**THE HONORABLE BODY**
**Council Chambers**
**Municipal Building**
**North Tonawanda, New York 14120**
**Tuesday, October 1, 2013**
**6:32P.M.**

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**REGULAR SESSION CALLED TO ORDER BY PRESIDENT ANDRES**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSION SEPTEMBER 17, 2013**

**MOVED by Alderman Zadzilka SECONDED by Alderman Rizzo**
**That the minutes of the regular session held September 17, 2013 be approved as circulated and filed in the Office of the City Clerk.**
**CARRIED.**

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**AUDIENCE PARTICIPATION**

**Sonia Dusza, 123 Miller Street – Questioned the retirement incentive. Questioned the fact that a letter from the City Accountant Jakubaszek that she read on-line stated that there were budget sessions. Wanted to know why the sessions were not made public. Stated that years ago in the early 80's and 90's there were Saturday Budget Sessions that the public could attend to be involved in. Stated that she was strongly opposed to having a budget session without the public being invited.**

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## COMMUNICATIONS FROM CITY OFFICIALS

**I. Mayor**

**September 26, 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 Bill Paton, 55 5th Avenue, North Tonawanda, NY 14120, to the Cable Commission. He will be filling out the term of Linda Hayes.**
**Thank you for your attention to this matter.**

**Faithfully yours,**
**Robert G. Ortt**
**Mayor**
**10-01-2013**

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

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VII.1 Accountant

September 25, 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 October 1, 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 October 1, 2013 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

| | | |
|---|---|---|
| 01 | General Fund | $252,721.53 |
| 02 | Water Fund | 9,936.79 |
| 04 | Sewer Fund | 28,388.27 |
| 06 | Capital Project Fund | 681,675.69 |
| 07 | Trust & Agency Fund | 1,534.20 |
| 17 | Home Rehab Program | 31,246.50 |
| | Final Total | $1,005,502.98 |

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

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VII.2 Accountant

September 25, 2013

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

Dear Honorable Body:

In accordance with the Mayor's proposed 2014 Budget; a proposed retirement incentive was discussed at various budget workshop sessions.

The incentive would be offered to all employees covered under the CSEA and AFSCME negotiated contracts as well as any non-contractual full-time employees, and is as follows:

Employee must be at least 65 years of age and have 25 years of service with the City of North Tonawanda and be eligible to retire from the New York State Retirement System. An employee who retires under this incentive will receive a total of $15,000, in three installments of $5,000, in January 2014, 2015 and 2016 or a one-time payment of $12,000 to be paid in January 2014. The employee's last day of work for the City of North Tonawanda will be no later than November 15, 2013.

Accordingly, if the Council agrees with this business plan, please pass this retirement incentive.

Very truly yours,
Mark W. Dotterweich
City Accountant

MOVED by Alderman Needler SECONDED by Alderman Zadzilka
That the Common Council hereby approves the retirement incentive offered to all employees covered under the CSEA and AFSCME negotiated contracts as well as any non-contractual full-time employees as follows:

Employee must be at least 65 years of age and have 25 years of service with the City of North Tonawanda and be eligible to retire from the New York State Retirement System. An employee who retires under this incentive will receive a total of $15,000, in three installments of $5,000, in January 2014, 2015 and 2016 or a one-time payment of $12,000 to be paid in January 2014. The employee's last day of work for the City of North Tonawanda will be no later than November 15, 2013.
Ayes: Needler, Clark, Rizzo, Zadzilka, Andres (5)
Nays: None (0)
CARRIED.

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VII.3 Accountant

September 25, 2013

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

Dear Honorable Body:

In accordance with Article V, Division 2, Section 5.023 and Section 2.2 of the Budgetary Transfer Policy, please authorize the City Accountant to make the following transfers of fiscal year 2013 appropriations, based on the request of the Department Head, copy attached:

| Control Number | Dollar Amount | From: Appropriation Account | Into: Appropriation Account |
|---|---|---|---|
| 2 | 2,000.00 | 1-1990.410 Contingent Account | 1-3620.480 Building Inspection Operations |

Very truly yours,
Mark W. Dotterweich
City Accountant

MOVED by Alderman Zadzilka SECONDED by Alderman Rizzo
That the Common Council hereby authorizes the following request for transfer of fiscal year 2013 appropriations, based on the request of the Department Head:

| Control Number | Dollar Amount | From: Appropriation Account | Into: Appropriation Account |
|---|---|---|---|
| 2 | 2,000.00 | 1-1990.410 Contingent Account | 1-3620.480 Building Inspection Operations |

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

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XVII. Traffic Safety

September 18, 2013

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

Traffic Safety Minutes:

The September 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, and A. DiBernardo. The minutes from the previous meeting were read and accepted. The following new concerns were discussed and recommendations made:

1. John Long, City Market Director, was contacted on a request held from the August meeting for a temporary stop/yield to pedestrians sign to be placed on Robinson Street at Bryant. He stated the NT Auxiliary Police are at that location on Saturday mornings starting at 0830 hours to assist with traffic control. He states at this time he is aware of no traffic problems involving the market and will contact the Committee if any arise. The Committee does not recommend placement of any temporary signs near the market.

2. A request to place permanent "no parking" signs on Porter Avenue was also discussed at the August meeting. Members of the Committee routinely visited the area and at this time see no reason to place the permanent signs. We do recommend continuing the practice of placing the temporary "no parking" signs when events are held at Gratwick Park.

3. A request from Kevin Hodgson to remove the "no parking" signs from Strad Avenue near the youth football field was discussed. There have been no requests from civilians in the neighborhood so the Committee sees no reason to remove the signs.

4. A request from Charles Severino, 145 Rumbold Avenue, to place a handicapped parking sign on Zimmerman Street, adjacent to his home, was discussed. Mr. Severino's spouse was contacted and the request was discussed. Addition of the requested sign would pose an accident hazard at the intersection of Zimmerman and Rumbold. A solution was reached without adding the sign with the Severino's.

5. Steve Meaney, 665 Oliver Street, contacted the Committee with a concern over parking in his neighborhood. Attempts to contact Mr. Meaney so he could better explain his request were unsuccessful. The Committee will continue in its attempts to contact Mr. Meaney.

6. A request from Greg Lureman, President, TCCO, to place no parking signs on Ridge Road in an effort to make the area safer was discussed. Mr. Lureman, as well as the resident from 6 Ridge Road were contacted. All are in agreement, including the Committee, that placement of "no parking M-F, 7-9 am and 2-4 pm," would help. The Committee recommends placement of the sign along the curbed area on the North side of Ridge Road in front of 6 Ridge Road. In addition placement of a 20 MPH or school zone signs may be helpful. Ridge Road is used by many vehicles and children to enter and exit NTHS and Meadow School.

7. A request from Louis Cieri, 165 Division Street, to place 2 hour parking signs in front of his building at 165 Division was discussed. The Committee is in agreement and recommends placement of the requested signs.

8. Member E. Smolinski spoke with the owner of Jeanie's Dog Grooming on Lockport Road on parking problems in the area. All parties involved were contacted and no action in the area is needed at this time.

9. A motion by Member Lemke to remove the stop signs on Bryant located at the intersections of Bennett and Stanley Streets was discussed. The stop signs on both Bennett and Stanley would be left in place making the intersections 2-way stops rather than 4-way. After a discussion the motion was carried and the Committee recommends removal of the signs.

Respectfully submitted,
Joseph D. Sikora, Chairman

MOVED by Alderman Zadzilka SECONDED by Alderman Clark
That the Common Council hereby directs the Department of Public Works to install "No Parking, Monday - Friday, 7-9 am and 2-4 pm" signs along the curbed area on the North side of Ridge Road in front of 6 Ridge Road and, also on Ridge Road, "20 MPH" or "School Zone" notification signs; and further, to install "2 Hour Parking" signs in front of 165 Division Street.
Ayes: Needler, Clark, Rizzo, Zadzilka, Andres (5)
Nays: None (0)
CARRIED.

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XXV. Monthly Reports

.1 Police

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

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XXXII. Community Development

September 23, 2013

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

Dear Mayor and Common Council:

Our office has been providing technical assistance to the Niagara River Yacht Club as they prepared an application for Niagara County Greenway Commission funding. The proposed project would result in 300 linear feet of shoreline improvements at the Yacht Club's 346 River Road property. An important aspect of the project would involve providing a 15 foot by 40 foot area that will be available for a public rest area and overlook for bikers and walkers. A Common Council resolution supporting the proposed project

needs to be submitted with their application. Therefore the following resolution is being submitted for your consideration and action.

WHEREAS, the Niagara Power Coalition (NPC) and the New York Power Authority agreed to a fifty year licensing settlement for the Niagara Power Project, and

WHEREAS, that settlement allows Niagara County to receive, through the NPC Host Community Standing Committee (HCSC), up to $390,000 annually to fund projects that are found to be consistent with Niagara Greenway projects along the Greenway Trail, and

WHEREAS, the Niagara River Yacht Club will be submitting an application to the Niagara County Ad Hoc Committee on Recreation and Tourism for $197,200.00 of Greenway funds to support a Shoreline Stabilization and Native Habitat Plantings project, and

WHEREAS, the Niagara River Yacht Club's application will improve shoreline conditions in the City of North Tonawanda's waterfront area and will provide a public rest area and overlook that will benefit City residents and visitors, now therefore be it

RESOLVED, the North Tonawanda Common Council does hereby support and sponsor the Niagara River Yacht Club's application for Greenway funding of $197,200.00 for the Shoreline Stabilization and Native Habitat Plantings project.

Attached is the Greenway application for this project. Please contact me with any questions you may have. Thank you for your consideration.

Best regards,
Richard Tindell
Community Development Director

MOVED by Alderman Zadzilka SECONDED by Alderman Andres

WHEREAS, the Niagara Power Coalition (NPC) and the New York Power Authority agreed to a fifty year licensing settlement for the Niagara Power Project, and

WHEREAS, that settlement allows Niagara County to receive, through the NPC Host Community Standing Committee (HCSC), up to $390,000 annually to fund projects that are found to be consistent with Niagara Greenway projects along the Greenway Trail, and

WHEREAS, the Niagara River Yacht Club will be submitting an application to the Niagara County Ad Hoc Committee on Recreation and Tourism for $197,200.00 of Greenway funds to support a Shoreline Stabilization and Native Habitat Plantings project, and

WHEREAS, the Niagara River Yacht Club's application will improve shoreline conditions in the City of North Tonawanda's waterfront area and will provide a public rest area and overlook that will benefit City residents and visitors, now therefore be it

RESOLVED, the North Tonawanda Common Council does hereby support and sponsor the Niagara River Yacht Club's application for Greenway funding of $197,200.00 for the Shoreline Stabilization and Native Habitat Plantings project.

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

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## LATE COMMUNICATION

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

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#1
Michelle Bernas

September 16, 2013

North Tonawanda City Hall
Attn: Mayor Robert Ortt and the North Tonawanda Common Council
216 Payne Avenue
North Tonawanda, NY 14120

Dear Mayor Ortt:

Glory Be to Kids is asking the City of North Tonawanda for permission to utilize Pine Woods Park and surrounding streets for its newest event, The Chowder Challenge.

As you know, Glory Be to Kids has spent the last 33 years raising almost $434,000 for various local children's charities. We have accomplished this by running our annual golf and softball tournaments. 3 years ago we added a new event, the Chowder Challenge. It will be held Saturday, October 5 and will consist of various family oriented activities including a 5k race, a chowder cook off contest, live music, food vendors and more.

We are requesting the waiving of the facility use fee for the 2013 Chowder Challenge.

After the 5k race will be a chowder cook off contest to be held in Pine Woods Park. I have already spoken with Patty Brosius at the Recreation Department regarding use of the park.

Thank you in advance for your consideration. The success of Glory Be to Kids could never be at the level it is right now without the extreme generosity and cooperation we have received from you and the City of North Tonawanda over the years.

If you have any further question, please feel free to contact me either by phone at 716-523-3958 or by email at mbernas@buffalo.edu.

Sincerely,
Michelle Bernas
Glory Be to Kids Chairperson
Chowder Challenge Event Coordinator

MOVED by Alderman Zadzilka SECONDED by Alderman Clark
That the Common Council hereby waives the fees for the use of Pinewoods Park for the Glory Be to Kids 2013 Chowder Challenge on Saturday, October 5, 2013.
Ayes: Needler, Clark, Rizzo, Zadzilka, Andres (5)
Nays: None (0)
CARRIED.

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AUDIENCE PARTICIPATION

Sonia Dusza, 123 Miller Street – Stated that as she looked around the room she was saddened to see that citizen participation was non-existent. Stated that years ago, in the early 80's and 90's, that Republicans and Democrats would argue and complain at the meetings and that was very productive. Stated that people are out of touch with government. Stated that neighborhoods matter. Stated that she cared about North Tonawanda and has invested in North Tonawanda. Stated that she wanted to back up. Stated that neighborhoods matter. Stated that back in the 50's Ironton Street was rundown and that it still is today. Stated that on Sommer and Caruthers Avenue conditions are horrible. Stated that she saw kids playing on a mound of dirt by the Conrail tracks and that kids should not be playing on mounds of dirt. Stated that the mound should have been removed. Stated that a person who is now deceased used to jointly cut the weeds down and now it doesn't get done and it is a breeding ground for cats and rats. Stated that she became an activist. Stated that it is an election year and she is watching. Stated that she read the letter from Mr. Tinsell. Stated that all politics is local but not here. Stated that she was limited and thanked the Common Council for listening.

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## 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: 6:53P.M.**

**Respectfully submitted,**

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