

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, February 3, 2009
6:00P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT SOMMER

ROLL CALL

Present: President Sommer
Aldermen Brick, Pasiak, Schwandt, Donovan

Absent: None

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

APPROVAL OF THE MINUTES OF THE REGULAR SESSION JANUARY 20, 2009

MOVED by Alderman Schwandt **SECONDED** by Alderman Brick
That the minutes of the regular session held January 20, 2009 be approved as circulated and
filed in the Office of the City Clerk.
CARRIED.

AUDIENCE PARTICIPATION – None

COMMUNICATIONS FROM CITY OFFICIALS

I.1 Mayor

January 27, 2009

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

Re: Local Law No. 2 for the year 2008 - Establishing Sewer Rates

Dear Honorable Body:

Please be advised that this office held a Public Hearing on the above-referenced Local Law #2 for 2008 in the Common Council Chambers at City Hall, 216 Payne Avenue, North Tonawanda, New York 14120 on Monday, January 26, 2009 at 6:00 PM.

The Common Council previously approved this Local Law at their meeting of December 2, 2008 and referred it to the Mayor's Office for a Public Hearing.

At the time of the Public Hearing, which was conducted by Mayor Lawrence V. Soos, with David Jakubaszek, City Accountant, in attendance, no opposition was voiced against the passage of this Local Law.

Therefore, I hereby approve the passage of this Local Law #2 for 2008.

Sincerely,
Lawrence V. Soos
Mayor

02-03-09

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

I.2 Mayor

January 29, 2009

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

Re: Appointment to North Tonawanda Planning Commission

Dear Honorable Body:

Please be advised that I am hereby appointing to the Planning Commission David J. Burgio of 1879 Sweeney Street, North Tonawanda, New York for a six (6) year period effective immediately with an expiration date of December 31, 2014. He will be replacing Joy Kuebler on the commission.

I am making this appointment for a term of less than seven (7) years in order to stagger the expiration of the terms so that at least one (1) board member's term will expire every year. This corrects the present situation where most of the terms expire in the same year.

Thank you for your attention to this matter.

**Sincerely,
Lawrence V. Soos
Mayor**

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

I.3 Mayor

January 29, 2009

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

Re: Appointments to Traffic Safety Committee

Dear Honorable Body:

Please be advised that I am reappointing the following residents to the Traffic Safety Committee effective immediately for the following terms:

Thomas Tussing, 115 Community Drive, North Tonawanda, New York - Four (4) year term expiring December 31, 2012. (Public Works Advisor)

Anthony DiBernardo, 1370 Weaver Parkway, North Tonawanda, New York - Four (4) year term expiring December 31, 2012.

Peter M. Gondek, 257 Brentwood Drive, North Tonawanda, New York - Three (3) year term expiring December 31, 2011.

Ned Dingman, 275 Goundry Street, North Tonawanda, New York 14120 - Three (3) year term expiring December 31, 2011.

They have all served the City of North Tonawanda well. Thank you for your attention to this matter.

Sincerely,
Lawrence V. Soos
Mayor

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

II. Attorney

January 28, 2009

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

**Re: Re-Introduction of Permitting Legislation in the Sale of
Niagara River Yacht Club in the NYS Legislature**

Dear Honorable Body:

As you may know, earlier this month I sent a request to Senator Maziarz to reintroduce the bill at the state level to allow the sale of the Niagara River Yacht Club. Attached is his reply, requesting that your Honorable Body adopt a resolution to that end.

If your Honorable Body concurs, please pass a resolution to support and request that the bill be re-introduced to the state legislature to allow for the sale of the Niagara River Yacht Club.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,
Shawn P. Nickerson
City Attorney

MOVED by Alderman Pasiak **SECONDED** by Alderman Sommer
That the Common Council hereby requests that Senator George D. Maziarz reintroduce to the New York State Legislature York State Legislature the permitting legislation to allow for the sale of the Niagara River Yacht Club.

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

Nays: None (0)

CARRIED.

IV.1 Engineer

January 29, 2009

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

**Re: Buffalo Bolt Industrial Park
Award of Engineering Agreement**

Honorable Body:

The City has completed the reviews of the engineering proposals that we received for the proposed Buffalo Bolt Industrial Park, and in conjunction with Community Development and Lumber City Development. The Superintendent of Public Works and I independently reviewed the four proposals submitted and conducted interviews with the top two firms.

IV.3 Engineer

January 29, 2009

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

RE: Sweeney Marion Storm Sewer Separation
Project 2008-18
SEQRA- Environmental Assessment

Honorable Body:

In accordance with the New York State Environmental Quality Review Act (SEQRA), the City in its capacity as Lead Agency, has prepared an environmental assessment of the significance of potential environmental impacts of the installation of 24", 18", and 12" HDPE storm piping approximately 850 LF to separate storm sewer from existing sanitary sewer. This project is considered an unlisted action under SEQRA.

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

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

MOVED by Alderman Donovan

SECONDED by Alderman Brick

WHEREAS, the City of North Tonawanda intends to eliminate sewage flooding in basements by installing a new storm sewer 850 LF in length, including manholes and receivers, to separate storm sewer from existing sanitary sewer on Sweeney Street between Oliver Street and Main Street, and on Marion Street between Sweeney Street and Tremont Street.

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

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

FURTHER, BE IT RESOLVED that the Common Council as Lead Agency hereby issues a Negative Declaration under SEQR Regulations for the storm sewer installation to Sweeney and Marion Streets, and authorizes the Common Council President to sign said Environmental Assessment form.

Ayes: Brick, Pasiak, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

CARRIED.

VII.1 Accountant

January 29, 2009

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 February 3, 2009, 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 Pasiak

SECONDED by Alderman Donovan

That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated February 3, 2009 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$487,867.91
02	Water Fund	66,606.40
04	Sewer Fund	115,006.51
06	Capital Project Fund	80,028.45
07	Trust & Agency Fund	8,982.24
08	Community Development	6,955.00
11	General Fund Encumbered	166,047.65
12	Water Fund Encumbered	7,792.30
14	Sewer Fund Encumbered	2,713.98
17	Home Rehab Program	<u>13,080.00</u>
	Final Total	<u>\$955,080.44</u>

Ayes: Brick, Pasiak, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

CARRIED.

VII.2 Accountant

January 29, 2009

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

Dear Honorable Body:

In accordance with Article V, Division 2, Section 5.023 and Section 2.2 of the Budgetary Transfer Policy, please authorize the City Accountant to make the following transfers of fiscal year 2009 appropriations, based on the request of Department Heads, copy attached:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>From Appropriation Account</u>	<u>Into Appropriation Account</u>
3	15,000.00	2-1990.410 Contingent Account	2-8340.232 Water Pickup Truck

Very truly yours,
David R. Jakubaszek
City Accountant

MOVED by Alderman Pasiak

SECONDED by Alderman Brick

That the Common Council hereby authorizes the City Accountant to make the following budget amendment of fiscal year 2009 revenues and appropriations, based on the requests of Department Heads:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>From Appropriation Account</u>	<u>Into Appropriation Account</u>
3	15,000.00	2-1990.410 Contingent Account	2-8340.232 Water Pickup Truck

Ayes: Brick, Pasiak (2)
 Nays: Schwandt, Donovan, Sommer (3)
MOTION FAILED.

VII.3 Accountant

January 29, 2009

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 2009 Capital Improvements Budget, with modifications, please find a serial bond resolution in the aggregate amount of \$2,823,000, from our Bond Counsel, Harris Beach LLP.

The original adopted 2008 Capital Budget, copy attached, provided for the bonding of \$2,698,000 for capital projects. Based on a review at a Council Workshop Session, one modification, in the amount of \$125,000 was made to the original budget, as follows:

Sweeney Storm Increase \$125,000, storm sewer to separate systems, Kissling Project

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 Donovan **SECONDED** by Alderman Pasiak
 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 February 3, 2009

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

ABSENT: None

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

BOND RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK (THE "CITY") AUTHORIZING THE ISSUANCE OF \$2,823,000 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 \$2,823,000 in serial bonds of the City to finance various public improvements and purposes, as described herein; and

WHEREAS, all conditions precedent to the financing of each of the projects hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act (collectively, "SEQRA"), have been performed and therefore no further action need be taken by the Common Council under SEQRA as a pre-condition to the adoption of this resolution; and

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 \$250,000 principal amount of serial bonds pursuant to the provisions of 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 acquiring and installing upgrades and improvements to the City's current technology system, including the financial management and accounting systems, to include computer systems, telecommunications equipment, data processing hardware and software, 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 objects or purposes is \$250,000, said amount is hereby appropriated therefore, and the plan for the financing thereof shall consist of the issuance of \$250,000 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 32 of paragraph a of Section 11.00 of the Law.

SECTION 2. The City is hereby authorized to issue \$293,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the construction, reconstruction, and additions to the City's storm sewer systems to include the construction of a storm sewer system on Marcia Drive, to include concrete curbing and related asphalt replacement, including, as needed, the installation or replacement of valves, curbs, gutters, sidewalks and driveways and paving, drainage, landscaping and grading, and including any equipment, furnishings, machinery, apparatus, appurtenances, and any ancillary or related work required in connection therewith. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$293,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$293,000 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 4 of paragraph a of Section 11.00 of the Law.

SECTION 3. The City is hereby authorized to issue \$125,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the construction, reconstruction, and additions to the City's storm sewer systems to include the construction of a storm sewer system to separate the Sweeney Street and Marion Street systems, to include construction of an approximately 900 linear foot, 24-inch storm sewer from the existing manhole at the Oliver Street outfall, west on Sweeney Street to Marion Street then north on Marion Street, including new manholes and the reconstruction of existing catch basins, including, as needed, the installation or replacement of valves, curbs, gutters, sidewalks and driveways and paving, drainage, landscaping and grading, and including any equipment, furnishings, machinery, apparatus, appurtenances, and any ancillary or related work required in connection therewith. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$125,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$125,000 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 4 of paragraph a of Section 11.00 of the Law.

SECTION 4. The City is hereby authorized to issue \$40,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost to finance the estimated cost of the final phase of the 15,000-foot Riverwalk Project from Gateway Park to Gatwick-Riverside Park, consisting of milling and repaving of Sweeney Street from

Webster Street to its dead end at the Seymour Street Bridge, striping the road to delineate the 10-foot wide Riverwalk along the south curblin of the one-way section of Sweeney Street, and completion of the asphalt Riverwalk section located on State property through Wardell Boat Yard and under Seymour Street Bridge, and including, as needed, the construction or reconstruction of curbs, gutters, driveway approaches, sidewalks, drainage, landscaping and grading improvements, and including any materials, equipment, furnishings, machinery or apparatus, and including any ancillary or related work required in connection therewith. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$40,000 said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$40,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such serial bonds. It is hereby determined that the period of probable usefulness of the aforementioned specific object or purpose is ten (10) years, pursuant to subdivision 20(b) of paragraph a of Section 11.00 of the Law.

SECTION 5. The City is hereby authorized to issue \$60,000 principal amount of serial bonds pursuant to the Law to finance the estimated cost of acquiring two replacement police patrol vehicles. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$60,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$60,000 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 77(first) of paragraph a of Section 11.00 of the Law.

SECTION 6. The City is hereby authorized to issue \$200,000 principal amount of serial bonds pursuant to the Law to finance the estimated cost of reconstructing and repaving certain portions of certain streets, and the construction or reconstruction of sidewalks, curbs, gutters, drainage, landscaping and grading throughout the City. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$600,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the expenditure of \$400,000 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 20(c) of paragraph a of Section 11.00 of the Law.

SECTION 7. The City is hereby authorized to issue \$150,000 principal amount of serial bonds pursuant to the Law to finance the estimated cost of the construction or reconstruction of sidewalks, curbs, gutters, drainage, landscaping and grading throughout the City. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$150,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$150,000 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 subdivision 24 of paragraph a of Section 11.00 of the Law.

SECTION 8. The City is hereby authorized to issue \$750,000 principal amount of serial bonds pursuant to the Law to finance the estimated cost of purchasing certain vehicles for the City's Department of Public Works, as follows: (i) one combination sewer flushing and vacuuming equipment and chassis; (ii) one chassis with co-mingled recycling body, (iii) one single axle dump truck with plow equipment and salter, (iv) one medium chassis with aerial bucket equipment, and (v) one van chassis with cube body. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$750,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$750,000 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 28 of paragraph a of Section 11.00 of the Law.

SECTION 9. The City is hereby authorized to issue \$90,000 principal amount of serial bonds pursuant to the Law to finance the estimated cost of purchasing one 50,000 pound vehicle service lift to include the installation thereof for use by the City's Department of Public Works. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$90,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$90,000 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 28 of paragraph a of Section 11.00 of the Law.

SECTION 10. The City is hereby authorized to issue \$40,000 principal amount of serial bonds pursuant to the Law to finance the estimated cost of purchasing a rotary mower and riding aerator for use at the City's Deerwood Golf Course. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$40,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$40,000 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 28 of paragraph a of Section 11.00 of the Law.

SECTION 11. 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 the acquisition and installation of certain upgrades and improvements to the City's water distribution system consisting of: (i) improvements and upgrades to the standby power supply generator located at the pumping station on Tonawanda Island to maintain reliability during emergency situations, and (ii) improvements to the water treatment plant located at 1 Archer Street, consisting of: (a) replacement of two existing boilers, (b) replacement and/or rebuilding of two mixers, (c) electrical system improvements consisting of rebuilding of four 1600-volt breakers, 120-volt service rewiring of the pump station, and electrical upgrades to the filter plant chemical building. 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 \$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 serial 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 1 of paragraph a of Section 11.00 of the Law.

SECTION 12. The City is hereby authorized to issue \$525,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the acquisition, construction and installation of certain improvements to the City's wastewater treatment plant located at 830 River Road, consisting of (i) replacement of activated carbon, (ii) replacement of the heating and ventilation system, (iii) replacement of over-sized burners and controls to the carbon regeneration furnace, and (iv) refit of the rectangular clarifier to lower the head shaft, and replacement of bar screen #2 with a fiberglass bar screen, 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 \$525,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$525,000 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 4 of paragraph a of Section 11.00. of the Law.

SECTION 13. The City is hereby authorized to issue \$80,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the acquisition, development, installation and implementation, for use by the Engineering, Public Works and Water Works Department of an interactive Geodatabase of all existing water, sewer, and storm sewer lines, hydrants, valves, pumps, lift stations, service areas and other assets and facilities to facilitate maintenance, repair, replacement and emergency response, including the acquisition of laptop computers and other related and ancillary equipment, and the purchase and installation. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$80,000, said amount is hereby

appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$80,000 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 subdivisions 20, 32 and 89 of paragraph a 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 subsection d.3(a) (in the case of bonds issued for the objects or purposes described in Section 11 hereof), and subsection d.3(l) (in the case of bonds issued for the objects or purposes described in Section 12 hereof), subsection d.5 (in the case of bonds issued for the objects or purposes described in Sections 1, 5 and 13 hereof), subsection d.9 (in the case of bonds issued for the objects or purposes described in Sections 2, 3, 4, 6, 7, 8 and 10 hereof) 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. Further, in connection with bonds and bond anticipation notes issued under the authority of Sections 11 and 12 hereof, the power to issue and sell bonds or bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and content as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

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. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for one or more of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by this resolution or other resolutions of the Common Council, then the power of the Common Council to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the City Treasurer, as 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 City Treasurer is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 20. 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 21. 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 22. 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: Alderman Brick, Pasiak, Schwandt, Donovan, Sommer	(5)
NAYS: None	(0)

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. I am the duly qualified and acting Clerk of the City of North Tonawanda, Niagara County, New York (the "City") and the custodian of the records of the City, including the minutes of the proceedings of the Common Council of the City, and am duly authorized to execute this certificate.
2. A regular meeting of the Common Council of the City of North Tonawanda, Niagara, County, State of New York (the "Common Council"), was held on February 3, 2009, and attached hereto is a true and correct copy of a resolution duly adopted at such meeting and entitled:

BOND RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK (THE "CITY") AUTHORIZING THE ISSUANCE OF \$2,823,000 IN SERIAL BONDS OF THE CITY TO FINANCE VARIOUS PUBLIC IMPROVEMENTS

3. That said meeting was duly convened and held and that said resolution was duly adopted in all respects in accordance with the law and regulations of the City. To the

extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Common Council was present throughout said meeting, and a legally sufficient number of members (2/3's of the Common Council) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under the law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including the publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

4. The seal appearing below constitutes the official seal of the City and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the City this 3rd day of March 2009.

Thomas M. Jaccarino
City Clerk

ESTOPPEL NOTICE

The resolution, a summary of which is published herewith, has been adopted on February 3, 2009, 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.

Thomas M. Jaccarino
City Clerk

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 \$2,823,000 IN SERIAL BONDS OF THE CITY TO FINANCE VARIOUS PUBLIC IMPROVEMENTS"

1. Pursuant to the resolution, the City authorized to issue \$250,000 principal amount of serial bonds pursuant to the provisions of 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 acquiring and installing upgrades and improvements to the City's current technology system, including the financial management and accounting systems, to include computer systems, telecommunications equipment, data processing hardware and software, 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 objects or purposes is \$250,000, said amount is hereby appropriated therefore, and the plan for the financing thereof shall consist of the issuance of \$250,000 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 32 of paragraph a of Section 11.00 of the Law.

2. Pursuant to the resolution, the City authorized to issue \$293,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the construction, reconstruction, and additions to the City's storm sewer systems to include the construction of a storm sewer system on Marcia Drive, to include concrete curbing and related asphalt replacement, including, as needed, the installation or replacement of valves, curbs, gutters, sidewalks and driveways and paving, drainage, landscaping and grading, and including any equipment, furnishings, machinery, apparatus, appurtenances, and any ancillary or related work required in connection therewith. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$293,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$293,000 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 4 of paragraph a of Section 11.00 of the Law.

3. Pursuant to the resolution, the City authorized to issue \$125,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the construction, reconstruction, and additions to the City's storm sewer systems to include the construction of a storm sewer system to separate the Sweeney Street and Marion Street systems, to include construction of an approximately 900 linear foot, 24-inch storm sewer from the existing manhole at the Oliver Street outfall, west on Sweeney Street to Marion Street then north on Marion Street, including new manholes and the reconstruction of existing catch basins, including, as needed, the installation or replacement of valves, curbs, gutters, sidewalks and driveways and paving, drainage, landscaping and grading, and including any equipment, furnishings, machinery, apparatus, appurtenances, and any ancillary or related work required in connection therewith. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$125,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$125,000 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 4 of paragraph a of Section 11.00 of the Law.

4. Pursuant to the resolution, the City authorized to issue \$40,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost to finance the estimated cost of the final phase of the 15,000-foot Riverwalk Project from Gateway Park to Gatwick-Riverside Park, consisting of milling and repaving of Sweeney Street from Webster Street to its dead end at the Seymour Street Bridge, striping the road to delineate the 10-foot wide Riverwalk along the south curblin of the one-way section of Sweeney Street, and completion of the asphalt Riverwalk section located on State property through Wardell Boat Yard and under Seymour Street Bridge, and including, as needed, the construction or reconstruction of curbs, gutters, driveway approaches, sidewalks, drainage, landscaping and grading improvements, and including any materials, equipment, furnishings, machinery or apparatus, and including any ancillary or related work required in connection therewith. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$40,000 said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$40,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such serial bonds. It is hereby determined that the period of probable usefulness of the aforementioned specific object or purpose is ten (10) years, pursuant to subdivision 20(b) of paragraph a of Section 11.00 of the Law.

5. Pursuant to the resolution, the City authorized to issue \$60,000 principal amount of serial bonds pursuant to the Law to finance the estimated cost of acquiring two replacement police patrol vehicles. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$60,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$60,000 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 77(first) of paragraph a of Section 11.00 of the Law.

6. Pursuant to the resolution, the City authorized to issue \$200,000 principal amount of serial bonds pursuant to the Law to finance the estimated cost of reconstructing and repaving certain portions of certain streets, and the construction or reconstruction of sidewalks, curbs, gutters, drainage, landscaping and grading throughout the City. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$600,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the expenditure of \$400,000 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 20(c) of paragraph a of Section 11.00 of the Law.

7. Pursuant to the resolution, the City authorized to issue \$150,000 principal amount of serial bonds pursuant to the Law to finance the estimated cost of the construction or reconstruction of sidewalks, curbs, gutters, drainage, landscaping and grading throughout the City. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$150,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$150,000 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 subdivision 24 of paragraph a of Section 11.00 of the Law.

8. Pursuant to the resolution, the City authorized to issue \$750,000 principal amount of serial bonds pursuant to the Law to finance the estimated cost of purchasing certain vehicles for the City's Department of Public Works, as follows: (i) one combination sewer flushing and vacuuming equipment and chassis; (ii) one chassis with co-mingled recycling body, (iii) one single axle dump truck with plow equipment and salter, (iv) one medium chassis with aerial bucket equipment, and (v) one van chassis with cube body. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$750,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$750,000 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 28 of paragraph a of Section 11.00 of the Law.

9. Pursuant to the resolution, the City authorized to issue \$90,000 principal amount of serial bonds pursuant to the Law to finance the estimated cost of purchasing one 50,000 pound vehicle service lift to include the installation thereof for use by the City's Department of Public Works. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$90,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$90,000 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 28 of paragraph a of Section 11.00 of the Law.

10. Pursuant to the resolution, the City authorized to issue \$40,000 principal amount of serial bonds pursuant to the Law to finance the estimated cost of purchasing a rotary mower and riding aerator for use at the City's Deerwood Golf Course. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$40,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$40,000 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 28 of paragraph a of Section 11.00 of the Law.

11. Pursuant to the resolution, the City authorized to issue \$220,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the acquisition and installation of certain upgrades and improvements to the City's water distribution system consisting of: (i) improvements and upgrades to the standby power supply generator located at the pumping station on Tonawanda Island to maintain reliability during emergency situations, and (ii) improvements to the water treatment plant located at 1 Archer Street, consisting of: (a) replacement of two existing boilers, (b) replacement and/or rebuilding of two mixers, (c) electrical system improvements consisting of rebuilding of four 1600-volt breakers, 120-volt service rewiring of the pump station, and electrical upgrades to the filter plant chemical building. 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 \$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 serial 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 1 of paragraph a of Section

11.00 of the Law.

12. Pursuant to the resolution, the City authorized to issue \$525,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the acquisition, construction and installation of certain improvements to the City's wastewater treatment plant located at 830 River Road, consisting of (i) replacement of activated carbon, (ii) replacement of the heating and ventilation system, (iii) replacement of oversized burners and controls to the carbon regeneration furnace, and (iv) refit of the rectangular clarifier to lower the head shaft, and replacement of bar screen #2 with a fiberglass bar screen, 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 \$525,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$525,000 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 4 of paragraph a of Section 11.00. of the Law.

13. Pursuant to the resolution, the City authorized to issue \$80,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the acquisition, development, installation and implementation, for use by the Engineering, Public Works and Water Works Departments of an interactive Geodatabase of all existing water, sewer, and storm sewer lines, hydrants, valves, pumps, lift stations, service areas and other assets and facilities to facilitate maintenance, repair, replacement and emergency response, including the acquisition of laptop computers and other related and ancillary equipment, and the purchase and installation. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$80,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$80,000 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 subdivisions 20, 32 and 89 of paragraph a of Section 11.00 of the Law.

14. Subject to the provisions of the 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 Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 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 authorized by the resolution, 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 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.

XXVI. SEMI-ANNUAL VACATION & SICK LEAVE REPORTS

.1 Police

MOVED by Alderman Pasiak

SECONDED by Alderman Brick

That the Common Council hereby receives and files the aforementioned Semi-Annual Vacation & Sick Leave Report.

CARRIED.

COMMUNICATIONS FROM OTHERS

A.

Active Hose Company #2 - Re: Exemption Petition:

**Peter Smolinski – 50 Years
David Stein – 25 Years
Dennis Fitzpatrick 25 – Years**

Statement of Volunteer Fireman:

**Fraz M. Kayani
Harland M. Kayani
James William Higgins**

**MOVED by Alderman Donovan SECONDED by Alderman Schwandt
To issue an Exemption Certificates to Peter Smolinski – 50 Years; David Stein – 25 Years
and Dennis Fitzpatrick – 25 Years and to add Fraz M. Kayani, Harland M. Kayani and
James William Higgins to the Fire Rolls.
CARRIED.**

B.

Gratwick Hose - Re: Removal from Fire Rolls:

Eugene Opalinski

**MOVED by Alderman Schwandt SECONDED by Alderman Donovan
To remove Eugene Opalinski from the Fire Rolls.
CARRIED.**

C.

Educators Totally Committed

MOVED by Alderman Sommer SECONDED by Alderman Donovan

- **Whereas a group of approximately 25 teachers and support staff in Western New York State, U. S. A., known as Educators Totally Committed (E.T.C.), all of which are from the Kenmore-Town of Tonawanda School District and the Clarence School District, accompanied by students of all age groups in these districts, have held an annual Sleepout on the first Friday of February since 1988 in order to help people in need in the western New York area, and**
- **Whereas these are people in need located in every neighborhood of our world community, and**
- **Whereas people in need of basic everyday necessities are dependent upon the compassionate concern and action of those who are able to help, especially people who are able to help who are located in their own community, as they have a clearer insight into the specific needs of the people who need help, and**
- **Whereas E.T.C.'s three-phase responsible social program of awareness, commitment and compassionate action can be easily applied world-wide to children in relation to the concerns of people in need in their own immediate community, and**
- **Whereas children given the opportunity to come together on a particular, designated day can maximize the cumulative worldwide effect of channeling their efforts to help people in need in their own community and can use this day as a springboard to encourage people worldwide to help people in need on a more regular basis throughout the entire year, and**

- Whereas E.T.C. is presently working with the United Nations Educational, Scientific and Cultural Organization (UNESCO) to establish the first Friday in February of each year as a **WORLD WIDE SCHOOL DAY TO HELP PEOPLE IN NEED**, now,

THEREFORE BE IT RESOLVED that the North Tonawanda Common Council proclaims the first Friday in February 2009: February 6, 2009 as City of North Tonawanda Community School Day of Caring and Sharing in support of E.T.C.'s efforts to establish through UNESCO the first Friday in February of each year as a **WORLD WIDE SCHOOL DAY TO HELP PEOPLE IN NEED**, and encourages our residents to support in any appropriate manner E.T.C.'s continued efforts to help people in our community who are less fortunate.

CARRIED.

D.1

Community Development

Honorable Lawrence V. Soos
and Common Council Members
City Hall – 216 Payne Avenue
North Tonawanda, NY 14120

**Re: Brownfields Opportunity Area Programs
New York State Department of State and Environmental Conservation**

Dear Honorable Body:

In 2008 the City of North Tonawanda received a grant award from the Department of State and the Department of Environmental Conservation, for a "Step 2 Nomination Study" through the Brownfields Opportunity Area. At the time of application, the Common Council authorized the Mayor to sign and submit the documentation. With the issuance of a State Assistance Contract, the City is now in position to authorize a "Lead Applicant" to enter into formal contracts and to authorize the drawdown and disbursement of funds.

I therefore respectfully request that the Common Council authorize the Mayor to sign and submit all necessary documentation for the above noted project as the Lead Applicant.

Thank you in advance for your anticipated review and cooperation.

Sincerely,
James B. Sullivan
Director of Community Development

MOVED by Alderman Donovan **SECONDED** by Alderman Brick
WHEREAS, The City of North Tonawanda, herein called the "Applicant" has determined that certain work, as described in its application to the Departments of State and Environmental Conservation, through the Brownfields Opportunity Area program, herein called the "Project". Is desirable: and

WHEREAS, Section 970-r of the General Municipal Law authorizes State assistance to eligible parties for Brownfield Opportunity Areas Program grants by means of a State Assistance Contract (and the Applicant deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW THEREFORE BE IT RESOVLED BY THE NORTH TONAWANDA COMMON COUNCIL

1. That Mayor Lawrence V. Soos is the representative authorized to act in behalf of all applicants in all matters related to State assistance under 970-r of the General Municipal Law for the Project. The representative is also authorized to execute the SAC, request SAC advances, and reimbursements, redistribute SAC

ADJOURNMENT

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

Time of Adjournment: 6:52P.M.

Respectfully submitted,

Thomas M. Jaccarino
City Clerk