#705)  
340 Sanford Road South  
Churchville, New York 14428

FOR: One (1) 100' Pierce Aerial, HD 107 ASL, Tandem \$1,293,493.00  
[Sourcewell ID # 236]

TOTAL COST: \$1,293,493.00

It is the recommendation of the undersigned that this equipment request be awarded to the above named vendor per the specifications of Sourcewell Contract #113021-OKC.

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: THERMAL IMAGINE CAMERAS, NFFD, DIVAL SAFETY & SUPPLIES

Agenda Item #8

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of three (3) Thermal Imaging Cameras for the City of Niagara Falls Fire Department as follows:

FROM: Dival Safety & Supplies V#797  
1721 Niagara Street  
Buffalo, New York 14207  
FOR: Three (3) quantity FLIR K53 Thermal Imaging Cameras  
\$4925.00 each  
(Reference Dival Quotation dated 01/09/2023)  
TOTAL COST: \$ 14,775.00

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: UTILITY TRAILERS, DPW, LOE, INC

Agenda Item #9

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the purchase of two (2) 7' x 16' Utility Trailers for use by the City of Niagara Falls Department of Public Works.

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

TO: LOE, Inc. V# 2484  
LOE Trailer Sales of WNY, LLC  
40 Connecting Boulevard  
North Tonawanda, New York 14120  
FOR: Two (2) 7x16 Black Sure-Trac H&H Tube Top Open Utility  
Trailer \$7,331.00 each  
Tandem Axle 7K GVWR  
Includes front enclosed mesh lockable landscape box;  
installed spare tire; 3 weed-whacker kit; NYS Inspection  
Total Cost: \$14,662.00

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: CONSULTANT AGREEMENT, LOCAL WATERFRONT REVITALIZATION PROGRAM, ENVIRONMENTAL DESIGN & RESEARCH, LANDSCAPE ARCHITECTURE, ENGINEERING & ENVIRONMENTAL SERVICE

Agenda Item #10

The City seeks to develop a Local Waterfront Revitalization Program ("LWRP") which will study and provide a framework for future development and access to the City's waterfront. Accordingly, it will be necessary for the City to secure an experienced consultant in order to identify, among other things, appropriate property uses, public access, and specific projects along the City's waterfront.

Through a competitive procurement, the City has selected Environmental Design & Research, Landscape Architecture, Engineering & Environmental Service, D.P.C ("EDR") as the consulting firm to perform the work. The LWRP contract will be state approved, and the work thereunder is anticipated to take approximately 36 months at a cost of \$577,266.00. The project is funded through a grant from the New York State Department of State which will provide 85% of the project costs, with a local match of 15% or \$86,589.90. The City Council previously approved the City's matching funding in 2019 and it is available in Capital Account Code H1905.

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

Yeas	3
Members Bax, Tompkins, Chairperson Zajac	
Nays	2
Members Cauley, Myles	

APPROVED

CORNERSTONE TOWNHOMES, NIAGARA FALLS LEASED HOUSING, TRANSFER OF MANAGING MEMBER INTEREST

Agenda Item #11

Please be advised that Cornerstone Townhomes, LLC ("Cornerstone") is the current owner of the affordable housing properties known as Cornerstone Townhomes Apartments located at 2520, 3100 and 3300 9th St, Niagara Falls, NY. Cornerstone and Niagara Falls Leased Housing are parties to a Section 8 Project-based voucher program PBV Housing Assistance Payment Contract ("HAP"). The managing member interest in Cornerstone is being transferred from an affiliate of Norstar Development to Beacon Unity Park I LLC. The HAP contract requires the consent of Niagara Falls Leased Housing (through the Niagara Falls City Council) for any transfer of interest of the managing member of the owner of the properties. All terms and conditions contained in the HAP contract will remain in full force and effect, including, but not limited to, Niagara Falls Leased Housing's ability to receive Section 8 housing payments from HUD.

Will the Council so approve and consent to the transfer 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 Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

RESOLUTION: PARTIAL ABANDONMENT OF THE ALLEY SITUATED SOUTH OF JAMES AVE. & PARALLEL TO HIGHLAND AVE., 2023-4  
BY: COUNCIL MEMBERS TOMPKINS, BAX, CHAIRMAN ZAJAC

Agenda Item #12

WHEREAS, the City Council of the City of Niagara Falls desires to abandon a portion of the alley situated south of James Avenue, running parallel to Highland Avenue so that said area may eventually be added to the footprint of a proposed solar project in the area; and

WHEREAS, the City Council did, by resolution, give notice of its intention to abandon a portion of the alley situated south of James Avenue, running parallel to Highland Avenue 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 January 18, 2023 at 6:00 p.m. eastern standard 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 January 18, 2023 at 6:00 p.m. eastern standard 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 situated south of James Avenue, running parallel to Highland Avenue is hereby abandoned. The portion of the alley situated south of James Avenue, running parallel to Highland Avenue is bounded and described as follows:

The dimensions of the alley be abandoned are 10 ft. wide by 304.16 ft. long.

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, Chairman Zajac	
Nays	2
Members Cauley, Myles	

ADOPTED

RESOLUTION: RELATIVE TO THE PARTIAL ABANDONMENT OF PORTION OF SECOND ST (WHIRLPOOL ST) NORTH OF WALNUT AVE, 2023-5  
BY: COUNCIL MEMBERS BAX, TOMPKINS, CHAIRMAN ZAJAC

Agenda Item #13

WHEREAS, the City Council of the City of Niagara Falls desires to abandon a no longer utilized portion of Second Street (Whirlpool Street) north of Walnut Avenue as the Department of Parks, Recreation and Historic Preservation shall 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, the City Council did, by resolution, give notice of its intention to abandon a no longer utilized portion of Second Street (Whirlpool Street) north of Walnut Avenue 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 January 18, 2023 at 6:00 p.m. eastern standard 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 January 18, 2023 at 6:00 p.m. eastern standard 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 no longer utilized portion of Second Street (Whirlpool Street) north of Walnut Avenue is hereby abandoned. The said portion of Second Street (Whirlpool Street) north of Walnut Avenue is bounded and described as follows: The area constituting an unused 66 foot-wide by 2000 foot-long street.



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, Chairman Zajac  
Nays 2  
Members Cauley, Myles

ADOPTED

RESOLUTION: RELATIVE TO THE PARTIAL ABANDONMENT OF A PORTION OF SEVENTEENTH STREET BETWEEN PENNSYLVANIA AVE. AND DELAWARE AVE., 2023-6  
BY: COUNCIL MEMBERS TOMPKINS, BAX, CHAIRMAN ZAJAC

Agenda Item #14

WHEREAS, the City Council of the City of Niagara Falls desires to abandon an unused and unimproved portion of Seventeenth Street between Pennsylvania Avenue and Delaware Avenue so that said area may eventually be added to the footprint of a proposed solar project in the area; and

WHEREAS, the City Council did, by resolution, give notice of its intention to abandon an unused and unimproved portion of Seventeenth Street between Pennsylvania Avenue and Delaware Avenue 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 January 18, 2023 at 6:00 p.m. eastern standard 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 January 18, 2023 at 6:00 p.m. eastern standard time in regard to said abandonment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that an unused and unimproved portion of Seventeenth Street between Pennsylvania Avenue and Delaware Avenue is hereby abandoned. The unused and unimproved portion of Seventeenth Street between Pennsylvania Avenue and Delaware Avenue is bounded and described as follows: The dimensions of the area to be abandoned are 50 ft. wide by 250 ft. long.

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, Chairman Zajac  
Nays 2  
Cauley, Myles

ADOPTED

RESOLUTION: RELATIVE TO THE PARTIAL ABANDONMENT OF A 330 FOOT PORTION OF DELAWARE AVENUE, 2023-7  
BY: COUNCIL MEMBERS BAX, TOMPKINS, CHAIRMAN ZAJAC

Agenda Item #15

WHEREAS, the City Council of the City of Niagara Falls desires to abandon an unused and unimproved 330 ft. portion of Delaware Avenue so that said area may eventually be added to the footprint of a proposed solar project in the area; and

WHEREAS, the City Council did, by resolution, give notice of its intention to abandon an unused and unimproved 330 ft. portion of Delaware Avenue 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 January 18, 2023 at 6:00 p.m. eastern standard 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 January 18, 2023 at 6:00 p.m. eastern standard time in regard to said abandonment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that an unused and unimproved 330 ft. portion of Delaware Avenue is hereby abandoned. The unused and unimproved 330 ft. portion of Delaware Avenue is bounded and described as follows: 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).

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, Chairman Zajac	
Nays	2
Members Cauley, Myles	

ADOPTED

RESOLUTION: RELATIVE TO THE CITY COUNCIL OF THE CITY OF NIAGARA FALLS, NY DECLARING ITS INTENT TO ACT AS LEAD AGENCY FOR THE CATHERINES TRAVEL PLAZA PROJECT, CLASSIFIED AS A TYPE 1 ACTION, 2023-8  
BY: COUNCIL MEMBERS BAX, TOMPKINS, CHAIRMAN ZAJAC

Agenda Item #16

WHEREAS, the City of Niagara Falls, NY has received an application from 6200 Niagara Falls Blvd., LLC & 6390 Niagara Falls Blvd., LLC. for the proposed construction of Catherine's Travel Plaza. The applicant proposes to merge 6200 and 6390 Niagara Falls Blvd. resulting in one 8.58 acre parcel, with the amalgamation resulting in 698 ft. frontage on Niagara Falls Blvd. and 303 ft. frontage on Connecting Blvd. Once complete, the project will consist of a 10,200 sq.ft. building for retail and fast-food restaurants to accompany 9 tractor trailer diesel pumps, 6 gas pumps and a propane filling station. A 4,200 sq.ft. building for a fast-food restaurant is also proposed, with 32 tractor trailer, 7 bus/RV, and 70 personal vehicle parking spaces; 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 by the City Council of the City of Niagara Falls, NY that the City Council hereby intends to act as Lead Agency for the review of the Catherine's Travel Plaza Project and hereby issues the attached Notice of Intent to act as Lead Agency.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: RELATIVE TO ADOPTION OF THE 2022 NIAGARA COUNTY HAZARD MITIGATION PLAN, 2023-9  
BY: COUNCIL MEMBERS BAX, TOMPKINS, CHAIRMAN ZAJAC

Agenda Item #17

WHEREAS, the Niagara County Department of Emergency Services, with the assistance from City of Niagara Falls and other cities, villages and towns throughout Niagara County, has gathered information and developed the 2022 Niagara County Hazard Mitigation Plan; and

WHEREAS, the 2022 Niagara County Hazard Mitigation Plan has been prepared in accordance with the Federal Disaster Mitigation Act of 2000; and

WHEREAS, during the preparation of the Plan, City residents were afforded the opportunity to comment as part of a broader outreach to all Niagara County residents; and

WHEREAS, the City of Niagara Falls has reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW THEREFORE, BE IT RESOLVED by the Niagara Falls City Council that the City of Niagara Falls, NY hereby adopts the 2022 Niagara County Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan and resolves to execute the actions in the Plan (attachment on file in the City Clerk's Office).

Yeas	5
Nays	0

ADOPTED

RESOLUTION: RELATIVE TO RESTORE NY COMMUNITIES INITIATIVE MUNICIPAL GRANT PROGRAM APPLICATION, 2023-10  
BY: COUNCIL MEMBERS BAX, TOMPKINS, CHAIRMAN ZAJAC

Agenda Item #10

WHEREAS, City staff have prepared a Restore NY Communities Initiative Municipal Grant application for the proposed project submitted by WilberCo. Development Inc.; and

WHEREAS, the project, Cayuga Landings Brewery, to be located at 519 Cayuga Drive, Niagara Falls, NY, is focused on the revitalization and rehabilitation of a long neglected structure to transform the same into a craft brewing company with related dining, entertainment and recreational amenities; and

WHEREAS, the proposed project will be an anchor for the LaSalle Business District and will complement the DAZNY funded LaSalle Streetscape Improvement Project; and

WHEREAS, a public hearing was held on the 18<sup>th</sup> day of January, 2023 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	5
Nays	0

ADOPTED

RESOLUTION: RELATIVE TO HISTORIC PRESERVATION BOARD APPOINTMENTS, 2023-11  
BY: ALL COUNCIL MEMBERS

Agenda Item #19

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby appoints the following individual to the City of Niagara Falls Historic Preservation Board, effective immediately, for a term expiring on the date that appears opposite their names:

	<u>APPOINTMENT</u>	<u>TERMS EXPIRE:</u>
	Noah Munoz 424 Memorial Parkway Niagara Falls, NY 14302	12/31/2026
	Kristian Ruggiero 616 81 <sup>st</sup> Street Niagara Falls, NY 14304	12/31/2026
Yeas		5
Nays		0
		ADOPTED

RESOLUTION: RELATIVE TO ZONING BOARD OF APPEALS RE-APPOINTMENTS, APPOINTMENTS, 2023-12  
BY: ALL COUNCIL MEMBERS

Agenda Item #20

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 Zoning Board of Appeals, effective immediately, for a term expiring on the date which appears opposite their names:

	<u>RE-APPOINTMENT</u>	<u>TERM EXPIRES:</u>
	Charles Walker 1821 16 <sup>th</sup> Street Niagara Falls, NY 14305re	12/31/2025
	Lori Jo Pellow 1867 South Avenue Niagara Falls, NY 14305	12/31/2025
	Karen Mock 437 Memorial Parkway Niagara Falls, NY 14303	12/31/2025
	<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
	Jeffery Flach 723 3 <sup>rd</sup> Street Niagara Falls, NY 14301	12/31/2025
Yeas		5
Nays		0
		ADOPTED

RESOLUTION: RELATING TO PLANNING BOARD RE-APPOINTMENTS/APPOINTMENTS,  
2023-13  
BY: ALL COUNCIL MEMBERS

Agenda Item #21

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:

RE-APPOINTMENT TERM EXPIRES:

Schrron Cowart 12/31/2025  
P.O. Box 1803  
Niagara Falls, NY 14302

APPOINTMENT TERM EXPIRES:

John Spanbauer 12/31/2025  
1056 North Military Road  
Niagara Falls, NY 14304

Gregory Larkin 12/31/2025  
1349 James Avenue  
Niagara Falls, NY 14305

Yeas 5  
Nays 0  
ADOPTED

RESOLUTION: RELATIVE TO TRAFFIC ADVISORY COMMISSION APPOINTMENT, 2023-14  
BY: ALL COUNCIL MEMBVERS

Agenda Item #22

BE IT FURTHER RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Traffic Advisory Commission for the remainder of Ronald Ashker's unexpired term, which expires on the date which appears opposite their name:

APPOINTMENT TERM EXPIRES:

Portland Jackson 12/31/2025  
552 16<sup>th</sup> Street  
Niagara Falls, NY 14301

Yeas 5  
Nays 0  
ADOPTED

FOR THE GOOD OF THE COMMUNITY

PUBLIC SPEAKERS

Jennifer LaMoy	Problem with Budget
Jockline Pryor	Grant funds overload; Niagara University has their hands in everything

There being no further business to come before the Council, Chairman Zajac adjourned the Meeting at 9:37 P.M.

Vicky Wideman  
City Clerk



**FEBRUARY 1, 2023**

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The Legislative session of the February 1, 2023 Niagara Falls City Council Meeting was called to order by Council Chairman Zajac at 6:00 P.M. in the Council Chambers.

Present: All Council Members

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

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

PRESENTATION: Faizan Hag, New Vision Niagara; Eleanor Apartments & Beyond

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

THERE WERE NO AGENDA ITEMS, THEREFORE NO SPEAKERS

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF DECEMBER 2022

Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

THERE WERE NO AGENDA ITEMS

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

Kathy DuBois	Power City Venture; need strong neighborhoods
Todd Salansky	Reinstate Disabled Boards; Community to speak at Special Meetings
Jarrett Steffen	Open Meeting Laws
Demetrias Nix	Give the 10 houses to the people; dream of what our City can be
Ron Strassburg	Against wholesale of Residential Property; rehabilitate houses
Renee Martin	Create Home Ownership; City sale of 10/12 houses
Jasmine Hussein	Various

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

Vicky Wideman  
City Clerk





FEBRUARY 9, 2023

**SPECIAL COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

The February 9, 2023 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Zajac at 5:00 PM in the Council Chambers.

Present: All Council Members

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

Special Meeting for Council to approve the following items.

February 6, 2023

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**, February 9, 2023 at 5:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purposes:

1. Adopt a Resolution Calling for a Public Hearing on the Possible Acquisition By Eminent Domain of all and/or a Portion of 907 Falls Street and Certain Property Along John Daly Memorial Parkway Having SBL Nos. 159.09-3-3 and 159.09-3-2, in the City of Niagara Falls.

Respectfully submitted,

---

Robert M. Restaino, Mayor

Special Meeting for Council to approve the following items.

RESOLUTION NO. 2023-15

RESOLUTION CALLING FOR A PUBLIC HEARING ON  
THE POSSIBLE ACQUISITION BY EMINENT DOMAIN OF ALL  
AND/OR A PORTION OF 907 FALLS STREET AND  
CERTAIN PROPERTY ALONG JOHN DALY MEMORIAL PARKWAY  
HAVING SBL NOS. 159.09-3-3 AND 159.09-3-2, IN THE CITY OF NIAGARA FALLS

BY:

Council Member Kenny Tompkins

WHEREAS, the City Council of the City of Niagara Falls is considering the acquisition of all and/or a portion of the real property located at 907 Falls Street and certain 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 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 March 13, 2023 at City Hall, 745 Main Street, Niagara Falls, New York, 14301: (a) to inform the public of the City Council's proposal to take, by eminent domain, all and/or a portion of 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 9th day of February, 2023.

Yeas	4
Members: Bax Myles, Tompkins, Chairman Zajac	
Nays	1
Member Cauley	

ADOPTED

There being no further business to come before the Council, Chairman Zajac adjourned the Meeting at 5:29 PM.

Vicky Wideman  
City Clerk



FEBRUARY 15, 2023

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The Legislative session of the February 15, 2023 Niagara Falls City Council Meeting was called to order by Council Chairman Zajac at 6:00 P.M. in the Council Chambers.

Present: Council Members

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

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

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

Vernon Lohan	Agenda Item #18
Jeff Flag	Agenda Items #17, #18, #19
Helen Kress	Agenda Item #17

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK CLAIMS FOR THE MONTH OF JANUARY 2023

Agenda Item #1  
THIS ITEM WAS RECEIVED AND FILED

MAYOR'S APPROVAL OF RESOLUTION 2022-81 AND 2022-82

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 April 1, 2023, to December 31, 2025.

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

Matthew Anderson	Fire Fighter
Earl Bass	Fire Fighter
David Bruno	Fire Fighter
Irvin Buck	Fire Fighter
Vinent Cauley	City Councilman
Andrew Colangelo	Fire Fighter
Peter DiFrancesco	Fire Fighter
Paul Emmick	Fire Fighter
Zack Evans	Fire Fighter
Sam Farruggia	Fire Fighter
Dwayne Gaczewski	Fire Fighter

Mi'chel'le King	Fire Fighter
Scott Klejdys	Fire Fighter
William Larue	Police Officer
Noah Masur	Fire Fighter
Tameka Moore	City Clerk Department
Jennifer Myers	Department of Public Works
August Neinberg	Fire Fighter
Anthony Paretto	Fire Fighter
Ned Parmer	Fire Fighter
Joshua Perez	Fire Fighter
Jospeh Paul	Fire Fighter
Daniel Smith	Fire Fighter
Ben Soper	Fire Fighter
Robert Swartz	Fire Fighter
Nadine Wasson	City Clerk Department
Rebecca Dyster	626 Orchard Pkwy, Niagara Falls, NY 14301
Timothy Huether	629 Ashland Avenue, Niagara Falls, NY 14301
Evonne Holstrom	3055 Dorchester Road, Niagara Falls, NY 14305
Ragini Jain	6700 Lindbergh Avenue, Niagara Falls, NY 14304
James Joyce	2744 Thornwood Drive, Niagara Falls, NY 14304
Michelle Kelly	6921 Nash Road, North Tonawanda, NY 4120
Victoria Komorowski	167-67 <sup>th</sup> Street, Niagara Falls, NY 14304
Gail Merino	9365 Rivershore Drive, Niagara Falls, NY 14303
Allison Moore	2653 Porter Road, Niagara Falls, NY 14305
Rozanne Muto	642-19 <sup>th</sup> Street, Niagara Falls, NY 14301
Lori Jo Pellow	1867 South Avenue, Niagara Falls, NY 14305
Diana Restaino	826 College Avenue, Niagara Falls, NY 14305
David Tothill	2256 Ontario Avenue, Niagara Falls, NY 14305
Shirley Warner	9301 Niemel Drive, Niagara Falls, NY 14303

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

Yeas	4
Members: Bax, Myles, Tompkins, Chairman Zajac	
Abstain: Member Cauley	0
Nays	0

APPROVED

CITY CLERK'S REPORT FOR THE MONTH OF JANUARY 2023

Agenda Item #4  
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: RESIDENTIAL COMBINED SEWER LATERAL REPLACEMENT PROJECT, LASALLE CONTRACTING CORP, CHANGE ORDER #2

Agenda Item #5

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 project, additional cleaning was required beyond the original scope of the project. Costs associated with the extra lateral work was is \$1,000.00. However, existing underruns elsewhere in the contract will allow the costs incurred to be paid without allotting additional funding (\$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 Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5  
Nays 0  
APPROVED

IT STRATEGIC PLAN, PHASE II, IMPLEMENTATION

Agenda Item #6

Over the last year, the City has developed an IT Strategic Plan in an effort to improve our information technology capabilities. Phase I of the Strategic Plan included an assessment of our existing IT infrastructure environment, a network rebuild, directory cleanup, firewall implementation, discovery and stabilization of system backups, staff analysis and development of modernization strategies for the City. This process has laid the foundation for our next step, which is Phase II of the Strategic IT Plan.

Phase II of the Plan will require the services of Avero Advisors ("Avero"), the consultant that assisted the City through the first phase of the project. Avero's continued work on Phase II, including network engineering, optimizing storage, file structure, cybersecurity consulting and contingency, is estimated at a cost of \$1,034,697.40.

The project will also require \$408,400.00 for hardware upgrades, which will include 260 new Windows Workstations and wireless devices. Additionally, \$255,827.00 is required for product costs for additional backup storage, switches, zoom room, batteries and software, bringing the entire total to \$1,698,924.40. 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 WTompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5  
Nays 0  
APPROVED

BANDSTAND FEE: WAIVER, NF SCHOOL DISTRICT, HYDE PARK ELEMENTARY

Agenda Item #7

The Niagara Falls City School District has requested use of the City of Niagara Falls' bandstand on Wednesday, June 7, 2023, at Hyde Park 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 date listed above.

Will the Council so approve?

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

Yeas	4
Members: Bax, Cauley, Myles, Chairman Zajac	
Abstain: Member Tompkins	0
Nays	0

APPROVED

TOWN OF YOUNGSTOWN: SURPLUS POLICE VEHICLES, TRANSFER

Agenda Item #8

The City of Niagara Falls currently possesses two (2) vehicles previously utilized by the Niagara Falls Police Department ("NFPD") which are no longer needed and which the City wishes to declare as surplus property. Vehicle #1 is a 2017 Ford Explorer with an odometer reading of 121,385 miles; Vehicle #2 is 2016 Ford Explorer with an odometer reading 122,931 miles. The initial plan was that both of these vehicles would be auctioned by the City as surplus property, however the NFPD has become aware that the Village of Youngstown Police Department is in urgent need of additional police vehicles in the performance of their duties. In furtherance of public safety and in the spirit of law enforcement cooperation in Niagara County, it is hereby proposed that the City transfer both of the aforementioned vehicles, in "as is" condition, to the Village of Youngstown. The City has been the recipient of similar transfers in the past and it is therefore recommended that the City Council approve 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	5
Nays	0

APPROVED

HABITAT FOR HUMANITY, INC., GRANT AGREEMENT AMENDMENT

Agenda Item #9

In 2022, Council approved a grant of CDBG funds to Niagara Area Habitat for Humanity in the amount of \$13,200.00 for the purchase two of properties (532 and 534 59th Street) for the construction of new housing. Unfortunately, the purchase of the properties could not be completed.

Habitat has proposed to move the project to 702 59th Street and has requested that the grant be amended so that funds can be used for the acquisition and related costs associated with the new property. The project will benefit a low to moderate income family and is eligible under CDBG regulations.

Will the Council vote to approve grant agreement amendment 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	5
Nays	0

APPROVED

RAT MITIGATION PROGRAM, FUNDING AGREEMENT, COUNTY OF NIAGARA

Agenda Item #10

Recently, the County of Niagara demonstrated its commitment to protecting the health and safety of our community through the passage of a resolution to support the City's rat mitigation program. The County Legislature has approved legislation sponsored by Chris Voccio that will provide \$30,000.00 in funding to support our mitigation efforts. The

funding agreement will provide that the County pay this amount to the City in one installment and requires that the City provide a report to the Legislature containing a true and accurate accounting of the expenditure of funds and the results of its mitigation efforts.

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 5  
Nays 0  
APPROVED

SALE: 437 101<sup>ST</sup> ST., DAVID HUTCHESON

Agenda Item #11

The City has received a request to purchase the above referenced City-owned vacant property for the sum of \$650.00.

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

The purchaser is responsible for paying the 2022-2023 School tax (2nd installment) and the 2023 City Tax (1st and 2nd Installments).

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

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

Yeas 5  
Nays 0  
APPROVED

SALE: 1961 LOCKPORT STREET, AFRIN DULAL

Agenda Item #12

The City has received a request to purchase the above referenced City-owned vacant property for the sum of \$1,005.00.

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

The purchaser is responsible for paying the 2022-2023 School tax (2nd installment) and the 2023 City Tax (1st and 2nd Installments).

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

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

Yeas 5  
Nays 0  
APPROVED

CONTRACT: SALE OF STREET MILLINGS, MODERN DISPOSAL

Agenda Item #13

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

TO: Modern Disposal  
4746 Model City Road  
Model City NY 14107

FOR: Sale of Street Millings generated during the 2023 paving season:\$3.00 per ton to be paid to the City

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

The above referenced company submitted the highest remittance price for the millings. The only other bid received was from Holcim Quarries (formerly Lafarge) at \$2.00 per ton.

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: MORBARKEEGER BEEVER, 1821 BRUSH CHIPPER, DPW

Agenda Item #14

We respectfully request your approval for the expenditure of NYSDOT CHIPS funds allocated for the purchase of one (1) 2023 Morbark Eeger Beaver™ 1821 Brush Chipper for use by the City of Niagara Falls Department of Public Works - Forestry Division.

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

TO: John R. Freunds Schuh, Inc. (Vendor #12805)  
dba Upstate Equipment/Bobcat of Buffalo  
6830 S. Transit Road  
Lockport, NY 14094  
FOR: One (1) 2023 Morbark Eeger Beaver™ 1821 Brush Chipper

Total Cost: \$78,801.60

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 PC69681. 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 2023 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 Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas 5  
Nays 0  
APPROVED

NY LOCAL GOVERNMENT RECORDS: ADOPTION OF THE UPDATED RETENTION & DISPOSITION SCHEDULE

Agenda Item #15

We respectfully request your adoption of the updated Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law. LGS-1, which contains legal minimum retention periods for local government records, consolidates, supersedes and replaces Schedules CO-2, MU-1, MI-1, and ED-1, previously issued by the New York State Archives. Local governments must adopt LGS-1 prior to utilizing it, even if they adopted and have been using the CO-2, MU-1, MI-1, or ED-1 Schedules, by resolution. Local governments, who have not yet adopted the LGS-1 may still adopt the LGS-1 but must suspend disposition of records until they have done so. Qualification and awarding of New York State Local Government Records Management Improvement Fund (LGRMIF) Grants is also contingent upon the adoption of the LGS-1.

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: RELATIVE TO BOARD OF ASSESSMENT REVIEWS: RE-APPOINTMENT/APPOINTMENT, 2023-16  
BY: ALL COUNCIL MEMBERS

Agenda Item #16

BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby re-appoint and appoint the following individuals to the City of Niagara Falls Board of Assessment for the term expiring on the date which appears opposite their names:

<u>RE-APPOINTMENT</u>	<u>TERM EXPIRES</u>
Samuel Archie 2133 North Avenue Niagara Falls, NY 14305	09/30/2027

<u>APPOINTMENT</u>	<u>TERM EXPIRES</u>
Jon A. Culbert 7703 W. Rivershore Drive Niagara Falls, NY 14304	09/30/2023

(to fill unexpired term of Theresa Costanzo)

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: RELATIVE TO UPDATING THE CITY OF NIAGARA FALLS COMPREHENSIVE PLAN,  
BY: COUNCIL MEMBER TOMPKINS

Agenda Item #17  
THIS ITEM WAS TABLED, NO ACTION TAKEN

RESOLUTION: RELATIVE TO ENACTING OF CHAPTER 704 OF THE CITY OF NIAGARA FALLS CODIFIED ORDINANCES ENTITLED "FOWL"

Agenda Item #18  
THIS ITEM WAS DENIED, NO ACTION TAKEN

RESOLUTION: RELATIVE TO AMENDING CHAPTER 701 OF THE CODIFIED ORDINANCES ENTITLED "ANIMALS, FOWL AND DOGS", 2023-17  
BY: COUNCIL MEMBER TOMPKINS

Agenda Item #19  
BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that Chapter 701 of the Codified Ordinances entitled "Animals, Fowl and Dogs" is hereby amended to read as follows:

ANIMALS{, **FOWL**} AND DOGS

...

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

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

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

Yeas	5
Nays	0

ADOPTED

THE CHAIRMAN ASKED IF ANYONE WISHED TO SPEAK ON THE GOOD OF THE COMMUNITY, THE FOLLOWING SPOKE:

John Cooper           Niagara Gospel Mission; he wants to not just help of homeless but to rebuild our workforce; meeting with people at process

There being no further business to come before the Council, Chairman Zajac adjourned the Meeting at 6:56 P.M.

Vicky Wideman  
City Clerk



**FEBRUARY 28, 2023**

**SPECIAL COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

The February 28, 2023 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Zajac at 5:00 PM in the Council Chambers.

Present: All Council Members

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

Special Meeting for Council to approve the following purpose:

RESOLUTION: RELTIVE TO TERMINATION OF EXISTING PILOT AGREEMENT AND CREATION OF NEW PILOT FOR THE NIAGARA TOWERS APARTMENTS, 2023-18

BY: COUNCIL MEMBER TOMPKINS

#1

WHEREAS, the City of Niagara Falls (the "City") entered into that certain payment-in-lieu-of-tax agreement dated as of January 1, 1983 (the "Original PILOT"), in relation to a 200 unit affordable housing facility (the "Facility") located at 821 and 901 Cedar Avenue (the "Premises"), lying and being in the City of Niagara Falls, Niagara County and State of New York, with LH NIAGARA TOWERS LLC, a New York limited liability company (the "Current Owner"), as permitted assignee of Niagara II, L.P.; and

WHEREAS, the Original PILOT was amended by that First Amendment to PILOT Agreement dated as of June 22, 2006, and further amended by that Second Amendment to PILOT Agreement dated October 30, 2019 (collectively, the "Existing PILOT"), which Existing PILOT was assigned by Orbach Affordable Housing Solutions, LLC to the Current Owner; and

WHEREAS, in connection with a rehabilitation of the Facility of approximately \$11,000,000.00, the Premises will be transferred to OAH NIAGARA TOWERS TC LLC AND OAH NIAGARA HOUSING DEVELOPMENT FUND CORPORATION (collectively, the "New Owner"); and

WHEREAS, the Existing PILOT is scheduled to terminate on December 31, 2041; and

WHEREAS, Orbach Affordable Housing Solutions, LLC, on behalf of the New Owner, has requested that the City enter into a new payment-in-lieu-of-tax agreement (the "New PILOT") with the New Owner; and

WHEREAS, the initial PILOT payment under the New PILOT will be \$80,000.00 which is an increase from the 2022 PILOT payment of \$57,672.63; and

WHEREAS, the new PILOT will be for a term of forty (40) years, will include annual payment increases of 2% during the term of the agreement; and

WHEREAS, simultaneous with the City and the New Owner entering into the New PILOT, the parties wish to terminate the Existing PILOT.

NOW, THEREFORE BE IT RESOLVED that the Niagara Falls City Council hereby approves:

- i) the termination of the Existing PILOT agreement,
- ii) the New PILOT agreement, and
- iii) to the extent applicable, approves the transfer of the property to the New Owner; and

BE IT FURTHER RESOLVED that Mayor Robert Restaino is hereby authorized and directed to execute, on behalf of the City, the Termination of PILOT Agreement, the New PILOT, and any documents that may be required to evidence the City's consent to the transfer of the property, provided that these documents are in form and content acceptable to the office of the Corporation Counsel.

Yeas  
Nays

5  
0

ADOPTED

There being no further business to come before the Council, Chairman Zajac adjourned the Meeting at 5:10 PM.

Vicky Wideman  
City Clerk



MARCH 8, 2023

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

The Legislative session of the March 8, 2023 Niagara Falls City Council Meeting was called to order by Council Chairman Zajac at 6:00 P.M. in the Council Chambers.

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

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

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:  
THERE WERE NO SPEAKERS

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS, APPROVAL

Agenda Item #1

The following have requested City Council approval for Commissioner of Deeds for a term from April 1, 2023, to December 31, 2025.

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

Gaelan Baillie 524 30<sup>th</sup> Street, Niagara Falls, NY 14301

Shawniece L. Baillie 524 30<sup>th</sup> Street, Niagara Falls, NY 14301

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

Yeas 4

Bax, Cauley, Tompkins, Chairman Zajac

Excused: Myles

Nays 0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: UTILITY ABANDONMENT, ASBESTOS ABATEMENT AND/OR DEMOLITION OF BLDGS (VARIOUS LOCATIONS), REGIONAL ENVIRONMENTAL DEMOLITION

Agenda Item #2

The following was the result of bids received on February 22, 2023, for the above referenced project:

CONTRACTOR	BASE BID
Regional Environmental Demolition, Inc. 6281 Wendt Drive Niagara Falls NY 14304	\$345,033.00

Empire Dismantlement Corp.	\$372,500.00
Mark Cerrone Inc.	\$463,525.00

Metro Contracting & Environmental, Inc. \$517,672.00

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 \$345,033.00. Funding is available through Community Development.

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

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

Yeas 4  
Bax, Cauley, Tompkins, Chairman Zajac  
Excused: Myles  
Nays 0  
APPROVED

CONTRACT: SAL MAGLIE ATHLETIC FIELD IMPROVEMENTS, LOUIS DEL PRINCE & SONS, CHANGE ORDER #2

Agenda Item #3

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.

As the newest construction season rapidly approaches, the City is resuming the athletic field improvement project started last fall. In particular, the City is looking to add improvements and upgrades to the playing field and the stadium in general that were not included in the original project's scope.

These additions to the ongoing project include new stadium fencing (fabric and support structures), the repair of existing electrical failures, and ancillary grading and excavating needed to accomplish these newly requested tasks. Costs associated with the fencing (\$106,400.00), electrical repair (\$30,000.00) and ancillary earth work (\$48,300.00) total \$184,700.00, bringing the new contract total to \$1,672,687.00. 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 4  
Bax, Cauley, Tompkins, Chairman Zajac  
Excused: Myles  
Nays 0  
APPROVED

MONTH OF MARCH "WOMAN'S HISTORY MONTH" AND MARCH 8, 2023 AS "WOMAN'S HISTORY DAY"

Agenda Item #4

Every year, March is designated as "Women's History Month" by Presidential proclamation. Women's History Month was established as a way to celebrate women across the nation, including their efforts to make the country and world a better place for women of all ages and races. In honor of Women's History Month, we recognize that women of every race, class, and ethnic background have made significant contributions to the growth and strength of our nation, and more specifically, to our local community.

In addition, International Women's Day (celebrated on March 8, 2023) serves a number of important missions aimed at raising greater awareness about issues impacting women's equality, taking a stance to call out inequality while working to forge positive action, highlighting and applauding where important gains are being made, and celebrating women's achievements and accomplishments.

Women have played and continue to play a critical political, economic, cultural, and social role in our nation and in our local community and constitute a significant portion of the labor force working inside and outside of the home. Yet, despite these contributions, the role of women in American history has been historically overlooked and undervalued.

Mindful of the many contributions made by women throughout the history of our nation and our City, as Mayor, I hereby propose and proclaim that the City of Niagara Falls, NY observe and honor Women's History Month and encourage all residents to appreciate the rich and varied contributions that women have made to our City.

Accordingly, I hereby request that the Niagara Falls City Council officially designate and proclaim the month of March, in the year 2023, as "Women's History Month" and, more specifically, to designate and proclaim March 8, 2023 as "Women's History Day" in the City of Niagara Falls in order to honor and recognize the tremendous contributions made by American Women, throughout history and today.

Will the Council so approve?

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

Yeas	4
Bax, Cauley, Tompkins, Chairman Zajac	
Excused: Myles	0
Nays	

APPROVED

CONTRACT: UP-FITTING FOR NFFD COMMAND VEHICLE, FM COMMUNICATIONS, INC.

Agenda Item #5

We respectfully request your approval for the expenditure of Tribal Revenue Funds and remaining DASNY Grant funds allocated for the up-fitting for one (1) City of Niagara Falls Fire Department Command Vehicle (Car 80). Up-fitting expenses to be dispersed to three (3) separate vendors as follows:

TO: FM Communications, Inc. (V# 2183)  
1914 Colvin Boulevard  
Tonawanda, New York 14150-6995

FOR: Up-fitting one (1) 2023 Chevrolet Tahoe SSV 4WD - Red \$15,449.50  
-includes the purchase and installation of lighting, radio and instrumentation  
and exterior striping/graphics (reference FM Communications Quotation  
#128001158)

FM COMMUNICATIONS PURCHASE ORDER TOTAL COST: \$15,449.50

TO: Motorola Solutions, Inc. (Contractor) (V#15519)  
c/o Skywave Communications, Inc. (Subcontractor) MWBE  
123 Tice Boulevard, Suite 202  
Woodcliff Lake, New Jersey 07677

FOR: Up-fitting one (1) 2023 Chevrolet Tahoe SSV 4WD - Red \$3,890.50  
-purchase of radio communication equipment per NYS OGS Contract 21562, PT  
68722  
(reference Motorola Solutions Quote-2026708 / 23-2015)

MOTOROLA SOLUTIONS PURCHASE ORDER TOTAL COST: \$3,890.50

TO: Dell Technologies (V# 12655)  
Dell Marketing LP  
One Dell Way  
Mail Stop 8129  
Round Rock, Texas 78682

FOR: Up-fitting one (1) 2023 Chevrolet Tahoe SSV 4WD - Red \$1,726.50  
each

-purchase of two (2) Dell Latitude 7220 computers per Dell NYS Umbrella  
Contract PM20820  
(reference Dell Technologies Quote #3000142206959.1)

DELL TECHNOLOGIES PURCHASE ORDER TOTAL COST: \$3,453.00

Page 2 of 2: Council Agenda Item: Up-fitting for Niagara Falls Fire Department Command Vehicle (Car 80) 030123

Funding for this project in the amount of \$51,711.64 was approved at the February 2, 2022 City Council Meeting (\$50,000 DASNY Grant funds and \$1,711.64 Tribal Revenue Funds), of which \$46,781.22 was used to purchase the Command Vehicle/Car 80, leaving excess funds in the amount of \$4,930.42. In addition to the excess amount, the remaining amount needed to complete the above noted purchases is \$17,862.58, which shall be provided for through Tribal Revenue Funds, if the Council so approves.

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

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

Yeas	4
Bax, Cauley, Tompkins, Chairman Zajac	
Excused: Myles	0
Nays	

APPROVED

CONTRACT: TURNOUT GEAR FOR CITY OF NFFD, WITMER PUBLIC SAFETY GROUP, INC.

Agenda Item #6

We respectfully request your approval for the expenditure of American Rescue Plan funds for the purchase of twenty-seven (27) sets of Turnout Gear (protective clothing) for City of Niagara Falls Fire Fighters as follows:

TO: Witmer Public Safety Group, Inc./**The Fire Store (V# 13265)**  
101 Independence Way  
Coatesville, Pennsylvania 19320

FOR: Twenty-seven (27) quantity Lion V-Force Bi-Swing Coats @ \$1540.00  
each \$41,580.00

Twenty-seven (27) quantity Lion V-Force Pant @ \$1000.00 each \$27,000.00

TOTAL COST: \$68,580.00

It is the recommendation of the undersigned that this equipment request be awarded to the above named vendor per the specifications of NYS Contract #PC67938 - Award Letter #23054 and includes an additional discount under Lion Special Pricing.

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	4
Bax, Cauley, Tompkins, Chairman Zajac	
Excused: Myles	0
Nays	

APPROVED



CONTRACT: FIRE-RESCUE EQUIPMENT FOR CITY NFFD, WITMER PUBLIC SAFETY GROUP, INC.

Agenda Item #7

We respectfully request your approval for the expenditure of American Rescue Plan funds for the purchase of Fire-Rescue equipment to replace aging and damaged rescue ropes and harnesses for the City of Niagara Falls Fire Department as follows:

TO: Witmer Public Safety Group, Inc. / The Fire Store (V# 13265)  
 101 Independence Way  
 Coatesville, Pennsylvania 19320

FOR: Rock-N-Rescue Ropes and Rope Bags (QUO75857) \$ 7,495.00  
 Mustang Survival Rope Throw Bag (10 QTY) (QUO76043) \$ 550.00 CMC  
 Pro Tech Fire-Rescue Harness (26 QTY) (QUO76043) \$11,050.00  
 Sterling WaterLine Yellow ½" Rope (800') (QUO77785) \$ 810.00

TOTAL COST: \$ 19,965.00

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 4  
 Bax, Cauley, Tompkins, Chairman Zajac  
 Excused: Myles  
 Nays 0  
 APPROVED

CONTRACT: MEALS FOR PRISIONERS, FRANKIE'S DONUTS

Agenda Item #8

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

TO: Frankie's Donuts  
 717 Portage Road  
 Niagara Falls, NY 14301

FOR: Meals for Prisoners:  
 Breakfast \$2.75  
 Lunch/Supper \$3.50  
 Diabetic \$3.50  
 Vegetarian \$3.50

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

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  
 Bax, Cauley, Tompkins, Chairman Zajac  
 Excused: Myles  
 Nays 0  
 APPROVED

FUNDING: DISTRICT ATTORNEY'S FORFEITURE FUND AWARD (NFPD)

Agenda Item #9

The Manhattan County District Attorney's office has created a Forfeiture Fund that is specifically meant to assist law enforcement agencies throughout New York State with costs brought on by the recent criminal discovery reforms and bail reform laws. Through the Niagara County District Attorney's office, the Niagara Falls Police Department is scheduled to receive \$116,933.00 from this Fund for its work on the aforementioned compliance and reform matters.

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

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

Yeas	4
Bax, Cauley, Tompkins, Chairman Zajac	
Excused: Myles	
Nays	0
	APPROVED

WAIVER: PARKING FEES, (CITY SURFACE LOTS) FOR DELTA SIGMA THETA SORORITY

Agenda Item #10

On Friday, March 17 and Saturday, March 18, 2023, the Delta Sigma Theta Sorority will hold its Upstate Conference at the Niagara Falls Conference Center. The Administration is requesting that parking fees at the downtown surface lots near the Conference Center be waived to accommodate this organization and its guests.

Will the Council so approve?

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

Yeas	4
Bax, Cauley, Tompkins, Chairman Zajac	
Excused: Myles	
Nays	0
	APPROVED

CONTRACT: CONSULTANT SELECTION, PROPERTY CONDITION ASSESSMENT AT 520 HYDE PARK BLVD., LABELLA ASSOCIATES

Agenda Item #11

The City seeks to prepare a Property Condition Assessment for the former Niagara Falls Public Safety Building located at 520 Hyde Park Boulevard. The purpose of the Assessment is to determine the condition of the property in preparation for its potential disposition and redevelopment. In order for the property to be adequately assessed, it will be necessary for the City to secure an experienced consultant in order to identify, among other things, the physical conditions of the subject property, document the environmental management needs and responsibilities, complete a property appraisal, and provide cost estimates for recommended repairs. If the cost for the rehabilitation of subject property exceeds the value, a cost for demolition will also be included in the report.

Through a competitive procurement, the City has selected LaBella Associates as the preferred consulting firm to perform the work. The Property Condition Assessment is anticipated to take approximately five (5) weeks at a cost of \$26,496.34. As the subject property is City-owned and was used for City purposes, the City is ineligible to receive grant funding for the work and the project will need to be funded by the City. Funding is available from American Rescue Plan Funds utilizing the Treasury Guidance Expenditure Category 6.1, which is the "Revenue Loss for the Provision of Government Services" 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 Tompkins moved that the communication be received and filed and the recommendation approved.

Yeas	4
Bax, Cauley, Tompkins, Chairman Zajac	
Excused: Myles	
Nays	0

APPROVED

RESOLUTION: OPPOSITION TO THE PROPOSED BAN ON NATURAL GAS HEATING AND APPLIANCES IN NEW YORK STATE, 2023-19  
BY: ALL COUNCIL MEMBERS

Agenda Item #12

WHEREAS, Governor Kathy Hochul's recent State-of-the-State address contained a proposal to end the sale of new fossil powered heating equipment by 2030, calling for all new construction to be zero emission - starting in 2025 for small buildings and 2028 for large buildings; and

WHEREAS, President Joseph Biden and the White House have come out against any prohibition of gas stoves; and

WHEREAS, the Governor's proposal is intended to help address climate change, but could create a burden for our region's working-class residents; and

WHEREAS, a ban on natural gas appliances and water heaters is not feasible for Western New York with harsh winter weather and exposed electrical infrastructure. Appliances used to heat water and cook food need to work during power outages, especially during times of inclement weather; and

WHEREAS, this past December saw a blizzard rip through our area leaving tens of thousands of residents stuck in their homes without power, many for several days. Gas appliances, fed by more resilient infrastructure, allowed those residents to heat their homes, boil water, and safely cook their food for the days needed to clear the roads and restore electricity. Nearly four dozen people in Western New York people died during this storm and many more would have suffered if they had to rely on our power grid for cooking and emergency heating; and

WHEREAS, furthermore, alternatives to natural gas-powered heating have yet to be proven reliable as a sole-source heating system in cold-weather climates; and

WHEREAS, since electrical appliances have more moving parts and are expensive to maintain and repair, mandating their purchase would prove to be an unnecessary burden on families across New York State at a time when the cost of living has significantly outpaced wage growth; and WHEREAS, currently, due to market conditions and technology limitations, most electric appliances are less efficient than gas and, absent improvements in electricity efficiencies and the electrical infrastructure grid, would likely cause increases in energy costs; and

WHEREAS, as we have seen with California's recent push to make everything electric, improperly planned energy transitions can lead to an increased strain on a state's electrical grid, leading to blackouts and rationing, which is especially dangerous with the winter weather we experience; and

WHEREAS, the costs to transition New York State's energy infrastructure grid should go through a more thorough review to understand how this will impact the energy production and distribution system as a whole, how it will impact energy costs to consumers and how it will be paid for, before any action is taken.

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council hereby opposes New York State's plan to ban natural gas heating and appliances as currently drafted, as it does not adequately address concerns about our winter weather conditions; and

BE IT FURTHER RESOLVED, that the City Council urges Governor Hochul and the New York State Legislature to pause on their rush and to fully examine the real life impact their decisions will have for all New Yorkers, especially those least able to afford them; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor Hochul's Office, the Western New York Delegation to the New York State Senate and Assembly, and any other party deemed necessary and proper.

Yeas

4

Bax, Cauley, Tompkins, Chairman Zajac

Excused: Myles

Nays

0

ADOPTED

RESOLUTION: AMENDING 2021 ANNUAL ACTION PLAN COMMUNITY DEVELOPMENT DEPARTMENT, #2023-20  
BY: COUNCIL MEMBER TOMPKINS

Agenda Item #13

WHEREAS, due to a mandate from the U.S. Department of Housing and Urban Development ("HUD"), on January 6, 2023, the City published a notice of a proposed amendment to its 2021 Annual Action Plan addressing the use of the HOME American Rescue Plan (ARP) funds awarded to City from HUD; and

WHEREAS, a public hearing was held on February 16, 2023 regarding the proposed amendment, to address the award of \$1,624,703.00 from HUD to provide housing, shelter, and supportive services for persons experiencing or at risk of homelessness, fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking, and other vulnerable populations at greatest risk of housing instability; and

WHEREAS, the public comments have been provided to the City Council.

NOW, THEREFORE BE IT RESOLVED, that the Niagara Falls City Council hereby approves a Substantial Amendment of City's Annual Action Plan for 2021, to include the use of HOME ARP funding awarded to the City to implement activities in the following categories:

- Acquisition, rehabilitation, adaptive reuse, or construction of affordable rental housing, including permanent supportive housing for qualifying populations;
- Tenant-based rental assistance (TBRA) to help qualifying populations pay rent, security deposits, and utility deposits and payments;
- A broad range of supportive services to prevent homelessness and foster housing stability such as emergency assistance, job training, childcare, and educational services;
- Acquisition and development of non-congregate shelter to create private temporary units/rooms for households experiencing homelessness or fleeing abusive situations;
- Capacity Building & Nonprofit Operating to build capacity and financial stability in local nonprofit organizations serving your community with HOME-ARP activities;
- Administration and planning to hire, train, and support new staff to select, manage, monitor, and evaluate HOME-ARP projects and activities; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to take all actions necessary to effectuate such activities.

Yeas

4

Bax, Cauley, Tompkins, Chairman Zajac

Excused: Myles

Nays

0

ADOPTED

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

William Rossi

Phillip Lytle-High energy Overlay, have not heard from the City Planning Dept.; they have not had an issue with noise

Marlon Moore

Wants the DALE Program here in Niagara Falls

Jennifer LaMoy

We need unity, please attend the Public Hearing

Demetreus Nix

Not Present

Gwendolyn Streeter-Walker

Not Present

There being no further business to come before the Council, Chairman Zajac adjourned the Meeting at 6:34 P.M.

Vicky Wideman  
City Clerk

42

03/08/2023



**MARCH 13, 2023**

**PUBLIC HEARING**

**NIAGARA FALLS, NEW YORK**

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The March 13, 2023 Public Hearing started at 6:00 PM relative to the possible acquisition by Eminent Domain of all and/or a portion of 907 Falls Street and certain property along John Daly Memorial Parkway having SBL Nos. 159.09-3-3 and 159.09-3-2, in the city of Niagara Falls

Present: Council

The Chairman asked if anyone wished to speak pertaining to the Resolution and the following spoke:

John Horn  
Dennis Elsiebckr  
Ed Hill, Jr.  
Jim Szwido  
Jennifer LaMoy  
Mark Laurrie  
Russ Petrozzi  
Frank Straggio

James Abbondanza  
Gerald Skrlin  
Jeffrey Flach  
Helen Kress  
Jarrett Steffen-not here  
Lakea Perry-Barton  
Michael S. Gawel

There being no further business to come before the Council, Chairman Zajac adjourned the Meeting at 9:00PM.

Vicky Wideman  
City Clerk



MARCH 22, 2023

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The Legislative session of the 2023 Niagara Falls City Council Meeting was called to order by Council Chairman Zajac at 6:00 P.M. in the Council Chambers.

Present: Council Members

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.

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

William Rossi Agenda Item #4

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK CLAIMS FOR THE MONTH OF FEBRUARY 2023

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

City clerk's report for the month of February 2023

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

MAYOR'S APPROVAL FOR RESOLUTION 2023-17

Agenda Item #3

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

RESOLUTION: RELATIVE TO NORTH EAST DATA LLC HIGH ENERGY OVERLAY DISTRICT APPLICATION, 2023-21

BY: COUNCIL MEMBER KENNY TOMPKINS

Agenda Item #4

WHEREAS, the City of Niagara Falls City Council (hereinafter referred to as "City Council") has received an application for the operation of a cryptocurrency mining facility from North East Data, LLC at 5380 Frontier Ave (SBL# 160.14-1-1.2) (the "Project"); and

WHEREAS, the application includes a request to create a High Energy Overlay Usage Overlay District through a rezoning, issuance of a Special Use Permit, and approval of a Site Plan through the Level 2 Site Plan process; and

WHEREAS, the City Council has reviewed the Full Environmental Assessment Form (FEAF) part 1 and other information, and determines that the Project is an Unlisted under part 617.4 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the City Council intends to act as Lead Agency under SEQR for the Project.

NOW, THEREFORE BE IT RESOLVED, the City Council hereby directs the Corporation Counsel to issue a Notice of Intent to act as Lead Agency to all Involved and Interested Agencies; and

BE IT FURTHER RESOLVED, the City Council refers the rezoning application and the Site Plan to the Planning Board and the Special Use Permit to the Zoning Board of Appeals; and

BE IT FURTHER RESOLVED, that this Resolution is effective immediately.

Yeas  
Nays

5  
0

ADOPTED

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

Robert Ventry

Centennial Park is a good project, I don't think using the Community money is a good idea

Lamont Evans

I came from California to purchase houses and open respite houses and group homes; the zoning laws will not permit me to open an Air B & B

There being no further business to come before the Council, Chairman adjourned the Meeting at 6:14 P.M.

Vicky Wideman  
City Clerk



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