

**THE HONORABLE BODY  
Council Chambers  
Municipal Building  
North Tonawanda, New York 14120  
Tuesday, April 2, 2013  
6:40P.M.**

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**REGULAR SESSION CALLED TO ORDER BY ACTING PRESIDENT DONOVAN**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present:           Acting President Donovan  
                      Alderman Needler, Zadzilka**

**Absent:            President Andres**

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

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**AUDIENCE PARTICIPATION - None**

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSION MARCH 19, 2013**

**MOVED by Alderman Zadzilka                    SECONDED by Alderman Needler  
That the minutes of the regular session held March 19, 2013 be approved as circulated and  
filed in the Office of the City Clerk.  
CARRIED.**

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**PROOF OF PUBLICATION PUBLISHED FEBRUARY 2, 12, 19 & 26, 2013  
& MARCH 5 & 12, 2013**

**1) Legal Notice – Notice of Foreclosure of Tax Liens – City Clerk-Treasurer**

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

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**COMMUNICATIONS FROM CITY OFFICIALS**

**I.     Mayor**

**March 22, 2013**

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

**Re:    Appointment of Police Chief**

**Dear Honorable Body:**

**Please be advised that I will be appointing Captain William R. Hall, 85 Donald Drive,  
North Tonawanda, NY 14120, to the temporary position of Police Chief, effective March  
29<sup>th</sup>, 2013. There is a New York State civil service exam scheduled for Saturday, March 23.**

**04-02-2013**

Once the results of the exam are finalized, I will be conducting interviews with the candidates for the position and make a permanent hire.

Capt. Hall has been a member of the police department for the past 28 years, and has been Chief of Detectives for the last 11. I feel confident that Capt. Hall is more than qualified to do the best job until a permanent appointment is made.

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

Faithfully yours,  
Robert G. Ortt  
Mayor

**MOVED by Alderman Zadzilka                      SECONDED by Alderman Needler**  
**That the Common Council hereby confirms the appointment of William R. Hall, 85 Donald Drive, North Tonawanda, NY 14120, to the temporary position of Police Chief, effective March 29, 2013.**  
**CARRIED.**

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**II.1    Attorney**

**March 27, 2013**

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

**Re:    Transfer/Sale of 88 Webster Street (Formerly Ava's)**

**Dear Honorable Body:**

**Please be advised that the City of North Tonawanda has transferred title to the above referenced property, and the deed to the new property-owner has been filed in Niagara County today, as evidenced by the attachment hereto.**

**As you know, the property was secured through the efforts of my office, as a consequence of years of property tax arrearages by the former owner.**

**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 Zadzilka**  
**To receive and file the aforementioned communication.**  
**CARRIED.**

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**II.2    Attorney**

**March 27, 2013**

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

**Re:    Meadow Drive Extension Project**

Dear Honorable Body:

Please be advised that we have been able to secure the final parcel necessary to move the above-referenced project forward. The deed attached, for that part of 1094 Erie Avenue, was filed in the Niagara County Clerk's Office on March 20, 2013.

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

Very truly yours,  
Shawn P. Nickerson  
City Attorney

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

### II.3 Attorney

March 27, 2013

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

Re: Meadow Drive Extension Project

Dear Honorable Body:

As you know, we have now secured all of the necessary parcels to enable the Meadow Drive extension project to move ahead.

The Department of Transportation requires that the Mayor execute a Right-of-Way Clearance Certificate which certifies that the City of North Tonawanda owns all of the necessary rights-of-way for the project. The execution of the Certificate is necessary so that the Department of Transportation can authorize the project to go out to bid and can enable the funds to be released for the project.

Should your Honorable Body concur, please authorize the Mayor to execute the Right-of-Way Clearance Certificate, subject to any further review by the City Attorney.

Very truly yours,  
Shawn P. Nickerson  
City Attorney

MOVED by Alderman Needler                      SECONDED by Alderman Zadzilka  
That the Common Council hereby authorizes the Mayor to sign the Right-of-Way Clearance Certificate which certifies that the City of North Tonawanda owns all of the necessary rights-of-way for the Meadow Drive Extension Project, subject to any further review by the City Attorney. At this time the Mayor waived his right to veto this resolution.  
CARRIED.

### IV.1 Engineer

March 28, 2013

Robert G. Ortt, Mayor and Common Council Members  
City Hall North Tonawanda  
216 Payne Avenue  
North Tonawanda, New York

**Re: Frederick B. Durkee Memorial Bridge  
PIN 5757.27  
Taylor Drive Over Little River, BIN 2260960  
Greenman-Pedersen, Inc. Supplemental Agreement 2  
Construction Inspection and Construction Support Services**

**Honorable Body:**

**On March 5, 2013 the Common Council passed a resolution and authorized the Mayor to sign the supplemental agreement with the New York State Department of Transportation that indicated the City's commitment to participate in the administration and funding of the construction and construction inspection phase of the Frederick B. Durkee Memorial Bridge Rehabilitation Project.**

**Accordingly, I respectfully request that the Common Council approve the enclosed supplemental agreement no. 2 for construction inspection and construction support to Greenman-Pedersen, Inc, 4950 Genesee Street, P.O. Box 165, Buffalo, NY 14225; in an amount not to exceed \$244,921.42; and authorize the Mayor to sign said agreement subject to review by the City Attorney.**

**Very truly yours,  
Dale W. Marshall, P.E.  
City Engineer**

**MOVED by Alderman Needler**

**SECONDED by Alderman Zadzilka**

**That the Common Council hereby approves supplemental agreement No. 2 for construction inspection and construction support for the Frederick B. Durkee Memorial Bridge Rehabilitation Project with Greenman-Pedersen, Inc, 4950 Genesee Street, P.O. Box 165, Buffalo, NY 14225; in an amount not to exceed \$244,921.42; and authorizes the Mayor to sign said agreement subject to review by the City Attorney.**

**Ayes: Needler, Rizzo, Zadzilka, Donovan**

**(4)**

**Nays: None**

**(0)**

**CARRIED.**

## **IV.2 Engineer**

**March 28, 2013**

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

**Re: Frederick B. Durkee Memorial Bridge Project  
PIN 5757.27  
Supplemental Agreement No. 2  
Comptroller's Contract No. D030105  
City of North Tonawanda, Niagara County  
Award of Construction Contract**

**Dear Honorable Body:**

**On March 26, 2013, bids were received and opened by the City Clerk for the Frederick B. Durkee Bridge Rehabilitation Project. The results are as follows:**

- |                                       |                       |
|---------------------------------------|-----------------------|
| <b>1. Yarussi Construction</b>        | <b>\$1,734,537.20</b> |
| <b>2. Nichols Long &amp; Moore</b>    | <b>\$1,745,072.50</b> |
| <b>3. Hunting Valley Construction</b> | <b>\$2,544,266.50</b> |

**The project consultants, Greenman-Pedersen, Inc. have reviewed all bids and have provided the enclosed recommendation of award.**

I therefore respectfully request that the Common Council award Project 2003-07 Frederick B. Durkee Bridge Rehabilitation Project to Yarussi Construction, 5650 Simmons Avenue, Niagara Falls, NY 14304 at their low bid amount of \$1,734,537.20; authorizing the Mayor to sign said contract subject to review by the City Attorney.

Very truly yours,  
Dale W. Marshall, P.E.  
City Engineer

**MOVED** by Alderman Needler                      **SECONDED** by Alderman Donovan  
That the Common Council hereby awards Project 2003-07, Frederick B. Durkee Bridge Rehabilitation Project to Yarussi Construction, 5650 Simmons Avenue, Niagara Falls, NY 14304 at their low bid amount of \$1,734,537.20 and authorizes the Mayor to sign said contract subject to review by the City Attorney.

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

Nays: None (0)

**CARRIED.**

### IV.3 Engineer

March 28, 2013

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

**Re: 2013 North Tonawanda Stormwater Program Assistance Agreement**

Honorable Body:

Over the past three years, the city implemented a robust stormwater program to help bring the city in compliance with the new stormwater regulations and requirements of the federal and state government with the assistance of Wendel Engineers.

This year's goals are to increase the city's public education and outreach programs, preparation of the city's 2012 annual stormwater report including involvement, development of a dedicated stormwater webpage on the city's website, and most importantly; coordinate and develop a pollution prevention /good housekeeping program for all municipal operations that includes, public works, water, wastewater and recreation departments.

Accordingly, I respectfully request the Common Council approve the enclosed 2013 North Tonawanda Stormwater Program Assistance Agreement with Wendel, 140 John James Audubon Parkway, Buffalo, NY 14228, in an amount not to exceed \$9,500; authorizing the Mayor to sign said agreement subject to the review by the City Attorney.

Very truly yours,  
Dale W. Marshall, P.E.  
City Engineer

**MOVED** by Alderman Rizzo                      **SECONDED** by Alderman Needler  
That the Common Council hereby approves the 2013 North Tonawanda Stormwater Program Assistance Agreement with Wendel, 140 John James Audubon Parkway, Buffalo, NY 14228, in an amount not to exceed \$9,500 and authorizes the Mayor to sign said agreement subject to the review by the City Attorney.

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

Nays: None (0)

**CARRIED.**

**VII. Accountant**

March 28, 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 April 2, 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 Zadzilka

SECONDED by Alderman Rizzo

That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated April 2, 2013 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$917,708.01
02	Water Fund	57,698.70
04	Sewer Fund	114,278.38
06	Capital Project Fund	8,456.23
17	Home Rehab Program	1,646.00
	Final Total	<u>\$1,099,787.32</u>

Ayes: Needler, Rizzo, Zadzilka, Donovan  
Nays: None  
CARRIED.

(4)  
(0)

**XVII. Traffic Safety**

March 20, 2013

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

**Traffic Safety Minutes:**

The March 2013 meeting of the North Tonawanda Traffic Safety Committee was called to order at 1900 hours. Roll call showed the following members present: J. Sikora, R. Frank, M. Lemke, and E. Smolinski. The minutes from the previous meeting were read and accepted. The following new concerns were discussed and recommendations made:

1. The Committee discussed replacing the traffic signal located at the intersection of Payne Ave. and Tremont Street with stop signs placed on Tremont only. There are currently control devices at Sweeney and Goundry. Removing the light at Tremont would allow traffic to go two blocks before being controlled rather than three blocks in a row. All members at the meeting were in agreement with this recommendation.

2. Member Sikora along with Capt. Krantz of the NTPD observed the area around Spruce School during drop off and pick up hours of students. During drop off time very few if any vehicles are parked along Spruce St. There is vehicle traffic but only for quick drop offs. At dismissal time vehicles arrive early to get a prime parking spot creating the possibility for an accident. Capt. Krantz and myself would like to see, no parking or standing M-F 2pm -4pm, signs placed on the West side of Spruce St. from Christiana to Courtside. This proposal would impact the neighborhood the least and make the area around the School safer. This was discussed with the Committee and all are in agreement.
3. The Committee would like the DPW Signal Dept. to check the timing of the traffic signal located at the intersection of Nash and Ruie Rds. We have received numerous complaints of excessive time spent at the red light when stopped on Ruie.
4. The Committee received a request from Corrine Martin, 60 Stenzil St., 531-5157, requesting the replacement of the traffic signal located at the intersection of Felton and Oliver Streets with stop signs. There is an apartment building located at 1096 Oliver that vehicles park in front of on a regular basis. There is also an exit from the small plaza parking lot onto Oliver at the intersection. After a discussion the Committee believes this intersection is better left in the control of the signal that is currently in place.
5. A request from Amy Golab, 512 Prospect Ave, 939-9638, requesting placement of handicap parking signs in front of 512 Prospect was discussed. The area in question is a dead end road with no industry and only residential homes on it. 512 Prospect also has a designated driveway that can be used. The Committee does not recommend placing the requested signs. Member Sikora contacted Ms. Golab and explained the reason for denying her request. She was also informed to contact the Committee with any future concerns.
6. Requests for left turn arrows added to the traffic signals at two intersections in the City will be discussed further at the April meeting after consulting with Member Tussing.

Meeting Adjourned at 2020 hours.

Respectfully submitted,  
Joseph D. Sikora

MOVED by Alderman Zadzilka

SECONDED by Alderman Donovan

That the Common Council hereby Council directs the Department of Public Works to remove the traffic signal located at the intersection of Payne Ave. and Tremont Street and install stop signs placed on Tremont only;

And, further, that the Common Council hereby directs the Department of Public Works to install “No Parking or Standing Monday – Friday, 2pm - 4pm” signs on the West side of Spruce St. from Christiana to Courtside.

CARRIED.

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## XXV. Monthly Reports

### .1 Police

MOVED by Alderman Needler

SECONDED by Alderman Zadzilka

That the Common Council hereby receives and files the aforementioned Monthly Reports.  
CARRIED.

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Additional assistance from the City is requested as follows:

- 1- Fencing to close in the linear park from Thompson to Lincoln, as in the past.
- 2- 8 tables from Parks Dept.
- 3- 6 trash cans
- 4- street barriers to close off Thompson St. between Vandervoort and Lincoln
- 5- Although we had no difficult situations at all in the past 6 years, it may be helpful to have auxiliary police on hand to assist people crossing the street

Thank you for your continuing support for the museum.

Yours truly,  
Rae Proefrock  
Director

MOVED by Alderman Needler

SECONDED by Alderman Rizzo

That the Common Council hereby approves City assistance to the Carrousel Museum for their Renaissance Festival in the Linear Park adjacent to the museum on Saturday, June 1, 2013 from 11:00AM – 6:00PM and the use of Felton Field for the day (the portion outside the ballpark) as follows:

1. Fencing to close in the linear park from Thompson to Lincoln.
2. 8 tables from Parks Dept.
3. 6 trash cans
4. Street barriers to close off Thompson St. between Vandervoort and Lincoln
5. Auxiliary police to assist people crossing the street.

Ayes: Needler, Rizzo, Zadzilka, Donovan

(4)

Nays: None

(0)

CARRIED.

D.

Jack Michel

Dear Mayor Ortt,

My name is Jack Michel and I am a member of Vietnam Veterans of America, Chapter 77.

A group of our members and area homeless Veterans organizations have put together a working group to try to raise money for Western New York Homeless veterans. We decided to get kites and string to give to participants of the event as well as "professional kite flyers" to put up their very large and unusual kites for our guests. We have a family out of Texas as well as local kite flyer groups committed to the event.

We would like to hold the event at Gratwick Waterfront Park. We have set aside May 25, 2013 as our date and would like the Southern end of the park, just south of the shelter to the far southern end with the event's official start at noon till 4:00 PM.

We are in the process of acquiring sponsors at the moment and have some good prospects. We are also planning to have one food stand for hot dogs and hamburgers as well as a number of cold drink locations around the park. No alcoholic beverages will be sold at this family oriented event.

Myself and a member of our planning committee have spoken with Mr. Welch and have explained the event in detail with him. We realize that we will need to inform North Tonawanda Public Safety offices about the event. Mr. Welch says he will help getting us in contact with everyone we should talk to.

Our committee will also have on hand members of the Niagara County Sheriff's office, Cadets from the Niagara Falls Civil Air Patrol, Local Boy and Girl Scouts, members of Chapter 77 as well as Veterans H.E.R.D. and homeless veterans organizations. This is all part of our set-up, clean-up and volunteer network.

