

Council Chambers
Tonawanda, New York
January 17, 2017

A Regular Meeting of the Common Council

Present: Council President Koch
Present Councilmembers: Gilbert, Rautenstrauch, Toth
Excused Councilmember: Smilinich
Pledge of Allegiance led by Council President Koch
Prayer led by Fire Chaplin Rick Oates

COMMUNICATIONS FROM THE MAYOR

Letter to Cynthia Narloch appointing her to the Library Board effective January 1, 2017
expiring December 31, 2021.
Letter to Carole Sinclair appointing her to the Library Board effective January 1, 2017
expiring December 31, 2021

COMMUNICATIONS FROM CITY OFFICIALS AND CORRESPONDENCE

The following monthly reports were received by the City Clerk:
January 2016 to December 2016 Report for the Building Inspector
December Activity Report of the Tonawanda Fire Department
Building Inspector report for December
December Minutes of the Board of Appeals
Annual Report of the City Clerk
Press Release from Council President Jenna Koch Announcing a Naloxone (Narcan) Free
Training Session sponsored by Erie County Dept of Health
Letter from the Inner Harbor Yacht Club in regarding installation of additional docks on
Ellicott Creek between their facility and the Canal
Comprehensive Revenue & Control Expenditure Control Report as of 1/17/2017

Referred to the Committee of the Whole
Ordered filed

COMMENTS BY THE PUBLIC ON RESOLUTIONS

The Tonawanda Common Council, in an effort to conduct business in a timely fashion and maintain an open line of communication with the public, welcomes comments on resolutions and other City business.

- Persons wishing to speak and be recognized by the President of the Common Council are to be courteous, respectful, non-repetitive and brief.
- All questions and/or comments should be addressed to the President of the Common Council.
- Please state your name and address clearly for inclusion in the Common Council minutes. In the event any person wishes a response outside the confines of the Common Council meeting, please leave all necessary contact information with the City Clerk after the meeting.
- Persons may address the Common Council during (2) separate sessions of the meeting for a total of 30 minutes per session. Once prior to the resolutions and also after the resolutions prior to Common Council comments.
- Individuals may speak a total of (3) minutes per speaker per session. The President of the Common Council will adhere to this (3) minute guideline in an effort to allow everyone an opportunity to speak who wishes to do so.
- The President of the Common Council reserves the Council's right to limit or expand upon these limits as he/she may deem necessary and prudent.
- Usage of cell phones other than for emergency is prohibited during all Council Sessions.

MOTIONS AND RESOLUTIONS

7. By Councilmember Gilbert seconded by Councilmember Toth
Resolved, that the reading of the resolutions be waived.
- Ayes: Gilbert, Rautenstrauch, Toth, Koch
Nays: None
- Resolution declared adopted
8. By the Council seconded by the Council
Resolved, that the Common Council minutes from January 3, 2017, be accepted as filed.
- Ayes: Gilbert, Rautenstrauch, Toth, Koch
Nays: None
- Resolution declared adopted
9. By the Councilmember Rautenstrauch seconded by the Council Toth
Resolved, that the bills be allowed as audited and that the City Clerk be directed to draw warrants on the Treasurer for the various amounts.
- Ayes: Gilbert, Rautenstrauch, Toth, Koch
Nays: None
- Resolution declared adopted
10. By Councilmember Toth seconded by Councilmember Gilbert
Resolved that the following be named Commissioner of Deeds for the City of Tonawanda, term to expire December 31, 2018: Gina Butcher, Matthew P. Burke, Kevin Arthur Ulmer
- Ayes: Gilbert, Rautenstrauch, Toth, Koch
Nays: None
- Resolution declared adopted
11. By Council President Koch seconded by Councilmember Rautenstrauch
Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for the American Legion Classics on the Niagara and
Whereas, the application was reviewed and commented on by all appropriate department heads to insure the safety and well being of our residents, and
Whereas, all details for the above named event must be coordinated with Tonawanda Police Captain Fred Foels and Amanda Lofft, Parks and Recreation Directort and the event chairperson, now, therefore be it
Resolved, that permission is granted to American Legion Post 264 to hold the Classics on the Niagara in Niawanda Park from Wheeler Street Parking Area to City Hall on September 3, 2017 from 6 A.M until 4:00 P.M. and be it further
Resolved, that a Certificate of Insurance naming the City of Tonawanda as additional insured be filed with the City Clerk no later than August 14, 2017.
- Ayes: Gilbert, Rautenstrauch, Toth, Koch
Nays: None
- Resolution declared adopted
12. By the Council seconded by the Council
Resolved, at the recommendation of the City Engineer, Jason J. LaMonaco, P.E., that Council authorizes Mayor Rick Davis to execute Change Order No. 1 to the City Hall & Police Station Emergency Generator project for replacement of the primary electrical feed at a cost not to exceed \$90,000.00.
- Councilmember Gilbert: I just want to say for the record that under Lt Sheehan's supervision, he and I went and looked at the wiring coming into the building with the City Electrical Inspector as well and it was determined that that wiring is failing and that is why this resolution is on the agenda for tonight.
- Ayes: Gilbert, Rautenstrauch, Toth, Koch
Nays: None

13. By the Council

seconded by the Council

AN AMENDING AND RESTATING BOND RESOLUTION, DATED JANUARY 17, 2017, OF THE COMMON COUNCIL OF THE CITY OF TONAWANDA, ERIE COUNTY, NEW YORK (THE "CITY"), FURTHER AMENDING THE BOND RESOLUTION THAT WAS ADOPTED ON JULY 5, 2016 AND AMENDED ON OCTOBER 4, 2016, AUTHORIZING THE ACQUISITION OF AN EMERGENCY GENERATOR FOR USE BY THE CITY AND OTHER IMPROVEMENTS IN CONNECTION THEREWITH, AT AN ESTIMATED MAXIMUM COST OF \$325,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$325,000 OF THE CITY, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE CITY TREASURER.

WHEREAS, on October 4, 2016 the Common Council of the City of Tonawanda, Erie County, New York (the "City") adopted an amending and restating bond resolution (the "2016 Amending Bond Resolution") entitled:

AN AMENDING AND RESTATING BOND RESOLUTION, DATED OCTOBER 4, 2016, OF THE COMMON COUNCIL OF THE CITY OF TONAWANDA, ERIE COUNTY, NEW YORK (THE "CITY"), AMENDING THE BOND RESOLUTION THAT WAS ADOPTED ON JULY 5, 2016, AND AUTHORIZING THE ACQUISITION OF AN EMERGENCY GENERATOR FOR USE BY THE CITY, AT AN ESTIMATED MAXIMUM COST OF \$225,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$225,000 OF THE CITY, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE CITY TREASURER.

WHEREAS, the City has not previously issued bond anticipation notes pursuant to the Bond Resolution adopted on July 5, 2016 (the "Original Bond Resolution") or the 2016 Amending Bond Resolution and has not yet entered into permanent financing arrangements thereunder (i.e., the issuance of long-term serial bonds); and

WHEREAS, the Common Council now wishes to modify the Amending 2016 Bond Resolution for the primary purposes of: (a) expanding the scope of the project to include the installation of necessary electrical lines to City Hall and the Police Department, (b) increasing the estimated maximum cost of the project from \$225,000 to \$325,000 and (c) increasing the amount of serial bonds authorized to be issued from \$225,000 to \$325,000, and to make other modifications to the 2016 Amending Bond Resolution as may be consistent with law; and

WHEREAS, the Common Council now wishes to amend and restate (in its entirety) the 2016 Amending Bond Resolution for the reasons identified above, and to make other modifications to the 2016 Amending Bond Resolution as may be consistent with law; and

NOW THEREFORE,

BE IT RESOLVED, by the Common Council of the City (by the favorable vote of not less than two-thirds of all the members of the Council) as follows:

SECTION 1. The purpose (hereinafter referred to as "Purpose") to be financed pursuant to this resolution is the acquisition of an emergency generator for use by the City (primarily for the police department and City Hall) and other improvements in connection therewith, including, but not limited to, the replacement of necessary electrical lines to City Hall and the Police Department, including any preliminary costs

and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The amended estimated maximum cost of the Purpose is \$325,000.

SECTION 2. The Common Council plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds of the City in an aggregate principal amount not to exceed \$325,000 of the City, hereby authorized to be issued therefor pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such Purpose is to be paid by the levy and collection of taxes on all real property in the City, in an amount sufficient to pay the principal of such bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the Purpose is a class of objects or purposes described in subdivision 32 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such purpose is five years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will not exceed five years.

SECTION 6. The faith and credit of the City are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there shall annually be levied on all the taxable real property of the City a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Common Council pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of such bonds, and the renewals of such notes, are hereby delegated to the City Treasurer, the chief fiscal officer of the City. Without in any way limiting the scope of the foregoing delegation of powers, the Treasurer, to the extent permitted by Section 58.00(f) of the Local Finance law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the City.

SECTION 8. 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 Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The City then reasonably expects to reimburse any such expenditures (to the extent made after July 5, 2016 or within 60 days prior to the earlier of (a) the date hereof or (b) the date of any earlier expression by the City of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the City's original declaration of its "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The City Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the 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 may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The City Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser 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 11. The City hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

SECTION 12. In the absence or unavailability of the City Treasurer, the Deputy Treasurer is hereby specifically authorized to exercise the powers delegated to the City Treasurer in this resolution.

SECTION 13. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of the law which should be 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 20 days after the date of such publication of this notice, or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 14. The City Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of such Local Finance Law, in a newspaper having a general circulation in such City and hereby designated as the official newspaper of such City for such publication.

SECTION 15. Nothing in this amendment shall affect the validity of the Original Bond Resolution or the 2016 Amending Bond Resolution, or any actions taken thereunder, and any such actions are hereby ratified.

SECTION 16. This resolution is effective immediately.

Ayes: Gilbert, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

14. By Councilmember Gilbert seconded by Councilmember Toth
Resolved, that the Common Council authorizes the sale of 14 items including surplus vehicles and equipment pursuant to the results of the online auction conducted by Auctions International from December 20th, 2016 to January 11th, 2017 as per the list attached hereto and made a part hereof.

Budget Impact: Total Sale of Surplus Equipment \$16,295

Ayes: Gilbert, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

15. By Councilmember Koch seconded by Councilmember Gilbert
Resolved, that in recognition and compliance with the New York State Open Meetings law, this Common Council will meet in Executive Session in the Common Council Chambers for the purpose of pending exempt City business, and further be it
Resolved, that upon conclusion of the above stated business matters; the meeting shall again be open to the general public. The reason for the Executive Session is to discuss

Ayes: Gilbert, Rautenstrauch, Toth, Koch
Nays: None

Resolution declared adopted

COMMENTS BY THE PUBLIC AFTER RESOLUTIONS

Chaplin Rick Oats: Like to mention a nice community event at the Fire House this Thursday. It is in recognition of a Tonawanda Hero, his name was Jed Woormer, not like some of the heroes that are recognized behind City Hall, Skip Roth and the Niland Brothers, war heroes. This is a normal Tonawanda kid who did some extraordinary things. Two big examples, we're having a blood drive on his behalf and also a scholarship fund raiser. The scholarship recognizes youth, graduating senior who has demonstrated the attributes of kindness and courage in helping people and that's what this young man did. Those are values worth attaining in our culture, us and especially you. It is worth it just two things, he saved a young girl from suicide that he didn't know from high school, and while Jed was really really sick on his way to Roswell he saw homeless underneath a bridge and he did something about it, he made sure that they had sandwiches and some clothing. These are stories worth sharing, he's another Tonawanda Hero.

Councilmember Gilbert- Madam President, - Mr. Oates, can you state the time and everything for the event?

Rick Oates- This Thursday, 2:00 P.M till 8:00 P.M. at the Fire House. A basket raffle and if you are able to give blood too, that's great.

Sean O'Neil- I'm Sean O'Neil representing State Senator Jacobs, just letting you know this is our meet and greet tour 2017. I was just at Grand Island about an hour ago, just meeting all the Elected Officials. Just letting you know we are available for whatever you need. I will let you know as soon as our emails are set up and whatever we can do to help. We really want to be proactive in the community and answer whatever questions you may have.

COMMENTS BY THE COUNCILMEMBERS AFTER RESOLUTIONS

Councilmember Gilbert- Just recently I had the privilege of being at the Fire Department to get CPR Training and the class was well run. The guys did a remarkable job teaching all of us, the CPR and AED. I suggest everybody does it. It's the difference between saving a life, it's a great way to give back to your community in case something like that ever happens and the Fire Department did a great job with getting 16 people certified so it was real nice to see and thank you Jay for everything you guys did. Nice to see the Chief back from his vacation, I know the airport he was dealing with had a little altercation, I'm glad you're back safe Chief.

Councilman Toth: I would just like to welcome Sean here, I've known Sean for quite some time, way back when the Tonawanda News used to be around here and he used to come into the Police Department to get the Police Beat so it's nice to see a friendly face and look forward to having you here and keeping the lines of communication open between the City of Tonawanda and Senator Jacobs office, so thank you Sean. I also take a moment to welcome and congratulate the two new Police Recruits who will be sworn in tomorrow, Adam Cruz and Kyle Gallivan, both fine young gentleman who I have know since I was a school Resource Officer and both the kids attended Tonawanda. Looking forward to seeing them on the street and having them be part of the community and I know Chief Strassburg got two very fine young men, very upstanding young gentlemen and I'd just like to wish them the best and hopefully they have a nice, safe, healthy career.

Ayes: Gilbert, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

City Clerk

Mayor

Date Filed