

**THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Wednesday, January 21, 2004
6:00 P.M.**

REGULAR SESSION CALLED TO ORDER BY PRESIDENT SOMMER

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Absent: None

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

APPROVAL OF THE MINUTES OF THE REGULAR SESSION HELD JANUARY 7, 2004

**MOVED by Alderman Schwandt SECONDED by Alderman Rizzo
That the minutes of the regular session held January 7, 2004 be approved as circulated and
filed in the Office of the City Clerk.
CARRIED.**

PROOF OF PUBLICATION PUBLISHED DECEMBER 5, 2003

1) Public Hearing – Local Law #1 for 2003, Establishing Sewer Rates for 2004 – City Clerk

PROOF OF PUBLICATION PUBLISHED DECEMBER 31, 2003

1) Legal Notice – Tax Anticipation Notice – City Clerk

**MOVED by Alderman Schwandt SECONDED by Alderman Hempel
That the aforementioned proof of publication be received and filed.
CARRIED.**

AUDIENCE PARTICIPATION - None

COMMUNICATIONS FROM CITY OFFICIALS

I.1 Mayor

January 5, 2004

**Common Council
216 Payne Ave.
North Tonawanda, NY 14120**

Dear Common Council:

**Please be advised that I am appointing Duane Carll of 1336 Master Street, North
Tonawanda, NY 14120, to the Deerwood Golf Course Committee. His term will start**

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immediately and expire December 31, 2004. He replaces Bill Keim who resigned.

Thank you.

Sincerely,
David J. Burgio

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

I.2 Mayor

January 5, 2004

Common Council
216 Payne Ave.
North Tonawanda, NY 14120

Dear Common Council:

Please be advised that I am appointing Timothy Makai of 115 Christiana, North Tonawanda, NY 14120, 807-4732, to the Planning Commission. His term will be effective immediately and expire December 31, 2010. He replaces Mary Jo Tamburlin.

Thank you.

Sincerely,
David J. Burgio

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

I.3 Mayor

January 2, 2004

Common Council
216 Payne Ave.
North Tonawanda, NY 14120

Dear Common Council:

Please be advised that I am reappointing Dawn Vollmer of 185 Vandervoort St., North Tonawanda, NY 14120 and Mary Fonzi of 609 Christiana St., North Tonawanda, NY 14120 to the Environmental Committee. Their term will be for 1 year, begin immediately and expire December 31, 2004.

Thank you.

Sincerely,
David J. Burgio

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

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

I.7 Mayor

January 5, 2004

Common Council
216 Payne Ave.
North Tonawanda, NY 14120

Dear Common Council:

Please be advised that I am reappointing Frank Grandinetti to the Plumbing Board. His term will begin immediately and expire December 31, 2006.

Thank you.

Sincerely,
David J. Burgio

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

I.8 Mayor

January 5, 2004

Common Council
216 Payne Ave.
North Tonawanda, NY 14120

Dear Common Council:

Please be advised that I am reappointing Bill Paton as Chairman of the Board of Appeals. His term as Chairman will begin immediately and expire December 31, 2004. His term as member of the Board will expire December 31, 2007.

I would also like to re-affirm the term of Mr. Paton and original an original appointment which began in January of 2002. There are 5 members on the board, a member of the board serves for as many years as there are members of the board. Therefore his term will be effective until December 31, 2007.

Please be advised that I am reappointing Arthur Smith and Walt Wrazin to the Board. Their term will begin immediately and will expire December 31, 2008.

Thank you.

Sincerely,
David J. Burgio

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

I.9 Mayor

January 8, 2004

**Common Council
216 Payne Ave.
North Tonawanda, NY 14120**

Dear Common Council:

Please be advised that I have reappointed Charles Proefrock and Richard Andres, Jr. to the Waterfront Commission. Their term will be for 3 years beginning immediately and expiring December 31, 2006.

Thank you.

**Sincerely,
David J. Burgio**

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

I.10 Mayor

January 5, 2004

**Common Council
216 Payne Ave
North Tonawanda, NY 14120**

Dear Common Council:

Please be advised that I am appointed John E. Long of 194 Schenck Street, North Tonawanda, NY 14120, 693-3144, to the position of City Market Clerk. His term will begin immediately and end December 31, 2004.

Thank you.

**Sincerely,
David J. Burgio**

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

II. Attorney

January 16, 2004

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

RE: Lumber City Local Development Corporation

Dear Honorable Body:

At our recent Common Council workshop session with Community Development Director James Sullivan, we discussed the possibility of creating an economic development corporation to help with the development of our city. At that time, the Mayor indicated that you wish me to move forward with this endeavor.

Should your Honorable Body concur, please pass a resolution authorizing me to file the necessary paperwork with the New York State Secretary of State to create the Lumber City Local Development Corporation.

If you have any questions, please do not hesitate to contact me.

Very truly yours,
Henry F. Wojtaszek
City Attorney

MOVED by Alderman Schwandt SECONDED by Alderman Rizzo
That the Common Council hereby authorizes the City Attorney to file the necessary paperwork with the New York State Secretary of State to create the Lumber City Local Development Corporation.

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

VII.1 Accountant

December 30, 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 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 January 21, 2004, 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 January 21, 2004 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

| | | |
|----|-----------------------|----------------------------|
| 01 | General Fund | \$295,793.83 |
| 02 | Water Fund | 8,562.73 |
| 04 | Sewer Fund | 33,108.76 |
| 06 | Capital Projects Fund | 89,353.81 |
| 07 | Trust & Agency Fund | 5,071.31 |
| 08 | Community Development | 27,258.00 |
| 17 | Home Rehab Program | <u>16,129.00</u> |
| | FINAL TOTAL | <u>\$475,277.44</u> |

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

VII.2 Accountant

January 15, 2004

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

Dear Honorable Body:

Please be advised that the City of North Tonawanda currently administers a Deferred Compensation Model Plan for the employees of the municipality. The Deferred Compensation Committee has advertised for Requests for Proposal in the New York State Register and received proposals from five firms.

The committee has reviewed the proposals and has conducted some interviews. The committee voted to accept the proposal from the Hartford as Administrative Services Agency and Financial Organization pursuant to section 9003 of Subtitle II, Title 9 NYCRR. The Hartford is the same firm that has administrated our program for the last five years.

Accordingly, please adopt the attached resolution and authorize the Mayor to execute it.

**Very truly yours,
David R. Jakubaszek
Robert Sondel
Mark Dotterweich
Deferred Compensation Committee**

**MOVED by Alderman Schwandt SECONDED by Alderman Rizzo
That the Common Council adopts the following resolution and further authorizes the Mayor to sign:**

WHEREAS, the City of North Tonawanda did establish a Deferred Compensation Plan for employees, and

WHEREAS, the Deferred Compensation Committee did accept and review proposals for the administration of the Deferred Compensation Plan for a five-year contract period as stipulated in Section 9003 of Subtitle II, Title 9 NYCRR, and

WHEREAS, the Deferred Compensation Committee does recommend the award of such contract to The Hartford as Administrative Services Agency and Financial Organization pursuant to section 9003 of Subtitle II, Title 9 NYCRR, and

WHEREAS, the Deferred Compensation Committee does recommend that M&T Bank act as trustee (formerly Allfirst Trust Company);

NOW, THEREFORE, BE IT

RESOLVED, that the City of North Tonawanda adopts the "Model Plan" with an effective date of January 1, 2002 including amendments through January 1, 2003. Also it is further

RESOLVED, that the Mayor of the City of North Tonawanda hereby is directed to execute all necessary documents to contract with The Hartford for administrative and financial services and M&T Bank for the Trustee Services for the City of North Tonawanda Deferred Compensation Plan for the period January 21, 2004, or as soon thereafter as possible through January 20, 2009.

IN WITNESS WHEREOF, the undersigned have executed this Resolution in the City of North Tonawanda, Niagara County, New York, this January 21, 2004 and directed that it be filed as appropriate.

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer
Nays: None
CARRIED.

(5)
(0)

X. Police

December 31, 2003

Mayor Burgio:

Per our conversation, I have promoted Nathan D. Achtziger to the rank of Lieutenant in the Police Department.

Lt. Achtziger was chosen from a list of eligibles from the Niagara County Civil Service Commission and will be replacing Lt. Ernest Green who has retired.

Lt. Achtziger will begin on the 11-7 shift on Friday January 2, 2004.

There will be a short ceremony in the Common Council Chambers on Friday, January 2, 2004 at 2 PM. You are most welcome to attend.

**Randy D. Szukala
Chief of Police**

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

XI. Fire

January 2, 2004

**Mayor David Burgio
216 Payne Avenue
North Tonawanda, NY 14120**

Dear Mayor Burgio:

As per our previous conversations, I am promoting Captain Christopher Fritz and Captain Leon Szczerbinski to the rank of Assistant Chief, effective January 16, 2004.

Assistant Chief Fritz will remain in the Training Bureau and Assistant Chief Szczerbinski will remain in the Fire Prevention Bureau.

**Respectfully,
Gregory R. Frank
Fire Chief**

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

XVII. Traffic Safety

**TO: Common Council
Mayor**

DATE: January 16, 2004

FROM: Traffic Safety Committee

RE: Various recommendations

We recommend the following:

1. "15-minute parking" signs be erected on the north side of 16th Avenue near Payne Avenue.
2. "No parking here to corner" signs erected on the south side of Erie Avenue from Sisson Drive east to the first curb cut for PJ's Restaurant.

MOVED by Alderman Schwandt **SECONDED** by Alderman Sommer
That the Common Council hereby directs the Department of Public Works to install the following:

1. "15-minute parking" signs on the north side of 16th Avenue near Payne Avenue.
2. "No parking here to corner" signs on the south side of Erie Avenue from Sisson Drive east to the first curb cut for PJ's Restaurant.

CARRIED.

XXV. Monthly Reports

- | | | | |
|-----------|-------------------------|-----------|--|
| .1 | City Clerk | .3 | Housing Authority |
| .2 | Vital Statistics | .4 | Tonawandas Gateway Harbor, Inc. |

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

XXVII. Annual Reports

- | | | | |
|-----------|---------------------------|-----------|-----------------------|
| .1 | City Clerk | .3 | City Historian |
| .2 | Building Inspector | | |

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

XXXII.1 Community Development

January 15, 2004

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

Re: Extension of Agreement with
 H. Sicherman & Company, Inc. and the
 City of North Tonawanda through the
 Community Development Department

Dear Honorable Body:

The City, through the Community Development Department, has contracted with H. Sicherman & Company, Inc., regarding consulting services for community development and economic development and planning services.

Further, the City will be embarking on an ambitious economic development initiative, as well as applying for additional funding from the Governor's Office for Small Cities during 2004.

Consequently, I am requesting that the Common Council authorize the Mayor to sign an amendment (copy attached) to the existing contract, subject to review by the City Attorney, to extend this agreement through 2004 and that the total remuneration shall not exceed the sum of twelve thousand dollars (\$12,000). These costs will be covered by Community Development Block Grant funds.

Thank you for your anticipated cooperation.

Sincerely,
James B. Sullivan
Director of Community Development

MOVED by Alderman Rizzo

SECONDED by Alderman Schwandt

That the Common Council hereby authorizes the Mayor to sign an amendment to the existing contract with H. Sicherman & Company, Inc., regarding consulting services for community development and economic development and planning services, to extend this agreement through 2004 and that the total remuneration shall not exceed the sum of twelve thousand dollars (\$12,000), subject to review by the City Attorney. These costs will be covered by Community Development Block Grant funds.

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

Nays: None (0)

CARRIED.

XXXII.2 Community Development

January 15, 2004

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

Re: Small Cities CDBG Grant
1999 Homeownership Program
B-99-DH-36-0274

Dear Honorable Body:

The City contracted with Bishop Sheen Ecumenical Housing Foundation, Inc., Rochester, New York, on April 30, 2002, for the purpose of providing homebuyer counseling, as required by the U.S. Dept. of Housing and Urban Development (HUD), for the above noted program.

Deborah Harris, our representative from Bishop Sheen, informed this office that they were going to terminate the contract, as of December 15, 2003, due to the inconvenience of traveling between Rochester and North Tonawanda.

Originally, two bids were received for the counseling services, one from Bishop Sheen and one from Belmont Shelter Corp. The Homeownership Program is ongoing with a sufficient amount of funding to do a minimum of 10 more applications. Consequently, I am requesting that the Common Council authorize the Mayor to enter into a contact (copy attached) with Belmont Shelter Corp., subject to review of the City Attorney, to provide the homebuyer counseling, as mandated by the Dept. of HUD.

Thank you for your anticipated cooperation.

Sincerely,
James B. Sullivan
Director of Community Development

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D.
Edward Pawenski

January 7, 2004

Office of the City Clerk
City Hall
216 Payne Avenue
North Tonawanda, NY 14120

Honorable Members of the Council,

I request appointment as Commissioner of Deeds for the City of North Tonawanda. My present appointment expires on February 21, 2004.

Sincerely yours,
Edward Pawenski

MOVED by Alderman Schwandt **SECONDED** by Alderman Hempel
That the Common Council hereby appoints Edward Pawenski, 65 Sunset Drive, North Tonawanda, NY 14120 as a Commissioner of Deeds for the City of North Tonawanda for a term beginning February 22, 2004 expiring February 21, 2006.
CARRIED.

E.
NT Lumberjack
Marching Band

January 5, 2004

Mayor David Burgio
North Tonawanda City Hall
Payne Avenue
North Tonawanda, NY 14120

Dear Mayor Burgio,

On behalf of the North Tonawanda HS Marching Band Boosters we are requesting again to have a banner hung near Lowry Middle School on Payne Avenue for our annual Valentine Craft Show. The craft show is on Saturday, February 14 at the high school. We would like to have the banner put up by Saturday, January 31.

Could you please put this on your agenda for the council meeting this month? If you have any questions, please feel free to contact Laurie Moeller, chairperson of the craft show at 692-4826. As always, thank you for your continued support of the NTHS Marching Band Boosters.

Sincerely,
Susan F. Ferrio
Secretary

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

F.
Columbia Hook & Ladder - Re: Exemption Petitions:

Joseph W. Duval – 25 Yrs.

MOVED by Alderman Schwandt **SECONDED** by Alderman Hempel
To issue the proper exemption petition to Joseph W. Duval – 25 Yrs.
CARRIED.

G.
Columbia Hook & Ladder - Re: Removal of names from the Fire Rolls:

**William B. Dolan
Eric R. Millan
Kevin T. Smith
Joseph D. Francis**

MOVED by Alderman Rizzo **SECONDED by Alderman Hempel**
To remove the names of William B. Dolan, Eric R. Millan, Kevin T. Smith and Joseph D. Francis from the City Fire Roll.
CARRIED.

H.
Gratwick Hose Co. #6 - Re: Exemption Petitions:

**Robert Thompson – 25 Yrs.
James Barth – 25 Yrs.
Roger Niemel – 35 Yrs.
Richard Olsen – 35 Yrs.
LaVern Zastrow – 50 Yrs.**

MOVED by Alderman Rizzo **SECONDED by Alderman Schwandt**
To issue the proper exemption petitions to Robert Thompson – 25 Yrs., James Barth – 25 Yrs., Roger Niemel – 35 Yrs., Richard Olsen – 35 Yrs. and LaVern Zastrow – 50 Yrs.
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: 6:25 P.M.

Respectfully submitted,

**Thomas M. Jaccarino
City Clerk**