

**THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, October 4, 2011
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

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

APPROVAL OF THE MINUTES OF THE REGULAR SESSION SEPTEMBER 20, 2011

**MOVED by Alderman Andres SECONDED by Alderman Pasiak
That the minutes of the regular session held September 20, 2011 be approved as circulated
and filed in the Office of the City Clerk-Treasurer.
CARRIED.**

AUDIENCE PARTICIPATION – None

COMMUNICATIONS FROM CITY OFFICIALS

I.1 Mayor

September 29, 2011

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

Re: Print Management Services Agreement with Eaton Office Supply Co., Inc.

Dear Honorable Body:

I respectfully request your Honorable Body's permission to sign the attached proposed agreement between the City of North Tonawanda and Eaton Office Supply Co., Inc., 180 John Glenn Drive, Amherst, NY 14228. This contract has been reviewed and approved by the City Attorney's office.

Should you have any further questions please feel free to contact me.

**Faithfully,
Robert G. Ortt
Mayor**

MOVED by Alderman Andres

SECONDED by Alderman Zadzilka

That the Common Council hereby authorizes the Mayor to sign the Print Management Services Agreement between the City of North Tonawanda and the Eaton Office Supply Co., Inc., 180 John Glenn Drive, Amherst, NY 14228, effective November 1, 2011 through November 1, 2014.

Ayes: Andres, Pasiak, Zadzilka, Schwandt

(4)

Nays: None

(0)

CARRIED.

I.2 Mayor

September 30, 2011

**Mr. Michael Hill, 19th Legislator
Niagara County Ad Hoc Committee
3464 Stone Road
Middleport, NY 14105**

Dear Legislator Hill:

Please accept this letter of support as my strong endorsement of the Riviera Theatre and Performing Arts Center's application to the Niagara River Greenway Commission. The Riviera Theatre Expansion Project meets many of the principles and goals of the Niagara River Greenway Plan and, when completed, will prove to be a critical project within the Greenway corridor.

The Riviera Theatre and Performing Arts Center is truly a community-gather place, one that builds social interactions among our residents and celebrates the rich cultural history of the City of North Tonawanda. The Theatre prides itself on providing affordable performance space for many of our regions not-for-profit organizations and strives to maintain reasonable ticket prices for its patrons. The history of the North Tonawanda is incomplete without recognizing the important contributions made by the Riviera Theatre.

The City of North Tonawanda fully supports the expansion plans of the Theatre, which meet many of our development plans for the downtown commercial corridor and Canal area. The Theatre is an important economic development tool in our City, drawing more than 80,000 patrons to Webster Street and reinvesting its assets in the local economy. We look forward to working with the Riviera Theatre throughout the project and lending our support as needed.

A newly expanded Riviera Theatre is important to the economic health and cultural growth of our region. Thank you for your careful consideration of this request and if you have any questions, do not hesitate to contact me.

**Yours truly,
Robert G. Ortt
Mayor**

MOVED by Alderman Andres

SECONDED by Alderman Zadzilka

That the Common Council hereby supports the Riviera Theatre and Performing Arts Center's application to the Niagara River Greenway Commission and their expansion plans which meet many of our development plans for the downtown commercial corridor and Canal area. The Theatre is an important economic development tool in our City, drawing more than 80,000 patrons to Webster Street and reinvesting its assets in the local economy. We look forward to working with the Riviera Theatre throughout the project and lending our support as needed.

Ayes: Andres, Pasiak, Zadzilka, Schwandt

(4)

Nays: None

(0)

CARRIED.

II.1 Attorney

September 19, 2011

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

**Re: Renewal of Shared Facilities Agreement between City of North Tonawanda and
 City School District of the City of North Tonawanda**

Dear Honorable Body:

Attached, for your review, is a proposed renewal agreement between the City of North Tonawanda and the City School District of the City of North Tonawanda for shared facilities, personnel and programming to facilitate various recreational programs and activities for the residents of North Tonawanda. The term of the agreement is three years, September 13, 2011, through September 12, 2014, and has been approved and executed by the president of the School Board.

If your Honorable Body concurs, please pass a resolution to approve the renewal agreement and to follow for execution by the Mayor, subject to any further review by the City Attorney.

Very truly yours,
 Shawn P. Nickerson
 City Attorney

MOVED by Alderman Zadzilka

SECONDED by Alderman Schwandt

That the Common Council hereby approves the renewal agreement between the City of North Tonawanda and the City School District of the City of North Tonawanda for shared facilities, personnel and programming to facilitate various recreational programs and activities for the residents of North Tonawanda and authorizes the Mayor to sign the agreement subject to further review by the City Attorney. The term of the agreement is three years, September 13, 2011, through September 12, 2014, and has been approved and executed by the president of the School Board.

Ayes: Andres, Pasiak, Zadzilka, Schwandt

(4)

Nays: None

(0)

CARRIED.

II.2 Attorney

September 22, 2011

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

Re: Tentative Agreement with OPEIU (Dept. Head Union)

Dear Honorable Body:

The City and OPEIU met on eight occasions to negotiate an expired collective bargaining agreement. I have attached a copy of the tentative agreement and hereby summarize the amendments:

1. §1.2.1. It would be a 4-year agreement, covering 2011 through 2014.
2. §5.4.2. This section just clarifies the positions covered by the agreement. This omits positions that have been eliminated by merger.
3. §5.5.3. This amendment just corrects a typographical error in the previous agreement.

10-04-2011

4. §6.1.1. The salary increases will be as follows:

2011 – 0%
 2012 – 0%
 1/1/2013 – 1.25% and 7/1/2013 – 1%
 2014 – 2%

In addition, a one-time stipend will be paid to all employees in 2011 of \$500.00. A one-time stipend will be paid in 2012 of \$750.00. Also, the position of Superintendent of Water and Wastewater would be equal to that of Fire Chief.

5. §11.1.2 (a). The medical plan offered would be equivalent to the Blue Cross/Blue Shield 201 plan with a three-tier prescription co-pay plan of \$0/\$20/\$40.
6. §11.1.3 (a). Medical insurance for retirees: Retirees shall remain with the above insurance until they reach age 65 at which point they shall move to a plan equivalent to the Senior Blue 799 Plan. The retirees spouse will be required to move to the Senior Blue 799 Plan upon reaching age 65. The city will pay the cost of Medicare Part B coverage applicable to the retired Medicare enrollees. The City would agree to maintain its current coverage to employees retiring prior to 12/31/2012.
7. §11.1.3 (e). Spousal medical insurance coverage shall increase to 24 months if an employee's death occurs while employed.
8. §11.3.1. Longevity payments will increase by \$100.00 at each level. A new level is included for employees with over 25 years of service, which will pay \$1,500.00 per year.
9. §13.2.3. Clarifies the automobile policy to state that an employee requiring the use of a city vehicle during work hours will be provided use of an "adequate" city vehicle.
10. §14.2.2. (a). Reduced the time limit for the submission of an application for Professional Improvement activity from 60 prior to the initiation of the activity to 30 days.
 (b). Replaces the words "Common Council" to "Mayor" in two places, to conform to the City Charter.
11. §14.2.5 (e). Changes the words "Common Council" to "Mayor" to conform to the City Charter.
12. §15.1.2. Increases the amount of compensatory time that an Assistant Superintendent of Public Works may accumulate from 100 hours to 150 hours.

The OPEIU has already ratified the tentative agreement. If you concur with the agreement, please authorize the Mayor to sign the amended collective bargaining agreement.

Very truly yours,
 Robert Sondel
 Assistant City Attorney

MOVED by Alderman Andres SECONDED by Alderman Zadzilka
 That the Common Council hereby authorizes the Mayor to sign the amended collective bargaining agreement between the City of North Tonawanda and the OPEIU as follows:

1. §1.2.1. It would be a 4-year agreement, covering 2011 through 2014.
2. §5.4.2. This section just clarifies the positions covered by the agreement. This omits positions that have been eliminated by merger.
3. §5.5.3. This amendment just corrects a typographical error in the previous agreement.

4. §6.1.1. The salary increases will be as follows:

2011 – 0%
 2012 – 0%
 1/1/2013 – 1.25% and 7/1/2013 – 1%
 2014 – 2%

In addition, a one-time stipend will be paid to all employees in 2011 of \$500.00. A one-time stipend will be paid in 2012 of \$750.00. Also, the position of Superintendent of Water and Wastewater would be equal to that of Fire Chief.

5. §11.1.2 (a). The medical plan offered would be equivalent to the Blue Cross/Blue Shield 201 plan with a three-tier prescription co-pay plan of \$0/\$20/\$40.
6. §11.1.3 (a). Medical insurance for retirees: Retirees shall remain with the above insurance until they reach age 65 at which point they shall move to a plan equivalent to the Senior Blue 799 Plan. The retirees spouse will be required to move to the Senior Blue 799 Plan upon reaching age 65. The city will pay the cost of Medicare Part B coverage applicable to the retired Medicare enrollees. The City would agree to maintain its current coverage to employees retiring prior to 12/31/2012.
7. §11.1.3 (e). Spousal medical insurance coverage shall increase to 24 months if an employee's death occurs while employed.
8. §11.3.1. Longevity payments will increase by \$100.00 at each level. A new level is included for employees with over 25 years of service, which will pay \$1,500.00 per year.
9. §13.2.3. Clarifies the automobile policy to state that an employee requiring the use of a city vehicle during work hours will be provided use of an "adequate" city vehicle.
10. §14.2.2. (a). Reduced the time limit for the submission of an application for Professional Improvement activity from 60 prior to the initiation of the activity to 30 days.
 (b). Replaces the words "Common Council" to "Mayor" in two places, to conform to the City Charter.
11. §14.2.5 (e). Changes the words "Common Council" to "Mayor" to conform to the City Charter.
12. §15.1.2. Increases the amount of compensatory time that an Assistant Superintendent of Public Works may accumulate from 100 hours to 150 hours.

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

Nays: None (0)

CARRIED.

II.3 Attorney

September 27, 2011

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

Re: Renewal Agreement between NYS Unified Court System and City of
 North Tonawanda for Cleaning and Maintenance of Court Facilities

WHEREAS, the City of North Tonawanda, as Lead Agency, has reviewed Part 1 of the State Environmental Quality Review (SEQR) Full Environmental Assessment Form (EAF) prepared by the Engineer; and has completed Part 2 of the EAF, evaluating the project's impacts and their magnitude.

BE IT RESOLVED, that the City of North Tonawanda Common Council declares that based on the Environmental Assessment which has been prepared, the project is an unlisted action and will not result in any significant adverse impacts, and therefore will not have a significant impact on the environment;

FURTHER, BE IT RESOLVED that the Common Council has prepared a Notice of Determination of Non-Significance and hereby issues a Negative Declaration under SEQR for the proposed construction of the Meadow Drive Extension Project, and directs the Mayor of the City of North Tonawanda to sign Appendix A of the SEQR Environmental Assessment Form and Appendix F of the Negative Declaration Notice of Determination of Non-Significance.

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

Nays: None (0)

CARRIED.

VII.1 Accountant

September 29, 2011

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 October 4, 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 Schwandt SECONDED by Alderman Zadzilka
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated October 4, 2011 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$312,824.90
02	Water Fund	34,540.42
04	Sewer Fund	88,852.17
06	Capital Project Fund	343,088.58
07	Trust & Agency Fund	2,526.93
11	General Fund (Enc.)	374.74
	Final Total	<u>\$782,207.74</u>

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

Nays: None (0)

CARRIED.

VII.2 Accountant

September 29, 2011

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 and Section 2.2 of the Budgetary Transfer Policy, please authorize the City Accountant to make the following transfers of fiscal year 2011 appropriations, based on the request of Department Heads, copy attached:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>From Appropriation Account</u>	<u>Into Appropriation Account</u>
2	\$7,000.00	2-1990.410 Water Contingent Account	2-8320.420 Pumping Repairs & Maintenance

Very truly yours,
David R. Jakubaszek
City Accountant

MOVED by Alderman Zadzilka SECONDED by Alderman Andres
That the Common Council hereby authorizes the City Accountant to make the following transfer of fiscal year 2011 appropriations, based on the request of Department Heads:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>From Appropriation Account</u>	<u>Into Appropriation Account</u>
2	\$7,000.00	2-1990.410 Water Contingent Account	2-8320.420 Pumping Repairs & Maintenance

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

IX. Public Works

September 28, 2011

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

Re: Bid Award
One 2011 or Newer Crawler Dozer w/Under 100 hrs, Option #1 w/Trade

Honorable Body:

On Wednesday, September 28, 2011 bids were received and publicly opened in the City Clerk's Office for a 2011 or Newer Crawler Dozer w/ Under 100 Hours, Option #1- With Trade for the Department of Public Works. My office has reviewed the bids submitted and tabulated them as follows:

<u>BIDDER</u>	<u>AMOUNT</u>
Anderson Equipment	\$89,000- Option #1 w/trade
Monroe Tractor	\$90,449.47- Option #1 w/trade
Five Star Equipment	\$95,500- Option #1 w/trade

I recommend that the Common Council award the bid for One 2011 or Newer Crawler Dozer w/Under 100 Hours, Option #1 - With Trade to Anderson Equipment Co. 2140 Military Road, Tonawanda, NY 14150 at their low bid of \$89,000.00, w/trade, subject to the approval of the City Attorney.

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

MOVED by Alderman Pasiak **SECONDED** by Alderman Zadzilka
 That the Common Council hereby awards the bid for One 2011 or Newer Crawler Dozer w/Under 100 Hours, Option #1 - With Trade to Anderson Equipment Co., 2140 Military Road, Tonawanda, NY 14150 at their low bid of \$89,000.00, w/trade, subject to the approval of the City Attorney.

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

Nays: None (0)

CARRIED.

XIV. Recreation

September 20, 2011

The Honorable Mayor, Robert Ortt and Common Council Members
 City Hall
 216 Payne Ave.
 North Tonawanda, New York 14120

Dear Honorable Mayor Ortt and Common Council Members;

Please review and approve for signing the attached agreement with 621 Payne Ave. LLC (Gersh Academy), 150 Broad Hollow Rd., Suite 120, Melville, N.Y. 11747. The lease provides our department with adequate classroom and gymnasium space for our Youth Center and Recreation Program needs. The lease extends through August 31, 2012 and requires monthly payments of two thousand three hundred and fourteen dollars (\$2,314) that is included in our 2012 Budget.

We have operated our current program in the building since November of 2007 and have determined that the current facility adequately meets our recreation program needs. The City Attorney's Office has reviewed the agreement and found no problems with its form and content.

Thank you.

Sincerely,
 Patricia A. Brosius
 Director of Youth, Recreation & Parks

MOVED by Alderman Andres **SECONDED** by Alderman Pasiak
 That the Common Council hereby authorizes the Mayor to sign the lease with 621 Payne Ave. LLC (Gersh Academy), 150 Broad Hollow Rd., Suite 120, Melville, N.Y. 11747 to provide the Recreation Department with adequate classroom and gymnasium space for the Youth Center and Recreation Program needs. The lease extends through August 31, 2012 and requires monthly payments of two thousand three hundred and fourteen dollars (\$2,314) and is subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

Good Morning Mayor Ortt:

I am writing to you today to get permission once again for the 5K Chowder Challenge to take place on the morning of October 22, 2011.

The race will start at Pine Woods Park at 11am, go North up Niagara Street to Sweeney St, East on Sweeney and into Mayor's Park, around the loop in the park and then head back the same way to Pine Woods Park.

I have already sent the race map to Captain Buckley and he is just waiting for approval from the Mayor's office and orders from Fire Chief John Lapham.

You can find details about the event here: <http://www.glorybetokids.com/chowder-challenge.php>.

Thank you for the consideration.

Michelle Bernas
Chowder Challenge Race Director
Glory Be to Kids Chairperson
66 Fairchild Pl
Buffalo, NY 14216
mbernas@buffalo.edu

MOVED by Alderman Schwandt **SECONDED** by Alderman Andres
That the Common Council hereby grants permission to Glory Be To Kids to a hold 5K Chowder Challenge to take place on the morning of October 22, 2011. The race will start at Pine Woods Park at 11am, go North up Niagara Street to Sweeney St, East on Sweeney and into Mayor's Park, around the loop in the park and then head back the same way to Pine Woods Park.

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

Nays: None (0)

CARRIED.

C.
Alderman Andres

September 30, 2011

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

Dear Honorable Body;

Attached is a request from St. Mary and St. Moses Coptic Orthodox Church on Payne Avenue. I respectfully request your Honorable Body's support for their request for the removal of the handicapped parking designation from the front of their facility. They plan to add this designation to the rear of the church in the very near future.

Sincerely,
Richard Andres
Alderman Ward 2

MOVED by Alderman Andres **SECONDED** by Alderman Schwandt
That the Common Council hereby directs the Department of Public Works to remove the Handicapped Parking signs in front of St. Mary and St. Moses Coptic Orthodox Church on Payne Avenue at Wheatfield Street.

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

Nays: None (0)

CARRIED.

AUDIENCE PARTICIPATION

Sue Wilke, 329 Miller Street – Spoke about her editorial in the Tonawanda News regarding hydrofracking.

ADJOURNMENT

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

Time of Adjournment: 6:43P.M.

Respectfully submitted,

Scott P. Kiedrowski
City Clerk–Treasurer