

**THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, April 3, 2012
6:30P.M.**

REGULAR SESSION CALLED TO ORDER BY PRESIDENT ANDRES

PLEDGE OF ALLEGIANCE

ROLL CALL

**Present: President Andres
Alderman Needler, Donovan, Rizzo, Zadzilka**

Absent: None

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

AUDIENCE PARTICIPATION - None

APPROVAL OF THE MINUTES OF THE REGULAR SESSION MARCH 20, 2012

**MOVED by Alderman Zadzilka SECONDED by Alderman Needler
That the minutes of the regular session held March 20, 2012 be approved as circulated and
filed in the Office of the City Clerk.
CARRIED.**

PROOF OF PUBLICATION PUBLISHED MARCH 1 & 3, 2012

1) Bid – Storage Tank Refurbishing – Engineer

PROOF OF PUBLICATION PUBLISHED MARCH 6 & 7, 2012

1) Bid – Columbia Drive Parking Improvement – Engineer

PROOF OF PUBLICATION PUBLISHED MARCH 17, 2012

1) Legal Notice – Estoppel Notice – Accountant

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

COMMUNICATIONS FROM CITY OFFICIALS

I.1 Mayor

March 26, 2012

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

04-03-2012

Re: Project #08063

Dear Honorable Body:

Please be advised that the City of North Tonawanda has received a check from National Grid in the amount of \$190,000.00 as payment for our participation in the Brownfield redevelopment program. This money was part of the redevelopment program at the Buffalo Bolt Business Park. Thanks to our City Engineer Dale Marshall and our Community Development Director Jim Sullivan, as well as the financial oversight of Clerk-Treasurer Scott Kiedrowski and this Honorable Body, the work was completed under budget; as a result this money will be going into the General Fund.

Should you have any further questions please do not hesitate to call me.

Faithfully yours,
Robert G. Ortt
Mayor

MOVED by Alderman Rizzo SECONDED by Alderman Zadzilka
That the Common Council hereby acknowledges the check received from National Grid in the amount of \$190,000.00 as payment for our participation in the Brownfield redevelopment program.
CARRIED.

I.2 Mayor

March 28, 2012

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

Re: 2012 Twin Cities Fireworks Agreement between the City of North Tonawanda ("City") and Judith M. Arida ("Property Owner")

Dear Honorable Body:

As part of the July 4th holiday tradition, the City of North Tonawanda and City of Tonawanda will share in hosting the July 4 fireworks. The fireworks are planned for Wednesday, July 4th with a rain date of Thursday, July 5th.

In connection with the fireworks, the City has previously been granted permission to shoot the fireworks from a private property owned by Judith M. Arida at 2 Bridge Street on Tonawanda Island. Attached is a proposed Agreement between the City and property owner. This same agreement format has been used in prior years.

If your honorable body should concur with this initiative, I respectfully request that you allow me to execute this Agreement upon review and approval by the City Attorney.

Thank you for your consideration and attention to this matter.

Faithfully,
Robert G. Ortt
Mayor

MOVED by Alderman Needler SECONDED by Alderman Rizzo
That the Common Council hereby authorizes the Mayor to sign the 2012 Twin Cities Fireworks Agreement between the City of North Tonawanda ("City") and Judith M. Arida ("Property Owner") subject to review and approval by the City Attorney.

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres (5)
Nays: None (0)
CARRIED.

I.3 Mayor

March 28, 2012

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

Dear Honorable Body:

At a regular meeting of the North Tonawanda Common Council held in the Council Chambers at 6:30 on March 20, 2012, your Honorable Body passed a resolution authorizing the sale of a parcel of City property at 116 Hawley Drive.

In accordance with the Mayor's powers under section 2.023 (a) of the City Charter, I hereby veto passage of said resolution based upon the following reasons:

Since this is a land locked parcel, designated as a wetland by the New York Department of Environmental Conservation, the City did not expect and was unaware that there were multiple interested parties in this piece of property. Only after the sale was approved by your Honorable Body was it made clear that multiple parties were interested in purchasing this parcel.

If it is your Honorable Body's intention to sell this property, in the interest of transparency and fairness, it should go through public auction at which point all interested parties would have a chance to bid on said property.

Thank you for your attention to this matter.

Faithfully yours,
Robert G. Ortt
Mayor

MOVED by Alderman Donovan **SECONDED** by Alderman Zadzilka
That the Common Council hereby concurs with the Mayor's veto of the sale of a parcel of City property at 116 Hawley Drive to allow all interested parties would have a chance to bid on the property.

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres (5)

Nays: None (0)

CARRIED.

I.4 Mayor

March 29, 2012

North Tonawanda, Common Council
City Hall, 216 Payne Ave.
North Tonawanda, NY 14120

Dear Honorable Body:

Attached is the proposed Concession agreement between the City of North Tonawanda and Lumberjack's Patio Grill, LLC.

I request that your Honorable Body receive and file the attached agreement. Should you have any further questions please feel free to contact me.

Faithfully yours,
Robert G. Ortt
Mayor

If you're Honorable body should concur please vote in the affirmative on the above request pending final review by the City Attorney's Office.

Sincerely,
Scott P. Kiedrowski

MOVED by Alderman Zadzilka **SECONDED** by Alderman Needler
That the Common Council hereby accepts the bids for the purchase prices listed below from the Public Auction that was held on Thursday, March 22, 2012 in the Common Council Chambers:

<u>SBL #</u>	<u>Address</u>	<u>Bidder Name</u>	<u>Purchase Price</u>
175.07-1-42.1	570 Witmer Road	Richard Hanna/ Paul Driskel	\$33,000.00
175.11-2-10	60 Hawley Drive	Janet Shugarts	\$1,750.00
176.16-2-28	1499 Kingston Ave	James & Ellen DeLong	\$450.00
177.17-1-55	1290 Pierce Ave	Cathy Schwandt	\$42,000.00
181.08-2-27	970 Oliver St	Teishu Lootawon	\$44,000.00
181.16-1-8	144 Ironton St	Ronald Scott	\$19,000.00
181.27-2-12	89 Felton St	Bright Side Manage/ Joe Siragusa	\$30,000.00
181.68-1-19	78 Wheatfield St	PDE Real Estate/ Stephen Ertel	\$3,800.00
182.53-1-2	5 Seventh Ave	Donald Wagner	\$8,500.00
182.53-2-3	668 Oliver St	Donald Wagner	\$24,000.00
182.53-2-44	127 Fifth Ave	Donald Wagner	\$36,000.00
182.53-3-63	644 Oliver Street	Teishu Lootawon	\$43,000.00
182.61-1-66	8 Second Ave	Rodante Cajucom	\$14,000.00
182.78-1-32	339 Oliver St	Bright Side Manage/ Joe Siragusa	\$26,000.00
182.78-4-24	244 Payne Ave	Teishu Lootawon	\$45,000.00
185.07-3-1	77 Division St	Gary Wingrove	\$36,000.00
185.08-4-29	150 Clair Ave	George Meyer/ Mike Wachowicz	\$1,800.00
185.30-2-7.11	53 Oliver St	Bright Side Manage/ Joe Siragusa	<u>\$46,000.00</u>
		Total	\$454,300.00

And, further rejects the bids for the following properties:

<u>SBL #</u>	<u>Address</u>	<u>Bidder Name</u>	<u>Purchase Price</u>
175.15-3-33	423 Parkway Ave	Thanh Pham Duc	\$400.00
182.08-2-56	1391 Sisson Drive	Thanh Pham Duc	\$200.00
Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres			(5)
Nays: None			(0)
CARRIED.			

III.2 Clerk-Treasurer

March 28, 2012

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

Dear Honorable Body:

I respectfully request that your Honorable Body support the request of Mr. Don Sable who resides at 120 Wheatfield Street that the city partially close and abandon the city owned alley behind 116 and 120 Wheatfield Street.

Mr. Sable's request has been sent through various City departments for comment and review. All departments have concluded that the city has no interest or reason to retain this alley at this time and recommend abandonment of the above mentioned alley.

A public hearing was advertised and conducted on Tuesday, March 27th. There were several residents in attendance who reside in that area, no one spoke in opposition to the above mentioned alley closure.

If your Honorable Body should concur, please vote in the affirmative on this request pending final review by the City Attorney's Office.

Sincerely,
Scott P. Kiedrowski
North Tonawanda City Clerk-Treasurer

MOVED by Alderman Andres

SECONDED by Alderman Rizzo

That the Common Council hereby approves the partial closing and abandonment of the city owned alley behind 116 and 120 Wheatfield Street subject to review by the City Attorney's Office.

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres

(5)

Nays: None

(0)

CARRIED.

IV. Engineer

March 29, 2012

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

Re: Project 2012-01 Columbia Drive Parking
Award of Construction Contract

Dear Honorable Body:

On March 27, 2012, bids were received and opened by the City Clerk for the Columbia Drive Parking Project. The results are as follows:

1. Northeast Diversification Inc.	\$82,888.00
2. NFP & Sons Inc.	\$89,982.75
3. Milherst Construction	\$91,985.00
4. New Frontier & Paving Inc.	\$104,995.00
5. CVF Inc.	\$112,047.60

I therefore respectfully request that the Common Council award Project 2012-01 Columbia Drive Parking Project to Northeast Diversification Inc., 2 Cadby Industrial Park, Lancaster, NY 14086, at their low bid amount of \$82,888.00; authorizing the Mayor to sign said contract subject to review by the City Attorney.

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

MOVED by Alderman Andres **SECONDED** by Alderman Donovan
that the Common Council hereby awards Project 2012-01 Columbia Drive Parking Project to Northeast Diversification Inc., 2 Cadby Industrial Park, Lancaster, NY 14086, at their low bid amount of \$82,888.00 and authorizes the Mayor to sign said contract subject to review by the City Attorney.

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres (5)

Nays: None (0)

CARRIED.

VII. Accountant

March 29, 2012

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 April 3, 2012, 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 Needler **SECONDED** by Alderman Zadzilka
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated April 3, 2012 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$740,046.55
02	Water Fund	62,167.90
04	Sewer Fund	100,438.30
06	Capital Project Fund	45,604.46
07	Trust & Agency Fund	122.95
11	General Fund Encumbered	669.40
17	Home Rehab Program	18,817.00
	Final Total	<u>\$967,866.56</u>

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres (5)

Nays: None (0)

CARRIED.

MOVED by Alderman Needler

SECONDED by Alderman Zadzilka

That the Common Council hereby directs the Department of Public Works to install “20 MPH” speed limit sign on Courtside Drive for vehicles approaching from Service Drive and, further, to replace the Northern most “no parking” signs, on Oliver Street across from Rainbow Roller Rink, with a sign stating no parking from that point to the parking lot entrance of 100 Oliver Street. From that sign South parking will be allowed.

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres

(5)

Nays: None

(0)

CARRIED.

COMMUNICATIONS FROM OTHERS

A.

Niagara Community

Action Program, Inc.

March 13, 2012

Honorable Robert G. Ortt

Mayor of North Tonawanda

City Hall

216 Payne Avenue

North Tonawanda, NY 14120

Dear Mayor Ortt:

Niagara Community Action Program, Inc. is requesting your consideration in using the City Market parking lot on the second Friday of each month (10:30 a.m. – 12 noon) to distribute donated food from the Food Bank of Western New York to needy City families.

Attached is a copy of the scheduled dates for distribution. Please note that Niagara Community Action Program, Inc. partners with the Food Bank of Western New York and local farmers to provide fresh fruits and vegetables on these scheduled days.

Please look favorably upon our request. If you have any questions, I can be reached at 285-9681 x 103. Thank you for your consideration.

Sincerely,

Suzanne Shears

Executive Director

MOVED by Alderman Donovan

SECONDED by Alderman Rizzo

That the Common Council hereby grants permission to the Niagara Community Action Program, Inc. to use the City Market parking lot on the second Friday of each month (10:30 a.m. – 12 noon) to distribute donated food from the Food Bank of Western New York to needy City families. The Food Bank of Western New York and local farmers will provide fresh fruits and vegetables on these scheduled days.

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres

(5)

Nays: None

(0)

CARRIED.
