

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, August 4, 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
City Attorney Shawn P. Nickerson

APPROVAL OF THE MINUTES OF THE REGULAR SESSION JULY 21, 2009

MOVED by Alderman Schwandt **SECONDED** by Alderman Brick
That the minutes of the regular session held July 21, 2009 be approved as circulated and filed in the Office of the Clerk-Treasurer.
CARRIED.

AUDIENCE PARTICIPATION – None

COMMUNICATIONS FROM CITY OFFICIALS

II.1 Attorney

July 30, 2009

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

Re: Americans with Disabilities Act Policy

Dear Honorable Body:

Attached please find a proposed policy with regards to compliance with the Americans With Disabilities Act. Although this act has been in existence for some time and the city has been in reasonable compliance with said act, the city should have a standard policy for all departments to use to insure compliance with said act.

If you concur, please adopt the attached policy and authorize this office to distribute it to all city departments and employees. Thank you.

Very truly yours,
Robert Sondel
Assistant City Attorney

MOVED by Alderman Sommer **SECONDED** by Alderman Donovan
That the Common Council hereby adopts the Americans with Disabilities Act Policy as follows and authorizes the City Attorney's Office to distribute it to all City Departments and Employees:

CITY OF NORTH TONAWANDA
AMERICAN WITH DISABILITIES ACT COMPLIANCE POLICY

08-04-09

I. POLICY

The City of North Tonawanda is committed to providing accommodations for eligible individuals with documented disabilities as defined by federal, state and local law in the most timely and effective manner possible. The City's intent is to ensure that every employee and/or applicant for employment who makes a request for accommodation under the Americans with Disabilities Act or New York State Human Rights Law is promptly and properly advised of the accommodation process. The City is committed to following the requirements of the ADA and all appropriate federal and/or state laws, rules and regulations.

All requests for accommodation from employees are to be submitted in writing on the appropriate form and with the appropriate supporting documentation for consideration and/or review. The review of the request may, at the discretion of the City, include an evaluation and determination of the scope of the disability and, if appropriate, a request for additional medical documentation, examinations and/or opinions. Accommodation decisions may be appealed through the designated appeals process.

II. DEFINITIONS

Individual with a Disability. For purposes of this policy, the term "disability" is used with the understanding that it has the same meaning as "handicap" in state and federal laws.

American with Disabilities Act of 1990 (42 U.S.C. sec. 12101): The term "disability" means with respect to an individual:

- a. A physical or mental impairment that substantially limits one or more of the major life activities of such an individual;
- b. A record of having such an impairment; or
- c. Being regarded as having such an impairment.

New York State Human Rights Law (Article 15 of the New York State Executive Law) Section 292(21): The term "disability" means

- a. A physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques, or
- b. A record of such impairment , or
- c. A condition regarded by others as such an impairment,

provided however, that in all provisions of this articles dealing with employment, the term shall be limited to disabilities which, upon provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.

Major life activities include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Qualified Individual With A Disability. An individual with a disability whose experience, education, and/or training enable the person, with reasonable accommodation, to perform the essential functions of the job.

Reasonable Accommodation. The effort made to make adjustments for the impairment of an employee or applicant by structuring the job or the work environment in a manner that will enable the individual with a disability to perform the essential functions of the job. Reasonable accommodation include, but is not limited to, making facilities accessible, adjusting work schedules, restructuring jobs, providing assisting devices or equipment, providing readers or interpreters, and modifying work sites.

Undue Hardship. An employer is not required to make an accommodation if it would

impose an undue hardship. The concept of undue hardship includes any action that is unduly costly, extensive or disruptive.

III. PROCEDURES

A. Applicants for Employment

1. All applicants who are invited for interviews will be informed by the City that they can request accommodations for interviews and how to make the request.

a. The following paragraph will be included if a letter is used as part of the interview scheduling process:

“It is the policy of the City of North Tonawanda to provide reasonable accommodations for qualified persons with disabilities who are employees or applicants for employment. If you need assistance or accommodations to interview because of a disability, please contact me [Fill in the address and telephone number of the supervisor signing the letter]. Employment opportunities will not be denied to anyone because of the need to make reasonable accommodations to a person’s disability.”

b. If all interview arrangements are made by telephone, this information will be given as part of the telephone conversation.

c. After being told what the hiring process involves, applicants may be asked whether they will need reasonable accommodation for the hiring process.

2. Applicants may not be asked questions that are likely to elicit information about or that are closely related to a disability, including whether an applicant has a particular disability. However, applicants may be asked whether they can perform any or all job functions, including whether applicants can perform job functions with or without reasonable accommodation.

3. Applicants may not be asked whether they will need reasonable accommodation to perform the functions of the job, but may not be asked to describe or demonstrate how they would perform the job, as long as all applicants are asked to do this. However, if an applicant has a known disability, either because it is obvious or because the applicant has voluntarily disclosed a hidden disability, he/she may be asked to describe or demonstrate how he/she would perform the job functions, even if other applicants have not been asked to do so. Applicants may be asked whether they need reasonable accommodation and what type of accommodation to perform the job functions if it is reasonably believed the applicant will need the accommodation because of an obvious disability or if the applicant has voluntarily disclosed a hidden disability.

4. Qualified applicants cannot be denied employment solely on the basis of a need to provide a reasonable accommodation. However, if an applicant who receives a tentative job offer cannot reasonable be accommodated, the offer must be rescinded.

5. Applicants who have received job offers will make accommodation requests using the Reasonable Accommodation Request Form (see form at the end of this policy).

B. Employees

1. Employees will be told about their rights to request reasonable accommodations.

2. Each employee shall be informed of the right to request reasonable accommodations in the letter of appointment and/or in any employee orientations.

3. All requests for reasonable accommodation must be in writing using the Disability Accommodation Request Form. Supervisors receiving verbal requests for accommodations shall direct employees to submit their request in writing using this form. Copies are available from the City Attorney’s Office.

IV. PROCESS

The process for determining reasonable accommodation is designed to be an interactive dialogue, involving the supervisor, the employee or applicant, and other appropriate individuals as needed.

1. The employee or applicant needing the accommodation has the responsibility to initiate the request for the accommodation by discussing the need with the supervisor of the position. The supervisor shall direct employees to submit their request in writing using the Reasonable Accommodation Request Form. The form is then forwarded to the department head.
2. If the department head makes an initial decision to honor the request, he or she informs the Mayor of the decision within twenty (20) working days of the request.
3. Before making an initial decision to deny the request, the employing unit, through the appropriate supervisor, shall forward the accommodation request and relevant information and materials to the Mayor's Office for review and recommendation. Relevant information and materials shall include, at least, the factors considered in the decision not to honor the request. If the request is straightforward and does not involve significant issues or expenses, the Mayor's Office will recommend that the employing unit honor the request. If the accommodation request involves issues or expenses that are significant, the Mayor's Office shall assist the employing unit in obtaining additional relevant information.

This may include, but is not limited to, the following:

- a. Meeting with the employee and the supervisor to obtain additional information concerning the request.
- b. Consulting with the supervisor to determine the essential functions of the job.
- c. Consulting with budget and purchasing specialists.
- d. Consulting with the attorney's office of knowledgeable government representatives.
- e. With the employee's written permission, consulting with any medical or rehabilitation specialists who may be working with the individual. The employee shall be responsible for the expense of providing acceptable documentation, which may include the costs of necessary medical examinations needed to render an acceptable medical decision. If, upon review and at the sole discretion of the City, the Mayor determines additional medical opinions are necessary, the City shall be responsible for the additional costs.

NOTE: All medical information obtained throughout the determination process is considered a "confidential medical record," and must be solicited and received by the Mayor, who will provide only information about necessary restrictions and accommodations to managers and supervisors. All medical information and the completed Disability Accommodation Request Form will be kept by the Mayor's Office as confidential medical records files, separate from personnel records.

4. The employing unit shall inform the employee of its initial decision regarding the request, in writing, within twenty (20) working days, using the Reasonable Accommodation Request Form. If the 20-working day limit cannot be met, the employing unit will confer with the employee to agree on a reasonable time limit, and the employing unit shall inform the employee in writing about the extension of time.
5. The employing unit shall inform the employee of its decision to honor or deny the request using the Reasonable Accommodation Request Form. When an accommodation request is denied, the employing unit shall attach a copy of the Appeal Process, described in Part V of this policy, to the copy of the form sent to the employee.

V. ADA APPEALS PROCESS

If an employee disagrees with the decision regarding an accommodation request, the employee has a right to appeal using the following procedure. Applicants do not have access to this procedure. They have the option to follow the usual discrimination complaint procedures.

1. A complaint should be filed in writing and contain the name and address of the person filing it and a brief description of the alleged violation of the regulations.
2. A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged violation.
3. An investigation, as may be warranted, shall follow a filed complaint. The Mayor shall conduct the investigation. These rules contemplate informal but thorough investigations affording all interested parties and their representatives, if any, the opportunity to submit evidence relevant to a complaint.
4. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the investigating staff member and a copy sent to the complainant no later than 30 days after its filing.
5. The staff member who investigated the complaint shall maintain the files and records of the City related to the complaint filed.
6. The complainant can request a review of the case in instances where he or she is dissatisfied with the resolution. The request for review should be made within ten (10) days to the Mayor's designee. The Mayor's designee shall respond to the complaint in writing within thirty (30) days.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies, such as filing an ADA complaint with the responsible federal department or agency or the New York State Division of Human Rights. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the City of North Tonawanda complies with the ADA and implementing regulations.

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

II.2 Attorney

August 4, 2009

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

Re: Local Law #3 for 2009 – Modification of Chapter 101 of the City Code
 Wireless Telecommunications Facilities

Dear Honorable Body:

Attached for your consideration is Local Law No. 3 for 2009 to modify Chapter 101 of the North Tonawanda City Code entitled, "Wireless Telecommunications Facilities".

These modifications affect Section 101-4 – "Definitions and Word Usage", Sections 101-6C – "Exceptions from Special Use Permit", and Section 101-20 – "Application Fees". Please note that this modification also adds a section 101-20.1 for "Permit Fees". All of these changes will permit the Building Inspection Department to handle the upgrading and

replacement of existing cell tower equipment in-house, as opposed to forwarding these applications to a third party for review.

As with all local laws, it is necessary for this local law to 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 by the Common Council. After such adoption, the 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 seven (7) days prior to adoption.

Very truly yours,
Shawn P. Nickerson
City Attorney

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

Local Law No. 3 for 2009

101-4 Definitions and Word Usage.

MODIFICATION or MODIFY- The addition or change of any components of a wireless facility that increases the height of said facility OR the addition of a collocation as defined by this chapter.

REPAIRS AND MAINTENANCE- The replacement of any components of a wireless facility with similar or “like” components that do not increase the height of the existing wireless facility. In no case shall a collocation be considered Repair or Maintenance

101-6 Exceptions from special use permit.

101-6 C. Any repair, maintenance or replacement of a wireless facility as defined by Section

101-4 of this chapter shall not require the application of a Special Use Permit.

101-20. Application fees:

- A. At the time that a person submits an application for a special use permit for a new tower, such person shall pay a nonrefundable application fee of \$ 5,000 to the City.**
- B. If the application is for collocating on an existing tower or other suitable structure, where no increase in height to the tower or structure is required, a nonrefundable application fee of \$2,500 shall be paid to the City in addition to a permit fee per Section 101-20.1.**
- C. If the application is for replacement of existing antennas or ground equipment where no increase in height to the tower or structure is required, a nonrefundable application fee of \$2,500 shall be paid to the City in addition to a permit fee per Section 101-20.1.**

101-20.1 Permit fees;

- a- Plan review fee of \$500 shall be paid as part of the permit application.**
- b- Permit fee of \$500 per antenna and \$500 per new or replacement of existing cabinets or ground equipment.**

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

IV. Engineer

July 30, 2009

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

**Re: Gratwick-Riverside Park Fishing Pier and Playground
SEQRA - Environmental Assessment**

Honorable Body:

In accordance with the New York State Environmental Quality Review Act (SEQRA), the City in its capacity as lead agency, has prepared an environmental assessment of the significance of potential environmental impacts of constructing a fishing pier and playground. This project is considered an unlisted action under SEQRA.

In order for the City to issue a Negative Declaration, Notice of Determination of Non-Significance, the Common Council should act on the attached resolution.

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

**MOVED by Alderman Pasiak SECONDED by Alderman Brick
That the City of North Tonawanda, as lead agency, has determined that the Action described in this notice will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.**

Name of Action: Gratwick Riverside Park - Fishing Pier and Playground

SEQR Status: Unlisted

Location of Action:

WHERE AS, The Action is located in Gratwick Riverside Park along the Niagara River near the intersection of River Road and Witmer Road.

Description of Action:

WHERE AS, The Action lies within Gratwick Riverside Park, a former municipal landfill and contaminated brownfield site which has undergone remediation. With the remediation completed, the park is now a habitable place for recreation and relaxation and the City of North Tonawanda has begun the process of developing plans to address critical enhancements to the park's ecological resources while also incorporating much needed infrastructure improvements. The purpose of the Action is to improve and enhance Gratwick Riverside Park in the City of North Tonawanda in accordance with the vision articulated in the Niagara River Greenway Plan and the Gratwick Riverside Park Conceptual Master Plan. The Action will ultimately serve to contribute to the social, economic, and physical health of the region.

WHERE AS, The Action consists of the construction of a new, fully accessible fishing pier and natural playground located within view of an existing park shelter. To construct the fishing pier, fill will be placed on the existing riverbed and will consist of concrete and stone fill. Approximately 796 cubic yards of fill will be placed into the project area over 4,650 square feet to construct the fishing pier. The fishing pier will be perched out over the river along the outside edge of an enhanced wetland shore and revetment zone.

WHERE AS, The restoration of ecological processes is given priority in the Gratwick Riverside Park Conceptual Master Plan because the health of both the land and water within and surrounding this park is crucial to the well being of park visitors and the community alike. Existing lagoons in the Niagara River adjacent to Gratwick Riverside Park were constructed as part of the remediation of the former municipal landfill. The purpose of these lagoons was to enhance fish and wildlife habitat. The rock revetments that form these lagoons, as originally constructed, do not allow sufficient water flow from the

Niagara River into the lagoons. To increase flow into the lagoon, the proposed design for the fishing pier includes the construction of culvert through the upstream end of the stone revetment to increase flow through the lagoon area. The Proposed Action will complement the several other aquatic habitat projects recently implemented by the NYSDEC on the Niagara River, including the recently installed submerged rock and boulder fish habitat structures located further upstream at Gratwick Riverside Park.

WHERE AS, The Proposed Action also includes a children's natural playground adjacent to an existing park shelter that will be constructed of all natural materials such as climbable boulders,, tree trunks, berms, naturalized plantings, child-friendly water features, sand and pea gravel, and paths that weave through artificially constructed caves and forests. The purpose of the proposed playground is to delight children and introduce them to the wonder of the natural environment.

Reasons Supporting This Determination:

WHERE AS, An Environmental Assessment was prepared to evaluate the potential impacts of the Action.

WHERE AS, The Action is not expected to change traffic patterns or generate any additional roadway traffic in the surrounding area. The Action does not constitute a major change in the quantity or type of energy. The Action will not create any additional vehicle trips or impact land development patterns. The Action will therefore not change existing air quality, noise levels, operating speeds, or travel distances.

WHERE AS, The Action lies within the Niagara River which is classified as a Class "A-S" waterbody by NYSDEC. Class "A-S" waterbodies are protected waterbodies requiring a NYSDEC Article 15 Protection of Waters Permit for any excavation, placement of fill material, or other disturbance within the bed, banks, or any area within 50 feet of the waterbody. Therefore, the construction of the fishing pier within this waterbody will be performed under a NYSDEC Article 15 Protection of Waters Permit which will require this be accomplished with minimal impact to the protected waterbody.

WHERE AS, The Niagara River is considered a navigable waterway by the NYSDEC and the U.S. Army Corps of Engineers (USACE). The Action proposes to construct a fishing pier in this waterway. Any modifications such as dredge or fill activities to the bed, banks, or shoreline of this waterbody will require a USACE Section 101404 Permit and a NYSDEC Section 401 Water Quality Certification. Therefore, the proposed fishing pier in Gratwick Riverside Park will be performed under a USACE Section 101404 Permit which requires such activity to be accomplished with minimal impact to the Niagara River.

WHERE AS, Turbidity levels in the Niagara River may temporarily increase during the placement of fill in the Niagara River during the construction of the fishing pier. To mitigate for water quality impacts, Best Management Practices (BMPs) will be implemented to control turbidity in the Niagara River. BMPs may include the use of a floating turbidity barrier, silt fence, and a sequence of construction operations designed to minimize erosion and water quality impacts to adjacent areas. With proper protections in place, no significant adverse impacts to surface waters are anticipated.

WHERE AS, No state freshwater wetlands exist at the project site. No state wetlands will be impacted by the Action.

WHERE AS, The Action does not lie over any NYSDEC Primary or Principal Aquifers. No impacts to aquifers will result from the Action.

WHERE AS, The Action is located in the Niagara River and the Niagara River floodway. Some fill will be placed within the Niagara River to construct the fishing pier. This new fill will not result in an increase in the base flood elevation. There is no risk to property loss or hazard to life as a result of the project and there will be no significant impacts on natural and beneficial floodplain values.

WHERE AS, In a letter dated December 22, 2008, the NYSDEC Natural Heritage Program identified the Niagara River at the project location the site of a Waterfowl Winter Concentration Area. However, no adverse impacts to waterfowl will occur as a result of the Project. There are no Critical Environmental Areas or state listed threatened or endangered species in the vicinity of the project area. No adverse impacts to threatened or endangered species are anticipated as a result of the Action.

WHERE AS, The Action will not involve the alteration of any existing historic structures. There are no properties listed on the National or State Registers of Historic Places located in the vicinity of the project site. In a letter dated December 31, 2008 the State Historic Preservation Office (SHPO) stated: "it is the SHPO's opinion that your project will have No Effect upon cultural resources in or eligible for inclusion in the National Registers of Historic Places ".

WHERE AS, The Action will not impact any land set aside or currently used for agricultural purposes. The project is not located within a New York State Agricultural District. There are no impacts to farmland that require review under Article 25-AA of the New York State Agricultural and Markets Law Section 305(4).

WHERE AS, The Action does not constitute a material conflict with community plans and goals. The Action seeks to improve and enhance Gratwick Riverside Park in accordance with the vision articulated in the regionally approved Niagara River Greenway Plan and the Gratwick Riverside Park Conceptual Master Plan by contributing to the social, economic, and physical health of the region. The Action will increase recreational opportunities for nearby residents and is not anticipated to adversely impact the community or to impair the character of the surrounding neighborhood.

There will be no change to land use as a result of the Action. The Action will not encourage or attract a large number of people for more than a few days compared to the number of people who come to the area for the existing attractions.

WHERE AS, There is no foreseeable material demand for other actions resulting from the Action that would cause one of the above consequences. Elements of the Action when combined do not result in a substantial adverse impact on the environment. There are no known current or planned actions that will have a significant effect on the environment when considered cumulatively.

BE IT RESOLVED, that the Common Council has reviewed the Environmental Assessment prepared by Bergmann Associates; and

BE IT RESOLVED, that the Common Council declares that based on the Environmental Assessment which has been prepared, the project is an unlisted action and will not result in any significant impact on the environment; and

FURTHER, BE IT RESOLVED, that the Common Council hereby issues a Negative Declaration under SEQR Regulations for the fishing pier and playground installation within Gratwick-Riverside Park, and authorizes the Common Council President to sign said Environmental Assessment form.

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

Nays: None (0)

CARRIED.

V. Water

July 29, 2009

**Honorable Lawrence V. Soos, Mayor
and the Common Council
216 Payne Avenue
City Hall
North Tonawanda, NY 14120**

RE: Award of Bid – 2009/2010 Natural Gas @ Wastewater Treatment Plant

Honorable Body:

Bid opening for Natural Gas was conducted on July 23, 2009. There was only one (1) bidder.

After review of the bid documents and discussion with our consultant Enerscope, it is my recommendation to award the bid to National Fuel Resources, Inc. under the flat rate index

method at \$0.64500 per DTH over the monthly NYMEX Natural Gas futures settlement price for the bid period September 1, 2009 through August 31, 2010.

The award of this bid is contingent upon review of the City Attorney. Thank you for your time and consideration in addressing this request.

Respectfully submitted,
Paul J. Drof, Superintendent

MOVED by Alderman Pasiak **SECONDED** by Alderman Schwandt
That the Common Council hereby awards the bid for Natural Gas at the Wastewater Treatment Plant to National Fuel Resources, Inc. under the flat rate index method at \$0.64500 per DTH over the monthly NYMEX Natural Gas futures settlement price for the bid period September 1, 2009 through August 31, 2010, subject to review of the City Attorney.

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

Nays: None (0)

CARRIED.

VII.1 Accountant

July 30, 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 August 4, 2009, and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Very truly yours,
David R. Jakubaszek
City Accountant

MOVED by Alderman Pasiak **SECONDED** by Alderman Donovan
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated August 4, 2009 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	351,453.92
02	Water Fund	48,097.99
04	Sewer Fund	86,897.89
06	Capital Project Fund	251,064.63
07	Trust & Agency Fund	8,327.34
12	Water Fund Encumbered	9,707.70
14	Sewer Fund Encumbered	21,258.85
17	Home Rehab Program	36.50
	Final Total	<u>\$775,844.82</u>

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

Nays: None (0)

CARRIED.

VII.2 Accountant

July 30, 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>
4	3,000.00	1-7020.100 Recreation Administration	1-7140.100 Playgrounds / Programs Personal
5	20,000.00	1-5110.480 DPW Streets Operations	1-5110.420 DPW Streets Repairs & Maint

Very truly yours,
David R. Jakubaszek
City Accountant

MOVED by Alderman Sommer SECONDED by Alderman Pasiak
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>
4	3,000.00	1-7020.100 Recreation Administration	1-7140.100 Playgrounds / Programs Personal
5	20,000.00	1-5110.480 DPW Streets Operations	1-5110.420 DPW Streets Repairs & Maint

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

 XI. Fire

July 14, 2009

To: City Clerk Robert Ortt
From: Assistant Chief William DeMonte
Re: City Fire Rolls

Please add the following volunteer firefighters to the City Fire Rolls:

Roscoe Daugherty	Gratwick Hose Company #6
Adrian Moeller	Active Hose Company #2

If you have any questions, please contact me at Fire Headquarters – 693-2201.

Thank you,
William DeMonte
Assistant Fire Chief

MOVED by Alderman Donovan SECONDED by Alderman Brick
To add Roscoe Daugherty and Adrian Moeller to the City Fire Rolls.
CARRIED.

 08-04-09

Aurigema, 36 Chipman Place and Mr. Sam Parise, 452 Oliver Street, both of North Tonawanda.

The lease has been paid in full until the 31st day of May, 2010. Mr. Aurigema and Mr. Parise understand that the lease may be terminated upon sixty (60) days written notice.

I appreciate your cooperation in this matter.

Very truly yours,
Mary J. Colucci

AUDINENCE PARTICIPATION

Senator George Maziarz, 2578 Niagara Falls Blvd. – Commented on the recent transfer of \$550 million from the New York Power Authority to the New York State general fund.

Mary Colucci, 149 11th Avenue – Stated that she was disappointed that her agenda item was not acted upon.

Sue Wilke, 329 Miller Street – Complained about drug use on Oliver Street and absentee landlords; asked what was being done about these problems.

Walt Yaro, 170 Christiana Street – Asked how the \$550 million from the Power Authority could be used in Niagara County, asked the status on the Meadow Drive Extension and the status of Wal-Mart and stated that the fence is damaged in the Sweeney Cemetery.

ADJOURNMENT

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

Time of Adjournment: 6:40P.M.

Respectfully submitted,

Robert G. Ortt
Clerk-Treasurer