

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, November 3, 2009
6:00P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT SCHWANDT

ROLL CALL

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

Absent: Mayor Lawrence V. Soos

Also Present: City Attorney Shawn P. Nickerson
Mayor's Administrative Assistant Jeffrey N. Mis

APPROVAL OF THE MINUTES OF THE REGULAR SESSION OCTOBER 20, 2009

MOVED by Alderman Brick **SECONDED by Alderman Donovan**
That the minutes of the regular session held October 20, 2009 be approved as circulated and
filed in the Office of the Clerk-Treasurer.
CARRIED.

PROOF OF PUBLICATION PUBLISHED AUGUST 1 & SEPTEMBER 25, 2009

- 1) Collectors Notice – Payment of School Taxes – City Clerk-Treasurer

PROOF OF PUBLICATION PUBLISHED SEPTEMBER 4 & 5, 2009

- 1) Public Hearing – Local Law No. 3 for 2009– City Clerk-Treasurer

PROOF OF PUBLICATION PUBLISHED SEPTEMBER 8, 2009

- 1) Bid – Purchase of Road Millings – DPW

PROOF OF PUBLICATION PUBLISHED SEPTEMBER 10, 2009

- 1) Bid – Vehicle Exhaust Extraction System – Fire Department

PROOF OF PUBLICATION PUBLISHED SEPTEMBER 18, 2009

- 1) Legal Notice – Notice of Complete Application NYSDEC – Engineer

PROOF OF PUBLICATION PUBLISHED SEPTEMBER 24, 2009

- 1) Legal Notice –Amendment to Electrical Code – City Clerk-Treasurer

PROOF OF PUBLICATION PUBLISHED SEPTEMBER 26, 2009

- 1) Bid – Buffalo Bolt Industrial Park – Engineer

PROOF OF PUBLICATION PUBLISHED SEPTEMBER 30, 2009

- 1) Legal Notice – Single Audit for 2008 – City Accountant

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

AUDIENCE PARTICIPATION –

Keith Craigie, 347 Brentwood Drive – Asked about the agenda item regarding Local Law No. 6 for 2009 – Real Property Tax Exemption.

COMMUNICATIONS FROM CITY OFFICIALS

I. Mayor

October 30, 2009

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

Re: Appointment to North Tonawanda Zoning Board of Appeals

Dear Honorable Body:

Please be advised that I am reappointing Arthur Smith of 28 6th Avenue, North Tonawanda, New York, who has served in a holdover capacity, to the Zoning Board of Appeals for a four (4) year term effective immediately and expiring on December 31, 2012. As suggested by the City Attorney, the purpose for this office recommending a four (4) year term is to stagger the dates on the Board so that all appointees terms don't expire at the same time.

I am also requesting that the City Clerk arrange for the appropriate oath to be administered to Mr. Smith. Thank you.

**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.**

V. Water

November 2009

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

Re: Lease Agreement with Calgon Carbon Corporation

Honorable Body:

I am requesting that the Common Council authorize the Mayor to sign the lease agreement for the commercialization of the Carbon Regeneration Facility located at the Wastewater Treatment Facility, 830 River Road, North Tonawanda, NY 14120.

I have concluded negotiations and clarifications to the lease agreement since meeting with the Mayor and Common Council. I believe that this document incorporates all the issues and addresses concerns to the satisfaction of both parties. The lease agreement is subject to final review and approval of the City Attorney prior to signing.

This unique lease agreement serves to utilize existing carbon regeneration equipment,

provide for influx of private capital and the creation of private sector jobs in the City of North Tonawanda. I believe this will help to stabilize the sewer rate and continue to provide the best in service to the City of North Tonawanda, NY.

If you have any questions in regard to this matter, do not hesitate to contact me.

Respectfully submitted,
Paul J. Drof

MOVED by Alderman Donovan SECONDED by Alderman Brick
That the Common Council hereby authorizes the Mayor to sign the lease agreement for the commercialization of the Carbon Regeneration Facility located at the Wastewater Treatment Facility, 830 River Road, North Tonawanda, NY 14120 subject to final review and approval of the City Attorney prior to signing.
Ayes: Brick, Pasiak, Sommer, Donovan, Schwandt (5)
Nays: None (0)
CARRIED.

VII.1 Accountant

October 29, 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 November 3, 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 Brick
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated November 3, 2009 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$649,148.35
02	Water Fund	53,645.81
04	Sewer Fund	105,672.82
06	Capital Project Fund	341,045.95
07	Trust & Agency Fund	221.31
11	General Fund Encumbered	367.00
17	Home Rehab Program	7,463.00
	Final Total	<u>\$1,157,564.24</u>

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

Please add Volunteer Firefighter Scott McKnight to the City Fire Rolls. He is a member of Columbia Hook & Ladder Co. No. 1.

Thank you,
William DeMonte
Assistant Chief

MOVED by Alderman Pasiak SECONDED by Alderman Brick
To add Scott McKnight to the City Fire Rolls.
CARRIED.

XXV. Monthly Reports

- .1 Treasurer
- .2 Treasurer Investments

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.
Nancy Donovan

October 16, 2009

Robert G. Ortt
City Clerk-Treasurer
216 Payne Avenue
North Tonawanda, NY 14120

Re: Proposed Local Law

Dear Mr. Ortt:

Please be advised that Alderman Dennis Pasiak and myself, are requesting that the Common Council take the appropriate action to lay the proposed local law establishing real-property tax exemption for eligible conversions of non-residential real property to mixed-use property in accordance with New York State Real Property Tax Law Section 485-a, on the table and allow it to remain in its final form for at least seven (7) days prior to adoption. 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.

Very respectfully,
Nancy Donovan
Alderman, Third Ward

MOVED by Alderman Donovan SECONDED by Alderman Pasiak
That the Common Council hereby approves Local Law No. 6 for 2009 and refers it to the Mayor to schedule a public hearing:

LOCAL LAW NO. 6 FOR 2009

A LOCAL LAW ESTABLISHING REAL PROPERTY TAX EXEMPTION FOR NON-RESIDENTIAL REAL PROPERTY CONVERTED TO MIXED-USE PROPERTY ACCORDANCE WITH SECTION 485-a OF THE NEW YORK STATE REAL PROPERTY TAX LAW

WHEREAS, Councilmen Nancy Donovan and Dennis Pasiak present in writing the following proposed Local Law:

A Local Law Establishing Real Property Tax Exemption for eligible conversions of Non-Residential Real Property to Mixed-Use Property in accordance with New York State Real Property Tax Law Section 485-a:

Be it enacted by the Common Council of the City of North Tonawanda, as follows:

1. **Qualified Mixed Use property, as defined in New York State Real Property Tax Law Section 485-a, which is located within the City of North Tonawanda shall be exempt from County taxation and County special ad valorem levies in the same manner and to the same extent as provided in the applicable city, town or village local law.**
2. **The purposes of this local law, Qualified Mixed Use property is defined as property in which will exist, after completion of residential construction work or a combination of residential construction work and commercial construction work, a building or structure used for both residential and commercial purposes, subsequent to the effective date of this local law.**
- 3.(a) **Such Real Property shall be exempt for a period of eight (8) years to the extent of one hundred percent of the increase in assessed value thereof attributable to such reconstruction, alteration or improvement and for an additional period of four (4) years; provided, however that the extent of such exemption shall be decreased by twenty percent for each year during such additional period of four years and such exemption shall be computed with respect to the "exemption base", with the exemption base being determined for each year in which there is an increase in assessed value so attributable from that of the previous year's assessed value.**

Exemption Table:

Years 1 – 8:	100% of exemption base
Year 9:	80% of exemption base
Year 10:	60% of exemption base
Year 11:	40% of exemption base
Year 12:	20% of exemption base

(b) **No such exemption shall be granted unless:**

1. **Such conversion was commenced subsequent to the date on which this local law becomes effective;**
2. **The cost of such conversion exceeds the sum of ten thousand dollars (\$10,000.00), or such other amount as set forth in the city, town and/or village local law adopting this statute;**

(c) **For purposes of this section, the term "conversion" shall not include ordinary maintenance and repairs. (The following shall not be considered conversion except to the extent that they are a part of an addition, remodeling or modernization: exterior painting; the replacement of exterior siding; interior painting; plastering; paneling or wallpapering; replacement of flooring or floor coverings; repairs to electrical or plumbing systems. This is illustrative only and not exhaustive.)**

4. **Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the New York State Board of Real Property Services, the original of which shall be filed with the assessor for the City of North Tonawanda and/or such other city, town or village that has approved this exemption. Such application shall be filed on or before the tax status date applicable to the City of North Tonawanda and/or such other city, town or village that has approved this exemption and within one year from the date of completion of such conversion.**
5. **No such exemption shall be granted concurrent with or subsequent to any other real property tax exemption granted to the same improvements to real property, except, where during the period of such previous exemption, payments in lieu of taxes or other payments were made to the local government in an amount that would have been equal**

to or greater than the amount of real property taxes that would have been paid on such improvements had such property been granted an exemption pursuant to this section. In such case, an exemption shall be granted for a number of years equal to the twelve year exemption granted pursuant to this section less the number of years the property would have been previously exempt from real property taxes.

6. The provision of this section shall only apply to Non-Residential Real Property converted to mixed-use property.

7. This local law shall take effect immediately and shall apply to all assessment rolls prepared on the basis of taxable status dates occurring on or after the effective date of this local law.

RESOLVED, that the North Tonawanda Common Council shall, consistent with state law, formally lay this local law on the table and allow it to remain in its final form for at least 7 days prior to adoption. 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.

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

Nays: None (0)

CARRIED.

The following item was pulled from the agenda:

B.
Teresa Wozniak

October 19, 2009

City of North Tonawanda
216 Payne Avenue
North Tonawanda, NY 14120

Re: Vito's Avenue Pizzeria
236 Zimmerman Street
North Tonawanda, NY 14120

Re: Portable Sign Consideration

To Whom it May Concern:

As per my discussion at the last town council meeting on October 6, 2009, I am writing to ask for a special consideration regarding my portable arrow sign located at 236 Zimmerman Street, North Tonawanda, NY 14120. I am asking to have the sign remain year round the same as Dom Polski's is on Oliver Street, North Tonawanda, NY 14120. I am attaching a Certificate of Insurance evidencing coverage for the sign as well as my Liability Limits.

Please contact me with any questions you may have. I look forward to hearing from you.

Sincerely,
Teresa Wozniak
Owner

C.
Downtown Merchants

October 20, 2009

Robert Ortt
City Clerk
216 Payne Avenue
North Tonawanda, New York 14120

Dear Mr. Ortt:

The Downtown Merchants would like permission to hold our annual WinterWalk on Webster Street on Saturday, December 5th.

The WinterWalk committee has arranged for two hay wagons again this year. They will travel through North Tonawanda into Tonawanda and back again. The route would be on Webster Street in North Tonawanda and Main Street in Tonawanda.

We respectfully request that you provide an Auxiliary Police car and driver to follow the hayride wagons, one at a time, from the Greater Buffalo Savings Bank parking lot at 107 Main Street to the Webster Street Bridge and then back again. We are hoping that the car and wagon will be able to coordinate the route so that one would be escorted to the bridge and the other returning wagon would be picked up at the bridge and escorted back to the lot. This is the same route as last year's WinterWalk and the Auxiliary Police are familiar with the procedure. The times for the rides are 11:00am to 3:00pm, Saturday, December 5.

We have also arranged for a Petting Zoo and to accommodate that event, we request the closing of Tremont Street from Webster to the exit of Gateway Apartments Parking Lot. This is the same area we've used each year.

The Petting Zoo is scheduled for 11:00am to 2:00pm on Saturday, December 5.

Thank you for your consideration.

Sincerely,
Kay Learned
Glenna Sternin

MOVED by Alderman Schwandt **SECONDED** by Alderman Brick
That the Common Council hereby grants permission to the Downtown Merchants to hold their annual WinterWalk on Webster Street on Saturday, December 5th.
CARRIED.

AUDIENCE PARTICIPATION

Jean Kroetsch, 465 Witmer Road – Inquired about the status of changing the name of Williams Street to Walter Drive.

Mike Gondek, 257 Brentwood Drive – Asked for the Council's vision on the long term plan for the waterfront and the Marina. Stated that asphalt needs to be removed and cleaning needs to be done on Brentwood Drive.

ADJOURNMENT

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

Time of Adjournment: 6:29 P.M.

Respectfully submitted,

Robert G. Ortt
Clerk-Treasurer