

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, April 20, 2010
6:30P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT SCHWANDT

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: President Schwandt
Alderman Andres, Pasiak, Zadzilka

Absent: Alderman Donovan
City Attorney Shawn P. Nickerson

Also Present: Mayor Robert G. Ortt
Assistant City Attorney Robert Sondel

APPROVAL OF THE MINUTES OF THE REGULAR SESSION APRIL 6, 2010

MOVED by Alderman Zadzilka **SECONDED by Alderman Pasiak**
That the minutes of the regular session held April 6, 2010 be approved as circulated and filed in
the Office of the City Clerk-Treasurer.
CARRIED.

AUDIENCE PARTICIPATION

Frank Housh, 70 Niagara Street, Buffalo – Stated that he was representing City Market Clerk
Mark Houghton and addressed the Mayor and the Common Council on several points of law,
wanted the Mayor and Common Council to hold off on making a Market Clerk appointment.

PROOF OF PUBLICATION PUBLISHED MARCH 9, 2010

- 1) Bid – Tire Disposal – Public Works

PROOF OF PUBLICATION PUBLISHED MARCH 11, 2010

- 1) Legal Notice – Bond Resolution – Public Works

PROOF OF PUBLICATION PUBLISHED MARCH 12, 2010

- 1) Bid – Purchase of Leaves and Wood Chips– Public Works

PROOF OF PUBLICATION PUBLISHED MARCH 20, 2010

- 1) Public Hearing – Small Cities Block Grant – Community Development

PROOF OF PUBLICATION PUBLISHED MARCH 27, 2010

- 1) Bid – Waste Hauling and Disposal – Public Works

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

COMMUNICATIONS FROM CITY OFFICIALS

I.1 Mayor

April 8, 2010

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

Re: Appointment to the Golf Committee

Dear Honorable Body:

Please be advised that I am appointing Keith Miranto, 1186 Master Street, North Tonawanda, NY 14120, to the Golf Committee. Effective April 16th 2010 and does not carry a term.

Thank you for your attention to this matter.

**Sincerely,
Robert G. Ortt
Mayor**

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

I.2 Mayor

April 15, 2010

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

Re: City Market Clerk Appointment

Dear Honorable Body:

Please be advised that I am appointing John Long, 32 Keil Street, North Tonawanda, NY 14120, as the Market Clerk, effective May 1, 2010 and expiring on December 31, 2010. This position was posted in the Tonawanda News and three candidates' submitted resumes. After interviewing all three candidates, I have decided that Mr. Long's resume, interview and past experience as the market clerk made him the best choice for this position.

Thank you for your attention to this matter.

**Sincerely,
Robert G. Ortt
Mayor**

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

MOVED by Alderman Andres

SECONDED by Alderman Zadzilka

That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated April 20, 2010 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

| | | |
|----|-------------------------|----------------------------|
| 01 | General Fund | \$170,236.32 |
| 02 | Water Fund | 39,093.95 |
| 04 | Sewer Fund | 18,354.94 |
| 06 | Capital Project Fund | 37,880.68 |
| 07 | Trust & Agency Fund | 826.38 |
| 09 | Capital – Buffalo Bolt | 123,983.78 |
| 11 | General Fund Encumbered | 4,324.67 |
| 17 | Home Rehab Program | <u>2,507.00</u> |
| | Final Total | <u>\$397,207.72</u> |

Ayes: Andres, Pasiak, Zadzilka, Schwandt

(4)

Nays: None

(0)

CARRIED.

VII.2 Accountant

April 13, 2010

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

Re: Water and Sewer Base Rates for 2010

Dear Honorable Body:

In accordance with the 2010 adopted budget initiated by former Mayor Lawrence V. Soos, the Water and Sewer Fund Estimated Revenues reflect a total increase of \$174,000. This modification reflects the increase of the quarterly base rate for multi-dwelling unit homes and apartments by \$6.00 for water and sewer (currently \$6.00 for water and for sewer), so that they are identical with the single family base rate (currently \$12.00 for water and sewer). This will provide equitability with all residents, home owners and multi-dwelling unit homes and apartment renters.

Accordingly, two resolutions will be necessary at this time:

- 1). Please pass a resolution to formally adopt the local law, modifying §75-15(e) of the City Code to reflect a change in the sewer base rate (increasing apartment minimum sewer charges to \$12.00), and refer this local law to Mayor Ortt for public hearing. It is my understanding that this local law was presented to you in its final form on April 8, 2010. This was done by the City Attorney placing the local law in your City Hall mailbox and by mailing it to your home address, thus satisfying the local law “aging” requirement of Municipal Home Rule §20(4).**
- 2). Further, please pass a resolution amending Chapter 98(G) of the City Code entitled, “Water”, to reflect a change in the water base rate (increasing the multi-dwelling unit homes and apartments water charge to \$12.00).**

**Very truly yours,
David R. Jakubaszek
City Accountant**

- (e) Multi-dwelling unit homes and apartments that have only one master water meter would be subject to the existing \$12.00 minimum sewer charge, and would receive an additional minimum sewer charge of \$12.00 for each additional dwelling unit which does not have a water meter.

Section 2. This Local Law shall take effect immediately upon filing with the Secretary of State and shall apply to the June, 2010, billing and all billings thereafter until otherwise amended.

And further, amends Chapter 98(G) of the City Code entitled, "Water" as follows (as underlined):

**AMENDMENT TO NORTH TONAWANDA CODE
CHAPTER 98 ENTITLED "WATER"**

Section 1. Section 98-16, Water Rates, of Chapter 98 of the North Tonawanda City Code as currently enacted is hereby amended as follows:

A) Flat Rates

| <u>Item</u> | <u>2006</u> |
|---|-------------|
| Room | 10.93 |
| Wash Basin | 10.93 |
| Bath or Shower | 35.12 |
| Toilet | 39.84 |
| Laundry Tub or Washing Machine | 28.10 |
| Swimming Pool (permanent) | 93.67 |
| Front-foot service charge, per foot, with maximum of 70 feet | 1.95 |
| Boathouse | 46.85 |
| Garden Tap | 37.47 |

B) Meter Rates:

- 1) Effective for billings sent out on June 1, 2010, meter rates shall be as follows:

| <u>Gallons</u> | <u>Rate</u> |
|----------------|------------------------|
| 0 | \$12.00 minimum charge |
| 1 to 250,000 | 2.70 per 1,000 gallons |
| Over 250,000 | 2.70 per 1,000 gallons |

- C) Flat rates are annual charges to be billed quarterly; meter rates are quarterly; nonresident consumers, double the above rates.

- D) Water consumption shall be assessed and collected in conformance with the following schedule:

Billing Month

June
September
December
March

- E) Recipients of the water bill (known now as the City utility bill) are required to read their water meter and place said reading on the meter read card in the place provided. Failure to comply with this section will result in an estimated reading. If there are four (4) consecutive bills with estimated readings, the fourth bill that contains said estimated reading will be doubled along with an additional \$25.00 surcharge being charged.

- F) A ten percent (10%) surcharge shall be placed on all water rent account balances that are due in September that remain unpaid by mid-November of each year, and shall be levied on the subsequent year real property tax bill.
- G) Multi-dwelling unit homes and apartments that have only one master water meter would be subject to the existing \$12.00 minimum water charge, and would receive an additional minimum water charge of \$12.00 for each additional dwelling unit which does not have a separate water meter.
- H) Homeowners who receive the Low Income Aged Exemption (age 65 or older and income less than \$22,525) would still be subject to the \$12.00 minimum water charged, but would automatically receive up to the first 5,000 gallons of water at no cost per quarter.

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

VII.3 Accountant

March 31, 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 2, Section 5.023 of the City Charter, please authorize the City Accountant to make the following budget transfers and amendments to modify the structurally imbalanced 2010 Water and Sewer Fund Budgets:

| <u>Control Number</u> | <u>Dollar Amount</u> | <u>From Appropriation Account</u> | <u>Into Appropriation Account</u> |
|-----------------------|----------------------|-----------------------------------|-----------------------------------|
| 1 | 53,388.00 | 1-1620.100 Building Maintenance | 1-9901.904 Transfer to Sewer Fund |
| 2 | 49,193.00 | 1-7110.100 Parks | 1-9901.904 Transfer to Sewer Fund |
| 3 | 41,008.00 | 1-5110.100 DPW Street Maintenance | 1-9901.904 Transfer to Sewer Fund |
| 4 | 27,800.00 | 1-5110.100 DPW Street Maintenance | 1-9901.904 Transfer to Sewer Fund |
| 5 | 16,935.00 | 1-9903.903 NYS Retirement | 1-9901.904 Transfer to Sewer Fund |
| 6 | 166,324.00 | 1-9903.903 NYS Retirement | 1-9903.903 Transfer to Water Fund |

Amend the Water Fund Budget as Follows:

| | | | |
|---|-------------|------------------------------------|---------------|
| 7 | 166,324.00 | 2-1000.2811 General Fund Subsidy | Revenue |
| 8 | (24,310.00) | 2-1000.2140 Water Rents | Revenue |
| 9 | 142,014.00 | 2-8320.460 Water Pumping Utilities | Appropriation |

Amend the Sewer Fund Budget as Follows:

| | | | |
|----|-------------|------------------------------------|---------------|
| 10 | 188,324.00 | 4-1000.2811 General Fund Subsidy | Revenue |
| 11 | (23,695.00) | 4-1000.2120 Sewer Rents | Revenue |
| 12 | (50,000.00) | 4-1000.2410 Rent Property – Calgon | Revenue |
| 13 | 114,629.00 | 4-8130.460 Wastewater Utilities | Appropriation |

Very truly yours,
 David R. Jakubaszek
 City Accountant

MOVED by Alderman Andres **SECONDED** by Alderman Zadzilka
That the Common Council hereby authorizes the City Accountant to make the following budget transfers and amendments to modify the structurally imbalanced 2010 Water and Sewer Fund Budgets:

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| 12 | (50,000.00) | 4-1000.2410 Rent Property – Calgon | Revenue |
| 13 | 114,629.00 | 4-8130.460 Wastewater Utilities | Appropriation |

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

Nays: None (0)

CARRIED.

IX. Public Works

April 15, 2010

**Honorable Mayor & Common Council
City Hall, 216 Payne Avenue
No. Tonawanda, NY 14120**

**Re: Engineering Services Phase 2
Storm Water Regulation**

Honorable Body:

The City in its membership position within the Western New York Stormwater Coalition has been able to complete Phase 1 requirements of the New York State Department of Environmental's Stormwater Requirements.

In progressing further into Phase 2 of our Stormwater Management Program, Dale Marshall, City Engineer and Stormwater Management Officer, Paul Drof, Water and Wastewater Superintendent and myself have met with Mayor Ortt to discuss the need for engineering services to implement a robust Stormwater Management Program.

Mr. Marshall has requested and reviewed from firms interested and qualified to provide engineering services to assist us on a City-wide basis to develop and implement our program.

Our recommendation does reflect the fact that Wendel Duchscherer currently provides the same services to the Town of Wheatfield and can assist coordinating the City and Town's Programs along our common boundary and drainage basin systems. Funding for this agreement is available in Water and Wastewater contingency accounts as these services were not included in the 2010 budget preparation.

Mr. Marshall in concert with Mr. Drof and myself is recommending the Common Council award an engineering services agreement to Wendel Duchscherer, 140 John James Audubon Parkway, Suite 201, Amherst, NY 14228, not to exceed \$23,000., subject to the approval of the City Attorney and authorize Mayor Ortt to sign the agreement. The agreement is herein attached.

Very truly yours,
Gary J. Franklin
Superintendent Public Works

MOVED by Alderman Zadzilka **SECONDED** by Alderman Andres
That the Common Council hereby awards an engineering services agreement for Phase 2 of the Stormwater Management Program to Wendel Duchscherer, 140 John James Audubon Parkway, Suite 201, Amherst, NY 14228, not to exceed \$23,000, subject to the approval of the City Attorney and authorizes Mayor Ortt to sign the agreement.

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

Nays: None (0)

CARRIED.

X. Police

April 12, 2010

North Tonawanda Common Council
216 Payne Avenue
North Tonawanda, NY 14120

Honorable Body:

Bids for police vehicles were accepted and opened on April 1, 2010 in the Office of the City Clerk. The following were received:

2010 Ford Crown Victoria Police Interceptor

| | |
|--------------------------|----------------------|
| Vision Ford (Rochester): | \$22,946 per vehicle |
| Basil Ford (Buffalo): | \$21,895 per vehicle |

I respectfully request that the bid for 2010 Ford Crown Victoria Police Interceptor vehicles be awarded to Basil Ford, 1540 Walden Avenue, Buffalo, NY.

Respectfully submitted,
Randy D. Szukala
Chief of Police

MOVED by Alderman Pasiak **SECONDED** by Alderman Andres
That the Common Council hereby awards the bid for 2010 Ford Crown Victoria Police Interceptor vehicles to Basil Ford, 1540 Walden Avenue, Buffalo, NY at their bid of \$21,895 per vehicle, subject to the approval of the City Attorney.

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

Nays: None (0)

CARRIED.

XIX. Building Inspector

To: Mayor and Common Council

Date: April 12, 2010

From: Cosimo R. Capozzi
Building Inspector

Re: Weed Cutting Contract

Attached please find a copy of the only proposal received by this department for brush and weed cutting of private property for 2010 season.

We sent out eight requests for bids to local landscaping contractors (see attached list) and received only one response.

MOVED by Alderman Zadzilka

SECONDED by Alderman Andres

That the Common Council hereby approves the lease agreement between the City and the Northtowns Soccer Club for the use of Gratwick Park from May 14, 2010 to August 15, 2010, in the amount of \$2,000.00 and authorizes Mayor Ortt to sign the agreement, subject to review by the City Attorney.

Ayes: Andres, Pasiak, Zadzilka, Schwandt

(4)

Nays: None

(0)

CARRIED.

C.

YWCA

March 24, 2010

North Tonawanda Common Council Members

216 Payne Avenue

North Tonawanda, NY 14120

Dear Honorable Body:

The YWCA Tonawandas is recognized by the community for its excellence by providing quality services around domestic violence and youth development, as a voice for women, as an advocate for the elimination of racism and other forms of discrimination, as a builder of family and community, while forever focused on the YWCA regional, national and global missions.

We would like your support in hosting our first 5K Walk/Run to Stop Domestic Violence. This event is tentatively planned for 9am Saturday on May 15, 2010. The YWCA is requesting permission to use the Manhattan Street parking lot as our event's starting point. We would set up several registration tables at the lot for participants' registration. Walkers/Runners would then head west on Goundry Street and cross River Road. From there they would turn right and follow the river walkway north. We would like to have a water station at Fisherman's Park staffed by YWCA volunteers. The participants would turn around at 2.5K mark (which is near Felton Street intersection). They would then follow the same route back, crossing River Road at Goundry Street, bypass the Manhattan Street parking lot and finish at the YWCA at 49 Tremont Street where refreshments would be served.

The event is expected to take 2 hours, with the goal of raising awareness of and funds for the YWCA Domestic Violence programs and services. The 5K Walk/Run will be open to the public with a minimum registration fee of \$15.00 which includes a commemorative tee shirt. Additional pledges are encouraged and forms will be available at the YWCA with prizes for the top three contributors.

We hope that you will support this wonderful local community organization. Feel free to call with any questions or concerns.

Thank you,

Kellie Nickerson, YWCA Board President

Jill Townson, YWCA Executive Director

MOVED by Alderman Pasiak

SECONDED by Alderman Zadzilka

That the Common Council hereby grants permission to the YWCA of the Tonawandas to host a "5K Walk/Run to Stop Domestic Violence" at 9am Saturday, May 15, 2010; the use of the Manhattan Street parking lot as the event's starting point; the use of Fisherman's Park for a water station and further directs the Department of Public Works to contact the YWCA to provide trash cans and to coordinate street closings for the 5K Walk/Run.

Ayes: Andres, Pasiak, Zadzilka, Schwandt

(4)

Nays: None

(0)

CARRIED.

LATE COMMUNICATIONS

MOVED by Alderman Pasiak

SECONDED by Alderman Andres

To bring the following communications to the floor.

Ayes: Andres, Pasiak, Zadzilka, Schwandt

(4)

Nays: None

(0)

CARRIED.

#1.

Carnegie Art Center

April 16, 2010

Robert G. Ortt, Mayor
 City of North Tonawanda
 216 Payne Avenue
 North Tonawanda, NY 14120

Dear Mayor Ortt:

The Carnegie Art Center, one of the most historic institutions in North Tonawanda, wants to celebrate one of the newest – Queen City Roller Girls.

The Carnegie Art Center is planning an exhibition of the posters designed for the Queen City Roller Derby bouts, beginning Saturday, May 22. Called *Graphic Assault*, the show will run through Saturday, May 29.

The opening event combines the Championship Bout at Rainbow Rink, Saturday, May 22 with a joint celebration/reception at the Carnegie as the traditional post-bout party, following a parade from Rainbow Rink at Oliver Street. Because this is a double header, we believe that the short parade, about 1½ blocks, would begin between 9:30PM and 10PM.

We are requesting permission for the following, which will make this event a great success; consent to sponsor the parade; declaration by the City of North Tonawanda that May 22nd is *Queen City Roller Girl Day* and a one-day change in our lease agreement.

The change we are requesting is that the Carnegie Art Center be allowed to sell wine and beer under a one day special event permit from the State Liquor Authority for this event. Currently, our lease prevents the sale of alcoholic beverages. The permit with the authority must be filed by early May.

Graphic Assault is a collaborative gala of two of NT's cultural institutions. With the support of the City of North Tonawanda, we can make this event a celebration of the creativity found in this fabulous city. Please feel free to contact me with any questions.

Sincerely,
 Mary L. Simpson
 Executive Director

MOVED by Alderman Zadzilka

SECONDED by Alderman Andres

That the Common Council hereby grants permission to the Carnegie Art Center to sell wine and beer on Saturday, May 22, 2010 under a one day special event permit, to be obtained from the State Liquor Authority and to have a short parade, about 1½ blocks from Rainbow Rink at Oliver Street between 9:30PM and 10PM, and further, directs the Department of Public Works to contact Mary L. Simpson, Executive Director of the Carnegie Art Center to coordinate street closings for the parade.

Ayes: Andres, Pasiak, Zadzilka, Schwandt

(4)

Nays: None

(0)

CARRIED.

#2.

Michele L. Ackerman

April 20, 2010

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

Dear Honorable Body:

I am requesting to be appointed as a Commissioner of Deeds for the City of North Tonawanda.

Thank you.

Sincerely,
Michele L. Ackerman
1561 Master Street
North Tonawanda, NY 14120

MOVED by Alderman Pasiak

SECONDED by Alderman Zadzilka

That the Common Council hereby appoints Michele L. Ackerman, 1561 Master Street, North Tonawanda, NY 14120 as a Commissioner of Deeds for the City of North Tonawanda for a term beginning April 21, 2010 ending April 20, 2012.

CARRIED.

AUDIENCE PARTICIPATION

Cathy Kern, 1248 Greenbrier Lane – Addressed the Common Council on sidewalks. She stated that on a walk of 6 various neighborhood streets around where she lives that she had to discontinue her walking due to the poor condition of the sidewalks and wanted to know who to contact to get them fixed. Ms. Kern went on to laud Superintendent of Public Works Gary Franklin for his department's continued rapid response to her concerns.

Tammy Godyn, 843 Ohio Street – Thought the City website was very nice and well kept. Thought there should be a link to various City Departments like the DPW for example so residents could check on the status of ongoing projects.

ADJOURNMENT

MOVED by Alderman Andres

SECONDED by Alderman Zadzilka

That this regular session of the Common Council be and hereby is adjourned.

CARRIED.

Time of Adjournment: 6:56 P.M.

Respectfully submitted,

Scott P. Kiedrowski
City Clerk–Treasurer