

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Wednesday, January 18,
2006
7:00 P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT SOMMER

ROLL CALL

Present: **President Sommer**
 Aldermen Brick, Rizzo, Schwandt, Donovan

Absent: **None**

Also Present: **Mayor Lawrence V. Soos**
 Attorney Shawn P. Nickerson

APPROVAL OF THE MINUTES OF THE REORGANIZATION MEETING JANUARY 3, 2006

MOVED by Alderman Rizzo **SECONDED by Alderman Schwandt**
That the minutes of the reorganization meeting held January 3, 2006 be approved as
circulated and filed in the Office of the City Clerk.
CARRIED.

APPROVAL OF THE MINUTES OF THE REGULAR SESSION JANUARY 3, 2006

MOVED by Alderman Rizzo **SECONDED by Alderman Donovan**
That the minutes of the regular session held January 3, 2006 be approved as circulated
and filed in the Office of the City Clerk.
CARRIED.

AUDIENCE PARTICIPATION – None

COMMUNICATIONS FROM CITY OFFICIALS

II. Attorney

January 6, 2006

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

Re: Special Use Permits

Dear Common Council:

Currently, there is no City Code provision to permit outdoor storage of motor vehicles, recreational vehicles, boats and boat trailers. An individual recently applied to the Zoning Board of Appeals for a “use variance” to allow this type of business. However, he did not meet the criteria for a “use variance” and the request was denied.

Despite the fact that the “use variance” was denied, there is a definite need for this type of business in the City of North Tonawanda. A number of meetings with the variance applicant, Building Inspector, Code Enforcement and Zoning Board of Appeals were held to remedy this problem. As a result, a consensus was reached that the City would best be served by allowing this type of business subject to a “Special Use” permit.

Since there is no provision in the Code for such a Special Use Permit, the following amendment is proposed:

103-12. M-1 Light Manufacturing District.

A. Permitted uses.

(20) Outdoor storage of motor vehicles, recreational vehicles, boats and boat trailer, subject to the following conditions:

- (i) Special Use Permit approval pursuant to the provisions of Section 103-18 B (4) of this Chapter;**
- (ii) Annual \$100.00 license fee and inspection by Code Enforcement Department;**
- (iii) License is subject to calculations for total number of vehicles to be stored and based upon paved area with a 200 square foot per vehicle limit;**
- (iv) Storage area must be paved and properly drained to prevent site contamination;**
- (v) Vehicle dismantling, bodywork, engine work or repairs shall be prohibited on site;**
- (vi) Damaged and partially dismantled vehicles must be drained of all fluids and;**
- (vii) Vehicle and vehicle parts sales shall be prohibited.**

I have also included a copy of Section 103-18 B (4) – Special Use Permits for your review. Please note that the Building Inspector has approved the above amendment. Accordingly, I am 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
City Attorney

MOVED by Alderman Sommer SECONDED by Alderman Brick
That the Common Council hereby amends Section 103-12 B M-1 Light
Manufacturing District as follows:

Section 103-12 B M-1 Light Manufacturing District.

B. Permitted uses.

(20) Outdoor storage of motor vehicles, recreational vehicles, boats and boat trailer, subject to the following conditions:

- (i) Special Use Permit approval pursuant to the provisions of Section 103-18 B (4) of this Chapter;
- (ii) Annual \$100.00 license fee and inspection by Code Enforcement Department;
- (iii) License is subject to calculations for total number of vehicles to be stored and based upon paved area with a 200 square foot per vehicle limit;
- (iv) Storage area must be paved and properly drained to prevent site contamination;
- (v) Vehicle dismantling, bodywork, engine work or repairs shall be prohibited on site;
- (vi) Damaged and partially dismantled vehicles must be drained of all fluids and;
- (vii) Vehicle and vehicle parts sales shall be prohibited.

Ayes:
Sommer
Nays: None
(0)
CARRIED.

Brick, Rizzo, Schwandt, Donovan,
(5)

IV. Engineer

January 12, 2006

**Honorable Lawrence V. Soos, Mayor
and Common Council Members
City Hall
North Tonawanda, New York 14120**

**RE: Tremont Street Reconstruction and Infrastructure Improvements
Project No. 2005-06
SEQRA - Environmental Assessment**

Honorable Body:

In accordance with the New York State Environmental Quality Review Act (SEQRA), the City in its capacity as lead agency, has prepared an environmental assessment of the significance of potential environmental impacts of the full depth reconstruction of 1100 linear feet of asphalt pavement with new concrete curbs on Tremont Street between Payne Avenue and Vandervoort Street including water main, storm and sanitary sewer replacement. This project is considered an unlisted action under SEQRA.

In order for the City to issue a Negative Declaration, Notice of Determination of Non-Significance, the Common Council should act on the following attached resolution.

Very truly yours,

**Dale W. Marshall, P.E.
City Engineer**

**MOVED by Alderman Schwandt SECONDED by Alderman Rizzo
WHEREAS, the City of North Tonawanda intends to re-construct approximately
1100 LF of Tremont Street, between Payne Avenue and Vandervoort Street,
including water main, storm and sanitary sewer replacement.**

**BE IT RESOLVED, that the Common Council has reviewed the Environmental
Assessment prepared by the City Engineer; and**

**BE IT RESOLVED, that the Common Council declares that based on the
Environmental Assessment which has been prepared, the project is an unlisted
action and will not result in any significant adverse impacts, and therefore will not
have a significant impact on the environment; and**

FURTHER, BE IT RESOLVED that the Common Council hereby issues a Negative Declaration under SEQR Regulations for the roadway and infrastructure improvements to the Tremont Street area, and authorizes the Common Council President to sign said Environmental Assessment form.

**Ayes: Brick, Rizzo, Schwandt, Donovan,
Sommer (5)**

Nays: None

(0)

CARRIED.

V. Water

January 13, 2006

**Honorable Lawrence Soos, Mayor
and Common Council
216 Payne Avenue
North Tonawanda, NY 14120**

**Re: Western New York Stormwater Coalition
Memorandum of Agreement**

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 18, 2006, 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 18, 2006 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$529,500.77
02	Water Fund	19,709.19
04	Sewer Fund	117,923.56
06	Capital Project Fund	124,497.38
07	Trust & Agency Fund	6,956.85

08	Community Development	1,496.31
11	General Fund Encumbered	2,403.45
12	Water Fund Encumbered	3,208.35
16	Action Grant Urban Development	<u>5,330.50</u>
	Final Total	<u>\$811,026.36</u>

Ayes: Brick, Rizzo, Schwandt, Donovan,
Sommer (5)
Nays: None
(0)
CARRIED.

VIII.1 Assessor

December 21, 2005

Honorable Mayor David J. Burgio
Honorable Mayor Elect Lawrence V. Soos
and Honorable Common Council

Re: Receipt of Annual Maintenance Funds

We have been notified of approved funds of \$63,210.00 from New York State to be added to the City's General Fund. The receipt of this money was made possible in large part because of the massive workload done by our office for the 2005 Annual Maintenance.

Not only does the Annual Maintenance generate current market assessments, but by keeping our 100% Equalization Rate, we benefit from a better distribution of County Taxes and School Aid.

I would like to commend my staff for their dedication during this past year in accomplishing the tasks put before them during a very trying time for our department.

I would also like to commend the Mayor(s) and Council members for their support of this program.

Sincerely,
Flora D. Carozzolo
Assessor

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

VII.2 Assessor

January 3, 2006

Honorable Lawrence V. Soos, Mayor
and Common Council Members
City Hall
North Tonawanda, New York 14120

Re: Permanent appointment of Mary Ann Hurley to
Real Property Appraisal Technician Trainee

Dear Honorable Body:

At the October 5, 2005 Common Council meeting the Council approved the Civil Service Position of Real Property Appraisal Technician Trainee and Mary Ann Hurley commenced work on October 11, 2005.

As Mrs. Hurley worked part time in our department for 5 years form 2000 to 2005, I am very familiar with her work ethic and her abilities. She has not only met but exceeded my expectations in her new position of Real Property Appraisal Technician Trainee.

At this time, 12 weeks later I would like to request her permanent appointment to the position.

Sincerely,
Flora D. Carozzolo
Assessor

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

XI. Fire

January 10, 2006

Council President Brett Sommer
216 Payne Avenue
North Tonawanda, NY 14120

Dear Council President Sommer:

I respectfully request that the Council approve the attached resolution.

This resolution is being made in compliance with a Presidential Directive stating: jurisdictions wanting to continue to receive federal grant monies, must adopt the National Incident Management System (NIMS).

This system is a prearranged, nationally accepted guideline, for handling all hazard incidents. City employees are already undergoing training to familiarize themselves with this nationally recognized incident management system.

Thank you for your consideration of this matter.

Sincerely,
Gregory R. Frank
Director

MOVED by Alderman Donovan

SECONDED by Alderman Brick

WHEREAS, the President in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System which would provide a consistent nationwide approach for Federal, State, local and tribal governments to work together more effectively and efficiently to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size, or complexity and

WHEREAS, the collective input and guidance from all Federal, State, local, and tribal homeland security partners has been, and will continue to be vital to the effective implementation and utilization of a comprehensive NIMA, and

WHEREAS, it is necessary and desirable that all Federal, State, local and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management, and

WHEREAS, HSPD-5 requires Federal departments and agencies to make adoption of the NIMS by State, tribal, and local organizations a condition for Federal preparedness assistance beginning in fiscal year 2005, and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State, local and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action

plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training and exercising, comprehensive resource management, and designated incident facilities during emergencies or disaster, and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes, and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the State, including current emergency management training programs, and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System, and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System, now, therefore, be it

RESOLVED, that the North Tonawanda Common Council, by virtue of the authority vested in it under the laws of the State of New York, does hereby establish

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COMMUNICATIONS FROM OTHERS

A.
Live Hose - Re: Exemption Petitions:

Patti Sarratori – 5 Years
Jack Burock – 50 Years
Angelo M. Miano – 50 Years
Joseph Gunta – 50 Years
Robert Linde – 50 Years
John A. Chimino – 50 Years

MOVED by Alderman Schwandt SECONDED by Alderman Rizzo
That Exemption Certificates be issued to Patti Sarratori – 5 Years, Jack Burock – 50
Years, Angelo M. Miano – 50 Years, Joseph Gunta – 50 Years, Robert Linde – 50
Years and John A. Chimino – 50 Years
CARRIED.

B.
Columbia Hook & Ladder - Re: Exemption Petition:

Andrew E. Pilecki – 25 Years

Statement of Volunteer Fireman:

Joshua Michael Lonczak

MOVED by Alderman Rizzo SECONDED by Alderman Donovan
That an exemption Certificate be issued to Andrew E. Pilecki – 25 Years and to add
Joshua Michael Lonczak to the City Fire Rolls.
CARRIED.

C.
Rescue Fire Company #5 - Re: Statement of Volunteer Fireman:

Susan Hosmer

Remove from Fire Roll:

**John Whipple
Kenneth McConnaughey
Richard Watters
Chester Wesolowski
Kenneth Rung
Benton Suter
Wallace Helwig**

MOVED by Alderman Schwandt

SECONDED by Alderman Rizzo

That the Common Council hereby adds Susan Hosmer to the City Fire Rolls and, Further, removes John Whipple, Kenneth McConnaughey, Richard Watters, Chester Wesolowski, Kenneth Rung, Benton Suter and Wallace Helwig from the City Fire Rolls.

CARRIED.

Re: Marine Corps Appreciation Day 2006

Dear Sir:

Once again, Marine Corps Appreciation Day 2006 will be under the command of the Commanding Officer of the U. S. Marine Corps Recruiting Station, Buffalo, New York.

The Navy Marine Veterans will be the working committee. The day requested will be January 15, 2006 (3rd Saturday) at the Marine Monument, Fisherman's Park, North Tonawanda, New York.

As in 2004 and 2005, all contributions are in place, especially toilets, trash barrels and dumpsters.

We would appreciate it if you could assign this day to our program.

**Sincerely,
Jim Pickard
Event Co-Chairman**

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

ADJOURNMENT

**MOVED by Alderman Rizzo SECONDED by Alderman Brick
That this regular session of the Common Council be and hereby is adjourned.
CARRIED.**

Time of Adjournment: 7:27 P.M.

Respectfully submitted,

Thomas M. Jaccarino

City Clerk