

the sick leave bank.

12. §11.13(3) – This section increases funeral leave from 3 days to 4 days.
13. §11.15(3) – This section permits an employee to take personal leave in ½ day increments at the discretion of management.
14. §12.12 – This section requires all employees to subscribe to Community Blue. An employee could continue to subscribed to traditional Blue Cross/Blue Shield by paying the difference in the cost of coverage.
15. §12.14 – This section remains unchanged. It merely reflects that the prescription plan is a \$5.00 co-pay.
16. §12.15(a) – This section increases the payments to the dental fund by 5% per year effective 1/1/04, but only for life of the contract.
17. §12.16(a) – This section amends the number of sick days required at retirement for the city to pay a percentage of medical insurance to age 65. It reduces the number of days for employees hired after April 1, 1986 because these employees earn fewer sick leave credits.
18. §12.16(c) – This section would extend medical insurance coverage for a retirees between the ages of 65 and 70 with the city paying up to 50% of the premium based on the number of sick days remaining at retirement.
19. §12.16(d) – This section would cover a retiree who moves out of the area by paying his health insurer the same amount as if he were still a local resident.
20. §12.18(a) – This section increases the payments to the optical fund by 5% per year effective 1/1/04, but only for life of the contract.
21. §12.21 – This section increases the longevity payments made to employees.
22. §13.13 – This section increases the amount of funds for safety equipment by 10% per year, but only for the life of the contract.
23. §13.15 – This section will pay an employee a clothing allowance of up to \$50.00 per year.
24. §14.11 – This section deals with employees hired after April 1, 1986 and amends the current agreement:
 - a) This section would not permit an employee from earning sick leave credit while using the sick leave bank.
 - b) This section requires all new employees to pay 25% of the cost of medical insurance for 15 years.

If you concur with these proposals, please authorize the mayor to sign the attached Memorandum of Agreement. And further, to finance the provisions of the negotiated agreement:

1. Authorize the City Accountant to make a budget transfer of \$94,000 from General Fund appropriation account 1-3120.100 Police Personal Services (officers who were budgeted for 2004 but retired in 2003), \$68,000 into 1-5110.100 Street Maintenance Personal Services and \$26,000 into 1-8169.100 Garbage Recycling Personal Services.
2. Authorize the City Accountant to make a budget transfer of \$14,000 from the Sewer Fund appropriation account 4-1990.400 Contingent into 4-8120.100 Sanitary Sewers Personal Services.

MOVED by Alderman Sommer

SECONDED by Alderman Soos

That the Common Council hereby authorizes the following amendment to Sec. 25-8 of the City Code:

Sec. 25-8. Late filing; penalties for offenses

Any person who shall commence construction of any building or other structure without first obtaining the required building permit shall be required to pay, as a penalty, a fee of twice the amount of the regular fee when making late application for such building permit. Whenever any person shall commence such construction without having first obtained a building permit, the Building Inspector shall stop all construction. Anyone failing to obtain a building permit within one (1) business day after a stop-work order has been issued shall be subject to a fine not to exceed two hundred fifty dollars (\$250) in addition to payment of the double fee for such late filing.

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer

(5)

Nays: None

(0)

CARRIED.

II.3 Attorney

February 27, 2004

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

Re: Zoning Ordinance Amendments (Signs)

Dear Mayor Burgio and Common Council:

This letter is in response to Building Inspector Capozzi's request regarding amendments to the above ordinance. As you recall, this would change existing regulations regarding signs. Accordingly, please review the following modifications:

103-9. R-C Residence – Business District.

A. Permitted uses.

(10) Accessory uses:

(b) Accessory uses and structures, provided that no exterior signs shall be allowed unless it:

(2b) Does not exceed one (1) square foot per linear foot of building frontage;

(5b) Does not face the side of any adjoining lot in any R-1 or R-2 District;

(6b) Is not equipped with flashing or intermittent illumination other than when such lighting is used to report time, temperature, stock market and/ or news reports;

(7b) Does not exceed the length of the longest side of the frontage where a building fronts on more than one (1) street;

(8b) Does not project beyond the ends of the building; and

(9b) Does not cover any required windows and/ or doors.

(c) Wall signs shall be permitted for each separate business or tenant occupying a building subject to the regulations of this chapter.

(11) Exterior Temporary Signs.

- (a) Shall be limited to sixteen (16) square feet per face;**
- (b) Shall be allowed only after obtaining a special permit issued by the Building Inspector;**
- (c) Use shall be limited to thirty (30) days in any calendar year.**

(12) Exterior Pole Signs.

- (a) Shall be supported wholly by a pole or poles;**
- (b) Shall not exceed twenty-five (25) feet in height from grade to the highest point of the sign;**
- (c) The lowest portion of the sign (excluding the pole[s]) shall not be less than eight (8) feet from finish grade;**
- (d) The maximum sign face shall be determined by Sec. 103(10) of this chapter.**

G. Signs.

- (1) If at any time the Code Enforcement Officer determines a sign is in disrepair, the owner/ tenant of the property shall repair or remove said sign within fifteen (15) days of notice to the owner/ tenant by the Code Enforcement Officer. Failure to do so shall result in removal by the building department. The cost of this removal, plus fifty dollars (\$50) for inspection of the premises shall be charged to the owner of the property. The City Assessor shall assess this amount upon the real property. Said total amount shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged. The amount shall be collected by the City Treasurer in the manner provided by law for the collection of taxes or delinquent taxes.**
- (2) If at any time the Code Enforcement Officer determines a sign does not conform with an issued sign permit, the owner/ tenant of the property shall comply with the permit within fifteen (15) days of notice to the owner/ tenant by the Code Enforcement Officer. Failure to do so shall result in removal by the building department. The cost of this removal, plus fifty dollars (\$50) for inspection of the premises shall be charged to the owner of the property. The City Assessor shall assess this amount upon the real property. Said total amount shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged. The amount shall be collected by the City Treasurer in the manner provided by law for the collection of taxes or delinquent taxes.**

H. Abandoned Signs.

- (1) Any sign located on property unoccupied for a period of sixty (60) days or more shall be deemed abandoned.**
- (2) Failure to remove an abandoned sign shall result in removal by the building department. The cost of this removal, plus fifty dollars (\$50) for inspection of the premises shall be charged to the owner of the property. The City Assessor shall assess this amount upon the real property. Said total amount shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged. The amount shall be collected by the City Treasurer in the manner provided by law for the collection of taxes or delinquent taxes.**

103-11. C-2 General Commercial.**A. Permitted uses.**

(1) Any use permitted in the C-1 District.

G. The maximum face area for all signs appearing on a property shall not exceed two (2) square feet per linear foot of building frontage.

Attached are the pertinent sections of the ordinance affected by the above amendments. I am also requesting that they 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 Rizzo

That the Common Council hereby tables the request for and amendment to Sec. 103-9 of the Zoning Ordinance regarding signs for further consideration.

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

Nays: None (0)

CARRIED.

IV.1 Engineer

February 26, 2004

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

Re: Police Shooting Range
Re-design and Re-bid
Project 97-5
Contract Amendment No. 1

Dear Honorable Body:

As you are aware, there was a failed bid attempt last year for the police shooting range renovations where there was only one bidder whose proposal was substantially over budget. The engineering department in conjunction with the police department is in the process of re-designing the project in an effort to save considerable expense.

Recently, the police department has contracted to remove and decontaminate the shooting range of lead. A leading cost saving measure is the decision by the department to refurbish and reuse the existing bullet trap rather than replacing it. Seventy five percent of the costs associated with the bullet trap and lead abatement is reimbursable under the State's Capital Abatement Program. Further cost saving measures is the re-design of the new air conditioning ductwork within the range.

Accordingly, I respectfully request that the Common Council authorize Mayor Burgio to sign the attached agreement with Nussbaumer & Clarke, Inc. in the amount of \$5,900 to re-design and re-bid the project, and an amount not to exceed \$1,900 for services during construction, subject to review by the City Attorney.

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

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 March 3, 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 Schwandt SECONDED by Alderman Hempel
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated March 3, 2004 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$423,880.05
02	Water Fund	53,712.46
04	Sewer Fund	64,213.69
06	Capital Projects Fund	99,181.75
07	Trust & Agency Fund	147.25
08	Community Development	44,534.28
11	General Fund (Encumbered)	12,413.01
14	Sewer Fund (Encumbered)	1,491.00
17	Home Rehab Program	<u>19,997.00</u>
FINAL TOTAL		<u>\$719,570.49</u>

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

IX. Public Works

February 27, 2004

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

Re: Authorization of Grant Application & Execution

Honorable Body:

Please find enclosed a Grant Agreement with the New York State Senate Majority Initiative for benches and waste receptacles along the Oliver Street Corridor.

Please authorize the Mayor to execute this agreement on behalf of the City. There are no matching funds required for this grant.

Very truly yours,
Gary J. Franklin
Superintendent Public Works

MOVED by Alderman Hempel SECONDED by Alderman Schwandt
That the Common Council hereby authorizes the Mayor to sign the Grant Agreement with the New York Senate Majority Initiative for benches and waste receptacles along the Oliver Street Corridor.

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

X. Police

February 2, 2004

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

Re: Legislative Grant LG03038338

Honorable Mayor and Council,

We are respectfully requesting the Mayor be authorized to accept and sign the grant award contract for Legislative Grant LG03038338. This grant is designated for bulletproof vests for the North Tonawanda Auxiliary Police. There is no cash match associated with the acceptance of this grant.

This grant award of \$5000.00 will be used as the cash match for a grant under the Bulletproof Vest Partnership Program (BVP) under the U.S. Department of Justice. The approval for purchase of the bulletproof vests has already been received from the BVP. Once this grant award for \$5000.00 is received then purchase of the vests can commence.

Thank you in advance for your cooperation in this matter. Any questions regarding this grant can be directed to Officer Joseph Follendorf.

Respectfully submitted,
Randy Szukala
Chief of Police

MOVED by Alderman Schwandt **SECONDED** by Alderman Hempel
That the Common Council hereby authorizes the Mayor sign the grant award contract for Legislative Grant LG03038338. This grant is designated for bulletproof vests for the North Tonawanda Auxiliary Police. There is no cash match associated with the acceptance of this grant. This grant award of \$5000.00 will be used as the cash match for a grant under the Bulletproof Vest Partnership Program (BVP) under the U.S. Department of Justice.
Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer (5)
Nays: None (0)
CARRIED.

XVI. City Clerk

February 27, 2004

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

Dear Honorable Body:

Please waive the penalties for 2003/2004 School Tax Bill for 110 Webster Street in the amount of \$67.77.

Sincerely,
Thomas M. Jaccarino
City Clerk

MOVED by Alderman Schwandt **SECONDED** by Alderman Rizzo
That the Common Council waives the School Tax Bill penalties for 110 Webster Street in the amount of \$67.77.
Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer (5)
Nays: None (0)
CARRIED.

B.
NT Lumberjack
Marching Band Boosters

February 23, 2004

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

Dear Mayor Burgio:

The NTHS Marching Band Boosters are holding their annual theme tray on Saturday, March 13. We would like to be able to put a banner up across Payne Avenue by Lowry Middle School by Friday, March 5.

I know this is short notice, but could you please put this on your agenda for the next council meeting? We would greatly appreciate it. You may contact Laurie Moeller at 692-4826 for any questions you may have.

Thank you again for your continued support of the NTHS Marching Band Booster.

Sincerely,
 Susan F. Ferrio
 Band Booster Secretary

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

MOVED by Alderman Schwandt SECONDED by Alderman Soos
To bring the following communication to the floor.
Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer (5)
Nays: None (0)
CARRIED.

I. Mayor

March 2, 2004

Common Council
216 Payne Avenue
North Tonawanda, NY 14120

Dear Common Council:

I am asking for your authorization to submit an application to the New York State Department of Agriculture and Markets requesting a grant in the amount of \$35,220 to repave two of the city market parking lots totaling 34,000 square feet and the construction of 1,500 linear feet of sidewalks along streets approaching the market and the construction of two signs.

The City will match Department of Agriculture and Markets funds with \$36,220 in in-kind goods and services or 50.7% of the total project cost of \$71,440.

Upon notification of award of this grant, please authorize me to execute a contract with the New York State Department of Agriculture and Markets.

Sincerely,
 David J. Burgio

MOVED by Alderman Schwandt

SECONDED by Alderman Hempel

That the Common Council hereby authorizes the Mayor to submit an application to the New York State Department of Agriculture and Markets requesting a grant in the amount of \$35,220 to repave two of the City Market parking lots totaling 34,000 square feet and the construction of 1,500 linear feet of sidewalks along streets approaching the market and the construction of two signs, subject to the review and approval of the City Attorney.

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer

(5)

Nays: None

(0)

CARRIED.

ADJOURNMENT

MOVED by Alderman Rizzo

SECONDED by Alderman Schwandt

That this regular session of the Common Council be and hereby is adjourned.

CARRIED.

Time of Adjournment: 6:37 P.M.

Respectfully submitted,

Thomas M. Jaccarino
City Clerk