

**THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, August 21, 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**

APPROVAL OF THE MINUTES OF THE REGULAR SESSION AUGUST 7, 2012

**MOVED by Alderman Zadzilka SECONDED by Alderman Rizzo
That the minutes of the regular session held August 7, 2012 be approved as circulated and
filed in the Office of the City Clerk.
CARRIED.**

AUDIENCE PARTICIPATION - None

COMMUNICATIONS FROM CITY OFFICIALS

II.1 Attorney

August 15, 2012

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

**Re: Proposed Intermunicipal Agreement between City of Lockport
and City of North Tonawanda for Sharing of Water/Wastewater
Treatment Services**

Dear Honorable Body:

**Attached is a proposed Intermunicipal Agreement between the City of Lockport and the
City of North Tonawanda to facilitate the sharing of water/wastewater treatment services
between the cities under the NYS Shared Municipal Services Incentive Grant
Program. The City of Lockport will act as lead agency and will enter into an
agreement with the New York State Department of State to facilitate the state grant.**

**Should your Honorable Body concur, please pass the resolution attached to allow for the
execution of the attached Intermunicipal Agreement by the Mayor, subject to any further
review by the City Attorney.**

If you have any questions, please do not hesitate to contact me.

**Very truly yours,
Shawn P. Nickerson
City Attorney**

08-21-2012

MOVED by Alderman Donovan

SECONDED by Alderman Zadzilka

That the Common Council hereby authorizes the Mayor to sign the Intermunicipal Agreement between City of Lockport and City of North Tonawanda for Sharing of Water/Wastewater Treatment Services between the cities under the NYS Shared Municipal Services Incentive Grant Program. The City of Lockport will act as lead agency and will enter into an agreement with the New York State Department of State to facilitate the state grant, subject to any further review by the City Attorney.

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres

(5)

Nays: None

(0)

CARRIED.

II.2 Attorney

August 17, 2012

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

Re: Proposed Amendment to North Tonawanda City Code
Section 103-15B(4)b - Fences or Walls

Dear Honorable Body:

Below, for your consideration, is a proposed addition to the North Tonawanda City Code as suggested by the Building Inspector. The changes are indicated below in bold print (as underlined).

B(4)b. "No more than four feet where located in front of the principal building and in excess of fifteen feet from the front property line. No more than three feet where located within fifteen feet of the front property line. No solid-type fence or wall shall be permitted in any district. Any fence constructed in the front yard must be less than 50% solid with no less than 2¼ inch space between each picket or upon the approval of the Board of Appeals, subject to conformance with the corner visibility provisions established under this section."

If your Honorable Body concurs, please pass a resolution to amend the North Tonawanda City Code, Section 103-15B(4)b, subject to any further review by the City Attorney. Should you have any questions, please do not hesitate to contact me.

Very truly yours,
Shawn P. Nickerson
City Attorney

MOVED by Alderman Needler

SECONDED by Alderman Andres

That the Common Council hereby approves the following amendment (as underlined) to North Tonawanda City Code Section 103-15B(4)b - Fences or Walls:

103-15B(4)b. "No more than four feet where located in front of the principal building and in excess of fifteen feet from the front property line. No more than three feet where located within fifteen feet of the front property line. No solid-type fence or wall shall be permitted in any district. Any fence constructed in the front yard must be less than 50% solid with no less than 2¼ inch space between each picket or upon the approval of the Board of Appeals, subject to conformance with the corner visibility provisions established under this section."

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres

(5)

Nays: None

(0)

CARRIED.

VII.1 Accountant

August 16, 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 21, 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 Donovan

That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated August 21, 2012 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$669,574.66
02	Water Fund	27,215.88
04	Sewer Fund	52,306.71
06	Capital Project Fund	465,145.02
07	Trust & Agency Fund	1,273.96
11	General Fund Encumbered	161.79
	Final Total	<u>\$1,215,678.02</u>

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres

(5)

Nays: None

(0)

CARRIED.

XXV. Monthly Reports

- .1 Treasurer
- .2 Police

MOVED by Alderman Andres

SECONDED by Alderman Rizzo

To receive and file the aforementioned Monthly Reports.

CARRIED.

AUDIENCE PARTICIPATION

Thomas Konopka 1261 Bowen Court – Stated that Walmart was a welcome addition to North Tonawanda and that he had traveled to and from the store without any traffic problems. Thanked the Mayor and Common Council for waiving the pavilion fee for the Vietnam Chapter 77 community picnic held recently at Veterans Park.

Mike Walker 104 Charlesgate Court, East Amherst – As President of Vietnam Veterans Chapter 77, Mr. Walker thanked the Mayor and Common Council for the fee waiver for the community picnic sponsored by Vietnam Veterans Chapter 77.

Sonia Dusza, 123 Miller Street – Stated that the proposed inter-municipal water sharing agreement with the City of Lockport was a good idea. Stated that the “white elephant” on River Road was costing everyone way too much money to operate at such a low capacity. Yelled “Yahoo” at the potential for water/sewer bills to drop because of this agreement. Inquired about the change to the fence ordinance and wanted a copy of the Building Inspectors comments on the change.

ADJOURNMENT

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

Time of Adjournment: 6:48P.M.

Respectfully submitted,

Scott P. Kiedrowski
City Clerk–Treasurer