

THE HONORABLE BODY
 Council Chambers
 Municipal Building
 North Tonawanda, New York 14120
 Tuesday, March 2, 1999
 7:05 P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT REIDENOUE

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: President Reidenouer
 Aldermen Schwandt, Wudyka, Barberio, Kiedrowski

Absent: None

Also Present: Mayor Ronald R. Dawson
 City Attorney Henry F. Wojtaszek

APPROVAL OF THE MINUTES OF THE REGULAR SESSION FEBRUARY 16,1999

MOVED by Alderman Barberio **SECONDED** by Alderman Wudyka
 That the minutes of the regular session held February 16, 1999 be approved as circulated
 and filed in the Office of the City Clerk.
CARRIED.

APPROVAL OF THE MINUTES OF THE SPECIAL SESSION FEBRUARY 11, 1999

MOVED by Alderman Barberio **SECONDED** by Alderman Schwandt
 That the minutes of the special session held February 11, 1999 be approved as
 circulated and filed in the Office of the City Clerk.
CARRIED.

PROOF OF PUBLICATION PUBLISHED JANUARY 28 & FEBRUARY 4, 1999

- 1) Collection of 1999 Niagara County Taxes - Treasurer

PROOF OF PUBLICATION PUBLISHED FEBRUARY 1, 1999

- 1) 1999 Budgets - Accountant
- 2) Fiscal 1999 Small Cities CDBG Program - Community Dev.

MOVED by Alderman Schwandt **SECONDED** by Alderman Wudyka
 That the aforementioned proofs of publication be received and filed.
CARRIED.

AUDIENCE PARTICIPATION

Ray Stanley, 296 Sweeney St., asked about the Abstract of Claims and inquired on the
 seasonal employee recommendation list.

Dan Kriegbaum, 434 Kohl St., stated that cats should be treated like dogs, as far as being
 licensed, etc.

Kathy Cochran, 462 Adelaide Pl., spoke about the cat problems on Kohl Street.

COMMUNICATIONS FROM CITY OFFICIALS

II.
Attorney

February 26, 1999

Hon. Mayor and Common Council
City Hall, 216 Payne Avenue
North Tonawanda, NY 14120

Re: Amendment to Chapter 8
Entitled Abandoned Vehicles

Dear Honorable Body:

Below are several amended sections of Chapter 8, Abandoned Vehicles, which have been requested by the Code Enforcement Officer, which would address the license plate/inspection sticker question. If your Honorable Body approves the following amendments, please pass the following resolution:

BE IT RESOLVED, that the Common Council of the City of North Tonawanda amends the City Code, Chapter 8 as follows:

§8-5. Prohibited Activity.

- C. It shall be unlawful for any owner of private property to cause or allow any vehicle to be abandoned or stored, or kept without then-valid numbered registration plates and current inspection sticker affixed thereto, on his private property. (Underline indicates requested change.) The provisions of the foregoing sentence shall not apply to:
 - (7) All licensed commercial businesses including gas stations, repair shops, collision shops, or any business involved in auto work. The maximum number of vehicles stored without valid plates or current registration stickers shall be four (4) vehicles, with a time limit of thirty (30) days. Such vehicles shall be stored behind fencing.
 - (8) Race cars stored on private property are to be kept on legal trailers or licensed trucks.

This amendment shall become effective upon publication in the official newspaper.

Very truly yours,
Henry F. Wojtaszek
City Attorney

MOVED by Alderman Barberio SECONDED by Alderman Schwandt
That the Common Council hereby amends Chapter 8 of the City Code, entitled "Abandoned Vehicles" as follows:

City of North Tonawanda
Amends Chapter 8 of the City Code
Entitled "Abandoned Vehicles"

§8-5. Prohibited Activity.

- C. It shall be unlawful for any owner of private property to cause or allow any vehicle to be abandoned or stored, or kept without then-valid numbered registration plates and current inspection sticker affixed thereto, on his private property. (Underline

indicates requested change.) The provisions of the foregoing sentence shall not apply to:

- (7) All licensed commercial businesses including gas stations, repair shops, collision shops, or any business involved in auto work. The maximum number of vehicles stored without valid plates or current registration stickers shall be four (4) vehicles, with a time limit of thirty (30) days. Such vehicles shall be stored behind fencing.
- (8) Race cars stored on private property are to be kept on legal trailers or licensed trucks.

This amendment shall become effective upon publication in the official newspaper.

CARRIED.

II.2
Attorney

February 26, 1999

Hon. Mayor and Common Council
City Hall, 216 Payne Avenue
North Tonawanda, NY 14120

Re: Proposed Ordinance
Chapter 34 - CATS

Dear Honorable Body:

Attached for your review and approval is a proposed ordinance which addresses the issue of limiting the number of cats that may be kept by private property owners within the City of North Tonawanda. This ordinance has been suggested in order to address the problems arising from the health concerns of residents living near homes where excessive numbers of cats are harbored, and would limit the number of cats to five (5) within any house or building in the City of North Tonawanda.

If your Honorable Body concurs with the proposed ordinance, please approve. Should your Honorable Body have any questions, please do not hesitate to contact me.

Very truly yours,
Henry F. Wojtaszek
City Attorney

MOVED by Alderman Schwandt SECONDED by Alderman Wudyka
That the Common Council hereby adopts Chapter 34 of the City Code entitled "CATS",
as follows:

City of North Tonawanda

Chapter 34 of the City Code

Entitled "CATS"

34-1 DEFINITIONS

As used in this chapter, the following terms shall have the meanings indicated:

A) "Abandoned Cat" - A cat of any age which shall be left unattended, unclaimed, unlicensed or at large for a period of seventy-two (72) hours or more.

B) "Cat" - Any animal of a feline species.

C) "Owner" - Every person having a property right in a cat and every person keeping, harboring or feeding a cat for more than forty-eight (48) hours. This provision shall not include a person who keeps or feeds a cat on behalf of an owner at the owner's request to accommodate the owner's temporary needs.

D) "Person" - An individual, firm partnership, corporation or association of persons.

E) "Public Nuisance" - A cat that causes damage to public or private property or causes harm to any person.

F) "Stray Cat" - A cat having no known owner or custodian.

G) "Animal Warden" - An officer or agency designated by the Common Council.

34-2 RESPONSIBILITY OF OWNER

It shall be the duty and responsibility of every owner of any cat to exercise and maintain such care and control over it that it does not become a nuisance, as set forth in this Article, within the confines of the City.

34-3 NUISANCES

A cat shall become a nuisance whenever it shall engage in or commit any of the following sections within the confines of the City:

A) Injure or threaten injury to persons or other domestic animals or birds.

B) Injure property, including lawns, flowers, shrubs and trees.

C) Upset or otherwise interfere with garbage receptacles.

D) Be found in any commercial establishment without the consent or permission of the owner thereof.

E) Be kept or placed by its owner under cruel, unsanitary or otherwise inhumane conditions, or be abandoned by its owner.

F) Defecate, urinate, dig or otherwise damage property other than the property of the owner.

G) Engage in loud or habitual crying or whining or conduct itself in such a manner as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such cat.

34-4 RESTRICTIONS ON KEEPING

A) The owner of every cat shall be responsible for maintaining such animal in safe, sanitary and healthful surroundings and in such a manner as will not constitute a nuisance to neighboring property owners or to the public.

B) It shall be unlawful to keep, harbor, maintain or permit more than an unreasonable number of cats on any premises, regardless of the number of owners. For the purposes of this subsection, an unreasonable numbers of cats shall mean a number in excess of the number that may be safely maintained in sanitary and healthful conditions on the premises without constituting a nuisance to neighboring property owners. The existence of noxious odors, unsightly litter, or violations of other provisions of this article shall be deemed to constitute such a nuisance. For the purposes of this subsection, proof that more than five (5) cats are kept, harbored, maintained or permitted at any premises

shall constitute prima facie evidence of an "unreasonable" number in violation of this subsection; however, the owner of such cats may refute such evidence by showing to the court that such cats are, in fact, maintained in a safe, sanitary and healthful condition, and do not constitute a nuisance to neighboring owners and such proof shall constitute a defense to a charge under this subsection.

34-5 MAINTENANCE AND ABANDONMENT

No cat shall be sheltered, maintained or harbored that is not domesticated. The area where cats are kept shall be clean and sanitary and shall not create a disturbance by reason of noise, odor or other causes. No person shall abandoned any cat or permit a cat in his custody to become a stray.

34-6 DAMAGE TO PERSONS OR PROPERTY

No cat shall cause damage to any person or property. Any person who owns, maintains or harbors any cat that causes such damage shall be strictly liable for the damage and may be prosecuted for a violation of this chapter.

34-7 HARBORING STRAY CATS

No person shall harbor, maintain or feed any unlicensed or stray cat. Any person who shall do so following receipt of a notice from the Animal Warden advising said person that a violation of this chapter is occurring may be prosecuted if he continues such activities.

34-8 COMPLAINTS; APPEARANCE TICKETS; PENALTIES FOR OFFENSES

A) Any person who observes or has knowledge of a cat violating any provision of this Article may file a signed complaint, under oath, with the Animal Warden of the City specifying the objectionable conduct of the cat and the name and address, if known, of the owner or other person harboring said cat.

B) Upon receipt by the Animal Warden of any such complaint, or in the event that any cat is found by the Animal Warden to be in violation of any provision of this Article, the Animal Warden shall, if possible, seize and take into custody said cat and, in any event, issue or deliver to the owner of said cat an appearance ticket detailing the violations and instructing the owner to appear before the City Court or to answer such appearance ticket by registered or certified mail, return receipt requested, within five (5) days of the date of such violation. If said appearance ticket is disregarded by such person, the Animal Warden or complainant may file an information with said court, which Court may then issue a warrant for the arrest of such person.

C) Any person thereafter convicted of a violation of this Article shall be punished by a fine not to exceed two hundred fifty-dollars (\$250.00) or up to fifteen (15) days in jail or by a civil penalty not exceeding one thousand dollars (\$1,000).

34-9 REDEMPTION OF SEIZED CATS

Any cat found in violation of this Article will be seized by the Animal Warden, and the owner, in order to obtain possession of the cat, must pay a fine and per diem expenses incurred in the keeping of said cat. The expense shall be in such amounts as follows:

A) On the first pickup of any cat, a fine of twenty-five dollars (\$25.00) for the release of said cat, if said cat is released at the City's holding area, to be paid to the City Clerk; or, if released at the Society of the Prevention of Cruelty to Animals (SPCA), a fine of twenty-five dollars (\$25.00) plus per diem expenses shall be paid to the SPCA, which shall reimburse the City on a monthly basis for the fines so collected. The per diem expenses shall be retained by the SPCA.

B) On the second pickup of the cat, a fine of fifty dollars (\$50.00) for the release

of said cat shall be imposed.

34-10 SEVERABILITY

If any section of this chapter shall be adjudged invalid, the remainder of this chapter shall be deemed valid and effective.

This ordinance shall take effect immediately.

CARRIED.

VII.1

Accountant

February 25, 1999

Honorable Ronald R. Dawson, Mayor
and Common Council
North Tonawanda, NY 14120

Dear Honorable Body:

In accordance with Title XXIII of the City Charter, an Abstract of Claims has been submitted by this office for your review and approval.

Accordingly, please authorize for payment the current Abstract of Claims for Common Council Audit dated March 2, 1999.

Very truly yours,
David R. Jakubaszek
City Accountant

MOVED by Alderman Barberio

SECONDED by Alderman Wudyka

That the Common Council hereby authorizes for payment the current Abstract of Claims dated March 2, 1999:

01	General Fund	\$261,531.67
	Held GF #614, 615	
02	Water Fund	32,056.14
04	Sewer Fund	86,384.91
06	Capital Projects Fund	54,622.83
	Held CPF #753 & 754	
07	Trust & Agency Fund	1,743.64
08	Community Development Fund	6,015.93
11	General Fund (Encumbered)	39,793.36
	Held GF(E) # 633	
14	Sewer Fund (Encumbered)	<u>6,973.07</u>

FINAL TOTAL **\$489,121.55**

Ayes: Schwandt, Wudyka, Barberio, Kiedrowski, Reidenouer

(5)

Nays: None

(0)

CARRIED.

VII.2
Accountant

February 25, 1999

**Honorable Ronald R. Dawson, Mayor
 and Common Council
 North Tonawanda, NY 14120**

Dear Honorable Body:

In accordance with the adopted 1999 Capital Improvements Budget, please find a communication and a serial bond resolution from our Bond Counsel, Fitzpatrick & Waterman. The referenced serial bond resolution is in the aggregate amount of \$1,745,000, and will be used to finance various capital projects and equipment acquisitions approved in the Capital Budget.

Please have this resolution adopted by a two-thirds vote and have it published in the official newspaper of the City, together with the legal notice of estoppel.

**Very truly yours,
 David R. Jakubaszek
 City Accountant**

Alderman Wudyka moved the adoption of the following serial bond resolution. The motion was seconded by Alderman Schwandt. The Common Council was polled. The motion was adopted by a vote of five affirmative votes (being at least two-thirds of the voting strength of the Common Council) and no negative votes.

SERIAL BOND RESOLUTION, DATED MARCH 2, 1999, AUTHORIZING THE ISSUANCE OF \$1,775,000 AGGREGATE PRINCIPAL AMOUNT OF SERIAL BONDS OF THE CITY OF NORTH TONAWANDA, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE: (1) NEW DATA PROCESSING SYSTEM FOR CITY HALL; (2) CERTAIN CITY HALL IMPROVEMENTS, INCLUDING EXPANSION OF THE CITY HALL PARKING LOT AND REHABILITATION OF THE BRAUER PARK MEMORIAL; (3) ROOF REPLACEMENT FOR VARIOUS CITY FACILITIES; (4) EQUIPMENT FOR THE CITY'S POLICE AND FIRE DEPARTMENTS; (5) VEHICLES AND EQUIPMENT FOR THE CITY'S DEPARTMENT OF PUBLIC WORKS; (6) VEHICLES FOR THE CITY'S FIRE DEPARTMENT; (7) RECONSTRUCTION OF LEAH DRIVE; (8) EQUIPMENT FOR THE CITY'S WASTEWATER TREATMENT FACILITIES; (9) CONSTRUCTION OF A WARD ROAD STORM SEWER OUTFALL, AND (10) REPAIRS TO THE CITY'S MEMORIAL POOL, INCLUDING ALL OF THE COSTS OF ACQUISITION, CONSTRUCTION, RECONSTRUCTION, REHABILITATION AND INSTALLATION FUNCTIONALLY RELATED AND SUBORDINATE TO EACH OF THE FOREGOING.

WHEREAS, the Common Council of the City of North Tonawanda, (the "Common Council" and the "City", respectively), located in the County of Niagara, State of New York (the "State"), desires to provide certain updated equipment and improvements for City Hall, including expansion of the City Hall parking lot and rehabilitation of the Brauer Park Memorial, to replace certain roofing for various City facilities, to provide updated Police and Fire Department equipment, to provide certain vehicles and equipment for the City's Department of Public Works, to provide certain vehicles for the City's Fire Department, to reconstruct Leah Drive, to provide certain equipment for the City's wastewater treatment facilities and to construct a storm sewer outfall on Ward Road within the City and to make certain repairs to the City's Memorial Pool, including all of the costs and expenses of acquisition, construction, equipment, furnishings and appurtenances functionally related and subordinate to each of the foregoing.

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City of North Tonawanda, New York, in the aggregate principal amount of \$1,775,000 pursuant to the Local Finance Law, in order to finance the class of objects or purposes, or specific objects or purposes, hereinafter described.

Section 2. The specific classes of objects or purposes, or specific objects or purposes, to be financed pursuant to this serial bond resolution, the estimated maximum cost of each object or purpose, the principal amount of serial bonds authorized herein for each object or purpose and the period of probable usefulness of each object or purpose pursuant to the applicable subdivision of paragraph a. of Section 11.00 of the State of New York Local Finance Law (the "Local Finance Law"), are set forth hereinbelow as follows:

(a) To provide for the cost of acquisition, construction and installation of a new data processing system for City Hall, including all of the costs and expenses functionally related and subordinate thereto, at an estimated maximum cost of \$145,000, for which \$145,000 aggregate principal amount of serial bonds are authorized herein, having a period of probable usefulness of ten (10) years pursuant to subparagraph (a) of subdivision 81 of paragraph a. of Section 11.00 of the Local Finance Law;

(b) To provide for the cost of enlarging the City Hall parking lot, including all of the costs functionally related and subordinate to the foregoing, at an estimated maximum cost of \$50,000, for which \$50,000 principal amount of serial bonds are authorized herein, having a period of probable usefulness of ten (10) years pursuant to subparagraph (f) of subdivision 20 of paragraph a. of Section 11.00 of the Local Finance Law;

(c) To provide for the cost of acquisition, construction, rehabilitation and installation of improvements to the basement of City Hall and to the Brauer Park Memorial, including all of the costs and expenses functionally related and subordinate thereto, at an estimated maximum cost of \$32,000, for which \$32,000 aggregate principal amount of serial bonds are authorized herein, having a period of probable usefulness of five (5) years pursuant to subdivision 35 of paragraph a. of Section 11.00 of the Local Finance Law;

(d) To provide for the cost of replacing certain roofing for City Hall, the City Library and the Clubhouse for the City's Golf Course, including all costs functionally related and subordinate to each of the foregoing, at an estimated maximum cost of \$312,000, for which \$312,000 principal amount of serial bonds are authorized herein, having a period of probable usefulness of twenty (20) years pursuant to subdivision 12 of paragraph a. of Section 11.00 of the Local Finance Law;

(e) To provide for the cost of acquisition, construction and installation of updated equipment for the City's Police and Fire Departments, including a new Police Department data processing system, fingerprint identification network, mobile communications network and automated vehicle locator, and a new central dispatch system for both the Police and Fire Departments, including all of the costs functionally related and subordinate to the foregoing, at an estimated maximum cost of \$194,000, for which \$194,000 principal amount of serial bonds are authorized herein, having a period of probable usefulness of ten (10) years pursuant to subdivision 25 of paragraph a. of Section 11.00 of the Local Finance Law;

(f) To provide for the cost of acquisition of a dump truck with plow and salter for the City's Department of Public Works, including all of the costs functionally related and subordinate to the foregoing, at an estimated maximum cost of \$96,000, for which \$96,000 principal amount of serial bonds are authorized herein, having a period of probable usefulness of fifteen (15) years pursuant to subdivision 28 of paragraph a. of Section 11.00 of the Local Finance Law;

(g) To provide for the cost of acquisition and installation of two garbage packers for the City's Department of Public Works and a tractor for the City's Youth, Recreation and Parks Department, including all of the costs functionally related and subordinate to the foregoing, at an estimated maximum cost of \$94,000, for which \$94,000 principal amount of serial bonds are authorized herein, having a period of probable usefulness of ten (10) years pursuant to subdivision 6 of paragraph a. of Section 11.00 of the Local Finance Law;

(h) To provide for the cost of acquisition of two pick-up trucks for the City's Department of Public Works, including all of the costs functionally related and subordinate to the foregoing, at an estimated maximum cost of \$30,000, for which \$30,000 principal amount of serial bonds are authorized herein, having a period of probable usefulness of five (5) years pursuant to subdivision 28 of paragraph a. of Section 11.00 of

the Local Finance Law;

(i) To provide for the cost of acquisition of a fire engine pumper for the City's Fire Department, including all of the costs functionally related and subordinate to the foregoing, at an estimated maximum cost of \$250,000, for which \$250,000 principal amount of serial bonds are authorized herein, having a period of probable usefulness of twenty (20) years pursuant to subdivision 27 of paragraph a. of Section 11.00 of the Local Finance Law;

(j) To provide for the cost of acquisition of a fire command car for the City's Fire Department, including all of the costs functionally related and subordinate to the foregoing, at an estimated maximum cost of \$30,000, for which \$30,000 principal amount of serial bonds are authorized herein, having a period of probable usefulness of ten (10) years pursuant to subdivision 27 of paragraph a. of Section 11.00 of the Local Finance Law;

(k) To provide for the cost of reconstruction of Leah Drive, at an estimated maximum cost of \$142,000, including all of the costs functionally related and subordinate to the foregoing, for which \$142,000 aggregate principal amount of serial bonds are authorized herein, having a period of probable usefulness of fifteen (15) years pursuant to subdivision 20 of paragraph a. of Section 11.00 of the Local Finance Law;

(l) To provide for certain improvements to the City's Deerwood Golf Course at an estimated maximum cost of \$70,000, including all of the costs functionally related and subordinate to the foregoing, for which \$70,000 aggregate principal amount of serial bonds are authorized herein, having a period of probable usefulness of fifteen (15) years pursuant to subdivision 54 of paragraph a. of Section 11.00 of the Local Finance Law;

(m) The cost of acquisition and installation of equipment with respect to the City's wastewater treatment system, including all costs functionally related and subordinate thereto, at an estimated maximum cost of \$100,000, for which \$100,000 aggregate principal amount of serial bonds are authorized herein, having a period of probable usefulness of thirty (30) years pursuant to subdivision 4 of paragraph a. of Section 11.00 of the Local Finance Law; and

(n) The cost of construction, acquisition, reconstruction, renovation and installation of a storm sewer outfall on Ward Road within the City, at an estimated maximum cost of \$200,000, including all costs functionally related and subordinate to the foregoing, for which \$200,000 aggregate principal amount of serial bonds are authorized herein, having a period of probable usefulness of forty (40) years pursuant to subdivision 4 of paragraph a. of Section 11.00 of the Local Finance Law.

(o) To provide for the cost of acquisition, construction, rehabilitation and installation of repairs to the city's Memorial Pool, including all of the costs and expenses functionally related and subordinate thereto, at an estimated maximum cost of \$30,000, for which \$30,000 aggregate principal amount of serial bonds are authorized herein, having a period of probable usefulness of five (5) years pursuant to subdivision 35 of paragraph a. of Section 11.00 of the Local Finance Law.

Section 3. The Common Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the class of objects or purposes or specific objects or purposes listed in Section 2 above is \$1,775,000 (b) no money has heretofore been authorized to be applied to the payment of the costs of such objects or purposes and (c) the Common Council of the City plans to finance the costs of such objects or purposes from funds raised by the issuance of obligations authorized herein.

Section 4. Subject to the terms and conditions of this serial bond resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 62.00, inclusive, of the Local Finance Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this serial bond resolution and the renewal of such bond anticipation notes and the power to prescribe the terms, form and contents of such serial bonds (including the amortization thereof with substantially level or declining debt service) and such bond anticipation notes, including renewals thereof, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, including renewals thereof, is hereby delegated to the City Treasurer, as chief fiscal officer of the City. The Mayor and the City Treasurer are hereby authorized to execute on behalf of the City all serial bonds issued pursuant to this bond resolution and all bond anticipation notes, including renewals thereof, issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to affix the seal of the City to all such serial bonds and all such bond anticipation notes, including renewals thereof, and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the facsimile signature of the City Treasurer and the City Mayor. Such serial bonds, if, as and when issued shall be authenticated by the countersignature of a fiscal agent of the City or by the appropriate designated officer of the City pursuant to Section 60.00, as amended, of the Local Finance Law.

Section 5. When this serial bond resolution takes effect, the City Clerk of the City shall cause the same to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in the Tonawanda News, a newspaper having a general circulation in the City and published in North Tonawanda, New York. The validity of the serial bonds authorized by this serial bond resolution and of bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or the provisions of law which should be complied

with at the date of the publication of this serial bond resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State.

Section 6. The faith and credit of the City are hereby and shall be irrevocably pledged for the punctual payment of principal and interest on all obligations authorized and issued pursuant to this serial bond resolution as the same shall become due.

Section 7. Prior to the issuance of obligations authorized to be issued by this serial bond resolution, the Common Council of the City shall comply with all relevant provisions prescribed in Article 8 of the Environmental Conservation Law and the regulations promulgated thereunder by the New York Department of Environmental Conservation, if any, relating to any objects or purposes authorized herein to be financed through the issuance of general obligations of the City.

Section 8. The City covenants for the benefit of the holders of the obligations authorized herein that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the City, and will not make any use of the facilities financed with the proceeds of such obligations which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the alternative minimum tax imposed on corporations by Section 55 of the Code and except for the environmental tax imposed on corporations by Section 59A of the Code) or subject the City to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or any facilities financed thereby if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the alternative minimum tax imposed on corporations by Section 55 of the Code and except for the environmental tax imposed on corporations by Section 59A of the Code) or subject the City to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the bonds or any other provision hereof until the date which is 60 days after the final maturity date or earlier prior redemption date thereof.

Section 9. This serial bond resolution shall become effective immediately upon its adoption by the Common Council of the City.

Ayes: Schwandt, Wudyka, Barberio, Kiedrowski, Reidenouer (5)

Nays: None (0)

CARRIED.

XIV.1

Youth & Recreation

February 16, 1999

The Honorable Ronald R. Dawson
and Common Council
City Hall, 216 Payne Avenue
North Tonawanda, New York 14120

Dear Mayor Dawson and Common Council Members:

Please find attached a renewal agreement between the City and the Niagara County Office for the Aging for the rental of room space at the NT Senior Citizens Center for the County's Nutrition Program.

This agreement is renewed annually and provides the City with revenue of \$3,240.00. On weekdays, low cost meals are served at the center for seniors who may not have a nutritious meal otherwise.

I have requested the City Attorney to review and approve this agreement.

Therefore, I request that Your Honorable Body authorize the Mayor to execute this

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agreement on behalf of the City.

Thank you for your cooperation.

**Sincerely,
John P. Silsby
Director of Youth, Recreation & Parks**

MOVED by Alderman Schwandt SECONDED by Alderman Barberio
That the Common Council hereby authorizes the Mayor to execute the renewal agreement
between the City and the Niagara County Office for the Aging for the rental of room space
at the NT Senior Citizens Center for the County's Nutrition Program.
CARRIED.

XIV.2
Youth & Recreation

February 16, 1999

The Honorable Ronald R. Dawson
and Common Council
City Hall, 216 Payne Avenue
North Tonawanda, New York 14120

Dear Mayor Dawson and Common Council Members:

Please find attached the seasonal employee recommendation list for Deerwood Golf Course. As you will note, there are very few alternates. My department is having a more difficult time each year recruiting an adequate number of applicants to fill all of our seasonal positions.

All of the new applicants have been interviewed and have adequate qualifications to do the job.

I request that Your Honorable Body approve for hiring the seasonal employee recommendation list for Deerwood Golf Course.

Thank you for your cooperation.

Sincerely,
John P. Silsby
Director of Youth, Recreation & Parks

MOVED by Alderman Kiedrowski SECONDED by Alderman Schwandt
That the Common Council hereby approves the Seasonal Employee Recommendation List
for the Deerwood Golf Course.
CARRIED.

XXVI.
Vacation & Sick Leave Reports

.1 Community Dev.	.3 Vital Statistics
.2 Treasurer	

MOVED by Alderman Wudyka SECONDED by Alderman Barberio
That the aforementioned reports be received and filed.
CARRIED.

XXVII. Annual Report

.1 Fire Dept.

MOVED by Alderman Kiedrowski SECONDED by Alderman Barberio
That the aforementioned report be received and filed.
CARRIED.

**XXXII.1
Community Development**

February 23, 1999

**The Honorable Mayor and Common Council
City Hall - 216 Payne Avenue
North Tonawanda, NY 14120**

Re: HOME Rehabilitation Program

Dear Honorable Body:

We are in the process of completing the application for resources under the HOME Housing Rehabilitation Program.

In order for the City to submit the application to the New York State Housing Trust Fund Corporation, it is necessary to pass the following resolution.

Thank you very much for your continuing cooperation.

**Sincerely,
Michele A. Tow**

**MOVED by Alderman Schwandt SECONDED by Alderman Barberio
That the Common Council hereby adopts the Community Needs Strategy in support of the HOME Rehabilitation Program and hereby authorizes Mayor Ronald R. Dawson to sign the HOME Program application for submission to the New York State Housing Trust Fund Corporation.
CARRIED.**

**XXXII.2
Community Development**

February 25, 1999

**The Honorable Mayor and Common Council
City Hall - 216 Payne Avenue
North Tonawanda, New York 14120**

**Re: Section 8 Management Assessment Program
Authorization to Sign Certification**

Dear Honorable Body:

Belmont Shelter Corp. is in the process of implementing the new Section 8 Management Assessment Program established by the U.S. Department of Housing and Urban Development. The assessment is designed to measure the agency's performance in administering the Section 8 rental assistance program in conformance with program regulations.

Please authorize Mayor Ronald R. Dawson to sign the Section 8 Management Assessment Certification for submission to the U.S. Department of Housing and Urban Development by Belmont Shelter Corp.

Thank you very much for your cooperation.

Sincerely,
Michele A. Tow

MOVED by Alderman Schwandt SECONDED by Alderman Barberio
That the Common Council hereby authorizes Mayor Ronald R. Dawson to sign the Section 8 Management Assessment Certification for submission to the U.S. Department of Housing and Urban Development by Belmont Shelter Corp.
CARRIED.

COMMUNICATIONS FROM OTHERS

A.
Dom Polski Inc.

February 26, 1999

Memo to: North Tonawanda City Council

From: Dom Polski, Inc.
576 Oliver Street
North Tonawanda, NY 14120

On April 5, 1999 our club will celebrate our annual Dyngus Day Party at 576 Oliver Street.

We would like permission for North Tonawanda Signal Department to hang our Dyngus Day banner across Oliver Street in front of our building on Thursday, March 4 and remove it on Tuesday, April 6.

Thank you very much for your consideration.

Ralph Price
Club President

P.S. Please have the Signal Department contact Ralph Price to make arrangements pertaining to the installation and removal of the banner. 692-8327 or 693-6460.

MOVED by Alderman Kiedrowski SECONDED by Alderman Wudyka
That the Common Council hereby grants permission to Dom Polski Inc. to hang their Dyngus Day banner across Oliver Street on Thursday, March 4 and remove it on Tuesday, April 6, and further authorizes the Department of Public Works to hang same.
CARRIED.

B.
Malcolm A. Needler

34 Cramer Street
North Tonawanda, NY 14120
February 23, 1999

North Tonawanda City Clerk
Mr. Michael Cox
City Hall, Payne Ave.
North Tonawanda, NY 14120

MOVED by Alderman Reidenouer **SECONDED** by Alderman Schwandt
That the Common Council hereby directs the Department of Public Works to install a "15 Minute Parking" sign in front of Floral Accents on Payne Avenue.
CARRIED.

AUDIENCE PARTICIPATION

Nelson Broecker, 158 Falconer St., spoke about the Brauer Park Memorial and stated that he and Don Schultz found about 2000 WWII Veterans names in the NT High School.

Ray Stanley, 296 Sweeney St., questioned why the signal is still on at intersection of Webster & Sweeney Sts., and what is being built on Payne Avenue and Division Street.

Kathy Cochran, 462 Adelaide Pl., questioned the Code Enforcement Dept. about the overnight parking ban and whether it is legal to park on terraces.

ADJOURNMENT

MOVED by Alderman Reidenouer **SECONDED** by Alderman Kiedrowski
That this regular session of the Common Council be and hereby is adjourned.
CARRIED.

Time of Adjournment: 7:45 p.m.

Respectfully submitted,

Michael D. Cox
City Clerk