

Item #1

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

NOTICE OF CLAIM

ALLEGED DAMAGE

Velazquez-Ojeda, Alexis
735 Prospect Ave
Buffalo, NY 14213

Damages caused by unlawful arrest

Pearson, Paul
592 Applewood Dr
Youngstown, NY 14174

Automobile damage which occurred while owner was on duty at NFFD

King, Scott
C/O Robert Ross Fogg, Esq.

Personal injuries caused by off duty police officers

Laster, Nicole Yvette
1328 Calumet Ave

Personal injuries caused by fall at Niagara Falls Public Library

Zabaldo, Sal
935-91st St

Property damage caused by NF Fire Department

Schneider, Joyce
9455 NF Blvd.

Automobile damage caused by Police vehicle

Bak, William
580-78th St

Property damage caused by City crews trimming trees

Mazur, Christopher M

Automobile damage caused by City signpost

Searing, Lee R
137 W. 7th St
Claremont, CA. 91711

Automobile damage caused by tar stripe on City street

Adamson, Michael
2011 11th St

Automobile damage caused by golf ball

Young, Josephine
1127 Ontario Ave

Automobile damage caused by City crew during weed whacking

Jared DeRosa
Parkdale Ave Rear

Automobile damage caused by water main 419 cover

Travelers Insurance
a/s/o Edwin Naughton

Automobile damage caused by fallen City tree limb

NOTICE OF APPLICATION TO REVIEW TAX ASSESSMENT

One Niagara , LLC
C/O Pail Grenga

Index No.: 141524

GKK Hotel Niagara Owner, LLC
C/O Bruce S. Zeftel

Index No.: e141491/2010

**COURT NOTICE REGARDING AVAILABILITY
OF ELECTRONIC FILING**

GKK Hotel Niagara Owner, LLC
c/o Law Offices of Bruce S. ZefTel

Index No.: e141491/2010

NOTICE OF PENDENCY

First Niagara Funding, Inc.

Index No.: 141421

NOTICE OF PETITION

Saint Gobain Group
c/o Janata, LaCap & Associates

Index No.: 141388

NOTICE OF VERIFIED PETITION

BG Robinson Stop II, LLC
C/O Hiscock & Barley

Index No.: 141460

ORDER TO SHOW CAUSE

Szathmary, Daniel J and Smith, Sharon J
c/o Ryan P. Hanna, Esq.
730 Main St.

Index No.: 141228

SUMMONS

GEICO Insurance Company
a/s/o Cheryl Johnson

Index No.: 141360

First Niagara Funding, Inc.
726 Exchange Street, Suite 900
Buffalo, NY 14210

Index No.: 141421

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 July 2010.

		<u>CONTROLLER</u>
A1255-001 A012	Vital Statistics	\$ 6,302.00
A1255-004 A013	Copies of Records	\$ 589.50
A1255-004 A013	Certificates of Marriage	\$ 1,090.00
A2501-006 A042	Tour Agency Additional Site	\$ 100.00
A2501-006 A042	Tour Attendant	\$ 50.00
A2501-006 A042	Tour Driver/Guide	\$ 750.00
A2501-007 A043	Auction	\$ 300.00
A2501-014 A046	Electrician - Exam Fee	\$ 625.00
A2501-016-A047	Stationary Engineers - BOILERS	\$ 50.00
A2501-021 A048	Amusement Games	\$ 100.00
A2542-000 A053	Dogs/N County Treasurer	\$ 576.52
A2542-000 A053	Dogs/NYS Agr. & Mkts	\$ 234.00
A2542-000 A053	Additional Dogs	\$ 3,469.98
A2545-001 A054	Marriage License/NYSHD	\$ 2,452.50
A2550-001 A056	Loading Zone	\$ 310.00
A1255-002 A123	Commissioners of Deeds	\$ 5.00
A2545-021 A316	Vending	\$ 1,400.00

A2545-023 A318	Hunters/NYS DEC RAU	\$ 353.35	\$ -
A2545-023 A318	Hunters Fees		\$ 20.65
A1255-003 A499	Notary Fee		\$ 6.00
A1255-005 A528	Dog Release		\$ 500.00
TA63008 A597	Marriage Performance		\$ 650.00
A1255-006- A696	Photos/passport-license		\$ 171.00

TOTAL: \$ 3,616.37 \$ 17,306.63

Check #	<u>48838</u>	Niagara County Treasurer	\$ 576.52
Check #	<u>48873</u>	NYS Dept.of Arg. & Mkts	\$ 234.00
Check #	<u>48836</u>	NYS Health Department	\$ 2,452.50
Check #	<u>ET</u>	NYS DEC RAU	\$ 353.35

Item #3

The contract for the above referenced project was awarded to Urban Engineers of New York P.C., on March 23, 2009, in the amount of \$240,222.00.

The project required additional inspection duration as a result of increased binder, catch basins, and curb repairs by the Contractor. Further, extensive unforeseen testing and reporting was necessary to comply with for administering these ARRA funds.

It is the recommendation of the undersigned that Change Order #2 be approved in the amount of \$84,968.33 that will be fully reimbursed, for this change order through the New York State Department of Transportation American Recovery Reinvestment Act accounts.

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

Item #4

The contract for the above referenced project was awarded to Morris Masonry Restoration, 40 Appenheimer Avenue, Buffalo, New York 14214, on March 22, 2010, in the amount of \$549,856.00.

The project required various revisions in scope for unanticipated and necessary work that was required beyond the original scope as follows:

Additional Work

Abatement of Asbestos Joints:	\$25,405.80
Furnish and Install one (1) New Wrought Iron Gate:	\$3,937.50
Furnish and Install New Stone Treads:	\$7,310.00
Labor and Material for Patching/Shoring in Transformer Room:	<u>\$1,480.00</u>
TOTAL OF ADDITIONAL COST	\$38,133.30

Deletion of Work

Labor and Material for Removal, Waterproofing and Installation of Stone at Upper Landing

TOTAL CREDIT	\$6,698.00
TOTAL AMOUNT OF CHANGE ORDER	\$31,435.30

It is the recommendation of the undersigned that Change Order #1 be approved in the amount of \$31,435.30, Funding for the additional tasks is available under Casino Funds.

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

Item #5

We respectfully recommend the Council authorize the Mayor to enter into an agreement as follows:

WITH: Bonadio & Co., LLP
6400 Sheridan Drive, Suite 230
Williamsville, NY 14221 .

FOR: Performing an audit of the City's financial
statements for the fiscal year 2010: \$40,500.00

This agreement may be extended annually for an additional three years at the City's discretion.

Notice that requests for proposals were to be received was advertised in the Niagara Gazette and notices were sent to four auditing firms. Four proposals were received.

Upon review of all the proposals, by the City Controller, it was determined that Bonadio & Co., LLP is best qualified to conduct the audit.

Funds for this expenditure are available in the City Controller's Office budget code: A1315.0000.0459.000.

Item #6

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

TO: Ronco Communications & Electronics, Inc.
595 Sheridan Drive
Tonawanda, NY

FOR: All required and optional services as listed on the attached tally sheets, including PRI's, DID's, local calling services, point to point T-1's, central office trunks, analog lines and long distance services as per the attached tally sheet.

Three-year cost:

\$201,732.12

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 twelve (12) companies. Five (5) bids were received. The above referenced company submitted the overall low bid to meet our specifications.

Funds are budgeted annually in each Department's telephone budget code: 0421.001.

Item #7

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

TO: United Rotary Brush Corp.
15607 W. 100th Terrace
Lenexa, KS 66219

FOR: Item 11 (Elgin) as per the attached tally sheet.

TO: Lecal Equipment, Inc.
901 West Pike Street
Jackson Center, OH 45334

FOR: Items 3, 5, 7, 8 and 11 (Johnston) as per the attached tally sheet.

TO: ODB
5118 Glen Alden Drive
Richmond, VA 23231

FOR: Items 1 (Johnston) 2, 12 and 13 as per the attached tally sheet.

TO: Joe Johnson Equipment
62 LaGrange Avenue
Rochester, NY 14613

FOR: Item 1 (Elgin) as per the attached tally sheet.

TO: Snowfighting Equipment & Consultants of Buffalo, Inc.
PO Box 126, South Side Station
Buffalo, NY 14220-0126

FOR: Items 4 and 6 as per the attached tally sheet.

Due to some confusion regarding items 9 and 10 no award will be made for those two items.

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 seven (7) vendors. Six (6) bids were received. The above referenced companies submitted the lowest bids for each respective item.

Funds for this expenditure are available in the Department of Parks & Public Works, Street Cleaning code: A8170.0000.0419.005

Item #8

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

TO: Vision Ford
4545 Ridge Road West
Rochester, NY 14626

FOR: Eight (8) 2011 Model Ford Crown Victoria's \$28,817.63 each
\$230,541.04
with Police packages.

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 six (6) vendors. Three bids were received. The above referenced company submitted the lowest bid. Bids were also received from DeLacy Ford. (\$231,824.00) and Van Bortel Ford (\$236,712.00).

Funds for this expenditure are available in the Capital budget code:
H0816.2008.0816.0230.000.

Item #9

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

TO: Ronco Specialized Systems, Inc.
84 Grand Island Boulevard
Tonawanda, NY 14150

FOR: Sound System for City Council Chambers:

BASE BID:	\$24,990.00
ALTERNATE #1:	
Inductive Loop System for hearing impaired:	4,721.00
ALTERNATE #2:	
Recessed microphones (5) for the Council Dais in lieu of the standard microphones specified in the base bid:	<u>2,207.00</u>
TOTAL:	\$31,918.00

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 six (6) vendors. One (1) bid was received. The above referenced company submitted the only bid.

Funds for this expenditure will be provided through Casino funding.

Item #10

**SUBJECT: American Recovery & Reinvestment Act (ARRA)
Pavement Mill and Overlay Project
CHANGE ORDER #1
Contract No. RS-931, Contract #3**

A contract for the above referenced project was awarded to Accadia Site Contracting, Incorporated, 5636 Transit Road, Depew N.Y., on August 17, 2009 in an amount of \$884,215.80.

Subsequent to the completion of work and in light of the current road condition the City directed the contractor to repair the top course surface of Packard Road after it was determine that an unstable sub-base caused an undesired "wave" condition in the road. An order on Contract in the amount \$50,707.18 (new item 950.03) was submitted to the New York State Department of Transportation (NYSDOT) and subsequently approved.

Total cost for Contract #3, including Item 950.03 is \$914,558.33. The initial cost of construction was under the award amount and the difference to complete the repair is an additional \$30,342.53. Funding for the additional work is available through the American Recovery & Reinvestment Act, and is eligible for 100% reimbursement by the NYSDOT.

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of \$30,342.53 be approved.

Will the council vote to so approve?

Item #11

SUBJECT: LETTER OF AWARD FOR HYDE PARK GOLF COURSE FENCE IMPROVEMENTS

The following was the result of bids received on August 31, 2010 for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
New York State Fence Co. Inc 858 Manitou Road Hilton NY 14468	\$25,980.00
Armor Fence Co. of WNY, Inc.	\$26,978.00

It is the recommendation of the undersigned that this project be awarded to the low bidder New York State Fence Co. Inc., at their total bid of \$25,980.00. Funding is available in Code H0622.2006.0622.0449.599.

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

Item #12

**RE: City Council Agenda Item:
Homeless Prevention and Rapid Re-Housing Program
Neighborhood Legal Services Sub-recipient Agreement**

Council Members:

In September 2009, City Council approved an allocation of \$44,000 per year for up to three years for Neighborhood Legal Services to pay for the costs associated with both legal and paralegal work associated with the administration of the HPRP program. The City opted to utilize this agency to assess HPRP applicants because the City does not have this expertise. The benefits to the approved applicants are paid by the City with HPRP funds.

Due to increased demand for benefits through the HPRP Program, Neighborhood Legal Services has requested that we include in our new agreement a provision to add a second paralegal to handle the additional work load.

We are proposing that funding be increased in the 2010-11 funding agreement with Neighborhood Legal Services from \$44,000 to \$92,811.23. This will allow for the hiring of a second paralegal to more efficiently administer the program. Funds are available for this through the HPRP grant which the City received from HUD.

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

Item #13

**RE: City Council Agenda Item:
496-19th Street Police Substation
Lease Extension**

Council Members:

The City currently leases the above-referenced property from Carl DeFranco for a police substation at \$400.00 per month plus utilities. The lease expires on September 30, 2010. The landlord has requested a rent increase to \$425.00 per month plus utilities.

The police substation is an integral part of the City's crime prevention initiative on 19th Street. It is proposed to renew the lease at the higher rent through June 30, 2011, to put the lease on the same terms as the other police substations. Community Development funds are available in budget code CPS042.

Will the Council vote to approve the renewal of the police substation lease through June 30, 2011, at the rent of \$425.00 per month plus utilities, as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Item #14

**RE: City Council Agenda Item:
Bridge Commission Additional Parking**

Council Members:

Under the May, 1997, agreement signed, the City set aside 50 spaces on the fourth floor of the Rainbow Centre ramp for secure parking for the Bridge Commission. The Bridge Commission has requested 40 more spaces in the Rainbow Centre Ramp. With the Rainbow Bridge Plaza renovations, parking spaces formerly located near the Bridge are used for other purposes.

If the additional Bridge Commission spaces can be located on the fourth floor without interfering with access or requiring an additional secure stairwell, they will be located there. Otherwise, they will be located on the third floor, directly below the fourth floor spaces. This will allow the use of the existing secure stairwell to gain access to and from all the spaces.

The original agreement is for thirty years. This proposed agreement is for three years, starting September 15. The original agreement calls for rent of \$1,250.00 per month (\$25.00 per space), with 3% escalators every five years. This proposed agreement requires payment of rent of \$1,600.00 per month (\$40.00 per space).

Like the original agreement, the Bridge Commission will pay the cost of fencing to secure the parking spaces. The Bridge Commission will insure the spaces and indemnify the City.

The proposed agreement also provides for City access to the secure area during any capital improvement project that the City undertakes during the term of the agreement.

The spaces are available in the parking ramp. The revenue will provide funds to the City for maintaining the ramp after the capital improvements. At the end of the three year term, the arrangement can be evaluated based on the use of the ramp at that time.

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

Item #15

RE: Compensation for Union and Non-Union Personnel at the Niagara Falls Housing Authority.

Council Members:

The Niagara Falls Housing Authority Board of Commissioners approved certain pay increases for its employees. Attached is a copy of the correspondence describing these pay increases. While the City of Niagara Falls does not contribute financially to the operations of the Niagara Falls Housing Authority, the New York State Public Housing Law requires the approval of the City Council for those increases.

Will the Council so approve and authorize the Mayor to execute the same?

Item #16

RE: Approval of Agreement with GHI (an Emblem Health Company) for administrative services to provide dental coverage for City retirees.

Council Members:

Attached is the proposed Agreement for GHI to continue providing the administrative services for the dental coverage for the City retirees who retired prior to the adoption of the new health insurance plan. Funding is available in the budget.

Will the Council so approve and authorize the Mayor to execute the same?

Item #17

RE: Agreement with HealthNow New York Inc. to provide Administrative Services for the Early Retiree Reinsurance Program.

Council Members:

The City is eligible to participate in the Early Retiree Reinsurance Program which was established under the Federal Health Care Reforms. Under this program, the City is eligible for reimbursement on certain healthcare expenses related to eligible retirees who are 55 years or older, not an active employee of the City and not eligible for Medicare.

To implement this program it is necessary to enter into an Administrative Services Agreement with HealthNow to file claims with the Department of Health and Human Services.

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

Item #18

RE: Beyond/In Western New York 2010 - Wire Walk Event

Council Members:

The Buffalo Arts Studio has requested a grant of \$14,000.00 to help pay Didier Paquette's Wire Walk in Niagara Falls, New York as part of a Collaborative Regional Biennial Contemporary Art Exhibition called Beyond/In Western New York 2010. This Wire Walk will take place at a location to be mutually agreed upon on a date to be agreed mutually upon between September 24, 2010 and January 16, 2011. Funding is available from Tourism Fund Balance.

Will the Council so approve and authorize the Mayor to execute the same?

Item #19

RE: Oakwood Cemetery

Council Members:

The City has been asked by the Oakwood Cemetery Association to contribute \$10,000.00 towards the cost of capital improvements and maintenance to the Mausoleum at the Cemetery. Funding is available from Casino interest.

Will the Council so approve and authorize the Mayor to execute the same?

Item #20

RE: Office Equipment for the Human Resources Department

Council Members:

The Human Resources Department is in need of office equipment which was not foreseen when the 2010 budget was reviewed. It is anticipated that the cost of the various equipment and supplies will not exceed \$3,650.00. Funding is available from Casino interest.

Will the Council so approve?

Item #21

RE: Request for Approval to Settle and Pay Claim of Mark McKeehan
17 Faragut Avenue, Tonawanda, New York 14150

Date Claim Filed:	May 4, 2010
Date Action Commenced:	N/A
Date of Occurrence:	March 13, 2010
Location:	Parking Lot of 571 10 th Street
Nature of Claim:	Automobile damage sustained in an incident with City employee
City Driver:	N/A
Status of Action:	Claim Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$167.26
Make Check Payable to:	Mark McKeehan
Conditions:	General Release to City approved by Corporation Counsel.

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

Item #22

RE: Request for Approval to Settle and Pay Claim of Gina Calandrelli
232 70th Street, Niagara Falls, New York 14304

Date Claim Filed:	May 28, 2010
Date Action Commenced:	N/A
Date of Occurrence:	May 13, 2010
Location:	200 block of 70 th Street
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	Dennis Virtuoso
Status of Action:	Claim Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$599.40
Make Check Payable to:	Gina Calandrelli
Conditions:	General Release to City approved by Corporation Counsel.

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

Item #23

RE: Request for Approval to Settle and Pay Claim of Mark McClellan
8305 Buffalo Avenue, Niagara Falls, New York 14304

Date Claim Filed:	April 30, 2010
Date Action Commenced:	N/A
Date of Occurrence:	April 23, 2010
Location:	Intersection of Porter Road and Cedar Ave
Nature of Claim:	Automobile damage sustained in an accident with City fire vehicle
City Driver:	Paul Pearson
Status of Action:	Claim Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$87.48
Make Check Payable to:	Mark McClellan
Conditions:	General Release to City approved by Corporation Counsel.

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

Item #24

RE: Request for Approval to Settle and Pay Claim of Charles E. Tucker
859 Swann Road, Youngstown, New York 14174

Date Claim Filed:	June 25, 2008
Date Action Commenced:	November 3, 2008
Date of Occurrence:	August 3, 2007
Location:	Parking Lot of 8505 Niagara Falls Blvd.
Nature of Claim:	Damages sustained incident to an arrest
City Driver:	N/A
Status of Action:	Pre-trial Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$16,000.00
Make Check Payable to:	Charles E. Tucker and Mary E. Maloney, Esq.
Conditions:	General Release and Stipulation of Discontinuance to City approved by Corporation Counsel.

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

Item #25

The following have requested City Council approval for Commissioner of Deeds for a term from October 1, 2010 to September 30, 2012.

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

Brown, Maria C.	City Controller
Mondi, Geraldine D.	City Council Office
Paul, Joseph	NFPD
Parsnick, Lori	City Clerk's Office
Pokoj, Kari	City Clerk's Office
Beccari, Julia M	5357 Annover Rd., Lewiston, NY 14092
Boxer, Linda S.	921 Vanderbilt Ave., Niagara Falls, NY 14305
Bradberry, William J.	2500 Hyde Park Blvd., Niagara Falls, NY 14305
Campbell, Catherine	5183 Tuscorora Rd, Niagara Falls, NY 14304
Davis, Matthew A. II	1317 Ashland Ave., Niagara Falls, NY 14301
DeMartin, Mary Ann	1359 James Ave., Niagara Falls, NY 14305
Iannarelli, Anna	461-21 st St., Niagara Falls, NY 14303
Mameli, Vincent	462-77 th St., Niagara Falls, NY 14304
Seright, Ida P.	2736-21 st St., Niagara Falls, NY 14305
Tothill, David E.	2256 Ontario Ave., Niagara Falls, NY 14305

Item #26

Local Law #3-2010

Please be advised that Local Law No. 3 for the Year 2010, relative to Flood Damage Prevention which was adopted by Council on July 12, 2010 and duly approved by Mayor Paul A. Dyster on July 21, 2010, was received and filed by the NYS Department of State on July 27, 2010.

Item #27

Relative to support of the efforts of Rotary International to eradicate Polio worldwide

BY:

Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, Rotary International has received a pledge from the Bill and Melinda Gates Foundation to provide a \$355 Million Dollar Challenge grant in support of the Rotary International PolioPlus Program, and

WHEREAS, PolioPlus is a program created by Rotary International to eradicate Polio in every country worldwide, and

WHEREAS, the incidence of Polio has decreased more than 99 percent since 1988, when the Rotary International Global Initiative against the disease began, with only four countries -- Afghanistan, India, Nigeria and Pakistan -- remaining Polio endemic, and

WHEREAS, the Niagara Falls N.Y. Rotary Club requests that October 21, 2010 be designated as PolioPlus Day in Niagara Falls, New York in support of the total eradication of Polio worldwide.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby designate October 21, 2010 as PolioPlus Day in Niagara Falls, New York.

Item #28

RESOLUTION No. 2010-

Relative to support of the Grant Application by the
Niagara Street Area Business & Professional Association

BY:

Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, the Niagara Street Area Business & Professional Association has applied for an Educational Nature Trail Grant at Gill Creek; and

WHEREAS, the funds have been approved by the Niagara Falls School District Board with \$102,280.00 coming from the Niagara Falls School District Greenway Commission Funding source; and

WHEREAS, the trail will be along the west side of Gill Creek from Buffalo Avenue to Ferry Avenue which is maintained by the city. The trail will be marked with approximately 25 plaque markers telling the history of the area, fauna, and different species of animals around that location. It will also act as a field trip for local schools and community organizations.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby approve of this grant along with the installation and construction of the trail; and

BE IT FURTHER RESOLVED, that after the installation of the trail has been accomplished, the City of Niagara Falls will be responsible for maintaining the trail, which will be the beginning of a rebirth of Gill Creek Park and will add to the quality of life for that area.

Item #29

RELATIVE TO APPOINTMENT TO THE NIAGARA FALLS
SENIOR CITIZEN COUNCIL

BY: Council Chair Sam Fruscione

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Senior Citizen Council effective immediately due to the resignation of Angelo D'Aloise for the expiration date, which appears opposite his/her name:

APPOINTMENT

TERM EXPIRES:

Marie De Felice
2540 Jerauld Avenue
Niagara Falls, NY 14305

12/31/2013

RESOLUTION NO. 2010-

RELATIVE TO ADOPTION OF REVISIONS TO THE PURCHASING MANUAL

By: Council Chairman Samuel Fruscione

WHEREAS, the New York General Municipal Law requires municipalities to adopt procurement policies and procedures so as to assure the prudent and economical use of public monies in the best interest of the taxpayers of the municipality and to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances; and

WHEREAS, the City Council adopted a Purchasing Manual in Resolution 1992-102 and a revised manual in Resolution 2000-84; and

WHEREAS, the State has recently adopted revised bidding requirements; and

WHEREAS, the Purchasing Agent has prepared revisions contained in the attached sections to the Purchasing Manual to further said goals;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it does hereby adopts the attached revisions to the City's Purchasing Manual.

TITLE: BIDS	SECTION NO:	02.
	PROCEDURE NO:	010.
	EFFECTIVE DATE:	09/10
	PAGE NO:	1 OF 2

I. New York State law requires that bids be solicited for purchase contracts exceeding ~~\$10,000.00~~ \$20,000.00 in value and public work contracts exceeding ~~\$20,000.00~~ \$35,000.00 in value (see Section 02., Procedure 040., Public Work Contracts and Purchase Contracts).

II. All purchase contract bids and some public work contract bids are solicited by the Purchasing Division. Other public work contract bids are solicited by the Engineering Department ~~and in certain cases the Wastewater Facilities Department and Water Facilities Department.~~ Generally public work contracts for services such as maintenance agreements, security guard service, etc. are processed through the Purchasing Division. Public work contracts for construction, renovations, paving, etc. are processed through the Engineering Department. ~~Certain public work contract bids for work to be done at the Wastewater Treatment Plant and the Water Treatment Plant will be solicited by those two respective departments.~~

III. Departments should allow a minimum of eight (8) weeks for solicitation of bids. The process involves preparation of the bid, mailing it out to prospective bidders, submitting a legal notice to the newspaper, opening and evaluating the bids, submitting a recommendation for award to the Council, the Council awarding the bid and issuing a purchase order. When unforeseen circumstances arise in which bids must be processed in a shorter period of time the Purchasing Division or the Engineering Department will make every effort to accommodate a department's requirements. However, no guarantee can be made that the contract will be in place when requested.

SECTION NO:	020.	PAGE NO:	2 OF 2
PROCEDURE NO:	010.	EFFECTIVE DATE:	09/10

- IV. The following information should be provided by departments when requesting the Purchasing Division or the Engineering Department to solicit a bid:
- A. Name, quantity and specifications for items to be purchased or work to be performed.
 - B. Delivery requirements: address and allowable time for delivery.
 - C. Account codes to be charged.
 - D. List of names and addresses of prospective bidders.
- V. It is important to note that the bid limits pertain not only to one-time purchases over those amounts but also to commodities or services in which the City as a whole purchases over those amounts during a 12 month period. For example, if an item costs \$700.00 and we purchase (or anticipate purchasing) more than 14 28 of those items during a 12 month period, bids must be solicited.

TITLE: QUOTATIONS	SECTION NO:	02.
	PROCEDURE NO:	020.
	EFFECTIVE DATE:	09/10
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- I. New York State law requires that specific guidelines be established regulating the procurement of goods and services with a value of ~~\$10,000~~ \$20,000.00 or less for purchase contracts, and ~~\$20,000~~ \$35,000.00 or less for public work contracts (see Section 02., Procedure 040., Public Work Contracts and Purchase Contracts). These guidelines are meant to facilitate the procurement of goods and services of the appropriate quality from the appropriate source at the best possible price.
- II. In order to satisfy this requirement, the following guidelines will apply to purchase and public work contracts:
- A. Quotations will be solicited by the departments at the department head's discretion for purchases or public work contracts amounting to ~~\$1,000~~ \$1,500.00 or less.
 - B. Departments must solicit a minimum of three (3) verbal quotations, when possible, for purchases or public work contracts from over ~~\$1,000~~ \$2,500 ~~\$1,500.00 - 4,000.00~~. A list of the quotations must be forwarded to the Purchasing Division before a purchase order will be issued.
 - C. Departments must solicit a minimum of three (3) written quotations, when possible, for purchases or public work contracts from over ~~\$2,500~~ \$5,000 ~~\$4,000.00 - 7,500.00~~. The quotations must be forwarded to the Purchasing Division before a purchase order is issued.
 - D. The Purchasing Division will solicit quotations or bids for purchase contracts ~~from~~ over ~~\$5,000~~ \$10,000 ~~7,500.00~~. The Purchasing Agent may, at his discretion, allow a department to solicit quotations if circumstances warrant it.

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The quotations must be forwarded to the Purchasing Division prior to the issuance of a purchase order. Dependent upon the type of work to be done, either the Purchasing Division, the Engineering Department ~~or in certain cases the Wastewater Facilities Department and Water Facilities Department~~ will solicit quotations for public work contracts from ~~\$5,000 - \$20,000~~ \$7,500.00 - \$35,000.00. Departments should allow up to four (4) weeks for the solicitation of quotations. For this reason, it is recommended that requirements be anticipated, and the Purchasing Division or the Engineering Department be notified of the need to solicit quotations well in advance (see Section 03., Procedure 040., Emergencies).

- III. Documentation must be provided in all cases where three (3) quotations are required but not received.
- IV. Documentation must be provided in all cases where the requisition is not issued to the vendor with the lowest quote.
- V. No quotation which exceeds the bid limit can be awarded. ~~(Purchase contracts-\$10,000; public work contracts-\$20,000).~~
- VI. The following information must be supplied to the Purchasing Division or the Engineering Department for the solicitation of quotations:
 - A. Name, quantity and specifications for items to be purchased or work to be performed
 - B. Delivery requirements: address and allowable time for delivery
 - C. Account codes to be charged
 - D. List of names and addresses of prospective vendors

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- VII. When soliciting quotations for some purchase and public work contracts, it is imperative that the vendor have on file with the Law Department a certificate of insurance which complies with all the City's insurance requirements. It is the responsibility of the departments, when soliciting quotations to ensure that vendors are notified of the City's insurance requirements. Departments must contact the Claims Manager before vendors begin any work on City property to ensure that a certificate of insurance is on file for the successful vendor. If you are unsure whether an insurance certificate is required contact the Purchasing Division, the Engineering Department or the Law Department.
- VIII Under certain situations, a performance & payment bond may be desirable when entering into an agreement with a vendor. For information regarding performance and payment bonds, contact the Purchasing Division or the Engineering Department.

TITLE: PUBLIC WORK CONTRACTS AND PURCHASE CONTRACTS	SECTION NO:	02.
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- I. It is important to distinguish between contracts for public work and purchase contracts since the bidding threshold is different for each type.
- II. Public work contracts normally involve services, labor or construction. Bids must be solicited for public work contracts which exceed ~~\$20,000.00~~ \$35,000.00.
- III. Purchase contracts normally involve the acquisition of commodities, materials, supplies or equipment. Bids must be solicited for purchase contracts which exceed ~~\$10,000.00~~ \$20,000.00.
- IV. Many times contracts involve both goods and services, and it is difficult to determine which bid limit to apply. Each procurement must be reviewed on a case-by-case basis and a determination made as to what kind of contract is involved. As a general rule, if the contract involves a substantial amount of services such that it is the focal point and the acquisition of goods is incidental, it will be considered a contract for public work. Conversely, if services or labor are only minimal or incidental to the acquisition of goods, it is considered a purchase contract.

TITLE: LEASE AGREEMENTS LEASE-PURCHASE AGREEMENTS	SECTION NO:	02.
	PROCEDURE NO:	050.
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- I. A "true Lease" agreement for equipment, machinery or other items is one in which none of the periodic payments made are applied toward the purchase of the item(s).
- II. It is not a true lease if at the end of the lease:
 - a) ownership automatically passes to the City or
 - b) the City may purchase the item at less than fair market value or
 - c) the item has no value
- III. The law does not require soliciting bids for leases. However, leases require the approval of the City Council and must be signed by the Mayor. For many items, soliciting bids may well be the best method of obtaining pricing. Regardless of the method of obtaining pricing, all lease agreements are to be processed through the Purchasing Division. After appropriate approvals have been obtained, a purchase order will be issued.
- IV. Lease-purchase agreements are also known as installment purchase agreements. The basic difference between a true lease and a lease-purchase is that in a lease-purchase agreement all or part of the periodic payments are applied toward the purchase of the item. If at the end of the lease, ownership automatically passes to the City, the City may purchase the item at less than fair market value, or the item has no value at the end of the lease, then it is a lease-purchase agreement

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- V. The law states that lease-purchase agreements are subject to competitive bidding if the total amount proposed to be paid over the term of the agreement exceeds ~~\$10,000.00~~ the State threshold for purchase contracts. Normal bidding procedures are to be followed in those instances. If a down payment is required, it may not exceed 10% of the full contract price. Each installment payment must be substantially equal. Also, no payments may be financed by the proceeds of bonds or notes.
- VI. When considering entering into a lease or lease-purchase agreement, it is important for departments to analyze the alternatives, i.e., outright purchase from O & M funds or capital budget funds. Oftentimes, the outright purchase of an item is more cost

TITLE: EMERGENCIES (CONFIRMING ORDERS)	SECTION NO:	03.
	PROCEDURE NO:	040.
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- I. An exception to normal purchasing procedures exists for emergency situations. There are three (3) basic criteria to be met in order to fall within this exception:
1. The situation arises out of an accident or unforeseen occurrence or condition.
 2. Public buildings, public property or the life, health, safety or property of the City's residents are affected.
 3. The situation requires immediate action which cannot await the normal time frame required for issuance of a purchase order.
- II. When a Department head determines that an emergency exists, the purchase should still be made at the lowest possible cost. When practicable, verbal quotations should be obtained. That day or the next business day a confirming requisition must be prepared and forwarded to the Purchasing Division. A memo outlining what the emergency was and why normal purchasing procedures could not be followed must be forwarded to the Purchasing Division. Do not put this information on the requisition.
- III. In instances where an emergency expenditure will exceed the bid limit ~~of \$10,000.00~~ for purchase contracts or ~~\$20,000.00~~ for public work contracts the department should notify the Purchasing Agent verbally when practicable before the expenditure is made.

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Upon receipt of the requisition the Purchasing Agent shall obtain the appropriate approvals prior to issuance of a purchase order.

- IV. It is incumbent upon each department to ensure that only a true emergency exists when a purchase is made without following the normal purchasing procedures. A situation that arises out of inaction or neglect on the part of City personnel cannot be considered a true emergency. When the Purchasing Agent receives a confirming requisition and determines that a true emergency did not exist, the requisition will be referred to the City Administrator for appropriate action.

Item #31

RESOLUTION NO. 2010-

FREEZE ON DISCRETIONARY SPENDING

By: Council Chairman Samuel Fruscione
Council Member Robert Anderson
Council Member Steve Fournier

WHEREAS, the City of Niagara Falls, New York administration is in the process of developing the City budget for the year 2011; and

WHEREAS, any fund balance remaining at the end of year 2010 will be helpful in balancing the budget projected for year 2011;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Niagara Falls, New York as follows:

Commencing with the adoption of this Resolution and continuing through December 31, 2010, the City Council requests that the Mayor and City Administrator direct all City Department Heads as follows:

1. Cease spending on discretionary items regardless of the fact that surplus may exist in their respective budgets from which to access funds.

2. Non-discretionary spending and spending that must occur pursuant to agreements and contractual issues may continue to occur pursuant to agreements and contracts in place.

3. In the event that a Department Head believes an item which is the subject of discretionary spending to be necessary, he or she may apply to the Mayor and City Administrator on a case by case basis in order to obtain permission for such an expenditure.

4. This resolution shall not apply to the spending of casino revenues pursuant to future resolutions adopted by the City Council.

RESOLUTION 2010-

RESOLUTION RELATIVE TO AMENDING CHAPTER 1137
ENTITLED "LANDLORD RENTAL
AND PROPERTY OWNER REGISTRATION"

By: Council Chairman Samuel Fruscione

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1137 of the Codified Ordinances entitled "Landlord Rental and Property Owner Registration" is hereby amended as follows:

CHAPTER 1137
LANDLORD RENTAL AND PROPERTY OWNER REGISTRATION

1137.01 PURPOSE

The purpose of this Chapter is to establish a procedure and standards for the identification and registration of rental properties and unoccupied properties, to ensure that the City has a meaningful, efficient and effective means of communicating with those persons and companies who own rental properties and unoccupied properties. This Chapter is adopted to promote the health and safety of tenants and to alleviate conditions of substandard housing, including slums and blight.

1137.02 ENFORCEMENT

This Chapter shall be enforced by the Director of Code Enforcement, or his designee.

1137.03 DEFINITIONS

As used in this Chapter, these terms shall have the meanings indicated as follows:

ACTION or PROCEEDING - Any action or proceeding which may be instituted in the City Court of the City of Niagara Falls or the County Court of the County of Niagara or the Supreme Court of the County of Niagara or any court of competent jurisdiction with an alleged violation of any ordinance or law of the City of Niagara Falls.

BUILDING - Any improved real property, residential or mixed use (commercial-residential), located within the City of Niagara Falls, that is nonowner occupied or is improved and unoccupied.

CHANGE IN OCCUPANCY - Whenever a tenant shall move from, vacate or quit willingly or otherwise or express the firm intent to vacate or quit a rental unit.

DIRECTOR - The Director of Code Enforcement of the City of Niagara Falls, New York.

IDENTIFICATION OF BUILDING - It is required that the house number be placed on the building in a conspicuous place.

LANDLORD AND PROPERTY OWNER REGISTRATION STATEMENT - A form created by the Director and distributed to the owner of rental property and unoccupied property in accordance with standards and requirements set forth in this Chapter.

OWNER - Any individual or individuals, partnership or corporation or any similar type business organization, whether for profit or otherwise, in whose name title to a building stands, including a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of the property.

PROCESS - A summons, complaint or any notice, mandate or any other paper process issued under any provision of the Codified Ordinances of the City of Niagara Falls or any law or regulation of the State of New York.

RENTAL PROPERTY - Includes all properties which are either rented, leased, let or hired out to be occupied for residential or mixed used (commercial-residential), and are nonowner occupied. For any rental property to be considered owner occupied, the owner must prove that at least one (1) owner, partner, or shareholder of a corporation actually has his or her principal residence at the rental property and reside therein on a full-time basis, it being the actual domicile of that owner, partner, or shareholder. At the request of the City of Niagara Falls, any owner who claims to occupy the rental property shall provide a sworn affidavit providing the necessary information to support his or her claim that the premises are owner occupied.

RENTAL UNIT - A residential unit occupied by a party other than an owner.

RESIDENTIAL UNIT - One or more rooms with provision for sanitary and sleeping facilities, for food preparation, for living and for working.

TENANT - A party whose right to possession of a rental unit is subject to the express or implied consent of the owner.

UNOCCUPIED PROPERTY - Any improved real property that is not occupied by the owner or a tenant.

1137.04 PROPERTY REGISTRATION

A. REGISTRATION OF OWNER.

1. The owner of a building constituting a rental property or unoccupied property shall register the same with the Director within 60 days of the effective date of this Chapter on a form approved by the Director. **Any owner subject to this Chapter acquiring a building after July 1, 2010 which is a rental property or unoccupied property shall register the same with the Director within 60 days of acquisition on a form approved by the Director.** This form shall be known as a "Landlord and Property Owner Registration Statement" which shall be signed by the owner. A Landlord and Property Owner Registration Statement shall be completed and filed for each building constituting a rental property or unoccupied property.

2. It shall be unlawful for any owner to offer any unit for rent, or to rent any unit, or to allow any rental unit to be occupied without having first registered pursuant to this Chapter as required herein within the time prescribed for such registration. Failure to receive notice of the registration deadline will not excuse failure to register within the time prescribed for such registration. Failure to receive notice of the registration deadline will not excuse failure to register rental property. It is the owner's responsibility to fulfill the requirements of this Chapter.

3. In the event the building which is the subject of the Landlord and Property Owner Registration Statement is not used for a use consistent with the legal use reflected in the office of the Director, the owner shall take immediate action to conform the Building to the legal use reflected in the office of the Director.

B. LANDLORD AND PROPERTY OWNER REGISTRATION STATEMENT

1. Every owner of a rental property **[as above defined]** or an unoccupied property shall file with the Director within 60 days after the effective date of this Chapter **or within 60 days following acquisition of a rental property or unoccupied property, whichever is applicable,** a Landlord and Property Owner Registration Statement on a form to be supplied by the Director, containing the following:

A. A description of the premises by street number, a legal description of the premises, and section, block and lot number, including tax identification number.

B. The owner's name, date of birth, residential address, and mailing address, together with his/her business telephone number, home telephone number, fax number, and e-mail address or, if such owner is a corporation, the name and address of such corporation, its employer identification number and the name, date of birth, residence, business address, together with the residence and business telephone numbers, fax numbers and e-mail addresses of at least two officers of the corporation responsible for management of the rental property or, if the owner is a limited liability company, the name, business address, business telephone number, fax number and e-mail address of the limited liability company, and the name, date of birth, residence, business address, residence and business telephone numbers, fax number and e-mail address of the manager of the limited liability company, or if the owner is a partnership, the name, date of birth, address, residence and business telephone numbers, fax number and e-mail address of the individual partners.

C. Designation of local [managing] agent. In the event the owner does not reside in Niagara County, New York, or Erie County, New York the owner must designate a local [managing] agent. If a local [managing] agent is required, then the owner shall provide the following information to the Director: the name, date of birth, residence and business address and telephone numbers, fax number and e-mail address of a natural person, 18 years of age or over, who actually resides within the County of Niagara, New York, and who shall be designated by such owner as a local [managing] agent responsible for and in control of the [maintenance and operation of such] rental property, and who shall be designated as the person upon whom process may be served on behalf of the owner. The local [managing] agent and/or owner shall keep a current record of all the tenants, and their names and addresses, who are renting, leasing or living in the premises. There shall be endorsed upon such statement a written consent to such designation signed by such local [managing] agent and such local [managing] agent shall also consent to be subject to the jurisdiction of any applicable court of law.

D. The owner shall be obligated, at all times, to keep this information updated, and when there is a change in the local [managing] agent, or any other material change, the owner shall be obligated to update the information by amending the Landlord Registration Statement within 15 days from the date of any such change.

E. Nothing contained in this section shall be construed as preventing a corporation, limited liability company or partnership which is an owner of real property from designating as its local [managing] agent with respect thereto any officer of such corporation, manager or partner who meets the requirements of this subsection as to location of the residence or the place of transacting business of the local [managing] agent.

F. Any designation as local [managing] agent made pursuant to the provisions of this section shall remain in full force and effect until changed or terminated as hereinafter provided.

G. Insurance information, if any.

2. Upon completion and execution and submission of the Landlord and Property Owner Registration Statement as aforesaid, said registration statement shall be reviewed by the Director or his designee for adequacy. Should the Director determine that said registration statement is incomplete, defective or untruthful for any reason, said registration statement shall be marked "rejected" and returned to the owner. A rejected registration statement shall not be deemed compliance with the requirements of this Chapter.

3. An approved Landlord and Property Owner Registration Statement shall be required and shall be a condition precedent before the owner may rent any unit contained in the rental property.

4. Where, after filing of any Landlord and Property Owner Registration Statement in relation to any rental property under the applicable provisions of this Chapter, the owner of such property shall have granted or transferred his/her right, title or interest therein or in any part thereof, the new owner shall file with the Director at the time of transfer a Landlord and Property Owner Registration Statement pursuant to the requirements of this Chapter.

5. Any designation of the local [managing] agent made pursuant to the applicable provisions of this section shall cease to be effective if such agent shall die or be judicially declared incompetent.

6. An owner may terminate such local agent designation by filing with the Director a written statement designating a new local [managing] agent made in conformity with the provisions herein above cited.

7. Any Landlord and Property Owner Registration Statement or designation of a local [managing] agent required to be filed with the Director by any owner of a rental property or unoccupied property under the provisions of this section shall be signed by such owner, or if such owner is a corporation, by an authorized officer thereof, or if such owner is a partnership, by a partner thereof, or if such owner is a limited liability company, by the manager.

8. Any such Landlord and Property Owner Registration Statement or designation of a local [managing] agent shall be deemed prima facie proof of the statements therein contained, in any criminal or civil prosecution instituted by the City of Niagara Falls or by any proper prosecutorial agency against the owner or local [managing] agent of a rental property or unoccupied property.

9. It shall be unlawful for any owner to permit the occupancy of any rental unit subject to this Chapter, unless such owner has a current, valid Landlord and Property Owner Registration Statement on file with the Director. It shall also be unlawful for any owner to own unoccupied property subject to this Chapter, unless such owner has a current, valid Landlord and Property Owner Registration Statement on file with the Director.

10. This Chapter shall apply to all buildings in the City of Niagara Falls which contain a rental unit or rental units or which are unoccupied property.

11. The Landlord and Property Owner Registration Certificate shall be valid for a period of two (2) years or until such time that there is a change in ownership, unless the Director revokes such permit pursuant to 1137.04(B)(14).

12. RENEWAL.

No less than thirty (30) days and no more than sixty (60) days prior to the expiration of a Landlord and Property Owner Registration Statement, the holder of such registration statement shall file with the Director a new and separate Landlord and Property Owner Registration Statement to obtain a new Landlord and Property Owner Registration Statement. Failure to obtain a renewal Landlord and Property Owner Registration Statement for a [an occupied] rental unit or for unoccupied property shall be treated as a violation of 1137.04(B) of this Chapter. The fee to renew a Landlord and Property Owner Registration Statement is contained in section 15 of this Chapter.

13. REVOCATION.

A. The Director may revoke a Landlord and Property Owner Registration Statement after written notice to the owner and local agent, if any, that the requirements of this Chapter or any conditions of said Landlord and Property Owner Registration Statement have been violated.

B. Whenever the Director revokes the Landlord and Property Owner Registration Statement, he shall serve the owner and local agent, if any, with a written notice of revocation which shall include a statement of the grounds for revocation and a statement of particulars specifying in what respect the rental unit or building in which it is located or unoccupied property is in violation. Written notice may be served by personal delivery or certified mail, return receipt requested, to the owner and local agent, if any, addressed to the last known address on file with the Director. Notice will be deemed given when delivered to the owner or local agent, if any, or by depositing same in a postpaid properly addressed wrapper in an official depository under the exclusive care and custody of the United States post office department within the State of New York.

C. In the event that any building subject to this Chapter is condemned for occupancy, any Landlord and Property Owner Registration Statement shall be deemed revoked.

D. The owner or local agent, if any, shall have 15 days from the day when notice is given within which to remedy any violations specified in the notice of revocation. In the event such violations are not remedied to the satisfaction of the Director within the 15 day period, the Landlord and Property Owner Registration Statement shall be deemed revoked.

14. Building permits of any nature shall not be issued for work regarding buildings subject to this Chapter unless and until a valid Landlord and Property Owner Registration Statement is on file with the Director.

15. FEES.

The fee to file a Landlord Rental and Property Owner Registration Statement and the fee to renew a Landlord Rental and Property Owner Registration Statement for [register] all buildings subject to this Chapter and all unoccupied property subject to this Chapter, shall be as follows:

Buildings and unoccupied property containing one (1) or two (2) rental units	\$25.00
Buildings and unoccupied property containing three (3) or more rental units	\$40.00

Notwithstanding the foregoing, required fees shall be waived for owners of buildings and unoccupied property subject to this Chapter who register with the Director within 60 days of the effective date of this Chapter.

16. EFFECTIVE DATE.

This Chapter shall be effective May 1, 2010.

1137.05 PENALTIES FOR OFFENSES.

A failure to register any unoccupied property or rental property required to be registered under this Chapter shall be a violation, and any person or entity convicted of such violation shall be punished as follows:

1. Upon the first conviction, a fine of not less than \$250, but not exceeding \$500; and
2. Upon a second such conviction within a twelve-month period, a fine of not less than \$500, but not exceeding \$2,500.

1137.06 SEVERABILITY.

If any article, section, subsection, paragraph, sentence, clause or provision of this Chapter shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the article, section, subsection, paragraph, sentence, clause or provision thereof directly involved in the controversy in which such judgment shall have been rendered.