

Item #1

The following claims have been filed in the Office of the City Clerk during the month of March 2010. The claims were subsequently referred to the Office of the Corporation Counsel.

**NOTICE OF INTENTION TO FILE CLAIM**

Gardner, Walter  
unspecified 23 Evans Street  
Lockport, NY 14094

Notice of Intention to file claim for  
damages

**NOTICE OF CLAIM**

Johnson, Clarence Sr.  
2241 Niagara Ave.

**ALLEGED DAMAGE**

Damage to automobile caused by pothole

Baillie, Casandra  
5906 Garlow Rd.  
Niagara Falls, NY 14304

Damage to automobile caused by pothole

Drake, Quincy  
116 Quay St.  
Niagara Falls, NY

Personal injuries caused by a fall on a  
projecting pipe

Kozlowski, Wanda  
2004 Hyde Park Blvd.

Property damage caused by City snow plow

Bouley, Candy  
2901 Ontario Ave.

Damages and personal injuries caused by

fall on City sidewalk

Schmidt, Bethanne  
73<sup>rd</sup> St

Property damage caused by fallen City tree 305-  
limb

Barbiero, Danielle  
2786 Livingston Ave

Automobile damage caused by fallen City  
tree limb

Raymond, Dean  
C/O Robert T. Koryl, Esq.  
701 Pine Ave.

Damages and personal injuries caused by  
two City police officers

Hayes, Laertes  
1153 Haeberle Ave

Damages and personal injuries caused by  
negligence of Police Department

Myles, Barry  
3282 - 9thSt  
Unity Park

Automobile damage caused by potholes

National Fuel Gas Distribution Corporation  
gas line and loss 6363 Main Street  
excavation by City  
Williamsville, NY 14221

Property damage to natural  
of gas caused by

Andrzejczyk, Adam A.  
519-73<sup>rd</sup> St

Automobile damage caused by fallen City  
tree limb

Longo, Rosemary and Peter  
76 Ward Park  
Grand Island, NY 14072

Personal injuries and damages caused by a  
slip and fall on City sidewalk

**SUMMONS**

Tate, Nicholas R. and Annette  
802 Morley Ave.

Index No.: 140022

Cassano, Rosemary  
627-17<sup>th</sup> St

Index No.: 140215

Item #2

The following is a report of the licenses issued and collections made in the Office of the City Clerk during the month of March 2010.

		<b><u>CONTROLLER</u></b>
A1255-001 A012	Vital Statistics	\$ 7,044.00
A1255-004 A013	Copies of Records	\$ 639.75
A1255-004 A013	Certificates of Marriage	\$ 350.00
A2501-006 A042	Tour Agency	\$ 1,750.00
A2501-006 A042	Tour Attendant	\$ 50.00
A2501-006 A042	Tour Driver/Guide	\$ 450.00
A2501-011 A044	Peddler	\$ 600.00
A2501-016 A047	Stationary Engineers Test Fee	\$ 80.00
A2501-021 A048	Amusement Games	\$ 50.00
A2542-000 A053	Dogs/N County Treasurer	\$ 395.95
A2542-000 A053	Dogs/NYS Agr.& Mkts	\$ 174.00
A2542-000 A053	Additional Dogs	\$ 2,166.05
A2545-001 A054	Marriage License/NYSHD	\$ 787.50
A2501-005 A126	Junk Dealers	\$ 900.00
A2545-010 A128	Petroleum - Retail	\$ 210.00
A2545-010 A128	Petroleum - Wholesale	\$ 200.00
A2501-599 A130	Theatre	\$ 100.00
A2545-021 A316	Vending	\$ 30.00
A2545-023 A318	Hunters/NYS DEC RAU	\$ 581.98
A2545-023 A318	Hunters Fees	\$ 34.02
A1255-003 A499	Notary Fee	\$ 6.00
A1255-005 A528	Dog Release	\$ 300.00
TA63008 A597	Marriage Performance	\$ 875.00
A1255-006-A696	Photos/passport-license	\$ 153.00
<b>TOTAL:</b>		<b><u>\$ 1,939.43</u></b>
		<b><u>\$ 16,250.32</u></b>

Check #	39595
Check #	47002
Check #	46967
Check #	ET

Niagara County Treasurer	\$ 395.95
NYS Dept.of Arg. & Mkts	\$ 174.00
NYS Health Department	\$ 787.50
NYS DEC RAU	\$ 581.98

Item #3

We respectfully request you award the above referenced bid as follows:

TO: Covey Tree, Inc.  
29 N. Main Street  
Jamestown, NY 14701

FOR: Removal of Thirty (30) trees on City margins;  
including stump removal and ground restoration: \$44,010.00

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Thirteen (13) vendors. Six (6) bids were received. The above referenced company submitted the lowest bid.

Funds for this expenditure are available in the Capital budget code:  
H0912.2009.0912.0449.599.

Item #4

We respectfully request you award the above referenced bid as follows:

TO: Santo Candella Const. Co., Inc.  
118 74<sup>th</sup> Street

Niagara Falls, NY 14304

FOR: Boarding up of various dilapidated and fire damaged  
structures, privately and publicly owned, deemed  
hazardous by the Inspections Department and Fire Department.

Price per square foot of sheathing used: \$1.69/sq. ft.

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Four (4) vendors. The above referenced company submitted the lowest bid. One other bid was received from Western New York Property Contractors (\$3.00/sq. ft.).

Funds for this expenditure are available in the Department of Code Enforcement code: A3620.0000.0449.599.

Item #5

We respectfully request you award the above referenced bid as follows:

TO: LaFarge North America  
75 Pineview Drive, Suite 100  
Amherst, NY 14228

FOR: Sale of Street Millings generated during the 2010  
paving season (approx. 40,000 tons): \$4.75/ton

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to four (4) vendors. Three (3) bids were received. The above referenced company submitted the highest price for the street millings. Bids were also received from Modern Landfill, Inc. (\$3.25/ton) and Armand Cerrone, Inc. (\$.50/ton).

**Council Members:**

The 2010 N.F.C. Development Corp. operating budget requires an additional \$5,000.00 to meet anticipated expenses. As you recall, NFC is being funded entirely with casino revenues, to free economic development efforts from CDBG regulations. Funds are available from the local share of 2008 casino revenues received by the City in 2009. State Finance Law §99-h funds may be used to accommodate and enhance economic development.

Will the Council vote to approve operating grant as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

**David H. Sault for \$45,000.00**

**Council Members:**

The City has received an offer from David H. Sault to purchase 2105 Ferry Avenue for \$45,000.00. This property was previously sold by the City through the Urban Homesteading Program, and was obtained by the City through mortgage foreclosure. The Planning Board approved the sale of this property on September 17, 2009.

The offer is contingent on the purchaser obtaining an FHA mortgage. The purchaser must also qualify under the HUD Median Income Limits. The sale proceeds will be reduced by closing costs and a "seller concession" in the amount of \$2,700.00. The net sale proceeds will be Community Development Department program income.

The property was offered for sale to the public by the Community Development Department, and then listed with Hooper Realty. City Charter §59 requires that real property be sold at public auction to the highest bidder. This public offer does not technically meet that requirement. Approval of the sale requires that Council determine that the best interest of the city shall be subserved by dispensing with a sale at public auction.

Will the Council vote to determine that the best interest of the city shall be subserved by dispensing with a sale at public auction and to approve sale of 2105 Ferry Avenue as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Item #8

**Council Members:**

The following bids were received by the Department of Community Development on April 12, 2010 for the demolition of six (6) structures identified on the attached list.

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Metro Contracting & Environmental, Inc.	\$125,101
National Vacuum Corp.	\$127,020
Scott Lawn Yard, Inc. .	\$137,222
Niagara Frontier Services	\$139,350
Empire Dismantlement Corp.	\$159,400
Mark Cerrone, Inc.	\$164,800

It is our recommendation that a contract be awarded to the low bidder, Metro Contracting & Environmental, Inc. at their base bid amount of \$125,101. Funding is available in budget code CD1.8666.0000.0450.500

Will the Council vote to award contract CD2010-1 to Metro Contracting & Environmental, Inc. and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Item #9

In accordance with Chapter 1133, Section 1133.08 of the City of Niagara Falls Codified Ordinances, we hereby submit a report relative to certain privately owned properties upon which the City has incurred expenses or Community Development funds have been expended for each property which remain unpaid and in accordance with the above noted Section (the) Council shall "order an assessment against said premises for several sums herein reported".

We recommend that all the costs incurred by the City of Niagara Falls that remain unpaid upon certain privately owned properties be assessed against said properties in the manner as prescribed in the above City provisions of the City of Niagara Falls Codified Ordinances.

A list of all chargeable costs incurred is attached. A complete record of all costs incurred and included in this report shall remain permanently on file in the office of the Department of Code Enforcement.

Will the Council so order?

## Item #10

On November 9, 2009, City Council approved the FY' 2010 Consolidated Annual Plan which includes the budgets for the Community Development, HOME, and Emergency Shelter Grant programs. These budgets were based on estimated funding to be received from the federal government.

The City has recently been notified of the actual grants awarded by the U.S. Department of Housing and Urban Development. The CDBG Program was awarded an additional \$219,401, the HOME Program was awarded an additional \$1,500 and the ESG Program was awarded an additional \$977. Therefore, we are proposing the following budget modifications to reflect the revised federal grants:

<b>FEDERAL GRANT</b>	<b>ESTIMATED GRANT</b>	<b>ACTUAL GRANT</b>	<b>INCREASED FUNDING</b>	<b>ACTIVITY TO BE FUNDED</b>
Community Development Block Grant (CDBG)	\$2,520,000	\$2,739,401	\$219,401	Demolition
HOME Investment Rehabilitation Partnership Program (HOME)	\$640,000	\$641,500	\$1,500	City HOME
Emergency Shelter Grant Program (ESG)	\$110,000	\$110,977	\$977	YMCA

Will Council vote to so approve and authorize the Community Development Director to make the necessary budget adjustments?

Item #11

**Council Members:**

The Department of Community Development's has played an important role in the administration and management of Casino funded projects such as demolition, the Ezekiel Project, Memorial Medical Center Parking Lot, and Family & Children's Service etc. Community Development employees are required by HUD to accurately allocate their time based on funding source.

City Council recently approved the allocation of a substantial amount of Casino revenues to fund demolitions. Therefore, if Community Development employees are to continue their role in this process, along with other Casino funded projects, then it is essential the Council also set-aside Casino revenue to offset department administrative costs . We estimate that approximately \$60,000 will be needed to pay for salary and fringe benefit costs for those employees working on Casino projects. The actual costs cannot be determined until the end of the year, once all time allocation reports have been submitted. If the total salary and fringe benefit costs are less than the \$60,000 requested, we will return any unexpended funds to the City. Conversely, if the total exceeds \$60,000 we will request that Council consider that additional funding be provided.

Additionally, the Section 8 Division of the Department of Community Development has continually struggled to earn enough revenue from federal grants to pay their administrative costs. In 2008 we had to lay- off one employee and we did not fill a vacancy created through retirement, in an effort to decrease costs. We recently opted to have 3 employees dedicate time to manage the HPRP Program to increase revenue. With all of these efforts, we still project that the Section 8 program will have a \$32,000 operating shortfall in 2010. Therefore, we respectfully request that Council approve the use of \$32,000 in Casino revenues to offset the projected shortfall. Again, any unexpended Casino funds will be returned to the City at year-end.

Will Council vote to so approve the allocation of \$92,000 in Casino funds for the Department of Community Development, of which \$32,000 will be reserved for the Section 8 Program?

## Item #12

The following was the result of bids received on April 12, 2010, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Yarussi Construction Inc. 5650 Simmons Ave. Niagara Falls NY 14304	\$ 73,600.00
Mark Cerrone, Inc.	\$ 97,714.00
Sicoli Construction Services	\$ 338,700.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Yarussi Construction, at their Base Bid of \$73,600.00. Funding is available in Casino Funds Code H0812.2008.0812.0449.599.

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

## Item #13

### Council Members:

The City's Youth Board enters into funding contracts with various entities. The City is reimbursed for the funding of these agreements by the State of New York.

The proposed agreements for 2010 are as follows:

Potter's House	\$2,500
The New Jerusalem Center	\$1,787
Niagara Falls Boys & Girls Club	\$5,470
St. Francis Center	\$1,787

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

## Item #14

### Council Members:

The owner of the premises located at 2223 Pine Avenue, Niagara Falls, New York seeks to make its parking lot more "business friendly" and desires to install lighting in its parking lot. The City has been requested to contribute \$2,000 toward the cost of this lighting. This parking lot is frequently used for municipal purposes. Funding is available from Casino Interest.

Will the Council so approve?

## Item #15

### Council Members:

Please recall that at the City Council meeting on February 22, 2010 the Council approved an agreement for the City to participate in the New York Power Authority (NYPA) Energy Services Program. This Program involves NYPA financing the cost of facility upgrades as described in the agreement with a repayment obligation on the part of the City. The total cost of the project, including financing, was originally projected to be approximately \$1,361,602.50. That amount is now projected to be \$1,440,558.35, for a total increase of \$316,103.54 as per the attached Change Order from NYPA. The City's total annual energy savings are still projected to be approximately \$86,355.00.

Will the Council approve this Charge Order?

**Item #16**

Council Members:

The Police Department has received a \$5,000 grant from the State of New York to purchase five computers.

No City match is required.

Will the Council so approve and authorize the Mayor to execute the agreement and any other documents necessary to effectuate this grant?

Item #17

Council Members:

In an effort to make the Pine Avenue Business District more "business friendly", it is recommended that lights be installed at the City-owned parking lot at the corner of Pine Avenue and 20<sup>th</sup> Street. It is estimated that these improvements will not exceed \$20,000. Funding is available from 2009 Casino Spending Plan.

Will the Council so approve?

Council Members:

The Fire Chief is recommending that the City acquire a new ladder truck for its fleet of fire fighting apparatus. This ladder truck to be acquired is intended to replace an existing ladder truck that is a 1991 model. These trucks have a projected useful life of 20 years and the existing truck will reach that 20 year point in 2011. The cost for this new truck is \$685,335. Funding is available from the 2011 Casino Spending Plan.

Will the Council so approve?

Item #19

Council Members:

It is desirable to reinstitute again this year Trolley Service in the City in cooperation with the Niagara Frontier Transportation Authority. Attached is a proposed agreement and map showing the trolley route. The total cost is estimated to be \$281,111. Funding is available from the Tourism Fund.

Will the Council so Approve?

**CHAPTER 341**  
**VENDORS AND PEDDLERS**

341.01	Findings and Purpose	341.12	Restrictions Applicable to
341.02	Definitions	all	
341.03	License Required		Vendors and Peddlers
341.04	Application	341.13	Suspension or Revocation of
341.05	Health Permits		License
341.06	Issuance of License	341.14	Appeals
341.07	Holder of License	341.15	Renewals
341.08	Exemptions	341.16	Old Falls Street Special
341.09	License Fees		Vending District
341.10	Official Map of Designated	341.17	-
	Vendor Locations	341.89	Reserved
341.11	Licenses and Identification	341.90	Penalties
	Badges	341.99	Severance Clause

**341.01 Findings and Purpose**

It is found and declared that:

(a) The primary purpose of the public streets, sidewalks, and other public ways is for use by vehicular and pedestrian traffic;

(b) The offering of varied goods and services for sale on such public ways, if properly managed, promotes the public interest by contributing to an active and attractive pedestrian environment;

(c) Reasonable regulation of vending and peddling of goods on public ways is necessary to protect the public health, safety, and welfare;

(d) The realization of clean, sanitary, attractive, and well-managed street vending and peddling services can contribute to a positive impression of the City by visitors and residents experience and serve as an important means of business entrepreneurship to City residents;

(e) While street vending and peddling can serve as an amenity and offer entry-level business opportunities, nevertheless it is important to carefully consider the rights of permanent businesses in the City in administering such activities so as to avoid conflicts to the greatest extent feasible, and

(f) The regulations contained in this Chapter are not intended to prohibit or hamper speech which is protected by the First Amendment, but merely to regulate specific activities which are commercial in nature.

**341.02 Definitions**

(a) "Motor Vehicle" shall mean any vehicle used for the displaying, storing, or transporting of articles for sale by a vendor or peddler which is required to be licensed and registered by the State Department of Motor Vehicles. The term is to include trailers, trucks and automobiles.

(b) "Peddler" shall mean any individual, whether self-employed or an employee/agent of an individual, group of individuals, proprietorship, partnership, or corporation who sells or offers to sell food, beverages, goods, or merchandise on any public way from his or her person or from a vehicle in locations that are not fixed.

(c) "Public way" shall mean all areas legally open to public use such as public streets, sidewalks, roadways, highways, parkways, alleys, and City-owned parks, but not including parks and facilities operated by the New York State Office of Parks, Recreation, and Historic Preservation, public parking lots, parking structures, and interior areas and areas surrounding public buildings.

(d) "Sales on foot" shall mean selling ready-made food, goods, or merchandise solely from his or her person using only conveyances that can be moved by foot such as backpack or hawker's trays/chests.

(e) "Stand" shall mean any stand, table, bench, booth, rack, hand/push, bicycle, or other type of vending cart, or any other fixture or device which is not required to be licensed and registered by the Department of Motor Vehicles, and is used solely for the preparation, display, storage and/or transportation of food, beverage, and other articles offered for sale by a vendor or peddler.

(f) "Vendor" shall mean any individual, whether self-employed or an employee/agent of an individual, group of individuals, proprietorship, partnership, or corporation, who sells or offers to sell food, beverages, goods, or merchandise on any public way from a stand, cart, motor vehicle, or from his or her person, in a fixed location.

**341.03 License Required**

It shall be unlawful for any vendor or peddler to sell, display or offer for sale any food, beverage, goods or merchandise on a public way within the City of Niagara Falls without first obtaining a license from the City Clerk.

**341.04 Application**

The application for a vendor's or peddler's license shall contain all information relevant and necessary to determine whether a particular license may be issued, including but not limited to:

(a) A complete, notarized application for a license to vend or peddle (available at the Office of the City Clerk) including full name, home address, permanent business address (if any), telephone number, driver's license number, and proof of age and identity;

(b) General liability and product liability insurance coverage of \$1,000,000 per occurrence and \$2,000,000 aggregate naming the City of Niagara Falls as additionally insured;

(c) New York State sales tax certificate;

(d) If food will be sold, proof of a permit from the Niagara County Health Department.

(e) A brief description of the nature, character, and quality of the food, beverages, goods, or merchandise to be sold;

(f) The specific location, if any, in which the vendor intends to conduct business;

(g) If vendor is employed by or is an agent of another individual, group of individuals, proprietorship, partnership, or corporation, the name, business address, and the name of the principal/hiring person of the entity;

(h) If a motor vehicle is to be used in the vending or peddling business, a description of the vehicle together with the motor vehicle registration number and the license number;

(i) Two personal references from residents of the City of Niagara Falls (for first time applicants only);

(j) Information from the applicant, if applicable, on any arrests or convictions for misdemeanor or felony offenses for a period of two (2) years prior to the application (to be verified by a police background check);

(k) A complete listing of any other licenses or permits issued to applicant by the City of Niagara Falls within the past five years;

(l) Two current 1 $\frac{1}{4}$ " x 1 $\frac{1}{2}$ " color photographs of the applicant; and

(m) Photograph or rendering of the motor vehicle, stand, cart or other conveyance as defined in §341.02 proposed for use under the license, noting dimensions, color, signs, and other features of the conveyance.

**341.05 Health Permits**

No license shall be issued to any vendor or peddler engaged in the sale of food or beverages unless such vendor or peddler shall have been granted a food service permit by the Niagara County Health Department or unless such vendor or peddler shall have applied for a food service permit with the Niagara County Health Department and an inspection of the vendor or peddler has been scheduled by the Niagara County Health Department. If the Niagara County Health Department fails to issue a food service permit to operate to any such vendor or peddler for any reason, then any such license issued by the City Clerk shall be null and void. Any food service permit issued by the Niagara County Health Department must be renewed by annually by the vendor or peddler.

**341.06 Issuance of License**

(a) Not later than ten (10) business days after the filing of a completed application for a vendor's or peddler's license, the applicant shall be notified in writing by the City Clerk of the decision on the issuance or denial of the license. If the vendor or peddler applicant complies with all application requirements and is found to have no nonconformities rationally related to sales on public ways in the City of Niagara Falls, the applicant shall be issued a vendor's or peddler's license. Any applicant denied a vending license may seek an appeal pursuant to Section 341.14.

(b) An annual vending license is valid for a period of one year, beginning on May 1 of the year issued and extending to April 30 of the following year. Applications for annual licenses received later than April 1 of the year for which the license would begin shall be on a first come, first served basis and shall not be considered until other pending applications received prior to April 1 are ruled upon.

(c) A ten-day vending or peddling license is valid for ten (10) calendar days from the date of issuance. No more than three (3) ten-day licenses shall be issued to any individual in one calendar year. Applications for a ten-day license may be submitted to the City Clerk no sooner than ten (10) business days prior to the period for which the license would apply.

(d) A day vending or peddling license is valid for one (1) calendar day from the date of issuance, as specified on the license. No more than five (5) day licenses shall be issued to any individual in one calendar year. Applications for a day license may be submitted to the City Clerk no sooner than ten (10) business days prior to the period for which the license would apply.

**341.07 Holder of License**

A vendor's or peddler's permit shall permit only the specific individual that will conduct the actual sales permitted under the license. The rights provided under the license shall not be transferable to any other individual, employee or agent for the license holder.

**341.08 Exemptions**

The following vendors are exempt from the licensing requirements of Section 341.03 and 341.07, but shall otherwise be required to comply with the provisions of this ordinance:

(a) All religious, non-profit, and charitable organizations, including school groups, provided that such groups are selling goods as part of a designated event to benefit such group and that such event has been otherwise approved or permitted by the City to occur in whole or in part in a public way or on other public property;

(b) The sale of fresh produce by the grower of such produce in a designated and/or permitted farmers market;

(c) Vendors, merchants, exhibitors, and salesmen who exhibit, demonstrate, or solicit orders for goods in conjunction with, and as part of, the organized program of conventions, professional meetings, seminars, special events, or concerts, provided such convention, professional meeting, seminar, special event, or concert has been otherwise approved or permitted by the City to occur in whole or in part in a public way or on other public property, including but not limited to the "Old Falls Street Manager" specified in Section 341.16; and

(d) Any individual peddler or carrier selling newspapers or magazines, or distributing free samples from his or her person.

**341.09 License Fees**

The fees for licenses issued under this ordinance shall be as follows:

(a) Vendors

- (1) Two Hundred Fifty Dollars (\$250.00) per year for an annual license for a vendor who uses a motor vehicle or stand as defined in §341.02.
- (2) Seventy-Five (\$75.00) for a ten-day license for a vendor who uses a motor vehicle or stand as defined in §341.02.
- (3) Fifty Dollars (\$50.00) for a day license for a vendor who uses a motor vehicle or stand as defined in §341.02.

(b) Peddlers

- (1) Two Hundred Fifty Dollars (\$250.00) per year for an annual license for a peddler who uses a motor vehicle or stand as defined in §341.02.
- (2) Seventy-Five (\$75.00) for an annual license for a peddler who performs sales on foot as defined in §341.02.
- (3) Seventy-Five (\$75.00) for a ten-day license for a peddler who uses a motor vehicle or stand as defined in §341.02.
- (4) Fifty Dollars (\$50.00) for a ten-day license for a peddler who performs sales on foot as defined in §341.02.
- (5) Fifty Dollars (\$50.00) for a day license for a vendor who uses a motor vehicle or stand as defined in §341.02.

- (6) Twenty-Five Dollars (\$25.00) for a day license for a vendor who performs sales on foot as defined in §341.02.
- (c) Replacement. A Twenty-Five Dollar (\$25.00) fee shall be paid for a duplicate license to replace a license that has been lost or destroyed.
- (d) Veterans. Any person, to whom a license has been issued as an honorably discharged veteran under Section 32 of the General Business Law, shall be exempt from the payment of the fees imposed under this section, provided that such person provides proof acceptable to the City Clerk that he or she has been honorably discharged from military service.
- (e) Graduates from City Entrepreneurship Program. Any person, to whom a certificate of completion has been issued from the City's Official Entrepreneurship Program, shall be exempt from the payment of the fees imposed under this section for an annual vending or peddling license for one (1) year of his or her operation.

### **Official Map of Designated Vending Locations**

(a) On or before May 1 of Year 2010, and on or before March 1 of subsequent years, the City Clerk shall prepare, or cause to be prepared in conjunction with other City agencies, a map of designated vending locations in the City. Prior to issuance, the official map shall be reviewed and approved by the City Council.

(b) No later than January 31 of each year, the City Clerk, shall review the Official Map of Designated Vending Locations and report to the City Council on issues that have arisen in the administration of vending in these locations and if necessary recommendations on refinements to the Official map or standard governing vending and/or peddling in the City.

### **341.10 Licenses and Identification Badges**

(a) The license issued to a vendor shall be carried with the vendor at all times when the vendor is engaged in the business of vending and shall be prominently displayed. If the vendor sells food or beverages, the food service permit must also be displayed.

(b) In addition to the license, the City shall issue a photo identification badge to every vendor. Vendors shall display their badges in such a way that the badges may be easily read while doing business. If a badge becomes damaged or obscured, the vendor shall return it to the City and receive another badge.

(c) Licenses, permits, and identification badges shall be used only by the person to whom they were issued and may not be transferred to any other person.

### **341.11 Restrictions Applicable to all Vendors and Peddlers**

(a) All vendors and/or peddlers:

- (1) Shall be at least eighteen (18) years of age; and
- (2) Shall generally be of good moral character and specifically shall not have been found guilty of any misdemeanor or felony offenses for a period of at least two (2) years prior to the issuance of a vending or peddling license.

(b) Stands. Vendor stands and carts:

- (1) Except for any vending stands/carts owned and operated by the "Old Falls Street Manager" that specifically designed and fabricated for use in the designated "Old Falls Street Special Vending District" as specified in Section 341.16, shall not exceed six (6) feet in length, four (4) feet in width, or four and one-half (4½) feet in height, however may include an umbrella or awning that provide a minimum clearance of seven (7) feet and are no greater than eight (8) feet in height;
- (2) Shall not impede access to the entrance or driveway of any adjacent building;
- (3) Shall not occupy more than half of the available sidewalk width or six (6) feet of the width of such sidewalk; whichever is less.
- (4) Shall not include tents or trailers.
- (5) Shall be maneuverable by a single individual.

(c) Peddlers shall not:

- (1) Conduct business at any one location for longer than twenty (20) minutes at a time.
- (2) Stop, stand, or park their vehicle or cart within one hundred (100) feet of any intersection within any other prohibited area, or during prohibited hours.
- (3) Impair the flow of normal vehicular or pedestrian traffic by conducting the business of peddling.

(d) Hours of Operation. Vendors and peddlers shall be allowed to engage in the business of vending and peddling only between 8:00 am and Midnight. All stands, signs, and any other equipment used for vending and peddling must be removed from public property during non-operating hours.

(e) Handicapped areas. No vendor or peddler shall conduct business within 50 feet of any handicapped parking space or access ramp.

(f) Removal of trash. All trash or debris accumulating within a 20 foot radius of any vending stand shall be collected by the vendor or peddler and deposited in a trash container. All vendors selling food or beverages must provide trash receptacles adjacent to or as a part of their stands/carts.

(g) Prohibited areas. A license issued pursuant to this chapter is valid only in locations specified on the license that are included on the Official Map of

Designated Vendor Locations, as specified under Section 341.10.. The City shall prohibit vendors or peddlers from selling on specified public ways if it determines such prohibitions are necessary for the protection of public health and safety or to advance any specific public policies specified in this ordinance. Vendor stands and motor vehicles are also prohibited within 50 feet of a fire hydrant, fire escape, bus stop, loading zone, or driveway of a fire station, police station, or hospital.

(h) Noise. No vendor or peddler may sound any device which produces a loud and raucous noise, or use or operate any loudspeaker, public address system, radio, sound amplified, or similar device to attract public attention.

(i) Motor vehicles. No vendor or peddler selling from a motor vehicle shall:

- (1) Stop, stand or park the vehicle within 100 feet of any intersection, within any other prohibited area, or during prohibited hours.
- (2) Conduct business in such a way as would increase traffic congestion or delay, constitute a hazard to life or property, interfere with an abutting property owner or obstruct access to emergency vehicles.
- (3) Conduct business at one location for longer than twenty (20) minutes, unless they have been licensed to operate at a site-specific vending location.
- (4) Conduct any business on any public way in Zoning Districts within Downtown Niagara Falls, specifically the D-1A, D-1B, D-1C, D-1D, D-2, and R-4 Heritage Districts as defined in the Niagara Falls Zoning Ordinance.

(j) Vendors or peddlers shall not display any advertising for any other businesses, services, or locations.

#### **341.12 Suspension or Revocation of License**

(a) Any license issued under this ordinance may be suspended by the City Clerk or revoked for any of the following reasons:

- (1) Fraud or misrepresentation in the application for the license;
- (2) Fraud or misrepresentation in the course of conducting the business of vending or peddling;
- (3) Conducting the business of vending or peddling contrary to the conditions of the license;
- (4) Conducting the business of vending or peddling in such a manner as to create a public nuisance or constitute a danger to the public health, safety or welfare;
- (5) Conviction of any crime involving moral turpitude committed during the course of engaging in the business of vending or peddling in the City of Niagara Falls;
- (6) Cancellation of food service permit by the Niagara County Health Department for violations of the New York State Sanitary Code.

(b) Upon suspension or revocation, the City Clerk shall deliver written notice to the license holder stating the action taken and the reasons supporting such action. The written notice shall be delivered to the license holder's place of business or mailed to the license holder's last known address.

#### **341.13 Appeals**

Persons who are denied licenses or whose licenses have been suspended or revoked may appeal by filing a written notice of appeal with the City Administrator within 20 days from the date of denial, suspension or revocation.

#### **341.14 Renewals**

Licenses may be renewed, provided an application for renewal and license fees are received by the City Clerk no later than the expiration date of the current license. Applications received after that date shall be processed as new applications. The City Clerk shall review each application for renewal to determine that the applicant is in full compliance with the provisions of this ordinance. If the City Clerk finds that the application meets the above requirements, the City Clerk shall issue a new license.

#### **341.15 Old Falls Street Special Vending District**

(a) Intent. It is found and declared that:

- (1) Old Falls Street between Third Street and Prospect Street has undergone a extensive program of reconstruction and improvements

through partnership between the City of Niagara Falls and the State of New York;

- (2) Given the public investment in Old Falls Street, the City has entered into an agreement with the State of New York to provide for a centralized operator ("Old Falls Street Manager") to oversee maintenance of the street and to undertake and facilitate events and vending along the street;
- (3) Where it will be the responsibility of the Old Falls Street Manager to ensure that vending will be of a sufficient quality and variety to best complement the setting; to supplement vending operations with its own establishments to ensure such quality and mix, and to actively solicit participation by various entrepreneurial and/or first-time groups including students of local culinary and hospitality programs to help meet such goals;
- (4) Old Falls Street is specifically designed to host periodic festivals, events, and vending, all of which must be coordinated to ensure fairness and a well-operating street for motor and pedestrian traffic;
- (5) Therefore, to ensure that the administration of vending on Old Falls Street serves to further these goals, the following regulations and guidelines shall apply to vendors wishing to vend in this special district.

(b) **Boundaries.** The Old Falls Street Special Vending District shall be defined as follows:

- (1) Beginning at a point formed by the intersection of the centerline of Third Street with northern right-of-way line of Old Falls Street;
- (2) Thence westerly along the northern right-of-way line of Old Falls Street for a distance of approximately 1,400 feet to a point formed by the northern right-of-way line of Old Falls Street and the eastern right-of-way line of Prospect Street;
- (3) Thence northerly along the eastern right-of-way line of Prospect Street for a distance of approximately 140 feet to a point;
- (4) Thence westerly for a distance of approximately 25 feet to a point along the centerline of Prospect Street;
- (5) Thence southwesterly and southerly along the centerline of Prospect Street for a distance of approximately 250 feet to a point formed by the intersection of centerline of Prospect Street and the southern right-of-way line of Old Falls Street;
- (6) Thence easterly along the southern right-of-way line of Old Falls Street for a distance of approximately 500 feet to a point formed by the intersection of the southern right-of-way line of Old Falls Street and the eastern right-of-way line of Rainbow Boulevard;
- (7) Thence southerly along the eastern right-of-way line of Rainbow Boulevard for a distance of approximately 56.75 feet to point formed by the intersection of the eastern right-of-way line of Rainbow Boulevard and the northern property line of a private property designated at time of the writing of this Chapter as Section, Block and Lot Number 158.12-1-16;
- (8) Thence easterly along the property line of Section, Block and Lot Number 158.12-1-16 for a distance of approximately 184 feet to a point at the eastern limit of said property line;
- (9) Thence northerly along said property line of Section, Block and Lot Number 158.12-1-16 for a distance of approximately 56 feet to a point formed by the intersection of said property line with the southern right-of-way line of Old Falls Street;
- (10) Thence easterly along the southern right-of-way line of Old Falls Street for a distance of approximately 790 feet to a point formed by the intersection of the southern right-of-way line of Old Falls Street and the centerline of Third Street;
- (11) Thence northerly along the centerline of Third Street for a distance of approximately 99 feet to the point of beginning.

- (c) No peddlers. Peddlers will not be permitted to operate in the Old Fall Street Special Vending District.
- (d) Hand carts only. Vending operations in the Old Fall Street Special Vending District shall be limited to professionally-fabricated hand/push carts style equipment.
- (e) Approval of vendors by Old Falls Manager. For applications to vend in the Old Falls Street Special Vending District:
  - (1) Once a license application is received by the Office of the City Clerk, the application will be forwarded to the Old Falls Street Manager for review.
  - (2) The Old Falls Street Manager shall base his/her review on quality of products proposed, proposed methods of the sales program, and coordination with other vendor and permanent retail offerings in the Old Falls Street Special Vending District and the surrounding area. The Old Falls Street Manager shall issue annual guidelines to describe the intent, objectives, and standards for the Special Vending District.
  - (3) Upon approval by the Old Falls Street Manager, the application shall be forwarded back to the City Clerk for all other required background checks, certifications/approvals, collection of fees, and issuance of the license.
  - (4) Approved vendors in the Old Falls Street Special Vending District shall be required to sign a certification of their understanding that:
    - i. They will be required to operate a pre-determined minimum number of hours/periods to ensure continuity of operations in the Old Falls Street Special Vending District; and
    - ii. Periodically, with advanced notice, that their right to conduct vending may be suspended in conjunction with sanctioned special events that scheduled in the Old Falls Street Special Vending District.
  - (5) In the event that an application is not approved for location within the Old Falls Street Special Vending District, the applicant shall still be eligible for other established vending locations in the City.

**341.90 Penalties**

Any person who violates any provision of this ordinance shall be punished by a fine not less than \$250 nor more than \$500 or by imprisonment not to exceed 15 days or by both fine and imprisonment.

**341.99 Severance Clause**

The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the validity of any part.

At the Traffic Advisory Commission meeting held on April 7, 2010, the Commission:

**DENIED:**

1) Request submitted by Shawn Licht, Executive Director, Niagara County Headstart, Inc., 901 - 24<sup>th</sup> Street to **INSTALL ALL WAY "STOP" SIGNS** at the intersection of Independence Avenue and 24<sup>th</sup> Street. The intersection was studied with the following results: right angle/turning collision accidents: 2006/0, 2007/0, 2008/0, 2009/1, 2010/0 thru 3/31/10. Traffic volume per hour: 24<sup>th</sup> Street = 125 vehicles + 17 pedestrians, Independence Avenue = 84 vehicles + 9 pedestrians (Total = 235 per hour). This intersection falls far short of the MUTCD Minimum Warrants for the placement of "ALL WAY" stop signs. Therefore the Commission denied this request.

Item #22

At the Traffic Advisory Commission meeting held on April 7, 2010 the Commission recommended APPROVAL of the following item:

**INSTALL "CHILDREN CROSSING SIGNS" ON 24<sup>TH</sup> STREET IN EACH DIRECTION IN ADVANCE OF 901 - 24<sup>TH</sup> STREET AND STRIPE A CROSSWALK AT THE INTERSECTION ON INDEPENDENCE AVENUE AND 24<sup>TH</sup> STREET ON THE NORTH SIDE FOR CROSSING 24<sup>TH</sup> STREET**

Submitted By: Shawn Licht, Executive Director, Niagara County Headstart, Inc., 901 - 24<sup>th</sup> Street

It is requested that City Council approve this recommendation.

Item #23

At the Traffic Advisory Commission meeting held on April 7, 2010 the Commission recommended APPROVAL of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 3038 MONROE AVENUE**

**[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]**

Submitted By: Michael Lamanna, 3038 Monroe Avenue

It is requested that City Council approve this recommendation.

Item #24

At the Traffic Advisory Commission meeting held on April 7, 2010 the Commission recommended APPROVAL of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 3050 ORLEANS AVENUE**

**[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]**

Submitted By:        Angela Bray, 3050 Orleans Avenue

It is requested that City Council approve this recommendation.

Item #25

At the Traffic Advisory Commission meeting held on April 7, 2010 the Commission recommended APPROVAL of the following item:

**INSTALL A 50' LOADING ZONE (6A.M. - 6P.M.) VANDERBILT AVENUE, NORTH SIDE, JUST EAST OF MCKOON AVENUE (ALONGSIDE OF 4001 MCKOON AVENUE)**

Request was made to facilitate pickup/drop off of children at daycare on Vanderbilt Avenue.

Submitted By: Janice Mistretta, Heart of a Child Daycare, 4001 McKoon Avenue

It is requested that City Council approve this recommendation.

Item #26

At the Traffic Advisory Commission meeting held on April 7, 2010 the Commission recommended APPROVAL of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 3411 - 9<sup>TH</sup> STREET**

**[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]**

Submitted By: Mildred Skipper, 3411 - 9<sup>th</sup> Street

It is requested that City Council approve this recommendation.

**RELATIVE TO AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, TO FULLY FUND THE LOCAL SHARE OF FEDERAL-AID ELIGIBLE AND INELIGIBLE PROJECT COSTS, AND APPROPRIATING FUNDS FOR THE PAVEMENT RESURFACING, MILL AND OVERLAY, OF BUFFALO AVENUE FROM VETERANS DRIVE TO 24<sup>TH</sup> STREET, CAYUGA DRIVE FROM TUSCARORA ROAD TO MILITARY ROAD AND PACKARD ROAD FROM NIAGARA FALLS BOULEVARD TO HYDE PARK BOULEVARD, IN THE CITY OF NIAGARA FALLS, NIAGARA COUNTY, PIN 5758.91**

By: Council Chairman Samuel Fruscione  
Council Member Robert Anderson, Jr.  
Council Member Steve Fournier  
Council Member Kristen Grandinetti  
Council Member Charles Walker

WHEREAS, a Project for Pavement Resurfacing, Mill and Overlay, of Buffalo Avenue from Veterans Drive to 24<sup>th</sup> Street, Cayuga Drive from Tuscarora Road to Military Road and Packard Road from Niagara Falls Boulevard to Hyde Park Boulevard, in the City of Niagara Falls, Niagara County, PIN 5758.91, (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80 % Federal funds and 20 % Non-Federal funds; and

WHEREAS, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Construction & Construction Inspection phase of the project PIN 5758.91 .

NOW, THEREFORE, the City Council of the City of Niagara Falls, duly convened does hereby

RESOLVE, that the City Council of the City of Niagara Falls hereby approves the above-subject project; and it is hereby further

RESOLVED, that the City Council of the City of Niagara Falls hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Construction & Construction Inspection phase of the Project or portions thereof; and it is further

RESOLVED, that the sum of \$ 221,000 is hereby appropriated from Casino Revenue and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Construction & Construction Inspection phase exceeds the amount appropriated, \$ 221,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Construction & Construction Inspection phase exceeds \$ 1,103,000, the City of Niagara Falls shall convene its City Council as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, that the Mayor of the City of Niagara Falls is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the City of Niagara Falls with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

RESOLUTION 2010-

RESOLUTION CALLING FOR A PUBLIC HEARING TO AMEND  
THE CITY CHARTER RELATIVE TO AMENDING SECTION 503 OF  
ARTICLE XVIII ENTITLED "DEPARTMENT OF PLANNING, ECONOMIC  
DEVELOPMENT AND ENVIRONMENTAL SERVICES"

BY: Council Chairman Samuel Fruscione  
Council Member Kristen Grandinetti

RESOLVED, that Local Law No. \_\_\_\_ for the year 2010 be introduced, and that a public hearing be held on such Local Law on the 3rd day of May, 2010 at 7:00 P.M. Daylight Saving Time, in the Council Chambers of the City of Niagara Falls, New York, and that three (3) days notice of said hearing be published in the Niagara Gazette preceding said hearing relative to amending Article XVIII Section 503 of the City Charter, entitled A Department of Planning, Economic Development and Environmental Services@ relative to providing compensation for members of the Planning Board

NIAGARA FALLS LOCAL LAW NO. \_\_\_\_ FOR THE YEAR 2010

A Local Law to amend the Niagara Falls City Charter as amended, by amending Section 503 of Article XVIII of the Charter, entitled ADepartment of Planning, Economic Development and Environmental Services@.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NIAGARA FALLS, NEW YORK, as follows:

Section 1. The Niagara Falls City Charter, as amended, is hereby amended by amending Section 503 to read as follows:

Section 503. PLANNING BOARD, APPOINTMENT OF. There shall be appointed by the City Council nine (9) members of a Planning Board, who shall [serve without compensation] be compensated at the rate set by Resolution of the City Council from time to time. Of the members of the Planning Board appointed under the provisions hereof, the appointment of as nearly as possible of one-third of the members of the Board shall be for a term of one year, one-third for a term of two years and one-third for a term of three years. At the expiration of such terms, the terms of office of their successors shall be three years, so that the term of office of one-third of such members of such Board, as nearly as possible, shall expire each year. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired term.

...

Section 2. This Local Law shall take effect as provided in the Municipal Home Rule Law.

Underlining and **Bold** indicate additions.  
**Bold** and **[Brackets]** indicate deletions.

RESOLUTION 2010-

RESOLUTION CALLING FOR A PUBLIC HEARING TO AMEND  
THE CITY CHARTER RELATIVE TO AMENDING SECTION 350 OF  
ARTICLE XV ENTITLED "BOARD OF APPEALS, JURISDICTION AS  
TO CERTAIN ZONING MATTERS AND THE OFFICIAL CITY MAP"

BY: Council Chairman Samuel Fruscione  
Council Member Kristen Grandinetti

RESOLVED, that Local Law No. \_\_\_\_\_ for the year 2010 be introduced, and that a public hearing be held on such Local Law on the 3rd day of May, 2010 at 7:00 P.M. Daylight Saving Time, in the Council Chambers of the City of Niagara Falls, New York, and that three (3) days notice of said hearing be published in the Niagara Gazette preceding said hearing relative to amending Article XV Section 350 of the City Charter, entitled A Board of Appeals, Jurisdiction as to certain Zoning Matters and the Official City Map@ relative to providing compensation for members of the Board of Appeals.

NIAGARA FALLS LOCAL LAW NO. \_\_\_\_\_ FOR THE YEAR 2010

A Local Law to amend the Niagara Falls City Charter as amended, by amending Section 350 of Article XV of the Charter, entitled ABoard of Appeals, Jurisdiction as to certain Zoning Matters and the Official City Map@.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NIAGARA FALLS, NEW YORK, as follows:

Section 1. The Niagara Falls City Charter, as amended, is hereby amended by amending Section 350 to read as follows:

Section 350. Board of Appeals, appointment of: There shall be appointed by the City Council seven members of a Board of Appeals, who shall [serve without compensation] be compensated at the rate set by Resolution of the City Council from time to time. The present six members of the Board of Appeals shall continue to serve for the respective terms for which they were appointed, and their successors shall continue to be appointed for a term to expire December 31, 1991 and his successor shall thereafter be appointed for a term of three years. The Board of Appeals shall annually select a chairman from its own members and shall appoint a secretary whose compensation, if any, shall be fixed by the City Council. The Board shall hold meetings on regular dates to be fixed by the Board or at the call of its chairman.

Section 2. This Local Law shall take effect as provided in the Municipal Home Rule Law.

Underlining and **Bold** indicate additions.

**Bold** and **[Brackets]** indicate deletions

BOND RESOLUTION DATED APRIL 19, 2010.

A RESOLUTION AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$2,125,000 BONDS OF THE CITY OF NIAGARA FALLS, NIAGARA COUNTY, NEW YORK, TO PAY PART OF THE COST OF THE RECONSTRUCTION OF ROADS, IN AND FOR SAID CITY.

By: Council Member Charles Walker

BE IT ENACTED, by the affirmative vote of not less than two-thirds of the total voting strength of the City Council of the City of Niagara Falls, Niagara County, New York, as follows:

Section 1. For the purpose of paying part of the cost of the reconstruction of roads, in and for the City of Niagara Falls, Niagara County, New York, including 72nd Street and 10th Street, as well as sidewalks, curbs, gutters, drainage, landscaping, grading or improving the rights-of-way, as well as other incidental improvements and expenses in connection therewith, there are hereby authorized to be issued an additional \$2,125,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. The maximum estimated cost of such class of objects or purposes is now determined to be \$5,135,000, and the plan for the financing thereof is as follows:

- (a) By the issuance of the \$3,010,000 bonds of said City, heretofore authorized to be issued therefor pursuant to a bond resolution dated July 27, 2009; and
- (b) By the issuance of the additional \$2,125,000 bonds of said City herein authorized.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Niagara Falls, Niagara County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Controller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Controller, consistent with the provisions of the Local Finance Law.

Anderson \_\_\_\_\_ Fournier \_\_\_\_\_ Grandinetti \_\_\_\_\_ Walker \_\_\_\_\_ Fruscione \_\_\_\_\_

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the City Controller, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Controller shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this bond resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the **Niagara Gazette**, the official newspaper of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.