

NIAGARA FALLS CITY COUNCIL
DRAFT MINUTES OF SPECIAL MEETING ON NOVEMBER 21st, 2024

BUDGET WORK SESSION #3

COUNCIL CHAMBERS

5:30 P.M.

I. MEETING CALLED TO ORDER

The Meeting was called to order at 5:30 P.M. by Chairperson Perry, according to City Charter § 3.9 (D) and RONR (12th ed.) 47:11 (3).

ARCHIE P BAX P PERRY P MYLES P ZAJAC P

Also present were Robert Restaino, Mayor, Maria Brown, Controller, Elizabeth Eaton, City Clerk

II. OPENING CEREMONIES

A. INVOCATION - Prayer by Council Chairperson Perry.

B. PLEDGE OF ALLEGIANCE – Led by Council Chairperson Perry.

III. ADMINISTRATIVE BUDGET PRESENTATION

The Administration reviewed the proposed Budget relating to the following Departments:

- | | |
|--------------------------------|-------------------------|
| • Police | • Community Development |
| a. Narcotics Division | • Library |
| b. Criminal Investigation Unit | • Human Resources |
| • Fire | |
| a. Fire Prevention | |
| b. Fire Administration | |
| c. Fire Mechanics | |

The Administration answered miscellaneous questions from Council Members.

V. MEETING ADJOURNMENT

With no further business remaining, Chairman Perry adjourned the meeting at 5:59 p.m., without a motion or second, as permitted by RONR (12th ed.) 21:27.



City of Niagara Falls, New York

OFFICE OF THE MAYOR

(716) 286-4310

TO: City Council
FROM: Mayor Robert M. Restaino
DATE: January 15, 2025
SUBJECT: Approval of waiver and forgiveness of unpaid city property taxes owing on eight City-owned properties before the same are transferred to NORLIC.

Council Members:

In September 2022 and February 2024, the Council approved the sale of twelve properties to NORLIC for residential rehabilitation and sale under NORLIC's land banking program. NORLIC will rehabilitate eleven of the twelve properties for eventual sale, thereby returning those properties to the tax rolls. (The twelfth property - 1331 Willow Avenue - required demolition of its residential structure in 2023 so it will not be transferred to NORLIC).

Out of the 11 properties approved for transfer to NORLIC, eight have not yet been disposed of. They are 435-13th Street, 1805 Weston Avenue, 1535 Pierce Avenue, 2401 Whitney Avenue, 925 Grove Avenue, 451-12th Street, 612 Tronolone Place, and 1129 Niagara Avenue. The delay in transferring these eight parcels is due to City property taxes that accrued long ago, which would become NORLIC's responsibility to pay upon closing. NORLIC advises that completing the sale of the eight properties is not feasible so long as they are burdened by such back taxes. Thus, NORLIC now asks the City to forgive the unpaid City property taxes, which include fees as well as School taxes that the City was legally required to pay to the Niagara Falls City School District.

The City originally acquired the eight properties through tax foreclosure as early as 2010, after which the back taxes owed to the City were not written off, and otherwise authorized tax exemptions were not all applied. The Council was not aware of this situation, nor was it asked for tax forgiveness before it approved the sales to NORLIC in 2022 and 2024. Even so, both precedent and necessity support granting NORLIC's request.

Will the Council waive and approve forgiveness of all the unpaid City property taxes relative to these eight properties and further authorize the Mayor to thereafter execute any deeds or any documents necessary to effectuate the transfer of the said properties to NORLIC?

Submitted by:

 Mayor Robert M. Restaino

Archie _____ Bax _____ Myles _____ Zajac _____ Perry _____



City of Niagara Falls, New York

OFFICE OF THE MAYOR

TO: City Council
FROM: Mayor Robert M. Restaino
DATE: January 15, 2025
SUBJECT: Reorganization in the Department of Public Works & Parks

Council Members:

The Department of Public Works and Parks is requesting to reorganize the staffing within Parks – Hyde Park by reducing one vacant MW-2 Job Class 5770 and adding one MW-3 Job Class 5780 at a cost of \$2,262.62. Funding is available from the biweekly budget line A7110.3450.

Will the Council so approve?

Submitted by:

Mayor Robert M. Restaino

Archie _____ Bax _____ Myles _____ Zajac _____ Perry _____



City of Niagara Falls, New York

OFFICE OF CORPORATION COUNSEL

745 Main Street, Niagara Falls, NY 14301

January 15, 2025

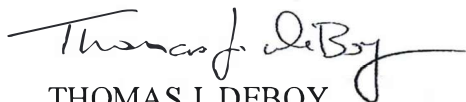
The City Council
Niagara Falls, New York

RE: Request for approval to settle and pay property damage claim of SIMLIN ISLAM

Date of Occurrence:	July 31, 2024.
Date Claim Filed:	September 18, 2024.
Date Action Commenced:	Not Applicable.
Location:	2233 South Avenue, Niagara Falls, NY 14305
Nature of Claim:	Property damage to the claimant's home caused by a tree in the City's right-of-way that fell due to poor health approximately thirty days after being reported.
City Driver:	Not Applicable.
Status of Action:	This matter has been investigated but has not yet been placed in suit. At this juncture, this Office determined that a reasonable settlement could be reached that would avoid litigation costs and protect the City from legal action.
Recommendation/Reason:	Best interest of the City.
Amount to be Paid:	\$8,716.50
Check Writing Details:	The City's Insurer, NYMIR, will make the payment directly to the Claimant, and then seek reimbursement from the City because the amount paid is within the City's deductible. The check will therefore be made payable to NYMIR upon invoicing.
Conditions:	None. A fully executed General Release signed by the Claimant in favor of the City has been received and approved by the undersigned.

I recommend that the above settlement be paid under the terms set forth above. Will the Council so approve?

Respectfully submitted,


THOMAS J. DEBOY
Acting Corporation Counsel

Archie _____ Bax _____ Myles _____ Zajac _____ Perry _____

RESOLUTION No. 2025-

RELATIVE TO THE CITY OF NIAGARA FALLS CITY COUNCIL AUTHORIZING LEGAL ACTION TO RECOVER TITLE TO THE TENTH STREET PLAYGROUND PROPERTY

By:

Council Chairman James Perry
 Council Member Brian Archie
 Council Member Traci Bax

WHEREAS, the City of Niagara Falls sold the Tenth Street Playground, 907 Falls Street (S.B.L. No. 159.09-3-3), to Niagara Falls Redevelopment, LLC (“NFR”) pursuant to a Development Agreement entered into June 16, 2003; and

WHEREAS, pursuant to the terms of the Development Agreement the Tenth Street Playground was properly deemed public land subject to the public trust doctrine, and therefore the Development Agreement specifically required the authorization of the New York State Legislature before the transfer of the Tenth Street Playground; and

WHEREAS, notwithstanding the requirement of the Development Agreement that state legislative approval be obtained prior to the transfer of the Tenth Street Playground, a deed recorded on August 9, 2004, by which the City transferred the Tenth Street Playground to NFR; and

WHEREAS, the Development Agreement specifically contemplated that the Tenth Street Playground parcel would be removed from the properties to be transferred if the City was unable to tender title due to the absence of the state approval, and a diligent review of the public record reveals that neither party to the Development Agreement obtained the necessary approval for the property’s alienation through from the State Legislature, thereby rendering the transaction void due to a violation of New York’s public trust doctrine which provides that any transfer that is subject to the public trust doctrine that does not obtain the required approval of the State Legislature is void ab initio, and therefore the City is still the rightful owner of the Tenth Street Playground.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Niagara Falls that:

1. Because the City of Niagara Falls is the rightful owner of the Tenth Street Playground and the City Council has an obligation to defend the property interests of the residents and taxpayers of the City and preserve parkland property for recreational uses, the Corporation Counsel is therefore authorized to take all necessary steps to commence any and all legal action, including but not limited to a quiet title action under the Real Property Actions and Proceedings Law, against NFR and any successors in interest, affiliates, individuals, lienholders or other parties with any interest in the Tenth Street Playground in order to declare the transfer of the Playground null and void and to recover ownership of the Tenth Street Playground for the City.

2. This Resolution shall be effective immediately upon its adoption.

Archie _____ Bax _____ Myles _____ Zajac _____ Perry _____

RESOLUTION No. 2025–

***RELATIVE TO APPOINTMENTS AND REAPPOINTMENTS
TO THE PLANNING BOARD***

BY:

Council Chairman James Perry
Council Member Brian Archie
Council Member Traci Bax
Council Member Donta Myles
Council Member David Zajac

WHEREAS, the Niagara Falls City Council deems it desirable to support the continued existence of the Planning Board; and

WHEREAS, after many faithful years of service as a Member and Chairperson of the Planning Board, Tony M. Palmer’s term of office expired on December 31, 2024, and he did not seek reappointment; and

WHEREAS, Malik Murray has submitted a resume to be appointed as a Member of the Planning Board for a new three-year term; and

WHEREAS, after recently completing their past three-year terms as Members of the Planning Board, Ryan Dallavia and Joyce M. Williams have individually requested reappointment by this Council to a new three-year term.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Niagara Falls, New York, hereby appoints Malik Murray as a Member of the Planning Board for a three-year term that shall expire on December 31, 2027, if not terminated sooner; and

BE IT FURTHER RESOLVED that the City Council of Niagara Falls, New York, hereby reappoints Ryan Dallavia and Joyce M. Williams as Members of the Planning Board for a three-year term that shall expire on December 31, 2027, if not terminated sooner; and

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

Archie _____ Bax _____ Myles _____ Zajac _____ Perry _____

RESOLUTION No. 2025-

RELATIVE TO A REAPPOINTMENT TO THE ASSESSMENT REVIEW BOARD

BY:

Council Chairman James Perry
 Council Member Brian Archie
 Council Member Traci Bax
 Council Member Donta Myles
 Council Member David Zajac

WHEREAS, the Niagara Falls City Council deems it desirable to support the continued existence of the Assessment Review Board as approved and created on December 27, 1977, pursuant to Section 1524 of the Real Property Tax Law; and

WHEREAS, after completing his last five-year term as a Member of the Assessment Review Board, Robert W. Burns has requested the Council to reinstate him to a new five-year term retroactive to September 30, 2024.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Niagara Falls, New York, hereby reappoints Robert W. Burns to a new five-year term as a Member of the Assessment Review Board, as requested, meaning that such term shall expire on September 29, 2029, 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 _____

RESOLUTION No. 2025-

RELATIVE TO A REAPPOINTMENT TO THE TRAFFIC ADVISORY COMMISSION

BY:

Council Chairman James Perry
Council Member Brian Archie
Council Member Traci Bax
Council Member Donta Myles
Council Member David Zajac

WHEREAS, the Niagara Falls City Council deems it desirable to support the continued existence of the Traffic Advisory Commission; and

WHEREAS, after recently completing his past five-year term as a Member of the Traffic Advisory Commission, Robert Ventry has requested reappointment by this Council to a new five-year term.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Niagara Falls, New York, hereby reappoints Robert Ventry to a five-year term on the Traffic Advisory Commission, as requested, meaning that such term shall expire on December 31, 2029, if not terminated sooner; and

BE IT FURTHER RESOLVED that such reappointment 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 _____

RESOLUTION No. 2025-

RELATIVE TO AN APPOINTMENT TO THE ZONING APPEALS BOARD

BY:

Council Chairman James Perry
Council Member Brian Archie
Council Member Traci Bax
Council Member Donta Myles
Council Member David Zajac

WHEREAS, the Niagara Falls City Council deems it desirable to support the continued existence of the Zoning Appeals Board; and

WHEREAS, Patrick Ciccarelli has submitted a resume to be appointed to the Zoning Appeals Board for a three-year term.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Niagara Falls, New York, hereby appoints Patrick Ciccarelli to a three-year term on the Zoning Appeals Board, as requested, meaning that such term shall expire on December 31, 2027, 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 _____

RESOLUTION No. 2025-

RELATIVE TO THE APPOINTMENT OF A MARRIAGE OFFICER

By:

Council Chairman James Perry
 Council Member Brian Archie
 Council Member Traci Bax
 Council Member Donta Myles

WHEREAS, the City of Niagara Falls has an international reputation as the Honeymoon Capitol; and

WHEREAS, couples arrive at the City Clerk's Office from all over the World to obtain a Marriage License; and

WHEREAS, it is advantageous for the City and convenient for couples to have these marriages solemnized within the confines of the City of Niagara Falls; and

WHEREAS, the Council finds it appropriate to appoint and re-appoint Marriage Officers as it deems necessary.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York, that, in accordance with Section 11-c of the New York Domestic Relations Law, each of the following employees in the City Clerk's Office is hereby appointed as a Marriage Officer for the City of Niagara Falls and shall so serve for a term of four (4) years that shall expire on December 31, 2028, if not revoked sooner by the Council:

Deborah Stempien, Account Clerk.

Archie _____ Bax _____ Myles _____ Zajac _____ Perry _____

RESOLUTION No. 2025-

***RELATIVE TO AMENDING CHAPTER 738 OF THE CODIFIED
ORDINANCES OF THE CITY OF NIAGARA FALLS, NEW YORK,
ENTITLED "CLEAN NEIGHBORHOOD ORDINANCES"***

BY:

Council Chairperson James Perry

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York, that Section 738.06 of Chapter 738 of the Codified Ordinances is hereby amended to authorize the Director of Public Works and/or Director of Inspections (aka Director of Code Enforcement) to declare that an emergency exists relating to health, public safety or the public right away, thereby necessitating an immediate removal of the offending property condition, without the issuance of an Order of Cleanup, which may result in the assessment of costs and administrative penalties provided for in this Section when an owner and/or occupant of real property within the City limits fails to comply with their duties under this Chapter, as follows:

**738.06 CORRECTIVE ACTION BY CITY, ASSESSMENT OF COSTS AND
ADMINISTRATIVE PENALTIES**

(a) In addition to the provisions of Section 738.05 of this Chapter, any condition causing a violation of this Chapter either shall be ordered to be removed by the party in violation or shall be removed by the City, in accordance with the provisions of this Section.

(b) The Director of Inspections **(also known as the Director of Code Enforcement)**, the Director of Public Works, or either of their designees, may issue an Order of Cleanup to any person violating the provisions of Section 738.03 of this Chapter.

(c) The Order of Cleanup shall be addressed to the owner and occupant of the property on which the violating condition exists. The Order of Cleanup shall be served by posting the Order at the property, mailing by regular mail a copy of the Order to the occupant and owner at the property, mailing a copy of the Order by regular mail to the address of the owner as shown on the records of the City Assessor. If the property is unimproved, the Order shall be served only by mailing the Order by regular mail to the owner at the address as shown on the records of the City Assessor.

(d) The Order of Cleanup shall specify the violating condition and shall order correction of the condition within a reasonable time specified in the Order, not to exceed 10 days from the date of the Order.

(e) The Order of Cleanup shall also state that, should the violating condition not be

Archie _____ Bax _____ Myles _____ Zajac _____ Perry _____

corrected within the time specified, the City shall remove the offending condition on or after a date and time specified in the Order.

(f) The Order of Cleanup shall also state that, should the City remove the violating condition, the cleanup costs, disbursement and handling fee and administrative penalty will be payable by the owner or occupant and, if unpaid, shall be assessed against the real property as provided in this Section.

(g) The Director of Inspections and the Director of Public Works shall keep an accurate account of the expenses incurred by the City for removal of any violating condition. Such account shall itemize the cost incurred for labor, materials, equipment, and any other cost. The total costs incurred shall be billed to the owner or occupant of the real property from which the violating condition is removed. The bill for cleanup services shall be paid within 30 days of the date of the bill. The bill shall be served upon the owner and occupant in the same manner in which the Order of Cleanup was served.

(h) All bills for cleanup services shall reflect a minimum charge of one-half (1/2) hour labor per worker and one-half (1/2) hour per piece of motorized equipment. Labor charges shall be at the rate of pay of the worker performing the work, including fringe benefits, and equipment charges shall be at the rate established by the City for the equipment used. All bills for cleanup services shall contain a charge of 20% to cover the costs of disbursements and handling. All bills for cleanup services shall also contain an administrative penalty of 100% of the total cleanup costs, including the 20% disbursement and handling fee. (Amended 06/06/1989.)

(i) Notwithstanding Section 738.06(h), bills for cleanup services for real property owned by a Federal, State or Local government, governmental subdivision, or governmental agency, or real property owned by an interstate or intrastate railroad company and exempt from taxation pursuant to the New York State Real Property Tax Law shall not be subject to the 100% administrative penalty if the bill for cleanup services is paid within ninety (90) days of the date of the bill. This Section 738.06(i) shall not apply to real property of a Federal, State, or Local government, governmental subdivision, governmental agency, or interstate or intrastate railroad company that is leased for economic or industrial development purposes. (C. 11/30/1987; amended 09/09/1993.)

(j) For each property inspection performed by the Code Enforcement Department for the purpose of enforcing the Clean Neighborhood Ordinances, the property owner shall be charged for the cost of necessary inspections performed by the City as follows:

- (1) First Inspection – no fee
- (2) Second Inspection - \$50
- (3) Third Inspection, if required - \$150
- (4) Fourth inspection, if required - \$250
- (5) Fifth inspection, and all further inspections, if required - \$500 per inspection

The inspection fees shall be billed to the property owner in the same manner as cleanup costs. If unpaid within thirty (30) days of the billing date, the unpaid charges shall be assessed against the real property in the same manner as the unpaid clean-up service bills. (Added new (j) by amendment on 09/04/2024.)

(k) On or after October 15 of each year, the Director of Inspections and the Director of Public Works shall report all unpaid bills for cleanup services and inspection fees to the City Council whereupon the City Council shall order each bill, including the 20% handling fee and 100% administrative penalty applicable to clean up services, to be assessed against the real property relative to which the work and/or inspection was performed, and such bills shall be added as an assessment to the tax bills for each property for the following year. (Renumbered from (I) to (j) 11/30/87; amended 09/09/1993; renumbered from (j) by amendment on 09/04/2024.)

(l) Notwithstanding the foregoing provisions of this Section, no Order of Cleanup or other notice {prior to removal} shall be required to be given to the owner or occupant of the property on which the violating condition exists before proceeding with the immediate removal thereof where

(1) the Departments of Police or Fire, or the County Health Department, declare in writing to the City Administrator, Director of Inspections, or Director of Public Works that an emergency relating to health, {or} public safety, or the public right of way exists as a result {requiring the immediate removal} of the violating condition; or

(2) the Director of Inspections or Director of Public Works, after consulting with the City Administrator, declare in writing to him or her that an emergency relating to health, public safety, or the public right of way exists as a result of the violating condition.

In case of immediate removal of any violating condition as outlined in this subsection, the cost thereof shall be assessed and collected in the same manner as provided in subsections (g-j) of this Section. (C. 04/03/90; renumbered from (k) by amendment on 09/04/2024.)

Bold and Underline Indicate **Additions**
Bold and Brackets Indicate {**Deletions**}