

**TO: Honorable Mayor & Common Council  
President Rizzo  
Aldermen Zadzilka, Braun, Schwandt, Pecoraro**

**FROM: Daniel R. Quinn, City Clerk-Treasurer**

**RE: Agenda for regular session TUESDAY, FEBRUARY 2, 2016 6:30PM**

## **Mayor Pappas – State of the City Address**

**AUDIENCE PARTICIPATION** – Agenda items only, not to exceed 90 minutes with each speaker limited to a five-minute maximum.

### **COMMUNICATIONS FROM CITY OFFICIALS**

- |                                  |            |  |
|----------------------------------|------------|--|
| <b>II. Attorney</b>              | <b>-</b>   | <b>Re: Appointment of Luke Brown to the position of Assistant City Attorney.</b>                     |
| <b>III. Clerk Treasurer</b>      | <b>-</b>   | <b>Re: Service Leak Request for 16 Ransom Street.</b>  |
| <b>V. Supt. Water/Wastewater</b> | <b>Re:</b> | <b>Appointment of William C. O'Connor to the position of Water Treatment Plant Operator Trainee.</b> |
| <b>VII.1 Accountant</b>          | <b>-</b>   | <b>Re: Payment of the Abstract of Claims Dated February 2, 2016.</b>                                 |
| <b>VII.2 Accountant</b>          | <b>-</b>   | <b>Re: Serial Bond Resolution for the 2016 Capital Improvements Budget.</b>                          |
| <b>VII.3 Accountant</b>          | <b>-</b>   | <b>Re: Necessary Budgetary Transfers for 2015 fiscal year ending December 31, 2015.</b>              |

**XXVI. Vacation & Sick Leave Reports**

**.1 Building Inspector**

**COMMUNICATIONS FROM OTHERS**

- A.  
Patrick Deering - Re: **Permission to hold a Soccer Tournament September 25, 2016 at Gratwick Park.**
- B.  
Gateway Harbor Committee - Re: **Permission to hold Second Annual Green Beer Sunday March 6, 2016 at Gateway Harbor Park.**
- C.  
Active Hose Company - Re: **Addition of Kory C. Olson to the North Tonawanda Fire Rolls.**
- D.  
Steve Harrington - Re: **Permission to hang 2 road banners to promote the Erie Canal Fishing Derby starting June 13, 2016 to July 18, 2016.**
- E.  
Nixon Peabody - Re: **Application of approval for Verizon Wireless to co-locate a new wireless telecommunications facility at existing support tower located at 565 River Road.**
- F.  
Barbara Hughes - Re: **Requesting permission to use the Carnegie Art Center for their 2016 Exhibition Schedule.**

**Respectfully submitted,**



**Daniel R. Quinn  
City Clerk-Treasurer**

# City of North Tonawanda

OFFICE OF THE CITY ATTORNEY  
CITY HALL  
216 PAYNE AVENUE  
NORTH TONAWANDA, N.Y. 14120-5489

FEB 02 2016

TELEPHONE  
(716) 695-8590  
FAX (716) 695-8592

SHAWN P. NICKERSON  
CITY ATTORNEY

KATHERINE D. ALEXANDER  
ASSISTANT CITY ATTORNEY

January 28, 2016

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

RE: Filling the Assistant City Attorney Position

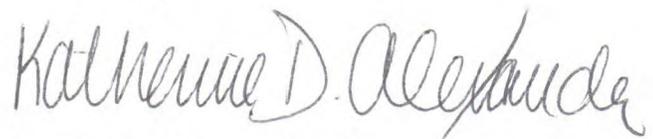
Dear Honorable Body:

Please be advised that, as a result of our search for a candidate to fill the assistant city attorney position vacated due to my appointment as City Attorney, this office has offered the position to Luke Brown, at a salary of \$42,000. He has accepted our offer.

We received 21 applications, and 5 of those were recently interviewed. While all of the candidates were impressive, we believe that Mr. Brown's qualifications offer the best fit for the position. Furthermore, Mr. Brown was the only City of North Tonawanda resident that applied for the position.

Should your Honorable Body need more information, please do not hesitate to contact me.

Very truly yours,



Katherine D. Alexander, Esq.  
City Attorney

**CITY OF NORTH TONAWANDA WATER DEPT.**

216 Payne Ave., Room 6  
North Tonawanda, NY 14120  
(716) 695 - 8531

III.  
FEB 02 2016

January 26, 2016

Honorable Mayor Art Pappas  
Common Council  
City Hall, 216 Payne Ave  
N Tonawanda NY 14120

Dear Mayor and Common Council,

Would you please grant permission to the Water Department to hire a licensed plumber to repair a water service leak at 16 Ransom Street.

Also, all costs are to be assessed upon land involved-[Water Ordinance Chapter 98-Section 98-12(5)].

Sincerely,



Dan Quinn  
City Clerk/Treasurer

RECEIVED  
CITY CLERK'S OFFICE  
2016 JAN 26 PM 5:53  
NORTH TONAWANDA NY



**CITY OF NORTH TONAWANDA WATER WORKS**

830 RIVER ROAD  
NORTH TONAWANDA, NEW YORK 14120  
PHONE: (716) 695 - 8560  
FAX: (716) 695 - 8563

FEB 02 2016

**William M. Davignon**  
*Superintendent*

January 28, 2016

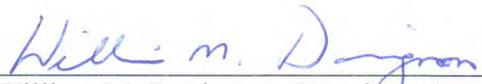
**Honorable Mayor and Common Council,**

The CSEA Union recently posted for the position of Water Treatment Plant Operator Trainee. Therefore, with your approval, I would like to appoint **William C. O'Connor** of 111 17<sup>th</sup> Ave., North Tonawanda, NY 14120 to the position of Water Treatment Plant Operator **effective February 3, 2016** on the 7am - 3pm shift.

William O'Connor is being chosen from the current certified Niagara County Civil Service exam list for this position. He will serve a 1 year training period at which time he will be evaluated by the Water Treatment Plant Supervisor to see he if he is qualified for his Water Treatment Plant Operator License.

Thank you for your time and consideration of my request. Please contact me if you need any further information or have any questions regarding this matter.

Sincerely yours,

  
\_\_\_\_\_  
William M. Davignon, Superintendent

RECEIVED  
CITY CLERK'S OFFICE  
2016 JAN 28 AM 11:01  
NORTH TONAWANDA N.Y.



# City of North Tonawanda

DEPARTMENT OF ACCOUNTING  
CITY HALL  
216 PAYNE AVENUE  
NORTH TONAWANDA, NEW YORK 14120-5477

VIII

FEB 02 2016

MARK W. DOTTERWEICH  
CITY ACCOUNTANT

AMANDA L. REIMER  
STAFF ACCOUNTANT

TELEPHONE  
(716) 695-8545

FAX  
(716) 695-8573

January 29, 2016

Honorable Arthur G. Pappas, Mayor

& Common Council

City Hall – 216 Payne Avenue

North Tonawanda, New York 14120

Dear Honorable Body:

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

Accordingly, please authorize for payment the current Warrant of Claims for Common Council audit, dated **February 2, 2016**, and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Very truly yours,

Mark W. Dotterweich

City Accountant

MWD

RECEIVED  
CITY CLERK'S OFFICE  
2016 JAN 28 AM 11:11  
NORTH TONAWANDA N.Y.



# City of North Tonawanda

DEPARTMENT OF ACCOUNTING

CITY HALL

216 PAYNE AVENUE

NORTH TONAWANDA, NEW YORK 14120-5477

VIII.2  
FEB 02 2016

MARK W. DOTTERWEICH  
CITY ACCOUNTANT

AMANDA L. REIMER  
STAFF ACCOUNTANT

TELEPHONE  
(716) 695-8545

FAX  
(716) 695-8573

January 29, 2016

Honorable Arthur G. Pappas, Mayor  
and Common Council

City Hall

North Tonawanda, New York 14120

Dear Honorable Body:

In accordance with the adopted City of North Tonawanda 2016 Capital Improvements Budget, with modifications approved by the Mayor and Common Council, please find a serial bond resolution in the aggregate amount of \$2,652,000, 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*

Mark W. Dotterweich

City Accountant

NORTH TONAWANDA, N.Y.

2016 JAN 29 PM 1:45

RECEIVED  
CITY CLERK'S OFFICE

At a regular meeting of the Common Council of the City of North Tonawanda, Niagara County, New York, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 p.m. on February 2, 2016

PRESENT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ABSENT: \_\_\_\_\_

The following resolution was offered by \_\_\_\_\_, who moved its adoption, seconded by \_\_\_\_\_, to-wit:

**BOND RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK (THE "CITY") AUTHORIZING THE ISSUANCE OF \$2,652,000 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 \$2,652,000 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

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The City is hereby authorized to issue \$250,000 principal amount of serial bonds pursuant to the provisions of the Local Finance Law (the "Law") to finance the estimated cost of reconstruction and repaving of roads throughout the City, including the construction or reconstruction of sidewalks, curbs, gutters, drainage and grading. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$250,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$250,000 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 (ii) 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 \$50,000 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 object or purpose is \$50,000,

said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$50,000 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 (ii) 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 3. The City is hereby authorized to issue \$50,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the acquisition of 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 object or purpose is \$50,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$50,000 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 (ii) 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 6. of paragraph a. of Section 11.00 of the Law.

SECTION 4. The City is hereby authorized to issue \$190,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of purchasing one sanitation truck for use by the City's Public Works Department. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$190,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$190,000 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 (ii) 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 5. The City is hereby authorized to issue \$986,000 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 removal of existing docks and the reconstruction of new docks, the reconstruction of driveways and sidewalks, the installation of utilities, lighting, and bollards, landscaping, related 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 \$986,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$986,000 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 (ii) 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 19(c). of paragraph a. of Section 11.00 of the Law.

SECTION 6. The City is hereby authorized to issue \$150,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the 2016 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 object or purpose is \$150,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$150,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, and (ii) 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 forty (40) years, pursuant to subdivision 4. of paragraph a. of Section 11.00 of the Law.

SECTION 7. The City is hereby authorized to issue \$135,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of acquiring replacement "Nomex" (flame-resistant material) firefighting gear for use by the City's Fire Department to include pants, suits, boots and helmets. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$135,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$135,000 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 (ii) 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 32. of paragraph a. of Section 11.00 of the Law.

SECTION 8. The City is hereby authorized to issue \$40,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of certain building alterations to the City's Nash/Deerfield Fire Station located at 1425 Nash Road (the "Station") consisting of the reconstruction and replacement of the roof over the Station including the installation of insulation and related improvements. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$40,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$40,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, and (ii) 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 twenty-five (25) years, pursuant to subdivision 12(a)(1). of paragraph a. of Section 11.00 of the Law.

SECTION 9. 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 the acquisition of

three (3) replacement vehicles for use by the City's Police Department. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$75,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$75,000 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 (ii) 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 10. 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 the acquisition of one multi-use, heavy duty 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 object or purpose 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 resolution or bond anticipation notes issued in anticipation of such bonds, and (ii) 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 11. The City is hereby authorized to issue \$51,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the acquisition of one 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 object or purpose is \$51,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$51,000 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 (ii) 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 12. The City is hereby authorized to issue \$600,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the certain improvements to the Wastewater Treatment Plant located at 830 River Road, consisting of the acquisition, installation and replacement of bar screens with mechanical rakes and conveyor and all appurtenant and related improvements. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$600,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$600,000 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 (ii) 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 forty (40) years, pursuant to subdivision 4. of paragraph a. of Section 11.00 of the Law.

SECTION 13. 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 14. 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 15. 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 any 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 other 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 16. 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 17. 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 18. The Common Council hereby determines that 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.

SECTION 19. 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 20. 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 21. 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:

NAYS:

February 2, 2016

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

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

1. I am the duly qualified and acting Clerk of the City of North Tonawanda, Niagara County, New York (the "City") and the custodian of the records of the City, including the minutes of the proceedings of the Common Council of the City, and am duly authorized to execute this certificate.

2. A regular meeting of the Common Council of the City of North Tonawanda, Niagara, County, State of New York (the "Common Council"), was held on February 2, 2016, 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 \$2,652,000 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 of North Tonawanda this 2<sup>nd</sup> day of February 2016.

CITY OF NORTH TONAWANDA

\_\_\_\_\_  
Daniel R. Quinn, City Clerk-Treasurer

[SEAL]

## 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 February 2, 2016, 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.

Daniel R. Quinn, 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 February 2, 2016.

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 \$2,652,000 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:
  - (1) the reconstruction and repaving of roads throughout the City, including the construction or reconstruction of sidewalks, curbs gutters, drainage and grading, in the principal amount of \$250,000; PPU of 15 years;
  - (2) replacing and reconstructing various concrete sidewalks and curbs throughout the City, in the principal amount of \$50,000; PPU of 10 years;
  - (3) the acquisition of recycling totes for use by residents of the City in furtherance of the City’s recycling program, in the principal amount of \$50,000; PPU of 10 years;
  - (4) purchasing one sanitation truck for use by the City’s Public Works Department, in the principal amount of \$190,000; PPU of 15 years;
  - (5) improvements to the Gratwick Riverside Park Marina consisting of the removal of existing docks and the reconstruction of new docks, the reconstruction of driveways and sidewalks, the installation of utilities, lighting, and bollards, landscaping, related site work improvements, all appurtenant and related improvements and other related costs incidental thereto, in the principal amount of \$986,000; PPU of 15 years;

- (6) the 2016 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 \$150,000; PPU of 40 years;
- (7) acquiring replacement "Nomex" (flame-resistant material) firefighting gear for use by the City's Fire Department to include pants, suits, boots and helmets in the principal amount of \$135,000; PPU of 5 years;
- (8) certain building alterations to the City's Nash/Deerfield Fire Station located at 1425 Nash Road (the "Station") consisting of the reconstruction and replacement of the roof over the Station including the installation of insulation and related improvements, in the principal amount of \$400,000; PPU of 25 years;
- (9) the acquisition of three (3) replacement vehicles for use by the City's Police Department, in the principal amount of \$75,000; PPU of 3 years;
- (10) the acquisition of one multi-use, heavy duty mower for use at the Deerwood Golf course by the City's Youth, Recreation and Parks Department, in the principal amount of \$75,000; PPU of 15 years;
- (11) the acquisition of one lawn mower for use at the Deerwood Golf Course by the City's Youth, Recreation and Parks Department, in the principal amount of \$51,000; PPU 15 years; and
- (12) certain improvements to the Wastewater Treatment Plant located at 830 River Road, consisting of the acquisition, installation and replacement of bar screens with mechanical rakes and conveyor, and all appurtenant and related improvements in the principal amount of \$600,000; PPU of 40 years.

3. Aggregate amount of Debt Obligations Authorized: up to \$2,652,000.

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.



# City of North Tonawanda

DEPARTMENT OF ACCOUNTING  
CITY HALL  
216 PAYNE AVENUE  
NORTH TONAWANDA, NEW YORK 14120-5477

VII.3  
FEB 02 2016  
TELEPHONE  
(716) 695-8545

MARK W. DOTTERWEICH  
CITY ACCOUNTANT

AMANDA L. REIMER  
STAFF ACCOUNTANT

FAX  
(716) 695-8573

January 28, 2016

Honorable Arthur G. Pappas, Mayor  
and Common Council  
216 Payne Avenue - City Hall  
North Tonawanda, New York 14120

Dear Honorable Body:

In order to properly culminate the financial activities of the municipality for 2015 fiscal year ending December 31, 2015, I recommend that the Common Council authorize the City Accountant to make any necessary budgetary transfers, adjustments, subsidies or amendments for sanctioned expenditures, accrued liabilities, accounts payable and encumbrances.

Approval of this recommendation will insure that no appropriation accounts or operating funds are over-obligated at year-end, providing a favorable financial and management representation for the auditors, State Comptroller, investment analysts and bankers.

This action would be in compliance with the State of New York Uniform System of Accounts for Cities and Generally Accepted Accounting Principals (GAAP).

These actions will be reflected in the municipality's year-end appropriation ledgers, the audited 2015 Financial Statements and in our Annual Financial Update Document, which is sent to the New York State Comptrollers office.

If I can be of any further assistance, please do not hesitate to contact me at your convenience.

Very truly yours,

Mark W. Dotterweich  
City Accountant

XXVI

FEB 02 2016

# MEMO

*Building Inspector's Office*  
City of North Tonawanda  
(716) 695-8595  
FAX (716) 695-8544

**To: Hon. Arthur Pappas & Council**

**Date: January 12, 2016**

**From: Cosimo R. Capozzi**  
**Building Inspector**

**Re: Vacation/Sick days**  
**report Jan-June 2015**

Attached, please find copies of the vacation and sick days and revenue report for January 1 through December 30, 2015.

**Cc. file**  
**Mayor**  
**Council**  
**Accounting**

**Cosimo R. Capozzi**



**Building Inspector**

RECEIVED  
CITY CLERK'S OFFICE  
2016 JAN 13 AM 9:30  
NORTH TONAWANDA N.Y.

City of North Tonawanda

CONSOLIDATED SICK DAY, VACATION DAY, PERSONAL DAY &  
BIRTHDAY SCHEDULE

DEPARTMENT OF BUILDING INSPECTION

PERIOD COVERED 7/1/2015 THROUGH 12/30/2015

Cosimo R. Capozzi – Building Inspector

<u>Sick Days</u>	Balance Forward	148	Days
	Earned	6	Days
	Used	0	Days
	Sick Bank Donation	0	Days
	Remaining	154	Days

<u>Vacation Days</u>	Balance forwarded	25	Days
	Earned	00	Days
	Used/cashed in	7	Days
	Remaining (2015)	18	Days

	Balance forwarded	2	
<u>Birthday &amp;</u>	Earned	1	Days
<u>Personal days</u>	Used	0	Days
	Remaining	3	Days

City of North Tonawanda

CONSOLIDATED SICK DAY, VACATION DAY, PERSONAL DAY &  
BIRTHDAY SCHEDULE

DEPARTMENT OF BUILDING INSPECTION

PERIOD COVERED 1/1/2015 THROUGH 12/31/2015

John Stahlman –Assistant Building Inspector

<u>Sick days</u>	Balance Forward	370.5 days
	Earned	18 days
	Used	11.5 days
	Sick Bank Donation	0 days
	Remaining	377 days

<u>Vacation days</u>	Carryover from 2014	2.0 days
	Earned	25 days
	Used	11.5 days
	Remaining (to be used in 2016)	15.5 days

<u>Birthday &amp; Personal days</u>	Earned	5 days
	Used	5 days
	Remaining	0 days

City of North Tonawanda

CONSOLIDATED SICK DAY, VACATION DAY, PERSONAL DAY &  
BIRTHDAY SCHEDULE

DEPARTMENT OF BUILDING INSPECTION

PERIOD COVERED 7/1/2015 THROUGH 12/31/2015

Robert C DePaolo Code Enforcement/Electrical Inspector

<u>Sick Days</u>	Balance Forward	11	Days
	Earned	6	Days
	Used	0	Days
	Sick Bank Donation	0	Days
	Remaining	17	Days

<u>Vacation Days</u>	Balance forwarded	11	Days
	Earned	0	Days
	Used/cashed in	5	Days
	Remaining	6	Days

	Balance forwarded	0	
<u>Birthday &amp; Personal days</u>	Earned	0	Days
	Used	0	Days
	Remaining	0	Days

FEB 02 2016

RECEIVED  
CITY CLERK'S OFFICE  
2016 JAN - 6 PM 1:41  
NORTH TONAWANDA N.Y.

January 6, 2016

Patty Brosious  
City of North Tonawanda Recreation Director

I want to thank you for allowing our Travel teams to play soccer at Gratwick Park for the last 3 years. We hold roughly 10 games per at the park and every one loves the location. I hope we have been a good tenant. We supply our own rest rooms and try to make sure no garbage is left behind. Each year we have added soil and seed to try to improve the fields as well as rolling in the Spring.

I would like the opportunity to renew our lease with the same terms it has now for 3 more years. If there are any changes the City would like we would be glad to work with whatever they are.

We would also like the opportunity to run a 4v4 tournament at the park on September 25<sup>th</sup>. This tournament would be for the younger age groups with brackets of under 8, under 10 and under 12. Each team plays 4 on the field at a time on a small field of 60 ft. by 90 ft. with a small net and a game lasts 25 minutes. We are allowing 60 teams to register and the entire event would begin at 8am and be finished by 6pm. We will be using only our existing field space and taking up no new areas of the park. I am requesting the reservation of the Pavilion for use of registration, score keeping and tournament headquarters. We will also be requesting some type of food vendor and I understand they must register with the clerk.

I want to thank you for all the you done for us over the years. Running a non profit by the skin of our teeth is difficult but you make it much easier.

*Pat Deering*

CFO-B

FEB 02 2016

**GATEWAY HARBOR OF THE TONAWANDAS, INC.  
156 DELAWARE STREET  
TONAWANDA, NEW YORK 14150**

January 20, 2016

Daniel Quinn, City Clerk- Treasurer  
Mayor Art Pappas  
North Tonawanda Common council

Re: Green Beer Sunday  
Sunday, March 6, 2016

Dear Mr. Quinn, Mayor, Members of the Common Council;

Gateway Harbor is holding its second annual Green Beer Sunday on March 6, 2016 commencing from Noon to 4PM in Gateway Harbor Park on the Sweeney Street in North Tonawanda. This event proved successful last year and is growing.

We are writing to request closure the Main Street - Webster Street Bridge from Noon until 12:30 PM for our short parade over the Bridge. We invite all City Officials to participate. It is a family oriented event with music, food, and all kinds of beverages. We will have a larger tent this year which will be heated.

This is a Gateway Harbor event and as such there is adequate insurance coverage. Thank you for your consideration.

Very truly yours;



Linda Foels  
President

NORTH TONAWANDA, NY

2016 JAN 20 PM 4: 06

RECEIVED  
CITY CLERK'S OFFICE

CFD-C  
FEB 02 2016

**Chief John Lapham  
North Tonawanda  
Fire Department**

# Memo

**To:** City Clerk  
**From:** Fire Chief John C. Lapham  
**CC:**  
**Date:** 1/18/2016  
**Re:** New member

---

On behalf of the Active Hose #2 Fire Company, would you please add:

Kory Christopher Olson  
84 Sweeney St Apt 226  
North Tonawanda, NY

To the active Fire Rolls.



John C. Lapham

Fire Chief

RECEIVED  
CITY CLERK'S OFFICE  
2016 JAN 25 PM 3:56  
NORTH TONAWANDA NY

# ERIE CANAL FISHING DERBY

CFO-D.

FEB 02 2016

7963 Telegraph Rd., Gasport, NY 14067

Ph. (716) 830-8434 • (716) 425-8144 • Fax (716) 772-7972

JAN. 26. 2016

CITY OF NORTH TONAWANDA:

THE ERIE CANAL FISHING DERBY WOULD LIKE PERMISSION TO ERECT 2, OVER THE ROAD BANNERS TO HELP PROMOTE OUR UPCOMING EVENT THAT STARTS IN JULY. OUR DATES FOR 2016 ARE: JULY 6<sup>th</sup> THROUGH JULY 17<sup>th</sup>.

THE FIRST BANNER WE WOULD LIKE ERECTED IS PAYNE AVE AND HEWITT ST. STARTING JUNE 13<sup>th</sup> THROUGH JULY 18<sup>th</sup>. THE SECOND BANNER LOCATION IS OLIVER ST, NEAR 2<sup>ND</sup> AND 3<sup>RD</sup> AVE, STARTING JUNE 13<sup>th</sup> AND ENDING ON JULY 18<sup>th</sup>, 2016.

WE APPRECIATE YOUR SUPPORT OVER THE YEARS, THAT HELPS PROMOTE THIS POPULAR FISHING EVENT THAT'S FUN AND EXCITING FOR EVERYONE OF ALL AGES.

NORTH TONAWANDA NY

2016 JAN 26 AM 10:55

RECEIVED  
CITY CLERK'S OFFICE

SINCERELY,  
STEVE HARRINGTON  
(CHAIRMAN)



**NIXON  
PEABODY**

NIXON PEABODY LLP  
ATTORNEYS AT LAW

NIXONPEABODY.COM  
@NIXONPEABODYLLP

**Jared C. Lusk**  
*Partner*

T 585-263-1140  
F 866-402-1491  
jlusk@nixonpeabody.com

CFD-E  
FEB 02 2016

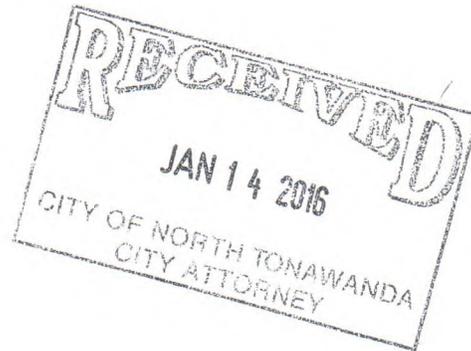
1300 Clinton Square  
Rochester, NY 14604-1792  
585-263-1000

January 13, 2016

**VIA E-MAIL AND FEDERAL EXPRESS**

**kalexander@northtonawanda.org**

Katherine D. Alexander, Esq.  
City Attorney  
City of North Tonawanda  
216 Payne Avenue  
North Tonawanda, NY 14120



**RE:**

- **Application for Municipal Approvals for Verizon Wireless' "Witmer Road" Wireless Telecommunications Facility**
- **Middle Class Tax Relief and Job Creation Act of 2012 (Public Law 112-96), Section 6409 – Wireless Facilities Deployment (47 U.S.C. §1455)**

Dear Ms. Alexander:

Upstate Cellular Network d/b/a Verizon Wireless ("Verizon Wireless") proposes to co-locate a new wireless telecommunications facility consisting primarily of a twelve (12) panel antenna array with an antenna centerline of  $\pm 92'$  ft. on the existing  $\pm 150'$  ft. self-support tower located at 565 River Road, North Tonawanda, New York 14120 (the "City"), Tax Map Parcel No. 181.16-1-15.12. Verizon Wireless also proposes to install associated base station equipment at the base of the existing tower within the existing leased area (a copy of the plans for the project are enclosed).

This facility is needed in order to remedy service deficiencies by providing new, advanced emergency and non-emergency fourth-generation (4G) broadband and other wireless telecommunications services in and around the Verizon Wireless "Witmer Road" cell, located in the City.

The purpose of this letter is to draw your attention to the Middle Class Tax Relief and Job Creation Act of 2012 ("TRA"), Section 6409 (entitled "Wireless Facilities Deployment") (copy enclosed for reference) and to request that the City administratively issue a building permit for

this facility (including the ground level improvements) without any “discretionary approvals” pursuant to the TRA.

In this new federal law, Congress has confirmed that “eligible facilities requests” under TRA Section 6409 should properly be treated as a non-discretionary review by stating that “a State or local government may not deny, and shall approve, any eligible facilities request” (Section 6409[a][1]). “Eligible facilities requests” are defined to include co-locations and modifications that do not substantially change the physical dimensions of a tower or base station, such as the proposed facility.

A substantial change to the physical dimensions of a tower or base station includes, in part, if the modification entails any excavation or deployment outside the current site of the tower or base station. While Verizon Wireless’ co-location will not expand the existing tower compound area.

Accordingly, the modifications proposed here may be approved administratively (e.g., via building permit in New York). Furthermore, Congress has made it clear that this new law is applicable “[n]otwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104-104) or any other provision of law,” thereby establishing TRA Section 6409 as a new and independent directive for municipalities to streamline the approval of “eligible facilities requests.”

To that end, enclosed are the following exhibits in connection with Verizon Wireless’ request that the project be processed by the City administratively for this minor modification to the existing wireless telecommunications tower:

- Exhibit A: Copy of TRA legislation and excerpts from December 17, 2014 FCC order;
- Exhibit B: Copy of the project plans;
- Exhibit C: Structural analysis report demonstrating the structural capacity of the existing wireless telecommunications tower structure;
- Exhibit D: Non-interference report; and
- Exhibit E: Proof of tower owner consent to the Project.

For these reasons, we hope that you can review the TRA and issue a building permit to Verizon Wireless for this minor modification to the existing wireless telecommunications facility.

Please contact me once you have had the opportunity to review this letter and the TRA to discuss how best to proceed.

CFD-F

FEB 02 2016



## Carnegie Art Center

January 5, 2016

Daniel R. Quinn  
City Clerk/Treasurer  
City of North Tonawanda  
216 Payne Avenue  
North Tonawanda, New York 14120

Dear Mr. Quinn,

We are requesting permission of change in our lease agreement, allowing the sale of wine and beer under a one day special permit from the State Liquor Authority. The permit will be filed by Webster's Bistro under their license as the named caterer for the event. The dates listed below are the scheduled opening receptions for the 2016 Exhibition Schedule:

Date of Event – 5:30p – 9:00p	Name of Exhibit
Thursday, January 28, 2016	DiBernardo & Then
Thursday, April 7, 2016	Partner's In Art Studio Show
Thursday, May 12, 2016	Member's Show
Thursday, July 7, 2016	Dennis Stierer: Canal Series
Thursday, August 11, 2016	ELAB Group
Thursday, September 15, 2016	Buffalo Society of Artists
Thursday, October 27, 2016	Artists: Joan Horn & Jane Stoddard
Thursday, December 1, 2016	Art Off the Wall

Please feel free to contact me with any questions.

Sincerely,

Barbara B. Hughes  
President