

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

**Absent: Alderman Zadzilka**

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

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSION JULY 17, 2012**

**MOVED by Alderman Needler                      SECONDED by Alderman Rizzo  
That the minutes of the regular session held July 17, 2012 be approved as circulated and filed  
in the Office of the City Clerk.  
CARRIED.**

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

- 1) Bid – Lease of Electric Golf Cars - Recreation

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

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**AUDIENCE PARTICIPATION**

**Sonia Dusza, 123 Miller Street - Stated that she could not view the attachments to the Common Council agenda on her home computer and could not understand why. Stated that the appointment of Mr. Tindell that was on the agenda seems to be a good fit for the community and was told by Mr. Kiedrowski that he was a “good guy” and she was happy to hear that. Miss Dusza went on to speak of the old days of Mom and Pop shops on Oliver Street and that we needed to get back to that concept, however now all we have is blight.**

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**COMMUNICATIONS FROM CITY OFFICIALS**

**I. Mayor**

**August 2, 2012**

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

**Re: Appointment of Community Development Director**

**Dear Honorable Body:**

**08-07-2012**

Please be advised that I will be appointing Richard L. Tindell, 8716 Woodside Drive, Eden, NY 14057, as the Community Development Director, effective August 13, 2012.

Mr. Tindell's starting pay will be \$67,839, step 2 of the existing OPEIU salary schedule. As a condition of his employment, Mr. Tindell has agreed to relocate to the City of North Tonawanda. Mr. Tindell was chosen out of 22 applicants who applied for the position.

I feel confident he is the most qualified to do the best job on behalf of the residents of the City of North Tonawanda.

Please feel free to contact me should you have any further questions.

Sincerely,  
Robert G. Ortt

**MOVED** by Alderman Andres

**SECONDED** by Alderman Rizzo

That the Common Council hereby confirms the appointment of Richard L. Tindell, 8716 Woodside Drive, Eden, NY 14057, as the Community Development Director, effective August 13, 2012. Mr. Tindell's starting pay will be \$67,839, step 2 of the existing OPEIU salary schedule and as a condition of his employment he will relocate to the City of North Tonawanda.

Ayes: Needler, Donovan, Rizzo, Andres (4)

Nays: None (0)

**CARRIED.**

**II.1 Attorney**

**July 16, 2012**

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

**Re: Proposed Intermunicipal Agreement between North Tonawanda and Town of Tonawanda for a Port Security Grant**

**Dear Honorable Body:**

Attached is a proposed Intermunicipal Agreement between the City of North Tonawanda and the Town of Tonawanda for a Port Security Grant. The proposed agreement would last for a period of 5 years.

The Town of Tonawanda received a Port Security Grant through the Office of Homeland Security to allow for the installation of a security system. Through the Agreement, a security system would be set up at the City of North Tonawanda Wastewater Treatment Plant, 830 River Road, North Tonawanda, NY.

Should your Honorable Body concur, please pass a resolution to allow for the execution of the Intermunicipal Agreement between the City of North Tonawanda and the Town of Tonawanda for a Port Security Grant by the Mayor, subject to any further review by the City Attorney.

Very truly yours,  
Shawn P. Nickerson  
City Attorney

**MOVED** by Alderman Needler

**SECONDED** by Alderman Donovan

That the Common Council hereby authorizes the Mayor to sign the Intermunicipal Agreement between the City of North Tonawanda and the Town of Tonawanda for a Port Security Grant, subject to any further review by the City Attorney.

Ayes: Needler, Donovan, Rizzo, Andres (4)

Nays: None (0)

**CARRIED.**

**II.2 Mayor**

July 26, 2012

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

**Re: Return of Capital Investment - New York Municipal Insurance Reciprocal**

Dear Honorable Body:

As you may know, several years ago the City of North Tonawanda became a part of the New York Municipal Insurance Reciprocal (NYMIR) as our city's insurer through agent M & T Insurance Co. At that time, all subscribers were required to provide an initial capital contribution over a 5-year period to join this collaborative insurance program.

We are pleased to announce that due to our continuing loyalty to the program and our continuing sound claim handling and risk management practices, the City of North Tonawanda has received a check in the amount of \$15,299.73, which represents the fourth annual distribution from NYMIR as a share of the reciprocal's current surplus.

NYMIR is providing these distributions in recognition of the groundbreaking role we played by subscribing to this most successful collaborative program, which has become the largest and most successful example of municipal cooperation anywhere in New York State.

Should your Honorable Body need more information, please do not hesitate to contact us.

Very truly yours,  
 Shawn P. Nickerson  
 City Attorney

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

**II.3 Attorney**

July 27, 2012

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

**Re: Proposed Agreement between The City of North Tonawanda and  
 Island Street Foundation, Inc.**

Dear Honorable Body:

Attached is a proposed PILOT Agreement between the Island Street Foundation, Inc. and the City of North Tonawanda.

The Island Street Foundation (hereinafter referred to as "ISF") is an organization located at 17 Island Street, North Tonawanda. It has applied for exemption from real property taxes pursuant to §420-a of the Real Property Tax Law. Based upon my research, in the event this exemption application were litigated, ISF would be entitled to full §420-a real property tax exemption. In an effort to resolve this matter short of litigation the PILOT was negotiated. City Assessor Flo Carozzolo was fully involved in all negotiation discussions.



## V.2 Water

July 30, 2012

Honorable Mayor Robert G. Ortt  
and Common Council  
City Hall, 216 Payne Avenue  
North Tonawanda, NY 14120

Re: Award of Bid for Purchase of Dry Cationic Organic Polymer

Honorable Mayor and Common Council:

On Thursday, July 19, 2012 bids were received and publicly opened in the City Clerk's Office for the purchase of Dry Cationic Organic Polymer for the Wastewater Treatment Plant.

I recommend that the Common Council award the bid for Dry Cationic Organic Polymer for the Wastewater Treatment Plant to Clean Waters, 26808 County Route 3, Plessis, NY 13675, at their bid for 18,000 lbs at \$2.64/unit, for 3 years to lock in the unit price, subject to the approval of the City Attorney.

Very truly yours,  
Scott P. Kiedrowski  
Interim Water Superintendent

MOVED by Alderman Needler

SECONDED by Alderman Rizzo

That the Common Council hereby awards the bid for Dry Cationic Organic Polymer for the Wastewater Treatment Plant to Clean Waters, 26808 County Route 3, Plessis, NY 13675, at their bid for 18,000 lbs at \$2.64/unit, for 3 years to lock in the unit price, subject to the approval of the City Attorney.

Ayes: Needler, Donovan, Rizzo, Andres

(4)

Nays: None

(0)

CARRIED.

## V.3 Water

July 26, 2012

Honorable Mayor Robert G. Ortt  
and Common Council  
City Hall, 216 Payne Avenue  
North Tonawanda, NY 14120

Re: Award of Bid for Purchase of Natural Gas

Honorable Mayor and Common Council:

On Thursday, July 19, 2012 bids were received and publicly opened in the City Clerk's Office for the purchase of Natural Gas for the Wastewater Treatment Plant.

Our consultant, Mr. George Dahl of EnerScope, has reviewed and tabulated the results as follows:

<u>Bidder</u>	<u>Method</u>	<u>Price per DTH</u>
National Fuel Resources	Monthly Index	\$3.6051
EnergyMark, LLC	Monthly Index	\$3.6181

EnerScope has determined that National Fuel Resources is qualified and is recommending that the City award the bid to them at their lowest bid for Monthly Flat Rate Index method of \$0.2270 per DTH over the monthly NYMEX Natural Gas Futures settlement price for the bid period September 1, 2012 through August 31, 2013 and I concur.

Enclosed is a copy of EnerScope’s bid analysis, tabulation, and recommendation for your review.

I recommend that the Council award the bid for Natural Gas for the Wastewater Treatment Plant for the period September 1, 2012 through August 31, 2013 to National Fuel Resources, Inc., 165 Lawrence Bell Drive, Suite 120, Williamsville, NY 14221, at their flat rate index method price of \$0.2270 per DTH over the Monthly NYMEX Natural Gas Futures settlement price, subject to the approval of the City Attorney.

Very truly yours,  
Scott P. Kiedrowski  
Interim Water Superintendent

**MOVED by Alderman Donovan**                      **SECONDED by Alderman Rizzo**  
That the Common Council hereby awards the bid for Natural Gas for the Wastewater Treatment Plant for the period September 1, 2012 through August 31, 2013 to National Fuel Resources, Inc., 165 Lawrence Bell Drive, Suite 120, Williamsville, NY 14221, at their flat rate index method price of \$0.2270 per DTH over the Monthly NYMEX Natural Gas Futures settlement price, subject to the approval of the City Attorney.

Ayes: Needler, Donovan, Rizzo, Andres (4)  
Nays: None (0)  
**CARRIED.**

**VII. Accountant**

August 2, 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 August 7, 2012, and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Very truly yours,  
Mark W. Dotterweich  
City Accountant

**MOVED by Alderman Needler**                      **SECONDED by Alderman Andres**  
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated August 7, 2012 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$185,576.07
02	Water Fund	41,743.31
04	Sewer Fund	49,971.96
06	Capital Project Fund	209,675.13
07	Trust & Agency Fund	1,642.61
11	General Fund Encumbered	850.00
17	Home Rehab Program	36.50
	Final Total	<u>\$489,495.58</u>

Ayes: Needler, Donovan, Rizzo, Andres (4)  
Nays: None (0)  
**CARRIED.**

**XIV. Recreation**

July 19, 2012

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

Dear Honorable Body:

Please review and approve the seasonal part time wage schedule for lifeguards in the Department of Youth, Recreation & Parks. I am requesting for this position to start at the second step (\$7.25) regardless of age, due to the costly certifications and qualifications each lifeguard is required to obtain. There has been no modification to their pay wage since 2007.

Thank you for your consideration.

Respectfully submitted,  
 Patricia A. Brosius  
 Director of Youth, Recreation & Parks

**MOVED** by Alderman Donovan                      **SECONDED** by Alderman Rizzo  
 That the Common Council hereby amends the 2012 Part Time Wage Schedule to reflect that Lifeguards in the Department of Youth, Recreation & Parks start at the second step (NYS minimum wage) of the wage scale regardless of age from this point forward due to the costly certifications and qualifications each lifeguard is required to obtain prior to employment. This amendment to the 2012 Part Time Wage schedule is retroactive to the beginning of their 2012 summer employment.  
 Ayes: Needler, Donovan, Rizzo, Andres (4)  
 Nays: None (0)  
**CARRIED.**

**XXV. Monthly Reports**

- .1 City Clerk
- .2 Senior Citizens

**MOVED** by Alderman Rizzo                      **SECONDED** by Alderman Andres  
 To receive and file the aforementioned Monthly Reports.  
**CARRIED.**

**XXVI. Semi-Annual Vacation and Sick Leave Reports**

- .1 Building Inspector

**MOVED** by Alderman Rizzo                      **SECONDED** by Alderman Andres  
 To receive and file the aforementioned Semi-Annual Vacation and Sick Leave Report.  
**CARRIED.**

**XXXII.1 Community Development**

July 23, 2012

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

Re: Electrical Service - Buffalo Bolt Business Park



**MOVED** by Alderman Donovan                      **SECONDED** by Alderman Needler  
 That the Common Council hereby authorizes the Mayor and the City Treasurer sign the certifications regarding the aforementioned DASNY/NYEDCP Grant in the amount of \$250,000, in order to receive the Grant Disbursement Agreement; and, Further, upon receipt of the Grant Disbursement Agreement, the Mayor is authorized to sign the Agreement, pending review the City Attorney.

Ayes: Needler, Donovan, Rizzo, Andres (4)

Nays: None (0)

**CARRIED.**

### COMMUNICATIONS FROM OTHERS

A.

St. Mary & St. Moses Coptic Orthodox Church

July 12, 2012

Mayor Robert G. Ortt  
 City of North Tonawanda  
 Office of the Mayor  
 216 Payne Avenue  
 North Tonawanda, NY 14120

Dear Mayor Ortt:

It is my pleasure to write this letter to inform you about our upcoming Annual Egyptian Festival, which St. Mary & St. Moses Coptic Orthodox Church of North Tonawanda is planning to hold on September 8 and September 9, 2012. As I am sure you know, this is the fourth year for St. Mary & St. Moses to hold this event which has been thankfully a tremendous success in the past. Last year, for example, we had over 800 visitors to our event, which included authentic Egyptian food, tours of our church, and fun games for the kids.

I am therefore writing to make a couple of requests of you and the Common Council. First, for the convenience and safety of our visitors, I would like to request permission for cars to park along the westbound direction of Wheatfield Street between Bryant Street and Payne Avenue (the side adjacent to our church) on Saturday, September 8, between the hours of 11:00 am and 8:00 pm, and on Sunday, September 9, between the hours of 12:00 pm and 7:00 pm. I also would like to request permission to have a banner announcing our upcoming festival, hung up over Payne Ave. by the Gersh Academy approximately two weeks prior to the event.

Finally, I would like to take this opportunity to invite you and to invite the honorable members of the Common Council to our event.

Thank you in advance for continuous help, support and encouragement. It is really a privilege to get the chance to work with you and with the outstanding staff in your office.

Sincerely yours,

Fr. Mark Iskander  
 Priest of St. Mary & St. Moses  
 Coptic Orthodox Church

**MOVED** by Alderman Needler                      **SECONDED** by Alderman Rizzo  
 That the Common Council hereby amends the aforementioned request, upon recommendation of the North Tonawanda Fire Chief and directs the Department of Public Works to block off Wheatfield Street between Payne Avenue and Bryant Street, rather than allow parking on Wheatfield Street due to the narrowness of the street and heavy traffic volume, on Saturday, September 8, between the hours of 11:00 am and 8:00 pm, and on Sunday, September 9, between the hours of 12:00 pm and 7:00 pm. and to reopen the street to traffic each evening after the event. The Common Council further directs that the neighbors on Wheatfield Street between Payne Avenue and Bryant Street be notified of the

street closure, and since Wheatfield Street is a truck route, further directs the Fire Chief and Superintendent of Public Works to work in conjunction to have the proper signage placed on River Road and the TCMH warning trucks of the closure and, further, directs the Department of Public Works to hang the banner for the festival on Payne Avenue in front Gersh Academy.

Ayes: Needler, Donovan, Rizzo, Andres (4)  
 Nays: None (0)  
**CARRIED.**

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**B.  
 Generation Church**

July 23, 2012

City Clerk's Office of North Tonawanda  
 Common Council  
 North Tonawanda City Hall  
 216 Payne Ave  
 North Tonawanda, NY 14120

Dear Council:

My name is Chad Rieselman. With the help of First Assembly of God in Niagara Falls and The Chapel at Crosspoint, I am leading a team of great people to open a new church on East Robinson Street here in North Tonawanda. We have made some upgrades to the facility and plan to launch a full line of family ministries on September 16 of 2012. Part of our strategy to gather people from North Tonawanda includes a 2-day family carnival type outreach event at our facility on August 18 from 4PM to 8PM and Sunday August 19 from 12PM to 4PM. We expect to host a few hundred people each day and that may cause us to have more cars than our lot can handle. We seek your approval for a special street parking variance for that day. We already have a Sunday variance in place, so we're asking for permission only Saturday.

May we please be approved for a variance to park on both sides of East Robinson Street from noon to 6PM on August 18?

Sincerely,  
 Chad Rieselman  
 Campus Pastor

**MOVED by Alderman Donovan                      SECONDED by Alderman Needler**  
**That the Common Council hereby grants permission to Generation Church to use both sides of East Robinson Street for parking on Saturday, August 18, 2012 from noon to 6PM and Sunday, August 19, 2012 from 12PM to 4PM for an event at their facility.**

Ayes: Needler, Donovan, Rizzo, Andres (4)  
 Nays: None (0)  
**CARRIED.**

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**C.  
 Dr. & Mrs. Maurice Dewey**

July 30, 2012

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

Dear Mayor Ortt:

We would like to invite you and your wife to a Block Party scheduled for August 25, 2012 from 5pm - 11pm. In addition to our usual smorgasbord of food and beverages, music will be provided by Pat Kane. An added attraction: Dale Jenks of Hartland Carriages will provide Hay Rides at 5pm.

In order to ensure this party be as safe as it will be fun, we ask that you agree to have the Department of Public Works set up road barricades on Christiana between the streets of Bryant and Falconer. We would like to have the barricades by 11am. Thank you for your consideration of this matter, and we hope to see you the 25<sup>th</sup>.

Respectfully,  
Dr. and Mrs. Maurice Dewey

**MOVED** by Alderman Andres                      **SECONDED** by Alderman Needler  
That the Common Council hereby grants permission to Dr. and Mrs. Maurice Dewey, 189 Christiana Street, to hold a block party on Christiana Street between the streets of Bryant and Falconer on Saturday, August 25<sup>th</sup> from 5pm - 11pm and directs the Department of Public Works to provide barricades for the event.

Ayes: Needler, Donovan, Rizzo, Andres (4)  
Nays: None (0)  
**CARRIED.**

**D.**  
Amanda Peggs

August 1, 2012

Dear Common Council:

I Amanda Peggs is asking permission to have Mazda Terrace of North Tonawanda blocked off from 12:00pm to 4:00pm on August 25, 2012. My phone number is 716-931-0407.

Thank you,  
Amanda Peggs

**MOVED** by Alderman Donovan                      **SECONDED** by Alderman Needler  
That the Common Council hereby grants permission to Amanda Peggs, 545 Mazda Terrace, to hold a block party on Mazda Terrace on Saturday, August 25, 2012 from 12:00pm – 4:00pm and directs the Department of Public Works to provide barricades for the event.

Ayes: Needler, Donovan, Rizzo, Andres (4)  
Nays: None (0)  
**CARRIED.**

### LATE COMMUNICATION

**MOVED** by Alderman Andres                      **SECONDED** by Alderman Needler  
To bring the following communication to the floor.

Ayes: Needler, Donovan, Rizzo, Andres (4)  
Nays: None (0)  
**CARRIED.**

**#1.**  
Water

August 6, 2012

Honorable Mayor Robert Ortt  
and Common Council  
City Hall, 216 Payne Ave  
North Tonawanda, NY 14120

Re: Water Service Leak Account #11416

Dear Mayor and Common Council,

