

**THE HONORABLE BODY  
Council Chambers  
Municipal Building  
North Tonawanda, New York 14120  
Tuesday, April 19, 2011  
6:30P.M.**

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**REGULAR SESSION CALLED TO ORDER BY PRESIDENT SCHWANDT**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

**Absent: Alderman Andres  
City Attorney Shawn P. Nickerson**

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

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSION APRIL 5, 2011**

**MOVED by Alderman Zadzilka                      SECONDED by Alderman Donovan  
That the minutes of the regular session held April 5, 2011 be approved as circulated and filed  
in the Office of the City Clerk-Treasurer.  
CARRIED.**

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**PROOF OF PUBLICATION PUBLISHED MARCH 3, 2011**

**1) Bid – Parking Lot Lighting Luminaires & Poles on Manhattan Street – Public Works**

**PROOF OF PUBLICATION PUBLISHED MARCH 22 & 29, 2011**

**1) Legal Notice – Notice for the Collection of City 2011 Taxes – City Clerk-Treasurer**

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

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**AUDIENCE PARTICIPATION**

**Mike Gondek, 257 Brentwood Drive – Inquired about the recycling Contract Extension.  
Wanted to know the type of products that could be recycled.**

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**COMMUNICATIONS FROM CITY OFFICIALS**

**VII. Accountant**

**April 14, 2011**

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

**Dear Honorable Body:**

**04-19-2011**

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 April 19, 2011, 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 Zadzilka  
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated April 19, 2011 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$125,014.79
02	Water Fund	19,217.39
04	Sewer Fund	38,234.83
06	Capital Project Fund	43,607.01
07	Trust & Agency Fund	60.00
11	General Fund Encumbered	<u>46,724.08</u>
	Final Total	<u>\$272,858.10</u>

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

#### IX. Public Works

April 5, 2011

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

Re: Recycling Agreement Extension

Honorable Body:

Enclosed please find a copy of a letter from Allied Waste This letter proposes two changes for the fourth and final extension to the Recycling Agreement that would run until 10/31/2015 if agreed to. The proposed change to "single stream" collection would be a great benefit to the City in that it will reduce our collection costs. These savings will more than offset the reduction in the educational assistance monies.

I have also advised the City Attorney of this extension agreement.

I request that the Council pass a resolution agreeing to the fourth extension with the added changes for the Recycling Agreement with Allied Waste, subject to the approval of the City Attorney.

Very truly yours,  
Michael Guidotti  
Acting Superintendent of Public Works

MOVED by Alderman Zadzilka                      SECONDED by Alderman Donovan  
That the Common Council hereby approves the fourth and final extension to the Recycling Agreement with Allied Waste that will run until October 31, 2015 which includes a change to "single stream" collection, subject to the approval of the City Attorney.

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

**XI. Fire****March 30, 2011**

**To: Honorable Mayor Robert G. Ortt  
 From: A. C. John Lapham  
 Re: Firemen's Inspection Parade**

**Dear Mr. Mayor,**

**As this year's parade chairman for the North Tonawanda Fire Department, I would like to extend an invitation to you, and all City Officials, to participate in the annual celebration of our City Firefighter's Inspection Parade, which will take place on June 18, 2011.**

**At this time, I respectfully request you issue a parade permit for this year's annual Firemen's Inspection Parade.**

**This year's parade will originate in North Tonawanda, starting at Oliver and Robinson Sts. proceeding south on Oliver to Goundry, west to Webster St., south to Renaissance Bridge into Tonawanda. A reviewing area will be set up for City officials and Department Officers at the intersection of Main and Broad Sts.**

**As in past years, I ask that you also choose the "Best Appearing" company, from the North Tonawanda units.**

**I would also ask that the Police Dept. erect "No Parking" signs along the route, starting at the Renaissance Bridge, north on Webster to Goundry, East on Goundry to Oliver St. North on Oliver to Sommer St.**

**If you have any questions please contact me at Fire Headquarters, 693-2201, anytime.**

**Sincerely,**

**John C. Lapham  
 Assistant Chief  
 2011 Parade Chairman**

**Kenneth Brennan  
 Parade Assistant**

**MOVED by Alderman Donovan**

**SECONDED by Alderman Zadzilka**

**That the Common Council hereby authorizes the Mayor to issue a Parade Permit for the Annual Firemen's Inspection Parade to be held on Saturday, June 18, 2011 and directs the Police Dept. to erect "No Parking" signs along the route, starting at the Renaissance Bridge, north on Webster to Goundry, East on Goundry to Oliver St., North on Oliver to Sommer St.**

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

**(4)**

**Nays: None**

**(0)**

**CARRIED.**

**XIX. Building Inspector**

**To: Mayor and Common Council  
 From: Cosimo R. Capozzi  
 Building Inspector**

**Date: April 14, 2011  
 Re: Weed Cutting Contract**

**Attached please find copy of the only proposal received by this department for brush and weed cutting and clean up of private property for 2011 season.**

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

**I therefore recommend that the 2011 weed contract be awarded to Deering Landscape Contractors of 310 Warner Avenue, North Tonawanda. This company is fully licensed and properly insured.**

**Cosimo Capozzi  
 Building Inspector**

**04-19-2011**



**NOW, THEREFORE BE IT RESOLVED** that the Common Council and Mayor are in support of the LCDC's submittal of an application to the New York Housing Trust Fund Corporation in the amount of \$310,000 through the 2011 New York Main Street Program.

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

**Nays:** None (0)

**CARRIED.**

## **XXXII.2 Community Development**

**April 13, 2011**

**The Honorable Common Council  
216 Payne Avenue  
North Tonawanda, NY 14120**

**Dear Honorable Body:**

It has been brought to my attention by representatives from the Dormitory Authority of the State of New York that an additional document is needed to finalize the grants for the Remington Lofts on the Canal, LLC, 184 Webster Street, North Tonawanda, NY 14120.

They are requiring a document which will assure them that Kissling Interests, LLC will assume all costs of development over and above the noted New York State grants and the construction loan.

Consequently, I have prepared a Memo of Understanding, which has been reviewed by the City Attorney. I am respectfully requesting that this Honorable Body authorize the mayor to sign said agreement.

Thank you for your consideration in this matter.

**Sincerely,  
James B. Sullivan  
Director**

**MOVED** by Alderman Donovan                      **SECONDED** by Alderman Schwandt  
**WHEREAS**, the City of North Tonawanda ("City"), and Kissling Interests, LLC ("Developer") are both desirous of having a successful development of the property located at 184 Sweeney Street known as Remington Lofts on the Canal for the purposes of creating eighty-one (81) live/work loft apartments and three (3) commercial spaces on the first floor; and

**WHEREAS**, the "City", in a collaborative effort with the "Developer", has applied for and been awarded a RESTORE NY grant from NYS Empire State Development in the amount of \$1 million to be utilized towards construction costs for the project; and

**WHEREAS**, the "City", in addition, has applied for two grants through the Dormitory Authority of the State of New York, one being an amount of \$250,000 under the Economic Development Capital Assistance Program ("EDCAP") and another in the amount of \$500,000 under the Community Capital Assistance Program ("CCAP") to be utilized for construction costs and public site improvements for the project; and

**WHEREAS**, the "City" has received documentation certifying that the "Developer" has secured a construction loan from First Niagara Bank for said project; and

**WHEREAS**, the representatives from the "City" are continuing their efforts to secure any other additional funding sources that may be applied towards the development costs; and

**WHEREAS**, it is required by the NYS grant sources noted above that the "Developer" indicates a commitment that it will be responsible monetarily for any construction and soft costs budget overages;

NOW, THEREFORE, it is hereby agreed by and between the “City” and the “Developer” as follows:

That Kissling Interests, LLC agrees to be responsible for any budget overruns, over and above the above noted grant funds and constructions loan, pertaining to the development known as Remington Lofts on the Canal located at 184 Sweeney Street, North Tonawanda, NY 14120.

Further, it is understood, that the City of North Tonawanda will make every effort to secure any additional funding sources, where applicable, for the benefit of the development at 184 Sweeney Street, North Tonawanda, NY 14120.

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

Nays: None (0)

CARRIED.

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**COMMUNICATIONS FROM OTHERS**

A.  
Louis H. Sprenger

April 11, 2011

Honorable Mayor and Common Council  
216 Payne Avenue  
North Tonawanda, New York 14120

Dear Honorable Body:

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

Sincerely,  
Louis H. Sprenger  
46 Oakwood Terrace  
North Tonawanda, NY 14120  
695-3309

MOVED by Alderman Schwandt                      SECONDED by Alderman Pasiak  
That the Common Council hereby appoints Louis H. Sprenger, 46 Oakwood Terrace, North Tonawanda as Commissioner of Deeds for the City of North Tonawanda from April 20, 2011 expiring April 19, 2013.  
CARRIED.

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B.  
NTAA

March 24, 2011

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

Dear Members of the Common Council:

On June 17<sup>th</sup> and 18<sup>th</sup>, 2011, St Jude The Apostle Parish will be holding a Carnival on the grounds of St. Jude the Apostle Parish, Niagara Falls Blvd. It will also be holding Wegman's, St Jude the Apostle “AWESOME” 5K Run to benefit our capital building fund. The run along with a children's race will be on June 18<sup>th</sup>.

In conjunction with the Carnival and Awesome 5K run, we are asking permission to close off Melody Lane which is next to the Church for these events.

We are also requesting the following for that weekend:

- A trash packer and approximately 12 trash cans for the event
- Snow fence and stakes
- Street cones, no parking signs and barricades
- Police assistance and ambulance presence during the 5K Run and children's race.
- Permission to use the streets of NT for the race, which begins at 9:30am on Lyric to Erie to Wurlitzer, to Vanderbilt to Deerfield to Ohio to NFB and back to Melody Lane The Children's race will start on Lyric, move across Erie to Ellwood and back.

Insurance certificates will be provided to the City as we get close to the Carnival dates.

We would like to take this opportunity to thank the City for its great support in the past, as we know we can count on 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 Parish for its Carnival on the grounds of their Church on Niagara Falls Blvd. June 17<sup>th</sup> and 18<sup>th</sup>, 2011 as follows:

- A trash packer and approximately 12 trash cans for the event
- Snow fence and stakes
- Street cones, no parking signs and barricades
- Police assistance and ambulance presence during the 5K Run and children's race.
- Use of the following streets for the race, which begins at 9:30am:
  - Lyric to Erie to Wurlitzer, to Vanderbilt to Deerfield to Ohio to Niagara Falls Blvd. and back to Melody Lane.
  - The Children's race will start on Lyric, move across Erie to Ellwood and back.

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

C.  
Carrousel Museum

April 11, 2011

Mayor Robert Ortt  
City Hall  
216 Payne Avenue  
North Tonawanda, NY 14120

Dear Mayor Ortt:

As per our agreement with the City, I am notifying you that the Carrousel Museum will be presenting a Renaissance Festival in the Linear Park adjacent to the museum on Saturday, June 4, 2011 from 11:00 AM - 6:00 PM .

We are also requesting use of Felton Field for the day - the portion outside the ballpark, as in the past 7 years.

The Society for Creative Anachronism, which is presenting the activities, will be supplying an insurance certificate to the city.

04-19-2011

Additional assistance from the City is requested as follows:

- 1- Fencing to close in the linear park from Thompson to Lincoln, as in the past.
- 2- 8 tables from Parks Dept.
- 3- 6 trash cans
- 4- street barriers to close off Thompson St. between Vandervoort and Lincoln
- 5- permission to hang a promotional banner across Payne Ave. as in the past
- 6- although we had no difficult situations at all in the past 7 years, it may be helpful to have auxiliary police on hand to assist people crossing the street

Thank you for your continuing support for the museum.

Yours truly,  
Rae Proefrock  
Director

MOVED by Alderman Pasiak

SECONDED by Alderman Donovan

That the Common Council hereby approves City assistance to the Carrousel Museum for their Renaissance Festival in the Linear Park adjacent to the museum on Saturday, June 4, 2011 from 11:00AM – 6:00PM and the use of Felton Field for the day (the portion outside the ballpark) as follows:

1. Fencing to close in the linear park from Thompson to Lincoln.
2. 8 tables from Parks Dept.
3. 6 trash cans
4. Street barriers to close off Thompson St. between Vandervoort and Lincoln
5. Permission to hang a promotional banner across Payne Ave.
6. Auxiliary police to assist people crossing the street.

Ayes: Pasiak, Donovan, Zadzilka, Schwandt

(4)

Nays: None

(0)

CARRIED.

D.

NT National Little League

April 12, 2011

Mr. Scott Kiedrowski City Clerk, Treasurer and Registrar of Vital Statistics  
216 Payne Ave.  
North Tonawanda, NY 14120

Dear Mr. Kiedrowski,

It's finally springtime and the North Tonawanda National Little League is excited to announce this year's Baseball Parade and Opening Ceremonies to kick off our 2011 season. NTNLL has been providing a wonderful opportunity for the youth of North Tonawanda and surrounding communities to engage in America's pastime since 1952.

We are inviting you to say a few words after the parade and to stay with us to watch this year's first pitch! Our volunteers, parents, and players would be honored if you joined us for the festivities.

The North Tonawanda National Little League Parade opening ceremonies and parade schedule on the morning of May 14th, 2011 is as follows:

- Parade Walkers report to Lowry Middle School and be in formation by 9:30, ready to march at 10am
- Parade Walkers return to NTNLL Fields and Clubhouse at 550 Wheatfield Street by 10:20 for speaker event
- Speakers for opening ceremonies begin at 10:20am
- First Pitch at 10:45am

Thank you for your continued support! Please contact me at 716-472-1923 or feel free to email me at [kchillingworth@roadrunner.com](mailto:kchillingworth@roadrunner.com) with any questions and to RSVP for the event. The league website may be viewed at <http://www.ntnll.com>.

Sincerely,  
**Kelly (Fuller) Chillingworth**  
 NTNLL Board Member

**MOVED** by Alderman Pasiak                      **SECONDED** by Alderman Zadzilka  
 That the Common Council hereby authorizes the Mayor to issue a Parade Permit for the North Tonawanda National Little League Parade on Saturday, May 14, 2011 at 10:00am. The parade route is from Lowry School on Payne Avenue turning west on to Wheatfield Street to the NTNLL fields and Clubhouse at 550 Wheatfield Street.  
 Ayes: Pasiak, Donovan, Zadzilka, Schwandt (4)  
 Nays: None (0)  
**CARRIED.**

**E.**  
 Alderman Eric Zadzilka

April 15, 2011

Honorable Common Council  
 216 Payne Avenue  
 North Tonawanda, NY 14120

**Re: Water Billing**

**Dear Honorable Body:**

I respectfully request the removal of Water Bill late fees for 589 Wurlitzer Drive. The resident had a legitimate extenuating circumstance which warrants the removal of said fees.

Respectfully,  
 Eric Zadzilka  
 Alderman 3<sup>rd</sup> Ward

**MOVED** by Alderman Zadzilka                      **SECONDED** by Alderman Pasiak  
 That the Common Council hereby approves the removal of the Water Bill late fees for 589 Wurlitzer Drive.  
 Ayes: Pasiak, Donovan, Zadzilka, Schwandt (4)  
 Nays: None (0)

#### **AUDIENCE PARTICIPATION**

**Mark Houghton, 1246 Payne Avenue – Informed the Common Council that the Charter will have to be changed due the re-drawing of the County Legislative Districts. Didn't want the City to be subject to a Federal Lawsuit.**

**Mark Lemke, 320 Oakdale Drive – Inquired about the Stop Sign affixed to a large steel based support by Fitness 19 in Mid City Plaza. Told the Common Council that the Pole in constantly being struck by cars and needs to be removed.**

**Mike Gondek, 257 Brentwood Drive – Inquired about the paving plan for the City Roads. Spoke on the recycling program that the city currently uses.**

**Ann Finkle, 896 Sun Valley Drive – Inquired what will happen if just the base coat is applied without the top finish coat during the winter.**

**Chris Carey, 610 Sweeney Street – Inquired about the Traffic Study that was done for Meadow Drive.**

**ADJOURNMENT**

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

**Time of Adjournment: 7:13P.M.**

**Respectfully submitted,**

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