

**THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, January 15, 2013
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. Ort
City Attorney Shawn P. Nickerson**

APPROVAL OF THE MINUTES OF THE REORGANIZATION SESSION JANUARY 2, 2013

**MOVED by Alderman Zadzilka SECONDED by Alderman Rizzo
That the minutes of the reorganization session held January 2, 2013 be approved as circulated
and filed in the Office of the City Clerk.
CARRIED.**

APPROVAL OF THE MINUTES OF THE REGULAR SESSION JANUARY 2, 2013

**MOVED by Alderman Needler SECONDED by Alderman Donovan
That the minutes of the regular session held January 2, 2013 be approved as circulated and filed
in the Office of the City Clerk.
CARRIED.**

PROOF OF PUBLICATION PUBLISHED DECEMBER 25-30, 2012 & JANUARY 1-2, 2013

1) Public Hearing – Condemnation of Meadow Drive Right of Way – City Clerk-Treasurer

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

AUDIENCE PARTICIPATION

**Sonia Dusza, 123 Miller Street – Stated that did not know who Ken Braun was but she
hoped he had a sound background in Planning and Zoning. Stated that she hoped Mr.
Braun would be an advocate for sound Planning and Zoning in North Tonawanda. Stated
that the Zoning Board of Appeals of the past has been very damaging and that applicant's
rights need to be upheld. Inquired about the agenda items as they pertained to 1200 East
Robinson and the Meadow Drive extension condemnation. Stated that she was happy to be
able to view the agenda on the web in advance of the meeting. Stated that she wanted a
copy of the abstract of claims.**

COMMUNICATIONS FROM CITY OFFICIALS

I.1 Mayor

January 3, 2013

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

Re: Re-appointment to North Tonawanda Traffic Safety Committee

Dear Honorable Body:

Please be advised that I am re-appointing Thomas Tussing, 115 Community Drive, North Tonawanda, NY 14120 to the Traffic Safety Committee effective January 1, 2013 for a term of (3) three years expiring December 31, 2015.

Thank you for your attention to this matter.

**Faithfully,
Robert G. Ortt
Mayor**

**MOVED by Alderman Zadzilka SECONDED by Alderman Rizzo
To receive and file the aforementioned communication.
CARRIED.**

I.2 Mayor

January 11, 2013

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

Re: Zoning Board of Appeals

Dear Honorable Body:

Please be advised that I am appointing Ken Braun, 175 Lincoln Ave., North Tonawanda, NY 14120 as the Chairman for the Zoning Board of Appeals effective January 1, 2013 for a term of (1) one year, expiring on December 31st, 2013.

Thank you for your attention to this matter.

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

**MOVED by Alderman Donovan SECONDED by Alderman Needler
To receive and file the aforementioned communication.
CARRIED.**

II.1 Attorney

January 3, 2013

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

Re: Meadow Drive Extension Project – Property Acquisition

Dear Honorable Body:

Attached for your information are copies of the documents which conclude the acquisition of the property from CSX to move the above-referenced project forward. You will note that the closing took place in Niagara County on December 17, 2012.

Should you have any questions or need more information, please do not hesitate to contact me.

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

**MOVED by Alderman Zadzilka SECONDED by Alderman Donovan
To receive and file the aforementioned communication.
CARRIED.**

II.2 Attorney

January 10, 2013

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

Re: Sale of 1200 East Robinson Street

Dear Honorable Body:

As you may remember, several years back the City of North Tonawanda sold several lots wherein the deed(s) contained a clause requiring that the new owners build a home on the lots within a year of the sale. The clause indicated that if the buyer did not complete the house within a one-year window of time, that the property would revert back to the City of North Tonawanda.

Subsequently, the owners bought the above-referenced property had a home built on their lot. However, the home was not completed within the one-year window of time. They are now selling the property as indicated in the attached letter, and are asking that the City of North Tonawanda relinquish its interest in the property established by the one-year clause in their original deed.

If your Honorable Body concurs, please pass a resolution for the City of North Tonawanda to convey its reverted interest in the property to the owners and establish extinguishment rights to the property, to enable the current sale to proceed, subject to further review by the City Attorney.

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

MOVED by Alderman Needler

SECONDED by Alderman Andres

That the Common Council hereby conveys the City of North Tonawanda's reverted interest in the property at 1200 East Robinson Street to the property owners and establishes extinguishment rights to the property, to enable the current sale to proceed, subject to further review by the City Attorney.

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres

(5)

Nays: None

(0)

CARRIED.

VII. Accountant

January 15, 2013

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 January 15, 2013, 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 Rizzo

That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated January 15, 2013 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$759,554.43
02	Water Fund	45,822.53
04	Sewer Fund	73,499.43
06	Capital Project Fund	16,849.39
07	Trust & Agency Fund	3,782.45
17	Home Rehab Program	36.50
	Final Total	<u>\$899,544.73</u>

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres

(5)

Nays: None

(0)

CARRIED.

XIV. Recreation

January 8, 2013

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

Dear Honorable Body:

Please review and approve for signing the attached renewal agreement between the Niagara County Office of the Aging and the City of North Tonawanda for the Senior Citizen Center Nutrition Program. The agreement will allow the service to continue through December 31, 2013.

The contract has been reviewed and approved by the City Attorney and I request that you authorize the Mayor to execute said contract.

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

MOVED by Alderman Rizzo

SECONDED by Alderman Donovan

That the Common Council hereby authorizes the Mayor to sign the renewal agreement between the Niagara County Office of the Aging and the City of North Tonawanda for the Senior Citizen Center Nutrition Program. The agreement will allow the service to continue through December 31, 2013.

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres

(5)

Nays: None

(0)

CARRIED.

XVII. Traffic Safety

December 19, 2012

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

Traffic Safety Minutes:

The December meeting of the North Tonawanda Traffic Safety Committee was called to order at 2000 hours. Roll call showed the following members present: J. Sikora, R. Frank, M. Lemke, E. Smolinski, A. Vater, 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 paving a small area of dirt between the sidewalk and street/crosswalk leading to the handicapped accessible dock on Sweeney Street. The Committee agrees with this and would like to see it done when paving takes place in the spring.
2. Member DiBernardo reported on the relocation of handicap parking spots at the NT Senior Center. This issue was held from November. He spoke with Pam Hogan who would like the spots relocated to Goundry Street. As stated last month the Committee is concerned with people using these spots exiting vehicles into Goundry Street. Member Smolinski is going to check Vehicle and Traffic Law on positioning of handicapped parking spots. The issue will be discussed at the January Meeting.
3. A request from the resident at 1021 Oliver Street concerning a "No Parking Here to Corner" sign was discussed. The resident was contacted by member Sikora and additional enforcement in the area is all she requested.
4. Have a Merry Christmas and Happy New Year.

Respectfully submitted,
 Joseph D. Sikora, Chairman

MOVED by Alderman Zadzilka

SECONDED by Alderman Andres

That the Common Council hereby directs the Department of Public Works to pave the small area of dirt between the sidewalk and the street/crosswalk to the handicapped accessible dock on Sweeney Street.

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres

(5)

Nays: None

(0)

CARRIED.

XXV. Monthly Reports

- .1 City Clerk
- .2 Senior Citizens
- .3 Treasurer

MOVED by Alderman Needler **SECONDED** by Alderman Donovan
To receive and file the aforementioned Monthly Reports.
CARRIED.

XXVI. Vacation and Sick Leave Reports

- .1 Building Inspector
- .2 Treasurer
- .3 City Clerk

MOVED by Alderman Rizzo **SECONDED** by Alderman Zadzilka
To receive and file the aforementioned Vacation and Sick Leave Reports.
CARRIED.

XXVII. Annual Reports

- .1 City Clerk
- .2 Senior Citizens
- .3 Building Inspector

MOVED by Alderman Donovan **SECONDED** by Alderman Rizzo
To receive and file the aforementioned Annual Reports.
CARRIED.

LATE COMMUNICATION

MOVED by Alderman Zadzilka **SECONDED** by Alderman Needler
To bring the following communication(s) to the floor.
Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres (5)
Nays: None (0)
CARRIED.

#1.
Attorney

January 14, 2013

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

Re: Utility Easement – Buffalo Bolt Way – Former Tenth Avenue

Dear Honorable Body:

Attached, for your review, is a proposed Grant of Easement, between the City of North Tonawanda and Niagara Mohawk Power Corporation and Verizon New York, Inc., which was provided to this office this morning by the City Engineer. This Grant of Easement will allow for power to be provided to Taylor Devices and the other parcels at Buffalo Bolt Way.

Should your Honorable body concur, please pass a resolution to allow the Mayor to execute the Grant of Easement between the City of North Tonawanda and Niagara Mohawk Power Corporation and Verizon New York, Inc., to extend power to Taylor Devices and the other parcels at Buffalo Bolt Way, subject to any further review by the City Attorney.

Very truly yours,
Shawn P. Nickerson
City Attorney

MOVED by Alderman Donovan

SECONDED by Alderman Rizzo

That the Common Council hereby authorizes the Mayor to sign the Grant of Easement between the City of North Tonawanda and Niagara Mohawk Power Corporation and Verizon New York, Inc., to extend power to Taylor Devices and the other parcels at Buffalo Bolt Way, subject to any further review by the City Attorney.

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres

(5)

Nays: None

(0)

CARRIED.

AUDIENCE PARTICIPATION

Mo Rizek, 290 Oliver Street – Presented the Common Council with violations that he received for abandoned vehicles on his property. Stated that the vehicle was his personal vehicle. Stated that he was told to come to the Common Council meeting to inquire about the violations.

Sue Wilke, 329 Miller Street – Stated that she was part of a group called Food and Water Watch and she and they are opposed to fracking in New York State. Mentioned that recently there was a whistle blower at the Niagara Falls Treatment Plant that the process is a hazard. Asked if she could pass out flyers on the subject.

Sonia Dusza, 123 Miller Street – Spoke on the recent New York State report on fracking and stated that you do not have to have a PHD in chemistry to know that the process is not safe. Stated that she would like the Mayor and Common Council to go on record at some point opposing treating “fracked” water. Stated that she has read a lot about this subject and it is important to protect the community. Stated that she would like to know how the cat ordinance works, who enforces the cat ordinance and that in her opinion the code has a lot of loopholes. Stated that she is tired of cat feces and urine in her yard and on her porch. Shouted at Mr. Mo Rizek to stay in the Common Council Chambers as he was walking out because she wanted to speak with him about his violations.

ADJOURNMENT

MOVED by Alderman Rizzo

SECONDED by Alderman Zadzilka

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

CARRIED.

Time of Adjournment: 6:55P.M.

Respectfully submitted,

Scott P. Kiedrowski
City Clerk–Treasurer