

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, February 17, 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

APPROVAL OF THE MINUTES OF THE REGULAR SESSION FEBRUARY 3, 2009

MOVED by Alderman Pasiak SECONDED by Alderman Brick
That the minutes of the regular session held February 3, 2009 be approved as circulated and filed
in the Office of the City Clerk with the following correction on page 13 of the February 3, 2009
minutes which should read as follows:

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the
corporate seal of the City this 3rd day of February 2009.
CARRIED.

AUDIENCE PARTICIPATION – None

COMMUNICATIONS FROM CITY OFFICIALS

I.1 Mayor

February 12, 2009

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

RE: Appointment to North Tonawanda Plumbing Board

Dear Honorable Body:

Please be advised that I am reappointing Frank Grandinetti of 909 Oliver Street to the
Plumbing Board. His term will begin immediately and expire December 31, 2011.

Thank you very much for your attention to this matter.

Sincerely,
Lawrence V. Soos
Mayor

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

I.2 Mayor

February 12, 2009

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

RE: Appointment to North Tonawanda Youth Board

Dear Honorable Body:

Please be advised that I am appointing, on the recommendation of Jerry Whitehead, Director of Youth, Recreation and Parks, the following individuals to the North Tonawanda Youth Board for a one (1) year Youth Term beginning immediately:

- 1. John Michael Curtin, 1739 Leah Drive, North Tonawanda, NY**
- 2. Austin Sams-Galuszka, 95 Homestead Drive, North Tonawanda, NY**
- 3. Austin Tylec, 815 Niagara Parkway, North Tonawanda, NY**

Also, for a three (3) year Adult Term beginning immediately, I hereby appoint:

- 1. Maria Tasner, 799 Thomas Fox Drive West, North Tonawanda, NY**

Thank you very much for your attention to this matter.

**Sincerely,
Lawrence V. Soos
Mayor**

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

II.1 Attorney

February 6, 2009

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

Re: Summary of Tax Agreement Arrearages Collected for 2008

Dear Honorable Body:

Attached, for your information, is the summary listing of all of the tax arrearages collected for the year 2008 against our current tax agreements. As you will note, the City of North Tonawanda received \$279,856.50, through the efforts of the City Attorney's Office and the City Treasurer's Office, and we will continue to vigorously pursue those owners who, for whatever reason, fail to pay their property taxes.

Should you have any questions or need more information, please do not hesitate to contact this office.

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

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

II.2 Attorney

February 10, 2009

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 Property Maintenance Committee, 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 allows for the shut off of water service to empty and/or abandoned properties to avert freezing and bursting of pipes, which ultimately causes further damage to such empty buildings.

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 this office.

Very truly yours,
Shawn P. Nickerson
City Attorney

MOVED by Alderman Brick

SECONDED by Alderman Pasiak

That the Common Council hereby approves the amendment to Chapter 98 of the City Code of the City of North Tonawanda, New York, Entitled, "Water" as follows: (changes underlined)

§ 98-9. Termination of service.

- A. From September 15 – May 31 of each calendar year, all properties shall be supplied with sufficient heat to prevent the potable water supply from freezing. In the event a property owner no longer wishes to supply the required heat, a licensed plumber (as defined by Chapter 69 of the City Code) shall shut off the potable water service to the property by closing the curb stop within 24 hours of terminating the heat.
- B. In the event a property owner fails to comply with § 98-9 (A), the Water Department is hereby authorized to immediately and without notice to the property owner hire a licensed plumber to terminate the water supply as defined in this Chapter. The City Assessor shall assess the amount charged for this service upon the real property, and this total amount shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected by the City Treasurer in the manner provided by law for the collection of taxes or delinquent taxes.
- C. A consumer who, for any reason, wishes to terminate his liability for service must give notice to the Water Department until said written notice is received and a reasonable additional time allowed for reading and removing the meter.
- D. Service shall be considered terminated only after the water has been turned off at the curb valve by a licensed plumber as defined by Chapter 69 of the City Code and the meter has been removed.
- E. When property becomes vacant, upon receipt of written notice from the owner of the same, the Department shall at its option remove the water meter and/or seal the service in a manner that will prevent any possibility of water usage without charge. A meter so removed will be replaced by the Department at a fee consistent with the

current rate, when the property is reoccupied. No charge shall be made for water during the time that the property remains vacant, provided that the foregoing provisions are fully complied with.

This amendment shall become effective upon publication in the City’s official newspaper.

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

II.3 Attorney

February 12, 2009

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

**Re: Re-Introduction of Permitting Legislation in the Sale of
Niagara River Yacht Club in the NYS Legislature**

Dear Honorable Body:

As you may know, earlier this month on February 3, 2009, your Honorable Body passed a resolution to support the re-introduction of the permitting legislation at the state level by Senator Maziarz to allow the sale of the land formerly known as the Niagara River Yacht Club. Subsequently, we have been reminded that the NYRC is now operating further down the street, so it will be necessary to pass the resolution of support by property address.

If your Honorable Body concurs, please pass the amended resolution to support and request that the bill be re-introduced to the state legislature to allow for the sale of the property at 1000 River Road, North Tonawanda, New York 14120, SBL#181.08-2-34, formerly known as the Niagara River Yacht Club.

Thank you for your consideration.

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

**MOVED by Alderman Sommer SECONDED by Alderman Pasiak
That the Common Council hereby requests that Senator George D. Maziarz reintroduce to the New York State Legislature the permitting legislation to allow for the sale of the property at 1000 River Road, North Tonawanda, New York 14120, SBL#181.08-2-34, formerly known as the Niagara River Yacht Club.**

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

IV. Engineer

February 12, 2009

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

Re: Project 2008-14 Norman L. Keller Building Roof Replacement

Dear Honorable Body:

On Tuesday, February 10, 2009, six (6) bids from qualified contractors were received for the Norman L. Keller Building Roof Replacement Project. The corrected bid results are as follows:

- Jameson Roofing Co., Inc. \$185,813.00
- Joseph E. Neubert Roofing, Inc. \$206,150.00
- Weaver Metal & Roofing, Inc. \$221,000.00
- Neth & Sons, Inc. \$229,000.00
- Progressive Roofing, Inc. \$246,000.00
- Jos. A. Sanders & Sons, Inc. \$249,706.00

Accordingly, I respectfully request that the Common Council award the Norman L. Keller Building Roof Replacement to Jameson Roofing Co., Inc., 3761 East Lake Road, Dunkirk, NY 14048 , at their low bid in the amount of \$185,813.00; authorizing the Mayor to sign said contract, subject to review by the City Attorney.

Very truly yours,
Dale W. Marshall, P.E.
City Engineer

MOVED by Alderman Pasiak

SECONDED by Alderman Brick

That the Common Council hereby awards the bid for the Norman L. Keller Building Roof Replacement to Jameson Roofing Co., Inc., 3761 East Lake Road, Dunkirk, NY 14048 , at their low bid in the amount of \$185,813.00 and authorizes the Mayor to sign said contract, subject to review by the City Attorney.

Ayes: Brick, Pasiak, Schwandt, Sommer

(4)

Nays: Donovan

(1)

CARRIED.

V. Water

December 16, 2008

Mayor Lawrence V. Soos
And the Common Council
216 Payne Ave.
City Hall
N Tonawanda NY 14120

Re: Amendment No. 3 CSO/SSO Work Plan
ESRI Geodatabase/Capital Project 2009

Honorable Mayor and the Common Council:

The Capital Improvement Program for 2009 included the funds to generate an ESRI Geodatabase. This database will map water, sewer and storm sewer within the city of North Tonawanda.

The scope of this project was developed by Gary Franklin, Dale Marshall, Edward Skovenski and myself to incorporate the items in the attached amendment.

The CSO/SSO Work Plan as required under our current NYS SPDES permit calls for such a mapping and will be invaluable to public works, engineering, water and sewer.

Please have the Mayor execute the agreement so that work can progress from the pilot program to a complete, useful database.

If you have any questions, do not hesitate to contact me.

Respectfully Submitted,
Paul Joseph Drof
Superintendent

MOVED by Alderman Brick

SECONDED by Alderman Pasiak

That the Common Council hereby authorizes the Mayor to sign Amendment No. 3 to the agreement between the City of North Tonawanda and Stearns & Wheler, LLC for the CSO/SSO Work Plan, ESRI Geodatabase/Capital Project 2009.

Ayes: Brick, Pasiak, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

CARRIED.

VII. Accountant

February 12, 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 February 17, 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 Donovan

SECONDED by Alderman Brick

That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated February 17, 2009 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$283,997.77
02	Water Fund	12,669.40
04	Sewer Fund	57,760.09
06	Capital Project Fund	31,604.55
07	Trust & Agency Fund	3,116.28
08	Community Development	255.50
11	General Fund Encumbered	8,592.32
12	Water Fund Encumbered	1,200.00
14	Sewer Fund Encumbered	3,936.00
17	Home Rehab Program	2,252.98
	Final Total	<u>\$405,384.89</u>

Ayes: Brick, Pasiak, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

CARRIED.

XIV. Recreation

2/11/2009

**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 review and approve the recommended fee increases in Department of Youth, Recreation & Parks 2009 Fee and Charge schedule.

- Deerwood Golf Course Private Cart Seasonal Fee:
Increased from \$ 240.00 to \$ 300.00

All other fees in the current schedule will remain the same. The revenue generated from the established fees and charges is collected for deposit in the City General Fund.

Sincerely,
Jerry Whitehead
Director of Youth, Recreation & Parks

MOVED by Alderman Sommer SECONDED by Alderman Brick
That the Common Council hereby approves the fee increases in Department of Youth, Recreation & Parks 2009 Fee and Charge schedule as follows:

- Deerwood Golf Course Private Cart Seasonal Fee :
Increased from \$ 240.00 to \$ 300.00

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

XVI.1 City Clerk

February 13, 2009

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

Dear Honorable Body:

At the regular Planning Commission meeting of February 2, 2009 it was recommended that the attached parcels be rezoned from their current M-1 or M-2 zoning to a C-2 zoning. It would be appropriate now to schedule a public hearing on Tuesday, March 10, 2009 at 5:45PM regarding this matter.

If you have any questions please contact me.

Very truly yours,
Thomas M. Jaccarino
City Clerk

MOVED by Alderman Pasiak SECONDED by Alderman Brick
That the Common Council hereby authorizes Thomas M. Jaccarino, City Clerk to schedule a public hearing for Tuesday, March 10, 2009 at 5:45PM regarding the rezoning 20 Wheatfield Street and adjacent properties from M-1/M-2 to C-2.
CARRIED.

XVI.2 City Clerk

February 13, 2009

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

Re: Local Law #2 for 2009 – Alternative Veterans Exemption

Dear Honorable Body:

Aldermen Donovan and Pasiak have proposed increasing the veteran's exemption from the current \$80,000 to \$120,000. I have attached for your consideration the proposed local law

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,
Thomas M. Jaccarino
City Clerk

MOVED by Alderman Donovan SECONDED by Alderman Schwandt
That the Common Council hereby lays the following Local Law on the table for 7 days:

LOCAL LAW NO. 2 FOR 2009

**A LOCAL LAW PURSUANT TO SECTION 458-b
OF THE REAL PROPERTY TAX LAW
ALTERNATIVE VETERANS EXEMPTION
ESTABLISHING MAXIMUM ALLOWABLE EXEMPTIONS**

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 Eighteen Thousand Dollars (\$18,000), Twelve Thousand Dollars (\$12,000) and Sixty Thousand Dollars (\$60,000), respectively.

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

Nays: Sommer (1)

CARRIED.

XIX. Building Inspector

To: City Clerk Tom Jaccarino Date: February 12, 2009

From: Cosimo R. Capozzi Re: Electrical inspection fees
Building Inspector

At the February 10, 2009 workshop meeting, the attached fees were reviewed by the Council and Mayor. The Council and Mayor agreed to approve said fees.

Therefore, please put this item on the Council agenda at their next public meeting for their approval.

Cosimo R. Capozzi
Building Inspector

As in past years, the Chamber is asking assistance from the City employees in hanging two promotional banners over City streets. One would be in front of the Lowry School Building on Payne Ave. The second would be on Webster Street from the Chamber office across Webster Street. We would ask they be hung on March 2, 2009 and removed March 23rd.

Additionally, a proclamation from your office would be appreciated. If you desire, a joint proclamation with Tonawanda Mayor Ronald Pilozzi would be fine. It would be presented at the cocktail party for vendors and invited guests on Friday evening, March 20th. Invitations will be forthcoming.

I thank you in advance for your assistance and if you have any questions, please feel free to contact the Chamber office or me at 694-8229.

Sincerely,
Jeanette Harmon
T-NT Expo Committee

MOVED by Alderman Sommer **SECONDED** by Alderman Schwandt
That the Common Council hereby grants permission to the Chamber of Commerce of the Tonawandas to hang promotional banners in front of the Lowry School Building on Payne Ave and on Webster Street from the Chamber office across Webster Street from March 2, 2009 until March 23, 2009 and further instructs the Department of Public Works to provide assistance in hanging the banners.
CARRIED.

AUDIENCE PARTICIPATION –

Tom Konopka, 1261 Bowen Court – Thanked the Common Council for passing the Veterans Exemption.

Jack Toth, 445 Homestead Drive – Thanked the Common Council for passing the Veterans Exemption.

Keith Craigie, 347 Brentwood – Thanked the City Clerk for the service that he and the clerk’s office provide.

Russ Rizzo, 590 William Street – Questioned the motivation of the Charter Revision Committee.

ADJOURNMENT

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

Time of Adjournment: 6:35P.M.

Respectfully submitted,

Thomas M. Jaccarino
City Clerk