

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Wednesday, March 19, 2003
7:00 P.M.

REGULAR MEETING CALLED TO ORDER BY PRESIDENT SCHWANDT

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Aldermen Schwandt, Rizzo, Proefrock, Sommer, Soos

Absent: None

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

STUDENT GOVERNMENT DAY

Common Council President Cathy Schwandt introduced the students from the North Tonawanda Senior High School who were elected and appointed to various positions within City Government for Student Government Day, March 19, 2003.

Kelly Hanes	Mayor
Dan Keller	Alderman At Large, CC President
Katie Alexander	Alderman At Large
Chelsea Wiechec	Alderman - First Ward
Jon Bergerson	Alderman - Second Ward
Dave Mangus	Alderman - Third Ward
Sara Szczerbinski	City Attorney
Sarah Gandt	City Judge
Kate Serwinowski	City Treasurer
Jillian Kancar	City Accountant
Kate Alesse	City Assessor
Andrea Wright	Assistant City Attorney
Krystal Osinski	Assistant City Attorney
Ashley Frobel	Building Inspector/Code Enforcement
Justin Martin	City Clerk
Stephen Klimek	City Engineer
Cate Dentinger	Director of Emergency Management

Kristian Evingham	Director of Community Development
Christopher Rochevot	Fire Chief
Chris Slomba	Appointed City Judge
Melissa Fisher	Mayor's Assistant
Katelyn Niemiec	Police Chief
Christina Proefrock	Superintendent of Public Works
Ashley Chenier	Coordinator of Senior Citizens
Brittany Phillips	Supt. of Water/Wastewater Treatment Plant
Julianne Weaver	Youth Board Chairman
Karen Wozniak	Youth Center Supervisor
Brittany Ponivas	Director of Youth, Recreation & Parks

APPROVAL OF THE MINUTES OF THE LAST REGULAR SESSION MARCH 5, 2003

MOVED by Alderman Rizzo **SECONDED** by Alderman Sommer
That the minutes of the last regular session held March 5, 2003 be approved as circulated and filed in the Office of the City Clerk.
CARRIED.

AUDIENCE PARTICIPATION

Tim Tielman, 65 Ketchum Place, Buffalo – Read letter regarding Boathouse preservation.

Dennis Kiel, 7209 Schultz Road – Read letter to council regarding Boathouses.

Peter Sullivan, Transit Road, Newfane – Supports Gateway Boat Project.

Paul Hempel, Told the Council about the Community Service that the boathouse owners perform.

Dana Holler, Yorkshire St., Tonawanda – Does not believe in eminent domain, spoke of family heritage.

Wayne Brown, Wheatfield Street – Owns four properties, does business in NT, does not agree with Tops Gas Pumps.

COMMUNICATIONS FROM CITY OFFICIALS

II.1 Attorney

March 13, 2003

**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:

It has come to my attention that the above ordinance does not provide additional safeguards to ensure that the taxicabs operating in the city are properly insured. In addition, there should be language added to ensure that the city is immediately notified should the insurance be cancelled. Accordingly, I propose the following amendment:

86-5. Application

- G. The applicant shall, at the time of the filing of his application, provide a certificate of insurance showing that the applicant has automobile insurance covering property damage and bodily injury. The policy shall indicate that notice of cancellation shall be given to the City of North Tonawanda at least 10 days prior to the same. Further, the applicant, by signature of the permit form, will agree to hold and save the City harmless from any and all damages and/or causes of action which may arise from his or her operating a taxicab within the City of North Tonawanda.**
- H. The license holder shall sign an application indicating that he agrees to hold the City harmless for any and all damages or suits or causes of action arising out of his operating a taxicab within the city.**

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 Schwandt SECONDED by Alderman Sommer
That the Common Council hereby adopts the following amendment to the Taxicab Ordinance:

86-5 Application.

- G. The applicant shall, at the time of the filing of his application, provide a certificate of insurance showing that the applicant has automobile insurance covering property damage and bodily injury. The policy shall indicate that notice of cancellation shall be given to the City of North Tonawanda at least 10 days prior to the same. Further, the applicant, by signature of the permit form, will agree to hold and save the City harmless from any and all damages and/or causes of action which may arise from his or her operating a taxicab within the City of North Tonawanda.**
- H. The license holder shall sign an application indicating that he agrees to hold the City harmless for any and all damages or suits or causes of action arising out of his operating a taxicab within the city.**

The amendment to this ordinance will take effect upon publication in the official newspaper of the City.
CARRIED.

II.2 Attorney

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

Re: New Boundary Lines for the Election Districts in the City of North Tonawanda

WHEREAS, the proposed Gateway Point Project will significantly add to the economic development and property tax base in the City of North Tonawanda,

NOW BE IT RESOLVED, that the Common Council of the City of North Tonawanda supports the efforts of the Mayor of the City of North Tonawanda to move forward with the Gateway Point Project, and authorizes the Mayor to pursue more information, sources of grant money and other funding to realize the completion of this project.

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

VII.1 Accountant

March 14, 2003

Honorable David J. Burgio, Mayor
 and Common Council
 City Hall
 North Tonawanda, New York 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 March 19, 2003, and further authorize the Mayor and City Clerk to respectively sign and countersign said Warrant.

Very truly yours,
 David R. Jakubaszek
 City Accountant

MOVED by Alderman Rizzo

SECONDED by Alderman Schwandt

That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated March 19, 2003 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$191,927.27
02	Water Fund	13,055.20
04	Sewer Fund	54,334.94
06	Capital Projects Fund	28,782.69
07	Trust & Agency Fund	217.89
08	Community Development	10,521.17
11	General Fund (Encumbered)	15,228.76
17	Home Rehab Program	<u>4,874.00</u>
	FINAL TOTAL	<u>\$318,941.92</u>

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

VII.2 Accountant

March 14, 2003

Honorable David J. Burgio, Mayor
 and Common Council

03/19/03

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**City Hall
North Tonawanda, New York 14120**

03/19/03

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>
15	4,000.00	1-3120.448 Car Wash	1-3120.471 Training & Education

Very truly yours,
David R. Jakubaszek
City Accountant

The aforementioned item was pulled from the agenda prior to the meeting.

X.1 Police

March 13, 2003

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

RE: Military Leave

Dear Mayor Burgio:

Please be advised that Police Officer Benjamin J. Pasiak is also a member of the 227th Petroleum Support Company of the United States Army Reserve. He has been called to active duty, effective March 15th, as part of the mobilization for operation Enduring Freedom. His orders indicate that the initial period of activation is for 365 days.

I would respectfully ask that you petition the Common Council to pass a resolution continuing Officer Pasiak's full pay and benefits throughout his period of activation, whereupon the City would make up the difference between his military pay and his normal salary as a police officer.

Such assistance by the Common Council would assure that neither Officer Pasiak nor his family would have to endure any financial hardships due to his activation to combat terrorism. I thank you in advance for your consideration.

Sincerely,
Carl W. Stiles
Chief of Police

MOVED by Alderman Sommer

SECONDED by Alderman Soos

That the Common Council hereby grants military leave for Police Officer Benjamin J. Pasiak continuing his full pay and benefits, with the City only paying the difference between his military pay and his normal police officer pay, subject to the approval of the City Attorney.

Ayes: Soos, Rizzo, Proefrock, Sommer, Schwandt

(5)

Nays: None

(0)

CARRIED.

38, 37 from R1-2 to R2 contingent on the combining of all three parcels.

CARRIED.

MOVED by Commissioner Przewozny **SECONDED** by Commissioner Mineo

That the City Planning Commission hereby recommends the rezoning of Lots #185.07-2-57 and Lots #185.07-2-70, 71 from R1-2 to R2 contingent upon the combining of the parcels.

CARRIED.

If your Honorable Body concurs, please take the steps necessary to complete the rezoning.

Very truly yours,
Thomas M. Jaccarino
City Clerk

MOVED by Alderman Soos

SECONDED by Alderman Sommer

That the Common Council will hold a public hearing on Wednesday, April 2, 2003 at 6:00 P.M. regarding the proposed rezoning of 111, 117, 125 195, 201 Elmwood Drive and 706 Sandra Lane, SBL# 185.11-1-37, 185.11-1-38, 185.11-1-39 and SBL# 185.07-2-70, 185.07-2-71 and 185.07-2-57.

And further, that the Common Council will hold a public hearing on Wednesday, April 2, 2003 at 6:30 P.M. regarding the proposed rezoning of 601-605 Nash Road, SBL #182.14-1-6 and SBL# 182.14-1-7.

Ayes: Soos, Rizzo, Proefrock, Sommer, Schwandt

(5)

Nays: None

(0)

CARRIED.

XVI.2

March 14, 2003

Common Council
216 Payne Avenue
North Tonawanda, NY 14120

Dear Honorable Body:

On March 3, 2003, the North Tonawanda Planning Commission made the following resolution:

Benderson Development

Re: Mid-City Plaza (955-969 Payne Avenue)
Former Ames Plaza (301 Meadow Drive)
North Tonawanda, NY
BDCI Property No. 1112

MOVED by Commissioner Mineo

SECONDED by Commissioner Pearl

That the City Planning Commission hereby approves the final submitted site plan contingent upon the Common Council approving the gasoline fueling facility and submitted traffic plan for Meadow Drive.

CARRIED.

If your Honorable Body concurs, please take the steps necessary to approve the gasoline fueling facility and traffic plan for Meadow Drive as submitted by Benderson Development and approved by the pertinent Department Heads of the City.

Very truly yours,
Thomas M. Jaccarino
City Clerk

03/19/03

On Sommer St. @ Carruthers St.
 On Carr St. @ 11th Ave.
 On Carr St. @ Edward St.
 On Gilmore St. @ 15th Ave.
 On Humphrey St. @ Carr St.
 On Niagara Pkwy @ Rosebrock.
 On Bryant St. @ Miller St.
 On Selkirk @ Moll St.
 On Wurlitzer Dr. @ Cambridge.
 On Pioneer Dr. @ Farnsworth St.
 On Fairmont @ Farnsworth St.
 On Park St. @ Robert
 On Spruce St @ E Thompson St.

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

XXV. Monthly Reports

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

MOVED by Alderman Schwandt **SECONDED** by Alderman Rizzo
 That the Common Council receives and files the aforementioned Monthly Reports.
CARRIED.

XXVII. Annual Reports

.1 Treasurer

MOVED by Alderman Rizzo **SECONDED** by Alderman Sommer
 That the Common Council receives and files the aforementioned Annual Report.
CARRIED.

COMMUNICATIONS FROM OTHERS

A.

Columbia Hook & Ladder - Re: Exemption Petition:

Kelly S. Derushia – 5 years.

MOVED by Alderman Rizzo **SECONDED** by Alderman Sommer
 That a 5-year Exemption Certificate be issued to Kelly S. Derushia.
CARRIED.

B.

Mitchell Banas

February 25, 2003

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

Honorable Council:

I have been a Commissioner of Deeds in the County of Niagara for the purpose of witnessing signatures of corporate officers and employees in the performance of their duties.

My commission expired on January 15, 2003. I am requesting that you renew my commission.

My home address is: 1679 Sweeney Street, North Tonawanda, NY 14120.

You may reach me at 694-1111 (work) or 692-1111 (home).

Thank you for consideration in this matter.

Very truly yours,
Trinity Tools, Inc.
Mitchell J. Banas
President

MOVED by Alderman Sommer SECONDED by Alderman Soos
That the Common Council hereby reappoints Mitchell J. Banas, 1679 Sweeney Street, North Tonawanda, NY 14120 as Commissioner of Deeds for the City of North Tonawanda. His term will be effective March 20, 2003 expiring March 19, 2005.
CARRIED.

C.
Niagara Community Action Program, Inc.

January 31, 2003

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

Dear Mayor Burgio:

On behalf of the Board of Directors for Niagara Community Action Program, Inc., I am once again writing this letter to seek your help for the less fortunate, homeless and disadvantaged residents throughout the City. Our mission is to move families out of poverty and into an environment of self-sufficiency.

Over 15,000 City of North Tonawanda residents were assisted by the agency from July 2001 to June 2002. As you know, city residents can access programs and services at the outreach office located at Colonel Payne, 460 Wheatfield Street.

We are asking to be included in your 2003 budget for \$1,000.00. Niagara Community Action Program needs your financial assistance to continue to help provide hope and guidance to those less fortunate members of your community. The money you allocate to Niagara Community Action Program will directly benefit the truly needy in North Tonawanda with emergencies.

Your support is greatly appreciated.

Respectfully,
Suzanne Shears
Executive Director

MOVED by Alderman Proefrock SECONDED by Alderman Soos
That the Common Council hereby tables the aforementioned request for further consideration.

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: 8:42 P.M.

Respectfully submitted,

Thomas M. Jaccarino
City Clerk