

LATE COMMUNICATION

#1.

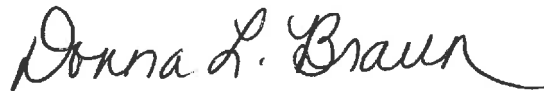
Accountant

**Re: Approval of SEQR Resolution for the 2025
Capital Improvement Plan**

***Accountant**

**Copy of the 2025 Serial Bond for the Issuance
of \$11,237,349 in Various Public
Improvements**

Sincerely,

A handwritten signature in black ink that reads "Donna L. Braun". The signature is written in a cursive style with a long, sweeping tail on the letter "n".

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

***Agenda Item VII.3 from the City Accountant**

04-15-2025

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

Late Comm #1.

APR 15 2025

April 15th, 2025

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 2025 Capital Improvement Plan, please find attached a SEQR Resolution prepared by our Bond Counsel, Harris Beach, LLP, for your consideration.

This resolution pertains to the environmental review classification for the 2025 Various Capital Projects, totaling a maximum cost not to exceed \$11,237,349. As outlined, each project has been classified as a "Type II" Action under SEQRA regulations and therefore does not require further environmental review.

We respectfully request the adoption of this resolution by the Common Council and that it be included in the official meeting record.

Warm Regards,


JEFFREY ZELLNER
CITY ACCOUNTANT

2025 APR 15 AM 9:31
NORTH TONAWANDA NY

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**A RESOLUTION, DATED APRIL 15, 2025 OF THE CITY OF NORTH
TONAWANDA, COUNTY OF NIAGARA, NEW YORK AS TO SEQRA
DETERMINATION**

WHEREAS, the Common Council of the City of North Tonawanda, located in the County of Niagara, State of New York (the “City”), desires to finance various capital improvements as further described in Attachment A hereto, all at a maximum cost not to exceed \$11,237,349 (the “Projects”); and

WHEREAS, said Projects are subject to classification under the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Common Council of the City, as the only involved agency, has examined all information related to the Projects and has determined that each of the Projects is classified as a “Type II” Action pursuant to Section 6.17.5(c) of the SEQRA Regulations;

WHEREAS, the SEQRA Regulations declare “Type II” Actions to be actions that require no further review under SEQRA; and

NOW, THEREFORE, BE IT RESOLVED that the Common Council hereby declares itself lead agency in connection with the requirements of SEQRA; and

BE IT FURTHER RESOLVED that the Common Council hereby declares that each of the Projects is a “Type II” Action, which requires no further review under SEQRA.

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, and am duly authorized to execute this certificate.

2. A regular meeting of the Common Council of the City was held on April 15, 2025, and Minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of meetings of said Board.

3. Attached hereto is a true and correct copy of a Bond Resolution duly adopted at a regular meeting of the Common Council held on April 15, 2025 and entitled:

A RESOLUTION, DATED APRIL 15, 2025, OF THE CITY OF NORTH TONAWANDA, COUNTY OF NIAGARA, NEW YORK AS TO SEQRA DETERMINATION.

4. 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 (majority 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.

5. 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 and that the meeting was in all respects duly held and a quorum was present and acted throughout.

6. 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 15th day of April, 2025.

CITY OF NORTH TONAWANDA

[SEAL]

By: _____
Donna Braun, City Clerk-Treasurer

Attachment A

Engineering	Erie Canal Bike path	\$	1,825,000.00
Comm Dev	GRG Oliver street	\$	1,916,667.00
Engineering	Traffic Signal Upgrades	\$	2,071,043.00
City Market	Market parking lot	\$	140,000.00
City Wide	Jaws of life	\$	85,000.00
Parks	Stage	\$	175,000.00
Parks	Pinewoods paving	\$	130,000.00
Parks	Botanical	\$	10,000.00
DPW	Brush Truck	\$	200,000.00
DPW	Dump Body	\$	100,000.00
DPW	Sanitation truck	\$	300,000.00
DPW	Sidewalk R&R	\$	250,000.00
Comm Dev	Zoning Update	\$	150,000.00
Police	Camera and Fiber Install	\$	195,000.00
Parks	Playgrounds (Colonel Payne & Pinewoods)	\$	100,000.00
Parks	Gateway Improvements	\$	46,000.00
Parks	River mower	\$	91,000.00
Parks	Gratwick Parking Expansion	\$	130,000.00
Parks	Fisherman's park paving (Raymond klimek)	\$	24,000.00
Parks	Mayors Park Kayak Launch	\$	60,000.00
Parks	Wurlitzer court to Pickleball	\$	49,000.00
WWTP	Storm Pump VFD drive	\$	200,000.00
WTP	EFC Payback and Phase 1	\$	1,800,000.00
WTP	Generator Phase 2	\$	930,248.67
Fire	Cardiac Monitors	\$	259,389.60

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

AYE: NAY:

Joseph Lavey, Jr., President, Alderman-at-Large
Robert Schmigel, 1st Ward Alderman
Frank DeBernardo, 2nd Ward Alderman
Joe Marranca, 3rd Ward Alderman
Joe Loncar, Alderman-at-Large

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

Dated: April __, 2025

APPROVED BY:

Austin J. Tylec,
Mayor of the City of North Tonawanda
Date: April ____, 2025

VII-3

APR 15 2025

**BOND RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK (THE "CITY")
AUTHORIZING THE ISSUANCE OF \$11,237,349 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 \$11,237,349 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 \$2,730,249 principal amount of serial bonds pursuant to the provisions of the Local Finance Law (the "Law") to finance (i) the acquisition, construction, reconstruction or additions of improvements to the City's Water Treatment Plant (\$1,300,000), (ii) electrical and service lines to the generator and Water Treatment Plant (\$930,249), and (iii) to reimburse New York State Environmental Facilities Corporation for grant funds received on the Drinking Water State Revolving Fund Project No. 18437 due to scaling back the project (\$500,000), 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 objects or purposes is \$2,730,249, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (a) the issuance of up to \$2,730,249 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, (b) 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 (c) the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific objects or purposes is forty (40) years, pursuant to subdivision 1 of paragraph a. of Section 11.00 of the Law.

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NORTH TONAWANDA NY

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SECTION 2. The City is hereby authorized to issue \$2,116,667 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the construction, reconstruction or addition of green infrastructure improvements along Oliver Street (\$1,191,667) and upgrades to the storm pump (\$200,000), 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 objects or purposes is \$2,116,667, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$2,116,667 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 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 \$106,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the reconstruction and improvements to docks at Gateway Harbor (\$46,000) and installation of new kayak launch and fishing pier at Mayors Park (\$60,000), 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 objects or purposes is \$106,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$106,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds and (ii) the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is twenty (20) years, pursuant to subdivision 7 of paragraph a. of Section 11.00 of the Law.

SECTION 4. The City is hereby authorized to issue \$140,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the construction or reconstruction of the City Market parking lot, 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 \$140,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$140,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds and (ii) the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is ten (10) years, pursuant to subdivision 20(f) of paragraph a. of Section 11.00 of the Law.

SECTION 5. The City is hereby authorized to issue \$250,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the construction or reconstruction of sidewalks throughout 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 \$250,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$250,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds and (ii) the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is ten (10) years, pursuant to subdivision 24 of paragraph a. of Section 11.00 of the Law.

SECTION 6. The City is hereby authorized to issue \$344,390 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the acquisition of a jaws of life (\$85,000) and cardiac monitors (\$259,390) for use by the City Fire Department, including any preliminary and incidental costs related thereto. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$344,390, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$344,390 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 twenty (20) years, pursuant to subdivision 27 of paragraph a. of Section 11.00 of the Law.

SECTION 7. The City is hereby authorized to issue \$691,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the acquisition of a machinery and apparatus including (i) brush truck (\$200,000), (ii) dump truck body (\$100,000), (iii) sanitation truck (\$300,000), and (iv) mower (\$91,000) for use by the City, 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 objects or purposes is \$691,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (a) the issuance of \$691,000 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 (b) the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific objects or purposes is fifteen (15) years, pursuant to subdivision 28 of paragraph a. of Section 11.00 of the Law.

SECTION 8. The City is hereby authorized to issue \$195,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of installing a police

communication system, 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 \$195,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$195,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds and (ii) the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is ten (10) years, pursuant to subdivision 25 of paragraph a. of Section 11.00 of the Law.

SECTION 9. The City is hereby authorized to issue \$2,071,043 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of City-wide upgrades to traffic signals, 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 \$2,071,043, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$2,071,043 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 twenty (20) years, pursuant to subdivision 72(a) of paragraph a. of Section 11.00 of the Law

SECTION 10. The City is hereby authorized to issue \$150,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of updating the City-wide zoning code, 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 \$150,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$150,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, (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 64 of paragraph a. of Section 11.00 of the Law

SECTION 11. The City is hereby authorized to issue \$2,443,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of various park improvements for the City, including (i) extending the Erie Canal bike path to connect Mayors Park to the Botanical Gardens (\$1,825,000), (ii) repaving walkways, single lane access roads and parking lots in Pinewood Park (\$130,000), (iii) constructing a new stage in Gateway Park

(\$175,000), (iv) upgrading buildings and grounds with added electrical supply in the Botanical Gardens (\$10,000), (v) playground equipment improvements in Colonel Payne and Pinewood Parks (\$100,000), (vi) new parking spaces at Gratwick Park (\$130,000), (vii) repaving the main parking lot at Raymond Klimek Veterans Park (\$24,000), and (viii) the reconstruction and resurfacing of pickleball courts in Wurlitzer Park (\$49,000), and any applicable equipment, machinery, apparatus necessary therefor and 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 \$2,443,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$2,443,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, (ii) 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 twenty (20) years, pursuant to subdivision 19(c) of paragraph a. of Section 11.00 of the Law.

SECTION 12. 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 13. 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 14. 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 15. 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 16. 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 17. 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 18. 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 19. 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:

Joseph Lavey, Jr., President, Alderman-at-Large
Robert Schmigel, 1st Ward Alderman
Frank DeBernardo, 2nd Ward Alderman
Joe Marranca, 3rd Ward Alderman
Joe Loncar, Alderman-at-Large

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

April 15, 2025

APPROVED BY:

Austin J. Tylec,
Mayor of the City of North Tonawanda
Date: April ____, 2025

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 15, 2025, 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 \$11,237,349 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 Common Council 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, 2025.

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 15, 2025, 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 15, 2025.

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 \$11,237,349 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 \$2,730,249 to finance the acquisition, construction, reconstruction of improvements to City’s Water Treatment Plant; PPU of 40 years;
- (2) Bonds in the principal amount of \$2,116,667 to finance the construction, reconstruction or addition of green infrastructure improvements along Oliver Street and storm pump upgrades; PPU of 40 years;
- (3) Bonds in the principal amount of \$106,000 to finance reconstruction and improvements to docks at Gateway Harbor and a new kayak launch and fishing pier at Mayors Park; PPU of 20 years;
- (4) Bonds in the principal amount of \$140,000 to finance the construction or reconstruction to the City Market parking lot; PPU of 10 years;
- (5) Bonds in the principal amount of \$250,000 to finance construction or reconstruction to sidewalks throughout the City; PPU of 10 years;
- (6) Bonds in the principal amount of \$344,390 to finance the acquisition of equipment for the City Fire Department; PPU of 20 years;
- (7) Bonds in the principal amount of \$691,000 to the acquisition of machinery and apparatus for construction and maintenance for use by the City; PPU of 15 years;
- (8) Bonds in the principal amount of \$195,000 to finance the installation of cameras and fiber line around the police station; PPU of 10 years;
- (9) Bonds in the principal amount of \$2,071,043 to finance City-wide upgrades to traffic signals; PPU of 20 years;

(10) Bonds in the principal amount of \$150,000 to finance the cost of updating the City's zoning code; PPU of 5 years;

(11) Bonds in the principal amount of \$2,443,000 to finance the cost of various park improvements for the City, including (i) extending the Erie Canal bike path to connect Mayors Park to the Botanical Gardens (\$1,825,000), (ii) repaving walkways, single lane access roads and parking lots in Pinewood Park (\$130,000), (iii) constructing a new stage in Gateway Park (\$175,000), (iv) upgrading buildings and grounds with added electrical supply in the Botanical Gardens (\$10,000), (v) playground equipment improvements in Colonel Payne and Pinewood Parks (\$100,000), (vi) new parking spaces at Gratwick Park (\$130,000), (vii) repaving the main parking lot at Raymond Klimek Veterans Park (\$24,000), and (viii) the reconstruction and resurfacing of pickleball courts in Wurlitzer Park (\$49,000); PPU of 20 years;

2. Aggregate amount of Debt Obligations Authorized: up to \$11,237,349.

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.