

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Wednesday, February 6, 2002
7:00 P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT SCHWANDT

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: President Schwandt
Aldermen Rizzo, Hogan, Sommer, Soos

Absent: None

Also Present: Mayor David J. Burgio
Assistant City Attorney Robert Sondel

APPROVAL OF THE MINUTES OF THE REGULAR SESSION HELD JANUARY 16, 2002

MOVED by Alderman Rizzo SECONDED by Alderman Sommer
That the minutes of the regular session held on January 16, 2002 be approved as
circulated and filed in the Office of the City Clerk.
CARRIED.

APPROVAL OF THE MINUTES OF THE SPECIAL SESSION HELD JANUARY 23, 2002

MOVED by Alderman Hogan SECONDED by Alderman Rizzo
That the minutes of the special session held on January 23, 2002 be approved as
circulated and filed in the Office of the City Clerk.
CARRIED.

PROOF OF PUBLICATION PUBLISHED January 11, 2002

1) Public Hearing – Rezone 404 Meadow Dr. – City Clerk

MOVED by Alderman Sommer SECONDED by Alderman Hogan
That the aforementioned proof of publication be received and filed.
CARRIED.

AUDIENCE PARTICIPATION - None

COMMUNICATIONS FROM CITY OFFICIALS

I.1
Mayor
#1
Emergency Management

January 9, 2002

Common Council
216 Payne Ave.
North Tonawanda, NY 14120

2

Dear Council Members:

Please be advised that I have reappointed:

Francis Giardino, Director
Gerald Doucette, 2nd Asst. Director
Thomas Pendleton, 3rd Asst. Director
Andrew Pilecki, Advisor

I will be appointing as 1st Asst. Director

Christine Sikora Lorenz
357 Daniel Dr.
North Tonawanda NY 14120
694-1262

Who replaces Kervin Selover.

To the Emergency Management Office. Their term of office will commence immediately. Their term will be for 1 year, expiring December 31, 2002.

Sincerely,
David J. Burgio
Mayor

#2

Traffic Safety Committee

January 9, 2002

Common Council
216 Payne Ave.
North Tonawanda, NY 14120

Dear Council Members:

Please be advised that I have reappointed:

Ned Dingman, Tina Rydzik, Edward W. Pitz, Douglas Jayne, Michael Eisenhauer, James Fox, and Thomas Tussing to the Traffic Safety Committee. Their term of office will commence immediately. Their term will be for 1 year, expiring December 31, 2002.

Sincerely,
David J. Burgio
Mayor

#3

Waterfront Commission appointment:

January 23, 2002

Common Council
216 Payne Ave.
North Tonawanda, NY 14120

Dear Council Members:

Please be advised that I will be appointing:

Beverly Loxterman
881 Sweeney St.
North Tonawanda, NY 14120
693-0210

To the Waterfront Commission as Chairman. Her term of office begins immediately and will be for 1 year, expiring December 31, 2002.

Sincerely,
David J. Burgio
Mayor

#4
Board of Assessment & Review appointment:

January 23, 2002

Common Council
216 Payne Ave.
North Tonawanda, NY 14120

Dear Council Members:

Please be advised that I will be appointing:

Peter Mancuso
794 Deerfield Dr.
North Tonawanda, NY 14120
695-0463

To the Board of Assessment and Review as the Chairman. His term of office begins immediately and will be for 1 year, expiring December 31, 2002.

Sincerely,
David J. Burgio
Mayor

#5
Board of Assessment & Review:

January 24, 2002

Common council
216 Payne Ave.
North Tonawanda, NY 14120

Dear Common Council:

Please be advised that I have appointed:

Luann M. Nicolosi
690 Fairmont Ave.
North Tonawanda, NY 14120
695-0868

To the Board of Assessment and Review. Her term begins immediately and will be for 5 years, expiring September 30, 2006.

Sincerely,
David J. Burgio
Mayor

MOVED by Alderman Rizzo SECONDED by Alderman Hogan
That the Common Council hereby receives and files the aforementioned
communications.
CARRIED.

The following communication from the Niagara County Department of Planning, Development & Tourism was held for further consideration.

I.2

Mayor

(Letter submitted from Niagara County Department of Planning, Development & Tourism.)

January 25, 2002

Honorable David J. Burgio, Mayor
City of North Tonawanda
215 Payne Avenue
North Tonawanda, NY 14120

**RE: REQUEST TO SUPPORT ALTERNATIVE LICENSING PROCESS (ALP)
FOR NEW YORK POWER AUTHORITY**

Dear Mayor Burgio:

As you may know, the New York Power Authority (NYPA) is seeking permission from the Federal Energy Regulatory Commission (FERC) to utilize the Alternative Licensing Process (ALP) for the Niagara Power Project.

The ALP will afford Niagara County and its stakeholders the maximum benefits under the law, and afford us the greatest amount of public input into the licensing process.

At a meeting of the Western New York Relicensing Consensus Committee (WNYRCC) held on December 5, 2001, the ALP Process was unanimously endorsed as the preferred process. As you know, I co-chair this group along with Kevin Donovan, Region 9 Director, UAW. The WNYRCC includes stakeholder representatives from Niagara County and Western New York. Since our December 5, 2001 meeting, the Towns of Lewiston and Niagara, the City of Niagara Falls and Niagara County have all adopted resolutions endorsing the ALP for the Niagara Power Project. I have attached copies of the resolutions adopted by the Niagara County Legislature on December 19, 2001 and the Town of Lewiston on January 14, 2002, for your information.

I hope that you will be encouraged by the positive response to the ALP by Niagara County and our local communities. Therefore, I ask that you adopt a similar resolution of support. Feel free to use the language contained in the attached resolutions. Please forward a copy of your adopted resolution to my office.

As always, if you have any questions, please do not hesitate to contact me at 439-7235.

Thank you.

Sincerely,
Samuel M. Ferraro, Commissioner

II.1

Attorney

January 30, 2002

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

Re: NFTA Invoices for Grass Cutting

Dear Honorable Body:

Attached please find two invoices wherein the city billed the Niagara Frontier

Transportation Authority for cutting their grass. The bills total \$262.50. Of this amount, \$150.00 is for city inspection fees and \$112.50 is the amount the city paid its contractor. The total amount has been added to a city tax bill for 2001.

Pursuant to Public Authorities Law § 1299-o, the NFTA is a tax-exempt entity and is also exempt from the payment of the inspection fees. I have discussed the matter with Mary E. Perla, Counsel to the NFTA, and they would be willing to pay for the actual grass cutting if the city waived the inspection fees. Furthermore, Steve Kurbiel will contact Ms. Perla in the future when the grass needs cutting and she will make sure that the NFTA contractors cut the grass in a timely fashion.

I believe that this is a reasonable compromise. If you concur, please authorize the Treasurer to accept payment in the amount of \$112.50 for invoices 3114 and 3201 and cancel the city tax bill that was generated by these two invoices.

Very truly yours,
Robert Sondel
Assistant City Attorney

MOVED by Alderman Schwandt **SECONDED** by Alderman Rizzo
That the Common Council hereby authorizes the Treasurer to accept payment in the amount of \$112.50 for invoices 3114 and 3201 and cancel the city tax bill that was generated by these two invoices.
CARRIED.

II.2
Attorney

January 31, 2002

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

Re: Amendment to Chapter 69 of the City Code — Plumbing

Dear Honorable Body:

The Mayor has suggested that the annual fees for plumbing licenses be increased from \$75.00 to \$100.00 per year. If you concur, please adopt the following amendment to §69-3 of the City Code:

“§69-3. Registration fee; plumbing exam application.

Each person so registering shall pay to the City Clerk an annual fee of one hundred dollars (\$100.00). Furthermore, each person so registering must obtain a certificate of competency from the Examining Board of Plumbers. In order to obtain the same, a plumbing exam is required to be taken by each person and there shall be a nonrefundable application fee paid at the time of filing of said application in the amount of fifty dollars (\$50.00).

This ordinance shall take effect upon publication in the official newspaper of the City.”

Very truly yours,
Robert Sondel
Assistant City Attorney

MOVED by Alderman Schwandt **SECONDED** by Alderman Hogan
That the Common Council hereby adopts the following amendment to §69-3 of the City Code entitled “Plumbing”:

IV.1
Engineer

January 22, 2002

Honorable David J. Burgio, Mayor
and Common Council Members
City Hall
North Tonawanda, New York 14120

RE: Project 94-7, Sweeney Court Subdivision,
Dedication of Right-of-Way & Acceptance of Improvements

Dear Mayor and Common Council:

The legal description for the extension of Sweeney Court is on file in the City Attorney's office and recommended for approval. Upon your acceptance, the city will record the deed.

The installation of the water line, sanitary sewer, storm sewer, and roadway for the Sweeney Court Subdivision, have been completed in accordance with the approved plans and in accordance with the standards and specifications of the City of North Tonawanda. I therefore recommend final acceptance for dedication of Project 94-7, Sweeney Court Subdivision, contingent upon receipt of a maintenance bond provided by the contractor, LDC Construction Company, Inc., 190 Baseline Road, Grand Island, New York 14072-2013, which covers the improvements for a period of one year.

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

MOVED by Alderman Sommer SECONDED by Alderman Rizzo
That the Common Council hereby approves Project 94-7, Sweeney Court Subdivision, Dedication of Right-of-Way & Acceptance of Improvements, contingent upon receipt of a maintenance bond provided by the contractor, LDC Construction Company, Inc., 190 Baseline Road, Grand Island, New York 14072-2013, which covers the improvements for a period of one year.
CARRIED.

IV.2
Engineer

January 31, 2002

Honorable David J. Burgio, Mayor
And Common Council Members
City Hall
North Tonawanda, New York

Re: Robinson Street Reconstruction – Project 2000-1
Change Orders:
C.O. 9: Reinstallation of Brick Pavers
C.O. 10: Terrace Landscape Improvements
C.O. 11: Manhole Rehabilitation
C.O. 12: Concrete Removal at Ascension Church
C.O. 13: 8” Storm Sewer Installation
C.O. 14: Repair Damaged Handicap Ramps
C.O. 15: Offset 18” Storm Sewer
C.O. 16: Replace Four Lead Water Services
C.O. 17: Five New Cross Connections
C.O. 18: Replaced Existing 18” Storm Sewer

Honorable Body:

During the course of construction it became necessary to perform the following additional work:

C.O. 9 – Reinstallation of Brick Pavers: Replaced and installed new brick pavers within terrace area at Brunner Funeral Home and 196 Robinson Street:
\$3,194.00 Addition

C.O. 10 – Terrace Landscape Improvements: Removal of concrete and creation of new street tree areas:
\$2,374.00 Addition

C.O. 11 – Manhole Rehabilitation: Existing brick manhole required rebuilding based on new curb alignment:
\$751.00 Addition

C.O. 12 - Concrete Removal at Ascension Church: Removal of heaved concrete around locust trees in terrace area:
\$355.00 Addition

C.O. 13 - 8” Storm Sewer Installation: Re-piped existing receiver on Oliver Street to new storm sewer system on Robinson Street:
\$1,263.00 Addition

C.O. 14 - Repair Damaged Handicap Ramps: Private trucker drove over ramps and claim has been made to insurance carrier:
\$1,914.00 Addition

C.O. 15 - Offset 18” Storm Sewer: Offset storm sewer to avoid 12” watermain:
\$335.00 Addition

C.O. 16 - Replace Four (4) Lead Water Services: Replaced existing lead water service in conflict with new 24”Robinson storm sewer services, with new 1” copper services:
\$3,587.00 Addition

C.O. 17 - Five (5) New Cross Connections: Installed new cross connections between catch basins @ \$2,394.00 each, the work included; saw cutting and removing existing 8” reinforced concrete pavement, excavation and installation of new 12” crossover piping, pipe bedding, and concrete base replacement:
\$11,970.00 Addition

C.O. 18 - Replaced Existing 18” Storm Sewer: Replacement of existing storm sewer, at 455 and 459 Robinson Street, damaged by large tree roots in the terrace area:
\$4,426.00 Addition

I therefore respectfully request that the Common Council approve Change Order No.9 through Change Order No. 18 inclusively; increasing the current contract amount by the sum of \$30,169.00; from \$830,380.00 to the revised contract amount of \$860,549.00; and that the Mayor be authorized to sign said change orders; subject to review by the City Attorney.

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

Police Officer David M. Rousselle #52 is hereby appointed as Detective in the Police Department.

A brief ceremony will be held at Police Headquarters on Friday, February 1st, @ 0900 hours.

**Carl W Stiles
Chief of Police**

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

**X.2
Police Dept.**

January 22, 2002

**Honorable David J. Burgio, Mayor
and Common Council
North Tonawanda, NY 14120**

Dear Honorable Body:

Would you please appoint the following as Commissioner of Deeds for a two year term effective February 7, 2002 to February 6, 2004:

- Larry W. Kuebler, 539 Locust St., N. Tonawanda, NY 14120**
- William R. Hall. 554 E. Goundry St., N. Tonawanda, NY 14120**
- David M. Rousselle, 214 Zimmerman Street, N. Tonawanda, NY 14120**

**Carl W. Stiles
Chief of Police**

**MOVED by Alderman Sommer SECONDED by Alderman Rizzo
That the Common Council hereby appoints Larry W. Kuebler of 539 Locust St., William R. Hall of 554 E. Goundry St., and David M. Rousselle of 214 Zimmerman St., as a Commissioners of Deeds for the City of North Tonawanda effective February 7, 2002 and expiring February 6, 2004.
CARRIED.**

**X.3
Police Dept.**

To: All Concerned

Subject: Appointment

Effective Date: Saturday, January 19th, 2002

In accordance with the City Charter of the City of North Tonawanda, and pursuant to the authority vested in me by §3.002.e thereof, I make the following appointment:

Police Officer Robert D. Labushesky #148 is hereby appointed as Lieutenant in the Police Department.

A brief ceremony will be held at Police Headquarters on Monday, January 21st, @ 0900 hours.

**Carl W. Stiles
Chief of Police**

Please contact Pete Chenier, booster president, at 695-3655 or Laurie Moeller, Theme Tray chairperson, 692-4826 with your reply. Thank you for your consideration.

Sincerely,
Beth Galas
Band Booster Secretary

MOVED by Alderman Sommer SECONDED by Alderman Hogan
That the Common Council hereby grants the NT Lumberjack Marching Band permission to hang three banners across Payne Avenue and Oliver Street the week of February 18, 2002 to advertise their Theme Tray event March 9, 2002.
CARRIED.

B.
Metro Group, Inc.

Memo to: Dave Burgio, Mayor
Russ Rizzo, Alderman
Cathy Schwandt, Alderwoman
Pam Hogan, Alderwoman
Brett Sommer, Alderman
Larry Soos, Alderman

Date: January 2, 2002

Thank you for allowing me to meet with you on Monday, December 10th, I would like to reiterate my request to you to become “an” Official Newspaper for the City of North Tonawanda. Again, my request is that you name the Metro Community News an Official Newspaper not “the” Official Newspaper. You have the right to name as many papers as you wish.

The Board of Education in the City of Tonawanda in the time frame that I am familiar with named more than one newspaper as their official newspaper. This gives you the opportunity to inform the residents of North Tonawanda in the best possible manner. Each publication carries with it an advertising rate for you and also a distribution for you to consider to meet your needs.

The Metro Community News reaches every household in the City of North Tonawanda. No other print media can say that. The most you will get is something shy of 50% of the households from other media. This can be verified by requesting the latest ABC Report from the newspapers.

It is understood that you may have a special need that needs immediate attention. Therefore, a daily newspaper is needed. When you can plan your need and you want to inform as many of your residents as possible, you need a service that reaches every household. That is where the Metro Community News can assist you.

Again, thank you for your time and consideration. If you have questions, please do not hesitate to give me a call.

Thank you.

Joseph P. Armenia

MOVED by Alderman Hogan SECONDED by Alderman Sommer
That the Common Council hereby names the Metro Group, Inc. as an additional “Official Newspaper” of the City of North Tonawanda.
CARRIED.

**Re: Small Cities Community Development Block Grant Program
Amendment to Administrative Services Agreement**

Dear Honorable Body:

The City is implementing a targeted Small Cities Housing Improvement Program for homeowners with limited incomes residing in the Ironton Street area of the Second Ward. Thirteen homes have been completed, and three additional residences are in various stages of the rehabilitation process, which begins with income eligibility determination and ends when work has been completed, and the home meets federal housing quality standards.

Since program activities will continue this year, I respectfully request that the Common Council authorize the Mayor to sign an amendment extending the program delivery and administrative services agreement with Stuart I. Brown Associates, Inc., for the Small Cities Housing Improvement Program to December 31, 2002. Services are paid for with federal funds, and there is no change in the contract amount.

If you need additional information, please contact Michele Tow or me. Thank you for your continuing cooperation.

**Sincerely,
Stuart I. Brown
President**

c

Letter from Murrianna K. Holmes submitted by Alderman Rizzo:

**51 Sunset Drive
North Tonawanda, NY 14120-2801
January 10, 2002**

**Mr. Phillip Russell Rizzo
Alderman, Third Ward
City of North Tonawanda
City Hall, 216 Payne Avenue
North Tonawanda, NY 14120**

Dear Mr. Rizzo:

I am writing to request your assistance in preserving the NFTA express service on Route 61. This route starts in North Tonawanda, picks up additional riders in Tonawanda, and then takes the 290 directly to downtown Buffalo.

The NFTA feels that the route (two in the morning and two in the afternoon) has low ridership. I'm not sure of just what their definition of "low ridership" is but I have ridden on all four trips and the bus has been nearly full every time. This route takes commuters from your City to downtown Buffalo where they earn a living and returns them safely and efficiently home again in the evening, where they spend their paychecks in the community.

The people who ride the bus do so for many reasons (convenience of not driving in rush hour traffic, one car in the family, less expensive than driving, etc.) and are willing to put up with spending a little extra time on the bus so they can work their jobs in downtown Buffalo. The NFTA wants to eliminate this route as a cost cutting measure leaving the current passengers to either ride the 25D route (assuming the route and times remain the same), to find a ride downtown, spend money they do not have for a car and its related expenses, or to quit their jobs. The following is what my workday would be like without Route 61: I will have to arise no later than 5:00 AM in order to walk 10 minutes to the bus stop to catch the 25D that starts its route at 6:23 AM. Coming home I would have to take the 25D that leaves downtown at 5:45 PM, I would not arrive home until almost 7:00 PM. That will leave me with only about two hours to

take care of my pets, fix dinner, clean up from dinner, make lunches and other next day preparations, and any other household chores, social obligations, or personal down time before I must go to bed. It is difficult enough to get everything done now riding the bus. It will be next to impossible to get anything done having to take the 25D to get to and from work.

The NFTA is sponsoring a series of public hearings. I ask that you attend one of the meetings to protest the elimination of the route that will harm your community. They are scheduled to start at 7:00 PM as follows:

Thursday, January 17, 2002 - ECC City Campus, Auditorium
 Tuesday, January 22, 2002 - Daemen College, Wick Center
 Wednesday, January 23, 2002 - Niagara Falls City Hall, Council Chambers
 Thursday, January 24, 2002 - ECC South Campus, Lecture Room 5012

From the talk on the bus in the morning, it seems that many of my fellow passengers are hoping to attend the Niagara Falls public hearing. I urge you to attend any of the hearings that your schedule permits.

Respectfully,
 Murrianna K. Holmes

MOVED by Alderman Rizzo **SECONDED** by Alderman Schwandt
 That the Common Council hereby authorizes a certified letter be sent to the Niagara Frontier Transportation Authority protesting the elimination of the NFTA express service on Route 61, which travels through the City of North Tonawanda to Buffalo, New York.
CARRIED.

ADJOURNMENT

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

Time of Adjournment: 7:27 P.M.

Respectfully submitted,

Michael D. Cox
 City Clerk