

**THE HONORABLE BODY**  
**Council Chambers**  
**Municipal Building**  
**North Tonawanda, New York 14120**  
**Tuesday, August 18, 2009**  
**6:00P.M.**

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**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**

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSION AUGUST 4, 2009**

**MOVED by Alderman Pasiak**                      **SECONDED by Alderman Donovan**  
**That the minutes of the regular session held August 4, 2009 be approved as circulated and filed in**  
**the Office of the Clerk-Treasurer.**  
**CARRIED.**

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**AUDIENCE PARTICIPATION – None**

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**COMMUNICATIONS FROM CITY OFFICIALS**

**II.1 Attorney**

**August 5, 2009**

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

**Re: Proposed Changes to City Code – Chapter 36**  
**Electrical Code**

**Dear Honorable Body:**

**Attached are proposed changes (underlined) as suggested by the Building Inspector, which will update the City Code, Chapter 36, “Electrical Code”.**

**I have reviewed the proposals and concur with the changes being put forward as an ordinance amendment, in light of the addition of an electrical inspector being added to the Building Inspector’s office.**

**Should your Honorable Body concur, please pass a resolution to adopt these changes to sections 36-4, 36-5, 36-6 and 36-7 of the City Code entitled, “Electrical Code”, as attached, subject to review by the City Attorney and publication in the City newspaper.**

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

**08-18-09**

Very truly yours,  
Shawn P. Nickerson  
City Attorney

**MOVED by Alderman Donovan                      SECONDED by Alderman Brick**  
That the Common Council hereby approves the following amendments (as underlined) to Chapter 36 of the City Code entitled “Electrical Code”:

**36-4. Authorization of Inspectors:**

The Chief Inspector and each of the duly appointed inspectors of the City of North Tonawanda are hereby authorized to make inspections and re-inspections of all electrical installations heretofore and hereafter described and to approve or disapprove the same. In no event, however, will the cost or expense of such inspection and re-inspections be a charge against the City of North Tonawanda.

**36-5. Duties of the Inspector:**

It shall be the duty of the Inspector to report in writing to the Building Inspector, whose duty it shall be to enforce all the provisions.....

he shall direct that a copy of the Certificate of Compliance be sent to the City of North Tonawanda, to the attention of the Building Inspector.

**36-6. Violations:**

It shall be a violation of this ordinance for any persons, firm or corporation to install or cause to be installed or to alter or repair electrical wiring for light, heat or power in or on properties in the City of North Tonawanda until an application for inspection has been filed with the Building Inspector. It shall be a violation of this ordinance for a person or firm or corporation to connect or cause to be connected electrical wiring in or on properties for light, heat or power, to any source of electrical energy supply prior to the issuance of a temporary certificate or a certificate of compliance by the Building Department.

**36-7. Penalty for violations:**

Any person, firm or corporation who shall violate any of the provisions of this ordinance or any rule or regulation made pursuant thereto shall be guilty of a violation, which for the purposes of this ordinance shall be designated as an offense, and shall be assessed a fee of not more than one hundred dollars (\$100), and each day on which such violation continues shall constitute a separate offense.

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

Nays: None (0)

**CARRIED.**

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**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 Schwandt                      **SECONDED** by Alderman Brick  
That the Common Council hereby approves Local Law 3 for 2009, which modifies Chapter 101 of the City Code regarding Wireless Telecommunications Facilities, as follows and further refers it to the Mayor’s Office to schedule a Public Hearing:

**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 co-location 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 co-location 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 co-locating 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.**

**II.3 Attorney**

**August 11, 2009**

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

**Re: Return of Capital Investment – New York Municipal Insurance Reciprocal**

**Dear Honorable Body:**

As you may know, several years ago the City of North Tonawanda became a part of the New York Municipal Insurance Reciprocal (NYMIR) as our city's insurer through agent M & T Insurance Co. At that time, all such subscribers were required to provide an initial capital contribution over a 5-year period to join this collaborative insurance program.

We are happy to announce that due to our loyalty to the program (five years or more), as well as our continuing sound claim handling and risk management practices, the City of North Tonawanda has become eligible to share in the distribution of a substantial portion of the initial capital contributions made by all of the subscribing members of the reciprocal. The amount of the distribution is based upon the capital that each member contributed when first joining the program. The City of North Tonawanda has received the first of three equal annual distributions in the amount of \$15,299.73 which will represent a 75% return of our initial capital investment.

NYMIR is providing these distributions in recognition of the groundbreaking role we played by subscribing to this most successful collaborative program, as well as our longstanding commitment to prudent risk management practices.

Should your Honorable Body have any questions, please do not hesitate to contact us.

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

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

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**IV. Engineer**

**August 13, 2009**

**Lawrence V. Soos, Mayor and Common Council Members  
City Hall North Tonawanda  
216 Payne Avenue  
North Tonawanda, New York**

**Re: Buffalo Bolt Roadway and Infrastructure Construction  
SEQR 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 the construction of a new 900 foot roadway and cul-de-sac at the remediated Roblin site including concrete curbing, storm sewer, sanitary sewer, and water main. 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 following attached resolution.

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

MOVED by Alderman Pasiak

SECONDED by Alderman Brick

WHEREAS, the City of North Tonawanda intends construct approximately 900 linear feet of roadway, concrete curbing, storm sewer, sanitary sewer, and water main at the former Roblin site.

BE IT RESOLVED, that the Common Council has reviewed the Environmental Assessment prepared by the Engineer; 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 adverse impacts, and therefore will not have a significant impact on the environment; and

FURTHER, BE IT RESOLVED that the Common Council hereby issues a Negative Declaration under SEQR Regulations for the new roadway and infrastructure improvements 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

August 1, 2009

Honorable Mayor Lawrence Soos  
and the Common Council  
216 Payne Ave.  
North Tonawanda NY 14120

Re: Award of Bids, Anionic Polymer and Dry Cationic Organic Polymer

Honorable Body:

On July 16, 2009 bids were received and opened for supplying the Wastewater Treatment Plant with Anionic Polymer and Dry Cationic Organic Polymer.

I recommend the award of the bid to the sole bidder, Clean Waters Inc., 26808 Co. Rt. 3, Plessis, NY 13675. Their submitted bids are as follows:

Anionic Polymer 4,000 lbs.	\$6,640.00	unit price - \$1.66
12,000 lbs.	\$19,920.00	unit price - \$1.66
Dry Cationic Organic Polymer 6,000 lbs.	\$15,360.00	unit price - \$2.56
18,000 lbs.	\$46,080.00	unit price - \$2.56

This bid has been approved by the City Attorney. Thank you in advance for your time and consideration in addressing this request.

Sincerely,  
Paul J. Drof, Superintendent  
NT Water/Wastewater



Dear Honorable Body:

Please be advised that the Building Inspector is in the process of hiring an Electrical Inspector, as documented in the adopted 2009 General Fund Budget. The payroll structure for this position has been established at a rate of \$15.00 / hour, with no fringe benefits.

Accordingly, please amend the attached Part Time Wage Schedule, establishing the position of Electrical Inspector, effective August 17, 2009.

Very truly yours,  
David R. Jakubaszek  
City Accountant

**MOVED** by Alderman Donovan                      **SECONDED** by Alderman Brick  
That the Common Council hereby amends the Part Time Wage Schedule, establishing the position of Electrical Inspector, effective August 17, 2009 as follows:

<u>POSITION</u>	<u>FIRST STEP</u>	<u>SECOND STEP</u>	<u>THIRD STEP</u>
Electrical Inspector	\$15.00	15.40	15.80

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

#### **XIX. Building Inspector**

To: Hon. Mayor and Council                      Date: August 12, 2009

From: Cosimo R. Capozzi                      Re: Part Time Electrical Inspector  
Building Inspector

Please be advised that having received no objections to my August 5, 2009 memo, I will be hiring Mr. Robert DePaolo of 386 Old Falls Blvd. to the position of Part Time Electrical Inspector commencing Monday, August 17, 2009.

Mr. DePaolo will be paid an hourly wage of \$15 per hour for office time and \$15 for inspection time with each full inspection equaling two (2) hours. Mr. DePaolo will also be using his personal vehicle and will be reimbursed at a rate approved by the City.

Thank you for your consideration in this matter.

Cosimo R. Capozzi  
Building Inspector

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

#### **XXV. Monthly Reports**

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

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

**COMMUNICATIONS FROM OTHERS**

A.  
Sweeney Hose

July 31, 2009

North Tonawanda Common Council

Dear Honorable Body:

Sweeney Hose is coordinating their first ever Roctoiber Fest on October 2<sup>nd</sup>, and 3<sup>rd</sup> of this year. We are trying to raise funds to subsidize some of the general cost of the fire hall. We are writing to you today requesting the use of the city band stage and we are requesting that you waive the rental fee if possible. The stage can be set up during the day on Friday and taken down during the day on Monday during normal hours so there is no overtime cost concurred to the city.

We would also like to use 10 to 15 rolls of wooden snow fence, ties and stakes. We would be able to pick that up if need be, which I can coordinate with the DPW. The last thing we would need is 10 of the special event trash cans.

We appreciate the support we have received in the past and the great working relationship we continue to have. I encourage all of you to come down either night and relax and enjoy yourself. Any questions I can be reached at any time on my cell at 716-812-6467.

Thank you in advance for your support.

Sincerely,  
Peter Chenier, Jr.  
Treasurer/Event Chairperson

MOVED by Alderman Pasiak

SECONDED by Alderman Brick

That the Common Council hereby approves the use of the City band stage and further waives the rental fee; also approves the use of 10 to 15 rolls of wooden snow fence, ties and stakes and 10 special event trash cans.

Ayes: Brick, Pasiak, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

CARRIED.

B.  
Mary J. Colucci

July 29, 2009

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

Re: Transfer of lease located at Pt. 25 & 26 Weatherbest Slip

Dear Honorable Body:

I hereby request the Common Council to authorize the transfer of lease Pt. 25 & 26 Weatherbest slip from Mary J. Colucci, 149 11<sup>th</sup> Avenue, North Tonawanda to Mr. David Aurigema, 36 Chipman Place and Mr. Sam Parise, 452 Oliver Street, both of North Tonawanda.

The lease has been paid in full until the 31<sup>st</sup> 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

**MOVED by Alderman Donovan**

**SECONDED by Alderman Pasiak**

That the Common Council hereby approves the transfer of the lease for Pt. 25 & 26 Weatherbest slip from Mary J. Colucci, 149 11<sup>th</sup> Avenue, North Tonawanda to Mr. David Aurigema, 36 Chipman Place, North Tonawanda and Mr. Sam Parise, 452 Oliver Street, North Tonawanda contingent upon payment of the \$950.00 transfer fee.

Ayes: Pasiak, Schwandt, Donovan, Sommer

(4)

Nays: Brick

(1)

**CARRIED.**

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C.

Charles Thomas

August 3, 2009

Mayor Larry Soos

City Hall

216 Payne Avenue

N. Tonawanda, NY 14120

Dear Mayor,

I am writing today to request permission to hold a Block Party on Louisa Pkwy on August 29, 2009. We would like to block both ends of the street at Pinewoods and also Niagara. We plan to hold this party beginning at 3:00pm and ending at 12:00 midnight.

If you have any questions you can reach me at the above address and of course you and Linda are more than welcome to attend if you so desire.

Thank you in advance.

Very truly yours,  
Charles Thomas

**MOVED by Alderman Schwandt**

**SECONDED by Alderman Pasiak**

That the Common Council hereby grants permission to Charles Thomas to hold a Block Party on Louisa Parkway on August 29, 2009 from 3:00pm 12:00 midnight.

**CARRIED.**

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D.

Live Hose

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Re: Removal from Fire Rolls:

John J. Smith

**MOVED by Alderman Pasiak**

**SECONDED by Alderman Brick**

To remove John J. Smith from the Fire Rolls.

**CARRIED.**

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E.

Dr. & Mrs. Maurice Dewey

August 4, 2009

Mayor Larry Soos

City Hall

216 Payne Avenue

North Tonawanda, NY 14120

Dear Mayor Soos,

We would like to invite you and Linda to a Block Party "Let's be Irish" event that is

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scheduled for August 29<sup>th</sup> from 5:00 – 11:00 PM. In addition to our normal smorgasbord of food and beverages, we're going to have various children's activities including a pie and cake baking contest and a costume competition. Further, excellent Irish Music will be provided by West O'Clare, featuring Pat Kane.

In order to ensure this party be as safe as it will be fun, we ask that you agree to allow the North Tonawanda police and DPW to set up road barricades on Christiana Street between the streets of Bryant and Falconer. Thank you for your consideration in this matter and we hope to see you on the 29<sup>th</sup>.

Respectfully,  
Dr. and Mrs. Maurice Dewey

**MOVED** by Alderman Donovan                      **SECONDED** by Alderman Brick  
That the Common Council hereby grants permission to Dr. and Mrs. Maurice Dewey to hold a Block Party on Christiana Street between Bryant and Falconer Streets on August 29<sup>th</sup> from 5:00 – 11:00 PM and further directs the Department of Public Works to provide road barricades.  
**CARRIED.**

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**AUDINENCE PARTICIPATION**

Walt Yaro, 170 Christiana Street – Stated that Dave Conti should become the Assistant Building Inspector and complained about the condition of the City property in front of Melody Fair and St Jude Church.

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**ADJOURNMENT**

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

**Time of Adjournment: 6:16P.M.**

Respectfully submitted,

Robert G. Ortt  
Clerk-Treasurer