

**THE HONORABLE BODY  
Council Chambers  
Municipal Building  
North Tonawanda, New York 14120  
Tuesday, June 18, 2013  
6:35P.M.**

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**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**

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSION JUNE 4, 2013**

**MOVED by Alderman Zadzilka                      SECONDED by Alderman Needler  
That the minutes of the regular session held June 4, 2013 be approved as circulated and filed  
in the Office of the City Clerk.  
CARRIED.**

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**APPROVAL OF THE MINUTES OF THE SPECIAL SESSION JUNE 11, 2013**

**MOVED by Alderman Donovan                      SECONDED by Alderman Zadzilka  
That the minutes of the special session held June 11, 2013 be approved as circulated and filed  
in the Office of the City Clerk.  
CARRIED.**

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**PROOF OF PUBLICATION PUBLISHED MAY 22 & 23, 2013**

**1) Bid – Gratwick Riverside Park Marina Improvements, Project 2013-02 – Engineer**

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

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**AUDIENCE PARTICIPATION**

**Sonia Dusza, 123 Miller Street/The west end of Miller Street – Inquired about the  
proposed name change of the current street Bluebird Lane by Wal-Mart. Stated that it  
was her opinion that streets were to only be named after Veterans. Stated that she could  
not remember the policy from years ago, however believed in preserving the current name,  
thought the name change was political and that we needed historic preservation. Stated  
that streets should not be named after big businesses. Stated that North Tonawanda was  
the only municipality in the county that does not film their meetings. Stated that the Clerk  
had the Common Council agenda on the website and that she was happy with the  
transparency. Stated that years ago she would get a copy of the abstract of claims, and that  
she would like a copy.**

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**II.1 Attorney**

**May 31, 2013**

**Honorable Mayor & Common Council  
216 Payne Avenue  
North Tonawanda, New York 14120**

**Re: Daigler Drive Subdivision**

**Dear Honorable Body:**

Action is required by the City to clear a title problem within the Daigler Drive Subdivision. The problem began in 1953 when Cornelia Starr conveyed a parcel to the city which ran from the power company lines to the cul-de-sac on the west end of Daigler Drive. However, in 1994, the City approved the Daigler Subdivision with a cul-de-sac at the east end of the subdivision. Therefore, the part of the paper street that lies within subdivision lots number 33 and 34 is no longer needed by the City.

To cure the title problem, please authorize the Mayor to sign an agreement between the City and MCW Const, Inc. where by the City will relinquish any claims and conveys to MCW the portion of the paper street that lies within subdivision lots 33 and 34 and MCW will convey the cul-de-sac to the City.

Very truly yours,  
Robert Sondel  
Assistant City Attorney

**MOVED by Alderman Needler**

**SECONDED by Alderman Zadzilka**

**That the Common Council hereby authorizes the Mayor to sign an agreement between the City and MCW Const, Inc. where by the City will relinquish any claims and conveys to MCW the portion of the paper street that lies within subdivision lots 33 and 34 and MCW will convey the cul-de-sac to the City.**

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

**(5)**

**Nays: None**

**(0)**

**CARRIED.**

**II.2 Attorney**

**June 13, 2013**

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

**Re: East Hill Foundation Grants – 2014**

**Dear Honorable Body:**

We have been advised that the grants for the 2014 year have been approved by the East Hill Foundation for area non-profit organizations, as required under their PILOT agreement with the City of North Tonawanda. As you know, the grants must total \$50,000, per the Agreement dated July 1, 2012, and these grants represent year two of the multi-year Agreement.

The 2014 grants and recipients are attached for your information.

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

Very truly yours,  
Shawn P. Nickerson  
City Attorney

06-18-2013



owner's City tax bill, or \$1,000 annually, whichever is less. Section 3 provides that a Certificate of Occupancy indicating that the building has been converted to a single-family dwelling is necessary for the rebate, and that noncompliance with this provision would result in a revocation of the rebate.

As with all local laws, it is necessary for this local law to be formally laid on the table for a period of at least 7 days, wherein it must stay in its final form. After a period of at least 7 days, the local law must be scheduled for a public hearing before the Common Council. Once the public hearing has been completed the law may then be passed for adoption by the Common Council. Once it has been adopted by the Common Council, and the law has been formally filed with the Secretary of State, the local law will become effective.

Consistent with State law, the appropriate motion for today's action would be to receive and file this local law and lay it on the table for at least 7 days in its final form. A public hearing can be held before the Common Council anytime after the 7 day "aging period" has lapsed.

Very truly yours,  
Shawn P. Nickerson  
City Attorney

MOVED by Alderman Donovan                      SECONDED by Alderman Andres  
That the Common Council hereby lays the following Local Law on the table for 7 days:

**DECONVERSION TAX REBATE  
Chapter 30**

**General Provisions**

**§30-1 Deconversion tax rebate eligibility**

**§30-2 Calculation of rebate**

**§30-3 Certificate of occupancy required; revocation of rebate**

**§30-1: Deconversion tax rebate eligibility.**

The owner of any property assessed as a multifamily dwelling shall be eligible for a deconversion tax rebate as set forth hereunder, for a period not to exceed 10 years, upon the following conditions:

- A. The property shall be converted to a single-family dwelling after inspection and certification by the Building Inspector and City Assessor.
- B. The deconversion and corresponding zoning change shall benefit successors and/or assigns. Owner herein agrees to execute any further assurances, including but not limited to deed restrictions, in order to effectuate said change; and
- C. If the property should be transferred or sold at any time within the ten-year period, any remaining years of deconversion tax rebate shall transfer to the new owner.

**§30-2: Calculation of rebate.**

The tax rebate shall be calculated as follows: an amount equal to the property owner's actual City tax bill for each year of 10 or \$1,000, whichever is the lesser amount.

**§30-3: Certificate of occupancy required; revocation of rebate.**

The foregoing tax rebate shall be effective upon issuance of a certificate of occupancy verifying that the property has been converted to a single-family residence and shall be subject to revocation upon noncompliance or termination of any of the criteria established herein.

This Local Law will become effective upon filing with the Secretary of State.

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

The following item was pulled from the agenda:

IV.1 Engineer

June 13, 2013

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

Re: Meadow Drive Extension Project  
PIN 5757.52  
City of North Tonawanda, Niagara County  
Award of Construction Contract

Dear Honorable Body:

On June 11, 2013, bids were received and opened by the City Clerk for Meadow Drive Extension Project. The corrected results are as follows:

1. Nova Site Company	\$1,377,711.00
2. Visone Construction	\$1,467,604.80
3. Yarussi Construction	\$1,517,505.30
4. Zoladz Construction	\$1,526,856.29
5. CATCO	\$1,534,022.65
6. Northeast Diversification	\$1,535,236.20
7. New Frontier Excavating and Paving, Inc.	\$1,547,306.00
8. Milherst Construction	\$1,562,984.65
9. Mark Cerrone, Inc.	\$1,597,427.00
10. Occhino Corp.	\$1,629,311.00
11. Accadia Contracting	\$1,690,701.86
12. Sicar Management	\$1,800,000.00

The City's consultant, Parsons Brinkerhoff, has tabulated the bids, checked the contractor's references and is recommending award of contract.

Accordingly, I respectfully request that the Common Council award the Meadow Drive Extension Project to Nova Site Co., 6 Lena Court, West Seneca, NY 14224, at their low bid amount of \$1,377,711.00; authorizing the Mayor to sign said contract subject to review by the City Attorney.

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

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The following item was pulled from the agenda:

IV.2 Engineer

June 14, 2013

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

Re: Meadow Drive Extension Project  
PIN 5757.527  
Parsons Brinkerhoff Agreement Amendment No. 3  
Construction Inspection and Construction Support Services

Honorable Body:

On February 19, 2013 the Common Council passed a resolution and authorized the Mayor to sign the Supplemental Agreement No. 1 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 Meadow Drive Extension Project.

I therefore recommend that the Common Council authorize the Mayor to sign the enclosed agreement amendment No. 3 for construction inspection and construction support services with Parsons Brinkerhoff, 50 Lakefront Blvd, Suite 111, Buffalo, NY 14202; in an amount not to exceed \$130,000; subject to review by the City Attorney.

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

#### VII.1 Accountant

June 13, 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 June 18, 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 Rizzo

SECONDED by Alderman Zadzilka

That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated June 18, 2013 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$285,447.58
02	Water Fund	26,520.65
04	Sewer Fund	42,856.58
06	Capital Project Fund	17,672.57
07	Trust & Agency	755.52
17	Home Rehab Program	11,601.50
	Final Total	<u>\$384,854.40</u>

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

(5)  
(0)

**VII.2 Accountant**

June 13, 2013

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

Dear Honorable Body:

In accordance with Section 104-b of General Municipal Law, the Common Council adopted a Municipal Purchasing Policy in 1994. Section 104-b, Subdivision 4 states that the governing board shall annually review its procurement policies and procedures.

In order to implement recommendations by the Comptroller's Office, this policy was extensively reviewed by Department Heads and I a number of modifications were made to update the policy. It should be noted that additional modifications in the policy can be made at any time during the year, by resolution.

Accordingly, I recommend that the Common Council review the attached Purchasing Policy and pass a resolution stating that the procurement policies and procedures has been reviewed and are in effect as of June 18, 2013.

Very truly yours,  
Mark W. Dotterweich  
City Accountant

MOVED by Alderman Needler                      SECONDED by Alderman Donovan  
That the Common Council has reviewed and hereby approves the aforementioned  
purchasing policies and procedures which are effective June 18, 2013.

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

Nays: None (0)

CARRIED.

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**VII.3 Accountant**

June 13, 2013

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

Dear Honorable Body:

The last time the City's travel policy has been addressed was in May 1980. In order to modernize the policy this office has reviewed and recommended a number of modifications to update the policy. It should be noted that additional modifications in the policy can be made at any time during the year, by resolution.

Accordingly, I recommend that the Common Council review the attached travel policy and pass a resolution stating that the procurement policies and procedures has been reviewed and are in effect as of June 18, 2013.

Very truly yours,  
Mark W. Dotterweich  
City Accountant



**Alderman Andres:**

June 14, 2013

**Support of Passage of Assembly Bill-A3419 in the NYS Assembly  
Sex Offender Buffer Zone**

The North Tonawanda Common Council recognizes and fully supports NYS Assembly Bill A3419 sponsored by NYS Assemblyman Robin Schimminger and respectfully urges its passage by their Honorable Body.

Similarly we also wish to laud the efforts of State Senator George D. Maziarz for introducing identical Senate Bill numbered S5680 and championing its passage in the NYS Senate.

Like Senator Maziarz and Assemblyman Schimminger, the North Tonawanda Mayor, City Attorney, and Common Council are unified and steadfast towards providing a safe environment for the children of our community as well as all children throughout the State of New York.

We are staunchly committed to providing whatever support necessary to aid Assemblyman Schimminger in his efforts in getting Assembly Bill-A3419 out of committee and passed in the New York State Assembly.

Working together in combined efforts we are confident that this very important legislation will become a reality.

Sincerely,  
Richard Andres  
North Tonawanda Common Council President

**MOVED** by Alderman Andres                      **SECONDED** by Alderman Zadzilka  
That the Common Council hereby recognizes and fully supports NYS Assembly Bill A3419 sponsored by NYS Assemblyman Robin Schimminger and respectfully urges its passage by their Honorable Body.

Similarly we also wish to laud the efforts of State Senator George D. Maziarz for introducing identical Senate Bill numbered S5680 and championing its passage in the NYS Senate.

Like Senator Maziarz and Assemblyman Schimminger, the North Tonawanda Mayor, City Attorney, and Common Council are unified and steadfast towards providing a safe environment for the children of our community as well as all children throughout the State of New York.

We are staunchly committed to providing whatever support necessary to aid Assemblyman Schimminger in his efforts in getting Assembly Bill-A3419 out of committee and passed in the New York State Assembly.

Working together in combined efforts we are confident that this very important legislation will become a reality.

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



**MOVED** by Alderman Needler                      **SECONDED** by Alderman Donovan  
That the Common Council hereby grants permission to Sweeney Hose Co. #7 to have a beer tent during the Canal Fest July 14-21, 2013 and to hold a Household Appliance Raffle on September 7, 2013.

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

Nays: None (0)

**CARRIED.**

C.  
Andrew Bolsover  
Darlene Bolsover

June 10, 2012

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

Dear Honorable Body:

Please appoint us as Commissioners of Deeds for the City of North Tonawanda:

Andrew Bolsover  
1337 Sweeney Street  
North Tonawanda, NY 14120

Darlene Bolsover  
1337 Sweeney Street  
North Tonawanda, NY 14120

Thank you.

**MOVED** by Alderman Needler                      **SECONDED** by Alderman Andres  
That the Common Council hereby appoints Andrew Bolsover, 1337 Sweeney Street, North Tonawanda, NY 14120 and Darlene Bolsover, 1337 Sweeney Street, North Tonawanda, NY 14120 as Commissioners of Deeds for the City of North Tonawanda for a term beginning June 19, 2013 expiring June 18, 2015.

**CARRIED.**

**AUDIENCE PARTICIPATION**

**Sonia Dusza, 123 Miller Street/The west end of Miller Street** - Ms. Dusza held up a copy of the Buffalo News and pontificated about the front page article regarding the use of law enforcement for evictions and for the control of blight. Stated that Dr. Milbrand was a doctor. Stated that for decades she has been an advocate for quality code enforcement. Stated that North Tonawanda is a dump and is not moving in the right direction. Stated that she cherishes the quality of life that she once had when we had a vibrant culture on Oliver Street. Stated that in years past we were happy with what we had, living with what we had. Stated that it was ubiquitous. Stated that we used to have Jeness and Murphy's downtown. Wanted to know what was being done about the cat ordinance. Stated that her neighbor's garage has at least 30 cats. Referred to the Buffalo Newspaper about feral cats and that her yard has been ruined.

**Ann Finkle, 896 Sun Valley Drive** - Inquired about the speed limit on Niagara Falls Boulevard as it pertains to North Tonawanda. Wanted to know why the North Tonawanda stretch was a different speed limit rather than matching the speeds on either side of the North Tonawanda stretch.

Andy Pasiak, 853 E. Robinson St. – Stated that the recent rain storms coupled with a National Grid power outage produced a backup of sewage into his basement. Wanted to know what would be done to energize the pumps in the future when the power goes out. Stated that insurance will only cover sometimes before they will drop you. Stated that this was the 21<sup>st</sup> Century and that we need to get an automatic power source that will kick on when the power goes out rather than relying on portable generators. Stated that the recent rains also knocked out his phone service.

Susan Dowling, 3274 Evergreen, Wheatfield – Stated that she was at her father’s house on Schenck Street and there was a pile of broken glass in the middle of the road. Stated that she went out to clean it up while trying to be cognizant of the traffic around her. Stated that a DPW truck stopped in front of her and the driver got out, took the broom and dustpan from her and cleaned up the glass for her. Mrs. Dowling said that while she resides in Wheatfield she thought it was important that we know that we have quality employees working for the City of North Tonawanda, and that she truly appreciated the act of kindness she received.

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### ADJOURNMENT

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

**Time of Adjournment: 7:08P.M.**

**Respectfully submitted,**

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