

**THE HONORABLE BODY  
Council Chambers  
Municipal Building  
North Tonawanda, New York 14120  
Wednesday, June 2, 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 MAY 19, 2004**

**MOVED by Alderman Schwandt                      SECONDED by Alderman Rizzo  
That the minutes of the regular session held May 19, 2004 be approved as circulated and  
filed in the Office of the City Clerk.  
CARRIED.**

---

**AUDIENCE PARTICIPATION – None**

---

**COMMUNICATIONS FROM CITY OFFICIALS**

**I. Mayor**

**May 18, 2004**

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

**Dear Common Council,**

**Please be advised that I have reappointed Evelyn Blow, 1385 Cambridge Avenue, North  
Tonawanda, NY 14120 to the Board of Assessment Review. Her term begins immediately  
and is for six years expiring May 2010.**

**Please be advised that I have appointed Sharon Colwell, 686 Park Avenue, North  
Tonawanda, NY 14120 to the board of Assessment Review. Sharon will be replacing  
Luann M. Nicolosi who has resigned. Sharon's term begins immediately and will expire  
May 2006.**

**Thank you.**

**Sincerely,  
David J. Burgio  
Mayor**

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

---

The following item was pulled from the agenda before the meeting:

**II.1 Attorney**

May 28, 2004

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

Re: Water/Sewer – Francis Vekich  
431 Robinson Street

Dear Honorable Body:

Please be advised that we have received information that a pipe burst on the above referenced property, causing an exorbitant water/sewer bill to be incurred while the house was empty. A “normal” reading for this property would have resulted in a billing amount of approximately \$30 - \$40; however, the billing for this quarter is \$1,745.40. Since the homeowner resides in Barker and the property was empty at the time of the leak, he would like the Council’s consideration in waiving a portion of this water/sewer bill.

Should your Honorable Body concur, kindly pass a resolution to waive a portion of the water/sewer bill for this quarter of 431 Robinson Street, to a fair and equitable amount, subject to the review by the City Attorney. Thank you for your consideration in this matter.

Very truly yours,  
Henry F. Wojtaszek  
City Attorney

---

**II.2 Attorney**

May 4, 2004

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

Re: Related Apartment Preservation, LLC  
Proposed Tax Abatement Agreement for Carousel Park Apartments

Dear Honorable Body:

Pursuant to our recent discussion, I have spoken with Related Apartment Preservation, LLC, regarding their involvement with the Carousel Park Apartments, and they have provided a proposed tax abatement agreement for consideration. Following is my understanding of the agreement:

- 1) Related Apartment Preservation, LLC will give the City and upfront administrative fee in the amount of \$75,000.
- 2) Related Apartment Preservation, LLC will amend or enter into a new lease with the Senior Center for a term of 15 years from their date of acquisition. This lease will include a yearly payment by the City of North Tonawanda to RAP, LLC in the amount of \$1,000.
- 3) In addition, the real estate tax payment for Related Apartment Preservation, LLC will be approximately \$62,000 for the first year of ownership and will increase 5% per year for as long as their ownership continues, up to 40 years or upon the sale of the property.

Should your Honorable Body concur, kindly pass a resolution to accept the proposed Carousel Park Apartments tax abatement agreement, as amended, for signature by the Mayor, subject to review of all documentation by the City Attorney.

Very truly yours,  
Henry F. Wojtaszek  
City Attorney

**MOVED** by Alderman Sommer                      **SECONDED** by Alderman Hempel  
The Common Council hereby accepts the proposed Carousel Park Apartments tax abatement agreement, as amended and further authorizes the Mayor to sign the agreement, subject to review of all documentation by the City Attorney.  
Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer (5)  
Nays: None (0)  
**CARRIED.**

#### IV. Engineer

May 21, 2004

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

Re: Project 2003-03, Warner Avenue Area 16" Water Main Improvements  
Award of Bid  
Contract B and Contract C

#### Honorable Body:

On February 24, 2004, seven (7) bids were received for the above referenced project. At the regular session of the Common Council meeting held on March 3, the Council awarded Contract A to Milherst Construction, Inc. in the amount of \$810,405.82. Contract A is for the installation of approximately 6000 linear feet of 16 inch water main looping the northwest portion of the City in the Warner Avenue area. This work is currently under construction.

At this time project funds are in place to complete Contract C – Replacement of 370 linear feet of 2-inch main on Delmar Drive with new 8-inch ductile iron pipe; and Contract C – Construction of storm sewer inlets and 21-inch outfall on Doyle Drive.

I therefore recommend that the contract for Project 2003-3, Contract B in the amount of \$39,315.42 and Contract C in the amount of \$44,900.86 be awarded to Milherst Construction, Inc. 2601 Millersport Highway, Getzville, NY 14068, increasing the total contact amount from \$810,405.82 to \$894,622.10; and that the Mayor be authorized to sign said contract, subject to review by the City Attorney.

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

**MOVED** by Alderman Rizzo                      **SECONDED** by Alderman Soos  
That the Common Council hereby awards the contract for Project 2003-3, Contract B in the amount of \$39,315.42 and Contract C in the amount of \$44,900.86 to Milherst Construction, Inc. 2601 Millersport Highway, Getzville, NY 14068, increasing the total contact amount from \$810,405.82 to \$894,622.10 and authorizes the Mayor to sign said contract, subject to review by the City Attorney.  
Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer (5)  
Nays: None (0)  
**CARRIED.**

## VII.1 Accountant

May 27, 2004

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 June 2, 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 June 2, 2004 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$370,281.47
02	Water Fund	48,945.08
04	Sewer Fund	70,950.78
06	Capital Projects Fund	145,908.41
07	Trust & Agency Fund	604.05
08	Community Development	7,268.00
09	Capital Gratwick Park Remediation	2,612.99
11	General Fund Encumbered	11,683.70
14	Sewer Fund Encumbered	6,046.00
17	Home Rehab Program	7,064.00
19	Economic Development Loan Fund	13,075.00
	FINAL TOTAL	<u>\$684,439.48</u>

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer

(5)

Nays: None

(0)

CARRIED.

## VII.2 Accountant

May 28, 2004

Honorable David J. Burgio, 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 fiscal year 2004 appropriations, based on the requests of Department Heads:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>From Appropriation Account</u>	<u>Into Appropriation Account</u>
6	9,000	2-1990.400 Contingent Account	2-8340.434 Professional services
7	3,950	1-1990.400 Contingent Account	1-5110.260 AFSCME Safety & Clothing
8	3,200	1-1315.100 Accounting Personnel	1-1315.457 R&M Office Equipment
9	1,000	1-1990.400 Contingent Account	1-5110.464 R&M Sidewalks

Very truly yours,  
David R. Jakubaszek  
City Accountant

MOVED by Alderman Rizzo

SECONDED by Alderman Hempel

That the Common Council authorizes the City Accountant to make the following transfer of appropriations based on the request of Department Heads:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>From Appropriation Account</u>	<u>Into Appropriation Account</u>
6	9,000	2-1990.400 Contingent Account	2-8340.434 Professional services
7	3,950	1-1990.400 Contingent Account	1-5110.260 AFSCME Safety & Clothing
8	3,200	1-1315.100 Accounting Personnel	1-1315.457 R&M Office Equipment
9	1,000	1-1990.400 Contingent Account	1-5110.464 R&M Sidewalks

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer

(5)

Nays: None

(0)

CARRIED.

## IX.1 Public Works

April 1, 2004

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

Re: Revisions to Chapter 45  
Solid Waste Ordinance

Honorable Body:

As I'm sure you're familiar with, the City made substantial changes to the manner in which garbage is collected publicly in the City. The introduction of the green cart collection system has significantly improved the appearance of the City and reduced litter and animal intrusions into garbage. Employee injuries due to lifting containers of garbage have also been significantly reduced.

During the course of last year since the carts were delivered in the spring, we have been working through a process of getting carts to properties that were missed during the original delivery and also changing cart sizes for individuals requesting smaller carts. We have also gradually moved from collecting a mixture of carts, cans, and bags of garbage to requiring all garbage be placed in the carts. We have set a maximum number of carts for each property at 4. We have supplied non-residential properties with up to 4 carts depending on their needs. We have provided multi-unit residential properties with one cart per unit up to a maximum of four carts.

The purpose of this memorandum is to recommend changes in Chapter 45 of the City Code to reflect changes that have been made to our methods of picking up garbage. I believe that we are close to fully assimilating these changes into our current structure and feel confident in codifying the new process.

Some important changes to the Solid Waste Ordinance are:

- Garbage receptacles are City issued. All garbage for public collection is to be put in a City issued receptacle.
- Garbage receptacles are issued one (1) per dwelling unit up to four (4) receptacles per property. Non-residential property is issued up to four (4) receptacles.
- Weekly collection consists of garbage and recycling receptacles and up to two (2) bags of yard organics along with metal appliances and tree parts.
- Large household furnishings, large bulky items or heavy items are collected only on scheduled collection dates with a four (4) cubic yard maximum limit.
- The Council prescribes rules and regulations regarding initial and replacement costs of containers. To be considered here would be additional cart requests from single-family homes and replacement cost of missing, stolen, or damaged carts. The Council will be presented with separate rules and regulations to approve.
- A violation section that allows the City to abate violations while recovering the costs of abatement in a reasonable time frame. The recommended process is a fee for service method to provide collection outside of the service provided under the ordinance or to abate violations.
- Construction and demolition debris will be directed to Niagara County's C & D Landfill.
- Collection of waste from commercial properties more often than once a week will cease.
- The Council will be presented with separate rules and regulations to approve concerning scheduling of heavy pick-up dates, a fee schedule for fee for service charges, and requirements for a drop off center at the Public Works Garage.

That being said, the remainder of this communication will comprise my recommendations for changes to Chapter 45. Assistant City Attorney Robert Sondel has reviewed these proposals for construction and the Council's comments during two workshop sessions have also been incorporated.

#### § 45-6 Definitions.

**GARBAGE RECEPTACLE** – A permanent container which the city may issue from time to time to the properties of residential and non-residential producers of garbage for public collection, including ninety-five gallon or other volume containers, for semi-automated or automated collection methods. The residential or non-residential producer shall use the container furnished by the City and use it pursuant to this chapter and the rules and regulations of the Superintendent. Non-residential producers using a solid waste collector other than the City to collect garbage receptacles shall have them marked in such a way as to identify the solid waste collector being utilized.

#### § 45-6 Definitions.

**MULTIFAMILY RESIDENTIAL COMPLEX** – Five (5) or more residential apartments located on a single property or continuous properties under common ownership, control or management.

**§ 45-6 Definitions.**

**NON-RECYCLABLE RUBBISH** – Plastic containers, rags, ashes, rubber, leather, crockery, shells, clothing, and straw. Small quantities of lightweight interior building materials that neatly fit in a garbage receptacle will be considered non-recyclable rubbish.

**§ 45-6 Definitions.**

**NONRESIDENTIAL PRODUCERS** – Any producer of solid waste other than a residential producer, including but not limited to commercial or industrial businesses, schools, churches, post offices, restaurants and multifamily residential complexes.

**§ 45-6 Definitions.**

**RESIDENTIAL PRODUCERS** – Those persons, owners or occupants of one-, two-, three- or four-family dwelling units which produce solid waste and are used exclusively for residential purposes.

**§ 45-6 Definitions.**

**SOLID WASTE** – Garbage, non-recyclable rubbish, recyclable rubbish, plumbing fixtures, major appliances, large household furnishings, yard organics and tree parts.

**§ 45-6 Definitions.**

**RECYCLABLE RUBBISH**

- G. YARD ORGANICS** – Leaves, grass clippings, cuttings up to two (2) inches in diameter and other mulch-like organic materials. This does not include tree roots, trunks and stumps.

**§ 45-7 Collection.**

- A.** The City of North Tonawanda shall provide for the collection and disposal of solid waste from all residential and non-residential producers. All garbage and non-recyclable rubbish placed in the terrace for collection shall be contained within the garbage receptacle(s) issued by the City. Residential producers shall be issued one garbage receptacle per dwelling unit up to a maximum of four garbage receptacles. The Superintendent of Public Works shall issue non-residential producers up to a maximum of four garbage receptacles for each parcel of property as deemed necessary.
- B.** Those parcels of property which generate garbage and non-recyclable rubbish in excess of the amount which can be contained within the maximum of four garbage receptacles shall receive a written notice by ordinary mail that they are not serviced by the City of North Tonawanda and must personally provide for the collection and disposal of their solid waste and shall comply with those sections of this ordinance which may be applicable and the rules and regulations hereinafter adopted by the Common Council regarding collection by independent contractors and commercial agencies.

**§ 45-7 Collection.**

- G.** All commercial/industrial property, including nonresidential producers and/or multifamily residential complexes of more than four (4) units are limited to a maximum of four (4) garbage receptacles. Over this limit collection will be the responsibility of the owner.

**§ 45-9 Separation and preparation.**

- B.** Garbage and non-recyclable rubbish placed at the curb for collection shall be placed in garbage receptacles issued by the City. Solid waste including garbage and recycling receptacles shall not be placed in the street.

- C. (3) Glass, metal, gable top, and plastic recyclables may be deposited together within the City issued recycling container. Glass, metal, gable top, and plastic recyclables shall have the contents removed, be thoroughly drained of all liquid and rinsed prior to being deposited for collection. Caps shall be removed from glass, metal, and plastic recyclables.
- E. Construction debris may not be placed for collection by the City of North Tonawanda.
- F. (1) All large household furnishings, large bulky items or items over thirty (30) pounds in weight or not capable of being placed in garbage receptacles may be placed at the curb line only on the scheduled heavy pick up collection day for that area. Each property is limited to a pile of bulky solid waste no larger than 12 feet long, 3 feet high, and 3 feet wide, or four (4) cubic yards total. It shall be the sole responsibility of the property owner to dismantle any item so that it will not be a hazard to the public.
  - (2) Residents may arrange for collection of items described above, outside of the scheduled heavy pick up collection dates, on a fee-for-service basis with the Department of Public Works. Such collections are arranged and paid for prior to setting materials out to the curb for collection. Rules and regulations for these collections including the fee schedule shall be determined by the Superintendent or Assistant Superintendent of Public Works, subject to the approval of the Common Council.
- G. Yard organics shall be placed in transparent plastic bags securely closed and not exceeding 30 pounds in weight. No more than two such bags may be placed outside of the garbage receptacle for each collection day. Major appliances such as hot water tanks, stoves, refrigerators, washers and dryers; large metal items such as swing sets or bicycles, and tree parts may be placed outside of the garbage receptacle for each collection day. It shall be the sole responsibility of the property owner to dismantle the item so that it will not be a hazard to the public. It shall be the sole responsibility of the property owner to have a sticker affixed to any appliance which uses Freon refrigerant, stating that such appliance has been certified as Freon-free by an individual qualified to certify same, prior to its placement at the street for collection.
- H. Solid waste shall not be placed on any public street or on any premises unless the same is contained or otherwise complies with this chapter.
- I. Protruding nails, glass and other sharp objects that might inflict bodily harm to personnel or residents of the City of North Tonawanda shall be removed from all solid waste prior to being placed for collection.

#### §45-10 Placement of materials for collection

- C. No solid waste including the garbage and recycling receptacles shall be placed in the street for collection. Garbage receptacles shall be placed behind the curb or street line with handles and wheels toward the house.
- D. Solid Waste and its containers shall not be placed atop snow accumulations.

#### §45-11 Receptacles and storage

- B. Garbage receptacles shall not overflow and the lid must be tightly closed at all times. No solid waste shall be placed on top of, next to, or around the garbage receptacle as to impede its movement.
- C. Garbage receptacles as issued by the City shall not have construction/demolition debris placed in them. Garbage receptacles as issued by the City shall not exceed 200 pounds for the 95 gallon, 150 pounds for the 65 gallon, or 100 pounds for the 35 gallon including the contents.

- D. Any garbage or recycling receptacle that is issued by the City of North Tonawanda shall remain the property of the City. The Common Council shall prescribe rules and regulations regarding the initial and replacement cost of such containers.
- E. Garbage and recycling receptacles issued by the City to certain properties shall not be removed from those properties nor painted or otherwise defaced.
- F. No solid waste, except for recyclable rubbish, shall be deposited in cardboard boxes or paper bags. Recyclable rubbish shall not be placed in plastic bags.
- G. All garbage and recycling receptacles shall be kept as sanitary as possible in view of the use to which they are put and shall be thoroughly cleaned by the owner or occupant of the premises after solid waste has been removed by the collector.
- H. All garbage receptacles, yard organic bags and bundles shall be stored in the rear yard, as that term is defined in this ordinance, except when placed at the curb line or pavement line for collection.

#### §45-15 Penalties for offenses

- B. However, any violation of §§45-8B. or 45-12. of this ordinance shall constitute an offense punishable, upon conviction thereof, by a fine not exceeding two hundred fifty dollars (\$250) for the first offense and by a fine of five hundred dollars (\$500) or by imprisonment of not more than fifteen (15) days for each subsequent offense, or by both fine and imprisonment.
- D. In addition to the financial penalties imposed above, the Superintendent of Public Works or Assistant Superintendent of Public Works shall have the right to contact by writing, in person or through normal mail, the owner of the property abutting the City right-of-way upon which such waste material has been deposited in violation of this ordinance and advise that if such material remains upon the City right-of-way for a period in excess of five (5) days, the City shall remove same on a fee-for-service basis in accord with paragraph §45-9, as a lien against the property and that the Police may issue an appearance ticket for the violation. This notice shall be satisfied by the recipient by removal of the material from the City's right-of-way or by voluntarily entering into a fee-for-service arrangement with the City within the five (5) days.

Very truly yours,  
 Gary J. Franklin  
 Superintendent of Public Works

MOVED by Alderman Soos

SECONDED by Alderman Hempel

That the Common Council hereby approves the following amendment to §45 of the City Code entitled Solid Waste:

#### § 45-6 Definitions.

**GARBAGE RECEPTACLE** – A permanent container which the city may issue from time to time to the properties of residential and non-residential producers of garbage for public collection, including ninety-five gallon or other volume containers, for semi-automated or automated collection methods. The residential or non-residential producer shall use the container furnished by the City and use it pursuant to this chapter and the rules and regulations of the Superintendent. Non-residential producers using a solid waste collector other than the City to collect garbage receptacles shall have them marked in such a way as to identify the solid waste collector being utilized.

#### § 45-6 Definitions.

**MULTIFAMILY RESIDENTIAL COMPLEX** – Five (5) or more residential apartments located on a single property or continuous properties under common ownership, control or management.

§ 45-6 Definitions.

**NON-RECYCLABLE RUBBISH** – Plastic containers, rags, ashes, rubber, leather, crockery, shells, clothing, and straw. Small quantities of lightweight interior building materials that neatly fit in a garbage receptacle will be considered non-recyclable rubbish.

§ 45-6 Definitions.

**NONRESIDENTIAL PRODUCERS** – Any producer of solid waste other than a residential producer, including but not limited to commercial or industrial businesses, schools, churches, post offices, restaurants and multifamily residential complexes.

§ 45-6 Definitions.

**RESIDENTIAL PRODUCERS** – Those persons, owners or occupants of one-, two-, three- or four-family dwelling units which produce solid waste and are used exclusively for residential purposes.

§ 45-6 Definitions.

**SOLID WASTE** – Garbage, non-recyclable rubbish, recyclable rubbish, plumbing fixtures, major appliances, large household furnishings, yard organics and tree parts.

§ 45-6 Definitions.

**RECYCLABLE RUBBISH**

**H. YARD ORGANICS** – Leaves, grass clippings, cuttings up to two (2) inches in diameter and other mulch-like organic materials. This does not include tree roots, trunks and stumps.

§ 45-7 Collection.

**I.** The City of North Tonawanda shall provide for the collection and disposal of solid waste from all residential and non-residential producers. All garbage and non-recyclable rubbish placed in the terrace for collection shall be contained within the garbage receptacle(s) issued by the City. Residential producers shall be issued one garbage receptacle per dwelling unit up to a maximum of four garbage receptacles. The Superintendent of Public Works shall issue non-residential producers up to a maximum of four garbage receptacles for each parcel of property as deemed necessary.

**J.** Those parcels of property which generate garbage and non-recyclable rubbish in excess of the amount which can be contained within the maximum of four garbage receptacles shall receive a written notice by ordinary mail that they are not serviced by the City of North Tonawanda and must personally provide for the collection and disposal of their solid waste and shall comply with those sections of this ordinance which may be applicable and the rules and regulations hereinafter adopted by the Common Council regarding collection by independent contractors and commercial agencies.

§ 45-7 Collection.

**G.** All commercial/industrial property, including nonresidential producers and/or multifamily residential complexes of more than four (4) units are limited to a maximum of four (4) garbage receptacles. Over this limit collection will be the responsibility of the owner.

§ 45-9 Separation and preparation.

**B.** Garbage and non-recyclable rubbish placed at the curb for collection shall be placed in garbage receptacles issued by the City. Solid waste including garbage and recycling receptacles shall not be placed in the street.

- C. (3) Glass, metal, gable top, and plastic recyclables may be deposited together within the City issued recycling container. Glass, metal, gable top, and plastic recyclables shall have the contents removed, be thoroughly drained of all liquid and rinsed prior to being deposited for collection. Caps shall be removed from glass, metal, and plastic recyclables.
- E. Construction debris may not be placed for collection by the City of North Tonawanda.
- F. (1) All large household furnishings, large bulky items or items over thirty (30) pounds in weight or not capable of being placed in garbage receptacles may be placed at the curb line only on the scheduled heavy pick up collection day for that area. Each property is limited to a pile of bulky solid waste no larger than 12 feet long, 3 feet high, and 3 feet wide, or four (4) cubic yards total. It shall be the sole responsibility of the property owner to dismantle any item so that it will not be a hazard to the public.
  - (3) Residents may arrange for collection of items described above, outside of the scheduled heavy pick up collection dates, on a fee-for-service basis with the Department of Public Works. Such collections are arranged and paid for prior to setting materials out to the curb for collection. Rules and regulations for these collections including the fee schedule shall be determined by the Superintendent or Assistant Superintendent of Public Works, subject to the approval of the Common Council.
- G. Yard organics shall be placed in transparent plastic bags securely closed and not exceeding 30 pounds in weight. No more than two such bags may be placed outside of the garbage receptacle for each collection day. Major appliances such as hot water tanks, stoves, refrigerators, washers and dryers; large metal items such as swing sets or bicycles, and tree parts may be placed outside of the garbage receptacle for each collection day. It shall be the sole responsibility of the property owner to dismantle the item so that it will not be a hazard to the public. It shall be the sole responsibility of the property owner to have a sticker affixed to any appliance which uses Freon refrigerant, stating that such appliance has been certified as Freon-free by an individual qualified to certify same, prior to its placement at the street for collection.
- H. Solid waste shall not be placed on any public street or on any premises unless the same is contained or otherwise complies with this chapter.
- I. Protruding nails, glass and other sharp objects that might inflict bodily harm to personnel or residents of the City of North Tonawanda shall be removed from all solid waste prior to being placed for collection.

#### §45-10 Placement of materials for collection

- C. No solid waste including the garbage and recycling receptacles shall be placed in the street for collection. Garbage receptacles shall be placed behind the curb or street line with handles and wheels toward the house.
- D. Solid Waste and its containers shall not be placed atop snow accumulations.

#### §45-11 Receptacles and storage

- B. Garbage receptacles shall not overflow and the lid must be tightly closed at all times. No solid waste shall be placed on top of, next to, or around the garbage receptacle as to impede its movement.
- K. Garbage receptacles as issued by the City shall not have construction/demolition debris placed in them. Garbage receptacles as issued by the City shall not exceed 200 pounds for the 95 gallon, 150 pounds for the 65 gallon, or 100 pounds for the 35 gallon including the contents.

- L. Any garbage or recycling receptacle that is issued by the City of North Tonawanda shall remain the property of the City. The Common Council shall prescribe rules and regulations regarding the initial and replacement cost of such containers.
- M. Garbage and recycling receptacles issued by the City to certain properties shall not be removed from those properties nor painted or otherwise defaced.
- N. No solid waste, except for recyclable rubbish, shall be deposited in cardboard boxes or paper bags. Recyclable rubbish shall not be placed in plastic bags.
- O. All garbage and recycling receptacles shall be kept as sanitary as possible in view of the use to which they are put and shall be thoroughly cleaned by the owner or occupant of the premises after solid waste has been removed by the collector.
- P. All garbage receptacles, yard organic bags and bundles shall be stored in the rear yard, as that term is defined in this ordinance, except when placed at the curb line or pavement line for collection.

**§45-15 Penalties for offenses**

- B. However, any violation of §§ 45-8B. or 45-12. of this ordinance shall constitute an offense punishable, upon conviction thereof, by a fine not exceeding two hundred fifty dollars (\$250) for the first offense and by a fine of five hundred dollars (\$500) or by imprisonment of not more than fifteen (15) days for each subsequent offense, or by both fine and imprisonment.
- D. In addition to the financial penalties imposed above, the Superintendent of Public Works or Assistant Superintendent of Public Works shall have the right to contact by writing, in person or through normal mail, the owner of the property abutting the City right-of-way upon which such waste material has been deposited in violation of this ordinance and advise that if such material remains upon the City right-of-way for a period in excess of five (5) days, the City shall remove same on a fee-for-service basis in accord with paragraph §45-9, as a lien against the property and that the Police may issue an appearance ticket for the violation. This notice shall be satisfied by the recipient by removal of the material from the City’s right-of-way or by voluntarily entering into a fee-for-service arrangement with the City within the five (5) days.

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

**IX.2 Public Works**

**April 1, 2004**

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

Re: Chapter 45  
 Additional Cart Requests

Honorable Body:

At the Council’s direction I would like to submit the following rules and regulations for your approval under Chapter 45, Solid Waste, of the City Code.

Residential producers, as defined in Chapter 45, wishing to secure a garbage receptacle in addition to the one per dwelling unit distributed, may do so by agreeing to pay \$65 per



**Re: Chapter 45  
Fee for Service Schedule**

**Honorable Body:**

The Solid Waste Ordinance, Chapter 45 of the City Code, provides for a series of heavy pick up dates for large household furnishings and other bulky items. These scheduled pick ups are provided free of charge to the residents and are limited to four (4) cubic yards in quantity per property.

Property owners/residents who wish to arrange for a heavy pick up in addition to the scheduled pick up dates may do so by contacting the Public Works Department in advance and requesting a pick up on a fee for service basis. The fee for up to two (2) cubic yards in amount shall be \$65 and the fee for between two (2) cubic yards and four (4) cubic yards shall be \$130.

Placing solid waste at the curb in excess of four (4) cubic yards and placing materials in excess of the weekly collection without arranging for an additional pick up in advance or on a scheduled heavy pick up date are violations of the ordinance which may result in a fine in addition to the cost of removal of the material on a fee for service basis.

I request your concurrence with this fee for service schedule.

Very truly yours,  
Gary J. Franklin  
Superintendent Public Works

**MOVED by Alderman Rizzo**

**SECONDED by Alderman Soos**

That the Common Council hereby approves the following fee for service schedule for Chapter 45, Solid Waste, of the City Code:

Scheduled pick ups are provided free of charge to residents of the City of North Tonawanda and are limited to four (4) cubic yards in quantity per property.

Property owners/residents who wish to arrange for a heavy pick up in addition to the scheduled pick up dates may do so by contacting the Public Works Department in advance and requesting a pick up on a fee for service basis. The fee for up to two (2) cubic yards in amount shall be \$65 and the fee for between two (2) cubic yards and four (4) cubic yards shall be \$130.

Placing solid waste at the curb in excess of four (4) cubic yards and placing materials in excess of the weekly collection without arranging for an additional pick up in advance or on a scheduled heavy pick up date are violations of the ordinance which may result in a fine in addition to the cost of removal of the material on a fee for service basis.

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

**Nays: None (0)**

**CARRIED.**

---

**IX.4 Public Works**

**April 29, 2004**

**Honorable Mayor & Common Council  
City Hall, 216 Payne Avenue  
No. Tonawanda, NY 14120**

**Re: Chapter 45  
Schedule of Heavy Pick Up Dates**

**Honorable Body:**

I would like to submit the following Rules and Regulations for your approval under Chapter 45, Solid Waste, of the City Code.



service arrangements. To provide for this, the Department will set up a “drop-off center” in its yard for large household furnishings on Monday afternoons between 3 PM and 7 PM, excepting Holidays. Residents will be able to drop off large household furnishings at that time, up to 4 cubic yards. No other items will be accepted. This “drop-off center” will be manned and proof of residency will be required.

If the Council concurs with this change in policy, please authorize by resolution.

Very truly yours,  
 Gary J. Franklin  
 Superintendent Public Works

**MOVED** by Alderman Sommer                      **SECONDED** by Alderman Rizzo  
 That the Common Council hereby approves the following rules and regulations for Chapter 45, Solid Waste, of the City Code:

The City of North Tonawanda discontinues the practice of twice a week collections of garbage at certain businesses in the City. The Department of Public Works will begin notifying the appropriate property owners and tenant businesses and provide ample time for them to make other arrangements.

And further, for residents wishing to dispose of large household furnishings beyond scheduled heavy pick up dates and fee for service arrangements, the Department will set up a “drop-off center” in its yard for large household furnishings on Monday afternoons between 3 PM and 7 PM, excepting Holidays. Residents will be able to drop off large household furnishings at that time, up to 4 cubic yards. No other items will be accepted. This “drop-off center” will be manned and proof of residency will be required.

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

## IX.6 Public Works

April 29, 2004

Honorable Mayor & Common Council  
 City Hall, 216 Payne Avenue  
 No. Tonawanda, NY 14120

Re: Chapter 45  
 Missing, Stolen, Damaged Carts

Honorable Body:

I would like to submit the following Rules and Regulations for your approval under Chapter 45, Solid Waste, of the City Code.

Property owners requesting a replacement of a City issued garbage receptacle which they are reporting as missing, stolen or damaged by misuse shall be required to sign a statement stating their request and the reason for the request along with the payment of the amount equal to the City’s cost to acquire the replacement cart.

The current acquisition costs for carts in inventory are \$30.34 for a 35-gallon capacity, \$36.95 for a 65-gallon capacity, and \$38.95 for a 95-gallon capacity cart.

Very truly yours,  
 Gary J. Franklin  
 Superintendent Public Works

**MOVED** by Alderman Soos                      **SECONDED** by Alderman Rizzo  
 That the Common Council hereby approves the following rules and regulations for Chapter 45, Solid Waste, of the City Code:



the event but that will be inside.

If any problems arise due to the Hot Tub arrangement we will voluntarily shut it down and continue with our normal business as usual. The area will be well supervised and I will personally be monitoring the situation the entire evening. After closing the hot tub will be drained and picked up the next day by 12 noon.

I appreciate your permission to have this event as a "Welcome to Summer Party" for our patrons. Hopefully we will have great success.

Sincerely,  
Randall Siford

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

---

**C.**  
**Oliver Street**  
**Community Pride**

**May 25, 2004**

**Honorable Mayor and**  
**Common Council of**  
**North Tonawanda, New York**

**Oliver Street Community Pride Organization would like to run a cruise night on Schenck Street between Oliver and North Marion in North Tonawanda. We would like to start this on Thursday, June 17<sup>th</sup> from 6:00 to 9:00PM and depending on its success run this through August.**

**We believe this event will bring people down to the Oliver Street area and they will see some of the improvements that our organization has accomplished in just a few years. We hope to make this cruise night a family event and will do everything in our powers to keep it that way. The event should leave a lasting impression on the participants reminding them of the good times that can be had here in North Tonawanda.**

**We hope you will grant us permission to go forward with this event and on behalf of the entire Oliver Street Community Pride Organization and myself we thank you for your consideration of this event.**

**Respectfully yours,**  
**Gregory M. Wood**  
**President of Oliver Street**  
**Community Pride Organization**

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

---

**D.**  
**Stephen Sikora Post**

**Date: May 25, 2004**

**To: North Tonawanda Common Council**

**From: John E. Long**  
**Chairman, Refreshments**  
**Eighth District American Legion Convention**

**Re: Use of Approximately 150 feet of the City's Snow Fence and Supports for a Refreshment Area on June 12<sup>th</sup>, 2004.**

**Dear Members of the Common Council:**

**On June 12<sup>th</sup>, Stephen Sikora Post 1322 will be the host of the Eighth District Convention at our Post Home, 950 Payne Ave. We have applied for a one-day permit (through our liquor license) to have an outside beer tent and sales area in our front yard area. I am requesting to use 150 feet of snow fencing and supports to enclose this area. It would be put up June 10<sup>th</sup> and taken down June 13<sup>th</sup>. My committee would set up and break down the fencing. We would also ask if the fencing could be dropped off and picked up by the City. If this is not possible, I will make arrangements for pick up and return of the materials.**

**Thank you in advance.**

**Sincerely,  
John E. Long  
Refreshments Chairman**

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

---

**E.  
Barry & Karen Swartz**

**May 24, 2004**

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

**Dear Mayor Burgio:**

**I respectfully request your approval to block the section of Wayne Avenue between Thomas Fox Dr. West and the driveways before Fairmont Avenue for a block party to be held on Saturday, July 31, 2004. This section of the street would be blocked from 8am on Saturday to midnight on Saturday. It should cause only a minor disruption as the only driveway blocked off will be ours and traffic will still be able to be re-routed through other convenient intersections.**

**Please let me know if this request meets with your approval or if you have any questions. Thank you for your consideration and we look forward to your positive response.**

**Sincerely,  
Barry & Karen Swartz  
799 Thomas Fox Dr. West  
North Tonawanda, New York 14120**

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

F.  
Rae Proefrock

May 26, 2004

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

Dear Mayor Burgio:

This letter is to inform you that the NT Historic Preservation Committee appointed last year is continuing its research into the process required to establish a Certified Local District for North Tonawanda.

All of the members of the committee have expressed an interest in resuming regular monthly meetings. These include Donna Neal, Jean Golem, Tim Contangelo, Ken Pearl, Elizabeth Brick and myself. In addition Sue Hempel has expressed an interest in joining the committee. She would be welcomed, as would other interested citizens.

I would be willing to chair the committee which will most likely meet on a Tuesday evening to be determined. There is a lot of work to do to preserve our truly historic buildings and districts.

Sincerely yours,  
Rae Proefrock

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

---

MOVED by Alderman Hempel                      SECONDED by Alderman Soos  
That the Common Council hereby directs the Department of Public Works to erect "2 Hour Parking" signs at the intersection of Oliver and Fredericka Streets on the east side of Oliver Street from the first driveway to the corner.  
CARRIED.

---

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

---

Late Communication

1.  
Robert Ortt  
Jonathan M. Kinney  
Michael Roy Root  
Justin A. Zoladz

Common Council  
North Tonawanda City Hall  
216 Payne Avenue  
North Tonawanda, New York 14120

Dear Honorable Body:

We respectfully request to be appointed Commissioner of Deeds for the City of North Tonawanda:

