NIAGARA FALLS CITY COUNCIL

DRAFT MINUTES FOR REGULAR MEETING OF FEBRUARY 26, 2025

REGULAR MEETING **COUNCIL CHAMBERS** **6:00 P.M.**

I. MEETING CALLED TO ORDER

A. CALL TO ORDER BY THE CHAIR.

B. ROLL CALL BY THE CITY CLERK.

ARCHIE _P_ BAX _P_ PERRY _P_ MYLES _P_ ZAJAC _P_

Also present: THOMAS DEBOY, ACTING CORPORATION COUNSEL, ELIZABETH EATON, CITY CLERK

II. OPENING CEREMONIES, FOLLOWED BY PUBLIC HEARING

A. INVOCATION - Prayer by Council Member James Perry

B. PLEDGE OF ALLEGIANCE - Led by Council Member James Perry

III. PRESENTATIONS AND PUBLIC SPEAKERS

A. Presentations:

1. Niagara Falls City School staff and students, known as the NFHS Champion Team, will present a PowerPoint outlining their support of *Trauma Informed Care* for students and others.
2. Honoring St. Stephen's Episcopal Church with a Proclamation celebrating its 100 Year Anniversary.

B. Public Speakers on Legislative Agenda Items for Council Action:

1. Mark Laurrie – Agenda Item #10
2. Earl Smeal – Agenda Item #10
3. Crystal Dutchess- Agenda Item #5
4. Robert Ventry Jr.- Agenda Item # 1

C. Administrative Update: None at this meeting.

D. Community Happenings: City of Niagara Falls is hiring for Lifeguards and Recreation Aides. Must be 16 years old to apply.

IV. REVIEW AND ADOPTION OF THE AGENDA

Roll Call Vote:

Council Member	yeas	nays
ARCHIE	x	
BAX	x	
MYLES	x	
ZAJAC	X	
PERRY	X	
Totals:	5	

VOTE COUNT: 5 YEAS

THE AGENDA WAS ADOPTED AS PROPOSED

LEGISLATIVE AGENDA

V. REVIEW AND APPROVAL OF MINUTES

A. The Council unanimously voted to approve the minutes for the Regular meeting on February 2nd, 2025, with one correction. Speaker Janine Gallo spoke on Agenda Item #1.

VI. INFORMATIONAL ITEMS FROM THE CITY CLERK

A. Report on licenses issued and collections made in the Clerk's Office during January 2025. R&F

VII. AGENDA ITEMS FOR COUNCIL ACTION

FROM THE MAYOR

1. APPROVE A RENEWED CONTRACT WITH VIA VISUALLY IMPAIRED ADVANCEMENT, D/B/A VIA, TO CONTINUE OPERATING THE CITY'S 3-1-1 CALL CENTER IN 2025 AND AUTHORIZE THE MAYOR TO FINALIZE AND EXECUTE THE SAME AS MORE FULLY OUTLINED IN THE MAYOR'S RECOMMENDATION MEMO DATED FEBRUARY 19, 2025.

MOTION BY COUNCIL MEMBER BAX TO APPROVE ITEM #1 AS SUBMITTED.
SECONDED BY COUNCIL MEMBER ZAJAC.

NO DEBATE ON MOTION.

Roll Call Vote:

Council Member	yeas	nays
ARCHIE	x	
BAX	X	
MYLES	x	
ZAJAC	X	
PERRY	X	
Totals:	5	

THE CLERK ANNOUNCED THE VOTE TALLY.
THE CHAIR ANNOUNCED THE MOTION WAS ADOPTED.

2. APPROVE AND AUTHORIZE THE MAYOR TO EXECUTE A CHANGE ORDER (#1) IN THE AMOUNT OF $52,384.96, WHICH WILL BE PAID FOR BY TRIBAL REVENUE, SUCH EXPENSE BEING NECESSARY TO PAY THE COST OF ADDITIONAL LABOR AND MATERIALS THAT MARK CERRONE, INC. WILL PROVIDE RELATIVE TO THE D'AMELIO PARK SPLASH PAD PROJECT AS MORE FULLY OUTLINED IN THE MAYOR'S RECOMMENDATION MEMO DATED FEBRUARY 19, 2025.

MOTION BY COUNCIL MEMBER BAX TO APPROVE ITEM #2 AS SUBMITTED.
SECONDED BY COUNCIL MEMBER ARCHIE.

NO DEBATE ON MOTION

Roll Call Vote:

Council Member	yeas	nays
ARCHIE	x	
BAX	X	
MYLES	x	
ZAJAC	X	
PERRY	X	
Totals:	5	

THE CLERK ANNOUNCED THE VOTE TALLY.

THE CHAIR ANNOUNCED THAT THE MOTION WAS ADOPTED.

3. APPROVE CONTRACT AWARD TO THE SUCCESSFUL BIDDER, MILLER CONSTRUCTION SERVICES, INC., RELATIVE TO THE LASALLE BUSINESS DISTRICT STREETSCAPE PROJECT, AND AUTHORIZE THE MAYOR TO EXECUTE AN AGREEMENT WITH SAME, ALL AS MORE FULLY OUTLINED IN THE MAYOR'S RECOMMENDATION MEMO DATED FEBRUARY 19, 2025.

MOTION BY COUNCIL MEMBER BAX TO APPROVE ITEM #3 AS SUBMITTED.

SECONDED BY COUNCIL MEMBER ZAJAC.

NO DEBATE ON MOTION.

Roll Call Vote:

Council Member	yeas	nays
ARCHIE		
BAX	X	
MYLES	x	
ZAJAC	X	
PERRY	X	
Totals:	5	

THE CLERK ANNOUNCED THE VOTE TALLY.
THE CHAIR ANNOUNCED THAT THE MOTION WAS ADOPTED.

4. APPROVE AND AUTHORIZE THE MAYOR TO EXECUTE A CHANGE ORDER (#2) IN THE AMOUNT OF $18,988.00, SUCH EXPENSE BEING NECESSARY TO PAY THE COST OF ADDITIONAL DESIGN SERVICES THAT JOY KUEBLER LANDSCAPE ARCHITECT, P.C., PROVIDED RELATIVE TO THE LASALLE BUSINESS DISTRICT STREETSCAPE DESIGN PROJECT, AS MORE FULLY OUTLINED IN THE MAYOR'S RECOMMENDATION MEMO DATED FEBRUARY 19, 2025.

MOTION BY COUNCIL MEMBER BAX TO APPROVE ITEM #4 AS SUBMITTED.
SECONDED BY COUNCIL MEMBER ZAJAC.

NO DEBATE ON MOTION.

Roll Call Vote:

Council Member	yeas	nays
ARCHIE	x	
BAX	X	
MYLES	x	
ZAJAC	X	
PERRY	X	
Totals:	5	

THE CLERK ANNOUNCED THE VOTE TALLY.
THE CHAIR ANNOUNCED THAT THE MOTION WAS ADOPTED.

5. APPROVE THE AWARD OF CONTRACTS FOR A LICENSE PLATE READER PROJECT TO ASSIST THE NIAGARA FALLS POLICE DEPARTMENT AND AUTHORIZE THE MAYOR TO EXECUTE ANY DOCUMENTS NECESSARY TO EFFECTUATE SAME, AS MORE FULLY OUTLINED IN THE MAYOR'S RECOMMENDATION MEMO DATED FEBRUARY 19, 2025.

MOTION BY COUNCIL MEMBER BAX TO APPROVE ITEM #5 AS SUBMITTED.
SECONDED BY COUNCIL MEMBER ZAJAC.

DEBATE ON MOTION.

Roll Call Vote:

Council Member	yeas	nays
ARCHIE	x	
BAX	X	
MYLES	x	
ZAJAC	X	
PERRY	X	
Totals:	5	

THE CLERK ANNOUNCED THE VOTE TALLY.
THE CHAIR ANNOUNCED THAT THE MOTION WAS ADOPTED.

6. APPROVE CONTRACT AWARD TO THE SUCCESSFUL BIDDER, NUTTALL GOLF CARS, INC., RELATIVE TO THE PROVISION OF SEVEN LEASED UTILITY VEHICLES TO THE DEPARTMENT OF PUBLIC WORKS AND PARKS AND AUTHORIZE THE MAYOR TO EXECUTE AN AGREEMENT WITH SUCH BIDDER, ALL AS MORE FULLY OUTLINED IN THE MAYOR'S RECOMMENDATION MEMO DATED FEBRUARY 19, 2025.

MOTION BY COUNCIL MEMBER BAX TO APPROVE ITEM #6 AS SUBMITTED.
SECONDED BY COUNCIL MEMBER ZAJAC.

NO DEBATE ON MOTION.

Roll Call Vote:

Council Member	yeas	nays
ARCHIE	x	
BAX	X	
MYLES	x	
ZAJAC	X	
PERRY	X	
Totals:	5	

THE CLERK ANNOUNCED THE VOTE TALLY.
THE CHAIR ANNOUNCED THAT THE MOTION WAS ADOPTED

7. APPROVE CONTRACT AWARD TO THE SUCCESSFUL BIDDER, HOLCIM QUARRIES NY, INC., RELATIVE TO ITS OFFER TO PURCHASE AND REMOVE 2025 PAVING SEASON MILLINGS FROM CITY PROPERTY AND AUTHORIZE THE MAYOR TO EXECUTE AN AGREEMENT WITH SAME, ALL AS MORE FULLY OUTLINED IN THE MAYOR'S RECOMMENDATION MEMO DATED FEBRUARY 19, 2025.

MOTION BY COUNCIL MEMBER BAX TO APPROVE ITEM #7 AS SUBMITTED.
SECONDED BY COUNCIL MEMBER ZAJAC.

NO DEBATE ON MOTION.

Roll Call Vote:

Council Member	yeas	nays
ARCHIE	x	
BAX	X	
MYLES	x	
ZAJAC	X	
PERRY	X	
Totals:	5	

THE CLERK ANNOUNCED THE VOTE TALLY.
THE CHAIR ANNOUNCED THAT THE MOTION WAS ADOPTED

8. APPROVE A RENEWED RIGHT OF ENTRY AND ACCESS AGREEMENT WITH THE NIAGARA BEAUTIFICATION COMMISSION SO THAT ORGANIZATION MAY CONTINUE ITS MAINTENANCE AND PRESERVATION ACTIVITIES ON CITY PROPERTIES DURING THE 2025 CALENDAR YEAR AND AUTHORIZE THE MAYOR TO FINALIZE AND EXECUTE THE SAME AS MORE FULLY OUTLINED IN THE MAYOR'S RECOMMENDATION MEMO DATED FEBRUARY 19, 2025.

MOTION BY COUNCIL MEMBER BAX TO APPROVE ITEM #8 AS SUBMITTED.
SECONDED BY COUNCIL MEMBER ARCHIE.

NO DEBATE ON MOTION.

Roll Call Vote:

Council Member	yeas	nays
ARCHIE	x	
BAX	X	
MYLES	x	
ZAJAC	X	
PERRY	X	
Totals:	5	

THE CLERK ANNOUNCED THE VOTE TALLY.
THE CHAIR ANNOUNCED THAT THE MOTION WAS ADOPTED.

9. APPROVE THE MAYOR'S APPOINTMENT OF FIVE NEW MEMBERS TO THE EXAMINERS OF ELECTRICIANS BOARD, AS MORE FULLY OUTLINED IN THE MAYOR'S RECOMMENDATION MEMO DATED FEBRUARY 19, 2025.

MOTION BY COUNCIL MEMBER BAX TO APPROVE ITEM #9 AS SUBMITTED.
SECONDED BY COUNCIL MEMBER ZAJAC.

NO DEBATE ON MOTION.
Roll Call Vote:

Council Member	yeas	nays
ARCHIE	x	
BAX	X	
MYLES	x	
ZAJAC	X	
PERRY	X	
Totals:	5	

THE CLERK ANNOUNCED THE VOTE TALLY.
THE CHAIR ANNOUNCED THAT THE MOTION WAS ADOPTED.

10. RESOLUTION RELATIVE TO APPROVING A NATIONAL GRID ELECTRICAL PROJECT IN SUPPORT OF THE POWER NEEDS OF THE GASKILL PREPARATORY SCHOOL ON HYDE PARK BOULEVARD.

MOTION BY COUNCIL MEMBER BAX TO APPROVE ITEM #10 AS SUBMITTED.
SECONDED BY COUNCIL MEMBER MYLES.

NO DEBATE ON MOTION.

Roll Call Vote:

Council Member	yeas	nays
ARCHIE	x	
BAX	X	
MYLES	x	
ZAJAC	X	

PERRY	X	
Totals:	5	

THE CLERK ANNOUNCED THE VOTE TALLY.
THE CHAIR ANNOUNCED THAT THE MOTION WAS ADOPTED.

COUNCIL MEMEBERS MYLES, ZAJAC, AND BAX REQUESTED TO BE ADDED AS SPONSORS TO THIS RESOLUTION.

FROM THE CORPORATION COUNSEL

11. APPROVE A PROPOSED PROPERTY DAMAGE SETTLEMENT OF $500.00 THAT WILL FULLY RESOLVE THE PENDING CLAIM OF JAMES R. SPANBAUER, AS MORE FULLY OUTLINED IN THE ACTING CORPORATION COUNSEL'S RECOMMENDATION MEMO DATED FEBRUARY 19, 2025.

MOTION BY COUNCIL MEMBER BAX TO APPROVE ITEM #11 AS SUBMITTED.
SECONDED BY COUNCIL MEMBER ZAJAC.

NO DEBATE ON MOTION.
Roll Call Vote:

Council Member	yeas	nays
ARCHIE	x	
BAX	X	
MYLES	x	
ZAJAC	X	
PERRY	X	
Totals:	5	

THE CLERK ANNOUNCED THE VOTE TALLY.
THE CHAIR ANNOUNCED THAT THE MOTION WAS ADOPTED.

12. APPROVE A PROPOSED SETTLEMENT OF $15,000.00 TO FULLY RESOLVE THE BODILY INJURY CASE COMMENCED BY KYLE M. CHARETTE AGAINST THE CITY, AS MORE FULLY OUTLINED IN THE ACTING CORPORATION COUNSEL'S RECOMMENDATION MEMO DATED FEBRUARY 19, 2025.

MOTION BY COUNCIL MEMBER BAX TO APPROVE ITEM #12 AS SUBMITTED.
SECONDED BY COUNCIL MEMBER ARCHIE.

NO DEBATE ON MOTION.
Roll Call Vote:

Council Member	yeas	nays
ARCHIE	x	
BAX	X	
MYLES	x	
ZAJAC	X	
PERRY	X	
Totals:	5	

THE CLERK ANNOUNCED THE VOTE TALLY.
THE CHAIR ANNOUNCED THAT THE MOTION WAS ADOPTED.

RESOLUTIONS

13. RESOLUTION RELATIVE TO A STANDARD WORK DAY AND REPORTING RESOLUTION FOR EACH ELECTED AND/OR APPOINTED OFFICIAL SPECIFIED THEREIN.

MOTION BY COUNCIL MEMBER BAX TO APPROVE ITEM #13 AS SUBMITTED.
SECONDED BY COUNCIL MEMBER ZAJAC.

NO DEBATE ON MOTION.

Roll Call Vote:

Council Member	yeas	nays
ARCHIE	x	
BAX	X	
MYLES	x	
ZAJAC	X	
PERRY	X	
Totals:	5	

THE CLERK ANNOUNCED THE VOTE TALLY.
THE CHAIR ANNOUNCED THAT THE MOTION WAS ADOPTED.

14. RESOLUTION RELATIVE TO THE APPOINTMENT OF COMMISSIONERS OF DEEDS IN THE CITY OF NIAGARA FALLS, NEW YORK.

MOTION BY COUNCIL MEMBER BAX TO APPROVE ITEM #14 AS SUBMITTED.
SECONDED BY COUNCIL MEMBER ARCHIE.

NO DEBATE ON MOTION.
Roll Call Vote:

Council Member	yeas	nays
ARCHIE	x	
BAX	X	
MYLES	x	
ZAJAC	X	
PERRY	X	
Totals:	5	

THE CLERK ANNOUNCED THE VOTE TALLY.
THE CHAIR ANNOUNCED THAT THE MOTION WAS ADOPTED.

VIII. PUBLIC SPEAKERS FOR THE GOOD OF THE COMMUNITY

Eunice Trawally – communicated her personal complaints and grievances relative to the Niagara Falls Housing Authority. Also criticized a Council Member for allegedly not doing enough to help her pursue her claims against the Housing Authority, which is not part of City government.

Crystal Dutchess – asked that Council Agenda be posted on-line sooner than the legally required 24 hours specified by law. Also opposed Item # 5 re: plate reader cameras.

Janine Gallo – criticized Council Members when they authorize the Mayor to negotiate and finalize contracts.

Robert Ventry- requested brighter streetlights, stating that some City streets are too dark at night.

Greg Palmer- expressed concerns about road safety due to snow and ice and the widespread shortage of salt this winter season. Also complained about potholes and criticized the City, which like every other municipality in Niagara County, posts its parking rules at entranceways rather than on every block of public roads.

Tanya Barone- opined that there has been no visible changes to the City since it received over 50 million in ARP Funds. Feels that more of that money should have been given to businesses and invested in children.

IX. MEETING ADJOURNMENT

With no further business remaining, Chairman Perry adjourned the meeting at 7:30 p.m., without a motion or second, as permitted by RONR (12th ed.) 21:27.

ITEM 01

City of Niagara Falls, New York
OFFICE OF THE MAYOR

TO: City Council

FROM: Mayor Robert M. Restaino

DATE: March 6, 2025

SUBJECT: Purchase of one (1) Caterpillar AP1000 07A WHL Asphalt Wheel Paver for the City's Department of Public Works – Streets Division

I recommend that you authorize me to enter into an agreement as follows:

WITH: Milton CAT (Vendor #12782)
4610 East Saile Drive
Batavia, NY 14020
Attn: Dan Farnham

FOR: Purchase of one (1) new Caterpillar AP1000 07A WHL Asphalt Wheel Paver. The purchase price below includes full onsite training of DPW Crew and Shop Personnel, and vendor delivery to our Central Garage at the Corporation Yard.

TOTAL COST: $549,690.14

The City's current asphalt paver, which had been down for servicing for an extended period during the 2024 paving season, is beyond its recommended ten (10) year service life. Purchased in 2010, it requires replacement for reasons of safety and logistics.

The undersigned recommends that the City purchase the new equipment from the above-named vendor per the specifications of NYS OGS Heavy Equipment Contract # PC6940, thereby providing us with better volume pricing and allowing the City to forego the advertisement of bids that would otherwise be required by NYS General Municipal Law § 103. Please note that the purchase price is fully reimbursable with NYSDOT CHIPS monies under the NYS DOT Extreme Weather Recovery (EWR) purchase/reimbursement program. The funding code will be H0325, representing CHIPS/EWR funding to be received for 2024-2025 projects.

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

Submitted by:

_____
Mayor Robert M. Restaino

Archie_____ Bax_____ Myles_____ Zajac_____ Perry_____

ITEM 02

City of Niagara Falls, New York
OFFICE OF THE MAYOR

TO: City Council

FROM: Mayor Robert M. Restaino

DATE: March 6, 2025

SUBJECT: Approve a 1-year Extension Agreement with Granicus related to Short Term Rental Compliance.

In February 2022, this Council approved an initial agreement with Granicus, Inc., so that vendor could deploy and manage its Software as a Service (SaaS) tailored to short-term rental monitoring and compliance, which we need to help enforce the City's STR Ordinance that beefed up licensing requirements and restricted the locations of where STRs may lawfully operate. To summarize the scope of services that we utilize, Granicus provides us with Address Identification, Compliance and Rental Activity Monitoring, Mobile Permitting & Registration, Tax Collection, and a 24/7 Web and Phone Hotline.

The Council last authorized the Mayor to engage Granicus for three years, after which the City entered into an agreement with Granicus without the necessity of a bid or RFP, as we piggy-backed on the contract National Cooperative Purchasing Alliance (NCPA) awarded to Granicus in response to its RFP Solicitation: #39-20. NCPA has since changed its name to OMNIA Partners, and it recently extended its contract with Granicus for another year. That development has allowed Granicus to offer the City a fourth year extension, which would enable us to continue utilizing their service for the remainder of 2025, and into February 2026.

If approved, the new contract term will be effective as of February 18, 2025 and extend through February 17, 2026. The total contract cost for this fourth year is $36,907.06, representing an increase of $1,755.76 over year three. Funding is available from Budget Code A.3620.0000.0444.007.

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

Submitted by:

_____
Mayor Robert M. Restaino

Archie_____ Bax_____ Myles_____ Zajac_____ Perry_____

ITEM 03

City of Niagara Falls, New York
OFFICE OF THE MAYOR

TO: City Council
FROM: Mayor Robert M. Restaino
DATE: March 6, 2025
SUBJECT: Waiver of Parking Fees at City Surface Lot
(Black Achievers, Inc.)

Council Members:

On the evening of Saturday, March 15, 2025, at the Niagara Falls Convention Center, Buffalo Black Achievers will host an awards event to celebrate and showcase the variety and quality of achievements of many African Americans in the community. The Administration is requesting that parking fees at the nearby downtown surface lot at 238 3rd Street be waived to accommodate this organization and its guests.

Will the Council so approve?

Submitted by:

_____
Mayor Robert M. Restaino

Archie_____ Bax_____ Myles_____ Zajac_____ Perry_____

Item 03(a)

Black Achievers Inc.
P.O. Box 51
Niagara Falls, New York 14302
Niagara Falls

C Council
March 12th

February 17, 2025

Mr. Anthony Restaino
City Hall
City Administrator
Niagara Falls, NY 14301

Mr. Anthony Restaino,

For the past 52 years, Buffalo Black Achievers has hosted an awards event to celebrate and showcase the variety and quality of achievements of many African Americans in the community. We continue to enlighten, educate, motivate, and inspire the community by elevating our expectations to the many possibilities and opportunities that are obtainable to us, which can empower us to change our community.

We are excited to be in the City of Niagara Falls! On behalf of Black Achievers Inc., we would like to request to use the City's downtown parking lots at no charge.

Our gala event will be held on Saturday, March 15, 2025, at the Niagara Falls Convention Center located at 101 Old Falls Street, Niagara Falls, NY 14303.

- The Red-Carpet Reception will begin at 5:30 p.m.
- Followed by dinner at 7:00 p.m.
- After dinner celebration 9:00 p.m. to 11:00 p.m.

Thank you for your support of the Black Achievers-Niagara Falls Gala Event. We look forward to hearing back from you soon.

Sincerely,

/Herbert L Bellamy Jr

Herbert L. Bellamy Jr.
CEO
Black Achievers Inc.
Niagara Falls, New York

ITEM 04

City of Niagara Falls, New York
OFFICE OF THE MAYOR

TO: City Council
FROM: Mayor Robert M. Restaino
DATE: March 6, 2025
SUBJECT: Waiver of Parking Fees at City Surface Lot
(Community Missions of Niagara Frontier, Inc.)

Council Members:

On the evening of Friday, March 21, 2025, at the Niagara Falls Convention Center, Community Missions will host "An evening of Compassion" to raise funds for its Crisis & Community Services, which benefit many Niagara Falls residents. The Administration is requesting that parking fees at the nearby downtown surface lot at 238 3rd Street be waived to accommodate this organization and its guests.

Will the Council so approve?

Submitted by:

_____
Mayor Robert M. Restaino

Archie_____ Bax_____ Myles_____ Zajac_____ Perry_____

ITEM 04 (a)

Community Missions
OF NIAGARA FRONTIER, INC.

COMPASSION IN ACTION
SINCE 1925

February 14, 2025

Robert Restaino, Mayor
Anthony Restaino, City Administrator
745 Main Street
Niagara Falls, NY 14301

Mayor Restaino and Administrator Restaino,

I am writing this letter to ask for exemption from paying for parking in the City of Niagara Falls lot located on Third Street, adjacent to the Niagara Falls Convention Center.

While I understand this lot does typically require a parking fee for patrons utilizing the lot, I am hoping that Community Missions of Niagara Frontier Inc. can have this fee waived for its guests the night of March 21, 2025. That evening, we will host "An Evening of Compassion", formerly known as the Sweetheart Dinner, with 250+ guests expected to attend.

As you both may already be aware, Community Missions hosts this event each year to raise funds for our Crisis & Community Services, which benefit many Niagara Falls residents. In 2024, we provided more than 144,000 meals and 12,000 nights of shelter, both of which were record service numbers. Every dollar impacts our ability to provide these services to the region's most vulnerable citizens.

In 2025, Community Missions is celebrating our 100th Anniversary of service to Niagara Falls. This event will serve as kickoff to our celebration. I am asking you to please consider waiving this fee for our guests attending our event that night. In doing so, more of the money raised that night will be able to assist those in need of our services throughout the city and county.

Thank you both for your prompt consideration, and please feel free to call me with any questions or necessary clarifications.

Sincerely,

Robyn L. Krueger,
President & CEO

1570 Buffalo Avenue • Niagara Falls, NY 14303 • 716.285.3403 • Fax 716.285.0616 • www.communitymissions.org

ITEM 05

City of Niagara Falls, New York
OFFICE OF THE MAYOR

TO: City Council
FROM: Mayor Robert M. Restaino
DATE: March 6, 2025
SUBJECT: Waiver of Parking Fees at City Surface Lot
(Niagara University)

Council Members:

On Thursday, March 20, 2025, from 7 a.m. to 3 p.m., at the Niagara Falls Convention Center, Niagara University will host its 8th Annual Statewide Youth Action Conference for High School students. This year's theme is 'Leading with Love and Defending Justice', and thanks to the generous support of its sponsors, there is no cost for attendance. The Administration is requesting that parking fees at the nearby downtown surface lot at 238 3rd Street be waived to accommodate about thirty (30) of the Conference's chaperones and NU Social Work Seniors who will be volunteering their time.

Will the Council so approve?

Submitted by:

_____
Mayor Robert M. Restaino

Archie_____ Bax_____ Myles_____ Zajac_____ Perry_____

ITEM 06

City of Niagara Falls, New York

OFFICE OF CORPORATION COUNSEL

745 Main Street, Niagara Falls, NY 14301

March 6, 2025

The City Council
Niagara Falls, New York

RE: Request that Council approve a $65,000.00 indemnity-only Section 32 settlement relating to a pending Workers' Compensation matter - WCB Case No. G2038676.

This request pertains to a former employee, Brian Buchalski, who has a pending Workers' Compensation Claim with us in front of the NYS Workers Compensation Board (the "Board"). As with most such Claims, this one has two components - indemnity and medical benefits. The indemnity portion of a workers' compensation claim in New York State is a cash payment for lost wages due to a work-related injury or illness.

Since the inception of this claim approximately seven years ago, the City has been ably represented by the law firm of Hamberger & Weiss, LLP, which specializes in representing employers before the Board. We have also been assisted by our third-party administrator for Work Comp claims, the Public Employer Risk Management Association (PERMA). Both recommend this proposed settlement as being in the City's best interest. After conducting an independent file review, I fully concur and join in their recommendation.

The proposed settlement figure represents a compromise by both parties. For example, if this case is not settled before the next hearing date, Claimant could potentially win an indemnity award for future years that would exceed the settlement amount, but which would be paid out in annual installments. On the other hand, if the Council approves this settlement and it is finalized by the Board, then the settlement amount will be paid up front and in lump sum. The advantage for the City is that we avoid: (i) the cost of evidentiary hearings on indemnity, (ii) the risk of a hearing outcome that could be more expensive than the settlement amount, and (iii) the risk that the claimant may request additional indemnity benefits. He will be foreclosed from doing so.

Should the Council approve this request, the parties will finalize a Section 32 settlement agreement and then present it to the Board for its approval. Once fully signed and Board approved, PERMA will issue the necessary check for $65,000.00. Consequently, this memo does not include any check writing instructions to the City Controller.

It is my recommendation that the above settlement be approved under the terms set forth above. Will the Council so approve?

Respectfully submitted,

Thomas J. DeBoy

THOMAS DEBOY
Acting Corporation Counsel

Archie_____ Bax_____ Myles_____ Zajac_____ Perry_____

ITEM 07

RESOLUTION No. 2025

RELATIVE TO AMENDING THE APPOINTMENT OF PATRICK CICARELI TO THE ZONING APPEALS BOARD, TO CORRECT HIS TERM OF OFFICE

BY:

Council Chairman James Perry

WHEREAS, Patrick Ciccarelli was appointed to the Zoning Appeals Board on January 22, 2025, to replace Charles Walker, who resigned from such Board last fall; and

WHEREAS, since Charles Walker was serving a term of office that expires December 31, 2025, the length of Patrick Ciccarelli's term of office can be no greater than Mr. Walker's; and

WHEREAS, the Council's appointment resolution on January 22nd mistakenly refers to Patrick Ciccarelli as having a three-year term of office expiring on December 31, 2027.

NOW, THEREFORE, BE IT RESOLVED by this Council that the aforesaid resolution appointing Patrick Cicarelli to the Zoning Board of Appeals is hereby amended to recite that his term of office shall expire on December 31, 2025, if not terminated sooner; and

BE IT FURTHER RESOLVED that such appointment shall become effective immediately upon the said appointee taking and filing the necessary Oath of Office with the City Clerk.

Archie _____ Bax _____ Myles _____ Zajac _____ Perry _____