

**Council Chambers
Tonawanda, New York
April 5, 2016**

A Regular Meeting of the Common Council

Present: Council President Koch

Present Councilmembers: Gilbert, Smilinich, Rautenstrauch, Toth

Pledge of Allegiance and Silent Prayer led by Fire Chaplin Sam Ciffa

COMMUNICATIONS FROM THE MAYOR

A letter to Ms. Judy Arida thanking her for use of her property for the July 4th Fireworks display and requesting the use for 2016.

A letter to Kathleen Reitz reappointing her to the City Library Board effective March 31, 2016 through December 31, 2019

COMMUNICATIONS FROM CITY OFFICIALS AND CORRESPONDENCE

A letter from Tonawanda's United Veterans Council regarding Memorial Day Observance and closure of Renaissance Bridge

A Communication letter and email copies from Patricia Zander, 91 Kohler Street regarding identifying and striping for bike lanes on Main Street.

Communication to Assessor Judy Tafelski from Mary Lou Mattioli resigning from the Board of Assessment and Review

Communication to Assessor Judy Tafelski from Patricia Hall resigning from the Board of Assessment and Review

Communication from Assessor Judy Tafelski recommending appointment of Nancy M Snyder to the Board of Assessment and Review Board to fill the unexpired term of Patricia Hall

A letter from Nancy DiLonardo (Snyder) requesting appointment to the Board of Assessment Review

A Memo from Fire Chief Stuart regarding additions, deletions and transfers to the Volunteer Firefighter Rolls.

Letter from Assistant Chief Joseph Bacon to Fire Chief Stuart announcing his retirement on April 26, 2016

Communication to Council President Jenna Koch from Roger Puchalski proposing changes to the City's Code of Ethics

Communication from Fire Chief Stuart with recommendation for Continued Contracts for the Union Hook and Ladder, the Delaware Hose, the Niagara Hose and the National Hose along with necessary resolutions and Proposed Contracts.

The following monthly reports were received by the City Clerk:

February Minutes of the Traffic and Safety Advisory Board.

March Minutes of the Board of Appeals

March Monthly Report from the City Clerk

March Report of the Building Inspector

Referred to the Committee of the Whole
Ordered filed

COMMENTS BY THE PUBLIC ON RESOLUTIONS

Joan Horn, 742 Fletcher Street- Thank-you Madam President. I would like to speak to resolution #13. Earlier this year I attended a council meeting where First Ward Councilman Chuck Gilbert made a statement about the development at Veterans Park Little League Drive. He seemed quite annoyed that no action had been taken to begin the process of development and stated that the City has been directed to maintain services. Mr. Gilbert's ominous predictions of gloom and doom prompted a number of residents to wonder why the only development any one seemed to focus on was the Vets Park area. If the City needed tax revenue surely there must be other places that would be right for development. We decided to get together and brainstorm ideas about development in the city as a whole. The result of that meeting was the group, "Envision Tonawanda", city residents seeking to come up with ideas for taking a wholistic approach to growth, development and improving the quality of life on the COT. Some of the ideas that came out of that initial meeting included moving City Hall, the Court and Police from their current location and possibly consolidating them with Fire, Senior Citizen, maybe DPW and the Community Center in a central municipal building with shared services. This would free up the most valuable piece of property in the City and be re-developed as housing or as a retail/hotel restaurant type development. Expansion of park and recreation activities at Vets Park with a number of different options was suggested. Developing the four plus acres on East Niagara Street into villas or patio homes with dock access was proposed. Developing up to 21 acres in the Ives area as housing and closing of Young Street between Main and Delaware to take advantage of the soon to come Intermodal Hub were other ideas. The group decided to do questionnaire asking city residents how they felt about some of these ideas. The deadline for these (inaudible) questionnaires is April 30th. There are paper and on line versions available to the public. We've had 267 responses to day. Once that was launched we felt it would be beneficial to have a public meeting to seek additional ideas. The purpose of the meeting was to present those initial ideas and solicit more in a brainstorming session. We made it quite clear at the beginning of the meeting that these were just ideas that some might be doable and some might not. Unfortunately some Council Members and others felt the need to come to the meeting in order to point out all the reasons our ideas couldn't work and actually suggested that before we talked about ideas we should first consult Mayor Davis or the Council to see if the ideas are possible. A. We're under no obligation to run ideas past the Council or Mayor, B. We were and still are still are soliciting ideas and C, based on statements made at the meeting the feedback provided by City Officials, was incomplete or inaccurate. For example, it was stated that the residents who talk about Ives Pond, there's a pond there, you can't build there. There hasn't been a pond at Ives in 15 years. Are they ill informed or is that a convenient way to deflect any interest in looking at Ives as an area to develop? The information about Clint Small is so conflicting that it begs further study. Other statements about deed restrictions and wetlands were also brought up. Obviously if we can remediate wetlands in Vets Park we can do the same with Ives. The long and short of it is that there are many unanswered questions about developing in our City. We believe we haven't been asking enough questions or looking at all the possibilities. There is a meeting of the local waterfront revitalization panel on April 12th at 6 PM and the committee for the Comprehensive Plan on April 26th. My question is why are we in such a hurry to designate a preferred builder for Vets Park before the LWRP and Comp plan are complete especially after the last preferred builder cost the city thousands of dollars. It would seem we are putting the cart before the horse. This has been going on for years, will three or four weeks really make that much of a difference? I live in the Fourth Ward, my house backs up to Vets Park. I want the green space retained, however if a majority of the people wanted the area developed I would begrudgingly go along. Our questionnaires at this point do not show the majority support this development. In August of last year the Mayor said that he would do a phone survey. It remains undone. The First, Second and Third Ward Council Members want to build in Vets Park. I strongly urge you to table this resolution until the LWRP and Comp Plan are completed and until you diligently explore all other options for development preferably in your own wards. Thank you

Council President Koch ó any other comments?

Roger Puchalski , 478 Adam Street- Madam President, I am not here to question why First Ward Councilman is putting forth a resolution that has an impact on the Fourth Ward although Mr. Gilbert's actions would be akin to Erie County Legislator Betty Jean Grant putting a resolution to develop in Kevin Hardwick's district. I am not here to discuss that even though I think it sets a dangerous precedent. I'm not here to question

why Mr. Gilbert who doesn't work with any council committees related to this resolution, he's on the Youth Board, Schools and Public Works while Mr. Toth is on Parks, Finance and Land Sales, I still don't understand why Mr. Gilbert put this resolution forward. I'm not here to question that. I'm not here to question how many or the nature of the phone conversations, texts or emails Mr. Gilbert had with Mr. Stapleton of David Homes or what authority he had to do so. I'm not here to question that. I'm not here to question why this resolution is being presented when the Council knows it does not have the four votes to sell the property. I'm not here to question whether the Mayor would break his pledge that he reinforced in his 2014 State of the City Address where he said he would adhere to his pledge that there would be no tax breaks for Little League Drive development. I'm not here for that.

Council President Jenna Koch ó What are you here for?

Roger Puchalski - I will get to that in one more I am not here for. I'm not here to wonder why Mr. Gilbert has not proposed any development in his ward or his contention that this is strictly a matter of finances. I know and he knows that every councilman here sitting in front of me knows that if you had to make up the excess spending the difference from 2010 to the current budget, you would have to have 1 ¼ housing developments built in this city in that time period so there would have to be one in yours, one in yours, one in yours, one in yours and another one somewhere else just to keep pace with your spending and today you're going to add borrow 3.2 million dollars on top of that. So it's not an issue of Vets Park at 197 thousand dollars a year if it's fully built, if it's fully taxed coming to the city. It's not going to solve the problem, it's not mathematically possible. What I am here for Madam President is that I am sick and tired of coming to the Council and having the people being shut out. I foiled the previous city clerk and I went back and asked her from January of 2004 till today or when I sent that public request, was there any public hearings regarding Veterans Park and there has not been one. We then went, residents and my wife and people in the Fourth Ward, they went and they gathered hundreds of signatures on a petition to have their voice heard when Natale was coming to town. They wanted to have a public hearing. The City Council filed those petitions and shut down the voice of the people again. The Mayor last year promised that by the end of the year he was going to do robo calls to see what people's interest were in developing that. It never happened so myself and Joan and people got together and said we're not going to do this in our self interest, we're going to do the entire city and see what people want and we were going to have to pay for whatever those results were and people came back and said build in Veterans Park than we were going to share everything we have with the Council, with the Mayor and with the public but Mr. Gilbert goes and puts this presentation resolution in which would prevent this. In his resolution he says, whereas the Council recognizes a designation of a developer is the first step in the review process, I take issue with that because I have a document from the State of New York says that the first step to determine whether the proposed action is an alienation of parkland, second step, explore other options to avoid using parkland and third, to involve the public. I says nothing about designating a developer. I have two documents here about parkland alienation, none of them like your resolution states says anything about and Madam President, my wife has allowed me to borrow three minutes of her time. I'm almost done. So (inaudible) when the resolution (inaudible) also states that the City Council's found that David Homes Development best represents the interests of the City of Tonawanda. I'd like to know that was determined because it was never a debate within the Council about whether Brownstone was a better developer or whether David Homes was a better developer. Besides challenging the veracity of (inaudible) resolution I also challenge it's validity. When you did the resolution to designate the developer for Natale Homes, it specified there was a developer's fee. He paid \$500 a month to the City for that right to be designated developer. This resolution doesn't call for any developer fee. This resolution doesn't have a time limit on it. Natale was given a time limit, six months at one time and a year at another time. So you go ahead, you pass this and you give David Homes carte blanche, don't charge him anything to be the designated developer you're so worried about money and then you go ahead and you just let him ride this out as long as he wants till you get what you want. And I got one more thing; I got a gift for the Council.

Council President Koch ó I can hardly wait

Roger Puchalski ó It's the biggest roll of duck tape I could find because that's what anybody who votes for Mr. Gilbert's resolution wants to do. He wants to silence 50

people at the senior center ó (inaudible) he wants to silence everybody, who filled out the survey, 200 hundred people.

Council President Koch ó Thank you Mr. Puchalski. Any other comments, questions?

Sharon Stuart, 778 Fletcher- Would the Council consider, seeing that there is the Envision Group a type of task force committee as the school district has used so many times with Clint Small, with facilities where it is a group of all your stake holders. Obviously there's community members, not just Fourth Ward members who are concerned about what is going on not just with the city but with the development. You can bring in our school administration because they have a roll in all this; tax dollars go to them as well as well as Council Members, where everyone as a team can work together. It's not paid a bi partisan community member group where we can all work together and put this to rest. This has been going on, I've been in my house eleven years, this has been going on for eleven years. Every Council comes up with a new development, every Council comes up with a new swing on what they want to do. When it's election time, one party wants it; the other party doesn't want it. So the party that doesn't want it queues in on the Fourth Ward and we look to them to be the ones that are going to be able to help us out in this situation so I think if we can put together a community based group, like I said, school, bipartisan community members, City Council members, obviously not violating your quorum and work together and review things and really see what is going to materialize out of the tax dollars. I think that would be helpful, Thank you.

Joyce Hogenkamp 241 Rogers. I'm not a resident of Fletcher; I don't have a huge stake in this for homes that are going to be built in my backyard. My concern is by giving a carte blanc for to David Builders, if we're going to designate them and give them that kind of carte blanc; my concern is for the tax break. Nobody in this city building on private property should be given any kind of a tax break. That's not fair to the rest of us that pay full taxes for how long now. The residents have spoken how many times over and over. You guys are so concerned with building new you're missing the point of what happened in November. The biggest thing in the papers, on line, was about our zombie houses in the City of Tonawanda and all of our empty property and what's going on with it. We have property falling apart, thank heavens Mayor Davis went after four of them to try and do something with it. We need more. Mrs. Smilinich, how many homes on your street are vacant, it's a joke. Driving down that street, I can't even go more than ten houses without finding one. That's how bad this city is with zombie houses, empty housing. Instead of concentrating on building new houses, go after the landlords for not taking care of their houses and go after these zombie homeowners, the banks, I don't care who owns them, go after it. Give people who are gonna pay taxes and potentially pay full taxes. Do the right thing, take care of what we have and stop worrying about what we don't have.

Councilmember Koch ó any other comments or questions?

MOTIONS AND RESOLUTIONS

77. By the Council seconded by the Council
Resolved, that the Common Council minutes from March 15, 2016, be accepted as filed.

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

Resolution declared adopted

78. By Councilmember Koch seconded by Councilmember Toth
Resolved, that the reading of Resolutions 2 thru 27 be waived.

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

Resolution declared adopted

79. By Councilmember Smilinich seconded by Councilmember Gilbert
Resolved, that permission is granted to the Tonawanda's United Veterans Council to close the Renaissance Bridge on Sunday, May 29, 2016 from 11:30 AM until 12:30 PM for the Annual Memorial Day Observance.

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

Resolution declared adopted

80. By Councilmember Rautenstrauch seconded by Councilmember Gilbert
Resolved, that Nancy M. Snyder be appointed to the Board of Assessment Review to fill the unexpired term of Patricia Hall expiring September 30, 2018.

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

Resolution declared adopted

81. By Councilmember Gilbert seconded by Councilmember Smilinich
Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for SonRays Ministries Walk for Life, 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 Parks and Recreation Director Amanda Lofft, and the event chairperson, now, therefore be it
Resolved, that permission is granted to SonRays Ministries to conduct its Walk For Life, on August 13, 2016 from 8AM until 2PM, and be it further
Resolved, that any overtime that is incurred during this event will be paid for by the SonRays Ministries, 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 July 13, 2016.

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

Resolution declared adopted

82. By Councilmember Toth seconded by Councilmember Koch

WHEREAS, the title of this Resolution/Ordinance has been published at least once in a newspaper of general circulation, more specifically, The Buffalo News, on March 22, 2016, in accordance with Section 2.047 of the City Charter.

NOW, THEREFORE, BE IT RESOLVED, that Chapter 46 Peddlers and Solicitors; Article 2: **HAWKERS, PEDDLERS AND VENDORS; DIVISION 3. MOBILE FOOD VEHICLE VENDORS; Sec. 46-52. General Provisions; Sub-Section (i)** which now reads as follows:

(i) Mobile food vehicle vendors invited to participate in a city sponsored event shall not be required to obtain a license pursuant to this article.

Shall be amended to read as follows:

(i) Mobile food vehicle vendors invited to participate in a city sponsored event shall not be required to obtain a license pursuant to this article; and may vend in the designated area where the city sponsored event is held.

BE IT FURTHER RESOLVED, Article 2: **HAWKERS, PEDDLERS AND VENDORS; DIVISION 3. MOBILE FOOD VEHICLE VENDORS; Sec. 46-52. General Provisions; Sub-Section (j)** which now reads as follows:

(j) Mobile food vehicle vendors shall be allowed to operate within Niawanda Park and Veterans Park. However, no truck shall be allowed to enter Niawanda Park at the Kohler Street Entrance. Furthermore, no trucks shall be allowed in either Park during any special events.

Shall be amended to read as follows:

(j) Mobile food vehicle vendors shall be allowed to operate within Niawanda Park and Veterans Park. However, no truck shall be allowed to enter Niawanda Park at the Kohler Street Entrance. Furthermore, no trucks shall be allowed in either Park during any special events, except those mobile food vehicle vendors invited to participate in a city sponsored event.

BE IT FURTHER RESOLVED, that all other Sections of said Ordinance shall remain unchanged and in full force and effect; and

BE IT FURTHER RESOLVED, that the above amendments shall take effect upon publication of its title in an official newspaper of the City of Tonawanda.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

83. By Councilmember Gilbert seconded by Councilmember Smilinich
Resolved, that the Mayor be authorized and directed to sign the following agreement:

THIS AGREEMENT, made the 1st day of April, 2016, by and between the CITY OF TONAWANDA, a municipal corporation, situated within the County of Erie and State of New York hereinafter called the "CITY" and the DELAWARE HOSE COMPANY #2, a volunteer fire company organized and existing within the City of Tonawanda, hereinafter called "COMPANY".

WITNESSETH:

WHEREAS, the said Company furnished fire protection to said City and maintains facilities and personnel to answer calls and fire alarms for the protection and preservation from fire of life and property.

NOW, THEREFORE, in consideration of the covenants and agreements hereinafter set forth, the parties hereto agree as follows:

1. The Company agrees to maintain and furnish at all times, protection from fire of life and property in the City of Tonawanda and to maintain and furnish the services of the volunteer members of said companies in so protecting life and property.
2. The City agrees to make payments to said Company in the following manner:
The sum of \$6,000.00 payable on the first day of April, 2016.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

84. By Councilmember Rautenstrauch seconded by Councilmember Smilinich
Resolved, that the Mayor be authorized and directed to sign the following agreement:

THIS AGREEMENT, made the 1st day of April, 2016, by and between the CITY OF TONAWANDA, a municipal corporation, situated within the County of Erie and State of New York hereinafter called the "CITY" and the NATIONAL HOSE COMPANY #1, a volunteer fire company organized and existing within the City of Tonawanda, hereinafter called "COMPANY".

WITNESSETH:

WHEREAS, the said Company furnished fire protection to said City and maintains facilities and personnel to answer calls and fire alarms for the protection and preservation from fire of life and property.

NOW, THEREFORE, in consideration of the covenants and agreements hereinafter set forth, the parties hereto agree as follows:

1. The Company agrees to maintain and furnish at all times, protection from fire of life and property in the City of Tonawanda and to maintain and furnish the services of the volunteer members of said companies in so protecting life and property.
2. The City agrees to make payments to said Company in the following manner:
The sum of \$6,000.00 payable on the first day of April, 2016.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

Whereas, said review would include but not be limited to notification to businesses and the public requesting their input, gathering of historical information on previous plans for this project, estimated costs for required traffic studies, relocation and recalibration of traffic signals, additional required traffic installations, necessary agencies to review and any related requirements, now be it

Resolved, that the Mayor advise the Common Council as to a timetable for accomplishing the necessary informational gathering so Council can consider all aspects in closing down that section of Young St.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

89. By Councilmember Rautenstrauch Seconded by Councilmember Smilinich

WHEREAS, the title of this Resolution/Ordinance has been published at least once in a newspaper of general circulation, more specifically, The Buffalo News, on March 22, 2016, in accordance with Section 2.047 of the City Charter.

NOW, THEREFORE, BE IT RESOLVED, that Chapter 78 Waterways; Article AND 1. TONAWANDASøGATEWAY HARBOR CORRIDOR BOAT DOCK RULES REGULATIONS; Sec. 78-5. Docking time period. which now reads as follows:

It shall be unlawful and a violation of this article for the owner/operator of any boat, vessel or other conveyance to dock, moor or anchor overnight at any public dock located within the Gateway Harbor Park without a paid permit from the harbor master. There is a maximum of five days per stay. Boaters may not return until after seven consecutive days have past.

Shall be amended to read as follows:

It shall be unlawful and a violation of this article for the owner/operator of any boat, vessel or other conveyance to dock, moor or anchor overnight at any public dock located within the Gateway Harbor Park without a paid permit from the harbor master. There is a maximum of five days per stay. Boaters may not return until after seven consecutive days have past. In the event that the owner/operator of any boat, vessel or other conveyance wishes to extend their stay beyond the allotted five days, the harbor master or his/her designee is hereby authorized to issue additional permits, if and only if space is available.

BE IT FURTHER RESOLVED, that Chapter 78 Waterways; Article 1. TONAWANDASøGATEWAY HARBOR CORRIDOR BOAT DOCK RULES AND REGULATIONS; Sec. 78-6. Special events permit and special events. which now reads as follows:

The mayor is hereby authorized and directed to issue a special events permit to any owner/operator of any boat, vessel or other conveyance for docking use, at no fee, and for a period of time to be determined by the mayor.

The harbor master or his/her designee is hereby authorized and directed to not issue docking permits when an event is being held in the corridor where safety is a factor in the funning of the event.

Shall be amended to read as follows:

The mayor is hereby authorized and directed to issue a special events permit to any owner/operator of any boat, vessel or other conveyance for docking use, at no fee, and for a period of time to be determined by the mayor.

The harbor master or his/her designee is hereby authorized and directed to not issue docking permits when an event is being held in the corridor where safety is a factor in the funning of the event.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

94. By The Council

Seconded by The Council

A BOND RESOLUTION, DATED APRIL 5, 2016, 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.

* * * * *

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

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

Resolution declared adopted

95. By The Council

Seconded by The Council

A BOND RESOLUTION, DATED APRIL 5, 2016, 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 \$80,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$80,000 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 \$80,000.

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 \$80,000 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.

* * * * *

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

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

96. By The Council

Seconded by The Council

A BOND RESOLUTION, DATED APRIL 5, 2016, OF THE COMMON COUNCIL OF THE CITY OF TONAWANDA, ERIE COUNTY, NEW YORK (THE "CITY"), AUTHORIZING THE RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS TO THE FIRE DEPARTMENT BUILDING, 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 the Fire Department Building including, but not limited to, the replacement of the boiler and air conditioning system, 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 \$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 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 13 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 ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative

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 ("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 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.

* * * * *

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

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

98. By The Council Seconded by The Council

A BOND RESOLUTION, DATED APRIL 5, 2016, 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 \$248,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$248,000 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 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 \$248,000.

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 \$248,000 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 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 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.

* * * * *

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

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

99. By The Council

Seconded by The Council

A BOND RESOLUTION, DATED APRIL 5, 2016, 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 \$59,700 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$59,700 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 purpose (hereinafter referred to as "Purpose") to be financed pursuant to this resolution is the acquisition of maintenance 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 \$59,700.

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 \$59,700 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 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 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 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.

* * * * *

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

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

100. By The Council

Seconded by The Council

A BOND RESOLUTION, DATED APRIL 5, 2016, OF THE COMMON COUNCIL OF THE CITY OF TONAWANDA, ERIE COUNTY, NEW YORK (THE "CITY"), AUTHORIZING THE ACQUISITION OF SEWER EQUIPMENT FOR USE BY THE CITY, AT AN AGGREGATE ESTIMATED MAXIMUM COST OF \$170,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$170,000 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 purpose (hereinafter referred to as "Purpose") to be financed pursuant to this resolution is the acquisition of sewer equipment for use by the City,

including preliminary costs and costs incidental thereto and in connection with the financing thereof. The estimated maximum cost of said purpose is \$170,000.

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 \$170,000 of the City, hereby authorized to be issued therefor pursuant to the Local Finance Law, said amount to be offset by, 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 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 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:

- (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.

* * * * *

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

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

101. By The Council

Seconded by The Council

A BOND RESOLUTION, DATED APRIL 5, 2016, OF THE COMMON COUNCIL OF THE CITY OF TONAWANDA, ERIE COUNTY, NEW YORK (THE öCITYö), AUTHORIZING THE PLANNING AND CONSULTATION ASSOCIATED WITH REDEVELOPMENT PROJECTS, PRIMARILY ALONG MAIN STREET IN THE CITY, AT AN ESTIMATED MAXIMUM COST OF \$350,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$350,000 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 purpose (hereinafter referred to as öpurposeö) to be financed pursuant to this resolution is the planning and consultation associated with one or more redevelopment projects, primarily along Main Street in the City, and including all preliminary work and costs incidental thereto and in connection with the financing thereof. The estimated maximum cost of said purpose is \$350,000.

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 \$350,000 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 62 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 said bonds.

SECTION 5. It is hereby determined 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.

* * * * *

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

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution Adopted

102. By The Council

Seconded by The Council

AN AMENDING AND RESTATING BOND RESOLUTION, DATED APRIL 5, 2016, OF THE COMMON COUNCIL OF THE CITY OF TONAWANDA, ERIE COUNTY, NEW YORK (THE "CITY"), AMENDING THE BOND RESOLUTION THAT WAS ADOPTED ON MARCH 17, 2015, AND 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 \$1,000,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,000,000 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 March 17, 2015 the Common Council of the City of Tonawanda, Erie County, New York (the "City") adopted a certain bond resolution (the "Original Bond Resolution") entitled:

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; and

WHEREAS, the City has previously issued a bond anticipation note pursuant to the Original Bond Resolution and but has not yet entered into permanent financing arrangements thereunder (i.e., the issuance of long-term serial bonds); and

WHEREAS, the Common Counsel now wishes to modify the Original Bond Resolution for the primary purposes of (a) expanding the scope of the project, (b) increasing: the estimated maximum cost of the project from \$740,000 to \$1,000,000 and (c) increasing the amount of serial bonds authorized to be issued from \$740,000 to \$1,000,000, and to make other modifications to the Original Bond Resolution as may be consistent with law; and

WHEREAS, the Common Council now wishes to amend and restate (in its entirety) the Original Bond Resolution for the reasons identified above, and to make other modifications to the Original 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 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, the construction of one or more buildings to house rest rooms and locker rooms, a bicycle storage and repair area and various streetscape improvements associated with such capital project, including the construction of a walk path, all of the foregoing to include all preliminary work and necessary equipment, materials and site work and all preliminary costs and costs incidental thereto in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of said Purpose is \$1,000,000.

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 amount not to exceed \$1,000,000 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 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 such 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 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 March 17, 2015 or within 60 days prior thereto 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 a reaffirmation of the City's original declaration (dated March 17, 2015) 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 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 said 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; 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 any actions taken thereunder, and any such actions are hereby ratified..

SECTION 16. This resolution is effective immediately.

* * * * *

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

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

103. By The Council

Seconded by The Council

AN AMENDING AND RESTATING BOND RESOLUTION, DATED APRIL 5, 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 7, 2015, AND AUTHORIZING THE ACQUISITION OF A FIRE-FIGHTING VEHICLE AND APPARATUS, AT AN ESTIMATED MAXIMUM COST OF \$475,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$475,000 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 July 7, 2015 the Common Council of the City of Tonawanda, Erie County, New York (the "City") adopted a certain bond resolution (the "Original Bond Resolution") entitled:

A BOND RESOLUTION, DATED JULY 7, 2015, OF THE COMMON COUNCIL OF THE CITY OF TONAWANDA, ERIE COUNTY, NEW YORK (THE "CITY"), AUTHORIZING THE ACQUISITION OF A FIRE-FIGHTING VEHICLE AND APPARATUS, AT AN AGGREGATE ESTIMATED MAXIMUM COST OF \$410,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$410,000 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; and

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

WHEREAS, due to an increase in the cost of the fire-fighting vehicle and apparatus, the Common Counsel wishes to modify the Original Bond Resolution for the primary purposes of increasing: a) the estimated maximum cost of the project from

\$410,000 to \$475,000 and b) the amount of serial bonds authorized to be issued from \$410,000 to \$475,000, and to make other modifications to the Original Bond Resolution as may be consistent with law; and

WHEREAS, the Common Council now wishes to amend and restate (in its entirety) the Original Bond Resolution for the reasons identified above, and to make other modifications to the Original 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 a fire-fighting vehicle and apparatus for use by the City, including preliminary costs and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of said Purpose is \$475,000.

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 amount not to exceed \$475,000 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 27 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such purpose is 20 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 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 7, 2015 or within 60 days prior thereto 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 a reaffirmation of the City's original declaration (dated July 7, 2015) 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

COMMENTS BY THE PUBLIC AFTER RESOLUTIONS

Susan Gregg, 332 Adam Street- On a lighter note. I am here as the chairman City of Tonawanda Visual and Performing Arts Board and I want to remind everybody that now is the time to apply for the Garden Walk, which will be held July 15 and 16. Friday night it's what we call "Friday Night Lights" with the lit gardens. On Saturday it goes from 10 to 4. Applications are available online and at the Mayor's office. Thank-you very much.

Mark Zahm, 33 Grove Place- I recently received my City Taxes \$1,400 and whatever dollars. When I first bought my house twenty five plus years ago my total property taxes were \$1250. Now that's just the City tax. Obviously I am concerned also what is going to happen to this money (inadubile) I realize that there is nothing that you can do. One thing is would like to request on behalf of everybody in the world and residents of Grove Place, could we get the street paved this summer? I've been in there over 25 years and I have it on very good authority that 30 years prior to my moving there, it's never been done. So that's putting us at the 50 year mark for that street, it's a long time. Now the street sweeper comes through and I'm down to foundation in front of my house because it's pulling the pavement off the top. The only other thing I would request is when it gets done this summer, hire an engineer, no a real engineer, one who understands basic physics, water runs downhill not up. They managed to pave up toward all the receivers such that when it rains hard, my driveway floods and people across from me and people next to me and across from them and I guess that engineer was being creative, it doesn't work, I can be creative, they cannot. People coming to see zoo zoo they complain about the poor condition of the roads and start to compare us to the City of North Tonawanda, we certainly don't want that.

Roger Puchalski, 478 Adam Street- I would like to point out to the council that they agreed to combine the City's steering committee information going forward from the equalization plan to the City's comprehensive plan and again this kills the public input into the process. I'm going to read to you who's on this; this is one committee now for both these plans. The former Mayor, a relative of the former Mayor, the former City Clerk, the Conservative Party Chair, Assemblymen's Chief of Staff, Assemblymen's brother, Superintendent of Schools, the mayor, City Administrator, City Engineer, Building Inspector, New York State Senator. The council approved it. The council has nobody on this committee. Where is the public's (inadubile) on this committee?

Councilmember Smilinich- I'm on it.

Roger Puchalski- Well then there is a problem because I foiled this. So you are telling me that the City Clerk who sent an email to the City Administrator and gave me a list and CC'd to the Mayor. They don't know who is on the committee? This is the wrong information. It's not on the list that I was given. I went through the chain of command at City Hall. Where's the public's person? Where's somebody not connected to City Hall?

Jared O'Donnell, 220 Grove Street- I'd like to take a minute and thank the council for having the courage to make a decision and postpone which is clearly a very polarizing subject. I've been in the City ten years and I support it and I love it and it is my home. I believe in our future and I believe the future is forward. And for those of you who recognize that I would like to thank you for that.

Carol Rowling, 181 Utica Street- This is a little bit different but. I'm definitely not in favor of the overnight parking during the summer months. The biggest reason is especially on streets that have that only have parking on one side of the street that side of the street never gets street swept. Which all the garbage along there, where does that stuff end up? It ends up down in the sewers, the storm sewers. Which then have to be cleaned out and whatever has to be done is done. It's not really a good thing. I'm sure it benefits some people then again the rest of the people suffer because of people parking in front of their houses. And people that have driveways won't park in their own driveways their park in front of somebody else's house. I'm in favor of the Little League Drive homes to be built there because we do need money in the City. I have a group home right next to me which when that was brought in. At least this is out in the public where people know what is going on. When that group home went in next to me and behind me, we didn't find out about it until it was all over with. Then you can say what you want, but it was a done deal. I believe a certain person got a little kickback on that. That has to do with the group home. They also need to complete their agreement with the City when they came

in to put the parking lot in the back of their property which for years now has never done it. They are parking all the time anyhow on the grass. Something needs to be done. Maybe even man up and put their parking lot in like they agreed. Because if they want to build another group home I have nothing against group homes or the people in them. But this place needs to be accountable for what they wanted to do and never did. But we can suffer for all they do.

Deborah Puchlaski, 478 Adam Street- I would just like to make a comment. You said that this was all out in the open and public. But you haven't been here in the last two to three years when it hasn't been out in the open. They have gone behind people's backs and have secret meetings and not tell the public. They are trying to get things pushed through without anything and now it is happening again, the same things, two different people, three different people. Thank-you.

COMMENTS BY THE COUNCILMEMBERS AFTER RESOLUTIONS

Councilmember Gilbert- Nothing at this time Madam President.

Councilmember Smilinich- I'm very pleased that the process to close Young Street is finally be done and looked at correctly. I want to thank the Traffic and Safety Committee, the DPW, the Police, the Fire for all the input that they have given us to date and that we will look to you for in the very near future. I would like to also thank the Downtown Business Revitalization Committee for working with the merchants on that and Koenig's Alley which was announced today. These are the first major steps in the revitalization of the downtown area today. That is all that I have. Thank-you.

Councilmember Rautenstrauch- Nothing at this time.

Councilmember Toth-

Thank you Madam President, actually I'm going to give the City Clerk a run for her money tonight, actually she's got it recording turned on so (inaudible) speak to resolution 13- For 11 years, the city has been debating the development of Veteran's Park and Little League Drive. Many residents thought that this project was dead, but tonight it has been revived and supported by members who have publicly spoken out and/or campaigned against lifetime tax breaks for any interested developer of this site. And yet, a resolution was passed, choosing David Homes as the preferred builder giving him an opportunity to build 72 villas and be taxed at only a 65% tax rate.

There are so many disappointing aspects to the passage of this resolution, that I'm really not quite sure where to begin. So I guess I'll start with the obvious. Later, this month, the LWRP will be unveiled. Part and parcel to that plan, I believe, will be the opinions of the Buffalo Niagara Riverkeeper. The Niagara River Greenway Habitat Conservation Strategy is currently being led by the Niagara Riverkeeper group and their task is to identify best-bet habitat restoration and conservation opportunities that will have the greatest ecological benefit to the health of the Greenway. This group systematically looked at the living infrastructure of the Two Mile Creek corridor and the surrounding wetlands in Veteran's park and found that these areas are a what they quoted as "significant piece of remaining habitat that is a priority for preservation and enhancement." This organization has identified three wetlands in this area. Two that will be located in the immediate site designated for houses and a third, just outside the site in a wooded area on the western edge of the development. The Riverkeeper organization would prefer to see the entire area of lasting habitat, to remain, intact, and protected from future land use changes. And while the Riverkeeper Group recognizes that increasing the tax base is important to the City, they would like to work collaboratively with David Homes who whoever the preferred builder is to ensure that habitat along the Two Mile Creek corridor remains healthy and functioning. In the proposal and artist rendering of the David Homes, I see nothing that would avoid, reduce or manage the negative environmental impact on this property.

Also taking place this month, will be the second public meeting regarding the City's Comprehensive Plan. This process is supposed to be an 18 month process, to which we will look to make enhancements and improvements city-wide. This process obviously is a much needed because it has been quite some time since the comp plan has been updated and I respect the fact that we should always be looking at ways to improve the entire city. Next, I would like to point that, as a member of the Land Sales committee, I have not been contacted, consulted, advised or had any other type of communication pertaining to this resolution or the development of this property prior to tonight. Because I openly

campaigned against this development and made suggestions to develop in other parts of the city, I believe that this is a conscious effort to keep me out of the loop and ultimately to keep the residents silent. Two weeks ago, I attended the Envision Tonawanda meeting. This group started out in the Fourth Ward with several residents who were concerned about of the 4th ward who were concerned about the resurrection of this development. And they feel that they have been given the back of the council's hand each and every time this issue has come up over the past eleven years . So they wanted to be a part of the solution, not become the problem! The group reached out me and asked for my support and as their representative, I said yes. So we began to share our thoughts and ideas, and before they knew it, the problem in the 4th ward problem became a city wide strategy . I would suggest that, rather than ignoring this group or, worse yet, admonishing them for speaking up and becoming involved, they should be a counted on to help inspire progress. I recommend reaching out to each person in this group and listen to the ideas that they have. They actually had some really, really good ideas and whether they can be done or can't be done it's (inaudible) to at least engage us in a conversation and encourage other people in the community to be involved. However outlandish that the Council may think their ideas may be, it was Albert Einstein who once said, "If at first, the idea is not absurd, then there is no hope for it!" As I began doing research on this site, I came across the paperwork that Mayor Gallagher had submitted to "alienate" this portion of the park. The Assembly bill was sponsored by Robin Schimminger and was eventually passed by the State Assembly. It was during this initial phase that the counsel for the State's Office of Parks, Recreation and Historic Preservation wrote to the counsel of Governor George Pataki opposing this alienation process. They made it clear that they preferred a "no net loss" of parkland approach to the alienation process and that the city had no clear approach to doing this. And while they did acknowledge that there is no remaining land within the city for housing, other than parkland, they stated this:

Both active and passive recreational facilities are critical to a community such as Tonawanda, where such facilities are in short supply and development already occupies all available space. Under these circumstances, it is unclear how the city will be able to acquire any replacement parkland. For these reasons, the Office of Parks, Recreation and Historic Preservation has (sic) opposes this bill.
Even a state agency believes that this is a bad idea!

Over the weekend, I read through the Handbook of Alienation and Conversion of Municipal Parkland and I had to think out loud of all the proper steps that hadn't been taken by the city.

- Was this an alienation or conversion process? Were federal or state monies ever used for improvements or enhancements in the park? In the Parks' counsel opinion he stated that there was language in the assembly bill to protect federal dollars that were invested in the Two Mile Creek Greenway Trail that passes through the parcel. If that's true, was a conversion process then explored?
- Were other options considered? Was a State Environmental Quality Review (SEQR) process done? If so, when and what were those findings and was the public notified of any review as is required?
- Was the public involved at all?
- Did the city notify the Office of Parks, Recreation and Historic Preservation to assist and guide them in this process?
- Was a Parkland Alienation Municipal Information Form ever filled out and filed? If so, when and by who?

I'm really not sure if I can express how disappointed I am at the blatant disregard for our residents, in all of the wards, and at some of the misleading statements floating around in the community. But let me address few of them that have recently come to my attention:

- We keep hearing about the \$250,000 or so, in taxes, this development is going to generate. So we're clear, that's only if these homes are fully occupied. It's not like David Homes is going to put a shovel in the ground the first day and hand us a check. We don't know how long that could take, that could take five, ten, fifteen

years. At the Envision Tonawanda meeting, the residents were told that no development could take place at Ives Pond for several reasons:

- 1) Because it was a pond. Well, that area hasn't been a pond for nearly 15 years after the city decided to fill it in and use it for soccer fields.
- 2) That the DEC said we couldn't build homes there. I called the DEC and spoke to Director Mike Hinton. He revealed that they had nothing to do with Ives Pond and in his words, "I've been here for quite a long time and have no recollection of us being involved there or any reason why we would've been involved. There were no spills, contamination or hotspots that we were ever notified about."
- 3) That it would cost "millions" to relocate all the baseball and soccer fields and skating rink to Veterans Park. There is no in ground buildings that have to be moved or very little, everything is above ground work and most of that could be done in house just like when we filled in the pond.
- 4) People at this meeting were also told that improvements to the Young Street pumping station would cost \$10 million to handle the new homes. Well, as I've been told, that station already needs improvements, with or without new any homes and if my memory serves me, as part of the Natale Homes presentation, years ago, told the city that in order to handle any development the city was going to need a new pumping station built at the end of Fletcher Street! So who's going to cover the cost for that?

What I find most interesting, though, is that when we pulled up to Ives Pond back in the early part of the year, me and Council President Koch spent nearly three hours when myself and Council President Koch spent nearly 3 hours with David Stapleton driving through the City and looking at various properties. We pulled into Ives Pond, and I asked Mr. Stapleton, think you could develop houses here? He seemed a little surprised by the prospect, stating that he didn't know Ives Pond was on the table and I said, well it's not but could you build homes here? He said absolutely. So as a developer that told me that were able to build houses there. Now even though that is not on the table, it was something that we needed to think about. We could move those recreational activities to Veterans Park, making that a true recreational area, within the city then we would have nearly 21 acres to build homes that would generate a few more tax dollars. I'm not a mathematician but 21 acres is a little bit more than 14 and that's all I've been told since I've been involved with the Council, we need tax dollars, we need tax dollars. I think we'd be able to generate a few more there.

I don't want anyone here to think that I am anti-development. It's the furthest thing from the truth. Since January when I was sworn in I have spent many hours reaching out businesses and companies, trying to lure someone to the Spaulding site because I felt that 46 acres there was a bigger priority than 14 acres at Veterans Park. Well, I'm happy to say that I got one of those and next Monday, myself and the Mayor will meeting with a developer Arizona that could be a game changer for this city. I am hoping that stars align the right way we can talk this gentlemen into coming here but if we could do that it's not only going to add jobs to the area it's going to add millions of dollars to our economy as well. So when I was asked, back in December, if I had any other bright ideas to add money to the tax base here I guess I do. But I think it's a little irresponsible to be putting forth a resolution, prior to the LWRP and the first public, actually it will be the second meeting of the city's Comprehensive Plan. The residents have been side-stepped on this for all too long issue, even after they were told, on several occasions, that there would be phone surveys that there would be on-line and city hall opportunities for them to be heard. But all I was asking tonight when I asked that this be tabled, that the residents be able to voice their opinions share their ideas and I heard this on the campaign trail, if the overwhelming majority of city residents wants this development to go through, then we should have no reason to stand in the way of developing at Vets Park But I just think that anything less would be a disservice to the residents we serve! Thank-you Madame President.

Mayor Rick Davis- I just want to address a few things. It was brought up about a tax break. I'm still opposed to any sort of tax break for that property; ultimately it is not my

choice. The council tonight voted to authorize me to negotiate a contract and I have to keep the City's best interests at heart. I am not for a tax break and I have let David Homes know from the beginning that I am opposed to a tax break. That's what I am sticking too but I have been given a duty by a majority of the council to negotiate a contract. Don't wave your hand. Because I am telling you something that you don't like to hear, that you don't want to hear. That's different from your viewpoint. Don't wave your hand. I'm just letting you know okay? I am totally against the tax break and have been and continue to be. It was brought up about a phone survey, you're right. I absolutely did say I would do a phone survey and at the time after the election I polled the council. We didn't even have three votes to move forward with any developer let alone David Homes. I was going to put forth my own money to do this survey; I wasn't going to use City tax payer money and I wasn't going to throw five, six, seven hundred dollars away if council decided we are not moving forward with David, or moving forward with Brownstone, were not moving forward, were going in a different direction. That's fine. They voted on this resolution. They have told me that they want me to negotiate a contract. That's what I am going to do to the best of my ability. I'm going to bring them a contract. If they agree with it, they will pass it, if not, then we move on to something else. Now, Ms. Puchalski talked about public input into the LWRP. If I remember correctly you were at every single public meeting that we had walked through, toured, everything. So, to say that the public doesn't have a say in either the LWRP process or the up and coming Comp Plan process is ridiculous. We've had a Face book page for residents where they can input their ideas. The Comp Plan, I hope everybody that came to the Envision Tonawanda shows up for the Comp Plan. I hope everyone that came for Envision Tonawanda comes for the LWRP, because that's when we need to hear the ideas from the public. That's when we solicit ideas. Last year during the LWRP, in this very room, I sat over there with half the group of people that were here and solicited ideas. We came up with a list and now on the 12th the list we were able to compile from that meeting from them visiting Nia Wanda Park and talking to residents down there, at Canal Fest, at the walk throughs on Two Mile Creek, Nia Wanda, Ellicott Creek. All of that information was compiled into a document and projects that Clark Paterson Lee is going to show the public on April 12th so to say the public hasn't had any input into the LWRP process is ridiculous and to say that the public is not going to have any input into the comprehensive plan process is ridiculous. This is your plan. As I said, this isn't my plan. The LWRP is not my plan. The Comp Plan is not my plan. It is not Council President Koch's plan. It is nobody sitting up here's plan. This is your plan. This is your plan. This your plan, your ideas from a public meeting that hopefully you attended. Hopefully you will attend the Comp Plan meeting. Hopefully you will partake in the survey. Hopefully you will hop on the Facebook page whenever you make it and give ideas and suggestions. Hopefully you will attend the summer events we have for the Comp Plan just like we had for the LWRP. Again, this is your plan. I hope that everybody brings their ideas to these meetings. Clark, Patterson, Lee takes them, files them with the State and they get in the report. I don't say what goes into the report; nobody up here says what goes into the report. They base the report on public input. When I say "they" I mean Clark, Patterson, and Lee.

Lastly, it's been widely reported on today Intermodal Hub, I could not be any more pleased with the process for that, I believe between the Intermodal Hub, the Main Street program, the LWRP and the Comp Plan it's an exiting time not only for our central business district but for our City. These are major planning documents and major initiatives like the Main Street program that we are moving forward on that are going to benefit our City and the solvency of our City ten, fifteen, twenty years. As with the LWRP and with the Comp Plan we have amazing public access to our waterways and we are always looking for ways to improve that, we're always looking for feedback from the public on ways to improve.

Council President Koch ó I wanted to start by thanking the US Marshals, the North Tonawanda Police Department, City of Tonawanda Police Department, the New York/New Jersey, and the Eastern Pennsylvania fugitive task force for their diligent efforts in apprehending a murder suspect that took the life of one of our City of Tonawanda residents. My hope is that this will give peace to the family.

May I remind members of this council who sits in this chair? The secret meetings between other municipalities, between other businesses as far as having them come into our city now cease. You are to email the Council of any meetings that you have pending. Perhaps we may have some questions for you. And Mayor, what you told me during a

conversation was that you wanted four votes to do a phone survey. When the four votes weren't there, we abandoned the phone survey. So it wasn't three. Let me start by saying that my vote against resolution #13 regarding Little League Drive was for several reasons. My critics may spin it in a different direction. But, this vote was a vote of conscience and after much thought. This resolution that was presented tonight was nothing but a resolution of spite against residents who are focused on community engagement and positive feedback. This resolution that was voted on tonight was certainly premature in nature.

1. The Mayor has a scheduled LWRP public hearing for April 12th. In addition, there is a public hearing for our COMP plan scheduled some time this month. I have always encouraged resident feedback and when we are having a decision of this magnitude, why are we shutting the residents out, now? And for the record, as of April 1st- \$41,300 was spent to date for the LWRP. We also have budgeted \$100,000 for the COMP plan. That's taxpayer dollars. When I asked Councilmember Gilbert why wouldn't we vote on this after the public hearing of the COMP plan? His response was, "Little League Drive has nothing to do with the City's Comprehensive Plan." Excuse me but last time I checked, Little League Drive is within the City of Tonawanda limits.

2. There was a RFP issued by the Mayor's office stating- only single family homes and no condo status was a requirement in the RFP. Some may argue while the deadline for the RFP expired, that should not make these requirements null and void. Nearly three years ago, three people sitting at this very table campaigned against the condo status and in support of single family homes.

3. The initial proposal from the developer includes construction of 72 "villas" on only 11 acres of land. When I voiced my concern regarding the number of villas on the property. I was informed that "Mr. Stapleton has other ideas for the property." I then asked well, where are these ideas? Nothing was given to the Council to date. To support a resolution when Mr. Stapleton has other ideas is again simply premature. I met with Mr. Stapleton and Councilmember Toth. Where he stated, "it would be a shame to develop here" when referencing Little League Drive. I even informed one Councilmember during a conversation that if I had to choose I would prefer, Brownstown Homes as they fulfilled the City's request for proposal. Council never went around, took a table or a vote as to which developer they would prefer.

There was a promise of a survey for the City residents. I certainly hope that that survey takes place at some point. The residents of the City of Tonawanda deserve to have their voice heard and for far too long, Little League Drive has gone unresolved. We have one shot to do this right. No one sitting up here is against development, in fact, we welcome it. Quite frankly, I am tired of that being an excuse. But, again we have one chance to do this right and that includes having the residents voices heard and having the residents be a part of this process.

