

**THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, March 5, 2013
6:30P.M.**

REGULAR SESSION CALLED TO ORDER BY PRESIDENT ANDRES

PLEDGE OF ALLEGIANCE

ROLL CALL

**Present: President Andres
Alderman Needler, Rizzo, Zadzilka**

Absent: Alderman Donovan

**Also Present: Mayor Robert G. Ort
City Attorney Shawn P. Nickerson**

APPROVAL OF THE MINUTES OF THE REGULAR SESSION FEBRUARY 19, 2013

**MOVED by Alderman Zadzilka SECONDED by Alderman Rizzo
That the minutes of the regular session held February 19, 2013 be approved as circulated and
filed in the Office of the City Clerk.
CARRIED.**

AUDIENCE PARTICIPATION

**Sonia Dusza, 123 Miller Street – Spoke on Common Council procedures as they related to
the agenda. Wanted to know if she could have any documents she wanted when requested.
Questioned what East Hill Foundation was all about that was listed on the agenda.**

COMMUNICATIONS FROM CITY OFFICIALS

II. Attorney

March 1, 2013

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

Re: East Hill Foundation Grants

Dear Honorable Body:

We have been advised that two grants have been approved, totaling \$50,000, for area non-profit organizations by the East Hill Foundation. These grants were obtained as part of our negotiations in July, 2012 for the Payments in Lieu of Tax (PILOT) agreement regarding the property at 17 Island Street and represent the first year of the multiple-year agreement (2013).

The 2013 grants will go to the Twin Cities Community Outreach, Inc. and to the YWCA of the Tonawandas and the Niagara Frontier, Inc.

03-05-2013

Should you need more information, please do not hesitate to contact me.

Very truly yours,
Shawn P. Nickerson
City Attorney

MOVED by Alderman Needler **SECONDED** by Alderman Andres
To receive and file the aforementioned communication.
CARRIED.

III. Clerk-Treasurer

February 19, 2013

Hon. Mayor Ortt & Common Council
216 Payne Avenue
North Tonawanda, NY 14120

Re: Credit Card Use Policy and Procedures

Dear Honorable Body:

Attached is the City of North Tonawanda’s Credit Card Use Policy. We have recently activated Departmental Credit Cards and the above mentioned Credit Card Use Policy is the final component that clearly delineates the proper protocols for use of municipal credit cards.

I respectfully request that your Honorable Body vote in the affirmative and adopt these procedures that will guide and govern the use of all municipal Credit Cards subject to the final review of the City Attorney.

Sincerely,
Scott P. Kiedrowski
City Clerk-Treasurer
City of North Tonawanda

MOVED by Alderman Needler **SECONDED** by Alderman Zadzilka
That the Common Council hereby adopts the aforementioned City of North Tonawanda Credit Card Use Policy subject to the final review of the City Attorney.

Ayes: Needler, Rizzo, Zadzilka, Andres (4)

Nays: None (0)

CARRIED.

IV. Engineer

February 28, 2013

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

Re: Frederick B. Durkee Memorial Bridge Project
PIN 5757.27
Supplemental Agreement No. 2
Comptroller’s Contract No. D030105

Honorable Body:

In order to complete the Frederick B. Durkee Memorial Bridge Rehabilitation Project with Federal Aid, the City will need to pass the attached resolution and enclosed agreement with the New York State Department of Transportation that indicates the City’s commitment to participate in the administration and funding of the construction and construction inspection phase of the project.

As you are aware, the Common Council adopted the project in the 2007 Capital Budget that commits the City to ultimately fund twenty percent (20%) of the Non-Federal share of costs at the overall project cost of \$2,295,456. Additionally, the City will be receiving Marchiselli Aid reimbursement from the State for seventy five percent (75%) of the City's Non-Federal share of the project cost as indicated in the enclosed letter from the NYSDOT.

Accordingly, please approve the attached resolution, authorizing the Mayor to sign the enclosed Marchiselli Aid Supplemental Agreement No. 2 with the State of New York Department of Transportation that commits the City to provide \$415,000 in funds, which approximates the current Non-Federal share of the costs of the Frederick B. Durkee Memorial Bridge Rehabilitation Project for construction and construction inspection, subject to review by the City Attorney.

If you have any questions, please do not hesitate to call me at 695-8565.

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

MOVED by Alderman Andres

SECONDED by Alderman Zadzilka

WHEREAS, a Project for the Rehabilitation of the Frederick B. Durkee Memorial Bridge, Taylor Drive over the Little River, BIN 2260960, in the City of North Tonawanda, Niagara County, PIN 5757.27, (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the City of North Tonawanda desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering, Right-of-Way (Incidentals & Acquisition) and Construction & Construction Inspection phases of the project PIN 5757.27.

NOW, THEREFORE, the Common Council of the City of North Tonawanda, duly convened does hereby

RESOLVE, that the Common Council of the City of North Tonawanda hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Common Council of the City of North Tonawanda hereby authorizes the City of North Tonawanda to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering, Right-of-Way (Incidentals & Acquisition) and Construction & Construction Inspection phases of the Project or portions thereof; and it is further

RESOLVED, that the sum of \$415,000 is hereby appropriated from the Capital Projects Fund in addition to \$200,000 previously appropriated for the project's Preliminary Engineering and Right-of-Way (Incidentals & Acquisition) phases via a City Resolution adopted on May 3, 2011, and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Preliminary Engineering, Right-of-Way (Incidentals & Acquisition) and Construction & Construction Inspection phases exceeds the amount appropriated, \$615,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the Preliminary Engineering, Right-of-Way (Incidentals & Acquisition) and Construction & Construction Inspection phases exceeds \$2,295,456, the City of North Tonawanda shall convene its Common Council as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Mayor of the City of North Tonawanda be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or State Marchiselli Aid on behalf of the City of North Tonawanda with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal

Aid and State Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

Ayes: Needler, Rizzo, Zadzilka, Andres (4)
Nays: None (0)
CARRIED.

V. Water

February 28, 2013

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

Dear Honorable Body:

At this time I am requesting that the Common Council approves Wendel’s proposal for the bidding and construction services related to the installation of the three make-up air units to serve the Carbon Filter Building at the Wastewater Treatment Plant. Wendel will provide these services for a lump sum fee of \$14,950.00.

Thank you,
David Scott
Superintendent Water/Wastewater
North Tonawanda

MOVED by Alderman Zadzilka SECONDED by Alderman Needler
That the Common Council hereby approves the proposal for the bidding and construction services related to the installation of the three make-up air units to serve the Carbon Filter Building at the Wastewater Treatment Plant as submitted by Wendel, 140 John James Audubon Parkway, Suite 201, Buffalo, NY 14228 for a lump sum fee of \$14,950.00 subject to review of the City Attorney.

Ayes: Needler, Rizzo, Zadzilka, Andres (4)
Nays: None (0)
CARRIED.

VII.1 Accountant

March 5, 2013

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 March 5, 2013, and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Very truly yours,
Mark W. Dotterweich
City Accountant

MOVED by Alderman Needler

SECONDED by Alderman Rizzo

That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated March 5, 2013 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$750,024.15
02	Water Fund	37,834.00
04	Sewer Fund	61,270.41
06	Capital Project Fund	147,408.05
07	Trust & Agency Fund	1,775.00
09	Capital – Buffalo Bolt	127.04
17	Home Rehab Program	<u>1,000.00</u>
	Final Total	<u>\$999,438.65</u>

Ayes: Needler, Rizzo, Zadzilka, Andres

(4)

Nays: None

(0)

CARRIED.

VII.2 Accountant

February 15, 2013

Honorable Mayor Robert Ortt
and Common Council Members
City Hall
216 Payne Avenue
North Tonawanda, New York 14120

Dear Honorable Body:

In accordance with the adopted City of North Tonawanda 2013 Capital Improvements Budget, with modifications approved by the Mayor and Common Council, please find a serial bond resolution in the aggregate amount of \$1,936,000, from our Bond Counsel, Harris Beach, LLP.

Accordingly, please have this resolution adopted by at least a two-thirds vote of the body and have it published in the official newspaper of the City, together with the legal notice of estoppel.

Very truly yours,
Mark W. Dotterweich
City Accountant

MOVED by Alderman Rizzo

SECONDED by Alderman Zadzilka

At a regular 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 March 5, 2013.

PRESENT: Rich L. Andres Jr., President
Eric M. Zadzilka, Alderman
Philip Rizzo, Alderman
Malcolm Needler, Alderman-at-Large

ABSENT: Nancy A. Donovan, Alderman-at-Large

The following resolution was offered by Alderman Rizzo 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 \$1,952,600 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 \$1,952,600 in serial bonds of the City to finance various public improvements and purposes, as described herein, appropriate funds for such purposes and to make certain determinations in connection with such purposes; and

WHEREAS, all conditions precedent to the financing of each of the objects or purposes 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 \$25,000 principal amount of serial bonds pursuant to the provisions of the Local Finance Law (the "Law") to finance the estimated cost of the acquisition of 35-gallon recycling totes for use by residents of the City in furtherance of the City's recycling program. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$25,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$25,000 in serial bonds of the City authorized to be issued pursuant to this section, or bond anticipation notes issued in anticipation of such serial bonds and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific objects or purposes is ten (10) years, pursuant to subdivision 6. of paragraph a. of Section 11.00 of the Law.

SECTION 2. The City is hereby authorized to issue \$165,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of acquiring one dump truck for use by the City's Public Works Department, including related and ancillary equipment. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$165,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$165,000 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 and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is fifteen (15) years, pursuant to subdivision 28. of paragraph a. of Section 11.00 of the Law.

SECTION 3. The City is hereby authorized to issue \$350,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of repaving or resurfacing various streets throughout the City. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$750,000, 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, (ii) the issuance of \$350,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, and (iii) the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. 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 4. The City is hereby authorized to issue \$75,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of replacing and reconstructing various concrete sidewalks and curbs throughout the City. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$75,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$75,000 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 and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. 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 5. 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 and installation of two natural gas emergency building generators, including related and ancillary equipment at the Fire Department firehouses located at 788 Payne Avenue and 1425 Nash Road in 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 and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is ten (10) years, pursuant to subdivision 13. of paragraph a. of Section 11.00 of the Law.

SECTION 6. The City is hereby authorized to issue \$15,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the acquisition and installation of fencing around the boat house located on Sweeney Street. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$15,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$15,000 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 and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is five (5) years, pursuant to subdivision 35. of paragraph a. of Section 11.00 of the Law.

SECTION 7. The City is hereby authorized to issue \$95,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the acquisition of three replacement police vehicles. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$95,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$95,000 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 and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is three (3) years, pursuant to subdivision 77(first). of paragraph a. of Section 11.00 of the Law.

SECTION 8. The City is hereby authorized to issue \$75,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of reconstruction and replacement of the roof over the tool room and chemical building of the City's existing Water Plant, including all appurtenant and related improvements, and other costs incidental to the financing thereof. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$75,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$75,000 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 and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is ten (10) years, pursuant to paragraph (a)(3) of subdivision 12. of paragraph a. of Section 11.00 of the Law.

SECTION 9. The City is hereby authorized to issue \$250,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of improvements to the Wastewater Treatment Plant located at 830 River Road, consisting of the draining, cleaning and repairing, and rebuilding and improving of the primary digester and heating system, including related and ancillary equipment. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$250,000, said amount is hereby appropriated therefor 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 and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. 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 10. The City is hereby authorized to issue \$347,250 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of upgrades and improvements to the Carbon Filter Building at the Wastewater Treatment Plant located at 830 River Road, consisting of the acquisition and installation of replacement make-up air units, including the cost of removal of the existing roof-top air units and all appurtenant and related improvements and other costs incidental thereto. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$472,250, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the expenditure of \$125,000 in current funds of the City, (ii) the issuance of \$347,250 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, and (iii) the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is ten (10) years, pursuant to subdivision 13. of paragraph a. of Section 11.00 of the Law.

SECTION 11. The City is hereby authorized to issue \$44,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of renovation and structural improvements to the water slide at the Payne Avenue Park Memorial Pool. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$44,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$44,000 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 and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is fifteen (15) years, pursuant to subdivision 61. 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 the construction of a outdoor "9/11 Memorial" structure at the Fire Department Headquarters, including all appurtenant and related improvements and other costs incidental thereto. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes 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 and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is five (5) years, pursuant to subdivision 35. of paragraph a. of Section 11.00 of the Law.

SECTION 13. The City is hereby authorized to issue \$361,350 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of improvements to the Gratwick Riverside Park Marina consisting of the installation and replacement of steel-sheet piling, dredging of the marina bottom, the installation and replacement of two boat docks, the construction of new restroom facilities, site work improvements, all appurtenant and related improvements and other related costs incidental thereto. It is

hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$1,064,025, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the expenditure of \$686,919 in grant monies to be received by the Federal Government, (ii) the expenditure of \$15,756 in current funds of the City, (iii) the issuance of \$361,350 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, and (iv) and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is fifteen (15) years, pursuant to subdivisions 7., 19(c), and 91. of paragraph a. of Section 11.00 of the Law.

SECTION 14. The City is hereby authorized to issue \$26,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the acquisition of one replacement lawn mower for use at the Deerwood Golf Course by the City's Youth, Recreation and Parks Department. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$26,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$26,000 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 and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is ten (10) years, pursuant to subdivision 28. of paragraph a. of Section 11.00 of the Law.

SECTION 15. The City is hereby authorized to issue \$32,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the acquisition of two replacement pick-up trucks for use by the City's Youth, Recreation and Parks Department. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$32,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$32,000 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 and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is fifteen (15) years, pursuant to subdivision 28. of paragraph a. of Section 11.00 of the Law.

SECTION 16. The City is hereby authorized to issue \$12,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of improvements to the Memorial Pool, consisting of the replacement of the concrete surrounding the pool and all costs incidental thereto. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$12,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$12,000 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 and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is fifteen (15) years, pursuant to subdivision 61. of paragraph a. of Section 11.00 of the Law.

SECTION 17. 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 18. 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 19. 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 20. 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 21. 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 22. The intent of this resolution is to give the City Treasurer sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Common Council.

SECTION 23. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

- (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 24. This resolution shall take effect immediately and the City Clerk-Treasurer is hereby authorized and directed to publish the foregoing resolution in full, or a summary thereof, 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: Needler, Rizzo, Zadzilka, Andres

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 March 5, 2013, 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 \$1,952,600 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 5th day of March, 2013.

Scott P. Kiedrowski
City Clerk-Treasurer

ESTOPPEL NOTICE

The resolution, a summary of which is published herewith, has been adopted by the Common Council of the City of North Tonawanda on March 5, 2013, 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, Erie 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 (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

City Clerk/Treasurer
City of North Tonawanda

SUMMARY OF BOND RESOLUTION

Set forth below is a summary of said resolution adopted by the Common Council of the City of North Tonawanda on March 5, 2013.

1. 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 \$1,952,600 IN SERIAL BONDS OF THE CITY TO FINANCE VARIOUS PUBLIC IMPROVEMENTS”**.
2. The resolution authorized serial bonds of the City for the following respective objects or purposes, in the respective principal amounts indicated below, and with the respective periods of probable usefulness (“PPU”), indicated below:
 - (a) acquisition of 35-gallon recycling totes for use by residents of the City in furtherance of the City’s recycling program, in the principal amount of \$25,000; PPU of 10 years
 - (b) acquiring one dump truck for use by the City's Public Works Department, in the principal amount of \$165,000; PPU of 15 years
 - (c) repaving or resurfacing of various streets throughout the City, in the principal amount of \$350,000; PPU of 15 years
 - (d) replacing and reconstructing various concrete sidewalks and curbs throughout the City, in the principal amount of \$75,000; PPU of 10 years;
 - (e) acquisition and installation of two natural gas emergency building generators, including related and ancillary equipment, at the Fire Department firehouses located at 788 Payne Avenue and 1425 Nash Road, in the principal amount of \$50,000; PPU of 10 years
 - (f) acquisition and installation of fencing around the boat house located on Sweeney Street, in the principal amount of \$15,000; PPU of 5 years
 - (g) acquisition of three replacement police vehicles, in the principal amount of \$95,000; PPU of 3 years
 - (h) reconstruction and replacement of the roof over the tool room and chemical building of the City’s existing Water Plant, including all appurtenant and related site work improvements, and other costs incidental to the financing thereof, in the principal amount of \$75,000; PPU of 10 years
 - (i) improvements to the Wastewater Treatment Plant located at 830 River Road, consisting of the draining, cleaning and repairing, and rebuilding and improving of the primary digester and heating system, including related and ancillary equipment, in the principal amount of \$250,000; PPU of 30 years
 - (j) upgrades and improvements to the Carbon Filter Building at the Wastewater Treatment Plant located at 830 River Road, consisting of the acquisition and installation of replacement make-up air units, including the cost of removal of the existing roof-top air units and all appurtenant and related improvements and other costs incidental thereto in the principal amount of \$347,250; PPU of 10 years
 - (k) renovations and structural improvements to the water slide at the Payne Avenue Park Memorial Pool, in the principal amount of \$44,000; PPU of 15 years
 - (l) construction of an outdoor “9/11 Memorial” structure at the Fire Department Headquarters, in the principal amount of \$30,000; PPU of 5 years

- (m) improvements to the Gratwick Riverside Park Marina consisting of the installation and replacement of steel-sheet piling, dredging of the marina bottom, the installation and replacement of two boat docks, the construction of new restroom facilities, site work improvements and all appurtenant and related improvements and other related costs incidental thereto, in the principal amount of \$361,350; PPU of 15 years
- (n) acquisition of one replacement lawn mower for use at the Deerwood Golf Course by the City's Youth, Recreation and Parks Department, in the principal amount of \$26,000; PPU of 10 years
- (o) acquisition of two replacement pick-up trucks for use by the City's Youth, Recreation and Parks Department, in the principal amount of \$32,000; PPU of 15 years
- (p) improvements to the Memorial Pool, consisting of the replacement of the concrete surrounding the pool and all costs incidental thereto, in the principal amount of \$12,000; PPU of 15 years

3. Aggregate amount of Debt Obligations Authorized: up to \$1,952,600.

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

Ayes: Needler, Rizzo, Zadzilka, Andres (4)

Nays: None (0)

CARRIED.

XIV. Recreation

The Honorable Mayor Robert Ortt and Common Council Members City Hall
216 Payne Ave.
North Tonawanda, New York 14120

Dear Honorable Body:

Please review and approve for signing the attached agreement between Northtowns Soccer and the City of North Tonawanda for a use of Gratwick Park for their summer soccer program. The agreement will allow use of the park through August 31, 2013.

The contract has been reviewed and approved by the City Attorney and I request that you authorize the Mayor to execute said contract.

Respectfully submitted,
Patricia A. Brosius
Director of Youth, Recreation & Parks

MOVED by Alderman Zadzilka

SECONDED by Alderman Rizzo

That the Common Council hereby approves the aforementioned lease agreement between the City of North Tonawanda and the Northtowns Soccer Club for the use of Gratwick-Riverside Park from March 1, 2013 through February 28, 2014 and authorizes Mayor Ortt to sign the agreement.

Ayes: Needler, Rizzo, Zadzilka, Andres (4)

Nays: None (0)

CARRIED.

B.
Active Hose Company No. 2- Re: Statement of Volunteer Fireman:

Randal Todd Allen

Exemption Petitions:

George Hughes – 50 Yrs.
Paul Rizzo – 50 Yrs.
Charlie Richards – 50 Yrs.
Robert Henneburger – 35 Yrs.
Terry Johns – 35 Yrs.
Douglas Blajscak – 35 Yrs.
Norman Mason – 25 Yrs.
Adam Van Hise – 5 Yrs.
James Higgins – 5 Yrs.
Fraz Kayani – 5 Yrs.
Harland Kayani – 5 Yrs.
Christie Brousse – 5 Yrs.

MOVED by Alderman Andres **SECONDED** by Alderman Needler
That the Common Council hereby grants permission to add Randal Todd Allen to the City Fire Rolls and to issue exemption certificates to the following: George Hughes – 50 Yrs.; Paul Rizzo – 50 Yrs.; Charlie Richards – 50 Yrs.; Robert Henneburger – 35 Yrs.; Terry Johns – 35 Yrs.; Douglas Blajscak – 35 Yrs.; Norman Mason – 25 Yrs.; Adam Van Hise – 5 Yrs.; James Higgins – 5 Yrs.; Fraz Kayani – 5 Yrs.; Harland Kayani – 5 Yrs. and Christie Brousse – 5 Yrs.
CARRIED.

C.
Commissioner of Deeds Requests

February 26, 2013

Honorable Common Council
216 Payne Avenue
North Tonawanda, NY 14120

Dear Honorable Body:

We are requesting to be appointed as Commissioners of Deeds for the City of North Tonawanda. Thank you.

Malcolm A. Needler
1109 Farnsworth Avenue
North Tonawanda, NY 14120

Joseph V. Mantione
240 Niagara Street
North Tonawanda, NY 14120

Robert G. Ortt
1494 D'Angelo Drive
North Tonawanda, NY 14120

Suzanne Hempel
234 Falconer Street
North Tonawanda, NY 14120

Richard Andres
249 Wheatfield Street
North Tonawanda, NY 14120

Nancy Donovan
775 Westbrook Drive
North Tonawanda, NY 14120

Phillip R. Rizzo
590 Williams Avenue
North Tonawanda, NY 14120

Eric Zadzilka
927 Fairmont Avenue
North Tonawanda, NY 14120

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

MOVED by Alderman Zadzilka **SECONDED** by Alderman Needler
That the Common Council hereby:

Appoints Richard Andres, 249 Wheatfield Street, North Tonawanda, NY 14120; Nancy Donovan, 775 Westbrook Drive, North Tonawanda, NY 14120 and Suzanne Hempel, 234 Falconer Street, North Tonawanda, NY 14120 as Commissioner of Deeds for a term beginning March 6, 2013 ending March 5, 2015;

Re-appoints Eric Zadzilka, 927 Fairmont Avenue, North Tonawanda, NY 14120 as Commissioner of Deeds for a term beginning March 16, 2013 ending March 15, 2015;

Re-appoints Phillip R. Rizzo, 590 Williams Avenue, North Tonawanda, NY 14120 as Commissioner of Deeds for a term beginning May 4, 2013 ending May 3, 2015;

Re-appoints Malcolm A. Needler, 1109 Farnsworth Avenue, North Tonawanda, NY 14120 and Joseph V. Mantione, 240 Niagara Street, North Tonawanda, NY 14120 as Commissioner of Deeds for a term beginning June 8, 2013 ending June 7, 2015; and

Re-appoints Robert G. Ortt, 1494 D'Angelo Drive, North Tonawanda, NY 14120 and Thomas M. Jaccarino, 1515 Cambridge Avenue, North Tonawanda, NY 14120 as Commissioner of Deeds for a term beginning June 22, 2013 ending June 21, 2015.
CARRIED.

AUDIENCE PARTICIPATION

Ann Finkle, 896 Sun Valley Drive – Asked what an “Exemption Petition” was as it related to the evenings agenda.

Thomas Konopka, 1261 Bowen Court – Invited everyone to the Veterans Forum next Thursday sponsored by City Clerk-Treasurer Kiedrowski.

Sonia Dusza, 123 Miller Street – Questioned how the Volunteer Fire Company Exemption Petitions worked. Gave a long dissertation about cat issues around her home. Stated that she is afraid of cats and that her neighbors know that she is afraid but they attract cats around her neighborhood to harass her. Complained about those that feed stray cats and that she cannot leave her garage open because cats wander in and that cats leave feces in her driveway. Stated that she could not gain access to the agenda on her computer but thought it was great that she could see the agenda ahead of time. Spoke on the recent home in North Tonawanda that had 50 feral cats living inside. Thought it was a real problem and volunteered to help tackle the cat issue.

ADJOURNMENT

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

Time of Adjournment: 6:50P.M.

Respectfully submitted,

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