

NIAGARA FALLS CITY COUNCIL
JULY 12, 2022 - SPECIAL MEETING

COUNCIL CHAMBERS

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5:30 P.M.

ROLL CALL - COUNCIL MEMBERS

BAX MYLES ACTING CHAIRMAN TOMPKINS ZAJAC
CHAIRMAN SPANBAUER Excused

Also Present: Mayor Robert M. Restaino, Corporation Counsel Chris Mazur,
Controller Dan Morello

July 7, 2022

Members of the City Council
and
City Clerk

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

Council Members and City Clerk:

You are hereby notified of the Mayor's Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on **Tuesday, July 12, 2022, at 5:30 p.m.** in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purposes:

1. Approval of Award for New Gill Creek Comfort Station (McClendon Asphalt Paving);
2. Approval of Purchase of Fleet Vehicle/Outfitting for the Niagara Falls Police Department (Falls Dodge, Inc. and Empire Emergency Apparatus)
3. Approval of Purchase of Fleet Vehicle for the Niagara Falls Department of Parks and Public Works (Falls Dodge, Inc.)
4. Approval of Purchase of Pump for 91st Street Pool (Moley Magnetics);
5. Approval of Award for Beech Avenue Community Park Design and Development (Bergmann Associates, DPC);
6. Approval of Agreement for Actuarial Equivalence Testing (Milliman, Inc.);
7. Approval of Parking Agreement - 105 Rainbow Boulevard Lot – (Niagara Tourism & Convention Corporation);
8. Approval of Agreement – Police Dispatcher Scheduling (Niagara Falls Police Club)
9. Approval of Waiver of Bandstand Fee – Lewiston Kiwanis (Peach Festival);
10. Approval of Waiver of Bandstand Fee – Town of Niagara (Electric Light Parade);
11. Relative to Amending Chapter 1101 of the Codified Ordinances entitled “Building Ordinances”;
12. Relative to Amending Chapter 1107 of the Codified Ordinances entitled “Permits, Fees And Certificates;
13. Relative to the Abandonment of the City Right-Of-Way at the Southwest Corner of the Intersection of Virginia Avenue and 17th Street;
14. Relative to the Partial Abandonment of the Alley between Virginia Avenue and Tennessee Avenue;
15. Approval of Scrufari Construction Retention Payment (Community Development);
16. Approval of Cazenovia Recovery CARES Act Grant Amendment (Community Development);

17. Approval of Amendment to Catholic Charities CARES Act-ESG Grant (Community Development);
18. Approval of Grant of CDBG Funds to the NACC (Community Development);
19. Approval of Pinnacle CARES Act CDBG Reallocation (Community Development);
20. Approval of 2022 General Assessment Roll;
21. Request for Approval to settle personal injury lawsuit of Ra-Shee Black;
22. Request for Approval to settle personal injury lawsuit of Daniel and Debra Beck;
23. Request for Approval to settle personal injury lawsuit of Brooke St. Peter;
24. Request for Approval to settle personal injury lawsuit of Edward Michaels;
25. Request for approval to settle personal injury lawsuit of LaRhonda Parmer; and
26. Request for approval to pay judgments obtained by Lancer Insurance Company.

Respectfully submitted,

Robert M. Restaino, Mayor

Item #1

Approval of Contract to McClendon Asphalt Paving for new Gill Creek Park Comfort Station **VOTE**

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	abstain			
Council Member Tompkins	X			
Council Member Zajac	X			
Council Chairman Spanbauer	Excused			
Total:	3	0		

Item #2

Approval of Contract to Falls Dodge Inc and Empire Emergency Apparatus for purchase of Fleet Vehicles for the NFPD **VOTE**

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	abstain			
Council Member Tompkins	X			
Council Member Zajac	X			
Council Chairman Spanbauer	excused			
Total:	3	0		

Item #3

Approval of the Contract to Falls dodge, Inc. for the purchase of Fleet Vehicle for NFDPW VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	abstain			
Council Member Tompkins	X			
Council Member Zajac	X			
Council Chairman Spanbauer	excused			
Total:	3	0		

Item #4

Approval of the Contract to Moley Magnetics for 91st Street Pool VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	abstain			
Council Member Tompkins	X			
Council Member Zajac	X			
Council Chairman Spanbauer	excused			
Total:	3	0		

Item #5

Approval of the Contract to Bergmann Associates, Architects for Beech Ave. Community Park Design & Development VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	abstain			
Council Member Tompkins	X			
Council Member Zajac	X			
Council Chairman Spanbauer	excused			
Total:	3	0		

Item #6

Approval of the Contract to Milliman, Inc. for Actuarial equivalence Testing VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	abstain			
Council Member Tompkins	X			
Council Member Zajac	X			
Council Chairman Spanbauer	excused			
Total:	3	0		

Item #7

Approval of the Contract with NTCC for Parking at 105 Rainbow Blvd. Lot

VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	abstain			
Council Member Tompkins	X			
Council Member Zajac	X			
Council Chairman Spanbauer	excused			
Total:	3	0		

Item #8

Approval of the Contract with NF Police Club, Inc. for Police Dispatchers-Scheduling

VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	abstain			
Council Member Tompkins	X			
Council Member Zajac	X			
Council Chairman Spanbauer	excused			
Total:	3	0		

Item #9

Approval of waiver of Bandstand Fee for the Kiwanis Club of Lewiston, Peach Festival

VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	abstain			
Council Member Tompkins	X			
Council Member Zajac	X			
Council Chairman Spanbauer	excused			
Total:	3	0		

Item #10

Approval of waiver of Bandstand Fee for Town of Niag., Electric Light Parade VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	abstain			
Council Member Tompkins	X			
Council Member Zajac	X			
Council Chairman Spanbauer	excused			
Total:	3	0		

Item #11

Resolution relative to Amending Chapter 1101 of the Codified Ordinances entitled "Building Ordinances" VOTE

		yea	nay	yea	nay
	Council Member Bax	X			
2022-	Council Member Myles	abstain			
39	Council Member Tompkins	X			
	Council Member Zajac	X			
	Council Chairman Spanbauer	excused			
	Total:	3	0		

Item #12

Resolution relative to Amending Chapter 1107 of the Codified Ordinances entitled "Permits, Fees and Certificates" VOTE

		yea	nay	yea	nay
	Council Member Bax	X			
2022-	Council Member Myles	abstain			
40	Council Member Tompkins	X			
	Council Member Zajac	X			
	Council Chairman Spanbauer	excused			
	Total:	3	0		

Item #13

Resolution relative to the Abandonment of the City Right-of-Way at the Southwest Corner of the intersection of Virginia Ave. & 17th Street VOTE

		yea	nay	yea	nay
	Council Member Bax	X			
2022-	Council Member Myles	abstain			
41	Council Member Tompkins	X			
	Council Member Zajac	X			
	Council Chairman Spanbauer	excused			
	Total:	3	0		

Item #14

Resolution relative to the partial abandonment of the alley between Virginia Ave. & Tennessee Ave. VOTE

		yea	nay	yea	nay
2022-42	Council Member Bax	X			
	Council Member Myles	abstain			
	Council Member Tompkins	X			
	Council Member Zajac	X			
	Council Chairman Spanbauer	excused			
Total:		3	0		

Item #15

Approval of payment to Scrufari Construction Retention VOTE

		yea	nay	yea	nay
	Council Member Bax	X			
	Council Member Myles	abstain			
	Council Member Tompkins	X			
	Council Member Zajac	X			
	Council Chairman Spanbauer	excused			
Total:		3	0		

Item #16

Approval of Cazenovia Recovery CARES Act Grant Amendment VOTE

		yea	nay	yea	nay
	Council Member Bax	X			
	Council Member Myles	abstain			
	Council Member Tompkins	X			
	Council Member Zajac	X			
	Council Chairman Spanbauer	excused			
Total:		3	0		

Item #17

Approval of amendment to Catholic Charities CARES-ESG Grant VOTE

		yea	nay	yea	nay
	Council Member Bax	X			
	Council Member Myles	abstain			
	Council Member Tompkins	X			
	Council Member Zajac	X			
	Council Chairman Spanbauer	excused			
Total:		3	0		

Item #18

Approval of the Grant of CDBG Funds to NACC

VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	abstain			
Council Member Tompkins	X			
Council Member Zajac	X			
Council Chairman Spanbauer	excused			
Total:	3	0		

Item #19

Approval of the Pinnacle CARES Act CDBG Re-allocation

VOTE

	yea	nay	yea	nay
Council Member Bax				
Council Member Myles				
Council Member Tompkins				
Council Member Zajac				
Council Chairman Spanbauer				
Total:				

PULLED

THIS ITEM WAS PULLED BY MAYOR ROBERT M. RESTAINO

Item #20

2022 General Assessment Roll

R & F

Item #21

Approval to Settle and Pay personal injury of Ra-Shee R. Black in the amount of \$6,000.00

VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	abstain			
Council Member Tompkins	X			
Council Member Zajac	X			
Council Chairman Spanbauer	excused			
Total:	3	0		

Item #22

Approval to Settle and Pay personal injury of Daniel J. Beck and Debra Beck in the amount of \$250,000.00 VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	abstain			
Council Member Tompkins	X			
Council Member Zajac	X			
Council Chairman Spanbauer	excused			
Total:	3	0		

Item #23

Approval to Settle and Pay Personal injury of Brooke St. Peter in the amount of \$15,000.00 VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	abstain			
Council Member Tompkins	X			
Council Member Zajac	X			
Council Chairman Spanbauer	excused			
Total:	3	0		

Item #24

Approval to Settle and Pay personal injury of Edward P. Michaels in the amount of \$5,000.00 VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	abstain			
Council Member Tompkins	X			
Council Member Zajac	X			
Council Chairman Spanbauer	excused			
Total:	3	0		

Item #25

Approval to Settle and Pay personal injury of Larhonda M. Parmer in the amount of \$30,000.00 VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	abstain			
Council Member Tompkins	X			
Council Member Zajac	X			
Council Chairman Spanbauer	excused			
Total:	3	0		

Item #26

Approval to Pay Judgement obtained by Lancer Insurance Company in the amount of \$42,238.89 VOTE

	yea	nay	yea	nay
Council Member <u>Bax</u>	X			
Council Member Myles	abstain			
Council Member Tompkins	X			
Council Member Zajac	X			
Council Chairman Spanbauer	excused			
Total:	3	0		

ADJOURNMENT OF MEETING 5:49 P.M.