

2010, in order to meet the “aging requirement” of Municipal Home Rule Law §20(4) of the State of New York.

If you concur, please refer said local law to the Mayor at this time to schedule a public hearing.

Should 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 approves Local Law No. 2 for 2010 which modifies Chapter 73 of the City Code, entitled “Real Property Tax Law” as follows; and further, refers it to the Mayor to schedule a Public Hearing:

LOCAL LAW NO. 2 FOR 2010

**A LOCAL LAW TO MODIFY CHAPTER 73
OF THE CITY CODE, ENTITLED “REAL PROPERTY TAX LAW”**

Chapter 73 of the City Code of the City of North Tonawanda, New York, entitled “Real Property Tax Law”, is amended as follows:

ARTICLE XIII – First Time Homebuyer Tax Exemption

§ 73-23. Exemption granted.

Newly-constructed primary residential property purchased by one or more persons, each of whom is a first-time homebuyer, and has not been married to a homeowner in the three years prior to applying for this first-time homeowners exemption, shall be exempt from taxation levied by or on behalf of the City of North Tonawanda in which such newly-constructed residential property is located, as provided by Real Property Tax Law § 457 and to the extent hereinafter provided.

§ 73-24. Newly-Constructed Homes.

The length of such exemption shall not exceed five (5) years, in accordance with the table below:

<u>Year of Exemption</u>	<u>Percentage Assessed Valuation Exempt from Tax</u>
1	50
2	40
3	30
4	20
5	10
6	0

- A. Any newly-constructed primary residential real property within the purchase price limits defined by the State of New York mortgage agency low interest rate mortgage program in the non-target, one-family new category for the County of Niagara and in effect on the contract date for the purchase and sale of such property, shall be eligible for the exemption allowed pursuant to this section.
- B. A first-time homebuyer shall not qualify for the exemption authorized pursuant to this section if the household income exceeds income limits defined by the State of New York mortgage agency low interest rate mortgage program in the nontarget one-and two-person household category for the county where such property is located and in effect on the contract date for the purchase and sale of such property.

§ 73-25. DEFINITIONS.

HOUSEHOLD INCOME – The total combined income of all the owners, and of any owners' spouses residing on the premises, for the income tax year preceding the date of making application for the exemption.

INCOME – The “adjusted gross income” for federal income tax purposes as reported on the applicant’s latest available federal or state income tax return, subject to any subsequent amendments or revisions, reduced by distributions, to the extent included in federal adjusted gross income, received from an individual retirement account and an individual retirement annuity; provided that if no such return was filed within the one-year period preceding taxable status date, “income” shall mean the adjusted gross income that would have been so reported if such a return had been filed. For purposes of this subdivision, “latest available return” shall mean the federal or state income tax return for the year immediately preceding the date of making application, provided however, that if the tax return for such tax year has not been filed, then the income tax return for the tax year two years preceding the date of make application shall be considered the latest available.

FIRST-TIME HOMEBUYER – A person who has not owned a primary residential property and is not married to a person who has owned a residential property during the three (3) year period prior to his or her purchase of the primary residential property, and who does not own a vacation or investment home.

PRIMARY RESIDENTIAL PROPERTY – Any one- or two-family house or townhouse located in the State of New York which is owner-occupied by such homebuyer. In no event shall a condominium or townhouse be considered “primary residential property” for the purposes of this chapter.

NEWLY-CONSTRUCTED – Any improvement to real property which was constructed as a primary residential property, and which has never been occupied, and was constructed after the effective date of this section. “Newly constructed” shall also mean that portion of a primary residential property that is altered, improved or reconstructed.

§73-26. Restrictions.

A). Newly-constructed primary residential property purchased by first time homebuyers at a sale price greater than the maximum eligible sales price shall qualify for the exemption allowed pursuant to this section for that portion of the sales price of such newly-constructed primary residential property equal to the maximum eligible sales price, provided, however, that any newly-constructed primary residential property purchased at a sales price greater than fifteen percent (15%) above the maximum eligible sales price shall not be allowed any exemption.

B). In the event that a primary residential property granted an exemption pursuant to this action ceases to be used primarily for residential purposes, or title thereto is transferred to other than the heirs or distributees of the owner, the exemption granted pursuant to this section shall be discontinued.

C). Upon determining that an exemption granted pursuant to this section should be discontinued, the assessor shall mail a notice so stating to the owner or owners thereof at the time, and in the manner provided by §510 of the Real Property Tax Law. Such owner or owners shall be entitled to seek administrative and judicial review of such action in the manner provided by law, provided that the burden shall be on such owner or owners to establish eligibility for the exemption.

D). Such exemption shall be granted only upon application by the owner of such building on a form filed with the assessor of North Tonawanda, having the power to assess property for taxation on or before the appropriate taxable status date of the City of North Tonawanda.

E). If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such primary residential property shall thereafter be exempt from taxation and special ad valorem levies as provided in this actions, commencing with the assessment roll prepared on the basis of the taxable status date referred to in subsection E of this section. The assessed value of any exemption

4

granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

§73-27. Effective date.

This local law shall take effect immediately and shall apply to all assessment rolls prepared on the basis of taxable status dates occurring on or after the effective date of this local law.

Ayes: Andres, Pasiak, Zadzilka, Donovan, Schwandt (5)
Nays: None (0)
CARRIED.

V. Water

May 26, 2010

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

Re: Bar Screen Replacement
Fairfield Service Co.
Bid awarded 6/23/09

Dear Honorable Body:

On June 23, 2009, the Common Council awarded the bid to furnish and install one new mechanically cleaned bar screen to replace the bar screen number two at the Wastewater Treatment Plant. The contractor has satisfactorily completed the project with no change orders and requests release of the retained percentage.

I recommend that the bar screen project be accepted at the original bid amount of \$197,000.00 and that the retained percentage of \$19,700.00 be released to Fairfield Service Company of Indiana, LLC, 2890 Harding Highway East, Suite A, Marion, Ohio.

Very Truly Yours
Gary J. Franklin
Superintendent NT DPW

MOVED by Alderman Pasiak SECONDED by Alderman Zadzilka
The Common Council hereby accepts the Bar Screen Replacement Project at the original bid amount of \$197,000.00 and authorizes the retained percentage of \$19,700.00 be released to Fairfield Service Company of Indiana, LLC, 2890 Harding Highway East, Suite A, Marion, Ohio.

Ayes: Andres, Pasiak, Zadzilka, Donovan, Schwandt (5)
Nays: None (0)
CARRIED.

VII. Accountant

May 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.

06-01-2010

Accordingly, please authorize for payment the current Warrant of Claims for Common Council audit, dated June 1, 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 June 1, 2010 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$571,206.68
02	Water Fund	48,852.61
04	Sewer Fund	104,441.62
07	Trust & Agency Fund	68.00
11	General Fund Encumbered	4,078.58
17	Home Rehab Program	<u>11,381.00</u>
	Final Total	<u>\$740,028.49</u>

Ayes: Andres, Pasiak, Zadzilka, Donovan, Schwandt (5)
Nays: None (0)
CARRIED.

X. Police

May 13, 2010

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

Dear Honorable Body:

Would you please appoint the following as Commissioner of Deeds for the City of North Tonawanda beginning June 18, 2010:

Edward A. Smolinski, 1097 Sweeney St., North Tonawanda, NY 14120

Would you also reappoint the following as Commissioner of Deeds for the City of North Tonawanda beginning June 18, 2010:

William R. Hall, 85 Donald Dr., North Tonawanda, NY 14120
Bradley M. Shiesley, 4909 Ridge Rd., Lockport, NY
Robert W. Kalota, 5882 Shawnee Rd., Cambria, NY

Randy D. Szukala
Chief of Police

MOVED by Alderman Pasiak **SECONDED** by Alderman Andres
That the Common Council hereby appoints Edward A. Smolinski, 1097 Sweeney St., North Tonawanda, NY 14120; William R. Hall, 85 Donald Dr., North Tonawanda, NY 14120; Bradley M. Shiesley, 4909 Ridge Rd., Lockport, NY and Robert W. Kalota, 5882 Shawnee Rd., Cambria, NY as a Commissioner of Deeds for the City of North Tonawanda effective June 18, 2010 expiring June 17, 2012.
CARRIED.

On June 18th and 19th, 2010, St. Jude the Apostle Parish will hold a Carnival on the grounds of St. Jude the Apostle Church, Niagara Falls Blvd. All proceeds from this Carnival will be used toward the Church.

With your permission, we plan to close off the street next to the church, which 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 will be closed to vehicular traffic on June 18th and 19th, 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.
- 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 Karen at 930-2371 or the rectory office at 694-0540.

Sincerely,
Karen Heaton
Chairperson/NT Carnival

MOVED by Alderman Donovan SECONDED by Alderman Zadzilka
That the Common Council hereby grants the requests of the St. Jude the Apostle Church for its Carnival on the grounds of their Church on Niagara Falls Blvd. June 18th and 19th, 2010 as follows:

- Melody Lane will be closed to vehicular traffic on June 18th and 19th, 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.
- Street cones to protect the patrons.
- "No Parking" signs and road barricades.

Ayes: Andres, Pasiak, Zadzilka, Donovan, Schwandt (5)
Nays: None (0)
CARRIED.

C.
Lumber City Development Corporation

May 28, 2010

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

May 28, 2010

Dear Honorable Body:

As you are aware, the City of North Tonawanda requested that the Lumber City Development Corporation (LCDC) review proposals for a redevelopment study and design report for the City owned former marina property on River Road. The LCDC received four proposals that were reviewed by the Projects Committee with input from the North Tonawanda City Engineer.

At the Projects Committee meeting held on Thursday, May 27th, we decided to recommend the City contract with Applied Technology & Management for the redevelopment study and design report.

