

**THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, December 4, 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 NOVEMBER 20, 2012

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

AUDIENCE PARTICIPATION - None

COMMUNICATIONS FROM CITY OFFICIALS

I. Mayor

November 27, 2012

**North Tonawanda Common Council
City Hall, 216 Payne Avenue
North Tonawanda, New York 14120**

Re: Board of Assessment Review Committee

Dear Honorable Body:

**Please be advised that I am appointing Leslie Stolzenfels, 302 Elmwood Ave., North
Tonawanda, NY 14120, to the Board of Assessment Review Committee, for a five (5) year
term effective December 4, 2012 and expiring on September 30, 2017.**

Thank you for your attention to this matter.

**Faithfully yours,
Robert G. Ortt
Mayor**

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

II.1 Attorney

November 28, 2012

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

Re: Property Acquisition - Sweeney Hose - 499 Zimmerman St.

Dear Honorable Body:

Sweeney Hose Company No 7, has proposed to reacquire the rear parking area behind its building at 499 Zimmerman Street, SBL#182.11-1-11, which is 233 ft. x 130 ft. The proposed terms of sale are:

- 1) Cash payment in the amount of \$2,000 to City of North Tonawanda at time of closing of sale between the City of North Tonawanda and Sweeney Hose.
- 2) Provision of in-kind services valued at \$1,000 per year through December 31, 2030, including:
 - a). Exclusive use of fifteen (15) parking spaces adjacent to North Tonawanda Fire Headquarters including unlimited ingress and egress thereto: eight (8) spaces as currently configured and seven (7) of the spaces will be along the back of the lot on the same side as fire headquarters. These seven are to be used for active City vehicles only, and not as a location for decommissioned or other stored vehicles/items.
 - b). Sealing, restriping, repair and maintenance of the parking spaces as needed;
 - c). Snow plowing of the parking spaces and the north driveway to the parking area;
 - d). Lighting, security and liability insurance coverage regarding the parking spaces.

Should your Honorable Body concur, please pass a resolution to allow for the reacquisition of the rear parking area behind its building at 499 Zimmerman Street by Sweeney Hose Company, No. 7, subject to any further review by the City Attorney.

Very truly yours,
 Shawn P. Nickerson
 City Attorney

MOVED by Alderman Zadzilka

SECONDED by Alderman Andres

That the Common Council hereby approves the reacquisition of the rear parking area behind its building at 499 Zimmerman Street by Sweeney Hose Company, No. 7, SBL#182.11-1-11, which is 233 ft. x 130 ft., subject to any further review by the City Attorney.

The terms of sale are:

- 1) Cash payment in the amount of \$2,000 to City of North Tonawanda at time of closing of sale between the City of North Tonawanda and Sweeney Hose.
- 2) Provision of in-kind services valued at \$1,000 per year through December 31, 2030, including:
 - a). Exclusive use of fifteen (15) parking spaces adjacent to North Tonawanda Fire Headquarters including unlimited ingress and egress thereto: eight (8) spaces as currently configured and seven (7) of the spaces will be along the back of the lot on the same side as fire headquarters. These seven are to be used for active City vehicles only, and not as a location for decommissioned or other stored vehicles/items.
 - b). Sealing, restriping, repair and maintenance of the parking spaces as needed;

- c). Snow plowing of the parking spaces and the north driveway to the parking area;
- d). Lighting, security and liability insurance coverage regarding the parking spaces.

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

II.2 Attorney

November 29, 2012

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

Re: Proposal to Purchase Lots 4, 5 and 8 at Buffalo Bolt Business Park by Armstrong Pumps

Dear Honorable Body:

Attached, for your consideration, is a letter from Armstrong Pumps expressing interest in purchasing lots 4, 5 and 8, located at the Buffalo Bolt Business Park, for an amount of \$41,550. As you know, Armstrong is considering a renovation and expansion of their existing manufacturing facility located at 93 East Avenue. Based on discussions held with Jerry Najuch, Logistics Manager, and Alexander G. van der Weerd, Chief Executive Officer, it appears that this project is a high priority for Armstrong Pumps.

Therefore, I respectfully request the Council pass a resolution at their December 4, 2012, meeting authorizing the Mayor to execute an 18-month purchase agreement (and all necessary closing documents) for lots 4, 5 and 8, located at the Buffalo Bolt Business Park in the amount of \$41,550. As a condition precedent to closing, the transfer will not take place until Armstrong Pumps has applied to the City of North Tonawanda for a zoning permit for the expansion and renovation of their current 93 East Avenue manufacturing facility.

Armstrong Pumps has been an important employer in North Tonawanda since 1968 and their expansion project will provide significant benefits for the City and its residents. Should you have any questions, please do not hesitate to contact me.

Very truly yours,
 Shawn P. Nickerson
 City Attorney

MOVED by Alderman Donovan

SECONDED by Alderman Zadzilka

That the Common Council hereby authorizes the Mayor to execute an 18-month purchase agreement (and all necessary closing documents) for lots 4, 5 and 8, located at the Buffalo Bolt Business Park in the amount of \$41,550. As a condition precedent to closing, the transfer will not take place until Armstrong Pumps has applied to the City of North Tonawanda for a zoning permit for the expansion and renovation of their current 93 East Avenue manufacturing facility, subject to further review by the City Attorney.

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

VII.1 Accountant

November 30, 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 December 4, 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 Zadzilka

That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated December 4, 2012 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$3,065,159.26
02	Water Fund	149,953.59
04	Sewer Fund	248,968.92
06	Capital Project Fund	385,321.04
11	General Fund Encumbered	409.51
17	Home Rehab Program	<u>11,421.50</u>
	Final Total	<u>\$3,861,233.82</u>

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres

(5)

Nays: None

(0)

CARRIED.

VII.2 Accountant

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

Dear Honorable Body:

To properly culminate the financial activities of the municipality for fiscal year 2012, I recommend that the Common Council authorize the City Accountant to make any necessary budgetary transfers, adjustments, subsidies or amendments for sanctioned expenditures, accrued liabilities, accounts payable and encumbrances, at December 31, 2012. It should be noted that Department Heads are still responsible and accountable for their financial actions.

Approval of this recommendation will insure that no appropriation accounts or operating funds are over-obligated at year-end, providing a favorable financial and management representation for the auditors, State Comptroller, investment analysts and bankers.

This action would be in compliance with the State of New York Uniform System of Accounts for Cities and Generally Accepted Accounting Principals (GAAP).

These actions will be reflected in the municipality's year-end appropriation ledgers, the audited 2012 Financial Statements and in our Annual Financial Update Document, which is sent to the New York State Comptroller's office.

If I can be of any further assistance, please do not hesitate to contact me at your convenience.

Very truly yours,
Mark W. Dotterweich
City Accountant

MOVED by Alderman Donovan SECONDED by Alderman Needler
That the Common Council hereby authorizes the City Accountant to make any necessary budgetary transfers, adjustments, subsidy's or amendments for sanctioned expenditures, accrued liabilities, accounts payable and encumbrances, at December 31, 2012.
Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres (5)
Nays: None (0)
CARRIED.

XI. Fire

November 29, 2012

To: Honorable City Council

From: Chief Lapham

Dear Council Members:

I am requesting permission to have street banners erected by the Department of Public Works in an effort to recruit Volunteer Firefighters.

As you are aware, we received Federal funding for this program and have had the signs printed by SignTech of North Tonawanda. This program will run for a total of four (4) years, and the signs will be used indefinitely.

I am requesting the signs be displayed at one (1) month intervals starting in February 2013, and also in May, August and November of 2013. I do understand there may be conflicts with other banner requests, but will arrange a schedule to avoid this.

If you concur, please advise Bradley Rowles of DPW and my office so a schedule can be settled.

Respectfully,
Fire Chief John C. Lapham

MOVED by Alderman Zadzilka SECONDED by Alderman Donovan
That the Common Council hereby grants permission for the Fire Department to have street banners erected by the Department of Public Works to recruit Volunteer Firefighters and directs the Department of Public Works to contact the Fire Department to work out a schedule for installation.
Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres (5)
Nays: None (0)
CARRIED.

XVII. Traffic Safety

November 22, 2012

Scott Kiedrowski
 City Clerk-Treasurer
 216 Payne Avenue
 North Tonawanda, NY 14120

Traffic Safety Minutes:

The November meeting of the North Tonawanda Traffic Safety Committee was called to order at 1900 hours. Roll call showed the following members present: J. Sikora, A. Vater, M. Lemke, E. Smolinski, M. Anastasi and A. DiBernardo. The minutes from the previous meeting were read and accepted. The following new concerns were discussed and recommendations made.

1. Member Smolinski recommended removing the traffic signal located at the intersection of Oliver Street and 7th Avenue and placing stop signs on 7th. There are currently traffic signals at Oliver & Center, Oliver & 7th and Oliver and Walck. Removing the signal from 7th would make traffic flow more efficient. Placing stop signs on 7th at Oliver should continue to make the intersection safe due to limited traffic on 7th. All committee members present are in favor of this recommendation.
2. Member Anastasi was approached by a civilian and asked if deer crossing signs could be placed on Wurlitzer Drive between Erie Avenue and Fairmont. With additional traffic from Wal-Mart customers on this portion of Wurlitzer the Committee thinks this is a good idea and recommends placing the signs.
3. Member Smolinski would like the timing of the traffic signal located at the intersection of Sweeney and Main Streets checked. The signal stays red on all 4 sides every so often causing the timing of all additional traffic signals on Main Street to be off. The Committee recommends having the NTDPW Signal Department look at the timing and makes any necessary adjustments.
4. The Committee received a request from resident Frank Malone of East Schenck Street concerning parking on the street. Mr. Malone was contacted by Member Sikora and the matter was discussed. The Committee will watch the area and have further discussions in the future if needed.
5. Council Member R. Andres was contacted by a Senior Citizen concerned with the location of handicap parking spots at the senior center. The request was to move the handicap parking spots to the North side of Goundry Street. The Committee does not recommend this move. People using these spots would be exiting their vehicles into Goundry Street. Member DiBernardo will speak to Pam Hogan at the Senior Center and report on the topic at the December meeting.

Respectfully submitted,
 Joseph D. Sikora, Chairman

MOVED by Alderman Rizzo

SECONDED by Alderman Needler

That the Common Council hereby directs the Department of Public Works as follows:

1. Remove the traffic signal located at the intersection of Oliver Street and 7th Avenue and place stop signs on 7th Avenue.
2. Place deer crossing signs on Wurlitzer Drive between Erie and Fairmont Avenues.
3. To check the timing of the traffic signal located at the intersection of Sweeney and Main Streets and make any necessary adjustments. The signal stays red on all 4 sides every so often causing the timing of all additional traffic signals on Main Street to be off.

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres

(5)

Nays: None

(0)

CARRIED.

COMMUNICATIONS FROM OTHERS

A.
NT City School District

November 27, 2012

North Tonawanda Common Council
President Richard Andres
216 Payne Avenue
North Tonawanda, NY 14120

Dear Mr. Andres:

I am writing to you to request permission for North Tonawanda School District's first 5K and 1 mile family fun run to be held on Saturday, April 13, 2013 at 9AM. We intend for the races to begin and end at North Tonawanda Middle School. This run will be done in conjunction with the NT Health Fair which will be scheduled the same day from 11AM to 2PM also at NT Middle School. I have attached a proposed race route, which runs through Wurlitzer Park.

I have been in contact with Captain Roger Zgolak, who is in support of our presented route and schedule. I would like to request police escort and presence at critical intersections, as well as DPW assistance in providing barricades along the route.

We are very excited to offer this event for our community at a very low cost for adults, and hopefully free for children, as we are promoting good overall community health. Our hope is to make this a yearly event.

Thank you for your consideration of this request. If you need further information, please contact me at 807-3715.

Sincerely,
Sue Evarts
School Counselor
5K Event Coordinator

MOVED by Alderman Andres

SECONDED by Alderman Zadzilka

That the Common Council hereby approves the request for the North Tonawanda School District's first 5K and 1 mile family fun run to be held on Saturday, April 13, 2013 at 9AM and directs the Police Department and the Department of Public Works to contact Sue Evarts at 807-3715 to provide assistance for the event.

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres

(5)

Nays: None

(0)

CARRIED.

B.
Canalside Creamery

November 27, 2012

To Mayor's Office and Common Council:

We are requesting to continue Canalside Creamery Car Cruise on Monday Nights starting May 13, 2013 thru September 2, 2013. We would like permission to close down Webster St. from Tremont to Goundry from 6-9 pm. This free event brought many cars and spectators down to the area every Monday. If possible we would like your permission as soon as possible so that we can have the event listed in the Cavalcade of Cars. This publication is free and it is seen by thousands of car enthusiast.

Thank you
Barb LaBruna
Canalside Creamery

12-04-2012

MOVED by Alderman Donovan

SECONDED by Alderman Andres

That the Common Council hereby approves the request of Canalside Creamery to host a weekly classic car cruise on Webster Street, every Monday evening from 6PM to 9PM beginning Monday, May 13, 2013 through Monday, September 2, 2013, (except when it conflicts with any other organized event normally held during the summer season), weather permitting and further directs the Department of Public Works to close off a section of Webster Street from Goundry St. to Tremont St. for the events.

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres

(5)

Nays: None

(0)

CARRIED.

AUDIENCE PARTICIPATION

Pete Chenier, 1665 Eddy Drive – Thanked the Council and Mayor for approving the property acquisition for Sweeney Hose.

ADJOURNMENT

MOVED by Alderman Zadzilka

SECONDED by Alderman Donovan

That this regular session of the Common Council be and hereby is adjourned.

CARRIED.

Time of Adjournment: 6:49P.M.

Respectfully submitted,

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