

AUDIENCE PARTICIPATION

Sonia Dusza, 123 Miller Street – Asked about the sale of 408 Oliver Street.

Debbie Gondek, 257 Brentwood Drive – Asked about the Bond Resolution regarding the Briarwood Subdivision.

Dave Burgio, 1879 Sweeney Street – Questioned the sale of 954 East Robinson Street.

Walter Yaro, 170 Christiana Street – Asked about the Dry Weather Pumps mentioned in the Proofs of Publication.

COMMUNICATIONS FROM CITY OFFICIALS

I. Mayor

May 11, 2007

**North Tonawanda Common Council
City Hall, 216 Payne Avenue
North Tonawanda, New York 14120**

**RE: Veto of Sale of Additional Property to Michael Wachowicz
(Colonel Payne School Property)**

Dear Honorable Body:

At a Regular Session of the North Tonawanda Common Council held in Council Chambers at 7:00 PM on Tuesday, May 1, 2007, your Honorable Body passed a resolution approving the sale of additional property (rectangular parcel 390 ft. on Niagara Parkway by 322' on Wheatfield Street) to Michael Wachowicz, as outlined in a letter from attorney Michael R. Belczak dated April 19, 2007, at the amount of \$8,900.00. The letter from Attorney Belczak also contained language that “all costs associated with moving the basketball court will be the responsibility of the City, to be paid out of the \$8,900.00”. Subsequent to the meeting, the Mayor’s Office was presented with said resolution by the City Clerk on Friday, May 4, 2007.

After much consideration, I hereby veto passage of said resolution in accordance with North Tonawanda City Charter Section 2.023 (a), based upon the following reasons:

- 1. The additional property being considered to be sold to purchaser, Michael Wachowicz, was valued in its present form by the City Assessor’s Office at \$8,900.00. This is the amount of money the City of North Tonawanda should expect to receive for this parcel. By undertaking the costs associated with moving a pre-existing basketball court located on said parcel, the City of North Tonawanda will ultimately realize less than the appraised value placed on said parcel. Please note that the City of North Tonawanda would not have to expend the monies to move this basketball court but for the sale of this property to Mr. Wachowicz. Thus, why should the City of North Tonawanda bear this cost?**
- 2. Does the City of North Tonawanda bearing the cost of relocating the basketball court constitute an indirect “gift of public monies”? If the value of the property being sold is \$8,900.00, but in essence the City of North Tonawanda realizes less money by having to pay for the relocation, does the net gain below the parcel’s value constitute a “gift of public monies”? Especially if it can be argued that, but for this transaction, the City of North Tonawanda would not be moving this basketball court. This issue should be clarified before said transaction is completed.**
- 3. This kind of property transaction, if not done properly, will set a bad precedent for future transactions of this nature. I realize that the approval of the city ordinance last year to allow for a private sale of city-owned property was needed to address special situations, when it was obvious that the auctioning a piece of city-owned property was not practical**

and a private sale was in the best interests of the City of North Tonawanda. In this instance, the main parcel, namely, the Colonel Payne School Property parcel was advertised, auctioned properly, and clearly set out the parameters of the property being sold. I am not being critical of the sale of this additional property to Mr. Wachowicz for the value determined by the Assessor as I understand the purchaser's desire to develop this project. Although, to now have to use part of the proceeds to move a basketball court establishes a bad precedent for future transactions dealing with city-owned parcels that may be privately sold in the future. Will the City now be expected to improve and/or modify property for purchasers/developers, and to undertake those costs, on properties sold by private sale in the future?

Accordingly, based upon the reasons set forth above, I hereby veto said resolution and do not approve same.

Sincerely,
Lawrence V. Soos
Mayor

MOVED by Alderman Rizzo

SECONDED by Alderman Sommer

That the Common Council hereby overrides the aforementioned veto. The actual transfer of the additional property referred to in the mayor's veto will be subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

II.1 Attorney

May 10, 2007

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

Re: Crown Castle Request to Upgrade Celltower Antenna
706 Sandra Lane/126 Elmwood Avenue, North
Tonawanda Site

Dear Honorable Body:

Attached is a letter that we received from The Center for Municipal Solutions stating that they have reviewed all of the materials supplied by the above application, and find them to be complete and in compliance with the Wireless Telecommunications Facilities Law of the City of North Tonawanda, and that they recommend our consent. You will note that public hearing is not required in this case, as this is a modification of an existing site.

Should your Honorable Body concur, please pass a resolution for the Mayor to sign the letter of consent attached so that the project can move forward. Should you have any questions, please do not hesitate to contact me.

Very truly yours,
Shawn P. Nickerson
City Attorney

MOVED by Alderman Brick

SECONDED by Alderman Donovan

That the Common Council hereby authorizes the Mayor to sign the letter of consent regarding Crown Castles request to upgrade Celltower Antenna at the 706 Sandra Lane/126 Elmwood Avenue, North Tonawanda Site.

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

Nays: None (0)

CARRIED.

The following agenda item was pulled before the meeting.

II.2 Attorney

May 10, 2007

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

RE: Niagara River Yacht Club – Early Occupancy Agreement

Dear Honorable Body:

Pursuant to our recent workshop discussion, attached is an Early Occupancy Agreement between the City of North Tonawanda and the purchaser of the yacht club, Mirna Abada, for the right of the purchaser to enter into and occupy the Niagara River Yacht Club, 1000 River Road, North Tonawanda, NY, on May 21, 2007.

You will note that the rental amount is based upon the annual tax liability, pro-rated per day from May 21, 2007, until the date of closing.

Should your Honorable Body concur, please pass a resolution authorizing the Mayor to execute the agreement, subject to review by the City Attorney. If you have any questions, please do not hesitate to contact me.

Very truly yours,
Shawn P. Nickerson
City Attorney

II.3 Attorney

May 10, 2007

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

Re: Refund of Purchase Price – 954 East Robinson Street

Dear Honorable Body:

Paul and Mary Jo Murphy purchased a lot from the city at 954 East Robinson Street at public auction. One of the stipulations of the purchase was that a home had to be constructed on the lot within one year of the transfer of title. The Murphy's paid the city the entire purchase price and, when they went to begin construction of the home, learned that the city had a 16" water main located in the center of the lot. This is a major water main that runs from the city's storage tank on Erie Avenue to Sweeney Street to increase the water pressure in that area of the city.

The terms of sale indicated that if any city utilities were located within the lots sold that the city would move said utilities. In this case, the water line in question is a major line that would cost more to move than the lot is worth. It would be in the city's best interest to return the purchase price of the lot which was \$16,000.00 and any taxes that were paid by the Murphy's during their period of ownership.

If you concur, please pass a resolution to that effect. Thank you.

Very truly yours,
Robert Sondel
Assistant City Attorney

The City received engineering proposals on January 12, 2007 through a request for proposals issued by the Engineering Department. The Engineering Department in conjunction with the Department of Public Works, reviewed proposals, conducted several interviews, and negotiated the agreement with the top selected firm, following the quality based selection procedures set forth in procurement of consultants by the New York State Department of Transportation.

Accordingly, Gary J. Franklin, Superintendent of Public Works, and I recommend that the preliminary engineering and right-of-way acquisition agreement for the Meadow Drive Extension Project be awarded to PB Americas, 50 Lakefront Boulevard, Suite111, Buffalo, NY 14202; in an amount not to exceed \$256,895; and authorize the Mayor to sign said agreement subject to review by the City Attorney.

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

MOVED by Alderman Sommer

SECONDED by Alderman Donovan

That the Common Council hereby awards the preliminary engineering and right-of-way acquisition agreement for the Meadow Drive Extension Project to PB Americas, 50 Lakefront Boulevard, Suite111, Buffalo, NY 14202; in an amount not to exceed \$256,895; and authorizes Mayor Soos to sign said agreement subject to review by the City Attorney.

Ayes: Rizzo, Schwandt, Donovan, Sommer

(4)

Nays: Brick

(1)

CARRIED.

IV.2 Engineer

May 9, 2007

Lawrence V. Soos, Mayor and Common Council Members
City Hall North Tonawanda
216 Payne Avenue
North Tonawanda, New York

Re: Frederick B. Durkee Memorial Bridge Rehabilitation Project
Taylor Drive Over Little River, BIN 2260960
Award of Engineering Agreement

Honorable Body:

On January 17, 2007, the Common passed a resolution, authorizing the Mayor to sign an agreement with the State of New York Department of Transportation, committing \$200,000 in funds for the preliminary engineering phase of the Frederick B. Durkee Memorial Bridge Rehabilitation Project.

The City received engineering proposals on February 20, 2007 through a request for proposals issued by the Engineering Department. The Engineering Department in conjunction with the Department of Public Works, reviewed proposals, conducted several interviews, and negotiated the agreement with the top selected firm, following the quality based selection procedures set forth in procurement of consultants by the New York State Department of Transportation.

Accordingly, Gary J. Franklin, Superintendent of Public Works, and I recommend that the preliminary engineering agreement for the rehabilitation of the Frederick B. Durkee Memorial Bridge be awarded to Abate Associates Engineers & Surveyors, P.C., 4455 Genesee Street, P.O. Box 218, Buffalo, NY 14225-0218; in an amount not to exceed \$199,832; and authorize the Mayor to sign said agreement subject to review by the City Attorney.

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

VII.1 Accountant

May 10, 2007

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 May 15, 2007, 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 Schwandt SECONDED by Alderman Donovan
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated May 15, 2007 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

| | | |
|----|-------------------------|-----------------------|
| 01 | General Fund | \$249,031.92 |
| 02 | Water Fund | 15,482.52 |
| 04 | Sewer Fund | 90,492.27 |
| 06 | Capital Project Fund | 118,620.48 |
| 07 | Trust & Agency Fund | 227.38 |
| 11 | General Fund Encumbered | 1,150,201.96 |
| 17 | Home Rehab Program | <u>27,725.00</u> |
| | Final Total | <u>\$1,651,781.53</u> |

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

VII.2 Accountant

May 10, 2007

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 2007 Capital Improvements Budget, please find a serial bond resolution in the aggregate amount of \$3,505,000, from our Bond Counsel, Harris Beach LLP.

The original adopted 2007 Capital Budget, copy attached, provided for the bonding of \$2,558,500 for capital projects. Based on current discussions with Department Heads, it is recommended that the budget be modified by \$946,500, as follows:

| | | |
|------------------------|----------|---|
| Meadow Extension | Increase | \$100,000, finance for only engineering, plans and SEQRA. |
| Durkee Bridge | Decrease | \$155,000, partial finance for only engineering, plans and SEQRA. |
| Roblin Improvements | Decrease | \$486,000, project not ready for financing. |
| Gateway Point | Increase | \$100,000, insufficient funding in adopted budget. |
| Council Chamber | Increase | \$10,000, insufficient funding in adopted budget. |
| Fire Ladder Truck | Increase | \$167,500, insufficient funding in adopted budget. |
| Main Street Renovation | Increase | \$200,000, new projects, not in adopted budget. |
| Briarwood Subdivision | Increase | \$710,000, old project, not in adopted budget. |
| Golf Course Pump | Increase | \$300,000, old project, not in adopted budget. |

Accordingly, 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 Sommer **SECONDED** by Alderman Brick
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
May 15, 2007

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

ABSENT: None

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

**BOND RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK (THE "CITY")
AUTHORIZING THE ISSUANCE OF \$3,505,000 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 \$3,505,000 in serial bonds of the City to finance various public improvements and purposes, as described herein.

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 \$500,000 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 undertaking, pursuant to Section 99-d of the General Municipal Law ("GML"), the costs of surveys, preliminary engineering plans and detailed plans and specifications and estimates, including without limitation the costs associated with conducting environmental studies and reviews in connection with proceedings undertaken under the State Environmental Quality Review Act ("SEQRA") associated with the contemplated Meadow Drive Extension project (the "Meadow Drive Extension Project"). It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$500,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the

issuance of the \$500,000 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.62 (second). of Section 11.00 of the Law; *provided, however*, that if the Common Council subsequently approves the issuance of obligations of the City to finance the Meadow Drive Extension Project, and issues serial bonds or bond anticipation notes to finance such costs, then, in such event, the period of probable usefulness for the aforementioned object or purpose shall be adjusted to equal the period of probable usefulness for such Meadow Drive Extension Project, as may hereafter be determined by the Common Council.

SECTION 2. The City is hereby authorized to issue \$220,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of undertaking, pursuant to Section 99-d of GML, the costs of surveys, preliminary engineering plans and detailed plans and specifications and estimates, including without limitation the costs associated with conducting environmental studies and reviews in connection with proceedings undertaken under SEQRA associated with the contemplated Fredrick B. Durkee Memorial Bridge Reconstruction project (the "Durkee Bridge Project"). It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$220,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$220,000 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.62 (second). of Section 11.00 of the Law; *provided, however*, that if the Common Council subsequently approves the issuance of obligations of the City to finance the Durkee Bridge Project, and issues serial bonds or bond anticipation notes to finance such costs, then, in such event, the period of probable usefulness for the aforementioned object or purpose shall be adjusted to equal the period of probable usefulness for such Durkee Bridge Project, as may hereafter be determined by the Common Council.

SECTION 3. The City is hereby authorized to issue \$7,500 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of undertaking, pursuant to Section 99-d of GML, the costs of surveys, preliminary engineering plans and detailed plans and specifications and estimates, including without limitation the costs associated with conducting environmental studies and reviews in connection with proceedings undertaken under SEQRA and the costs of conducting a site investigation and preparing a remedial alternatives report by the New York State Department of Environmental Conservation to determine the viability and usefulness of the City's incinerator located at Walck Road and Erie Avenue (the "Incinerator Project"). It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$75,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the expenditure of \$67,500 in grant monies to be received by the City from the New York State Environmental Restoration Program, and (ii) the issuance of \$7,500 in serial bonds of the City authorized to be issued pursuant to this resolution 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.62 (second). of Section 11.00 of the Law; *provided, however*, that if the Common Council subsequently approves the issuance of obligations of the City to finance the Incinerator Project, and issues serial bonds or bond anticipation notes to finance such costs, then, in such event, the period of probable usefulness for the aforementioned object or purpose shall be adjusted to equal the period of probable usefulness for such Incinerator Project, as may hereafter be determined by the Common Council.

SECTION 4. The City is hereby authorized to issue \$300,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the Gateway Point Park remediation and development project consisting of (i) the demolition of the boathouses located on the north side of the northern most slip at Gateway Point, (ii) the remediation and removal of the Bond Street storm sewer outfall, the construction of a new sewer outfall, and (iii) the creation of a new overlook park and the acquisition and

installation of benches, landscaping, lighting and signage; 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 object or purpose is \$400,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the expenditure of \$100,000 in grant monies to be received by the City from the New York State Parks Department, and (ii) the issuance of \$300,000 in serial bonds of the City authorized to be issued pursuant to this resolution 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 subdivisions a.4, a.12-a, a.19(c) and a.90. of Section 11.00 of the Law.

SECTION 5. The City is hereby authorized to issue \$28,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the acquisition and installation of a new storm drain on the north side of Sweeney Street from Roncroff to Roberts Drive requiring the construction of approximately 400 lineal feet of new 15-inch storm sewer with manholes and inlets; including in each case related and ancillary equipment. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$28,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$28,000 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 forty (40) years, pursuant to subdivision a.4 of Section 11.00 of the Law.

SECTION 6. The City is hereby authorized to issue \$205,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of (i) the widening of Kingston Avenue between Lyric Avenue and Niagara Fall Boulevard from 20 to 30 feet and (ii) the construction of new concrete curbing with underdrain and lot drainage connection; including in each case related and ancillary equipment. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$205,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$205,000 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 fifteen (15) years, pursuant to subdivision a.20(c) of Section. 11.00 of the Law.

SECTION 7. The City is hereby authorized to issue \$50,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of renovations to the City Council Chambers including the replacement and installation of a new ceiling, floor, room divider, and the acquisition and installation of furniture, sound system equipment, cameras and other related appurtenant accessories and ancillary equipment and improvements. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$50,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$50,000 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 ten (10) years, pursuant to subdivision a.12(a)(3). of Section 11.00 of the Law.

SECTION 8. The City is hereby authorized to issue \$132,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of acquiring four replacement police patrol vehicles. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$132,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$132,000 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 three (3) years, pursuant to subdivision a.77. of Section 11.00 of the Law.

SECTION 9. The City is hereby authorized to issue \$25,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of expanding and upgrading the North Tonawanda Police Department's computer network by purchasing and installing certain items of computer hardware, data communications equipment and telecommunications equipment, including the purchase of new computer workstations, peripherals, printers, miscellaneous software programs and other related and appurtenant accessories and ancillary equipment and improvements. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$25,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$25,000 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 subdivision a.32, of Section 11.00 of the Law.

SECTION 10. The City is hereby authorized to issue \$292,500 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of acquiring one replacement aerial ladder truck for the City's Fire Department; including water pump, ground ladders, generator, lights and other related and appurtenant equipment. 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 (i) the expenditure of \$607,500 in grant monies to be received by the City from the United States Government and/or New York State, and (ii) the issuance of \$292,500 in serial bonds of the City authorized to be issued pursuant to this resolution 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 twenty (20) years, pursuant to subdivision a.27, of Section 11.00 of the Law.

SECTION 11. The City is hereby authorized to issue \$200,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of resurfacing certain streets throughout the City. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$560,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the expenditure of \$360,000 in grant monies to be received by the City from the New York State CHIPS program, and (ii) the issuance of \$200,000 in serial bonds of the City authorized to be issued pursuant to this resolution 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 fifteen (15) years, pursuant to subdivision a.20.(c) of Section 11.00 of the Law.

SECTION 12. 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 replacement lawn mowing equipment for use by the City's Youth, Recreation and Parks Department; including 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 fifteen (15) years, pursuant to subdivision a.28. of Section 11.00 of the Law.

SECTION 13. The City is hereby authorized to issue \$100,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of improvements to the wastewater treatment plant located at 830 River Road, consisting of the replacement of activated carbon; including related and ancillary equipment. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$100,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$100,000 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 thirty (30) years, pursuant to subdivision a.4. of Section 11.00. of the Law.

SECTION 14. The City is hereby authorized to issue \$150,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of certain improvements to the wastewater treatment plant located at 830 River Road, consisting of the replacement of dry weather pumps; including related and ancillary equipment. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$150,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$150,000 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 thirty (30) years, pursuant to subdivision a.4. of Section 11.00. of the Law.

SECTION 15. The City is hereby authorized to issue \$200,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the Main Street Streetscape Improvements, Phase II project between Goundry and Sweeny Streets; including the reconstructing and repaving of portions of Main Street, crosswalks, the construction or reconstruction of sidewalks, curbs, gutters, drainage, landscaping and grading. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$300,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the expenditure of \$100,000 in grant monies to be received by the City from the United States Government and/or New York State, and (ii) the issuance of \$200,000 in serial bonds of the City authorized to be issued pursuant to this resolution 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 fifteen (15) years, pursuant to subdivision a.24. of Section 11.00 of the Law.

SECTION 16. The City is hereby authorized to issue \$710,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the Briarwood Subdivision infrastructure improvement project, consisting of (1) the installation along Wright Street of approximately 1,300 linear feet of 12-inch water main, providing line flows to the existing Bentwood Subdivision as well as fire protection and portable water to the proposed Briarwood Subdivision, and of approximately 1,300 square linear feet of storm sewer line, and in each case including related equipment, machinery, apparatus, appurtenances and incidental improvements; and (ii) the construction at the site of the proposed Briarwood Subdivision (fronting on the City's East Goundry Street and Briarwood Drive rights of way) of approximately 1,500 linear feet of dedicated asphalt roadway, with concrete curbing and related storm water, water main and sanitary sewer systems, and including valves, hydrants, equipment, machinery, apparatus, appurtenances and incidental improvements. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$710,000 said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$710,000 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 fifteen (15) years, pursuant to subdivisions a.1., a.4., a.20. and a.91. of Section 11.00 of the Law.

SECTION 17. The City is hereby authorized to issue \$300,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of constructing and installing upgrades to the Deerwood Golf Course Pump Station, consisting of the construction of a. new intake to increase irrigation pumping capacity, retrofitting and pump house improvements and 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 \$450,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the expenditure of \$150,000 in current monies of the City available for such purpose and (ii) the issuance of \$300,000 in serial bonds of the City authorized to be issued pursuant to this

resolution 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 fifteen (15) years, pursuant to subdivision a.54. of Section 11.00 of the Law.

SECTION 18. 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 19. 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 20. 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 21. 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 22. 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 23. 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: 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 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 such obligations are authorized in violation of the provisions of the constitution.

SECTION 24. 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.

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

AYES: Brick, Rizzo, Schwandt, Donovan, Sommer

NAYS: None

This resolution shall take effect immediately.

STATE OF NEW YORK)
COUNTY OF NIAGARA) S.S.:

I, the undersigned Clerk of the City of North Tonawanda, DO HEREBY CERTIFY as follows:

1. A regular meeting of the Common Council of the City of North Tonawanda, Niagara, County, State of New York, was held on May 15, 2007, and Minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of meetings of said Board.
2. I have compared the attached Extract with said Minutes so recorded and said Extract is a true copy of said Minutes and of the whole thereof insofar as said Minutes relate to matters referred to in said Extracts.
3. Said Minutes correctly state the time when said Meeting was convened and the place where such Meeting was held and the members of said Board who attended said Meeting.
4. Public Notice of the time and place of said Meeting was duly posted and duly given to the public and the news media in accordance with the Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, and that all members of said Board had due notice of said Meeting and that the Meeting was in all respects duly held and a quorum was present and acted throughout.

Thomas M. Jaccarino
City Clerk

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the City of North Tonawanda this 15th day of May, 2007.

ESTOPPEL NOTICE

The resolution, a summary of which is published herewith, has been adopted on the 15th day of May, 2007, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized, for an object or purpose for which the City of North Tonawanda, Niagara County, New York is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

SUMMARY OF BOND RESOLUTION

The resolution is entitled "BOND RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK (THE "CITY") AUTHORIZING THE ISSUANCE OF \$3,505,000 IN SERIAL BONDS OF THE CITY TO FINANCE VARIOUS PUBLIC IMPROVEMENTS"

- 1. Pursuant to the resolution, the City authorized to issue \$500,000 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 undertaking, pursuant to Section 99-d of the General Municipal Law ("GML"), the costs of surveys, preliminary engineering plans and detailed plans and specifications and estimates, including without limitation the costs associated with conducting environmental studies and reviews in connection with proceedings undertaken under the State Environmental Quality Review Act ("SEQRA") associated with the contemplated Meadow Drive Extension project. The resolution determined that the maximum estimated cost of the aforementioned specific object or purpose is \$500,000, that such amount is appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$500,000 in serial bonds of the City authorized to be issued pursuant to this section or bond anticipation notes issued in anticipation of such bonds. The resolution determined that the period of probable usefulness for the aforementioned specific object or purpose is five (5) years, pursuant to subdivision a.62 (second). of Section 11.00 of the Law.**
- 2. Pursuant to the resolution, the City authorized to issue \$200,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of undertaking, pursuant to Section 99-d of GML, the costs of surveys, preliminary engineering plans and detailed plans and specifications and estimates, including without limitation the costs associated with conducting environmental studies and reviews in connection with proceedings undertaken under SEQRA associated with the contemplated Fredrick B. Durkee Memorial Bridge Reconstruction project. The resolution determined that the maximum estimated cost of the aforementioned specific object or purpose is \$200,000, that such amount is appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$200,000 in serial bonds of the City authorized to be issued pursuant to this section or bond anticipation notes issued in anticipation of such bonds. The resolution determined that the period of probable usefulness for the aforementioned specific object or purpose is five (5) years, pursuant to subdivision a.62 (second). of Section 11.00 of the Law.**
- 3. Pursuant to the resolution, the City authorized to issue \$7,500 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of undertaking, pursuant to Section 99-d of GML, the costs of surveys, preliminary engineering plans and detailed plans and specifications and estimates, including without limitation the costs associated with conducting environmental studies and reviews in connection with proceedings undertaken under SEQRA and the costs of conducting a site investigation and preparing a remedial alternatives report by the New York State Department of Environmental Conservation to determine the viability and usefulness of the City's incinerator located at Walck Road and Erie Avenue. The resolution determined that the maximum estimated cost of the aforementioned specific object or purpose is \$75,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the expenditure of \$67,500 in grant monies to be received by the City from the New York State Environmental Restoration Program, and (ii) the issuance of \$7,500 in serial bonds of the City**

authorized to be issued pursuant to this section or bond anticipation notes issued in anticipation of such bonds. The resolution 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.

4. Pursuant to the resolution, the City authorized to issue \$300,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the Gateway Point Park remediation and development project consisting of (i) the demolition of the boathouses located on the north side of the northern most slip at Gateway Point., (ii) the remediation and removal of the Bond Street stone sewer outfall, the construction of a new sewer outfall, and (iii) the creation of a new overlook park and the acquisition and installation of benches, landscaping, lighting and signage; including in each case all related equipment, machinery, apparatus, appurtenances and incidental improvements. The resolution determined the maximum estimated cost of the aforementioned specific object or purpose is \$400,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the expenditure of \$100,000 in grant monies to be received by the City from the New York State Parks Department, and (ii) the issuance of \$300,000 in serial bonds of the City authorized to be issued pursuant to this section or bond anticipation notes issued in anticipation of such bonds. The resolution determined that the period of probable usefulness for the aforementioned specific object or purpose is ten (10) years, pursuant to subdivisions a.4, a..12-a, a.19(c) and a.90, of Section 11.00 of the Law.
5. Pursuant to the resolution, the City authorized to issue \$28,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the acquisition and installation of a new storm drain on the north side of Sweeney Street from Roncroff to Roberts Drive requiring the construction of approximately 400 lineal feet of new 15-inch storm sewer with manholes and inlets; including in each case related and ancillary equipment. The resolution determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$28,000, that such amount is appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$28,000 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. The resolution determined that the period of probable usefulness *for* the aforementioned specific objects or purposes is forty (40) years, pursuant to subdivision a.4 of Section 11.00 of the Law,
6. Pursuant to the resolution, the City authorized to issue \$205,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of (i) the widening of Kingston Avenue between Lyric Avenue and Niagara Fall Boulevard from 20 to 30 feet and (ii) the construction of new concrete curbing with underdrain and lot drainage connection: including in each case related and ancillary equipment. The resolution determined that the maximum estimated cost of the aforementioned specific object or purpose is \$205,000, that such amount is appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$205,000 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. The resolution determined that the period of probable usefulness for the aforementioned specific object or purpose is (15) years, pursuant to subdivision a.20(c) of Section 11.00 of the Law.
7. Pursuant to the resolution, the City authorized to issue \$50,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of renovations to the City Council Chambers including the

replacement and installation of a new ceiling, floor, room divider, and the acquisition and installation of furniture, sound system equipment, cameras and other related appurtenant accessories and ancillary equipment and improvements. The resolution determined that the maximum estimated cost of the aforementioned specific object or purpose is \$50,000, that such amount is appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$50,000 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. The resolution determined that the period of probable usefulness for the aforementioned specific object or purpose is ten (10) years, pursuant to subdivision a.12(a)(3). of Section 11.00 of the Law.

8. Pursuant to the resolution, the City authorized to issue \$132,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of acquiring four replacement police patrol vehicles. The resolution determined that the maximum estimated cost of the aforementioned specific object or purpose is \$132,000, that such amount is appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$132,000 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. The resolution 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.
9. Pursuant to the resolution, the City authorized to issue \$25,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of expanding and upgrading the North Tonawanda Police Department's computer network by purchasing and installing certain items of computer hardware, data communications equipment and telecommunications equipment, including the purchase of new computer workstations, peripherals, printers, miscellaneous software programs and other related and appurtenant accessories and ancillary equipment and improvements. The resolution determined that the maximum estimated cost of the aforementioned specific object or purpose is \$25,000, that such amount is appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$25,000 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. The resolution 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.
10. Pursuant to the resolution, the City authorized to issue \$292,500 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of acquiring one replacement aerial ladder truck for the City's Fire Department; including water pump, ground ladders, generator, lights and other related and appurtenant equipment. The resolution determined that the period of probable usefulness for the aforementioned specific object or purpose is twenty (20) years, pursuant to subdivision a.27. of Section 11.00 of the Law.
11. Pursuant to the resolution, the City authorized to issue \$200,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of resurfacing certain streets throughout the City. The resolution determined that the maximum estimated cost of the aforementioned specific object or purpose is \$560,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the expenditure of \$360,000 in grant monies to be received by the City from the New York State CHIPS program, and (ii) the issuance of \$200,000 in serial bonds of the City authorized to be issued pursuant to

this section or bond anticipation notes issued in anticipation of such bonds. The resolution determined that the period of probable usefulness for the aforementioned specific object or purpose is fifteen (15) years, pursuant to subdivision a.20.(c) of Section 11.00 of the Law.

12. Pursuant to the resolution, the City authorized to issue \$85,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of acquiring replacement lawn mowing equipment for use by the City's Youth, Recreation and Parks Department; including related and ancillary equipment. The resolution determined that the maximum estimated cost of the aforementioned specific object or purpose is \$85,000, that such amount is 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 bonds. The resolution 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.
13. Pursuant to the resolution, the City authorized to issue \$100,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of improvements to the wastewater treatment plant located at 830 River Road, consisting of the replacement of activated carbon; including related and ancillary equipment. The resolution determined that the maximum estimated cost of the aforementioned specific object or purpose is \$100,000, that such amount is appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$100,000 in serial bonds of the City authorized to be issued pursuant to this section or bond anticipation notes issued in anticipation of such bonds. The resolution determined that the period of probable usefulness for the aforementioned specific object or purpose is thirty (30) years, pursuant to subdivision a.4. of Section 11.00. of the Law.
14. Pursuant to the resolution, the City authorized to issue \$150,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of certain improvements to the wastewater treatment plant located at 830 River Road, consisting of the replacement of dry weather pumps; including related and ancillary equipment. The resolution determined that the maximum estimated cost of the aforementioned specific object or purpose is \$150,000, that such amount is appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$150,000 in serial bonds of the City authorized to be issued pursuant to this section or bond anticipation notes issued in anticipation of such bonds. The resolution determined that the period of probable usefulness for the aforementioned specific object or purpose is thirty (30) years, pursuant to subdivision a.4. of Section 11.00. of the Law.
15. Pursuant to the resolution, the City authorized to issue \$200,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the Main Street Streetscape Improvements, Phase II project between Goundry and Sweeny Streets; including the reconstructing and repaving of portions of Main Street, crosswalks, the construction or reconstruction of sidewalks, curbs, gutters, drainage, landscaping and grading. The resolution determined that the maximum estimated cost of the aforementioned specific object or purpose is \$300,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the expenditure of \$100,000 in grant monies to be received by the City from the United States Federal Government or New York State, and (ii) the issuance of \$200,000 in serial bonds of the City authorized to be issued pursuant to this section or bond anticipation notes issued in anticipation of such bonds. The resolution determined that the period of probable usefulness for the

aforementioned specific object or purpose is ten (10) years, pursuant to subdivision a.24. of Section 11.00, of the Law.

16. Pursuant to the resolution, the City authorized to issue \$710,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the Briarwood Subdivision infrastructure improvement project, consisting of (i) the installation along Wright Street of approximately 1,300 linear feet of 12-inch water main, providing line flows to the existing Bentwood Subdivision as well as fire protection and portable water to the proposed Briarwood Subdivision, and of approximately 1,300 square linear feet of storm sewer line, and in each case including related equipment, machinery, apparatus, appurtenances and incidental improvements; and (ii) the construction at the site of the proposed Briarwood Subdivision (fronting on the City's East Goundry Street and Briarwood Drive rights of way) of approximately 1,500 linear feet of dedicated asphalt roadway, with concrete curbing and related storm water, water main and sanitary sewer systems, and including valves, hydrants, equipment, machinery, apparatus, appurtenances and incidental improvements. The resolution determined that the maximum estimated cost of the aforementioned specific object or purpose is \$710,000, that such amount is appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$710,000 in serial bonds of the City authorized to be issued pursuant to this section or bond anticipation notes issued in anticipation of such bonds. The resolution determined that the period of probable usefulness for the aforementioned specific object or purpose is (15) years, pursuant to subdivisions a.1., a.4., a.20. and a.91. of Section 11.00. of the Law.
17. Pursuant to the resolution, the City authorized to issue \$300,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of constructing and installing upgrades to the Deerwood Golf Course Pump Station, consisting of the construction of a new intake to increase irrigation pumping capacity, retrofitting and pump house improvements and related equipment, machinery, apparatus, appurtenances and incidental improvements. The resolution determined that the maximum estimated cost of the aforementioned specific object or purpose is \$450,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the expenditure of \$150,000 in current monies of the City available for such purpose and (ii) the issuance of \$300,000 in serial bonds of the City authorized to be issued pursuant to this section or bond anticipation notes issued in anticipation of such bonds. The resolution determined that the period of probable usefulness for the aforementioned specific object or purpose is fifteen (15) years, pursuant to subdivision a.54. of Section 11.00. of the Law.
18. 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.

The resolution summarized herein shall be available for public inspection during normal business hours at the offices of the City Clerk located at 216 Payne Avenue, North Tonawanda, New York 14120.

CARRIED.

XVI. City Clerk

May 8, 2007

North Tonawanda Common Council
216 Payne Avenue
North Tonawanda, New York 14120

Dear Honorable Body:

I am requesting to be reappointed as a Commissioner of Deeds for the City of North Tonawanda.

Thank you.

Sincerely,
Thomas M. Jaccarino
1515 Cambridge Avenue
North Tonawanda, NY 14120

MOVED by Alderman Rizzo

SECONDED by Alderman Donovan

That the Common Council hereby appoints Thomas M. Jaccarino, 1515 Cambridge Avenue, North Tonawanda, NY 14120 as a Commissioner of Deeds for the City of North Tonawanda effective May 16, 2007 expiring May 15, 2009.

CARRIED.

XXV. Monthly Reports

| | | | |
|-----------|-------------------------|-----------|------------------------------|
| .1 | Senior Citizens | .4 | Treasurer |
| .2 | Vital Statistics | .5 | Treasurer Investments |
| .3 | Police | | |

MOVED by Alderman Rizzo

SECONDED by Alderman Donovan

That the Common Council hereby receives and files the aforementioned monthly reports.

CARRIED.

XXXII.

Community Development

May 9, 2007

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

Re: Armstrong Pumps, Inc. – Easement Request

Dear Honorable Body:

Attached is a letter received from the Plant Manager of Armstrong Pumps, Inc., regarding a request for an easement in relation to the Company's expansion.

The easement request relates to the Company's new growth initiative. The area involved with the easement will slightly encroach onto the Buffalo Bolt site. However, the Company is very interested in incorporating the easement area with the final Buffalo Bolt infrastructure design.

Consequently, at this time, I am requesting that the Common Council authorize the City Attorney's Office to prepare said easement, and further authorize the Mayor to sign the document of behalf of the City.

Thank you for your anticipated attention to this matter.

Sincerely,
James B. Sullivan
Director of Community Development

MOVED by Alderman Donovan **SECONDED** by Alderman Rizzo
That the Common Council hereby authorizes the City Attorney's Office to prepare an
easement agreement with Armstrong Pumps, Inc. and further authorizes the Mayor to sign
the document of behalf of the City.
Ayes: Brick, Rizzo, Schwandt, Donovan, Sommer (5)
Nays: None (0)
CARRIED.

COMMUNICATIONS FROM OTHERS

A.
Brett M. Sommer
Peter E. Smolinski
William L. Paton

May 8, 2007

North Tonawanda Common Council
216 Payne Avenue
North Tonawanda, New York 14120

Dear Honorable Body:

I am requesting to be reappointed as a Commissioner of Deeds for the City of North
Tonawanda.

Thank you.

| | | |
|---|--|---|
| Brett M. Sommer 1254 Greenbrier Lane N. Tonawanda, NY 14120 | Peter E. Smolinski 449 Robert Drive N. Tonawanda, NY 14120 | William L. Paton 55 Fifth Avenue N. Tonawanda, NY 14120 |
|---|--|---|

MOVED by Alderman Schwandt **SECONDED** by Alderman Brick
That the Common Council hereby appoints Brett M. Sommer, 1254 Greenbrier Lane,
North Tonawanda, NY 14120 Peter E. Smolinski, 449 Robert Drive, North Tonawanda, NY
14120; and William L. Paton, 55 Fifth Avenue as a Commissioner of Deeds for the City of
North Tonawanda effective May 16, 2007 expiring May 15, 2009.
CARRIED.

B.
Renee M. Notaro

April 18, 2007

Dear Mayor Soos:

Every year we, on Stenzil Street, have a block party. This year we would like to have it on
Saturday, July 28. I am requesting to have Stenzil Street blocked off from Oliver Street to
Riverview for that day. Please feel free to stop by if you would like.

Thank you.

Sincerely,
 Renee M. Notaro
 63 Stenzil St.
 716-695-1619

MOVED by Alderman Rizzo **SECONDED by Alderman Donovan**
That the Common Council hereby grants permission to the residents of Stenzil Street to hold their annual Block Party on Saturday, July 28, 2007.
CARRIED.

LATE COMMUNICAITONS

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

#1
Robert N. Banks **Kenneth P. Brennan**
Michael J. Harms, Sr. **Janet L. Smolinski**
Arthur Pappas **Robert G. Ortt**
Kervin J. Selover **Suzanne Hempel**

May 11, 2007

North Tonawanda Common Council
216 Payne Avenue
North Tonawanda, New York 14120

Dear Honorable Body:

We are requesting to be reappointed as a Commissioner of Deeds for the City of North Tonawanda.

Thank you.

| | | |
|---|---|---|
| Robert N. Banks 972 Remington Drive N. Tonawanda, NY 14120 | Michael J. Harms, Sr. 41 N. Marion Street N. Tonawanda, NY 14120 | Kenneth P. Brennan 231 Jackson Avenue N. Tonawanda, NY 14120 |
| Arthur Pappas 1417 Forbes Street N. Tonawanda, NY 14120 | Kervin J. Selover 1416 Master Street N. Tonawanda, NY 14120 | Janet L. Smolinski 449 Robert Drive N. Tonawanda, NY 14120 |
| Robert G. Ortt 171 E. Felton Street N. Tonawanda, NY 14120 | Suzanne Hempel 234 Falconer Street N. Tonawanda, NY 14120 | |

MOVED by Alderman Sommer **SECONDED by Alderman Donovan**
That the Common Council hereby appoints Robert N. Banks, 972 Remington Drive, N. Tonawanda, NY 14120; Michael J. Harms, Sr., 41 N. Marion Street, N. Tonawanda, NY 14120; Kenneth P. Brennan, 231 Jackson Avenue, N. Tonawanda, NY 14120; Arthur Pappas, 1417 Forbes Street, N. Tonawanda, NY 14120; Kervin J. Selover, 1416 Master Street, N. Tonawanda, NY 14120, Janet L. Smolinski, 449 Robert Drive, N. Tonawanda, NY 14120, Robert G. Ortt, 171 E. Felton Street, N. Tonawanda, NY 14120 and Suzanne Hempel, 234 Falconer Street, N. Tonawanda, NY 14120 as Commissioners of Deeds for the City of North Tonawanda effective May 16, 2007 expiring May 15, 2009.
CARRIED.

#2
Treasurer

14 May, 2007

City of North Tonawanda Common Council
216 Payne Avenue
North Tonawanda, New York 14120

Re: Parcel 182.69-2-23

Dear Honorable Body:

This letter is being sent to advise you that, subject to your approval, Paul Brown has purchased the above mentioned parcel at 408 Oliver Street, in public auction on 9 May, 2007. The City has received the full amount of the purchase price, \$1,000, as well as \$20,000 to be held in escrow by the City until necessary improvements to the property are made to the satisfaction of the Building Inspector, City Engineer and City Attorney.

If there are any questions regarding this matter, please do not hesitate to contact me at the Treasurer's Office.

Sincerely,
Robert G. Ortt
City Treasurer

MOVED by Alderman Sommer

SECONDED by Alderman Rizzo

That the Common Council hereby approves the sale of 408 Oliver Street to Paul Brown for \$1,000 as well as \$20,000 to be held in escrow by the City until necessary improvements to the property are made to the satisfaction of the Building Inspector, City Engineer and City Attorney.

Ayes: Rizzo, Schwandt, Donovan, Sommer

(4)

Nays: Brick

(1)

CARRIED.

AUDIENCE PARTICIPATION

Linda Wingrove, 1333 Ruie Road – Spoke about the Meals on Wheels program.

Norm Holcomb, 59 Webster Street – Inquired about opening a concession stand in the Niagara County building.

Gordon Fritz, 1727 Eddy Drive – Asked about the City incinerator and wondered how much Dr. Hugg's Carwash owed in water bills.

Christy Kilburn, 1448 Sherwood Avenue – Had questions regarding Sherwood Avenue special assessments.

Sonia Dusza, 123 Miller Street – Stated that Department Heads should be present at the Common Council meetings and complained about property on River Road.

Mike Gondek, 257 Brentwood Drive – Asked about the payment to Beck's in the Abstract of Claims.

Dave Burgio, 1879 Sweeney Street – Questioned the sale of 954 East Robinson Street.

Walter Yaro, 170 Christiana Street – Asked when the Common Council chambers would be remodeled.

Cathy Kern, 1248 Greenbrier Lane – Asked about the new Playground on Deerfield Drive.

June Walters 1438 Sherwood Avenue – Asked if Sherwood meeting would be in the evening.

ADJOURNMENT

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

Time of Adjournment: 8:14P.M.

Respectfully submitted,

Thomas M. Jaccarino
City Clerk