

**THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Wednesday, March 15, 2006
7:00 P.M.**

REGULAR SESSION CALLED TO ORDER BY PRESIDENT SOMMER

ROLL CALL

**Present: President Sommer
 Aldermen Brick, Rizzo, Schwandt, Donovan**

Absent: None

**Also Present: Mayor Lawrence V. Soos
 Attorney Shawn P. Nickerson**

STUDENT GOVERNMENT DAY

Common Council President Brett Sommer introduced the students from the North Tonawanda Senior High School who were elected and appointed to various positions within City Government.

Katie Knisley	Mayor
Jennifer McGuire	Alderman at Large, Council President
Katie McGowan	Alderman At Large
Nick Kirisits	1st Ward Alderman
Meaghan McMahan	2nd Ward Alderman
Kristian Evingham	3rd Ward Alderman
Aidan Tylec	City Attorney
Katie Hoffman	City Judge
Andy Reinhardt	Treasurer
Jenna Coons	Accountant
Steve Klimek	City Assessor
Kathie Hurley	Assistant City Attorney
Emily Marshall	Building Inspector/Code Enforcement
Nicole VanGorder-Pratt	City Clerk
Chris Slomba	City Engineer
Jacob Brosius	Director of Community Development

MOVED by Alderman Donovan SECONDED by Alderman Schwandt
That the Common Council hereby adopts the following addition to Section 103.25 of the
City Code entitled Condominium Ordinance:

§103.25. Condominium development regulations.

Condominiums, as defined in §103-20(B), shall be permitted. In addition to the zoning districts referred to in §103-20(B), condominiums shall also be permitted within the WD and WD-1 Waterfront Districts per §§103-13.2 and 103-13.3. The intent of this section is to provide areas within the city for medium-density multifamily development where the relationship among buildings and between wings of a single building is regulated in order to assure adequate light and air to residents and protection to and from surrounding development. Maximum density will be approximately eight (8) to twelve (12) dwelling units per gross acre, depending on dwelling unit size.

(A). Design Regulations – Principal Structures and Uses.

(1). Site plan review per §103-13.2 (H).

(2). Attached dwelling units.

(a). Minimum lot size: one (1) acre for nonresidential uses and one and five-tenths (1.5) acres for permitted residential dwelling group development. Minimum frontage – one hundred twenty (120) feet width for each group development of separate structure not a part of a group development one hundred twenty (120) feet.

(b). Minimum yards for structures:

(i). Front: 25 feet.

(ii). Side and rear: 40 feet, or as determined by the site plan review.

(c). Maximum structure height: 35 feet.

(d). Minimum floor area per attached dwelling unit:

(i). Nonresidential: 400 square feet.

(ii). Residential: 640 square feet

(e). Maximum land coverage: thirty-five percent (35%).

(f). Access: Dwelling units within a group development may be arranged in groups or clusters. Each group or cluster shall abut a street; however, each dwelling unit within such group or cluster need not so abut, provided that:

(i). Each dwelling unit is accessible by means of a private street to service any emergency vehicles.

(ii). The standards of design and construction for private streets shall meet applicable city specifications for public streets unless modified by the approved site plan.

(iii). The location, design and construction of all utilities meet all applicable specifications and are adequate to serve the needs of the group or cluster.

(iv). The procedures for the preservation and maintenance of private streets, pedestrian ways and common open space comply with all applicable laws.

(g). **Density.** Minimum gross land area to be devoted to attached units, excluding the area of public streets on the perimeter of that area, shall be equal to the number of dwelling units times three thousand five hundred (3,500) square feet.

(h). **Principal structures shall be separated by at least thirty (30) feet.**

(3). Detached dwelling units

(a). **Minimum lot size:** one (1) acre for nonresidential uses and one and five-tenths (1.5) acres for permitted residential dwelling group development. **Minimum frontage – one hundred twenty (120) feet.**

(b). **Density:** Minimum gross land area to be devoted to detached units, excluding the area of public streets that service that area, shall be equal to the number of dwelling units times three thousand (3,000) square feet.

(c). **Principal structure location and separation requirements:**

(i). **Front yard: 25 feet.**

(ii). **Side and rear yards: Forty (40) feet or as determined by the site plan review. However, the minimum distance between adjacent dwellings shall not be less than ten (10) feet.**

(iii). **Minimum distance to lot line: 5 feet.**

(d). **Minimum floor area in groups of eight (8) dwelling units per lot.**

(i). **Nonresidential: 400 square feet.**

(ii). **Single story: 1,000 square feet.**

(iii). **Two (2) or more stories: 1,200 square feet.**

(iv). **A minimum of four (4) dwellings is required for site plan approval.**

(e). **Maximum land coverage: forty (40%) percent.**

(4). Design regulation – Structures and uses accessory to attached dwelling units.

(a). **Minimum structure location:**

(i). **From another structure: five (5) feet.**

(ii). **From any lot line: three (3) feet.**

(iii). **No structure shall be located in the required yards.**

(b). **Maximum height of accessory structure: fifteen (15) feet.**

(c). **Maximum lot coverage, including area covered by the principal building: forty (40%) percent.**

(d). **An accessory structure shall not exceed the length of the principal structure.**

(5.) Design regulation – Structures and uses accessory to detached dwelling units.

(a). **Minimum structure location:**

(i). **From another structure: five (5) feet.**

(ii). From any lot line: three (3) feet.

(iii). No structure shall be permitted in the required yards.

(b). Maximum height of accessory structure: fifteen (15) feet.

(c). Maximum lot coverage, including area covered by the principal structure: forty-five (45%) percent.

Ayes: Brick, Rizzo, Schwandt, Donovan, Sommer (5)
Nays: None (0)
CARRIED.

II.3 Attorney

March 9, 2006

Honorable Mayor and Common Council
216 Payne Avenue
North Tonawanda, New York 14120

Re: Proposed Settlement between State Division of Human Rights and City

Dear Honorable Body:

Attached please find a proposed settlement for the claim of Joseph Stefanski with the State Division of Human Rights against the City. The proposed settlement is within the guidelines that were given to me by the previous council.

The agreement requires the city to pay the sum of \$8,000.00 to Mr. Stefanski and to treat him as if he retired with 180 days of sick leave (for health insurance purposes). The City also agrees to have its supervisors attend a two-hour training session to be provided by the State Human Rights Division. There is no admission of any violation by the city in making this settlement.

If you concur, please authorize the mayor to sign said proposed agreement. Thank you.

Very truly yours,
Robert Sondel
Assistant City Attorney

MOVED by Alderman Brick

SECONDED by Alderman Rizzo

That the Common Council hereby authorizes the Mayor to sign the proposed settlement for the claim of Joseph Stefanski with the State Division of Human Rights against the City. The agreement requires the city to pay the sum of \$8,000.00 to Mr. Stefanski and to treat him as if he retired with 180 days of sick leave (for health insurance purposes). The City also agrees to have its supervisors attend a two-hour training session to be provided by the State Human Rights Division. There is no admission of any violation by the city in making this settlement.

Ayes: Brick, Rizzo, Schwandt, Donovan, Sommer (5)
Nays: None (0)
CARRIED.

III. Treasurer

March 8, 2006

Mr. Lawrence Soos, Mayor
North Tonawanda City Hall
216 Payne Ave.
North Tonawanda, New York 14120

**Dr. John George, Superintendent of Schools
NT Board of Education
175 Humphrey St
North Tonawanda, New York 14120**

Honorable Mayor Soos and Dr. George:

On February 20th I responded to a letter dated January 17th, which laid out concerns regarding the collection of the North Tonawanda School District taxes. In that response I addressed those specific concerns and also offered to meet with the School District personally to resolve any differences. Subsequently, I requested the City Attorney to supply the School District with a copy of the last signed contract between our two entities for their review. I am pleased to tell you that a meeting has been arranged and will take place on March 13th.

I would like to take this opportunity however to address a few of the points that have recently been expressed in various public forums on this matter.

Over the past month I have heard much criticism of my staff and myself that we have not met the goal of “turning over to the School District Treasurer all monies collected ... within five days of their receipt”. I’d like you both to be aware that this five-day goal is not included in the contract between our two entities nor has it ever been requested, either in writing or verbally, during my 23-year tenure as City Treasurer. If this is indeed a requirement to be met, then I would suggest that we make the necessary arrangements, and set this requirement into a new contract. Furthermore, my hope is that our March 13th meeting will begin a complete review of this contract. The contract supplied to the School District expired years ago, however it is the last signed legal agreement on this matter, and it is the procedures we are currently following. The City Treasurer’s Office stands ready to fill the School Districts new requirements, once those requirements have been identified for us.

I would also like to address the issue of the \$41,630.02 missing from the February 2005 remittance. This shortfall was caused by an input error in running the February report, as can clearly be seen on the heading of that report. This error caused us to short the School District for collection of taxes for most of the month. While this is the first such error in my tenure as Treasurer, I want to assure you that I am putting procedures in place so that it will not be repeated. If the School District would like to compute the interest that it lost due to this error and submit it to me I will put it before the City Council for payment.

I have also been made aware of comments lately concerning the fact that this money is in an account in the name of the City of North Tonawanda. First, I want to assure you that it would be my preference to deposit this money directly to the School District account, however, since the account is in fact administered by the City, by law it must be in the City’s name. Also, the City was being service charged by the bank for this account. To avoid these charges we needed off setting balances for the time frame that it takes the deposits to clear. The situation was discussed in length with then School District Treasurer, Kelly Lord. I’d like to add that this particular account is used exclusively for the collection of taxes and no City funds are co-mingled.

As to the issue of this being a non-interest bearing account, this is due to the nature of the account itself. This account is a very volatile, high volume, transaction driven account, which has thousands of transactions during tax season and few transaction the rest of the year. In order for this to be an interest bearing account we would have to pay a per transaction charge. During the 2001 tax season the transaction charges were approximately \$2,000. After an analysis, the decision was made that we would be spending more in transaction fees then would be generated in interest. During this time the City requested authorization to move these funds electronically, which would have streamlined the process, and the School District would have received their money in a more expedited time frame. This request for authorization was not granted. I would once again suggest that this would be a more efficient way of handling this process.

VII.1 Accountant

March 9, 2006

Honorable Lawrence V. Soos, 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 March 15, 2006, 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 Donovan

SECONDED by Alderman Schwandt

That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated March 15, 2006 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$395,949.84
02	Water Fund	18037.24
04	Sewer Fund	132,362.98
06	Capital Project Fund	119,747.48
07	Trust & Agency Fund	80.88
08	Community Development	23.57
11	General Fund Encumbered	<u>4,757.62</u>
	Final Total	<u>\$409,219.82</u>

Ayes: Rizzo, Schwandt, Donovan, Sommer (4)
Nays: None (0)
Abstain: Brick (1)
CARRIED.

VII.2 Accounting

March 9, 2006

Honorable Lawrence V. Soos, Mayor
and Common Council
City Hall
North Tonawanda, New York 14120

Dear Honorable Body:

In accordance with the adopted City of North Tonawanda 2006 Capital Improvements Budget, copy attached, please find a serial bond resolution in the aggregate amount of \$4,126,000, from our Bond Counsel, Harris Beach LLP.

The original adopted 2006 Capital Budget provided for the bonding of \$3,686,000 for capital projects. The adopted budget was increased by \$440,000 to finance the additional cost associated with the Old Falls Blvd Sanitary Sewer Project.

The Briarwood Subdivision Project is not addressed in this Bond Resolution.

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

MOVED by Alderman Schwandt **SECONDED** by Alderman Rizzo
At a Meeting of the Common Council of the City of North Tonawanda, in the County of Niagara, New York, held at City Hall, 216 Payne Avenue, North Tonawanda, New York on March 15, 2006

PRESENT: Brett M. Sommer, President
 Nancy Donovan, Alderman
 Phillip Russell Rizzo, Alderman
 Kevin Brick Jr., Alderman
 Catherine G. Schwandt, Alderman-at-Large

ABSENT: None

The following resolution was offered by Alderman Schwandt, who moved its adoption, seconded by Alderman Rizzo, to-wit:

BOND RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK (THE "CITY") AUTHORIZING THE ISSUANCE OF \$4,126,000 IN SERIAL BONDS OF THE CITY TO FINANCE VARIOUS PUBLIC IMPROVEMENTS

WHEREAS, the Common Council of the City of North Tonawanda (the "City") proposes to authorize the issuance of \$4,126,000 in serial bonds of the City to finance various public improvements and purposes, as described herein; and

WHEREAS, each of such public improvements and purposes constitutes a "Type II" action under the New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617.5(c)) (collectively, "SEQRA") and therefore no further action need be taken by the Common Council under SEQRA as a pre-condition to the adoption of this resolution.

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), **AS FOLLOWS:**

SECTION 1. The City is hereby authorized to issue \$42,000 principal amount of serial bonds pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost of purchasing and installing a new fire alarm system for City Hall, including all related equipment, machinery, apparatus, appurtenances and incidental improvements. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$42,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$42,000 in serial bonds of the City authorized to be issued pursuant to this section or bond anticipation notes issued in anticipation of such bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is ten (10) years, pursuant to subdivision a.25. of Section 11.00 of the Law.

SECTION 2. The City is hereby authorized to issue \$130,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of acquiring and installing certain items of computer hardware, data communications equipment and telecommunications equipment, including the installation of fiber optic cable to facilitate linkage of all of the City's municipal departments and providing for faster and more efficient transmission of data; expanding and upgrading the City Police Department's computer network system by installing five new computer workstations, peripherals, and printers; including the purchase of miscellaneous software programs; increasing the City's

Digital Voice Recording capabilities by installing an additional input card and acquiring an extended warranty; and all related equipment, machinery, apparatus, appurtenances and incidental improvements related to each of the foregoing. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$130,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$130,000 in serial bonds of the City authorized to be issued pursuant to this section or bond anticipation notes issued in anticipation of such bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is five (5) years, pursuant to subdivision a.32. of Section 11.00 of the Law.

SECTION 3. The City is hereby authorized to issue \$106,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of acquiring four replacement patrol vehicles for the City's Police Department. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$106,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$106,000 in serial bonds of the City authorized to be issued pursuant to this section, or bond anticipation notes issued in anticipation of such serial bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is three (3) years, pursuant to subdivision a.77. of Section 11.00 of the Law.

SECTION 4. The City is hereby authorized to issue \$140,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of acquiring one replacement rescue truck for the City's Fire Department. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$140,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$140,000 in serial bonds of the City authorized to be issued pursuant to this section, or bond anticipation notes issued in anticipation of such serial bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is ten (10) years, pursuant to subdivision a.27-a. of Section 11.00 of the Law.

SECTION 5. The City is hereby authorized to issue \$72,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the following improvements for the City's Fire Department: the acquisition and installation of a replacement boiler for Station House Rescue 1, located at 427 Oliver Street; the acquisition and installation of replacement light fixtures for Station House Rescue 1, located at 427 Oliver Street, Engine House 4, located at 71 Vandervoort and Engine House 6, located at the corner of Payne & Walck Roads; the installation of replacement windows at Station House Rescue 1, located at 427 Oliver Street and Engine House 6, located at the corner of Payne and Walck Roads; including in each case all related equipment, machinery, apparatus, appurtenances and incidental improvements. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$72,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$72,000 in serial bonds of the City authorized to be issued pursuant to this section, or bond anticipation notes issued in anticipation of such serial bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific objects or purposes is five (5) years, pursuant to subdivisions a.12(a)(3), 13 and 89, of Section 11.00 of the Law.

SECTION 6. The City is hereby authorized to issue \$85,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of acquiring four motor vehicles and associated equipment for use by the City's Department of Public Works, consisting of one leaf collector, one half-ton pickup truck, one three-quarter ton pickup truck and one cargo van, including in each case related and ancillary equipment. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$85,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$85,000 in serial bonds of the City authorized to be issued pursuant to this section, or bond anticipation notes issued in anticipation of such serial bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is ten (10) years, pursuant to subdivision a.28. of Section 11.00 of the Law.

SECTION 7. The City is hereby authorized to issue \$1,170,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of acquiring

eleven motor vehicles and associated equipment for use by the City's Department of Public Works, consisting of three sanitary collection vehicles, one used excavator, two single-axle plow trucks, one forestry aerial bucket truck, one utility tractor, one two-ton dump truck with plow and power tailgate, one raised platform utility truck and one van, including in each case related and ancillary equipment. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$1,170,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$1,170,000 in serial bonds of the City authorized to be issued pursuant to this section, or bond anticipation notes issued in anticipation of such serial bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is fifteen (15) years, pursuant to subdivision a.28. of Section 11.00 of the Law.

SECTION 8. The City is hereby authorized to issue \$900,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of rehabilitating approximately 2,650 linear feet of sanitary sewer mains along Old Falls Boulevard, between Niagara Falls Boulevard and Louisa Street. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$900,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$900,000 in serial bonds of the City authorized to be issued pursuant to this section, or bond anticipation notes issued in anticipation of such serial bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is forth (40) years, pursuant to subdivision a.4. of Section 11.00 of the Law.

SECTION 9. The City is hereby authorized to issue \$135,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of acquiring and installing a drive-through vehicle wash system to be located at 758 Erie Avenue for use the City's Department of Public Works. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$135,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$135,000 in serial bonds of the City authorized to be issued pursuant to this section, or bond anticipation notes issued in anticipation of such serial bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is five (5) years, pursuant to subdivision a.32. of Section 11.00 of the Law.

SECTION 10. The City is hereby authorized to issue \$36,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of acquiring one replacement dump truck for use by the City's Youth, Recreation and Parks Department. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$36,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$36,000 in serial bonds of the City authorized to be issued pursuant to this section, or bond anticipation notes issued in anticipation of such serial bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is fifteen (15) years, pursuant to subdivision a.28. of Section 11.00 of the Law.

SECTION 11. The City is hereby authorized to issue \$55,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the Payne Park Rehabilitation Project being undertaken by the City's Department of Youth, Recreation and Parks, consisting of the replacement of playground equipment, the replacement of the outfield fence for Rojek Field, the topcoat and sealing of the basketball court along with the installation of new posts and backboards, and the replacement of park shelters; including in each case related and ancillary equipment. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$55,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$55,000 in serial bonds of the City authorized to be issued pursuant to this section, or bond anticipation notes issued in anticipation of such serial bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is fifteen (15) years, pursuant to subdivision a.19(c). of Section 11.00 of the Law.

SECTION 12. The City is hereby authorized to issue \$305,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of constructing and installing the following upgrades and improvements to the City's water distribution system: the replacement of the existing flow monitoring equipment and the installation of

programmable logic controllers and network interface devices at the Archer Street Pump Station; the replacement of approximately 12,000 linear feet of twelve-inch waterlines along Old Fall Boulevard, between Dimatteo and Robinson Streets; the replacement of roofing at the Toellner Tank, located at 1 Archer Street; including in each case related and ancillary equipment. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$305,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$305,000 in serial bonds of the City authorized to be issued pursuant to this section or bond anticipation notes issued in anticipation of such bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is forty (40) years, pursuant to subdivision a.1. of Section 11.00 of the Law.

SECTION 13. The City is hereby authorized to issue \$950,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the cost of certain improvements to the wastewater treatment plant located at 830 River Road, consisting of the replacement of activated carbon, replacement of a chlorine gas delivery system; the repair and replacement of roofs; the replacement of two existing sand filters including new flooring media and controls; repairs to the main substation; upgrades and enhancements to the heating and ventilation system in the sludge building; the replacement of the heating and ventilation system in the carbon building, including the construction of walls to isolate heating areas and provide for zone heating; including in each case related and ancillary equipment. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$950,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$950,000 in serial bonds of the City authorized to be issued pursuant to this section or bond anticipation notes issued in anticipation of such bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is forty (40) years, pursuant to subdivision a.4. of Section 11.00. of the Law.

SECTION 14. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof, pursuant to subdivisions d.3(a) (in the case of bonds issued for the objects or purposes described in Section 12 hereof), d.3(l) (in the case of bonds issued for the objects or purposes described in Section 13 hereof), d.5 (in the case of bonds issued for the objects or purposes described in Sections 2, 3, 5 and 9 hereof), and d.9 (with respect to all bonds issued hereunder) of Section 107.00 of the Law.

SECTION 15. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. This resolution shall constitute a declaration of official intent to reimburse the expenditures as part of the projects described herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 16. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the City, payable as to both principal and interest by a general tax upon all the real property within the City without legal or constitutional limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 17. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations, and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00, Section 62.10 and Section 63.00 of the Law, the powers and duties of the Common Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of

any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the City Treasurer, the chief fiscal officer of the City.

SECTION 18. The City Treasurer is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for Federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 19. The intent of this resolution is to give the City Treasurer sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Common Council.

SECTION 20. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of such 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
- (c) such obligations are authorized in violation of the provisions of the constitution.

SECTION 21. This resolution shall take effect immediately and the City Clerk is hereby authorized and directed to publish the foregoing resolution in full, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the City (a) for such publication, and (b) for the publication of the notice of sale in connection with any bonds issued pursuant to this resolution.

This resolution shall take effect immediately.

The following vote was taken and recorded in the public or open session of said meeting:

Ayes: Brick, Rizzo, Schwandt, Donovan, Sommer (5)

Nays: None (0)

CARRIED.

IX.1 Public Works

March 2, 2006

Honorable Mayor & Common Council
City Hall, 216 Payne Avenue
North Tonawanda, NY 14120

Re: Bid Award – Traffic Paint

Dear Honorable Body:

On Wednesday, March 1, 2006 bids were received and publicly opened in the City Clerk's office for Sherwin Williams TM5712 (white) and TM5713 (yellow) Traffic Paint. My office has reviewed the bids submitted and tabulated them as follows:

<u>BIDDERS</u>		<u>AMOUNT</u>
Sherwin Williams	yellow	\$10.59/gal.
	white	\$10.25/gal.

Ennis Paint	yellow	\$11.35/gal.
	white	\$10.88/gal.

I recommend that the Council award the bid for Sherwin Williams TM5712 (white) and TM5713 (yellow) Traffic Paint to The Sherwin Williams Company, 313 Technology Drive, Malvern, PA, 19355 at their low bid of \$10.59/gal. (yellow) and \$10.25/gal. (white), subject to the approval of the City Attorney.

Very truly yours,
 Gary J. Franklin
 Superintendent of Public Works

MOVED by Alderman Sommer **SECONDED** by Alderman Donovan
 That the Common Council hereby awards the bid for Sherwin Williams TM5712 (white) and TM5713 (yellow) Traffic Paint to The Sherwin Williams Company, 313 Technology Drive, Malvern, PA, 19355 at their low bid of \$10.59/gal. (yellow) and \$10.25/gal. (white), subject to the approval of the City Attorney.
 Ayes: Rizzo, Schwandt, Donovan, Sommer (4)
 Nays: None (0)
 Abstained: Brick (1)
CARRIED.

IX.2 Public Works

March 7, 2006

Honorable Mayor Lawrence Soos &
 Common Council
 City Hall, 216 Payne Avenue
 No. Tonawanda, NY 14120

Re: Niagara County
 Shared Highway Services

Honorable Body:

During the course of 2005, Mayor Burgio attended several meetings of a group of Niagara County officials whose focus was on developing a countywide inter-municipal agreement on Shared Highway Services.

I reviewed several drafts that were developed and in December 2005 a consensus on a draft appeared to have been reached. I forwarded this draft to City Attorney Shawn P. Nickerson in early January 2006 for his review from a legal standpoint.

Mr. Nickerson provided his opinion by memo to me dated February 3, 2006, that the language appeared acceptable. Mayor Soos responded to me by memo on March 2, 2006 that he was also in agreement with the draft.

I request that the Council review the copy of the Niagara County Shared Highway Services Agreement draft and I would recommend that they authorize the Mayor to sign such an agreement on behalf of the City.

Very truly yours,
 Gary J. Franklin
 Superintendent of Public Works

MOVED by Alderman Rizzo **SECONDED** by Alderman Donovan
 That the Common Council hereby authorizes the Mayor to sign the County Shared Highway Services Agreement subject to review of the City Attorney.
 Ayes: Brick, Rizzo, Schwandt, Donovan, Sommer (5)
 Nays: None (0)
CARRIED.

Very truly yours,
 Gary J. Franklin
 Superintendent Public Works

MOVED by Alderman Donovan **SECONDED by Alderman Brick**
 That the Common Council hereby awards the bid for Road Building Materials to Lafarge North America, 270 Northpointe Parkway Suite 100, Amherst, NY 14228, at their bid of \$299,455.00, subject to the approval of the City Attorney.

Ayes: Brick, Rizzo, Schwandt, Donovan, Sommer (5)

Nays: None (0)

CARRIED.

IX.5 Public Works

March 9, 2006

Honorable Mayor & Common Council
 City Hall, 216 Payne Avenue
 North Tonawanda, NY 14120

Re: Award of Bid for
 Vibratory Roller Rental

Dear Honorable Body:

On Monday, March 6, 2006, bids were received and publicly opened in the City Clerk's office for Vibratory Roller Rental. My office has reviewed the bids submitted and tabulated them as follows:

<u>BIDDERS</u>	<u>AMOUNT</u>
Monroe Tractor & Implement Co., Inc.	\$2,950.00/month
ADMAR Supply Company Inc.	\$2,805.00/month

I recommend that the Council award the bid for Vibratory Roller Rental to ADMAR Supply Company Inc., 1394 Military Road, Buffalo, NY 14217 at their bid of \$2,805.00 per month, subject to the approval of the City Attorney.

Very truly yours,
 Gary J. Franklin
 Superintendent Public Works

MOVED by Alderman Rizzo **SECONDED by Alderman Sommer**
 That the Common Council hereby awards the bid for Vibratory Roller Rental to ADMAR Supply Company Inc., 1394 Military Road, Buffalo, NY 14217 at their bid of \$2,805.00 per month, subject to the approval of the City Attorney.

Ayes: Brick, Rizzo, Schwandt, Donovan, Sommer (5)

Nays: None (0)

CARRIED.

X. Police

March 7, 2006

Mayor Lawrence Soos and
 North Tonawanda Common Council
 216 Payne Ave.
 North Tonawanda, NY 14120

Dear Honorable Body:

As I have discussed with Mayor Soos, I am appointing Jeffrey Smith of 531 Meadowbrook Drive to the position of Police Officer in the Police Department.

Mr. Smith is selected from a list of eligibles supplied by Niagara County Civil Service and replaces John L. Marcyan who will be resigning from the department effective March 10, 2006.

Mr. Smith will begin working with the department on March 24, 2006.

Respectfully,
Randy D. Szukala
Chief of Police

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

XIV. Recreation

Date: Monday, March 6, 2006

To: Mayor Larry Soos
Common Council Members

Re: North Tonawanda Boat Race Proposal, Gratwick Park

Attendance: Mayor Larry Soos, Councilman Russ Rizzo, Jerry Whitehead, Patty Brosius, Youth Recreation & Parks, Roger Zgolak, Police Department, Greg Frank, Fire Chief, Gary Franklin, Public Works, John Krebs, NFBRA.

On Monday, March 6, Mayor Soos, Russ Rizzo and several department heads & representatives met regarding the proposed Niagara Frontier Boat Racing Association Boat Race. Mr. John Krebs, Commodore of the Association and the group discussed concerns regarding the June 3 & June 4 Race at Gratwick Park. He also completed the required Event Application. (See Attached)

Several key issues were covered including costs to the City, Security, traffic control and the specifics of the Race were covered.

I feel Mr. Krebs adequately answered all inquiries and expressed a willingness to work with the City in bringing the event to Gratwick Park and North Tonawanda.

I feel the Race would add an exciting and well-organized attraction to people of North Tonawanda and Western New York. I recommended approval of this event.

Sincerely,
Jerry Whitehead
Director of Youth, Recreation & Parks

MOVED by Alderman Rizzo SECONDED by Alderman Schwandt
That the Common Council hereby grants permission to the Niagara Frontier Boat Racing Association to hold the "Thunder on the Niagara" Hydroplane Races at Gratwick Park on June 3 & June 4, 2006.

Ayes: Brick, Rizzo, Schwandt, Donovan, Sommer (5)

Nays: None (0)

CARRIED.

XXV. Monthly Reports

.1	Vital Statistics	.4	Treasurer Investments
.2	Building Inspector	.5	Senior Citizens
.3	Treasurer	.6	Department of Public Works

MOVED by Alderman Brick SECONDED by Alderman Donovan
That the Common Council hereby receives and files the aforementioned Monthly Reports.
CARRIED.

