

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

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**

TODAY IS STUDENT GOVERNMENT DAY

Mike Tuzzo	Mayor
Emily Ertel	Mayor's Assistant
Sal LaBarbera	City Attorney
Vanessa Nguyen	Assistant City Attorney
Jason Contangelo	City Judge
Ted Sorensen	Appointed Judge
Veronica Malone	City Clerk-Treasurer
Jason Paton	Assistant City Clerk
Colleen Wiechec	Council President
Meghan Malone	Alderman at Large
Marissa Kwasniak	1st Ward Alderman
Brittany Harris	2nd Ward Alderman
Abby Sommer	3rd Ward Alderman
Elizabeth Goble	Building Inspector/Code Enforcement
Kassandra Cole	City Accountant
Jeff Hunt	City Assessor
Brendan Wingrove	City Engineer
Jennie McFarland	Director of Community Development
Jamie Miller	Director of Youth, Parks & Recreation
Mariya Baranov	Senior Citizens Coordinator

Ilia Gazdovich Kelsie Nolan	Fire Chief
Shannon McMahon	Police Chief
Zachary Niemiec	Political Correspondent
Mitchell Lukaszonas	Superintendent of Public Works
Cody Bronsen	Superintendent of Water/Wastewater
William Rohleder	Youth Board

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

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

PROOF OF PUBLICATION PUBLISHED FEBRUARY 13, 2010

1) **Public Hearing –Rezoning of Mazda Terrace – City Clerk –Treasurer**

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

AUDIENCE PARTICIPATION

Ana Rodgers, 694 Payne Avenue – Questioned Calgon private venture with the City of North Tonawanda. Wanted to be assured that the City Wastewater/Water Plants were still 100% owned by the City of North Tonawanda.

Thomas Konopka, 1261 Bowen Court – Urged the City Council to fully support the placement of the proposed Vietnam Veterans Memorial at Raymond Klimek Veterans Park. Also noted that the design that they submitted may change slightly and wanted the record to reflect that the City Council was voting to allow Vietnam Veterans Chapter 77 to build said monument at Raymond Klimek Veteran’s Park and that design plans and any changes would be submitted at a later date well in advance of the construction of the monument.

COMMUNICATIONS FROM CITY OFFICIALS

IV.1 Engineer

March 11, 2010

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

**Re: Calgon Carbon Spent Carbon Reactivation Facility
830 River Road
SEQRA - Environmental Assessment**

Honorable Body:

As you are aware, the City has approved a request to construct a spent carbon reactivation facility at the city’s publicly owned wastewater treatment plant located at 830 River Road.

In accordance with the New York State Environmental Quality Review Act (SEQRA), the City in its capacity as lead agency, has received and evaluated an environmental assessment of the significance of potential environmental impacts of constructing the 8000 square foot building at the wastewater treatment plant.. 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 Donovan **SECONDED** by Alderman Andres
WHEREAS, the City of North Tonawanda intends to allow for the construction of an 8000 square foot spent carbon reactivation building by the Calgon Carbon Corporation, 500 Calgon Carbon Drive Pittsburgh, and PA 15205 at the City's Publicly Owned Treatment Works (POTW) located at 830 River Road.

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 construction of an 8000 square foot spent carbon reactivation building, and authorizes the Common Council President to sign said Environmental Assessment form.

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

Nays: None (0)

CARRIED.

IV.2 Engineer

March 12, 2010

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

Re: Project 2010-03, Storm Sewer Separation

Dear Honorable Body:

As you are aware, the Storm Sewer Separation Project was approved in the City's 2010 Capital Budget. On February 11, 2010, four (4) proposals for the topographic survey of Rumbold Avenue/Schenck Street/Ransom Street and Niagara Street were received by the Engineering Department.

Accordingly, I respectfully request that the Common Council authorize the Mayor to sign the enclosed topographic survey agreement with Greenman-Pedersen, Inc., 4950 Genesee Street, Suite 165, Buffalo, NY 14225 for the amount of \$5,985.00 for the topographic survey of Rumbold Avenue/Schenck Street/Ransom Street and Niagara Street, subject to review by the City Attorney.

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

MOVED by Alderman Zadzilka

SECONDED by Alderman Pasiak

That the Common Council hereby authorizes the Mayor to sign the topographic survey agreement with Greenman-Pedersen, Inc., 4950 Genesee Street, Suite 165, Buffalo, NY 14225 for the amount of \$5,985.00 for the topographic survey of Rumbold Avenue/Schenck Street/Ransom Street and Niagara Street, subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

VII.1 Accountant

March 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 March 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 Andres

SECONDED by Alderman Donovan

That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated March 16, 2010 and further authorizes the Mayor and City Clerk-Treasurer respectively sign and countersign said Warrant:

01	General Fund	\$204,919.71
02	Water Fund	39,035.34
04	Sewer Fund	53,693.67
06	Capital Project Fund	195,636.12
07	Trust & Agency Fund	586.86
09	Capital – Buffalo Bolt	160,987.00
11	General Fund Encumbered	6,862.72
14	Sewer Fund Encumbered	186.78
17	Home Rehab Program	<u>38,584.00</u>
	Final Total	<u>\$700,492.20</u>

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

Nays: None (0)

CARRIED.

IX. Fire

Date: March 6, 2010

To: City Clerk/Treasurer Scott Kiedrowski

From: Fire Department

Re: City Fire Rolls

Please remove Jerry Moore, Jr. from the city fire rolls. He was a member of Active Hose.

Thank you,
William DeMonte
Assistant Fire Chief

MOVED by Alderman Schwandt **SECONDED** by Alderman Zadzilka
To remove Jerry Moore, Jr. from the City Fire rolls.
CARRIED.

XIV. Recreation

March 11, 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 for signing the attached agreement between Citadel Broadcasting Company, 50 James E. Casey Drive, Buffalo, New York and the City of North Tonawanda for the Deerwood Golf Course Club House Card.

City Attorney Shawn Nickerson has reviewed the agreement and forwarded it for the required approval and signing.

Thank you.

Sincerely,
Patricia Brosius
Recreation Supervisor

MOVED by Alderman Pasiak **SECONDED** by Alderman Donovan
That the Common Council hereby authorizes the Mayor to sign the agreement between Citadel Broadcasting Company, 50 James E. Casey Drive, Buffalo, New York and the City of North Tonawanda for the Deerwood Golf Course Club House Card.
Ayes: Andres, Pasiak, Donovan, Zadzilka, Schwandt (5)
Nays: None (0)
CARRIED.

XXV. Monthly Reports

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

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

XXVI. Semi-Annual Vacation & Sick Leave Reports

.1	Community Development	.2	Accounting
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MOVED by Alderman Zadzilka **SECONDED** by Alderman Pasiak
That the Common Council hereby receives and files the aforementioned Semi-Annual Vacation and Sick Leave Reports.
CARRIED.

XXXII. Community Development

March 11, 2010

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

Dear Honorable Body:

The Department of Community Development is desirous of submitting two applications:

- 1) Housing Rehabilitation under the NYS Division of Housing and Community Renewal HOME Program (for 19 single-family units) in the amount of \$432,000.**
- 2) Housing Rehabilitation (city-wide) under the NYS Office of Community Renewal's Community Development Block Grant (CDBG) Program (for approximately 18 single-family units) in the amount of approximately \$400,000.**

Consequently, I am respectfully requesting authorization to hold two (2) public hearings which is required for the CDBG application, and further, upon review of all public comments and concerns that this Honorable Body authorizes this department to submit these two applications.

Thank you for your consideration in this matter.

**Sincerely,
James B. Sullivan
Director**

MOVED by Alderman Andres

SECONDED by Alderman Donovan

That the Common Council hereby authorizes the Director of Community Development to submit an application for a HOME Rehabilitation Program Grant through the NYS Division of Housing and Community Renewal in the amount of \$432,000. The grant will be utilized for rehabilitation grants for income-eligible property owners located in the U.S. designated census tract numbers 231 and 232. Priority for the home improvements will be code violations, lead-based paint abatement and energy conservation, improvements and general property improvements. It is estimated that the total rehabilitation grant will cover the rehabilitation of nineteen (19) properties;

And, Further, that the Common Council authorize the Director of Community Development to hold two (2) public hearings on Monday, March 29, 2010 and Monday, April 5, 2010 for the purposes of presenting a proposed application for a Housing Improvement Program in the amount of \$400,000 through the New York State Office of Community Renewal under the Federal Community Development Block Grant Program.

The grant will be utilized for rehabilitation for income-eligible property owners located within the City limits. Priority for the home improvements will be code violations, lead-based paint abatement and energy conservation improvements and general property improvements. It is estimated that the total rehabilitation grant will cover 18 properties.

Further, that upon review of all comments and concerns regarding citizen input, the Honorable Body authorizes the Mayor to sign and submit this application by April 23, 2010.

Ayes: Andres, Pasiak, Donovan, Zadzilka, Schwandt

(5)

Nays: None

(0)

CARRIED.

COMMUNICATIONS FROM OTHERS

A.
 Michael Keleher
 Elizabeth Keleher

To: North Tonawanda Common Council Re: 95 Eggert Terrace
 From: Michael Keleher Date: March 8, 2010
 Elizabeth Keleher

We would like to purchase a 30' x 105' piece of land next to our existing property for \$1,000.00. Please review the photos to see what we are hoping to accomplish with this purchase without in any way affecting the pedestrian walkway.

Thank you for considering our proposal.

Michael Keleher
 M. Elizabeth Keleher
 95 Eggert Terrace
 North Tonawanda, NY 14120

MOVED by Alderman Donovan **SECONDED** by Alderman Pasiak
 That the Common Council hereby approves the sale of 30' W x 105' D portion of Eggert Drive abutting the easterly line of 95 Eggert Terrace (SBL #182.06-2-14) for \$1,000 to Michael Keleher and M. Elizabeth Keleher, 95 Eggert Terrace, North Tonawanda, NY 14120 and refers the sale to the City Attorney's Office.
 Ayes: Andres, Pasiak, Donovan, Zadzilka, Schwandt (5)
 Nays: None (0)
CARRIED.

B.
 Betty Ruffner

February 18, 2010

Mr. Kiedrowski,

I would like to purchase the vacant property at what used to be 31 Felton St. I am willing to pay a thousand dollars for it. I would appreciate you bringing it before the Common Council.

I would like a decision as soon as possible.

Thank you,
 Betty Ruffner
 27 Felton St.
 North Tonawanda, NY 14120
 Phone 693-0372

MOVED by Alderman Schwandt **SECONDED** by Alderman Pasiak
 That the Common Council hereby approves the sale of 31 Felton Street (SBL#181.08-2-11) for \$1,000.00 to Betty Ruffner, 27 Felton St., North Tonawanda, NY 14120 and refers the sale to the City Attorney's Office.
 Ayes: Andres, Pasiak, Donovan, Zadzilka, Schwandt (5)
 Nays: None (0)
CARRIED.

Susan Wilke, 329 Miller Street – Wanted to refute Mr. Sommer’s charges and went on to explain about climate conditions, bats, mosquito’s and suggested that the students read a book she knows of on nature and the environment.

Sarah Hansgate, 2667 Pine Lake Drive, Niagara Falls, NY – Thanked the Mayor, Common Council and all City Department Heads for making Student Government Day a huge success.

Ana Rodgers, 694 Payne Avenue – Wanted to know if inquires could be made for the State to take over our Wastewater/Water facilities. Wanted to know what the Common Council/Mayor could do about a proposal she heard that the State will be cutting out regents testing.

Alex Domaradzki, 1383 Sherwood Avenue – Thanked everyone for making Government Day a huge success and wanted to also thank the students for participating in government day for they are the ones who stepped forward to make this annual event successful.

ADJOURNMENT

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

Time of Adjournment: 6:59P.M.

Respectfully submitted,

Scott P. Kiedrowski
City Clerk–Treasurer