

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Wednesday, May 15, 2002
7:08 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 MAY 1, 2002

MOVED by Alderman Rizzo **SECONDED** by Alderman Soos
That the minutes of the regular session held on May 1, 2002 be approved as circulated and filed in the Office of the City Clerk.
CARRIED.

PROOF OF PUBLICATION PUBLISHED APRIL 17, 21 & 28, 2002

- 1) Refunding Bond Resolution – City Clerk
- 2) \$1,849,000 Bond Resolution – City Clerk
- 3) General Obligation Refunding Bonds – City Clerk
- 4) Horse Drawn Carriage Ordinance – City Clerk
- 5) Contractors Ordinance – City Clerk
- 6) Automobile Dealers Ordinance – City Clerk

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

AUDIENCE PARTICIPATION - None

COMMUNICATIONS FROM CITY OFFICIALS

II.
Attorney

April 15, 2002

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

Re: Minimum Qualifications
For Chiefs of Police and Fire Departments

Dear Honorable Body:

In accordance with your wish to initiate minimum qualifications for the positions of Police Chief and Fire Chief in the City of North Tonawanda, below are the proposed minimum qualifications for each position:

Police Chief – 3 years as a lieutenant, 1 year as a captain or 10 years as a patrolman in a police department within the State of New York.

Fire Chief – 1 year as assistant chief, 1 year as captain or 10 years as a firefighter in a fire department with the State of New York.

Should your Honorable Body concur, please pass a resolution to amend the North Tonawanda City Code to include the above minimum qualifications for police and fire chiefs effective immediately.

Very truly yours,
Henry F. Wojtaszek
City Attorney

MOVED by Alderman Schwandt SECONDED by Alderman Sommer
That the Common Council hereby tables the aforementioned communication for further consideration.
CARRIED.

V.
Water Dept.

April 11, 2002

Honorable Mayor and Common Council
City Hall, 216 Payne Ave
N Tonawanda NY 14120

RE: Hydrant Bid

Dear Honorable Body:

On April 4, 2002, bids were received for supplying the Water Department with Fire Hydrants.

The bids were as follows:

<u>Bidder</u>	<u>Non-Collusion</u>	<u>Bond or Check</u>	<u>Bid</u>
Lock City	Yes	10% Bond	\$9,137.92
Vellano Bros.	No	10% Bond	\$9,170.00
Blair Supply	Yes	10% Bond	\$9,431.00
ERB Supply	No	10% Bond	\$9,679.41

Would you please award the contract for one year's supply of Fire Hydrants to Lock City, 650 West Ave, Lockport, NY 14094.

This contract award is subject to the approval of the City Attorney.

Sincerely,
Paul F. McDonough
Water Superintendent

Dear Honorable Body:

In accordance with Section 2.2 of the Budgetary Transfer Policy, please authorize the City Accountant to make the following transfers of budgetary appropriations:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>From Appropriation Account</u>	<u>To Appropriation Account</u>
1	\$500.00	2-8310.434 Admin Prof Serv.	2-8340.434 Distribution Prof Serv

David R. Jakubaszek
City Accountant

MOVED by Alderman Rizzo

SECONDED by Alderman Soos

That the Common Council hereby authorizes the City Accountant to make the following budgetary transfer:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>From Appropriation Account</u>	<u>To Appropriation Account</u>
1	\$500.00	2-8310.434 Admin Prof Serv.	2-8340.434 Distribution Prof Serv.

Ayes: Soos, Rizzo, Hogan, Sommer, Schwandt (5)
Nays: None (0)
CARRIED.

VII.3
Accountant

May 9, 2002

Honorable David J. Burgio, Mayor
And Common Council
City Hall
North Tonawanda, NY 14120

Dear Honorable Body:

On March 6, 2002, the Mayor was authorized to sign the renewal of the Annual Contributions Contract (ACC) between the City and the United States Department of Housing and Urban Development (HUD) for the rental assistance subsidy funds that make rents affordable for residents of the 120 apartments at Bishop Gibbons. After the signed ACC renewal was received, HUD prepared the Housing Assistance Payments Renewal Contract and sent it to the City. This contract between the City and the owner of Bishop Gibbons, Corcoran Bishop Gibbons, Inc., establishes the terms and conditions for the payment of rental subsidies authorized by the ACC.

Accordingly, please authorize the Mayor to sign the Housing Assistance Payments Basic Renewal Contract between the City and Corcoran Bishop Gibbons, Inc.

Very truly yours,
David R. Jakubaszek
City Accountant

MOVED by Alderman Rizzo

SECONDED by Alderman Sommer

That the Common Council hereby authorizes the Mayor to sign the Housing Assistance Payments Basic Renewal Contract between the City and Corcoran Bishop Gibbons, Inc.

Ayes: Soos, Rizzo, Hogan, Sommer, Schwandt (5)
Nays: None (0)
CARRIED.

X.
Police Dept.

5/10/02

**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 May 15, 2002 to May 14, 2004:

Robert W. Kalota, 5882 Shawnee Rd., Cambria, NY 14132

**Carl W. Stiles
 Chief of Police**

**MOVED by Alderman Schwandt SECONDED by Alderman Rizzo
 That the Common Council hereby appoints Robert W. Kalota, 5882 Shawnee Rd.,
 Cambria, NY 14132, as a Commissioner of Deeds effective May 15, 2002 to May 14,
 2004.
 CARRIED.**

XIV.
Youth & Recreation Dept.

4/24/2002

**The Honorable Mayor, David Burgio
 City Hall
 216 Payne Ave.
 North Tonawanda, New York 14120**

Dear Mayor Burgio:

Please approve the permanent appointment of Patricia A. Brosius to the Position of Recreation Supervisor. Patricia has scored second on the Promotional Exam and has been certified by the Niagara County Civil Service Commission for the position.

Patricia has served as the Recreation Supervisor on a provisional basis since July 30, 2001 and has performed all requirements of the position in a diligent, effective and responsible manner.

Thank you for your assistance.

**Sincerely,
 Jerry Whitehead, Director of the
 Dept. of Youth, & Recreation**

**MOVED by Alderman Rizzo SECONDED by Alderman Soos
 That the Common Council hereby grants Patricia A. Brosius of 1108 Marcia Dr.,
 permanent status to the position of Recreation Supervisor in the Department of Youth,
 Recreation, Parks and Senior Citizens.
 CARRIED.**

**XXV.
Monthly Reports**

- | | | | |
|-----------|------------------------|-----------|--|
| .1 | City Clerk | .4 | Tonawandas' Gateway Harbor Park |
| .2 | Police Dept. | .5 | Vital Statistics |
| .3 | Senior Citizens | | |

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

COMMUNICATIONS FROM OTHERS

**A.
North Tonawanda
National Little League**

April 26, 2002

**Mayor David J. Burgio
City Hall, 216 Payne Avenue
North Tonawanda, NY 14120**

Dear Mayor Burgio:

The North Tonawanda National Little League is pleased to invite you to be the Grand Marshall at our opening day parade and ceremonies for the 2002 Baseball season, which marks 50 years of service to the community. The 2002 season's opening day will be Saturday, May 18, 2002.

We would be honored if you could march with us and speak at the ceremonies prior to throwing the traditional first ball. The parade will form at 9:30 a.m. and follow a route from Taber Field to the baseball complex on Wheatfield Street.

We request your assistance in obtaining the necessary parade permit.

Please contact me at 693-6909 or 297-4494, if you have questions regarding the activities outline above.

Please return the enclosed post card indicating your ability to attend. We look forward to seeing you on opening day.

**Sincerely,
Charles Insalaco
President**

**MOVED by Alderman Schwandt SECONDED by Alderman Sommer
That The Common Council hereby receives and files the Mayor's approval of the request of the North Tonawanda National Little League to hold their opening day parade and ceremonies for the 2002 Baseball season, which marks 50 years of service to the community, on Saturday, May 18, 2002 at 9:30 a.m.
CARRIED.**

**B.
Payne Avenue Christian Church**

April 26, 2002

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

Dear Common Council:

Payne Avenue Christian Church's Social is fast approaching. We would like to request the use of city picnic tables for our Social to be held on Saturday, June 15, 2002, delivered and picked up by city employees.

This event is very well supported by our community. May we count on them again this year?

Sincerely,
Janet McGlone
Strawberry Social Chairman

MOVED by Alderman Soos

SECONDED by Alderman Rizzo

That the Common Council hereby receives and files the Mayor's approval of the request of Payne Avenue Christian Church to use city picnic tables for their annual Strawberry Social on Saturday, June 15, 2002.

CARRIED.

C.

Rescue Fire Co. - Re: Remove from City Fire Rolls:

Frank Lureman

MOVED by Alderman Sommer

SECONDED by Alderman Schwandt

That the name of Frank Lureman be removed from the City Fire Rolls.

CARRIED.

LATE COMMUNICATIONS

#1

Engineer

May 14, 2002

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

RE: North Marion Street Reconstruction, Project 01-8
SEQR Negative Declaration

Honorable Body:

In accordance with the New York State Environmental Quality Review Act (SEQRA), the City in its capacity as lead agency, has prepared an environmental assessment of the significance of and potential environmental impact of the reconstruction of pavement with new concrete curbing on North Marion Street from Sommer Street to Robinson Street and new waterline replacement.

In order for the City to issue a Negative Declaration, Notice of Determination of Non-Significance, the Common Council should act on the following attached resolution.

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

MOVED by Alderman Schwandt

SECONDED by Alderman Sommer

WHEREAS, the City of North Tonawanda wishes to make roadway improvements to North Marion Street, from Sommer Street to Robinson Street.

BE IT RESOLVED, that the Common Council has reviewed the Environmental Assessment prepared by the City Engineer; and

BE IT RESOLVED, that the Common Council declares that based on the Environmental Assessment which has been prepared, the project is an unlisted action and will not result in any significant adverse impacts, and therefore, will not have a significant impact on the environment; and

BE IT FURTHER RESOLVED, that the Common Council hereby issues a Negative Declaration under SEQR Regulations for the improvements to North Marion Street, from Sommer Street to Robinson Street and authorizes the Common Council President to sign said document.

CARRIED.

#2
Attorney

May 15, 2002

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

Re: Clover Management, Inc.
705 Sandra Lane

Dear Honorable Body:

At its September 26, 2001 meeting, your Honorable Body granted a six-month right of first refusal to Clover Management, Inc., to purchase the parcel at 705 Sandra Lane, SBL #185.11-1-40, to be developed as senior citizen housing. At this time, Clover Management, Inc. asks to be designated as the preferred developer for the project and asks that the 6-month right of first refusal be extended until the end of 2002.

Should your Honorable Body concur, please pass a resolution extending the right of first refusal to Clover Management, Inc. for the development of 705 Sandra Lane until the end of 2002, subject to review of all documentation by the City Attorney.

Very truly yours,
Henry F. Wojtaszek
City Attorney

MOVED by Alderman Soos

SECONDED by Alderman Sommer

That the Common Council hereby extends the right of first refusal to Clover Management, Inc. for the development of 705 Sandra Lane until the end of 2002, subject to review of all documentation by the City Attorney.

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

Nays: None (0)

CARRIED.

#3
Attorney

May 15, 2002

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

Re: Clover Management, Inc.
705 Sandra Lane

Dear Honorable Body:

At its September 26, 2001 meeting, your Honorable Body granted a six-month right of first refusal to Clover Management, Inc., to purchase the parcel at 705 Sandra Lane, SBL #185.11-1-40, to be developed as senior citizen housing. In order to move the project forward at this time, the City of North Tonawanda should perform a Phase I environmental review as well as a boundary survey of the 705 Sandra Lane site.

Should your Honorable Body concur, please pass a resolution to have the Phase I environmental review and the boundary survey performed by the City of North Tonawanda.

Very truly yours,
Henry F. Wojtaszek
City Attorney

MOVED by Alderman Sommer SECONDED by Alderman Rizzo
That the Common Council hereby authorizes to have the Phase I Environmental Review and the Boundary Survey of 705 Sandra Lane, SBL#185.11-1-40, to be performed by the City of North Tonawanda.
Ayes: Soos, Rizzo, Hogan, Sommer, Schwandt (5)
Nays: None (0)
CARRIED.

#4

Alderman Sommer - Re: Creation of a Deer Management Committee.

MOVED by Alderman Sommer SECONDED by Alderman Schwandt
WHEREAS, the Deer population in North Tonawanda has steadily increased, and

WHEREAS, the Common Council believes it needs to be responsive to the needs of the citizens of North Tonawanda, and

WHEREAS, the North Tonawanda Common Council desires to find a responsible and informed solution to deer overpopulation.

BE IT RESOLVED, THAT THE Common Council creates a Deer Management Committee to research and propose solutions to the current deer population problem and appoints Peter Soeman as the Committee Chairman.
CARRIED.

#5

Accountant

May 15, 2002

Honorable David J. Burgio, Mayor
And Common Council
City Hall
North Tonawanda, NY 14120

Dear Honorable Body:

In accordance with the adopted 2002 General Fund Budget, funds were appropriated to provide a 35 cent increase in the hourly rate for the position of Deputy Registrar. The Registrar recommended this increase due to the confidential nature and responsibility associated with the office of Vital Statistics. The deputy works only when the Registrar is not in the office and the project maximum cost to the city is a total of \$294.00. The Mayor has reviewed and approved said increase.

Accordingly, please authorize the Deputy Registrar to receive a 35 cent increase to her hourly rate, from \$8.65 to \$9.00 per hour, effective June 1, 2002.

Very truly yours,
David R. Jakubaszek
City Accountant

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

#6
Alderman Rizzo

May 15, 2002

Dear Honorable Mayor and Common Council,

I hereby ask the Common Council to pass a resolution authorizing the Department of Public Works to install "No Parking During Ballgames" signs on the north side of Humphrey Street.

Russell Rizzo
1st Ward Alderman

MOVED by Alderman Rizzo **SECONDED** by Alderman Soos
That the Common Council hereby authorizes the Department of Public Work to install "No Parking During Ballgames" signs on the north side of Humphrey Street.
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: 7:28 P.M.

Respectfully submitted,

Michael D. Cox
City Clerk