

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, April 7, 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 MARCH 17, 2009

MOVED by Alderman Pasiak SECONDED by Alderman Schwandt
That the minutes of the regular session held March 17, 2009 be approved as circulated and filed
in the Office of the Clerk-Treasurer.
CARRIED.

PROOF OF PUBLICATION PUBLISHED JANUARY 15, 2009

1) Public Hearing – Local Law No. 2 for 2008 – Establishing Sewer Rates – Mayor

PROOF OF PUBLICATION PUBLISHED JANUARY 16 & 19, 2009

1) Bid – Marion Street Storm Sewer – Engineer

PROOF OF PUBLICATION PUBLISHED JANUARY 17, 2009

1) Public Hearing – Comprehensive Plan – City Clerk

PROOF OF PUBLICATION PUBLISHED JANUARY 30, 2009

1) Public Hearing – Local Law No. 1 for 2009 – Alternative Veteran Exemption – Mayor

PROOF OF PUBLICATION PUBLISHED FEBRUARY 19 & 21, 2009

1) Bid – Telephone System Solution – Mayor

PROOF OF PUBLICATION PUBLISHED FEBRUARY 20, 2009

1) Legal Notice – 2009 Bond Resolution – City Clerk
2) Public Hearing – Local Law No. 2 for 2009 – Alternate Veteran Exemption – Mayor

PROOF OF PUBLICATION PUBLISHED FEBRUARY 21, 2009

1) Public Hearing – Local Law No. 1 for 2009 – Alternative Veteran Exemption – Mayor

PROOF OF PUBLICATION PUBLISHED FEBRUARY 26, 2009

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

The theme for this year’s opening event at the Riviera Theatre is honoring the popular film “American Grafitti”. Furthermore, on Sunday, May 3, 2009, the organizers of the film festival will be having military themed films at the Riviera Theatre to honor the many veterans who have served our country.

Accordingly, this event has assisted in placing the City of North Tonawanda and the Riviera Theatre on the entertainment map and it would be advantageous to the city to assist in allowing the street to be closed for the period of time requested for the two (2) days. This event will also serve to bring people downtown to see our city’s waterfront, frequent our establishments, and to view the historic Riviera Theatre. I am requesting that the Common Council approve the BNFF’s request to close the street for this event and furthermore that they coordinate with our Police Department and Department of Public Works for public safety and with limited disruption to the area.

Sincerely,
Lawrence V. Soos
Mayor

MOVED by Alderman Brick

SECONDED by Alderman Pasiak

That the Common Council hereby grants permission to close Webster Street to vehicle traffic for the opening ceremony of the 3rd annual Buffalo Niagara Film Festival (BNFF) and car show from Friday, May 1, 2009 and Saturday, May 2, 2009 from 11am through 11 pm.

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

Nays: None (0)

CARRIED.

VII.1 Accountant

April 2, 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 April 7, 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 Brick

SECONDED by Alderman Pasiak

That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated April 7, 2009 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$595,293.77
02	Water Fund	64,380.12
04	Sewer Fund	148,774.04
06	Capital Project Fund	15,747.46
07	Trust & Agency Fund	7,468.18
11	General Fund Encumbered	<u>9,010.62</u>
	Final Total	<u>\$840,674.19</u>

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

Nays: None (0)

CARRIED.

IX. Public Works

March 24, 2009

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

Re: Bid Award
 Spray Injection Pavement Patching Machine Rental

Honorable Body:

On Monday, March 23, 2009 bids were received and publicly opened in the Public Work's Office for a Spray Injection Pavement Patching Machine Rental. My office has reviewed the bid submitted and tabulated it as follows:

<u>BIDDER</u>	<u>AMOUNT</u>
Patch Management, Inc.	PK2000 \$8,950.00/month Emulsion Storage Trailer \$1,750.00/month 1600 gal-Winter Grade Emulsion \$5.50/gal.

This bidder has executed the non-collision certificate and submitted by surety in the amount of 10% of one (1) month's machine rental.

I have attached the proposal page for this minimum 2 month rental which totals \$30,200.00. I have also enclosed the pricing information from the City of Niagara Falls and the County of Onondaga (2008 bid) which show the amount bid is comparable to those bids.

I recommend that the Common Council award the bid for a Spray Injection Pavement Patching Machine 2 month bid proposal of \$30,200.00 to Patch Management, Inc. of 8841 Old US 13, Morrisville, PA 19067, subject to the approval of the City Attorney.

Very truly yours,
 Gary J. Franklin
 Superintendent Public Works

MOVED by Alderman Donovan SECONDED by Alderman Brick
 That the Common Council hereby awards the bid for a Spray Injection Pavement Patching Machine 2 month bid proposal of \$30,200.00 to Patch Management, Inc. of 8841 Old US 13, Morrisville, PA 19067, subject to the approval of the City Attorney.

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

Nays: None (0)

CARRIED.

X. Police

February 24, 2009

Mayor Lawrence Soos and
 North Tonawanda Common Council
 216 Payne Ave.
 North Tonawanda, NY

Honorable Mayor and Common Council,

The contract for an exclusive towing provider for the police department expires this year and an "Invitation for Proposals" was published in the Tonawanda News for those interested in providing this service.

One proposal was received, that being from Certified Towing (d/b/a Kenneth J. Johnson), who is the current provider. I would ask approval for Certified Towing (d/b/a Kenneth J. Johnson) to be named the exclusive towing agency for the North Tonawanda Police Department pending approval of the contract by the City Attorney.

Certified Towing has provided outstanding service during the previous contract period and we welcome working with them for the next period.

Respectfully,
Randy D. Szukala
Chief of Police

MOVED by Alderman Sommer **SECONDED** by Alderman Brick
That the Common Council hereby awards the bid for towing services to Certified Towing subject to approval of the City Attorney.

Ayes: Brick, Sommer (2)

Nays: Pasiak, Schwandt Donovan (3)

MOTION FAILED.

XVI. Clerk-Treasurer

April 1, 2009

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

Re: Public Hearing of March 24, 2009

Dear Honorable Body:

Please be advised that a public hearing was held in the North Tonawanda Common Council Chambers on March 24, 2009 at 5:45pm, regarding the rezoning of several properties along Wheatfield Street, Simson Street and River Road from an M-1/M-2 to a C-2 classification.

Be advised that Mr. George Newmann of 44 Wheatfield Street spoke in favor of the proposed rezoning. Mr. Randy Krauser of 28 Wheatfield Street spoke against the proposed rezoning.

Respectfully,
Robert G. Ortt
City Clerk-Treasurer

MOVED by Alderman Sommer **SECONDED** by Alderman Donovan
That the Common Council hereby tables the aforementioned rezoning request.
CARRIED.

XIX. Building Inspector

To: Mayor Larry Soos & Council
Shawn Nickerson

Date: April 3, 2009

From: Cosimo R. Capozzi

Re: Outdoor wood burning boilers

Section 103-15 A (7) Outdoor Wood Burning Boilers or similar devices:

Definitions:

Outdoor Wood Burning Boiler: Any equipment, device, appliance or apparatus, situated outdoors free standing or in a freestanding structure, used to produce heat or energy used to provide heat or hot water to a building.

Wood Fuel: All wood intended to be used as fuel, including but not limited to trees, cordwood, logs, lumber, sawdust, and wood from manufacturing processes, wood pellets, slabs, bark, chips, waste pellets. This does not include material chemically treated with any preservatives, paint or oil.

Seasoned Wood: Wood that has been cut a year and dried at least six (6) months.

103-15 A (8)

- (a) No boiler shall be installed within fifty (50') of the building it serves Nor within two hundred (200') of any other building.
- (b) Not permitted in a front yard, and a minimum of 25' from a side or rear property line.
- (c) Boilers located between two hundred (200) and four hundred (400) feet of a building other than the building it serves must have a smokestack height of at least 2' higher than the eaves of said building.
- (d) Boilers may be operated only during the heating season which shall be September 15 to May 31
- (e) Only dry, seasoned, untreated wood fuel may be burned.
- (f) Cannot be the only source of heat.
- (g) Must be installed per manufacturer's recommendations.

Also Section 103-17 E Penalties should be changed to read;

E. Penalties. A person shall be guilty of an offense punishable by a fine not to exceed \$ 500, or by imprisonment for not more than six months or by both such fine and imprisonment in any case where an order to remove any violation by any provisions of this ordinance has been served personally or by ordinary mail by the Building Inspector upon the owner, general agent, lessee or tenant of the building, other structure or tract of land or any part thereof or upon the architect, builder, contractor or anyone who commits or assists in any such violation, and such person shall fail to comply with such order within ten (10) days after the service thereof. Each day thereafter that such violation shall continue shall constitute a separate offense and shall be punishable hereunder.

MOVED by Alderman Sommer

SECONDED by Alderman Donovan

That the Common Council hereby approves the following amendments to §103 of the City Code as follows:

§103-15 A (7) Outdoor Wood Burning Boilers or similar devices:

Definitions:

Outdoor Wood Burning Boiler: Any equipment, device, appliance or apparatus, situated outdoors free standing or in a freestanding structure, used to produce heat or energy used to provide heat or hot water to a building.

Wood Fuel: All wood intended to be used as fuel, including but not limited to trees, cordwood, logs, lumber, sawdust, and wood from manufacturing processes, wood pellets, slabs, bark, chips, waste pellets. This does not include material chemically treated with any preservatives, paint or oil.

Seasoned Wood: Wood that has been cut a year and dried at least six (6) months.

§103-15 A (8)

- (h) No boiler shall be installed within fifty (50') of the building it serves nor within two hundred (200') of any other building.
- (i) Not permitted in a front yard, and a minimum of 25' from a side or rear property line.

- (j) Boilers located between two hundred (200) and four hundred (400) feet of a building other than the building it serves must have a smokestack height of at least 2' higher than the eaves of said building.
- (k) Boilers may be operated only during the heating season which shall be September 15 to May 31
- (l) Only dry, seasoned, untreated wood fuel may be burned.
- (m) Cannot be the only source of heat.
- (n) Must be installed per manufacturer's recommendations.

§103-17 E Penalties should be changed to read;

E. Penalties. A person shall be guilty of an offense punishable by a fine not to exceed \$ 500, or by imprisonment for not more than six months or by both such fine and imprisonment in any case where an order to remove any violation by any provisions of this ordinance has been served personally or by ordinary mail by the Building Inspector upon the owner, general agent, lessee or tenant of the building, other structure or tract of land or any part thereof or upon the architect, builder, contractor or anyone who commits or assists in any such violation, and such person shall fail to comply with such order within ten (10) days after the service thereof. Each day thereafter that such violation shall continue shall constitute a separate offense and shall be punishable hereunder.

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

Nays: None (0)

CARRIED.

XXV. Monthly Reports

- | | | | |
|----|------------------|----|-----------------------|
| .1 | Vital Statistics | .4 | Police |
| .2 | Senior Citizens | .5 | Treasurer |
| .3 | Police | .6 | Treasurer Investments |

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

XXVI. Semi-Annual Vacation & Sick Leave Reports

- .1 City Clerk

MOVED by Alderman Schwandt SECONDED by Alderman Brick
That the Common Council hereby receives and files the aforementioned Semi-annual Vacation & Sick Leave Reports.
CARRIED.

COMMUNICATIONS FROM OTHERS

A.
Dom Polski

March 20, 2009

To City of North Tonawanda:

We would like to have our Dyngus Day sign put up across Oliver Street in front of our club. Could you please have someone contact Joe Bukoskey at 693-6529 to make arrangements to have it put up?

We would also ask that it be taken down on April 14th. Joe will be available to meet someone at the club whenever your workers will be available.

Thank you for your assistance.

**Roberta Pfeil
President
Dom Polski Social Club**

MOVED by Alderman Pasiak

SECONDED by Alderman Donovan

That the Common Council hereby grants permission for Dom Polski to put a sign across Oliver Street for their Dyngus Day celebration and further instructs the Department of Public Works to assist with the installation and removal of the sign.

CARRIED.

B.

Joseph Sikora

March 6, 2009

**Mayor Larry Soos
216 Payne Avenue
North Tonawanda, NY 14120**

Dear Mayor Soos:

On Saturday, August 8, 2009, the Western New York Professional Firefighters and good neighbors from Pennsylvania to Batavia will be revving up their engines to help support the National Kidney Foundation of WNY provide support to the 170,000 Western New Yorkers who are currently suffering with Chronic Kidney Disease (CKD).

Here in Western New York, it is a very serious health concern for all of us. Because of the high incidences of high blood pressure and diabetes in our region – two of the leading risk factors for kidney disease – at least 1 out of 8 individuals is currently suffering from CKD. So, if you fill up HSBC Arena and Ralph Wilson Stadium twice, you visualize all of the people in our community living with CKD. Now, take that number and double it and those are the people living with CKD who don't even know it. The National Kidney Foundation of Western New York (NKF of WNY) is the only organization in the eight-county area that is focused on preventing kidney and urinary tract diseases, improving the health and well-being of individuals and families affected by these diseases, and increasing the availability of all organs for transplantation.

On behalf of your neighbors living with kidney disease, we are requesting permission to close Webster Street from Sweeney and Goundry between the hours of 3:00pm and 5:00pm. By doing this, we can ensure that our bikers can have plenty of parking on the street and enjoy the beautiful sights of North Tonawanda, NY.

If you have any questions regarding this request, please do not hesitate to call Maria Batt at the National Kidney Foundation, 716-835-1323 or Joe Sikora at Fire Headquarters at 716-693-2201. We appreciate your consideration with our fundraising efforts and hope to see you on August 8th!

Sincerely,

**Marie DeMart-Batt
Special Events Manager
National Kidney Foundation of WNY**

**Joseph Sikora
Cruise for a Cause Co-Chair
Asst. Chief for NTFD**

MOVED by Alderman Pasiak

SECONDED by Alderman Donovan

That the Common Council hereby grants permission to close Webster Street from Sweeney and Goundry on Saturday, August 8, 2009 between the hours of 3:00pm and 5:00pm for the National Kidney Foundation of WNY to hold their event.

CARRIED.

AUDIENCE PARTICIPATION – None

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: 6:33P.M.

Respectfully submitted,

Robert G. Ortt
Clerk-Treasurer