

2

I.2 Mayor

February 23, 2010

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

Re: Appointment as Bingo Commissioner North Tonawanda

Dear Honorable Body:

Please be advised that I am appointing Eileen Koszelak, 197 Lindsay Place, North Tonawanda, NY 14120, as the Bingo Inspector for a one (1) year term effective February 22, 2010 and expiring January 31, 2011.

Thank you for your attention to this matter.

**Sincerely,
Robert G. Ortt
Mayor**

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

I.3 Mayor

February 24, 2010

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

Re: Appointment to North Tonawanda Housing Authority

Dear Honorable Body:

Please be advised that I am appointing William Paton, 55 Fifth Avenue, North Tonawanda, NY 14120 to the Housing Authority for a five (5) year term effective February 1, 2010 and expiring January 31, 2015. Please be aware that this is a correction in the term.

Thank you for your attention to this matter.

**Sincerely,
Robert G. Ortt
Mayor**

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

I.4 Mayor

February 25, 2010

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

Re: Appointment to North Tonawanda Environmental Committee

Dear Honorable Body:

03-02-2010

Please be advised that I am re-appointing Joe Fonzi, 609 Christiana Street, North Tonawanda, NY 14120, Liz Kaszubski, 1463 Fairfield Drive, North Tonawanda, NY 14120 and Dawn Vollmer, 500 North Avenue, North Tonawanda, NY 14120 to the Environmental Committee for a three (3) year term effective January 1, 2010 and expiring on December 31, 2012.

Thank you for your attention to this matter.

Sincerely,
Robert G. Ortt
Mayor

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

I.5 Mayor

February 25, 2010

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

Re: Appointment/Re-appointments to North Tonawanda Property Maintenance Task Force

Dear Honorable Body:

Please be advised that I am setting appointment dates for the following individuals to the Property Maintenance Task Force. All terms are effective March 1, 2010. There will be seven members as follows:

Harry Roberts, 228 Jackson Street, North Tonawanda, NY 14120 for a one (1) year term, expiring February 28, 2011

Linda Hankinson, 328 Vandervoort Street, North Tonawanda, NY 14120 for a two (2) year term, expiring February 29, 2012.

Sue Abilmona, 1066 Castlebar Dr., North Tonawanda, NY 14120, to a three (3) year term, expiring February 28, 2013.

Paul Wright, 337 Division Street, North Tonawanda, NY 14120, for a four (4) year term, expiring February 28, 2014.

Tammy Godyn, 843 Ohio Street, North Tonawanda, NY 14120, for a five (5) year term, expiring February 28, 2015.

Jason Jamulla, 539 Homestead Dr., North Tonawanda, NY 14120, for a six (6) year term, expiring February 29, 2016.

David Conti, 134 Main Street, North Tonawanda, NY 14120, for a seven (7) year term, expiring February 28, 2017. Mr. Conti will also serve as Chairman.

These are the only seven standing members of the Property Maintenance Task force, with one member coming up for re-appointment each year. All terms are effective March 1, 2010.

Thank you for your attention to this matter.

Sincerely,
Robert G. Ortt
Mayor

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

I.6 Mayor

February 26, 2010

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

Re: Appointment to Traffic Safety Committee

Dear Honorable Body:

Please be advised that I am appointing Joseph Sikora, 552 Homestead Drive, North Tonawanda, NY 14120, as the Traffic Safety Committee Chairman. He will be replacing Tom Tussing effective March 1, 2010.

Thank you for your attention to this matter.

**Sincerely,
Robert G. Ortt
Mayor**

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

II. Attorney

February 25, 2010

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

**Re: Proposed Amendment to Chapter 21 of the City Code of the
 City of North Tonawanda, New York, Entitled, "Boat Launching."**

Dear Honorable Body:

The Dept. of Youth, Recreation & Parks has requested that the attached amendments be added to Chapter 21 of the City Code of the City of North Tonawanda, entitled, "Boat Launching" in order to update that section of the Code. The requested changes appear in bold print on the attached.

If your Honorable Body concurs, this amendment shall become effective upon publication in the City's official newspaper. 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 Donovan

That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated March 2, 2010 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$720,106.64
02	Water Fund	54,792.89
04	Sewer Fund	93,872.96
06	Capital Project Fund	103,230.50
07	Trust & Agency Fund	210.39
11	General Fund Encumbered	14,068.23
12	Water Fund Encumbered	1,182.45
14	Sewer Fund Encumbered	4,225.00
	Final Total	<u>\$991,689.06</u>

Ayes: Andres, Pasiak, Donovan, Zadzilka, Schwandt

(5)

Nays: None

(0)

CARRIED.

VII.2 Accountant

February 25, 2010

Honorable Robert G. Ortt, Mayor

and Common Council

City Hall

North Tonawanda, New York 14120

Dear Honorable Body:

In accordance with the adopted City of North Tonawanda 2010 Capital Improvements Budget, with modifications, please find a serial bond resolution in the aggregate amount of \$1,936,000, from our Bond Counsel, Harris Beach LLP.

The original adopted 2010 Capital Budget, copy attached, provided for the bonding of \$2,059,000 for capital projects. Based on updates by Department Heads and a final review by the Mayor, some modifications were made to the original budget, in the decreased amount of \$123,000, as follows:

Storm Sewer Separation	Increase	\$ 62,000	Engineer, increase in scope of project
Clair Avenue Sanitary	Increase	\$155,000	DPW, increase in scope of project
Diesel Exhaust System	Decrease	\$120,000	Fire, received grant in late 2009
Command Vehicle	Increase	\$ 5,000	Fire, increased cost of replacement
Auto Refuse Collection	Decrease	\$240,000	Mayor, project abandoned for
2010 Sidewalk	Increase	\$ 30,000	Mayor, increase scope of project
Pickup Truck Water	Decrease	\$ 15,000	Mayor, project abandoned for 2010

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 Andres

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 at 6:00 p.m. on March 2, 2010.

PRESENT: Catherine G. Schwandt, President

Dennis M. Pasiak, Alderman

Rich L. Andres Jr., Alderman

Eric M. Zadzilka, Alderman

Nancy A. Donovan, Alderman-at-Large

ABSENT: None

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

BOND RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK (THE "CITY") AUTHORIZING THE ISSUANCE OF \$1,936,000 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 \$1,936,000 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 \$100,000 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 the acquisition and installation of upgrades and improvements to the City's Gratwick-Riverside Park Marina, consisting of: (i) replacement of the existing electrical system to bring the system up to date to meet current code and (ii) replacement of the existing docks with handicap accessible ramps and a floating dock system, 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 \$100,000, said amount is hereby appropriated therefore, and the plan for the financing thereof shall consist of the issuance of \$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 serial bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific objects or purposes is twenty (20) years, pursuant to subdivision 7 of paragraph a of Section 11.00 of the Law.

SECTION 2. The City is hereby authorized to issue \$327,000 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 system to include (i) the separation of storm water and sanitary sewer systems to eliminate flooding, health and environmental risks on Rumbold Avenue (from Hyland Avenue and Zimmerman Street), on Ransom Street (from Niagara Street to Fassett Street) and on Niagara Street (from Ramson Street to Robinson Street), to include the 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; (ii) certain improvements to the sanitary sewer system on Schenck to include the construction and installation of a manhole and the installation of 18" sanitary pipe, and (iii) the replacement of a pump at the Rumbold Lift Station, including any equipment, 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 \$327,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$327,000 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 \$155,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the reconstruction and replacement of sanitary sewer lines on certain portions of Clair Avenue; including equipment, machinery, apparatus, appurtenances and incidental improvements. It is hereby determined that the maximum estimated cost of the

aforementioned specific objects or purposes is \$155,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$155,000 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 4. The City is hereby authorized to issue \$122,000 principal amount of serial bonds pursuant to the Law to finance the estimated cost of acquiring four (4) replacement police patrol vehicles. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$122,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$122,000 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 5. The City is hereby authorized to issue \$22,000 principal amount of serial bonds pursuant to the Law to finance the estimated cost of acquiring one (1) replacement vehicle for use by the Fire Chief. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$22,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$22,000 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 \$50,000 principal amount of serial bonds pursuant to the Law to finance the estimated cost of acquiring one (1) replacement command response car vehicle for use by the Fire Department. 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 \$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 three (3) years, pursuant to subdivision 77(first) of paragraph a of Section 11.00 of the Law.

SECTION 7. 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 8. The City is hereby authorized to issue \$60,000 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 one-half ton pick-up truck for use by the Department's Sanitation Division; (ii) one one-half ton pick-up truck for use by the Department's Street Maintenance Division; and (iii) one closed-circuit television (CCTV) inspection unit for use by the Department's Sewer Division. 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 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 \$690,000 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 rear loading garbage truck for use by the Department's Sanitation Division; (ii) one debris dump truck for use by the Department's Street Sanitation Division; (iii) one tandem axle dump truck for use by the Department's Street Maintenance Division; (iv) one pavement roller with trailer for use by the Department's Street Maintenance Division; (v) one five-ton dump truck with chipper box for use by the Department's Street Maintenance Division; (vi) one municipal tractor with attachment for use by the Department's Street Maintenance Division; and (vii) one one-ton utility pick-up truck for use by the Department's Traffic Division. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$690,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$690,000 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 \$100,000 principal amount of serial bonds pursuant to the Law to finance the estimated cost of the construction or reconstruction of sidewalks, curbs and gutters throughout the City. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$100,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$100,000 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 11. 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 of the acquisition and installation of certain upgrades and improvements to the City's water distribution system consisting of improvements to the water treatment plant located at 1 Archer Street, consisting of: (a) repairs to be made to the coagulation tank supports; and (b) repairs to be made to the Toellner Building wall and to the filter building. 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 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 \$30,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of upgrades and improvements to the wastewater treatment plant located at 830 River Road, consisting of: (a) the upgrade and/or replacement of a variable speed driver; and (b) the replacement of the existing flow monitoring equipment and the installation of a programmable logic controller and network interface devices. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$30,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$30,000 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 13. 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 of upgrades and improvements to the wastewater treatment plant located at 830 River Road, consisting of: (a) the replacement of main electrical substation relays; and (b) the replacement of a battery for switch gear. 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 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 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), subsection d.3(e) (in the case of bonds issued for the objects or purposes described in Section 1 hereof), subsection d.3(l) (in the case of bonds issued for the objects or purposes described in Sections 2, 3, 12 and 13 hereof), subsection d.5 (in the case of bonds issued for the objects or purposes described in Sections 4, 5 and 6 hereof), subsection d.9 (in the case of bonds issued for the objects or purposes described in Sections 7, 8, 9 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 2, 3, 11, 12 and 13 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-Treasurer 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: Andres, Pasiak, Donovan, Zadzilka, Schwandt

NAYS: None

This resolution shall take effect immediately.

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

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

1. I am the duly qualified and Clerk-Treasurer 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 March 2, 2010, and attached hereto is a true and correct copy of a resolution duly adopted at such meeting and entitled:

B.
Canal Fest

February 17, 2010

**Honorable Mayor Robert G. Ortt
North Tonawanda City Hall
216 Payne Avenue
North Tonawanda, NY 14120**

Dear Mayor Ortt:

Canal Fest of the Tonawandas Inc. is requesting permission from the City of North Tonawanda to hold the 28th annual festival from Sunday, July 18 – Sunday, July 25, 2010. We are seeking permission to use certain city facilities and streets including manpower from certain city departments. Included with this letter are our requests for the year 2010. There are no new requests this year that bear special attention. At your earliest convenience, please contact me for any clarification before issuance of the Mayor's Permit.

As discussed in previous meetings, payment to the city of fourteen thousand dollars (\$14,000), plus any usage fee for the city's mobile music stage, would follow no later than two (2) weeks after the closing of Canal Fest on July 25th. Insurance requirements are the same as previous years and will be provided upon authorization of this request. Letters to the city department heads requesting a common or separate coordination meeting can be scheduled by your office and at your convenience.

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

Thank you for your time and consideration of our requests.

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

**MOVED by Alderman Donovan SECONDED by Alderman Zadzilka
That the Common Council hereby grants Canal Fest of the Tonawandas Inc. permission to hold their 28th Annual Canal Festival from Sunday, July 18 - Sunday, July 25, 2010 and further, approves the following requests:**

- 1. Canal Fest will be held July 18th through July 25th, 2010.**
- 2. The use of Gateway Park on Sweeney St. between Main Street and Webster Street for the purpose of setting up tents by our members and for the use of entertainment. As in the past, the beer tent may go up as soon as Thursday, July 15th with all tents to be removed no later than the eve of Monday, July 26th.**
- 3. Barricades to be placed for closing of the renaissance Bridge by 5:00pm on Friday, July 16th and at other locations as necessary. Water connections at the Pavilion and other locations across Sweeney will be required at this time also.**
- 4. MINI DRUM CORP PERFORMANCE. There will be no drum corp this year as they are performing out of town.**
- 5. BIKE CRUISE. The Bike Cruise and Show on Webster St. on Friday, July 23rd. This event is returning and will become a yearly success under strict Canal Fest supervision. The City stage will again be requested and placed at a location near Webster and Tremont with the direction of our site set-up committee. The band is scheduled to begin approx at 6:30pm and continue no later than 10:30pm. Usage of Webster Street from Sweeney to Goundry St. and Tremont from Webster to Main St. (only one side) at 5:00pm on Friday, July 23th for the Bike Cruise & Show. "No parking after" signage to be placed accordingly to close the street by 5:00pm.**

6. **Parade.** Webster Street from Sweeney to Goundry St for the parade on Tuesday, July 20th with Webster Street being posted for vehicle removal by an agreed time before the parade. The city grandstand and viewing stand will also be required in front of the Riviera Theater.
7. **SuperCruise.** Webster Street from Sweeney to Goundry St. and Tremont from Webster to Main St at 5:00 pm on Wednesday, July 21st for the Twin Cities SuperCruise Car Show. "No parking after" signage to be placed accordingly to close the street after 4:00pm. The use of Gratwick Park as a pre-staging area.
8. **Diaper Derby.** Tremont Street between Webster and Main Streets for the use of the Diaper Derby on Thursday, July 22nd with Tremont Street closed accordingly. Coordination of this event is handled by the DeGraff Hospital Volunteers and Phyllis Guenter. Rain location will be the Elks Lodge Ballroom.
9. **Tim Frank 4 Mile Run** will be in Tonawanda through 2011.
10. **Craft Show.** The use of the east side of Webster Street for the purpose of setting up tents and for the partial use of the Craft Show, July 24th and July 25th.
11. **Craft Show.** Webster Street between Sweeney and Goundry for the use of our 2-day Craft Show to be held on Saturday and Sunday, July 24th and 25th.
12. **Craft Show.** Tremont Street between Webster and Main Streets for the use of our 2-day Craft Show to be held on Saturday and Sunday, July 24th and 25th.
13. **Craft Show.** Main Street from the Elks driveway to Goundry Street for the use of our 2-day Craft Show to be held on Saturday and Sunday, July 24th and 25th.
14. **The scheduling of manpower from the D.P.W., Water Department, Parks and Recreation, Fire Department and Police Department plus material and services that were supplied by these departments in previous years.**
15. **Nightly closing of Webster Street between Tremont and Sweeney as requested in the past. Support from the Police Department with crowd control and also in keeping animals, bike riders, skate boarders, roller bladders, etc. out of the campus area for safety concerns. Support from the Fire Department in manning our First Aid tent during the 8 days. Support from the Water Department in the water hookup at the Fire Training Tower the amusements mobile living quarters to be coordinated by the Carousel Society. Support from the Parks and Recreation Department in daily cleanup and to supply us with the following: trash cans, garbage bags, bleachers for the parade and a reviewing stand for the parade judges. We are also requesting extra garbage containers for the Friday night Bike Cruise and Saturday/Sunday Craft Show.**
16. **Dock space for two 36' boats at the west end of the Gateway Pavilion for Lawrence Deneff and Ray Wesolowski. Event sponsor boats will raft off of these two boats as was done last year.**
17. **Permission to place 6 restroom facilities between the sidewalk and curb along Webster St between Sweeney and Tremont. An alternate location will be utilized during the Craft Show. Also, the grease barrels typically located in the forbidden alley will probably be placed at the individual tents utilizing this service.**
18. **Anything else that may have been missed as was provided in previous years.**

Ayes: Andres, Pasiak, Donovan, Zadzilka, Schwandt (5)
Nays: None (0)
CARRIED.

C.
Sweeney Hose

February 16, 2010

City Council
North Tonawanda NY
216 Payne Ave
North Tonawanda, NY 14120

Honorable Council Members:

Once again Sweeney Hose Company #7 requests the use of Gateway Park for the 28th Annual Canal Fest to be held July 18th, 2010 to July 25th, 2010.

Specifically we request the use of the area adjacent to the Delaware Street Bridge at the corner of Main Street and Sweeney Streets. This would be for our beer tent. We also ask for the use of a section of Webster Street to be determined by the Canal Fest Corp. for a beer booth the Friday night of the bike cruise.

As in the past we would set up the tent starting the Thursday prior to Canal Fest and would be in operation during the entire Canal Fest.

We also ask for use of snow fence and stakes so we may fence off the area as we have in years past.

If you should have any questions you can contact Peter Chenier at 695-3655 or 913-8496.

Thank you in advance for your consideration.

Sincerely yours,
Peter Chenier
Secretary Sweeney Hose Company #7

MOVED by Alderman Pasiak

SECONDED by Alderman Zadzilka

That the Common Council hereby grants permission for Sweeney Hose Company to use Gateway Park for their beer tent at the 28th Annual Canal Fest to be held July 18th, 2010 to July 25th, 2010 and also grants permission for the use of a section of Webster Street to be determined by the Canal Fest Corp. for a beer booth on Friday, July 23, 2010.

Ayes: Andres, Pasiak, Donovan, Zadzilka, Schwandt (5)

Nays: None (0)

CARRIED.

AUDIENCE PARTICIPATION

Ed Burke, 1785 Elmwood Avenue – Not for Wal-Mart, stated we will have traffic issues, thought there were other companies that had more jobs to offer and would better serve North Tonawanda such as GEICO.

Anna Rodgers, 694 Payne Avenue – Wanted to know why the Council decided not to enter into an agreement with Niagara Falls for a shared services agreement with our Water/Wastewater Superintendent since the Council and Mayor were all for shared services whenever possible. Did not see a need for a study to be completed on the vacated Marina on River Road. Thought that the City of North Tonawanda should approach the City of Lockport and ask them to consider giving half of the Concert Series back to NT and they keep half.

ADJOURNMENT

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

Time of Adjournment: 7:10P.M.

Respectfully submitted,

**Scott P. Kiedrowski
City Clerk–Treasurer**