

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, January 19, 1999
7:04 P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT REIDENOUE

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: President Reidenouer
Aldermen Schwandt, Wudyka, Barberio, Kiedrowski

Absent: None

Also Present: Mayor Ronald R. Dawson
City Attorney Henry F. Wojtaszek

APPROVAL OF THE MINUTES OF THE REORGANIZATIONAL SESSIONS JANUARY 2 & 4, 1999

MOVED by Alderman Barberio **SECONDED by Alderman Schwandt**
That the minutes of the reorganizational sessions held January 2 & 4, 1999 be accepted as
circulated and filed in the office of the City Clerk.
CARRIED.

APPROVAL OF THE MINUTES OF THE REGULAR SESSION JANUARY 5, 1999

MOVED by Alderman Barberio **SECONDED by Alderman Schwandt**
That the minutes of the last regular session held January 5, 1999 be approved as circulated
and filed in the Office of the City Clerk.
CARRIED.

PROOF OF PUBLICATION PUBLISHED DECEMBER 4 & 8, 1998

1) 1999 Small Cities Community Development CDBG

PROOF OF PUBLICATION PUBLISHED DECEMBER 2 & 9, 1998

1) Notice of Sale of Unpaid Taxes - Treasurer

MOVED by Alderman Reidenouer **SECONDED by Alderman Barberio**
That the aforementioned proofs of publication be received and filed.
CARRIED.

AUDIENCE PARTICIPATION - None

other personal business of an urgent personal nature."

Furthermore, under section 11.11, subsection D), the contract states that an employee must submit their request in writing, on the form in Appendix F of the contract, two days before the day the requested leave is to begin. Mr. Cox's request does not comply with either one of these points. Subsection E, further states that, "[N]ot more than four (4) days of leave for this purpose will be granted to an employee during any year of this Agreement."

The request for a leave of absences also fails to comply with the other categories; occupational injury or disease that is compensable under the Workmen's Compensation Law; death in the employee's immediate family; jury duty; military leaves; or leave for union business.

The only leave without pay listed in the CSEA contract and New State Civil Service law pertains to maternity leave. As listed in section 11.14 of the CSEA contract and Title 4, section 22.1, subsection A) of the Codes, Rules, and Regulations of the Department of Civil Service,

"A permanent employee, or an employee holding a position by permanent or temporary appointment who requests leave because of pregnancy or childbirth, may, in the discretion of the appointing authority, be granted a leave of absence, without pay for a period not to exceeding two years."

As a past practice, members of the CSEA union have requested unpaid leaves of absence when promoted to another competitive class position. Often times competitive class positions have a probationary period. This usually requires a "Leave for probationers." Under Title 4, section 4.5, subsection D) of the Codes, Rules and Regulations of the Department of Civil Service it states,

"When a permanent employee is promoted or transferred to a position in which he is required to serve a probationary term, the position thus vacated by him shall not be filled, except on a temporary basis, during such probationary term. At any time during such probationary term the employee shall have the right, upon reasonable notice, to return to his previous position at his own election. If the conduct or performance of the probationer is not satisfactory, he shall be restored to his former permanent position at the end of this probationary term."

Therefore a "Leave for probationers" creates a temporary vacancy. Yet, as outlined in section 5.11 of the CSEA contract, even when interdepartmental promotions or transfers, in the competitive class, do occur the probationary period is usually only for twelve weeks.

However, the position of City Clerk is not a competitive class position as described in Article 3, Title B, section 44 of New York Civil Service Law. North Tonawanda's City Clerk falls under the heading of unclassified service, as listed in Article 3, Title A, section 35 of New York Civil Service Law. Thus, a probationary period does not exist for the City Clerk's position, a position that is a two year appointment of the legislative body.

Lastly, for approximately one year the Council President has reiterated the importance of cutting cost in the city's water department. Yet, when an obvious opportunity to decrease that department by one position presents its self the Council President acts in a fashion contrary to his statements. Choosing to co-sponsor a resolution that will maintain the current staffing level in the water department. Is this change of heart because the Council President no longer views the water department as a problem? Or, is this because of Mr. Cox is the Council President's political boss.

In summation, the inconsistencies I observe are the basis for my veto. The Council

**III.
Treasurer**

December 28, 1998

**Honorable Mayor and Common Council
216 Payne Avenue, City Hall
North Tonawanda, NY 14120**

Dear Honorable Mayor and Common Council:

As of this date, I have counted the petty cash and receipts for all authorized Departments and found them to be correct. The City Clerk counted the petty cash and receipts from the Treasurer's office and found them also to be correct.

Please authorize each Department to submit petty cash slips and vouchers to the Accountant for payment.

Also, please authorize each Department to continue using the following petty cash accounts:

Building Inspector	\$ 100.00
City Clerk	\$ 100.00
Engineering	\$ 100.00
Fire Department	\$ 150.00
Golf Course	\$ 500.00
Police Department	\$ 1,000.00
Public Works	\$ 200.00
Recreation	\$ 600.00
Treasurer	\$ 1,000.00
Water Department	\$ 100.00
WWTP	\$ 250.00

Thank you for your cooperation.

**Very truly yours,
Leslie J. Stolzenfels
City Treasurer**

**MOVED by Alderman Kiedrowski SECONDED by Alderman Barberio
That the Common Council hereby authorizes the following petty cash accounts for 1999:**

Building Inspector	\$100.00
City Clerk	\$100.00
Engineering	\$100.00
Fire Department	\$150.00
Golf Course	\$500.00
Police Department	\$1,000.00
Public Works	\$200.00
Recreation	\$600.00
Treasurer	\$1,000.00
Water Department	\$100.00
WWTP	\$250.00

CARRIED.

**XVII.
Traffic Safety Committee**

21 Dec 98

**Honorable Mayor
and
Common Council**

Dear Honorable Body:

The Traffic Safety Committee recommends the removal of the traffic lights at the following two intersections:

- 1. Webster and Sweeney Sts. - (now on "flash") - will not be necessary once the Gateway Project is completed. Remove the traffic light and replace it with one stop sign on the NE corner of the intersection. The only traffic that will be entering Webster St. will be from a small parking lot at the site of the project. A stop sign will suffice in protecting this intersection.**
- 2. Main and Island Sts. - Remove the traffic lights on the north side of the intersection and replace them with a regular signal at said intersection. Previously, the traffic lights were there to prevent vehicles from stopping on the railroad tracks, but now the railroad is no longer in business and there is no need to stop traffic so far away from the intersection. (Possibly the signal from Webster and Sweeney Sts. could be used at this intersection thereby saving the cost of an additional signal).**

**Respectfully submitted,
Gerald Doucette, Chairman
Traffic Safety Committee**

**MOVED by Alderman Schwandt SECONDED by Alderman Wudyka
That the Common Council hereby holds the aforementioned communication for further
consideration.
CARRIED.**

**XXV.
Monthly Reports**

- | | |
|------------------------------|-----------------------------------|
| .1 Building Inspector | .6 Treasurer |
| .2 City Clerk | .7 Treasurer (Investments) |
| .3 Fire Dept. | .8 Vital Statistics |
| .4 Police Dept. | .9 Youth & Recreation |
| .5 Senior Citizen | |

**MOVED by Alderman Schwandt SECONDED by Alderman Kiedrowski
That the aforementioned reports be received and filed.
CARRIED.**

XXVI. Vacation & Sick Leave Reports

- | | |
|------------------------------|----------------------------------|
| .1 Assessment | .3 Code Enforcement Dept. |
| .2 Building Inspector | |

**MOVED by Alderman Barberio SECONDED by Alderman Wudyka
That the aforementioned reports be received and filed.
CARRIED.**

XXVII. Annual Report

.1 City Clerk

**MOVED by Alderman Barberio SECONDED by Alderman Reidenouer
That the aforementioned reports be received and filed.
CARRIED.**

**XXXII.
Community Dev.**

January 13, 1999

**The Honorable Mayor and Common Council
City Hall - 216 Payne Avenue
North Tonawanda, NY 14120**

**Re: Small Cities Community Development Block Grant Program
 Authorization to Submit Application**

Dear Honorable Body:

In order for the City to submit the 1999 Small Cities Community Development Block Grant Program application and Abbreviated Consolidated Plan to the Buffalo Area HUD Office, it is necessary for the Common Council to pass the attached resolution.

Thank you for your cooperation.

**Sincerely,
Michele A. Tow**

**MOVED by Alderman Schwandt SECONDED by Alderman Barberio
RESOLVED, that the Common Council hereby authorizes Mayor Ronald R. Dawson to sign and submit the 1999 Small Cities Community Development Block Grant application and all understandings, assurances and certifications therein, and to provide such additional information as may be required;**

**FURTHER, that the Common Council authorizes Mayor Ronald R. Dawson to sign and transmit the Abbreviated Consolidated Plan concurrently with the application.
CARRIED.**

COMMUNICATIONS FROM OTHERS

**A.
Michael D. Cox**

**1428 Master Street
North Tonawanda, NY 14120
January 14, 1999**

**Common Council
City Hall
North Tonawanda, NY 14120**

Honorable Body:

I respectfully request to be appointed as a Commissioner of Deeds for the City of North Tonawanda effective January 20, 1999 to January 19, 2001.

Thank you for your consideration.

Very truly yours,
Michael D. Cox

Catherine P. Gambino:

1381 Vanderbilt Avenue
North Tonawanda, NY 14120
January 14, 1999

Common Council
City Hall
North Tonawanda, NY 14120

Honorable Body:

I respectfully request to be reappointed as a Commissioner of Deeds for the City of North Tonawanda effective February 1, 1999 to January 31, 2001.

Thank you for your consideration.

Very truly yours,
Catherine P. Gambino

MOVED by Alderman Barberio SECONDED by Alderman Schwandt
That the Common Council hereby appoints the following as Commissioners of Deeds for the City of North Tonawanda:

1. Michael D. Cox of 1428 Master St., effective January 20, 1999 and expires January 19, 2001.
2. Catherine P. Gambino of 1381 Vanderbilt Ave., effective February 1, 1999 and expires January 31, 2001.

CARRIED.

B.
Charter Revision Commission

December 7, 1998

The Mayor and Common Council
of the City of North Tonawanda
216 Payne Avenue
North Tonawanda, NY 14120

Honorable Mayor and Honorable Members of the Common Council:

The Charter Revision Commission has passed a resolution seeking financial support from the City for the necessary functions of the Commission. I am writing this memorandum to formally request the sum of \$10,000 to be used by the Commission for expenses involved in engaging a professional organization to analyze and review the old charter and then to assist in drafting the actual language of the new charter consistent with the ideas agreed upon by the Charter Revision Commission. The Commission would ask that this request for financial support be added to the Common Council agenda and be acted upon with all deliberate speed.

The Commission wishes to thank you for your consideration of this matter.

Very truly yours,
Vincent R. Ginestre

MOVED by Alderman Kiedrowski SECONDED by Alderman Barberio
That the Common Council hereby approves the sum of \$10,000 to be used by the Charter Revision Commission for expenses involved in engaging a professional organization to analyze and review the old charter and to assist in drafting the actual language of the new charter consistent with the ideas agreed upon by the Charter Revision Commission.
CARRIED.

C.
Live Hose Co. - Re: Exemption Petitions:

50 Years
Louis J. Pane
Frank W. Lewczak
James A. Pilozzi
Norman W. Thom
Frank P. Malone
Dominic J. DeMart

25 Years
Thomas H. Schumacher
Robert E. Stone

5 Years
Kenneth J. Felvus

MOVED by Alderman Barberio SECONDED by Alderman Wudyka
That the proper exemption certificates be issued to Louis J. Pane, Frank W. Lewczak, James A. Pilozzi, Norman W. Thom, Frank P. Malone, Dominic J. DeMart, Thomas H. Schumacher, Robert E. Stone and Kenneth J. Felvus.
CARRIED.

D.
Rescue Fire Co. - Re: Exemption Petitions:

50 Years
Edward Andrees
Edward J. Schewicheler Jr.

35 Years
Richard Beiter
Lawrence W. Grawe Sr.
Kenneth E. McConnaughey
Melvin L. Muir

25 Years
Charles F. Husvar Jr.
Richard Kokanovich

Wayne Reese
John Stringfellow

5 Years
Phillip Mercio

MOVED by Alderman Wudyka SECONDED by Alderman Kiedrowski
That the proper exemption certificates be issued to Edward Andrees, Edward J. Schewicheler Jr., Richard Beiter, Lawrence W. Grawe Sr., Kenneth E. McConnaughey, Melvin L. Muir, Charles F. Husvar Jr., Richard Kokanovich, Wayne Reese, John Stringfellow and Phillip Mercio.
CARRIED.

E.
Sweeney Hose Co. - Re: Exemption Petitions:

50 Years
Charles Vogt

35 Years
Kenneth Davignon
Walter Donaldson
Ralph Kennedy

25 Years
William Miles
Robert Semple
Dennis Studenny

Statement of Volunteer Fireman:
Nicholas Kupiec

James McGinnis
John Slattery

David Mileham

MOVED by Alderman Reidenouer SECONDED by Alderman Schwandt
That the proper exemption certificates be issued to Charles Vogt, Kenneth Davignon, Walter Donaldson, Ralph Kennedy, James McGinnis, John Slattery, William Miles, Robert Semple and Dennis Studenny.
CARRIED.

MOVED by Alderman Reidenouer SECONDED by Alderman Schwandt
That the names of Nicholas Kupiec and David Mileham be added to the City Fire Rolls.
CARRIED.

AUDIENCE PARTICIPATION

Kathy Cochran, Concerned Taxpayers Association, wants the Council to consider Mark McNamara for the NTPD, spoke against the County Refuse tax and spoke about the narrow streets in regard to lack of a parking ban for plowing, commented that the DPW equipment is old and needs replacing and stated that NT should have a representative on the NCIDA Board.

Elaine Sommers, 670 E. Robinson St., spoke about the poor snow removal in recent days, stated that the main streets should be kept open by pre-planning and noted the lack of sidewalk plowing.

Jim Pyrac, 436 Wurlitzer Dr., read the Buffalo News article of 9/11/98 about high taxes in NT, is in favor of privatizing the Water/Wastewater Treatment Plant and is in favor of consolidating the city fire halls.

Melissa Mantione, 261 Tremont St., appreciated the convicts efforts on snow removal, inquired about the lack of plows on the streets and the lack of plowing on Tremont St.

ADJOURNMENT

MOVED by Alderman Reidenouer SECONDED by Alderman Schwandt
That this regular session of the Common Council be and hereby is adjourned.
CARRIED.

Time of Adjournment: 7:47 p.m.

Respectfully submitted,

Michael D. Cox
City Clerk