

## **THE CHARTER OF THE CITY OF LITTLE FALLS**

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**ARTICLE I  
GENERAL PROVISIONS**

101. **Short Title.** This Act is a public act and shall be known as "The Charter of the City of Little Falls".

102. **Incorporated.** The inhabitants of the territory known as the "City of Little Falls" in the County of Herkimer and State of New York within the boundaries hereinafter set forth, or as hereafter established, shall continue to be a municipal corporation, namely, a city, the corporate name of which shall be the "City of Little Falls".

**Cross References**

Boundaries:  
§ 104 infra

103. **Powers of the City.** The City shall have all the powers granted to cities under the Constitution and Laws of this State as fully and completely as though they were specifically enumerated in this Charter.

**Cross References**

Generally:  
General City Law, Article 2-A

104. **Boundaries of the City.** The territory included within the boundaries, attached hereto and made a part hereof as Schedule A, is hereby constituted a city, which shall be known as the City of Little Falls.

110. **Definitions.** a) "Street". The entire width between the boundary lines of every way publically maintained when any part thereof is open to the use of the public for purposes of vehicular traffic.

b) "Fiscal Year". The Fiscal Year of the City shall coincide with the Calendar Year.

c) "Official Year". The Official Year of the City shall coincide with the Calendar Year.

d) "Voting Power". Shall mean the aggregate number of votes which all the members of the voting unit are entitled to cast.

e) "General Law". Shall mean a State Statute which

applies by its terms or intent to the City of Little Falls, its officers, employees or citizens.

f) "Local Law". Shall mean a Law adopted pursuant to the Municipal Home Rule Law by the Common Council.

g) "Ordinance". Shall mean an Act of the Common Council for the violation of which a penalty is imposed.

h) "Resolution". Shall mean any act of the Common Council which is neither a local law nor an ordinance.

**Cross Reference**

Local Laws:  
Municipal Home Rule Law § 2(9)  
General Laws:  
Municipal Home Rule Law § 2(5)  
Ordinances:  
See also § 402,infra  
cf. Village Law § 92

120. **Limitations of Actions Against the City for Negligence.** The City of Little Falls shall not be liable for the damage or injury sustained by any person in consequence of any highway, street, sidewalk, crosswalk, bridge or culvert, or of any encroachment thereover or thereon, in said City being out of repair, defective, unsafe or dangerous or obstructed by snow, ice or otherwise unless it is made to appear that written notice thereof relating to the particular time and place and condition of such highway, street, sidewalk, crosswalk, bridge or culvert, or of any encroachment thereover or thereon, was actually given to the Mayor or City Engineer at least forty-eight (48) hours previous to such damage or injury and that there was a failure or neglect within a reasonable time after the receipt of such notice to repair or remove the defect, danger or obstruction of which the complaint is made.

**Cross Reference**

Generally:  
General Municipal Law, § 50-e(4)  
Miller v. City of Little Falls, 207 Misc. 1038  
Wolroth v. Luries Little Falls Corp., 36 Misc 2d 709, aff'd  
17 AD 2757  
Zumbo v. Farmington, 60 AD 2d 350

**ARTICLE 2**  
**CITY OFFICES AND OFFICERS, GENERALLY**

**201. City Offices; Eligibility.** Except as otherwise provided herein, no person shall be eligible to hold a City office unless, at the time of his election or appointment, he shall be a resident of the City. No person shall, at the same time, hold more than one elective City office.

Cross References

Qualifications:

Public Officers Law § 3

Vacancies:

Public Officers Law § 30

Commissioner of Deeds:

Executive Law § 139

**202. Elective City Officers Enumerated; Terms; Compensation.**

(1) The elective officers of the City to be elected by the City at large shall be:

a) A Mayor whose term shall be 4 years and whose salary shall be determined by Local Law.

b) A Clerk whose term shall be 4 years and whose salary shall be as provided by Local Law.

c) A Treasurer whose term shall be 4 years and whose salary shall be as provided by Local Law.

d) A City Court Judge whose term shall be 6 years and whose salary shall be as fixed by State Law, or in the absence thereof, by Local Law.

e) Except as may be otherwise provided or required by law, two Legislators to serve on the Herkimer County Board of Legislators as representatives of the City of Little Falls.

The term of such Legislators shall be 2 years and their compensation shall be the same as paid by the County of Herkimer to other Legislators on the County Board of Legislators.

(2) In addition to the above elected officials, Eight Alderman shall be elected, not at large, but two from each of the four City Wards, whose term shall be 2 years and whose salaries shall be as fixed by Local Law.

Cross References

Mayor:

Officers appointed by § 204, 205

Suspension and removal of officers, § 211

Filling vacancies, § 212

Authority to administer oaths, § 214

Approval and Veto, § 403

Duties Generally, § 301

Clerk:

Generally, § 302

Treasurer:

Generally, § 303

City Court Judge:

Generally, Art. 6

see also Uniform City Court Act

Alderman:

Generally, Art. 4

Assessors:

Generally, see Real Property Tax Law.

**203. Elections.** All elections of city officers, including legislators, except to fill vacancies, shall be in accordance with the Election Law, and, except as provided therein, shall be held on the Tuesday next succeeding the first Monday in November in an odd-numbered year.

Cross References

Election Districts:

Election Law § 64, 65

Elections, Time for:

Election Law § 191

Nominations:

Election Law § 130 et seq.

Vacancies:

Public Officers Law § 30 et seq. § 208, infra

**204. City Officers Appointed by Mayor and Common Council; Enumerated; Terms; Compensation.**

a) Four Commissioners of the BOARD OF PUBLIC WORKS whose term of office shall be four years and who shall be appointed by the Mayor with the consent of the Common Council.

b) Four Commissioners of the BOARD OF FIRE AND POLICE whose term of office shall be four years and who shall be appointed by the Mayor with the consent of the Common Council.

c) Six members of the BOARD OF HEALTH whose term of office shall be three years and who shall be appointed by the Mayor with the consent of the Common Council. One HEALTH OFFICER, who shall be appointed by the Mayor for a term of four years, in accordance with the provisions of the Public Health Law.

d) Five members of the LITTLE FALLS HOUSING AUTHORITY whose term of office shall be five years and who shall be appointed by the Mayor with the consent of the Common Council, unless otherwise provided by State or Local Law.

e) Five members of the RECREATION COMMISSION whose term of office shall be five years and who shall be appointed by the Mayor.

f) Seven members of the PLANNING BOARD who shall be appointed by the Mayor with the consent of the Common Council, in accordance with the provisions of the General City Law.

g) Six members of the ZONING BOARD OF APPEAL (none of whom may be members of either the Common Council or the Planning Board) whose term of office shall be three years and who shall be appointed by the Mayor.

h) Three members of the MUNICIPAL CIVIL SERVICE COMMISSION who shall be appointed by the Mayor in accordance with the provisions of the General City Law.

i) Five members of the MUNICIPAL GOLF COMMISSION whose term of

office shall be four years and who shall be appointed by the Mayor with the consent of the Common Council.

j) Five members, including the Mayor, who shall be a member ex-officio, of the URBAN RENEWAL AGENCY, who shall be appointed by the Mayor with the consent of the Common Council in accordance with the provisions of the General Municipal Law.

k) One CITY HISTORIAN whose term shall be four years and who shall be appointed by the Mayor and who may receive such compensation as the Common Council shall provide.

l) One CITY ATTORNEY who shall be an attorney at Law duly admitted to practice Law in the State of New York, and who shall be a resident of the City of Little Falls, or any adjoining Town, appointed by and serve at the pleasure of the Mayor and shall receive such compensation as the Common Council shall provide.

m) A number of COMMISSIONERS OF DEEDS as shall, by resolution, be determined by the Common Council and who shall be appointed by the Common Council for a term of two years from the date of their appointment.

n) One ACTING CITY COURT JUDGE whose term of office shall be six years and who shall be appointed by the Mayor with the consent of the Common Council and who shall receive such compensation as provided by State Law, or in the absence thereof, by Local Law.

**Cross Reference**

Board of Public Works:

§ 501, 502, infra

Board of Fire and Police:

§ 505, 506, infra

Board of Health:

Public Health Law §§ 300 et seq.

Little Falls Housing Authority:

Public Housing Law §§ 30, 446

Letter of the Hon. John W. George, dated July 28, 1961

Recreation Commission:

General Municipal Law § 243

1947 Minutes of Common Council 28

1952 Minutes of Common Council 11

Examining Board of Plumbers:

General City Law § 40 et seq.

Planning Board:



General City Law § 27  
 1955 Minutes of Common Council  
 Zoning Board of Appeals:  
 General City Law §§ 81, 27  
 Municipal Civil Service Commission:  
 Civil Service Law § 15  
 Municipal Golf Commission:  
 1964 Minutes of Common Council 84  
 § 515, *infra*  
 Urban Renewal Agency:  
 General Municipal Law §§ 553, 575  
 Report to Comptroller GML § 30(2)  
 1963 Minutes of Common Council 29  
 Historian:  
 Education Law § 148  
 Commissioners of Deeds:  
 Executive Law § 139  
 Acting City Court Judge:  
 § 602, *infra*  
 Engineer:  
 See § 305, *infra*  
 Chief of Police, etc.:  
 See § 508, *infra*  
 Fire Chief, etc.  
 See § 507, *infra*  
 Health Officer, etc.  
 Public Health Law §§ 134 et seq.  
 Golf Pro, etc.:  
 See § 515, *infra*  
 Director of Civilian Defense:  
 1951 Minutes of Common Council 39  
 Executive Law Art 16 (ss 320-323)  
 Unconsolidated Laws Art 3 (ss 9120-9138)  
 City Attorney:  
 § 304

205. **City Officers, Commencement of Term, Bi-Partisan Nature of Boards and Commissions.** Elective City Officers shall take office with the commencement of the next Official Year following their election. Officers appointed by the Mayor or the Mayor and the Common Council for a full term shall take office on the 1st day of February of the Official Year in which the appointment is made. Officers appointed other than by the Mayor or the Mayor and the Common Council shall take Office on the 1st day of March of the Official Year in which the appointment is made. All appointments to City Boards, Commissions and the like, now existing or hereafter created, shall be so made by the

appointing authority as to the be non-partisan or bi-partisan, that is to say, that when each commissioner or member enters upon its office, the board or commission of which he thereby becomes a member shall be composed of an equal, so far as may be practicable, number of representatives of the two principal political parties casting the highest and next highest number of votes respectively, at the preceding mayoral election.

210. **Salaries, when payable; Fees.** The salaries of city officers shall be payable in such installments and at such time as the Common Council shall determine. The compensation fixed by the Common Council, or by law, for the several officers shall be in full for all services which they shall respectively perform for said City in any and all capacities. All fees received by such officers shall, except as otherwise especially provided by or in pursuance of law, be paid into the general fund.

211. **Appointive City Officers; Suspension and Removal.** The appointing authority may suspend with or without pay for thirty days, or remove or cause, any appointment made by such appointing authority subject, however, to the provisions of the Civil Service Law, if applicable.

#### Cross References

Generally:  
 Civil Service Law, Art. V.

212. **Filling Vacancies in City Offices.** Except as otherwise specifically provided by State Law, if a vacancy shall occur, otherwise than by expiration of term, in any elective City office, the Mayor, with the consent of the Common Council, shall appoint a person to fill such vacancy until the end of the calendar year in which such vacancy shall occur or, if the vacancy occurs after the 20th day of September, until the end of the next succeeding calendar year. A vacancy occurring in any appointive office of the City, otherwise than by expiration of term, shall be filled for the balance of the unexpired term by the same authority and in the same manner as an appointment for a full term. All vacancies in City Offices shall be filled within 60 days.

#### Cross References

Generally:  
 Public Officers Law §§ 30 et seq.  
 Elections:  
 See § 203, *supra*  
 Mayor:  
 Vacancies, § 401, *infra*

213. **City Officers, Bonds.** The Common Council shall by resolution state which City Officers are to have official undertakings and the amount thereof.

#### Cross References

##### Official Undertakings:

Public Officers Law §§ 11 et seq.

214. **City Officers; Authority to Administer Oaths, Take Affidavits and Acknowledgements.** The Mayor, Clerk, City Court Judge and each Commission of Deeds of the City shall have the same power and authority to administer oaths and take and certify affidavits and acknowledgements as a Justice of the Peace of a Town in the County of Herkimer.

#### Cross References

##### Oaths Generally:

Civil Practice Law & Rules § 2309

Real Property Law § 298

### ARTICLE 3

#### CITY OFFICERS, POWERS AND DUTIES

301. **General Power and Duties of the Mayor.** The Mayor shall be the Chief Executive Officer of the City. It shall be his duty, generally, to maintain the peace, good order and prosperity of the City; to take care that the Laws of the State and the ordinances of the City are faithfully executed therein. He shall have power and authority to call out and command the police and firemen of the City whenever in his discretion he shall deem it necessary and such lawful command shall in all respects be obeyed. He shall have all powers given to him by general law and the within enumerated powers shall not, in any way, be deemed to limit such general powers. It shall be his duty to exercise a constant supervision and control over the conduct of all City officers, Boards, Commissions and the like, and he shall have power and authority to examine at all times the books, vouchers and papers of any officer, employee, Board, Commission or the like and to take and hear testimony and proofs in relation thereto and to compel the attendance of witnesses to give testimony and proof in accordance with general law. It shall be the duty of the Mayor to communicate to the Common Council at their first meeting in the month of January and thereafter as he may deem necessary, a general statement of the affairs of the City in relation to its finances, government and improvement, with such recommendations as he may deem proper. The Mayor shall serve as president of the following boards: The Board of Public Works, the Board of Fire and Police, the Board of Health, the Recreation Commission and the Municipal Golf Commission.

#### Cross References

##### Power over Police:

Code of Criminal Procedure §§ 100, 101

##### Riots, Prevention and Suppression of:

Code of Criminal Procedure §§ 102 et seq.

##### Riots, Liability for:

General Municipal Law § 71

##### Militia, Request for to Governor:

Military Law § 6(2)

##### Subpoenas:

Civil Practice Law & Rules, Article 23

##### Generally:

McKinney's Consolidated Laws, General Index "Mayors"

See also § 202, 204, 205, 211, 212, 214

302. **General Powers and Duties of the City Clerk.** The Clerk of the City shall be clerk of the Common Council; the Board of Public Works; the Board of Fire and Police; the Board of Health; and such other Boards, Commissions and the like as the Common Council shall, by resolution, specify. The Clerk shall keep the minutes of the meetings of the Common Council and all boards, etc., of which he or she is the clerk and shall record, in books to be kept for such purposes, all proceedings of the Common Council and each such board, etc., and index the same. The Clerk shall act as Registrar of Vital Statistics of the City. The Clerk shall have charge, custody and control of the corporate seal, all books, papers, contracts, documents and official minutes of the City except as otherwise provided by state or local law. The Clerk shall keep a book, alphabetically indexed, and record therein all bonds of City Officers as well as all contractors' or other bonds running to the City of any of its officers, noting therein the date of filing of each such bond. The Clerk shall, upon request and payment of the fee therefor, make certified copies of all records and documents in his or her possession or under his or her control a such clerk and may affix the corporate seal of the City to any such certificate, and such seal shall be deemed to be the official seal, and any such certified copy shall be evidence as provided by law. The Clerk shall be entitled to receive the fees for certification and the furnishing of records as the County Clerk of the County of Herkimer is entitled to receive. The Clerk shall keep and accurate account of all fees and monies received by him or her, and shall, within five (5) working days of the close of each month, pay the same over to the City Treasurer and The Clerk shall keep a record of such fees so collected. The Clerk shall file, in a book for such purposes, all ordinances and local laws passed by the Common Council together with proof of publication thereof. The Clerk shall devote full time to the duties of the office and shall perform the above enumerated duties and such other duties incident to his or her office as may be required by the Common Council, Mayor, or general law. The Common Council shall designate, by resolution, the hours that the office of the City Clerk shall be kept open.

#### Cross References

##### Certified Copies:

Generally, Public Officers Law  
Evidence, CPLR § 4540  
Fees, CPLR § 8021 (c)(8)

Filing of Ordinances and Local Laws  
§ 402, *infra*

**303. General Powers and Duties of the City Treasurer.** The City Treasurer shall be the chief fiscal officer of the City, and shall perform such duties incident to his office as the Common Council may require. The Common Council shall designate, by resolution, the hours that the office of the City Treasurer shall be kept open. The City Treasurer shall, before the first meeting of the Common Council each month, file with the City Clerk a report on the City's financial condition in a form prescribed, from time to time, by the Common Council. In addition, the Treasurer shall prepare an annual financial statement, a copy of which shall be available at the Treasurer's office. It shall be the duty of the Treasurer to receive all County and City taxes, special assessments, and all other necessary payments which may be paid at the Treasurer's office, and retain there the possession of the tax rolls which are delivered to him by the Assessor or Clerk of the City. The Treasurer shall enter in suitable books all sums of money received for taxes or otherwise, with the name of the person or corporation whose account the same shall be paid, and the Treasurer shall have available for inspection the same in the Treasurer's office to the Common Council. The Treasurer shall also enter in a column in the tax rolls in his possession, opposite the names of the persons or corporations who shall pay such taxes or assessments, the fact of payment, the amount thereof, and the date when paid. The Treasurer shall also have the authority to invest and reinvest all idle City monies, and such investment shall be kept within the guidelines prescribed by the Common Council and the State Comptroller.

#### Cross References

##### Bond:

See § 213

##### Assessment Rolls:

Real Property Tax Law Art. 5

**304. General Powers and Duties of the City Attorney.** It shall be the duty of the City Attorney to prosecute all civil actions and proceedings by, and to defend all civil actions and proceedings against the City, and every board or officer thereof in their official capacity, to act as legal advisor to the Common Council and all Boards, Commissions and the like, and to perform all other legal services in behalf of said City or relating to its affairs. He shall endorse upon each written contract providing for the payment of five thousand dollars

(\$5,000.00) or more, proposed to be entered into by the City or any of its Boards or Officers, a certificate to the effect that such contract is in proper form and is properly executed. He shall approve official undertakings of City Officers as to both form and sufficiency and shall endorse his approval thereof thereon. No action or proceeding shall be commenced by the City Attorney, unless directed by the Mayor, Common Council, or Board of Public Works. The costs in actions and proceedings in which the City shall prevail, and which shall be collected from the adverse party, together with all moneys collected or received by the City Attorney, other than his salary, shall belong to the City, and upon payment or receipt thereof shall be immediately paid over to the City Treasurer.

#### Cross References

##### Assistant District Attorney:

cf: Village Law § 93; County Law § 702

##### Generally:

§ 204 - Appointment, Term, Compensation

**305. General Powers and Duties of the City Engineer.** The City Engineer shall keep his or her office, books and records in which shall be entered the survey and map of every street, park, cemetery, avenue, or public land and the grade thereof, and sidewalks, water mains, sewers, sewer inlets, with location and grade thereof, as far as practicable. Such books and records shall be properly indexed and transmitted, with all other matters pertaining to the Engineer's office, to his or her successor. The Engineer shall perform the civil engineering as required by the Common Council. The Engineer shall direct the opening, making, constructing, paving and macadamizing, repairing, grading and establishing the grade of all streets, side and cross walks, gutter, sewers, sewer inlets, and the measurement of all work done on the same or on other public places in the City, and make all preliminary surveys therefor; and prepare plans, profiles and specifications therefor when necessary or when required so to do by the Common Council or by the Board of Public Works. The Engineer shall, however, in the establishing of grades and in all such matters be subject to the direction of the Board of Public Works. The Engineer shall, subject to the direction of the Board of Public Works, superintend all repairs and improvements, to and upon streets and public places of the City, including cleaning of the streets, the building and repairing of sewers, side and cross walks, gutters and all bridges which the City is bound to maintain, the digging of reservoirs, wells and the general management of the water supply and distribution system, and the laying of water pipes and the setting of hydrants in the streets, and shall perform such other duties as may from time to time be required by the Board of Public Works or the Common Council. The Engineer shall also have supervisory authority over the laying or installation of gas and telephone lines within the City. The Engineer shall make and keep an accurate inventory of all the property of the Department of Public Works. The Engineer shall devote his whole time to the duties of his or her office. The Engineer shall have no power to contract any debt or liability on the part of the

City without the prior authority of the Board of Public Works and within the budget of said board.

#### Cross References

Board of Public Works:  
Sections 501, 502

#### ARTICLE 4 COMMON COUNCIL POWERS AND DUTIES

401. **Organization and Procedure of Common Council.** The Common Council shall be composed of the Mayor and Aldermen of the City, and its first meeting in such Official Year, shall be held on the Tuesday following the first Monday in January. The Mayor shall be the presiding officer of the Common Council, but shall have no vote therein, except in the case of a tie vote. At all meetings of the Common Council each Alderman present shall have one vote. At the first meeting of the Common Council in each Official Year, or as soon thereafter as practicable, the Common Council shall choose one of the Alderman to be Temporary President, who shall, during such Official Year, be the presiding officer of the Common Council in the absence of the Mayor, and while the Mayor is absent from the City, or unable to perform his duties, be Acting Mayor, and have all the powers and duties, and be subject to all the obligations and liabilities of the Mayor. The Temporary President of the Common Council shall not lose his vote as Alderman by reason of his acting as presiding officer of the Common Council. The Common Council shall meet in the Common Council Chambers at the City Hall in the City at least once each month in each Official Year, and after the first meeting. All meetings of the Common Council shall be open to the general public who shall, however, have no right to address the Common Council except by consent of the Mayor and a majority of the Aldermen present, or pursuant to a "public meeting" or "public comment" section of the Council's agenda, or any such procedure therefor established by the Common Council. The presence of a majority of the whole number of Aldermen shall constitute a quorum of the Common Council. Except as otherwise provided by the general law or this Charter, a majority of the total voting power of the Common Council shall be sufficient to pass any resolution, ordinance or local law. All voting shall be by roll call and the vote of each Alderman, which may only be either aye or nay, unless excused from voting by the Mayor and other Alderman present, shall be recorded in the minutes. The attendance of absent members may be compelled at Common Council meetings at which less than a quorum is present.

#### Cross References

Number of Aldermen:

§ 202

Local Laws:

Municipal Home Rule Law § 20 et seq.

Powers:

Statute of Local Government § 10

Municipal Home Rule Law § 10

Voting:

2/3 required on certain bonds

Local Finance Law § 33.00

Immediate Passage of Local Law:

Municipal Home Rule Law § 20(11)

Mayor's Veto:

§ 403

402. **General Legislative Powers of the Common Council.** The general legislative powers of the City for all proper municipal purposes shall be vested in the Common Council.

a) Resolutions. The Common Council shall have power to adopt resolutions for the transactions of its business. Such resolutions need not be in any definite form, except as Common Council rule shall provide.

b) Local Laws for the government, health, safety, etc. of the City. The Common Council shall have power to adopt Local Laws for the government, protection, order, conduct, safety, health and well-being of persons or property in the City. Any such Local Law shall have for its enacting clause the following: "Be it enacted by the Common Council of the City of Little Falls as follows:". The Common Council may provide that the violation of any City Local Laws shall constitute an offense and may impose a penalty for conviction thereof of a fine not to exceed \$250.00 or imprisonment not to exceed 15 days, or both such fine and imprisonment. Except as otherwise specifically provided by Law, the City Court Judge shall sit, without a jury, for the trial of such violations.

c) Local Laws. The Common Council shall have power to adopt Local Laws as provided by general law. Any resolution or local law enacted by the Common Council shall specify the time when it shall take effect. If no time be specified or if it specify that it shall take effect immediately, it shall take effect on its approval by the Mayor or the overriding of his veto as set forth in Section 403. No resolution shall be effective until a copy thereof is filed with the City Clerk.

## Cross References

### Local Laws:

Power to adopt local laws, Municipal Home Rule Law Art. 2  
Procedure for adopting Local Laws, Municipal Home Rule Law Art. 3

### Powers:

Constitution Art IX

### Definitions:

§ 110, Supra  
McQuillan, "Municipal Corporations", 3rd ed., 1949, Vol. 3, p. 51

403. **Mayor's Approval and Veto.** Every resolution, ordinance or local law of the Common Council, except rules for its own government and resolutions for the appointment of officers, shall before it takes effect be presented, duly certified by the Clerk, to the Mayor. If the Mayor approves thereof, he shall sign it within ten days after the receipt thereof by him, and file it so signed with the City Clerk. If the Mayor does not approve it, he shall within ten days after the receipt thereof by him return it to the City Clerk with his objections thereof in writing, and a statement that he does not approve thereof, and it shall have no force or effect unless the Common Council shall thereafter, within thirty days, reconsider it and pass it over the Mayor's veto by the concurring vote of at least one more than a majority of the voting power of the Common Council. The objections of the Mayor shall be entered in the minutes together with the vote thereon. If such resolution, ordinance or local law presented to the Mayor shall not be returned by him to the City Clerk within ten days after the receipt thereof by the Mayor, it shall on the expiration of such ten days have the same force and effect as if it has been approved by him and filed with the City Clerk. If any such resolution contain one or more items appropriating money, the Mayor may sign it with a written statement appended thereto stating that he objects to one or more of such items, and each item so objected to shall have no force or effect unless each such item be reconsidered separately by the Common Council and passed over the Mayor's veto in the same manner as a resolution, ordinance or local law wholly vetoed. Except rules for the government of the Common Council and appointment to office, no resolution, ordinance or local law of the Common Council shall have any force or effect, or be deemed to have been enacted by the Common Council, unless either it be approved by the Mayor, or be not returned by the Mayor to the City Clerk within ten days after the receipt thereof by him, or unless it be passed over the Mayor's veto in pursuance of this section.

## Cross References

### Voting Power

§ 110(d)

### Local Laws:

Municipal Home Rule Law Art. 3

404. **Audit of Claims by Common Council and Payment Thereof.** All accounts and claims against the City of whatever nature, except such as may be made, incurred and paid by the Board of Public Works, the Board of Fire and Police, the Municipal Golf Commission and the Urban Renewal Agency, shall be referred to a standing committee of the Common Council, to be called the committee on auditing accounts. It shall be the duty of the Committee to inquire and examine into said claims or accounts, and they may summon and examine witnesses and take proofs on oath in relation thereto, and shall report thereon to the Common Council, and the Common Council shall hear them, and examine and determine the same. The Common Council may prescribe the form of certificate to be annexed to bills against the City. The accounts and claims so audited shall be paid by the Treasurer on the order of the Mayor, countersigned by the City Clerk, which order shall contain an abstract of all items audited and ordered paid by the Council, or other board having the power to audit, showing the names of the claimant and the amount so audited and the appropriation chargeable therewith. The Clerk shall keep a record of every such order.

405. **Official Newspaper.** The Common Council shall at its first meeting of each calendar year, designate a newspaper published in the City, in which shall be published all matters required by law and such matters as may be deemed necessary by the Common Council. Such newspaper shall be known as the Official Newspaper of the City. The affidavit of the publisher or proprietor of the official newspaper of the City shall be presumptive evidence of the fact of such publication.

## ARTICLE 5

### CITY BOARDS AND COMMISSIONS, POWERS AND DUTIES

501. **Organization of the Board of Public Works.** The Board of Public Works shall elect one of its members Vice-president, who shall be the presiding officer of the Board in the absence of the Mayor. Three members of the Board shall constitute a quorum, but no action of the Board shall be taken except by the concurring votes of at least three members of the Board. The Board shall cause its Clerk to make a Journal of all its proceedings.

## Cross References

Mayor as President of the Board:

§ 301

Members:

Number, Term, Appointment § 204(a)

Commencement of Term § 205

Bi-Partisan Nature § 205

City Clerk as Clerk:

§ 302



**502. General Powers and Duties of the Board of Public Works.** The Board of Public Works shall select and purchase such supplies, materials, tools, equipment and hire such employees and lease such grounds, premises and machinery, as may be required for the proper carrying on of the business of the Board and the prosecution of its work. The Board shall have the care and custody, maintenance and control, and keep in a proper state of cleanliness, safety, and repair, all streets, bridges, sidewalks, culverts, cemeteries, water works, parks, sewers, and any and all other property and structures not herein enumerated belonging to the City and not otherwise specifically declared to be the responsibility of some other Board, etc., by this Charter or by General Law. The Board shall be in charge of garbage and refuse disposal. The Board shall have control of all parts of work or construction contracted by it to be performed, until said work shall be completed and by it accepted. Every payment of expenditures contracted or authorized by said Board shall be made by the City Treasurer upon the warrant of the Board, signed by its president, and Clerk, and specifying the budgetary appropriation upon which it is drawn. The Board may make rules and regulations, not inconsistent with law, as may be necessary for the conduct of its business, the employment, dismissal, discipline and government of employees of the City under its jurisdiction, and for the performance of all work authorized to be undertaken by it.

The Board of Public Works shall, from time to time, recommend to the common council, such new public works, repairs and improvements as said board may deem necessary with a detailed statement of the estimated cost of constructing and maintaining such works or improvements, and if such recommendations be upon the subject of paving or macadamizing streets or constructing sewers the board shall also recommend the system, size and material thereof. Said board shall also recommend to the common council such by-laws and laws or resolutions for the care, preservation, regulation and protection from injury of the streets, parks, public grounds, cemeteries, water-works and sewers in the city and the lands and properties connected therewith, within said city or elsewhere, as they may deem proper or necessary.

#### Cross References

Budget Procedure:

§ 702

Duties:

With respect to Municipal Golf Course, § 515

Auditing Bills, § 404

Annual Report, § 703

Liability for Unauthorized Expenditures:

§ 704

**505. Organization of the Board of Fire and Police.** The Board of Fire and Police shall elect one of its members Vice-president; who shall be the presiding officer of the Board in the absence of the Mayor. Three members of the Board shall constitute a quorum, but no action

of the Board shall be taken except by the concurring vote of at least three members of the Board. The Board shall cause its Clerk to make and keep a journal of all its proceedings.

#### Cross References

Mayor as President of Board:

§ 301

Members:

Number, Term Appointment, § 204(b)

Commencement of Term, § 205

Bi-Partisan Nature, § 205

City Clerk as Clerk of Board:

§ 302

**506. General Powers and Duties of the Board of Fire and Police.** The Board of Fire and Police shall exercise the powers and perform the duties connected with and incident to the Fire Department and Police Department of the City. The Board shall have full management and control of the Fire and Police Departments and their personnel and shall acquire and maintain all equipment necessary for the proper operation of such Departments. The Board of Fire and Police may make such rules and regulations, not inconsistent with law, as may be necessary for the government and discipline of the firemen and policemen of said City, and the management of the Fire and Police Departments, and the officers thereof.

#### Cross References

Budget Estimate:

§ 702

Auditing of Bills:

§ 404

Annual Report

§ 703

Liability for Unauthorized Expenditures:

§ 704

**507. Chief and Assistant Chief of the Fire Department.** The Chief of the Fire Department shall, subject to the authority of the Mayor and the Rules and Regulations of the Board of Fire and Police, have full control and management of all personnel, property, measures and actions for the prevention and suppression of fires, and providing such emergency services as the Board may direct within the limits of the City and any municipalities with whom the City shall have contracted for fire protection and may call upon the Chief of Police, or any member of the police force to assist in the protection of property and the preservation of order. The Chief shall make and keep an accurate inventory of all the property of his department. The Chief shall make an annual report in writing to the Board and oftener when required. The Chief shall perform such other duties as shall be given him in charge from time to time by the Board. The Assistant Chief of the Fire Department shall have all the power and authority of the Chief in case of his or her absence or inability to act.

**508. Chief of Police and Assistant Chief.** The Chief of Police shall, subject to the authority of the Mayor and the rules and regulations of the Board of Fire and Police, have full control and management of all officers, personnel, and property of the Police Department of the City; the Chief shall cause a record to be kept in a book of all proceedings in the Department and shall also keep a book, known as the property book, in which shall be entered all articles taken from persons arrested or seized on a warrant or otherwise, together with the disposal made thereof. The Chief shall make and keep an accurate inventory of all the property of the department. The Chief shall make an annual report in writing to the Board of Fire and Police and oftener when required. The Assistant Chief of Police shall have all the power and authority of the Chief in case of his or her absence or inability to act.

**509. Powers and Duties of Policemen.** The Police Department of the City shall be a uniformed department. The policemen of the City shall be Peace Officers. They shall execute the orders and commitments of the City Court and shall convey all persons sentenced by that Court to the place of detention. Any process issued by the City Court in any action or special proceeding may be executed in any part of the state by any policeman of the City according to the terms thereof and without endorsement. Policemen may be permitted to receive rewards by resolution of the Board of Fire and Police.

#### Cross References

Policemen, Rewards:

cf. Village Law § 190; Penal Law § 200.25

**515. Powers and Duties of the Municipal Golf Commission.** The Municipal Golf Commission shall organize, manage, operate, maintain and govern, in all respects, the Municipal Golf Course and its appurtenances. The Commission shall have full authority to engage, discharge and fix the compensation of a Golf pro and greenskeeper, or a single individual, if the duties of such work are combined in one job, and shall have authority to provide for and lease concessions, and collect payment therefor to establish proper fees for the use of the golf course by players, adopt such rules and regulations applying to the use of said golf course as may be necessary for its proper operation, maintenance and protection. All other maintenance and operation, labor and work on and in connection with the golf course, shall be provided by the Board of Public Works and its employees. Revenues received from the operation of the Municipal Golf Course shall be deposited with the Treasurer of the City of Little Falls who shall maintain a separate account of said revenues. Purchases made by the Commission and all money expended incidental to the management and maintenance of the golf course shall be made upon submission of proper vouchers or claims made the by chairperson of said commission and audited by the said Commission, and such expenditures and all such payments shall be chargeable to and payable from the account maintained by the City Treasurer for said purposes.

#### Cross References

Mayor as President:

§ 301

Members:

Number, Term, Appointment, § 204(j)

Commencement of Term, § 205

Bi-Partisan Nature, § 205

**520. Powers and Duties of Other City Boards and Commissions.** The powers and duties of the following Boards, Commissions and the like of the City shall be as prescribed by ordinance, this Charter or general law:

- a) The Board of Health
- b) Little Falls Housing Authority
- c) Recreation Committee
- d) Planning Board
- e) Zoning Board of Appeals
- f) Urban Renewal Agency
- g) Civil Service Commission

#### Cross References

See cross references under § 204, Supra

**ARTICLE 6  
THE CITY COURT**

601. **City Court, Establishment.** The City Court of the City of Little Falls is hereby continued with such jurisdiction as provided by State Law, or in the Uniform City Court Act as now existing and hereafter amended. For the purpose of fixing a basic monetary jurisdiction as provided in the Uniform City Court Act, or other law. The Common Council shall designate the places for holding said Court and shall provide suitable room and necessary equipment and supplies for the use of said Court.

**Cross References**

Old City Court:

Repealed, Uniform City Court Act § 2300(g)

602. **City Court Judge and Acting City Court Judge.** There shall be one City Court Judge who shall be elected as herein provided and who shall be an attorney admitted to practice in the State of New York and an elector of the City of Little Falls. He shall not be required to devote his entire time to the duties of the office. There shall be one Acting City Court Judge who shall be appointed as herein provided and who shall be an attorney admitted to practice in the State of New York and an elector of the City of Little Falls. He shall not be required to devote his entire time to the duties of the office.

**Cross References**

City Court Judge:

Election, § 202(d)

Acting City Court Judge:

Appointment, § 204(q)

**ARTICLE 7  
FINANCES**

701. **Annual City Tax Levy.** The Common Council of the City shall raise annually, within constitutional limitations, by tax upon all the real property assessable in the City or as otherwise permitted by general law, such amount as may be necessary (a) to pay the principal and interest of all bonds and other obligations issued by the City as and when the same become due and payable, (b) to meet the budgetary requirements of the City, and (c) to pay all other legal obligations and liabilities of the City.

**Cross References**

**Sales Taxes**

Tax Law §§ 1101 et seq.

702. **Budget Procedure.** Between the 20th and 30th days of January in each year, every administrative officer, board, commission and the like of the City who receives, as salary or otherwise, or disburses funds belonging to the City shall annually prepare, in such form as the Mayor may prescribe, and file with the Mayor, detailed estimates in writing of the amount of revenues to be received and expenditures to be made during the next fiscal year for and by them in their official capacities. Upon receipt of such estimates the Mayor shall investigate such estimates and conduct such hearings as he deems necessary. He may require any officer or employee of the City to furnish additional data and information and to answer inquiries pertinent to such investigation.

During the month of March in each year the Mayor shall compile the several estimates segregating the same into as many accounts such as will clearly indicate the proposed sources of all City revenue and the nature of all expenditures. Such compilation shall be known as the Tentative Budget. It shall be submitted by the Mayor to a Finance Committee of the Common Council, which such Finance Committee shall be composed of the Mayor and at least three Aldermen of the City, at a meeting of such Committee called by the Mayor to be held on or before the first Thursday in March of each year. The Mayor may call as many meetings of said Committee as he shall deem necessary. When the Tentative Budget has been approved by the Budget Committee, or in any event, not later than the 20th day of March, the Mayor shall file the same in the Office of the City Clerk where it shall be open to inspection by the public. Coincidental with the filing of said Tentative Budget, the Mayor shall cause notice of such filing to be published in the Official Newspaper not less than two times. Such Notice shall, in addition, call for a public hearing upon such Tentative Budget to be held not sooner than the 1st day nor later than the 7th day of April. Such hearing upon said Tentative Budget may be held at a regular or special meeting of the Common Council. At such hearing or within five days thereafter, the Common Council shall adopt a resolution approving such Tentative Budget as originally compiled or it may, by a majority vote of its members, diminish, reject or increase any item or items therein contained any may subdivide or alter the several accounts therein and adopt the Tentative Budget as so amended and, when adopted, it shall be known as the Annual Budget for the City for the fiscal year beginning on the 1st day of January. The resolution of the Common Council approving such Tentative Budget shall specify the assessed valuation of the City and the tax rate, and shall constitute an appropriation from the funds indicated and shall constitute a levy of the property tax therein proposed. Such resolution shall be subject to the Mayor's approval and veto as provided in Section 403 except that in overriding any such veto, the Common Council must do so not later than the 15th day of April. If the Common Council shall fail to override the Mayor's veto then the Tentative Budget, as filed by the Mayor with the City Clerk, shall become the annual budget.



## Cross References

### Generally:

cf. Town Law Art 8; County Law Art 7; Village Law Art 5, Title 1

**703. Reports.** Between the 1st and the 15th day of March in each year, every administrative officer, board, commission and the like of the City who receives, as salary or otherwise, or disburses funds belonging to the City shall submit to the Mayor an activities and financial report of all expenditures made or incurred during the preceding fiscal year, with the items thereof and the reasons therefor so far as practicable. The City Treasurer shall, in addition, report to the Mayor a statement of the bonded indebtedness of the City, taxes remaining unpaid, and special assessments remaining unpaid; the City Clerks shall report to the Mayor a statement of all judgments against the City then remaining unpaid; and each shall submit such other reports as the Mayor may require. The Mayor may also require further or more detailed reports from any of such persons, boards and the like. The Mayor shall file all such reports with the City Clerk where the same shall be kept for not less than seven years.

**704. Liability for Unauthorized Expenditures.** No officers of the City or other person shall have power or authority to make any purchase in behalf of, or on the credit of the City or to contract any debts or liabilities against the City, in excess of budgetary limitations; and no account, claim or demand of any kind shall be audited, allowed or paid unless so authorized or ratified. The Common Council shall have the power to authorize the prepayment of certain claims (payment of claim prior to audit and approval at Council or Board Meeting) as may be necessary to facilitate the business of the City. The Common Council shall also have the power to modify the budget of the City by passage of a resolution when circumstances may warrant such modification during the fiscal year. If any officer of the City shall vote for any appropriation or for the payment or expenditure of any money, not authorized by the Budget or by budget modification, such officer shall be liable to a penalty of five hundred dollars (\$500.00), to be recovered by the City in a civil action. If the Common Council or any City Board shall pass any resolution authorizing, or purporting to authorize, any expenditure of money by the City, for any purpose, exceeding the amount authorized by the said Budget to be expended, or exceeding the amount authorized by the proper modification of the said budget, each officer voting for such resolution shall be personally liable for the amount thereof and the City of Little Falls shall not be liable therefor, and neither the Common Council nor any City Board or City Officer shall pay any debt or expenditure so contracted or made.

It shall be the duty of each Common Council immediately to ascertain the amount of debts contracted or expenditures made by the Common Council of the previous year or by any other City board, commission and the like or any officer of the City. If such indebtedness or expenditures shall exceed the amount authorized by the budget of such board, etc., the Common Council shall cause an action to be brought in the name of the City to recover such unauthorized amount against the several aldermen or officers who have

voted for the expenditure constituting such indebtedness or any portion thereof, and against the Mayor who may have approved a resolution therefor, and such money, when collected, shall be paid into the City Treasury. Nothing in this section shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or part by the sale of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year when such is permitted by law.

## Cross References

### Public Officers, Penal Provisions:

Penal Law §§ 1820 et seq. (Art. 200 of 1967 Penal Law)

### Conflicts of Interest:

General Municipal Law §§ 800 et seq.

### Public Officers, Delivering papers, etc. to successor:

Public Officers Law § 80

Penal Law § 1836 (cf. §§ 180.20, 180.25 of 1967 Penal Law)

**705-A. Assessment of Real Property.** The assessors shall have all the powers and perform all the duties imposed by the Real Property Tax Law in relation to the assessment of real property.

The City Clerk shall make two certified copies of the completed assessment roll. On October 1 the Clerk shall transmit one copy to the board of supervisors of the County of Herkimer for levy of city taxes.

**705-B. Warrant for the Collection of County and State Tax.** The board of supervisors of the County of Herkimer shall cause the corrected assessment-rolls of each ward of the City of Little Falls to be delivered to the Treasurer of said city on or before the fifteenth day of December in each year, to which a warrant, under the hands and seals of said supervisors, or a majority of them, shall be annexed, commanding said treasurer to collect from the several persons named in the assessment-rolls the several sums mentioned in the last column opposite their respective names, and pay over the same in the manner directed in the warrant.

**705-C. Bond of Treasurer for Collection of State and County Tax.** Before any warrant for the collection of taxes, issued by the board of supervisors of the County of Herkimer, shall be delivered to the said treasurer, and within eight days after he receives notice of the amount of such tax to be collected by him, he shall execute an undertaking, with two or more sureties, to be approved by the supervisors of said city, or a majority of them, to the effect that he will well and faithfully execute his duties as collector of such taxes, pay over all moneys received by him, and account, in the manner and within the time

provided by law, for all taxes upon said assessment-roll, and shall deliver such undertaking to one of the supervisors of said city. Such supervisor shall, within six days thereafter, file the undertaking, with the approval thereof endorsed thereon, in the office of the Herkimer County Clerk, who shall make an entry thereof in a book to be provided for the purpose, in the same manner as judgments are entered of record, and thereafter such undertaking shall be a lien on all the real estate held jointly or severally by said treasurer, or his sureties, within the county at the time of filing thereof, and shall continue to be such lien until it conditions, together with all costs and charges which may accrue by the prosecution thereof, shall be satisfied, and until the same is discharged as provided by law.

**705-D. Fees and Proceedings of Treasurer in Collecting State and County Taxes Before the First Day of February.** Upon receiving the said assessment rolls he shall give notice, in the official papers of the city, of the receipt by him of such assessment rolls and warrants, and that all persons named therein are required to pay their taxes at his office on or before the first day of February next ensuing. For three weeks following the date of such notice any person or corporation may pay his, her or their taxes therein assessed to him without any fee in addition thereto; after the expiration of three weeks, and up to the first day of February next ensuing, two per centum fees shall be added to the tax and collected by him during that time; and after said first day of February four per centum fees shall be added to the tax and collected by him.

**705-E. Proceedings of Treasurer in Collecting State and County Taxes Between the First and Fifteenth Day of February.** If any such tax shall remain unpaid on the first day of February, after the delivery of the assessment rolls and warrants, he shall thereupon cause a written or printed notice to be given to every person residing in the city from whom such tax may be due, specifying the amount of the tax and the percentage thereon, and requiring the same to be paid on or before the fifteenth day of February of the same year at his office. Such notice shall be served on the persons assessed by depositing the same in the Little Falls post office, enclosed in envelopes and directed to the persons assessed, respectively, at Little Falls, and paying the postage thereon. If any of the persons assessed shall be known by the treasurer to reside in any other place, then notice shall be directed to such other place. It shall not be necessary to make any other demand of payment of said tax.

**705-F. Fees and Proceedings of Treasurer in Collecting State and County Tax After the Fifteenth Day of February.** From the fifteenth day of February the fees shall be one per centum per month in addition to the four per centum aforesaid, and it then shall be the duty of the treasurer to proceed, without delay, to issue his warrant, under his hand and the seal of the city, to any constable or policeman of the city, or to as many of them as he may deem necessary, who may be approved by the council, commanding such officer or officers to levy the tax and fees by distress and sale of the goods and chattels in his, her or their possession, whosoever the same may be found in the City of Little Falls, or County of Herkimer, and to pay the same to the said Treasurer, and to return such warrant on or before the first day of May in the same year; and no claim of property made to such goods and chattels shall

be available to prevent the sale thereof, except in such cases as are provided for by the general statutes of this state.

**705-G. Return of Unpaid State and County Taxes; Proceedings Thereafter.** The treasurer shall on the fifteenth day of May of the same year make and deliver to the county treasurer of the county an account of unpaid state and county taxes, upon the tax-roll annexed to his warrant, which he shall not have been able to collect, verified by his affidavit, that the sums mentioned therein remain unpaid, and upon the verification of the said account by the county treasurer he shall be credited by the county treasurer with the amount of such account. In making such return of unpaid state and county taxes, the treasurer shall add thereto seven per centum of the amount thereof. In case such tax is uncollected upon lands assessed to a resident he shall also state the reason why the same was not collected. In case the treasurer shall fail to add said seven per centum the county treasurer shall add the same. Such return shall be endorsed upon or attached to said roll, and shall, subject to the provisions of this section, be in the form to be prescribed by the state tax commission. The county treasurer is hereby authorized to incur and pay for such expenses as he may deem necessary for the examination of the treasurer's returns and descriptions of property to be sold, and the procurement of the proper treasurer's returns and the examination and procurement of matters and facts as he may deem necessary to make a valid tax sale, but such expense shall not exceed the amount of the seven per centum added as aforesaid.

Subsequent to the return of such unpaid state and county taxes to the county treasurer, all the provisions of the tax law relating to the collection of unpaid taxes returned to county treasurers, including the sale of lands for such purpose, shall apply to such taxes returned to such county treasurer as in this section provided.

**705-H. Return of Unpaid City Taxes.** The treasurer shall, on the first day of October of the same year make and deliver to the county treasurer of the county an account of unpaid city taxes, upon the tax-roll annexed to his warrant, which he shall not have been able to collect, verified by his affidavit, that the sums mentioned therein remain unpaid. Upon the verification of the said account by the county treasurer he shall be entitled to the amount of such unpaid taxes, including interest accumulated to the time of the return of the tax roll and warrant, to be paid by the county treasurer on or before the first day of the following April. In making such return of unpaid city taxes, the treasurer shall add thereto seven per centum of the amount thereof. In case such tax is uncollected upon lands assessed to a resident he shall also state the reason why the same was not collected. In case the treasurer shall fail to add said seven per centum the county treasurer shall add the same. Such return shall be endorsed upon or attached to said roll, and shall, subject to the provisions of this section, be in the form to be prescribed by the state board of equalization and assessment. The county treasurer is hereby authorized to incur and pay for such expenses as he may deem necessary for the examination of the treasurer's returns and descriptions of property to be sold, and the procurement of the proper treasurer's returns and the examination and procurement of matters and facts as he may deem necessary to make a valid tax sale, but such expense shall not exceed the amount of the seven per

centum added as aforesaid.

Subsequent to the return of such unpaid city taxes to the county treasurer, all the provisions of the real property tax law relating to the collection of unpaid taxes returned to the county treasurer, including the sale of lands for such purpose, shall apply to such taxes returned to such county treasurer as in this section provided.

**705-I. Assessment for City Taxes.** Between the first day of January and February in each year, the city assessors shall proceed to make up the annual assessment rolls in the several wards for the city taxes, which they shall complete and file with the city clerk on or before the fifteenth day of March following. They shall proceed in the same manner in so doing as provided for the assessment rolls for the state and county taxes, as near as may be, except that they shall hear objections to said rolls on the third Tuesday of February in each year only, and that they shall give notice of the hearing of such objections for two weeks preceding said third Tuesday in February in the same way and manner as provided for said assessment rolls for state and county taxes.

**705-J. Levying of City Taxes and the Warrant for the Collection Thereof.** Immediately after the filing of said corrected assessment rolls with the City Clerk, as in the last section provided, the Common Council shall cause the amount authorized to be raised for all city purposes, except for the care and maintenance of streets and highways, as finally determined, to be rated and assessed upon the property of each person, company, corporation or association appearing on said assessment rolls, except farms and parts of farms actually occupied as such and not laid out in city lots and property purchased with the proceeds of bonus and pension moneys, to be set opposite the name of such person, company, corporation or association respectively, in the last column of said tax roll to be headed "city taxes", in proportion to the valuation therein stated.

It shall also, in the same manner, cause the amount authorized to be raised for the care and maintenance of streets and highways in said city, except property purchased with the proceeds of bonus and pension moneys, as finally determined, to be rated and assessed upon property of each person, company, corporation or association appearing on said assessment rolls and the same to be set opposite the name of such person, company, corporation or association respectively, in a separate column of said tax roll to be headed "street taxes", in proportion to the value therein stated.

It shall also cause to be set down opposite the name of such person, company, corporation or association respectively, in a separate column of said tax roll, to be headed "Water Tax", the amount certified to said Common Council by the Board of Public Works as the gross amount due by such person, company, corporation or association, for water rates in arrears and unpaid charges as of the last day of March of the current year.

After said assessment rolls have been so completed and the taxes thereon extended, the same shall be adopted by a resolution of the Common Council and filed with

the City Clerk.

The City Clerk shall thereupon, and on or before the first day of May following, make copies thereof and deliver the same to the City Treasurer with a warrant thereto annexed, under the corporate seal of the city, and signed by the Mayor of the city and the City Clerk thereof, commanding him to receive and collect from the several persons, companies, corporations and associations named in such tax rolls, the several sums mentioned in the last column of said rolls, and also, the several sums set down therein for street tax and water rates in arrears, and unpaid charges, opposite their respective names, in the manner in this act provided.

**705-K. Fees and Proceedings of Treasurer in Collecting City Taxes.** Upon receiving said roll, the Treasurer shall give notice, in the official paper of the City, of the receipt by him of such assessment roll and warrants, and that all persons named therein are required to pay their taxes at his office on or before the 1st day of June next ensuing; for one (1) month after said May 1st every person, company, corporation or association may pay his, her or their taxes to said Treasurer without any additional charge; for taxes paid thereafter, on percentum (1%) interest per month will be collected until date of payment. If any tax shall remain uncollected on the first day of September, the Treasurer shall give notice to the person or persons against, whom the tax stands charged. The notice shall require payment of the unpaid taxes to the Treasurer at his office within one month thereafter, with a four per cent (4%) fee thereon. The notice shall be served in the same manner and form as notices in the matter of County and State taxes, and the provisions with reference to the notice and service thereof, shall, to all intents, apply to the notice herein provided for, as far the same may be applicable. An additional fee of one percentum (1%) per month shall be added to taxes thereafter remaining delinquent and unpaid and at and after the first day of October, it shall be the duty of the Treasurer to proceed with the collection of the City taxes then remaining unpaid as provided herein.

**705-L. Return of Unpaid School Taxes on Real Property Within the Boundaries of the City.** Notwithstanding the provisions of subdivision three of section thirteen hundred thirty-two of the real property tax law, the authorities of a school district which levies taxes on real property within the boundaries of the city shall transmit the statement of unpaid taxes and their certificate attached thereto to the county treasurer. The county treasurer shall proceed to enforce the collection of such unpaid taxes in the same manner and at the same time as otherwise provided for in subdivision five of section thirteen hundred thirty two of the real property tax law.

**705-M. Application of this Article to Local Assessments.** All the provisions of this act shall apply to and include the collection of all local assessments and the collection of all taxes for local improvements.

**705-N. Correction of Manifest Errors.** Whenever there is manifest error in copying any assessment-roll, or in levying or extending any tax or assessment, the common council

may at any time within twelve months after the completion of such assessment-roll, by vote or two-thirds of all the members elected, correct, cancel remit or add to the same, but shall have no power to alter any valuation made by the assessors; nor shall such amended assessment, if greater than the original assessment, be a lien on the real estate for the amount added as against purchasers or mortgages in good faith.

**705-O. Reassessment.** In case any tax or assessment, including taxes and assessment for local improvements, shall be void, or shall have failed, in whole or in part, for want of jurisdiction or for any irregularity in the levying or assessing thereof, the common council shall have the power, and it shall be its duty, to cause the same, or said part thereof, to be reassessed in a proper manner; if any person shall have paid on such void or invalid assessment such payment shall be credited, and in case the payment exceed the amount reassessed the surplus shall be refunded. In case the amount assessed for any local improvement shall be insufficient to defray the expenses of such improvement, the common council shall cause to be assessed the amount of the deficiency, in like manner as other assessments of like nature are made.

**705-P. Three Foregoing Sections not to Apply to State and County Taxes.** The provisions of sections 705-N, 705-O and 705-P have no application to any assessment-roll or tax roll for state and county taxes, nor to any tax therein contained, after return thereof to the county treasurer as provided in section 705-G.

**705-Q. Surplus on Sales.** Whenever any surplus shall arise upon the sale of lands for taxes, under the provisions of this act, the same shall remain in the custody of the treasurer, who shall keep a record thereof. The owner of the equity of redemption, or any other person interested in such surplus, may apply to any court of competent jurisdiction for an order distributing the same in the same way and manner as in proceedings for the distribution of surplus money in foreclosure actions. Any person making such application, or in any way sharing in the distribution of such money, shall be deemed to have waived all his rights for the recovery of the value or possession of such lands or any part thereof.

**711. Lien Date of City Taxes.** The amount of all taxes, special and ad valorem levies and special assessment levied upon any parcel of real property shall, except as otherwise expressly provided by law, be and become a lien thereon as of the first day of January of the fiscal year for which levied and shall remain a lien until paid.

**730. Application of This Article to Special Assessments.** All the provisions of this act shall apply to and include the collection of all special assessments for local improvements.

## Cross References

Local Improvements:  
See Article 8

## ARTICLE 8 LOCAL IMPROVEMENTS

**801. Method of Payment of the Expenses of Improvements.** The expense of any local improvement shall be payable (1) wholly by special assessment, (2) jointly by the City at large and by special assessment, or (3) wholly by the City at large, as the Common Council shall determine by resolution.

**802. Declaration of Intention to Make Local Improvement.** No expenditure for any local improvement in said City shall be incurred unless the Common Council shall first, by resolution, declare its intention to make such local improvement, together with the proportion of the expense to be born by the City at large, if any, and the portion of to be born by the property benefitted thereby; the limit of the area of assessment; the manner of spreading the assessment over the parcels of property within the area; and the number of installments in which the assessment may be paid and shall cause a plan, specifications and the like to be drawn and an estimate of the total cost thereof to be prepared, and such plans, etc., to be filed with the City Clerk.

**803. Notice of Proposed Improvement.** Upon the filing of the plans for the special improvements with the City Clerk. The Clerk shall prepare and sign a written notice of the proposed improvement specifying therein the time and place of a public hearing thereon. Such notice shall either be published at least once in the official newspaper of the City at least ten days before such hearing. If such local improvement is payable in part by special assessment or if wholly payable by special assessment such notice may in the alternative be serve upon each owner of property within the district of assessment fixed for such improvement as follows: By leaving the notice at his residence with some person of suitable age or discretion, and if he resides elsewhere, such notice may be served on his agent or other person having the property in charge, or by depositing it in the post-office properly enclosed, postage prepaid, directed to such owner at his last known place of residence. If there be two or more owners of any one piece of property, service on any one of them shall be sufficient notice to the owners of such piece or property. If a property owner resides without the County of Herkimer, then such notice shall be mailed by First Class Mail to such owner.

**804. Expenses, By Whom Assessed.** Whenever the City Engineer shall file with the City Clerk his certificate that any special improvement has been completed, it shall be the duty of the Engineer, to immediately assess the cost of such local improvement upon the



property lying within the district of assessment; and if not, then upon the property abutting upon such improvement in an equitable manner, as near as may be, in proportion to the benefits which each owner of such property may be deemed to service therefrom, without reference to structures or improvements thereon. Except as herein otherwise provided, the cost of any local improvement shall be deemed to include the entire expense thereof.

**805. Special Assessment Roll.** The City Treasurer shall add to the regular assessment roll of the City the amount of the special assessment in the proper column of said roll, opposite the name of the person, corporation, association or property assessed, and thereupon give public notice once in the official paper that such assessment has been prepared and is at the office of the City Clerk for the term of fifteen days from the date of such notice, during which time any person interested may examine said roll and at the expiration of said fifteen days, and on the day and hour, and at the place to be specified in said notice, the Board of Public Works and the City Engineer shall meet and hear any objections to said special assessment, and shall decide upon the same and shall, if need be, alter and correct said assessment roll, and when completed, sign the same and deliver it to the Common Council which shall cause a warrant to be executed for the collection thereof and deliver said roll together with the warrant to the City Treasurer.

**806. Collection of Special Assessment.** When the assessment roll for any local improvement shall be delivered to the City Treasurer, he shall give notice by publishing the same once a week for two successive weeks in the official paper of the City if the receipt by him of such assessment roll and Warrant, the time and place of collection, the fees for such collection and the expiration date of such Warrant and shall, in addition cause bills to be mailed to the property owners involved so far as such owners and their addresses are known, but failure to mail such bills shall not invalidate or affect such special assessment nor stay any penalty, and shall thereafter receive the assessment at the times and place specified in said notice. The collection fees for special assessments shall be the same as provided for the collection of regular City taxes, unless the time for payment thereof shall have extended.

#### Cross References

Extension of Time:

See §§ 807, infra

Collection of Tax:

See §§ 710 supra

#### 807. Extension of Payments for Special Improvements.

1. Upon the delivery of the assessment roll for any local improvement, with the warrant of the Common Council attached, to the City Treasurer, the persons, corporations and property charged with that portion of the expenses of said improvement

payable by special assessment shall be subject to the payment of the respective amounts named in said assessment roll and the same shall be a lien upon the real property mentioned and described in said assessment roll and shall remain a lien until paid. Except as otherwise provided in subdivision two of this section, the amount of any such assessment shall be due and collectible as provided in Article 7 of this Charter.

2. Whenever any assessment shall be levied for any local improvement for which bonds or capital notes may be issued pursuant to the Local Finance Law, the Common Council may provide by resolution for the payment of any such assessment as follows:

a. Such assessment may be paid in full without penalty or interest at any time within a period of thirty days from the publication in the official newspaper of the City of the notice of the receipt by the City Treasurer of the assessment roll with the warrant of the Common Council attached. Any person or corporation not paying such assessment in full during such thirty day period shall be required to pay such assessment in installments as provided in paragraph (b) of this subdivision.

b. After the expiration of such thirty day period, obligations shall be issued for such improvement pursuant to the Local Finance Law. The aggregate principal amount of obligations issued for such improvement shall not exceed the total cost thereof after deducting therefrom the amounts of the assessments paid within such thirty day period. The amount of the unpaid assessment against each parcel of real property mentioned and described in the assessment roll shall be divided into such number of annual installments as shall be necessary to pay a pro rata share of the aggregate principal amount of such obligations issued for such improvement as they shall mature. There shall be added to the amount of each annual installment a sum sufficient to meet a pro rata share of the annual interest payable on such obligations.

c. The common Council shall each year levy the amount of the annual installments due such year on its assessment roll. Such assessment roll with the warrant of the Common Council attached, shall be delivered to the City Treasurer, who shall give notice by publication once in the official newspaper of the City of the receipt by him of such assessment roll and warrant and that such annual installments are due and payable at his office. Any such installment may be paid without penalty or interest within a period of thirty days from the publication of such notice by the City Treasurer. Any installment paid after the expiration of such thirty day period shall bear interest at the rate of twelve per centum per annum, computed from the date of publication of such notice and there shall be added thereto all fee for the collection thereof and expenses, if any, incurred by the City in attempting to collect such installment. If any installment shall not be paid within such thirty day period, the City Treasurer shall proceed to collect the same, together with a fee of five per centum of the principal amount of such installment and interest thereon at the rate of twelve per centum, computed from the time when such installment became due and payable, in the same manner as provided in this Charter.

3. If the whole or any portion of the expenses of any local improvement shall be payable by the City at large, the expenses so payable may be financed pursuant to the Local Finance Law. If the expenses so payable shall be financed pursuant to the Local Finance Law, provision shall be made each year for payment by the City at large if a pro rata share of the principal of and interest on the obligations issued for such improvement due and payable during such year.

808. **Validity of Special Assessments.** No action or proceeding to set aside, cancel or annul any assessment made for a local improvement under any of the provisions of this act shall be maintained by any person unless such action or proceeding shall have been commenced within thirty days after the deliver of the assessment roll and warrant for such local improvement, to the City Treasurer and notice by him in the official newspaper of the City of the receipt thereof, and unless within said thirty days an injunction shall have been procured by such person from a court of competent jurisdiction restraining the Common Council from issuing obligations which may be issued for such assessment.

## ARTICLE 9 REAL PROPERTY & STREETS

901. **Sale and Purchase of Real Property by the City.** The Common Council may sell any real property owned by the City, at public or private sale, except the public parks and cemeteries and lands belonging to or pertaining to the water works system. Whenever the Common Council and Board of Public Works, by a concurrent vote, shall decide that any lands pertaining to the water works system are unnecessary, the same may be sold by the City upon such terms as said Council and Board may determine.

The Common Council may contract for the purchase, in the name of the City, of real property, which in its judgment, shall be required for City purposes, if the purchase price therefor shall not exceed ten thousand dollars (\$10,000.00) and may order the construction of a new building or buildings upon lands owned by the City if the expense thereof shall not exceed thirty thousand dollars (\$30,000.00).

Nothing herein contained shall be construed to prevent the financing of such purchase or construction pursuant to the Local Finance Law; nor shall the Common Council be limited in the amount which it may authorize to be expended for such purchase or construction in the event the purchase price or construction expenses shall be financed, either in whole or in part, pursuant to the Local Finance Law.

The Common Council may submit to the electors of the City, at any annual or special election, the proposition to raise by tax, in addition to the amount otherwise allowed by law to be raised in each year, a sum specified, for the purchase by the City of real property, the construction by the City of a new building or buildings, for paving, or for

any other special purposes.

Notice that such proposition will be submitted at such elections shall be published in the official newspaper of the City at least once a week for three (3) successive weeks next prior to the holding of such election, which notice shall specify the form of ballot for and against such proposition to be used at such election. If the majority of the electors voting on such proposition at such City election shall vote in favor of such proposition, the amount so voted may all be raised by tax in one year, in addition to the amount otherwise authorized by law to be raised by tax in such year. The amount so raised by tax shall be devoted to the purpose for which said tax was voted and to no other purpose.

### Cross References

#### Sale of Property:

See City Charter, former § 80, S-6,7

General City Law, § 23 (2) (b), which may be superseded Charter provisions, or pursuant to Municipal Home Rule Law.

(See also: Opinions of the State Comptroller 80-347)

902. **Opening and Altering Streets.** Before any street, highway, alley, lane, or public grounds shall be laid out, widened, altered or straightened under the provisions of this act, the Common Council shall cause the same to be surveyed, and monuments placed, showing the lines thereof, and a map to be made of the same, which shall be filed in the City Engineer's Office, and a copy thereof to be filed in the County Clerk's Office, and for that purpose, the Common Council, and those acting by its directions, shall have power to enter upon any grounds in said City. The Common Council shall then declare, by resolution, its intention to take and appropriate the said property for the proposed improvement, and shall acquire the same by condemnation proceedings under the provisions of the Condemnation Law, unless each and every person owning or having an interest in the said lands agrees with the Common Council as to the compensation to be made therefor and conveys or releases all rights therein to the City. No street, highway, alley, lane or public grounds shall be opened, dedicated or laid out until maps and plans therefor, showing, among other things, the grade thereof, shall have been approved by the Board of Public Works and filed with the City Clerk.

### Cross References

#### Generally:

General City Law § 20

General Municipal Law § 74

903. **Streets, etc., Taking Possession.** After the map has been filed in the City Engineer's Office and a copy thereof in the County Clerk's Office, and after the Common Council has declared its intention to take and appropriate the said property for the proposed improvement, the Common Council and those acting under its directions may enter upon said property for the purpose of prosecuting the construction of such improvement.

904. **Streets, etc., Assessment of Expenses.** The costs and expenses of such condemnation proceedings, together with the compensation paid to the owners of such real property shall be a part of the cost and expense of laying out, widening, altering or straightening such street, highway, alley, lane or public grounds and shall be assessed together with the other cost and expense of such special improvement upon the property within the district of assessment in the same manner as the cost and expense of local improvements.

#### Cross References

Local Improvements, Article 8

### ARTICLE 10 EFFECTIVE DATE, ETC.

1001. **Effective Date, etc.** The provisions of this Charter shall become effective on the first day of January, 1991. Provided, however, that this Charter shall become operative only if the following proposition "Shall the new city charter proposed by the city charter commission be adopted?" shall be approved by the vote of a majority of the voters of the City of Little Falls qualified to vote and voting thereon at the General Election to be held on the 6th day of November, 1990.

#### Cross References

##### Elections:

Officers to be Elected, § 202  
Generally, § 203

##### Budget:

702, supra

##### Proposition on Election:

Municipal Home Rule Law § 36(5)(b)

1002. **Continuation of City Government.** The City Government as it exists on the 6th day of November, 1990, shall continue to function subject to the effective dates of this Charter as set forth in Section 1001. City Officers, both elective and appointive, holding office on the 6th day of November, 1990, shall fill out the remainder of their terms. In

instituting the provisions of this Charter relative to appointed officials the appointing authority may appoint officers for less than a full term in order that, so far as may be, the term of office of an equal number of officers of a particular Board of Commission shall expire in such succeeding official year.

#### Cross References

##### Elective Officers:

§ 202, supra

##### Appointive Officers:

Enumerated; § 204

Commencement of Term, § 205

1003. **Separability.** If any clause, sentence, paragraph, Section, part or Article of this Charter shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgement shall not affect, impair, or invalidate the remainder of this Charter.

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## ARTICLE I

Incorporation; City, Ward and School District  
Boundaries; Definitions.

§3. BOUNDARIES OF CITY. The territory included within the following boundaries is hereby constituted a city, which shall be known as the City of Little Falls, to wit: Beginning at a stone monument marked L. F. 1895, N. W. distant five thousand feet south eighty-two degrees and thirty minutes west (this bearing referring to the true meridian) from stone monument marked L. F. 1895, N. W. distant five thousand feet south eighty-two degrees and thirty minutes west (this bearing referring to the true meridian) from stone monument marked L. F. 1895, 1, which stands north (true meridian) sixteen hundred and fifty feet from monument number two hundred and nine of the New York State survey; thence with ninety degrees left deflection to center line of Penn-Central Railroad station 1148 & 958.95, thence south seven degrees thirty minutes east one hundred and eight point thirty-eight feet (108.38') along city boundary line from Penn-Central railroad center line station 1148 & 958.95, thence south forty-eight degrees thirty-eight minutes west one thousand five hundred one point forty-nine feet (1501.49'), thence curving to the right with a radius of 2955 feet, more or less, a distance of six hundred twenty-eight point twenty (628.20) feet, thence south sixty-seven degrees twenty-nine minutes three seconds west three hundred forty-one point eight (341.08) feet, thence south sixty-five degrees forty-four minutes fifty three seconds west three hundred ninety-seven point sixty-nine (397.69) feet, thence south sixty-seven degrees fifty minutes ten seconds, west four hundred seventeen point fifteen (417.15) feet, thence south seventy-one degrees twenty minutes zero seconds west one hundred twenty five (125.00) feet, thence north eighty-three degrees thirty minutes forty seconds east six hundred seven point fifty-two (607.52) feet, thence north eighty-six degrees fifteen minutes ten seconds east two hundred ninety (290.00) feet, thence south seventy-nine degrees twenty-nine minutes fifty seconds east three hundred forty-five (345) feet, thence north seventy-eight (78) degrees twenty-nine minutes twenty seconds east three hundred twenty-three point ninety-five (323.95) feet, thence north sixty-four degrees sixteen minutes thirty seconds east three hundred seventy-seven point fifty-one (377.51) feet, thence north thirty-eight degrees nineteen minutes twenty seconds east four hundred thirty-nine point zero five (439.05) feet, thence north twenty-eight degrees thirty minutes thirty seconds east one hundred sixty-seven point twenty nine (167.29) feet, thence north thirty-three degrees twenty-six minutes thirty seconds east three hundred sixty-one point eighteen (361.18) feet, thence north fifty degrees twenty-nine minutes ten seconds east three hundred fifty-three point forty-seven (353.47) feet, thence north forty-nine degrees fifty-seven minutes forty seconds east two hundred fifty-three point forty-four (253.44) feet, thence south seven degrees thirty minutes east to a stone monument marked L. F. 1895, S. W.; thence with ninety degrees left deflection eleven thousand six hundred feet to a stone monument marked L. F. 1895, S. E.; thence with ninety degrees left deflection (eight thousand six hundred feet) five hundred and forty feet along the boundary line between the towns of Danube and Manheim and city of Little Falls to a point; said point being forty-six feet, more or less, distant southerly measured at right angles, from station 68 plus 13 of the original survey base line (extended) of the existing Little Falls city road, S. H. 5105, Herkimer County; thence north seventy degrees fifty-seven minutes west, a distance of 915 feet, more or less, to a point 32 feet, more or less, distant southerly, measured at right angles from station 58 plus 93 of said base line; thence curving to the left with a radius of 2820 feet, more or less, a distance of 322 feet, more

or less, to a point thirty-seven feet, more or less, distant southerly measured at right angles from station 55 plus 71 of said base line; thence north eight-one degrees forty-two minutes west, a distance of 820 feet, more or less, to a point 34 feet, more or less, distant southerly, measured at right angles, from station 47 plus 45 of said base line; thence curving to the right with a radius of 5775 feet, more or less, a distance of 1004 feet, more or less, to a point 31 feet, more or less distant southerly measured at right angles, from station 37 plus 47 of said base line; thence north sixty six degrees west a distance of 199 feet, more or less, to a point 31 feet more or less, distant southerly, measured at right angles from station 3 plus 48 of said base line; thence curving to the right with a radius of 86 feet, more or less, a distance of 239 feet more or less, to a point 40 feet more or less, distant southerly measured at right angles from station 33 plus 17 of said base line; thence north 49 degrees 28 minutes west a distance of 346 feet more or less to a point 36 feet more or less distant southerly measured at right angles, from station 29 plus 72 of said base line; thence curving to the right with a radius of 863 feet more or less, a distance of 424 feet more or less, to a point 39 feet more or less, distant westerly measured at right angles, from station 25 plus 59 of said base line; thence north nineteen degrees forty-five minutes west, a distance of 142 feet more or less to a point 59 feet more or less distant westerly measured at right angles, from station 24 plus 18 of said base line; thence curving to the left with a radius of 773 feet more or less, a distance of 352 feet more or less to a point 53 feet more or less distant southerly, measured at right angles from station 20 plus 38 of said base line; thence north sixty-one degree forty-eight minutes west, a distance of 1127 feet more or less to a point on the southerly boundary of East Main Street, said point being 28 feet more or less distant southerly, measured at right angles from station 8 plus 00 of said base line; thence northerly across East Main Street, intersecting the said base line at station 8 plus 00, to a point on the northerly boundary of East Main Street, the last mentioned point being 28 feet plus or minus distant northerly, measured at right angles from station 8 plus 00 of said base line; thence south fifty-eight degrees eight minutes east a distance of 16 feet plus or minus to a point 30 feet plus or minus, a distant northerly measured at right angles, from station 8 plus 29 of said base line; thence south 85 degrees 19 minutes east a distance of 303 feet plus or minus to a point 31 feet plus or minus distant northerly measured at right angles from station 11 plus 32 of said base line; thence north 89 degrees 3 minutes east a distance of 173 feet plus or minus, to a point 48 feet plus or minus distant northerly, measured at right angles from station 13 plus 04 of said base line; thence south 79 degrees 56 minutes east, a distance of 150 feet plus or minus to a point 81 feet plus or minus distant easterly, measured at right angles, from station 14 plus 00 of said base line; thence south 1 degrees 52 minutes east a distance of 121 feet more or less to a point 31 feet more or less distant easterly, measured at right angles, from station 1 plus 11 of said base line; thence curving to the left with a radius of 78 feet more or less a distance of 168 feet more or less to a point 25 feet more or less distant northeasterly measured at right angles to station 16 plus 09 of said base line; thence south 47 degrees 37 minutes east a distance of 211 feet more or less to a point 18 feet more or less distant northeasterly, measured at right angles to station 19 plus 00 of said base line; thence south 51 degrees 20 minutes east a distance of 127 feet more or less to a point 35 feet more or less distant easterly measured at right angles to station 20 plus 20 of said base line; thence curving to the right with a radius of 863 feet more or less a distance of 395 feet more or less to a point 31 feet more or less distant easterly measured at right angles to station 24 plus 05 of said base line; thence south 19 degrees 45 minutes east a distance of 137 feet more or less to a point 50 feet more or less distant

easterly measured at right angles to station 25 plus 41 of said base line; thence curving to the left with a radius of 773 feet more or less a distance of 388 feet more or less to a point 52 feet more or less distant northeasterly measured at right angles to station 29 plus 58 of said base line; thence south 49 degrees 28 minutes east a distance of 346 feet more or less to a point 49 feet more or less distant northeasterly measured at right angles to station 33 plus 10 of said base line; thence curving to the left with a radius of 773 feet more or less a distance of 210 feet more or less to a point 58 feet more or less distant northerly measured at right angles from station 35 plus 46 of said base line; thence south 66 degrees east a distance of 201 feet more or less to a point 58 feet more or less distant northerly measured at right angles to station 37 plus 47 of said base line; thence curving to the left with a radius of 5685 feet more or less a distance of 979 feet more or less to a point 56 feet more or less distant northerly measured at right angles to station 47 plus 44 of said base line; thence south 81 degrees 42 minutes east a distance of 198 feet more or less to a point 58 feet more or less distant northerly measured at right angles from station 49 plus 42 of said base line; thence north 8 degrees 18 minutes east a distance of 148 feet more or less to a point, said point being in the north boundary line of the Penn Central Transportation Company (formerly New York Central Railroad Company) and a distance of 60 feet from the monumented center line thereof; thence easterly along the said north boundary line of the Penn Central Transportation Company's (formerly New York Central Railroad Company) right of way a distance of 1760 feet to a point in the boundary line between the town of Manheim and the City of Little Falls, which point is 60 feet northerly, measured at right angles to the revised center line of the Penn Central Transportation Company (formerly New York Central Railroad Company); which point is also 788 feet from a stone monument marked L. F. 1895 S. E.; thence northerly on the boundary line between the city of Little Falls and the town of Manheim 7812 feet to a stone monument marked L. F. 1895, N. E.; thence with ninety degrees left deflection four thousand eight hundred and eighty-five and two-tenths feet to a stone monument near the east bounds of Fairfield road; thence north forty-eight degrees and nineteen minutes west one hundred thirty-nine and three-tenths feet; thence north three degrees and eighteen minutes east along the east bounds of the Fairfield road, three hundred and ninety feet; thence north five degrees and thirty-one minutes west three hundred feet; thence north eight degrees and nine minutes west two thousand five hundred feet to the intersection of said east line of the Fairfield road with the south line of the Keller cross road; thence south eighty-two degrees and fifty-nine minutes west along the south bounds of said Keller cross road, one thousand nine hundred and nine feet; thence south eighty-three degrees forty-three minutes west nine hundred and fifty feet; thence south eighty-two degrees and ten minutes west six hundred and sixty feet; thence south seventy-three degrees and eight minutes west one hundred and fifty feet to the intersection of the said south line of the Keller cross road, and the west line of the Top Notch road, thence south three degrees and fifty minutes east along the west bounds of the Top Notch road, five hundred and two feet; thence south three degrees and twenty-six minutes east four hundred feet; thence south two degrees and seven minutes west three hundred and seventy feet; thence south eight degrees and nine minutes east one hundred feet; thence south seventeen degrees and forty-four minutes east two hundred and ten feet; thence south five degrees and nine minutes east two hundred and twenty five feet thence south seventeen degrees and twelve minutes west two hundred and twenty-five feet; thence south twenty-seven degrees and four minutes west one hundred and twenty-five feet; thence south thirty-eight degrees and thirty-five minutes west one hundred and sixty-five feet; thence south two degrees and two minutes west one hundred and seventy feet; thence south eighty-two degrees and thirty minutes west three hundred

and sixty-nine feet; thence south forty-four degrees and twenty-three minutes west one thousand five hundred thirty-five feet; thence south eighty-two degrees and thirty minutes west one thousand and thirty feet to place c beginning. All courses in the foregoing bounds refer to the time meridian (As amended by L. 1902, Ch. 173; L. 1932, Ch. 161; L. L. 1973, No. 3.)