

**THE HONORABLE BODY  
Council Chambers  
Municipal Building  
North Tonawanda, New York 14120  
Tuesday, June 19, 2012  
6:30P.M.**

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

**Absent: Mayor Robert G. Ortt**

**Also Present: City Attorney Shawn P. Nickerson**

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSION JUNE 5, 2012**

**MOVED by Alderman Zadzilka                      SECONDED by Alderman Rizzo  
That the minutes of the regular session held June 5, 2012 be approved as circulated and filed  
in the Office of the City Clerk.  
CARRIED.**

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**PROOF OF PUBLICATION PUBLISHED MAY 25, 2012**

**1) Legal Notice – Amendment to Chapter 57 of the City Code - Livestock – City Clerk-Treasurer**

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

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**AUDIENCE PARTICIPATION - None**

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**COMMUNICATIONS FROM CITY OFFICIALS**

**I. Mayor**

**To: Cosimo R. Capozzi                                      From: Robert G. Ortt**

**Date: June 7, 2012    Re: Permit Fees**

**As you are aware, the City is working with the organization “Home for Our Troops” on a project at 1547 Sherwood Avenue. As part of this initiative, I am requesting that you waive any permit fees associated with this project. This is a worthy project that I, along with the Common Council, totally support.**

**Please contact me should you have any questions.**

**MOVED by Alderman Donovan                      SECONDED by Alderman Rizzo  
That the Common Council hereby waives the fees for any permits associated with the  
“Home for Our Troops” project at 1547 Sherwood Avenue.  
Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres    (5)  
Nays: None    (0)  
CARRIED.**

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## IV.1 Engineer

June 13, 2012

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

Re: Project 2012-01, Columbia Drive Parking Improvements  
Change Order Approvals and Final Acceptance

Honorable Body:

During the course of constructing the Columbia Drive Parking Improvements, the following change order work was ordered by my department as necessary to complete the project satisfactorily:

• Reconstruct southern portion of Columbia Drive	\$4,528.00
• Repave southern portion of Columbia Drive	\$4,406.00
• Replace existing catch basin	\$2,425.00
• Pavement subbase repairs and brick pavement restoration	\$3,483.00
• Repave repair area	\$2,053.00
• Deduct for unused contract quantities	<u>\$2,799.16</u>
	\$14,095.84

Accordingly, I recommend that the Common Council approve Change Order No. 1 in the amount of \$14,095.84, increasing the original contract amount with Northeast Diversification Inc., 2 Cadby Industrial Park, Lancaster, NY 14086, from \$82,888.00 to the revised amount of \$96,983.84; accept the project as complete; authorizing the Mayor to sign said change order subject to review by the City Attorney.

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

MOVED by Alderman Donovan

SECONDED by Alderman Needler

That the Common Council hereby approves Change Order No. 1 for Project 2012-01, Columbia Drive Parking Improvements, in the amount of \$14,095.84, increasing the original contract amount with Northeast Diversification Inc., 2 Cadby Industrial Park, Lancaster, NY 14086, from \$82,888.00 to the revised amount of \$96,983.84; accepts the project as complete and authorizes the Mayor to sign said change order subject to review by the City Attorney.

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres

(5)

Nays: None

(0)

CARRIED.

## VII.1 Accountant

June 14, 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 June 19, 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 Rizzo  
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated June 19, 2012 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$228,843.65
02	Water Fund	13,069.19
04	Sewer Fund	20,221.18
06	Capital Project Fund	23,418.84
07	Trust & Agency Fund	2,474.90
11	General Fund Encumbered	98.88
17	Home Rehab Program	<u>14,740.00</u>
	Final Total	<u>\$302,866.64</u>

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

## VII.2 Accountant

May 31, 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 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 2012 appropriations, based on the request of Department Heads, copy attached:

Control Number	Dollar Amount	From Appropriation Account	Into Appropriation Account
2	22,000.00	4-1990.410 Sewer Contingent Account	4-8130.266 WWTP Laboratory Equip.

Very truly yours,  
David R. Jakubaszek  
City Accountant

MOVED by Alderman Rizzo                      SECONDED by Alderman Donovan  
That the Common Council hereby tables the following request for transfer of fiscal year 2012 appropriations, based on the request of Department Heads:

Control Number	Dollar Amount	From Appropriation Account	Into Appropriation Account
2	22,000.00	4-1990.410 Sewer Contingent Account	4-8130.266 WWTP Laboratory Equip.

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





<u>BIDDER</u>	<u>AMOUNT</u>	<u>UPGRADES</u>
Eliza Co.	\$1,344/\$53,760	\$1,435.58/\$57,423
Tyler Fire Equipment, LLC	\$1,440/\$57,600	\$1,465/\$58,600
Churchville Fire Company	\$1,375/\$55,000	N/A

All have submitted a 5% Bid Check and non-collusion Certificate.

Previous purchases have been as high as \$1,687.89 per set and original quotes prior to bid fluctuated from \$25.00 up to \$322.00 per set. With future purchases in mind, I recommend the Common Council award this bid to Tyler Fire Equipment, PO Box 4037, Elmira, NY 14904 totaling \$58,600.00, subject to approval of the City Attorney.

Respectfully,  
John C. Lapham  
Fire Chief

MOVED by Alderman Needler

SECONDED by Alderman Zadzilka

That the Common Council hereby awards the bid for a minimum of (40) forty new and unused NFPA 1971 Compliant Structural Firefighting Ensemble to Tyler Fire Equipment, PO Box 4037, Elmira, NY 14904, at their bid totaling \$58,600.00, subject to approval of the City Attorney.

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres

(5)

Nays: None

(0)

CARRIED.

#### XXV. Monthly Reports

- |    |                 |    |                       |
|----|-----------------|----|-----------------------|
| .1 | City Clerk      | .4 | Treasurer Investments |
| .2 | Senior Citizens | .5 | Police                |
| .3 | Treasurer       |    |                       |

MOVED by Alderman Rizzo

SECONDED by Alderman Needler

To receive and file the aforementioned Monthly Reports.

CARRIED.

#### XXXII.1 Community Development

Re: 2010 HOME Rehabilitation Program

Dear Honorable Body;

As most of you are aware, the Community Development Department has been administering the above noted program for a number of years. For the past two programs (2005, 2007) the Department was limited to offering the program in U.S. Census Tracts 231 and 231 only. This area is bounded by Wheatfield Street to the north, the Canal to the south, River Road to the west, and Division Street to the east. These limits were based on the concentration of low/moderate income households in the area based on 2000 U.S. Census data. The Department is currently administering the 2010 program in the same Census tracts. However, after thoroughly canvassing the area we are processing four applications and we anticipated completing 14-15 applications for this program.

Consequently, we have approached representatives at the New York State Office of Community Renewal and they have indicated that if the City can demonstrate a need in terms of housing conditions and income criteria, the City can expand the program area pending Council approval and State review. According to the new 2010 U.S. Census, tracts 229.01 and 230.01 meet the income criteria and the housing inspections officer has verified that there is a definite need in terms of housing conditions. This area is bounded by Payne Avenue to the east, Wheatfield to the south, River Road to the west, and Linwood, Oliver, and Cottage making up the northern boundary. Further, the Department does have a waiting list of eligible applicants in this area.

The first step to expand the rehabilitation area is for the Mayor and Common Council to approve this expansion of the program into Census Tracts 229.01 and 230.01. Upon receiving the approval, the Department will prepare a revised environmental programmatic review and a revised modification to the administrative plan. All of this will be submitted to the State office for State review and approval.

At this time I am requesting that this Honorable Body approve the proposed expansion of the 2010 HOME Rehabilitation Program to include Census Tracts 229.01 and 230.01.

Thank you for your consideration.

Sincerely,  
James Sullivan

**MOVED** by Alderman Donovan                      **SECONDED** by Alderman Zadzilka  
That the Common Council hereby approves the proposed expansion of the 2010 HOME Rehabilitation Program to include Census Tracts 229.01 and 230.01 which is bounded by Payne Avenue to the east, Wheatfield to the south, River Road to the west, and Linwood, Oliver, and Cottage making up the northern boundary.  
Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres (5)  
Nays: None (0)  
**CARRIED.**

## XXXII.2 Community Development

**Re: Consolidated Funding Applications - Economic Development Grants**

Dear Honorable Body:

As you may be aware, the second round of state-wide economic development funding through the new Regional Economic Development Councils has been announced. \$750 million are available through 11 State agencies with numerous grant programs. In last year's round, North Tonawanda submitted five applications and had three awarded, bringing in just over \$1 million. This year's application deadline is July 16<sup>th</sup>.

After meeting with the Mayor, the Community Development Department has determined three viable projects. These projects were selected based on a number of factors including project need, project feasibility, funding availability, complexity of the application, and project readiness.

The first project application would be for additional funding for the redevelopment of the marina at 1000 River Road. This grant, through the NYS Parks Department, would provide approximately \$300,000 in additional funding, leveraged by the \$687,000 Federal grant awarded to the City earlier this year.

The second project application would be for \$120,000 from the New York Main Street program. This grant would target the downtown area and provide funds to eligible properties for renovations. This grant, by regulation, would need to be coupled with matching loan funding provided by Lumber City Development Corporation.

The third project would be an application for funding to construct a number of kayak launches at points along the Erie Canal. This project could receive funding from either the NYS Department of State and/or the NYS Canal Corporation. This project is still in a conceptual planning phase, but it is likely to require between \$50,000 and \$100,000.

At this time I am requesting that this Honorable Body approve the City's applications for these projects by approving the resolutions as attached.

Thank you for your consideration.

Sincerely,  
James Sullivan

**MOVED by Alderman Needler**

**SECONDED by Alderman Andres**

**That the Common Council hereby authorizes Robert G. Ortt, as Mayor of the City of North Tonawanda, to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$310,000 and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the City of North Tonawanda Gratwick Marina Redevelopment and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property;**

**And, Further, that the Common Council hereby authorizes Robert G. Ortt, as Mayor of the City of North Tonawanda, to file an application for funds through the New York State Consolidated Funding Application process, in an amount not to exceed \$120,000 and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance from the New York State Office of Community Renewal for the New York Main Street Program;**

**And, Further, that the Common Council hereby authorizes Robert G. Ortt, as Mayor of the City of North Tonawanda, to file an application for funds through the New York State Consolidated Funding Application process, in an amount not to exceed \$100,000 and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the City of North Tonawanda Erie Canal Kayak project.**

**Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres**

**(5)**

**Nays: None**

**(0)**

**CARRIED.**

### **COMMUNICATIONS FROM OTHERS**

**A.**

**OLC Church**

**May 12, 2012**

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

**Ladies and Gentlemen,**

**OLC Parish is celebrating a Parish Festival Day on Sunday, August 26, 2012. To that end, we request permission to hang a banner across Oliver Street for 2 weeks prior to the festival. We also seek permission to block Center Avenue from Oliver Street to the length of the Ministry Center.**

**Also, we are requesting that the City provide garbage receptacles.**

**Thank you for your attention to this matter.**

**Yours truly,  
Patricia Faulhaber  
440-6179**

**MOVED by Alderman Andres**

**SECONDED by Alderman Donovan**

**That the Common Council hereby approves the closing of Center Avenue from Oliver Street to the length of the Ministry Center; directs the Department of Public Works to hang a banner across Oliver Street and to provide garbage receptacles for the OLC Parish Festival Day on Saturday, August 26, 2012. Patricia Faulhaber can be contacted at 440-6179 for further information.**

**Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres**

**(5)**

**Nays: None**

**(0)**

**CARRIED.**

**B.**  
**Rae Proefrock**  
**Herschell Carrousel Museum**

Dear Scott,

Please schedule me for a meeting with the Common Council on Tuesday, June 12. I hope to have their support resolution for a grant application to State Parks Historic Preservation Fund. This last restoration project for the Carrousel Museum will restore the original office building at 39 Geneva St. into an education Center for the museum. I have attached the resolution requested from the EPF-Historic Preservation program. Thank you for your help.

Rae Proefrock, Director

**MOVED** by Alderman Zadzilka                      **SECONDED** by Alderman Rizzo  
**WHEREAS**, the Carousel Society of the Niagara Frontier is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), through the Consolidated Funding Application, for a grant under the Environmental Protection Fund for a historic preservation project to be located at 39 Geneva St. in North Tonawanda, NY a site located within the territorial jurisdiction of this Council and

**WHEREAS**, as a requirement under the rules of these programs, said not-for profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located";

**NOW, THEREFORE**, be it resolved by this august body that the Common Council of North Tonawanda, NY hereby does approve and endorse the application of the Carousel Society of the Niagara Frontier for a grant under the Environmental Protection Fund for a historic preservation project known as the Allan Herschell Office Building and located within this community.

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

Nays: None (0)

**CARRIED.**

**C.**  
**HANCI**

**Mr. Scott Kiedrowski**  
**Clerk/Treasurer**  
**City of North Tonawanda**  
**216 Payne Avenue**  
**North Tonawanda, New York 14120**

Dear Scott:

The Senior Companion and Foster Grandparent Programs, sponsored by the Health Association of Niagara County, Inc. (HANCI), are joining to celebrate summer with a picnic on either August 7, 8, or 10, 2012, held at the Pinewoods Pavilion #1, Pinewoods Park, North Tonawanda. The date is flexible based on pavilion availability. The picnic will honor more than 150 older adults who have generously volunteered more than 150,000 hours of service during the past year to make our community a better place.

We are requesting that the Pinewoods pavilion fee be waived. We will gladly acknowledge the waiver by making an announcement to those in attendance, so that the volunteers will know that the city appreciates their dedication to children and seniors throughout the Niagara community. I thank you sincerely for considering this request. If you have any questions, please feel free to contact me at [ksmith@hanci.com](mailto:ksmith@hanci.com) or 285-8224, ext. 228.

Sincerely,

**Michele Paterson**    **Karen Smith**  
**Director, Volunteer Center at HANCI**      **Program Coordinator, Volunteer Center at HANCI**

06-19-2012

