

**THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, June 7, 2011
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**

APPROVAL OF THE MINUTES OF THE REGULAR SESSION MAY 17, 2011

**MOVED by Alderman Zadzilka SECONDED by Alderman Donovan
That the minutes of the regular session held May 17, 2011 be approved as circulated and filed
in the Office of the City Clerk-Treasurer.
CARRIED.**

APPROVAL OF THE MINUTES OF THE SPECIAL SESSION MAY 24, 2011

**MOVED by Alderman Donovan SECONDED by Alderman Andres
That the minutes of the regular session held May 24, 2011 be approved as circulated and filed
in the Office of the City Clerk-Treasurer.
CARRIED.**

AUDIENCE PARTICIPATION – None

COMMUNICATIONS FROM CITY OFFICIALS

I. Mayor

May 25, 2011

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

Re: Re-appointment to North Tonawanda Traffic Safety Committee

Dear Honorable Body:

**Please be advised that I am re-appointing Robert Frank, 316 Brentwood, North
Tonawanda, NY 14120, to the Traffic Safety Committee, effective immediately for a term
of (3) three years expiring December 31, 2013.**

06-07-2011

Thank you for your attention to this matter.

Faithfully,
Robert G. Ortt
Mayor

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

II. Attorney

June 2, 2011

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

Re: 5 Spencer Avenue
North Tonawanda, New York

Dear Honorable Body:

Eugene Boyer, the owner of the house at 5 Spencer Street, has offered to donate his property to the city. Mr. Boyer was taken to housing court but is not financially able to make the necessary repairs to bring his property into compliance with the building code. In lieu of continuing in housing court, Mr. Boyer would like to donate the property to the city. He has obtained the necessary releases of liens from M & T Bank and Cedarcrest Fund.

If you concur, please authorize this office to do whatever is necessary to transfer the parcel into the city's name. Thank you.

Very truly yours,
Robert Sondel
Assistant City Attorney

MOVED by Alderman Andres **SECONDED** by Alderman Zadzilka
That the Common Council hereby accepts the donation of the property at 5 Spencer Street to the City of North Tonawanda. This donation and all requisite paperwork are subject to review by the City Attorney's Office.

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

IV.1 Engineer

June 2, 2011

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

Re: Northwest Storm Sewer, Phase II, Project 2010-8
Preliminary Engineering and Drainage Study Agreement

Honorable Body:

Earlier this year the city entered into an agreement with the Town of Wheatfield to allow a hydraulic connection of the town's southern drainage system into the city's Northwest Storm Sewer Outfall. The city received a payment in the amount of \$50,000 from the town for the connection. I have received the design plans from the town's engineer, Wendel, and they are currently under review.

As part of the city's partnership with the town and Niagara County on the second phase of the Northwest Storm Sewer Project, the city will be investigating a drainage connection of its own to the county/town ditch system that will now be connected to the Northwest Storm Sewer Outfall in order to alleviate flooding at the north end of Witmer Road.

Accordingly, I respectfully request the Common Council approve the enclosed preliminary engineering and drainage study agreement with Wendel, 140 John James Audubon Parkway, Buffalo, NY 14228, in an amount not to exceed \$23,000; authorizing the Mayor to sign said agreement subject to the review by the City Attorney.

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

MOVED by Alderman Pasiak

SECONDED by Alderman Donovan

That the Common Council hereby approves the aforementioned preliminary engineering and drainage study agreement with Wendel, 140 John James Audubon Parkway, Buffalo, NY 14228, in an amount not to exceed \$23,000 and authorizes the Mayor to sign said agreement subject to the review by the City Attorney.

Ayes: Andres, Pasiak, Donovan, Zadzilka, Schwandt

(5)

Nays: None

(0)

CARRIED.

IV.2 Engineer

June 2, 2011

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

**Re: Frederick B. Durkee Memorial Bridge
PIN 5757.27
Taylor Drive Over Little River, BIN 2260960
Right-of Way-Acquisition Agreement**

Honorable Body:

On May 2, 2011 the Common Council passed a resolution and authorized the Mayor to sign the supplemental agreement with the New York State Department of Transportation that indicated the City's commitment to participate in the administration and funding of the right-of-way acquisition phase of the Frederick B. Durkee Memorial Bridge Rehabilitation Project.

Accordingly, I respectfully request that the Common Council approve the enclosed supplemental agreement for right-of-way acquisition with Abate Associates Engineers & Surveyors, P.C., 4455 Genesee Street, P.O. Box 218, Buffalo, NY 14225-0218; in an amount not to exceed \$26,624; and authorize the Mayor to sign said agreement subject to review by the City Attorney.

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

06-07-2011

Honorable Body:

We would like to trade the North Tonawanda City School District our surplus 1992 Ford bucket truck for their surplus 2001 GMC small school bus. The old bucket truck is in usable condition and will be used by the School District to repair lights and multiple other maintenance tasks. We are in need of a vehicle to be used for our paving crew; the small bus will serve that purpose.

I am requesting approval to go forward with this transaction, subject to the approval of the City Attorney. This was approved by the School Board on 4/8/2011.

Very truly yours,
 Bradley A. Rowles
 Superintendent of Public Works

MOVED by Alderman Donovan **SECONDED** by Alderman Pasiak
 That the Common Council hereby grants permission to the Superintendent of Public Works to trade a surplus 1992 Ford bucket truck to the North Tonawanda City School District for their surplus 2001 GMC small school bus to be used by the paving crew, subject to the approval of the City Attorney.

Ayes: Andres, Pasiak, Donovan, Zadzilka, Schwandt

(5)

Nays: None

(0)

CARRIED.

XVI. Clerk-Treasurer

June 2, 2011

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

Re: Parking Ticket Amnesty

Dear Honorable Body:

My office has been working diligently over the last year to bring the parking ticket violations list into a manageable workable document. We have had great success in paring the list down however the current listing is still too large and very cumbersome.

Many of the dates on the overdue parking tickets date back prior to my arrival at City Hall however; I am committed to cleaning up these lingering violations.

As per my meeting with you regarding the backlog of overdue parking tickets, I am respectfully requesting that you allow the City Clerk-Treasurers Parking Ticket Violations Bureau to offer an amnesty program for these unpaid parking tickets.

I would ask that any past due parking tickets be reduced to their original amount if paid during the month of July 2011.

In the event that the past due tickets are not paid, the city will reserve the right to take any necessary lawful steps to collect the past due amount. My office will work in conjunction with the City Attorney's Office to ensure all of the proper steps are followed regarding this amnesty program.

Respectfully,
 Scott P. Kiedrowski
 City Clerk-Treasurer
 City of North Tonawanda

As you are aware, Applied Technology & Management who completed the original Marina Study, has been very successful in securing these grants for other marinas across the country. The latest being a \$1,000,000 grant for the Clayton, NY marina last year.

ATM has submitted a proposal to prepare an application for the Infrastructure grant in the amount of \$8,800.00. Further, there remains a retainer balance of \$2,372.07 regarding the original study which can be applied to the ATM proposal, leaving a total cost of \$6,427.93 to prepare the Infrastructure grant.

The Community Development Department is respectfully requesting that the Council authorize the mayor to execute a contract with ATM, in the amount of \$6,427.93, for the purposes of preparing a Boating Infrastructure Grant application for the Gratwick-Riverside Park marina.

Your continued cooperation is appreciated.

Sincerely,
James B. Sullivan
Director

MOVED by Alderman Pasiak

SECONDED by Alderman Andres

That the Common Council hereby authorizes the Mayor to execute a contract with Applied Technology & Management, in the amount of \$6,427.93, for the purposes of preparing a Boating Infrastructure Grant application for the Gratwick-Riverside Park Marina, subject to the approval of the City Attorney.

Ayes: Andres, Pasiak, Donovan, Zadzilka, Schwandt

(5)

Nays: None

(0)

CARRIED.

XXXII.2 Community Development

May 23, 2011

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

Re: 2010 NYS HOME Rehabilitation Program

Dear Honorable Body:

As presented to the Council at the May 10th Workshop meeting, the Community Development Department is desirous of securing Program Delivery Services for the above noted Program. The Department publically bid for these services on April 5th and April 7th, 2011. There was one bid received from Belmont Housing Resources of Western New York. It should be noted that the cost of these services will be included in the \$400,000 grant the City received from the NYS Housing Trust Fund.

Consequently, I am respectfully requesting this Honorable Body authorize the Mayor to execute an agreement with Belmont Housing Resources of Western New York for Program Delivery services for the NYS 2010 HOME Rehabilitation Program.

Your continued cooperation is appreciated.

Sincerely,
James B. Sullivan
Director

MOVED by Alderman Donovan

SECONDED by Alderman Andres

That the Common Council hereby authorizes the Mayor to execute an agreement with Belmont Housing Resources of Western New York for Program Delivery Services for the NYS 2010 HOME Rehabilitation Program, subject to approval of the City Attorney.

Ayes: Andres, Pasiak, Donovan, Zadzilka, Schwandt

(5)

Nays: None

(0)

CARRIED.

COMMUNICATIONS FROM OTHERS

A.

Common Council

-

Re: A resolution calling upon New York State Assembly Speaker Sheldon Silver to cease obstructionist tactics regarding the implementation of UB 2020 and to apologize for statements showing a disregard for residents of Western New York.

MOVED by Alderman Pasiak

SECONDED by Alderman Donovan

WHEREAS, UB 2020, a plan to reshape the State University of New York system's University at Buffalo as a university center, thus providing a significant economic infusion for the Greater Buffalo area and providing a premier education center in Western New York, received an affirmative vote by and passage in the New York State Senate on March 2 of this year, in the form of S.3143A, sponsored by the Honorable Mark J. Grisanti, and

WHEREAS, the UB 2020 plan has failed to secure passage in the New York State Assembly due directly to the objections and obstructionist tactics of Speaker of the Assembly Sheldon Silver, himself a resident of Manhattan, and of Member of the Assembly Deborah J. Glick, also a resident of Manhattan, both of whom have been vocal in opposition to and criticism of the UB 2020 plan, and

WHEREAS, Mr. Silver did state that Western New York-based supporters of UB 2020 needed to "lower their expectations" on May 23 of this year, and

WHEREAS, despite his opposition to state expenditures for UB 2020, and virtually any other project that benefits Upstate New York, Mr. Silver has provided more than \$7 million per year in "grants" to various organizations within his Assembly District, such as the United Jewish Council of the East Side, the Lower Manhattan Cultural Center, the Lower East Side Tenement Museum, the Chinatown YMCA, and the Council for a Cleaner Chinatown, and

WHEREAS, to date, Member of the Assembly Robin Schimminger, who represents the City of North Tonawanda in the New York State Assembly, has failed to admonish Speaker Silver for his callous disregard for Western New Yorkers, and has also failed to secure committee passage and a floor vote for A.5799, the companion to S.3143A, which was passed by the Senate at the urging of a freshman member of the Senate, Senator Grisanti, despite Mr. Schimminger having served in the Assembly since 1976 and being listed as A.5799's lead sponsor, and

WHEREAS, the City of Buffalo did, during the decade from 2000 to 2010, lose 31,000 people, or 11 percent of its population, with Buffalo suburbs throughout Western New York including the City of North Tonawanda losing less substantial but not insignificant portions of their population, and

WHEREAS, the failure of New York State to invest in key state infrastructure, namely the University at Buffalo and the UB 2020 plan, will further hasten the decline of Western New York's population through the loss of local jobs, now, therefore be it

RESOLVED, that the North Tonawanda Common Council does admonish Mr. Silver for his derelict remarks regarding Western New York and demand an immediate apology to the people of Western New York for those intemperate remarks, and be it further

RESOLVED, that the North Tonawanda Common Council does call upon Mr. Silver to discharge A.5799 from committee and allow for a full floor vote by the Assembly, and be it further

RESOLVED, that the North Tonawanda Common Council does call upon Mr. Schimminger to utilize his seniority within the Assembly, an institution in which he has served for 34 years, to secure discharge from the Higher Education Committee and a floor vote on A.5799, a bill on which he is listed as the prime sponsor, and be it further

RESOLVED, that the North Tonawanda Common Council does further call upon Mr. Schimminger to admonish and rebuke Mr. Silver for his callous remarks regarding Western New Yorkers' "expectations", and be it further

RESOLVED, that the City of North Tonawanda shall forward copies of this Resolution to Senate Vice President Pro Tem George D. Maziarz; Senator Mark J. Grisanti; Member of the Assembly Robin Schimminger; Speaker of the Assembly Sheldon Silver; Assembly Majority Leader Ronald J. Canestrari; Assembly Minority Leader Brian M. Kolb; Member of the Assembly Deborah J. Glick, and all others deemed necessary and proper.

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

Nays: None (0)

CARRIED.

B.
Joseph Boccolucci

May 6, 2011

Office of the Mayor
City Hall
216 Payne Ave
No Tonawanda, NY 14120

Dear Mayor Ortt:

On behalf of the 2011 Canal Fest Parade Committee, I would like to request a permit for our parade, which is scheduled to be held July 19, 2011 from 6:00 to 9:00 pm.

The parade will form in the City of Tonawanda at Minerva and Main Streets. It will then proceed into North Tonawanda using Webster Street thru the triangle to Main Street.

Sincerely,
Joseph Boccolucci
Parade Chairperson

MOVED by Alderman Schwandt **SECONDED** by Alderman Andres
That the Common Council hereby authorizes the Mayor to issue a permit for the Canal Fest Parade to be held on July 19, 2011 from 6:00pm to 9:00pm. The parade will form in the City of Tonawanda at Minerva and Main Streets. It will then proceed into North Tonawanda using Webster Street thru the triangle to Main Street.

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

Nays: None (0)

CARRIED.

C.
Carrousel Museum

May 13, 2011

Mayor Robert Ortt and
North Tonawanda Common Council City Hall
Payne Ave.
North Tonawanda, NY 14120

Dear Mayor Ortt and Council Members:

The Carousal Society of the Niagara Frontier has used the fire tower site on Tonawanda Island with permission during Canal Fest for the past 15 years or more. We are once again

requesting the use of this site for the camping trailers of the amusement ride company, Powers Great American Midway.

Should you have any questions I would be happy to meet with you at any time.

Yours truly,
Charles W. Proefrock, President

MOVED by Alderman Zadzilka **SECONDED** by Alderman Andres
That the Common Council hereby grants permission to the Carousel Society of the Niagara Frontier to use the fire tower property on Tonawanda Island for the camping trailers of the amusement ride company, Powers Great American Midway, during the Canal Fest.
Ayes: Andres, Pasiak, Donovan, Zadzilka, Schwandt (5)
Nays: None (0)
CARRIED.

D.
Tammy Codick

To Whom It May Concern:

We are all interested in having a block party on July 4th, 2011. We are located on Keil St. between Oliver and North Marion. Listed below are everyone's name and address and signature on the street. We are hoping to have barricades put up on each end of the street. Thank you for your time.

Tammy Codick – 779-3691
394 Oliver Street
North Tonawanda, NY 14120

Barb & John Long
32 Keil Street
North Tonawanda, NY 14120

Tammy J. O'Connor
23 Keil Street
North Tonawanda, NY 14120

Lois Drake
404 Oliver Apt 4
North Tonawanda, NY 14120

Terry Hines
28 Keil Street
North Tonawanda, NY 14120

Tammi Cote & Mike
404 Oliver Apt 3
North Tonawanda, NY 14120

MOVED by Alderman Andres **SECONDED** by Alderman Donovan
That the Common Council hereby grants permission to the aforementioned residents to hold a block party on July 4th, 2011, on Keil St. between Oliver and North Marion and further directs the Department of Public Works to contact Tammy Codick at 779-3691 regarding providing barricades for the party.
Ayes: Andres, Pasiak, Donovan, Zadzilka, Schwandt (5)
Nays: None (0)
CARRIED.

E.
Commissioner of Deeds Requests

May 2011

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

Dear Honorable Body:

We are requesting to be appointed as Commissioners of Deeds for the City of North Tonawanda. Thank you.

