

**THE HONORABLE BODY  
Council Chambers  
Municipal Building  
North Tonawanda, New York 14120  
Tuesday, May 17, 2011  
6:30P.M.**

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present: President Schwandt  
Alderman Andres, Pasiak, Donovan, Zadzilka**

**Absent: Mayor Robert G. Ortt**

**Also Present: City Attorney Shawn P. Nickerson**

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSION MAY 3, 2011**

**MOVED by Alderman Andres                      SECONDED by Alderman Zadzilka  
That the minutes of the regular session held May 3, 2011 be approved as circulated and filed  
in the Office of the City Clerk-Treasurer.  
CARRIED.**

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**PROOF OF PUBLICATION PUBLISHED APRIL 30, 2011**

**1) Legal Notice – Annual Water Supply Statement – Water Department**

**MOVED by Alderman Andres                      SECONDED by Alderman Donovan  
That the Common Council hereby receives and files the aforementioned Proofs of  
Publication.  
CARRIED.**

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**AUDIENCE PARTICIPATION – None**

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**COMMUNICATIONS FROM CITY OFFICIALS**

**II.1 Attorney**

**May 12, 2011**

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

**Re: Memoranda of Understanding between the City and the  
NTPFA and the NTPBA**

**Dear Honorable Body:**

**The City has reached agreement with the NT Professional Firefighters and the NT Police Benevolent Association with regard to the prescription co-pay, wherein the city will share a percentage of its savings from moving from the \$5.00 co-pay to the three tier co-pay (\$7/\$15/\$35). The city has also agreed to reimburse the employees the difference between**

**05-17-2011**



## IV.1 Engineer

May 12, 2011

Honorable Robert G. Ortt, Mayor  
and Common Council Members  
City Hall  
North Tonawanda, New York 14120

Re: Buffalo Bolt Industrial Park Road and Infrastructure Construction  
Project No. 2008-19  
Approval of Change Orders 10 through 14 and Final Project Acceptance

Honorable Body:

Approval of final change order work and project acceptance is respectfully requested.

The following change orders no. 10 through 14 respectively were required to complete the project:

- |  |             |
|--|-------------|
| • Cost to move and spread existing 3,500 CY soil stockpile                 | \$12,094.87 |
| • 8-inch watermain connection to 8 <sup>th</sup> Avenue                    | \$26,858.70 |
| • Excavate, demolish and remove existing concrete foundations              | \$14,555.09 |
| • Abandon 30 inch sewer, interconnect 8 <sup>th</sup> Ave. sanitary sewers | \$24,591.44 |
| • Install grinder pump station and forcemain                               | \$22,090.93 |

The City's engineering consultant, TVGA Consultants, who are responsible for design and construction oversight were onsite at all times during construction and have reviewed the change order proposals on a time and material basis and recommend that the City approve the necessary additional work as specified in their enclosed letter to the city dated April 21, 2011.

All supporting documentation such as cost breakdowns, daily reports, construction photographs, inspection reports and notes are available for your review in my office.

Accordingly, I concur with TVGA Consultants recommendations and respectfully request that the Common Council approve Change Orders No. 10 through No. 14 in the total amount of \$100,191.03; increasing the contract amount with Scott Lawn Yard, 5552 Townline Road, Sanborn, NY 14132 from \$821,271.20 to the revised final contract amount of \$921,462.23, for the construction of the Buffalo Bolt Industrial Park Road and Infrastructure Construction, authorizing the Mayor to sign said change orders, subject to review by the City Attorney.

Further, I respectfully request that the Common Council accept Project No. 2008-07, Buffalo Bolt Industrial Park Road and Infrastructure Construction as complete, and release final payment contingent upon the contractor providing the City the form of guarantee, consent of surety and substantial completion certificate as required in the contract documents.

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

MOVED by Alderman Pasiak

SECONDED by Alderman Donovan

That the Common Council hereby approves Change Orders No. 10 through No. 14 in the total amount of \$100,191.03; increasing the contract amount with Scott Lawn Yard, 5552 Townline Road, Sanborn, NY 14132 from \$821,271.20 to the revised final contract amount of \$921,462.23, for the construction of the Buffalo Bolt Industrial Park Road and Infrastructure Construction, authorizing the Mayor to sign said change orders, and further, accepts Project No. 2008-07, Buffalo Bolt Industrial Park Road and Infrastructure Construction as complete, and releases final payment contingent upon the contractor providing the City the form of guarantee, consent of surety and substantial completion certificate as required in the contract documents, all subject to review by the City Attorney.

Ayes: Andres, Pasiak, Donovan, Zadzilka, Schwandt

(5)

Nays: None

(0)

CARRIED.

## IV.2 Engineer

May 12, 2011

Robert G. Ortt, Mayor and Common Council Members  
 City Hall North Tonawanda  
 216 Payne Avenue  
 North Tonawanda, New York

Re: Meadow Drive Extension Project  
 Project No. 2003-02  
 PIN 5757.52  
 Supplemental Engineering No. 1 with Parsons Brinkerhoff

Honorable Body:

On January 17, 2007, the Common passed a resolution, authorizing the Mayor to sign an agreement with the State of New York Department of Transportation, committing \$400,000 in funds for the preliminary engineering and \$100,000 for right-of-way acquisition phase of the Meadow Drive Extension Project.

On May 15, 2007, the Common Council awarded the preliminary engineering agreement to Parsons Brinkerhoff in the amount of \$256,895. This agreement must now be amended to accommodate the costs associated with the right-of-way acquisition and mapping phase that was recently completed, the additional engineering work required, as well as the re-design work required by the State's new 2010 Storm Sewer Regulations that include the new "Green Infrastructure" initiatives.

The following additional services are:

• Wetland Delineation and Survey	\$8,400
• Air Quality Analysis	\$4,800
• Right-of-Way Acquisition and Mapping	\$25,100
• Signal Design	\$16,600
• Project Revisions	<u>\$22,200</u>
Total	\$77,100

Accordingly, I recommend that the Common Council approve the attached supplemental preliminary engineering and right-of-way acquisition agreement for the Meadow Drive Extension Project with Parsons Brinkerhoff, 50 Lakefront Boulevard, Suite 111, Buffalo, NY 14202; in the amount of \$77,100, increasing the current contract amount of \$256,895 to the revised contract amount of \$333,995; and authorize the Mayor to sign said supplemental agreement subject to review by the City Attorney.

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

MOVED by Alderman Pasiak

SECONDED by Alderman Zadzilka

That the Common Council hereby approves the supplemental preliminary engineering and right-of-way acquisition agreement for the Meadow Drive Extension Project with Parsons Brinkerhoff, 50 Lakefront Boulevard, Suite 111, Buffalo, NY 14202; in the amount of \$77,100, increasing the current contract amount of \$256,895 to the revised contract amount of \$333,995; and authorizes the Mayor to sign said supplemental agreement subject to review by the City Attorney.

Ayes: Andres, Pasiak, Donovan, Zadzilka, Schwandt

(5)

Nays: None

(0)

CARRIED.

## VII.1 Accountant

May 12, 2011

Honorable Robert G. Ortt, Mayor  
and Common Council  
City Hall  
North Tonawanda, New York 14120

Dear Honorable Body:

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

Accordingly, please authorize for payment the current Warrant of Claims for Common Council audit, dated May 17, 2011, and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Very truly yours,  
David R. Jakubaszek  
City Accountant

MOVED by Alderman Donovan                      SECONDED by Alderman Pasiak  
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated May 17, 2011 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$291,445.47
02	Water Fund	33,561.48
04	Sewer Fund	25,500.06
06	Capital Project Fund	18,575.00
07	Trust & Agency Fund	2,023.37
09	Capital – Buffalo Bolt	4,229.92
10	Capital – Remington Lofts	<u>110,190.00</u>
	Final Total	<u>\$485,525.30</u>

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

Nays: None (0)

CARRIED.

## VII.2 Accountant

May 12, 2011

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 2011 Capital Improvements Budget, with modifications approved by the Mayor and common Council, please find a serial bond resolution in the aggregate amount of \$1,645,000, from our Bond Counsel, Harris Beach LLP.

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 Zadzilka**  
**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**  
**6:30 p.m. on May 17, 2011.**

**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 Zadzilka, to-wit:**

**BOND RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF NORTH**  
**TONAWANDA, NIAGARA COUNTY, NEW YORK (THE “CITY”) AUTHORIZING**  
**THE ISSUANCE OF \$1,645,000 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 \$1,645,000 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 \$55,000 principal amount of serial**  
**bonds pursuant to the provisions of the Law to finance the estimated cost of upgrades and**  
**improvements to the exterior of the City Hall building located at 216 Payne Avenue**  
**consisting of the repointing of mortar joints between the bricks. It is hereby determined**  
**that the maximum estimated cost of the aforementioned specific objects or purposes is**  
**\$55,000, said amount is hereby appropriated therefor and the plan for the financing**  
**thereof shall consist of the issuance of \$55,000 in serial bonds of the City authorized to be**  
**issued pursuant to this section, or bond anticipation notes issued in anticipation of such**  
**serial bonds. It is hereby determined that the period of probable usefulness for the**  
**aforementioned specific objects or purposes is twenty five (25) years, pursuant to**  
**subdivision 12(a)(1) of paragraph a. of Section 11.00 of the Law.**

**SECTION 2. The City is hereby authorized to issue \$50,000 principal amount of serial**  
**bonds pursuant to the provisions of the Law to finance the estimated cost of the acquisition**  
**of two replacement police vehicles. 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 3. The City is hereby authorized to issue \$45,000 principal amount of serial**  
**bonds pursuant to the provisions of the Law to finance the estimated cost of the acquisition**  
**and installation of surveillance cameras in an effort to prevent and deter crime at the**  
**intersections of (a) Oliver Street and Schenck Street and (b) Webster Street and Tremont**  
**Street. It is hereby determined that the maximum estimated cost of the aforementioned**  
**specific objects or purposes is \$45,000, said amount is hereby appropriated therefor and**

the plan for the financing thereof shall consist of the issuance of \$45,000 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 4.** The City is hereby authorized to issue \$300,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of resurfacing certain streets throughout the City at an estimated maximum cost of \$300,000. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$700,000, 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 \$300,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is fifteen (15) years, pursuant to subdivision a.20.(c) of Section 11.00 of the Law.

**SECTION 5.** 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 resurfacing the Keller Parking Lot, located at 500 Wheatfield Street, at an estimated maximum cost of \$40,000. 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 bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is ten (10) years, pursuant to subdivision a.20.(d) of Section 11.00 of the Law.

**SECTION 6.** The City is hereby authorized to issue \$500,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of acquiring the following items of equipment for use by the City's Department of Public Works: (a) a front wheel loader with plow at a maximum estimated cost of \$185,000, (b) an eight to ten ton roller with trailer at a maximum estimated cost of \$140,000, (c) a three-ton roller with trailer at a maximum estimated cost of \$50,000 and (d) a ten-ton bulldozer at a maximum estimated cost of \$125,000 for an aggregate maximum estimated cost of \$500,000. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$500,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$500,000 in serial bonds of the City authorized to be issued pursuant to this section, or bond anticipation notes issued in anticipation of such 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 7.** The City is hereby authorized to issue \$50,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of replacing and reconstructing various sidewalks and curbs throughout the City. 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 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 \$80,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of constructing and installing upgrades to the Deerwood Golf Course, consisting of the replacement of a the drainage system within the sand traps, including related equipment, machinery, apparatus, appurtenances and incidental improvements. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$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 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 54 of paragraph a. of Section 11.00 of the Law.

**SECTION 9.** 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 upgrades and improvements to the wastewater treatment plant located at 830 River Road, consisting of (a) the replacement of piping and valves and the replacement of impeller parts in high/low wet well at a maximum estimated cost of \$50,000 and (b) the replacement of carbon regeneration furnace controls, at a maximum estimated cost of \$75,000, for an aggregate estimated maximum cost of \$125,000. 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 1 of paragraph a. of Section 11.00 of the Law.

**SECTION 10.** The City is hereby authorized to issue \$400,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of upgrades and improvements to the one-million gallon above-ground water storage tank located on Erie Avenue, consisting of the improvement and replacement of certain structural components within the steel tank dome and the replacement of the exterior coating of the tank. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$400,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$400,000 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 1 of paragraph a. of Section 11.00 of the Law.

**SECTION 11.** 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 Sections 9 and 10 hereof), subsection d.5 (in the case of bonds issued for the objects or purposes described in Sections 2 and 3 hereof), subsection d.9 (in the case of bonds issued for the objects or purposes described in Sections 1, 4, 5, 6, 7 and 8 hereof) of Section 107.00 of the Law.

**SECTION 12.** 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 13.** Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the City, payable as to both principal and interest by a general tax upon all the real property within the City without legal or constitutional limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

**SECTION 14.** 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. Further, in connection with bonds and bond anticipation notes issued under the authority of Sections 9 and 10 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 City Treasurer. Such notes shall be of such terms, form and content as may be prescribed by said City Treasurer consistent with the provisions of the Local Finance Law.

**SECTION 15.** 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 16.** 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 17.** 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 18.** 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 19.** 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 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 May 17, 2011, 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 \$1,645,000 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 17<sup>th</sup> day of May, 2011.

Scott P. Kiedrowski  
City Clerk-Treasurer

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

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**XXV. Monthly Reports**

- .1 City Clerk
- .2 Senior Citizens
- .3 Police
- .4 Treasurer
- .5 Treasurer's Investments

MOVED by Alderman Pasiak                      SECONDED by Alderman Andres  
To receive and file the aforementioned Monthly Reports.  
CARRIED.

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COMMUNICATIONS FROM OTHERS

**A.**  
**Niagara Frontier Boat  
 Racing Association**

April 20, 2011

Mayor Robert Ortt  
 North Tonawanda City Hall 216 Payne Avenue  
 North Tonawanda, NY 14120

Re: Hydroplane Boat Race, August 20 & 21, 2011 Dear Mayor Ortt,

Dear Mayor Ortt:

The Niagara Frontier Boat Racing Association (NFBRA) would like to formally request the use of Gratwick Park the weekend of August 20th and 21st, 2011 as part of our hydroplane boat racing event scheduled that weekend. The race will feature several championship inboard hydroplane classes from the American Power Boat Association and Canadian Boating Federation.

The NFBRA has held many races on the Niagara River since 1939 and exclusively at Gratwick Park in North Tonawanda within the past several years. Over the last few years our organization has had the support of the local community and businesses. We are excited to have the opportunity to bring this sport back to the area. The City has been gracious in its support in previous years and we are looking forward to hosting this event with your help.

Please contact me at your earliest convenience to discuss the opportunity to use the park. We know that this event will be good for the local community. Please help us make the Niagara River a premier boat racing venue once again!

Thank you for your continued support!

Sincerely,  
 Niagara Frontier Boat Racing Association  
 Darryl Monette  
 Commodore

**MOVED** by Alderman Pasiak                      **SECONDED** by Alderman Andres  
 That the Common Council hereby grants permission to the Niagara Frontier Boat Racing Association to hold their Hydroplane Boat Races at Gratwick Park on August 20 and 21, 2011.

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

Nays: None (0)

**CARRIED.**

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**B.**  
**NT City School District**

May 2, 2011

Mayor Robert Ortt  
 North Tonawanda City Hall  
 216 Payne Avenue  
 North Tonawanda, NY 14120

Dear Mayor Ortt:

In the past, the City of North Tonawanda has generously donated the use of the pavilion at Mayor's Park to the North Tonawanda City School District for our Staff Appreciation Picnic. I would like to request that same consideration this year.

I am looking to have the picnic on June 24, 2011. The District would need use of the park from 8:00 a.m. to 2:00 p.m. with the opening of the kitchen at the park at 10:00 am.

05-17-2011

Thank you in advance for your consideration and assistance in this matter. Please contact me at 807-3500 to advise me if my request can be honored.

Sincerely,  
Gregory J. Woytila  
Superintendent of Schools

**MOVED** by Alderman Donovan                      **SECONDED** by Alderman Pasiak  
That the Common Council hereby grants permission to the North Tonawanda School District to use the Pavilion at Mayor's Park for their Staff Appreciation Picnic on June 24, 2011 and waives any and all fees associated with use of the Pavilion.  
Ayes: Andres, Pasiak, Donovan, Schwandt                      (4)  
Nays: Zadzilka                      (1)  
**CARRIED.**

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**AUDIENCE PARTICIPATION** – None

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**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: 6:57P.M.

Respectfully submitted,

Scott P. Kiedrowski  
City Clerk–Treasurer