

Item #1

The following is a report of the licenses issued and collections made in the Office of the City Clerk during the month of June 2009.

		<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001 A012	Vital Statistics	\$ 7,288.00	\$ 7,288.00
A1255-004 A013	Copies of Records	\$ 349.00	\$ 349.00
A1255-004 A013	Certificates of Marriage	\$ 900.00	\$ 900.00
A2501-006 A042	Tour Attendant	\$ 400.00	\$ 400.00
A2501-006 A042	Tour Driver/Guide	\$ 650.00	\$ 650.00
A2501-007 A043	Auction	\$ 150.00	\$ 150.00
A2501-011 A044	Peddler	\$ 750.00	\$ 750.00
A2501-014 A046	Electrician - Exam Fee	\$ 1,750.00	\$ 1,750.00
A2542-000 A053	Dogs/N County Treasurer \$ 895.60	\$ -	\$ 895.60
A2542-000 A053	Dogs/NYS Agr. & Mkts \$ 477.00	\$ -	\$ 477.00
A2542-000 A053	Additional Dogs	\$ 4,906.40	\$ 4,906.40
A2545-001 A054	Marriage License/NYSHD \$2,025.00	\$ 675.00	\$ 2,700.00
A2550-001 A056	Loading Zone	\$ 1,395.00	\$ 1,395.00
A1255-002 A123	Commissioners of Deeds	\$ 15.00	\$ 15.00
A2545-010 A128	Petroleum - Storage	\$ 60.00	\$ 60.00
A2501-015 A266	Home Improvement	\$ 2,500.00	\$ 2,500.00
A2545-021 A316	Vending	\$ 60.00	\$ 60.00
A2545-023 A318	Hunters/NYS DEC RAU \$ 552.34	\$ -	\$ 552.34
A2545-023 A318	Hunters Fees	\$ 27.66	\$ 27.66
A1255-003 A499	Notary Fee	\$ 8.00	\$ 8.00
A1255-005 A528	Dog Release	\$ 650.00	\$ 650.00
TA63008 A597	Marriage Performance	\$ 1,100.00	\$ 1,100.00
A1255-006-A696	Photos/passport-license	\$ 189.00	\$ 189.00
TOTAL:	\$3,949.94	\$ 23,823.06	\$ 27,773.00

Check #	<u>42670</u>	Niagara County	
Check #	<u>42666</u>	Treasurer	\$ 895.60
Check #	<u>42729</u>	NYS Dept. of Arg. & Mkts	\$ 477.00
Check #	<u>ET</u>	NYS Health Department	\$2,025.00
		NYS DEC RAU	\$ 552.34

Item #2

RE: Stipend for Senior Building/Housing Inspector

Council Members:

Effective July 17, 2009, I assigned the duties and responsibilities of Acting Building Commissioner for the City of Niagara Falls to Dennis Virtuoso, Sr. Building/Housing Inspector, and rescinded same for the Construction Plan Review Specialist/Zoning Officer, Guy A. Bax.

It is requested that Council approve the annual \$8,000 stipend for the Sr. Building/Housing Inspector to compensate for the additional duties and responsibilities. The stipend will be prorated for the balance of this year. Funding is available in the Inspections Department bi-weekly salary line A3620.0000.0110.000.

Will the Council so approve?

Item #3

SUBJECT: Bid #19-09 Fire Truck

At its meeting of May 18, 2009, the Council awarded the above referenced bid to Empire Emergency Apparatus, Inc. As part of the specifications the City indicated that an additional vehicle may be purchased under the same terms, conditions and specifications within the one-year warrantee period. We would like to exercise that option.

Therefore, we respectfully request you authorize the purchase of the following:

TO: Empire Emergency Apparatus, Inc.
3995 Lockport Road
Niagara Falls, NY 14305

FOR: One (1) 1500 GPM pumper: \$298,495.00

A request for Council approval of funding for this expenditure appears as a separate item on the agenda.

Item #4

SUBJECT: Bid #32-09 Leaf Collector/Brush Chipper

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

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

FOR: One (1) 25 cubic yard combination leaf collector and brush
chipper collection body with hook lift under-frame: \$42,430.00

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 Four (4) companies. The above referenced company submitted the only bid.

Funds for this expenditure are available in the 2008 Capital code:
H0912.2009.0912.0250.000.

Item #5

SUBJECT: Bid #33-09 Concrete

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

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

FOR: Concrete 3500 PSI, ASTM size 7:	\$97.00/c.y.
Concrete 3500 PSI, ASTM size 67:	97.00/c.y.
Concrete 4000 PSI ASTM size 7:	98.50/c.y.

Plus additional charges as shown on the attached tally sheet.

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 two (2) vendors. Two bids were received. The above referenced company submitted the lowest prices for each respective item.

Funds for these expenditures are available in various departments Construction/Repair Materials code: .0419.006.

Item #6

SUBJECT: Bid #34-09 Street Sweeper Parts

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

TO: ODB
5118 Glen Alden Drive
Richmond, VA 23231
FOR: Item 1 - 13 per the attached tally sheet.

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 five (5) vendors. Three (3) bids were received. The above referenced company submitted the overall lowest bid.

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

Item #7

RE: Approval for LaSalle Blues Festival 2009

It is proposed that the City once again help sponsor the LaSalle Blues Festival 2009. The festival will occur at a time and date to be determined. Funding in the amount of \$4,000 will come from the Tourism Fund balance.

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

Item #8

RE: Lightweight Tables and Chairs

The City is in need of purchasing portable, lightweight tables and chairs for use at various events. It is proposed that the City purchase 100 chairs, 20 tables, 1 table caddy and 2 table and chair caddy. The estimated cost is \$6,000. Funding is available through Casino interest.

Will the Council so approve?

Item #9

The City Council
Niagara Falls, New York

RE: Appropriation of Casino Funds

Council Members:

It is requested that \$3100 of 2007 Casino funds be appropriated to account A1620.2320.0210.000 to allow for the replacement of furniture at the Royal Avenue Fire Hall.

Will the Council so approve?

Item #10

- RE:**
1. *Condemnation of Fourth Street, Between Niagara Street and Wendel Way, Niagara Falls, NY*
 2. *Condemnation of the Alleys between Fourth and Fifth Streets, Niagara Falls, NY*
 3. *Condemnation of the Southeast Corner of Duggan Drive and Fourth Street, Niagara Falls, NY (part of S-B-L #159.09-2-13.1)*
 4. *Condemnation of Fifth Street, Niagara Falls, NY*
 5. *Condemnation of Fourth Street, Between Duggan Drive and Rainbow Boulevard, Niagara Falls, NY*

Council Members:

The New York State Urban Development Corporation d/b/a Empire State Development Corporation commence the condemnation and the taking by eminent domain of the City's interest in the above-referenced five parcels of real property. The public hearing concerning these acquisitions was held in July of 2005. Following that hearing, the Empire State Development Corporation accepted additional comments and in November of 2005, published its findings on the proposed takings and the public purpose for them.

At this point, the Empire State Development Corporation has made offers on each parcel. Those offers are as follows:

1. Condemnation of Fourth Street, between Duggan Drive and Rainbow Boulevard, Niagara Falls, NY - \$561,000;
2. Condemnation of Fourth Street, between Niagara Street and Wendel Way, Niagara Falls, NY - \$311,000;
3. Condemnation of the alleys between Fourth and Fifth Streets, Niagara Falls, NY - \$46,000;
4. Condemnation of Southeast corner of Duggan Drive and Fourth Street, Niagara Falls, NY (part of S-B-L #159.09-2-13.1) - \$18,000;
5. Condemnation of Fifth Street, Niagara Falls, NY - \$431,000.

The City may either accept the above-mentioned offers as payment in full for the value of each parcel of property or reject the offer as payment in full and instead elect to accept the offer as an advance payment, which election shall in no way prejudice the City's right to claim additional compensation.

It is recommended that the City reject each offer as payment in full and elect to accept these offers as an advance payment, which election will in no way prejudice the City's right to claim additional compensation.

Will the Council agree and authorize the Mayor to execute response to each offer?

Item #11

RE: Ontario House Jazz Reunion

Council Members:

The City is once again the co-sponsor of the 4th Annual Ontario House Jazz Reunion. This event will take place on September 5, 2009 at the corner of Main Street and Ontario Street. The City has been asked for a sum of up to \$15,000 to help fund this event. Funding is available through Tourism Fund balance.

Will the Council so approve subject to a budget being developed in a form satisfactory to the Corporation Counsel?

Item #12

RE: Niagara Falls Business Association

Council Members:

The Downtown Niagara Falls Business Association Inc. is requesting that the City assist it in its various activities to promote downtown Niagara Falls, New York. Among the activities it sponsors are a golf tournament and a 5K run. The request is City funding in the amount of \$5,000. Funding is available through the Tourism fund balance.

Will the Council so approve?

Item #13

RE: Hard Rock Café Concert Series

Council Members:

As part of the Hard Rock Café International (USA), Inc. concert series, the City will be co-sponsoring the concert to occur on August 22, 2009 at the West Mall - Old Falls Street location. The featured performer will be "Rusted Root & Vertical Horizon". The City will be contributing the sum of \$40,000 for this event. Funding is available with 2008 Casino funds.

Will the Council so approve and authorize the Mayor to enter into a co-promotion in a form satisfactory to the Corporation Counsel?

Item #14

RE: 5815 Buffalo Avenue Extension

Council Members:

The City contracted to sell the above-referenced property, which is surplus land next to the Water Treatment Plant. The contract provides for the construction of at least 8 apartment units on the site, with up to 52 units allowed.

The developers have obtained site plan approval and applied for the building permits, as required by the contract. We have been working with the developer on a new proposal for construction of a hotel on the site. A local hotelier with ability and experience is involved in the new discussions. We feel that construction of a new hotel is both more appropriate and more desirable use of the site.

The current contract requires issuance of the building permits by September 11, 2009. The issuance of the building permits requires approval of the construction plans and conveyance of the property by the City to the developer. While those actions would not prohibit the hotel project, we would like to maintain control of the site to remain involved in the project.

We propose a three-month extension, to December 11, 2009, for issuance of the building permits, with all time periods in the contract also extended. During that time, we will either come back to Council to amend the contract and convert this transaction to allow for construction of the hotel, or we will require the commencement of construction of the apartment units. Conversion of the contract for hotel construction will entail new timelines to address the new site plan approval, zoning issues, etc. Construction would start next year

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

Item #15

RE: Approval of Youth Board Contracts with Salvation Army, Niagara Falls Boys and Girls Club, Reporting Center for Boys and the Francis Center

Council Members:

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

The proposed Agreements for 2009 are as follows:

1. Salvation Army \$4,205.
2. Niagara Falls Boys and Girls Club \$7,786.
3. Reporting Center for Boys \$2,000.
4. Francis Center \$2,075.

Will the Council approve entering into the Agreements with the list of entities and authorize the Mayor to execute contracts in a form acceptable to the Corporation Counsel?

Item #16

RE: Appropriation of Casino Funds for Fire Department Pumper

Council Members:

Elsewhere on your agenda is an item awarding a bid for a pumper truck for the Fire Department. It is recommended that the Council appropriate the sum of \$298,495 for the cost of the pumper from 2007 Casino Funds.

Will the Council approve?

Item #17

**RE: City Council Agenda Item:
TVGA Change Order No. 2 \$13,478.00, Plus Associated Administrative Fees
Highland Area Site A and Site B Brownfield Testing**

Council Members:

TVGA Consultants was accepted as the low bidder to conduct Environmental Phase I and Phase II site investigations for eight (8) parcels known as Site A and Site B in the Highland Area under the City of Niagara Falls USEPA Brownfield Pilot program. TVGA completed the Phase I investigations. Subsequently, it was determined that additional site investigation was recommended based on Phase I findings.

Whereupon the USEPA requested that TVGA amend the Phase II Work Plan. USEPA required amendments greatly increased the scope of Phase II testing required for the parcels. An additional \$23,397.27 was required to complete this work at that time, which Council approved October 2003. The USEPA approved the Work Plan in the spring of 2004.

However, site investigations were put on hold by the USEPA due to funding rescissions at the federal level prior to the start of Phase II investigations. With the funding issues are now resolved, the investigations are authorized to proceed, but due to the long duration of time between approval of the Work Plan, costs have increased accordingly.

The Office of Planning & Environmental Services concurs with the need to execute the additional stages of environmental investigation and recommends for additional funds to cover legitimate cost increases for the additional testing. TVGA has performed the Phase I work in a satisfactory manner and remains under contract. Hiring a new consultant would require duplication of the services already provided by TVGA. Therefore, it is also recommended that this "Change Order No. 2" be approved, to increase the contract by \$13,478.00 plus associated administrative fees, for completion of the approved Environmental Phase II Testing Work Plan at the above-referenced sites.

Funds to cover these additional costs are available through EPA Grant S.8989.3067.0449.599.

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

Item #18

RE: Niagara Festival & Entertainment Group

Council Members:

The NIAGARA FESTIVAL & ENTERTAINMENT GROUP is once again proposing to sponsor and coordinate the second annual Niagara Falls Blues Festival 2009 to be held on September 11 and September 12, 2009. The location of the event will be Old Falls Street/Wintergarden area. The Niagara Festival & Entertainment Group is asking that the City contribute the amount of \$16,000 for this event. Funding is available from 2009 Tourism Fund (\$10,000) and 2007 Casino Funds (\$6,000).

Will the Council so approve?

Item #19

SUBJECT: LETTER OF AWARD FOR PINE AVENUE RESURFACING AND ROADWAY IMPROVEMENTS FROM HYDE PARK BOULEVARD TO WALNUT AVENUE

The following was the result of bids received on July 21, 2009, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Armand Cerrone, Inc. 4625 Witmer Road Niagara Falls, NY 14305	\$ 564,780.00
Yarussi Construction Inc.	\$ 568,320.00
Accadia Site Contracting Inc.	\$ 571,465.00
Mark Cerrone, Inc.	\$ 599,918.00
Man O'Trees	\$ 723,000.00

It is the recommendation of the undersigned that this project be awarded to Armand Cerrone, Inc. at its Base Bid of \$564,780.00. Funding is available through bond fund which is requested elsewhere on this agenda.

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

Item #20

SUBJECT: LETTER OF AWARD FOR INSTALLATION OF ELECTRIC SUB-METERING AT THE HYDE PARK ICE PAVILION

The following was the result of bids received on July 20, 2009, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
CIR Electrical Co. Inc. 400 Ingham Ave. Buffalo NY 14218	\$ 4,800.00
O'Connell Electric	\$ 5,876.00
M&M Electric	\$ 6,900.00
Frey Electric	\$ 9,525.00

It is the recommendation of the undersigned that this project be awarded to CIR Electrical Co., Inc. at its Base Bid of \$4,800.00. Funding is available through funding code H0819.2008.0819.0449.599.

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

Item #21

Re: Temporary Help for Inspections Department

Council Members:

In order to adequately staff the Inspections Department while three members of the Department are on administrative leave, it is requested that the Council approve a temporary restructuring of the Inspections Department as follows:

1. Create one (1) temporary position of Plumbing Inspector (Grade 22);
2. Create one (1) temporary position of Electrical Inspector (Grade 22);
3. Reclassify one (1) Building/Housing Inspector to the temporary position of Building/Housing and Sign/Zoning Inspector (Grade 19);
4. Increase the bi-weekly salary line for one (1) part time Building/Housing Inspector to \$30,000.

The estimated cost of not more than \$70,000., which would cover through the balance of 2009, is available in fund balance.

Will the Council so approve?

Item #22

SUBJECT: LETTER OF AWARD FOR INSTALLATION OF WATER SUB-METERING AT THE HYDE PARK ICE PAVILION

The following was the result of bids received on July 20, 2009, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
J.R. Swanson Plumbing Co. Inc. 413 103 rd Street Niagara Falls NY 14304	\$ 17,000.00

It is the recommendation of the undersigned that this project be awarded to the lone bidder, J.R. Swanson Plumbing Company, Inc. at its Base Bid of \$17,000.00. Funding is available through funding code H0819.2008.0819.0449.599.

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

Item #23

RE: Request for Approval to Settle and Pay Claim of Elizabeth A. Sherry
3324 D Street, Niagara Falls, NY

Council Members:

Date Claim Filed:	April 9, 2009
Date Action Commenced:	N/A
Date of Occurrence:	January 28, 2009
Location:	3324 D Street, Niagara Falls, New York
Nature of Claim:	Fence damage sustained from snow plow.
City Driver:	William J. Whitmire
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$163.24
Make Check Payable to:	Elizabeth A. Sherry
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

CITY OF NIAGARA FALLS

OFFICE OF THE CITY CLERK

TO: City Council Members

FROM: Carol Antonucci
City Clerk

DATE: July 20, 2009

RE: Resolution 2009-61

Please be advised that on July 14, 2009 Mayor Paul A. Dyster duly approved Resolution 2009-61, relative to Rescission of Current Chapter 1300 of the City of Niagara Falls Code and Adoption of New Zoning Ordinance in its place.

Carol A. Antonucci
City Clerk

Item #25

SUBJECT: INFORMATIONAL ITEM

At the Traffic Advisory Commission meeting held on July 8, 2009, the Commission:

DENIED:

1] Request submitted by Edna Fields, 2023 LaSalle Avenue to INSTALL ALL WAY "STOP" SIGNS at the intersection of LaSalle Avenue & 22nd Street. This item was tabled at the April 1, 2009 meeting to allow for additional study at this location. The intersection was studied with the following results: 2004/1, 2005/0, 2006/0, 2007/6, 2008/2, 2009 thru 7/1/0. Traffic volume per hour: LaSalle Avenue = 54 vehicles + 2 pedestrians, 22nd Street = 134 vehicles + 9 pedestrians (Total = 199 per hour). This intersection falls far short of the NYS DOT MUTCD Minimum Warrant for the placement of "ALL WAY" stop signs. Per Police Traffic Officer Jim VanEgmond the area was checked by radar for speeding and no problems were found.

2) Request submitted by William Ferro, 734 Clifton Avenue & David Thurman, 743 Clifton Avenue to INSTALL "NO STANDING ANYTIME" RESTRICTION between the driveway at 743 Clifton Avenue and the alley. The Commission felt that this was a neighborhood problem and if the requesting party continued to experience problems backing out of his driveway due to parked cars blocking it, he should call the Police Department.

Item #26

SUBJECT: AGENDA ITEM:

At the Traffic Advisory Commission meeting held on July 8, 2009, the Commission recommended APPROVAL of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 2402 WHITNEY AVENUE**

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

Submitted By: Billie Lee Hogan, 2402 Whitney Avenue

It is requested that City Council approve this recommendation.

Item #27

SUBJECT: AGENDA ITEM:

At a Traffic Advisory Commission meeting held on July 8, 2009, the Commission recommended APPROVAL of the following item:

INSTALL A 21' LOADING ZONE (8AM - 5PM) IN FRONT OF 1818 MAIN STREET

Request was made to facilitate a place for clientele to have in and out service in front of 1818 Main Street.

Submitted By: Alim Khan, Program Coordinator, Community Missions, Inc., 1818 Main Street

It is requested that City Council approve this recommendation.

Item #28

SUBJECT: AGENDA ITEM:

At a Traffic Advisory Commission meeting held on July 8, 2009, the Commission recommended APPROVAL of the following item:

INSTALL A 23' LOADING ZONE (9AM - 5PM) IN FRONT OF 7718 BUFFALO AVENUE

Request was made to facilitate client access in front of 7718 Buffalo Avenue.

Submitted By: Annette Perez, Agent, State Farm Insurance/Annette Perez Agency
Inc., 7718 Buffalo Avenue

It is requested that City Council approve this recommendation.

Item #29

SUBJECT: AGENDA ITEM:

At a Traffic Advisory Commission meeting held on July 8, 2009, the Commission recommended APPROVAL of the following item:

INSTALL "NO STANDING ANYTIME" RESTRICTION ON MAIN STREET, EAST SIDE, BETWEEN CLEVELAND AVENUE & SOUTH AVENUE; AND CLEVELAND AVENUE, SOUTH SIDE, BETWEEN MAIN STREET & THE REAR PARKING LOT EXIT (IN FRONT OF AND ALONGSIDE OF THE NEW MUNICIPAL BUILDING, 1925 MAIN STREET)

Request was made for safety and security at the new Municipal Building.

Submitted By: John Chella, Superintendent of Police

It is requested that City Council approve this recommendation.

Item #30

SUBJECT: AGENDA ITEM:

At a Traffic Advisory Commission meeting held on July 8, 2009, the Commission recommended APPROVAL of the following item:

INSTALL AN "AUTISTIC CHILD AREA" SIGN IN ADVANCE OF 1706 WILLOW AVENUE

Request was made to provide warning to approaching motorists to drive with caution due to a child with severe autism and mental retardation living in the area.

Submitted By: Karen Holt, Medicaid Service Coordinator, Summit Educational Resources, on behalf of Crystal Torres, Parent of Frank Torres, 1706 Willow Avenue

It is requested that City Council approve this recommendation.

RESOLUTION No. 2009–

RELATIVE TO AUTHORIZATION FOR PROJECT APPLICATION
FOR STATE AID FOR RECREATION AND YOUTH SERVICES

BY:

Council Chairman Chris Robins
Council Member Robert Anderson, Jr.
Council Member Steve Fournier
Council Member Samuel Fruscione
Council Member Charles Walker

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby authorizes the application for funds as set forth on the attached Project Application/Resolution Certification Form.

Item #32

RESOLUTION 2009-

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$3,010,000 BONDS OF THE CITY OF NIAGARA FALLS, NIAGARA COUNTY, NEW YORK, TO PAY THE COST OF THE RECONSTRUCTION OF ROADS, IN AND FOR SAID CITY.

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

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 of roads, in and for said City, consisting of Pine Avenue, 72nd Street and 10th Street, in and for the City of Niagara Falls, Niagara County, New York, including sidewalks, curbs, gutters, drainage, landscaping, grading or improving the rights-of-way, as well as other incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$3,010,000 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 object or purpose is \$3,010,000, which is hereby authorized.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen (15) years, pursuant to subdivision 20(c) of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Niagara Falls, Niagara County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such 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) The provisions of law which should be complied with at the date of publication of this bond resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Item #33

RESOLUTION No. 2009-

RELATIVE TO HONORING PASTOR KEVIN DOBBS

BY:

Council Chair Chris Robins
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Sam Fruscione
Council Member Charles Walker

Whereas, the Rev. Kevin Dobbs, son of Lucinda B. Dobbs and the late James H. Dobbs was born and raised in the City of Niagara Falls, New York; and

Whereas, he grew up working with the Youth Patrol for the City of Niagara Falls, working along with the Niagara Falls Police Department. He was a former employee of the Carborundum Company and later retired from Occidental Chemical Corporation as the first African American Process Supervisor in the Alkali Department; and

Whereas, Pastor Dobbs is presently a member of the Niagara Falls Board of Education and has served the school district for the past 13 years. He also serves on the Niagara Falls Housing Authority Board, the board of Heart, Love and Soul, and the Niagara County Industrial Development Agency; and

Whereas, Pastor Dobbs has strong ties to the Community and has received numerous awards. In 1999, he walked out on faith and began the ministry of Christ Redemption Tabernacle Church which he humbly started in his home with 6 members with a weekly Bible Study. After holding services in the Niagara Community Center and the Days Inn at the Falls, and under Pastor Dobbs leadership, they purchased a beautiful church located at 2002 Forest Avenue in Niagara Falls in which they burned their mortgage in November of 2008.

Therefore, we the Niagara Falls City Council recognize in Pastor Dobbs as a great leader worthy of our honor and appreciation in making Niagara Falls a better place for all to live and worship. We congratulate him and his congregation on their 10th Anniversary.