

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, January 20, 2009
6:00P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT SOMMER

ROLL CALL

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

Absent: None

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

PROOF OF PUBLICATION PUBLISHED DECEMBER 1, 2008

1) **Public Hearing – Master Plan – Community Development**

PROOF OF PUBLICATION PUBLISHED DECEMBER 19 & 22, 2008

- 1) **Bid – Automated Vehicle Wash System, Contract No. 1 – Engineer**
- 2) **Bid – Automated Vehicle Wash System, Contract No. 2 – Engineer**

PROOF OF PUBLICATION PUBLISHED DECEMBER 26 & 27, 2008

- 1) **Legal Notice – Amendment to §98-16 of the City Code entitled “Water” – City Clerk**
- 2) **Legal Notice – Amendment to §98-16 of the City Code entitled “Water” – City Clerk**

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

APPROVAL OF THE MINUTES OF THE REORGANIZATION SESSION JANUARY 2, 2009

MOVED by Alderman Pasiak SECONDED by Alderman Brick
That the minutes of the reorganization session held January 2, 2009 be approved as circulated
and filed in the Office of the City Clerk.
CARRIED.

APPROVAL OF THE MINUTES OF THE REGULAR SESSION JANUARY 2, 2009

MOVED by Alderman Donovan SECONDED by Alderman Brick
That the minutes of the regular session held January 2, 2009 be approved as circulated and
filed in the Office of the City Clerk.
CARRIED.

APPROVAL OF THE MINUTES OF THE SPECIAL SESSION JANUARY 7, 2009

MOVED by Alderman Pasiak SECONDED by Alderman Donovan
That the minutes of the regular session held January 7, 2009 be approved as circulated and
filed in the Office of the City Clerk.
CARRIED.

AUDIENCE PARTICIPATION –

Robert Ortt, 171 E. Felton Street – Thanked everyone for their thoughts and prayers.

Keith Lemke, 234 Belmont Ct. E – Asked about the veteran’s exemption agenda item and urged the Common Council to pass it.

COMMUNICATIONS FROM CITY OFFICIALS

II. Attorney

December 11, 2008

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

Re: Local Law #1 for 2009 – Alternative Veterans Exemptions for Cold War Veterans

Dear Honorable Body:

Attached for your consideration is a proposed local law, which would establish alternative veterans exemptions for Cold War veterans under the New York State Real Property Tax Law §458-b. The exemptions and limits for all cold war veterans and for disabled cold war veterans are highlighted in bold as additions to Article VI, Section 73.6 Adoption of Exemptions, A and B, to be added to the City Code of the City of North Tonawanda.

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 the adoption of 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, 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 7 days prior to adoption.

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

**MOVED by Alderman Donovan SECONDED by Alderman Brick
That the Common Council hereby approves Local Law No. 1 for 2009 - Alternative Veterans Exemptions for Cold War Veterans as follows and refers it to the Mayor’s Office to schedule a Public Hearing:**

LOCAL LAW NO. 1 FOR 2009

**A LOCAL LAW PURSUANT TO SECTION 458-b
OF THE REAL PROPERTY TAX LAW
ALTERNATIVE VETERANS EXEMPTION
FOR COLD WAR VETERANS**

Chapter 73 of the City Code of the City of North Tonawanda, New York, Article VI entitled “Maximum Allowable Alternative Veterans Exemptions” is amended as follows:

Article VI

73.6 Adoption of Exemptions.

The maximum exemption allowable by Real Property Tax Law §458-a, Subdivision 2, Paragraphs (a), (b), and (c), shall be Twelve Thousand Dollars (\$12,000), Eight Thousand Dollars (\$8,000) and Forty Thousand Dollars (\$40,000), respectively.

A). There shall be an alternative qualifying residential real property exemption for Cold War veterans, under Real Property Tax Law §458-b, Subsection 2(a) and 2(b), in the amount of ten (10%) percent of the assessed value of such property, not to exceed Four Thousand Dollars (\$4,000), or the product of \$4,000 multiplied by the latest state equalization rate of such property's assessing unit, subject to the definitions, limitations and requirements of §458-b.

B). For Cold War veterans disabled, there shall be an exemption in the amount equal to the extent of the product of the assessed value of such property, multiplied by fifty (50%) percent of the Cold War veteran's disability rating, provided, however, such exemption shall not exceed Twenty Thousand Dollars (\$20,000) or the product of twenty thousand dollars multiplied by the latest state equalization rate for the assessing unit.

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

Nays: Sommer (1)

CARRIED.

III. Treasurer

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

Subject: Returning to Work

Dear Council Members:

I am writing to inform you that I will be returning to work in the Treasurer's Office on January 26, 2009. I am on paid leave from the United States Army until January 20, 2009. As a result, I am currently on active duty until that date. I look forward to working with you in the coming year for the betterment of the people of North Tonawanda.

Respectfully yours,
Robert G. Ortt
City Treasurer

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

VII.1 Accountant

January 14, 2009

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 January 20, 2009, 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 Pasiak

SECONDED by Alderman Brick

That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated January 20, 2009 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$789,129.91
02	Water Fund	64,687.61
04	Sewer Fund	98,083.46
06	Capital Project Fund	42,948.90
07	Trust & Agency Fund	1,500.45
08	Community Development	121.11
17	Home Rehab Program	<u>146.00</u>
	Final Total	<u>\$996,617.44</u>

Ayes: Brick, Pasiak, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

CARRIED.

VII.2 Accountant

January 15, 2009

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

Dear Honorable Body:

Please be advised that on January 7, 2009 the Common Council met with me at a workshop session and discussed the establishment of a fair policy to determine the rate of interest to be charged on installments, resulting from Special Assessment Projects.

Accordingly, it was determined that the interest rate to be charged on yearly installments, resulting from Special Assessment Projects, would be the actual serial bond interest rate used to finance the project, plus an additional 1% for administration. Further, this policy will be retroactive for the Kingston and Briarwood Projects, starting in 2009, as well as all future projects.

Please adopt a resolution establishing that the interest rate to be charged on yearly installments, resulting from Special Assessment Projects, would be calculated to be the actual serial bond interest rate used to finance the project, plus an additional 1% for administration. Further direct the City Attorney to amend the Kingston and Briarwood project warrant, to reflect a 5% rate of interest and direct the City Clerk to deliver the executed amended warrant to the City Treasurer.

Very truly yours,
David R. Jakubaszek
City Accountant

MOVED by Alderman Donovan

SECONDED by Alderman Pasiak

That the Common Council hereby establishes that the interest rate to be charged on yearly installments, resulting from Special Assessment Projects, will be calculated to be the actual serial bond interest rate used to finance the project, plus an additional 1% for administration and further directs the City Attorney to amend the Kingston and Briarwood project warrant, to reflect a 5% rate of interest and direct the City Clerk to deliver the executed amended warrant to the City Treasurer.

Ayes: Brick, Pasiak, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

CARRIED.

VII.3 Accountant

January 15, 2009

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 2009 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>
1	8,600.00	1-1620.440 Buildings & Grounds	1-1620.232 Pickup Truck
2	15,000.00	1-1620.460 Utilities	1-1620.232 Pickup Truck

Very truly yours,
David R. Jakubaszek
City Accountant

MOVED by Alderman Pasiak

SECONDED by Alderman Brick

That the Common Council hereby authorizes the City Accountant to make the following budget amendment of fiscal year 2009 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>
1	8,600.00	1-1620.440 Buildings & Grounds	1-1620.232 Pickup Truck
2	15,000.00	1-1620.460 Utilities	1-1620.232 Pickup Truck

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

XVI. City Clerk

January 14, 2009

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

Dear Honorable Body:

I am requesting to be reappointed as a Commissioner of Deeds for the City of North Tonawanda.

Thank you.

Sincerely,

Catherine P. Gambino
1381 Vanderbilt Avenue
North Tonawanda, NY 14120

Suzann C. Chank
1616 Sweeney Street
North Tonawanda, NY 14120

01-20-09

C.
Ralph LaFreniere

January 14, 2009

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

Dear Honorable Body:

I am requesting to be reappointed as a Commissioner of Deeds for the City of North Tonawanda.

Thank you.

Sincerely,
Ralph LaFreniere
722 Payne Avenue
North Tonawanda, NY 14120

MOVED by Alderman Pasiak **SECONDED** by Alderman Donovan
That the Common Council hereby reappoints Ralph LaFreniere, 722 Payne Avenue, North Tonawanda, NY 14120 as a Commissioner of Deeds for the City of North Tonawanda effective January 21, 2009 expiring January 20, 2011.
CARRIED.

D.
NT National Little League, Inc.

January 14, 2009

Mayor Lawrence Soos
City of North Tonawanda
216 Payne Avenue
North Tonawanda, NY 14120

Dear Mayor Soos:

The North Tonawanda National Little League is planning player registration for the 2009 Baseball Season.

We are requesting your permission to place a banner across Payne Avenue to advertise player registration. We would like to have the banner hung from January 20 through February 28.

I will contact you regarding this request within the next couple of days.

Please contact me at 639-6128 (days) or 694-1433 (evenings) if you have any questions.

Sincerely,
Richard E. Dentinger
President

MOVED by Alderman Donovan **SECONDED** by Alderman Brick
That the Common Council hereby grants permission to the North Tonawanda National Little League to place a banner across Payne Avenue, to advertise player registration, from January 20 through February 28.
CARRIED.

AUDIENCE PARTICIPATION –

Keith Craigie, 347 Brentwood – Asked about the special assessments on his Briarwood property.

Tom Konopka, 1261 Bowen Court – Asked about the wartime Veterans exemption.

Ron Sdao, 1088 Bowen Drive W – Asked the Common Council to pass a wartime Veterans exemption.

Jack Toth, 445 Homestead Drive – Asked about the wartime Veterans exemption and stated that he is a Viet Nam Veteran.

Jerry DiVirgilio, 676 Payne Avenue – Stated that the Common Council should adhere to the decision of the voters regarding the City Clerk position.

Dennis Barberio, 168 Stenzil Street – Stated that the city will save money by eliminating the Clerk’s position.

Dan Rivera, 65 6th Avenue – Asked about the Cold War Veteran’s Exemption. and stated that he supports the Public vote on eliminating the Clerk’s position.

Bill Paton 55 5th Avenue – Disputed comments made stating that he supported the Charter Revision Committees position on eliminating the Clerk’s position.

Walt Yaro, 170 Christiana Street – Questioned the quality of the reconstruction of Payne Avenue.

ADJOURNMENT

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

Time of Adjournment: 7:00P.M.

Respectfully submitted,

**Thomas M. Jaccarino
City Clerk**