

As with all local laws, it is necessary that this local law be formally laid on the table for a period of at least 7 days wherein it must stay in its final form prior to adoption by the Common Council. After such adoption, this local law must be referred to the mayor's office for a public hearing on its provisions. After said public hearing and formal filing with the Secretary of State, this local law will become effective.

Consistent with state law then, the appropriate motion for today's action would be to formally lay this Local Law on the table and allow it to remain so in its final form for at least seven (7) days prior to adoption.

Very truly yours,
Shawn P. Nickerson
City Attorney

MOVED by Alderman Sommer SECONDED by Alderman Donovan
That the Common Council hereby lays the following local law on the table for 7 days:

LOCAL LAW NO. 1 FOR 2008

ESTABLISHING SEWER RATES FOR 2008 AND THEREAFTER

Section 1. Section 75-15 of the City Code of the City of North Tonawanda, is hereby amended to read:

Section 75-15. Establishment of Rates.

- (a) The sewer rent for 2006 and thereafter is established according to a formula wherein the capital costs for such sanitary sewer system are recovered one hundred percent (100%) from water consumption through the sewer fund, and the costs of operation and maintenance of the sewage treatment system are recovered one hundred percent (100%) from water consumption through the sewer fund.
- (b) Billing schedule; additional charges.
 - (1) A minimum sewer charge of twelve dollars (\$12.00) per quarter is established, and the gallons of consumption used associated with the minimum will be zero.
 - (2) The sewer rent rate for 2006 and thereafter for meter consumption shall be four dollars (\$4.00) per thousand gallons of water consumption and shall be assessed and collected in conformance with the following schedule:

Billing Month

- June
- September
- December
- March

- (c) The sewer rent rate for 2006 for unmetered consumers shall be at a flat rate charge of ten dollars and ninety-six cents (\$10.96) per equivalent fixture unit per year, to result in the following schedule of charges:

**SEWER FUND FLAT RATE CHARGE
SCHEDULE FOR 2006**

<u>Type</u>	<u>Equivalent Fixture Unit Charge</u>
Room	10.96
Wash Basin	10.96
Bath or Shower	35.22
Toilet	40.71
Laundry Tub or Washing Machine	28.17
Swimming Pool (permanent)	93.91
Boathouse	46.97
Garden Tap	37.53
Front-foot service charge, per foot, with a maximum of 70 feet	1.95

- (d) A ten percent (10%) surcharge shall be placed on all sewer rent account balances that are due in September and remain unpaid by mid-November of each year, and shall be levied on the subsequent year real property tax bill.
- (e) Multi-dwelling unit homes and apartments that have only one master water meter would be subject to the existing \$12.00 minimum sewer charge, and would receive an additional minimum sewer charge of \$6.00 for each additional dwelling unit which does not have a water meter.

Section 2. This Local Law shall take effect immediately upon filing with the Secretary of State and shall apply to the March, 2008, billing and all billings thereafter until otherwise amended.

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

Nays: None (0)

CARRIED.

II.2 Attorney

October 31, 2006

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

**Re: Proposed Amendment to Chapter 98 of the City Code of the
City of North Tonawanda, New York, Entitled, "Water"**

Dear Honorable Body:

Attached is a proposed amendment to Chapter 98 of the City Code of the City of North Tonawanda entitled, "Water". The requested changes appear in bold print on the attachment.

Please note that the ordinance modifies the code by removing the "Consumption Period" block in Section 98-16 D (leaving just the "Billing Month" block); changes the meter reading procedure to provide for the use of meter reading cards in Section 98-16 E, (rather than provide the reading on the bill as is the current procedure); and increases the surcharge on unpaid water rent account balances from 5% to 10% in Section 98-16 F. All other rates will remain unchanged.

If your Honorable Body concurs, this amendment shall become effective upon publication in the City's official newspaper. Should you have any questions, please do not hesitate to contact me.

- F) A ten percent (10%) surcharge shall be placed on all water rent account balances that are due in September that remain unpaid by mid-November of each year, and shall be levied on the subsequent year real property tax bill.
- G) Multi-dwelling unit homes and apartments that have only one master water meter would be subject to the existing \$12.00 minimum water charge, and would receive an additional minimum water charge of \$6.00 for each additional dwelling unit which does not have a separate water meter.
- H) Homeowners who receive the Low Income Aged Exemption (age 65 or older and income less than \$22,525) would still be subject to the \$12.00 minimum water charged, but would automatically receive up to the first 5,000 gallons of water at no cost per quarter.

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

VII.1 Accountant

November 1, 2007

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 November 6, 2007, 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 Brick **SECONDED** by Alderman Rizzo
 That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated November 6, 2007 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$257,604.28
02	Water Fund	30,661.47
04	Sewer Fund	101,000.81
06	Capital Project Fund	69,497.51
07	Trust & Agency Fund	1,834.34
08	Community Development	1,159.40
17	Home Rehab Program	<u>8,662.00</u>
	Final Total	\$470,419.81

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

IX. Accountant

November 1, 2007

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

Dear Honorable Body:

In accordance with Article V, Division 2, Section 5.023 and Section 2.2 of the Budgetary Transfer Policy, please authorize the City Accountant to make the following transfers of fiscal year 2007 appropriations, based on the request of Department Heads, copy attached:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>From Appropriation Account</u>	<u>Into Appropriation Account</u>
10	1,000.00	1-3120.244 DWI Equipment	1-3120.150 Personnel Services DWI

Very truly yours,
David R. Jakubaszek
City Accountant

MOVED by Alderman Rizzo

SECONDED by Alderman Brick

That the Common Council hereby authorizes the City Accountant to make the following budget amendment of fiscal year 2007 revenues and 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>
10	1,000.00	1-3120.244 DWI Equipment	1-3120.150 Personnel Services DWI

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

XVI. City Clerk

November 1, 2007

Common Council
216 Payne Avenue
North Tonawanda, NY 14120

Re: Rezoning of property at 778 Sweeney Street from R-1-2 to R-C

Dear Honorable Body:

On Tuesday, October 9, 2007 at 6:00PM a public hearing was held regarding the rezoning of 778 Sweeney Street. It would be appropriate now to take action regarding the requested rezoning.

Very truly yours,
Thomas M. Jaccarino
City Clerk

MOVED by Alderman Sommer

SECONDED by Alderman Brick

That the Common Council hereby denies the aforementioned zoning request.

Ayes: Brick, Rizzo, Donovan, Sommer (4)
Nays: None (0)
Abstained: Schwandt (1)
CARRIED.

XXV. Monthly Reports

- | | |
|---------------------------------|----------------------------|
| .1 Treasurer | .3 Senior Citizens |
| .2 Treasurer Investments | .4 Vital Statistics |

MOVED by Alderman Rizzo SECONDED by Alderman Brick
That the Common Council hereby receives and files the aforementioned Monthly Reports.
CARRIED.

COMMUNICATIONS FROM OTHERS

A.
Tonya Avery

October 29, 2007

To Whom It May Concern:

I reside at 1675 Fillner Avenue, N. T., N. Y.

At this time I would like to inquire about the lot next to 1675 Fillner Ave. For many years the maintenance of the empty lot next store to me has continually maintained only by the residents of 1675 Fillner Avenue, N.T., N.Y. Is it possible to purchase this property or discuss the future of this property?

Thank you in advance for your time.

Tonya Avery
1675 Fillner Ave.
N. T., N. Y. 14120
716-693-1423

MOVED by Alderman Sommer SECONDED by Alderman Brick
That the Common Council hereby refers the aforementioned request to the Department of Public Works and the City Engineer for their recommendations.
CARRIED.

AUDIENCE PARTICIPATION

Cathy Kern, 1248 Greenbrier Lane – Stated that department heads are present at the Wheatfield town meetings and encourages the audience to participate.

Susan Wilke, 239 Miller Street – Asked about underground gas tanks at the Wal-Mart site and if an economic impact study has been done regarding Wal-Mart.

Becky Henning, 1792 Ellwood Avenue – Wondered why there is not a business park instead of retail development on the site of the proposed Wal-Mart.

Delores Bennett, 172 Vandervoort – Is against Wal-Mart – thinks it is too big for the area.

Tammy Godyn, 843 Ohio Street – Asked how long the proposed Wal-Mart site has been zoned manufacturing.

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: 6:24P.M.

Respectfully submitted,

**Thomas M. Jaccarino
City Clerk**