

Council Chambers  
Tonawanda, New York  
March 17, 2015

A Regular Meeting of the Common Council

Present: Council President Zeisz

Present Councilmembers: Gilbert, Smilinich, Hall, Koch

Pledge of Allegiance led by Council President Zeisz

Prayer led by Associate Fire Chaplain Bill Miles

**COMMUNICATIONS FROM THE MAYOR**

A letter to Kirstyn Davis, 178 Brookside Terrace West, dated March 5, 2015, appointing her as a student liaison to the City of Tonawanda Youth Board, term to expire December 31, 2016.

A letter to Paris Miller, 265 Rogers Avenue, dated March 5, 2015, appointing her as a student liaison to the City of Tonawanda Youth Board, term to expire December 31, 2016.

A letter to the Honorable Gina McCarthy the Administrator of the U.S. Environmental Protection Agency, dated March 9, 2015, regarding the Dupont Title V Permit.

Letters to Senator Marc Panepinto and Assemblyman Robin Schimminger, dated March 10, 2015, regarding the elimination of the NFTA #57 Route and Paratransit Service.

A letter from Assemblyman Robin Schimminger to Bob Hill, Chairman of the Tonawanda Housing Authority, dated March 13, 2015, regarding complaints he has been receiving from receiving from tenants of the Tonawanda Housing Authority.

Ordered filed

**COMMUNICATION FROM CITY OFFICIALS AND CORRESPONDENCE**

The following monthly reports were received by the City Clerk:

February monthly report of the Building Inspector

February monthly report of the City Clerk

February Activity Report of the Fire Department

February minutes of the Plumbing Board

Comprehensive Revenue & Expenditure Report for the City of Tonawanda

as of 3/17/15

Referred to the Committee of the Whole

Ordered filed

A letter from Councilmember Koch to the Honorable Gina McCarthy the Administrator of the U.S. Environmental Protection Agency, dated March 13, 2015, regarding the Dupont Title V Permit.

Referred to the Committee of the Whole

A letter from Fire Chief Stuart, dated March 9, 2015, regarding Engine 3.

Referred to the Committee of the Whole

Ordered filed

*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.*

- *Persons wishing to speak and be recognized by the President of the Common Council are to be courteous, respectful, non-repetitive and brief.*



56. By Councilmember Smilinich seconded by Councilmember Koch  
Resolved, that resolution #33 from the Common Council meeting of February 17, 2015, is hereby rescinded.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz  
Nays: None

Resolution declared adopted

57. By Councilmember Smilinich seconded by Councilmember Koch  
Resolved, that Shirley Conley, 373 Broad Street, be appointed to the Board of Assessment Review, term to expire September 30, 2019.

Ayes: Smilinich, Koch, Zeisz  
Nays: Gilbert, Hall

Resolution declared adopted

58. By Councilmember Koch seconded by Councilmember Gilbert  
Resolved, that permission be granted to St. Francis of Assisi Church to close Adam Street, between Seymour Street and Clinton Street, to vehicular traffic, on Saturday, June 13, 2015, from 9:00 A.M. to 9:00 P.M. for an outdoor parish celebration.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz  
Nays: None

Resolution declared adopted

59. By Councilmember Hall seconded by Councilmember Smilinich  
Resolved, that a certificate of insurance and bond for Salvatore Musso of Musso Plumbing & Heating, Inc., be filed and a license be issued for said plumber to do business in the City of Tonawanda.

Councilmember Gilbert is going to vote nay on this. I've had a bad situation with them regarding my neighbor and I just don't feel that it's a right move to issue them their license.

Ayes: Smilinich, Hall, Koch, Zeisz  
Nays: Gilbert

Resolution declared adopted

60. By Councilmember Smilinich seconded by Councilmember Hall  
Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk from the LaSalle Yacht Club for their annual Red Flannel Cruise 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 Amanda Lofft, Director of Parks and Recreation and the event chairperson, now, therefore be it  
Resolved, that permission be granted to LaSalle Yacht Club to hold their annual Red Flannel Cruise from 12:00 P.M., Thursday, September 17, 2015 through Sunday, September 20, 2015, at 7:00 P.M., and be it further  
Resolved, that any overtime that is incurred during this event will be paid for by the LaSalle Yacht Club 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 September 1, 2015.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz  
Nays: None

Resolution declared adopted

61. By Councilmember Smilinich seconded by Councilmember Koch  
Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk from the Swiftwater Sail and Power Squadron for Rendezvous 2015 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 Amanda Lofft, Director of Parks and Recreation and the event chairperson, now, therefore be it

Resolved, that permission be granted to the Swiftwater Sail and Power Squadron to hold Rendezvous 2015 on Saturday, August 15, 2015, 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 3, 2015.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

62. By Councilmember Koch seconded by Councilmember Gilbert  
Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk from Cardinal O'Hara High School 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 Police Captain Fred Foels and the event chairperson, now, therefore be it

Resolved, that permission be granted to Cardinal O'Hara High School to hold oRun The Hawkö on Friday, June 26, 2015, from 6:30 P.M. ó 10:00 P.M. and be it further

Resolved, that any overtime that is incurred for this event will be paid for by Cardinal O'Hara High School, 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 June 8, 2015.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

63. By Councilmember Gilbert seconded by Councilmember Koch  
Whereas, the City of Tonawanda realizes that the cost of utilities keeps rising, and

Whereas, the City of Tonawanda also feels that renewable energy is not only a cost savings to the City but also helps the environment, and

Whereas, as Montante Solar has provided the best agreement to the City and

Whereas, this agreement has no budget impact on the City and

Whereas, Montante Solar accepts all responsibility for maintenance and repairs for the term of the agreement, now, therefore be it

Resolved, that the Common Council of the City of Tonawanda authorizes Mayor Rick Davis to negotiate and sign a contract for a PPA agreement to bring in solar panels to the City.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

64. By Councilmember Smilinich seconded by Councilmember Hall

**A BOND RESOLUTION, DATED MARCH 17, 2015, OF THE COMMON COUNCIL OF THE CITY OF TONAWANDA, ERIE COUNTY, NEW YORK (THE "CITY"), AUTHORIZING THE RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS TO VARIOUS ROADS IN THE CITY AND OTHER IMPROVEMENTS IN CONNECTION THEREWITH, AT AN ESTIMATED MAXIMUM COST OF \$700,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$700,000 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.**

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

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the reconstruction of and construction of improvements to various roads in the City and other improvements in connection therewith, including all preliminary costs and costs incidental thereto and in connection with the financing thereof. The estimated maximum cost of said purpose is \$700,000.

SECTION 2. The Common Council plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate amount not to exceed \$700,000 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 improvement is to be paid by the levy and collection of taxes on all real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that such purpose is an object or purpose described in subdivision 20(c) of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such purpose is 15 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 said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will 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 will 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 will 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 the sale 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 the date

hereof or within 60 days prior to the date hereof) 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 of the City's 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 has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

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 law which should be complied with as of the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

2. such obligations are 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 the Local Finance Law, in a newspaper having a general circulation in the City and hereby designated as the official newspaper of the City for such publication.

SECTION 15. This resolution is effective immediately.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

**A BOND RESOLUTION, DATED MARCH 17, 2015, OF THE COMMON COUNCIL OF THE CITY OF TONAWANDA, ERIE COUNTY, NEW YORK (THE "CITY"), AUTHORIZING THE RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS TO VARIOUS CITY SIDEWALKS AND OTHER IMPROVEMENTS IN CONNECTION THEREWITH, AT AN ESTIMATED MAXIMUM COST OF \$100,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$100,000 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.**

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

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the reconstruction of and construction of improvements to various City sidewalks and other improvements in connection therewith including, but not limited to, Americans with Disabilities Act improvements, including all preliminary costs and costs incidental thereto and in connection with the financing thereof. The estimated maximum cost of said purpose is \$100,000.

SECTION 2. The Common Council plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate amount not to exceed \$100,000 of the City, hereby authorized to be issued therefor pursuant to the Local Finance Law, said amount to be offset by any additional federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such improvement is to be paid by the levy and collection of taxes on all real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that such purpose is an object or purpose described in subdivision 24 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such purpose is ten 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 said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will 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 will 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 will 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 the sale 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 the date hereof or within 60 days prior to the date hereof) 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 of the City's 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 has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

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 law which should be complied with as of the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

2. such obligations are 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 the Local Finance Law, in a newspaper having a general circulation in the City and hereby designated as the official newspaper of the City for such publication.

SECTION 15. This resolution is effective immediately.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

66. By Councilmember Smilinich

seconded by Councilmember Hall

**A BOND RESOLUTION, DATED MARCH 17, 2015, OF THE COMMON COUNCIL OF THE CITY OF TONAWANDA, ERIE COUNTY, NEW YORK (THE "CITY"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT IN THE KOENIG ALLEY AREA IN THE CITY AND OTHER IMPROVEMENTS IN CONNECTION THEREWITH, AT AN ESTIMATED MAXIMUM COST OF \$740,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$740,000 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.**

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

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is a capital improvements project in the Koenig Alley area in the City, such work to include, but not be limited to, the reconstruction of the parking lot and various streetscape improvements associated with such capital project, all of the forgoing to include all preliminary work and necessary equipment, materials and site work and all preliminary costs and costs incidental thereto and in connection with the financing thereof. The estimated maximum cost of said purpose is \$740,000.

SECTION 2. The Common Council plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate amount not to exceed \$740,000 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 improvement is to be paid by the levy and collection of taxes on all real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that such purpose is an object or purpose described in subdivision 90 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such purpose is 10 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 said bonds.

SECTION 5. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will 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 will 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 will 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 the sale 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 the date hereof or within 60 days prior to the date hereof) 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 of the City's 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 has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (öSEQRAö), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary

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 law which should be complied with as of the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or
2. such obligations are 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 the Local Finance Law, in a newspaper having a general circulation in the City and hereby designated as the official newspaper of the City for such publication.

SECTION 15. This resolution is effective immediately.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz  
Nays: None

Resolution declared adopted

67. By Councilmember Hall seconded by Councilmember Smilinich

**A BOND RESOLUTION, DATED MARCH 17, 2015, OF THE COMMON COUNCIL OF THE CITY OF TONAWANDA, ERIE COUNTY, NEW YORK (THE “CITY”), AUTHORIZING THE RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS TO CITY HALL, AT AN ESTIMATED MAXIMUM COST OF \$75,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$75,000 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.**

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

SECTION 1. The specific purpose (hereinafter referred to as öPurposeö) to be financed pursuant to this resolution is the reconstruction of and construction of improvements to City Hall including, but not limited to, floor replacement, and all preliminary work and necessary equipment, materials and related site work and any preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof. The estimated maximum cost of said purpose is \$75,000.

SECTION 2. The Common Council plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate amount not to exceed \$75,000 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 improvement is to be paid by the levy and collection of taxes on all real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that such purpose is an object or purpose described in subdivision 12(a)(2) of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such Purpose is 15 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 said bonds.

SECTION 5. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will 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 will 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 will 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 the sale 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 the date hereof or within 60 days prior to the date hereof) 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 of the City's 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 (öSEQRAö) is 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:

(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 law which should be complied with as of the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

Such obligations are 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 said Local Finance Law, in a newspaper having a general circulation in the City and hereby designated as the official newspaper of the City for such publication.

SECTION 15. This resolution is effective immediately.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

68. By Councilmember Gilbert

seconded by Councilmember Koch

**A BOND RESOLUTION, DATED MARCH 17, 2015, OF THE COMMON COUNCIL OF THE CITY OF TONAWANDA, ERIE COUNTY, NEW YORK (THE "CITY"), AUTHORIZING THE ACQUISITION OF VEHICLES AND EQUIPMENT FOR USE BY THE DEPARTMENT OF PUBLIC WORKS IN THE CITY, AT AN AGGREGATE ESTIMATED MAXIMUM COST OF \$305,482 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$305,482 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.**

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

Section 1. The specific purpose (hereinafter referred to as "Purpose") to be financed pursuant to this resolution is the acquisition of vehicles and equipment for use by the Department of Public Works in the City, including preliminary costs and costs incidental thereto and in connection with the financing thereof. The estimated maximum cost of said purpose is \$305,482.

Section 2. The Common Council plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate amount not to exceed \$305,482 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 improvement is to be paid by the levy and collection of taxes on all real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 3. It is hereby determined that such purpose is a class of objects or purposes described in subdivision 89 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such purpose is 5 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 said 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 will 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 will 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 the sale 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 the date hereof or within 60 days prior to the date hereof) 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 of the City's 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 has determined that the purpose will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") is required.

Section 12. In 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 law which should be complied with as of the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

(2) such obligations are 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 the Local Finance Law, in a newspaper having a general circulation in the City and hereby designated as the official newspaper of the City for such publication.

Section 15. This resolution is effective immediately.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

69. By Councilmember Hall

seconded by Councilmember Gilbert

**A BOND RESOLUTION, DATED MARCH 17, 2015, OF THE COMMON COUNCIL OF THE CITY OF TONAWANDA, ERIE COUNTY, NEW YORK (THE "CITY"), AUTHORIZING THE ACQUISITION OF FIRE-FIGHTING EQUIPMENT AND FACILITY UPGRADES, AT AN AGGREGATE ESTIMATED MAXIMUM COST OF \$82,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO**

**EXCEED \$82,000 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.**

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

Section 1. The specific purpose (hereinafter referred to as "Purpose") to be financed pursuant to this resolution is the acquisition of fire-fighting equipment and facility upgrades, including preliminary costs and costs incidental thereto and in connection with the financing thereof. The estimated maximum cost of said purpose is \$82,000.

Section 2. The Common Council plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate amount not to exceed \$82,000 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 improvement is to be paid by the levy and collection of taxes on all real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 3. It is hereby determined that such purpose is a class of objects or purposes described in subdivision 89 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such purpose is 5 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 said 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 will 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 will 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 the sale 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 the date hereof or within 60 days prior to the date hereof) 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 of the City's 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 has determined that the purpose will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") is required.

Section 12. In 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 law which should be complied with as of the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

(2) such obligations are 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 the Local Finance Law, in a newspaper having a general circulation in the City and hereby designated as the official newspaper of the City for such publication.

Section 15. This resolution is effective immediately.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

**A BOND RESOLUTION, DATED MARCH 17, 2015, OF THE COMMON COUNCIL OF THE CITY OF TONAWANDA, ERIE COUNTY, NEW YORK (THE "CITY"), AUTHORIZING THE ACQUISITION OF VEHICLES FOR USE BY THE PARKS AND RECREATION DEPARTMENT IN THE CITY, AT AN AGGREGATE ESTIMATED MAXIMUM COST OF \$63,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$63,000 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.**

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

SECTION 1. The specific purpose (hereinafter referred to as "Purpose") to be financed pursuant to this resolution is the acquisition of vehicles for use by the Parks and Recreation Department in the City, including all preliminary costs and costs incidental thereto and in connection with the financing thereof. The estimated maximum cost of said purpose is \$63,000.

SECTION 2. The Common Council plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate amount not to exceed \$63,000 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 improvement is to be paid by the levy and collection of taxes on all real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that such purpose is a class of objects or purposes described in subdivision 28 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such purpose is 15 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 said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will 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 will 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 will 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 the sale 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 the date hereof or within 60 days prior to the date hereof) 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 of the City's 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") is 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 law which should be complied with as of the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

(2) such obligations are 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 the Local Finance Law, in a newspaper having a general circulation in the City and hereby designated as the official newspaper of the City for such publication.

SECTION 15. This resolution is effective immediately.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

71. By Council President Zeisz seconded by Councilmember Smilinich  
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 personnel of particular persons.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

*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.*

#### **COMMENTS FROM THE PUBLIC AFTER RESOLUTIONS**

Council President Zeisz ó Before we go to the comments from the public, I just had a couple things I wanted to say. It's that time of year when political types are requested to put in their letters seeking endorsement to run for public office. So with that being said, I just wanted to take a minute, talk about, you know I've had the, just bear with me too, I've been very fortunate. This is my 24<sup>th</sup> year here and I gave it a lot of thought but I've decided it's time to move on. So this will be my last year on the Council. I see some familiar faces in the back. When I got here, Spaulding Fibre was still open. Kibler Jr. High was a dilapidated old building. Gateway Park was a mess. The list goes on and on. We still had a Water Plant that put out our own water. There's a lot of things that, we operated under the old charter, where the Council had the power and the Mayor was basically a figurehead. So we had Charter Review. There's just so many things. It's funny when I sit here, I don't feel like I'm that old but I was thinking about it today. It's basically been 50 years since I've put up my first election sign. My father ran for office

when I was a kid and when my father was on the Committee, one of the things he always did on election day was we put up the signs. So he'd drive me around on Election Day morning to put the signs on all the polling places. Then, when I was fifteen somebody asked if I wanted to go silk screen election signs. It was for Robin Schimminger's first campaign for office. Len Lenihan spent time at our house the first time he ran for public office. Anyway, it's just kind of looking back on how long it has really been that I've been around this. It's only March, I've still got the rest of the year. There's plenty of time to thank other people and thank everyone that's been here over the years, but I do want to take just a minute to thank my family, my family has been really supportive. Fortunately, my dad was here to see me become Council President but my mother's been very supportive, my in-laws, Adeline Perrone and husband Joe, they were always great and the party, the Democratic Party, Terrone and Syposs have always been good to me. And of course, the residents most of all. If it wasn't for the residents and their support, I wouldn't have been here for 24 years. And the two most important people in my life who've been there, good, bad, whatever it was, you know the years go by like that. When I first ran for office, my daughter Heather would come and sit on Jan's lap in the Clerk's Office. She was six years old when I ran for office and got elected. But Heather and my wife Paula have always been there, always supported me and for anyone that knows me, you got a pretty good idea how hard this is for me to walk away. I don't give up things easily. My full time job I've had for 37 years. So I don't really give up on things. But that's all I really wanted to say, just that there'll be other time for me to thank everyone in the City, but I do have to acknowledge a couple people that I see in the back. Our Judge who was City Attorney my first few years on the Council and I saw an old Mayor sitting in the back, Jack Gallagher. Jack was there when we ran the first time for office and at that time, there were seven council people, six members and one president. I can still remember Jack telling me if we get a thousand votes we're in, we just gotta get a thousand votes and you're gonna win. Believe it or not Jack, I still have stuff from that first time we ran. My daughter made us like these foam buttons to wear and stuff like that. Long story short, I got 1,025 votes the first time I ran. Needless to say, I didn't realize I'd only do two years as an Alderman and then become Council President my third year on the Council. Anyway, how about if we take some comments from the public, if there are any?

There were no comments from the public after the resolutions.

#### **COMMENTS FROM THE COUNCILMEMBERS AFTER RESOLUTIONS**

Councilmember Gilbert ó In light of all that, I just want to take a minute to thank you for everything that you've done. You've been a friend, a mentor, and a rock that we can lean on, on the Council no matter who was sitting up here and your knowledge and expertise are going to be sure missed and I wish you all the best and I'll have some more to say later, but I've always thought of you as a friend more than anything else and I'll miss you a lot.

Councilmember Smilinich ó We have you for a few more months, right? And you're gonna teach us all, right? Everything that's in that head. You will, I know you will.

Council President Zeisz - I hate to tell you, I've probably forgotten more than I know now.

Councilmember Smilinich ó You'll be missed Carleton, you will. I just have one thing that I would like to announce. On March 24<sup>th</sup>, there's a forum at the Tonawanda High School for the Veteran's tax exemption, the time where the people get to speak, so please go and exercise your right of the First Amendment.

Councilmember Hall ó I just want to echo Chuck's sentiments. Even though I've only been on the Council for a few years, working for the city for 35, I got to know you on both sides of the fence. You were always fair and honest, when you said something, you stuck with it and I appreciate you for that, I think you will be sadly missed in the community.

Councilmember Koch ó Normally I type out what I'm going to say, but I'm going off the cuff and Carl, I just want to thank you for mentioning me and we certainly have plenty of time to work together. You are one knowledgeable person. I've leaned on you many times. I know we've butted heads many times, but you will sorely be missed. Thank you for your service, your dedication, we appreciate that. I want to congratulate Alvin Mazur, he is a WWII Veteran, he received a bronze medal from Congressman Higgins last week and I'd like to thank him for his service. And congratulations to all the quality students, I look forward to having dinner with you this Thursday, and I wish everybody a Happy St. Patrick's Day.

Judge Cassata ó I would be remiss if I just didn't make a few brief comments about you. First of all, you were talking about the water plant, you were here. I was in high school then, so I remember. And your comment about not feeling old? Mayor Gallagher, why do we feel old if he doesn't? Carleton, in all sincerity, I'm here to applaud you tonight. When I learned of your decision, it was very sad to me because I worked with you for a lot of years, and I know the compassion and the dedication that you have for our City. Public service is a glorious thing. There are only a few of us in our life time can share and Carl, you will never lose that, you will always have that with you, and you shared it with your families, like I did, and with your friends, like I did. Speaking about your father, a dear friend of mine, he is here tonight, he is here tonight in spirit, Carleton because he loved you and he was proud of you. Someone asked me what happens December 31<sup>st</sup>. Well I'm gonna tell you what happens because I'm gonna order two recyclables. I said that what happens, they bring in the recyclable in City Hall here, we jump in it Carl and they put us out to the curb and I would be honored to be with you in the same recycle bin. From my heart, thank you, you've been an anchor to this Council. You have been an anchor to the City and you have served us well and for that, I salute you.

Mayor Davis ó When I first heard that Carl was gonna make an announcement, I thought it was gonna be that the Red Sox were forfeiting all their games to the Yankees because half of the team exiled back to Cuba but it kind of brought things into perspective when you started your political career, I was just ending my school career, so I'm not gonna sit here and sing a swan song to Carl because he still has eight months left with us and the last meeting of the year, I'd have some pretty wonderful things to say about him because I've had the pleasure of knowing him for nine years and serving in City government for 6, so I'd hold back my sentiments on Carl. Recently, there was an accident on a railroad crossing in the City. I'd like to thank our Police and Fire Departments for their prompt response and I'd just like to remind people that there's a good reason why there's barricades that come down when there's a train coming, just saying. Alvin Mazur, it was absolutely wonderful to see the outpouring of support from his family and the community for this young man and I hope to be in half a good a shape as he is when I'm 75. He is just a bundle full of energy, he was cracking me up during the whole press conference, telling me jokes. I want to thank him for his patriotism and his bravery and thank Congressman Higgins and my staff for putting on a wonderful event for him receiving his bronze star. The landfill, we received word that the Army Corps is gonna start their yearly sampling of the landfill on the 31<sup>st</sup> of March, so if you notice people in space suits walking behind Hackett, that's why. Solar. I really want to thank Montante for being the utmost professional company that we sat down with. Myself and Councilman Gilbert started this process a little over a year ago and we met with five different solar companies and by far Montante blew everyone out of the water. I look forward to working closely with you guys and hopefully, we can get a larger solar array, a better bank for our buck. From now until the end of the month, City Hall will be lit up blue and yellow to help celebrate and honor those residents here in the City that have Down Syndrome. And lastly, myself, Councilwoman Koch and our City Engineer had a meeting with members of the DEC, the Town, about shifting mulching operations that currently were in the mudflats to the landfill and we emphatically denied that we would accept that moving mulch closer to the homes on Hackett, that it would be more of a staging area, that they would not use it to set up wind groves in order to aerate the mulch in order to sell it because anybody that's been in the 4<sup>th</sup> Ward when the winds are out of the Southeast, it is absolutely horrendous smelling up there. So, we were able to come to that agreement without the City having to take any further action so I'm very pleased about that. Happy St. Patrick's Day everybody.

Council President Zeisz ó I thank all of you for coming tonight, have a great night, we'll see you again. Drive home safely and God Bless you.

