

The following claims have been filed in the Office of the City Clerk during the month of April, 2013 the claims were subsequently referred to the Office of the Corporation Counsel.

NOTICE OF CLAIM

Braden, Dale R. c/o Paul V. Webb, Jr., Esq.	Personal injuries sustained from falling on sidewalk.
Habulou, Michael John 1105 Ferry Ave.	Personal injuries sustained from negligence of Police Department.
Mikula, John 8723 Point Ave.	Automobile damages sustained from snow plow.
Evans, Michael W. 702 Vanderbilt Ave.	Property damages sustained from city tree.
Norton, James J. c/o State Farm	Property damages sustained from an automobile/snow plow accident.
Nalls, Barbara 815 93 rd St	Personal injuries sustained from exposure to toxins and hazardous materials.
Nalls, Barbara As png of Ayden Nalls 815 93 rd St	Personal injuries sustained from exposure to toxins and hazardous materials.
Pierini Lisa M. Guardian of Danni M. Pierini, a minor 520 76 th St	Personal injuries sustained from exposure to toxins and hazardous materials
Pierini, Lisa M. 520 76 th St	Personal injuries sustained from exposure to toxins and hazardous materials
Pierini, Lisa M. Guardian of Nicholas K. Pierini, a minor 520 76 th St.	Personal injuries sustained from exposure to toxins and hazardous materials
Fanizzi & Barr See attached list of names	Personal Injury and or Damage to property or Loss of property in the near future.
Alexander, James & Mary c/o Metlife Auto & Home	Automobile damages sustained from City snow plow

SHOW ORDER TO CAUSE

TAJ Investments and
Teishu Lootawon

Index# 149130

NOTICE OF ENTRY

NFR Turtle, LLC
c/o Peter Allen Weinmann, Esq.

Index# 144621 & 147602

SUMMONS

Geico General Insurance Co.
c/o Donyelle E. Crapsi, Esq.

Index# CV-0199-13

Colucci, Kevin
c/o Michael C. Schmahl
Attorney for the Plaintiff

Index# CV-0213-13

Chanita C. Allen, individually and as
Parent and Natural Guardian of
Shakera C. McCalister, an infant
Over the age of 14 years
c/o Thomas M. Mecure, Esq.

Index# 149841

City of Niagara Falls
Claim forms submitted on April 17, 2013

Last	First	Street Address	City, State Zip	Phone Number
Baney	Michael	5859 Buffalo Street	Sanborn, NY 14132	716-948-3954
Blackmon	Marcus	C/O Tony Blackmon 334 70th Street	Niagara Falls, NY 14304	716-417-1752 716-283-5443
Blackmon II	Tony	C/O Tony Blackmon 334 70th Street	Niagara Falls, NY 14304	716-417-1752 716-283-5443
Brandon	Walter J.	1317 Windsor Pines Court	Leland, North Carolina 28451	910-465-8274
Brooks	Journey	3463 Frederick Drive	Toano, VA 23168	623-521-6855
Brooks	Michael	3463 Frederick Drive	Toano, VA 23168	623-521-6855
Brooks	Tamara	3463 Frederick Dr.	Toano, VA 23168	757-566-7235 h 623-521-6855 c
Brown	Tarsha J.	1654 Connally Drive	East Point, GA 30344	678-789-9278
Bruno	Dianna	7628 Sunnysdale Road	Niagara Falls, NY 14304-1381	716-870-2734
Craig	Michael P.	9309 Cayuga Drive	Niagara Falls, NY 14304	716-535-7105
Crowell	Jeffrey	462 9th Street, Apt. 2	Niagara Falls, NY 14301	716-990-3173
Daniels	Donald R.	9 D Street	Niagara Falls, NY 14303	716-284-2876
Daniels	Gwendolyn A.	2753 21st Street	Niagara Falls, NY 14305	716-284-4214 716-471-1438
Dolson	Gloria J.	1308 Ontario Avenue	Niagara Falls, NY 14305	716-282-2994
Evans	Audrey Thornton	23-F Jordan Gardens	Niagara Falls, NY 14305	716-282-0606 716-228-8259
Graham	Hazel	2220 Walnut Avenue	Niagara Falls, NY 14301	716-940-4935
Guest	Phillip	139 Marine Drive, Unit Right	Amherst, NY 14228	716-245-2754 c 716-691-4206 h
Hamaty	John S.	1045 96th Street	Niagara Falls, NY 14304	716-371-8036
Hamaty	Ruth T.	1045 96th Street	Niagara Falls, NY 14304	716-371-8036
Johnson	Rashaneka	665 East Delavan Avenue, #2	Buffalo, NY 14215	
Kennedy	Elaine N.	3182 Creek Road	Youngstown, NY 14174	716-745-3095
Lester	Theodore	624 West Boot Road	West Chester, PA 19380	484-356-3558 215-303-0828
McPherson	Mary Daniels	9 D Street	Niagara Falls, NY 14303	716-284-2876
Myles	Yolanda T.	1279 88th Street	Niagara Falls, NY 14304	716-297-4832
Occhipinti	Joseph	8233 Bollier Ave.	Niagara Falls, NY 14304	716 283-1942
Parmer	Kendra	641 29th Street	Niagara Falls, NY 14301	716-523-2819
Pittman	James L.	920 Mohawk St. #238	Lewiston, NY 14092	716-622-6600
Pittman	Patrick C.	3001 Niagara Street	Niagara Falls, NY	716-990-5487
Printup	Catherine	45 Good Avenue	Buffalo, NY 14220	716-225-0966

Redmond	Alyssa	737 91st Street	Niagara Falls, NY 14304	716-238-0011
Redmond	Edward	737 91st Street	Niagara Falls, NY 14304	716-238-0011
Redmond	Jessica	737 91st Street	Niagara Falls, NY 14304	716-471-9885
Redmond	Julie	737 91st Street	Niagara Falls, NY 14304	716-238-0011
Reynolds	Dan C.	797 92nd Street	Niagara Falls, NY 14304	716-990-3593
Robins	Mary	1398 Saunders Settlement Road	Niagara Falls, NY 14305	716 297-1437
Rogers	Bernadette Herbert	2253 Lasalle Avenue	Niagara Falls, NY 14301	716-990-3961
Schwartzkopf	Jennifer (Raverinni)	P.O. Box 425	Sanborn, NY 14132	716-946-7924 716-216-4356
Scott	JoAnne	945 McKinley Avenue	Niagara Falls, NY 14305	716-282-6296 h 716-471-8788 c 716-297-2951
Simcox	Chantell N.	522 79th Street	Niagara Falls, NY 14304	716-940-6511
Simcox	Cindy L.	522 79th Street	Niagara Falls, NY 14304	716-940-4180
Simcox	Pamela	522 79th Street	Niagara Falls, NY 14304	716-940-6288
Simcox	Robert A.	522 79th Street	Niagara Falls, NY 14304	716-940-2925
Smith	Altha Mae	514 8th Street, Apt 2	Niagara Falls, NY 14301	716-371-8036
Thomas	Barbara	126 Clark Cemetary Rd	Laurel, MS 39443	601-433-3843
Weber	Richard E.	2991 Stony Point Road	Grand Island NY 14072	716-773-3520

**SUBJECT: LETTER OF AWARD FOR CONSULTANT SERVICES
MS-4 STORMWATER POLLUTION PREVENTION PROGRAM REVIEW**

It is the recommendation of the undersigned that the firm Greenman-Pederson, Inc. (GPI) perform, on an hourly basis, the requisite review and approvals for the above-referenced program at a not-to-exceed amount of \$7,500.00. Funding is available in code A1440.0000.0110.000.

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

**RE: City Council Agenda Item:
CD 6/1/13-5/31/15 Façade Architect Agreement
Giusiana Architects & Engineers**

Council Members:

In 2011, Community Development solicited proposals from architects to provide architectural services in connection with the CD façade grant program. The contract was awarded to Giusiana Architects and Engineers based in part on the fact that the cost was the most affordable. Giusiana Architects and Engineers has provided a high level of service to the façade grant program for the last two years.

It has been customary for the façade grant architect contract to be extended for an additional two year period. We recommend the extension in this instance based on the desire to retain a local firm which is familiar with the program and which has provided acceptable service at a reasonable cost. Giusiana Architects and Engineers will provide the same services at the same cost through May 31, 2015. The maximum aggregate amount to be paid under the contract will be \$22,000.00. Funds are available to pay this contract under budget line CD1.8603.0000.0450.500.

Will the Council vote to approve the CD architect façade agreement as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

**RE: City Council Agenda Item:
Re-Programming of 2012 Community Development Block Grant Funds
to Operation Crime/Blight Blitz**

Niagara Falls Community Development proposes re-programming \$20,000 in un-programmed United States Department of Housing and Urban Development Community Development Block Grant funding to the “Operation Crime/Blight Blitz” project. Movement of these funds will not upset the community services percentage cap. This proposal does not include any general fund dollars.

\$15,000	Police Patrol
\$2,500	Code Enforcement
\$2,500	Interim Assistance (Clean Neighborhood Program)
\$20,000	Total

The Community Development and Inspections Department began executing blight blitzes in April 2013. A blitz is a one-day allocation of resources using CDBG funds, focused on blight related code enforcement. This proposal will allow the addition of strategic community policing by the Niagara Falls Police Department and clean neighborhood efforts through the Department of Public Works. This strategic approach will dedicate multiple types of City forces to specific areas in need of attention.

Will the Council vote to approve reprogramming \$20,000 in CDBG funds to the CD “Operation Crime/Blight Blitz” project as set forth herein, and authorize the Mayor to execute any documents necessary? These funds are available in budget line CPS 499 CD1.8676.0000.0450.500.

RE: Guidelines pertaining to the issuance of tax-exempt governmental bonds

Council Members:

In order to ensure that interest on tax-exempt governmental bonds of the City of Niagara Falls remains excludable from gross income under Section 103 of the Internal Revenue Code, our bond counsel has recommended that the City adopt guidelines which are intended to formally memorialize certain procedures in connection with the issuance of bonds. Attached hereto is a copy of these guidelines.

Will the Council authorize the adoption of these guidelines?

CITY OF NIAGARA FALLS, NEW YORK
Tax-Exempt Governmental Bonds
Tax Compliance Guidelines

I. Purpose

These guidelines (the "Guidelines") are adopted by the City of Niagara Falls, New York (the "Issuer") to ensure that interest on tax-exempt governmental bonds of the Issuer (the "Bonds") remains excludable from gross income under Section 103 of the Internal Revenue Code of 1986 (the "Code"). The Guidelines are intended to formally memorialize certain procedures of the Issuer previously adopted or followed in connection with its issuance of the Bonds.

In order to ensure continued compliance with requirements of the Code and the applicable regulations (the "Applicable Federal Tax Law") associated with the issuance of Bonds, the Issuer will consult with counsel nationally recognized in the area of municipal finance ("Bond Counsel"), in advance, regarding deviations from the facts and expectations set forth in the closing certifications relating to any issue of Bonds.

If as a result of changes to the Applicable Federal Tax Law or the New York State Local Finance Law these Guidelines are in conflict with such laws, the Issuer will consult with Bond Counsel regarding the proper course of action, including amending these Guidelines.

II. Ongoing Relationship with Outside Advisors

The Issuer maintains an ongoing relationship with Bond Counsel and other advisors to serve as a resource for education and advice regarding the Bonds' compliance with Applicable Federal Tax Law.

III. Persons Responsible for Tax Compliance

The Chief Fiscal Officer of the Issuer (the "Designated Tax Compliance Official") is the primary person to consult with Bond Counsel and other advisors on a continual basis for the entire term of the Bonds.

In general, the Designated Tax Compliance Official has the primarily responsibility to ensure compliance with the Applicable Federal Tax Law relating to all Bonds. As described in these Guidelines, such compliance relates to the expenditure and investment of proceeds of Bonds ("Bond Proceeds"), the use or sale of the assets financed or refinanced with Bond Proceeds (the "Bond-financed Assets"), record-keeping and filing requirements. The Designated Tax Compliance Official or his or her designee shall review the tax document signed by the Issuer that outlines the Applicable Federal Tax Law affecting the Bonds (the "Arbitrage Certificate"). The Arbitrage Certificate is included as part of the closing documents for the Bonds.

IV. Expenditures of Bond Proceeds

A. Expenditure of New Money Bond Proceeds - In General.

Except as provided in Section IV. B. of these Guidelines with respect to tax or revenue bond anticipation notes ("TANs"), upon the issuance of any issue of new money Bonds, the Issuer must reasonably expect to spend at least 85% of all Bond Proceeds that are expected to be used to finance capital improvements (excluding proceeds in a reserve fund or for any non-project purpose) within 3 years of issuance. Other limitations or adjustments may be set out in the Arbitrage Certificate. The Issuer must also have incurred or reasonably expect to incur, within six months after issuance of the Bonds, binding obligations to unrelated parties involving an expenditure of not less than 5% of such amount of Bond Proceeds, and that completion of the capital improvements and allocations of Bond Proceeds to costs proceed with due diligence. Meeting all these requirements will allow the Issuer to invest project-related Bond Proceeds at an unrestricted investment yield for three years from the date of issue. See Section VII of these Guidelines for rebate and rebate exceptions.

B. Expenditure of TAN Proceeds

TANs issued to finance working capital expenditures may be invested at an unrestricted investment yield for up to 13 months provided that the Issuer expects to spend the proceeds within such time period. See Section VII of these Guidelines for rebate and rebate exceptions. In general, proceeds of TANs ("TAN Proceeds" together with the Bond Proceeds or "Proceeds") used to pay working capital expenditures are treated as expended only to the extent that the Issuer has no "Available Amounts" (as hereinafter defined), as of the date such payment is made. For this purpose, Available Amounts means any amount (other than TAN Proceeds) available to the Issuer for working capital expenditures without a legislative or judicial action that such amounts be reimbursed or repaid.

C. Assignment of Responsibility and Establishment of Calendar

On the date of issuance of any Bond, the Designated Tax Compliance Official or his or her designee will identify for that Bond issue:

- The funds and/or accounts into which Proceeds are deposited.
- The types of expenditures expected to be made with the Proceeds deposited into those funds and/or accounts and any expenditures prohibited from being made from such funds and/or accounts.
- The dates by which Proceeds described in Section IV. A. or IV. B. of these Guidelines must be spent or become subject to arbitrage yield limitations ("Expenditure Deadlines") and all interim dates by which funds and/or accounts must be checked to ensure compliance with the applicable Expenditure Deadlines.

D. Expenditure Failures

If the Designated Tax Compliance Official discovers that an Expenditure Deadline has not been met, said person will consult with Bond Counsel to determine the appropriate course of action with respect to such unspent Proceeds. Special action may need to be taken with such unspent Proceeds, including yield restriction, or redemption of Bonds.

E. Final Allocation

1. In General

Requests for expenditures will be summarized in a final allocation of Proceeds ("Final Allocation") in a manner consistent with allocations made to determine compliance with arbitrage yield restriction and rebate requirements (See Section VII of these Guidelines). Except as provided in Section IV. E. 2. of these Guidelines with respect to TANs, the Final Allocation will memorialize the assets or portion thereof financed with Bond Proceeds and the assets or portion thereof financed with other funds.

The Final Allocation must occur not later than 18 months after the date of the expenditure or 18 months after the date the facility to which the expenditure relates is completed and actually operating at substantially the level for which it was designed but in all events not later than 60 days after the end of the fifth year after issuance of the Bonds (or 60 days after none of the Bonds are outstanding, if earlier).

The Designated Tax Compliance Official or his or her designee will be responsible for ensuring that such Final Allocation is made for the Bonds.

2. Final Allocation for TANs

With respect to issues of TANS, the Issuer will summarize the information with respect to its expenditure of TAN Proceeds as well as the monthly balances maintained in any funds of the Issuer available to pay working capital expenditures during the period TAN Proceeds were expended ("TAN Final Allocation"). Such TAN Final Allocation should be made not later than 18 months after the date of final expenditure of such TAN Proceeds.

F. Records of Expenditures

The Designated Tax Compliance Official or his or her designee is responsible for maintaining records related to the expenditure of Bond Proceeds including records:

- Identifying all of the assets or portion of assets financed with Bond Proceeds.
- Relating to requests for Bond Proceeds, construction contracts, purchase orders, invoices, and payment records.
- Relating to costs reimbursed with Bond Proceeds.
- Relating to any action taken as a result of a failure to meet the Expenditure Deadlines.
- The Final Allocation and all supporting documentation.

Such records will be retained for the life of the Bonds and TANs, plus any refunding bonds, plus three years and may be in the form of documents or electronic copies of documents, appropriately indexed to specific Bond issues and compliance functions.

V. Project Use Requirements

A. In General

Bond Proceeds are subject to certain Private Business Use (as hereinafter defined) and Private Loan (as hereinafter defined) limitations as further provided in the Arbitrage Certificate. Generally, the amount of Private Business Use a Bond issue may finance is limited to the lesser of 10% of the Bond Proceeds or \$15 million. However, the 10% Private Business Use limit is reduced to 5% to the extent that such Private Business Use is either not related or disproportionate to the governmental purpose of the issue. For this purpose "Private Business Use" generally means use of the Bond-financed Asset in a trade or business (e.g., use by a corporation, partnership, 501(c)(3) organization or the Federal government). Private Business Use does not include use of the Bond-financed Asset by the Issuer or by another state or local governmental unit or use of the Bond-financed Asset by the general public free of charge or pursuant to uniformly applied rates. Private Business Use will arise from the lease or sale of the Bond-financed Assets. Private Business Use will generally arise through a contract whereby a non-State or local government unit manages, operates or provides services with respect to Bond-financed Assets (a "Management Contract"). A contract with a food service provider to operate a school cafeteria is treated as a Management Contract for purposes of determining whether there is Private Business Use of a Bond-financed school. Management Contracts that meet certain requirements described in IRS Revenue Procedure 97-13 relating to the duration of such Management Contracts and the manner in which the non-governmental person is compensated, are treated as not giving rise to Private Business Use (the "97-13 Safe Harbors"). No more than the lesser of 5% or \$5 million of the Bond Proceeds of an issue may be used to make a loan (a "Private Loan") or loans to non-State or local governmental persons.

B. Monitoring of Private Business Use

For each Bond-financed Asset, the Designated Tax Compliance Official or his or her designee will determine the expected use of such asset and whether such Bond-financed Asset is or will be subject to any contracts that may give rise to Private Business Use or a Private Loan.

The Designated Tax Compliance Official or his or her designee will inform the persons responsible for the management and operation of the Bond-financed Asset ("Asset Managers") of the Private Business Use and Private Loan restrictions relating to the Bond-financed Asset.

The Designated Tax Compliance Official or his or her designee will require Asset Managers to submit any Management Contract with respect to any portion of Bond-financed Assets for his or her review prior to entering such Management Contract. The Designated Tax Compliance Official or his or her designee will forward such Management Contract to Bond Counsel or to other capable advisors to determine whether such Management Contract complies with the 97-13 Safe Harbors.

No Bond-financed Asset will be sold, leased or transferred by the Asset Managers without prior approval by Bond Counsel and the Designated Tax Compliance Official.

The Designated Tax Compliance Official or his or her designee will meet at least annually with Asset Managers to identify and discuss any existing or planned use of Bond-Financed Assets that may give rise to Private Business Use or a Private Loan of Bond-financed Assets.

C. Consultation with Outside Advisors

The Issuer acknowledges that certain refinements, interpretations and exceptions apply to the analysis of Private Business Use and Private Loans and Bond Counsel and other qualified advisers should be engaged and consulted to review contracts or other information relating to such use of Bond-financed Assets. In addition, the Final Allocation of Bond Proceeds (see subsection IV. D above) may affect the Private Business Use or Private Loan determination.

D. Identification and Correction of Violations

In the event the use of Bond Proceeds or Bond-financed Assets is different from the covenants and representations set forth in the Arbitrage Certificate, the Issuer should contact Bond Counsel in a timely manner to ensure that there is no adverse effect on the tax status of the Bonds. Various remedies are available to the Issuer in the event of certain violations on the limits of use of Bond Proceeds, the investment of Bond Proceeds, and the use of the Bond-financed Assets. For example, a change in the use of the Bond-financed Assets after the issuance of the Bonds that results in excessive Private Business Use may be corrected through a 'remedial action' that is described in the Treasury Regulations. Such remedial actions include a defeasance of the portion of the Bonds affected by the excessive Private Business Use. Other actions (or inaction) that potentially adversely affect the status of the Bonds may be corrected through the Voluntary Closing Agreement Program described in IRS Notice 2008-31.

E. Record Keeping Requirements

The Designated Tax Compliance Official or his or her designee will keep copies of all contracts and arrangements involving the lease, management, sale, operation, service or other use of all Bond-financed Assets. Such records will be retained for the life of the Bonds, plus any refunding bonds, plus three years and may be in the form of documents or electronic copies of documents, appropriately indexed to specific Bond issues and compliance functions.

VI. Investment of Proceeds

A. In General

On the date of issue of any Bond or TAN, the Designated Tax Compliance Official or his or her designee will identify for that obligation:

- All of the funds and/or accounts into which Proceeds are deposited and the applicable yields at or below which such funds and/or accounts must be invested.
- Any funds and/or accounts that are not directly funded with Proceeds which must be invested at or below the yield on the obligations.

The Designated Tax Compliance Official or his or her designee will ensure that the investment of Proceeds is in compliance with the applicable yield restrictions contained in the Treasury Regulations.

The Designated Tax Compliance Official or his or her designee will obtain regular, periodic (monthly) statements regarding the investments and transactions involving Proceeds.

The Designated Tax Compliance Official or his or her designee will keep all records with respect to investments, including:

- United States Treasury Securities-State and Local Government Series ("SLGs") subscription information.
- The solicitation and all responses received from the bidding of any Government Obligations.
- Records of investment activity sufficient to permit calculation of arbitrage rebate or demonstration that no rebate is due.

B. Investment of Proceeds of Advance Refunding Bonds

All proceeds of advance refunding Bonds will initially be invested in SLGs unless SLGs are not available for purchase at the time such advance refunding bonds are issued. If SLGs are not available for purchase the proceeds of such Bonds may be invested in direct obligations of the United States of America or obligations the principal and interest on which are unconditionally guaranteed by the United States of America which shall not be callable at the option of the issuer thereof ("Government Obligations") provided that the Issuer satisfy the safe harbor requirements for determining fair market value for investments within the meaning of the Treasury Regulations or such investment is otherwise approved by Bond Counsel.

Any proceeds of advance refunding bonds that are required to be invested after the issue date of such advance refunding bonds are to be invested in SLGs bearing interest at a rate of zero percent (0%) per annum (the "Zero SLGs"). If Zero SLGs are not available for purchase the proceeds of such Bonds may be invested in Government Obligations provided that the Issuer satisfy the safe harbor requirements for determining fair market value for investments within the meaning of the Treasury Regulations or Bond Counsel determines that such investment will not in and of itself adversely affect any exclusion of interest on the Bonds from gross income for purposes of federal income taxation.

VII. Arbitrage Yield and Rebate

A. In General

The Designated Tax Compliance Official or his or her designee will be responsible for the calculation of rebate on a prompt basis. In order to assist in such calculation, the Designated Tax Compliance Official

may engage the services of an arbitrage rebate services provider. In the event that an arbitrage rebate service provider is engaged, statements regarding investments and transactions involving Bond Proceeds and other requested documents and information should be timely provided to the arbitrage rebate service provider

The Designated Tax Compliance Official will assure compliance with required rebate payments, if any, or, if a rebate service provided is engaged, monitor the arbitrage rebate service provider to assure compliance with required rebate payments, if any. Any arbitrage rebate payments need to be paid no later than the fifth year after issuance and each 5-year period thereafter through the term of the Bonds. A final rebate payment must be made within 60 days of the final maturity or redemption date of the issue. The Arbitrage Certificate or tax covenants in other documents may set forth how frequently rebate calculations must be performed.

During the construction period of a capital project, the investment and expenditure of Bond Proceeds are to be monitored and, if applicable, the arbitrage rebate service provider consulted, to determine whether the Issuer is meeting any spending exception. Available spending exceptions are in periods of 6 months, 18 months and 2 years (for construction only), with the 18-month and 2-year exception subject to 6-month internal benchmarks. See the Arbitrage Certificate for more details regarding the spending exceptions.

In the event that a rebate payment is due, the Designated Tax Compliance Official or his or her designee will ensure that such rebate payment is accompanied by a Form 8038-T.

The Designated Tax Compliance Official or his or her designee will retain copies of all arbitrage reports, related return filings with the Internal Revenue Service, and copies of cancelled checks with respect to any rebate payments and information statements. Such records will be retained for the life of the Bonds, plus any refunding bonds, plus three years and may be in the form of documents or electronic copies of documents, appropriately indexed to specific Bond issues and compliance functions.

B. Rebate Monitoring with respect to TANs

The Designated Tax Compliance Official or his or her designee will monitor the balance in any funds available to pay for working capital expenditures to determine whether the Proceeds of any issue of TANs will be treated as spent within six months of the date such TANs were issued. For this purpose the proceeds of any issue of TANs will be treated as spent using one of the following two accounting methods, both of which are applied by treating available amounts as spent before TAN Proceeds. Under the first method, all of the TAN Proceeds will be treated as spent on first day that the cumulative cash flow deficit in available amounts exceeds 90% of the TAN Proceeds. Under the second method, TAN proceeds will be treated as spent if 100% of such Proceeds are spent subject to the retention of a reasonable working capital reserve generally equal to the lesser of: (i) 5 percent (5%) of the Issuer's immediately preceding fiscal year's expenditures (whether working capital expenditures or capital expenditures) paid out of current revenues, (ii) the average of the beginning or ending monthly balances of the amount maintained by the Issuer as a working capital reserve during annual period of at least one year, the last of which ends within one year of date the TANs were issued, or (iii) as otherwise advised by Bond Counsel.

If all of the TAN Proceeds are not treated as spent within 6 months of date the TANs were issued using one of the two methods described above, the Designated Tax Compliance Official or his or her designee will contact Bond Counsel for advice regarding any required rebate calculations or payments to the Internal Revenue Service.

RE: *Adjustment to Golf rates for year 2013*

Council Members:

It has come to the attention of the Director of the Department of Public Works that certain changes to the State Parks Access Pass Eligibility Program, which is referenced in the City's golf rate schedule, have created a difficulty in the issuance of certain golf passes to disabled citizens who may not now qualify for an access pass. Accordingly it is recommended that the following adjustments be made to the golf rate schedule for year 2013:

1. *Include the issuance of a disability pass for unlimited golf and cart from the time purchased until the end of the golf season. A normal golf pass with cart would be issued. In order to qualify for such a pass, a person so requesting such a pass must be disabled and possess a valid New York State Access Card or, in the alternative, be disabled and be a recipient of federal social security disability, supplemental security income or railroad retirement board disability and display proof of such disability from a medical doctor licensed in the State of New York or similar documentation in such form as is acceptable to the Director of the Department of Public Works. The price for this pass is \$500.00 for the entire year and would be for both residents and non-residents.*
2. *Include the issuance of a nine hole and eighteen hole daily pass for persons with disabilities regardless of age. In order to purchase such a nine hole daily pass or eighteen hole daily pass, a person with a disability must possess a valid New York State Access Card or, in the alternative, be disabled and be a recipient of a federal social security disability, supplemental security income or railroad retirement board disability and display proof of such disability from a medical doctor licensed in the State of New York or similar documentation in such form as is acceptable to the Director of the Department of Public Works. The price for a nine hole daily pass is \$9.00; the price for an eighteen hole daily pass is \$13.00. The price of the cart would remain the same.*

Will the Council so approve?

Agenda Item #7

RE: Approval to pay Medical Expenses of Kimberly Stanek in the amount of \$35.52

Council Members:

The above claimant has incurred medical expenses for personal injuries suffered by her when she was a passenger in a City police vehicle which was involved in a motor vehicle accident on November 12, 2011.

Under the New York State No-Fault Law, the City of Niagara Falls, as a self-insured entity, is obligated to pay the claimant's medical expenses arising out of this incident. If the same meets with your approval, please vote to direct the City Clerk to draw a warrant on the City Controller directing her to issue the following check:

<u>Provider</u>	<u>Date of Service</u>	<u>Amount</u>
Cardamone Chiropractic	04/22/2013	\$35.52

Please be advised that there may be further medical bills which will have to be paid pursuant to the New York State No-Fault Law.

Will the Council so approve?

RESOLUTION No. 2013–
RELATIVE TO HOME RULE REQUEST,
REDUCTION OF SPEED LIMIT IN
DOWNTOWN NIAGARA FALLS

BY:

Council Chairman Glenn Choolokian
Council Member Robert Anderson, Jr.
Council Member Samuel Fruscione
Council Member Kristen Grandinetti
Council Member Charles Walker

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

WHEREAS, Senator George Maziarz introduced Senate Bill No. S4673 and Assemblyman John Ceretto introduced Assembly Bill A06611, as annexed hereto, which would authorize and empower the City of Niagara Falls to lower the speed limit to not less than 25 miles per hour in its downtown area in furtherance of projects to attract new investment in said downtown area; and

WHEREAS, in order for the legislative process to continue, this Council is asked to adopt the annexed Home Rule Request.

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Niagara Falls, New York does hereby recognize, acknowledge and support the enactment by the New York State Legislature of Senate Bill No. S4673 and Assembly Bill A06611, entitled “An Act Relating to Authorizing the City of Niagara Falls, County of Niagara, to Reduce the Speed Limit in Downtown Niagara Falls”, and this Council declares that a necessity exists for the enactment of such legislation; and

BE IT FURTHER RESOLVED, that the Clerk of this Council is directed to complete and certify the Home Rule Requests and forward copies of the New York State Legislature as required.

Monday May 13, 2013 Council Meeting

PRESENTATIONS:

ADMINISTRATIVE UPDATE:

1. Engineering Department - update