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Controller Report:

City Controller, Daniel Morello, gave an update on the general fund budget.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF NOVEMBER 2018

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: LASALLE LIBRARY BOILER, EMERGENCY REPAIRS, CHANGE ORDER #1,
H.W. BRYK & SONS

Agenda Item #2

The Engineering Department solicited quotes for replacement of the existing steam boiler at the LaSalle Library, the low bidder was H.W. Bryk & Sons at \$23,900.00. At the time of solicitation it was anticipated that we could reuse some ancillary parts of the old boiler as a cost saving measure. After the existing boiler was dismantled it was discovered that the "Power Flame" blast tube was severely damaged and could not be reused. H.W. Bryk & Sons secured the parts required to replace the blast tube parts at a total cost of \$1,389.00 and installed them (at no charge) under their original bid price.

Sufficient funding is available within Capital account code H0904.

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
Kennedy, Scott, Voccio, Chairman Touma	
Nays	0
Abstain	1
Tompkins	

APPROVED

CONTRACT: HYDE PARK BALL DIAMOND, IMPROVEMENTS, PHASE I, 4TH GENERATION CONSTRUCTION, INC., CHANGE ORDER #1

Agenda Item #3

A contract for the above referenced project was awarded to 4th Generation Construction, Inc. on November 13, 2017, in the amount of \$244,600.00.

As this project progressed some additional improvements to the ball diamonds were made to make the outfields safer for play as well as more conducive to maintenance. These improvements included additional grading and filling of ruts throughout the outfields as well as the addition of a pitcher's mound and outfield gates.

These changes will result in an additional \$15,770.00, bringing the total contract amount to \$260,370.00. Funding is available through the Department of Community Development.

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: NIAGARA MOBILE APP INITIATIVE, PROJECT

Agenda Item #4

During the City Council meeting on November 27, 2017 the City Council approved funding in the amount of \$2,500.00 for an initiative developed by Councilman Scott and Niagara University to create a mobile app for smart phone utilization that will promote and enhance resident awareness of various programs and services that are available in the area.

During the creation of this mobile app initiative, it became apparent to those working on the project that other similar types of projects already existed or were in development. Accordingly, the promoters of this initiative looked for another project to address certain disconnects in information availability. The result was an idea to create the "Niagara Answers" website which will promote resident and visitor awareness and involvement and ensure equal opportunity and services to provide an easy approach for residents and visitors to find City information and services. This "Niagara Answers" website will be designed to offer an easy approach for residents and visitors to search for City information and services and will connect the City of Niagara Falls. Attached hereto (on file in the City Clerk's Office) is a copy of the new proposal developed by Councilman Scott and Niagara University and will be utilized by the University for expenses incurred in the creation of this new project. There is no request for additional funding from the City for this initiative as the \$2,500.00 previously provided by the City for the Mobile App initiative continues to be held in escrow by Niagara University and will be utilized by the University for expenses incurred in the creation of this new project. It is also requested that the date for completion of this project be extended to December 31, 2019.

Will the Council approve this change in the initiative and authorize the Mayor to execute an agreement provided the same is 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
Kennedy, Scott, Tompkins, Chairman Touma	
Nays	1
Voccio	

APPROVED

CONTRACT: TRAFFIC SIGNAL UPGRADES, WALNUT AVENUE & HYDE PARK BLVD., CITY PARKLAND, NYSDOT

Agenda Item #5

NYSDOT has commenced a project to upgrade various traffic signals throughout Western New York including the traffic signal at Walnut Avenue and Hyde Park Boulevard. The City owned real estate in question that is affected is located on the north east corner of the intersection and is approximately 400 square feet in total. The attached (on file in the City Clerk's Office) correspondence from NYSDOT describes the project and attaches (on file in the City Clerk's Office) a map showing the location of the City owned real estate involved. (It should be noted that the attached letter describes this real estate as "Arthur V. Curcione Place" because of the signage located in the vicinity. It is actually City public parkland which is most likely part of Hyde Park.)

In any event, NYSDOT will be acquiring this small parcel through the eminent domain process. An appraisal is being conducted and the City will be paid for this small parcel of real estate.

Will the Council so approve and authorize the Mayor to execute any agreement or correspondence confirming that this small parcel of property is "de minimis" in nature and that the action undertaken by the NYSDOT will not adversely impact park activities?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: SCHOOL RESOURCE OFFICERS, CONTINUATION OF AGREEMENT

Agenda Item #6

The agreement that the City has had in place with the School District which, among other things, calls for the City to provide uniformed officers from the NFPD to serve as SROs at various schools in the School District has worked out well for the School District and the City. It is therefore requested that this agreement continue during the first six (6) months of 2019. It is proposed that two (2) NFPD Officers serve as SROs at the High School and one (1) each to serve as SROs at LaSalle Prep and Gaskill Prep. Attached hereto (on file in the City Clerk's Office) is a copy of a proposed agreement between the City and the School District. Note that the District will be reimbursing the City for the entire cost of these four (4) SROs which totals \$280,788.00.

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

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

Yeas

5

Nays

0

APPROVED

CONTRACT: USA NIAGARA DEVELOPMENT CORP., EXTENSION

Agenda Item #7

As Council members may be aware, USAN owns and operates the Conference and Event Center on Old Falls Street and has contracted with an entity to undertake daily management and operation of the Conference and Event Center. Over the last several years the City has contracted with USAN to not only assist in the funding of the operation of the Conference and Event Center, but also to allow USAN, through the entity operating the Conference and Event Center, to control, maintain, manage and program events on Old Falls Street between Prospect Street and Third Street. The entity now operating the Conference and Event Center and managing Old Falls Street is Comcast Spectacore. This arrangement has worked out very well for the City.

It is requested that USAN be permitted to continue to control, maintain, manage and program Old Falls Street between Prospect Street and Third Street during 2019 at no cost to the City. Attached hereto (on file in the City Clerk's Office) is a copy of a proposed agreement so reciting.

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

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

Yeas

4

Kennedy, Scott, Tompkins, Chairman Touma

Nays

1

Voccio

APPROVED

CONTRACT: SPCA, CONTINUATION

Agenda Item #8

The City's agreement with the NCSPCA expires on December 31, 2018. Various City officials have met with the Director of NCSPCA and have agreed upon certain terms and conditions going forward. Attached hereto (on file in the City Clerk's Office) is a copy of a proposed agreement for 2019. Kindly note that this agreement calls for the City to pay \$279,864.00 for NCSPCA services for calendar year 2019 which is \$31,405.68 less than the City paid during 2018. Sufficient funding exists in 2019 budget code A.3510.0000.0449.599.

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

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

Yeas

5

Nays

0

APPROVED

RESOLUTION: NIAGARA GAZETTE, OFFICIAL NEWSPAPER, 2019-1
BY: COUNCIL MEMBER TOMPKINS, CHAIRMAN TOUMA

Agenda Item #9

BE IT RESOLVED by the City Council of the City 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 the 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; and

BE IT FURTHER RESOLVED, that this designation shall be in effect for the year 2019, but such designation shall not thereafter lapse until superseded.

Yeas

4

Kennedy, Scott, Tompkins, Chairman Touma

Nays

0

Abstain

1

Voccio

ADOPTED

RESOLUTION: INVESTMENT POLICY, 2019-2
BY: COUNCIL MEMBERS TOMPKINS, VOCCIO, CHAIRMAN TOUMA

Agenda Item #10

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

Yeas

5

Nays

0

ADOPTED

There being no further business to come before the Council,
Chairman Touma adjourned the Meeting at 7:20 P.M.

Lisa A. Vitello
City Clerk



JANUARY 23, 2019
REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The Legislative session of the January 23, 2019 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Christopher Voccio, Chairman Andrew Touma

Also present: Acting Mayor, John Caso, Director of Public Works, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello.

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

A motion was made by Councilman Tompkins to amend item #18, honoring the Life of Harvey Albond, seconded by Councilman Scott, moving the item to the beginning of the meeting.

Yeas	5
Nays	0

Item # 18 was amended

A proclamation was read honoring the Life of Harvey Albond.

Presentations:

Sue Swiatkowski, Tourism Development Director, gave a quarterly report.

Seth Piccirillo gave a presentation on the 311 System

Administrative Update:

Nick Melson, City Administrator, gave an update on parking, snow removal.

City Controller, Dan Morello, gave an update on Parking revenue

There was an extensive discussion on the Hyde Park Golf Course by all Council Members.

Councilman Tompkins made a motion to table item #6 in order to collect additional information, Councilman Scott seconded the motion.

Yeas	5
Nays	0

Item #6 was Tabled

Council Member Tompkins moved to approve the Minutes from the Council Meeting of January 2, 2019

Yeas	5
Nays	0

APPROVED

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

Ron Anderluh	Agenda Items #17, #18, #19
Jean Lane Huston	Museum
Merle Smouse	Short Term Rentals
Rebecca Vinchoski	Boys & Girls Club
Ruth Knepp	Sidewalk; positive things in the City
Ron Anderluh	Thanks you's
Jean Lane Huston	Museum; water bill
Christopher Webster	3 rd St. construction
Dorothy West	Various
Gerald Skrlin	Various

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CLAIM REPORT FOR THE MONTH OF DECEMBER 2018

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

CITY CLERK REPORT FOR THE MONTH OF DECEMBER 2018

Agenda Item #2

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: 2018 MUNICIPAL SIDEWALK REPLACEMENT PROJECT, VALERI CONCRETE CONSTRUCTION, INC., CHANGE ORDER #1

Agenda Item #3

A contract for the above referenced project was awarded to Valeri Concrete Construction, Inc. on May 9, 2018 in the amount of \$252,500.00

After the project's award, it was determined that a substantial amount of six (6") inch thick concrete sidewalk/driveway aprons included in the 2018 Municipal Sidewalk Replacement Project would not be necessary after the decision to remove Lockport Street from the In House Paving Plan was made.

Conversely, streets substituted in Lockport Road's place on the In-House Paving list increased the need for related four (4") inch thick standard concrete sidewalk installations beyond the original bid quantity. The contractual quantity underruns noted above will allow all excess concrete installations to be paid for with no additional cost (\$0.00) to the project.

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

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

Yeas

5

Nays

0

APPROVED

CONTRACT: CONSULTANT SERVICES, NYSDOT LOCAL ADMINISTERED FEDERAL AID PROJECT BUFFALO AVENUE, PHASE IV, PIN 5761.81, CHA COMPANIES, INC.

Agenda Item #4

Based upon the New York State Department of Transportation standard merit selection procedures, CHA Companies Inc. has been selected as the City's consultant for the above referenced program.

All phases of preliminary & final design, construction inspection and construction administration components will be federally eligible at the standard 80% Federal and 20% Local reimbursement procedure. In addition, the completed project will be Marchiselli funding eligible at 15% reducing the City's local cost to 5% of the total. Funding for this project is available in Code H0635, which represents excess funds from Phase III of the Buffalo Avenue project.

It is the recommendation of the undersigned that the project proposal for Buffalo Avenue Phase IV, be awarded to CHA Companies Inc. at the proposed price of \$280,000.00.

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

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

Yeas

5

Nays

0

APPROVED

CONTRACT: A.D.A. COMPLIANCE PROJECT (SITE WORK/CIVIL), MARK CERRONE, INC., CHANGE ORDER #1/FINAL

Agenda Item #5

A contract for the above referenced project was awarded to Mark Cerrone, Inc. on March 28, 2018 in the amount of \$417,900.00.

After the start of the project, existing site conditions necessitated work beyond the original scope of the court-mandated site alterations. These additional tasks include catch basin repair/replacements, drinking fountain leak repairs, and additional concrete sidewalk and ramp installations at sites possessing a change in use, grade and/or physical location.

The costs associated with the extra basin work and concrete placements are \$5,115.00 and \$27,996.05 respectively (▲7.9%) for a total extra charge of \$33,111.05, bringing the contract total to \$451,011.05. Funding is available in capital code H0919.

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: NIAGARA GOLF PARTNERS, PREFERRED DEVELOPER, LEASE OF GOLF COURSE

Agenda Item #6

In the interest of continuing the ongoing improvements to the amenities at the Hyde Park Golf Course ("the course") and also being mindful of the City's costs to operate the course, the Purchasing Division issued an RFP to potentially bring in an operator to take over the operation of the golf course, the restaurant and the shop located on the premises.

After publishing and posting the RFP, the City received two (2) responses and both prospective vendors were interviewed by the scoring committee. After further discussions with both prospective vendors, the proposal from Niagara Golf Partners ("NGP") emerged as the strongest proposal.

The terms of NGP's proposal are as follows: NGP will assume full operational control at the course by performing all tasks necessary to operate the course, restaurant and shop; collecting all revenues and paying all expenses with the exception of the utility contributions set forth herein. The term of the agreement shall be five (5) years, with the option of a mutual five (5) year extension following the end of the initial term.

As discussed above, the City will make contributions towards the utility costs as follows:

Years 1 and 2	\$60,000.00 per year
Years 3 and 4	\$40,000.00 per year
Year 5	\$20,000.00

If the five (5) year extension is agreeable to both parties, the City will make a final contribution to the utility costs in Year 6 of \$20,000.00. Commencing in Year 7 and continuing through Year 10, NGP will pay the City a license fee of \$50,000.00 per year.

Additionally, NGP has expressed an interest in renting certain City-owned equipment as part of its operations, and also in leasing some additional storage space from the City. These items will be included as part of the lease agreement once NGP determines which pieces of equipment they will rent and how much space they will require. The payments for these items will further offset the City's utility contributions for Years 1 through 6 and become additional revenue in Years 7 through 10 if the extension is approved.

Based upon the recommendation of the scoring committee, it is the recommendation of the administration that the City name NGP as preferred developer for the leasing of the course and that the City enter into a five (5) year lease (with the aforementioned mutual five (5) year option) on the terms and conditions stated herein.

Will the Council so approve and authorize the Mayor to execute a lease agreement, and any other documents necessary to complete this lease, in a form acceptable to the Corporation Counsel?

Council Member Tompkins moved that the communication be Tabled.

Yeas	5
Nays	0
	TABLED

CONTRACT: PITCH N HIT EVENTS, SAL MAGLIE STADIUM, EXTENSION

Agenda Item #7

In March of 2016, you awarded an agreement to Pitch N Hit Events to operate Sal Maglie Stadium from April 1, 2016 through March 31, 2019, with a mutual option to extend the agreement for three (3) more years.

Pitch N Hit Events has expressed a desire to extend the agreement. After consultation with the appropriate City departments, the administration would also like to extend the agreement. Pitch N Hit Events has proven to be an excellent tenant and their operation of the stadium is to be commended.

Therefore, it is the recommendation of the administration that the City extend the agreement for a further three (3) years, through March 31, 2022.

Will the Council so approve and authorize the Mayor to execute an agreement to extend this agreement for an additional three (3) years in a form acceptable to the Corporation Counsel?

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

Yeas	5
Nays	0
	APPROVED

CITY PROPERTY: 725 17TH STREET, ENCROACHMENT, BOYS AND GIRLS CLUB, DEAN ARCHITECTS

Agenda Item #8

Dean Architects, representing the above referenced property, has applied for a porte-cochere encroachment into the City's right-of-way.

This has been reviewed by the appropriate City departments and the Planning Board recommends that it be granted. It is recommended that the following conditions apply:

1. The owner will add the City of Niagara Falls as an additional insured on its liability insurance policy and provide a copy to the City.
2. The owner will defend and indemnify the City from liability related to the porte-cochere encroachment.
3. The City can revoke permission for the encroachment on ninety (90) days notice.
4. The City right-of-way will not be obstructed and will at all times allow for the safe passage of pedestrians.

Attached hereto (on file in the City Clerk's Office) is a copy of the Planning Board's recommendation of approval.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: NIAGARA COUNTY LAW ENFORCEMENT ACADEMY, RENEWAL

Agenda Item #9

The Acting Superintendent of Police is recommending the renewal of a cooperative agreement between the Niagara County Sherriff's Department, NFPD and Niagara University to jointly operate the Niagara County Law Enforcement Academy at Niagara University. The agreement expired December 31, 2018; the renewal of this agreement will become effective when signed by all parties and continue through December 31, 2023. Attached hereto (on file in the City Clerk's Office) is a copy of the proposed agreement.

It should be noted that there is no direct out-of-pocket cost to the City to participate in this Academy which is held at Niagara University.

Will the Council so approve and authorize the Mayor to execute the proposed agreement?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: NIAGARA COUNTY OFFICE FOR THE AGING

Agenda Item #10

In the past, the City has served as a contractor for the Niagara County Office for the Aging by providing information and assistance services to persons 60 years old or older who meet Office for the Aging eligibility requirements. These services are performed at 1201 Hyde Park Boulevard, Niagara Falls, New York. The City is paid an amount not to exceed \$9,025.00 for these services. The term of the agreement is January 1, 2019 through December 31, 2019. Attached (on file in the City Clerk's Office) is a copy of a proposed agreement.

Will the Council so approve and authorize the Mayor to execute an agreement 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: POLICE DEPARTMENT, LEADSONLINE, LLC.

Agenda Item #11

The Acting Superintendent of the Niagara Falls Police Department ("NFPD") is recommending that the City enter into an Agency Agreement with LeadsOnLine LLC which will commence on January 1, 2019 and remain in effect for a three (3) year term. LeadsOnLine LLC operates and maintains an electronic reporting and criminal investigation system for receiving data for the use of law enforcement officials such as the NFPD. LeadsOnLine LLC will be acting in the capacity of an agent for the NFPD for the purpose of collecting, maintaining and disseminating data. Attached hereto (on file in the City Clerk's Office) is a copy of the proposed Agency Agreement.

The annual fee for this service is \$25,248.00 which will be paid by the Niagara County District Attorney's Office.

Will the Council so approve and authorize the Mayor to execute the attached agreement (on file in the City Clerk's Office)?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: AFRICAN HERITAGE ECONOMIC INITIATIVE, INC., EXTENSION AND MORTGAGE DOCUMENT, FOOD COOPERATIVE

Agenda Item #12

In July of 2018, the City awarded CDBG funds to African Heritage Economic Initiative, Inc. (the "subrecipient") to establish a food cooperative in the North End neighborhood of the city. These funds were made available to for site acquisition, renovation, and store operations. The contract for this project was executed on July 16, 2018.

The contract carried strict time requirements. The subrecipient was allotted six months from the execution date of the contract to close on the purchase of a property and four months for the subrecipient to renovate the property and open the store to the public. Funding for the operation of the co-op would be available for four months following the co-op's opening to the public. The maximum total timeline for the project was to be fourteen months.

The subrecipient was able to close on the property on September 13, 2018, well within the six month timeframe requirement. The current contract required that rehab be completed within four months of this date, and for the food co-op to open on January 13, 2019. The subrecipient has had difficulty identifying contractors to perform the required renovation work, and the 2018-19 holiday season produced further delays in contractor procurement. The four month timeline has not be met. The subrecipient has asked for more time to complete renovations, and anticipates that the co-op will be open by the end of February if the contract is extended.

Because acquisition of the co-op site took place well ahead of schedule, Community Development recommends that the contract be amended to allow for both renovation and operations costs to be paid through September 16, 2019. In addition, the contract would be amended to require that a mortgage document be signed by the subrecipient and recorded in the Niagara County Clerk's office to further secure the subrecipient's performance of provisions already present in the current contract.

It is requested that Council approve an amendment to the contract to allow renovation and operations expenditures through September 16, 2019, and to require a mortgage on the property at 2616 Highland Avenue to secure the subrecipient's performance.

Will the Council vote to approve the proposal presented herein and to authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: LOCKPORT ROAD RESURFACING PROJECT R.P. 938, OCCHINO CORP.,
CHANGE ORDER #1 & FINAL

Agenda Item #13

A contract for the above referenced project was awarded to Occhino Corp, 2650 Seneca Street, West Seneca, New York on June 20, 2018 in the amount of \$545,104.55

Shortly after the start of the project, issues related to existing poor soil & subbase conditions, faulty and combined drainage piping issues, and NYSDOT Asphalt Adjustment protocols forced the contractor to perform tasks as well as install materials that were not anticipated in the initial scope of the project. The cost of the additional tasks, in addition to actual bid item overruns totals \$102,186.27*, bringing the new contract total to \$647,290.82.

It is important to note that the entire project is 100% reimbursable through the City's annual allotment of NYSDOT's Consolidated Highway Improvement Program (CHIPs) Funding.

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

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

Yeas

5

Nays

0

APPROVED

RESOLUTION: HOME RULE REQUEST, REDUCTION OF SPEED LIMIT IN DOWNTOWN
NIAGARA FALLS, 2019-3
BY: ALL COUNCIL MEMBERS

Agenda Item #14

WHEREAS, §1634 of the New York State Vehicle and Traffic Law concerning speed limits on highways in cities and villages provides that no such speed limit applicable throughout such city or village or within designated areas of such City or Village shall be established at less than 30 miles per hour; and

WHEREAS, the City Council of the City of Niagara Falls believes that a lower speed limit in the downtown Niagara Falls area would make the area more pedestrian and bicycle friendly and would assist visitors to the City of Niagara Falls in finding their way around from one attraction to another; and

WHEREAS, the City of Niagara Falls is respectfully requesting that the State of New York Senate and Assembly introduce companion bills that would authorize and empower the City of Niagara Falls to lower the speed limit to not less than 25 miles per hour in its downtown area; and

WHEREAS, the downtown area is described as follows:

COMMENCING in the City of Niagara Falls, Niagara County, New York;

The TRUE POINT OF BEGINNING is the point of intersection of the westerly right of way of John B. Daly Boulevard and the southerly right of way of Buffalo Avenue;

THENCE, leaving westerly along the southerly right of way of Buffalo Avenue, proceeding until its intersection with the easterly edge of Riverside Drive;

THENCE, leaving southerly and westerly along the Boundary of Riverside Drive until its intersection with the westerly boundary of Holly Place;

THENCE, leaving westerly along the line of land appropriated by and for the People of the State of New York in 1885, now known as Niagara Falls State Park, then following said property boundary westerly and northerly, proceeding until its intersection with the northerly right of way of Niagara Street;

THENCE, leaving easterly along the right of way of Niagara Street, proceeding until its intersection with the westerly right of way of Rainbow Boulevard;

THENCE, leaving northerly along the westerly right of way of Rainbow Boulevard, proceeding until its intersection with the northerly right of way of Main Street;

THENCE, leaving northeasterly along the northerly right of way of Main Street, proceeding until its intersection with the westerly right of way of Whirlpool Street;

THENCE, leaving northerly along the westerly right of way of Whirlpool Street, also abutting along the line of land appropriated by and for the People of the State of New York, proceeding until its intersection with the easterly right of way of Third Street;

THENCE, leaving southerly along the easterly right of way of Third Street, proceeding until its intersection with the northerly right of way of Pine Avenue;

THENCE, leaving easterly along the northerly right of way of Pine Avenue, proceeding until its intersection with the easterly right of way of Main Street;

THENCE, leaving southwesterly along the easterly right of way of Main Street, proceeding until its intersection with the easterly right of way of Fourth Street;

THENCE, leaving southerly along the easterly right of way of Fourth Street, proceeding until its intersection with the northerly right of way of Niagara Street;

THENCE, leaving easterly along the northerly right of way of Niagara Street, proceeding until its intersection with the westerly right of way of John B. Daly Boulevard;

THENCE, leaving southerly along the westerly right of way of John B. Daly Boulevard, proceeding until its intersection with the southerly right of way of Buffalo Avenue, being also the POINT OF BEGINNING.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York does hereby respectfully request that the New York State Senate and Assembly submit companion bills authorizing the City of Niagara Falls, New York to reduce the speed limit to a speed limit not less than 25 miles per hour in the downtown area of Niagara Falls, New York as described herein; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the members of the New York State Senate and Assembly.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: STATE LEGISLATION TO CLARIFY THE MEANING OF THE PHRASE "HOTEL AND MOTEL ROOMS" IN SECTION 1202-1 OF THE TAX LAW PERTAINING TO HOTEL AND MOTEL ROOMS IN NIAGARA FALLS, 2019-4
BY: ALL COUNCIL MEMBERS

Agenda Item #15

WHEREAS, the City Council of the City of Niagara Falls believes in Home Rule; and

WHEREAS, the City Council of the City of Niagara Falls desires that §1202-1 of the Tax Law pertaining to hotel and motel rooms in Niagara Falls be amended to clarify the meaning of the phrase "hotel and motel rooms" to be more consistent with the definition of that phrase as it pertains to other communities mentioned in the Tax Law to recite that the term "hotel" or "motel rooms" shall mean and include "any facility providing lodging on an overnight basis and shall include those facilities designated and commonly known as "Bed and Breakfast", Inns, Tourist Homes and Short Term Rental units.

NOW, THEREFORE, BE IT RESOLVED that the City of Niagara Falls hereby requests that the State of New York Senate and Assembly draft companion bills for the purpose of amending §1201-1 of the Tax Law pertaining to hotel and motel rooms in Niagara Falls to include the following language in §1201-1(1) of the Tax Law: "For purposes of this section, the term "hotel" or "motel" shall mean and include any facility providing lodging on an overnight basis and shall include those facilities designated and commonly known as "Bed and Breakfast", Inns, Tourist Homes and Short Term Rental units; and

BE IT FURTHER RESOLVED that the drafting of this legislation on the State level would provide the City of Niagara Falls the option of passing a Home Rule message in support of such legislation; and

BE IT FURTHER RESOLVED that subsequent to the State's adoption, the City of Niagara Falls would have an opportunity to present a Local Law in order to accomplish this clarification in its Local Law regarding bed tax; and

BE IT FURTHER RESOLVED that the City of Niagara Falls City Council respectfully requests the New York State Senate and Assembly to submit companion bills that would pave the way for City's Local Law and Public Hearing and that copies of this Resolution be sent immediately to the City of Niagara Falls' State Representatives.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: INCREASE BED TAX AND DESIGNATE THE INCREASE FOR THE DISCOVER NIAGARA SHUTTLE OR OTHER TRANSPORTATION ENTITIES THAT SUPPORT TOURISM WITHIN THE CITY, STATE LEGISLATION, 2019-5
BY: ALL COUNCIL MEMBERS

Agenda Item #16

WHEREAS, the City Council of the City of Niagara Falls believes in Home Rule and should be able to determine the most preferable way to pay for services to promote tourism in the City of Niagara Falls; and

WHEREAS, the City Council of the City of Niagara Falls sees an advantage to an additional 1% increase in the current Bed tax to aid and promote tourism in the City of Niagara Falls and Niagara County in general; and

WHEREAS, the City of Niagara Falls has an opportunity to assist the Niagara Falls National Heritage area in its operation of the Discover Niagara Shuttle or other entities for transportation or economic development purposes pursuant to New York State Tax Law Article 29 §1201-d(a) authority to impose tax; and

WHEREAS, the Discover Niagara Shuttle service presently serves the City of Niagara Falls and along the Niagara River corridor to the Village of Youngstown; and

WHEREAS, the City of Niagara Falls anticipates several benefits to an additional 1% increase of the current bed tax, which would include:

1. Promote tourism by ease of transportation to and from all the tourist sites in the City of Niagara Falls, Town of Lewiston, Village of Youngstown and in the future various additional tourist sites in Niagara County;
2. Relieve congestion of tourism traffic on the roads, parking, and provide a scenic commute throughout the existing City of Niagara Falls and Niagara County tourist locations; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls requests that the State of New York Senate and Assembly draft companion bills for the purpose of increasing the existing Bed tax by 1% designated specifically to the Discover Niagara Shuttle; and

BE IT FURTHER RESOLVED that the drafting of this legislation on the State level would provide the City of Niagara Falls the option of passing the Home Rule message in support of such legislation; and

BE IT FURTHER RESOLVED that subsequent to the State's adoption, the City of Niagara Falls would have an opportunity to present a Local Law which would call for action to allow City of Niagara Falls residents and visitors easy and comfortable transportation between the City of Niagara Falls and various other Niagara County attractions; and

BE IT FURTHER RESOLVED that the City of Niagara Falls City Council respectfully requests the New York State Senate and Assembly to submit companion bills that would pave the way for City's Local Law and Public Hearing and that copies of this Resolution be sent immediately to the City of Niagara Falls' State Representatives.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: SPACONE, ROBERT, HONORING, 2019-6

BY: ALL COUNCIL MEMBERS

Agenda Item #17

WHEREAS, It is important to recognize those individuals in our community and in our City workforce as they encounter a significant life milestone and enter the world of "retirement"; and

WHEREAS, Deputy Director Robert Spacone concluded his 33 year employ with the City of Niagara Falls on December 28, 2018; and

WHEREAS, Deputy Director Robert Spacone has diligently served the City of Niagara Falls, commencing on January 27, 1986 first as a Journeyman Painter for 9 years, then as the Skilled Trades Crew Leader for 20 years, to then find his final position of Deputy Director for the last four years, a post at which he has remained until retirement; and

WHEREAS, Deputy Director Robert Spacone graduated from Bishop Duffy High School in 1971 and then proceeded on to graduate from Niagara County Community College in 1973. He also was a member of the armed forces Air Force Division. He enjoys golfing, relaxing and dining at Michael's and Fortuna's. He is distinguished as a devoted City of Niagara Falls employee; as a hard worker devoted to his job serving the residents of the City of Niagara Falls, always willing to display patience and empathy towards residents. He is known to be a loyal and humorous co-worker; and a conscientious civil servant to the residents of the City of Niagara Falls.

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby recognize Deputy Director Robert Spacone of the Niagara Falls Department of Public Works for his loyal and exemplary service to the City of Niagara Falls, and we wish Robert and his family all the very best with peace and joy as he celebrates his retirement and continues to embark upon his new journey.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: ALBOND, HARVEY N., HONORING THE LIFE, 2019-7

BY: ALL COUNCIL MEMBERS

Agenda Item #18

WHEREAS, Harvey Albond, a Veteran of both WWII and Korean War earned a Medal of Merit; and

WHEREAS, Highly educated with a BA in Social Studies with concentration on Political Science, Business and Economics. Graduate studies in Economics and Industrial Relations plus Law; and

WHEREAS, Adjunct Professor at Buffalo State and Niagara University. Also lectured at Sydney University; and

WHEREAS, Harvey worked in Government in Minnesota, Iowa, Hawaii, Illinois, as well as Australia before coming to Niagara Falls; and

WHEREAS, Harvey was brought to Niagara Falls to be Director of Planning and Development. A position he held from 1967 - 1978. He then became City Manager from 1978 - 1980; and

WHEREAS, Harvey continued to work as a consultant to the City from 1980 - 1985; and

WHEREAS, Mr. Albond was again called upon to be City Manager in 1985 - 1986; and

WHEREAS, With his passion of Government and willingness to serve, Harvey also served as Assistant Director of Planning for Niagara County for 5 years and then as Executive Director of the Love Canal Revitalization Agency; and

WHEREAS, Harvey was elected to the Board of Education in 1981. He spent from 1991- 2015 as a consultant for many towns and village boards throughout Niagara County; and

WHEREAS, Harvey was a father to Roxanne Albond - Buchner and her husband Daniel Buchner. Grandpa to granddaughter Teresa Buchner.

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby honor Harvey Almond for his lifelong commitment to Government and 50 plus years serving the City of Niagara Falls and surrounding communities.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: GOVERNMENT EFFICIENCY PANEL, CREATION
BY: COUNCIL MEMBER CHRISTOPHER VOCCIO

Agenda Item #19

WHEREAS, the City of Niagara Falls spends more each year than non-casino revenues are able to cover, by roughly \$10 million dollars; and

WHEREAS, city taxpayers would benefit from a restructuring of government such that non-casino revenues could sustain government services so that casino revenues could be used for infrastructure and economic development, as originally intended; and

WHEREAS, the nature of government can make it difficult to identify opportunities for improved efficiency, and even if efficiencies are identified it can be difficult to make such efficiencies known due to the political nature of all government bodies; and

WHEREAS, there are individuals who have experience identifying efficiencies in various industries in Niagara Falls and nearby communities, many of whom would volunteer their time and talents to help the city.

NOW, THEREFORE, BE IT RESOLVED, the City Council shall establish a Government Efficiency Panel charged with identifying expense reduction opportunities and efficiencies in operations. This panel shall last through the end of 2019 though may be extended by the Council. There shall be 6 to 10 members of this panel, with the Council appointing three members, one of whom shall be the Council-appointed chair of the panel who, working with the other two Council appointees shall recruit the remainder of the panel which shall be constructed as follows:

- A minimum of 6 members must be from non-government sectors of the economy.
- A minimum of 2 members must be non-residents of the City of Niagara Falls.
- A minimum of 2 members must be from small businesses, defined here as having less than 50 employees (may also include the CPA designee mentioned below.)
- A minimum of 1 member must be a Certified Public Accountant.

Timeline:

- Council shall appoint three members no later than February 20, 2019
- Three appointed members shall recruit other members no later than March 15, 2019
- Panel shall immediately have full access to city government information
- Panel shall present initial findings and recommendations to Council no later than the last Council meeting in July. Further findings and discoveries may be presented to Council throughout the remainder of 2019.

Yeas 2
Tompkins, Voccio
Nays 3
Kennedy, Scott, Chairman Touma

DEFEATED

RESOLUTION: ZONING BOARD OF APPEALS, APPOINTMENT, 2019-8
BY: ALL COUNCIL MEMBERS

Agenda Item #20

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Zoning Board of Appeals, effective immediately, for the term expiring on the date which appears opposite there name:

APPOINTMENT:	TERM EXPIRES:
Lori Jo Pellow	12/31/2022
1867 South Avenue	
Niagara Falls, NY 14305	

Yeas 5
Nays 0

ADOPTED

RESOLUTION: PLANNING BOARD, RE-APPOINTMENT, 2019-9
BY: ALL COUNCIL MEMBERS

Agenda Item #21

NOW, THEREFORE, BE IT RESOLVED, that the following individual is hereby re-appointed to the City of Niagara Falls Planning Board effective immediately for the term expiring opposite her name shown below:

RE-APPOINTMENT:	TERM:
Joyce M. Williams	12/31/2021
1314 Calumet Avenue	
Niagara Falls, NY 14305	

Yeas 5
Nays 0

ADOPTED

RESOLUTION: TOURISM ADVISORY BD, RE-APPOINTMENTS/APPOINTMENTS, 2019-10
BY: ALL COUNCIL MEMBERS

Agenda Item #22

BE IT RESOLVED, that the following individuals are hereby re-appointed or appointed to the City of Niagara Falls Tourism Advisory Board effective immediately, for a term expiring on the date that appears opposite their names:

RE-APPOINTMENT	TERMS EXPIRE:
Pat Proctor	12/31/2019
Andrea Czopp	12/31/2019
Meghan Ayers	12/31/2019
Adrienne Bedgood	12/31/2019
Angela Berti	12/31/2019
Howie Ewing, Jr.	12/31/2019
Jeffery Flach	12/31/2019
Ernest Lucantonio	12/31/2019
Roscoe Naguit	12/31/2019
Daniel Tighe	12/31/2019
Lisa Vitello	12/31/2019
Susan Swiatkowski	12/31/2019

APPOINTMENT	TERMS EXPIRE:
Gaelean Baille	12/31/2019
Michael Marsch	12/31/2019
Sara Capen	12/31/2019

Yeas 5
Nays 0
ADOPTED

RESOLUTION: YOUTH BOARD, APPOINTMENTS, 2019-11
BY: ALL COUNCIL MEMBERS

Agenda Item #23

BE IT RESOLVED, that the following individuals are hereby appointed to the City of Niagara Falls Youth Board, effective immediately, for the term expiring on the date which appears opposite their names:

APPOINTMENTS:	TERMS EXPIRES:
Denise Weber	12/31/2019
544 30 th Street	
Niagara Falls, NY 14301	
Tina Deakyne	12/31/2019
452 Memorial Pkwy.	
Niagara Falls, NY 14305	
Mary Jo Robbins	12/31/2019
1303 Roselle Ave	
Niagara Falls, NY 14305	

Yeas 5
Nays 0
ADOPTED

RESOLUTION: ASSESSMENT REVIEW BOARD, REAPPOINTMENT, 2019-12
BY: ALL COUNCIL MEMBERS

Agenda Item #24

BE IT RESOLVED, that the following individual is hereby reappointed to the City of Niagara Falls Assessment Review Board, effective immediately, for the term expiring on the date which appears opposite his name:

REAPPOINTMENT:
Mr. Bert Donahue
8189 West Rivershore Drive
Niagara Falls, New York 14304

TERM EXPIRES:
9/30/22

Yeas 5
Nays 0
ADOPTED

RESOLUTION: HISTORIC PRESERVATION COMMISSION, APPOINTMENT, 2019-13
BY: ALL COUNCIL MEMBERS

Agenda Item #25

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Historic Preservation Commission effective immediately, for a term expiring on the date that appears opposite her name:

APPOINTMENT	TERM EXPIRE:
Ms. Georgia Robinson-Bradberry	12/31/2021

Yeas 5
Nays 0
ADOPTED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE MAYOR

CODE ENFORCEMENT DEPARTMENT: EMERGENCY DEMOLITION FUNDING TRANSFER

Agenda Item #26

The Niagara Falls Code Enforcement Department requests a \$250,000 transfer from the tribal revenue reserve fund to the emergency demolition capital account.

This transfer has been discussed with members of the City Council in recent months. The transfer will allow the department to properly respond to emergency demolitions and the securing of vacant properties.

Does the City Council approve of this budget transfer?

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

Yeas 5
Nays 0
APPROVED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 8:40 P.M.

Lisa A. Vitello
City Clerk



FEBRUARY 6, 2019
REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The Legislative session of the February 6, 2019 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Christopher Voccio, Chairman Andrew Touma

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello.

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

Council Member Tompkins moved to approve the Minutes from the Council Meeting of January 23, 2019

Yeas	5
Nays	0

APPROVED

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

Jim Briggs	Golf Course
Ron Anderluh	New State Legislation
John Spanbauer	Golf Course
Ruth Knepp	Various
Ruth Cooper	Various
Rick Horn	Golf Course

Presentations: NONE

Administrative Update:

Nick Melson, City Administrator, gave an update on the ice storm, forestry, garbage collection and concerns raised by Council Members regarding garbage collection schedules and the Modern Disposal Contract. A discussion by all Council Members, the administration and the Law Department took place regarding the operation of the Hyde Park Golf Course.

Controllers Report:

Dan Morello, City Controller, gave a detailed analysis regarding the financial stability of the Hyde Park Golf Course.

Seth Piccirillo, Director of Community Development/Code Enforcement, gave an update on 424 Memorial Parkway.

The Corporation Counsel presented 1 item to be added to the agenda, Resolution Relative to Home Rule Request, 1% increase in the Occupancy Tax for the Purpose of Future Funding of the Discover Niagara Shuttle.

Council Member Kenny Tompkins made a motion to add resolution #16 to the agenda.

Yeas	5
Nays	0
APPROVED	

The item was added as Agenda Item #9

Council Member Kenny Tompkins motioned to remove a tabled item, approval of Niagara Golf Partners a Preferred Developer for the Lease of Hyde Park Golf Course, second by Council Member William Kennedy.

Yeas	5
Nays	0
APPROVED	

The item was removed from the table and added as Agenda Item #10.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S CLAIM REPORT FOR THE MONTH OF JANUARY 2019

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: 535 MEMORIAL PKWY., RENOVATION, CHDO PROGRAM

Agenda Item #2

HUD regulation requires that at least 10% of the City's HOME grant be spent for CDHO activities. CCNDC qualifies as a Community Housing Development Organization. These funds are available to CCNDC for rehabilitation of properties owned by CCNDC.

CCNDC has proposed renovation of 535 Memorial Parkway, which is a three-unit building, under the CHDO program. The City will enter into an agreement with CCNDC which will require, in part, that the renovated property is available to low income tenants for 15 years, and that rents are limited under HUD rent limitations.

CCNDC will use \$36,363 of 2018 CHDO funds, for the 535 Memorial Parkway rehabilitation. While the funds have been appropriated for this purpose in Community Development's 2018 Annual Action Plan, each specific CHDO contract requires City Council approval.

Will the Council vote to approve the 535 Memorial Parkway CHDO agreement with Center City Neighborhood Development Corporation as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas	5
Nays	0
APPROVED	

CONTRACT: OFFICE OF THE AGING, SENIOR NUTRITION SITE

Agenda Item #3

For the last several years the City has provided space at the John Duke Center and the LaSalle Senior Center so that OFA may operate a nutrition program for seniors. This program is attended by numerous senior citizens at both locations every day. This program is funded by the New York State Office for the Aging. The term of this agreement will be for one (1) year, i.e., January 1, 2019 to December 31, 2019 and may be terminated by either party on sixty (60) days written notice to the other.

Attached (on file in the City Clerk's Office) are copies of the proposed agreements between the City and the OFA. Will the Council so approve and authorize the Mayor to execute the attached agreements?

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: GARDEN AVENUE PARK IMPROVEMENT PROJECT, EQUIPMENT, GAMETIME

Agenda Item #4

The Niagara Falls Community Development Department (NFCD) has undertaken an aggressive plan of park improvements throughout the City of Niagara Falls, using non-local taxpayer dollars. The City of Niagara Falls was awarded a \$75,000 New York State and Municipal Facilities Program (SAM) grant for the creation of a pocket park in the city's north end. In 2018, NFCD organized a public planning meeting for improvements at Garden Avenue Park (1031 Garden Avenue). The current part is in disrepair and rarely used. Improvements funded by the SAM grant will add value to the neighborhood, and the park plan was created with resident input.

It is NFCD's recommendation that the purchase of Garden Avenue Park's new should be purchased via the New York State Office of General Services Playground Equipment, and Related Products Statewide Contract. GAMETIME Playground Equipment is a qualified vendor as part of the statewide contract (NYS CONTRACT PC 66669). Equipment includes playground units, seating and trash receptacles. Equipment would be installed by city workers. The equipment purchase amount is \$75,000.

Will the Council vote to approve this purchase from GAMETIME and authorize the Mayor to execute any documents necessary to effectuate the same?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: NTCC, SHARED SERVICES

Agenda Item #5

The City has been requested to renew NTCC Shared Services Agreement (on file in the City Clerk's Office) with NTCC to fill a tourism position at NTCC. The position is a staff position at NTCC. NTCC will be responsible to pay the salary and provide all benefits of employment. The City will contribute the amount of \$40,000.00 per year toward the cost of the salary and benefits of employment. This position will be dedicated to promoting tourism in the City of Niagara Falls. This arrangement was in effect during the year March 1, 2018 through February 28, 2019 and was generally considered to be a successful collaboration. Funds are available in the tourism budget.

It is recommended that this Shared Services Agreement be continued for a two (2) year period of time provided funding is made available. Will the Council so approve and authorize the Mayor to execute a Shared Services Agreement in form and substance 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

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS: APPOINTMENTS

Agenda Item #6

The following have requested City Council approval for Commissioner of Deeds for a term from February 6, 2019 to February 6, 2021.

This is in accordance with provision of the Niagara Falls City Charter, Article II, Section 7, Subdivision 5.

Samuel F. Archie	2133 North Ave., Niagara Falls, NY	14305
Kelly Baratta	2613 Welch Ave., Niagara Falls, NY	14303
Timothy E. Huether	629 Ashland Ave., Niagara Falls, NY	14301
Lori Jo Pellow	1867 South Ave., Niagara Falls, NY	14305
Daniel L. Tompkins	450 College Ave., Niagara Falls, NY	14305

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

Yeas

5

Nays

0

APPROVED

RESOLUTION: YOUTH BOARD, REAPPOINTMENT, 2019-14

BY: COUNCIL MEMBER EZRA SCOTT, JR.

Agenda Item #7

BE IT RESOLVED, that the following individual is hereby reappointed to the City of Niagara Falls Youth Board, effective immediately, for the term expiring on the date which appears opposite their name:

REAPPOINTMENTS:

TERMS EXPIRES:

Helen Kress
2965 Weston Ave
Niagara Falls, NY 14305

12/31/2019

Yeas

5

Nays

0

ADOPTED

RESOLUTION: CITY COUNCIL AGENDA, FEBRUARY 6, 2019, EXTENDING FILING DATE/TIME, 2019-15

BY: COUNCIL MEMBER KENNY TOMPKINS, CHAIRMAN ANDREW TOUMA

Agenda Item #8

WHEREAS, Section 3.2(B) of the City Charter states that "all proposed legislation and resolutions pertaining to the agenda shall be pre-filed for the Council with the City Clerk no later than 11:00 a.m. on the Thursday preceding the regularly scheduled Council Meeting;" and

WHEREAS, due to adverse weather conditions, Niagara Falls City Hall was closed for business on Wednesday, January 30, 2019 and Thursday, January 31, 2019, thereby preventing numerous City Council agenda items from being pre-filed; and

WHEREAS, this City Council wishes to transact as much business as possible during its meeting on February 6, 2019.

NOW, THEREFORE, BE IT RESOLVED, that the agenda deadline for the regularly scheduled February 6, 2019 City Council meeting is hereby extended from 11:00 a.m. on Thursday, January 31, 2019 to 11:00 a.m. on Monday, February 4, 2019.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: HOME RULE, INCREASE IN OCCUPANCY TAX, 2019-16
BY: ALL COUNCIL MEMBERS

Agenda Item #9

WHEREAS, Section 1202-1 of the New York State Tax Law allows the City of Niagara Falls to adopt and amend local laws imposing a per diem tax on persons occupying hotel and motel rooms in the City; and

WHEREAS, that rate of tax is presently established at five (5%) per centum per day of the rent or charge for each room; and

WHEREAS, it is requested that this rate of tax be increased from five (5%) per centum per day to six (6%) per centum per day with the additional one (1%) per centum of revenue dedicated to the operation of the Discover Niagara Shuttle; and

WHEREAS, Senator Robert Ortt introduced Senate Bill No. S.2826, attached hereto (on file in the City Clerk's Office), and Assemblyman Angelo Morinello introduced Assembly Bill No. A.3271, attached hereto (on file in the City Clerk's Office), which will authorize and empower the City of Niagara Falls to increase the rate of tax from five (5%) per centum per day to six (6%) per centum per day; and

WHEREAS, in order for the Legislative process to continue, this City Council is requested to adopt a home rule request.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York does hereby recognize, acknowledge and support the enactment by the New York State Legislature of Senate Bill No. S.2826 and Assembly Bill No. A.3271 which will allow the City of Niagara Falls to impose an additional one (1%) per centum occupancy tax in the City of Niagara Falls to benefit the Discover Niagara Shuttle; and

BE IT FURTHER RESOLVED that the Clerk of this City Council is directed to complete and certify the home rule requests and forward copies to the New York State Legislature as required.

Yeas

5

Nays

0

ADOPTED

CONTRACT: HYDE PARK GOLF COURSE, LEASE, NIAGARA GOLF PARTNERS

Agenda Item #10

In the interest of continuing the ongoing improvements to the amenities at the Hyde Park Golf Course ("the course") and also being mindful of the City's costs to operate the course, the Purchasing Division issued an RFP to potentially bring in an operator to take over the operation of the golf course, the restaurant and the shop located on the premises.

After publishing and posting the RFP, the City received two (2) responses and both prospective vendors were interviewed by the scoring committee. After further discussions with both prospective vendors, the proposal from Niagara Golf Partners ("NGP") emerged as the strongest proposal.

The terms of NGP's proposal are as follows: NGP will assume full operational control at the course by performing all tasks necessary to operate the course, restaurant and shop; collecting all revenues and paying all expenses with the exception of the utility contributions set forth herein. The term of the agreement shall be five (5) years, with the option of a mutual five (5) year extension following the end of the initial term.

As discussed above, the City will make contributions towards the utility costs as follows:

Years 1 and 2	\$60,000.00 per year
Years 3 and 4	\$40,000.00 per year
Year 5	\$20,000.00

If the five (5) year extension is agreeable to both parties, the City will make a final contribution to the utility costs in Year 6 of \$20,000.00. Commencing in Year 7 and continuing through Year 10, NGP will pay the City a license fee of \$50,000.00 per year.

Additionally, NGP has expressed an interest in renting certain City-owned equipment as part of its operations, and also in leasing some additional storage space from the City. These items will be included as part of the lease agreement once NGP determines which pieces of equipment they will rent and how much space they will require. The payments for these items will further offset the City's utility contributions for Years 1 through 6 and become additional revenue in Years 7 through 10 if the extension is approved.

Based upon the recommendation of the scoring committee, it is the recommendation of the administration that the City name NGP as preferred developer for the leasing of the course and that the City enter into a five (5) year lease (with the aforementioned mutual five (5) year option) on the terms and conditions stated herein.

Will the Council so approve and authorize the Mayor to execute a lease agreement, and any other documents necessary to complete this lease, in a form acceptable to the Corporation Counsel?

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

Yeas	3
Kennedy, Voccio, Chairman Touma	
Nays	2
Scott, Tompkins	

APPROVED

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 8:10 P.M.

Lisa A. Vitello
City Clerk



FEBRUARY 20, 2019
REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The Legislative session of the February 20, 2019 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Christopher Voccio, Chairman Andrew Touma

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello.

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

Council Member Tompkins moved to approve the Minutes from the Council Meeting of February 6, 2019.

Yeas	5
Nays	0
APPROVED	

Mayor Paul A. Dyster read a Proclamation honoring Frederick L. Brown and naming February 23, 2019 National Frederick L. Brown Day.

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

Ruth Knepp	Condition of the City
Ron Anderluh	Tourist season; taxes; parking revenue
Dorothy West	Thanks for being able to speak at Council meetings; Honoring Williamson Funeral Home
Gloria Dolson	Race problems
Joyce Sanders	Potholes; procedures for Claims

Agenda Item #7 honoring Williamson Funeral Home was amended to be moved and read at the beginning of the Council Meeting.

Council Member Tompkins moved to amend and approve the Item	
Yeas	5
Nays	0
APPROVED	

Council Member Ezra Scott, Jr. read the Proclamation

Bryan Deal, Cayuga Youth Athletics, spoke on the condition of 91st and 92nd Sts. Playgrounds. There were a lot of issues with the condition of these Parks. Some of the repair work can be done in house. Grants will also be looked into.

Seth Piccirillo, Director of Community Development/Code Enforcement, spoke on Homeownership Auction.

A discussion on adding additional Parking Meters downtown took place with the Council and Administration.

Daniel Morello, City Controller, gave an update of the 2018 Bed Tax.

Nick Melson, City Administrator, introduced Police Chief Thomas Licata to the Council and members of the audience.

There was a discussion on Agenda Item #3, funding for OSC-21, operated by the School District and the item was then Pulled.

Corporation Counsel, Craig Johnson, introduced an item to be added to the Agenda in regards to adding additional names for Commissioner of Deeds.

Council Member Tompkins moved that the communication be approved

Yeas

5

Nays

0

APPROVED

Item was added as Agenda Item #11

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF JANUARY 2019

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: FIRE TRAINING TOWER, ACQUISITION OF MATERIALS/EQUIPMENT, L.N. CURTIS & SON

Agenda Item #2

Please recall that the City has received a grant from the Dormitory Authority in the amount of \$500,000.00 in order to construct a new fire training tower. At this point the Fire Chief is recommending that the City utilize the services of L.N. Curtis & Sons in order to purchase materials/equipment necessary to construct this fire training tower. The attached list (on file in the City Clerk's Office) of materials/equipment necessary totals \$197,398.81. L.N. Curtis & Sons has a United States Government Services Administration contract for this purpose.

Will the Council so approve and authorize the Mayor to execute any agreements necessary in order to move this construction project forward provided the same are in form and content acceptable to the Corporation Counsel?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: OSC-21, SCHOOL DISTRICT, FUNDING

Agenda Item #3

THIS ITEM WAS PULLED

NO ACTION TAKEN

CONTRACT: TROLLEY SERVICE, NFTA, FUNDING

Agenda Item #4

It is desirable to continue again this year Trolley Service in the City in cooperation with the Niagara Frontier Transportation Authority ("NFTA"). It is recommended that Trolley Service commence on May 17, 2019 and conclude October 27, 2019. During the month of May, 2019, from May 17, 2019 through May 26, 2019, the Trolley Service will operate on weekends only (Friday, Saturday and Sunday). Trolley Service from May 27, 2019 through September 29, 2019 will be on a daily basis. From October 4, 2019 through October 27, 2019, Trolley Service will be on weekends only (Friday, Saturday, Sunday). From November 1, 2019 through December 31, 2019, NFTA validated passes may be utilized for all metro routes. The cost to the City for this service will be \$594,740.00. Funding is available from Tourism Fund balance.

Will the Council so approve and authorize the Mayor to execute an agreement with the NFTA 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	

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED FROM THE CITY CLERK

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #5

The following have requested City Council approval for Commissioner of Deeds for a term from February 20, 2019 to February 20, 2021.

This is in accordance with provision of the Niagara Falls City Charter, Article II, Section 7, Subdivision 5.

Candace J. Corsaro	1826 North Ave., Niagara Falls, NY	14305
Eric R. Kenyon	2925 Lewiston Rd, Niagara Falls, NY	14305

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

Yeas	5
Nays	0
APPROVED	

COMMISSIONER OF DEEDS, APPOINTMENTS/RE-APPOINTMENTS

Agenda Item #6

The following have requested City Council approval for Commissioner of Deeds for a term from April 1, 2019 to March 31, 2021.

This is in accordance with provision of the Niagara Falls City Charter, Article II, Section 7, Subdivision 5.

. James C. Bragg	Planning Dept	
Thomas G. Ewing	NFPD	
Jennifer L. Myers	DPW	
Nicholas A. Paonessa	NFPD	
David Tothill	Billing & Collection	
Lisa A. Vitello	City Clerk's Office	
Nadine A. Wasson	City Clerk's Office	
Trina Astor-Stewart	2262 Willow Ave., NF, NY	14305
Tabitha Bernard	1331 Garden Ave., NF, NY	14305
Rebecca A. Dyster	626 Orchard Pkwy., NF, NY	14301
Evonne Holstrom	455 10 th St., NF, NY	14303
Ragini Jain	6700 Lindbergh Ave., NF, NY	14304
David E. James	4660 Perry Ct., Lewiston, NY	14092
James M. Joyce	2744 Thornwoods Dr., NF, NY	14304
Michelle D. Kelly	6921 Nash Rd., NT, NY	14120
Gail M. Merino	9365 Rivershore Dr., NF, NY	14304
Rozanne M. Muto	642 19 th Street, NF, NY	14301

Allison Moore	2653 Porter Rd., NF, NY 14305
Teresa Naccarato	562 78 th Str., NF, NY 14304
Diana M. Restaino	826 College Ave., NF, NY 14305
Margaret Anne Smith	410 74 th St., NF, NY 14304
Randal Ubriaco	837 15 th St., NF, NY 14301
Dennis Virtuoso	2703 Independence Ave., NF, NY 14301
Jennifer L. Weigel	454 27 th St., Lower, NF, NY 14303

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

Yeas	5
Nays	0

APPROVED

RESOLUTION: RELATIVE TO HONORING WILLIAMSON FUNERAL HOME, 2019-17
 BY: COUNCIL MEMBERS SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #7

WHEREAS, Theodore Williamson worked at the old Union Carbide plant and he opened a business cleaning the bathrooms along Old Falls Street. It took him 15 years to save up enough money to open Williamson Funeral Home; and

WHEREAS, Theodore Williamson opened the funeral home in 1960 on 10th Street near the former Nabisco plant with Michael Williamson's grandfather, Joseph Williamson Sr. ; and

WHEREAS, The treatment of African-Americans in an era when some funeral homes wouldn't take them as customers, was what drove Theodore Williamson to open his own funeral home; and

WHEREAS, Theodore Williamson was born December 03, 1923 until his death on June 24, 2010; and

WHEREAS, Michael Williamson is the third generation to run Williamson Funeral Home in Niagara Falls, NY where his father, Theodore, moved to Niagara Falls at age 4 from South Carolina; and

WHEREAS, Michael Williamson came home to Niagara Falls to continue the funeral home business started by his father and grandfather more than half a century ago; and

WHEREAS, Michael Williamson has been involved with the family business since the age of 12. Now 60 years old, he and three employees continue his father's legacy; and

WHEREAS, Michael Williamson joined his father in 1980. In 1977 the business was moved to Main Street. Michael then took over in 1992 and worked side-by-side with his father; and

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby honor Williamson Funeral Home for serving the residents of Niagara Falls and surrounding areas.

Yeas	5
Nays	0

ADOPTED

RESOLUTION: RELATIVE TO RE-APPOINTMENT TO THE YOUTH BOARD, 2019-18
BY: ALL COUNCIL MEMBERS

Agenda Item #8

BE IT RESOLVED, that the following individual is hereby re-appointed to the City of Niagara Falls Youth Board, effective immediately, for the term expiring on the date which appears opposite their name:

REAPPOINTMENTS:	TERMS EXPIRES:
Lauren Falsetti	12/31/2019
2737 Independence Ave	
Niagara Falls, NY 14301	

Yeas	5
Nays	0
ADOPTED	

RESOLUTION: RELATIVE TO THE RE-APPOINTMENTS TO THE HISTORIC PRESERVATION COMMISSION, 2019-19
BY: COUNCIL MEMBERS TOMPKINS, SCOTT, CHAIRMAN TOUMA

Agenda Item #9

BE IT RESOLVED, that the following individuals are hereby re-appointed to the City of Niagara Falls Historic Preservation Commission, effective immediately, for the term expiring on the date which appears opposite their names:

RE-APPOINTMENT:	TERM EXPIRES:
Anne Smith	Term Expires 12/31/2021
Matthew Green	Term Expires 12/31/2021
William (Jamie) Robideau	Term Expires 12/31/2021
Dean Melson	Term Expires 12/31/2021

Yeas	5
Nays	0
ADOPTED	

RESOLUTION: RELATIVE TO AMENDING THE REAL PROPERTY TAX LEVY, COLLECT UNPAID VIOLATIONS, CITY'S ANNUAL TAX LEVY, 2019-20
BY: ALL COUNCIL MEMBERS

Agenda Item #10

WHEREAS, the City Council of the City of Niagara Falls believes in Home Rule and should be able to determine the most efficient way to collect unpaid housing, building and fire code violation penalties, costs and fines; and

WHEREAS, this City Council believes that it is in the best interest of the City to hold property owners, other than property owners occupying their own properties, accountable for unpaid housing, building and fire code violation penalties, costs and fines; and

WHEREAS, this City Council would like to have the ability, through an amendment to the Real Property Tax Law, to place those unpaid housing, building and fire code violation penalties, costs and fines on the City's annual tax levy.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls requests that the State of New York Senate and Assembly draft companion bills amending the Real Property Tax Law for the purpose of authorizing the City of Niagara Falls to collect any unpaid housing, building and fire code violation penalties, costs and fines by allowing the City Controller to place those unpaid housing, building and fire code violation penalties, costs and fines on the City's annual tax levy.

Yeas	5
Nays	0
ADOPTED	

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS: APPOINTMENTS

Agenda Item #11

The following have requested City Council approval for
Commissioner of Deeds for a term from February 20, 2019 to February 20,
2021.

This is in accordance with provision of the Niagara Falls City
Charter, Article II, Section 7, Subdivision 5.

Shawn Bosi	NFPD
Lakea Perry	1318 LaSalle Ave., NF, NY 14301
Ezra P. Scott, Jr.	2703 Linwood Ave., NF, NY 14305
Ezra Scott, Sr.	2703 Linwood Ave., NF, NY 14305
Megan Stansbury	1942 Cudaback Ave., NF, NY 14303
Jarrett Steffen	328 Cedar Ave., NF, NY 14301

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

Yeas

5

Nays

0

APPROVED

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

Lisa A. Vitello
City Clerk



MARCH 6, 2019
REGULAR COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

The Legislative session of the March 6, 2019 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Christopher Voccio, Chairman Andrew Touma

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello.

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

Council Member Tompkins moved to approve the Minutes from the Council Meeting of February 20, 2019.

Yeas	5
Nays	0
APPROVED	

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

Terri Kline	Agenda Item #1
Ron Anderluh	Niagara Street
Ruth Knepp	Various
Dorothy West	Various

Presentations:

Tim Brennan, Director of the SPCA gave a presentation on the importance of Item 14: The Health and Well- Being of Dogs

Administrative Update:

Nick Melson, City Administrator, gave an update on equipment purchases and budgeted items, overtime, snow removal, storm clean-up and street maintenance.

All Council members discussed item #5, replacement of the traction elevator.

Council voted to amend the item regarding funding sources.

Yeas	5
Nays	0
APPROVED	

Item #5 was amended.

Craig Johnson, Corporation Counsel. presented an item to be added to the agenda.

Approval of Commissioner of Deeds

Yeas	5
Nays	0
APPROVED	

The item was added as Agenda Item #15

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: 91ST STREET PARK (LASALLE PARK), SITE SURVEY/LAYOUT TASKS, FUNDING, FISHER ASSOCIATES

Agenda Item #1

Utilizing the New York State Department of Transportation's selection process for related tasks, the City's Engineering Department has selected the firm of Fisher Associates to perform the above-referenced task(s).

It is the recommendation of the undersigned that the site survey and layout tasks of the park improvement project be awarded to Fisher Associates at its proposal price of \$6,200.00. Funding is available from existing departmental budget lines established for these purposes.

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

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

Yeas

5

Nays

0

APPROVED

COMMUNITY DEVELOPMENT: CITIES FOR RESPONSIBLE INVESTMENT AND STRATEGIC ENFORCEMENT, PHASE II, GRANT

Agenda Item #2

The Niagara Falls Community Development Department (NFCD) was awarded an \$80,000 Cities for Responsible Investment and Strategic Enforcement (Cities Rise) Phase II Grant in 2018. The Phase II Grant, as recently presented to the City Council, is in support of a larger \$1 million innovation grant application that will be submitted to the funder later in 2019. NFCD plans to submit that grant application for the creation and implantation of a 311 system.

This current \$80,000 grant will fund administrative and public participation costs in support of the innovation grant application, per program guidelines.

Will the Council vote to accept this grant and allow 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

COMMUNITY DEVELOPMENT: DRAFT U.S. DEPARTMENT OF HOUSING/URBAN DEVELOPMENT, 2019 CONSOLIDATED ANNUAL ACTION PLAN

Agenda Item #3

The City of Niagara Falls Department of Community Development requests Niagara Falls City Council approval of the draft Fiscal Year 2019 Community Development Consolidated Annual Action Plan. It is year five of the 2015-2019 Five Year Strategic Plan. Based on our projections, it consists of \$2,530,000 in federal investment, \$966,668 in non-municipal matching funds for a \$3,496,668 total leveraged plan. The draft FFY 2019 Consolidated Annual Action Plan consists of the following U.S. Department of Housing and Urban Development (HUD) programs: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Solutions Program (ESG).

Draft 2019 CDBG Amount: \$ 2,000,000

Draft 2019 HOME Amount: \$ 335,000

Draft 2019 ESG Amount: \$ 195,000

These budgets are presented to the City Council in draft form, based on estimated amounts, to accommodate the city and federal governments' differing fiscal year budget schedules. HUD's final FFY allocations are generally posted in the spring of each calendar year. A final schedule for 2019 has not yet been set by the federal government.

The Niagara Falls Department of Community Development will request City Council approval of the final HUD allocations when those allocations are announced. Historically, draft budget estimates have been within 2 percent of final allocations.

The draft 2019 Consolidated Annual Action Plan was created through a fifteen week civic engagement process, which included online and print citizen surveys, five public meetings, one public hearing, and an online comment submission form. Public comments received during the civic engagement process are included in the supporting documentation. The Niagara Falls Community Development Department is confident that our process is a national model of transparent and well-explained public engagement and budgeting. Below is a list of major milestones in the public participation process:

Citizen Survey

Opened October 9, 2018

Closed November 9, 2018

17 Respondents

14 Comments

(Results and comments attached) (on file in the City Clerk's Office)

Neighborhood Planning Meetings

Mon, Oct 22, 6:00 pm Niagara St. Elementary-2513 Niagara St.

3 Attendees

Tue, Oct 23, 12:00 pm LaSalle Public Library-8728 Buffalo Ave

10 Attendees

Thu, Oct 25, 6:30 pm Doris Jones Family Resource Center- 3001-9th St.

1 Attendee

Sat, Oct 27, 10:00 am Carnegie Building - 1022 Main Street

4 Attendees

18 Attendees Total

Pizza with the Plan

Tue, Jan 8, 6:00 pm

Carnegie Building - 1022 Main Street

16 Attendees

4 Comments

(Comments attached) (on file in the City Clerk's Office)

Public Hearing

Wed, Jan 16, 6:00 pm

City Hall Council Chambers - 745 Main Street

30 Attendees

13 Speakers

(Minutes attached) (on file in the City Clerk's Office)

Other Comments

One appeal letter from the Niagara Falls Housing Authority was received. No other public comments were received by the Department of Community Development via mail, hand delivery, email, or online submission. (Letter attached) (on file at the City Clerk's Office)

The action plan is not finalized until HUD allocations are posted and the City approves the action plan with the HUD-allocated amounts. Upon City Council approval, the draft 2019 Consolidated Annual Action Plan will be submitted to HUD for programmatic review and approval. Per HUD and City of Niagara Falls Citizen Participation Plan Guidelines, the city will adjust programmatic budgets to meet the final allocation without deviating from the project scopes or objectives already approved by the City Council.

Will the Council vote to approve the Draft 2019 Consolidated Annual Action Plan?

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

Yeas

5

Nays

0

APPROVED

DEPARTMENT OF PUBLIC WORKS: UTILITY CARTS, LEASE EXTENSION, NUTTAL GOLF CARS, INC.

Agenda Item #4

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

WITH: Nuttal Golf Cars, Inc.
5542 State Route 14
Sodus, New York 14551

FOR: Extension of lease of utility carts through December 31, 2019
Lease price per month for seven (7) utility cards:
\$ 790.00
Total for life of lease:
\$7,900.00

As the Council may recall, the City entered into a lease agreement with Nuttal Golf Cars, Inc. (Nuttal) in March of 2014 for one hundred (100) golf carts and seven (7) utility carts for a five year term, which expires in March. With the lease of the Hyde Park Golf Course having been recently approved, the City no longer requires the golf carts. Instead, we require a short term lease for the utility carts used in Parking Operations and in the Parks Division at DPW while DPW and the Purchasing Division explore the City's options starting in 2020.

Currently, the seven (7) utility carts are being rented for a total of \$836.32 each month. Under this extension, Nuttal has agreed to provide the required carts through the end of December at a cost of \$790.00 per month, which is a cost savings.

Funds for these expenditures are available through budget codes A.7110.3450.0442.003, PO.1720.2560.0440.003 and PO.1720.2570.0440.003.

Will the Council so approve and authorize the Mayor to execute all documents necessary to extend this lease upon the terms set forth herein 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 PUBLIC WORKS: TRACTION ELEVATOR, REPLACE, FUNDING

Agenda Item #5

The Director of the Department of Public Works ("DPW") advises that the elevator at City Hall is in need of repair in order to ensure the safety of those who ride the elevator. DPW solicited and received three quotes for the work that needs to be done which is to replace five (5) 5/8" hoist ropes and shackles on the traction elevator.

Otis United Technologies is a reputable company and has provided the lowest quote which is attached (on file in the City Clerk's Office). The total cost of the repair is twelve thousand five hundred dollars (\$12,500.00).

Funding is available from casino revenue fund balance.
 Will the Council so approve and authorize the Mayor to sign any work orders necessary to proceed with these repairs?
 Council Member Tompkins moved that the communication be received and filed and the recommendation approved.
 Yeas 5
 Nays 0
 APPROVED

CONTRACT: BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES,
 INVESTIGATIVE AND ENFORCEMENT OPERATIONS

Agenda Item #6

The Superintendent of Police is requesting that the City enter into an agreement with the ATF to engage in cooperative investigative and enforcement operations aimed at disrupting illicit firearms trafficking into the area by identifying, targeting, arresting and prosecuting firearms traffickers, suppliers, etc. It is anticipated that one (1) detective from the NFPD be deputized as Special Deputy by the U.S. Marshals Service for this purpose. The Superintendent further advises that this type of arrangement has been in existence for several years and has generally be considered successful. The NFPD may withdraw from participation in this Memorandum of Understanding on ninety (90) days notice.

Will the Council so approve and authorize the Mayor to execute a Memorandum of Understanding providing 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

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CITY PROPERTY: OLD FALLS STREET, MACKINALI'S CAFÉ, ENCROACHMENT

Agenda Item #7

Custom Covers & Canvas, representing the above referenced property, has applied for an awning encroachment into the City's right-of-way.

This has been reviewed by the appropriate City departments and the Planning Board recommends that it be granted. It is recommended that the following conditions apply:

1. The owner will add the City of Niagara Falls as an additional insured on its liability insurance policy and provide a copy to the City.
2. The owner will defend and indemnify the City from liability related to the awning encroachment.
3. The City can revoke permission for the encroachment on ninety (90) days notice.
4. The City right-of-way will not be obstructed and will at all times allow for the safe passage of pedestrians.

Attached hereto (on file in the City Clerk's Office) is a copy of the Planning Board's recommendation of approval.

Will the Council so approve?

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

CITY MARSHALLS: APPOINTMENTS

Agenda Item #8

The City Council previously designated Gary Bevilacqua, Eugene Oshal, Frederick Pucci and Rocco Zendano as City Marshals with terms that expired on December 31, 2018. It is recommended that these four (4) individuals be re-appointed to terms expiring on December 31, 2020. It is also recommended that Eugene Pucci be designated as a City Marshal with a term expiring on December 31, 2020 as well.

They will continue to provide satisfactory insurance coverage naming the City of Niagara Falls, New York as additional insured and their remuneration will continue to be limited to the fees that they collect for services rendered.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: OSC 21, SCHOOL DISTRICT, FUNDING

Agenda Item #9

For the past several years the City has contributed the sum of \$10,000.00 to the Niagara Falls School District for the purpose of helping to defray the cost of the School District's operation of OSC 21.

This service not only allows for training of high school students who may have an interest in pursuing careers in television and journalism, but also its presence at the City Council meetings makes the proceedings that occur at a City Council meeting available to residents who may not be able to attend a City Council meeting. It is requested that funding for calendar year 2019 be made available as well.

Funding is available from interest income earned on tribal revenue funds.

Will the Council so approve and authorize the Mayor to execute a funding agreement 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

RESOLUTION: SCHOOL BOARD ELECTION/BUDGET VOTE, POLLING PLACES, 2019-21
BY: ALL COUNCIL MEMBERS

Agenda Item #10

WHEREAS, the annual Niagara Falls City School District election will be held on Tuesday, May 21, 2019, and

WHEREAS, the Niagara Falls City School District requests the use of several city buildings as polling places for this election; and

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council hereby approves the request outlined below from the Niagara Falls City School District.

<u>Legislative District</u>	<u>Election District</u>	<u>Polling Places</u>
3	5	LaSalle Senior Center 9501 Colvin Blvd.
4	5 & 6	Niagara Falls Public Library 1425 Main Street
5	5 & 6	John Duke Senior Citizen 1201 Hyde Park Boulevard
6	5	City Hall 745 Main Street
Yeas		5
Nays		0
		ADOPTED

RESOLUTION: CATARACT ELEMENTARY SCHOOL, TALENT SHOW, FEE WAIVER,
2019-22
BY: COUNCIL MEMBERS TOMPKINS, VOCCIO, CHAIRMAN TOUMA

Agenda Item #11

WHEREAS, as in the past, Cataract Elementary School requests a waiver of fees for the band shell rental for our annual Talent Show on Thursday, June 6, 2019; (request on file in the City Clerk's Office) and NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby waive the fees associated for use of the band shell.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: NIAGARA STREET ELEMENTARY, FUN DAY, GILL CREEK PARK,
2019-23
BY: COUNCIL MEMBERS TOMPKINS, VOCCIO, CHAIRMAN TOUMA

Agenda Item #12

WHEREAS, Niagara Street Elementary School kindly requests the use of Gill Creek Park for our Fun Day student activities on Tuesday, June 18, 2019 from 7:30am - 4:00pm; (letter on file in the City Clerk's Office) and

WHEREAS, we respectfully request the full use of Gill Creek Park on that day for our 620 students; and

WHEREAS, we ask if the grass could be cut on Monday, June 17, 2019. Additionally, it would be helpful if extra garbage cans could be placed in the park for the 18th.

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby grant the full use of Gill Creek Park on June 18, 2019 along with grass cut on June 17, 2019 and extra garbage cans for Niagara Street Elementary Fun Day.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: STATE-LET CONTRACT, GRANTING NYS AUTHORITY TO PERFORM THE
ADJUSTMENT FOR THE CITY AND AGREEING TO MAINTAIN FACILITIES, 2019-24
BY: COUNCIL MEMBERS KENNEDY, TOMPKINS, VOCCIO, CHAIRMAN TOUMA

Agenda Item #13

WHEREAS, the New York State Department of Transportation proposes the construction, reconstruction, or improvement of US 62 (Niagara Falls Blvd.), (SH 65-3, 64); NY 265 (Military Road) to Packard Road in the City of Niagara Falls located in Niagara County, PIN 5813-49; and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the (1) Lighting - existing luminaires within highway boundary of Niagara Falls Boulevard; (2) Police and Fire Communication - existing underground facilities within highway boundary of Niagara Falls Boulevard 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 owner; 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 (1) Lighting - existing luminaires within highway boundary of Niagara Falls Boulevard; (2) Police and Fire Communication - existing underground facilities within highway boundary of Niagara Falls Boulevard 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; and

BE IT FURTHER RESOLVED that Mayor Paul A. Dyster 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 of the City of Niagara Falls is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: HEALTH AND WELL-BEING OF DOGS, ADDING CHAPTER 702, CODIFIED ORDINANCES, 2019-25
BY: COUNCIL MEMBERS KENNEDY, TOMPKINS, VOCCIO, CHAIRMAN TOUMA

Agenda Item #14

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Chapter 702 of the Codified Ordinances entitled "Health and Well-Being of Dogs" is hereby added to read as follows:

702.00

Findings/Purpose

This City Council finds that dogs are companions, valued for the animals' loyal behavioral traits and ability to be kept in close proximity to people in domestic situations. At times, some dogs are left outdoors without means to protect themselves. These animals are exposed and vulnerable to changing weather conditions. In Niagara Falls, weather conditions are known to change quickly. Dangerous weather conditions include temperatures at extreme ends of the spectrum, subzero wind chills, sun, thunderstorms and high humidity. No dog should be left outside, tethered or otherwise, and exposed to the weather for prolonged periods when the temperature falls below the freezing point of water. With temperatures below the freezing point, a dog may experience harm and damage to its skin, causing pain. Similarly, dogs left outside, tethered or otherwise, and exposed for

prolonged periods when the temperature rises to greater than 90⁰ Fahrenheit are believed likely to experience heatstroke or other bodily harm.

This ordinance is intended to protect and provide for the health and well-being of dogs in Niagara Falls by regulating the manner in which dogs may be kept outdoors. This ordinance is also intended to provide greater protection for tethered dogs than found within New York State Agriculture and Markets Law Sections 353-b and 353 at the time of adoption. It is believed that most dogs tethered outside for prolonged periods do not have adequate protection.

702.01

Regulations

- (a) Prohibition. No person who owns or has custody or control of a dog shall knowingly leave such dog outdoors, tethered or otherwise, for longer than a period of one continuous hour at such time as when either (1) the actual air temperature is lower than 32⁰ Fahrenheit (not accounting for wind chill), (2) the actual air temperature is greater than 90⁰ Fahrenheit (not accounting for humidity levels), or (3) during such period of time as extreme weather conditions exist, where any such condition in (1), (2), or (3) above is actually known to such person or reasonably should have been known to such person. Actual harm or injury need not be shown to prove a violation of the prohibition in this subsection.
- (b) Rebuttable Presumptions. Extreme weather conditions shall be presumed to have been present in the event that a weather alert was in effect for a region reasonably construed and commonly understood to be affecting the region in which the dog was left outdoors and during such time as the dog was left outdoors. A dog exhibiting signs of frostbite shall be presumed to have been left outdoors for longer than a period of one continuous hour at such time as when the actual air temperature was lower than 32⁰ Fahrenheit. A dog exhibiting signs of heatstroke shall be presumed to have been left outdoors for longer than a period of one continuous hour at such time as when the actual air temperature was greater than 90⁰ Fahrenheit. Exceptions. This ordinance shall not apply:
 - To dogs on a leash or other restraint under direct supervision or control of persons actively engaged in recreational activities, including walking, jogging, or running; and
 - To dogs required to be tethered under an applicable law, rule, regulation, or court order.
- (c) Definitions. For purposes of this ordinance, the terms listed below have specific definitions, as follows:
 - "Extreme weather conditions" shall include inclement weather, being weather conditions that are likely to adversely affect the health or safety of the dog, including but not limited to rain, sleet, ice, snow, wind, or extreme heat and cold, and otherwise consistent with the provisions of New York State Agriculture and Markets Law Section 353-b(1)(b), as may be amended from time to time.
 - "Weather alert" shall mean a broadcast of the National Weather Service regarding one of the following weather-related events, reasonably construed to be affecting the region in which the dog was left outdoors: blizzard warning, severe thunderstorm (watch or warning), severe weather statement, tornado (watch or warning), winter storm (watch or warning).

"Outdoors" shall mean a location outside a permanent structure capable of habitation or occupancy by people during an extreme weather event or period of time with temperatures falling below 32⁰ Fahrenheit or greater than 90⁰ Fahrenheit (depending on the applicable weather conditions), such as a house, apartment building, or office building. Examples of non-suitable outdoor structures include, without limitation, wire cages and non-insulated structures, including those made of plastic (e.g., calf hutch).

- "Tether" shall include the actions of leashing, fastening, securing, chaining, tying, or otherwise restraining a dog to any stationary object outdoors.

702.02 Enforcement, Penalties, and Registration Obligations.

(a) Enforcement Officers. This ordinance shall be enforced by any police officer, dog control officer or peace officers having jurisdiction within the City of Niagara Falls. Such enforcement officers shall have the authority to enforce the provisions of this ordinance and to take such necessary and related enforcement actions, including, without limitation, accepting, recording, and investigating complaints, issuing appearance tickets, obtaining supporting depositions, and preparing and submitting criminal and civil complaints to a court of competent jurisdiction.

(b) Classification of Offense. Any person who violates the prohibition found within Section 702.02 of this ordinance, shall, upon conviction thereof, be guilty of a violation, as defined in Section 55.10 of the New York State Penal Law, as may be amended from time to time. Each calendar day in which such person violates Section 702.02 of this ordinance shall constitute a separate offense.

(c) Penalties and Registration. The court, in its discretion, may impose a sentence of imprisonment to be fixed by the court for a term not to exceed fifteen days, consistent with Section 70.15(4) of the New York State Penal Law, a sentence to pay an amount to be fixed by the court not exceeding the amount of two hundred fifty dollars, consistent with Section 80.05(4) of the New York State Penal Law, or both.

The court may also elect to cause the dog(s) underlying the basis of the conviction to be surrendered or otherwise forfeited by the person after such conviction. The surrender or forfeiture shall be to an enforcement officer, as provided herein above.

In lieu of or in addition to any other penalty imposed under this ordinance, the court may impose upon any person who fails to comply with Section 702 of this ordinance law a civil penalty, enforceable and collectable by the City of Niagara Falls, in the amount of two hundred fifty dollars for a first offense, five hundred dollars for a second offense, and one thousand dollars for each additional offense.

Conviction of a person under this ordinance shall require such person to register with the Animal Abuser Registry as an Animal Abuse Offender.

(d) Disposition of Fines. All fines collected pursuant to this ordinance shall be the sole property of the City of Niagara Falls.

702.03 Severability

If any clause, sentence, paragraph, section, subdivision or other part of this ordinance or its applications shall be adjudged by a Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or otherwise invalidate the remainder of this ordinance which shall remain in full force and effect except as expressly limited by such order or judgment.

There being no further business to come before the Council,
Chairman Touma adjourned the Meeting at 8:10 P.M.

Lisa A. Vitello
City Clerk



MARCH 20, 2019

REGULAR COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The Legislative session of the March 20, 2019 Niagara Falls City Council Meeting was called to order by Council Chairman Andrew Touma at 6:00 P.M. in the Council Chambers.

Present: Council Members William Kennedy, Ezra Scott, Jr., Kenny Tompkins, Christopher Voccio, Chairman Andrew Touma

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Daniel Morello.

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

Council Member Tompkins moved to approve the Minutes from the Council Meeting of March 6, 2019.

Yeas

5

Nays

0

APPROVED

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

Ken Hamilton	Agenda Item #9
Laura Nowak	Agenda Item #11
Neil Kavanaugh	Agenda Item #11
Ken Hamilton	Renaming Streets

Presentations:

A proclamation was read honoring the life of Fire Fighter Keith "Keifer" Stahlman for his dedicated service to the NFFD and his community.

Administrative Update:

Acting City Administration, Doug Janese, discussed the vehicle fleet, fire, police and DPW vehicles and parking meters.

City Controller Report:

City Controller, Daniel Morello discussed new parking technology, waivers and revenue.

Craig Johnson, Corporation Counsel, presented 2 items to be added to the agenda.

The first item:

Relative to calling for a public hearing regarding the abandonment of a portion of Old Falls Street right of way 304 1st Street.

Councilman Tompkins made a motion to add this item to the agenda

Yeas

5

Nays

0

APPROVED

The item was added as Agenda Item #15

The second item was to appoint a commissioner of deeds.

Councilman Tompkins moved to add the item to the agenda.

Yeas

5

Nays

0

APPROVED

The item was added as Agenda Item #16

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S CLAIM REPORT FOR THE MONTH OF FEBRUARY 2019

Agenda Item #1

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: BUFFALO AVE. BRIDGE OVER CAYUGA CREEK-PIN #5761.44, CONSULTANT SERVICES, C&S ENGINEERS, INC., CHANGE ORDER #2

Agenda Item #2

A contract for the above referenced project was awarded to C&S Engineers, Inc. on July 23, 2017 for Professional Services, Design and Construction Support Services and Construction Inspection.

During construction, it was discovered that the bridge needed additional extensive repairs not included in the original scope. The Consultant's inspection team managed said project so that the additional construction repair costs came in under budget.

The additional time required to manage and inspect the project exceeded the original contract amount approved by Council and this change order is to compensate C&S Engineer's for that extended construction time. Since there was a savings in the construction phase, that money can be used to offset the additional consultant expenses for a \$0.00 increase to the project cost. No new additional monies are required.

Please note that the City is receiving 80% reimbursement of all project cost from Federal Highway Administration, 15% State Marchiselli Funding, and the Local share funding match of 5%.

It is the recommendation of the undersigned that Change Order #2 be approved in the amount of \$8,600.00. Funding for this change order is a transfer of funds from the Construction budget to the Consultant's budget.

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

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

Yeas

5

Nays

0

APPROVED

CONTRACT: NIAGARA SCENIC PARKWAY, AMENDMENT, REMOVAL

Agenda Item #3

Please recall that during your meeting on July 5, 2018 the City Council authorized the City to enter into an agreement with the New York State Power Authority ("NYPA"), the New York State Office of Parks, Recreation & Historic Preservation ("State Parks"), the New York State Department of Transportation ("NYSDOT") and USA Niagara Development Corporation ("USAN") regarding a project to remove a portion of the Niagara Scenic Parkway. This construction project, at that time, was estimated to cost \$38,500,000 and was to be largely funded through NYPA (\$36,500,000).

This project is now underway. During the initial phase of the project, it became clear that construction costs are going to exceed the estimated cost. Therefore, it is necessary to amend the agreement to increase NYPA's construction funding by an additional \$4,200,000 as well as an additional \$530,000 to pay USAN's consultant for design support and monitoring during construction. Once again, there is no cost to the City.

Will the Council approve the Amendment to the Agreement, a copy of which is attached hereto (on file in the City Clerk's Office) and authorize the Mayor to sign this Amendment together with any other amendments or documents that do not materially affect the City?

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

Yeas

5

Nays

0

APPROVED

CONTRACT: DPW YARD AND BUILDINGS-ADDITIONAL LIGHT FIXTURES, LIME ENERGY SERVICE, FUNDING, CHANGE ORDER #1

Agenda Item #4

A contract for the above referenced project was awarded to Lime Energy Service on December 12, 2018 for LED upgrades for various areas inside and outside of the Public Works building and yard. A copy of the item approved by the City Council is attached (on file in the City Clerk's Office).

It has now been determined that additional light fixtures are needed in rooms not previously included in the initial walk through.

Therefore, as the City already has a contract with this vendor for lighting upgrades, it is the recommendation of the undersigned that Change Order #1 to this contract for the needed work in the amount of \$707.40 be approved.

Funding is available through Light & Power expense - Account A.1640.0000.0422.000.

Will the Council so approve?

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

Yeas

5

Nays

0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: WOLF, LYNN

Agenda Item #5

Date Claim Filed: June 22, 2016
Date Action Commenced: March 3, 2017
Date of Occurrence: April 26, 2016
Location: Hyde Park Boulevard near intersection with North Avenue.
Nature of Claim: Motor vehicle accident.
City Driver: James R. Shaughnessy
Status of Action: Trial scheduled to commence on November 12, 2019.
Recommendation/Reason: Best interest of City.
Amount to be Paid: \$5,000.00
Make Check Payable to: Law Office of Christopher C. Kerr, as Attorney for Lynn Wolf.
Conditions: Stipulation of Discontinuance as to all parties and General Release to City must be approved by Corporation Counsel.

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

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

Yeas	4
Scott, Tompkins, Voccio, Chairman Touma	
Nays	1
Kennedy	

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

MAYOR'S APPROVAL

Agenda Item #6

Please be advised that Mayor Paul A. Dyster, on March 7, 2019, duly approved the following:

Resolution 2019-25, relative to Adding Chapter 702 of the Codified Ordinances entitled "Health and Well-Being of Dogs."

THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: TOURISM ADVISORY BOARD, APPOINTMENT, 2019-26

BY: ALL COUNCIL MEMBERS

Agenda Item #7

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Tourism Advisory Board effective immediately, for a term expiring on the date that appears opposite their name:

<u>APPOINTMENT</u>	<u>TERM EXPIRES:</u>
Francis (Skip) Di Camillo 811 Linwood Avenue Niagara Falls, NY 14305	12/31/2019

Yeas	5
Nays	0

ADOPTED

RESOLUTION: OPEN GOVERNMENT, SUPPORTING, 2019-27
BY: COUNCIL Members Kennedy, Scott, Tompkins, Voccio

Agenda Item #8

WHEREAS, every March when Sunshine Week is being observed, government officials, the media and citizens show their support for open government; and

WHEREAS, the Buffalo Niagara Coalition for Open Government prepared a list of Best Practices which they believe every municipality should follow in support of open government.

NOW, THEREFORE, BE IT RESOLVED the City Council of Niagara Falls, NY does hereby support Open Government and is committed to the Best Practices as provided by the Buffalo Niagara Coalition for Open Government;

BE IT FURTHER RESOLVED, that the City Council of Niagara Falls, NY:

- 1) Will post our meeting agendas and agenda documents online, at least 48 hours before our meetings occur.
- 2) We will post draft meeting minutes online, two weeks after our meetings.
- 3) We will allow citizens to speak at the beginning of our meetings regarding agenda items or non-agenda items, before we vote.
- 4) We support video recording of our meetings and posting the video online for the public to see. We are already recording and posting our meetings online or we are committed to making this happen as soon as possible.
- 5) We believe government meetings should be conducted in public for citizens to observe and we will only conduct executive sessions in accordance with the New York State Open Meetings Law. We understand that a motion to hold an executive session to discuss "litigation", "personnel" or "collective bargaining" is not sufficient, as the Open Meetings Law requires motions to state more information when holding an executive session.
- 6) As a local government with a population under 50,000, we support having our elected officials voluntarily complete an Annual Financial Disclosure Form and posting the completed forms on our government website for the public to see.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: STAHLMAN, CAPTAIN CARL KEITH "KEIFER", REMEMBERING, 2019-28
BY: ALL COUNCIL MEMBERS

Agenda Item #9

WHEREAS, Carl Keith (known as Keifer) Stahlman was a fighter to the very end and humbled himself to serve others most of his life, especially his family, his closest friends, even those he met on any given day as a Captain for the Niagara Falls Fire Department; and

WHEREAS, Keifer became a Niagara Falls Fire Fighter in 1999. His work was as important as the people he met along the way and many became valued life-long friends. He felt loved and he loved deeply, learning humility and service through the valuable men and women God placed in his life; and

WHEREAS, Keifer is survived by his wife Amy (Manz), children Joshua (Ashley) Bach, Deven and Sara Stahlman, mother Joanne and sister Kristin Stahlman, and many extended family members; his brothers and sisters in the Niagara Falls Fire Department, so very many true friends, along with his ten-year, ever-by-his-side companion, his dog, Chloe.

WHEREAS, it's no secret that Keifer played as hard as he worked. An avid, all-season motorcyclist, lover of nature and his guitar. Keifer loved music and much of his tastes expressed the depth of his heart, playful articulation of the world and the complexities of his mental dexterity; and

WHEREAS, Keifer would want to encourage those he left behind to live their lives fully with integrity and respect, truth and loyalty, to appreciate your work and your play; to cultivate an inquisitive mind, and to be patient and kind regarding the human condition.

NOW, THEREFORE, BE IT RESOLVED that this City Council of Niagara Falls, NY hereby honors the life of Niagara Falls Fire Captain Carl Keith "Keifer" Stahlman for his dedication to serving the many residents of our great city and may he rest in peace knowing his brothers and sisters of the Niagara Falls Fire Department will carry on his legacy.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: PARKING FEES, WAIVING, CITY ADMINISTRATOR, DELEGATION, 2019-29

BY: COUNCIL MEMBERS KENNEDY, SCOTT, VOCCIO, CHAIRMAN TOUMA

Agenda Item #10

WHEREAS, from time to time various organizations and entities request that the City Council waive established parking fees in City owned facilities in an effort to encourage more people to attend events at various venues throughout the City; and

WHEREAS, the timing of the request and the meeting schedule of the City Council sometimes does not result in the City Council being able to entertain those requests in a timely fashion; and

WHEREAS, the City Administrator oversees all City facilities and has ultimate responsibility for the operation of those facilities.

NOW, THEREFORE, BE IT RESOLVED, for the balance of calendar year 2019 this City Council does hereby delegate to the City Administrator the ability to waive established parking fees based upon the requests submitted by various organizations and entities provided the organization or entity requesting such fee waiver provides the City Administrator good cause to do so.

AND BE IT FURTHER RESOLVED that the City Administrator, in his discretion, is authorized to utilize a committee of individuals appointed by him to assist in this delegated task.

Yeas

4

Kennedy, Tompkins, Voccio, Chairman Touma

Nays

1

Scott

ADOPTED

RESOLUTION: ZONING ORDINANCE, AMENDING SCHEDULE 8, 665, 671 AND 675-71ST STREET, 2019-30

BY: COUNCIL MEMBER KENNEDY, CHAIRMAN TOUMA

Agenda Item #11

WHEREAS, the Planning Board has recommended that the Council adopt certain amendments to the Zoning Ordinance as outlined on the attached (on file in the City Clerk's Office) recommendation to Council and Planning Board resolution.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby adopt the attached zoning map amendment changing 665 - 71ST Street (SBL 160.43-1-54), 671 - 71ST Street (SBL 160.43-1-55) and 675 - 71ST Street (SBL 160.43-1-56) from R-1C Residential - Detached Single to C-3 General Commercial.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: AMENDING CHAPTER 911 OF THE CODIFIED ORDINANCES ENTITLED
"SOLID WASTE REFUSE AND RECYCLING", 2019-31
BY: COUNCIL MEMBERS KENNEDY, SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #12

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Chapter 911 of the Codified Ordinances entitled "Solid Waste Refuse and Recycling" is hereby amended to read as follows:

911.01 GENERAL PROVISIONS

. . .

CITY-ISSUED REFUSE CART

A 64 gallon roll-away (wheeled) refuse cart issued by the City to property owners or their representatives, capable of semi-automated and/or automated refuse collection, for the sole purpose of storage, collection and disposal of source-separated solid waste.

CITY ISSUED REFUSE TAG/STICKER

A tag or sticker issued by the Director and purchased from the Office of the Niagara Falls City Clerk or from the Director which shall bear an identification mark established by the City. The cost of such tags/stickers shall be established by the Director with approval of the City Council.

. . .

DEAD ANIMALS

Dead animals or parts of animals from slaughterhouses are not included in this category.

DISPOSABLE PLASTIC BAG

A 30 gallon disposable plastic bag, having a minimum thickness of 1.1 mil. In addition, such bags must be free from rips or tears, waterproof, strong, securely tied, not exceed more than 30 pounds in weight (each) and only filled with refuse as set forth in this Chapter.

DIRECTOR

The Director of the Department of Public Works or his designee.

DUMP PERMIT

A permit issued by the Director to allow a residential user the ability to dispose of construction or demolition waste at the private waste hauler's facility. The cost of such permit shall be established by the Director with approval of the City Council.

ELECTRONIC WASTE (E-WASTE)

Any discarded electronic or electrical devices or their parts.

. . .

911.03 REFUSE.

A. Public collection and disposal of refuse.

. . .

(4) The waste hauler shall collect residential refuse as well as commercial refuse from commercial users, inclusive of multi-family complexes, that qualify for and participate in the City's program once per week.

A residential user that produces construction or demolition waste must arrange for the disposal of such waste by a licensed private waste hauler or, in the alternative, may obtain a DUMP PERMIT from the Director to dispose of such waste at the waste hauler's facility. In addition, a residential user that produces a quantity of refuse that exceeds the capacity of the City-Issued Cart may also place excess refuse in Disposable Plastic Bags and place them adjacent to the City-Issued Refuse Carts. However, glass and other objects of refuse that are sharp or that could cause injury or tearing of the Disposable Plastic Bag shall not be placed in a Disposable Plastic Bag. The Director is authorized to revoke the use of Disposable Plastic Bags where safety and health conditions warrant. No user shall be permitted to place Disposable Plastic Bags for collection in excess of the quantities allowed in Section 911.03(A) (6) herein.

(5) Refuse collection at a frequency greater than once per week will be handled on a case-by-case basis. Such separate and additional collections must be scheduled by the user with the waste hauler or a private waste hauler. User fees for such separate and additional collections shall be established by the waste hauler or a private waste hauler and charged to the user consistent with the frequency of the additional collections.

(6) [Single-family, two-family, three-family and multi-family dwelling users and multi-family complexes that qualify to participate in the City program may place one bulk waste item per dwelling unit at the curb at a frequency determined by the waste hauler.] A residential user that qualifies to participate in the City Program is permitted to place for collection its City Issued Refuse Cart plus a combination of three (3) additional items consisting of Disposable Plastic Bags or bulk items. Additionally, a residential user may place for collection a combination of two (2) additional items consisting of Disposable Plastic Bags or bulk items provided that each such additional item placed for collection has affixed to it a City Issued Refuse Tag/Sticker purchased from the Director by that residential user. Bulk waste must be placed in a location that does not impede with the collection of the City-Issued Carts. Users are responsible for removing refrigerant, must present adequate information indicating refrigerant has been removed and the doors shall be removed.

. . .
D. Preparation of refuse for collection by the waste hauler.

(1) A user who places items at the curb for collection and disposal by the waste hauler shall separate garbage and non recyclable material from recyclable material and prepare the same for collection and disposal in accordance with this Chapter.

(2) Refuse offered for collection shall be prepared for collection by the user of the premises as provided in this section.

(3) The placement of refuse for collection at or in front of a premises other than the premises at which the refuse originated constitutes illegal dumping and is prohibited by this Chapter and such activity shall constitute a violation of this Chapter.

(4) All residential and commercial refuse shall be placed in City-Issued Refuse Carts for collection and, if needed, Disposable Plastic Bags between the sidewalk and the curb or alongside the roadway in front of the premises where the refuse originated at a distance between three and five feet from the street edge; the cart's latch bar must face the street in an area free of snow to allow for the placement of the owners'/occupants' refuse and recycling carts. Such carts and Disposable Plastic Bags must be placed in such a location so as to not interfere with pedestrian or vehicular traffic in the City right-of-way nor impede wheelchair access in the public right-of-way. Such carts may not be placed for collection prior to 5:00 p.m. the day prior to the scheduled collection day and must be removed no later than 11:00 p.m. the day the refuse and recyclables are collected.

. . .
911.05 STORAGE OF REFUSE AND RECYCLABLES.

(1) No refuse or recyclable material shall be placed or stored on any premises within the City except as permitted by this Chapter.

(2) Residential refuse and recyclables shall be deposited promptly and stored in City-issued carts as set forth in this Chapter. Excess refuse may be stored in Disposable Plastic Bags as provided herein.

. . .

911.06 MISCELLANEOUS PROVISIONS.

A. No person shall write, paint or draw any word, inscription, design, figure or mark, or otherwise mar or deface any City-Issued Cart without express written consent of the City. Any such conduct is a violation of this Chapter.

B. Severability. Should any section, paragraph, sentence, clause or phrase in this Chapter be declared unconstitutional or invalid for any reason, the remainder of the Chapter shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this article are declared to be severable.

C. Dead animals. Dead animals shall be removed by the City, from the right-of-way only, upon request, except that an animal hospital or other business caring for or harboring animals must remove and dispose of dead animals without the aid of the City. The owner or custodian of an animal may remove and dispose of any dead animal by contract with a private waste hauler. In no event shall a dead animal remain undisposed of for a period longer than 12 hours.

D. Emergency collection and disposal. In the event of a public emergency declared by the Mayor, the Director may provide by contract for the public collection, removal and disposal of refuse without competitive bidding. In such case, the Director may impose such conditions as he or she may deem advisable and shall supervise all work under such contracts.

E. Scavenging. No person shall interfere with, take, remove or scavenge for any material in any City-Issued Refuse Cart, recycling cart or any bulk waste which has been placed between the sidewalk and the curb by the owner and/or occupant for collection by the waste hauler.

F. City-Issued Refuse Carts and Recycling Carts for special events. City-Issued Refuse Carts and Recycling Carts provided by the City and placed by the City in the public right-of-way, parks or other public places shall be used only for deposit of refuse and recyclables generated on the public right-of-way by pedestrians and motorists or generated by persons using the parks or other public places. The placing into such carts of refuse or recyclables originating from areas other than the public right-of-way or other public places constitutes illegal dumping and is prohibited by this Chapter. Carts provided by the City for special events or projects shall be used only for deposit of refuse and recyclables generated at the special event or project. When so deposited, such refuse and recyclables become the property of the City.

G. Illegal dumping. No person shall place, throw, deposit or dump or cause to be placed, thrown, deposited or dumped any refuse of any nature including, but not limited to, residential refuse, building refuse, bulk waste, commercial refuse, institutional refuse, construction waste, hazardous waste, industrial waste, infectious waste and/or recyclable materials in or upon any premises, street (including the area between the sidewalk and the curb), sidewalk or park, or in any refuse or recycling cart placed in a right-of-way, park or public place, or provided for a special project or event.

H. Regulations governing collection of refuse and or recyclables. No collector of refuse and/or recyclable collector shall:

(1) Violate a rule or regulation established by the Director.

(2) Dispose of refuse at a site not approved by the New York State Department of Environmental Conservation.

(3) Litter.

(4) Scavenge.

(5) Collect refuse or recyclables placed between the sidewalk and curb by residential or nonresidential producers for collection without prior written approval by the Director.

I. City issued Refuse Tags/Stickers may be purchased from the Office of the Niagara Falls City Clerk or the Director. Such Tags/Stickers may be used one (1) time only and are not reusable.

. . .

THESE AMENDMENTS WILL BE EFFECTIVE MAY 1, 2019

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

Yeas

5

Nays

0

ADOPTED

RESOLUTION: AMENDING SCHEDULE 8 OF THE ZONING ORDINANCE REGARDING 550
MAIN STREET AND 557, 561, 565, 569 AND 571 THIRD STREET, 2019-32
BY: COUNCIL MEMBER TOMPKINS

Agenda Item #13

WHEREAS, the Planning Board has recommended that the Council adopt certain amendments to the Zoning Ordinance as outlined on the attached recommendation to Council and Planning Board resolution.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby adopt the attached (on file in the City Clerk's Office) zoning map amendment changing:

550 Main Street	(SBL 159.21-1-46)
557 Third Street	(SBL 159.21-1-63)
561 Third Street	(SBL 159.21-1-64)
565 Third Street	(SBL 159.21-1-65)
569 Third Street	(SBL 159.21-1-66)
571 Third Street	(SBL 159.21-1-67)

From R3-C Multi-Family High Density - to C2-A Traditional Commercial.

Yeas

5

Nays

0

ADOPTED

RESOLUTION: BOYS AND GIRLS CLUB, PARKING FEE WAIVER, 2019-33
BY: COUNCIL MEMBERS KENNEDY, SCOTT, TOMPKINS, CHAIRMAN TOUMA

Agenda Item #14

WHEREAS, On May 18th, 2019 the Niagara Falls Boys & girls Club will be hosting the 37th Annual Dinner Auction and inducting the 2019 class into Niagara Falls Boys & Girls Club Alumni Hall of Fame; and

WHEREAS, This event serves as the major fundraiser for the organization and is attended by over 400 professionals and supporters of the Niagara Falls Boys & Girls Club; and

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby grant the request (on file in the City Clerk's Office) to waive parking fees located at our City owned parking lot on Third Street for the duration of this event.

Yeas

5

Nays

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ADOPTED

RESOLUTION: PUBLIC HEARING, ABANDONMENT OF A PORTION OF OLD FALLS STREET
RIGHT-OF-WAY FOR 304-1ST STREET, 2019-34
BY: COUNCIL CHAIRMAN ANDREW TOUMA

Agenda Item #15

WHEREAS, the adjoining property owner has requested the abandonment of a portion of the Old Falls Street right-of-way adjacent to 304 - 1st Street; and

WHEREAS, this Council declares its intention to abandon said street portion.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that a public hearing be held relative to the abandonment of the aforementioned street portion, said public hearing to be held at a meeting of the Council to be held in the Council Chambers in City Hall on April 3, 2019 at 6:00 p.m. Eastern Daylight Time, and the City Clerk is hereby directed to publish notice of intention to discontinue and abandon the said street portion in the official newspaper once a week for two successive weeks preceding April 3, 2019.

Yeas

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Nays

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ADOPTED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS: APPOINTMENT

Agenda Item #16

The following have requested City Council approval for Commissioner of Deeds for a term from March 20, 2019 to March 20, 2021.

This is in accordance with provision of the Niagara Falls City Charter, Article II, Section 7, Subdivision 5.

Santia Myles

631 16th St., Niag. Falls, NY 14301

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

Yeas

5

Nays

0

APPROVED

Councilman Tompkins made a motion to move to recess the Council meeting and reconvene on Monday, March 25th at 4:45 pm.

There being no further business to come before the Council,
Chairman Touma recessed this Meeting.
This Meeting ended at 7:40 P.M.

Lisa A. Vitello
City Clerk



MARCH 25, 2019

RECESSED COUNCIL MEETING

NIAGARA FALLS, NEW YORK

The March 25, 2019 Recessed Meeting from the Council Meeting of March 20, 2019, of the Niagara Falls City Council was called to order by Council Chairman Touma at 4:45 p.m. in the City Council Chambers.

Present: William Kennedy, Kenny Tompkins, Chris Voccio, Chairman Touma
Council Member Scott was absent for Roll Call, came in around 5:00 P.M.

Also present: Mayor Paul A. Dyster, City Administrator Nicholas Melson,
Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas
O'Donnell, and City Controller Daniel Morello.

The Corporation Counsel's attention has been called to certain issues existing in the City's MIS Department which may make it vulnerable and therefor expose the city to liability. It is therefor requested that this City Council convene an Executive Session so that these issues may be presented and discussed.

No action in the nature of a vote will be taken.

Is there a motion to go into Executive Session?

Councilman Tompkins moved to go into Executive Session

Seconded by Councilman Kennedy

Kennedy-Y Scott-absent Tompkins-Y Voccio-Y Chairman Touma-Y

Councilman Voccio left Executive Session at 5:45 P.M.

Motion to come out of Executive Session at 5:55 P.M. by Councilman
Tompkins, seconded by Councilman Kennedy

Executive Session ended 5:55

There being no further business to come before the Council, Chairman Touma adjourned the Meeting at 5:55 p.m.

Lisa A. Vitello
City Clerk

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