

COMMUNICATIONS FROM CITY OFFICIALS**I.1 Mayor**

September 24, 2006

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

Re: Mayoral Veto of Items Contained in the 2007 City Budget

Dear Honorable Body:

At a Special Session of the North Tonawanda Common Council held in the Council Chambers at 7:00 pm on Wednesday, September 13, 2006, your Honorable Body passed several resolutions in adopting the 2007 City Budget.

In accordance with the Mayor's powers under Section 5.022(c) of the City Charter, I hereby disapprove the following specific appropriations or budget items pursuant to Section 2.023 of this Charter. They are as follows:

1. Veto of Resolution # 1, 2007 General Fund Budget - \$30,129,911

My specific veto is in reference to General Fund Appropriation Account Number 1-1210.100 Mayor, Personal Services.

The \$95,600.00 amount of appropriations contained in line item 1-1210.100 is not sufficient to pay the salaries of the Mayor, the Administrative Assistant and the Confidential Secretary, which make up the current staff of the executive branch of government. The current City Charter which was passed by public referendum provides for a strong Mayoral form of government. The current staffing is extremely necessary to maintaining the level of executive management that the voters approved and which has been very successful. I, as Mayor, along with my whole staff, have been working vigorously to bring in upwards of \$50 million in economic development to our city. Also, along with my Administrative Assistant, we handle several meetings inside and outside of City Hall during any given day, respond to public complaints by going out to see the public, and handle numerous other duties that would be severely impacted, if we had to sit inside and answer telephone calls and type communications. I do not see the practicality of having the Administrative Assistant, a professional person, doing these duties. For your Honorable Body to take the step of debilitating my office by not budgeting the salary of the Confidential Secretary is not financially prudent and unfortunately smacks of "pure politics".

I make this statement based upon the unchallengeable fact that the three (3) Common Council members who have determined to reduce the appropriations in this line item did not at any time discuss the position of Confidential Secretary with me, or with the full Common Council, or with the City Accountant, in any of the numerous budget work sessions or at the public hearing, from the time I presented my budget on August 1, 2006 through passing of the budget by the Common Council on September 13, 2006. As a slap in the face to the Mayor's Office, the budget process, and especially to the tax paying public, these three (3) Common Council members suddenly and without notice, in the back room and not until a few minutes prior to going out for the formal vote, decided to reduce the budget line item for my executive staff, namely, the Confidential Secretary's salary in the amount of \$31,827.00. By doing so, it appears to me that the three (3) Common Council members who supported this resolution have intentionally crippled this office.

Furthermore, this is a position under the City Charter that is appointed by the Mayor and of which the Mayor has sole approval authority. By the Common Council's action, it is usurping the Mayor's control over said position of Confidential Secretary. I believe it is a fair statement that the Charter Revision Committee who developed the present City Charter along with the residents who voted to approve it, never envisioned the Mayor and his or her Administrative Assistant, carrying out their duties and responsibilities without a

secretary. Thus, I ask that the Common Council not to override my veto. Also, this would be in keeping with the established past practice of the Common Council as evidenced by the 2006 Budget when an appropriation of \$45,000.00 that former Mayor David Burgio wanted in the 1-1210.100 budget line item for the position of Administrative Assistant, which monies the Common Council had removed, was eventually left intact after the Mayor vetoed same.

Accordingly, I hereby disapprove this budget item as the amount of this line item is insufficient to provide for the salary of the Confidential Secretary and the funding should be increased to reflect the amount set out in the Mayor's budget.

2. Veto of Resolution # 4, 2007 Capital Improvements Budget - \$ 8,082,000

My specific veto is in reference to the Capital Fund Budget, Meadow Drive Extension Project (Department-Engineer).

To approve the \$ 2,000,000 amount of appropriations set out under the capital fund budget is at this time not being fiscally responsible to the taxpayers. I would have only considered supporting this project if 100% of the financing was provided by the Federal Government. Unfortunately, this project has evolved into the City now having to borrow \$400,000, if not more, to facilitate this project. I have been consistent in my position dating back to February, 2005 when I publicly objected to the Meadow Drive Extension as I believed at that time that the city would end up paying part of the bill when there were (and are) other priorities in the city to spend money on. We should set out to repair the streets that now exist in the city and ask our elected Federal officials to funnel that money to the city for that specific purpose. Furthermore, with the uncertainty of whether development along same would actually follow after installation of the Meadow Drive Extension and the fact that substantial special assessments on abutting landowners would have to be levied, the project at this time is not feasible. Through a comprehensive study, we should first look at the economic, environmental, safety, and traffic impacts of extending Meadow Drive before moving forward with such a large project. This project has not been analyzed sufficiently to convince me that it is worth the financial contribution that has to be made by the city. I also should point out that the North Tonawanda City School District Board of Education is on record against this extension being built dating back to August, 2005, wherein they opposed it due to a concern for student safety caused by anticipated increase in vehicular traffic. Also, residents living along Meadow Drive and in the surrounding area have voice their opposition to this office as have the Citizens for a Green North Tonawanda.

Accordingly, I hereby disapprove of this project and ask that it be removed from the Capital Budget.

3. Veto of Resolution # 4, 2007 Capital Improvements Budget - \$ 8,082,000

My specific veto is in reference to the Capital Fund Budget, Common Council Chambers (Department-Maintenance).

The \$ 40,000 amount of appropriations presently set out in the budget was increased by the Common Council in the amount of \$20,000. I had placed \$20,000 in the Mayor's proposed budget. Admittedly, the Common Council Chambers does need some improvements. Only the most worn items should be repaired or replaced. Items such as the ceiling, rugs, window treatments, and possibly a new room divider should be considered. Chairs and desks should be secondary at this time. I believe that the original \$ 20,000 contained in my budget provides sufficient financing for that room and if any money is left over it could be used to address any additional items. Functional items should take precedent over any frills.

Accordingly, I hereby disapprove this project on the basis that I believe this Capital Budget item should be reduced by \$ 20,000.00.

Based upon the reasons set forth above, I hereby veto said resolutions and do not approve same as presented by the Common Council.

Sincerely,
Lawrence V. Soos
Mayor

10-04-06

Nays: None
CARRIED.

(0)

I.3 Mayor

September 28, 2006

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

**Re: Resolution to Support a Settlement Agreement relative to Relicensing
of New York Power Authority's Power Project**

Dear Honorable Body:

As you know, as Mayor of City of North Tonawanda, I have been participating in the Public Power Coalition (PPC) which is an alliance of five (5) communities, namely, North Tonawanda, Tonawanda, Town of Tonawanda, Amherst and Grand Island. The PPC was formed in response to the ongoing relicensing proceedings for the New York State Power Authority's Power Project (NYPA). The PPC has intervened in said proceedings and has provided comments to the Draft Environmental Impact Statement (DEIS) issued by the Federal Energy Regulatory Commission (FERC). Also, the Coalition did prepare a position paper analyzing the impacts of the Niagara Power Project on the PPC communities that did include substantial intellectual contributions from our City Engineer, Superintendent of Wastewater/Water, and Public Works. Over the years, the PPC communities have suffered environmental impacts, expended resources, completed capital projects and have bore increased operational costs as a result of the Niagara Power Project.

After much discussion regarding this matter, the PCC communities have determined to formulate a resolution to be passed by all the impacted communities requesting monetary compensation along with low-cost power to be divided between the PPC communities. This resolution also requests the help of our Federal and State elected officials on our behalf in reaching a settlement agreement with NYPA.

Accordingly, please be advised that I am in full support of this resolution and furthermore, I am requesting that your Honorable Body pass this resolution in support of the PCC communities request for a settlement agreement containing monetary compensation and low-cost power for our communities. Thank you very much for your anticipated cooperation in this matter.

Sincerely,
Lawrence V. Soos
Mayor

MOVED by Alderman

SECONDED by Alderman

WHEREAS, The Public Power Coalition is an alliance of five communities – the cities North Tonawanda, Tonawanda and the towns of Tonawanda, Amherst and Grand Island – that have intervened in the Federal Energy Regulatory Commission's relicensing proceedings for the New York Power Authority's Niagara Power Project; and

WHEREAS, The PPC communities are located on the Niagara River or its main tributaries within a 15 mile radius of the Niagara Power Project and represents 270,000 residents and major industrial and commercial employers; and

WHEREAS, the Project has had significant effects on the PPC communities that are not addressed in the Draft Environmental Impact Statement prepared by NYPA for the Niagara Power Project and including the following:

- * Lack of low-cost power from NYPA, as required by the existing operating license; this has grievously harmed the industrial and residential tax-base and local economies of PPC communities.
- * Additional costs required for water treatment resulting from turbidity; on

average, the PPC communities spend \$1,150,000 per year in additional water treatment costs as a result of Niagara Power Project operations.

* Additional costs for erosion control; the cost of erosion control has been shown to be \$1,000 per foot of waterfront, or \$11.5 million per year in additional costs for PPC communities as a result of the Niagara Power Project.

*The proposed settlement between NYPA and earmarked communities in Erie and Niagara counties, which do not include PPC communities, would cause additional social and economic damage to PPC communities.

NOW, THEREFORE, BE IT RESOLVED THAT I, Lawrence Soos as Mayor and members of the Common Council of North Tonawanda support a settlement agreement between NYPA and the PPC communities that include the following provisions:

* \$5 million per year for water treatment & erosion control, for the length of the license.

* \$5 million per year for economic development, for the duration of the license.

* A one-time payment of \$50 million for major flood and erosion control projects PPC Communities must undertake as a result of Niagara Power Project operations.

* 30MW of low-cost power per year (to be used by residents, municipalities, and Businesses), provided at the same rate as power given to “host communitites” under

The proposed settlement, for the duration of the license.

* These settlement funds will be divided by PPC communitites according to population and other factors.

AND BE IT FURTHER RESOLVED that the PPC communities call upon: United States Senators Charles Schumer and Hillary Clinton; Representatives Louise Slaughter, Brian Higgins and Thomas Reynolds; the members of the WesternNew York State legislative delegation to the Assembly and Senate; and Governor George E. Pataki to intervene on behalf of the PPC communities with both NYPA and FERC to urge theh New York Power Authority to reach a settlement agreement with the PPC communities;

AND BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to all of the above mentioned elected officials and the New York Power Authority and Federal Energy Regulatory Commision;

AND BE IT FURTHER RESOLVED that residents of the PPC communities are urged to visit www.PublicPowerCoalition.org to become more familiar with this vital issue and the support an equitable settlement.

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

II.1 Attorney

September 15, 2006

Hon. Mayor and Common Council

**MOVED by Alderman
That the Common Council hereby**

SECONDED by Alderman

Ayes: Brick, Rizzo, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

CARRIED.

II.3 Attorney

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

**Re: Proposed Amendment to Chapter 51C of the City Code of the
City of North Tonawanda, New York, Entitled "Historic Preservation"**

Dear Honorable Body:

Below is a proposed ordinance amendment for Chapter 51C of the City Code of the City of North Tonawanda entitled "Historic Preservation". This change is required by the State of New York to garner approval for the City's application for "Certified Local Government" status. GLC status, in turn, opens up additional avenues for state funding on future historic preservation.

The change requires deletion of Section 3(e) of the Historic Preservation ordinance which reads:

"3(e). The Commission shall forward notice of each property designated as a landmark and of the boundaries of each designated historic district to the office of the Niagara County Clerk for recordation."

If your Honorable Body concurs, please pass a resolution to delete Section 3(e) from the Historic Preservation ordinance, subject to review by the City Attorney. Should you have any questions, please do not hesitate to contact me.

**Very truly yours,
Shawn P. Nickerson
City Attorney**

**MOVED by Alderman
That the Common Council hereby**

SECONDED by Alderman

Ayes: Brick, Rizzo, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

CARRIED.

VII.1 Accountant

September 28, 2006

**Honorable Lawrence V. Soos, 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 October 4, 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

SECONDED by Alderman

That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated October 4, 2006 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$355,186.11
02	Water Fund	22,512.64
04	Sewer Fund	64,186.00
06	Capital Project Fund	223,489.57
07	Trust & Agency Fund	<u>5,966.42</u>
	Final Total	<u>\$671,340.74</u>

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

IX. Public Works

September 26, 2006

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

Honorable Body:

The Department has been experiencing difficulties in using some of the publicly owned and maintained turn-around areas at the end of several dead end streets. These turn-around areas were constructed to allow our vehicles such as garbage trucks, recycling trucks and plowing equipment to turn-around without using private driveways or damaging lawn areas.

The reason we are experiencing these difficulties is because residents are using these turn-around areas for parking.

I am requesting that the Council resolve to post "No Parking or Standing Anytime" restrictions in the turn-around areas at the end of the following streets: Daniel Drive, Doebler Drive, Doyle Drive and Fairfield Drive.

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

MOVED by Alderman

SECONDED by Alderman

That the Common Council hereby authorizes the Department of Public Works to post "No Parking or Standing Anytime" restrictions in the turn-around areas at the end of the following streets: Daniel Drive, Doebler Drive, Doyle Drive and Fairfield Drive.

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

