

**THE HONORABLE BODY  
Council Chambers  
Municipal Building  
North Tonawanda, New York 14120  
Tuesday, June 7, 2016  
6:32P.M.**

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

**PLEDGE OF ALLEGIANCE**

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**ROLL CALL**

**Present: President Rizzo  
Alderman Zadzilka, Schwandt, Pecoraro**

**Absent: Alderman Braun**

**Also Present: Mayor Arthur G. Pappas  
City Attorney Katherine D. Alexander**

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**AUDIENCE PARTICIPATION –**

**Sonia Dusza 123 Miller Street – Asked about the Americans with Disability Act Letter on the agenda, if it was about equality, and is it about equally applying the law to everyone. Said that she stopped by City Hall and looked at the Audit and said it was easy to read but she would like to spend some more time looking at it. Asked why were the sign changes done at the corner of Sweeney Street and Vandervoort Street, also asked was the Wastewater Treatment Plant Lab Technician position a new hire, so there are two or a replacement of the existing employee.**

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSION MAY 17, 2016**

**MOVED by Alderman Zadzilka                      SECONDED by Alderman Pecoraro  
That the minutes of the regular session meeting held May 17, 2016 be approved as  
circulated and filed in the Office of the City Clerk.  
CARRIED.**

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**PROOF OF PUBLICATION PUBLISHED MAY 20, 2016**

- 1) Legal Notice – Fiscal Affairs for the City of North Tonawanda for year ended December 31, 2015 – City Accountant**

**PROOF OF PUBLICATION PUBLISHED MAY 21 & 23, 2016**

- 1) Legal Notice – Bid proposals for Installation of Storm Sewer Pipe on Christiana Street between Vandervoort Street and Payne Avenue – Engineering Department**

**MOVED by Alderman Schwandt                      SECONDED by Alderman Pecoraro  
That the Common Council hereby receives and files the aforementioned Proof of  
Publications.  
CARRIED.**

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**COMMUNICATIONS FROM CITY OFFICIALS**

**I. Mayor**

June 1, 2016

City of North Tonawanda Common Council  
216 Payne Avenue  
North Tonawanda, NY 14120

**RE: Environmental Committee**

Dear Honorable Body:

Please be advised that I am appointing Mary Kate Fonzi, 609 Christiana Street, North Tonawanda, NY 14120, to the Environmental Committee, effective immediately, for a term that will expire on December 31, 2017.

Sincerely,  
Arthur G. Pappas  
Mayor

**MOVED by Alderman Pecoraro                      SECONDED by Alderman Zadzilka**  
That the Common Council hereby receives and files the appointment of Mary Kate Fonzi, 609 Christiana Street, North Tonawanda, NY 14120 to the Environmental Committee, effective immediately, and expiring on December 31, 2017.

Ayes: Zadzilka, Schwandt, Pecoraro, Rizzo (4)

Nays: None (0)

**CARRIED.**

**II.1 Attorney**

May 26, 2016

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

**RE: Proposed Amendment to North Tonawanda City Code  
Chapter 12 – AMUSEMENT CENTERS AND GAMES**

Dear Honorable Body:

Attached, for your consideration, is a proposed amendment to the North Tonawanda City Code, Chapter 12, AMUSEMENT CENTERS AND GAMES – Article I, §12-1 and §12-2. The changes/additions are underlined.

Should your Honorable Body concur, please pass a resolution to amend the North Tonawanda City Code, Chapter 12 – AMUSEMENT CENTERS AND GAMES, Article I, §12-1 and §12-2, as indicated, subject to any further review by the City Attorney. Should you have any questions, please do not hesitate to contact me.

Very truly yours,  
Katherine D. Alexander  
City Attorney

**MOVED by Alderman Zadzilka                      SECONDED by Alderman Pecoraro**  
That the Common Council hereby approves the amendment of North Tonawanda City, Code Chapter 12, AMUSEMENT CENTERS AND GAMES – Article I, §12-1 and §12-2 as underlined below:

Article I: Amusement Centers

§12-1 Definitions.

As used in this article, the following terms shall have the meanings indicated:

AMUSEMENT CENTER

Any premises, place or enclosure which is open to the public, containing five or more amusement games.

AMUSEMENT GAME

Any mechanical, electric or electronic device used or designed to be operated for entertainment, amusement or as a game by the insertion of a piece of coin, money, token or other article. This definition is not intended to include a jukebox, musical device or any machine, contrivance or device which dispenses tobacco or would be commonly known as a "vending machine."

AMUSEMENT GAME DISTRIBUTOR

Any person who owns, places, distributes or locates an amusement game in the City of North Tonawanda.

OWNER

A record owner, contract purchaser, lessee, assignee, bailee, receiver or trustee.

PERSON

One or more individuals, a corporation, partnership, association, trust or firm and any trustee, receiver or assignee.

SIMULATOR

**Any amusement game that is self-contained using a motion picture simulation, along with a mechanical movement, to simulate activities that provide amusement or excitement for the patron.**

§ 12-2 Amusement center license.

- A. License requirement. No person shall maintain or operate an amusement center within the City of North Tonawanda without having in full force and effect an amusement center license issued by the City Clerk. Said license shall be prominently displayed on the premises at all times.
- B. Application for license. Any person desiring to operate an amusement center shall file an application with the City Clerk, which shall contain the following information:
- (1) Name, address and telephone number of the applicant.
  - (2) The address of the premises to be used as an amusement center.
  - (3) If the applicant is an individual, the age, date and place of birth of the applicant and, if the applicant is a partnership, firm, association or other business entity, the same information shall be supplied for each stockholder, officer and director of the corporation or of the partners, members or principals of such business entity or other organization.
  - (4) The name, home address and home telephone number of the manager or other authorized agent of the applicant who shall be principally in charge of or conduct the business of the applicant on the designated premises.
  - (5) The prior criminal conviction record of the applicant, other than convictions for minor traffic infractions. Said information shall be supplied for each partner, stockholder, officer, director or principal of the business entity or organization.

- (6) Proof of liability insurance of at least \$1,000,000 per occurrence naming the City of North Tonawanda as an additional insured.**
- (7) Proof of compliance with the New York State Department of Labor amusement ride inspection to be performed in compliance with the rules and procedures promulgated by the New York State Department of Labor.**

**C. Approval or disapproval of application.**

- (1) The City Clerk shall promptly forward a copy of the application to the Building Inspector and to the Chief of Police for investigation, review and report. The Building Inspector and Chief of Police shall promptly review all information contained in the application and recommend approval or disapproval of the application. If the application is approved, the City Clerk shall issue the permit upon payment of the fee as hereinafter provided.
- (2) The application for a permit may be disapproved for any of the following reasons:
  - (a) Conviction of a crime involving moral turpitude.
  - (b) False statements contained in the application.
  - (c) The operation of the proposed amusement center would not be in accordance with the appropriate provisions of the Zoning Ordinances of the City of North Tonawanda.[1]
  - (d) The location of such machines upon the premises constitutes a safety or fire hazard under the applicable provisions of the City of North Tonawanda Ordinances.
  - (e) The premises do not comply with the appropriate Building, Electrical and Plumbing Codes of the City of North Tonawanda. [2]
  - (f) The premises are located within 500 feet of a lot line of any public or private school, church or other place of religious worship.
  - (g) Inadequate liability insurance limits.**

**Ayes: Zadzilka, Schwandt, Pecoraro, Rizzo (4)**  
**Nays: None (0)**  
**CARRIED.**

**II.2 Attorney**

**June 1, 2016**

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

**RE: Proposed Agreement between City of North Tonawanda and  
 Canal Fest of the Tonawandas, Inc. for Canal Fest 2016**

**Dear Honorable Body:**

**Attached, for your review, is a proposed Agreement between the City of North Tonawanda and the Canal Fest of the Tonawandas, Inc. to facilitate Canal Fest 2016, which is to be held July 17, 2016 through July 24, 2016.**

**Should your Honorable Body need more information, please pass a resolution to allow the Mayor to execute the Agreement between the City of North Tonawanda and Canal Fest of the Tonawandas, Inc. to facilitate Canal Fest 2016, subject to any further review by the City Attorney.**

**Very truly yours,  
 Katherine D. Alexander  
 City Attorney**







Mr. Cevaer has requested that he be allowed to give his former employer proper notice before he starts his new employment with the City of North Tonawanda. Therefore, he will start work on Friday, June 17, 2016.

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

Sincerely yours,  
 Willian M. Davignon  
 Superintendent Water / Wastewater

MOVED by Alderman Zadzilka                      SECONDED by Alderman Schwandt  
 That the Common Council hereby approves of the appointment of Anthony G. Cevaer , 6530 Heather Dr., Lockport, NY 14094 to the position of Wastewater Treatment Plant Laboratory Technician and grants a residency "waiver" for 6 months to allow him time to move into North Tonawanda.

Ayes: Zadzilka, Schwandt, Pecoraro, Rizzo (4)

Nays: None (0)

CARRIED.

## V.2 Supt. Water / Wastewater

June 2, 2016

Hon. Mayor and Common Council  
 216 Payne Ave. – City Hall  
 North Tonawanda, NY 14120

Re: Renewal of Agreement with Enerscope

Dear Honorable Body:

Our annual agreement with Enerscope will expire as of June 30, 2016. Enerscope provides consulting services for the procurement of Natural Gas for the Wastewater & Water Treatment Plants.

The renewal fee will be \$3,600.00 (\$300.00 per month) inclusive for the Wastewater account. Continued inclusion of the Water Filtration Plant account for this contract will be an additional \$600.00 (\$50.00 per month). In addition, the annual fee for bidding for the 2016 – 2017 fiscal year will be \$690.00. Total annual contract cost will be \$4,890.00

We have used Enerscope for several years and have realized significant savings in our Natural Gas costs. For example, we saved \$26,300 for the year starting Sept. 2014 and ending Aug. 2015.

I would like to retain their services for the next year with the City Attorney's and your approval.

Thank you in advance for your time and consideration of my request.

Sincerely,  
 William M. Davignon  
 Superintendent Water / Wastewater

MOVED by Alderman Schwandt                      SECONDED by Alderman Pecoraro  
 That the Common Council hereby approves the renewal agreement with Enerscope 187 Mill Landing Rochester, NY 14626 to provide consulting services for the procurement of Natural Gas for the Wastewater & Water Treatment Plants. The renewal fee will be \$3,600.00 (\$300.00 per month) inclusive for the Wastewater account. Continued inclusion of the Water Filtration Plant account for this contract will be an additional \$600.00 (\$50.00 per month) with an additional annual fee for bidding for the 2016 – 2017 fiscal year of \$690.00. Total annual contract cost will be \$4,890.00, subject to further review by the City Attorney.

Ayes: Zadzilka, Schwandt, Pecoraro, Rizzo (4)

Nays: None (0)

CARRIED.

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**VII.1 Accountant**

June 2, 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 June 7, 2016, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Very truly yours,  
Mark W. Dotterweich  
City Accountant

MOVED by Alderman Pecoraro                      SECONDED by Alderman Zadzilka  
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated June 7, 2016 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$734,018.13
02	Water Fund	44,945.30
04	Sewer Fund	83,686.04
06	Capital Project Fund	214,170.79
07	Trust & Agency Fund	<u>1,469.93</u>
00	Final Total	<u>\$1,078,290.19</u>

Ayes: Zadzilka, Schwandt, Pecoraro, Rizzo (4)  
Nays: None (0)  
CARRIED.

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**VII.2 Accountant**

May 20, 2016

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

Dear Honorable Body:

Please find a serial bond resolution in the aggregate amount of \$1,865,000, from our Bond Counsel, Harris Beach LLP. The resolution authorizes the issuance of refunding bonds in the principal amount not to exceed \$1,865,000 for the purpose of refunding the outstanding principal amount of the City's Various Purpose (Serial) Bonds, 2006, dated July 15, 2006, maturing in the years 2017 and thereafter, which bonds were issued in the aggregate principal amount of \$5,276,000 refinancing the City's 2006 Serial Bonds.

The refunding of the 2006 Serial Bonds is projected to save the City \$112,000 over the remaining 11 years of the 2006 Serial Bond issue.

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 Schwandt                      SECONDED by Alderman Zadzilka**  
**At a regular meeting of the Common Council of the City of North Tonawanda, in the**  
**County of Niagara, New York, held at City Hall, 216 Payne Avenue, North Tonawanda,**  
**New York at 6:30 p.m. on June 7, 2016.**

**PRESENT: Philip Rizzo, President**  
**Eric M. Zadzilka, Alderman**  
**Catherine G. Schwandt, Alderman-at-Large**  
**Robert E. Pecoraro, Alderman-at-Large**

**ABSENT: Donna Braun, Alderman**

**The following resolution was offered by Alderman Schwandt who moved its adoption,**  
**seconded by Alderman Zadzilka; to-wit:**

**REFUNDING BOND RESOLUTION OF THE COMMON COUNCIL OF THE**  
**CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK (THE**  
**“CITY”) AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF**  
**THE CITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED**  
**\$1,865,000 PURSUANT TO THE LOCAL FINANCE LAW, AND PROVIDING**  
**FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT**  
**OF THE BONDS TO BE REFUNDED THEREBY**

**WHEREAS,** the City of North Tonawanda, Niagara County, New York (the “City”) heretofore issued its Various Purpose (Serial) Bonds, 2006, dated July 15, 2006 in the original aggregate principal amount of \$5,276,000 (the “Series 2006 Bonds”), pursuant to bond resolutions adopted by the Common Council of the City on November 6, 2005 and March 15, 2006 for the specific objects or purposes identified in Exhibit A-1 attached hereto, which bonds have an outstanding principal amount of \$1,950,000, and mature in the following respective years and principal amounts: \$275,000 in the year 2016, \$275,000 in the year 2017, \$275,000 in the year 2018, \$225,000 in the year 2019, \$200,000 in the year 2020, \$200,000 in the year 2021, \$100,000 in the year 2022, \$100,000 in the year 2023, \$100,000 in the year 2024, \$100,000 in the year 2025, and \$100,000 in the year 2026 (the “Prior Bonds”); and

**WHEREAS,** the City has the power and authority to issue refunding bonds of the City for the purpose of refunding and thereby refinancing the outstanding Prior Bonds, including provision for incidental costs of issuance in connection therewith, pursuant to the provisions of Section 90.10 of the Local Finance Law; and

**WHEREAS,** in order for the City to realize the potential for substantial long-term debt service savings with respect to the Prior Bonds, the Common Council of the City has determined, acting in consultation with the financial advisory and bond counsel firms retained by the City, that it is advisable and prudent for the City to consider the refunding of all or a portion of the outstanding Prior Bonds maturing in the years 2017 and thereafter (the “Refunded Bonds”); and

**WHEREAS,** the City has received a draft refunding financial plan (the “Refunding Financial Plan”), a copy of which is attached hereto as Exhibit B, from Capital Markets Advisors, LLC, the financial advisory firm retained by the City, with respect to a proposed refunding of the Refunded Bonds, which refunding would result in present value savings in debt service as required by Section 90.10 of the Local Finance Law; and

**WHEREAS,** Section 90.10 of the Local Finance Law requires that the City adopt a refunding bond resolution which includes a refunding financial plan setting forth all of the details in connection with the proposed refunding transaction.

**NOW, THEREFORE, BE IT RESOLVED, THAT THE COMMON COUNCIL OF THE**  
**CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK (BY THE**  
**FAVORABLE VOTE OF NOT LESS THAN TWO-THIRDS (2/3’S) OF ALL THE**  
**MEMBERS OF THE COMMON COUNCIL) AS FOLLOWS:**

**SECTION 1.** Based on the recommendation of Capital Markets Advisors, LLC, the financial advisory firm retained by the City, the Common Council hereby determines to

undertake a refunding of the Refunded Bonds, through the issuance of refunding bonds of the City, such refunding bonds to be offered and sold either at a public sale or, at the determination of the City Treasurer, in a negotiated sale with an underwriter selected by the City Treasurer, in accordance with the authority granted in Section 15 hereof.

**SECTION 2.** For the object or purpose of refunding the \$1,675,000 aggregate outstanding principal balance of the Refunded Bonds, including providing moneys which together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (a) the principal amount of the Refunded Bonds, (b) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date or dates on which the Refunded Bonds are to be called for redemption prior to their respective maturities in accordance with the refunding financial plan, (c) the redemption premiums, if any, payable on the Refunded Bonds which are to be called for redemption prior to their respective maturities, (d) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including without limitation the development of the refunding financial plan, compensation to the underwriter, costs and expenses of executing and performing the terms and conditions of the Escrow Contract (as defined in Section 7 of this resolution), and fees and charges of the Escrow Holder (as defined in Section 7 of this resolution), financial advisory fees, printing fees and legal fees and (e) the premium or premiums for any policy or policies of municipal bond insurance or other form of credit enhancement facility or facilities for the refunding bonds as herein authorized, or any portion thereof, there are hereby authorized to be issued the "Public Improvement Refunding (Serial) Bonds" of the City in an aggregate principal amount not to exceed \$1,865,000 pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Refunding Bonds"), it being currently anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$1,775,000 as described in Section 6 hereof. The Refunding Bonds shall be dated as of such date as shall hereinafter be determined by the City Treasurer pursuant to Section 6 hereof, and shall be of the denomination of \$5,000 or any integral multiple thereof not exceeding the principal amount of each respective maturity. The Refunding Bonds shall mature annually and shall bear interest payable semi-annually on such dates as shall be determined by the City Treasurer pursuant to Section 6 hereof, at the rate or rates of interest per annum as may be necessary to sell the same, all as shall be determined by the City Treasurer. Notwithstanding anything in this resolution to the contrary, the Refunded Bonds shall only be issued by the City if the refunding of the Refunding Bonds will result in present value savings as determined in accordance with the methodology set forth in Section 90.10(b)(2) of the Local Finance Law.

**SECTION 3.** The City Treasurer, as the chief fiscal officer, is hereby delegated all powers of the Common Council with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

**SECTION 4.** The Refunding Bonds shall be executed in the name of the City by the manual or facsimile signature of the City Treasurer, and a facsimile of its corporate seal shall be imprinted thereon and attested by the City Clerk. The Refunding Bonds shall contain the recital required by Section 90.10(j)(4) of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals as the City Treasurer shall determine.

**SECTION 5.** It is hereby determined that:

(a) The maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by Section 90.10(b)(1) of the Local Finance Law;

(b) The maximum period or periods of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each of the objects or purposes for which the Refunded Bonds were issued is as shown in Exhibits A-1 attached hereto.

(c) In accordance with Section 90.10(c)(1) of the Local Finance Law, the last installment of the Refunding Bonds or each separate series of Refunding Bonds will mature not later than the expiration of the remaining period of probable usefulness for each object or purpose for which the Refunded Bonds were issued, or the weighted average remaining period of probable usefulness of the objects or purposes (or classes of objects or purposes) financed with the Refunded Bonds, in each case computed from the

date of issuance of the Refunded Bonds, or from the date of issuance of the first bond anticipation note issued in anticipation thereof, whichever is earlier.

(d) The estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of Section 90.10(c)(1) of the Local Finance Law, is as shown in the Refunding financial plan described in Section 6 hereof.

**SECTION 6.** The financial plan for the refunding authorized by this resolution, showing the sources and amounts of all moneys required to accomplish such refunding, and the estimated present value of the total debt service savings computed in accordance with the requirements of Section 90.10(b)(2)(a) of the Local Finance Law are set forth in Exhibit B attached hereto and made a part of this resolution. The final refunding financial plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the principal amount of \$1,775,000 and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in Exhibit B. This Common Council recognizes that the amount of the Refunding Bonds, and the maturities, terms, and interest rate and rates borne by the Refunding Bonds will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit B. The City Treasurer is hereby authorized and directed to determine the actual amount of the Refunding Bonds to be issued (not in excess of the maximum principal amount authorized by Section 2 of this resolution), the maturities and amount of the Refunded Bonds to be refunded, the details as to the redemption of the Refunded Bonds, including the date and amount of such redemption or redemptions in accordance with Section 12 hereof and authorizing and directing the Escrow Holder described in Section 7 hereof to cause notice of such redemption or redemptions to be given in the name of the City, the dated date of the Refunding Bonds, and the date of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds shall provide for substantially level or declining debt service as authorized by Section 21.00 of the Local Finance Law, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities pursuant to Section 168.00 of the Local Finance Law, the amount of the annual installments of the Refunding Bonds to be paid pursuant to Section 90.10(c)(3) of the Local Finance Law, whether the Refunding Bonds shall be sold at a discount in the manner authorized by Section 57.00(e) of the Local Finance Law, and the rate or rates of interest to be borne thereby, and to prepare, or cause to be provided, a final refunding financial plan (the "Final Refunding Financial Plan") for the Refunding Bonds, and, pursuant to Sections 50.00 and 56.00 of the Local Finance Law, all powers in connection therewith are hereby delegated to the City Treasurer; provided that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The City Treasurer shall file with the City Clerk not later than the date of issuance of the Refunding Bonds, as herein provided, (a) a certificate determining the details of the Refunding Bonds and the Final Refunding Financial Plan and (b) the Certificate of the State Comptroller approving a certificate of the City Treasurer setting forth the present value of the total debt service savings, as required by Section 90.10(g) of the Local Finance Law.

**SECTION 7.** The City Treasurer is hereby authorized and directed to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in this State as the City Treasurer shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunded Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

**SECTION 8.** The faith and credit of said City are hereby irrevocably pledged for the payment of the principal of and interest on the Refunding Bonds herein authorized as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the City, a tax sufficient, after taking into consideration the amount of building aid to be received by the City from the State of New York for debt service on the Refunding Bonds, to pay the principal of and interest on such bonds as the same become due and payable.

**SECTION 9.**

(a) All of the proceeds from the sale of the Refunding Bonds, including the premium, if any (the "Proceeds of the Refunding Bonds"), shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. From the Proceeds of the Refunding Bonds, the portion thereof as is necessary to pay the

outstanding principal amount of the Refunded Bonds, the aggregate amount of unmatured interest on the Refunded Bonds to and including the respective maturity dates or redemption dates thereof as set forth in the Final Refunding Financial Plan prepared by, or caused to be prepared by, the City Treasurer in accordance with Section 6 of this resolution, and the redemption premiums, if any, payable on the Refunded Bonds on such redemption dates (such amount being hereinafter referred to as the "Escrow Deposit Amount"), shall be deposited in the escrow deposit fund to be established pursuant to the Escrow Contract, and either held in cash or invested in direct obligations of the United States of America or in obligations, the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates such moneys will be required to make payments in accordance with the Final Refunding Financial Plan. Amounts held on deposit in the Escrow Fund, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of, interest on, and redemption price of the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such monies held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the Escrow Fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims or any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledge and liens, need be filed or recorded.

(b) After depositing the Escrow Deposit Amount into the Escrow Fund, in accordance with paragraph (a) above, the remaining balance, if any, of the Proceeds of the Refunding Bonds not so deposited shall immediately upon receipt thereof, be placed in escrow with the Escrow Holder for the Refunded Bonds and deposited in the expense fund to be established under the Escrow Contract by the Escrow Holder to pay, to the City Treasurer, as chief fiscal officer, or as the City Treasurer may direct and applied to pay (i) accrued interest on the Refunding Bonds from the dated date thereof to the date of issuance thereof, and (ii) costs of issuance or other administrative costs incurred in connection with the issuance of the Refunding Bonds.

**SECTION 10.** The City Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Refunding Bonds, 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, if applicable, to designate the Refunding Bonds authorized by this resolution as "qualified tax-exempt bonds" in accordance with Section 265 of the Code.

**SECTION 11.** The Common Council hereby determines that issuance of the Refunding Bonds is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") is required.

**SECTION 12.** In accordance with the provisions of Section 53.00 and of paragraph (h) of Section 90.10 of the Local Finance Law, the Common Council of the City hereby elects to call in and redeem the Refunded Bonds on October 1, 2016, or such later date or dates as may be hereinafter determined by the City Treasurer and provided for in the Final Refunding Financial Plan (each a "Redemption Date"). The sum to be paid therefor on such Redemption Date shall be the par value of the Refunded Bonds being redeemed on such date plus the redemption premium, if any, and the accrued interest thereon to such Redemption Date. The Escrow Holder is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the City in the manner and within the times provided in the Refunded Bonds being redeemed or in the certificates or documentation of the City pursuant to which they were issued. Upon the issuance of the Refunding Bonds or a series thereof, the election to call in and redeem the applicable Refunded Bonds that are subject to redemption at the option of the City and the direction to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of Section 53.00(a) of the Local Finance Law, or any successor law thereto.

**SECTION 13.** In connection with the issuance of the Refunding Bonds, the City

Treasurer is further authorized to enter into a continuing disclosure undertaking on behalf of the City, containing provisions 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 14.** In the absence or unavailability of the City Treasurer, the Deputy Treasurer then in office is hereby specifically authorized to exercise the powers delegated to the City Treasurer in this resolution.

**SECTION 15.** Subject to compliance with the provisions of Section 90.10(f)(2) of the Local Finance Law, the Refunding Bonds shall be sold at either a public sale or a private sale, as determined by the City Treasurer to be in the best financial interest of the City. If the Refunding Bonds are to be sold at a private sale, the City Treasurer is hereby authorized to negotiate the terms of such private sale with such underwriter or underwriters as may be selected by the City Treasurer, consistent with the Refunding Financial Plan approved in Section 6 hereof. Subject to the approval of the terms and conditions of such sale by the State Comptroller as required by Section 90.10(f)(2) of the Local Finance Law, the City Treasurer is hereby authorized to execute and deliver a bond purchase agreement for the Refunding Bonds in the name and on behalf of the City providing the terms and conditions for the sale and delivery of the Refunding Bonds. If the Refunding Bonds are to be sold at a public sale, the City Treasurer is authorized to conduct such public sale in accordance with the provisions of the Local Finance Law and all other applicable statutes and regulations, and to make all final decisions with respect to or arising out of such public sale. After the Refunding Bonds have been duly executed, they shall be delivered by the City Treasurer to the purchaser of such Refunding Bonds in accordance with the terms of such private or public sale, as applicable, upon the receipt by the City of the applicable purchase price, including any premium or accrued interest.

**SECTION 16.** The City Treasurer and the City Clerk and all other officers, employees and agents of the City are hereby authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

**SECTION 17.** All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the City Treasurer and all powers in connection therewith are hereby delegated to the City Treasurer.

**SECTION 18.** The validity of the Refunding Bonds may be contested only if:

- (a) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money; or
- (b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

- (c) Such obligations are authorized in violation of the provisions of the Constitution.

**SECTION 19.** Upon this resolution taking effect, the City Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, together with a notice in substantially the form set forth in Section 81.00 of the Local Finance Law in the official newspaper of the City for legal notices.

**SECTION 20.** This resolution shall take effect immediately upon its adoption.

**The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:**

**AYES: Zadzilka, Schwandt, Pecoraro, Rizzo** (4)  
**NAYS: None** (0)

**This resolution shall take effect immediately.**

**Exhibit A-1  
Summary of the Prior Bonds**

**Various Purpose (Serial) Bonds, 2006**

Dated Date: July 15, 2006  
 Original Principal Amount: \$5,276,000  
 Outstanding Principal Amount: \$1,950,000<sup>1</sup>  
 Principal Amount to be Refunded: \$1,675,000  
 Interest Payment Dates: April 1<sup>st</sup> and October 1<sup>st</sup>

**Maturity Schedule of the Series 2006 Refunded Bonds**

<u>Date (October 1<sup>st</sup>)</u>	<u>Principal Amount</u>	<u>Date (October 1<sup>st</sup>)</u>	<u>Principal Amount</u>
2017	\$275,000	2022	\$100,000
2018	275,000	2023	100,000
2019	225,000	2024	100,000
2020	200,000	2025	100,000
2021	200,000	2026	100,000

<u>Objects or Purposes</u>	<u>Period of Probable Usefulness</u> <i>(determined as of the date of issuance of the Series 2006 Bonds or the first bond anticipation note issued in anticipation thereof)</i>
(i) acquiring various Department of Public Works equipment;	15 years - subdivision 28. of paragraph (a) of §11.00 of Local Finance Law (the "Law")
(ii) upgrades to Archer Street Pump Station;	40 years - subdivision 1. of paragraph (a) of §11.00 of the Law
(iii) replacement of sand filters at waste water treatment plant;	30 years - subdivision 4. of paragraph (a) of §11.00 of the Law
(iv) acquiring various DPW equipment;	15 years - subdivision 28. of paragraph (a) of §11.00 of the Law
(v) rehabilitation of sanitation sewer mains along Old Falls Boulevard;	40 years - subdivision 4. of paragraph (a) of §11.00 of the Law
(vi) upgrades and improvements to the City's water distribution system; and	40 years - subdivision 1. of paragraph (a) of §11.00 of the Law
(vii) improvements to Wastewater Treatment Plant located at 830 River Road.	40 years - subdivision 4. of paragraph (a) of §11.00 of the Law

**STATE OF NEW YORK                    ) ss.**  
**COUNTY OF NIAGARA                )**

I, Daniel R. Quinn, City Clerk of the City of North Tonawanda, Niagara County, New York, DO HEREBY CERTIFY:

I am the duly qualified and acting City 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, and am duly authorized to execute this certificate.

Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Common Council held on June 7, 2016 and entitled:

**REFUNDING BOND RESOLUTION OF THE COMMON COUNCIL OF CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK (THE "CITY") AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF THE CITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,865,000 PURSUANT TO THE LOCAL FINANCE LAW, AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY**

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.

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, the undersigned has hereunto set her hand as of the 7<sup>th</sup> day of June, 2016.

**Daniel R. Quinn, City Clerk  
City of North Tonawanda**

#### **ESTOPPEL NOTICE**

The resolution, a summary of which is published herewith, has been adopted on the 7<sup>th</sup> day of June, 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  
City of North Tonawanda**

#### **SUMMARY OF REFUNDING BOND RESOLUTION**

Set forth below is a summary of said resolution adopted by the Common Council of the City of North Tonawanda, Niagara County, New York, on June 7, 2016.

1. The resolution is entitled "REFUNDING BOND RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK (THE "CITY") AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF THE CITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,865,000 PURSUANT TO THE LOCAL FINANCE LAW, AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY".

2. The resolution authorizes the issuance of refunding bonds in the principal amount not to exceed \$1,865,000 for the purpose of refunding the outstanding principal amount of the City's Various Purpose (Serial) Bonds, 2006, dated July 15, 2006, maturing in the years 2017 and thereafter, which bonds were issued in the aggregate principal amount of \$5,276,000 (the "Refunded Bonds") for the specific objects or purposes identified below.

3. The Refunded Bonds were issued for the following objects or purposes and for the following periods of probable usefulness, respectively: (i) acquiring various Department of Public Works equipment; (ii) upgrades to Archer Street Pump Station, and the period of probable usefulness for such object or purpose was 40 years; (iii) replacement of sand filters at the waste water treatment plant, and the period of probable usefulness for such object or purpose was 30 years; (iv) acquiring various DPW equipment, and the period of probable usefulness for such object or purpose was 15 years; (v) rehabilitation of sanitation sewer mains along Old Falls Boulevard, and the period of probable usefulness for such object or purpose was 40 years; (vi) upgrades and improvements to the City's water distribution system, and the period of probable usefulness for such object or purpose was 40 years; and (vii) improvements to Wastewater Treatment Plant located at 830 River Road, and the period of probable usefulness for such object or purpose was 40 years.

The resolution summarized herein, including the refunding financial analysis attached thereto, shall be available for public inspection during normal business hours at the office of the

City of North Tonawanda City Clerk, 216 Payne Avenue, North Tonawanda, NY 14120.

Ayes: Zadzilka, Schwandt, Pecoraro, Rizzo (4)  
 Nays: None (0)  
 CARRIED.

### VII.3 Accountant

May 19, 2016

Honorable Arthur G. Pappas, Mayor  
 and Common Council  
 City Hall  
 North Tonawanda, NY 14120

Dear Honorable Body:

In accordance with General Municipal Law, as amended by Chapter 376 of the Laws of 1988, I have attached a copy of the City of North Tonawanda Single Audit with Independent Auditor's Report, Communication with Those Charged with Governance, and Management Letter, for the fiscal year ended December 31, 2015. The City Clerk-Treasurer has published a legal notice in the newspaper stating that these reports are available to the public.

The auditor's opinion is that the General Purpose Financial Statements present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and aggregate remaining fund information of the City of North Tonawanda as of December 31, 2015, and the respective changes in financial position thereof, and the respective budgetary comparison for the General Fund for the year ended in conformity with accounting principles generally accepted in the United States of America.

Copies of the audits will be mailed to the appropriate Federal and State Agencies.

If you have any questions on these documents, please feel free to contact me.

Very truly yours,  
 Mark W. Dotterweich  
 City Accountant

MOVED by Alderman Schwandt      SECONDED by Alderman Pecoraro  
 That the Common Council hereby receives and files the aforementioned City  
 Audit year ending December 31, 2015 from Amato, Fox and Company and files  
 said audit in the City Clerk-Treasurers office.

Ayes: Zadzilka, Schwandt, Pecoraro, Rizzo (4)  
 Nays: None (0)  
 CARRIED.

### VII.4 Accountant

June 2, 2016

Honorable Arthur G. Pappas, Mayor  
 And Common Council  
 City Hall  
 North Tonawanda, NY 14120

Dear Honorable Body:

In accordance with Article V, Division 2, Section 5.023 and Section 2.2 of the Budgetary Transfer Policy, please authorize the City Accountant to make the following transfers of fiscal year 2016 appropriations, based on the request of the Department Head, copy attached:







**MOVED by Alderman Schwandt                      SECONDED by Alderman Zadzilka**  
**At a regular meeting of the Common Council of the City of North Tonawanda, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 p.m. on June 7, 2016, the Council approves the Fair Housing Plan as stated below:**

**FAIR HOUSING PLAN**  
**City of North Tonawanda**  
**May 24, 2016**

I.     Introduction

The City of North Tonawanda understands the importance of taking action to further fair housing in the community and is committed to meeting its responsibilities in this respect as a recipient of Federal Community Development Block Grant funds. To ensure that residents are aware of fair housing provisions under Federal and State law and of the processes and assistance available to obtain compliance with existing statutes, the City has developed this Fair Housing Plan. The Plan describes the procedures developed to further fair housing in the community.

II.    Availability of Information

The City's Fair Housing Plan recognizes that public knowledge of fair housing provisions is the first step in expanding equal opportunity. Toward that end, the City has taken, or will take the following actions:

A.     Appoint a Fair Housing Officer

The Fair Housing Officer, appointed to the Director of Community Development, appointed by the Common Council, has the following responsibilities:

1.     Maintain Federal and State fair housing information in the City Community Development Department including brochures issued by the U. S. Department of Housing and Urban Development (HUD) and the New York State Division of Human Rights.
2.     Record initial information regarding housing discrimination complaints on a standard form.
3.     Forward copies of all complaints to and, as appropriate, consult with the Fair Housing/Equal Opportunity Division of the applicable HUD Office.

B.     Provide Information

The City will make available, upon request, copies of applicable Federal and State laws which contain anti-discrimination provisions, including: Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Fair Housing Amendments Act of 1988 and the Human Rights Law (Executive Law, Article 15) of the State of New York.

C.     Promote Fair Housing Activities and Available Resources

The City will designate the month of April as Fair Housing Month and will promote said designation through Common Council proclamation.

The City will further promote fair housing and housing resources by posting Fair Housing posters in visible locations within all City buildings.

III.   Discrimination Complaints

The City will provide information and assistance to individuals who feel that they have been the victims of discrimination in regard to housing.

## A. Discriminatory Housing Practices

For the purpose of this Plan, a discriminatory housing practice means an act that is unlawful under sections 804, 805, 806 or 818 of the Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended). Such discriminatory housing practices include discrimination in the sale or rental of housing, discrimination in the provision of brokerage services, or interference, coercion, or intimidation, as defined under the Act, on the basis of race, color, religion, national origin, sex, handicap or familial status.

## B. Receiving Complaints

The Fair Housing Officer will record information on a standard form to ensure that a complete file is established. Following this, the Fair Housing Officer will then contact the Department of HUD and/or the New York State Division of Human Rights to review the particulars of the complaint and request guidance in the formal filing of the complaint in cases where the individual decides to use this method. Copies of all complaints will also be forwarded to the Fair Housing and Equal Opportunity Division of the HUD Office in Buffalo, New York. If the complainant decides to take his/her case directly to Federal Court, the City will consult with the County Bar Association on the appropriate procedures to be followed and the procedure for securing affordable legal services if the individual is of low- or moderate-income.

**Ayes: Zadzilka, Schwandt, Pecoraro, Rizzo**

**(4)**

**Nays: None**

**(0)**

**CARRIED.**

### XXXII.2 Community Development

May 24, 2016

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

**Re: Compliance with Americans with Disabilities Act**

**Dear Honorable Body:**

**As a recipient of Federal Community Block Grant funds, the City of North Tonawanda is required to have in place an adopted grievance procedure complaint with the Americans with Disabilities Act.**

**The enclosed Grievance Procedure and Notice affirm that City's commitment to compliance with the Americans with Disabilities Act and outline a procedure for residents to follow if any person with disabilities wishes to file a complaint alleging discrimination based on disability.**

**I respectfully request this Honorable Body review and consider approving the enclosed Grievance Procedure under the Americans with Disabilities Act.**

**Kindest regards,  
Michael Zimmerman  
Director of Community Development**

**MOVED by Alderman Pecoraro**

**SECONDED by Alderman Zadzilka**

**At a regular meeting of the Common Council of the City of North Tonawanda, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 p.m. on June 7, 2016, the Council approves the Grievance Procedure and Notice affirm that City's commitment to compliance with the Americans with Disabilities Act as stated below:**

## City of North Tonawanda

## GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of North Tonawanda. Employment related complaints of disability discrimination are covered elsewhere, in policies available from the human resources office of the City of North Tonawanda

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. No particular format of the complaint is required. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted in writing by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Michael Zimmerman  
 ADA Coordinator / Director of Community Development  
 500 Wheatfield Street  
 North Tonawanda, NY 14120

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of North Tonawanda and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the agency head or his/her designee.

Within 15 calendar days after receipt of the appeal, the agency head or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with the agency's final resolution of the complaint, or indicating that the matter has been returned to the ADA Coordinator for further action. If further response is indicated, the complainant will be contacted within 15 calendar days.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the agency head or his/her designee, and responses from these two offices will be retained by the City of North Tonawanda for at least three (3) years.

## NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the City of North Tonawanda will not discriminate against qualified individuals with disabilities on the basis of disability in its services, program, or activities.

**Employment:** City of North Tonawanda does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

**Effective Communication:** City of North Tonawanda will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in City of North Tonawanda programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** City of North Tonawanda will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal

opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in City of North Tonawanda offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of City of North Tonawanda should contact the office of Michael Zimmerman, ADA coordinator, 500 Wheatfield Street, North Tonawanda NY 14120, or 716-695-8580; as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City of North Tonawanda to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of City of North Tonawanda is not accessible to persons with disabilities should be directed to Michael Zimmerman, ADA coordinator, 500 Wheatfield Street, North Tonawanda NY 14120, or 716-695-8580.

The City of North Tonawanda will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

**Ayes: Zadzilka, Schwandt, Pecoraro, Rizzo** (4)  
**Nays: None** (0)  
**CARRIED.**

## COMMUNICATIONS FROM OTHERS

**A.**  
**Mark Lemke**

May 23, 2016

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

**Dear Common Council members:**

**Chipman Place is planning a block party reunion on Saturday June 4, 2016. We would like permission to block off Chipman Place between Dahlgreen and Gilmore.**

**This would be between the hours of 1:00PM and 9:00PM.**

**Thank you,**  
**Mark Lemke**

**MOVED by Alderman Schwandt                      SECONDED by Alderman Pecoraro**  
**That the Common Council hereby grants permission to Mark Lemke to have a block party reunion Saturday June 4, 2016 blocking off Chipman Place between Dahlgreen and Gilmore, from 1:00PM to 9:00PM.**

**Ayes: Zadzilka, Schwandt, Pecoraro, Rizzo** (4)  
**Nays: None** (0)  
**CARRIED.**

**B.**  
**St. Mark's Episcopal Church**

May 31, 2016

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

Dear Members of the Common Council:

St. Mark's Episcopal Church in North Tonawanda is looking to host its third – "St. Mark's, get set, go! 5K" race on Saturday, October 15, 2016.

The race is scheduled to start at 9:30 a.m. with runners beginning on Tremont Street on the side of St. Mark's Church and ending back at our church. (See attached map of the route). Notice will be posted throughout the neighborhoods prior to the race advising the residents of the race. I have already spoken with Captain Roger Zgolak, who supervised the race last year, and he has agreed to assist us again this year, once we have your approval.

As such, we are respectfully requesting the approval of the Common Council to run this race and permission to have a police escort during the race for the protection of our runners and bystanders.

We had more participants last year and are confident this race will be an even bigger success this year. This is a positive event for both our parish community and the greater community of North Tonawanda.

Should you require any further information, you may contact the coordinators of this event, Katie Orlowski-Williams at (716) 628-0561, Scott Ferguson at (716) 909-8834 or Faith E. Elliott at (716) 951-0704.

On behalf of St. Mark's Episcopal Church, I would like to thank you for your time and consideration of our request and await to hear from the honorable council in the near future.

Sincerely yours,  
 Faith E. Elliott  
 Coordinator

**MOVED** by Alderman Zadzilka                      **SECONDED** by Alderman Schwandt  
 That the Common Council hereby grants permission to St. Mark's Episcopal Church 61 Payne Avenue, North Tonawanda, NY 14120, to hold their "St. Mark's get set, go! 5K " race on Saturday, October 15, 2016, and also directs the Police Department to assist for traffic control.

Ayes: Zadzilka, Schwandt, Pecoraro, Rizzo

(4)

Nays: None

(0)

**CARRIED.**

**C.**  
**Jason Pfaff**

May 27, 2016

Clerk/Treasurer, City Hall  
 216 Payne Avenue  
 North Tonawanda, NY 14120

Dear Daniel Quinn and City Council,

Thank you for inviting me to the council meeting and allowing me to discuss my fundraiser event: The Full Throttle Festival. As requested, the exact date we would like to reserve is

for Saturday, October 1, 2016 and again this is intended to be an all-day event. I would be honored if the City of North Tonawanda would accept my proposal and confirm the date at your next council meeting.

The biggest question that arose was whether or not alcohol should be served at this type of event. I am flexible on this and open to your feedback. In the meantime, I have removed "local beer brewery" from the festival website until we decide. If we change our mind, obtaining an alcohol vendor (with liquor license) later in the summer would not likely be difficult. Since there are pro's and con's to serving alcohol, I've come up with a potential angle. We could be discreet about it and only serve alcohol in a separate VIP TENT area. For example, the VIP TENT could be setup behind the main stage and out of view. We could also charge significantly more for VIP tickets and only mention that alcohol will be available to specific parties. The goal of the festival itself is to attract as many people as possible, and display a great network of available help (a lot of resourceful information for people who are thinking about getting help or know someone that need it). Then, to generate as much money as we can specifically for a scholarship fund for recovery program cost assistance (specifically for opiate addicts in Western New York). If this should require further discussion, I would be happy to meet with you and Council at any point.

I look forward to this opportunity and believe the festival will be successful and make a positive impact in our community. Please let me know if any other details need to be discussed. Thanks.

Sincerely,  
Jason Pfaff

**MOVED** by Alderman Pecoraro                      **SECONDED** by Alderman Zadzilka  
That the Common Council hereby grants permission to Jason Pfaff to hold his Full Throttle Festival Saturday, October 1, 2016 at Gratwick Park, any other requests will have to submitted before said event and approved by the Council.

Ayes: Zadzilka, Schwandt, Pecoraro, Rizzo (4)

Nays: None (0)

**CARRIED.**

**D.**  
Linda Proch, Robert Schimschack III,  
Matthew Piwtorak, Melissa Davignon,  
Diana Moskalenko, Alina Vorobey and  
Antoinette Galyen

May 11, 2016

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

Dear Honorable Body:

We are requesting to be appointed as a Commissioner of Deeds for the City of North Tonawanda.

Linda Proch, 571 Wurlitzer Drive, North Tonawanda, NY 14120  
Robert J. Schimschack III, 7202 Graydon Drive, North Tonawanda, NY 14120  
Matthew Piwtorak, 169 Pine Street, North Tonawanda, NY 14120  
Melissa L. Davignon, 154 Jefferson Avenue, North Tonawanda, NY 14120  
Diana Moskalenko, 141 Witmer Road Apt. B6, North Tonawanda, NY 14120  
Alina Vorobey, 824 Ruie Road, North Tonawanda, NY 14120  
Antoinette Galyen, 254 Bay Street, Wilson, NY 14172

Thank you.

**MOVED** by Alderman Schwandt                      **SECONDED** by Alderman Zadzilka  
That the Common Council hereby approves the appointment of the following Commissioner of Deeds for the City of North Tonawanda, effective June 8, 2016 till June 7, 2018:

Linda Proch, 571 Wurlitzer Drive, North Tonawanda, NY 14120

Robert J. Schimschack III, 7202 Graydon Drive, North Tonawanda, NY 14120  
 Matthew Piwtorak, 169 Pine Street, North Tonawanda, NY 14120  
 Melissa L. Davignon, 154 Jefferson Avenue, North Tonawanda, NY 14120  
 Diana Moskalenko, 141 Witmer Road Apt. B6, North Tonawanda, NY 14120  
 Alina Vorobey, 824 Ruie Road, North Tonawanda, NY 14120  
 Antoinette Galyen, 254 Bay Street, Wilson, NY 14172

Ayes: Zadzilka, Schwandt, Pecoraro, Rizzo (4)  
 Nays: None (0)  
**CARRIED.**

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E.  
 Canal Fest of the Tonawandas

May 12, 2016,

Honorable Mayor Arthur G. Pappas  
 North Tonawanda City Hall  
 216 Payne Avenue  
 North Tonawanda, NY 14120

Dear Mayor Pappas,

Canal Fest of the Tonawandas Inc is requesting permission from the City of North Tonawanda to hold the 34th annual festival from Sunday, July 17— Sunday, July 24, 2016. We are seeking permission to use certain city facilities and streets including manpower from certain city departments. Included with this letter are our requests for the year 2016. At your earliest convenience, please contact me for any clarification before issuance of the Mayor's Permit.

As discussed in previous meetings, payment to the city of fourteen thousand dollars (\$14,000), would follow no later than September 1st 2016. As a timely payment was a concern, the 1st of September will give us ample time to collect some of the income to reimburse the city. Insurance requirements are the same as previous years and will be provided upon authorization of this request. Letters to the city department heads requesting a common or separate coordination meeting can be scheduled by your office and at your convenience.

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

Thank you for your time and consideration of our requests.

Respectfully,  
 Peter R Chenier Jr,  
 President Canal Fest of the Tonawandas, Inc.

MOVED by Alderman Pecoraro                      SECONDED by Alderman Zadzilka  
 That the Common Council hereby grants permission to the Canal Fest of the Tonawandas, Inc. To hold their annual Canal Fest Sunday, July 17, 2016 to Sunday, July 24, 2016 with provisions outlined in agreement submitted by the City Attorney's Office between City of North Tonawanda and Canal Fest of the Tonawandas, Inc.

Ayes: Zadzilka, Schwandt, Pecoraro, Rizzo (4)  
 Nays: None (0)  
**CARRIED.**

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#### AUDIENCE PARTICIPATION

Kevin Koslowski 985 Nash Road – Stated that he was glad the signal timer at the corner of Meadow and Nash are working correctly, but did have an issue when cars are turning left onto Nash from Meadow it gives no time for the kids to cross the street. Just wanted to know if they could adjust the left turn signal to give the kids a chance to cross the street.

Peter Chenier, Jr. 55 Ward Road – Thanked the City Council for supporting the Canal Fest.

Peggy Buckley 642 Kenmore Avenue – Asked what can the police do in regards to enforcing under 21 drug problems.

Sonia Dusza 123 Miller Street – Said that she is calling for improvement in code enforcement, said she has been doing this every year because it is not getting done. Stated code enforcement is a bread and butter issue; we need it not only on Oliver Street but all over. Said she has had an ongoing issue in her neighborhood for a long time ( see 1/19/2016 Common Council minutes audience participation). Said that the city needs code enforcement for big things and little things, North Tonawanda is a good example of code enforcement not getting done. Said we all need to attest to that. Stated the city has a new street sweeper and she hasn't seen it yet, she would like to see it. Said the Federal Government is now going to look into Code Enforcement; we shouldn't have had to wait 50 years for that.

Sue Wilkie 329 Miller Street – Asked about the new storm sewer that is being put in on Christiana Street, wanted to know what size the pipe was, where does it drain and has the work started yet?

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**ADJOURNMENT**

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

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Time of Adjournment: 7:18P.M.

Respectfully submitted,



Daniel R. Quinn  
City Clerk-Treasurer