

NIAGARA FALLS CITY COUNCIL
AGENDA FOR NOVEMBER 2, 2022

LEGISLATIVE MEETING

COUNCIL CHAMBERS

6:00 P.M.

ROLL CALL - COUNCIL MEMBERS

BAX X MYLES X TOMPKINS absent ZAJAC X SPANBAUER X

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

PRAYER - COUNCIL MEMBER DONTA MYLES

PLEDGE OF ALLEGIANCE

Approval of Minutes from the Council Meeting of July 20, 2022, Special Meeting of August 18, 2022, Public Hearing of September 6, 2022, Council Meeting of September 7, 2022, Special Council Meeting of September 30, 2022, Council Meeting of October 5, 2022

VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

The Council Chairman asked if anyone would like to speak at the Public Hearing relative to an estimate of the amount necessary to pay the expenses for the Recycling and Refuse Program for Fiscal Year 2023

Joan Lee
Darlene Moore
Susan Ford
Mr. Shah Islam
Gwendolyn Walker
Gerald Skrlin

PUBLIC SPEAKERS

1. AGENDA ITEMS

THERE WERE NO SPEAKERS ON AGENDA ITEMS

ADMINISTRATIVE UPDATE:

CONTROLLERS REPORT

COMMUNITY HAPPENINGS

REVIEW OF AGENDA ITEMS
LEGISLATIVE MEETING

INFORMATIONAL ITEMS

FROM THE CITY CLERK

- | | |
|--|-------|
| 1. City Clerk's Report for the Month of September 2022 | R & F |
| 2. City Clerk Claims report for the Month of September 2022 | R & F |
| 3. Mayor's Approval of Resolutions 2022-59, 2022-60, 2022-61 | R & F |

ITEMS FOR COUNCIL ACTION

FROM THE MAYOR

- | | |
|--|------|
| 4. Approval of Sewer Lateral Replacement Project-2613 Welch Ave.,
Change Order #1, Lasalle Contracting Corp | VOTE |
|--|------|

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

- | | |
|--|------|
| 5. Approval of Community Development Demolition Project, Regional Environmental
Demolition, Change Order #2 | VOTE |
|--|------|

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

- | | |
|---|------|
| 6. Approval of Letter of Award to DV Brown & Associates for Steam Trap
Replacement Project at NF City Hall | VOTE |
|---|------|

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

7. Approval of purchase of John Deere Excavator for DPW, Five Star Equip VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

8. Approval of purchase of Fleet Vehicles for NFPD, Falls Dodge VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

9. Approval of purchase of Fleet Vehicles for the NFPD, Joe Basil Chevrolet VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

10. Approval of purchase of Fleet Vehicles for the NFPD, Falls Dodge VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

11. Approval of purchase of Tilt Trailer for DPW, Five Star Equipment VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

12. Approval of purchase of FARO Focus Laser Scanners for NFPD, FARGO Technologies VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

13. Approval of VESTA 9-1-1 Emergency Call Handling System for NFPD, Motorola Solutions, Inc. VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

14. Approval of purchase of Up-fitting pf NFPD 2022 Black Dodge Durango Fleet Vehicles, Empire Emergency Apparatus VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

15. Approval of the purchase of DASNY Grant Expenditure for one NFFD Command Vehicle, Joe Basil Chevrolet VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

16. Approval of purchase of Fleet Vehicles for NF Engineering Dept., Denooyer Chevrolet VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

17. Approval of purchase of John Deere Loader for DPW, Five Star Equipment VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

18. Approval of purchase of Fleet Vehicles for the NFFD, Falls Dodge VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

19. Approval of amendment to Bid #2022-12, purchase of high capacity washers & dryers VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

20. Approval of purchase of Scott RIT-Pak 4500 for NFFD, Dival Safety & Supplies VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

21. Approval to reimburse our liability insured, NY Municipal Ins. Reciprocal for a total of \$1,500.00 VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

22. Approval of COPS Hiring Program Grant, NFPD VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

23. Approval of acceptance of Patrick Leahy Bulletproof Vest Partnership Grant Aware, NFPD VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

24. Approval of acceptance of Tactical Team Grant Award, NFPD VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

25. Approval of Ironworkers CDBG Grant
VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

26. Approval of acceptance of Cyber Security Grant Award VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

27. Approval of waiver of Parking Fees-City Parking Lots/Ramp, Jingle Falls Holiday Program VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

28. Approval of waiver of Parking Fees-City Parking Lots/Ramp, Master Khechen's Martial Arts Tournament VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

29. Approval of the Contract with Sunnking, Inc. for E-Waste Recycling Program VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

30. Approval of the sale of City-owned Real Prop, 531 Third St, LLC VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

31. Approval of authorization to institute or prosecute Legal Proceedings,
Office of the Corporation Counsel VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

ADDITIONAL ITEMS

THE FOLLOWING ITEMS WERE SUBMITTED BY THE CORPORATION COUNSEL

32. Approval to Settle & Pay Property Damage Claim of Jill M. Gonzalez in the
amount of \$750.00 VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

33. Approval to Settle & Pay Property Damage Claim of Mona J. Carney in the
amount of \$750.00 VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

34. Approval to Settle & Pay wrongful death lawsuit of Karen Collier as
Administrator to the Estate of Wayne D. Davis in the
amount of \$50,000.00 VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

35. Approval to Settle Property Damage Claim of Nora LaMarca in the amount of \$461.37 VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

36. Approval to Settle & Pay subrogated property damage claim of Merchants Preferred Insurance Co., as subrogee of its insured, Niagara Frontier Inspection Agency, LLC in the amount of \$14,009.52 VOTE

	yea	nay	yea	nay
Council Member Bax	X			
Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

RESOLUTIONS

37. Relative to scheduling of 2023 Budget Meetings
BY: All Council Members VOTE

	yea	nay	yea	nay
2022- Council Member Bax	X			
62 Council Member Myles	X			
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	4	0		

38. Relative to adoption of User Fees for the Recycling & Refuse Program for Fiscal year 2023
BY: Council Members Bax, Tompkins, Chairman Spanbauer VOTE

	yea	nay	yea	nay
2022- Council Member Bax	X			
63 Council Member Myles		X		
Council Member Tompkins	absent			
Council Member Zajac	X			
Council Chairman Spanbauer	X			
Total:	3	1		

39. Relative to the Standard Workday & Reporting Resolution

BY: Council Chairman Spanbauer

VOTE

		yea	nay	yea	nay
	Council Member Bax	X			
2022-	Council Member Myles	X			
64	Council Member Tompkins	absent			
	Council Member Zajac	X			
	Council Chairman Spanbauer	X			
	Total:	4	0		

40. Relative to adding Chapter 251 of the Codified Ordinances entitled "Private Sanitary Sewer Laterals"

BY: Council Chairman Spanbauer

VOTE

		yea	nay	yea	nay
	Council Member Bax	X			
2022-	Council Member Myles	X			
65	Council Member Tompkins	absent			
	Council Member Zajac	X			
	Council Chairman Spanbauer	X			
	Total:	4	0		

41. Relative to Home Rule request for the addition of a Public Safety Surcharge on Vehicle and Traffic Convictions occurring in the City of Niagara Falls

BY: Council Members Bax, Tompkins, Zajac, Chairman Spanbauer

VOTE

		yea	nay	yea	nay
	Council Member Bax	X			
2022-	Council Member Myles	X			
66	Council Member Tompkins	absent			
	Council Member Zajac	X			
	Council Chairman Spanbauer	X			
	Total:	4	0		

42. Relative to calling for a Public Hearing on the Proposed Abandonment of a portion of Seventeenth St. between Pennsylvania Ave. & Delaware Ave.

BY: Council Member Tompkins, Chairman Spanbauer

VOTE

		yea	nay	yea	nay
	Council Member Bax	X			
2022-	Council Member Myles	X			
67	Council Member Tompkins	absent			
	Council Member Zajac	X			
	Council Chairman Spanbauer	X			
	Total:	4	0		

43. Relative to calling for a Public Hearing relative to abandonment of the Alley situated South of James Ave. & Parallel to Highland Ave.

BY: Council Member Tompkins, Chairman Spanbauer

VOTE

		yea	nay	yea	nay
	Council Member Bax	X			
2022-	Council Member Myles	X			
68	Council Member Tompkins	absent			
	Council Member Zajac	X			
	Council Chairman Spanbauer	X			
	Total:	4	0		

44. Relative to calling for a Public Hearing on the Proposed Abandonment of a portion of Second St (Whirlpool St) North of Walnut Ave.

BY: Council Members Bax, Tompkins, Zajac, Chairman Spanbauer

VOTE

		yea	nay	yea	nay
	Council Member Bax	X			
2022-	Council Member Myles	X			
69	Council Member Tompkins	absent			
	Council Member Zajac	X			
	Council Chairman Spanbauer	X			
	Total:	4	0		

45. Relative to calling for a Public Hearing on the proposed abandonment of a 330 foot portion of Delaware Ave.

BY: Council Member Tompkins, Chairman Spanbauer

VOTE

		yea	nay	yea	nay
	Council Member Bax	X			
2022-	Council Member Myles	X			
70	Council Member Tompkins	absent			
	Council Member Zajac	X			
	Council Chairman Spanbauer	X			
	Total:	4	0		

46. Relative to Honoring Tim Winn

BY: Mayor Robert M. Restaino, All Council Members

VOTE

		yea	nay	yea	nay
	Council Member Bax	X			
2022-	Council Member Myles	X			
71	Council Member Tompkins	absent			
	Council Member Zajac	X			
	Council Chairman Spanbauer	X			
	Total:	4	0		

47. Approval of appointments for Commissioner of Deeds

VOTE

	ADD TO AGENDA		APPROVE	
	yea	nay	yea	nay
Council Member Bax	X		X	
Council Member Myles	X		X	
Council Member Tompkins	absent		absent	
Council Member Zajac	X		X	
Council Chairman Spanbauer	X		X	
Total:	4	0	4	0

48. Relative to Council Appointment for the Replacement of Councilman Spanbauer

BY: Council Members Bax, Zajac and Chairman Spanbauer

	ADD TO AGENDA		APPROVE	
	yea	nay	yea	nay
Council Member Bax	X		X	
2022- Council Member Myles	X		X	
72 Council Member Tompkins	absent		absent	
Council Member Zajac	X		X	
Council Chairman Spanbauer	X		X	
Total:	4	0	4	0

PUBLIC SPEAKERS

2. FOR THE GOOD OF THE COMMUNITY

Renate Collins	pot holes
Mr. Shah Islam	Short Term Rentals on 20 th St; dead leaves are piling up

ADJOURNMENT OF MEETING

8:30 PM