

**THE HONORABLE BODY  
Council Chambers  
Municipal Building  
North Tonawanda, New York 14120  
Tuesday, November 1, 2011  
6:30P.M.**

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**REGULAR SESSION CALLED TO ORDER BY ACTING PRESIDENT DONOVAN**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present:           Acting President Donovan  
                      Alderman Andres, Pasiak, Zadzilka**

**Absent:            President Schwandt**

**Also Present:     Mayor Robert G. Ortt  
                      City Attorney Shawn P. Nickerson**

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**The following proclamation, signed by Mayor Robert Ortt and Common Council President Catherine Schwandt, was presented to WWII Veteran Stanley M. Maziarz:**

**City of North Tonawanda  
Executive Chamber  
Proclamation**

**Whereas, we recognize Stanley M. Maziarz for his individual sacrifices while serving his country in the United States Army, and at times giving his last full measure to sustain our freedom, and**

**Whereas, the members of Stephen Sikora Post, 1322, American Legion voted Stanley a life member. For 65 years, Stanley has donated his time to the Legion helping with the maintenance of the building, working bingo and serving dinners, and**

**Whereas, Private 1<sup>st</sup> Class Stanley M. Maziarz has been appointed “Chevalier” of the Legion of Honor, the highest decoration in France, and**

**Whereas, Private 1<sup>st</sup> Class Stanley M. Maziarz fought in many Battles including: Normandy, Battles in Northern France and Central Europe, Battle of Rhineland, Battle of St. Lo, Battle of Hurtgen Forest and the Battle of the Bulge, he risked his life for the liberty and freedom of our allies,**

**NOW, THEREFORE, BE IT RESOLVED THAT, the Mayor and Common Council of the City of North Tonawanda, set forth our hand to proclaim and recognize the heroic actions of Private 1<sup>st</sup> Class Stanley M. Maziarz. We thank him for our way of life, liberty and the freedom of choice that he helped to guarantee all of us by his service in the United States Army.**

**In witness hereof, we have set our hand and caused to be affixed the seal of our City this 20<sup>th</sup> day of October, 2011**

**Robert G. Ortt  
Mayor**

**Catherine G. Schwandt  
Council President**

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**Alderman Andres presented Joe Zellner longtime friend of North Tonawanda racing legend Jim “Hurk” Hurtubise with a sign proclaiming a section of Oliver Street between Tremont Street and Sweeney Street as Jim “Hurk” Hurtubise Way. Thanked Mr. Zellner and the North Tonawanda History Museum for all of their collaborative efforts to make this designation a reality for our hometown boy and racing enthusiast Jim “Hurk” Hurtubise.**

**11-01-2011**



The City has been named a Potentially Responsible Party in the above-referenced Superfund Remediation Project. The Wastewater Treatment Facility sent mercury to the site for disposal. Because the city is one of 68 *de minimis* parties, it has been offered a settlement offer in the amount of \$3,533.69. The remaining 10 large depositors of mercury will pay for the remedial action and operation and maintenance for the project.

If you agree with this settlement offer, please authorize the mayor to sign all necessary documents to finalize this matter. Thank you.

Very truly yours,  
Robert Sondel  
Assistant City Attorney

MOVED by Alderman Zadzilka                      SECONDED by Alderman Andres  
That the Common Council hereby approves the settlement offer of \$3,533.69 regarding the Superfund Remediation Project and authorizes the Mayor to sign all necessary documents, subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

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### III. City Clerk

October 27, 2011

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

Re: Rezoning of 800 Niagara Falls Blvd.

Dear Honorable Body:

At the Common Council workshop Tuesday, October 25, 2011 a request to change the Zoning designation at St. Jude the Apostle Parish, 800 Niagara Falls Blvd. from M1 to R1-2, which was referred by the North Tonawanda Planning Commission, was discussed.

It would be appropriate now to schedule a public hearing regarding this matter.

Sincerely,  
Scott P. Kiedrowski  
City Clerk-Treasurer

MOVED by Alderman Zadzilka                      SECONDED by Alderman Andres  
That the Common Council hereby authorizes the City Clerk-Treasurer Scott P. Kiedrowski to schedule a public hearing regarding the rezoning at St. Jude the Apostle Parish, 800 Niagara Falls Blvd. from M1 to R1-2.

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

Nays: None (0)

CARRIED.

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### VII. Accountant

October 27, 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 November 1, 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 Andres  
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated November 1, 2011 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$651,909.55
02	Water Fund	63,084.40
04	Sewer Fund	126,758.76
06	Capital Project Fund	410,733.63
07	Trust & Agency Fund	1,956.14
11	General Fund (Enc)	3,275.00
17	Home Rehab Program	36.50
	Final Total	<u>\$1,257,753.98</u>

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

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### COMMUNICATIONS FROM OTHERS

A.  
Alderman Andres

10/20/2011

Dear Common Council Members,

I am recommending that our body draft and approve a resolution to designate the portion of Oliver Street from Sweeney to Tremont as "Jim Hurtubise Way." This designation will be in honor of the former resident and racing legend. I know we have discussed this in the past, and this request is made on behalf of his relatives and friends that would like to see this action as soon as possible. If it is your wish that we adopt this proposal, I would like to see the council pass a resolution at the next meeting. Thank you on behalf of the residents that have pursued this action for many years for your thoughtful consideration.

Sincerely yours,  
Richard Andres, Jr.  
2<sup>nd</sup> Ward Alderman

MOVED by Alderman Andres                      SECONDED by Alderman Pasiak  
That the Common Council hereby designates the portion of Oliver Street from Sweeney Street to Tremont Street as "Jim Hurtubise Way" in honor of the former North Tonawanda resident and racing legend.  
Ayes: Andres, Pasiak, Donovan, Zadzilka (4)  
Nays: None (0)  
CARRIED.

**B.**  
Alderman Andres

10/25/11

Dear Common Council Members,

I would like to take action on the Traffic Safety Committee's recommendation that we place a "no parking to corner" sign at 153 Wheatfield. I thank you for taking action on this matter.

Sincerely yours,  
Richard Andres, Jr.  
2<sup>nd</sup> Ward Alderman

**MOVED** by Alderman Andres                      **SECONDED** by Alderman Zadzilka  
That the Common Council hereby directs the Department of Public Works to install a "No Parking to Corner" sign at 153 Wheatfield Street.

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

Nays: None (0)

**CARRIED.**

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**C.**  
Alderman Andres

10/25/11

Dear Common Council Members,

As you all know, the lighting of Heritage Park has been an issue in the 2<sup>nd</sup> Ward for quite a while. In response to that a meeting and walk through assessment was completed in which Bob Welch (Mayor's Office), Tom Tussing (DPW), a representative from National Grid and myself examined the current infrastructure in order to determine the feasibility of lighting the park. Various suggestions were discussed, but the most cost effective was that we have National Grid install a standard street light on existing poles that run along the south edge of the park. This is a proactive move aimed at improving public safety and reducing vandalism that may take place in this dark corridor. I am proposing we accept the proposal to install lights in Heritage Park at our next meeting.

Sincerely yours,  
Richard Andres, Jr.  
2<sup>nd</sup> Ward Alderman

**MOVED** by Alderman Andres                      **SECONDED** by Alderman Pasiak  
That the Common Council hereby approves installation by National Grid of standard street lights on the existing poles that run along the south edge of Heritage Park.

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

Nays: None (0)

**CARRIED.**

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**D.**  
Niagara County Legislator  
Russ Rizzo

October 26, 2011

The Honorable Robert G. Ortt, Mayor  
The City of North Tonawanda  
216 Payne Ave.  
North Tonawanda, New York 14120

Dear Mayor Ortt:

I am writing to extend my congratulations to the City of North Tonawanda's government for successfully concluding negotiations with the County of Niagara, the Niagara County Refuse Disposal District, and the Town of Wheatfield to create an Intermunicipal Agreement that finally resolves residents' concerns about flooding in the vicinity of Witmer Road.

Mayor, as you and your negotiating team are aware, I have been actively seeking this outcome for our city for many years, and made it my top priority after taking office for my two years as a county legislator. It's been my great privilege to work closely with you all to reach an agreement that is truly favorable to the City. I believe the compensation to be provided by the County for access to our City sewer system is set at a reasonable level.

Moreover, though, I am confident in the results this intermunicipal project will achieve. The NW Phase 2 drainage system will protect our neighbors' homes - and enhance property values.

I urge the Council to ratify the proposed Agreement and enact its provisions as soon as possible, for the benefit of residents living along the Witmer Road corridor. This Agreement represents the best in intergovernmental cooperation, and is a model for future cooperative endeavors between North Tonawanda, the County, and our neighboring municipalities.

It has been my greatest pleasure to work closely with you all on this project, and I remain ready to assist with any further requirements as your representative in our county government. Please feel free to contact me through the contact information on this letterhead on this or any additional matter.

Sincerely yours,  
Phillip R. "Russ" Rizzo  
Legislator, 9<sup>th</sup> District

MOVED by Alderman Pasiak

SECONDED by Alderman Donovan

That the Common Council hereby ratifies the Intermunicipal Agreement between North Tonawanda, the County, and our neighboring municipalities that resolves residents' concerns about flooding in the vicinity of Witmer Road.

Ayes: Andres, Pasiak, Donovan, Zadzilka

(4)

Nays: None

(0)

CARRIED.

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### AUDIENCE PARTICIPATION

Josh Dubs, 876 Fairmont – Spoke about the dispatch being moved out to the County of Niagara. Stated that since the budget process was moved until after the election that the residents would not know what the decision on dispatch was until after the election was over. Asked each candidate running to state what their vote was going to be.

Mark Hacker, 188 Bryant – Spoke on the deer population in the City. Inquired about the bait and shoot program. "One shot one kill" was what he would like to see. Stated we have the best paid sharpshooters in our Police Department.

Pat Barry, 300 Thompson Street – Stated that he was opposed to sending dispatch out to the County of Niagara and also wanted to know how each Councilman was going to vote on the issue.

Ray Yurek, 222 Miller Street – Thanked the Council for cleaning up the alley near his home. Inquired about meeting one-on-one with the Common Council to go over the proposed move of the dispatchers.

Lou Sprenger, 46 Oakwood Terrace – Asked what the delay time would be for dispatch being moved out to the County of Niagara. Spoke on the loss of jobs for some dispatchers and that the city should be more willing to retain and employ more people.

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**ADJOURNMENT**

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

**Time of Adjournment: 7:06P.M.**

**Respectfully submitted,**

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