

City of North Tonawanda

DONNA L. BRAUN
City Clerk-Treasurer
dbraun@northtonawanda.org

Lori Swartz
Assistant City Clerk

Denise Proefrock
Assistant City Treasurer

OFFICE OF THE CITY CLERK - TREASURER
VITAL STATISTICS
CITY HALL
216 PAYNE AVENUE
NORTH TONAWANDA, N.Y. 14120

Treasurer's Office: (716) 695-8575
Clerk's Office: (716) 695-8555
Fax: (716) 695-8557

COMMON COUNCIL WORKSHOP AGENDA

April 21, 2023

The following meeting has been scheduled for **TUESDAY APRIL 25, 2023:**

6:30 PM Special Session

#1. Budgetary Transfer – To Pay for the Consulting Agreement with Envision Benefits Group for Human Resource Services

#2. Approval of the 2023 Serial Capital Bond

7:00 PM Kristen Derby

Re: Carnegie Art Center – Arts and Craft Show

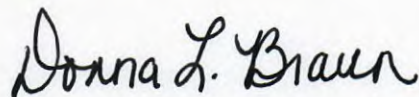
**7:15 PM Alex Domaradzki
Dir. Youth, Recreation, Parks & Seniors**

Re: Gateway Contract

7:30 PM Common Council

Re: General Discussion

Respectfully submitted,



**Donna L. Braun
City Clerk-Treasurer**

JEFFREY ZELLNER
CITY ACCOUNTANT

JENNIFER CRESS
PAYROLL PERSONNEL SPECIALIST

SHERI GAMPP
JUNIOR ACCOUNTANT

City of North Tonawanda

DEPARTMENT OF ACCOUNTING
CITY HALL
216 PAYNE AVENUE NORTH
TONAWANDA, N.Y. 14120

TELEPHONE: (716) 695-8545
FAX: (716) 695-8573

SS # /

APR 25 2023

4/18/2023

Honorable Austin J Tylec, Mayor
And Common Council Members
City Hall
216 Payne Avenue
North Tonawanda, NY 14120

Dear Honorable Body:

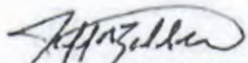
In accordance with Article V, Division 2, Section 5.023 and Section 2.2 of the Budgetary Transfer Policy, please authorize the City Accountant to make the following amendment of fiscal year 2023 appropriations, based on the request of the Department Head, copy attached.

Dollar

| <u>Amount</u> | <u>Increase Account</u> | <u>Decrease Account</u> |
|---------------|-------------------------|------------------------------------|
| \$40,000 | 001.1210.0410 | 001.1430.0100 |
| | Mayor – Administration | Human Resources _ Personal Service |

Reason: To transfer the amount budgeted amount for Human Resource Part time employee and move it into an Administration account to pay for consulting agreement with Envision Benefits group

Warm Regards,


JEFFREY ZELLNER
CITY ACCOUNTANT

Budgetary Transfer Request Form

Department: Mayor

4/18/2023

| Appropriation Accounts and Documentation | | | | | | | | | |
|---|--|--|--|--|----------------|----------------|---------------------|---------------------|--|
| Increase Account | (Decrease) Account | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">\$40,000</td> <td style="width: 50%;"></td> </tr> <tr> <td style="text-align: center;">001.1210.0410 - Mayor - Administration</td> <td style="text-align: center;">001.1430.0100 - Human Resources _ Personal Service</td> </tr> <tr> <td style="text-align: center;">Account Number</td> <td style="text-align: center;">Account Number</td> </tr> <tr> <td style="text-align: center;">Account Description</td> <td style="text-align: center;">Account Description</td> </tr> </table> | \$40,000 | | 001.1210.0410 - Mayor - Administration | 001.1430.0100 - Human Resources _ Personal Service | Account Number | Account Number | Account Description | Account Description | |
| \$40,000 | | | | | | | | | |
| 001.1210.0410 - Mayor - Administration | 001.1430.0100 - Human Resources _ Personal Service | | | | | | | | |
| Account Number | Account Number | | | | | | | | |
| Account Description | Account Description | | | | | | | | |
| Explanation: | | | | | | | | | |
| To transfer the amount budgeted amount for Human Resource Part time employee and move it into an Administration account to pay for consulting Envision Benefits group | | | | | | | | | |

Please Check One

| | |
|-----------------------|--------------------------|
| | |
| Common Council Action | NO Common Council Action |

| | |
|---------------------------|-----------|
| | 4/18/2023 |
| Department Head Signature | Date |

Budgetary Transfer Policy

2.11 - Budgetary transfers can be initiated by a Department Head on his or her signature if **all** of the following criteria is met:

1. Transfer appropriations must be less than \$250.00
2. Transfer only between existing appropriation accounts within your Department Budget
3. Accumulated transfers made into any one appropriation account can not total more than \$250.00 within any fiscal year

2.21 - Budgetary transfers can be initiated by a Department Head through the Common Council if **one** of the following Criteria is met:

1. Transfer appropriations must be over \$250.00
2. Creation of a new appropriation account your budget

For Accounting Department Use Only

| | | |
|---|--------------------------------|-----------------------------|
| | Department of Accounting Audit | |
| 2 | | Common Council Meeting Date |
| | | 5/2/2023 |

JEFFREY ZELLNER
CITY ACCOUNTANT

JENNIFER CRESS
PAYROLL PERSONNEL SPECIALIST

SHERI GAMPP
JUNIOR ACCOUNTANT

City of North Tonawanda

DEPARTMENT OF ACCOUNTING
CITY HALL
216 PAYNE AVENUE NORTH
TONAWANDA, N.Y. 14120

TELEPHONE: (716) 695-8545
FAX: (716) 695-8573

JS# 2

APR 25 2023

April 19th, 2023

Honorable Austin J. Tylec, Mayor
And Common Council Members
City Hall
216 Payne Avenue
North Tonawanda, NY 14120

Dear Honorable Body:

In accordance with the City of North Tonawanda 2023 Capital Improvement Plan, please find a serial bond resolution in aggregate amount of \$5,869,276, 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.

Warm Regards,


JEFFREY ZELLNER
CITY ACCOUNTANT

2023 APR 19 PM 3:20
NORTH TONAWANDA NY

RECEIVED
CITY CLERK'S OFFICE

BOND RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK (THE "CITY") AUTHORIZING THE ISSUANCE OF \$5,869,276 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 \$5,869,276 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 \$126,700 principal amount of serial bonds pursuant to the provisions of the Local Finance Law (the "Law") to finance the estimated cost of improvements and/or embellishments to certain parks and recreational areas throughout the City, including new construction and any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$126,700, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$126,700 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, (ii) the application of grant monies expected to be received by the City to either directly pay or reimburse a portion of the cost of the project and/or to repay a portion of any such bond anticipation notes issued under the authority of this resolution, and (iii) the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is fifteen (15) years, pursuant to subdivision 19(c) of paragraph a. of Section 11.00 of the Law.

SECTION 2. The City is hereby authorized to issue \$231,300 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the construction, reconstruction or addition of sewer lines (including sanitary and surface drainage) pavement and water mains to Meadow Drive, including any equipment, furnishings, machinery, apparatus, appurtenances, and any ancillary, related or incidental improvements and expenses required in

connection therewith. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$231,300, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$231,300 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 3. The City is hereby authorized to issue \$1,001,300 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of certain enhancements throughout the City, including the installation of electric vehicle chargers, a clocktower, landscaping and any preliminary and incidental costs related thereto. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$1,001,300, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$1,001,300 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, (ii) the application of grant monies expected to be received by the City to either directly pay or reimburse a portion of the cost of the project and/or to repay a portion of any such bond anticipation notes issued under the authority of this resolution, and (iii) the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is five (5) years, pursuant to subdivision 89 of paragraph a. of Section 11.00 of the Law.

SECTION 4. The City is hereby authorized to issue \$1,501,300 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the construction or reconstruction of sidewalks, curbs, gutters, drainage and grading along Oliver Street, including any preliminary and incidental costs related thereto. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$1,501,300, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$1,501,300 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, (ii) the application of grant monies expected to be received by the City to either directly pay or reimburse a portion of the cost of the project and/or to repay a portion of any such bond anticipation notes issued under the authority of this resolution, and (iii) the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is ten (10) years, pursuant to subdivision 24 of paragraph a. of Section 11.00 of the Law.

SECTION 5. The City is hereby authorized to issue \$112,412 principal amount of serial bonds pursuant to the provisions of the Law to finance the cost of preparing a comprehensive plan for the City, including any preliminary and incidental costs related thereto. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is

\$112,412, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$112,412 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, (ii) the application of grant monies expected to be received by the City to either directly pay or reimburse a portion of the cost of the project and/or to repay a portion of any such bond anticipation notes issued under the authority of this resolution, (iii) current funds of the City in the amount of \$112,412 and (iv) the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is five (5) years, pursuant to subdivision 64 of paragraph a. of Section 11.00 of the Law.

SECTION 6. The City is hereby authorized to issue \$52,664 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the acquisition and installation of wireless enhancements at Gateway Harbor, including any preliminary and incidental costs related thereto. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$52,664, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$52,664 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, (ii) the application of grant monies expected to be received by the City to either directly pay or reimburse a portion of the cost of the project and/or to repay a portion of any such bond anticipation notes issued under the authority of this resolution, and (iii) the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific objects or purposes is ten (10) years, pursuant to subdivision 25 of paragraph a. of Section 11.00 of the Law.

SECTION 7. 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 the preparation of an infrastructure study on Tonawanda Island for new development capabilities, including any preliminary and incidental costs related thereto. 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 five (5) years, pursuant to subdivision 62(a) of paragraph a. of Section 11.00 of the Law.

SECTION 8. The City is hereby authorized to issue \$22,300 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the reconstruction of docks at Gatwick Park, including any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is

\$22,300, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$22,300 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 7 of paragraph a. of Section 11.00 of the Law.

SECTION 9. The City is hereby authorized to issue \$701,300 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the construction of additions to the City Hall building, including the acquisition and replacement of an elevator, repairs to the existing roof, security enhancements and any applicable equipment, machinery, apparatus necessary therefor and any preliminary and incidental costs related thereto. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$701,300, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$701,300 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 10. The City is hereby authorized to issue \$1,285,400 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the acquisition of machinery and apparatus for construction and maintenance for use by the City's Department of Public Works, including a lift station truck, two plow trucks (and plow attachment), a sanitation truck and a tandem day cab tractor with trailer and any preliminary and incidental costs related thereto. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$1,285,400, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$1,285,400 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds and (ii) the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is fifteen (15) years, pursuant to subdivision 28 of paragraph a. of Section 11.00 of the Law.

SECTION 11. The City is hereby authorized to issue \$83,300 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of improvements to the Deerwood Golf Course, including any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$83,300, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$83,300 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 54 of paragraph a. of Section 11.00 of the Law.

SECTION 12. The City is hereby authorized to issue \$651,300 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of to appraise the value of real property within and for the City for assessment purposes. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$651,300, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$651,300 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds and (ii) the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is five (5) years, pursuant to subdivision 53 of paragraph a. of Section 11.00 of the Law.

SECTION 13. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures as part of the projects described herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 14. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the City, payable as to both principal and interest by a general tax upon all the real property within the City without legal or constitutional limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 15. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations, and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00, Section 62.10 and Section 63.00 of the Law, the powers and duties of the Common Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in

anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the City 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 16. 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 17. 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 18. 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 19. 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 20. This resolution shall take effect immediately upon approval by the Mayor and the City Clerk-Treasurer is hereby authorized and directed to publish the foregoing resolution in full, or a summary thereof, together with a notice attached in substantially the form

as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the City (a) for such publication, and (b) for the publication of the notice of sale in connection with any bonds issued pursuant to this resolution.

The following vote was taken and recorded in the public or open session of said meeting:

| | AYES: | NAYS: |
|--|-------|-------|
| Frank DiBernardo, President, 2 nd Ward Alderman | | |
| Robert Schmigel, 1 st Ward Alderman | | |
| Joseph Lavey, Jr., 3 rd Ward Alderman | | |
| Joe Loncar, Alderman-at-Large | | |
| Joseph Marranca III, Alderman-at-Large | | |

The resolution was thereupon declared duly adopted by a vote of ____ ayes and ____ nays.

April 25, 2023

APPROVED BY:

Austin J. Tylec,
Mayor of the City of North Tonawanda
Date: April ____, 2023

STATE OF NEW YORK)
COUNTY OF NIAGARA) ss:

I, the undersigned City Clerk-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 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 (the "Common Council") was held on April 25, 2023, Minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purpose of recording the minutes of meetings of said Common Council. Attached hereto is a true and correct copy of a resolution duly adopted at said 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 \$5,869,276 IN SERIAL BONDS OF THE
CITY TO FINANCE VARIOUS PUBLIC IMPROVEMENTS

3. Public Notice of the time and place of said meeting was duly posted and duly given to the public and the news media in accordance with the Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, and that all members of said Board had due notice of said meeting. The meeting was duly convened and held and that said Bond 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 the meeting was given. A legal quorum of members of the Common Council was present throughout said meeting, and a legally sufficient number of members (2/3's of the Common Council) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under the law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including the publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

4. The seal appearing below constitutes the official seal of the City and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the City of North Tonawanda this ____ day of April, 2023.

CITY OF NORTH TONAWANDA

[SEAL]

By: _____
Donna Braun, City Clerk-Treasurer

ESTOPPEL NOTICE

The resolution, a summary of which is published herewith, has been adopted by the Common Council of the City of North Tonawanda on April 25, 2023, 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.

Donna Braun, City Clerk-Treasurer
City of North Tonawanda

SUMMARY OF BOND RESOLUTION

Set forth below is a summary of said resolution adopted by the Common Council of the City of North Tonawanda on April 25, 2023.

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 \$5,869,276 IN SERIAL BONDS OF THE CITY TO FINANCE VARIOUS PUBLIC IMPROVEMENTS” and 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 \$126,700 to finance improvements and/or embellishments to certain parks and recreational areas throughout the City; PPU of 15 years;

(2) Bonds in the principal amount of \$231,300 to finance the construction, reconstruction and replacement or addition of sewer lines (including sanitary and surface drainage) pavement and water mains to Meadow Drive; PPU of 40 years;

(3) Bonds in the principal amount of \$1,001,300 to finance certain enhancements throughout the City, including the installation of electric vehicle chargers, a clocktower, and landscaping; PPU of 5 years;

(4) Bonds in the principal amount of \$1,501,300 to finance the construction or reconstruction of sidewalks, curbs, gutters, drainage and grading along Oliver Street; PPU of 10 years;

(5) Bonds in the principal amount of \$112,412 to finance the preparation of a comprehensive plan for the City; PPU of 5 years;

(6) Bonds in the principal amount of \$52,664 to finance the acquisition and installation of wireless enhancement at Gateway Harbor; PPU of 10 years;

(7) Bonds in the principal amount of \$100,000 to finance the preparation of an infrastructure study on Tonawanda Island for new development capabilities; PPU of 5 years;

(8) Bonds in the principal amount of \$22,300 to finance the reconstruction to docks at Gatwick Park; PPU of 40 years;

(9) Bonds in the principal amount of \$701,300 to finance the construction of additions to the City Hall building; PPU of 15 years;

(10) Bonds in the principal amount of \$1,285,400 to finance the acquisition of machinery and apparatus for construction and maintenance for use by the City's Department of Public Works' PPU of 15 years;

(11) Bonds in the principal amount of \$83,300 to finance improvements to the Deerwood Golf Course; PPU of 15 years;

(12) Bonds in the principal amount of \$651,300 to finance the costs to appraise the value of real property within and for the City for assessment purposes; PPU of 5 years; and

2. Aggregate amount of Debt Obligations Authorized: up to \$5,869,276.

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

(Amended) April 21, 2023

North Tonawanda City Clerk & Common Council
216 Payne Avenue
North Tonawanda, NY 14120

cc: Donna Braun, City Clerk
North Tonawanda Common Council
Frank DiBernardo, Council President, Second Ward Alderman
Robert Schmigel, First Ward Alderman
Joseph Lavey, Jr., Third Ward Alderman
Joe Loncar, Alderman at Large
Joe Marranta, Alderman at Large

RE: Carnegie Art Spree! Festival Street Closure Request

To the City of North Tonawanda Common Council,

The staff and Board at the Carnegie Art Center are requesting your approval for street closures in the boundaries of Sweeney Street, Webster Street, and the Renaissance Bridge for a new local art festival on the dates of Saturday, August 19 and Sunday, August 20, 2023 from 9am-5pm. The Carnegie Art Center organized the Canal Fest Arts and Crafts show for many years and after much evaluation and vendor/attendee feedback has decided to shift focus to a more curated event. The Carnegie Art Spree! Festival will be a juried art festival showcasing local artists with booth spaces and highlighting the Downtown District of North Tonawanda. Appropriate insurance riders for this event have been priced and will be purchased after final approval from the Common Council. We are coordinating with the City of Tonawanda to have this event continue across the bridge along Main Street. In addition, the Carnegie Art Center is proposing to pay the City of North Tonawanda a fee of \$4,000 to offset DPW, police, and emergency services coverage.

The purpose of the Carnegie Art Center is to sponsor, promote and encourage the development of visual and performing arts. The organization provides educational and cultural enrichment to the Western New York region. Like many volunteer based non-profits, the Carnegie has seen steep declines in revenue. The Carnegie Art Spree! Festival will help bolster our mission and serve as a much needed fundraiser for our programming, operations, and long term goals of sustainable business practices.

Your approval will help support our mission, underscore the importance of and commitment to the arts in North Tonawanda, and emphasize our local business and historic district downtown. Thank you for your time.

With appreciation,

Sincerely,



Kristin Derby
President, Carnegie Art Center



Carnegie Art Center

Carnegie Art Spree! Festival Street Closure Request Amended Proposal
Saturday August 19 & Sunday August 20, 9am-5pm
Portion of Sweeney Street, Webster Street



GATEWAY HARBOR AMENDED AGREEMENT

THIS AGREEMENT made and entered into this ____ day of _____, 2023 by and among the CITY OF NORTH TONAWANDA, a municipal corporation, 216 Payne Ave., North Tonawanda, New York 14120, hereinafter referred to as “NT”; the CITY OF TONAWANDA, a municipal corporation, 200 Niagara street, Tonawanda, New York 14150, hereinafter referred to as “TONAWANDA”; and the TONAWANDA GATEWAY HARBOR, INC., a not-for-profit corporation with a mailing address of PO Box 2, Tonawanda, New York 14150, hereinafter referred to as “ GATEWAY”.

WHEREAS, the parties above named entered into an agreement dated June 17, 2009; a copy of which is attached hereto; and

WHEREAS, GATEWAY was created for the purpose of promoting and carrying out the aforementioned purpose of the Tonawandas Gateway Harbor Park steering committee and to serve as a scheduling liaison for both NT and TONAWANDA regarding events at Gateway Harbor Park to ensure no duplicity or conflict. Additionally GATEWAY serves as a lead communicator in joint events involving both cities in the Gateway Harbor Park when necessary.

WHEREAS, the parties hereto are desirous of amending said agreement ;

NOW THEREFORE, for good and valuable consideration and as hereafter set forth, the parties agree to amend said agreement as follows:

1.) That NT and TONAWANDA herein agree to allow GATEWAY to organize and run various events from January to December of each year in conjunction with the purposes of TONAWANDAS GATEWAY HARBOR PARK. All concerts/events with anticipated crowds over 5,000 participants, GATEWAY will be responsible for filing for a Part 18 permit as required by the New York State Department of Health.

NT and TONAWANDA agree to provide two (2) uniformed and on-duty police officers at the discretion of the respective Mayor and Chief of Police at no cost to GATEWAY. If the nature of the concerts/events becomes a habitual nuisance that requires additional police enforcement the City and GATEWAY agree to meet in good faith and negotiate terms for GATEWAY incurring costs of additional police support to ensure the safety and order of the event. GATEWAY agrees to assist NT and TONAWANDA in City-led events at Gateway Harbor Park through financial assistance (as approved by the Board of GATEWAY), and in-kind services such as the usage of the stage, solicitation of sponsorships, and providing volunteers and equipment when applicable.

WEDNESDAY NIGHT CONCERTS

3.) Public porta potties located on the Webster Street side of Gateway Harbor Park must be removed by 12:00pm the following day.

FRIDAY NIGHT EVENTS

8.) That Gateway shall have the option of conducting Friday night concerts or other events on the TONAWANDA side of Gateway Harbor Park.

12.) Eliminated since Young street is now closed to traffic

SATURDAY NIGHT EVENTS

Any Saturday Night events shall be conducted in accordance with the rules specified for Wednesday Night events

OTHER EVENTS

GATEWAY shall be permitted to conduct such other events on either side of the canal as shall promote the purpose of TONAWANDAS GATEWAY HARBOR PARK.

GENERAL PROVISIONS

29.) All events held on either side of Gateway Harbor Park must be scheduled through GATEWAY.

WHEREFORE, the parties hereto set their hands and seals the day and year first above written.

CITY OF NORTH TONAWANDA

By: Austin Tylec, Mayor

CITY OF TONAWANDA

By: John White, Mayor

TONAWANDA GATEWAY HARBOR, INC.

By: Linda Foels, President