

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Wednesday, April 17, 2002
7:00 P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT SCHWANDT

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Absent: **None**

Also Present: **Mayor David J. Burgio**
 City Attorney Henry D. Wojtaszek

APPROVAL OF THE MINUTES OF THE REGULAR SESSION HELD APRIL 3, 2002

MOVED by Alderman Rizzo SECONDED by Alderman Soos
That the minutes of the regular session held on April 3, 2002 be approved as circulated
and filed in the Office of the City Clerk.
CARRIED.

APPROVAL OF THE MINUTES OF THE SPECIAL SESSION HELD MARCH 27, 2002

MOVED by Alderman Soos SECONDED by Alderman Rizzo
That the minutes of the special session held on March 27, 2002 be approved as
circulated and filed in the Office of the City Clerk.
CARRIED.

PROOFS OF PUBLICATION PUBLISHED MARCH 28 & 29, 2002

- 1) Bid – Tire Disposal – DPW
- 2) Bid – Coning Traffic Paint (Regular Dry) – DPW
- 3) Bid – Road Building Materials & Bituminous Materials – DPW

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

AUDIENCE PARTICIPATION - None

COMMUNICATIONS FROM CITY OFFICIALS

II.
Attorney

April 11, 2002

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

Re: Tonawanda Island Marine Development Corp.

Dear Honorable Body:

Michael Charnock of Tonawanda Island Marine Development Corp. has been approved for a Small Business Administration loan in the amount of \$61,900.00. Under the proposed loan, the S.B.A. would have a third lien on the real property of said Tonawanda Island Marine Development Corp. Right now the city and H.U.D. are the holders of a second lien on said real property. Our agreement with Mr. Charnock requires that he obtain permission of the city before he places any additional liens on the real property. Under this proposal, the city would still remain as the second lien holder and the real estate appraisal presented was sufficient to support all three loans.

If you concur, please pass a resolution permitting Mr. Charnock to accept the S.B.A. loan as a third mortgage lien.

Very truly yours,
Robert Sondel
Assistant City Attorney

MOVED by Alderman Schwandt SECONDED by Alderman Soos
That the Common Council hereby permits Michael Charnock of Tonawanda Island Marine Development Corporation to accept the Small Business Administration loan in the amount of \$61,900.00, as a third mortgage lien on the real property of said Tonawanda Island Marine Development Corp.
Ayes: Soos, Rizzo, Hogan, Sommer, Schwandt (5)
Nays: None (0)
CARRIED.

VII.
Accountant

April 12, 2002

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

Dear Honorable Body:

In accordance with Article V, Division 1, Section 5.002 and 5.003 of the new City Charter, an Abstract Sheet, comprised of a Warrant of Claims, has been submitted by this office for your review and approval.

Accordingly, please authorize for payment the current Warrant of Claims for Common Council Audit dated April 17, 2002, and further authorize the Mayor and City Clerk respectively sign and countersign said Warrant.

Very truly yours,
David R. Jakubaszek
City Accountant

MOVED by Alderman Rizzo SECONDED by Alderman Sommer
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated April 17, 2002, and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

| | | |
|-----------|--------------------------------|---------------------|
| 01 | General Fund | \$271,100.43 |
| 02 | Water Fund | 12,867.41 |
| 04 | Sewer Fund | 38,470.54 |
| 06 | Capital Projects Fund | 113,113.20 |
| 07 | Trust & Agency Fund | 3,384.50 |
| 08 | Community Development | 4,915.00 |

Todd W. Bush
262 Christiana Street
North Tonawanda, NY 14120

A brief swearing-in ceremony will be held on Friday, April 12th @ 9 A.M. in the Common Council Chambers.

Respectfully,
Carl W. Stiles
Chief Of Police

MOVED by Alderman Rizzo **SECONDED by Alderman Soos**
That the Common Council hereby receives and files the aforementioned communication appointing Todd W. Bush of 262 Christiana St., as a Police Officer in the Police Department effective April 12, 2002.
CARRIED.

X.2
Police Dept.

April 4, 2002

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

RE: Detective Appointment

Dear Mayor Burgio,

As per our earlier conversations, and pursuant to §3.002-e of the City Charter, I have appointed Police Officer Robert W. Kalota as a Detective in the Police Department, effective on Friday, April 12th. He will replace Detective Ross McQuade that retired in March.

A brief ceremony will be held in the Common Council chambers on Friday, April 12th at 9 A.M. As always, you are invited to attend and or participate in this ceremony if you so desire.

Respectfully,
Carl W. Stiles
Chief of Police

MOVED by Alderman Soos **SECONDED by Alderman Rizzo**
That the Common Council hereby receives and files the aforementioned communication appointing Police Office Robert W. Kalota of 1436 Forbes St., as a Detective in the Police Department effective April 12, 2002.
CARRIED.

XXV.
Monthly Reports

- | | | | |
|----|-----------------|----|-------------------------|
| .1 | City Clerk | .4 | Treasurer |
| .2 | Police Dept. | .5 | Treasurer (Investments) |
| .3 | Senior Citizens | .6 | Vital Statistics |

MOVED by Alderman Rizzo **SECONDED by Alderman Soos**
That the aforementioned reports be received and filed.
CARRIED.

XXVI.**Vacation & Sick Leave Reports****.1 Fire Dept.****.2 Public Works****MOVED by Alderman Schwandt****SECONDED by Alderman Rizzo****That the aforementioned reports be received and filed.****CARRIED.****COMMUNICATIONS FROM OTHERS****A.****Herschell Carrousel
Factory Museum****April 3, 2002****Mayor David Burgio
City Hall
North Tonawanda, NY 14120****Dear Mayor Burgio:**

As per our agreement with the City, I am notifying you that the Carrousel Museum will be presenting a Renaissance Festival in the Linear Park adjacent to the museum on Saturday, June 15, 2002 from 11:00 AM - 5:00 PM.

We are also requesting use of Felton Field for the day - the portion outside the ballpark. Part of this space will be needed for parking as last year. The portion behind the ballpark near Lincoln Ave. and the school will be used for a dog-coursing run. My understanding of this medieval period event is that a course is laid out with roping for the dogs to follow.

Additional assistance from the City is requested in the form of fencing to close in the linear park from Thompson to Lincoln, as last year. Although we had no difficult situations at all last year, it may be helpful to have auxiliary police on hand.

Thank you for your continuing support for the museum.

**Yours truly,
Rae Proefrock
Event Co-Chair**

MOVED by Alderman Hogan**SECONDED by Alderman Sommer**

That The Common Council hereby receives and files the Mayor's approval of the request of the Herschell Carrousel Factory Museum to use Felton Field and for city assistance for their Renaissance Festival on June 15, 2002 in Linear Park.

CARRIED.**B.****Columbia Hook & Ladder - Re: Statement of Volunteer Fireman:****Wayne R. Lombardo****MOVED by Alderman Schwandt****SECONDED by Alderman Hogan****That the name of Wayne R. Lombardo be added to the City Fire Rolls.****CARRIED.**

C.
Gratwick Hose Co. - Re: Statement of Volunteer Fireman:

Mark D. DiRosa

MOVED by Alderman Schwandt SECONDED by Alderman Hogan
That the name of Mark D. DiRosa be added to the City Fire Rolls.
CARRIED.

D.
Sweeney Hose Co. - Re: Statement of Volunteer Fireman:

Craig Charles Manganello

MOVED by Alderman Sommer SECONDED by Alderman Hogan
That the name of Craig Charles Manganello be added to the City Fire Rolls.
CARRIED.

LATE COMMUNICATIONS

#1
Dorothy I. Krull

203 Sommer Street
North Tonawanda, New York 14120
April 2, 2002

David Burgio, Mayor
And Common Council
216 Payne Avenue
North Tonawanda, New York 14120

Honorable Body:

Please accept my notification of retirement from the Treasurer's office, effective April 29, 2002.

Having the opportunity of being exposed to the mechanisms of City politics on the "inside" has been a very enlightening experience. I have enjoyed working for the City during these years and will greatly miss all the people I have come to know during these past decades.

North Tonawanda has become home to me and I wish all of you prosperity and good health in the future.

Very truly yours,
Dorothy I. Krull
Account Clerk Typist

MOVED by Alderman Rizzo SECONDED by Alderman Hogan
That the Common Council hereby accepts with regret the retirement of Dorothy I. Krull from the City Treasurer's office after 45 years of faithful service to the City of North Tonawanda.
CARRIED.

#2
Accountant - Re: Publishing of Bond Resolutions and Refinancing Resolutions.

MOVED by Alderman Soos

SECONDED by Alderman Rizzo

That the Common Council authorizes all notices with respect to indebtedness of the City of North Tonawanda, to include but not limited to the Bond Resolution and Refinancing Resolution dated April 3, 2002, be published in the Metro Community News.

CARRIED.

#3

Public Works

To: Mayor David Burgio

Date: April 12, 2002

**Re: Award of Bid
Road Building Materials**

On Tuesday, April 9, 2002 bids were received and publicly opened in the City Clerk's office for Road Building Materials. My office has reviewed the bids and tabulated them as follows:

| BIDDERS | AMOUNT |
|-----------------------|---------------|
| Midland Asphalt Corp. | \$10,800.00 |

Midland's bid is only for the tack coat item in the bid.

I recommend that your office request the Council award the bid for tack coat to Midland Asphalt Corp., 640 Young Street, Tonawanda, New York 14150, at their bid of \$10,800.00, subject to the approval of the City Attorney.

**Gary J. Franklin
Superintendent**

MOVED by Alderman Rizzo

SECONDED by Alderman Schwandt

That the Common Council hereby awards the bid for tack coat to Midland Asphalt Corp., 640 Young Street, Tonawanda, New York 14150, at their bid of \$10,800.00, subject to the approval of the City Attorney.

Ayes: Soos, Rizzo, Hogan, Sommer, Schwandt (5)

Nays: None (0)

CARRIED.

#4

Public Works

To: Mayor David Burgio

Date: April 15, 2002

**Re: Award of Bid
Coning (Regular Dry) Traffic Paint**

On Monday, April 8, 2002 bids were received and publicly opened in the City Clerk's office for Coning (Regular Dry) Traffic Paint. My office has reviewed the bids and tabulated them as follows:

| BIDDERS | AMOUNT |
|------------------------|---------------|
| Ray Dinno Supply, Inc. | \$4.95/gal. |

51-B-3. Horse-Drawn Carriage Permit Required.

No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise or otherwise be engaged in, the business or service of transportation by horse-drawn carriage upon the streets, alley or other public way of the City unless the owner holds either a valid "Heritage Corridor" permit or "Special Event" permit issued pursuant to this chapter.

51-B-4. Heritage Corridor Permits.

- (a) **Required:** No person shall operate a horse-drawn carriage upon the streets, alleys or other public way or place within the "Heritage Corridor," unless that person holds a valid "Heritage Corridor" permit for such horse-drawn carriage operation.
- (b) **Permit Fees:** All applications for said "Heritage Corridor" permit shall be made to the City Clerk of the City of North Tonawanda. The fee for said permit shall be fifty dollars (\$50.00) per calendar year or a fractional part of such year for which a permit hereunder shall be issued, which fee shall be payable to the City of North Tonawanda.
- (c) **Expiration:** All Heritage Corridor permits shall expire at midnight on March 31st of each year.
- (d) **Renewals:** Heritage Corridor renewal permits may be made 30 days prior to the date of expiration.
- (e) **Limitations:**
 - (i) No more than six "Heritage Corridor" permits shall be issued each year.
 - (ii) No person shall cause any horse-drawn carriage to be parked at any location within the Heritage Corridor other than at stand locations.

51-B-5. Special Event Permits.

- (a) **Required:** No person shall operate a horse-drawn carriage upon the streets, alleys or other public way or place outside the Heritage Corridor unless the person holds a valid Special Event permit issued pursuant to this chapter.
- (b) **Permit Fees:** All applications for said "Special Event" permits shall be made to the City Clerk of the City of North Tonawanda. The fee for said permit shall be ten dollars (\$10.00) per horse-drawn carriage per day for which a permit hereunder shall be issued, which fee shall be payable to the City of North Tonawanda.
- (c) **Expiration:** Each Special Event permits shall be issued for a twenty-four hour period, beginning at 12:00 AM and expiring at 11:59 PM on the day of the special event.
- (d) **Applications:** Applications for special event permits may be made up to thirty days prior to the date for which application is made.

51-B-6. Horse-Drawn Carriages.

All horse-drawn carriages shall, at all times when in use as such:

- (a) Display adequate headlights, taillights as approved by the Chief of Police or his/her designated agent.
- (b) Display a reflectorized slow-moving vehicle emblem in conformance with New York State Vehicle & Traffic Law Section 375(36).
- (c) Display, visible to the side at night, a light and/or reflectorization as determined by the Chief of Police or his/her designated agent.
- (d) Be equipped with seats for the operator and all passengers.
- (e) Maintain a rubber surface on the wheel traction surface.

- (f) Not be wider than eight feet, to include fenders, running boards, and safety mirrors and devices.
- (g) Shall be structurally and mechanically safe.
- (h) Be equipped with working brakes.
- (i) The holder of a permit shall cause a schedule of rates for all tours and trips to be conspicuously posted on or near the carriage.
- (j) Any and all signs advertising horse-drawn carriage tours and trips shall conform to all existing codes.

51-B-7. Insurance.

The horse-drawn carriage, operator and owner of the service shall be adequately insured for the following:

- (a) General liability policy covering injury or death to persons and loss or damage to property in the amount of \$50,000.00 single-combined.
- (b) Such insurance policies shall be submitted to the Mayor for his/her approval prior to the issuance of each horse-drawn carriage special event permit. Satisfactory evidence that such insurance is at all times in full force and effect shall be submitted to the Mayor, in such a form as he/she may specify by all permits required to provide such insurance under the provisions of this chapter.
- (c) Every insurance policy required hereunder shall extend for the period to be covered by the permit applied for.

51-B-8. Operators.

Operators of horse-drawn carriages shall:

- (a) Possess a valid New York State Driver's license.
- (b) Be subject to all State and City traffic laws applicable to motor vehicles.
- (c) Require that all passengers be seated except when boarding or discharging.
- (d) Insure that the horse is fitted with a device to catch all manure waste except when inside the transport vehicle.
- (e) Flush all liquid waste from the street immediately with water and spray with the appropriate chemical to eliminate all noxious odor and bacteria.
- (f) At no time leave the horse and carriage unattended.

51-B-9. Horses.

- (a) No horses shall be stabled within the City of North Tonawanda.
- (b) The loading and unloading of horses shall be limited to the city owned parking lot on Manhattan Street. This is the sole location where the horse transport vehicle shall be parked.
- (c) Horses shall not be loaded or unloaded on a public right of way.

51-B-10. Violations and penalties.

- (a) **Operating without valid permit:** Operation of a horse-drawn carriage upon the streets, alley or other public way without either a valid Heritage Corridor permit or Special Event permit shall be deemed a City Ordinance Violation and shall be punishable by a fine of up to \$1000.00 of up to fifteen (15) days imprisonment, or both such fine and imprisonment.
- (b) **Suspension:** A permit issued pursuant to the provisions of this chapter may be revoked or suspended at the discretion of the Mayor or Council of the City of North Tonawanda if the owner or operator:
 - (i) Violated any provision of this chapter.
 - (ii) Falsified any information on the Horse-Drawn Carriage application.

- (iii) Failed to notify the Mayor of any material change in the information provided on the application.
 - (iv) Violated any ordinance of the City of North Tonawanda or the laws of the State of New York.
 - (v) Conducted himself/herself in a manner indicating he/she is not a fit and proper person to hold such a permit.
 - (vi) Cancels or has a lapse in insurance coverage as required by this Chapter.
- (c) **Revocation:** In the event a permit is suspended on three (3) separate occasions, such permit is deemed revoked.
- (d) **Suspension/ Revocation Procedure:**
- (i) Prior to suspension or revocation, the permit holder shall be given written notice of the proposed action to be taken and have an opportunity to be heard before the Mayor and North Tonawanda City Council.
 - (ii) Once a permit is suspended, the same shall be immediately surrendered to the City Clerk and retained until the suspension period expires.
- (e) **Interference with or injury to horses.**
- (i) Any person who shall attempt or cause any horse used in the operation of a horse-drawn carriage to be frightened by means or throwing any projectile, material or substance, by creating a noise which is calculated to frighten such horse, or attempts or causes such horse to trip or fall by any means shall be guilty of a City Code violation.
 - (ii) Such violation shall be punishable by no less than a \$200.00 fine and no more than a \$500.00 fine or up to fifteen (15) days in jail, or both such fine and imprisonment.

CARRIED.

#6
Attorney

April 17, 2002

Hon. Mayor and Common Council
City Hall, 216 Payne Avenue
North Tonawanda, New York 14120

Re: 1810 Sweeney Street
Purchase of Vacant Land

Dear Honorable Body:

The owner of vacant land at the rear of 1810 Sweeney Street has offered to sell her property to the City of North Tonawanda to be used as an addition to the Deerwood Golf Course. The lot size is approximately 99.99 x 135 and the purchase offer is \$20,000. The acquisition of this parcel could offer flexibility to the golf course in providing more parking space, storage space, larger banquet facility, or other development into the future.

Should your Honorable Body concur, please pass a resolution for the City of North Tonawanda to purchase this parcel at the rear of 1810 Sweeney Street for \$20,000, subject to review of all documentation by the City Attorney.

Very truly yours,
Henry F. Wojtaszek
City Attorney

MOVED by Alderman Sommer **SECONDED** by Alderman Schwandt
That the Common Council hereby purchases the parcel at the rear of 1810 Sweeney Street, 99.99' x 135', SBL# 183.13-1-77 for the sum of \$20,000, subject to review of all documentation by the City Attorney.

Ayes: Soos, Rizzo, Hogan, Sommer, Schwandt (5)

Nays: None (0)

CARRIED.

ADJOURNMENT

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

CARRIED.

Time of Adjournment: 7:16 P.M.

Respectfully submitted,

Michael D. Cox
City Clerk