

**THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, February 5, 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. Ortt
City Attorney Shawn P. Nickerson**

The 2013 State of the City of North Tonawanda address was read by Mayor Robert G. Ortt:

January 31, 2013

My fellow citizens, distinguished guests, and members of the press, it is my distinct honor and privilege to stand before you today and report on the State of our City. I would like to thank the staff here at the Remington Tavern for their hospitality and service, and I would like to thank my fellow Rotarian's for once again hosting this event.

This is my fourth State of the City address, and each one attempted to give not just an update on where we are, but a vision for where we are going. However, to know where you are going, it is important to know where we have been. Three years ago our City was facing many challenges. There was a budget shortfall of \$400,000 just one month into the year. 6 months later, that deficit was over 1 million dollars due to ballooning health care and employee pension costs. I said then, that tough choices would have to be made in order to improve our fiscal health, and continue to deliver the best possible services to our residents.

The former Niagara River Yacht Club, now known as the Gratwick Riverside Marina, stood vacant along the banks of the Niagara River. For 6 years it had sat that way without a vision, without a plan. It was a hazard to public safety, and it was a hazard to your eyesight. It would need millions of dollars to fully repair. My predecessor had budgeted \$100,000.

Projects such as Walmart and the Remington Lofts were unrealized. Walmart was bogged down in litigation, while the Remington Lofts encountered numerous architectural and design obstacles as well as fiscal challenges. The Meadow Drive extension, for which the City had received \$1.2 million in federal funding in 2006, and which would improve traffic flow while adding a second and much needed east-west corridor in the city, sat in bureaucratic purgatory, the result of numerous obstacles, some unavoidable, many of them, unnecessary. Residents at the north end of Witmer road, like Connie Sikora and her family lived with flooding so severe, that at times, their entire yards were under water. For her and her neighbors, there was no relief in sight. Our aging infrastructure, specifically our streets and roads were in desperate need of repair.

Now let's fast forward to today. Working together with the Common Council, we have made the tough choices expected of those in our positions. We reduced the City workforce by 45 positions, more than a 17% decrease that saved NT taxpayers \$2.3 million. We have re-organized departments such as the water/wastewater department, in an effort to better utilize a decreasing number of employees and increase efficiencies. We renegotiated union contracts that increase employee contributions toward health care, while limiting pay increases to an average of 1.6% over the life of those contracts. That compares to 2.6% under the previous contracts negotiated by my predecessor. For most of our residents, who work in the private sector, this is nothing new. These initiatives have been underway in the private sector for years. However in government, these are new, and in many cases highly controversial. You see, saving money is easy to talk about. It's much more difficult to actually do it. Reforming government is easy to talk about. It's much more difficult to do it. I am extremely proud to say that not only did we talk about, but we did it. Nowhere is this more apparent, than with the move to centralize our emergency dispatch operation. This move made sense in every way. We had a technologically outdated system that would cost anywhere from \$300,000 to half a million dollars to replace. Niagara County had a relatively new system that North Tonawanda taxpayers had already paid for. In fact, since 2006, Niagara County had been handling all North Tonawanda Fire calls. If you had called 911 from a cell phone prior to July 1 of 2012, your call was answered by a county dispatcher sitting in Lockport. He or she would have to transfer your call to a North Tonawanda police dispatcher, adding valuable seconds to the emergency response time. The cost to NT taxpayers for 6 civilian dispatchers was approximately \$450,000. Now in most cases when there is a consolidation, merger or cut, somewhere, somehow, someone loses a job. I am proud to say that did not happen in this case. Thanks to the efforts of the Niagara County legislature, especially Legislator Paul Wojtaszek and then legislator – now alderman- Russ Rizzo, County Manager Glatz and Sheriff Voutour, as well as the efforts of my administration and the Common Council, all 6 civilian dispatchers, previously employed by the City of North Tonawanda, are now employed as members of the Niagara County Sheriff's department, where they continue to dispatch calls for the residents of North Tonawanda. The big winners in this are the taxpayers of North Tonawanda, who are getting a better service, and are saving \$1.7 million over the next 5 years.

Last summer, the City received one of the best audits in recent memory from our auditing firm, Amato, Fox & Co, and for the second year in a row, we were able to pass a budget that did not raise taxes. Now someone out there might say "So what? Why is this so important?" It's important for two main reasons: 1.) You cannot keep raising property taxes on people who are over taxed already. You just cannot do it. That is not to say that taxes will never go up. However government, at every level, has a responsibility to operate at the lowest cost to the taxpayer. And it's not about protecting the wealthy. North Tonawanda is a community of middle class families and senior citizens. People who are on fixed incomes. People who aren't getting raises. People whose social security isn't going up. People who pay for their health insurance. They deserve a break. The second reason and equally important, is growth. New business means new jobs and new families. Government doesn't do any of these things. However, it does have a responsibility to create an environment, and atmosphere that will foster growth. In order to foster growth, local governments need to be smarter, maximizing resources across departments, and across municipal boundaries. They need to streamline operations in order to keep taxes down. They need to negotiate union contracts that are in the interest of all taxpayers, not just the ones sitting at the bargaining table. For the past several years, North Tonawanda has worked to foster growth, and there are many examples that it is working.

When it comes to development and growth, it is fitting that we are here, not far from the Renaissance Bridge, because a renaissance is exactly what North Tonawanda is witnessing. You need to look no further than where we are sitting today. This restaurant, owned and operated by two of Western New York's best restaurateur's is a prime example of the new North Tonawanda. The new North Tonawanda is one that recognizes that to be a first class community you have to think and act, like a first class community. That's how you attract people like Tony Kissling, and the Kissling Interests to invest over \$20 million dollars turning a vacant, warehouse in your downtown, into 79 live work lofts, a hair salon and school, a yoga studio and a first class restaurant. That is how you get people like Carol Tallichet and Specialty Restaurants, who own and operate Templeton Landing in the City of Buffalo as well as numerous other waterfront restaurants across the country and who have partnered with the City to turn a vacant marina along our Niagara River-front, into a boater destination restaurant known as Lumberjack's. That is how you get Walmart, the

world's largest retailer, to open a location in your City, despite numerous lawsuits and other obstacles. That is how you get people like Kevin and Barb Hughes, a couple that has made an emotional and financial investment in NT, to open a brand new restaurant, which will be known as Webster's Bistro, located, not surprisingly, along Webster St. It will also ensure that the building, which was home to a North Tonawanda institution, Nestor's, will live on. Finally, that is how you get people like Mark Hutchinson and Paul Jenkins, to open the Remington Tavern and Seafood Exchange along the historic Erie Canal. All of these people are first-rate business leaders, who could have opened businesses anywhere in Western New York, or anywhere else for that matter. But they chose North Tonawanda. And we are thrilled that they did.

North Tonawanda must be able to attract new business in order to grow. However we must not forget about the existing companies that have been here for generations and have added to the character and fabric of our community. Three such companies, Aquasol Corporation, Armstrong Pumps and Taylor Devices, are all expanding their operations and have purchased lots in the Buffalo Bolt business park. This will allow these companies to not only add jobs, but to stay in North Tonawanda. Just three short years ago, the Buffalo Bolt business park, was all park and no business. Today all available lots have been sold. The successful remediation of the former Roblin Steel site, has not only allowed three local companies to expand and grow, but will add a shot in the arm to our industrial/manufacturing sector, and to the entire Oliver St. business corridor.

Last year, the Lumber City saw the return of major concert acts, not seen since they were fumbled away in 2007. The Niagara River Rocks show was a one day event, held at beautiful Gratwick Riverside Park. Over 5,000 concert goers attended the show, which was free and open to the public. By all accounts, the show was a success, and we are currently in talks to expand the series this year.

We've made serious progress on reducing government waste, streamlining and reforming how City government functions and delivers services, and we have overseen an incredible period of growth and expansion that I believe is only the beginning. We've also made significant progress on addressing long standing quality of life issues. A prime example is the flooding on Witmer Road. For years, residents such as Connie Sikora and her family, who live at the north end of Witmer Road, had to deal with increased flooding that not only covered their back and front yards, but also impacted the health and safety of their children and grandchildren. No North Tonawanda resident should have to endure that kind of flooding. I knew that if the City did not do something, the problem would only worsen. So we partnered with the Town of Wheatfield and Niagara County as part of a plan to reduce the flooding and give these residents their yards and quality of life back. The result was

- an agreement with the Town of Wheatfield, to allow them to tap into one of our outfalls under Witmer Road to relieve a flooding issue of their own for a lump sum payment of \$50,000,
- an agreement with the County Refuse District admitting that the County landfill has made the problem worse and a commitment of \$50,000 for 5 years or until the project is completed.
- a cost-effective engineering design by Engineer Marshall to alleviate the flooding once and for all, which was completed this year.

This is one of the most important functions of any government: to do for its citizens that which they could not do for themselves. I am proud of the cooperation between the Town of Wheatfield and Supervisor Cliffe's office, Niagara County, and the North Tonawanda Common Council. I would especially like to thank Alderman Russ Rizzo, who worked tirelessly on this, along with the Niagara County Refuse District, Senator George Maziarz, and especially Connie, her daughter Renee, and all the residents along Witmer who have been so patient in dealing with this problem for so many years.

Another long standing issue has been the condition of the streets in North Tonawanda. In 2011, I hired the first new Superintendent of Public Works in 32 years. Brad Rowles had been the Highway Superintendent for the Town of Tonawanda before becoming our DPW Superintendent. The Council and I have made a commitment to improve the streets in our City. In the past two years, we have paved over 20 lane miles of road, including major

stretches along Ruie, Sweeney, Sherwood Ave., Wheatfield, Walck, as well as many others. The Common Council and I have invested \$1.3 million over the past two years into our streets and have committed to spend another \$750,000 this year. In 2011, working with Superintendent Rowles, I unveiled a three year plan to improve our roads and streets. 2013 will be year three of that plan. Now, no one can reasonably say that the streets have not improved in the past two years, thanks in large part to the efforts of Brad and our men and women at the DPW. However, there is more work that needs to be done, and I want the taxpayers to know, it will be.

As we look ahead to 2013, I have identified 5 key priorities that my administration, working with our alderman, will try to address.

- 1.) **Meadow Drive.** In 2006, the City received \$1.2 million in federal funding, courtesy of then Congressman Tom Reynolds to extend Meadow Drive. Since then, Congressman Reynolds has retired, we've seen more of Congressman Chris Lee than some of us may have wanted, we had a cup of coffee with Congresswoman Hochul, and are now onto our third new representative, Brian Higgins. And yet, Meadow Drive has never been extended. Extending Meadow Drive is not a new idea. It appeared on plans as far back as 1977. We have talked a lot about the positives of growth, increased sales tax revenue, more jobs, etc. However another aspect of growth is traffic. With growth comes traffic. With traffic comes congestion. You have to have somewhere for the traffic to go. By extending Meadow Drive, we connect our mid-city business district to Erie Avenue, where there is already an industrial/commercial district, which now includes Walmart and is poised to continue to grow. An extended Meadow Drive will also improve traffic flow throughout the City by adding another east-west corridor. There is also the small matter of the \$1.2 million dollars in federal – that is, your-money. With the fiscal challenges facing our federal government, and the certain cuts that are coming, we can safely assume that those funds will not be available much longer. For the past two years, my office along with help from City Attorney Shawn Nickerson and City Engineer Dale Marshall, have worked tirelessly to make this project a reality. I am happy to report, that after years of administrative obstacles, and daily phone calls, we are close to being able to bid the project out. Make no mistake, I am committed to complete the Meadow Drive extension this year.
- 2.) **Lumberjack's Restaurant/Gratwick Marina.** In 2012, the City entered into a public/private partnership with Specialty Restaurant Corporation regarding the Gratwick Riverside Marina property. Under the agreement, the City retains ownership of the property, while SRC will operate a restaurant, to be known as Lumberjack's in the former clubhouse. The restaurant will also manage the docks and slip rentals. The City will receive a percentage of the gross sales as well as a percentage of the income from the slips. SRC is putting their money into the renovations of the building, while the City has received nearly \$1 million in both federal and Greenway funds to make necessary improvements to the upland area as well as the first inlet. Work began last summer and will be starting again shortly. The goal is for Lumberjack's to be open by Memorial Day of this year, adding another new restaurant here in North Tonawanda and revitalizing a long dormant riverfront property.
- 3.) **Streets/Recycling.** When I first campaigned for Mayor, the biggest complaint that I heard from residents was taxes. Number 2 was roads. Well maintained City streets are a must if we are to expect to continue to grow and compete with our neighbors for new business and customers. We have repaired/resurfaced over 20 lane miles of streets in the past two seasons. This year I appropriated \$750,000 toward streets in my 2013 Capital Budget. For those keeping score at home, that is over \$2 million dollars in three years towards improving our City streets. I would like to congratulate Brad and our DPW employees on the work that they have done in the past two years on streets like Wheatfield, Ruie, Sherwood, Walck, Sweeney and Payne, as well as many others. In many cases these were streets that had not been addressed in decades. 2013 will see more streets addressed, as we continue to rebuild our City's aging infrastructure.

This past year, the City initiated a new recycling program. For the first time, residents no longer had to sort recyclables when they put them out at the curb. The City moved from a dual stream to a single stream recycling program which makes it

easier on our residents and hopefully encourages recycling. We also rolled out about 500 35 gallon totes last year, as part of a new pilot program. These totes are considerably larger than the small blue containers that most homes have. This not only encourages recycling by allowing people to recycle more, but also brings in more revenue to the City. Last year we recycled just under 2,000 tons and brought in \$17,000. When you consider that those 2,000 tons would have ended up in a landfill and would have cost the City \$33.50 a ton, had they not been recycled, NT taxpayers saved \$87,000. This proves that recycling is not only good for our environment, but our bottom line as well. The Council and I are prepared to bond \$25,000 in order to purchase 1,000 more of these larger recycling totes and plan to roll them out to residents this year.

- 4.) **Improving the City Housing Stock.** Every City grapples with the issue of declining housing stock, in some way shape or form. To this end, I am requesting that the Common Council take action to address this issue. However, rather than a draconian or heavy handed big government action, I will be proposing new legislation that would allow for a one-time local tax credit for any property owner who turns a multiple dwelling into a single family home. I believe that in certain neighborhoods, the increase in multiple dwellings, especially in low rent apartments, have created a decrease in housing stock within those neighborhoods. Offering a tax incentive to bring in more single families strengthen these neighborhoods.
- 5.) **Continued Fiscal Discipline.** While we have put our City on the path of fiscal responsibility by making hard decisions, we know that there will be challenges in the future. We must continue to be vigilant when it comes to matters of spending. We will continue to look at ways to cut costs over the long haul, not just in the short term. Whether looking at alternate service delivery methods, or continuing to find ways to maximize City resources, my number one priority is to control costs and keep property taxes in check. It is not just doing more with less it is about doing things differently and getting different results.

Governor Cuomo recently released his executive budget. Three items that were of particular importance to North Tonawanda are pension reform, binding arbitration and traffic adjudication amendments.

Pension Reform -- The Executive Budget includes a new pension stability plan with fixed contribution rates of 12.5% for ERS and 18.5% for PFRS. Local governments will have the ability to opt into the plan, as well as opt out at a later date if desired.

I cannot overstate how important and helpful this would be. By giving us cost certainty, when it comes to one of the biggest drivers of municipal deficits and property taxes, fixing contribution rates would allow North Tonawanda to budget more effectively and would go a long way to helping ease the pressure on our taxpayers. Last year, pension costs for police and fireman increased by 19%. For regular employees it went up nearly 24%. This is despite the fact that we have reduced our workforce by 17%. This is not about being unappreciative of the men and women who deliver City services. I am grateful for the men and women who patrol our streets, fight our fires, and pick up my garbage. This is about making sure that we can continue to provide those services. If we are spending more money on retirees than on current employees, you have a problem. Quite simply, pension costs are severely limiting all local government's ability to provide essential services while not increasing taxes that drive out businesses and families. Keeping our costs down is the key to continued growth. I supported the 2% tax cap passed by the Senate and Assembly and signed into law by Governor Cuomo in 2011. However, I said then and I will repeat now, that it must be accompanied by meaningful mandate relief. If the Governor and our state leaders are truly concerned with keeping property taxes in New York State down, then they must address the biggest drivers of those taxes. This would be a step in that direction.

Binding Arbitration -- The Budget includes a proposal that would strengthen the "ability to pay" limitation by capping at 2% the increase that an arbitration award could impose if the municipality is "distressed" based on criteria established by the NYS Division of the Budget.

Many taxpayers are unfamiliar with binding arbitration or its impact on their wallets. Basically, certain public employees unions have the option of binding arbitration in the event that the City and the union cannot come to an agreement. A third party arbitrator, makes a determination on what he thinks is a fair deal, and his decision is legally binding. The problem with this process is that the arbitrator is not accountable to the people impacted by the collective bargaining agreement that he imposes: the taxpayer. Some of the more lucrative contracts in years past came out of binding arbitration. This process needs to be reformed, and re-defining a municipality's ability to pay, especially given the 2% tax cap, is a good and necessary step.

Traffic Adjudication Amendments - To reduce the occurrence of "pleading down" certain traffic violations, the Executive Budget includes a proposal to restrict plea bargaining except in limited circumstances documented by the court. For example, if a person is stopped for exceeding the speed limit by more than 20 mph, a plea of guilty would have to be to at least a point-bearing violation. In addition, the proposal would impose an \$80 surcharge on the parking violations that drivers often plead down from speeding violations. There is no doubt that this proposal will likely have a negative impact on local revenue. The reason for fines, beyond attempting to create an incentive towards good behavior, is to help cover the costs of the people actually doing the work. Our police officers are the ones who write traffic tickets and arrest drunk drivers. They often have to go to court in these matters, along with our City Attorney. This proposal will take revenue away from the people doing the work. I do not support this proposal and will lobby our state leaders to do the same.

Over the past three years we have begun to re-brand North Tonawanda. Ultimately, what makes North Tonawanda a first class community is the people who call it home. People like Corporal Paul Schaus, who lost both of his legs after he stepped on an improvised explosive device, or IED, fighting to defend and preserve the American way of life in Afghanistan. I have told the story about Cpl. Schaus numerous times. An organization called Homes for Our Troops, which builds homes for disabled veterans of the wars in Iraq and Afghanistan, contacted my office back in 2011. We worked with them to for the better part of a year, from helping to secure the buildable lot, which was gratefully donated, to expediting permits. I was never more proud of North Tonawanda than I was when hundreds of our residents volunteered to help build this veteran's new home on Sherwood Ave. I was honored to be able to welcome this true American hero to our City back in November of this past year, when he was finally able to move in.

This year will also see the construction and unveiling of a memorial dedicated to the heroes who lost their lives on September 11, 2001. The memorial is currently being engineered and designed from a concept submitted by two North Tonawanda High School students this past year. The City received a piece of steel from the wreckage of what once was the World Trade Center in 2011. This steel I-beam, will be incorporated in the memorial and will serve as a reminder to future generations of North Tonawandans that our freedoms and way of life is fragile, vulnerable even, and yet the bonds that tie us together as Americans, are stronger than any of our differences. We are planning on unveiling and dedicating the memorial, September 11, 2013.

We have seen real progress over the past several years in North Tonawanda. We have seen existing companies grow and expand, and we have seen new companies and businesses come in. We have seen City government downsized and streamlined. We have seen fiscally responsible budgets, with no tax increase in two years. Make no mistake: there will be challenges ahead and difficult decisions to make. But we have met those challenges in the past, and we will continue to meet them. We have shown the courage to make the difficult choices, and to do so in a manner that is respectful to all residents and taxpayers. In challenging times and moments of uncertainty, we need leadership, not politics; we need clarity of vision, not smoke and mirrors. I pledge to continue to work to provide both. It is my privilege and honor to serve as your Mayor, and I look forward to working with the Common Council, our department heads and labor unions, and most importantly all of you, the taxpayers and residents, to continue to build the new North Tonawanda and keep the state of our City strong. Thank you.

APPROVAL OF THE MINUTES OF THE REGULAR SESSION JANUARY 15, 2013

MOVED by Alderman Zadzilka SECONDED by Alderman Rizzo
That the minutes of the regular session held January 15, 2013 be approved as circulated and
filed in the Office of the City Clerk.
CARRIED.

APPROVAL OF THE MINUTES OF THE SPECIAL SESSION JANUARY 22, 2013

MOVED by Alderman Rizzo SECONDED by Alderman Needler
That the minutes of the special session held January 22, 2013 be approved as amended,
circulated and filed in the Office of the City Clerk.
CARRIED.

PROOF OF PUBLICATION PUBLISHED January 16 & 18, 2013

1) Bid – Gratwick Riverside Park Marina – Engineer

MOVED by Alderman Rizzo SECONDED by Alderman Andres
That the Common Council hereby receives and files the aforementioned Proof of
Publication.
CARRIED.

AUDIENCE PARTICIPATION - None

COMMUNICATIONS FROM CITY OFFICIALS

I. Mayor

January 15, 2013

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

Re: Historic Preservation Committee

Dear Honorable Body:

Please be advised that I am appointing Robert Clark, 24 Porter Avenue, North Tonawanda, NY 14120 and re-appointing Joseph Fonzi, 609 Christiana Street, North Tonawanda, NY 14120, to the Historic Preservation Committee effective immediately for a term of (2) two years expiring December 31st, 2014.

Thank you for your attention to this matter.

Faithfully yours,
Robert G. Ortt
Mayor

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

II. Attorney

February 1, 2013

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

Re: Meadow Drive Extension Project – Property Acquisition
Deed for Portion of 1094 Erie Avenue

Dear Honorable Body:

Attached, for your information, is a copy of the deed for a portion of 1094 Erie Avenue, which is required to move forward with the above-referenced project. I have been able to obtain all of the signatures for this final privately-owned parcel which is required for the Meadow Drive Extension.

Please be advised that I am still in the process of resolving the judgment issues on this property, which must be resolved before we close. I have agreed to hold the deed in escrow pending resolution of the judgments.

I am working diligently on this matter and I will keep you informed as to future progress. Should you have 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.

III. Clerk-Treasurer

January 18, 2013

Honorable Mayor & Common Council
City Hall 216 Payne Avenue
North Tonawanda, NY 14120

Re: Donation of Property/SBL 183.05-1-28

Dear Honorable Body:

Attached is a request to donate a parcel of property known as 787 Wall Street to the City of North Tonawanda.

I suggest that we accept this donation of property as we have done this in the past and add this parcel to our annual property auction to be held this year for fair and final disposition of said donated property.

If your Honorable Body should concur I ask that you vote in the affirmative to accept this land donation pending final review by the City Attorney.

Respectfully,
Scott P. Kiedrowski
North Tonawanda City Clerk-Treasurer

MOVED by Alderman Donovan SECONDED by Alderman Andres
That the Common Council hereby accepts the donation of the property at 787 Wall Street to the City of North Tonawanda. This donation and all requisite paperwork are subject to review by the City Attorney’s Office.

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

Nays: None (0)

CARRIED.

VII. Accountant

February 5, 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 February 5, 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 Zadzilka

That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated February 5, 2013 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$1,008,364.47
02	Water Fund	53,146.39
04	Sewer Fund	120,518.37
06	Capital Project Fund	98,226.93
07	Trust & Agency Fund	1,632.42
17	Home Rehab Program	<u>291.65</u>
	Final Total	<u><u>\$1,282,180.23</u></u>

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres

(5)

Nays: None

(0)

CARRIED.

XIV.1 Recreation

January 29, 2013

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

Dear Honorable Mayor Ortt and Common Council Members:

Please review and approve the recommended fee increases for Deerwood Golf Course in Department of Youth, Recreation & Parks 2013 Fee and Charge schedule.

- Resident season pass from \$375 to \$400 • Youth season pass from \$125 to \$135
- Senior season pass from \$195 to \$220
- Family plan first Adult from \$375 to \$400; second Adult from \$290 to \$300
- Non-resident season pass from \$640 to \$650
- New 9-hole 20 use pass \$175 (*Resident must have ID card)
- Resident ID Pass Fee:
Adult from \$20 to \$25 for one year, \$40 two year
Senior from \$10 to \$15 for one year
Youth from \$10 to \$15 for one year

- B. Volleyball Leagues (charge per season)**
- | | |
|--------------------------|----------------|
| 1. Adult | \$175 per team |
| 2. Coed | \$125 per team |
| 3. Youth (18-21) | \$ 75 per team |
| 4. Non-Resident Team Fee | \$200 per team |
- C. Basketball League (charge per season)**
- | | |
|-----------------------------------------------------|----------------------|
| 1. City Youth Fall/Winter Basketball League | \$ 20 per individual |
| 2. Non-resident Youth Fall/Winter Basketball Player | \$25 per |
| 3. City Youth Summer Basketball League | \$15 per individual |
| 4. Non-resident Youth Summer Basketball Player | \$20 per individual |
- D. Other League Charges**
- | | |
|----------------|--------------------|
| 1. Protest Fee | \$20 each incident |
| 2. Forfeit Fee | \$30 each incident |
- E. Tennis Lessons**
- | | |
|-----------------|----------|
| 1. Resident | \$ 15.00 |
| 2. Non-resident | \$ 25.00 |
- F. Open Non-league Programs** \$ 10.00 / Year
- G. Travel Team Field Use Fee** \$300.00 / Year
- H. Kickball League (charge per season)** \$200 per team
- I. Youth Soccer** \$10 per session

CLASSES, INSTRUCTION PROGRAMS AND SPECIAL EVENT FEES

J. Start Smart Program

* Start Smart Funds require deposit into Trust and Agency Fund Rec. Programs 07.7140.307. The deposited funds cover the cost of equipment that each participant is allowed to keep.

- | | |
|------------------------------|--------------------------------------|
| 1. Sport Development Class | \$ 30 Resident
\$ 40 Non-resident |
| Golf Program | \$ 30 Resident
\$ 40 Non-resident |
| Baseball, Basketball, Soccer | \$ 45 Resident
\$ 55 Non-resident |
- K. Tiny Tots** \$10 per session
- L. Body Conditioning Class** \$ 3.00 Per Class Resident
\$ 3.50 Per Class Non-resident
- M. Zumba Class** \$ 3.00 Per Class Resident
\$ 3.50 Per Class Non-resident
- N. Breakfast with Santa** \$ 4.00 Adult
\$ 3.00 Child 4 to 12
Age 3 and under Free of
Charge

PARK PAVILIONS & BOAT TRAILER PERMITS, BOTANICAL GARDENS GAZEBO RENTALS, TREE PLANTING PROGRAM CHARGES

PROGRAM	FEE
* Park Shelter Rental is available to Residents of North Tonawanda Only.	
A. <u>Park Pavilion Rental Charge</u>	
1. Event Charge	\$300
*A large event requiring additional garbage pickup, park preparation, clean-up, security or staffing levels.	
2. Fisherman's Park (#1 & #2 without kitchens) Resident	\$50
Band Shell (Fisherman's) Park * Includes 1 shelter Resident	\$75
Non-resident	\$100
3. Pinewoods #1 & #2 & Mayors #3 (With Large Pavilions & Kitchen)	\$60
Mayors 1 & 2 without Kitchens	\$50
Gratwick Park Shelter	\$50
4. Private use of the Performance Trailer	\$500
B. <u>Tree Charge</u>	
Buy-A-Tree	\$50 tree
C. <u>Gazebo Permit</u> (Wedding pictures etc. at the Botanical Gardens)	
Booking Fee	\$20 Resident \$40 Non-resident
D. <u>Boat Launch Permit</u> (Service Drive, Botanical Gardens and Gratwick Park)	\$30

SENIOR CITIZENS PROGRAM FEE & CHARGES

PROGRAM	FEE
A. <u>Senior Citizens Program Charges</u>	
1. Newsletter/annual fee/ 12 issues	\$4.00 per year
2. Van transportation <u>Suggested donation</u>	
City of North Tonawanda	\$2/use
Van transportation outside city limits	\$4.00

Memorial Pool
SUMMER SWIMMING POOL PROGRAM

PROGRAM	2013 FEE
B. <u>Swimming Charges</u>	
1. Daily Swim Pass (Resident)	\$.50
2. Daily Swim Pass (Non-resident)	\$ 2.00
C. <u>Swimming Lessons</u>	
1. Youth Swim Lessons (Resident only) (Summer)	\$ 25.00
2. Non-resident	\$ 50.00
Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres	(5)
Nays: None	(0)
CARRIED.	

XXV. Monthly Reports

.1 Police

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

XXVI. Vacation and Sick Leave Reports

.1 Police

MOVED by Alderman Needler SECONDED by Alderman Donovan
To receive and file the aforementioned Vacation and Sick Leave Reports.
CARRIED.

XXVII. Annual Reports

.1 Police

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

XXXII.1 Community Development

January 30, 2013

The Honorable Common Council
North Tonawanda City Hall
216 Payne Avenue
North Tonawanda, NY 14120

Dear Honorable Body:

In order to complete the ongoing project of the City of North Tonawanda Local Waterfront Revitalization Program update (LWRP), a program through the New York State Department of State, the City must comply with all applicable New York State Environmental Quality Review regulations pursuant to Part 617 of Article 8 of New York

State Environmental Conservation Law. These regulations require the City to conduct a coordinated environmental review of the project, for the City to assume Lead Agency status for the review process, and that the project is reviewed as a Type I Action requiring a full Environmental Assessment Form.

Secondly, the Draft LWRP Amendment has recently been completed by Bergmann Associates and is prepared to be submitted to the New York State Department of State for public review.

Therefore, I respectfully request the Common Council assume the responsibility of Lead Agency in the environmental review process. Secondly, I also respectfully request the Common Council accept the Draft LWRP Amendment as complete and authorize its submission to the New York State Department of State.

Sincerely,
Richard Tindell
Director

MOVED by Alderman Andres **SECONDED** by Alderman Donovan
WHEREAS, the City of North Tonawanda originally adopted a Local Waterfront Revitalization Program (LWRP) in February 1988, and initiated preparation of a LWRP Amendment in cooperation with the New York State Department of State in accordance with the provisions of Executive Law, Article 42; and

WHEREAS, a Draft LWRP Amendment has been prepared under the guidance of the City and LWRP steering committee, with consultant planning services provided by Bergmann Associates; and

NOW, THEREFORE, BE IT RESOLVED, that the Draft LWRP Amendment for the City of North Tonawanda is accepted by the North Tonawanda Common Council as complete and ready for public review and shall be submitted to the New York State Department of State for its review by State, federal, and regional agencies pursuant to the provisions of Article 42 of the NYS Executive Law;

AND, FURTHER, WHEREAS, the City of North Tonawanda originally adopted a Local Waterfront Revitalization Program (LWRP) in February 1988, and initiated preparation of a LWRP Amendment in cooperation with the New York State Department of State in accordance with the provisions of Executive Law, Article 42; and

WHEREAS, a Draft LWRP Amendment has been prepared under the guidance of the City and LWRP steering committee, with consultant planning services provided by Bergmann Associates; and

WHEREAS, the City of North Tonawanda Common Council is the most local agency with permitting authority;

NOW, THEREFORE, BE IT RESOLVED, that the City of North Tonawanda Common Council declares Lead Agency status to conduct a review of the Draft LWRP Amendment full Environmental Assessment in accordance with the State Environmental Quality Review Act (SEQRA).

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

Nays: None (0)

CARRIED.

XXXII.2 Community Development

January 30, 2013

The Honorable Common Council
North Tonawanda City Hall
216 Payne Avenue
North Tonawanda, NY 14120

I have been in contact with the Wounded Warrior Project and have all the necessary information to register this event; all I would need is permission from the City Council to facilitate and coordinate this event.

Should this idea come to fruition I believe this would be a great opportunity to showcase what North Tonawanda has to offer. A run like this would not only bring people to the city I too feel with some leg work we could get many local businesses to stage at the finish line and generate some revenue.

In addition hosting this event on a weekend where we honor those who have served and dedicated it to the WWP we would not only put a positive light on our city we would also prove we will go a step above and beyond to show our appreciation for our Vets.

Please allow me to roughly outline what I have envisioned and have preliminarily planned:

5K Race Route:

Route 1: I prefer this route due to the fact that is mainly on the bike path and has open and more exact start and finish points.

START: Mayor's Park at the pavilion area, west to DiMatteo extension, west on Sweeney bike path, to Manhattan, north on Manhattan to Goundry, west on Goundry cross River Road to bike path, bike path north to Fisherman's Park/Sea Bee Memorial where the finish line will be.

Route 2: Start at Botanical Gardens on Sweeney Street. The start would be at Sweeney St./East Robinson Road intersection and proceed west on East Robinson/Robinson to River Road to the bike path, west on the bike path to Fisherman's Park/Sea Bee Memorial for the finish. This route would officially end its 5K distance just south of Fisherman's Park, across from Recreational Warehouse according to Google Earth. The drawbacks to this route would be multiple major intersection crossings; including TCMH, and obstructing traffic on Robinson Road its whole length of the city.

As I have suggested involving local businesses I think we could arrange a post-race party which is standard for most races. Within that party; possibly a beer tent and food sales with a portion of the sales going to WWP along with T-shirt, bracelet, etc. sales (that can be purchased directly from WWP). Maybe petition donations from businesses for winning prizes, basket raffles, bounce house for kids, many options to consider. I too feel we could involve some of NT's sons who have served and honor those we have recently lost somehow.

Mayor, I would like thank you for your time in hearing my aspirations. I wish to present this to the City Council and seek your guidance in facilitating this endeavor and possibly participating know you are a Vet and thank you for your service and would like to hear about your deployments some time.

Should you need any further information from me or would like to discuss this further please do not hesitate to contact me at 909-6838 or by email.

Gratefully,
Jeff Abbott

MOVED by Alderman Donovan

SECONDED by Alderman Needler

That the Common Council hereby approves Jeff Abbott's request host a 5K run to benefit Wounded Warrior Project in North Tonawanda and directs the Department of Public Works and the Police Department and Fire Department to contact him at 909-6838 to provide assistance for the event.

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres

(5)

Nays: None

(0)

CARRIED.

B.
Dennis Barberio

January 31, 2013

To the attention of:
 City of North Tonawanda, N.Y.
 Common Council

Herewith is my request to the Common Council of North Tonawanda, State of N. Y. for myself to be reappointed to the position of Commissioner of Deeds for the City of North Tonawanda, County of Niagara, State of New York.

If such is granted, please notify me either by telephone or mail. Thank you.

Respectfully submitted,
 Dennis J. Barberio
 168 Stenzil Street
 North Tonawanda, NY 14120
 693-7835

MOVED by Alderman Rizzo

SECONDED by Alderman Andres

That the Common Council hereby appoints Dennis J. Barberio, 168 Stenzil Street, North Tonawanda, NY 14120 as a Commissioner of Deeds for the City of North Tonawanda for a term beginning March 4, 2013 expiring March 3, 2015.

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres

(5)

Nays: None

(0)

CARRIED.

AUDIENCE PARTICIPATION

Ann Finkle, 896 Sun Valley Drive – Stated that she wondered how many man hours were wasted because of the garbage truck that automatically lifts the big barrels goes up one side of the street and then back down the other side. Wanted to know why the truck couldn't simply go down the center of the street and collect the garbage on both sides as it travels down the road. Asked if the city had any policy on animal entrapment. Stated that she had to have an animal removed and it cost her \$100.00. stated that she was told by the animal trapper that North Tonawanda has a bad skunk problem.

Sue Wilke, 329 Miller Street – Inquired about the donated parcel of land in Martinsville. Wanted to know if it bordered the old Lutheran Cemetery. Stated that she had relatives in that Cemetery and wanted them to sleep in peace. Stated that Opossums needed to be introduced into North Tonawanda to combat the skunk problem. Spoke on “fracking” and wanted to leave flyers on the subject. Stated that she didn't want to name politicians specifically, however many of them have been “seduced” by the big oil companies.

ADJOURNMENT

MOVED by Alderman Donovan

SECONDED by Alderman Zadzilka

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

CARRIED.

Time of Adjournment: 6:43P.M.

Respectfully submitted,

Scott P. Kiedrowski
 City Clerk–Treasurer