

**THE HONORABLE BODY  
Council Chambers  
Municipal Building  
North Tonawanda, New York 14120  
Tuesday, May 18, 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, Zadzilka, Donovan**

**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 MAY 4, 2010**

**MOVED by Alderman Andres                      SECONDED by Alderman Pasiak  
That the minutes of the regular session held May 4, 2010 be approved as circulated and filed in  
the Office of the City Clerk-Treasurer.  
CARRIED.**

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**PROOF OF PUBLICATION PUBLISHED APRIL 7, 2010**

- 1) Bid – Vibratory Roller Rental – DPW
- 2) Bid – Bituminous Materials – DPW
- 3) Bid – Road Building Materials – DPW

**PROOF OF PUBLICATION PUBLISHED APRIL 23, 2010**

- 1) Public Hearing – Local Law No. 1 – Sewer Rates – Mayor

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

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**AUDIENCE PARTICIPATION**

**Ana Rodgers, 694 Payne Avenue – Asked about the DEC and the Meadow Drive Extension.**

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**COMMUNICATIONS FROM CITY OFFICIALS**

**II. Attorney**

**May 12, 2010**

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

**Re: Proposed Renewal Agreement between City of North Tonawanda and the  
City School District of the City of North Tonawanda for Joint Use of Facilities**

**05-18-2010**

Dear Honorable Body:

Attached is a proposed renewal agreement between the City of North Tonawanda and the North Tonawanda School District for the joint use of city facilities for recreational programming within the City of North Tonawanda. The term of this agreement is three years, to be effective 2010 through 2013.

Should your Honorable Body concur, please pass a resolution to adopt this Agreement, as attached, subject to any further review by the City Attorney.

If you have any questions, please do not hesitate to contact me.

Very truly yours,  
Shawn P. Nickerson  
City Attorney

**MOVED** by Alderman Donovan                      **SECONDED** by Alderman Zadzilka  
That the Common Council hereby adopts the aforementioned Renewal Agreement between City of North Tonawanda and the City School District of the City of North Tonawanda for Joint Use of Facilities, effective 2010 through 2013, subject to any further review by the City Attorney.

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

Nays: None (0)

**CARRIED.**

**IV. Engineer**

May 14, 2010

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

Re: Meadow Drive Extension Project  
CSXT Preliminary Engineering Agreement  
Project No. 2003-02  
PIN 5757.52

Honorable Body:

On January 17, 2007, the Common passed a resolution, authorizing the Mayor to sign an agreement with the State of New York Department of Transportation, committing \$500,000 in funds for the preliminary engineering and right-of-way acquisition phase of the Meadow Drive Extension Project.

As part of the project, the City must enter into an agreement with CSX Transportation, Inc. to perform preliminary engineering for the rail crossing portion of the work.

Accordingly, please authorize the Mayor to sign the enclosed agreement in the amount of \$26,000; subject to the review of the City Attorney.

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

**MOVED** by Alderman Andres                      **SECONDED** by Alderman Zadzilka  
The Common Council hereby authorizes the Mayor to sign the agreement with CSX Transportation, Inc. to perform preliminary engineering for the rail crossing portion of the work for the Meadow Drive Extension Project, subject to the review of the City Attorney.

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

Nays: None (0)

**CARRIED.**

## V. Water

May 13, 2010

Honorable Mayor and Common Council  
216 Payne Ave  
N Tonawanda NY 14120

Re: Adjustment to water bill for Armstrong Pumps

Honorable Body,

Armstrong Pumps has requested that the water bill due 3/18/09 be reviewed. The water meter reading dated 1/20/09 indicated quarterly water usage of 18,109,000 gallons.

Upon researching the account, Mr. Paul Drof determined that the combination of an open valve flowing water outside the building and a faulty meter recording a higher quantity of water than actually passing through it, amounted to 17,746,000 gallons. Mr. Drof has determined that 11,712,000 gallons is attributed to the open valve with the balance attributed to an inaccurate reading by the meter. Mr. Drof also agrees that said water being wasted to the ground did not enter the sewer system.

Therefore, Mr. Drof's recommendation is that the 03/09 water billing should be based on the average water usage from the previous nine months' meter readings (historic basis) and that an additional 11,712,000 gallons is billable as water consumption only.

**Historical Average:**

Water - 363,000 gals. @ \$2.70/1000 gal	=	\$ 980.00
Sewer - 363,000 gals. @ \$4.50/1000 gal	=	<u>\$1,633.50</u>
Sub-total		\$2,613.50
Water - 11,712,000 gal. @ \$2.70/1000 gal	=	<u>\$31,622.40</u>
Total		<u>\$34,235.90</u>

An initial payment of 25% or \$8,558.97 would be due by 5/31/10, followed by 6 monthly payments of \$4,279.48 due on the first of each month, July through December. This payment plan is for billing due on 3/20/09 only and does not include any later consumption or billing. This recommended adjustment is subject to approval by the City Attorney. If you concur, please authorize above adjustment to this water account.

Sincerely,  
Gary J. Franklin  
Superintendent NT DPW

MOVED by Alderman Schwandt                      SECONDED by Alderman Andres  
The Common Council hereby adjusts the March 2009 water bill for Armstrong Pumps as follows:

Water - 363,000 gals. @ \$2.70/1000 gal	=	\$ 980.00
Sewer - 363,000 gals. @ \$4.50/1000 gal	=	<u>\$1,633.50</u>
Sub-total		\$2,613.50
Water - 11,712,000 gal. @ \$2.70/1000 gal	=	<u>\$31,622.40</u>
Total		<u>\$34,235.90</u>

An initial payment of 25% or \$8,558.97 will be due by 5/31/10, followed by 6 monthly payments of \$4,279.48 due on the first of each month, July through December. This payment plan is for billing due on 3/20/09 only and does not include any later consumption or billing. This recommended adjustment is subject to approval by the City Attorney.

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

Nays: None (0)

CARRIED.

**VII. Accountant**

May 13, 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 May 18, 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 Donovan

SECONDED by Alderman Zadzilka

That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated May 18, 2010 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$159,807.74
02	Water Fund	2,111.74
04	Sewer Fund	28,250.56
06	Capital Project Fund	96,486.05
07	Trust & Agency Fund	386.27
09	Capital – Buffalo Bolt	152,665.00
11	General Fund Encumbered	10,739.38
17	Home Rehab Program	73.00
	Final Total	<u>\$450,519.74</u>

Ayes: Andres, Pasiak, Zadzilka, Donovan, Schwandt  
Nays: None  
CARRIED.

(5)  
(0)

**IX. Public Works**

May 13, 2010

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

Re: Nash/Meadow Traffic Signalization  
Synchronization  
NYSERDA Grant  
Project No. DPW 2010-1

Honorable Body:

In February 2010, the City, through its Community Development Office (Chuck Bell) applied for a grant available under the American Recovery and Re-Investment Act (ARRA) to the New York State Energy Research and Development Authority (NYSERDA) for a Traffic Signalization Synchronization Project.

05-18-2010

The project is designed to study the current traffic patterns and conditions in the Nash Road corridor (TCMH to Ruie Road) and Meadow Drive corridor (Payne Avenue to Nash Road). The project will evaluate traffic signalization warrants for the intersections in these corridors, inventory existing equipment, develop a computerized model of the traffic controls necessary to optimize travel time and reduce delays and idling. The grant includes construction costs for the installation of new traffic signalization controls and a final report detailing the improvements made after installation. The City was advised last month that a grant in the amount of \$271,000. was approved by NYSERDA. The City will need to apply additional funding from its CHIPS allocation in the amount of \$55,000. to match this grant for a total project cost of \$326,000.

I prepared a Request for Proposal for Engineering Services necessary to study, design and report on the project's results. RFP's were sent to four (4) firms. Three (3) firms responded to this request. Their proposal costs were as follows:

<u>ENGINEERING FIRM</u>	<u>PROPOSAL COST</u>
Bergmann Associates	\$ 51,000.
FRA Eng. & Arch.	\$ 53,960.
Wendel-Duchscherer	\$125,900.

Mr. Dale Marshall, City Engineer and I reviewed these proposals and on a quality based evaluation we are in agreement in recommending the Bergmann Associates proposal to the Council. A copy of the RFP is enclosed.

I recommend that the proposal for Engineering Design Services Related to the Installation and Synchronization of Traffic Control Signals to Demonstrate the Benefits of Implementing a Coordinated Traffic Signal System be accepted from Bergmann Associates and that the Mayor be authorized to sign an Engineering Agreement based on that proposal with Bergmann Associates, Waterfront Village Center, 40 LaRiviere Drive, Suite 150, Buffalo, New York 14202-4306 and further that the Mayor be authorized to sign the grant contract with NYSERDA, all subject to the approval of the City Attorney.

Very truly yours,  
 Gary J. Franklin  
 Superintendent of Public Works

MOVED by Alderman Schwandt                      SECONDED by Alderman Zadzilka  
 That the Common Council hereby accepts the proposal for Engineering Design Services Related to the Installation and Synchronization of Traffic Control Signals to Demonstrate the Benefits of Implementing a Coordinated Traffic Signal System from Bergmann Associates and authorizes the Mayor to sign an Engineering Agreement based on that proposal with Bergmann Associates, Waterfront Village Center, 40 LaRiviere Drive, Suite 150, Buffalo, New York 14202-4306 and further, the Mayor is authorized to sign the grant contract with NYSERDA, all subject to the approval of the City Attorney.

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

Nays: None (0)

CARRIED.

XVI.1 City Clerk

Date: May 11, 2010

To: Mayor/Common Council

From: Scott P. Kiedrowski – City Clerk/Treasurer

Subject: Standard Work Day and Reporting Resolution

New Regulation 315.4 outlines additional reporting requirements for elected or appointed officials and more clearly defines the process for reporting time worked by those officials.

This regulation became effective August 12, 2009.

05-18-2010

I offer the following resolution for your consideration:

BE IT RESOLVED, that the City of North Tonawanda hereby establishes the following as standard work days for elected and appointed officials and will report (see attached) the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body.

MOVED by Alderman Schwandt                      SECONDED by Alderman Zadzilka  
BE IT RESOLVED, that the City of North Tonawanda hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

**Elected/Appointed Work Schedule City of North Tonawanda New York**

**ELECTED OFFICIALS:**

<u>TITLE</u>	<u>NAME</u>	<u>STANDARD WORK DAY</u>	<u>TERM BEGINS/ENDS</u>	<u>PARTICIPATES IN TIME KEEPING</u>	<u>DAY/ MONTH</u>
Mayor	Robert G. Ortt	7	1/01/10 12/31/13	Y	20
Clerk-Treasurer	Scott P. Kiedrowski	7	1/11/10 12/21/11	Y	20
Attorney	Shawn Nickerson	7	1/01/10 12/31/13	Y	20
Alderman	Catherine Schwandt	6	1/01/08 12/31/11	N	20
Alderman	Richard Andres	6	1/01/10 12/21/11	N	20

**APPOINTED OFFICIALS:**

Adm. Assistant Mayor's Office	Robert Welch	7	1/1/10 12/31/13	Y	20
Mayor Secretary	Suzanne Hempel	7	1/1/10 12/31/13	Y	20
Asst. Attorney	Robert Sondel	7	1/1/10 12/31/13	Y	20
Accountant	David R. Jakubaszek	7	N/A	Y	20
Assessor	Flora D. Carozzolo	7	N/A	Y	20
Building Inspector	Cosimo R. Capozzi	7	N/A	Y	20
Engineer	Dale W. Marshall	7	N/A	Y	20
Community Development	James B. Sullivan	7	N/A	Y	20
Fire Chief	Joseph L. Krantz	8	N/A	Y	20
Police Chief	Randy D. Szukala	8	N/A	Y	20
Public Works	Gary J. Franklin	8	N/A	Y	20
Wastewater/ Water	Vacant	8	N/A	Y	20
Recreation	Patricia Brosius	7	N/A	Y	20

Ayes: Andres, Pasiak, Zadzilka, Donovan, Schwandt  
Nays: None  
CARRIED.

(5)  
(0)

**XVI.2 Clerk****Date: May 14, 2010****From: City Clerk-Treasurer S. P. Kiedrowski****Subject: Glory Be to Kids 5K & Chowder Challenge/Waiver of Trailer/Permit Fees**

In reference to the above mentioned item. The North Tonawanda Department of Youth Recreation & Parks has advised the Mayor's Office that permit/trailer fees for the Glory Be to Kids 5K and Chowder Challenge had been waived in prior years.

This was then sent to the Common Council for discussion.

Please be advised that the Common Council has decided to waive any and all Park/Facility and trailer fees that pertain to the Glory Be to Kids 5K and Chowder Challenge event to be held on October 16, 2010 at Pinewoods Park.

**MOVED by Alderman Pasiak****SECONDED by Alderman Zadzilka**

That the Common Council hereby waives any and all Park/Facility and trailer fees that pertain to the Glory Be to Kids 5K and Chowder Challenge event to be held on October 16, 2010 at Pinewoods Park.

**Ayes: Andres, Pasiak, Zadzilka, Donovan, Schwandt****(5)****Nays: None****(0)****CARRIED.****XXV. Monthly Reports****.1 Treasurer****.4 Vital Statistics****.2 Treasurer Investments****.5 City Clerk****.3 Senior Citizens****MOVED by Alderman Pasiak****SECONDED by Alderman Donovan**

That the Common Council hereby receives and files the aforementioned Monthly Reports.

**CARRIED.****XXXII.1 Community Development****May 13, 2010****North Tonawanda Common Council****City Hall****216 Payne Avenue****North Tonawanda, NY 14120****Dear Honorable Body:**

As you are aware, the New York State Energy Research and Development Authority (NYSERDA) has indicated a willingness to award the City of North Tonawanda \$271,000 for Traffic Signal Synchronization. The Department of community Development is requesting the North Tonawanda Common Council authorize the Mayor to sign all appropriate agreements and documents corresponding to the City's grant through the NYSERDA's Implementation Funding for Small Municipalities.

Additionally, as present at the Common Council workshop on January 26, 2010, the Department of Community Development is requesting a commitment to provide a 16.92% "match" required to leverage the funding. The match would amount to \$55,000 and can be accounted for through in-kind services performed by the Department of Public Works, as well as traffic control equipment available through the City's current inventory.

I appreciate your consideration in this matter. If you have any questions, please contact me at extension 5517.

**Sincerely,****James B. Sullivan****05-18-2010**



**NOW, THEREFORE, BE IT RESOLVED** that the City of North Tonawanda authorize the Mayor to sign and submit a description of investment in the former Marina at 435 River Road to the Niagara River Greenway Commission as a project for a review of ‘consistency with the Niagara River Greenway Plan’.

**Ayes:** Andres, Pasiak, Zadzilka, Donovan, Schwandt

**(5)**

**Nays:** None

**(0)**

**CARRIED.**

### COMMUNICATIONS FROM OTHERS

The following item was pulled from the agenda prior to the meeting:

**A.**

**NT Catholic**

May 3, 2010

**Mr. Robert Ortt**

**Mayor of North Tonawanda**

**216 Payne Avenue**

**North Tonawanda, New York 14120**

**Dear Mr. Mayor:**

**On June 17, 18 and 19<sup>th</sup>, 2010, North Tonawanda Catholic School will hold its 16<sup>th</sup> annual Carnival on the grounds of St. Jude the Apostle Church, Niagara Falls Blvd. All proceeds from this Carnival will be used for the support of our school.**

**With your permission, we plan to close off the street next to the church, which I believe is Melody Lane.**

**We are asking the city for help so that we can make the weekend a huge success. We would like to request the following:**

- **Melody Lane be closed to vehicular traffic on June 17, 18 and 19, 2010.**
- **A trash packer and approximately 12 trash cans that can be used to move the trash to the packer.**
- **Some snow fence and stakes.**
- **Permission and assistance to place a banner over Payne Avenue.**
- **Street cones to protect the patrons.**
- **“No Parking” signs and road barricades.**

**We would like to take this opportunity to again thank the City for its great support in the past years, as we know we can count on you again for your support this year. If you should have any questions, please contact me at 957-0047 or Paul Wojtaszek at 583-4431.**

**Sincerely,**

**Tom Gariano**

**NTC Carnival General Chairperson**

**B.**

**Craig W. Greer**

**To: Mayor Robert Ortt  
City of North Tonawanda  
Common Council Members  
City Clerk**

**From: Craig W. Greer**

**Date: April 28, 2010**

**Subject: Transfer of ownership and property lease for  
Parcel #19 Weatherbest Slip  
North Tonawanda, New York 14120**



