

**THE HONORABLE BODY  
Council Chambers  
Municipal Building  
North Tonawanda, New York 14120  
Tuesday, February 2, 2010  
6:30P.M.**

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**REGULAR SESSION CALLED TO ORDER BY PRESIDENT SCHWANDT**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present: President Schwandt  
Alderman Andres, Pasiak, Donovan, Zadzilka**

**Absent: None**

**Also Present: Mayor Robert G. Ortt  
City Attorney Shawn P. Nickerson**

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSION JANUARY 19, 2010**

**MOVED by Alderman Zadzilka                      SECONDED by Alderman Donovan  
That the minutes of the regular session held January 19, 2010 be approved as circulated and filed  
in the Office of the City Clerk-Treasurer.  
CARRIED.**

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**AUDIENCE PARTICIPATION**

**Kathy Kern, 1248 Greenbrier – Stated that National Grid is replacing utility poles in  
Wurlitzer Park and that in the future property owners should not place sheds so close to the  
property lines. She hoped the city would make future decisions that would be more thought  
out.**

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**COMMUNICATIONS FROM CITY OFFICIALS**

**I.1 Mayor**

**January 18, 2010**

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

**Re: Appointment to North Tonawanda Planning Commission**

**Dear Honorable Body:**

**Please be advised that I am reappointing David Kenyon, 791 Niagara Parkway, North  
Tonawanda, NY 14120, to the Planning Commission. This will be a seven (7) year term  
effective immediately January 1, 2010 and shall expire on December 31, 2016.**

**Thank you for your attention in this matter.**

**Sincerely,  
Robert G. Ortt  
Mayor**

**02-02-2010**









V.1 Water

January 15, 2010

Honorable Robert Ortt, Mayor  
and the Common Council  
216 Payne Ave  
N Tonawanda NY 14120

Re: Tonawanda Island Marine Development Corp.  
Water Account # 500186  
Adjustment to 2009 Tax Levy

Honorable Body:

On November 25, 2008 Mr. Michael Charnock requested that his water bill for the above referenced property be reviewed.

The basis for this review was that the commercial water meter serving this account had frozen and provided erroneous meter readings for the billing period ending as of 5/22/08.

Issues with the meter replacement, repair and installation of the backflow preventers and use of approved licensed plumbers arose with the Code Enforcement and Plumbing Departments. These issues have been satisfactorily addressed.

On October 22, 2009, H and M Plumbing had submitted a written report that the frozen meter would be responsible for the claimed erroneous reading resulting in the disputed billed usage.

Based upon the past nineteen month consumption history and billing history the resultant usage of 16,000 gallons/month or 48,000 gallons/quarter were established as being representative consumption amounts.

Therefore to reflect this actual usage, the following bill in dispute should read:

Base Rate Water & Sewer	\$24.00
Past Due Base Rate	\$48.00
Water 480,000 gallons X 2.70/1,000 gal.	\$1,296.00
Sewer 480,000 gallons X 4.50/1,000 gal.	\$2,160.00
Sept. 2008 bill	<u>\$717.00</u>
Total	\$4,245.00

If you should choose to act on this matter, please direct the appropriate departments to reflect this new amount and to adjust 2009 relevy.

Respectfully Submitted,  
Paul J. Drof  
Superintendent

MOVED by Alderman Zadzilka                      SECONDED by Alderman Donovan  
That the Common Council hereby directs the City Clerk-Treasurer to issue a corrected 2009 City tax bill, with adjustment to relevy, for Michael Charnock.

Ayes: Andres, Pasiak, Donovan, Zadzilka, Schwandt (5)

Nays: None (0)

CARRIED.

## V.2 Water

January 24, 2010

Honorable Robert Ortt, Mayor  
and the Common Council  
216 Payne Ave  
N Tonawanda NY 14120

**Re: Award of Bid for Fuel Oil at the Water Treatment Plant**

Honorable Body:

On Thursday, January 7, 2010, bids were received and opened for providing Fuel Oil to the Water Treatment Plant. This fuel oil is used for heating the facility's boilers and to provide fuel for the emergency generator.

Based upon the two (2) bids received, I recommend that the award go to NOCO Energy Corporation, 2440 Sheridan Drive, Tonawanda, NY 14150 at their apparent low bid of \$2.1752 adjusted for the OPIS rack average price for December 29, 2009. I recommend that the bid be awarded for a period of three (3) years. NOCO has also agreed to provide the City of North Tonawanda the lower price at time of order between the awarded bid price and the NYS bid price. NOCO currently holds the NYS Bid Price for providing this commodity to all agencies.

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

Sincerely,  
Paul Drof

MOVED by Alderman Zadzilka

SECONDED by Alderman Donovan

That the Common Council hereby awards the bid for Fuel Oil at the Water Treatment Plant to NOCO Energy Corporation, 2440 Sheridan Drive, Tonawanda, NY 14150, for a period of three (3) years, at their apparent low bid of \$2.1752 adjusted for the OPIS rack average price for December 29, 2009, with NOCO agreeing to provide the City of North Tonawanda the lower price at time of order between the awarded bid price and the NYS bid price. The Award of Bid is contingent upon review of the City Attorney.

Ayes: Andres, Pasiak, Donovan, Zadzilka, Schwandt

(5)

Nays: None

(0)

CARRIED.

## VII. Accountant

January 28, 2010

Honorable Robert G. Ortt, 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 2, 2010, and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Very truly yours,  
David R. Jakubaszek  
City Accountant

02-02-2010



#1  
Mayor

February 2, 2010

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

Re: Marina Proposal & Deposit

Dear Honorable Body:

Our office has received a Marine proposal dated November 30, 2009 from Mr. Orefice, 485 Oliver Street, North Tonawanda, NY 14120. I am requesting that the Council either accepts or rejects the proposal. If the proposal is rejected, please authorize the City to return the \$500 deposit to Mr. Orefice.

Thank you for your attention to this matter.

Faithfully,  
Robert G. Ortt  
Mayor  
City of North Tonawanda

MOVED by Alderman Donovan                      SECONDED by Alderman Zadzilka  
That the Common Council hereby rejects the Marina Proposal presented by Mr. Orefice, 485 Oliver Street, North Tonawanda, NY 14120 and authorizes the City to return the \$500 deposit.

Ayes: Andres, Pasiak, Donovan, Zadzilka, Schwandt                      (5)

Nays: None                      (0)

CARRIED.

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#2  
Engineer  
Community Development

MOVED by Alderman Andres                      SECONDED by Alderman Pasiak  
WHEREAS, the City Engineer and Department of Public Works in cooperation with the Lumber City Development Corporation has proposed a Green Innovation Grant Program to the New York State Environmental Facilities Corporation (EFC); and

WHEREAS, the EFC is proposing terms for a Grant Agreement (SRF Project No.: C9-6675-01-70 GIGP Application No.: 198); and,

WHEREAS, The City of North Tonawanda has been awarded funds through this Grant Agreement to construct the Manhattan Street Municipal Rain Garden Demonstration

NOW, THEREFORE, BE IT RESOLVED that Mayor Robert G. Ortt is hereby authorized to execute such Grant Agreement upon due review by the City Attorney.

Ayes: Andres, Pasiak, Donovan, Zadzilka, Schwandt                      (5)

Nays: None                      (0)

CARRIED.

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#### AUDIENCE PARTICIPATION

Dennis Barberio, 168 Stenzil – Asked whether the Mayor’s Administrative Assistant has moved into the City.

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**ADJOURNMENT**

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

**Time of Adjournment: 6:45P.M.**

**Respectfully submitted,**

**Scott P. Kiedrowski**  
**City Clerk–Treasurer**