

March 2, 2015

Monday, March 2, 2015 Council Meeting

PRESENTATIONS:

Seth Piccirillo, Community Development – Downtown Stabilization Project Update

ADMINISTRATIVE UPDATE:

Agenda Item #1

RE: City Council Agenda Item:
Award Skate Park Design Contract to
Spohn Ranch Skateparks for \$9,000.00

Council Members:

The Community Development Department has funds in its 2015 budget for construction of a skate park. The Department solicited proposals for the design of the park from skate park designers and local landscape architect firms. The following proposals were received by CD:

Spohn Ranch Skateparks, Los Angeles, CA	\$ 9,000.00
American Ramp Company, Joplin, MO	9,500.00
Joy Kuebler Landscape Architect, PC, NT, NY	\$42,680.37

Spohn Ranch Skateparks has designed and built skate parks around the country, including in New York State. Spohn Ranch Skateparks also has designed and built facilities for ESPN X-games and similar competitions.

The proposal includes one in-person visit, preparation of schematic designs and renderings, preparation of construction documents and technical specifications, and cost estimates. The fee includes reimbursable expenses. The company is able to provide the services required under this contract.

Construction funds in the 2015 CD budget can be used after HUD approval of the budget and release of the funds. If the design is completed by the time funding is released, the project can be completed this year. The design services for which approval is requested herein are to be paid with casino revenues. Casino revenues are available to pay for the services.

Will the Council vote to award the design contract to Spohn Ranch Skateparks for the skate park design as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Agenda Item #2

**RE: City Council Agenda Item:
 Transfer of Demolition Funds
 To City's CDBG Federal Line of Credit**

Council Members:

The United States Department of Housing and Urban Development (HUD) determined that \$140,163.95 in Community Development Block Grant (CDBG) funds were used for activities that did not meet the federal national objectives. The finding stems from NFC Development Corp. small business assistance projects between 1994 and 2007 which used CDBG funds. The projects failed to achieve or document the required job creation levels.

It is very important to note that small business loans are eligible CDBG activities. Neither CD nor NFC misappropriated any funding. The questioned loans all required the small businesses to meet the job creation standards.

In some instances, the businesses did not provide job creation statistics required to demonstrate compliance. In other instances, the businesses submitted the statistics, but did not create the required jobs. Some of the loans have been repaid in full or in part. With two of the loans, the amount was fully repaid, but the job creation goals were either not met or not reported after several inquiries.

Lack of full repayment, lack of any repayment, lack of job creation, lack of job creation statistics or a combination of those factors led to the HUD findings. If the owner fails to create jobs, refuses to report job creation statistics, or fails to repay the loan, the city is obligated to refund HUD. This is why, as a matter of current CD policy, CDBG funds are no longer used for small business loans.

This dollar amount represents 0.31 percent of the total CDBG funds awarded to Niagara Fall Community Development (CD) over that time period. It is HUD policy that the federal line of credit must be repaid from non-federal funds for any project that does not meet its national objective.

CD has negotiated a repayment solution with HUD that does not require the expenditure of new funding. The City can transfer \$140,163.95 from the demolition line of the City's annual budget to the City's CDBG federal line of credit. Once transferred, the \$140,163.95 will remain available to the City. The funds will be drawn down by the Community Development Department and used specifically for demolitions.

Even without this transfer, CD-funded demolitions are made in coordination with the Code Enforcement/Inspections Department. All houses which are demolished are first designated for demolition through the Code Enforcement/Inspections Department. The level of coordination will remain in place for these transferred funds.

The result of this action is to transfer funding from the City's Code Enforcement/Inspections demolition line to the City's CD demolition line. This transfer will not have any impact on the number of demolitions completed. It is standard practice for the City's demolition contracts to be funded by both City and CDBG funding sources.

Upon approval, the funds will be transferred from City budget line H.0910.2009.0910.0449.599 to HUD and added to the City's CDBG federal line of credit. These funds will then be available for expenditure for CD Project Number CDR 699, Clearance and Demolition, under CD budget line CD1.8666.0000.0450.500.

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

Agenda Item #3

RE: Funding for annual Italian Festival

Council Members:

The City has been asked to contribute the sum of \$2,500 toward the cost of the annual Italian Festival to take place from Friday, July 31, 2015 through Sunday, August 2, 2015 on Pine Avenue between Portage Road and 15th Street. Attached is a letter of request from the sponsor.

Funding is available from Tourism Fund Balance.

Will the Council so approve?

614 17th street

Niagara Falls, NY 14301

(716) 531-6497

Carminbianco53@gmail.com

January 20, 2015

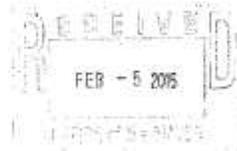
Mayor Dyster:

I am writing you today on behalf of the Pax Romana Commission's Annual Italian Festival. Our sole purpose is to celebrate the Italian heritage of Niagara Falls with our three day festival being the highlight of the year. The celebration is to be held from Friday, July 31st through Sunday, August 2nd on Pine Avenue between Portage Road and 15th Street. We are looking for those interested in donating to our cause to help make this event a success. We are a non-profit organization and every little bit will help us create the atmosphere of community that we remember from our youth. We are hoping you can continue your support of our celebration with a donation of \$2500. If interested, please make your check out to the "Pax Romana Commission of Pine Avenue", care of Carmine Bianco at the address above.

We feel that this celebration is a time-honored tradition in Niagara Falls and one that should not fall by the wayside. We hope you and yours will help in this endeavor. We appreciate and thank you for your time and cooperation.

Always with respect,

Carmine Bianco



Agenda Item #4

RE: Restoration of Senior Storekeeper position

Council Members:

The Acting Director of the Department of Public Works is requesting that the position of Senior Storekeeper be restored. The position was eliminated as the result of a retirement; however, it has become apparent that the position is necessary to maintain the auto parts inventory for the City. The total annual cost is \$75,062.53, inclusive of benefits but the cost for the remainder of this year, commencing March 3, 2015, will be approximately \$63,515. Attached is a spreadsheet detailing the various costs.

Funding is available from various vacant positions throughout the City, not including Police and Fire.

Will the Council so approve?

CITY OF NIAGARA FALLS, NY
REINSTATE POSITION OF SENIOR STORE KEEPER
DPW-CENTRAL GARAGE

<u>ANNUAL</u> <u>WAGES</u>	<u>FICA</u>	<u>PENSION</u>	<u>HEALTH</u>	<u>DENTAL</u>	<u>LIFE</u>	<u>WORKER'S</u> <u>COMP</u>	<u>TOTAL COST</u> <u>OF POSITION</u>
\$ 38,184.28	\$ 2,921.10	\$ 7,178.64	\$ 21,981.30	\$ 1,260.00	\$ 100.62	\$ 3,436.59	\$ <u>75,062.53</u>

Agenda Item #5

RE: Purchase of 425 Third Street

Council Members:

The Director of Community Development is requesting the City move forward on the purchase of 425 Third Street. Attached hereto is a communication from the Director to the Chairman of the Planning Board which details the specific reasons for this acquisition. Also attached hereto is a copy of the Planning Board's recommendation to the City Council to acquire this parcel.

The Director advises that the property is listed for sale for the sum of \$45,000 and that is the price he is recommending that the City offer to purchase it. Attached hereto is an opinion from the City Assessor stating that this is a fair price for the City to pay for this parcel.

Funding is available from a grant from the 2012 Regional Economic Development Council.

Will the Council so approve and authorize the Mayor to execute a sale and purchase agreement acceptable to the Corporation Counsel?



425 3rd/value
James Bird to: Craig Johnson

02/25/2015 09:22 AM

Craig,

As per our conversation, I estimate the market value of the vacant commercial lot located at 425 3rd Street to be \$45,000. This value is supported based on current market data and comparable vacant land sales in the area.

James R. Bird
City Assessor
City Hall
745 Main Street
Niagara Falls, NY 14302
716.286.4380
www.niagarafallsusa.org



City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

February 5, 2015

Mr. Rick Smith, Chairman
Niagara Falls Planning Board
745 Main Street
Niagara Falls, NY 14302

FEB - 5 2015

*Re: Purchase of 425 Third Street
Request for Planning Board Agenda Item*

Dear Chairman Smith:

Thank you again to you, and the other planning board members, who toured Third Street yesterday.

I hereby request that "Community Development Purchase of 425 Third Street" be added as an agenda item on the next available Niagara Falls Planning Board Agenda.

425 is a vacant lot (Third Street entrance covered by brick wall) that connects to alleyway parking as well as surface lots. It could become a simple and effective vehicular/pedestrian connection. Purchase of the property is a 2012 Western New York Regional Economic Development grant expense.

This request follows new business discussion on this topic, and 3rd Street/4th Street parking issues, at the last planning board meeting as well as a meeting in June 2014.

Enclosed please find a photograph of the lot and the Niagara Falls OARS System summary. The current sale price is \$45,000, listed through Hooper Realty.

Please contact me at 286-8801 if any additional information is needed. Thank you for your consideration.

Sincerely,

Seth Piccirillo, Director
Niagara Falls Community Development

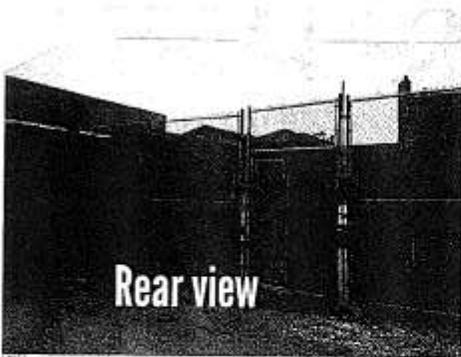
cc: Mayor Dyster
C. Johnson
T. DeSantis
J. Bragg



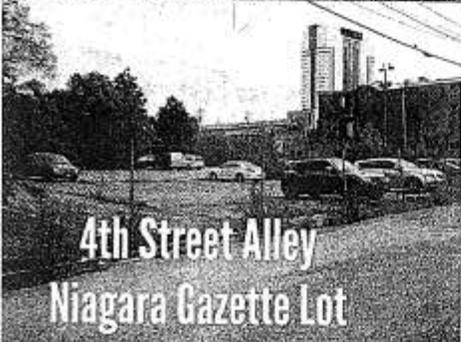
Niagara Falls Planning Board Discussion: Purchase of 425 Third St.
Purpose: Vehicular/Pedestrian Connection to Parking and 4th St. Current
Use: Vacant Lot
Funding Source: 2012 WNY REDC Grant



Lot - 2,600 square feet



Rear view



**4th Street Alley
Niagara Gazette Lot**



**4th Street
Vacant Property**



Show all images

Property: 425 3RD ST, Niagara Falls
SBL: 159.37-1-23

Assessment	
Total	\$3,400.00
Total Land	\$3,400.00
County Taxable (Niagara)	\$3,400.00
Town Taxable	\$3,400.00
School Taxable	\$3,400.00
Village Taxable	\$0.00
Equalization Rate	90%
Full Market Value	\$3,800

Exemptions

Code Description	Amount	Exemption %	Start Year	End Year
No Exemptions				

Land Types

Land Type	Acres	Front	Depth	SQFT	Soil Rating
0 - Primary	0	0	0	2884	Land: 1 Rating:

Structure		Property Description	
Year Built	0	Type	Vacant Land
House Style	0 -	Use	330 - Vacant corner
Total SQFT	0	Ownership Code	-
1st Story SQFT	0	Frontage	19.28
2nd Story SQFT	0	Depth	132
1/2 Story SQFT	0	Acres	0
3/4 Story SQFT	0	Zoning	C2-A
Add'l Story SQFT	0	Road Type	-
Finished Attic SQFT	0	Water Supply	3 - Comm/public
Finished Basement SQFT	0	Utilities	4 - Gas & elec
Finished Rec Room SQFT	0	East Grid Coordinate	1021258
Finished Over Garage SQFT	0	North Grid Coordinate	1123948
Number of Stories	0	School District	Niagara Falls - 291100
Overall Condition	-	Neighborhood Code	9
Exterior Wall Material		Last Property Sale	
Bedrooms	0	Sale Date	10/3/2009
Baths	0	Sale Price	\$80,000.00
Kitchens	0		
Basement Type			

Leak Type	0 -	Arms Length	YES
Fuel Type	0 -	Prior Owner Name	Shah Marina,
Replaces	0	Deed Book	3387
Garage(s)		Deed Page	87
Garage(s) SQFT		Deed Date	1/17/2001

Owner Information

Owner Name	Address 1	Address 2	City/State/Zip
Indola Nirmal Singh	438 8th St		Niagara Falls NY 14303

Improvements

Description	Quantity	Condition	Year Built	SQFT	Dimensions
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Special Districts

Code Description	Type	Primary Units	Secondary Units	Amount
D291 - County refuse	A	0	0	\$2,400.00

Agenda Item #6

Re: Funding for positions that were removed during the Budget Process

Council Members:

During the City Council meeting on January 5, 2015, Item No. 7, pertaining to Funding for positions that were removed during the Budget Process, was tabled. During the City Council meeting held on January 20, 2015, this item was removed from the table and the portion of this tabled item which created the position of SWEET Team Project Coordinator was separated out and approved. It is now requested that this item once again be removed from the table and the portion of this tabled item dealing with the 2015 SWEET Team budget, be separated out and that the item be amended to delete the bi-weekly portion of this item plus fringe benefits because it was previously approved. It is now requested that the balance of the budget for the SWEET Team in the amount of \$42,470 be approved. Funding is available from casino revenues. For this purpose, attached is an amended budget.

Will the Council so approve?

CITY OF NIAGARA FALLS, NY
2015 SWEET TEAM BUDGET

	2015 AMOUNT
BI-WEEKLY	29,983.00
TEMPORARY	30,000.00
OFFICE SUPPLIES	1,000.00
AUTOMOTIVE GASOLINE	3,000.00
CONSUMABLE PRINTED FORMS	1,000.00
AUTOMOTIVE PARTS	750.00
CLEANING/SANITARY	250.00
TOOLS	1,000.00
SAFETY SUPPLIES	325.00
UNDESIGNATED SUPPLIES	300.00
CELLULAR PHONES	1,000.00
PRINTING BOOKS/BROCHURES	550.00
ADVERTISING	1,000.00

*Approved
1/20/15 with
Fringes.*

0-0
32,295.00 +
1,000.00 +
3,000.00 +
1,000.00 +
750.00 +
250.00 +
1,000.00 +
325.00 +
300.00 +
1,000.00 +
550.00 +
1,000.00 +
012 (42,470.00)

Agenda Item #7

SUBJECT: Consultant Services Agreement - Hyde Park Ice Pavilion Phase IV - Replacement of Ice Floor, Under Slab & Systems and Dasher Boards for Rinks 1 & 2

Piping

CHANGE ORDER #1

A contract for the above reference project was awarded to DiDonato Associates, P.E. of Buffalo on July 21, 2014 for professional services and design related tasks in the amount of \$175,000.00.

This new work involves full time Construction Inspection, on-site coordination of multiple Prime contractors and all related testing, for Phase IV of the project.

It is the recommendation of the undersigned that the City extend the existing professional service agreement with DiDonato Associates P.E. in the amount of \$129,876.00 to provide continuing on-site inspection for a new total of \$304,876.00.

This award is contingent on the approval of the Bond Resolution that appears elsewhere on the Council agenda.

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of \$304,876.00 be approved.

Will the Council vote to so approve?

Agenda Item #8

SUBJECT: LETTER OF AWARD FOR HYDE PARK ICE PAVILION PHASE IV – ICE RINK FLOOR AND DASHER BOARD REPLACEMENT (PLUMBING CONTRACT)

The following was the result of bids received on February 6, 2015, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
J.R. Swanson Plumbing, Inc. 413 103 rd St. Niagara Falls NY 14304	\$94,800.00
Mollenberg Betz, Inc.	\$108,100.00
Ackerman Plumbing, Inc.	\$119,545.00
Danforth	\$132,300.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, J.R. Swanson Plumbing, Inc., at their Base Bid of \$94,800.00. This award is contingent on the approval of the Bond Resolution that appears elsewhere on the Council agenda.

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

Agenda Item #9

SUBJECT: LETTER OF AWARD FOR HYDE PARK ICE PAVILION PHASE IV – ICE RINK FLOOR AND DASHER BOARD REPLACEMENT (ELECTRICAL CONTRACT)

The following was the result of bids received on February 6, 2015, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
South Buffalo Electric Inc. 1250 Broadway St. Buffalo NY 14212	\$83,285.00
M&M Electric Co. Inc.	\$84,900.00
Frey Electric Co.	\$92,700.00
CIR Electric Construction	\$103,200.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, South Buffalo Electric Inc., at their Base Bid of \$83,285.00. This award is contingent on the approval of the Bond Resolution that appears elsewhere on the Council agenda.

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

Agenda Item #10

SUBJECT: LETTER OF AWARD FOR HYDE PARK ICE PAVILION PHASE IV - ICE RINK FLOOR AND DASHER BOARD REPLACEMENT – (MECHANICAL CONTRACT)

The following was the result of bids received on February 6, 2015, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Parise Mechanical, Inc. 1106 Sheridan Drive Tonawanda NY14150	\$18,100.00
J.R. Swanson Plumbing Co.	\$27,425.00
Greater Niagara Mechanical Inc.	\$37,300.00
Mollenberg Betz, Inc.	\$38,800.00
Danforth	\$38,900.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, Parise Mechanical, Inc., at their Base Bid of \$18,100.00. This award is contingent on the approval of the Bond Resolution that appears elsewhere on the Council agenda.

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

Agenda Item #11

SUBJECT: LETTER OF AWARD FOR HYDE PARK ICE PAVILION PHASE IV – ICE RINK FLOOR AND DASHER BOARD REPLACEMENT – (GENERAL CONTRACT)

The following was the result of bids received on February 6, 2015, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>	<u>ALT. #2</u>
Scrufari Construction Services Inc. 3925 Hyde Park Blvd. Niagara Falls NY 14305	\$642,000.00	\$18,900.00
Sicoli Construction Services, Inc.	\$748,800.00	\$21,000.00
Sicoli & Massaro, Inc.	\$796,600.00	\$19,700.00
Rodems Construction Co.	\$876,000.00	\$15,300.00
Telco Construction Co.	\$877,000.00	\$15,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, Scrufari Construction Services, Inc., at their Total Bid of \$660,900.00. This award is contingent on the approval of the Bond Resolution that appears elsewhere on the Council agenda.

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

Agenda Item #12

SUBJECT: LETTER OF AWARD FOR HYDE PARK ICE PAVILION PHASE IV - ICE RINK FLOOR AND DASHER BOARD REPLACEMENT – (ICE RINK CONTRACT)

The following was the result of bids received on February 6, 2015, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Mollenberg Betz, Inc. 300 Scott St. Buffalo NY 14204	\$1,720,000.00
Total Mechanical Services, Inc.	\$1,729,475.00
Ice Builders, Inc.	\$1,937,000.00
Danforth	\$1,969,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, Mollenberg Betz, Inc., at their Base Bid of \$1,720,000.00. This award is contingent on the approval of the Bond Resolution that appears elsewhere on the Council agenda.

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

Agenda Item #13

**SUBJECT: AWARD OF SERVICES – ELECTRICAL SERVICE RELOCATION
 TRAFFIC SIGNALS AT THIRD ST. AND RAINBOW BLVD.**

After soliciting three competitive bidders, the following company proved to be the actual responsible low-bidder for the above-referenced project:

M&M Electric Co. Inc.	\$14,460.00
4819 Henry Ave.	
Niagara Falls NY 14304	

Funding will be available from 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?

Agenda Item #14

**SUBJECT: AWARD OF SERVICES – BOILER REPLACEMENT
 DEPARTMENT OF PUBLIC WORKS, ADMINISTRATION BUILDING**

After soliciting three competitive bidders, the following company proved to be the actual responsible low-bidder for the above-referenced project:

J.R. Swanson Plumbing Co. Inc. \$9,100.00
413 103rd Street
Niagara Falls NY 14304

Funding will be available from 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?

Agenda Item #15

**SUBJECT: CHANGE ORDER #1 & FINAL \$1,325.25
JOHN DUKE CENTER/SAL MAGLIE PARKING LOT RESURFACING PROJECT**

A contract for the above referenced project was awarded to Louis DelPrince & Sons, Inc. on September 15, 2014 in the amount of \$240,805.00.

After the start of the project, additional quantities of existing stone base material was found to be unsuitable for reuse and was removed and replaced. The costs associated with the extra labor and materials needed to remove and replace the failed paving material were \$1,325.25, bringing the total to \$242,130.25. Funding is available in code H0827 to H1312.

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

Agenda Item #16

**SUBJECT: AWARD OF SERVICES – ELECTRICAL SERVICE RELOCATION
 TRAFFIC SIGNALS AT FOURTH ST. AND RAINBOW BLVD.**

After soliciting three competitive bidders, the following company proved to be the actual responsible low-bidder for the above-referenced project:

M&M Electric Co. Inc.	\$11,136.00
4819 Henry Ave.	
Niagara Falls NY 14304	

Funding will be available from 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?

Agenda Item #17

RELATIVE TO YOUTH BOARD APPOINTMENTS

BY: Council Member Charles A. Walker

BE IT RESOLVED, that the following individuals are hereby re-appointed to the City of Niagara Falls Youth Bureau for the term expiring on the date which appears opposite their names:

<u>RE-APPOINTMENTS</u>	<u>TERM EXPIRES:</u>
Noreen Chatmon	12/31/2017
Bryan Rotella	12/31/2017

BE IT FURTHER RESOLVED, the following individuals are hereby appointed to the City of Niagara Falls Youth Bureau for the term expiring on the date which appears opposite their names:

<u>APPOINTMENTS</u>	<u>TERM EXPIRES:</u>
Theresa Berg Arist	12/31/2017
Nigel Chaney (Youth Member)	12/31/2016

**RELATIVE TO THE ABANDONMENT OF A PORTION OF
76TH STREET, NORTH OF NIAGARA FALLS BOULEVARD**

BY: Council Chairman Andrew Touma

WHEREAS, the City Council of the City of Niagara Falls desires to abandon a portion of 76th Street, north of Niagara Falls Boulevard, in order to facilitate the development of the real estate; and

WHEREAS, the City Council did, by resolution, give notice of its intention to abandon a portion of the aforementioned street portion and did direct the City Clerk to publish notice of such intention and that a public hearing would be held by the City Council at its meeting to be held in the Council Chambers on March 2, 2015 at 6:00 p.m. eastern standard time and advise that all persons interested would be heard on that said time and place; and

WHEREAS, the hearing was duly held on March 2, 2015 at 6:00 p.m. eastern standard time in regards to said abandonment.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that a portion of 76th Street, north of Niagara Falls Boulevard, is hereby abandoned, the said abandoned street portion subject, however, to reservation of right of and for the City of Niagara Falls, the Niagara Falls Water Board and any utility companies, their successors and assigns to use, maintain, repair, replace and continue to maintain their services and operations in said abandoned street. The said street portion is bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND situated in the City of Niagara Falls, County of Niagara, State of New York, being part of Lot Number 9, Township 13, Range 9 of the Holland Land Company's Survey being further described as follows:

Commencing at the intersection of the westerly line of lands conveyed to Joseph Dakwar by Deed recorded in the Niagara County Clerk's Office in Liber 2117 of Deeds at Page 353 and the northerly bounds of Niagara Falls Blvd as now laid out;

Thence northerly along the westerly line of lands conveyed to Dakwar at a bearing of N 0° 05' 16" E, a distance of 348.75' to a point;

Thence easterly along the northerly lines of lands conveyed to Dakwar at a bearing S 89° 54' 44" E, a distance of 198.60' to a point;

Thence northerly along the westerly line of 76th Street at a bearing of N 0° 05' 16" E, a distance of 204.63' to a point said point being the true point of beginning;

Thence northerly along the westerly lines of 76th Street as currently laid out a bearing of N 0° 05' 16" E, a distance of 439.31' to a point;

Thence easterly along a line having a bearing of S 89° 54' 44" E, a distance of 60.00' to a point;

Thence southerly along the easterly line of 76th Street as currently laid out a bearing of S 0° 05' 16" W, a distance of 439.56' to a point;

Thence westerly along a line having a bearing of N 89° 54' 44" W, a distance of 60.00' to a point said point being the true point of beginning; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed in the Office of the Clerk of the County of Niagara and that the Mayor may sign deeds or other documents desirable to effectuate this abandonment.

RESOLUTION No. 2015-

RELATIVE TO AUTHORIZING THE ISSUANCE OF \$3,100,000 BONDS OF THE CITY OF NIAGARA FALLS, NIAGARA COUNTY, NEW YORK, TO PAY THE COST OF THE RECONSTRUCTION AND CONSTRUCTION OF IMPROVEMENTS TO THE ICE PAVILION IN AND FOR SAID CITY.

BY: Council Chairman Andrew Touma

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

Section 1. For the purpose of paying the cost of the reconstruction and construction of improvements to the Ice Pavilion in and for the City of Niagara Falls, Niagara County, New York, including original furnishings, equipment, machinery and apparatus, as well as incidental costs, there are hereby authorized to be issued \$3,100,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$3,100,000, which is hereby authorized at said maximum estimated cost.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid purpose is twenty-five years, pursuant to subdivision 12(a)(1) of paragraph (a) of Section 11.00 of the Local Finance Law.

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

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

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

Finance Law, as the City Controller shall determine consistent with the provisions of the Local Finance Law.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the *Niagara Gazette*, the official newspaper of said City hereby designated for such purpose, together with a notice of the City Clerk in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law.