

**THE HONORABLE BODY**  
**Council Chambers**  
**Municipal Building**  
**North Tonawanda, New York 14120**  
**Tuesday, September 21, 1999**  
**7:00 P.M.**

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**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 REGULAR SESSION SEPTEMBER 7, 1999**

**MOVED** by Alderman Wudyka                   **SECONDED** by Alderman Kiedrowski  
That the minutes of the regular session held September 7, 1999 be approved as  
circulated and filed in the Office of the City Clerk.  
**CARRIED.**

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**AUDIENCE PARTICIPATION**

**Ray Stanley, 296 Sweeney St.,** asked about the position at the Wastewater  
Treatment Plant and the item from Engineering Dept. regarding the Library Roof  
Project.

**John Tylec, 815 Niagara Pkwy.,** spoke about his opposition to the LaSalle  
Expressway Development.

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**COMMUNICATIONS FROM CITY OFFICIALS**

**II.1**

**Attorney**

**September 20, 1999**

**Honorable Mayor and Common Council**  
**216 Payne Avenue**  
**North Tonawanda, New York 14120**

**Re: Electrician's Position at Wastewater Treatment Plant**

**Dear Honorable Body:**

**Gary Franklin, Superintendent of Public Works, discussed the reorganization of the Sign and Signal Division within his department at a recent workshop. The Council was in favor of his reorganization as a cost savings. Gary has obtained permission from the Civil Service Commission and has negotiated the new positions with the CSEA union.**

**As part of this reorganization, the city planned on having one of the department's signal maintenance workers transfer to the Wastewater Plant as an electrician. Both of Gary's signal maintenance workers qualify for the electrician's position, but the employees are concerned that they may lose their competitive status by transferring to the Wastewater Plant.**

At a recent workshop, we discussed the possibility of petitioning the Civil Service Commission to change the electrician's from non-competitive to competitive. The Council agreed that this was a good move at that time and that it would provide for a smooth reorganization of the department.

If you concur, please authorize this office to petition the Civil Service Commission to change the classification of the electrician in the Wastewater Treatment Plant from non-competitive to competitive.

Very truly yours,  
Robert Sondel

**MOVED by Alderman Wudyka                      SECONDED by Alderman Barberio**  
That the Common Council hereby authorizes the City Attorney's office to petition the Civil Service Commission to change the classification of the electrician in the Wastewater Treatment Plant from non-competitive to competitive.  
**CARRIED.**

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**II.2**  
Attorney

September 20, 1999

Honorable Mayor and Common Council  
216 Payne Avenue  
North Tonawanda, New York 14120

**Re: Local Law Abolishing Two-tier Tax System**

Dear Honorable Body:

The Common Council recently indicated that it wished to abolish the two-tier tax system. If that is your desire, the following local law must be adopted repealing the creation of the homestead base proportion and the local adjustment of said base proportion:

“The Common Council hereby repeals §73-3 and §73-7 of the Code of the City of North Tonawanda effective May 1, 2000.”

Adopting this local law will have the effect of abolishing the homestead tax rate and the ability to adjust the homestead base proportions. The later is not needed if there is only one tax rate.

Before you adopt this local law, please pass a motion to lay it on the table for seven days.

Very truly yours,  
Robert Sondel

**MOVED by Alderman Barberio                      SECONDED by Alderman Wudyka**  
That the Common Council hereby lays on the table for seven days Local Law #1 for 1999 Abolishing the Two-tier Tax System.  
**CARRIED.**

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**III.**  
Treasurer

September 16, 1999

Honorable Mayor and Common Council  
216 Payne Avenue  
North Tonawanda, New York 14120

**Re: Completion of Probationary Period**

**Honorable Mayor and Common Council:**

Please be advised that Denise M. Proefrock, Account Clerk-Typist in the Treasurer's office, has completed her eight week probationary period satisfactorily. It would be my recommendation at this time that she be given permanent employee status.

Thank you for your cooperation.

Very truly yours,  
Leslie J. Stolzenfels  
City Treasurer

**MOVED by Alderman Barberio                      SECONDED by Alderman Wudyka**  
That the Common Council hereby grants Denise M. Proefrock of 192 Spaulding St., permanent status as an Account Clerk-Typist in the Treasurer's office effective September 21, 1999.  
**CARRIED.**

**IV.**  
**Engineer**

**September 16, 1999**

**Honorable Ronald R. Dawson, Mayor**  
**And Common Council Members**  
**City Hall**  
**North Tonawanda, New York 14120**

**Re:   Library Roof Replacement, Project 98-1**  
**Change Order No. 1**

**Honorable Body:**

As you are aware, the City Hall and Library Roof Replacement Project began on September 7, 1999 and is on schedule for completion within 30 days. The Common Council, in adopting the 1999 Budget, approved funding for the project in the amount of \$282,000. Five (5) bids were subsequently received and opened on June 18, 1999. The average bid price was approximately \$276,000, with Jameson Roofing Co. being the approved low bidder at \$251,689, leaving a project surplus amount of \$30,311.

Included in the design of the library portion of the project was an additional alternate to install a "Dryvit System" which would effectively cover the badly deteriorated precast concrete panels, that provide a decorative facing around the upper perimeter of the library walls.

Based upon the favorable bid amount, the Library Board and Director have asked me to approach the Common Council with the request to allocate the surplus funds towards installation of the new "Dryvit System" in lieu of the concrete restoration work and caulk joint replacement under the contract.

I therefore recommend that the Common Council approve Change Order No. 1, Facia Reconstruction, in the amount of \$29,737, increasing the project amount from \$251,689 to \$281,426, authorizing the Mayor to sign said change order, subject to review and approval by the City Attorney.

Very truly yours,  
Dale W. Marshall, P.E.  
City Engineer



Control Number	Dollar Amount	From Appropriation Account	To Appropriation Account
10	\$1,200.00	2-1990.400 Contingent	2-8340.229 Hydrants/Water Supplies

Very truly yours,  
David R. Jakubaszek  
City Accountant

**MOVED by Alderman Reidenouer                      SECONDED by Alderman Schwandt**  
That the Common Council hereby authorizes the City Accountant to transfer \$1,200.00 from Account 2-1990.400 Contingent into Account 2-8340.229 Hydrants/Water Supplies  
Ayes: Schwandt, Wudyka, Barberio, Kiedrowski, Reidenouer (5)  
Nays: None (0)  
**CARRIED.**

**VII.3**  
**Accountant**

September 10, 1999

Honorable Ronald A. Dawson, Mayor  
and Common Council  
City Hall  
North Tonawanda, New York 14120

Dear Honorable Body:

During a recent Common Council workshop session, I was advised by the City Attorney that a Retirement Incentive Plan was discussed. I have developed an incentive plan, similar to last years, which would be used as a management tool to adjust the size of the City's work force through attrition. It should be noted that the size of the City's work force has decreased by 36 full time employees, between the years 1992 and 1999.

The proposed Retirement Incentive Plan is as follows:

All full time employees of the City of North Tonawanda, to include CSFA, AFSCME, Police and Fire, will be provided the opportunity to participate, if they are eligible to retire from the New York State Retirement System and if they retire on or before October 31, 1999.

1. A Partial payment of \$2,000 per year, for a period of five (5) consecutive years, the first payment commencing in January 2000 through January 2004. Total payment over the five years will be \$10,000. Or, the retiree will receive a lump sum payment of \$7,500 in January 2000. The City will submit a 1099 form to the IRS each year.
2. A term life insurance policy, in the amount of \$10,000, until the retiree reaches their 70<sup>th</sup> birthday

Very truly yours,  
David R. Jakubaszek  
City Accountant

**MOVED by Alderman Reidenouer                      SECONDED by Alderman Schwandt**  
That the Common Council hereby holds the aforementioned communication for employee census to be conducted by the City Accountant.  
**CARRIED.**

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**XXV.**

**Monthly Reports**

- |           |                     |           |                               |
|-----------|---------------------|-----------|-------------------------------|
| <b>.1</b> | <b>City Clerk</b>   | <b>.4</b> | <b>Vital Statistics</b>       |
| <b>.2</b> | <b>Fire Dept.</b>   | <b>.5</b> | <b>Youth &amp; Recreation</b> |
| <b>.3</b> | <b>Police Dept.</b> |           |                               |

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

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**XXVI.**

**Semi-Annual Vacation & Sick Leave Report**

- |           |                           |           |                                  |
|-----------|---------------------------|-----------|----------------------------------|
| <b>.1</b> | <b>Accounting</b>         | <b>.3</b> | <b>Plumbing/Code Enforcement</b> |
| <b>.2</b> | <b>Building Inspector</b> | <b>.4</b> | <b>Public Works</b>              |

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

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**XXXII.1**

**Community Development**

**September 16, 1999**

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

**Re:    Small Cities Homeownership Program  
      Authorization to Sign Funding Approval/Agreement**

**Dear Honorable Body:**

**The City has received the Funding Approval/Agreement for the \$400,000 first-time homeownership assistance grant recently announced by HUD Secretary Andrew Cuomo. More than 80 households currently residing in North Tonawanda have expressed interest in the program.**

**To accept the grant award, please authorize Mayor Ronald R. Dawson to sign the Funding Approval/Agreement for the 1999 Small Cities Community Development Block Grant Program (Project Number: B-99-DH-36-0274).**

**Thank you for your cooperation.**

**Sincerely,  
Michele A. Tow  
Community Development Director**

**MOVED by Alderman Schwandt                      SECONDED by Alderman Barberio**  
**That the Common Council hereby authorizes Mayor Ronald R. Dawson to sign the Funding Approval/Agreement for the 1999 Small Cities Community Development Block Grant Program (Project Number: B-99-DH-36-0274).**  
**CARRIED.**

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**XXXII.2  
Community Development**

**September 16, 1999**

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

**Re: COPS Universal Program**

**Dear Honorable Body:**

The City was awarded \$150,000 under its first COPS Universal Program grant to assist in hiring two officers and \$225,000 under the second grant award. The City accepted the \$150,000 grant last September, and this January three officers were hired.

To initiate the second COPS Universal Program, it is necessary for the Common Council to authorize Mayor Dawson and Chief Graves to send a letter to the U.S. Department of Justice confirming acceptance of the award.

Thank you for your cooperation.

Sincerely,  
Michele A. Tow  
Community Development Director

**MOVED by Alderman Barberio                      SECONDED by Alderman Kiedrowski**  
That the Common Council hereby to authorizes Mayor Dawson and Chief Graves to send a letter to the U.S. Department of Justice confirming acceptance of the award of the second COPS Universal Program Grant.  
**CARRIED.**

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**C O M M U N I C A T I O N S   F R O M   O T H E R S**

**A.**  
**Michael R. Eisenhauer**  
**Sally Ann Glynn**

**September 10, 1999**

**Honorable Common Council:**

**I, Michael R. Eisenhauer, hereby request to be appointed Commissioner of Deeds.**

**Thank you,**  
**Michael R. Eisenhauer**

**Honorable Common Council:**

**I, Sally Ann Glynn, hereby request to be appointed Commissioner of Deeds.**

**Thank you,**  
**Sally Ann Glynn**

**MOVED by Alderman Barberio                      SECONDED by Alderman Kiedrowski**  
That the Common Council hereby appoints Michael R. Eisenhauer of 1739 Eddy Dr., and Sally Ann Glynn 872 Sun Valley Dr., as Commissioners of Deeds for the City of North Tonawanda effective September 22, 1999 and expiring September 21, 2001.  
**CARRIED.**

**B.**  
**Sweeney Hose Co. - Re: Exemption Petitions:**

5 years:  
**J. Eric Lagesten**  
**Edwin Ortiz**

25 years:  
**Gerald Doucette**  
**Gerald Frys**  
**James Loughrey**  
**Robert G. Narby**  
**Larry Root**  
**Michael Vogt**

35 years:  
**Henry Phillips**  
**Richard Winters**

**MOVED by Alderman Barberio**                      **SECONDED by Alderman Schwandt**  
**That the proper exemptions certificates be issued to J. Eric Lagesten, Edwin Ortiz,**  
**Gerald Doucette, Gerald Frys, James Loughrey, Robert G. Narby, Larry Root,**  
**Michael Vogt, Henry Phillips and Richard Winters.**  
**CARRIED.**

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**MOVED by Alderman Reidenouer**                      **SECONDED by Alderman Schwandt**  
**That the Common Council hereby directs the Department of Public Works to install a**  
**“Do Not Block Driveway” sign in front of 379 Niagara Street.**  
**CARRIED.**

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**MOVED by Alderman Reidenouer**                      **SECONDED by Alderman Schwandt**  
**That the Common Council hereby directs the Department of Public Works to install a**  
**“No Dumping” sign at the end of Farnsworth at Castlebar Drive.**  
**CARRIED.**

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**LATE COMMUNICATIONS**

**#1a**  
**Roger Dean**

**August 16, 1999**

**To the Members of the Common Council:**

**I would like to transfer ownership and lease property of Weatherbest Boat Slip #4**  
**Bond St. (S.B.L. #185.09-1-11SE) removing my name Roger Dean and placing Brian**  
**Zellner as new owner.**

**Mr. Zellner can be reached at 694-9592.**

**I can be reached at 695-9161.**

**Thank you very much.**

**Roger Dean**

**1b**  
**Robert Brohman**

**September 9, 1999**

**To Whom It May Concern:**

**I, Robert Brohman, would like to transfer the ownership of 13 Weatherbest Slip to:**

**Robert T. Tremko**  
**582 Fairmont Avenue**  
**City of N. Tonawanda, NY 14120**  
**694-1195**

He understands that he is to pay a yearly lease of \$800.00 and all city taxes and water bills.

**Robert Brohman**

**MOVED by Alderman Wudyka                      SECONDED by Alderman Barberio**  
**That the Common Council hereby transfers Weatherbest Slip #4 from Roger Dean to**  
**Brian Zellner of 3090 Niagara Falls Blvd., and Weatherbest Slip #13 from Robert**  
**Brohman to Robert T. Tremko of 582 Fairmont Ave.**  
**CARRIED.**

#2  
 Attorney

September 21, 1999

North Tonawanda Common Council  
 216 Payne Avenue  
 North Tonawanda, NY 14120

**Re:    Truck Traffic/Truck Routes**

Dear Honorable Body:

As you are aware there have been problems involving excess truck traffic on Robinson Street and Wheatfield Street. The law allows trucks to make local deliveries using streets not designated as truck routes. However, §96-21 of the City Code dictates that they must use the designated truck routes to the place or point nearest their destination before deviating from the truck route.

In an attempt to persuade the trucks to use the truck routes more effectively and in accordance with the law, I am requesting that the Common Council increase the penalty for trucks not using the designated truck routes to the place or point nearest their destination. As it stands §96-22 penalizes such a violation with a maximum fine of \$50. In my opinion this is not sufficient to deter trucks from violating the City Code.

However, please be advised that this amendment will only be effective with proper enforcement from our police department.

To that end please pass the following resolution:

**BE IT RESOLVED, that the Common Council of the City of North Tonawanda amends the North Tonawanda City Code, Chapter 96, Vehicle and Traffic, Section 96-22 as follows:**

**Section 96-22. Penalties for offenses.**

**Violators of the provisions of this ordinance shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00).**

**Be advised that this addition shall become effective upon publication in the official newspaper. In the meantime, please let me know if you have any questions.**

Thank you.

Yours truly,  
 Edward A. Zebulske III  
 Assistant City Attorney

**MOVED by Alderman Reidenouer                      SECONDED by Alderman Wudyka**  
**BE IT RESOLVED, that the Common Council of the City of North Tonawanda**  
**amends the North Tonawanda City Code, Chapter 96, Vehicle and Traffic, Section 96-**  
**22 as follows:**

**Section 96-22. Penalties for offenses.**

**Violators of the provisions of this ordinance shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00).  
CARRIED.**

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**MOVED by Alderman Reidenouer                      SECONDED by Alderman Barberio  
That the Common Council hereby authorizes the sale of the remainder of the property at 33 Plastic Dr. to James Bevilacqua for \$2,500, subject to the approval of the City Attorney.  
CARRIED.**

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**MOVED by Alderman Wudyka                      SECONDED by Alderman Barberio  
That the Common Council hereby authorizes George Boersma to remove the water tower (for scrap) at the former Roblin Steel site in exchange for his removing all the tires at that site, subject to the approval of the NYSDEC.  
CARRIED.**

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**MOVED by Alderman Reidenouer                      SECONDED by Alderman Wudyka  
That the Common Council hereby requests Niagara Mohawk Power Corporation to install a street light on Remington Dr. at Castlebar Drive Playground and a street light on the west end of Miller Street.  
CARRIED.**

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**#6  
Mayor**

**September 21, 1999**

**Dear Honorable Body:**

**I have appointed Joan Petrovski of 775 Pioneer Drive to the North Tonawanda Youth Board. Her term of office expires September 22, 2003.**

**Respectfully,  
Ronald R. Dawson  
Mayor**

**MOVED by Alderman Reidenouer                      SECONDED by Alderman Schwandt  
That the Common Council hereby receives and files the aforementioned communication.  
CARRIED.**

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**AUDIENCE PARTICIPATION**

**Nelson Broecker, 158 Falconer St., stated the odor on Christiana & Tremont St. is unbearable and asked for help with the problem.**

**Angela Potter, 210 Christiana St., spoke about odor problems in her area.**

**Francis Marion, 1461 Sherwood Ave., spoke about power outages throughout the city.**

**Cathy Eagan, 477 Robinson St., thanked the Council for their help regarding the truck route problem.**

**Melissa Mantione, 261 Tremont St., noticed that the truck traffic has increased on Tremont St. due to the signs on Robinson St.**

**Ray Stanley, 296 Sweeney St., stated that truck route is a headache and asked about the truck route on Sweeney St.**

**Larry Sanford, 401 Roncroff Dr., stated agenda provided to the public is too brief.**

**Gordon Fritz, 1739 Eddy Dr., spoke against the proposed senior citizen complex at 624 River Road.**

**Kathy Cochran, 362 Adelaide Pl., spoke against the proposed senior citizen complex at 624 River Road.**

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**ADJOURNMENT**

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

**Time of Adjournment: 8:23 p.m.**

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**Respectfully submitted,**

**Michael D. Cox  
City Clerk**