

**THE HONORABLE BODY**  
**Council Chambers**  
**Municipal Building**  
**North Tonawanda, New York 14120**  
**Wednesday, July 7, 2004**  
**5:00 P.M.**

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**REGULAR SESSION CALLED TO ORDER BY PRESIDENT SOMMER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present: President Sommer**  
**Aldermen Soos, Rizzo, Schwandt, Hempel**

**Absent: None**

**Also Present: Mayor David J. Burgio**  
**City Attorney Henry F. Wojtaszek**

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSION HELD JUNE 16, 2004**

**MOVED by Alderman Rizzo**                      **SECONDED by Alderman Soos**  
**That the minutes of the regular session held June 16, 2004 be approved as circulated and**  
**filed in the Office of the City Clerk.**  
**CARRIED.**

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**APPROVAL OF THE MINUTES OF THE SPECIAL SESSION HELD JUNE 23, 2004**

**MOVED by Alderman Schwandt**                      **SECONDED by Alderman Hempel**  
**That the minutes of the special session held June 23, 2004 be approved as circulated and**  
**filed in the Office of the City Clerk.**  
**CARRIED.**

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**AUDIENCE PARTICIPATION**

**Sonia Dusza, 123 Miller Street – Inquired about the Engineer agenda item regarding the**  
**Miller Street storm sewer project.**

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**COMMUNICATIONS FROM CITY OFFICIALS**

**II.1 Attorney**

**June 16, 2004**

**Hon. Mayor and Common Council**  
**City Hall, 216 Payne Avenue**  
**North Tonawanda, New York 14120**

**Re: Proposed Agreement between The Center for Municipal Solutions**  
**and City of North Tonawanda for Telecommunications, Tower**  
**Consulting Services.**

**Dear Honorable Body:**

**Attached is a proposed agreement between The Center for Municipal Solutions and the**  
**City of North Tonawanda for consulting services regarding review and analysis of**  
**applications within the City for new wireless telecommunication facilities. This is a one-**  
**year agreement, with payment for services assessed to the applicant in advance of the**

processing of any application.

Should your Honorable Body concur, please authorize the Mayor’s signature, subject to review of all documentation by the City Attorney. 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 Hempel  
The Common Council hereby authorizes the Mayor to sign the agreement between The Center for Municipal Solutions and the City of North Tonawanda for consulting services regarding review and analysis of applications within the City for new wireless telecommunication facilities. This is a one-year agreement, with payment for services assessed to the applicant in advance of the processing of any application, subject to review of all documentation by the City Attorney.

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer (5)

Nays: None (0)

**CARRIED.**

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**IV.1 Engineer**

June 29, 2004

Honorable David J. Burgio, Mayor  
and Common Council Members  
City Hall  
North Tonawanda, New York 14120

**RE: Miller Street Reconstruction and Water Main Improvements  
Project No. 03-03  
SEQRA - Environmental Assessment**

**Honorable Body:**

In accordance with the New York State Environmental Quality Review Act (SEQRA), the City in its capacity as lead agency, has prepared an environmental assessment of the significance of potential environmental impacts of the full depth re-construction of 700 linear feet of roadway on Miller Street including new curbing, storm sewer separation, new sewers and water main. This project is considered an unlisted action under SEQRA.

In order for the City to issue a Negative Declaration, Notice of Determination of Non-Significance, the Common Council should act on the following attached resolution.

Very truly yours,  
Dale W. Marshall, P.E.  
City Engineer

**MOVED** by Alderman Schwandt                      **SECONDED** by Alderman Hempel  
**WHEREAS**, the City of North Tonawanda intends to re-construct approximately 700 LF of Miller Street, between Oliver and Carruthers, including new sewers and storm sewer separation, and also to make improvements to water distribution system in the project area, replacing the existing small diameter deteriorated pipes with approximately 1000 linear feet of new 8-inch cement lined Class 52 ductile iron pipe.

**BE IT RESOLVED**, that the Common Council has reviewed the Environmental Assessment prepared by the Engineer; and

**BE IT RESOLVED**, that the Common Council declares that based on the Environmental Assessment which has been prepared, the project is an unlisted action and will not result in any significant adverse impacts, and therefore will not have a significant impact on the environment; and

**FURTHER, BE IT RESOLVED** that the Common Council hereby issues a Negative Declaration under SEQR Regulations for the water main, roadway and sewer improvements to the Miller Street area, and authorizes the Common Council President to sign said Environmental Assessment form.

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer (5)

Nays: None (0)

**CARRIED.**

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#### IV.2 Engineer

June 29, 2004

Honorable David J. Burgio, Mayor  
and Common Council Members  
City Hall  
North Tonawanda, New York 14120

**RE: Whiting Street 12" Water Main Improvements  
Project No. 04-01  
SEQRA - Environmental Assessment**

**Honorable Body:**

In accordance with the New York State Environmental Quality Review Act (SEQRA), the City in its capacity as lead agency, has prepared an environmental assessment of the significance of potential environmental impacts of the construction of approximately 1000 linear feet of new 12-inch water main, road milling and paving, and storm sewer separation on Whiting Street. This project is considered an unlisted action under SEQRA.

In order for the City to issue a Negative Declaration, Notice of Determination of Non-Significance, the Common Council should act on the following attached resolution.

Very truly yours,  
Dale W. Marshall, P.E.  
City Engineer

**MOVED** by Alderman Hempel                      **SECONDED** by Alderman Schwandt  
**WHEREAS**, the City of North Tonawanda intends to make improvements to water distribution system on Whiting Street in the City, replacing the existing small diameter deteriorated pipes with approximately 1000 linear feet of 12" cement lined Class 52 ductile iron pipe, road milling and re-paving, and storm sewer separation work.

**BE IT RESOLVED**, that the Common Council has reviewed the Environmental Assessment prepared by the Engineer; and

**BE IT RESOLVED**, that the Common Council declares that based on the Environmental Assessment which has been prepared, the project is an unlisted action and will not result in any significant adverse impacts, and therefore will not have a significant impact on the environment; and

**FURTHER, BE IT RESOLVED** that the Common Council hereby issues a Negative Declaration under SEQR Regulations for the improvements to the Whiting Street area water distribution system and storm drainage, and authorizes the Common Council President to sign said Environmental Assessment form.

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer (5)

Nays: None (0)

**CARRIED.**

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## IV.3 Engineer

July 1, 2004

Honorable David J. Burgio, Mayor  
and Common Council Members  
City Hall  
North Tonawanda, New York 14120

Re: Fire Headquarters/EOC  
Apparatus Room Floor Slab Repair, Project 2002-09  
Award of Contract

Dear Honorable Body:

On June 29, 2004 the Engineering Department received four (4) bids from qualified contractors to repair the damaged reinforced concrete floor at the City's Fire Headquarters. The results of are as follows:

- |                           |           |
|---------------------------|-----------|
| • Paterson and Stevens    | \$44,845  |
| • S.T.C. Construction     | \$60,300  |
| • Scrufari Construction   | \$102,857 |
| • Campobella Construction | \$126,000 |

Accordingly, I respectfully request that the Common Council award Project 2002-09, Fire Headquarters/EOC Apparatus Room Floor Slab Repair to Paterson and Stevens, Inc., 400 Sawyer Avenue, Tonawanda, NY 14150-0117 at their low bid amount of \$44,845.00; authorizing the mayor to sign the contract, subject to review by the City Attorney.

Very truly yours,  
Dale W. Marshall, P.E.  
City Engineer

MOVED by Alderman Rizzo

SECONDED by Alderman Soos

That the Common Council hereby awards Project 2002-09, Fire Headquarters/EOC Apparatus Room Floor Slab Repair to Paterson and Stevens, Inc., 400 Sawyer Avenue, Tonawanda, NY 14150-0117 at their low bid amount of \$44,845.00 and further authorizes the mayor to sign the contract, subject to review by the City Attorney.

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer

(5)

Nays: None

(0)

CARRIED.

## VII.1 Accountant

July 1, 2004

Honorable David J. Burgio, Mayor  
and Common Council  
City Hall  
North Tonawanda, New York 14120

Dear Honorable Body:

In accordance with Article V, Division 1, Section 5.002 and 5.003 of the City Charter, an Abstract Sheet, comprised of a Warrant of Claims, has been submitted by this office for your review and approval.

Accordingly, please authorize for payment the current Warrant of Claims for Common Council audit, dated July 7, 2004, and further authorize the Mayor and City Clerk to respectively sign and countersign said Warrant.

Very truly yours,  
David R. Jakubaszek  
City Accountant

**MOVED by Alderman Rizzo**

**SECONDED by Alderman Soos**

**That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated July 7, 2004 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:**

01	General Fund	\$333,035.21
02	Water Fund	24,869.13
04	Sewer Fund	72,378.49
06	Capital Projects Fund	66,498.82
07	Trust & Agency Fund	4,317.48
08	Community Development	14,372.00
10	Economic Development Loan	850.00
11	General Fund (Encumbered)	3,850.90
17	Home Rehab Program	15,172.00
19	Bishop Gibbons Fund	980.00
	<b>FINAL TOTAL</b>	<b><u>\$536,324.03</u></b>

**Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer**

**(5)**

**Nays: None**

**(0)**

**CARRIED.**

**The following item was withdrawn before the meeting:**

**VII.2 Accountant**

**July 1, 2004**

**Honorable David J. Burgio, Mayor  
and Common Council  
City Hall  
North Tonawanda, New York 14120**

**Dear Honorable Body:**

**In accordance with Section 2.2 of the Budgetary Transfer Policy, please authorize the City Accountant to make the following transfers of fiscal year 2004 appropriations, based on the requests of Department Heads:**

<b><u>Control Number</u></b>	<b><u>Dollar Amount</u></b>	<b><u>From Appropriation Account</u></b>	<b><u>Into Appropriation Account</u></b>
10	7,000	1-3650.435 Building Demolition	1-1990.400 Contingent Account

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

**VII.3 Accountant**

**July 1, 2004**

**Honorable David J. Burgio, Mayor  
and Common Council  
City Hall  
North Tonawanda, New York 14120**

**Dear Honorable Body:**

**In accordance with the adopted fiscal year 2004 Capital Improvements Budget, with modifications, please find a communication and two serial bond resolutions, in the aggregate amount of \$3,178,000, from our Bond Counsel, The Waterman Law Firm. The**

first resolution is for various capital projects, which total \$2,178,000 and the second resolution for \$1,000,000 is for retirement contributions. Based on the future decision of the State Comptroller, we may not need to borrow any or all of that money.

The original adopted Capital Budget bonding, in the amount of \$3,350,000 was modified to \$3,178,000, as follows:

Warner Waterline	minus	\$530,000,	project was bonded in December 2003, so work could begin.
Payne Park	minus	\$122,000,	the grant has not been approved.
Police Range	plus	\$115,000,	council approved contract to finish project in June, 2004.
City Hall Heating	plus	\$300,000,	renovation of city hall boiler and air conditioning system.
Wastewater	plus	\$ 65,000,	ICP system for metal detection analysis

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 Sommer moved the adoption of the following serial bond resolution. The motion was seconded by Alderman Rizzo. The Common Council was polled. The motion was adopted by a vote of 5 affirmative votes (being at least two-thirds of the voting strength of the Common Council) and 0 negative votes.

**SERIAL BOND RESOLUTION, DATED JULY 7, 2004, AUTHORIZING THE ISSUANCE OF \$2,178,000 AGGREGATE PRINCIPAL AMOUNT OF SERIAL BONDS OF THE CITY OF NORTH TONAWANDA, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE: (1) A RIVER ROAD STORM OUTFALL; (2) A NIAGARA RIVER WALK; (3) IMPROVEMENTS TO THE CANAL WALL FLOATING DOCKS; (4) AN ENGINEERING STUDY PERTAINING TO DURKEY BRIDGE; (5) POLICE DEPARTMENT VEHICLES; (6) IMPROVEMENTS TO THE POLICE DEPARTMENT PISTOL RANGE; (7) REPLACEMENT OF THE CITY HALL BOILER AND AIR CONDITIONING SYSTEM; (8) REPLACEMENT OF THE FLOOR IN THE CITY'S FIRE DEPARTMENT HEADQUARTERS; (9) REPLACEMENT OF BOILERS IN THE CITY'S FIRE DEPARTMENT HEADQUARTERS AND ENGINE 4; (10) DEPARTMENT OF PUBLIC WORKS VEHICLES AND EQUIPMENT; (11) REHABILITATION OF THE TABER TENNIS COURT; (12) EQUIPMENT FOR THE RECREATION DEPARTMENT; (13) A GOLF COURSE GARAGE; (14) IMPROVEMENTS TO THE CITY'S WATER PLANT; (15) A WATER VALVE TRUCK FOR THE CITY'S WATER SYSTEM; (16) IMPROVEMENTS TO THE MILLER STREET SANITARY SEWER; AND (17) IMPROVEMENTS TO THE CITY'S WASTEWATER TREATMENT PLANT, TOGETHER WITH ALL OF THE COSTS AND EXPENSES OF ACQUISITION, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, INSTALLATION AND EQUIPMENT 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 expenditures related to the costs of a River Road storm outfall, a Niagara river walk, improvements to the canal wall floating docks, an engineering study pertaining to Durkey Bridge, certain Police Department vehicles, improvements to the Police Department pistol range, the costs of replacing the boiler and air conditioning system in City Hall, the costs of replacing the floor in the City's Fire Department headquarters and the cost of replacing the boilers in the City's Fire Department headquarters and in Engine 4,

certain Fire Department vehicles and equipment, rehabilitation costs related to the Taber Tennis Court, certain equipment for the City's Recreation Department, a golf course garage for the City's Recreation Department, various improvements to the City's water plant, a valve truck for the City's water system, certain improvements relating to the Miller Street sanitary sewer and various improvements to the City's wastewater treatment plant, including all of the costs and expenses of acquisition, construction, reconstruction, rehabilitation, installation and equipment 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 \$2,178,000 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 herein below as follows:

(a) To provide for the cost of construction, acquisition, reconstruction, renovation, installation and equipping of a River Road storm outfall, including all of the costs and expenses functionally related and subordinate thereto, at an estimated maximum cost of \$30,000.00, for which \$30,000.00 aggregate principal amount of serial bonds are authorized herein, having a period of probable usefulness of ten (10) years pursuant to subdivision 4 of paragraph a. of Section 11.00 of the Local Finance Law;

(b) To provide for the cost of construction, acquisition, reconstruction, renovation, installation and equipping of a Niagara river walk, including all of the costs and expenses functionally related and subordinate thereto, at an estimated maximum cost of \$184,000.00, for which \$184,000.00 aggregate principal amount of serial bonds are authorized herein, having a period of probable usefulness of twenty (20) years pursuant to subdivision 80 of paragraph a. of Section 11.00 of the Local Finance Law;

(c) To provide for the cost of construction, acquisition, reconstruction, renovation, installation and equipping of improvements to the City's canal wall floating docks, including all of the costs and expenses functionally related and subordinate thereto, at an estimated maximum cost of \$120,000.00, for which \$120,000.00 aggregate principal amount of serial bonds are authorized herein, having a period of probable usefulness of fifteen (15) years pursuant to subdivision 19(c) of paragraph a. of Section 11.00 of the Local Finance Law;

(d) To provide for the costs related to an engineering study to be undertaken with respect to proposed capital improvements pertaining to Durkey Bridge, together with all of the costs and expenses functionally related and subordinate thereto, at an estimated maximum cost of \$50,000, for which \$50,000 aggregate principal amount of serial bonds are authorized herein, having a period of probable usefulness of five (5) years pursuant to subdivision 62 of paragraph a. of Section 11.00 of the Local Finance Law;

(e) To provide for the cost of replacing various police vehicles for the City's Police Department, together with all of the costs and expenses functionally related and subordinate thereto, at an estimated maximum cost of \$75,000, for which \$75,000 aggregate principal amount of serial bonds are authorized herein, having a period of probable usefulness of three (3) years pursuant to subdivision 77 of paragraph a. of Section 11.00 of the Local Finance Law;

(f) To provide for the cost of various improvements to the Police Department pistol range, together with all of the costs and expenses functionally related and subordinate thereto, at an estimated maximum cost of \$115,000, for which \$115,000 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;

(g) To provide for the cost of construction, acquisition, reconstruction, renovation, installation and replacement of the boiler and the air conditioning system for City Hall, including all of the costs functionally related and subordinate to the foregoing, at an estimated maximum cost of \$300,000, for which \$300,000 principal amount of serial bonds are authorized herein, having a period of probable usefulness of ten (10) years pursuant to subdivision 13 of paragraph a. of Section 11.00 of the Local Finance Law;

(h) To provide for the cost of construction, acquisition, reconstruction, renovation, installation and replacement of the floor to City's Fire Department headquarters, including all of the costs functionally related and subordinate to the foregoing, at an estimated maximum cost of \$185,000, for which \$185,000 principal amount of serial bonds are authorized herein, having a period of probable usefulness of fifteen (15) years pursuant to subdivision 12(a)(2) of paragraph a. of Section 11.00 of the Local Finance Law;

(i) To provide for the cost of construction, acquisition, reconstruction, renovation, installation and replacement of the boilers in City's Fire Department headquarters and in Engine 4, including all of the costs functionally related and subordinate to the foregoing, at an estimated maximum cost of \$40,000, for which \$40,000 principal amount of serial bonds are authorized herein, having a period of probable usefulness of ten (10) years pursuant to subdivision 13 of paragraph a. of Section 11.00 of the Local Finance Law;

(j) To provide for the cost of acquisition of a backhoe, dump truck and dump truck/loader for the City's Department of Public Works, together with all of the costs and expenses functionally related and subordinate thereto, at an estimated maximum cost of \$160,000, for which \$160,000 aggregate 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;

(k) To provide for the cost of acquisition of a brush hog for the City's Department of Public Works, together with all of the costs and expenses functionally related and subordinate thereto, at an estimated maximum cost of \$15,000, for which \$15,000 aggregate 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;

(l) To provide for the cost of construction, acquisition, reconstruction, renovation, installation and rehabilitation of the Taber tennis court, including all of the costs functionally related and subordinate to the foregoing, at an estimated maximum cost of \$31,000, for which \$31,000 principal amount of serial bonds are authorized herein, having a period of probable usefulness of fifteen (15) years pursuant to subdivision 19(c) of paragraph a. of Section 11.00 of the Local Finance Law;

(m) To provide for the cost of acquisition of a skid loader for the City's Recreation Department, together with all of the costs and expenses functionally related and subordinate thereto, at an estimated maximum cost of \$20,000, for which \$20,000 aggregate 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;

(n) To provide for the cost of construction, acquisition, reconstruction, renovation and installation of a golf course garage for the City's Recreation Department, including all of the costs functionally related and subordinate to the foregoing, at an estimated maximum cost of \$25,000, for which \$25,000 principal amount of serial bonds are authorized herein, having a period of probable usefulness of twenty (20) years pursuant to subdivision 54 of paragraph a. of Section 11.00 of the Local Finance Law;

(o) To provide for the cost of construction, acquisition, reconstruction, renovation, installation and rehabilitation of water lines and a sluice gate for the City's water plant, including all of the costs functionally related and subordinate to the foregoing, at an estimated maximum cost of \$200,000, for which \$200,000 principal amount of serial bonds are authorized herein, having a period of probable usefulness of forty (40) years pursuant to subdivision 1 of paragraph a. of Section 11.00 of the Local Finance Law;

(p) To provide for the cost of acquisition of a valve truck for the City's water system, 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 fifteen (15) years pursuant to subdivision 1 of paragraph a. of Section 11.00 of the Local Finance Law;

(q) To provide for the cost of construction, acquisition, reconstruction, renovation, installation and rehabilitation of the Miller Street sanitary sewer, including all of the costs functionally related and subordinate to the foregoing, at an estimated maximum cost of \$150,000, for which \$150,000 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;

(r) To provide for the cost of construction, acquisition, reconstruction, renovation, installation, rehabilitation and equipping of various improvements to the City's wastewater treatment plant, including a digester cleaning, rehabilitation of the clarifier and storm basin, rehabilitation and replacement of the activated carbon, rehabilitation of storm pump number 3, various other rehabilitation and replacement of the clarifier and carbon related to the plant, replacement of a plant battery and replacement of the atomic absorption analyzer, including all of the costs functionally related and subordinate to the foregoing, at an estimated maximum cost of \$428,000, for which \$428,000 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.

**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 \$2,178,000 (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 an authorized official newspaper of the City, having a general circulation within the City. 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.

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Alderman Rizzo moved the adoption of the following serial bond resolution. The motion was seconded by Alderman Sommer. The Common Council was polled. The motion was adopted by a vote of 5 affirmative votes (being at least two-thirds of the voting strength of the Common Council) and 0 negative votes.

**SERIAL BOND RESOLUTION, DATED JULY 7, 2004, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$1,000,000 AGGREGATE PRINCIPAL AMOUNT OF SERIAL BONDS OF THE CITY OF NORTH TONAWANDA, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE CITY'S CONTRIBUTION TO THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM AND THE NEW YORK STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM FOR THE 2004-2005 FISCAL YEAR PURSUANT TO SECTION 317-B OF THE RETIREMENT AND SOCIAL SECURITY LAW OF THE STATE OF NEW YORK, TOGETHER WITH ALL OF THE COSTS AND EXPENSES FUNCTIONALLY RELATED AND SUBORDINATE THERETO.**

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 finance its contribution to the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System (collectively, hereinafter referred to as the "City's Retirement System") for the 2004-2005 fiscal year pursuant to Section 317-b of the Retirement and Social Security Law of the State of New York, including all of the costs and expenses functionally

related and subordinate thereto.

WHEREAS, the New York State Legislature duly enacted Chapter 49 of the Laws of 2003 of the State of New York to permit local governments, such as the City, to finance the City's Retirement System contributions for the 2004-2005 fiscal year pursuant to Section 317-b of the Retirement and Social Security Law of the State of New York.

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 not to exceed \$1,000,000 pursuant to the Local Finance Law, in order to finance the specific object or purpose, hereinafter described.

**Section 2.** The specific object or purpose to be financed pursuant to this serial bond resolution, the estimated maximum cost of such object or purpose, the principal amount of serial bonds authorized herein for such object or purpose and the period of probable usefulness of such object or purpose pursuant to the applicable subdivision of paragraph a. of Section 11.00 of the Local Finance Law is set forth herein below, as follows:

(a) To finance the City's Retirement System contribution for fiscal year 2004-2005 pursuant to Section 317-b of the Retirement and Social Security Law of the State of New York, including all of the costs and expenses functionally related and subordinate thereto, at an estimated maximum cost of \$1,000,000.00, for which \$1,000,000.00 aggregate principal amount of serial bonds are authorized herein, having a period of probable usefulness of five years (5) years pursuant to subdivision 85-b 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 specific object or purpose listed in Section 2 above is \$1,000,000, (b) no money has heretofore been authorized to be applied to the payment of the cost of such object or purpose and (c) the Common Council of the City plans to finance the cost of such object or purpose 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 a newspaper having a general circulation in the City and published in the City of 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. This serial bond resolution shall become effective immediately upon its adoption by the Common Council of the City.

**XVII. Traffic Safety Committee**

**June 22, 2004**

**Traffic Safety Committee notes for meeting on June 21, 2004.**

**In attendance was: Chairman Mark Lemke, Ned Dingman, Tina Rydzik, Edward Pitz, Thomas Tussing.**

**We recommend that No Parking signs be put up on the West Side of Sisson Dr. between 1259 and 1283. This should help alleviate the congestion on Friday and Saturday's from the over flow parking from PJ's Restaurant.**

**We recommend to remove the two-hour parking signs on the South Side of Schenck St. between Payne Ave. and Bryant St. (except for the one that's in front of 307 Schenck St.) Currently there is no active business's on that stretch of roadway except for the foot Doctor located at 307 Schenck St.**

**Respectfully submitted,  
Mark Lemke**

**MOVED by Alderman Sommer                      SECONDED by Alderman Hempel**  
**The Common Council hereby directs the Department of Public Works to install "No Parking" signs on the West Side of Sisson Dr. between 1259 Sisson and 1283 Sisson and further directs the Department of Public Works to remove the two-hour parking signs on the South Side of Schenck St. between Payne Ave. and Bryant St. (except for the one in front of 307 Schenck St.).**  
**CARRIED.**

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**XXV. Monthly Reports**

<b>.1     Treasurer</b>	<b>.4     Vital Statistics</b>
<b>.2     Treasurer (Investments)</b>	<b>.5     Building Inspector</b>
<b>.3     Police</b>	<b>.6     Housing Authority</b>

**MOVED by Alderman Rizzo                      SECONDED by Alderman Soos**  
**That the aforementioned monthly reports be received and filed.**  
**CARRIED.**

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**COMMUNICATIONS FROM OTHERS**

**A.**  
**Gratwick Hose                      -           Re:    Statement of Volunteer Fireman:**  
**Robert J. Leshinsky**

**MOVED by Alderman Rizzo                      SECONDED by Alderman Soos**  
**To add the name of Robert J. Leshinsky to the City Fire Rolls.**  
**CARRIED.**

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**B.**  
**Karen Smith**

**June 23, 2004**

**Dear Mayor Burgio,**

**I am writing on behalf of the residents of Sweeney Court to request permission to have a block party on Sunday, July 11, 2004. The party is scheduled to begin at 4:00 PM. As the street is a cul-de-sac, we would like it barricaded at the intersection of Sweeney Street and Sweeney Court. Barricades can be dropped off at 1600 Sweeney Street at the home of Frank Battaglia.**

**Thank you for your consideration.**

**Respectfully,  
Karen M. Smith  
60 Sweeney Court  
North Tonawanda, NY 14120**

**MOVED by Alderman Sommer                      SECONDED by Alderman Schwandt  
That the Common Council hereby receives and files the aforementioned communication.  
CARRIED.**

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**C.**  
**Ascension R. C. Church**

**June 14, 2004**

**Honorable Mayor Burgio  
City Hall  
216 Payne Avenue  
North Tonawanda, New York 14120**

**Dear Honorable Mayor Burgio:**

**On Saturday, August 14, 2004, Ascension Parish in North Tonawanda will hold its annual festival to benefit our parish community. In conjunction with the festival our 4<sup>th</sup> annual bike race will take place between the hours of 1:00 PM and 8:30 PM on that Saturday. The bike race route is as follows, and is only one block of our city's streets, comprising a total of 2/3 of a mile:**

**Keil Street, between Payne and Oliver;  
Oliver Street, between Keil and Sommer;  
Sommer Street, between Oliver and Payne;  
Payne Avenue, between Sommer and Keil.**

**With your permission, Honorable Mayor, and with the Common Council's permission, our bike race committee respectfully requests the above mentioned streets have no parking signs posted for that race day in order to ensure the safety of the bike racers, all pedestrians, and vehicular traffic. Last year with having the no parking signs posted on those same streets, our bike race ran very smoothly. We thank you very much for all of your help last year in making our bike race safe, and do sincerely hope that you will be able to help our committee this year do the same. Thank you.**

**If further information may be needed by your office, please feel free to call Stephen Ash, at 694-4492.**

**Sincerely,  
Stephen Ash**

**MOVED by Alderman Rizzo                      SECONDED by Alderman Schwandt  
That the Common Council hereby receives and files the aforementioned communication.  
CARRIED.**

**D.  
Canal Fest**

**June 7, 2004**

**Honorable Mayor David Burgio  
North Tonawanda City Hall  
216 Payne Avenue  
North Tonawanda, NY 14120**

**Dear Mayor Burgio,**

**Canal Fest of the Tonawanda's Inc is requesting permission from the City of North Tonawanda to hold the 22<sup>nd</sup> annual festival from Sunday, July 18 – Sunday, July 25, 2004. We are seeking permission to use certain city facilities and streets including manpower from certain city departments. Included with this letter are our requests for the year 2004. There is also one new event on Friday, July 23<sup>rd</sup> and one modified event on the opening Sunday that will require your attention. At your earliest convenience, please contact me for any clarification before issuance of the Mayor's Permit.**

**As discussed in previous meetings, payment to the city of twelve thousand dollars (\$12,000), plus any usage fee for the city's mobile music stage, would follow no later than two (2) weeks after the closing of Canal Fest on July 25<sup>th</sup>. Insurance requirements are the same as previous years and will be provided upon authorization of this request. Letters to the city department heads requesting a common or separate coordination meeting can be scheduled by your office and at your convenience.**

**Canal Fest looks forward to another successful event for our membership and the Twin Cities. North Tonawanda has always contributed to this success and we hope to maintain our good working relationship for many years to come.**

**Thank you for your time and consideration of our requests.**

**Respectfully,  
Lawrence M. Deneff, President  
Canal Fest of the Tonawandas Inc.  
695-5100 cell**

**MOVED by Alderman Schwandt                      SECONDED by Alderman Hempel  
That the Common Council hereby grants Canal Fest of the Tonawanda's Inc. permission to hold their 22<sup>nd</sup> Annual Canal Festival from Sunday, July 18<sup>th</sup> - Sunday, July 25<sup>th</sup>, 2004, and further, receives and files the Mayor's approval of the following:**

- 1. Canal Fest will be held July 18<sup>th</sup> through July 25<sup>th</sup>, 2004.**
- 2. The use of Gateway Park on Sweeney St. between Main Street and Webster Street for the purpose of setting up tents by our members and for the use of entertainment. The beer tent may go up as soon as Thursday, July 15<sup>th</sup> with all tents to be removed no later than the eve of Monday, July 26<sup>th</sup>.**
- 3. Barricades to be placed for closing of the renaissance Bridge by 5:00pm on Friday, July 16<sup>th</sup> and at other locations as necessary. Water connections at the Pavilion and other locations across Sweeney will be required at this time also.**
- 4. REVISED FOR 2004. Our first year street dance in 2003 was successful and replaced our usual opening concert at the Rivera Theater. For this year, we re adding to that venue to have a total of 8 bands each performing for approx 1 hour with a 30 minute intermission between each to reset the stage. These are all family friendly bands. Canal Fest is requesting permission for the contracted use of the mobile city music stage to be placed 150' from the intersection of Tremont and Webster Street, facing down Webster and towards the Renaissance Bridge. This free and open-air concert will take place on Sunday, July 18<sup>th</sup> from 1:00pm – 11pm. Opening ceremonies would then be moved to noon on the Renaissance Bridge. Because of the extra power requirements for the bands, stage and lighting, a separate power source will be**

brought in by Canal Fest. Also, if safety and coordination can be agreed upon by both the City and Canal Fest, a single point of presence for the selling of beer by the cup only is being requested. If acceptable, requirements can be further discussed so all parties involved are comfortable with all safety aspects. (ie. Roped area, patrolled by the involved organization, closing sales by a certain time, etc.)

5. **NEW FOR 2004. Bike Cruise on Webster St on Friday, July 23<sup>rd</sup>. American Harley-Davidson is sponsoring this 1<sup>st</sup> Annual Bike Cruise. Because of the sponsor's previous commitment, our original Monday was moved to a Friday. Our intent for following years is to hold this on a Monday Night. Webster Street from Sweeney to Goundry St and Tremont from Webster to Main St (only one side) at 5:00 pm on Friday, July 23<sup>rd</sup> for the Twin Cities Bike Cruise & Show. "No Parking After" signage to be placed accordingly to close the street by 5:00pm.**
6. **Parade. Webster Street from Sweeney to Goundry St for the parade on Tuesday, July 20<sup>th</sup> with Webster Street being posted for vehicle removal by an agreed time before the parade. The city grandstand will also be required in front of the Riviera Theater.**
7. **SuperCruise. Webster Street from Sweeney to Goundry St. and Tremont from Webster to Main St at 5:00 pm on Wednesday, July 21<sup>st</sup> for the Twin Cities SuperCruise Car Show. "No parking after" signage to be placed accordingly to close the street after 4:00pm.**
8. **Diaper Derby. Tremont Street between Webster and Main Streets for the use of the Diaper Derby on Thursday, July 22<sup>nd</sup>. Street closed accordingly.**
9. **Craft Show. The use of the east side of Webster Street for the purpose of setting up tents and for the partial use of the Craft Show.**
10. **Craft Show. Webster Street between Sweeney and Goundry for the use of our 2-day Craft Show to be held on Saturday and Sunday, July 24<sup>th</sup> and 25<sup>th</sup>.**
11. **Craft Show. Tremont Street between Webster and Main Streets for the use of our 2-day Craft Show to be held on Saturday and Sunday, July 24<sup>th</sup> and 25<sup>th</sup>.**
12. **Craft Show. Main Street from the Elks driveway to Goundry Street for the use of our 2-day Craft Show to be held on Saturday and Sunday, July 24<sup>th</sup> and 25<sup>th</sup>.**
13. **The scheduling of manpower from the D.P.W., Water Department, Parks and Recreation, Fire Department and Police Department plus material and services that were supplied by these departments in previous years.**
14. **Nightly closing of Webster Street between Tremont and Sweeney as requested in the past.  
Support from the Police Department with crowd control and also in keeping animals, bike riders, skate boarders, roller bladders, etc. out of the campus area for safety concerns.  
Support from the Fire Department in manning our First Aid tent during the 8 days.  
Support from the Water Department in the water hookup at the Fire Training Tower the amusements mobile living quarters.  
Support from the Parks and Recreation Department in daily cleanup and to supply us with the following: trash cans, garbage bags, bleachers for the parade and a reviewing stand for the parade judges.**
15. **Dock space for two 36' boats at the west end of the Gateway Pavilion for Lawrence Deneff and Ray Wesolowski. Event sponsor boats will raft off of these two boats as was done last year.**
16. **Anything else I may have missed as was provided in previous years.**

**Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer (5)**

**Nays: None (0)**

**CARRIED.**

**E.**  
**Daniel Bille**  
**City Historian**

**July 1, 2004**

**Hon. Mayor and Common Council**  
**City Hall, 216 Payne Avenue**  
**North Tonawanda, New York 14120**

**RE: Senate Member Initiative Program**  
**Restoration Grant for Col. John Sweeney Rural Cemetery, Inc.**

**Dear Honorable Body:**

As you may recall, a \$10,000 grant for monument restoration work was received by the City of North Tonawanda from Senator George D. Maziarz in December of 2003. Your Honorable Body received and filed the letter at your regular Common Council meeting of January 7, 2004.

Please be advised that the City Engineer's office has reviewed the bids and has awarded the work to the low bidder, Niagara Monument Works, 4801 Hyde Park Blvd., Niagara Falls, NY 14305. The bid is within the grant allotment and the work will begin at the cemetery on Monday, July 5, 2004.

Should your Honorable Body have any questions, please do not hesitate to contact me.

**Very truly yours,**  
**Daniel Bille**  
**City Historian**

**MOVED by Alderman Sommer**                      **SECONDED by Alderman Rizzo**  
**That the Common Council hereby receives and files the aforementioned communication.**  
**CARRIED.**

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**MOVED by Alderman Sommer**                      **SECONDED by Alderman Hempel**  
**The Common Council hereby instructs the Department of Public Works to erect "Children at Play" signs on Kingston Avenue, west of American Freight and near 1020 Walck Road (both directions).**  
**CARRIED.**

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**MOVED by Alderman Rizzo**                      **SECONDED by Alderman Soos**  
**To bring the following communication to the floor.**  
**Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer**                      **(5)**  
**Nays: None**                      **(0)**  
**CARRIED.**

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**LATE COMMUNICATION**

**#1.**  
**Apex Consulting**

**July 2, 2004**

**Thomas Jaccarino, City Clerk**  
**& City of North Tonawanda Common Council**  
**City of North Tonawanda City Hall**  
**216 Payne Avenue**  
**North Tonawanda, New York 14120**

