

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Wednesday, June 19, 2002
6:00 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**
 City Attorney Henry F. Wojtaszek

APPROVAL OF THE MINUTES OF THE REGULAR SESSION HELD JUNE 5, 2002

MOVED by Alderman Rizzo **SECONDED** by Alderman Hogan
That the minutes of the regular session held on June 5, 2002 be approved as circulated and filed in the Office of the City Clerk.
CARRIED.

AUDIENCE PARTICIPATION - None

COMMUNICATIONS FROM CITY OFFICIALS

I.
Mayor

June 7, 2002

Common Council
216 Payne Avenue
North Tonawanda, NY 14120

Dear Council Members:

Please be advised that

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

Has resigned as Chairman and Board Member from the Board of Assessment and Review. The Board voted to replace him as Chairman on May 22, 2002 with

Luis Santiago
147 Eighth Avenue
North Tonawanda, NY 14120
694-2280

His term as Chairman will expire December 31, 2002.

Sincerely,
David J. Burgio

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

II.
Attorney

May 31, 2002

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

**Re: Proposed Alley Abandonment –
Between Christiana & E. Goundry Streets**

Dear Honorable Body:

Mr. Paul Hojnowski has requested that an alley that runs easterly from Division Street and between Christiana and East Goundry Streets be abandoned to abutting property owners. Said alley would be abandoned from Division Street to a point 302 feet easterly of Division Street. The portion of the alley from said point to Spruce Street was abandoned earlier.

The city does have a 20-inch interceptor sewer that runs within the alley leading to pump station number 2. If the city decides to abandon the alley to the abutting property owners, it should retain an easement over the alley so that future repairs can be made to said sewer, if required.

If you concur, please pass a motion abandoning said alley and direct this office to prepare deeds to the abutting landowners retaining an easement over said alley for access to repair or replace said interceptor sewer.

Very truly yours,
Robert Sondel
Assistant City Attorney

MOVED by Alderman Hogan **SECONDED by Alderman Schwandt**
That the Common Council hereby abandons the alleyway between Christiana and East Goundry Streets from Division Street to a point 302 feet easterly of Division Street to Spruce Street and further directs the Attorney's office to prepare deeds to the abutting landowners retaining an easement over said alley for access to repair or replace the 20-inch interceptor sewer that runs within the alley leading to pump station number 2.
CARRIED.

IV.
Engineer

June 12, 2002

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

Accordingly, please authorize for payment the current Warrant of Claims for Common Council Audit dated June 19, 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 Hogan

SECONDED by Alderman Schwandt

That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated June 19, 2002, and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$234,863.80
02	Water Fund	13,320.99
04	Sewer Fund	28,894.58
06	Capital Projects Fund	93,678.50
07	Trust & Agency Fund	1,546.50
08	Community Development	6,841.00
09	Capital Gratwick Park Remediation	28,631.80
11	General Fund (Encumbered)	<u>2,073.10</u>
	FINAL TOTAL	<u>\$409,850.27</u>

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

VII.2
Accountant

June 13, 2002

Honorable Mary C. Kabasakalian, Mayor
and Common Council
City Hall
North Tonawanda, New York 14120

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>
3	\$6,000.00	1-9030.803 Social Security	1-3120.100 Police Personal Serv.
4	\$4,250.00	1-1210.100 Mayor Per Serv.	1-1210.401 Mayor Office Supplies

David R. Jakubaszek
City Accountant

MOVED by Alderman Hogan

SECONDED by Alderman Schwandt

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>
3	\$6,000.00	1-9030.803 Social Security	1-3120.100 Police Personal Serv.

4 \$4,250.00 1-1210.100 Mayor Per Serv. 1-1210.401 Mayor Office Supplies

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

**X.
 Public Works**

April 26, 2002

To: Mayor David Burgio
Re: Award of Bid
Road Building Materials

On Thursday, April 25, 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:

<u>BIDDERS</u>	<u>AMOUNT</u>
Lafarge	\$247,650.00

I recommend that your office request the Council award the bid for Road Building Materials to Lafarge, 2255 Bailey Avenue, Buffalo, New York 14211, at their bid of \$247,650.00, subject to the approval of the City Attorney.

Gary J. Franklin
 Superintendent Public Works

MOVED by Alderman Hogan SECONDED by Alderman Schwandt
That the Common Council hereby awards the bid for Road Building Materials to Lafarge, 2255 Bailey Avenue, Buffalo, New York 14211, at their bid of \$247,650.00, subject to the approval of the City Attorney.
 Ayes: Soos, Rizzo, Hogan, Sommer, Schwandt (5)
 Nays: None (0)
CARRIED.

**XXV.
 Monthly Reports**

.1 City Clerk	.3 Police Dept.
.2 Senior Citizens	.4 Vital Statistics

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

**XXXII.
 Community Development**

June 12, 2002

The Honorable Mayor and Common Council
 City Hall – 216 Payne Avenue
 North Tonawanda, New York 14120

Re: State Environmental Quality Review Requirements
Small Cities Comprehensive Program

Dear Honorable Body:

In compliance with State Environmental Quality Review procedures, the Environmental Assessment Form has been completed for the Small Cities Comprehensive Program to be implemented in the Oliver Street area. As you know, the project includes a series of coordinated activities: housing rehabilitation, public facilities, playground improvements, a facade improvement program, streetscape amenities, and parking improvements.

At this time the City can complete the SEQR environmental review process for the Small Cities Comprehensive Program by passing the following resolution:

RESOLVED, that in accordance with the New York State Environmental Quality Review Act (SEQR), the Common Council of the City of North Tonawanda hereby announces its intent to serve as lead agency for the purpose of conducting the environmental review of the Small Cities Comprehensive Program, which the Common Council has determined to be an "Unlisted Action," as defined under SEQR regulations.

FURTHER RESOLVED, that the Common Council has caused to be prepared an environmental assessment of the significance and potential environmental impact of the above-referenced action. The Common Council hereby accepts the environmental assessment of the proposed project prepared by Stuart I. Brown Associates, Inc. The Common Council further declares that, based on the environmental assessment which has been prepared, the project will result in no major impacts and, therefore, will not cause any significant adverse impacts to the environment. The Common Council hereby authorizes the Mayor to sign the Environmental Assessment Form. A Negative Declaration under SEQR is therefore issued for the Small Cities Comprehensive Program.

Sincerely,
Michele A. Tow
Community Development Director

MOVED by Alderman Schwandt

SECONDED by Alderman Hogan

RESOLVED, that in accordance with the New York State Environmental Quality Review Act (SEQR), the Common Council of the City of North Tonawanda hereby announces its intent to serve as lead agency for the purpose of conducting the environmental review of the Small Cities Comprehensive Program, which the Common Council has determined to be an "Unlisted Action," as defined under SEQR regulations.

FURTHER RESOLVED, that the Common Council has caused to be prepared an environmental assessment of the significance and potential environmental impact of the above-referenced action. The Common Council hereby accepts the environmental assessment of the proposed project prepared by Stuart I. Brown Associates, Inc. The Common Council further declares that, based on the environmental assessment which has been prepared, the project will result in no major impacts and, therefore, will not cause any significant adverse impacts to the environment. The Common Council hereby authorizes the Mayor to sign the Environmental Assessment Form. A Negative Declaration under SEQR is therefore issued for the Small Cities Comprehensive Program.

CARRIED.

COMMUNICATIONS FROM OTHERS

A.

Rebecca J. Lennox

1304 Tanglewood Drive
North Tonawanda, NY 14120
June 6, 2002

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

Dear Council Members:

We are requesting permission from the Common Council to block off Tanglewood Drive for our seventeenth annual block party on Saturday, August 17, 2002. The party will begin at 12:00 noon and continue until 12:00 midnight. In the event of rain, we request the same for Sunday, August 18, 2002.

We would like to block Tanglewood Drive at both points of entry. The blockades may be dropped off at 1304 Tanglewood Drive. We are aware that the hydrant side of the street should remain open, with all large, heavy objects restricted to the other lane.

Please advise us of approval and any requirements at your earliest convenience. Thank you for your consideration and assistance.

Sincerely,
Rebecca J. Lennox

MOVED by Alderman Rizzo

SECONDED by Alderman Hogan

That the Common Council hereby receives and files the Mayor's approval of the request of Rebecca J. Lennox to use city equipment for a block party on Saturday, August 17, 2002 with a rain date of August 18, 2002.

CARRIED.

**B.
St. Joseph Parish**

**607 Euclid Avenue
North Tonawanda, NY 14120
June 4, 2002**

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

Dear Common Council:

I am Chairman of the Parish Life Committee of St. Joseph's Parish.

We have planned for Sunday, July 28, our annual family picnic, to be held at the Church grounds on Payne Avenue.

We would respectfully request the use of 20 picnic tables for use on this date. Said tables could be delivered to the Church grounds on either Friday, July 26, 2002, or Saturday, July 27.

I thank you for your courtesy and consideration in granting our Parish this request for the use of said picnic tables.

Very truly yours,
Robert J. Hart

MOVED by Alderman Rizzo

SECONDED by Alderman Hogan

That the Common Council hereby receives and files the Mayor's approval of the request of St. Joseph's Parish to use city equipment for their annual family picnic on July 28, 2002 on the Church grounds.

CARRIED.

C.
Rescue Fire Co. - Re: Statement of Volunteer Fireman:

Kelley L. Dawson
Robert E. Carey
Thomas A. Kendziora

MOVED by Alderman Sommer SECONDED by Alderman Hogan
That the names of Kelley L. Dawson, Robert E. Carey and Thomas A. Kendziora be
added to the City Fire Rolls.
CARRIED.

D.
Active Hose - Re: Exemption Petition:

Albin Brzezinski – 50 yrs.

MOVED by Alderman Hogan SECONDED by Alderman Schwandt
That the proper exemption certificate be issued to Albin Brzezinski.
CARRIED.

E.
Gratwick Hose - Re: Statement of Volunteer Fireman:

Justin M. Hammond

MOVED by Alderman Hogan SECONDED by Alderman Schwandt
That the name of Justin M. Hammond be added to the City Fire Rolls.
CARRIED.

LATE COMMUNICATION

#1
Attorney

June 18, 2002

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

Re: Taxicab Ordinance Amendments

Dear Mayor Burgio and Common Council

This letter is in response to Mayor Burgio’s request regarding amendments to the
above ordinance. As you recall, the new taxicab ordinance was enacted at the June 5,
2002 Council Meeting.

Due to inquiries from the taxicab companies presently operating in North Tonawanda,
Mayor Burgio has requested the following amendments to the new ordinance:

86-9. Fees.

E. Preexisting Licenses: Any owner or driver properly licensed in the City of
North Tonawanda prior to the enactment of this ordinance shall not be required to
relicense until January 1, 2003.

86-12. Rates and charges.

- A. No person shall charge a greater sum for the use of a taxicab than in accordance with the following rates:
2. Mileage rates: two dollars and thirty cents (\$2.30) for the first one-sixth (1/6) mile or less; thirty cents (\$0.30) for each one (1) minute of waiting time, including time lost in traffic delays. Upon producing certification as to senior citizen status, persons may be entitled to a ten-percent reduction in the amount of the fare. Said senior citizen discount shall be at the discretion of the taxicab licensee. (This section replaces the original section adopted on June 5, 2002.)

Attached are the pertinent sections of the ordinance which would be effected by these amendments.

I am also requesting that the aforementioned amendments be placed on the next agenda for a vote.

Should you have any questions or comments, please do not hesitate to contact me.

Yours truly,
Shawn P. Nickerson
Assistant City Attorney

MOVED by Alderman Sommer **SECONDED** by Alderman Schwandt
That the Common Council hereby amends Section 86 of the Code of the City of North Tonawanda entitled "Taxicabs" as follows:

86-9 Fees.

- E. **Preexisting Licenses:** Any owner or driver properly licensed in the City of North Tonawanda prior to the enactment of this ordinance shall not be required to relicense until January 1, 2003.

86-12. Rates and charges.

- A. No person shall charge a greater sum for the use of a taxicab than in accordance with the following rates:
2. Mileage rates: two dollars and thirty cents (\$2.30) for the first one-sixth (1/6) mile or less; thirty cents (\$0.30) for each one (1) minute of waiting time, including time lost in traffic delays. Upon producing certification as to senior citizen status, persons may be entitled to a ten-percent reduction in the amount of the fare. Said senior citizen discount shall be at the discretion of the taxicab licensee.

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

#2
Rhonda Likus

June 17, 2002

North Tonawanda Council
216 Payne Avenue
North Tonawanda, NY 14120

Dear Mr. Mayor:

As per conditions of our lease with the City of North Tonawanda I am enclosing for your consideration our proposals for major marina projects with estimated costs for 2002. This plan was developed by the marina management committee and approved by the Board of Directors.

1)	175 ft. of steel bulkhead retaining walls in "B" row (at \$115 per ft. for material, equip. & Labor)	\$20,125
2)	Repair pilings & docks in marina (material, equip. & labor)	2,000
3)	Update power boxes – B Row & Install lights in A row	500
4)	Install 400 ft. of security fence	<u>2,500</u>
	Total	\$25,125

The need for this work has been presented to the Council and the City Engineer during our meetings as part of the long term plans to continue rebuilding and up-dating the marina. Because of the deteriorating condition of the present wood bulkhead walls we wish to petition the Council to release to the Niagara River Y.C. \$4,400 from the one third of the net income for 2002 (Estimated at \$8,708.) This money will enable us to complete all of "B" row and would only be expended to complete the retaining wall in B row. The Council for the past three years has released an additional \$4,400 each year allowing us to rebuild 292 ft. of retaining wall in "C" row and "D" row and 195 ft. in "A" row. (In 2000 some of the money was not expended and was included in our annual lease payment.)

Please notify me as soon as possible regarding this request so that we may begin this work when weather permits. It is necessary for this work to be completed before the marina can open on May 1, 2002. Please contact me regarding any questions concerning this request.

Sincerely,
David R. Fleischman
Harbormaster
(phone: 773-1290)

MOVED by Alderman Schwandt SECONDED by Alderman Soos
That the Common Council hereby Council releases \$4,400 to the Niagara River Yacht Club for repairs to the marina.
Ayes: Soos, Rizzo, Hogan, Sommer, Schwandt (5)
Nays: None (0)
CARRIED.

ADJOURNMENT

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

Time of Adjournment: 6:32 P.M.

Respectfully submitted,

Michael D. Cox
City Clerk