

**THE HONORABLE BODY  
Council Chambers  
Municipal Building  
North Tonawanda, New York 14120  
Tuesday, March 18, 2014  
6:30P.M.**

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present: President Rizzo  
Alderman Needler, Clark, Zadzilka, Braun**

**Absent: None**

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

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSION MARCH 4, 2014**

**MOVED by Alderman Zadzilka                      SECONDED by Alderman Braun  
That the minutes of the regular session held March 4, 2014 be approved as circulated and  
filed in the Office of the City Clerk.  
CARRIED.**

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**AUDIENCE PARTICIPATION – None**

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**STUDENT GOVERNMENT DAY**

|                         |   |
|-------------------------|---|
| <b>Joe Kraus</b>        | <b>Mayor</b>  |
| <b>James Palmer</b>     | <b>City Attorney</b>                                  |
| <b>William Alvarado</b> | <b>City Judge</b>                                     |
| <b>Zivi Attwood</b>     | <b>City Clerk–Treasurer</b>                           |
| <b>Emily Ambrusko</b>   | <b>Council President/1<sup>st</sup> Ward Alderman</b> |
| <b>Marisa Zakes</b>     | <b>Alderman at Large</b>                              |
| <b>Olivia Miller</b>    | <b>Alderman at Large</b>                              |
| <b>Brooke Janson</b>    | <b>2<sup>nd</sup> Ward Alderman</b>                   |
| <b>Leena Kubiak</b>     | <b>3<sup>rd</sup> Ward Alderman</b>                   |
| <b>Jason Kastelan</b>   | <b>Appointed City Judge</b>                           |
| <b>Sarah Wilczynski</b> | <b>Assistant City Attorney</b>                        |
| <b>Shane Gilmore</b>    | <b>Building Inspector/Code Enforcement</b>            |

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|----------------------------|--|
| <b>Cassidy Powers</b>      | <b>City Accountant</b>                           |
| <b>Evin Steele</b>         | <b>City Engineer</b>                             |
| <b>Nicole Stahli</b>       | <b>Director of Youth, Parks &amp; Recreation</b> |
| <b>Victoria Stauffiger</b> | <b>Fire Chief</b>                                |
| <b>Jonathan Brauerlein</b> | <b>Mayor's Assistant</b>                         |
| <b>Jimmy Jiang</b>         | <b>Police Chief</b>                              |
| <b>Allison Sulkowski</b>   | <b>Superintendent of Public Works</b>            |
| <b>Joe Piotrowski</b>      | <b>Superintendent of Water</b>                   |
| <b>Danny Belmona</b>       | <b>Niagara County Judge</b>                      |

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**COMMUNICATIONS FROM CITY OFFICIALS**

**I. Mayor**

**March 12, 2014**

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

**Re: Appointment to North Tonawanda Traffic Safety Committee**

**Dear Honorable Body:**

**Due to the recent retirement of Tom Tussing I will be appointing Mark Daigler, 19 Forbes Terrace, North Tonawanda, NY 14120, to the Traffic Safety Committee, effective immediately, for a term of (3) three years expiring December 31, 2016.**

**Thank you for your attention to this matter.**

**Faithfully,  
Robert G. Ortt  
Mayor**

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

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**III.1 Clerk-Treasurer**

**March 12, 2014**

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

**Dear Honorable Body:**

**As of this date, I have counted the petty cash and receipts for all authorized Departments and found them to be correct.**

**Please authorize each Department to submit petty cash slips and vouchers to the City Accountant for payment.**





## IV.1 Engineer

March 10, 2014

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

Re: 2014 Storm Sewer Separation Project  
(Ironton St. /1<sup>st</sup> Ave. /2<sup>nd</sup> Ave. /3<sup>rd</sup> Ave.)  
Project 2014-03  
SEQRA- Environmental Assessment

Honorable Body:

In accordance with the New York State Environmental Quality Review Act (SEQRA), the City in its capacity as Lead Agency, has prepared an environmental assessment of the significance of potential environmental impacts of the installation of new HDPE storm piping approximately 2600 LF in length to separate storm sewer from the existing combined sanitary sewers on the various above referenced streets. This project is considered an unlisted action under SEQRA.

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

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

MOVED by Alderman Rizzo

SECONDED by Alderman Clark

WHEREAS, the City of North Tonawanda intends to eliminate sewage flooding in area basements by installing new storm sewer piping, approximately 2600 LF in length, including manholes and receivers, to separate storm sewer from existing combined sanitary sewers on Ironton Street between 3<sup>rd</sup> Avenue and Wheatfield Street; 3<sup>rd</sup> Avenue between Ironton Street and Oliver Street; 2<sup>nd</sup> Avenue between Ironton Street and Oliver Street; and 1<sup>st</sup> Avenue between Ironton Street and Oliver Street

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

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

FURTHER, BE IT RESOLVED that the Common Council as Lead Agency hereby issues a Negative Declaration under SEQR Regulations for the storm sewer installation to Ironton Street, 3<sup>rd</sup> Avenue, 2<sup>nd</sup> Avenue, and 1<sup>st</sup> Avenue; and authorizes the Mayor to sign said Environmental Assessment form.

Ayes: Needler, Clark, Zadzilka, Braun, Rizzo (5)

Nays: None (0)

CARRIED.

## IV.2 Engineer

March 13, 2014

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

03-18-2014





In accordance with the adopted City of North Tonawanda 2014 Capital Improvements Budget, with modifications approved by the Mayor and Common Council, please find a serial bond resolution in the aggregate amount of \$2,130,000, 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 Needler                      **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 6:00 p.m. on March 18, 2014.

**PRESENT:** Philip Rizzo, President  
Eric M. Zadzilka, Alderman  
Donna Braun, Alderman  
Malcolm Needler, Alderman-at-Large  
Robert Clark, Alderman-at-Large

**ABSENT:** None

The following resolution was offered by Alderman Needler 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 \$2,130,000 IN SERIAL BONDS OF THE CITY TO FINANCE VARIOUS PUBLIC IMPROVEMENTS**

**WHEREAS**, the Common Council of the City of North Tonawanda (the “City”) proposes to authorize the issuance of \$2,130,000 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 \$300,000 principal amount of serial bonds pursuant to the provisions of the Local Finance Law (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 objects or purposes is \$800,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the expenditure of \$500,000 in grant monies to be received by the City from the New York State CHIPS program, (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, 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 2.** The City is hereby authorized to issue \$300,000 principal amount of serial bonds pursuant to the provisions of the Local Finance Law (the "Law") to finance the estimated cost of improvements to the City sewer system consisting of the acquisition and installation of auxiliary generators at the lift and pump stations. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$300,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$300,000 in serial bonds of the City authorized to be issued pursuant to this section, or bond anticipation notes issued in anticipation of such 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 thirty (30) years, pursuant to subdivision 4. of paragraph a. of Section 11.00 of the Law.

**SECTION 3.** The City is hereby authorized to issue \$50,000 principal amount of serial bonds pursuant to the provisions of the Local Finance Law (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 \$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 objects or purposes is ten (10) years, pursuant to subdivision 24. of paragraph a. of Section 11.00 of the Law.

**SECTION 4.** The City is hereby authorized to issue \$375,000 principal amount of serial bonds pursuant to the provisions of the Local Finance Law (the "Law") to finance the estimated cost of acquiring one aerial truck for use by the Public Works Department and one wheeled excavator for use jointly by the Public Works Department and Water Distribution Department. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$375,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$375,000 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 fifteen (15) years, pursuant to subdivision 28. of paragraph a. of Section 11.00 of the Law.

**SECTION 5.** The City is hereby authorized to issue \$300,000 principal amount of serial bonds pursuant to the provisions of the Local Finance Law (the "Law") to finance the estimated cost of the 2014 sewer separation and sanitary overflow project, consisting of the construction of separate sanitary and storm sewer lines to eliminate combined sewers and the construction of sanitary sewer overflows. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$300,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$300,000 in serial bonds of the City authorized to be issued pursuant to this section, or bond anticipation notes issued in anticipation of such 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 forty (40) years, pursuant to subdivision 4. of paragraph a. of Section 11.00 of the Law.

**SECTION 6.** The City is hereby authorized to issue \$200,000 principal amount of serial bonds pursuant to the provisions of the Local Finance Law (the "Law") to finance the estimated cost of the reconstruction and replacement of approximately 2,100 lineal feet of cast iron watermains with PVC piping along Park Avenue. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$200,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$200,000 in serial bonds of the City authorized to be issued pursuant to this section, or bond anticipation notes issued in anticipation of such 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 forty (40) years, pursuant to subdivision 1. of paragraph a. of Section 11.00 of the Law.

**SECTION 7.** The City is hereby authorized to issue \$37,000 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 emergency generators for use at Rescue Fire Company #5 located at 1241 Strad Avenue. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$37,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$37,000 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 five (5) years, pursuant to subdivision 32. of paragraph a. of Section 11.00 of the Law.

**SECTION 8.** The City is hereby authorized to issue \$50,000 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 30 portable radios for use the City's 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 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 five (5) years, pursuant to subdivision 32. of paragraph a. of Section 11.00 of the Law.

**SECTION 9.** The City is hereby authorized to issue \$185,000 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 replacement passenger vehicles for use by the City's Police Department, Fire Department and Engineering Department. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$185,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$185,000 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 three (3) years, pursuant to subdivision 77-first. of paragraph a. of Section 11.00 of the Law.

**SECTION 10.** The City is hereby authorized to issue \$28,000 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 two replacement lawn mowers for use the Youth, Recreation and Parks Department. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$28,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$28,000 in serial bonds of the City authorized to be issued pursuant to this section, or bond anticipation notes issued in anticipation of such serial bonds 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 28. of paragraph a. of Section 11.00 of the Law.

**SECTION 11.** The City is hereby authorized to issue \$70,000 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 one replacement rotary ruff 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 \$70,000, said amount is hereby appropriated therefor and the plan for the

financing thereof shall consist of the issuance of \$70,000 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 fifteen (15) years, pursuant to subdivision 28. of paragraph a. of Section 11.00 of the Law.

**SECTION 12.** The City is hereby authorized to issue \$100,000 principal amount of serial bonds pursuant to the provisions of the Local Finance Law (the "Law") to finance the estimated cost of the certain improvements to the Wastewater Treatment Plant located at 830 River Road, consisting of the replacement of pipes and pumps, the reconstruction and upgrade of electrical equipment at the substation, the replacement of processors and upgrades to the flow control communication system. 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 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 thirty (30) years, pursuant to subdivision 4. of paragraph a. of Section 11.00 of the Law.

**SECTION 13.** The City is hereby authorized to issue \$75,000 principal amount of serial bonds pursuant to the provisions of the Local Finance Law (the "Law") to finance the estimated cost of the reconstruction, including the removal of asbestos, at various City owned buildings. 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 objects or purposes is fifteen (15) years, pursuant to subdivision 12(a)(2). of paragraph a. of Section 11.00 of the Law.

**SECTION 14.** The City is hereby authorized to issue \$60,000 principal amount of serial bonds pursuant to the provisions of the Local Finance Law (the "Law") to finance the estimated cost of the reconstruction of the City Market Maintenance Building. 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 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 fifteen (15) years, pursuant to subdivision 12(a)(2). of paragraph a. of Section 11.00 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.

**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, 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, Clark, Zadzilka, Braun, Rizzo

**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 18, 2014, and attached hereto is a true and correct copy of a resolution duly adopted at such meeting and entitled:

**BOND RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK (THE "CITY") AUTHORIZING THE ISSUANCE OF \$2,130,000 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 18<sup>th</sup> day of March, 2014.

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 18, 2014, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the City of North Tonawanda, Niagara County, New York is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

**SUMMARY OF BOND RESOLUTION**

Set forth below is a summary of said resolution adopted by the Common Council of the City of North Tonawanda on March 18, 2014.

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 \$2,130,000 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) repaving or resurfacing various streets throughout the City, in the principal amount of \$300,000; PPU of 15 years;
  - (b) improvements to the City sewer system consisting of the acquisition and installation of auxiliary generators at the lift and pump stations, in the principal amount of \$300,000; PPU of 30 years;
  - (c) replacing and reconstructing various concrete sidewalks and curbs throughout the City, in the principal amount of \$50,000; PPU of 10 years;
  - (d) acquiring one aerial truck for use by the Public Works Department and one wheeled excavator for use jointly by the Public Works Department and Water Distribution Department, in the principal amount of \$375,000; PPU of 15 years;
  - (e) the 2014 sewer separation and sanitary overflow project, consisting of the construction of separate sanitary and storm sewer lines to eliminate combined sewers and the construction of sanitary sewer overflows, in the principal amount of \$300,000; PPU of 40 years;
  - (f) the reconstruction and replacement of approximately 2,100 lineal feet of cast iron watermains with PVC piping along Park Avenue, in the principal amount of \$200,000; PPU of 40 years;
  - (g) the acquisition of emergency generators for use at Rescue Fire Company #5 located at 1241 Strad Avenue, in the principal amount of \$37,000; PPU of 5 years;
  - (h) the acquisition of 30 portable radios for use the City’s Fire Department, in the principal amount of \$50,000; PPU of 5 years;
  - (i) the acquisition of replacement passenger vehicles for use by the City’s Police Department, Fire Department and Engineering Department, in the principal amount of \$185,000; PPU of 3 years;
  - (j) the acquisition of two replacement lawn mowers for use the Youth, Recreation and Parks Department, in the principal amount of \$28,000; PPU of 10 years;
  - (k) the acquisition of one replacement rotary ruff mower for use at the Deerwood Golf Course by the City’s Youth, Recreation and Parks Department, in the principal amount of \$70,000; PPU of 15 years;
  - (l) certain improvements to the Wastewater Treatment Plant located at 830 River Road, consisting of the replacement of pipes and pumps, the reconstruction and upgrade of electrical equipment at the substation, the replacement of processors and upgrades to the flow control communication system, in the principal amount of \$100,000; PPU of 30

years;

- (m) the reconstruction, including the removal of asbestos, at various City owned buildings, in the principal amount of \$75,000; PPU of 15 years;
- (n) the reconstruction of the City Market Maintenance Building, in the principal amount of \$60,000; PPU of 15 years;

**3. Aggregate amount of Debt Obligations Authorized: up to \$2,130,000.**

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, Clark, Zadzilka, Braun, Rizzo (5)

Nays: None (0)

**CARRIED.**

**IX.1 Public Works**

March 6, 2014

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

**Re: Award of Bid - One (1) New 2014 or Newer Freightliner M2-106 Cab and Chassis or equal, 70 foot to bottom of platform, hydraulic operated, articulating overcenter aerial device equipped with single platform and with a flatbed body mounted on an appropriate chassis/cab with trade for the Department of Public Works.**

Honorable Body:

On Monday, February 24, 2014, bids were received and publicly opened in the City Clerk's Office at 11:00AM for One (1) New 2014 or Newer Freightliner M2-106 Cab and Chassis or equal, 70 foot to bottom of platform, hydraulic operated, articulating overcenter aerial device equipped with single platform and with a flatbed body mounted on an appropriate chassis/cab with trade for the Department of Public Works. We have reviewed the bids and tabulated them as follows:

| <u>Bidder</u>                 | <u>Non-Collusion</u> | <u>Bond or Check</u> | <u>Bid</u>           |
|-------------------------------|----------------------|----------------------|----------------------|
| Altec Industries, Inc.        | Yes                  | Bid Bond             | \$149,792.00 w/trade |
| Regional International of WNY | Yes                  | Bid Bond             | \$154,839.00 w/trade |
| Fleet Maintenance, Inc.       | Yes                  | Bid Bond             | \$150,255.00 w/trade |

I recommend the Common Council award the bid for, One (1) New 2014 or newer Freightliner M2-106 cab and chassis or equal, 70 foot to bottom of platform, hydraulic operated, articulating overcenter aerial device equipped with single platform and with a flatbed body mounted on an appropriate chassis/cab with trade for the Department of Public Works, to Fleet Maintenance, Inc., 67 Ransier Dr., West Seneca, NY 14224 at the bid of \$150,255.00, subject to the approval of the City Attorney.

After meeting with the low bidder - Altec Industries, Inc., they agreed that their bid had deviations to the specifications and we disqualified their bid.

Very truly yours,  
Bradley A. Rowles  
Superintendent Public Works

**MOVED by Alderman Rizzo**

**SECONDED by Alderman Clark**

**That the Common Council hereby awards the bid for One (1) New 2014 or newer Freightliner M2-106 cab and chassis or equal, 70 foot to bottom of platform, hydraulic operated, articulating overcenter aerial device equipped with single platform and with a flatbed body mounted on an appropriate chassis/cab with trade for the Department of Public Works, to Fleet Maintenance, Inc., 67 Ransier Dr., West Seneca, NY 14224 at their bid of \$150,255.00, subject to the approval of the City Attorney.**

**Ayes: Needler, Clark, Zadzilka, Braun, Rizzo (5)**

**Nays: None (0)**

**CARRIED.**

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**IX.2 Public Works**

**To - Scott Kiedrowski  
City Clerk/Treasurer**

**Date – March 11, 2014**

**From - Bradley A. Rowles  
Superintendent of Public Works**

**Re – Item for Common Council Agenda  
Carnival @ St. Jude the Apostle  
Parish, June 13 & 14, 2014**

**Please see attached a memo that was received at the Department of Public Works regarding the Carnival to be held at St. Jude the Apostle Parish on June 13th & 14th 2014. They are requesting our assistance, i.e., garbage cans, garbage truck, fencing and cones.**

**Please add this event to the Agenda for approval at the Common Council Meeting.**

**Bradley A. Rowles  
Superintendent of Public Works**

**MOVED by Alderman Rizzo**

**SECONDED by Alderman Zadzilka**

**That the Common Council hereby directs the Department of Public Works to provide garbage cans, garbage truck, fencing and cones, etc., to St. Jude the Apostle Parish for their Carnival on June 13 and 14, 2014.**

**Ayes: Needler, Clark, Zadzilka, Braun, Rizzo (5)**

**Nays: None (0)**

**CARRIED.**

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**XI. Fire**

**March 12, 2014**

**Honorable Robert G. Ortt Mayor  
and Common Council  
City Hall, 216 Payne Ave.  
North Tonawanda, NY 14120**

**Dear Honorable Body,**

**The "Canal Fest Public Safety Committee", consisting of representatives of both Tonawanda and North Tonawanda Police, Fire, Emergency Management and Mayor's Offices, meet monthly to discuss and develop action plans for any "Canal Fest" emergency.**

**At our meeting in February 2014, this committee approved and adopted the attached "Canal Fest of the Tonawanda Emergency Plan". The Police and Fire Chiefs of their respective City have signed off in acceptance of this plan.**

**Accordingly, please authorize Mayor Ortt to sign this Emergency Plan. Should you have any questions, please do not hesitate to contact my office.**

**Respectfully,  
Fire Chief/EMO Dir. John C. Lapham**



## COMMUNICATIONS FROM OTHERS

A.  
Charles Whetstone

March 6, 2014

City of North Tonawanda  
Attn: Mr. Scott P. Kiedrowski  
City Clerk-Treasurer  
216 Payne Avenue  
North Tonawanda, NY 14120

Re: Sale of remaining paper Street to 1511 and 1495 Abington

Mr. Kiedrowski,

Paul Drabinski and I are still interested in purchasing the lot measuring 60' x 107.48' located between our current residents (1495 Abington Place and 1511 Abington Place).

We would like to offer a total of \$8,400.00 for the entire lot of 60' x 107.48'. We would each like to purchase 30'x107.48' for \$4,200.00, effectively dividing the property in half.

Please advise if this is acceptable.

Sincerely,  
Charles J. Whetstone  
Paul Drabinski

**MOVED** by Alderman Zadzilka                      **SECONDED** by Alderman Clark  
That the Common Council hereby accepts the offer of \$8,400.00 from Charles J. Whetstone and Paul Drabinski, for purchase of the lot measuring 60' x 107.48' which is located between 1495 Abington Place and 1511 Abington Place, subject to review by the City Attorney.

Ayes: Needler, Clark, Zadzilka, Braun, Rizzo (5)

Nays: None (0)

**CARRIED.**

### AUDIENCE PARTICIPATION

**Ann Finkle, 896 Sun Valley Drive** – Inquired about the number of Handicapped Parking spaces in front of the Riviera Theatre. Stated that there are roughly 4 Handicapped spots available in front of the theatre. Stated that in her opinion there are not enough spots to accommodate those with disabilities that attend the shows at the Riviera. Asked the Common Council if it would be possible for portable/mobile Handicapped Parking Signs to be placed out in front of the theatre ahead of events being held on any given evening. Simply roll them out and then roll them back when the event is over. Stated that she was not sure who could help take a look at her request. Stated that she thought at least 12 more spots would make life easier for those who have a tough time getting around.

**Jeanne Chiarmonete, 1143 Ruie Road** – Stated that she discovered that the fire hydrant in front of her home was leaking and that she called several different departments asking to have it fixed. Stated that it took a long time for anyone to show up and that when they did show up that the workers were not real sure how to fix the problem. Stated that during the length of time that it took for the City to respond that several inches of water had turned into ice in her driveway as well as in her garage. Stated that her lawn is now all dug up and her new driveway and approach had been damaged and wanted to know what she needed to do to get everything fixed back to the way it was before the leak.

**Sarah Hansgate, 405 Meadow Drive** – Thanked the elected officials, department heads and especially Alex Domaradzki who coordinated Student Government Day with her. Stated that she felt this year's program was another success and thanked everyone for taking time out of their busy schedules to participate.

**Alex Domaradzki 1383 Sherwood** – Thanked Sarah Hansgate from North Tonawanda High School for all of her efforts, the election, petitions, and all that went into making Student Government Day successful was due in large part to her dedication to the program. Thanked all of the elected officials, and department heads for taking the time to show the students around their respective offices, and more importantly taking time out of their busy schedules to participate in the day's events.

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**ADJOURNMENT**

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

**Time of Adjournment: 6:51P.M.**

Respectfully submitted,

Scott P. Kiedrowski  
City Clerk–Treasurer