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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:

<b><i>Depository Name</i></b>	<b><i>Maximum Amount</i></b>	<b><i>Officer</i></b>
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  
Nays

5  
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  
Nays

5  
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:

<u>RE-APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Schrron Cowart P.O. Box 1803 Niagara Falls, NY 14302	12/31/2025

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
John Spanbauer 1056 North Military Road Niagara Falls, NY 14304	12/31/2025
Gregory Larkin 1349 James Avenue Niagara Falls, NY 14305	12/31/2025

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:

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Portland Jackson 552 16 <sup>th</sup> Street Niagara Falls, NY 14301	12/31/2025

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 Averro Advisors ("Averro"), the consultant that assisted the City through the first phase of the project. Averro'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  
Nays

5  
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 OAHS NIAGARA TOWERS TC LLC AND OAHS 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

5

Nays

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 0

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.	\$345,033.00
6281 Wendt Drive	
Niagara Falls NY 14304	

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

Nays

0

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	
Nays	0

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	
Nays	0

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 PRISONERS, 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?

40

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



**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 Elsienbckr  
Ed Hill, Jr.  
Jim Szwido  
Jennifer LaMoy  
Mark Laurie  
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





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

5

Nays

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



APRIL 5, 2023

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The Legislative session of the April 5, 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, Corporation Counsel Chris Mazur, and City Controller Daniel Morello.

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

Council Member moved to approve the Minutes from the Council Meeting of November 2, 2022

COMMUNITY HAPPENINGS:

There will be a parade on May 27, 2023 at 10:00 AM

ADMINISTRATIVE UPDATE

Mayor Restaino pulled Agenda Item #8

CONTROLLERS REPORT

Councilmember Myles believe these funds should have been made available to the less fortunate, the black & brown communities

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

Gerald Skrlin	Agenda Item #28
Frank Peller	Agenda Item #25
Bryan Maacks	Agenda Item #25

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: AMD ENVIRONMENTAL CONSULTANTS, ASBESTOS MONITORING FOR DEMOLITION CONTRACT, CHANGE ORDER #4

Agenda Item #1

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

Prior to the start of the City's pending 2023 demolition contract, it is necessary to extend the required environmental monitoring tasks, currently being performed by AMD Environmental Consultants, to cover the new project. The rates, as previously obtained by competitive bidding, will be held by the consultant and a not-to-exceed amount of \$20,000.00 is requested of the remaining original upset amount to be committed to the City's current demolition monitoring needs. Funding is available through Community Development.

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

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

Yeas	4
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Members: Bax, Myles, Tompkins, Chairman Zajac	
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Nays	1
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Cauley	
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CONTRACT: REGIONAL ENVIRONMENTAL DEMOLITION, UTILITY ABANDONMENT,  
ASBESTOS ABATEMENT AND./OR DEMOLITION OF BUILDINGS (VARIOUS LOCATIONS),  
CHANGE ORDER #1

## Agenda Item #2

A contract for the above referenced project was awarded to Regional Environmental Demolition, Inc. on March 8, 2023 in the amount of \$345,033.00.

After the bidding process had ended, the City requested a substitution of candidates slated for demolition. It was the intent of the administration to exchange the following locations:

<u>REMOVE:</u>	Bid Item #10 - 2419 Lasalle Avenue
<u>ADD:</u>	Bid Item #10A - 462 10 <sup>th</sup> Street

The cost associated with this swap allow for a direct substitution with no addition to the contract total.

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

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

Yeas	5
Nays	0

APPROVED

CONTRACT: UNITED RENTALS NORTH AMERICA, INC., 10 RENTALS OF PORTABLE TOILETS

## Agenda Item #3

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

TO:	United Rentals (North America), Inc. (Vendor #1967) d/b/a Reliable Onsite Services 6089 Loomis Road Farmington, NY 14425
FOR:	Rental of portable toilets for various City parks, ball fields, boat docks and special events, (one year contract price):

-Handicapped Accessible Portable Toilet (Monthly Rate, two cleanings/week): \$300.00/unit

-Handicapped Accessible Portable Toilet (per special event)  
\$200.00/unit

-Standard Portable Toilet (per special event)  
\$125.00/unit

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	5
Nays	0

APPROVED

CONTRACT: HOME DEPOT, FIRE HOUSE DOOR AND WINDOW REPLACEMENT PROJECT

Agenda Item #4

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the Firehouse Door and Window Replacement Projects at the 10<sup>th</sup> Street, 72<sup>nd</sup> Street, Bollier Avenue, Ontario Avenue and Royal Avenue Firehouses as follows:

TO:	Home Depot V# 1287	
	750 Builders Way	
	Niagara Falls, New York 14304	
FOR:	Two (2) Exterior Doors	\$2,250.00
	Vents, Mounting Hardware	\$ 400.00
	Window Treatments	\$1,170.00
HOME DEPOT PURCHASE ORDER TOTAL COST:		<b>\$3820.00</b>
TO:	G. Grant Construction Company V# 15493	
	692 Niagara Falls Boulevard	
	North Tonawanda, New York 14120	
FOR:	Glass Block	\$190.00
G. GRANTO CONSTRUCTION COMPANY PURCHASE ORDER TOTAL COST:		<b>\$190.00</b>
TO:	Felicetti Concrete Products V# 865	
	4129 Hyde Park Boulevard	
	Niagara Falls, New York 14305	
FOR:	Cinder Block	\$220.00
FELICETTI CONCRETE PRODUCTS PURCHASE ORDER TOTAL COST:		<b>\$220.00</b>
TO:	United Materials, LLC V# 10248	
	3374 Walden Avenue	
	Depew, New York 14043	
FOR:	Bricks and Bonding Agents	\$480.00
UNITED MATERIALS, LLC PURCHASE ORDER TOTAL COST:		<b>\$480.00</b>

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: HOME DEPOT, FIRE HOUSE CABINET/COUNTER TOP REPLACEMENT PROJECT

Agenda Item #5

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the Firehouse Cabinet and Counter Top Replacement Projects at the 10<sup>th</sup> Street, 72<sup>nd</sup> Street and Ontario Avenue Fire houses as follows:

TO:	Home Depot V# 1287	
	750 Builders Way	
	Niagara Falls, New York 14304	
FOR:	Kitchen Cabinets	\$12,500.00
	Counter Tops	\$ 7,000.00

Total Cost: \$19,500.00

Funding for this project is available from American Rescue Plan Funds under the Treasury Guidance Expenditure Category 6.1, which is "Revenue Replacement for the Provision of Government Services".

Will the Council so authorize the Mayor to execute an agreement with the above named 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

#### Agenda Item #6

The City of Niagara Falls is the owner of the former Junior's Truck Stop property located at 5627 Niagara Falls Boulevard. There are plans to redevelop the property for job training purposes for local residents by a nonprofit organization. However a complete Environmental Remediation must be undertaken at the property before this can take place.

The environmental remediation will consist of the excavation and disposal of residual soil contamination in the area of former underground storage tanks, as required by a New York State Department of Conservation. Additionally, the remediation will also include asbestos and mold abatement within the vacant building formerly used as a restaurant and motel. The consultant selected for this project will also develop a remedial action plan (RAP) and other required plans, prepare close-out reports, and perform services that may be required to meet local, state, and federal regulations.

Through a competitive procurement, the City has selected Mark Cerrone Inc. as the preferred consulting firm to perform the work. This project will be funded by a grant from the Niagara County Brownfield Cleanup Revolving Loan Fund Program (BCRLF), which is managed by the Niagara County Brownfield Development Corporation and funded through grants from the United States Environmental Protection Agency (USEPA). The City applied for and successfully secured a \$125,000 grant for this work which was subsequently approved by the City Council earlier this year.

Will the Council so approve and authorize the Mayor to execute any documents necessary to effectuate the same, provided that they are 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
Members Bax, Myles, Tompkins, Chairman Zajac	
Nays	1
Member Cauley	

APPROVED

#### CONTRACT: TROLLEY SERVICE FUNDING, NIAGARA FRONTIER TRANSIT METRO SYSTEM

#### Agenda Item #7

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

Under the proposed agreement, Trolley Service will commence on May 26, 2023 and will continue through June 11, 2023 on weekends only (Friday, Saturday and Sunday). Beginning June 12, 2023, service will operate daily through and including September 24, 2023. The service will operate weekends only (Friday, Saturday and Sunday) beginning September 29, 2023 through and including October 29, 2023. The Service will operate hourly between 9:00 a.m. and 12:00 a.m. on the Service days indicated above. From October 30, 2023 through December 31, 2023, guests from participating hotels will have access to Metro's regular fixed route, open-door, and non-trolley service. The cost to the City for this service will be \$586,662.00. Funding is available from Tourism Fund balance.

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

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

Yeas	5
Nays	0

APPROVED

CONTRACT: 5000 PORTER ROAD PROPERTY (VPS PROPERTY VENTURES LLC)  
PURCHASE, SALE AND DEVELOPMENT

Agenda Item #8  
THIS ITEM WAS PULLED  
NO ACTION TAKEN

CONTRACT: CIRCLE THE GLOBE PRODUCTIONS (EARL W. BRYDGES LIBRARY) RIGHT OF  
ENTRY AND LOCATION RELEASE

Agenda Item #10

Discovery Channel series 'Expedition X' (produced by Circle the Globe Productions) explores the stranger side of the 'unknown'. Host Josh Gates, scientist Phil Torres and paranormal researcher Jessica Chobot investigate reports of supernatural encounters, mysterious creatures, and astonishing extraterrestrial phenomena around the world. Interestingly, the Expedition X team's search for answers to the world's most extraordinary mysteries has led them here to Niagara Falls.

In an upcoming episode of Expedition X, Mr. Torres and Ms. Chobot investigate the paranormal history of Niagara Falls. As part of this investigation, the Expedition X team and crew are requesting permission to film at the City's Earl W. Brydges Library. It is therefore necessary to enter into an agreement with the Circle the Globe Productions in order to allow them access to the Library property. For the scenes featuring the Library, the six (6) crew members and the hosts will utilize two (2) cameras, one audio rig, and minimal lighting and gear. Filming is expected to take place on April 11, 2023 from approximately 10:30 AM - 4:00 PM. No patrons or employees will be used in the filming and Expedition X will endeavor to cause as little disturbance to the public as possible. In return for permitting access to the Library, Circle the Globe will be providing the City with indemnification and a certificate of insurance pursuant to our usual requirements.

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

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

Yeas

5

Nays

0

APPROVED

CONTRACT: FIELD AND FORK NETWORK, INC, MANAGEMENT AT CITY FARMER'S MARKET

Agenda Item #10

The City Market, specifically the Farmer's Market, is an important space to the citizens of the City of Niagara Falls and the community at large as a food access point. In 2022, the City contracted with Field and Fork Network, Inc. ("Field and Fork"), a well-respected, local nonprofit organization that connects communities to innovative solutions that foster a sustainable food system, to manage the Farmer's Market portion of the City Market operations. It is hereby proposed that the City enter into an agreement with Field and Fork to provide the management services that the City requires, which will include: vendor recruitment and management; Farmer's Market promotion and marketing; enforcement of Market rules and regulations and oversight of Farmer's Market operations; on-site tracking of SNAP/Double Up Food Bucks; management of SNAP and SNAP incentive programs; coordination of staff and volunteers, and; market event planning and management.

Field and Fork's services are available to the City at the cost of \$25,000.00 and 80% of all vendor payments generated at the Farmer's Market. The term of the agreement would be for one (1) year through April 10, 2024. Funding for this project is available from the revenue generated from the lease payments from City Market commercial tenants and vendor payments at the Farmer's Market.

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

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

Yeas

4

Members Bax, Myles, Tompkins, Chairman Zajac

Nays

1

Member Cauley

51

APPROVED

04/05/2023

ADDENDUM, US MARSHALS SERVICE FUGITIVE TASK FORCE MEMORANDUM OF UNDERSTANDING (NFPD)

Agenda Item #11

The Niagara Falls Police Department ("NFPD") currently participates in the United States Marshals Service's ("USMS") "Violent Fugitive Task Force" ("Task Force"). Currently, a member of the NFPD has been deputized as a federal marshal and currently engages in activities on behalf of the federal government in furtherance of Task Force initiatives. In order for our officer to be permitted to operate their City issued Body Worn Cameras ("BWCs") during enforcement operations conducted in support of the Task Force, the City must agree that the operation of BWCs will be conducted in accordance with the guidelines and provisions outlined in the Department of Justice Policy, USMS "Standard Operation Procedures" and other applicable USMS policies and procedures. This will require that the City execute an addendum to the current USMS Fugitive Task Force Memorandum of Understanding whereby it agrees to adhere to the applicable BWCs procedures.

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

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

Yeas

5

Nays

0

APPROVED

SALE: 1710, 1712, AND 1714 VIRGINIA AVENUE TO ARLENE DOSS

Agenda Item #12

The City has received a request to purchase the above referenced City-owned vacant properties for the sum of \$1,500.00 (\$500.00 for each property). The properties will be sold in "as-is" condition 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 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: 1607 15<sup>TH</sup> STREET TO RONALD CUNNINGHAM

Agenda Item #13

The City has received a request to purchase the above referenced City-owned vacant property for the sum of \$500.00. The property will be sold in an "as-is" condition 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 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: 2935 21<sup>ST</sup> STREET TO TANISHA HAMILTION

Agenda Item #14

The City has received a request to purchase the above referenced City-owned vacant property for the sum of \$1,000.00. The property will be sold in an "as-is" condition 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 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

HUMAN RESOURCES: REORGANIZATION (CIVIL SERVICE EXAM MONITORS)

Agenda Item #15

In order to attract reliable individuals to assist in monitoring of Civil Service examinations administered by the Department of Human Resources, it necessary to increase the hourly wage for exam monitors from the current \$13.50 per hour to \$15.00 per hour. Funding for this position is available in Human Resources Department overtime line.

Will the Council so approve?

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

Yeas

4

Members Bax, Myles, Tompkins, Chairman Zajac

Nays

Member Cauley

1

APPROVED

PARKS AND PUBLIC WORKS: REORGANIZATION (RECREATION SPECIALIST-2 POSITIONS)

Agenda Item #16

In order to retain reliable employees to assist in scheduling lifeguards and recreation aides this summer, the Administration deems it necessary to increase the current \$16.00 per hour wage for the Recreation Specialist - 2 position in the Department of Parks and Public Works to \$19.00 per/hr. Funding for this increase is available in budget code A.7146.0100.0130.000.

Will the Council so approve?

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

Yeas

4

Members Bax, Myles, Tompkins, Chairman Zajac

Nays

1

Member Cauley

APPROVED

PARKS AND PUBLIC WORKS: REORGANIZATION (LIFEGUARDS/RECREATION AIDE II)

Agenda Item #17

In order to attract and retain reliable employees at City pools and splash pads, we believe that it is necessary to increase the current \$15.00 per hour wage for Lifeguards to \$18.00 per hour, and increase the current \$13.25 per hour wage for Recreation Aide II to \$13.50 per hour. This modest increase in the hourly rate should put the City in a better position to compete with others in the business community for staffing.

The Department of Public Works will continue to operate within the parameters of the 2023 adopted budget to account for the increase in hourly wage, making this proposal cost-neutral.

Will the Council so approve?  
 Council Member Tompkins moved that the communication be received  
 and filed and the recommendation approved.  
 Yeas 4  
 Members Bax, Myles, Tompkins, Chairman Zajac  
 Nays 1  
 Member Cauley

APPROVED

CLAIM: PROGRESSIVE ADVANCED INSURANCE CO., AS SUBROGEE OF ITS INSURED,  
 ALEJANDRINA TORRES-CUMMINGS

Agenda Item #18

Date of Occurrence: March 7, 2017  
 Date Claim Filed: May 5, 2017  
 Date Action Commenced: May 15, 2018  
 Location: Walnut Ave. and 19<sup>th</sup> Street  
 intersection.  
 Nature of Claim: This is an insurer's property damage claim,  
 called a subrogation action, arising out  
 of a motor vehicle accident involving a  
 police vehicle. The insurer paid to  
 repair the auto damage sustained by their  
 insured, Alejandrina Torres-Cummings. You  
 will recall the insured's name from the  
 personal injury case that resulted in a  
 significant verdict against the City and  
 an appeal, which the Council agreed to  
 settle last December.  
 City Driver: Kelly Rougeux  
 Status of Action: If this case is not settled, the matter will be  
 placed on the trial calendar, and it is  
 likely that Progressive will move for and  
 be granted a finding of liability against  
 the City based on the jury's finding of  
 liability in the earlier personal injury  
 trial.  
 Recommendation/Reason: Best interest of the City - settlement  
 avoids the cost of a trial and the  
 settlement amount represents a slight  
 saving to us.  
 Amount to be Paid: \$6,306.21  
 Check Writing Details: Make payable to "Feldman & Feldman, LLP,  
 as attorneys for Progressive Advanced Ins.  
 Co. A/S/O Torres-Cummings," and reference  
 file # P29216.  
 Conditions: None. Appropriate Stipulation of  
 Discontinuance and fully executed General  
 Release have been provided.

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

Council Member Tompkins moved that the communication be received  
 and filed and the recommendation approved.  
 Yeas 5  
 Nays 0

APPROVED

ENCROACHMENT: RIGHT OF WAY, 101 OLD FALLS ST-USA NIAGARA (NIAGARA FALLS  
 CONVENTION CENTER)

Agenda Item #19

Flexlume Sign Company, representing the above referenced property,  
 has applied for an encroachment into the City's right-of-way for exterior  
 signage.

This has been reviewed by the appropriate City departments and the Planning Board recommends that it be granted. It is recommended that the conditions contained in the attached (on file in the City Clerk's Office) Planning Board correspondence apply for the project.

Will the Council so approve?

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

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

APPROVED

ENCROACHMENT: RIGHT OF WAY, 250 RAINBOW BLVD.-JEFFERSON RAINBOW, LLC  
(THE MAMI HOUSE)

#### Agenda Item #20

Cooper Sign Company, representing the above referenced property, has applied for an encroachment into the City's right-of-way for exterior signage.

This has been reviewed by the appropriate City departments and the Planning Board recommends that it be granted. It is recommended that the conditions contained in the attached (on file in the City Clerk's Office) Planning Board correspondence apply for the project.

Will the Council so approve?

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

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

APPROVED

#### THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMITTEE

2759 WOODLAWN AVENUE: INSTALL 5' HANDICAPPED ACCESS SPACE

#### Agenda Item #21

At the Traffic Advisory Commission meeting held on March 27, 2023 the Commission recommended **APPROVAL** of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 2759 WOODLAWN AVENUE

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

Submitted By: Julianne Vitagliano, on behalf of her father, Gerald Vitagliano, 2759 Woodlawn Avenue

It is requested that City Council approve this recommendation.

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

Yeas	5
Nays	0

APPROVED

2475 LASALLE AVENUE: INSTALL 5' HANDICAPPED ACCESS SPACE

#### Agenda Item #22

At the Traffic Advisory Commission meeting held on March 27, 2023 the Commission recommended **APPROVAL** of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 2475 LASALLE AVENUE

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]  
Submitted By: Cynthia Niezgoda, on behalf of her mother, MaryAnne Mari, 2475 Lasalle Avenue

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

Yeas 5  
Nays 0

APPROVED

2451 WOODLAWN AVENUE: INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #23

At the Traffic Advisory Commission meeting held on March 27, 2023 the Commission recommended **APPROVAL** of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 2451 WOODLAWN AVENUE

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

Submitted By: Christopher DeCarlo, 2451 Woodlawn Avenue

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

Yeas 5  
Nays 0

APPROVED

2436 WOODLAWN AVENUE: INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #24

At the Traffic Advisory Commission meeting held on March 27, 2023 the Commission recommended **APPROVAL** of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 2436 WOODLAWN AVENUE

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

Submitted By: Theresa Filippelli, 2436 Woodlawn Avenue

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

Yeas 5  
Nays 0

APPROVED

RESOLUTION: RELATIVE TO APPROVAL OF THE SETTLEMENT AGREEMENT WITH U.S. DATA TECHNOLOGIES GROUP, LTD, U.S. DATA MINING GROUP, INC.D/B/A U.S. BITCOIN AND 2747 BUFFALO AVENUE, LLC, 2023-22  
BY: COUNCIL MEMBER TOMPKINS

Agenda Item #25

**BE IT RESOLVED**, the City Council of the City of Niagara Falls, NY hereby approves the attached settlement (on file in the City Clerk's Office) agreement with U.S. Data Technologies Group, LTD, U.S. Data Mining Group, Inc, d/b/a U.S. Bitcoin and 2747 Buffalo Avenue, LLC; and be it further

**RESOLVED**, that the City Council hereby authorizes the execution and filing of all documents necessary to effectuate said settlement agreement.

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

ADOPTED

RESOLUTION: RELATIVE TO AMENDING CHAPTER 1107 OF THE CODIFIED ORDINANCES ENTITLED : PERMITS, FEES AND CERTIFICATES"

Agenda Item #26  
THIS ITEM WAS TABLED  
NO ACTION TAKEN

RESOLUTION: RELATIVE TO CALLING FOR A PUBLIC HEARING TO CONSIDER THE FLIGHT PLAN OF FLY HUMMINGBIRD, LLC PURSUANT TO CHAPTER 301.04 OF THE CODIFIED ORDINANCES, 2023-23  
BY: COUNCIL MEMBER TOMPKINS

Agenda Item #27

**RESOLVED** that a public hearing be held on the flight plan filed by Fly Hummingbird, LLC, on the 26th day of April, 2023 at 6:00 PM Eastern Standard Time, in the Council Chambers of the City of Niagara Falls, New York, and that five (5) days' notice of said hearing be published in the Niagara Gazette preceding said hearing relative to the consideration of the flight plan filed by Fly Hummingbird, LLC pursuant to Chapter 301.04 of the Codified Ordinances.

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

ADOPTED

RESOLUTION: CALLING FOR A PUBLIC HEARING ON PROPOSED NAME CHANGE OF WALNUT AVENUE EXTENSION TO NIKOLA TESLA LANE, 2023-24  
BY: MAYOR RESTAINO, ALL COUNCIL MEMBERS

Agenda Item #28

**WHEREAS**, Nikola Tesla was a Serbian-American inventor, electrical engineer, mechanical engineer, and futurist who is best known for his contributions to the design of the modern alternating current (AC) electricity supply system; and

**WHEREAS**, Nikola Tesla had a significant impact on the Niagara Falls community and the Niagara Falls region with his work on the development of the first hydroelectric power plant at Niagara Falls; and

**WHEREAS**, Nikola Tesla's contributions to science and technology have had a lasting impact on our society and continue to inspire future generations of innovators and inventors; and

**WHEREAS**, the City of Niagara Falls has a rich history and is home to many landmarks that commemorate the contributions of its citizens; and

**WHEREAS**, Walnut Avenue Extension (between Third Street and Discovery Lane) is public street located in proximity to the where Nikola Tesla's work ensued; and

**WHEREAS**, the renaming of Walnut Avenue Extension to Nikola Tesla Lane would be a fitting tribute to Nikola Tesla's legacy and his contributions to the Niagara Falls community; and

**WHEREAS**, Walnut Avenue Extension currently has no known registered address on record; therefore, such a name change would not cause a disturbance to existing City residents; and

**WHEREAS**, both the City Council and the Mayor are of the opinion that said name change is desirable.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Niagara Falls, New York that pursuant to Chapter 901.02 of the Codified Ordinances, the City Council does hereby express its intent to change the name of Walnut Avenue Extension to Nikola Tesla Lane and will hold a public hearing on said change at 6:00 PM Eastern Standard Time on April 26, 2023 in the Council Chambers; the City Clerk is hereby directed to publish in the Niagara Gazette at least one once prior to April 26, 2023 a Notice of Intention to change the name of Walnut Avenue Extension to Nikola Tesla Lane at this Council's regular meeting scheduled for April 26, 2023.

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

ADOPTED

The Chairman asked if anyone wished to speak on The Good of The Community  
Gerald Skrlin                      This is a Court of Record

There being no further business to come before the Council,  
Chairman adjourned the Meeting at 7:45 P.M.

Vicky Wideman  
City Clerk



APRIL 26, 2023

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The Legislative session of the April 26, 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 Cauley said the Prayer and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Council Member Tompkins moved to approve the Minutes from the Special Council Meeting of November 1, 2022, Budget Work Session #1 on November 10, 2022, Public Hearing on November 15, 2022, Budget Work Session #2 on November 15, 2022, Budget Work Session #3 on November 17, 2022, Budget Work Session #4 on November 22, 2022, Special Council Meeting on November 22, 2022, Budget Work Session #5 on November 30, 2022, Council Meeting on December 14, 2022, Special Council Meeting on December 28, 2022

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

Yeas

5

Nays

0

APPROVED

The Council Chairman asked if anyone wished to speak at the Public Hearing relative to consider the Flight Plan of Fly Humingbird, LLC, pursuant to Chapter 301.04 of the Codified Ordinances

The following spoke:

Dan Leonard

Martin Marina

Paul Lange

Ronald Kelly

Pat Proctor

Lisa Dorato

Daniel Tighe

Jennifer LaMoy

Gerald Skrlin

The Council Chairman asked if anyone wished to speak at the Public Hearing relative to calling for a Public Hearing on Proposed Name Change of Walnut Extension to Nikola Tesla Lane

The Following spoke:

Jennifer LaMoy

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

Jacob Fleming

Agenda Item #13

Gerald Skrlin

Agenda Item #22

Diane Tattersall

Agenda Item #23

Martin Marino

Agenda Item #23

Lisa Dorato

Agenda Item #23

Jennifer LaMoy

All Agenda Items

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CLAIMS FOR THE MONTH OF MARCH 2023

Agenda Item #1  
NOTICE OF CLAIM

Darien L. Byrd	In reference to Personal Vehicle on 12/25/22
Brian Buchalski	In reference to Personal Injuries incurred while responding to a burglary in progress
Progressive InsuranceCo. A/S/O Gladstone C. Petinaund	In reference to Personal Vehicle damages when hit by a Police Vehicle
Wilber & Associates O/B/O American Family A/S/O Melissa Hanson	In reference to damage to property from Water Main Break resulting in flooding
Peter P. Pietrangeli	In reference to damages to Personal Property
Foremost Insurance Group A/S/O Dorothy Cole	In reference to a fire loss at 3330 Royal Avenue on March 15, 2023
The Como Restaurant Mario Antonacci	In reference to property damage at 2220 Pine Avenue approximately January 26, 2023.
Jessica L. Faddoul	In reference due to a tree limb fell on vehicle app. March 5, 2023-March 8, 2023.

SIMMONS

Aaron B. Billingsley	<b>In reference to Personal Injuries as a result of the negligent, careless, reckless and/or unlawful conduct on the part of the defendants</b>
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NOTICE OF ENTRY

Bramiru Inc. v City of Niagara Falls	In reference to the revised assessment figures for 8320 Niagara ls Blvd.
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SUMMONS WITH COMPLAINT

Charles J. Naughton, et al Index #E179563/2023	In reference to Retiree Health Benefits
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THIS ITEM WAS RECEIVED AND FILED  
NO ACTION TAKEN

CITY CLERK'S REPORT FOR THE MONTH OF MARCH 2023  
Agenda Item #2  
THIS ITEM WAS RECEIVED AND FILED  
ON FILE IN THE CITY CLERK'S OFFICE



THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: DV BROWN & ASSOCIATES, INC, CITY HALL STEAM TRAP REPLACEMENT PROJECT, CHANGE ORDER #1

Agenda Item #3

A contract for the above referenced project was awarded to DV Brown & Associates, Inc. on November 2, 2022 in the amount of \$221,775.00.

As the replacement project progressed, existing steam traps not shown on record drawings or physically evident without wall or façade removal, were discovered and were also found to be in need of replacement. The additional costs associated with the removal and replacement of the extra steam traps is \$38,400.00, bringing the contract total to \$260,175.00. Funding for this project is American Rescue Plan Funds under Treasury Guidance Expenditure Category 6.1, which is "Revenue Replacement for the Provision of Government Services".

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

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

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

APPROVED

CONTRACT: PATTERSON-STEVENSON, INC., HYDE PARK POOL RESURFACING, CHANGE ORDER #1

Agenda Item #4

A contract for the above referenced project was awarded to Patterson-Stevens, Inc. on June 13, 2022, in the amount of \$972,918.00.

As demolition of the existing plaster pool lining progressed, some additional issues were found in need of repair. These issues include a deteriorated caulk joint between the stainless steel gutters and concrete slab, replaced at a cost of \$8,465.00. The existing main drain covers were deteriorated beyond repair and found unsafe. The cost of new main drain covers total \$11,325.00. A camera inspection was required to verify the condition of the main drain lines at a cost of \$4,320.00. In addition, following removal of the plaster lining an area of groundwater leakage was found. Concrete grout injections to patch this leaking totaled \$6,510.00. Finally, a cost to provide a new pool safety cover was solicited. This will allow the pool to be covered during the off-season, which will allow the pool to stay filled, protecting the integrity of the liner, eliminating the need to clean and re-fill the pool every spring, as well as eliminating the possibility of anyone falling in an empty pool. The cost of the new cover and required railing modifications total \$64,485.00.

The total of these changes is \$95,105.00. However, cost underruns associated with scope changes and existing subsurface deterioration found to be more isolated than initially anticipated will allow the additional tasks and products identified above to be installed without the need of any additional project funding (\$0.00 change order).

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

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

Yeas	5
Nays	0

APPROVED

CONTRACT: LETTER OF AWARD FOR D'AMELIO SPLASH PAD, MARK CERRONE, INC.

Agenda Item #5

The following was the result of bids received on April 19, 2023, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Mark Cerrone, Inc.	\$737,297.00
2368 Maryland Ave.	
Niagara Falls NY 14305	

It is the recommendation of the undersigned that this project be awarded to the sole bidder Mark Cerrone, Inc. at their Base Bid of \$737,297.00. Funding for this project is available from American Rescue Plan Funds under the Treasury Guidance Expenditure Category 2.22, which is "Strong Healthy Communities".

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

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

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

APPROVED

CONTRACT: STANTEC CONSULTING GROUP, INC, PIN 5755.57-JOHN DALY BLVD. EXTENSION PROJECT

Agenda Item #6

A contract for the above referenced project was awarded to Stantec Consulting Group Inc. on June 7, 2004 for professional consultant services and design related tasks in the amount of \$430,449.00. Change Orders #1 and #2 were approved by the City Council at its March 7, 2005 and June 8, 2015 meetings, respectively, in the amount of \$42,000.00. Change Order #3 was approved July 7, 2021 in the amount of \$490,000.00.

Subsequent to the start of this project's final design phase, added New York State Department of Transportation design requirements and right-of-way caveats have forced repeated alterations and revisions on the part of the City and its designer (Stantec). The tasks in question are ongoing, and the fees for those out of scope performances have been estimated at a not-to-exceed amount of \$35,000.00. However, existing underruns in environmental work and right-of-way preliminaries will allow those extra costs to be paid without additional funding being allocated to the project (\$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

DEPARTMENT OF CODE ENFORCEMENT: EXPENASES INCURRED IN REPAIR, DEMOLITIONOR BOARD OF STRUCTURES WITHIN THE CITY FROM APRIL 4, 2022 TO MARCH 31, 2023

Agenda Item #7

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

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

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

Will the Council so order?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: SKYLIGHTERS FIREWORKS OF NEW YORK, LLC, INDEPENDENCE DAY FIREWORKS DISPLAY

#### Agenda Item #8

We respectfully request you award the above referenced request for proposal as follows:

TO: Skylighters Fireworks of New York, LLC (Vendor # 4097)  
P.O. Box 1357  
Orchard Park, NY 14127

FOR: Independence Day Fireworks Display at Hyde Park on July 4, 2023:  
\$30,000.00

(Rain Date: July 5, 2023)

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

Notice that proposals were to be received was advertised in the Niagara Gazette and requests for proposals were sent to five (5) vendors. Three (3) responses were received: one (1) Proposal and two (2) "No Bid" responses. After reviewing this proposal, it has been determined that Skylighters Fireworks of New York, LLC has met the specifications required in Request for Proposal # 2023-09.

Funds are available in the Tourism Fund account code T.6410.0000.0449.599.

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

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

Yeas

5

Nays

0

APPROVED

CONTRACT: GRANT AGREEMENT, NIAGARA AREA HABITAT FOR HUMANITY, INC.

#### 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 as the seller backed out of the deal after signing a sales contract.

In February 2023, Habitat requested to move the project to 702 59th Street and requested the grant be amended to be used at that address. After the Council approved the change in property, Habitat began the process of acquiring the parcel from a private seller and signed a sales contract for the property pending successful completion of a title search and survey. However, a significant judgement and lien against the property was discovered during the title search performed by Habitat which the seller was unwilling to resolve. As a result, Habitat was not able to complete the deal.

Habitat has proposed to move the project to be utilized for two new parcels: 1609 Walnut Avenue and 476 25<sup>th</sup> 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 properties. The project will benefit a low to moderate income family and is eligible under CDBG regulations. Will the Council vote to approve the 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

CONTRACT: GRANT AGREEMENT, CAZENOVIA RECOVERY SYSTEMS, INC.

#### Agenda Item #10

In 2020, Council approved a grant of \$70,000.00 of CARES Act CDBG funds to Cazenovia Recovery Systems for costs at its Memorial Parkway facility. Cazenovia has requested that \$58,000 of the Grant be applied to asbestos removal costs at its facility. The facility provides residential reintegration services program for up to seventeen (17) low-income men suffering substance abuse disorders, are homeless, or are in danger of becoming homeless.

Cazenovia has requested that the remaining \$12,000 of the Grant be used for a short-term rental assistance program to be operated by Grantee, providing for monthly decreasing rental assistance, security deposit assistance, current utilities, utilities in arrears and funds for necessary furnishings, all for low and moderate income individuals or families.

Will the Council vote to approve the 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

2022 CDBG FUNDS; NIAGARA GOSPEL MISSION TO NFMMC

#### Agenda Item #11

The City approved a grant of up to \$30,000.00 of CDBG funds to Niagara Gospel Mission. Unfortunately, Niagara Gospel Mission states that it cannot abide by the faith-based activities restrictions of the grant. If a Grantee engages in explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization), the explicitly religious activities must be offered separately, in time or location, from the programs or activities supported by the ESG grant, and participation must be voluntary for the beneficiaries of the programs or activities that receive direct Federal financial assistance.

We propose to reprogram the \$30,000.00 grant to Niagara Falls Memorial Medical Center for installation of an indoor air quality filtration system at its Schoellkopf Nursing Home. NFMMC needs \$39,000.00 to cover installation costs of an indoor air quality filtration system at its Schoellkopf Nursing Home. In addition to the reprogrammed 2022 CDBG funds, it is proposed that \$9,000.00 of unexpended prior year CDBG funds be used to support this worthy project.

The nursing home residents meet the low and moderate income requirements for CDBG funds. This project will provide much needed protection from airborne diseases, including Covid-19.

Will the Council vote to approve reprogramming of \$30,000.00 of 2022 CDBG funds as presented herein, to authorize a grant of \$9,000.00 in unexpended prior year CDBG funds 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

#### 2022 ESC FUNDS: REPROGRAMMING, NIAGARA GOSPEL MISSION TO YWCA

##### Agenda Item #12

The City approved a grant of up to \$50,000.00 of Emergency Solutions Grant (ESG) funds to Niagara Gospel Mission. Unfortunately, Niagara Gospel Mission states that it cannot abide by the faith-based activities restrictions of the grant. If a Grantee engages in explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization), the explicitly religious activities must be offered separately, in time or location, from the programs or activities supported by the ESG grant, and participation must be voluntary for the beneficiaries of the programs or activities that receive direct Federal financial assistance.

We propose to reprogram the \$50,000.00 grant to the YWCA of Niagara Frontier for its Carolyn's House facility. Carolyn's House, 542 Sixth St, Niagara Falls, NY, provides nineteen (19) units of supportive housing in program for homeless women and children. Its mission is to assist women in achieving self-sufficiency - the ability to live independently - by providing on-site education, counseling, advocacy, supportive services, and housing. Acceptance into the program is based on financial eligibility requirements and the ability to achieve self-sufficiency.

ESG funds will be applied to support the operations and maintenance of Carolyn's House and to support a Case Worker/Counselor for Homeless Prevention, to provide housing relocation and stabilization service and to provide other essential services to 30-40 women to allow them to transition to permanent housing, all at Carolyn's House.

Will the Council vote to approve reprogramming of \$50,000.00 of 2022 ESG funds 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

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APPROVED

#### WAIVER: BANDSTAND FEE, JUNETEENTH CELEBRATION AT LEGENDS PARK

##### Agenda Item #13

The Niagara Juneteenth Committee has requested use of the City of Niagara Falls' bandstand on Monday, June 19, 2023, for their Juneteenth Celebration at Legends Park. It is proposed that the City Council authorize the City Administrator to waive the fee for use of the City bandstand for this event.

Will the Council so approve?

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

Yeas

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Nays

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APPROVED

WAIVER: BANDSTAND FEE, HARRY S. JORDAN GARDENS REUNION

Agenda Item #14

The Harry S. Jordan Gardens Reunion Committee has requested use of the City of Niagara Falls' bandstand on Saturday, July 15, 2023, for their Jordan Gardens Reunion celebration. It is proposed that the City Council authorize the City Administrator to waive the fee for use of the City bandstand for this event.

Will the Council so approve?

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

Yeas

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Nays

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APPROVED

PURCHASE: Niagara Falls POLICE DEPARTMENT, COMMUNICATIONS EQUIPMENT AND SERVICES

Agenda Item #15

In May 2022, the City Council approved an agenda item related to the purchase of public safety communications equipment from Motorola Solutions, Inc. All items for this project were initially acquired through a New York State Contract, however Motorola has been unable to supply the final pieces of equipment (Tactical GCAI PTT earpieces) due to supply chain issues. The City has waited a reasonable amount of time, but the vendor is unable to guarantee when or even if it will be able to supply this last item. As this equipment is a necessary component from a Public Safety standpoint and a continued delay is detrimental to the safety of police personnel and the public, it must be procured from another vendor, so long as the original order contract is amended to reflect same.

The Tactical GCAI PTT piece was originally budgeted with ARP funds at a total cost of \$3,744.00. The total dollar amount of the items in question falls below the bid threshold, so a re-bid is not required; item quotes will be sufficient. The City has received a quote from Power Products/Multiplier Industries, 2170 Brandon Trail, Alpharetta, GA 30004-8457, which can provide the items at a cost of \$4,812.50. The original purchase order will be closed, and the unused balance of \$3,744.00 can be applied toward the cost of items from the new vendor.

Funding for the \$1,068.50 difference in cost is available from American Rescue Plan Funds under the Treasury Guidance Expenditure Category 6.1, which is "Revenue Replacement for the Provision of Government Services."

Will the Council so approve and authorize the Mayor to execute any documents necessary to effectuate the same, provided that they are acceptable to the office of the Corporation Counsel?

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

Yeas

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Nays

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APPROVED

CONTRACT: JOY KUEBLER LANDSCAPE ARCHITECT, PC. (CONSULTING SERVICES-LASALLE BUSINESS DISTRICT STREETScape PROJECT)

Agenda Item #16

It is necessary to amend the agreement between the City of Niagara Falls and Joy Kuebler Landscape Architects, PC, which was approved by the City Council on October 7, 2020, for the purposes of providing design, analysis and engagement with the goal of energizing the LaSalle Business District from the intersection of South Military Road to the intersection of 84th Street. Due to revisions in the design of the project during the public engagement process and the delay due to an adjacent roadway reconstruction project, the cost to complete the design and analysis for the purpose of creating contractual bid documents has increased by \$38,298.88. The additional funding is available through the existing grant from the New York State Dormitory Authority which was granted to the City of Niagara Falls in 2019 and will have no impact on the City's General Fund.

Will the Council so approve and authorize the Mayor to execute any documents necessary to effectuate the same, provided that they are acceptable to the office of the Corporation Counsel?

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

Yeas

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Nays

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APPROVED

CONTRACT: LABELLA ASSOCIATES, CONSULTANT SELECTION, (DR BRIDGE DISTRICT SMALL PROJECT FUND AND DICMILLO BAKERY GROUP)

#### Agenda Item #17

The City seeks to engage a consultant for the purposes of the administration of the DRI Bridge District Small Project Grant Fund and DiCamillo Bakery Grant. The purpose of the agreement is to develop and implement a marketing plan with associated materials, review projects for eligibility and select projects, work with property owners and architects to develop scopes of work, establish a list of contractors and solicit bids, prepare project commitment and environmental compliance paperwork, conduct inspections, ensure compliance with program requirements, and submit payment reimbursement requests, and provide architectural review services for interior and façade renovations.

Through a competitive procurement, the City has selected LaBella Associates as the preferred consulting firm to perform the work. The contract for the Administration of the DRI Bridge District Small Project Grant Fund and DiCamillo Bakery Grant is anticipated to take approximately two (2) to three (3) years at a total cost of \$59,960.00.

Funding is available through a percentage of the DRI funding provided by the State of New York.

Will the Council so approve and authorize the Mayor to execute any documents necessary to effectuate the same, provided that they are acceptable to the office of the Corporation Counsel?

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

Yeas

5

Nays

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APPROVED

SALE: CITY-OWNED REAL PROPERTY (DMYLES GENERAL CONSTRUCTION, INC.)

#### Agenda Item #18

Please be advised that the City's Department of Economic Development is in receipt of a development proposal submitted by DMyles General Construction, Inc., certified MWBE business that is relocating its main office and shop from the to 1901 Connecticut Avenue in the City. This proposal focuses on the acquisition of two vacant City-owned properties located at 1916 and 1956 Connecticut Avenue. DMyles is seeking to acquire these parcels, which are in close proximity to its office, to further the company's expansion efforts in the years ahead.

In furtherance of the proposal and in the overall best interests of the City, it is hereby requested that the City Council approve the conveyance of 1916 and 1956 Connecticut Avenue to DMyles General Construction, Inc. These properties were acquired by the City through In Rem proceedings and have been held by the City for economic development for quite some time. The rehabilitation and revitalization of these properties will hopefully spur more incremental development in the surrounding area. Additionally, transferring these properties will also lessen the City's financial burden related to ownership of the same.

The proposed purchase price for the property at 1916 Connecticut Avenue is \$1,100.00 and 1956 Connecticut Avenue \$8,600.00, for a grand total of \$9,700.00, which corresponds with the total assessed value of the properties. Based upon the location and condition of the properties in question, this price is both fair and adequate. The proposed transfer of the City-owned lots in question is clearly in the best interests of the City and in conformity with the requirements of the City Charter related to the disposition of City-owned property.

Will the Council so approve and authorize the Mayor to execute on behalf of the City all documents relating to the transfer of the properties in question, provided that the same are in a form acceptable to the office of the Corporation Counsel?

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

Yeas

5

Nays

0

APPROVED

SALE: ABANDONED CITY RIGHTS-OF-WAY (HIGHLAND SOLAR LLC)

#### Agenda Item #19

At the January 18, 2023 City Council meeting, the City Council approved the abandonment of three unused and unimproved City rights-of-way in the North End. Specifically, the City abandoned a 33 ft. wide by 330 ft. long portion of the northerly half of Delaware Avenue, a 50 ft. wide by 250 ft. long portion of Seventeenth Street between Pennsylvania Avenue and Delaware Avenue, and a 10 ft. wide by 304.16 ft. long portion of the alley situated south of James Avenue, running parallel to Highland Avenue.

It is hereby requested that the City Council approve the conveyance of this abandoned property to Highland Solar, LLC. This entity has proposed a project that includes the creation of a Tier 3 Solar Energy facility around these properties and is seeking to include them in their overall development footprint. It is anticipated that the Highland Solar project will create renewable energy, leading to the reduction of emissions and the accelerated transition from fossil fuels. The rehabilitation and revitalization of these properties will hopefully spur more incremental development in the surrounding area. Additionally, transferring these properties will also lessen the City's financial burden related to ownership of the same.

The total area of the property in question is 0.59 acres; the City Assessor concluded that the fair market value for a piece of property this size, in its current condition and location, is \$5,000.00. The proposed transfer of the abandoned property for that price is clearly in the best interests of the City and in conformity with the requirements of the City Charter related to the disposition of City-owned property.

Will the Council so approve and authorize the Mayor to execute on behalf of the City all documents relating to the transfer of the property in question, provided that the same are in a form acceptable to the office of the Corporation Counsel?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: 5000 PORTER ROAD PROPERTY, PURCHASE, SALE AND DEVELOPMENT (VPS PROPERTY VENTURES LLC)

#### Agenda Item #20

As you are aware, the City is the owner of a 48.64-acre parcel of land located at 5000 Porter Road, Niagara Falls, NY 14305 (SBL No. 145.06-1-76). In 2022, the City was approached by VPS Property Ventures LLC of Stoney Creek, Ontario, with a proposal to develop a portion of this parcel in furtherance of its business activities.



VPS desires to acquire a 15-acre portion of the property that fronts and abuts Porter Road, for the purposes of developing an aerospace manufacturing/alternate power facility. The purchase price for the 15 acre portion of the Porter Road property is \$120,000.00, with a \$40,000.00 deposit at signing that becomes non-refundable after the property/title inspection period. The agreement will also contain certain project development requirements that, if not met by the purchaser, provide for the City to repurchase the parcel.

It is anticipated the redevelopment of this parcel will create new jobs, bring in additional local tax revenues and be an attractive addition to the Niagara Falls business community.

Will the Council so approve and authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction provided that the same are acceptable to the office of the Corporation Council?

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

Yeas

5

Nays

0

APPROVED

TRAFFIC SIGNAGE: MODIFICATION/INSTALLATION, (SOUTHWEST CORNER OF SPRING STREET)

#### Agenda Item #21

As part of the Whirlpool Street project a few years ago, Spring Street was shortened and reconfigured; the southerly portion of the street now features a 90 degree turn where the street curves westerly towards its intersection with Whirlpool Street. This 90 degree turn raises safety concerns for both motorists and pedestrians alike as motorists often travel at speeds that are imprudent for the street's configuration.

In order to reduce speeds and increase safety, it is recommended that the City Council approve the installation of a 'STOP' sign at the southbound end of Spring Street just prior to the turn (as shown on the attached map). Additionally, the new Stop Sign will require the installation of additional signage that will alert motorists of the changes in the traffic pattern. Upon approval, all signage would be generated and installed by City staff (map on file in the City Clerk's Office).

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: INTENT TO CHANGE THE NAME OF WALNUT AVENUE EXTENSION TO NIKOLA TESLA LANE, 2023-25  
BY: ALL COUNCIL MEMBERS

#### Agenda Item #22

WHEREAS, by resolution adopted April 5, 2023, this Council directed the Clerk of the Council to publish a Notice of Intention to consider a change of name of Walnut Avenue Extension (between Third Street and Discovery Lane) to Nikola Tesla Lane at the regularly scheduled meeting of this Council on April 26, 2023 and to hold a public hearing thereon; and

WHEREAS, this Council has considered the aforesaid change of name and is of the opinion that said renaming is desirable.

NOW, THEREFORE, BE IT RESOLVED, by the Niagara Falls City Council that the name of the Walnut Avenue Extension (between Third Street and Discovery Lane) is hereby changed to be henceforth known as "Nikola Tesla Lane;" and

BE IT FURTHER RESOLVED that the Clerk of this Council is hereby directed to forward a copy of this resolution to the Mayor and City Administrator so that this change can implemented through the appropriate City departments; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to the Niagara County Clerk.

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

ADOPTED

RESOLUTION: APPROVAL OF THE FLIGHT PLAN OF FLY HUMINGBIRD, LLC PURSUANT TO CHAPTER 301.04 OF THE CODIFIED ORDINANCES  
BY: COUNCIL MEMBER TOMPKINS

Agenda Item #23  
THIS ITEM WAS TABLED  
NO ACTION TAKEN

RESOLUTION: AMENDMENT TO THE CITY OF NIAGARA FALLS ZONING ORDINANCE ENTITLED "ZONING REGULATIONS RELATED TO THE USE, CULTIVATION, PRODUCTION, AND SALE OF RECREATIONAL CANNABIS"  
BY: COUNCIL MEMBER TOMPKINS

Agenda Item #24  
THIS ITEM WAS PULLED  
NO ACTION TAKEN

RESOLUTION: EXPRESSING SUPPORT FOR THE SUBMITTAL OF THE APPLICATION FOR THE EACH ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) PROGRAM PRIOR TO THE APRIL 28<sup>TH</sup>, 2023, DEADLINE 2023-26  
BY: COUNCIL MEMBERS BAX, CAULEY, MYLES, CHAIRMAN ZAJAC

Agenda Item #25

WHEREAS, The United States of Department of Energy's mission statement "is to ensure America's security and prosperity by addressing its energy, environmental and nuclear challenges through transformative science and technology solutions;" and

WHEREAS, through the Department of Energy's subdivision of State & Community Energy Program, there are funds earmarked specially for municipalities across the country through their *Each Energy Efficiency and Conservation Block Grant* (EECBG) Program to support their mission; and

WHEREAS, the EECBG Program has \$76,720.00 earmarked for the City of Niagara Falls, to apply for at no penalty or cost to the City; and

WHEREAS, per information provided from a third-party source with a background in energy advisory, the funds can be used towards projects such as lighting, HVAC upgrades, and electric vehicle charging stations, amongst other things; and

WHEREAS, the application for this program must be submitted by the City no later than April 28<sup>th</sup>, 2023, in order to claim the above-mentioned funding.

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby request the Administration to submit the application for the Each Energy Efficiency and Conservation Block Grant (EECBG) Program, in order to claim the funding in the amount of \$76,720.00 which is allotted to the City of Niagara Falls through the United States Department of Energy's subdivision of State & Community Energy Programs.

Yeas	5
Nays	0

ADOPTED

PUBLIC SPEAKERS FOR THE GOOD OF THE COMMUNITY

Rickey Frank	This place smells like a baby's diaper; we need to fix our City; potholes
Gerald Skrlin	I'm operating for the light minded Democrats
Jennifer LaMoy	I'm here for the residents on 36 <sup>th</sup> St for dead animals to be cleaned up
Ralph Jermy	Last year the City came to my house and took what they wanted to, I was fined \$17,000.00

There being no further business to come before the Council,  
Chairman adjourned the Meeting at 7:57 P.M.

Vicky Wideman  
City Clerk



**MAY 3, 2023**

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The Legislative session of the May 3, 2023 Niagara Falls City Council Meeting was called to order by Acting Council Chairman Tompkins at 6:00 P.M. in the Council Chambers.

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

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

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

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

Lauren Adonerra                      Agenda Item #1, This item was pulled

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS, APPROVAL

Agenda Item #1

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

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

Victoria Gemuend	Engineering Department
Courtney Lamar	Human Resource Department
Ranisha Litten	Human Resource Department
Renae Kimble	3302 Hyde Park Blvd., N.F. NY 14305
Barbara Gonzalez	2412 North Avenue, N.F., NY 1430
Randal S. Ubriaco	245 71 <sup>st</sup> Street, N.F., NY 14304

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

Yeas

4

Members Bax, Cauley, Myles, Tompkins

Excused              Chairman Zajac

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

COMMUNITY DEVELOPMENT: PLAN AMENDMENTS

Agenda Item #2

The City has proposed substantial amendments to its 2020 and 2021 Annual Action Plans, to re-program Small Business Support Funds in the amount of \$100,000.00 for each year. A total of \$120,000.00 in funding (\$100,000.00 from the 2020 re-programmed funds and \$20,000.00 from the 2021 re-programmed funds) will be used for a grant to the Ironworkers Local #9 Union to renovate its welding shop to provide training for low- and moderate-income individuals for membership into the union. The remaining \$80,000.00 balance of 2021 funds will be re-programmed for owner occupied rehabilitation.

A public comment period on the Amendments to the 2020 and 2021 Annual Action Plans opened March 24, 2023. Public comments were received and were presented to the City Council prior to its consideration of the Amendments. The City of Niagara Falls held a public hearing for the amendments on April 25, 2023, commencing at 6:00 p.m.

The Niagara Falls City Council previously approved this grant award to the Ironworkers Local #9 in November 2022 during a City Council meeting.

Will the Council vote to approve the proposed amendments (on file in the City Clerk's Office) as presented herein and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas

4

Members Bax, Cauley, Myles, Tompkins

Excused: Chairman Zajac

APPROVED

CONTRACT: PATCH MANAGEMENT, INC., (SPRAY INJECTION POTHOLE REPAIR-  
"POTHOLE KILLER")

#### Agenda Item #3

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

The Director of the Department of Public Works will coordinate with Patch Management, Inc. for the commencement and conclusion of services. The operator will work an 8 hour day and 40 hour week and will place up to 6 tons of aggregate and 120 gallons of spray patching emulsion each day. GPS recordings of all repairs will be provided. The cost of this service is \$195,000.00, with funding available from Tribal revenue reserves restricted for road projects.

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

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

Yeas

3

Members Bax, Myles, Tompkins

Nays

1

Member Cauley

Excused, Chairman Zajac

APPROVED

CONTRACT: FM COMMUNICATIONS, INC., NIAGARA FALLS FIRE DEPARTMENT  
VEHICLES UP-FITTING

#### Agenda Item #4

We respectfully request your approval for the expenditure of American Rescue Plan funds allocated for the up-fitting of two (2) Dodge Ram Pick-Up Trucks for the City of Niagara Falls Fire Department as follows:

**TO: FM Communications, Inc. (V# 2183)**

1914 Colvin Boulevard

Tonawanda, New York 14150-6995

**FOR:** Up-fitting one (1) 2022 Dodge Ram 1500 4WD Crew Cab P/U

Truck - Graphite

designated for Fire Prevention Division

\$4,767.00

Up-fitting one (1) 2022 Dodge Ram 1500 4WD Crew Cab P/U  
Truck - Red  
designated for Fire Training Division  
\$3,872.00

-includes the purchase and installation charges for lights,  
flashers, antenna, slide out trays and exterior  
striping/graphics for both vehicles with the addition of  
extinguishers, hand tools, booms, racks and stearm light for  
Fire Prevention Vehicle only (reference FM Communications  
Quotation #128001144)

**TOTAL COST: \$ 8,639.00**

Funding for this project is available from American Rescue Plan  
Funds under the Treasury Guidance Expenditure Category 6.1, which is  
"Revenue Replacement for the Provision of Government Services".

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

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

Yeas 4

Members Bax, Cauley, Myles, Tompkins

Excused: Chairman Zajac 0

APPROVED

CONTRACT: SAL MAGLIE STADIUM, SOTE MANAGEMENT (NIAGARA UNIVERSITY)

Agenda Item #5  
THIS ITEM WAS PULLED  
NO ACTION TAKEN

RESOLUTION: REZONING OF THE PARCEL AT 56 ACHESON DRIVE FROM "D1-C  
DOWNTOWN" TO "11 BUSINESS PARK" ON BEHALF OF APPLICANT, U.S. LEASECO,  
INC.  
BY: COUNCIL MEMBER TOMPKINS

Agenda Item #6  
THIS ITEM WAS PULLED  
NO ACTION TAKEN

RESOLUTION: CREATION OF A "HIGH ENERGY OVERLAY ZONE," NORTH EAST DATA,  
LLC, 5380 FRONTIER AVENUE, NIAGARA FALLS, NEW YORK 14304  
BY: COUNCIL MEMBER TOMPKINS

Agenda Item #7  
THIS ITEM WAS PULLED  
NO ACTION TAKEN

PUBLIC SPEAKERS

FOR THE GOOD OF THE COMMUNITY

Ralph Jeremy	Not fair that I had to pay fees & go to Court;
	City not doing anything about track houses
Lloyd Hamilton	I moved to DeVeaux & there is a vacant lot with
	the trees falling down, what resources from the
	City
Dan Leonard	Rainbow Air has authority to operate in Canada &
	Niagara Falls; Hummingbird can only operate to &
	from the air Helipad

Mary Tillman

Wants people to come to the meetings & have faith;  
have you really made a difference in the  
Community; there was no one in the ambulance to  
handle the Medical needs of a bay & children; we  
need signs posted as to when the street cleaner  
comes around so I won't get tickets on my cars

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

Vicky Wideman  
City Clerk



NIAGARA FALLS CITY COUNCIL  
MAY 17, 2023 – SPECIAL MEETING

COUNCIL CHAMBERS

COUNCIL CHAMBERS

5:00 P.M.

ROLL CALL – COUNCIL MEMBERS

BAX\_      \_CAULEY\_\_\_\_\_ MYLES\_\_\_\_\_ TOMPKINS\_\_\_\_\_ CHAIRMAN ZAJAC\_\_\_\_\_

May 12, 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 **Wednesday, May 17, 2023 at 5:00 p.m.** in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purposes:

1. Approval of Street Lighting Facilities Purchase and Sale Agreement and Pole Attachment Licensing Agreement – (National Grid);
2. Approval of Feasibility Study for Centennial Park Project;
3. Approval of Rezoning of the Parcel at 56 Acheson Drive from "D1-C Downtown" to "I1 Business Park" on behalf of applicant, U.S. Leaseco, Inc.; and
4. Approve Proposed Agreement for Site Management at Sal Maglie Stadium – (Niagara University).

**NO MEETING**

**NO QUARUM**

**1 EXCUSED**

**2 ABSENT**

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**MAY 24, 2023**

**REGULAR COUNCIL MEETING**

**NIAGARA FALLS, NEW YORK**

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The Legislative session of the May 24, 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: Corporation Counsel Chris Mazur, and City Controller Daniel Morello.

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

PRESENTATIONS: PETER SCHMITT-E-3 ENERGY ADVISORS, LLC

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

Jennifer LaMoy	All Council Items
Todd Salansky	Agenda Items #7, #8
John Bartolomei	Agenda Item #12

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

NOTICE OF CLAIMS FOR THE MONTH OF APRIL 2023

Agenda Item #1	
Maya Waleski	In reference to Pothole Claim
Anita M. Serriani	In reference to damage to home
Daryl Debose	In reference to damage to Vehicle due to a pothole
Megan K. Hutcheson	In reference to damage to Vehicle due to pothole

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF APRIL 2023

Agenda Item #2  
ON FILE IN THE CITY CLERK'S OFFICE  
THIS ITEM WAS RECEIVED AND FILED

COMMISSIONER OF DEEDS

Agenda Item #3  
The following has requested City Council approval for Commissioner of Deeds for a term from July 1, 2023 to December 31, 2025.  
This is in accordance with the provision of the Niagara Falls City Charter, Article II, Section 7

Frederick Pucci	2991 McKoon Avenue, N.F., NY 14305
Jenna D'Agostino	7723 Buffalo Avenue, N.F., NY 14304

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

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

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: REGIONAL ENVIRONMENTAL DEMOLITION, INC., UTILITY ABANDONMENT, ASBESTOS ABATEMENT AND/OR DEMOLITION OF BUILDINGS (VARIOUS LOCATIONS) CONTRACT 2023-1, CHANGE ORDER #2

Agenda Item #4

A contract for the above referenced project was awarded to Regional Environmental Demolition, Inc. on March 8, 2023 in the amount of \$345,033.00.

Shortly after the start of the project, the City requested the exchange of demolition candidates; withdrawn from consideration was 436 Memorial Parkway while 432 Memorial Parkway was added to the demolition candidate list.

Costs associated with this exchange is \$27,600.00 bringing this project's contract total to \$372,633.00.

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

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

Yeas

5

Nays

0

APPROVED

CONTRACT: MARK CERRONE INC., 2023 DRAINAGE STRUCTURE REPLACEMENT AND REPAIR PROJECT (VARIOUS LOCATIONS)

Agenda Item #5

The following was the result of bids received on May 10, 2023, for the above referenced project:

**CONTRACTOR**

Mark Cerrone Inc.  
2368 Maryland Ave.  
Niagara Falls NY 14304

**BASE BID**

\$1,183,000.00

4<sup>th</sup> Generation Construction Co. Inc. \$1,192,550.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Mark Cerrone Inc. at their Base Bid of \$1,183,000.00. Please note that this amount is completely reimbursable with NYSDOT CHIPS monies. The funding code will be H0323, which represents CHIPS funding to be received for 2023 projects.

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

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

Yeas

4

Members Bax, Myles, Tompkins, Chairman Zajac

Nays

1

Member Cauley

APPROVED

CONTRACT: MCCLENDON ASPHALT PAVING, NEW GILL CREEK PARK COMFORT STATION, CHANGE ORDER #1

Agenda Item #6

A contract for the above referenced project was awarded to McClendon Asphalt Paving on July 12, 2022, in the amount of \$288,000.00.

While this project was underway, in lieu of the specified soil bearing test, a more extensive subsurface investigation was requested of the contractor to more accurately reflect the ground conditions supporting the new building. This investigation included ground borings with a full subsurface investigation report and additional engineering charges to reflect issues identified in this report.

These changes will result in an additional \$9,000.00, bringing the total contract amount to \$297,000.00. Funding for this project is available from American Rescue Plan Funds under the Treasury Guidance Expenditure Category 2.22, which is "Strong Healthy Communities".

Will the Council vote to so approve and authorize the Mayor to execute a 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

SALE: 436 MEMORIAL PARKWAY TO NIAGARA FALLS DEVELOPMENT, LLC.

#### Agenda Item #7

The City has received a request to purchase the above referenced City-owned property. This property was originally scheduled to be demolished, but an offer was received from Niagara Falls Development, LLC. The principals of this company live adjacent to 436 Memorial Parkway.

The purchase price is \$23,000.00, which reflects the assessed value of the property (\$17,000.00) plus the City's pre-demolition expenses (\$6,000.00). The property will be sold in an "as-is" condition 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 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

4

Members Bax, Myles, Tompkins, Chairman Zajac

Nays

1

Member Cauley

APPROVED

CONTRACT: PURCHASE HARDWARE/SOFTWARE/WEB SERVICES (AXON ENTERPRISES, INC.-REDACTION ASSISTANT SOFTWARE AND TECHNOLOGY

#### Agenda Item #8

Since 2020, the City has seen a significant increase in the amount of Freedom of Information Law ("FOIL") requests relating to the patrol activities of the Niagara Falls Police Department ("NFPD"). These requests often seek video imagery captured by the body cameras worn by NFPD officers. To adequately respond to FOIL requests for body camera footage, both the Police Department and the Law Department must review the images and make redactions of information that is not subject to FOIL. This is often extremely time-consuming as it requires the pixelation or blurring of the video images contained in the footage.

In the interest of efficiency, it is proposed that the City secure a license from Axon Enterprises, Inc., ("Axon") for redaction assistant software and technology to assist in the FOIL response process. In December 2021, the City Council approved an agreement with Axon, the world leader in Tasers, Body Worn Cameras, and storage, to provide body camera technology and cloud-based evidence storage for the NFPD.

Under the proposed agreement, Axon will provide the integrated system of hardware, software, cloud-based storage, and related services for four years at a cost of \$57,420.00 over the length of the agreement. Funding for this project is available from American Rescue Plan Funds under the Treasury Guidance Expenditure Category 6.1, which is "Revenue Replacement for the Provision of Government Services."

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

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

Yeas

5

Nays

0

APPROVED

CONTRACT: USA NIAGARA DEVELOPMENT CORPORATION (SUPPLEMENTAL PARKING LOT)

#### Agenda Item #9

USA Niagara Development Corporation ("USAN") is the owner of three (3) adjoining parcels of property located in the bounded by First Street, Second Street and Niagara Street. USAN has offered the City the opportunity to utilize the Premises for the parking of vehicles to supplement the City's lots and parking ramp for the remainder of 2023. The cost to the City will be \$1.00 and the City may retain any revenues derived from parking activity. The City will be permitted to make any improvements necessary, in its discretion, to operate the Premises for the parking of vehicles.

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

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

Yeas

5

Nays

0

APPROVED

RESOLUTION: GRANTING THE STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION TO PERFORM THE ADJUSTMENT FOR THE CITY OF NIAGARA FALLS AND AGREEING TO MAINTAIN FACILITIES ADJUSTED VIA STATE-LET CONTRACT FOR PIN 5813.48, NY ROUTE 384 NIAGARA STREET FROM RAINBOW BOULEVARD TO JOHN B. DALY BOULEVARD AND JOHN B. DALY BOULEVARD FROM NIAGARA STREET TO BUFFALO AVENUE, CITY OF NIAGARA FALLS, NIAGARA COUNTY 2023-27  
BY: COUNCIL MEMBER TOMPKINS

#### Agenda Item #10

**WHEREAS**, the New York State Department of Transportation proposes the construction, reconstruction, or improvement of NY Route 384 Niagara Street from Rainbow Boulevard to John B. Daly Boulevard and John B. Daly Boulevard from Niagara Street to Buffalo Avenue, City of Niagara Falls, Niagara County, PIN 5813.48, D264500; and

**WHEREAS**, the State will include as part of the construction, reconstruction, or improvement of the above-mentioned project the work to be done pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the City of Niagara Falls; and

**WHEREAS**, the service life of the relocated and or replaced utilities has not been extended; and

**WHEREAS**, the State will provide for the reconstruction of the above-mentioned work, as shown on the contract plans relating to the above-mentioned project.

**NOW, THEREFORE BE IT RESOLVED** that the City of Niagara Falls approves of the work to be done and the above-mentioned work performed on the project and shown on the contract plans relating to the project and that the City of Niagara Falls will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans.

**BE IT FURTHER RESOLVED** that Mayor Robert M. Restaino has the authority to sign, with the concurrence of the City Council, any and all documentation that may become necessary as a result of this project as it relates to the City of Niagara Falls, and

**BE IT FURTHER RESOLVED** that the City Clerk is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

Yeas  
Nays

5  
0  
ADOPTED

RESOLUTION: IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE FOR PIN 5761.89, ROUTE 265 (MILITARY ROAD) RECONSTRUCTION; NIAGARA FALLS BLVD. TO CAYUGA DR & CAYUGA DR RESURFACING; TUSCARORA RD TO BUFFALO AVE, CITY OF NIAGARA FALLS, NIAGARA COUNTY 2023-28  
BY: COUNCIL MEMBER TOMPKINS

Agenda Item #11

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

**WHEREAS**, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Route 265 (Military Road) Reconstruction; Niagara Falls Blvd. to Cayuga Drive & Cayuga Drive Resurfacing; Tuscarora Road to Buffalo Avenue; and

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

**RESOLVE**, that the City Council hereby approves the above-subject project; and it is hereby further

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

**RESOLVED**, that the sum of \$5,062,000.00 is hereby appropriated from American Rescue Plan Funds under the Treasury Guidance Expenditure Category 6.1, which is "Revenue Replacement for the Provision of Government Services" and made available to cover the cost of participation in the above phase of the Project; and it is further

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

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

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

**RESOLVED**, this Resolution shall take effect immediately.

Yeas  
Nays

5  
0  
ADOPTED

RESOLUTION: REZONING OF THE PARCEL AT 56 ACHESON DRIVE FROM "D1-C DOWNTOWN" TO "11 BUSINESS PARK" ON BEHALF OF APPLICANT, U.S. LEASECO, INC., 2023-29  
BY: COUNCIL MEMBER TOMPKINS

Agenda Item #12

BE IT RESOLVED that the City Council of the City of Niagara Falls, New York hereby adopts the attached (on file in the City Clerk's Office) recommendation of the Niagara falls planning board relative to the proposed rezoning of the parcel at 56 Acheson Drive, Niagara Falls, NY 14303, from "D1-C Downtown" to 11 Business Park" on behalf of applicant, U.S. Leaseco, Inc.

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

ADOPTED

RESOLUTION: APPROVAL OF THE FLIGHT PLAN OF FLY HUMINGBIRD, LLC PURSUANT TO CHAPTER 301.04 OF THE CODIFIED ORDINANCES  
BY: COUNCIL MEMBER TOMPKINS

Agenda Item #13

THIS ITEM FAILED TO BE ADDED TO THE AGENDA AS ITEM #13

NO ACTION TAKEN

RESOLUTION: RELATIVE TO UPDATING THE CITY OF NIAGARA FALLS COMPREHENSIVE PLAN

BY: ALL COUNCIL MEMBERS

Agenda Item #14

THIS ITEM WAS A WALK-ON FROM CORPORATION COUNSEL

THIS WAS TO REMOVED FROM THE TABLE AND ADD TO AGENDA

THIS ITEM FAILED

NO ACTION TAKEN

SPEAKERS FOR THE GOOD OF THE COMMUNITY

Jennifer LaMoy	Flooding; Mayor having Community Meeting the same time; walk on items
Dorothy West	Don't want to read stuff like this in the Community Paper
Todd Slansky	Restore trust in Government
Sharyn Vilardo	Empty houses; buy small ones
Michael DiCienzo	Left the Meeting
John Bartolomei	Left the Meeting
James Szvedo	Energy efficiency; check them out; check the soil; the bathrooms should be built
Daniel Tighe	Left the Meeting
Jockline Pryor	Left the Meeting
Helen Colman	Gluck Park, there is no fence around the park where kids play

There being no further business to come before the Council, Chairman Zajac adjourned the Meeting at 7:21P.M.

Vicky Wideman  
City Clerk



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