THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, September 17, 2013
6:33P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT ANDRES

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:	**President Andres** **Alderman Needler, Rizzo, Zadzilka, Clark**
Absent:	**None**
Also Present:	**Mayor Robert G. Ortt** **City Attorney Shawn P. Nickerson**

APPROVAL OF THE MINUTES OF THE REGULAR SESSION SEPTEMBER 3, 2013

MOVED by Alderman Needler SECONDED by Alderman Zadzilka
That the minutes of the regular session held September 3, 2013 be approved as circulated and filed in the Office of the City Clerk.
CARRIED.

PROOF OF PUBLICATION PUBLISHED AUGUST 8, 14, 16, 21, 23 & 28, 2013

1) **Legal Notice – Sale of City Property – City Clerk-Treasurer**

PROOF OF PUBLICATION PUBLISHED AUGUST 28 & 30, 2013

1) **Bid – Removal and Disposal of Roofing – Water**

PROOF OF PUBLICATION PUBLISHED AUGUST 30, 2013

1) **Legal Notice – 2012 Independent Auditor's Report – City Accountant**

PROOF OF PUBLICATION PUBLISHED AUGUST 30 & SEPTEMBER 6, 2013

1) **Legal Notice – Collectors Notice of Payment of School Taxes – City Clerk-Treasurer**

MOVED by Alderman Zadzilka SECONDED by Alderman Needler
To receive and file the aforementioned Proofs of Publication.
CARRIED.

AUDIENCE PARTICIPATION

Sonia Dusza, 123 Miller Street - Stated that she liked the prayer that was read and hoped that the Common Council members would conduct themselves in accordance with it. Stated that the appointment to the Cable Commission was a re-tread that was politically connected and the Council and Mayor should consider appointing other individuals, new blood, younger blood. Questioned the Habitat for Humanity waiver of fees. Stated that it would open the flood gates for others looking for waivers. Questioned if the waiver meant that they would not be inspected.

COMMUNICATIONS FROM CITY OFFICIALS

I.1 Mayor

September 13, 2013

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

Re: Appointment to North Tonawanda Cable Commission

Dear Honorable Body:

Please be advised that I am appointing Tom Jaccarino, 1515 Cambridge Dr., North Tonawanda, NY 14120, to the Cable Commission. He will be filling out the term of Barb McCarthy.

Thank you for your attention to this matter.

Faithfully yours,
Robert G. Ortt
Mayor

MOVED by Alderman Needler SECONDED by Alderman Andres
That the Common Council hereby receives and files the aforementioned communication.
CARRIED.

I.2 Mayor

September 13, 2013

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

Re: Habitat for Humanity, Inc.

Dear Honorable Body:

I have received the attached letter from a member of the Board of the Niagara Area Habitat for Humanity. I am requesting that the following City fees be waived for the house that is planned to be built at 759 East Robinson Street. The fees include: building permit fee, electrical permit, plumbing permit, grading permit and street cut fee.

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

Faithfully,
Robert G. Ortt
Mayor

MOVED by Alderman Zadzilka SECONDED by Alderman Andres
That the Common Council hereby waives the fees for the house that is planned to be built by Habitat for Humanity at 759 East Robinson Street. The fees include: building permit fee, electrical permit, plumbing permit, grading permit and street cut fee.
Ayes: Needler, Clark, Rizzo, Zadzilka, Andres (5)
Nays: None (0)
CARRIED.

III. Clerk-Treasurer

September 13, 2013

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

Re: City Owned Property Auction

Dear Honorable Body,

On Thursday August 29th my office in conjunction with the City Attorney's Office conducted a public auction through Auctions International at which 22 City owned parcels were sold totaling $318,575.00.

I respectfully request that your Honorable body accept 12 of those 22 bids totaling $264,075.00 and further request that your Honorable Body reject 8 bids totaling $1,500.00 for parcels:

175.20-3-32 175.20-3-33 175.20-3-35 175.20-3-36 175.20-3-37 175.20-3-38
182.57-1-1 & 182.69-1-24

Please hold approval of 176.11-2-13 until further notice, and be advised there was no bid for parcel 172.75-2-14.

If you're Honorable body should concur please vote in the affirmative on the above request pending final review by the City Attorney's Office.

Sincerely,
Scott P. Kiedrowski

MOVED by Alderman Needler SECONDED by Alderman Zadzilka
That the Common Council hereby accepts the bids for the purchase prices listed below from the Public Auction that was held on Thursday, August 29, 2013 in the Common Council Chambers:

SBL #	Address	Bidder Name	Purchase Price
175.15-1-19	269 Witmer Road	Brian Scott	$37,000.00
175.15-2-68	197 Doyle Drive	Gregg Marin	$47,000.00
175.19-1-27	1313 River Road	Hui Jin	$11,000.00
177.17-3-30	434 Old Falls Blvd.	Chester Grosofsky	$63,000.00
181.27-1-54	19 Monroe Street	Jeffrey Licht	$26,000.00
182.09-1-21	242 Spaulding Street	Scott Kitchen	$42,500.00
182.77-1-30	92 Schenck Street	Mark Gfroerer	$1,300.00

177.17-2-11	617 Old Falls Blvd.	Robert Depaolo	$650.00
182.65-1-80	262 Zimmerman St.	John Karcz	$25.00
183.05-1-42	1532 Sherwood Ave.	David Homes	$16,000.00
	Fillner Avenue	Tonya Avery	$10,500.00
	Daniel Drive	John Karcz	$9,100.00
			$264,075.00

And, further rejects the bids for the following properties:

175.20-3-32	349 Delmar Road	Brian Jay Bremer	$75.00
175.20-3-33	345 Delmar Road	Brian Jay Bremer	$75.00
175.20-3-35	335 Delmar Road	Scott Franasiak	$25.00
175.20-3-36	329 Delmar Road	Scott Franasiak	$25.00
175.20-3-37	325 Delmar Road	Scott Franasiak	$25.00
175.20-3-38	319 Delmar Road	Scott Franasiak	$25.00
182.57-1-1	5 Spencer Street	C. J. Domagala	$500.00
182.69-1-24	472 Oliver Street	Jason Junn	$750.00

And, further, holds approval of the sale of SBL#176.11-2-13 until further notice.

No bid was received on:

182.75-2-14 101 Jefferson Ave.

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

IV. Engineer

September 11, 2013

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

Re: Project 2013-05, Water Filtration Building Roof Replacement Project
Award of Contract

Dear Honorable Body:

On Tuesday, September 10, 2013, bids were received and opened by the City Clerk for the Water Filtration Plant Roof Replacement Project.

Accordingly, I respectfully request that the Common Council award the contract for Project 2013-05, Water Filtration Plant Roof Replacement Project to United Thermal Systems, 2939 Lockport Road, Niagara Falls, NY 14305-2307, at their low total base bid of $47,569, 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 Zadzilka
That the Common Council hereby awards the contract for Project 2013-05, Water Filtration Plant Roof Replacement Project to United Thermal Systems, 2939 Lockport Road, Niagara Falls, NY 14305-2307, at their low total base bid of $47,569 and authorizes the Mayor to sign said contract subject to review by the City Attorney.
Ayes: Needler, Clark, Rizzo, Zadzilka, Andres (5)
Nays: None (0)
CARRIED.

V. Water

September 11, 2013

Honorable Mayor Robert G. Ortt
And Common Council
216 Payne Avenue
N. Tonawanda, New York

Re: Award of Bid for Aluminum Sulfate

Honorable Body:

On September 05, 2013 bids were received and opened for the purchase of Aluminum Sulfate. Aluminum Sulfate is used as a coagulant in the water filtration process.

After review of the bid package, I recommend that the award go to the low bidder, Thatcher Company of New York, PO Box 118, Williamson, NY 14589-0118, at $237.00/dry ton. The award of the bid has been approved by the City Attorney.

Thank you in advance for your time and consideration in addressing this request.

Sincerely,
David A. Scott, Superintendent
N. Tonawanda Water Works

MOVED by Alderman Needler SECONDED by Alderman Zadzilka
That the Common Council hereby awards the bid for purchase of Aluminum Sulfate to Thatcher Company of New York, PO Box 118, Williamson, NY 14589-0118, at their low bid of $237.00/dry ton, subject to approval of the City Attorney.
Ayes: Needler, Clark, Rizzo, Zadzilka, Andres (5)
Nays: None (0)
CARRIED.

VII. Accountant

September 12, 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 September 17, 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 Needler
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated September 17, 2013 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	$205,582.65
02	Water Fund	45,452.70
04	Sewer Fund	90,257.12
06	Capital Project Fund	275,232.09
07	Trust & Agency Fund	1,759.22
17	Home Rehab Program	10,601.50
	Final Total	$628,885.28

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

XIV. Recreation

September 11, 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 for signing the attached amendment to the 2013 agreement between the Department of Youth, Recreation and Parks and Niagara County Department of Social Services. The new agreement is awarding additional funding in the amount of $863. This brings our total 2013 allocation to $6,439 for the Youth Court Program.

City Attorney, Shawn Nickerson has reviewed the agreement and forwarded it to the Mayor's office for the required approval and notarized signature.

Thank you.

Sincerely,
Patricia A. Brosius
Director of Youth, Recreation & Parks

MOVED by Alderman Zadzilka SECONDED by Alderman Andres
That the Common Council hereby approves the amendment to the 2013 agreement between the Department of Youth, Recreation and Parks and Niagara County Department of Social Services. The new agreement is awarding additional funding in the amount of $863. This brings the total 2013 allocation to $6,439 for the Youth Court Program and authorizes the Mayor to sign the agreement, subject to approval of the City Attorney.
Ayes: Needler, Clark, Rizzo, Zadzilka, Andres (5)
Nays: None (0)
CARRIED.

XVII. Traffic Safety

August 20, 2013

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

Traffic Safety Minutes:

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

1. A request from Michael McTiernan, 1089 Bowen Drive East, to place a stop sign at the curve of Bowen Drive East was denied. The Committee recommends extending the curb line with white pavement markings and repainting the yellow center lane marking. Replacement of the current curve warning sign is also recommended due to some defacing of the sign. If speeding and reckless driving continue a request for additional Police enforcement may help.

2. A request from Rose Gawrys, 38 Porter Ave, to place no parking signs along one side of Porter Ave. was discussed. Temporary no parking signs will continue to be placed for concerts at Gratwick Park but the placement of permanent signs is not recommended at this time. The area will be watched by all members of the Committee to see if the permanent signs are warranted.

3. A request to remove the no parking signs from the Main Street side of the triangle was received. The Committee is in agreement with this and recommends removing these signs to add additional parking places in the downtown area.

4. A request from Ellen Christy to place yield to pedestrians or temporary stop signs at Robinson and Bryant Streets during market hours was discussed. The placement of the requested signs cannot be done without crosswalk markings added to the street. It is believed Aux. Police are currently at the intersection on Saturday mornings to aid with traffic. Market Director John Long will be contacted.

5. A request from Harry Kuligowski, 160 6th Ave., to replace a stop sign at Gilmore and 6th that was removed was discussed. No Members of the Committee remember a sign being at the intersection in the past 6-8 years. T. Tussing will research if a sign was removed but at this time we do not recommend placing an additional stop sign. Added Police enforcement may help in the area and will be requested.

6. A request from Larry Berg, 141 16th Ave., to place a stop sign at the intersection of Carr and 16th was discussed. The area will be researched for recent accidents and added enforcement will be requested in the area. But at this time the addition of a stop sign is not recommended.

7. A request from Donna Zellner to designate two handicapped parking spots in front of the main entrance to the NT History Museum was discussed. There are currently handicapped spots in that area. The Committee is going to hold this request and watch parking in the downtown area.

8. A request from Jennifer Walsh, 639 East Goundry Street, to place stop signs on East Goundry at DiMatteo was received and discussed. The Committee does not recommend placing the requested signs due to signs already in place at Roncroft/East Goundry and South Meadow/East Goundry. If speeding occurs a call to the NTPD will help slow drivers in the area.

9. Member E. Smolinski will contact a representative from Jamie's Dog Grooming on Lockport Road to discuss parking issues and report at the September meeting.

10. The Committee was also in unanimous agreement to remove the traffic signal located in front of the old Lowery Middle School, now Gersch Academy.

11. The Committee also recommends placing stop signs on both sides of Center Ave. at Oliver then placing the light at that intersection now, on flash.

At the June meeting of the Traffic Safety Committee a request to designate a loading zone in front of Walker Brothers and Monroe Jewelers on Webster Street was held for further discussion. The request was researched and then discussed at the August meeting. All members are in agreement there is no need for a loading zone at this time. There was ample parking during all visits during daytime hours. If parking patterns in the downtown area change the request can be revisited.

Respectfully submitted,
Joseph D. Sikora, Chairman

MOVED by Alderman Andres SECONDED by Alderman Zadzilka
That the Common Council hereby approves all recommendations of the Traffic Safety Committee as presented, with the exception of #11, regarding the tentative removal of the signal at Center and Oliver Streets, which is held for further consideration.
Ayes: Needler, Clark, Rizzo, Zadzilka, Andres (5)
Nays: None (0)
CARRIED.

XIX. Building Inspector

To: Hon. Mayor and Council Date: September 9, 2013

From: Cosimo R. Capozzi
Building Inspector
Re: Recharging of Account

Please be advised that due to the number of grass cut and clean up orders issued by this department, Account #3620-480 Contractual Grass Cut, will soon be depleted. We have $881 remaining in said account (see attached report) and we will be addressing two properties within the next week which will total approximately $580 thereby leaving only $300 for the balance of the year.

I therefore respectfully request that the Council recharge Account #3620-480 by the amount of $2,000.00.

Cosimo Capozzi
Building Inspector

MOVED by Alderman Needler SECONDED by Alderman Zadzilka
That the Common Council hereby pulls the aforementioned communication from the agenda.
Ayes: Needler, Clark, Rizzo, Zadzilka, Andres (5)
Nays: None (0)
CARRIED.

XXV. Monthly Reports

.1 City Clerk
.2 Treasurer
.3 Senior Citizens

MOVED by Alderman Rizzo SECONDED by Alderman Zadzilka
That the Common Council hereby receives and files the aforementioned Monthly Reports.
CARRIED.

COMMUNICATIONS FROM OTHERS

A.
Active Hose #2 - Re: Statement of Volunteer Fireman:

Joshua Hakes
Matthew Jurado

MOVED by Alderman Andres SECONDED by Alderman Needler
To add Joshua Hakes and Matthew Jurado to the City Fire Rolls.
CARRIED.

AUDIENCE PARTICIPATION

Ann Finkle, 896 Sun Valley - Stated that she hoped that the drivers of the Department of Public Works trucks could make note of stop signs that are block by trees. Stated that since they are higher up it would be easier for them to make note of what trees need to be trimmed.

Scott Kitchen, 234 Spaulding - Inquired about the property he purchased at the recent city auction.

Cathy Kern, 1248 Greenbrier - Presented the Council with an article from the Niagara Gazette that spoke of an automated phone program called R U OK that has been used in the Town and Village of Lewiston for the past 20 years. Asked the Mayor and Council to look into this system to see if it would be a good fit for use in the City of North Tonawanda. This system is designed to aid our senior residents who may be in need of emergency assistance.

Sonia Dusza, 123 Miller Street - Inquired what the conviction rate was as it pertains to the cat ordinance. Stated that she spoke with Capozzi in the office downstairs who told her years ago the restrictions were relaxed and that his hands were tied. Stated that she had thousands of dollars' worth of damage due to feral cats and further stated that she has cat feces all over her property. Stated that the grass by the Conrail property by Sommer and Oliver is 4ft tall and that it is a breeding ground for cats.

Sandy McFarland, 38 South Lane - Inquired about the housing development on Walck Road, wanted to know how it was progressing. Inquired about the proposal to have another bait and shoot in the city to thin out the growing deer population. Inquired about the iPads that were recently put into service for the Common Council, wanted to know if they were insured. Inquired about the Aluminum Sulfate bid on the agenda and wondered if it would help with the smell that emanates from the plant. Inquired about signs on City property. Was concerned that some signs were being placed on City property and wanted to know what the ordinance was on signs going up and coming down.

ADJOURNMENT

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

Time of Adjournment: 7:05P.M.

Respectfully submitted,

Scott P. Kiedrowski
City Clerk–Treasurer