

COMMUNICATIONS FROM CITY OFFICIALS

#1. Dale Marshall

January 15, 2020

Honorable Arthur G. Pappas, Mayor
And Common Council Members
City Hall / 216 Payne Avenue
North Tonawanda, NY 14120

Re: Retirement of City Engineer Dale W. Marshall, P.E.

Dear Mayor Pappas and Common Council Members:

Please accept this letter as formal notification of my retirement from the City of North Tonawanda as City Engineer. My last day of work will be January 30, 2020.

I want to thank the City for the opportunity you gave me back on June 21, 1991 to be your engineer to help plan, develop, remediate, and oversee improvements to our City and its infrastructure. It was a dream job for me as a civil engineer and I can't believe how quickly the nearly 29 years have passed.

I regret that I will not be able to carry on with the design and construction of the many projects the Engineering Department is managing in 2020, but my staff is outstanding and will have no problems. Also, I will miss working with the many fantastic employees and departments of the City.

Accordingly, I offer my assistance to help the City in making the transition moving forward, and also whatever assistance you may require in the future.

Very truly yours,
Dale W. Marshall
City Engineer

MOVED by Alderman Zadzilka **SECONDED** by Alderman Pecoraro
That the Common Council hereby accepts and receives and files the formal letter of retirement for Dale W. Marshall as City Engineer for the City of North Tonawanda, effective January 30, 2020.

Ayes: Alderman Braun, Pecoraro, Tylec, Zadzilka (4)

Nays: None (0)

CARRIED.

IV. Engineer

January 15, 2020

Honorable Arthur G. Pappas, Mayor
And Common Council Members
216 Payne Avenue/ City Hall
North Tonawanda, NY 14120

Re: 2020 Storm Sewer Separation Project Riverview Avenue Neighborhood
Project 2020-03 SEQRA-Environmental Assessment

Honorable Body:

In accordance with the New York State Environmental Quality Review Act (SEQRA), the City in its capacity as Lead Agency, has prepared an environmental assessment of the significance of potential environmental impacts of the installation of new HDPE storm piping approximately 400 LF in length to separate storm sewer from the existing combined sanitary sewers on Riverview Avenue from Ward Road to Stenzil Street. This project is considered an unlisted action under SEQRA.

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

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

MOVED by Alderman Tylec **SECONDED** by Alderman Braun
That the Common Council at a regular meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 p.m. on January 21, 2020 approves the resolution for the 2020 Storm Sewer Separation Project Riverview Avenue Neighborhood Project 2020-03 SEQRA-Environmental Assessment, and reads as follows:

WHEREAS, the City of North Tonawanda intends to eliminate storm water runoff from entering the combined sewer system by installing new storm sewer piping, approximately 400 LF in length, including manholes and receivers, to separate storm sewer from existing combined sanitary sewers on Riverview Avenue between Ward Road and Stenzil Street.

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

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

FURTHER, BE IT RESOLVED, that the Common Council as Lead Agency hereby issues a Negative Declaration under SEQRA Regulations for the storm sewer installation on Riverview Avenue; and authorizes the Mayor to sign said Environmental Assessment form.

Subject to review by the City Attorney.

Ayes: Alderman Braun, Pecoraro, Tylec, Zadzilka (4)

Nays: None (0)

CARRIED.

I.1 Mayor

January 16, 2020

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

Re: Appointment of North Tonawanda City Engineer

Dear Honorable Body:

Please be advised that I am appointing Chelsea Spahr, 252 Niagara Street, North Tonawanda, NY 14120, as the City Engineer, effective January 31, 2020. Mrs. Spahr's starting pay will be \$106,981 Step 1 of the existing OPIEU salary schedule.

I feel confident she is well qualified to do the best job on behalf of the residents of the City of North Tonawanda.

Sincerely,
Arthur G. Pappas
Mayor

MOVED by Alderman Pecoraro **SECONDED** by Alderman Braun
That the Common Council hereby receives and files the appointment of Chelsea Spahr, 252 Niagara Street, North Tonawanda, as City Engineer, for the City of North Tonawanda, effective January 31, 2020.

Ayes: Alderman Braun, Pecoraro, Tylec, Zadzilka (4)

Nays: None (0)

CARRIED.

I.2 Mayor

January 14, 2020

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

Re: Appointment to North Tonawanda Housing Authority

Dear Honorable Body:

Please be advised that I am appointing Robert Welch, 285 Spruce Street, North Tonawanda, NY 14120, to the Housing Authority Board effective February 1, 2020 for a term of five (5) years, expiring January 31, 2024.

Thank you for your attention to this matter.

Sincerely,
Arthur G. Pappas
Mayor

MOVED by Alderman Braun SECONDED by Alderman Pecoraro
That the Common Council hereby receives and files the appointment of Robert Welch, 285 Spruce Street, North Tonawanda, to the Housing Authority Board, for a term of (5) five years effective February 1, 2020 and expiring January 31, 2024.
Ayes: Alderman Braun, Pecoraro, Tylec, Zadzilka (4)
Nays: None (0)
CARRIED.

II. Attorney

January 15, 2020

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

Re: MOAs Between City of North Tonawanda and Firefighters Local 1333

Dear Honorable Body:

Per the recent discussion at the Common Council Workshop session on January 14, 2020, attached hereto are three (3) Memorandums of Agreement between the City of North Tonawanda and Firefighters Local 1333 resolving various issue regarding the relative union contract.

Should your Honorable Body approve of the Agreements, please pass the resolution adopting same. If you have any questions, or need any addition information, please do not hesitate to contact me.

Sincerely,
Luke A. Brown, Esq.
City Attorney

MOVED by Alderman Zadzilka SECONDED by Alderman Tylec
That the Common Council hereby approves the attached three (3) Memorandums of Agreement between the City of North Tonawanda and Firefighters Local 1333 resolving various issue regarding the relative union contract, subject to further review by the City Attorney.
Ayes: Alderman Braun, Pecoraro, Tylec, Zadzilka (4)
Nays: None (0)
CARRIED.

III.1 Clerk-Treasurer

January 14, 2020

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

Re: 2020 Contract – All Dawgs Academy LLC

Dear Honorable Body:

I respectfully request your Honorable Body accept this contract with All Dawgs Academy for the year 2020 for the housing of stray and abandoned dogs. By accepting this contract, the motion will give the Mayor the authority to sign the Contract. This Contract has been reviewed by the City Attorney's Office and is waiting an official motion by the Council.

Sincerely,
Matthew L. Parish
City Clerk-Treasurer

MOVED by Alderman Braun **SECONDED** by Alderman Zadzilka
That the Common Council hereby accepts the contract with All Dawgs Academy for the year 2020 for the housing of stray and abandoned dogs, and authorizes the Mayor to sign said contract, subject to further review by the City Attorney.

Ayes: Alderman Braun, Pecoraro, Tylec, Zadzilka (4)

Nays: None (0)

CARRIED.

III.1 Clerk-Treasurer

Date: January 13, 2020
To: Mayor/Common Council
From: Matthew L. Parish - City Clerk/Treasurer

Subject: Standard Work Day and Reporting Resolution – 2020

New Regulation 315.4 outlines additional reporting requirements for elected or appointed officials and more clearly defines the process for reporting time worked by those officials.

This regulation became effective August 12, 2009.

I offer the following resolution for your consideration:

BE IT RESOLVED, that the City of North Tonawanda hereby establishes the following as standard work days for elected and appointed officials and will report (see attached) the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these Officials to the Clerk of this body.

Sincerely,
Matthew L. Parish
City Clerk-Treasurer

MOVED by Alderman Pecoraro **SECONDED** by Alderman Tylec
That the Common Council at a regular session meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 PM on January 21, 2020 the following resolution was passed and reads as follows:

BE IT RESOLVED, that the City of North Tonawanda hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these Officials to the Clerk of this body:

2020 Elected/ Appointed Work Schedule City of North Tonawanda New York**ELECTED OFFICIALS:**

<u>TITLE</u>	<u>NAME</u>	<u>STANDARD WORKDAY</u>	<u>TERM BEGINS/ENDS</u>	<u>PARTICIPATES IN TIME KEEPING</u>	<u>DAY/MONTH</u>
Mayor	Arthur G. Pappas	7	01/01/18 – 12/31/21	N	20
Clerk-Treasurer	Matthew L. Parish	7	01/01/20 – 12/31/23	Y	20
Attorney	Luke Brown	7	01/01/18 – 12/31/21	Y	20
2 nd Ward Alderwoman	Donna Braun	6	01/01/20 – 12/31/21	Y	20
Alderman at Large	Robert E. Pecoraro	6	01/01/20 – 12/31/23	Y	20
Alderman at Large	Austin J. Tylec	6	01/01/18 – 12/31/21	Y	20
3 rd Ward Alderman	Eric Zadzilka	6	01/01/20 – 12/31/21	N	20
1 st Ward Alderman	Robert Schmigel	6	01/01/20 – 12/31/21	N	20

APPOINTED OFFICIALS

Adm. Assistant Mayor's Office	Daniel DiVirgilio	7	02/12/18 – 12/31/21	Y	20
Mayor's Secretary	Ashlee Rydzewski	7	01/01/15 – 12/31/21	Y	20
Asst. City Attorney	Nicholas B. Robinson	6	02/07/17 – 12/31/21	Y	20
Zoning Board	Kenneth Braun	6	01/01/19 – 12/31/23	Y	3
Planning Board	Michael Carney	6	06/17/15 – 12/31/21	Y	3
Planning Board	Thomas Jaccarino	6	01/01/20 – 12/31/26	Y	3

Matthew L. Parish
City Clerk-Treasurer

Ayes: Alderman Braun, Pecoraro, Tylec, Zadzilka (4)
Nays: None (0)
CARRIED

III.3 Clerk-Treasurer

January 16, 2020

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

Re: The 2020 Serial Bond of the City to Finance Various Public Improvements

Dear Honorable Body:

In accordance with the adopted City of North Tonawanda 2020 Budget, please find a Serial bond resolution in the aggregate amount of \$1,432,700, 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.

Sincerely,
Matthew L. Parish
City Clerk-Treasurer

01-21-2020

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro

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 January 21, 2020.

PRESENT: Eric Zadzilka, President
 Donna Braun, Alderwoman
 Robert Pecoraro, Alderman-at-Large
 Austin Tylec, Alderman-at-Large

ABSENT: Robert Schmigel, Alderman

The following resolution was offered by Alderman Eric Zadzilka, who moved its adoption, seconded by Alderman-at-Large Robert Pecoraro, to-wit:

BOND RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK (THE "CITY") AUTHORIZING THE ISSUANCE OF \$1,432,700 IN SERIAL BONDS OF THE CITY TO FINANCE VARIOUS PUBLIC IMPROVEMENTS

WHEREAS, the Common Council of the City of North Tonawanda (the "City") proposes to authorize the issuance of \$1,432,700 in serial bonds of the City to finance various public improvements and purposes, as described herein, appropriate funds for such purposes and to make certain determinations in connection with such purposes; and

WHEREAS, all conditions precedent to the financing of each of the objects or purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act (collectively, "SEQRA"), have been performed and therefore no further action need be taken by the Common Council under SEQRA as a pre-condition to the adoption of this resolution; and

WHEREAS, the Common Council now wishes to appropriate funds for the various public improvements and purposes and to authorize the issuance of the City's bonds and bond anticipation notes to be issued to finance said appropriation.

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 \$360,000 principal amount of serial bonds pursuant to the provisions of the Local Finance Law (the "Law") to finance the estimated cost of acquiring snow removal equipment for use by the City's Department of Public Works consisting of a skid steer with attachments, a one ton dump truck, and one plow truck. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$360,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$360,000 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 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 acquiring a new chassis for a sanitation truck. 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 up to \$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 fifteen (15) years, pursuant to subdivision 28. of paragraph a. of Section 11.00 of the Law.

SECTION 3. The City is hereby authorized to issue \$100,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of acquiring sewer

generator pumps to be installed at various lift stations. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$100,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$100,000 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 thirty (30) years, pursuant to subdivision 4. of paragraph a. of Section 11.00 of the Law.

SECTION 4. The City is hereby authorized to issue \$42,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of resurfacing the Taber Place tennis courts, including all ancillary and related improvements, costs and expenses. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$42,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$42,000 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 5. The City is hereby authorized to issue \$300,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the 2020 Storm 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 \$300,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$300,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, and (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 6. The City is hereby authorized to issue \$179,600 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of certain improvements to (i) Nash Road consisting of the conversion from four (4) lanes to three (3) lanes and (ii) Payne Avenue consisting of the conversion from two (2) lanes to three (3) lanes between Walck Road and Meadow Drive, including in both instances, new pavement markings and signage. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$179,600, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$179,600 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 (v) the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds or bond anticipation notes and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific objects or purposes is fifteen (15) years, pursuant to subdivision 20(c). of paragraph a. of Section 11.00 of the Law.

SECTION 7. The City is hereby authorized to issue \$68,000 principal amount of serial bonds pursuant to the provisions of the Local Finance Law (the "Law") to finance the estimated cost of acquiring two pick-up trucks for use by the City's Department of Youth, Recreation and Parks. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$68,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$68,000 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 8. The City is hereby authorized to issue \$168,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the acquisition of four

(4) replacement passenger 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 \$168,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$168,000 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 9. The City is hereby authorized to issue \$85,100 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the acquisition of one fairway mower for use at the Deerwood Golf Course by the City's Department of Youth, Recreation and Parks. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$85,100, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$85,100 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 10. The City is hereby authorized to issue \$80,100 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of improvements to the City-owned Fire Station located at 71 Vandervoort Street (the "Station") consisting of the reconstruction of the floor on the south bay of the Station. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$80,100, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$80,100 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 12(a)(2). of paragraph a. of Section 11.00 of the Law.

SECTION 11. 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 12. 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 13. 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 Clerk-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 Clerk-Treasurer, as the chief fiscal officer of the City.

SECTION 14. The City Clerk-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 15. The City Clerk-Treasurer is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser of any of the bonds or notes authorized by this resolution 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 16. The intent of this resolution is to give the City Clerk-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 17. 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 18. This resolution shall take effect immediately upon approval by the Mayor and the City Clerk-Treasurer-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: Alderman Braun, Pecoraro, Tylec, Zadzilka (4)
NAYS: None (0)

This resolution shall take effect immediately.

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

I, the undersigned City Clerk-Treasurer/Treasurer of the City of North Tonawanda, Niagara County, New York (the "City"), DO HEREBY CERTIFY as follows:

1. I am the duly qualified and acting City Clerk-Treasurer/Treasurer of 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 January 21, 2020, and

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

BOND RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK (THE "CITY") AUTHORIZING THE ISSUANCE OF \$1,432,700 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. Following the adoption of said resolution, it was duly approved [or was deemed to have been approved] by the Mayor of the City on January 21, 2020, in accordance with the requirements of Section 2.023 of the City's Charter and said resolution became effective upon such approval.

5. 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 21st day of January, 2020.

CITY OF NORTH TONAWANDA

By: _____

**Matthew L. Parish,
City Clerk-Treasurer/Treasurer**

ESTOPPEL NOTICE

The resolution, a summary of which is published herewith, has been adopted by the Common Council of the City of North Tonawanda on January 21, 2020, 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.

Matthew L. Parish, City Clerk-Treasurer/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 January 21, 2020.

1. The resolution is entitled "BOND RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK (THE "CITY") AUTHORIZING THE ISSUANCE OF \$1,432,700 IN SERIAL BONDS OF THE CITY TO FINANCE VARIOUS PUBLIC IMPROVEMENTS".

2. The resolution authorized serial bonds of the City for the following respective specific objects or purposes, including all the respective principal amounts, and the respective

periods of probable usefulness (“PPU”), as indicated below:

- (1) Bonds in the principal amount of \$360,000 to finance the estimated cost of acquiring snow removal equipment for use by the City’s Department of Public Works consisting of a skid steer with attachments, a one ton dump truck, a new chassis for a sanitation truck, and one plow truck; PPU of 15 years;
- (2) Bonds in the principal amount of \$50,000 to finance the estimated cost of acquiring a new chassis for a sanitation truck; PPU of 15 years;
- (3) Bonds in the principal amount of \$100,000 to finance the estimated cost of acquiring sewer generator pumps to be installed at various lift stations; PPU of 30 years;
- (4) Bonds in the principal amount of \$42,000 to finance the estimated cost of resurfacing the Taber Place tennis courts, including all ancillary and related improvements, costs and expenses; PPU of 15 years;
- (5) Bonds in the principal amount of \$300,000 to finance the estimated cost of the 2020 Storm 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; PPU of 40 years;
- (6) Bonds in the principal amount of \$179,600 to finance the estimated cost of certain improvements to (i) Nash Road consisting of the conversion from four (4) lanes to three (3) lanes and (ii) Payne Avenue consisting of the conversion from two (2) lanes to three (3) lanes between Walck Road and Meadow Drive, including in both instances, new pavement markings and signage; PPU of 15 years;
- (7) Bonds in the principal amount of \$68,000 to finance the estimated cost of acquiring two pick-up trucks for use by the City’s Department of Youth, Recreation and Parks; PPU of 15 years;
- (8) Bonds in the principal amount of \$168,000 to finance the estimated cost of the acquisition of four (4) replacement passenger vehicles for use by the City’s Police Department; PPU of 3 years;
- (9) Bonds in the principal amount of \$85,100 to finance the estimated cost of the acquisition of one fairway mower for use at the Deerwood Golf Course by the City’s Department of Youth, Recreation and Parks; PPU of 15 years; and
- (10) Bonds in the principal amount of \$80,000 to finance the estimated cost of improvements to the City-owned Fire Station located at 71 Vandervoort Street (the “Station”) consisting of the reconstruction of the floor on the south bay of the Station; PPU of 15 years.

3. Aggregate amount of Debt Obligations Authorized: up to \$1,432,700.

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

Subject to review by the City Attorney.

Ayes: Alderman Braun, Pecoraro, Tylec, Zadzilka (4)
Nays: None (0)
CARRIED.

III.4 Clerk-Treasurer

January 16, 2020

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

**Re: Proposed Shared Services Agreement (Assessor’s Office) with Town
 Of Pendleton**

Honorable Council,

I respectfully request that a determination be made, either for or against the proposed shared services agreement with the Town of Pendleton. The agreement would effectively enable the City of North Tonawanda’s Assessor’s Office to take over all duties and responsibilities of the Assessor for the Town of Pendleton. There will be a mutually agreed upon yearly payment from the Town of Pendleton to the City of North Tonawanda and an associated stipend for the North Tonawanda City Assessor. I ask that you vote on the proposed agreement as per the approval of our (North Tonawanda) City Attorney’s office once negotiations between the two municipalities have concluded.

01-21-2020

Regards,
 Matthew L. Parish
 City Clerk-Treasurer

MOVED by Alderman Pecoraro **SECONDED** by Alderman Zadzilka
That the Common Council hereby does not accept the Proposed Shared Serves Agreement (Assessor's Office) with the Town of Pendleton.

Ayes: Alderman Pecoraro, Tylec, Zadzilka (3)

Nays: Alderman Braun (1)

CARRIED.

V. Supt. Wastewater/Water

January 7, 2020

Honorable Mayor Arthur G. Pappas
 And Common Council Members
 City Hall / 216 Payne Avenue
 North Tonawanda, NY 14120

**Re: Water Treatment Plant Standby Generator Replacement Project –
 Approval of Change Order No. 1**

Dear Honorable Body:

Approval of the Change Order No.1 of the North Tonawanda Water Treatment Plant (WTP) Standby (backup) Generator Replacement Project is hereby requested. This work is necessary to ensure the safe and proper support for the new Generator. The change order represents the following additional work:

- Construct shaft containment walls at two (2) locations. \$2,651.00

The total project cost estimate of this project is \$3,061,512. The City recently received a NY State WIIA Grant in the amount of \$1,836,907 which amounts to 60% of the total cost. That coupled with the City previously approving the use of \$1,224,605 out of reserve funds completes the funding for this project. Therefore, we are able to incur the extra \$2,651.00 cost for this change order.

Accordingly, I respectfully request that the Common Council approve the change order in the amount of \$2,651.00 for the WTP Standby Generator Replacement Project with STC Construction, P.O. Box 459, Springville, NY 14141; increasing the contract amount from \$229,700.00 to the new contract amount of \$232,351.00; authorizing the Mayor to sign said change order subject to review by the City Attorney.

Very truly yours,
 William Davignon
 Supt. Wasterwater/Water

MOVED by Alderman Zadzilka **SECONDED** by Alderman Tylec
That the Common Council hereby approves Change Order No.1 for the WTP Standby Generator Replacement Project, in the amount of \$2,651.00 with STC Construction, P.O. Box 459, Springville, NY 14141; increasing the contract amount from \$229,700.00 to the new contract amount of \$232,351.00; and authorizes the Mayor to sign said change order subject to review by the City Attorney.

Ayes: Alderman Braun, Pecoraro, Tylec, Zadzilka (4)

Nays: None (0)

CARRIED.

VII. Accountant

January 15, 2020

Honorable Arthur G. Pappas, Mayor
and Common Council
City Hall, 216 Payne Avenue
North Tonawanda, NY 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 January 21, 2020 and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Regards,
Sheri Gampp
Jr. Accountant

MOVED by Alderman Braun SECONDED by Alderman Pecoraro
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated January 21, 2020 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$890,155.45
02	Water Fund	26,265.73
04	Sewer Fund	45,430.01
06	Capital Project Fund	13,788.00
07	Trust & Agency Fund	11,656.75
87	CD - Imprest	<u>4,004.00</u>
00	Final Total	<u>\$991,299.94</u>

Ayes: Alderman Braun, Pecoraro, Tylec, Zadzilka (4)
Nays: None (0)
CARRIED.

XIV.1 Dir. Youth, Recreation, Parks
And Seniors

January 14, 2020

The Honorable Mayor Pappas and Common Council
216 Payne Avenue
North Tonawanda, NY 14120

Dear Mayor Pappas and Common Council:

I am respectfully seeking approval to the restructuring of fee schedules for some of our programs/facility rentals. Please see the suggested changes below as well as justification statements provided.

Field Rental Use

Game Day Prep Week nights (Monday-Friday): Includes field being dragged and lined. In the event of inclement weather which causes fields to not be playable, the league contact person will be notified by 3:00pm the evening of the game.

\$25 per day per field.

Game Day Prep Weekends (Saturday-Sunday): Price covers the overtime costs of staff for weekend field prep including dragging, prepping & lining the field.

\$150 per day for 1 field
 \$200 per day for 2 fields
 \$250 per day for 3 fields
 \$300 per day for 4 fields

General Use Weekends (Saturday-Sunday): Price covers field usage with NO weekend field maintenance. Fields will be prepped on the Friday proceeding the weekend and will not be dragged or lined over the course of the weekend. Field will be in “as is” condition based on the scheduled usage between time of Friday maintenance and your scheduled game time.

\$25 per day per field

Practices

There is no cost for teams wishing to use a field for practice; however a practice permit must be obtained and a copy of your leagues insurance must be on file with our office.

Justification Statement: Previously there was no fee structure for field use - outside of a \$300 travel team fee which teams would pay for access to our fields for the entire season. Having a tiered fee schedule will establish a baseline enabling teams the ability to rent out fields at a reasonable price for leagues, individual games or tournaments.

Softball League Fees

\$300 per team (removal of non-resident team fee)

Kickball League Fees

\$150 per team (removal of non-resident team fee)

Justification Statement: Previously a non-resident team was considered to have 5 or more non-resident players and were responsible for a team fee of \$450 (softball) or \$200 (kickball). In attempt to increase the participation of our leagues and draw more players/teams into our program it is suggested that we have one universal team fee that would be competitively priced for all local markets mirroring the 2019 fees for our resident teams as indicated above. Doing so would increase the draw to our leagues, decrease the financial burden on local businesses who sponsor teams, and increase our overall revenue if the change draws the addition of 6 or more new teams.

Golf Fees

Though the golf fees will remain the same as per the fee schedule in 2019. We are seeking approval to offer a variety of promotional discounts and deals throughout the season as a marketing tool to draw more people to the course, and increase the overall revenue generated by daily play. These promotional deals / discounts would target non-primetime golfing windows in aims of increasing revenue during known slow times. Examples of promotions include thins such as “Golf 18 holes for the price of 9”, “Half price for a 4-some with cart”, etc. All promotions would be administered through our office, made public through social media, website and email blasts and be available limited times throughout the season at the discretion of the Director.

Respectfully submitted,
 Alex Domaradzki
 Dir. Youth, Recreation, Parks & Seniors

MOVED by Alderman Zadzilka SECONDED by Alderman Tylec
 That the Common Council hereby approves the aforementioned fee schedule for some of the programs/facility rentals with the North Tonawanda Department of Youth, Recreation, Parks and Seniors.

Ayes: Alderman Braun, Pecoraro, Tylec, Zadzilka (4)

Nays: None (0)

CARRIED.

MOVED by Alderman Braun **SECONDED** by Alderman Pecoraro
 That the Common Council hereby grants approval of the Rental Agreement with Lumber City Church for the continued use of space at the Hope Center (383 Vandervoort Street) which serves as the home to the Youth Center, subject to review by the City Attorney.
 Ayes: Alderman Braun, Pecoraro, Tylec, Zadzilka (4)
 Nays: None (0)
CARRIED.

XXV. Monthly Reports

.1 Clerk-Treasurer .2 Senior Citizen Center

MOVED by Alderman Pecoraro **SECONDED** by Alderman Zadzilka
 That the Common Council hereby, approves the aforementioned Monthly Reports.
CARRIED.

XXVI. Semi-Annual Vacation & Sick Leave Reports

.1 Building Inspector

MOVED by Alderman Tylec **SECONDED** by Alderman Braun
 That the Common Council hereby, approves the aforementioned Semi-Annual Vacation & Sick Leave Report.
CARRIED.

XXVII. Annual Reports

.1 Building Inspector

MOVED by Alderman Braun **SECONDED** by Alderman Pecoraro
 That the Common Council hereby, approves the aforementioned Annual Report.
CARRIED.

COMMUNICATIONS FROM OTHERS

A.
Gateway Harbor of the Tonawandas

January 2, 2020

Mayor Art Pappas
 Common Council
 216 Payne Avenue
 North Tonawanda, NY 14120

Re: Green Beer Sunday
Sunday, March 1, 2020

Gateway Harbor with the cooperation of both the City of Tonawanda and City of North Tonawanda would like to hold its Sixth Annual Green Beer Sunday on Sunday, March 1, 2020. This event continues to grow and we encourage the participation of city officials in the parade.

We are requesting the closure of the Webster St. Bridge and the use of Gateway Park on Sweeney Street which would be the half of the street toward Webster from Noon to 4PM on that day. We will also need no parking for that half from Saturday morning at 8AM on

February 29th in order to set up the tent and stage. As you know this is a family oriented event with the public.

Since this is a Gateway sponsored event there is adequate insurance. Thank you for your consideration.

Very truly yours,
Hon. Mark E. Saltarelli
Chairman

MOVED by Alderman Braun **SECONDED** by Alderman Pecoraro
That the Common Council hereby grants permission to Gateway Harbor of the Tonawandas, Inc. to close off the Webster Street Bridge on, Sunday, March 1, 2020 from 12PM to 4PM, Council directs the DPW to provide barricades to close off the Webster Street Bridge and Police to help with traffic for the parade and to provide no parking signs to close off that half of Sweeney Street starting on Saturday morning at 8AM February 29th for the setup of their tent and stage.

Ayes: Alderman Braun, Pecoraro, Tylec, Zadzilka (4)

Nays: None (0)

CARRIED.

AUDIENCE PARTICIPATION

Sonia Dusza 123 Miller Street – Asked about Chelsea’s qualifications for the job as the new City Engineer.

Richard Kline 114 Felton Street – Wanted to know if the job was posted for the open position for City Engineer.

Bill Davignon – Congratulated Dale on his years of service and wished him well in his retirement.

ADJOURNMENT

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

CARRIED.

Time of Adjournment: 7:37 P.M.

Respectfully submitted,



Matthew L. Parish
City Clerk-Treasurer