

**THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, February 16, 2010
6:30P.M.**

REGULAR SESSION CALLED TO ORDER BY PRESIDENT SCHWANDT

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Absent: Alderman Andres

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

APPROVAL OF THE MINUTES OF THE REGULAR SESSION FEBRUARY 2, 2010

**MOVED by Alderman Zadzilka SECONDED by Alderman Donovan
That the minutes of the regular session held February 2, 2010 be approved as circulated and filed
in the Office of the Clerk-Treasurer.
CARRIED.**

APPROVAL OF THE MINUTES OF THE SPECIAL SESSIONS FEBRUARY 9, 2010

**MOVED by Alderman Pasiak SECONDED by Alderman Zadzilka
That the minutes of the special session held February 9, 2010 be approved as circulated and filed
in the Office of the Clerk-Treasurer.
CARRIED.**

AUDIENCE PARTICIPATION - None

PROOF OF PUBLICATION PUBLISHED JANUARY 8 & 12, 2010

- 1) Bid – Manhattan Street Parking Lot Rehabilitation – Engineer

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

COMMUNICATIONS FROM CITY OFFICIALS

I.1 Mayor

February 1, 2010

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

Re: Appointment to North Tonawanda Zoning Board of Appeals

02-16-2010

Dear Honorable Body:

Please be advised that I am appointing Art Smith, 28 Sixth Avenue, North Tonawanda, NY 14120, to the Zoning Board of Appeals as the Chairman. He will be replacing Jerry DiVirgilio.

Thank you for your attention to this matter.

Sincerely,
Robert G. Ortt
Mayor

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

I.2 Mayor

February 9, 2010

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

Re: Appointment to North Tonawanda Property Maintenance Task Force

Dear Honorable Body:

Please be advised that I am appointing Tammy Godyn, 843 Ohio Street, North Tonawanda, NY 14120 to the Property Maintenance Task Force for a five (5) year term effective March 1, 2010 and expiring on December 31, 2014.

Thank you for your attention to this matter.

Sincerely,
Robert G. Ortt
Mayor

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

I.3 Mayor

February 9, 2010

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

Re: Appointment to North Tonawanda Property Maintenance Task Force

Dear Honorable Body:

Please be advised that I am appointing Paul Wright, 337 Division Street, North Tonawanda, NY 14120 to the Property Maintenance Task Force for a four (4) year term effective March 1, 2010 and expiring on December 31, 2013.

Thank you for your attention to this matter.

Sincerely,
Robert G. Ortt
Mayor

02-16-2010

INTRODUCTION:

In the interest of providing a workplace environment free from acts and threats of violence, the City of North Tonawanda (the “City”) has adopted a ZERO TOLERANCE policy.

PROHIBITED CONDUCT:

1. Acts and/or threats of violence by or against any employee, customer, contractor or visitor of the City are strictly prohibited.
2. Acts and/or threats of violence by off-duty employees while on City property are strictly prohibited.
3. Acts of vandalism or the intentional or reckless destruction of City property or equipment, or the property and equipment of City employees, customers, contractors, or visitors are strictly prohibited.
4. All employees, customers, contractors, and visitors of the City are prohibited from possession of weapons or explosives of any kind (eg. – firearms, knives, mace, pepper spray, etc.) while on duty or on City property, except if such weapon may be considered a tool necessary to complete one’s occupation

EXAMPLES OF PROHIBITED CONDUCT:

Specific examples of conduct that may be considered “threats or acts of violence prohibited under this policy include, but are not limited to, the following:

1. Hitting, striking, pushing, shoving or tripping an individual.
2. Threatening to harm an individual or his/her family, friends, associates, or their property.
3. The intentional destruction or threat of destruction of property and/or equipment owned, operated, or controlled by the City.
4. Making harassing or threatening telephone calls, letter or other forms of written or electronic communications.

IDENTIFICATION OF RISKS:

The City has identified the following potential risks:

1. Irate residents who may be or become angry over a decision or action of a City employee, Board or other decision maker.
2. Individuals who are or appear to be under the influence of alcohol or drugs.
3. Individuals who become or may become angry at a City athletic or recreation event.
4. Individuals who seek to steal money or other City property.
5. Violence or threats directed to City employees for personal reasons, by their family members, partners or other individuals.
6. Individuals who become angry with City employees after an accident.
7. Intimidating or attempting to coerce and employee to do wrongful acts that would affect the business interests of the City.
8. Harassing surveillance, also known as “stalking”, the willful, malicious and repeated following of another person and making a credible threat with intent to place the other person in reasonable fear of his or her safety.

9. Making a suggestion or otherwise intimidating that an act to injure persons or property is “appropriate”, without regard to the location where such suggestion or intimidation occurs.
10. Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on City property.

REPORTS OF VIOLATIONS:

The City will not tolerate any violations of this policy. Any violations of this policy must be reported to the City Attorney immediately. Reports of incidents that warrant confidentiality will be handled appropriately and information will only be disclosed on a need-to-know basis.

The City has designated the City Attorney as its principal manager responsible for the enforcement of this Policy. The City will take appropriate steps to warn any individual of threats made against him or her, and it will take steps to provide necessary protections for this individual. The City will also investigate all allegations of threats or acts of violence, and it will involve law enforcement authorities, if necessary.

ENFORCEMENT:

All criminal activity will be reported to appropriate law enforcement officials.

Employees that violate this Policy will be subject to disciplinary action, up to and including the penalty of discharge. Such disciplinary action shall be subject to the employee’s due process rights, as contained in the appropriate collective bargaining agreement or consistent with Civil Service Law.

POLICY DISTRIBUTION:

All employees and contractors of the City will be given copies of this Policy. All new employees will be provided with a copy of this policy at the time of their orientation. Additional copies of this Policy will be posted at designated locations in the workplace. The City will provide opportunities for employees to be trained in the risk factors associated with workplace violence, and proper handling of emergency situations in order to minimize the risks of violent incidents occurring in the workplace.

METHODS TO PREVENT WORKPLACE VIOLENCE:

The City will attempt to minimize and prevent workplace violence. Among other measures, the City will:

1. Where appropriate, provide employees with cellular telephones so that emergency assistance may be summoned.
2. Discourage individuals from working alone.
3. Where possible and appropriate, install barriers between employees and members of the public.
4. Maintain good lighting.
5. Post signs stating that limited cash is on hand.
6. Minimize the amount of cash on hand.
7. Establish and implement a system for reporting incidents of aggressive behavior.
8. Institute a program of periodic training for employees as appropriate.

Ayes: Pasiak, Donovan, Zadzilka, Schwandt (4)
 Nays: None (0)
CARRIED.

II.2 Attorney

February 12, 2010

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

Re: CIT Lending Services Corporation v. Robert J. Reszel, II, et al.
 Final Settlement of Tax Arrearages – 624 River Road

Dear Honorable Body:

We are pleased to announce that the City of North Tonawanda has received a check in the amount of \$117,233.25 in full settlement of tax arrearages and penalties assessed to the medical building at 624 River Road.

This settlement concludes more than 2 years of legal work in recovering unpaid PILOT payments and other tax arrearages owing to the City of North Tonawanda from the owners and the Niagara County IDA in this matter.

This settlement will allow the building and its owners to return to viability in the coming months.

Very truly yours,
 Shawn P. Nickerson
 City Attorney

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

VII. Accountant

February 11, 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 16, 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

MOVED by Alderman Pasiak SECONDED by Alderman Schwandt
 That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated February 16, 2010 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$175,437.56
02	Water Fund	13,443.67
04	Sewer Fund	48,993.35
06	Capital Project Fund	215,169.37
07	Trust & Agency Fund	3,972.95

02-16-2010

11	General Fund Encumbered	40,947.37
17	Home Rehab Program	3,620.00
18	Housing Rehab (PI) Fund 5	<u>20,820.00</u>
	Final Total	<u>\$522,404.27</u>

Ayes: Pasiak, Donovan, Zadzilka, Schwandt (4)
 Nays: None (0)
CARRIED.

XI. Fire

To: City Clerk-Treasurer Scott Kiedrowski

From: No. Tonawanda Fire Department

Re: City Fire Rolls

Please add the following members to the City Fire Rolls:

1. Mark Derrico – Gratwick Hose
2. Jenna Fretthold – Gratwick Hose
3. John Record – Live Hose
4. Trevor Thomas – Columbia Hook & Ladder

Please remove the following members from the City Fire Rolls:

1. Kenneth Banks – Columbia Hook & Ladder
2. Ryan Fleckenstein – Gratwick Hose
3. Andrew Kozlowski – Sweeney Hose

Thank you,
 William DeMonte
 Assistant Fire Chief

MOVED by Alderman Pasiak

SECONDED by Alderman Zadzilka

To add Mark Derrico – Gratwick Hose; Jenna Fretthold – Gratwick Hose; John Record – Live Hose and Trevor Thomas – Columbia Hook & Ladder to the City Fire Rolls and to remove Kenneth Banks – Columbia Hook & Ladder; Ryan Fleckenstein – Gratwick Hose and Andrew Kozlowski – Sweeney Hose from the City Fire Rolls.

CARRIED.

XIV.1 Recreation

February 10, 2010

The Honorable Mayor Robert Ortt
 216 Payne Avenue
 North Tonawanda, New York 14120

Dear Mayor Ortt and Common Council,

I respectfully request that the 2010 State Aid Appropriation as recommended by the North Tonawanda Youth Board be accepted and approved. Funding is provided by the New York State Office of Children and Family Services and administered by the Niagara County Office of Children and Family Services and administered by the Niagara County Youth Bureau.

The 2010 appropriations are:

- Department of Youth, Recreation & Parks Youth Court	\$ 5,888
- Department of Youth, Recreation & Parks First Offender Program	\$ 6,097
- Department of Youth, Recreation & Parks Youth Center Program	\$ 6,744
- Youth Bureau Grant for Administrative Costs in the Department of Youth, Recreation & Parks	\$22,294

02-16-2010

The total State Aid for Youth Program allocation for 2010 will be Forty One Thousand and Twenty Three Dollars (\$41,023).

Sincerely,
Patricia Brosius
Recreation Supervisor

MOVED by Alderman Donovan

SECONDED by Alderman Zadzilka

That the Common Council hereby approves the following 2010 State Aid allocations as recommended by the North Tonawanda Youth Board funded by the New York State Office of Children and Family Services through the Niagara County Youth Bureau:

- | | |
|--|----------|
| - Department of Youth, Recreation & Parks Youth Court | \$ 5,888 |
| - Department of Youth, Recreation & Parks First Offender Program | \$ 6,097 |
| - Department of Youth, Recreation & Parks Youth Center Program | \$ 6,744 |
| - Youth Bureau Grant for Administrative Costs in the Department of Youth, Recreation & Parks | \$22,294 |

The total State Aid for Youth Program allocation for 2010 will be Forty One Thousand and Twenty Three Dollars (\$41,023).

Ayes: Pasiak, Donovan, Zadzilka, Schwandt (4)

Nays: None (0)

CARRIED.

XIV.2 Recreation

January 21, 2010

**The Honorable Mayor, Robert Ortt and Common Council Members
City Hall
216 Payne Avenue
North Tonawanda, New York 14120**

Dear Honorable Mayor Ortt and Common Council Members:

Please review and approve the recommended fee increases for the Department of Youth, Recreation and Parks 2010 Fee and Charge Schedule.

**Youth Basket Ball Clinics & League:
Increased from donation of \$10.00 to \$15.00 donation**

**Youth Tennis Lessons
Increase from \$10.00 to \$15.00 (went from 2 week program to a 3 week program)
Non-resident fee from \$25.00 to \$30.00**

**Breakfast with Santa
Increase from \$3.00 to \$4.00 (Adult)
Increase from \$2.00 to \$3.00 (Child 4 to 12 yrs.)**

**Youth Team (all players must be under 21 years of age)
Softball Fee: Increased from \$100.00 to \$150.00**

All other fees in the current schedule will remain the same. The revenue generated from the established fees and charges is collected for deposit in the City General Fund with the exception of Youth Basketball Program which is put in the Trust and Agency Account.

Sincerely,
Patricia Brosius
Recreation Supervisor

I also request if possible to have the entrance way and a path leading toward the water plowed so that the team rescue truck, members and other equipment can safely enter and exit the property.

If anyone should have any questions regarding this please contact myself or Chief Krantz at Fire Headquarters. Thank you for your consideration.

Sincerely,
Joseph M. Piwtorak
Dive Master/Chief of Operations

MOVED by Alderman Pasiak **SECONDED** by Alderman Donovan
That the Common Council hereby grants the Underwater Dive Rescue Team permission to use the city owned property located at 1000 River Road on Sunday, February 21, 2010 for Cold Water/Ice Rescue Training 10:00 am for about 2-3 hours.

Ayes: Pasiak, Donovan, Zadzilka, Schwandt (4)

Nays: None (0)

CARRIED.

#2
Engineer

February 16, 2010

Honorable Robert G. Ortt, Mayor
and Common Council Members
City Hall
North Tonawanda, New York 14120

Re: 2010 Storm Sewer Separation Projects
(Niagara St./Ransom St./Rumbold Ave./Schenck St.)
Project 2010-03
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 the installation of new HDPE storm piping approximately 2100 LF in length to separate storm sewer from the existing combined sanitary sewers on the various above referenced streets. 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 resolutions.

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

MOVED by Alderman Donovan **SECONDED** by Alderman Zadzilka
WHEREAS, the City of North Tonawanda intends to eliminate sewage flooding in area basements by installing new storm sewer piping, approximately 2100 LF in length, including manholes and receivers, to separate storm sewer from existing combined sanitary sewers on Niagara Street between Ransom Street and Robinson Street; Ransom Street between Niagara Street and Fassett Street; Rumbold Avenue between Hyland Avenue and Zimmerman Street; and Schenck Street from Fassett Street to approximately 500 feet west of the Schenck and Fassett intersection.

BE IT RESOLVED, that the Common Council has reviewed the Environmental Assessment prepared by the City 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 as Lead Agency hereby issues a Negative Declaration under SEQR Regulations for the storm sewer installation to Niagara Street, Ransom Street, Rumbold Avenue and Schenck Street; and authorizes the Common Council President to sign said Environmental Assessment form.

Ayes: Pasiak, Donovan, Zadzilka, Schwandt (4)

Nays: None (0)

CARRIED.

AUDIENCE PARTICIPATION

Tammy Godyn, 843 Ohio Street – Thanked the Mayor for her appointment to the North Tonawanda Property Maintenance Task Force.

Thomas Konopka, 1261 Bowen Ct. – Asked what the status of their request was regarding the Vietnam Veterans Monument at Raymond Klimek Park and encouraged the Councils support.

Alex Wienke, 247 Wheatfield Street – Stated that the City needs to do more advertising of meeting times to encourage more citizens to attend the meetings.

Kathy Kern, 1248 Greenbrier Lane – Inquired about the work being done at the blue water tower; stated that the City needs to do more advertising of meeting times to encourage more citizens to attend the meetings and stated that a sewer line is overflowing on Erie Avenue and that she was told that it is raw sewage.

ADJOURNMENT

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

Time of Adjournment: 6:50P.M.

Respectfully submitted,

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