

**THE HONORABLE BODY**  
**Council Chambers**  
**Municipal Building**  
**North Tonawanda, New York 14120**  
**Tuesday, November 4, 2008**  
**6:00 P.M.**

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**REGULAR SESSION CALLED TO ORDER BY PRESIDENT SOMMER**

**ROLL CALL**

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

**Absent:** Alderman Pasiak

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

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSION OCTOBER 21, 2008**

**MOVED** by Alderman Schwandt                      **SECONDED** by Alderman Brick  
**That the minutes of the regular session held October 21, 2008 be approved as circulated and filed in the Office of the City Clerk.**  
**CARRIED.**

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**AUDIENCE PARTICIPATION**

**Debbie Gondek, 257 Brentwood Drive – Questioned the agenda item regarding Brentwood subdivision special assessments.**

**Ann Finkle, 896 Sun Valley Drive – Stated that city streets are in terrible condition and that they need to be repaired before the weather changes.**

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**COMMUNICATIONS FROM CITY OFFICIALS**

**I. Mayor**

**October 22, 2008**

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

**RE: Appointment to North Tonawanda Board of Assessment Review**

**Dear Honorable Body:**

**The City Assessor has informed this office that the term of Board of Assessment Review member Luis Santiago expired as of September 30, 2008. Please be advised that I am reappointing Luis Santiago of 147 8<sup>th</sup> Avenue, North Tonawanda, New York to the Board of Assessment Review for a five (5) year term effective immediately and expiring on September 30, 2013. The City Assessor strongly urges his reappoint as it is my understanding that Mr. Santiago has been a valued and diligent member of said Board.**

**I am also requesting that the City Clerk provide written notification to Mr. Santiago of this appointment and arrange for the appropriate oath to be administered to the new appointee.**



I would recommend appointing Dale W. Marshall, P.E., to the position as he is currently performing many of the duties required under the cities amended ordinances. If you have any questions, please feel free to contact me. Thank you.

Very truly yours,  
Robert Sondel  
Assistant City Attorney

**MOVED** by Alderman Donovan                      **SECONDED** by Alderman Brick  
That the Common Council hereby appoints Dale W. Marshall, P.E., to the position of Stormwater Management Officer (SMO) for the City of North Tonawanda to comply with the State's Phase II Stormwater Regulations and the City's recently passed amendments to Chapter 42 – Flood Hazard Areas; Chapter 48 – Grading; Chapter 75 – Sewers; Chapter 103 – Zoning and the City's Subdivision Regulations.

Ayes: Brick, Schwandt, Donovan, Sommer (4)

Nays: None (0)

**CARRIED.**

### II.3 Attorney

October 30, 2008

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

Re: Proposed Memorandum of Agreement with  
AFSCME Local 515-A (DPW union)

Dear Honorable Body:

The city negotiating committee, consisting of the Mayor's Office, represented by Jeffrey Mis, and myself, met with the AFSCME negotiating team on ten occasions since March 6, 2008. As a result of these sessions the following proposals have been tentatively approved.

The following is a brief explanation of the changes to the agreement:

1. §§1.21 & 1.23 – Makes this a 4-year agreement from 1/1/08 through 12/31/11.
2. §6.37 – This section would permit the sanitation crew to work on certain holidays, as long as it is mutually agreed to by the union and the city. It would require a 2/3 vote of those affected in the union and would have to be agreed to by the end of January in each year.
3. §§7.22 & 7.25 – Upgrades the position of "heavy equipment operator" from H-4 to H-5, but limits the maximum hourly rate at the step-3 level instead of step-4.
4. §7.22 – This section would create the new position of "Wastewater Maintenance Helper". This position would be placed at the H-2 pay grade and would only move to step-3 of the pay scale. This is currently the position held by these employees, but the title reflects the work that they are performing.
5. §§7.31 & 6.21(2) – This section would clarify the amount of overtime to be paid to an employee when he is called in to work prior to the start of his regular shift. It would also clarify the starting time for the first shift.
6. §7.32(A) – An employee will be paid out of class while working in a higher classification for all hours worked in that classification, as long as he works at least one hour in the higher classification.
7. §10.21– This section would establish when sick leave credits were earned. It would define "month of service" as to not include sick leave of more than 15 days in a month. Similar language will also be included in §14.11(a).

- 8. §10.37. This section would read: “An employee calling in sick who has met all the requirements for the granting of this sick leave benefit will be considered unavailable for work for a period of twelve (12) hours from the start of the shift he called in sick for. The city would also not call employees who are on a vacation day, personal day or compensatory time.
- 9. §§12.12 & 12.14. This is the city proposal to offer an optional Medical plan, basically the Blue Cross/Blue Shield POS 203/203 Plus Plan or the POS 204/204 Plus Plan. One-half of the city’s Savings in premiums would be deposited into the employee’s health reimbursement account (HRA).
- 10. §12.15. The city would agree to a two percent (2%) increase in the union dental plan. This would amount to an increase of \$352.48.
- 11. §12.16(c). The city would agree to continue the amount paid toward a retiree’s medical coverage from age 65 until 75.
- 12. §12.18 – The city would agree to a one percent (1%) increase in the union optical plan. This would amount to an increase of \$85.09.
- 13. §12.16(e). (New section) In the event of catastrophic illness or injury during the last year of an employee’s employment, said use of sick time will not affect the amount of medical insurance premium to be paid by the city. Said waiver will not be granted an employee who has abused the use of sick leave. An administrative committee made up of the City’s Collective Negotiations Chairman, the City Attorney and a union representative will determine eligibility for said waiver.
- 14. §12.31. The city would pay for unused sick days for any employee retiring with at least 175 days of sick time accumulated, up to a maximum of 5 days.
- 15. §13.13. The city agrees to increase the amount of money paid for safety equipment by 5%. This amounts to \$549.00.
- 16. §§7.11 & 7.21. Salaries. The city agrees to the following salary increases:
  - 2008 – 2.75%
  - 2009 – 3% flat raise (based on the total of 3 times the 1% analysis made by the Accounting Department) this amounts to 65¢ per hour.
  - 2010 – 2.75%
  - 2011 – 3% flat raise as in 2009. This amounts to 67¢ per hour.

If you concur with these proposals, please authorize the mayor to sign the Memorandum of Agreement.

Thank you.

Very truly yours,  
Robert Sondel  
Assistant City Attorney

**MOVED** by Alderman Donovan                      **SECONDED** by Alderman Schwandt  
That the Common Council hereby authorizes Mayor Soos to sign the Memorandum of Agreement between the City of North Tonawanda and AFSCME Local 515-A (DPW union).

Ayes: Schwandt, Donovan, Sommer (3)

Nays: Brick (1)

**CARRIED.**

V. Water

October 21, 2008

Honorable Mayor Lawrence Soos  
And Common Council  
City Hall, 216 Payne Ave  
N Tonawanda NY 14120

Re: Cooperative Purchasing

Dear Mayor and Common Council:

To continue in Cooperative Bidding with the Water Board of Niagara Falls and with the Water Departments of other communities in Niagara County, it is necessary to have the Common Council approval every year. This bidding has proven to be a money-saving procedure for both the Water and the Wastewater Treatment Plant.

Attached is a sample of the Resolution.

Sincerely,  
Paul J. Drof,  
Water/Wastewater Superintendent

MOVED by Alderman Schwandt

SECONDED by Alderman Brick

That the Common Council of the City of North Tonawanda hereby authorizes the continuance of cooperative purchasing arrangements between the Consortium for Cooperative Bidding and other municipalities or public entities as follows:

1. The Consortium for Cooperative Bidding and other interested public entities jointly prepare the bid specifications to ensure that the requirements of each party are satisfied; and
2. That the Common Council of the City of North Tonawanda shall appoint one officer to pursue cooperative arrangements and to distribute bid specifications; and
3. That the Common Council of the City of North Tonawanda shall appoint one fiscal officer who will be responsible for payment or if the successful bidder will be required to bill each entity separately for the items purchased thereby; and
4. That the Common Council of the City of North Tonawanda shall appoint one officer or body to award the contract or whether to have the right to accept or reject the bid as to their respective portions; and
5. That this resolution shall be in effect for a period of one year; and

That the Common Council of the City of North Tonawanda reserves the right to dissolve or renew this resolution at anytime it so desires by a simple majority of the Common Council of the City of North Tonawanda.

This resolution shall take effect immediately.

Ayes: Brick, Schwandt, Donovan, Sommer

(4)

Nays: None

(0)

CARRIED.

## VII.1 Accountant

October 30, 2008

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 4, 2008, 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 Brick  
That the Common Council hereby authorizes for payment the current Abstract of Claims dated November 4, 2008 and further authorizes the Mayor and City Clerk to respectively sign and countersign said Warrant:

01	General Fund	\$537,477.62
02	Water Fund	\$65,088.63
04	Sewer Fund	\$115,654.56
06	Capital Project Fund	\$273,993.92
07	Trust & Agency Fund	\$3,940.09
11	General Fund (Encumbered)	\$32,282.50
17	Home Rehab Program	\$73.00
	Final Total	<u>\$1,028,510.32</u>

Ayes: Brick, Schwandt, Donovan, Sommer

(4)

Nays: None

(0)

CARRIED.

## VII.2 Accountant

October 30, 2008

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

Dear Honorable Body:

I was recently contacted by the Community Development Director and City Engineer to provide financing for a storm sewer project on Sweeney Street which must be completed to allow the Kissling Development Project to go forward at the Remington Rand site. Last week I provided the Mayor and Council with a memo defining three financing options. Due to the requirement to expedite this project, I am recommending a transfer from the General Fund.

Accordingly, please authorize the City Accountant to transfer \$125,000.00 from the General Fund Appropriation Account 1-9950.953 Sweeney Storm Sewer to the Capital Fund, Sweeney Storm Sewer Project 6-300.803.

Very truly yours,  
**David R. Jakubaszek**  
 City Accountant

**MOVED by Alderman Donovan**                      **SECONDED by Alderman Brick**  
 That the Common Council hereby authorizes the City Accountant to transfer \$125,000.00 from the General Fund Appropriation Account 1-9950.953 Sweeney Storm Sewer to the Capital Fund, Sweeney Storm Sewer Project 6-300.803 for a storm sewer project on Sweeney Street which must be completed to allow the Kissling Development Project to go forward at the Remington Rand site.  
 Ayes: Brick, Schwandt, Donovan, Sommer (4)  
 Nays: None (0)  
**CARRIED.**

**IX. Public Works**

October 27, 2008

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

Re: SeaBee Statue Dedication Ceremony

Honorable Body:

I request that the Common Council approves the closing of one southbound lane of River Road in front of Fisherman's Park on Tuesday, November 11, 2008 for the formal dedication of a WWII SeaBee Memorial Statue.

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

**MOVED by Alderman Brick**                      **SECONDED by Alderman Donovan**  
 That the Common Council hereby approves the closing of one southbound lane of River Road in front of Fisherman's Park on Tuesday, November 11, 2008 for the formal dedication of a WWII SeaBee Memorial Statue.  
 Ayes: Brick, Schwandt, Donovan, Sommer (4)  
 Nays: None (0)  
**CARRIED.**

**X. Police**

October 27, 2008

Honorable Mayor Lawrence V. Soos  
 and Common Council  
 North Tonawanda, NY 14120

Would you please reappoint the following for a two year term as Commissioners of Deeds for the City of North Tonawanda beginning November 18, 2008 and ending November 17, 2010:

Thomas E. Krantz – 303 Oakdale Dr., North Tonawanda, NY 14120  
 Karen M. Smith – 60 Sweeney Ct, North Tonawanda, NY 14120  
 Gary P. Lewis – 1230 Parkview Dr., North Tonawanda, NY 14120

**Randy D. Szukala**  
 Chief of Police

11-04-08

**MOVED by Alderman Schwandt                      SECONDED by Alderman Brick**  
**That the Common Council hereby appoints Thomas E. Krantz, 303 Oakdale Dr., North Tonawanda, NY 14120; Karen M. Smith, 60 Sweeney Ct, North Tonawanda, NY 14120 and Gary P. Lewis, 1230 Parkview Dr., North Tonawanda, NY 14120 beginning November 18, 2008 and ending November 17, 2010.**  
**CARRIED.**

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**XIV. Recreation**

**October 30, 2008**

**The Honorable Mayor, Lawrence Soos and Common Council Members**  
**City Hall**  
**216 Payne Ave.**  
**North Tonawanda, New York 14120**

**Dear Honorable Mayor Soos and Common Council Members**

**Please receive and file the provisional appointment of Alex F. Domaradzki of 1349 Ruie Rd., North Tonawanda, New York, to the position of Youth Center Supervisor, effective Monday, November 3, 2008.**

**Mr. Domaradzki has undergone a review of his credentials, successful completion of an interview and a positive analysis of his work experience with our department. His application has been approved by the Niagara County Civil Service Commission.**

**The Youth Center Supervisor position is funded by the New York State Office of Children & Family Services. It is a competitive position and will require the successful completion of the exam to be offered in the near future by the Niagara County Civil Service Commission.**

**Thank you.**

**Sincerely,**  
**Jerry Whitehead**  
**Director of Youth, Recreation & Parks**

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

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**XVI.1 City Clerk**

**October 3, 2008**

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

**Dear Honorable Body:**

**At the regular session of the North Tonawanda Planning Commission dated July 7, 2008, a resolution was passed recommending the rezoning of property commonly known as 246 Zimmerman Street from an M1 classification to an R2 classification.**

**A public hearing was held August 19, 2008 regarding this rezoning. It would now be appropriate to take action on the rezoning.**

**Very truly yours,**  
**Thomas M. Jaccarino**  
**City Clerk**





**AUDIENCE PARTICIPATION**

**Cathy Kern, 1248 Greenbrier – Stated that the Food Pantry needs donations.**

**Kathleen Reiter, 1500 D'Angelo Drive – Requested that the receiver on Erie Avenue near Pizza Junction be repaired.**

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**ADJOURNMENT**

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

**Time of Adjournment: 6:40 P.M.**

**Respectfully submitted,**

**Thomas M. Jaccarino  
City Clerk**