

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, November 18, 2008
6:00 P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT SOMMER

ROLL CALL

Present: President Sommer
Aldermen Brick, Donovan

Absent: Alderman Pasiak
Alderman Schwandt

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

APPROVAL OF THE MINUTES OF THE REGULAR SESSION NOVEMBER 4, 2008

MOVED by Alderman Brick **SECONDED by Alderman Sommer**
That the minutes of the regular session held November 4, 2008 be approved as circulated and
filed in the Office of the City Clerk.
CARRIED.

PROOF OF PUBLICATION PUBLISHED OCTOBER 1, 2008

1) Public Hearing – Rezoning of 104 Porter Avenue – City Clerk

PROOF OF PUBLICATION PUBLISHED OCTOBER 24, 2008

- 1) Public Hearing – Community Development Block Grant – Community Development**
- 2) Public Hearing – Community Development Block Grant – Community Development**

PROOF OF PUBLICATION PUBLISHED OCTOBER 23, 2008

1) Public Hearing – Subdivision of Various Parcels – City Clerk

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

AUDIENCE PARTICIPATION

Debbie Gondek, 257 Brentwood Drive – Asked about agenda items from the City Attorney
regarding water and sewer rates.

COMMUNICATIONS FROM CITY OFFICIALS

II.1 Attorney

November 12, 2008

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:

As suggested by the City Accountant, 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 amendment modifies the code by raising the meter rates by \$.40 from \$2.30 to \$2.70 per 1,000 gallons for all consumption, effective March, 2009.

If our 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.

Very truly yours,
Shawn P. Nickerson
City Attorney

MOVED by Alderman Donovan SECONDED by Alderman Brick
That the Common Council hereby approves the amendment to Chapter 98 of the City Code of the City of North Tonawanda, entitled, "Water" as follows (amendments underlined):

Section 98-16

B. Meter Rates:

- 1) Effective for billings sent out on March 1, 2009, meter rates shall be as follows:

<u>Gallons</u>	<u>Rate</u>
0	\$12.00 minimum charge
1 to 250,000	<u>2.70</u> per 1,000 gallons
Over 250,000	<u>2.70</u> per 1000, gallons

Ayes: Brick, Donovan, Sommer (3)
Nays: None (0)
CARRIED.

II.2 Attorney

November 12, 2008

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

Re: Local Law #2 for 2008 – Establishing Sewer Rates

Dear Honorable Body:

By request of the City Accountant, attached for your consideration is Local Law No. 2 for 2008, modifying Section 75-15 of the City Code of the City of North Tonawanda to reflect a change in sewer rates.

Please note that this local law increases the sewer rent rate for 2009 by \$.50 per thousand gallons of consumption from \$4.00 to \$4.50 per 1000 gallons, under Section 75-15(b)(2). All other rates remain the same.

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 motions 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 Brick
That the Common Council hereby lays the following Local Law on the table for 7 days:

LOCAL LAW NO. 2 FOR 2008

ESTABLISHING SEWER RATES FOR 2009 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 2009 and thereafter for meter consumption shall be four dollars and fifty cents (\$4.50) 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, 2009, billing and all billings thereafter until otherwise amended.

Ayes: Brick, Donovan, Sommer

(3)

Nays: None

(0)

CARRIED.

II.3 Attorney

November 13, 2008

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

Re: Outdoor Wood-Fired Boilers

Dear Honorable Body:

Building Inspector Cosimo Capozzi has approached this office with concerns about the recent interest in outdoor wood-fired boilers. It appears that there is some controversy regarding these boilers. Some jurisdictions are concerned because of the dense smoke that impacts neighbors by creating nuisance and health problems. Furthermore, these boilers are usually equipped with very short stacks which causes the smoke from them to disperse very poorly.

We would request that the Common Council impose a moratorium on the installation of these outdoor wood-fired boilers until reasonable regulations regarding the installation of these devices can be adopted into the City Code. I would request that the council pass a four-month moratorium on permitting the installation of outdoor wood-fired boilers. Thank you.

Very truly yours,
Robert Sondel
Assistant City Attorney

11-18-08

COMMUNICATIONS FROM OTHERS

A.

Columbia Hook & Ladder - Re: Exemption Petitions:

**James C. Driskel – 35 Years
Daniel K. Evans – 35 Years**

**MOVED by Alderman Donovan SECONDED by Alderman Brick
To issue Exemption Certificates to James C. Driskel – 35 Years and Daniel K. Evans – 35
Years.
CARRIED.**

AUDIENCE PARTICIPATION

**Dennis Barberio, 168 Stenzil Street – Asked why the North Tonawanda taxpayers are
getting an increase in their Niagara County taxes.**

**Mike Gondek, 257 Brentwood Drive – Asked about grants for green cars, stated that he
was against the DPW contract and asked Alderman Brick why he was against it.**

ADJOURNMENT

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

Time of Adjournment: 6:23 P.M.

Respectfully submitted,

**Thomas M. Jaccarino
City Clerk**