

**THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, May 6, 2014
6:35P.M.**

REGULAR SESSION CALLED TO ORDER BY PRESIDENT RIZZO

PLEDGE OF ALLEGIANCE

ROLL CALL

**Present: President Rizzo
Alderman Needler, Clark, Zadzilka, Braun**

Absent: None

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

APPROVAL OF THE MINUTES OF THE REGULAR SESSION APRIL 15, 2014

**MOVED by Alderman Needler SECONDED by Alderman Zadzilka
That the minutes of the regular session held April 15, 2014 be approved as circulated and
filed in the Office of the City Clerk.
CARRIED.**

PROOF OF PUBLICATION PUBLISHED APRIL 2 & 3, 2014

1) Bid – Christiana Street Watermain – Engineer

PROOF OF PUBLICATION PUBLISHED APRIL 16, 2014

1) Bid – Brush & Weed Cutting – Building Inspector

PROOF OF PUBLICATION PUBLISHED APRIL 19, 2014

1) Public Hearing – NT Transformer Building Historic Designation – City Clerk-Treasurer

PROOF OF PUBLICATION PUBLISHED APRIL 25, 2014

1) Legal Notice – Annual Drinking Water Quality Report – Water Department

PROOF OF PUBLICATION PUBLISHED APRIL 26, 2014

**1) Legal Notice – Local Law #1 - 2014 – Amendment to Chapter 42 – City Clerk-Treasurer
of the City Code**

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

AUDIENCE PARTICIPATION – None

COMMUNICATIONS FROM CITY OFFICIALS

II. Attorney

May 6, 2014

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

Re: Local Law #1 for 2014 - To Amend Chapter 42 of the City Code of the City of North Tonawanda, Flood Hazard Areas, to Add Article VII, To Adopt the Mohawk Valley and Niagara County Assessment Relief Act

Dear Honorable Body:

Attached for your consideration is Local Law No. 1 for 2014. to amend Chapter 42 of the North Tonawanda City Code entitled "Flood Hazard Areas", by adding Article VII, "Adopting the Mohawk Valley and Niagara County Assessment Relief Act".

As with all local laws, this local law was formally laid on the table for a period of at least 7 days in its final form, and a public hearing was held on May 6, 2014. The law may now be passed for adoption by the Common Council. Once it has been adopted by the Common Council, the law will be formally filed with the Secretary of State, and will become effective upon such filing.

Very truly yours,
Shawn P. Nickerson
City Attorney

MOVED by Alderman Clark

SECONDED by Alderman Braun

That the Common Council hereby approves Local Law #1 for 2014 - To Amend Chapter 42 of the City Code of the City of North Tonawanda, Flood Hazard Areas, to add Article VII, to Adopt the Mohawk Valley and Niagara County Assessment Relief Act as follows:

LOCAL LAW NO. 1 FOR 2014

**A LOCAL LAW TO ADOPT THE MOHAWK VALLEY AND
NIAGARA COUNTY ASSESSMENT RELIEF ACT**

A new Article VII is hereby added to Chapter 42, Flood Hazard Areas, of the North Tonawanda City Code as follows:

Article VII – Mohawk Valley and Niagara County Assessment Relief Act

§42-23 Legislative Intent. This Council recognizes that the storms and subsequent flooding that occurred between June 20, 2013 and August 9, 2013 caused catastrophic damage to homes and businesses within the City of North Tonawanda, and that some real property owners whose homes and businesses were destroyed or damaged by this severe weather are currently responsible for taxes on buildings that are uninhabitable and businesses that are unusable. As part of the 2014-2015 enacted budget, which was signed by Governor Andrew Cuomo on March 31, 2014, the Legislature enacted the "Mohawk Valley and Niagara County Assessment Relief Act," to provide assessment relief to individuals residing in eligible counties, including Niagara County and those Cities located therein, whose property was damaged as result of the severe weather between June 20, 2013 and August 9, 2013. The Council recognizes that it is in the best interest of all City of North Tonawanda residents, located wholly within Niagara County, that individuals whose property has been damaged be entitled to a reduction in the taxable assessed value of said property, and therefore elects to opt-in to the provisions of the Mohawk Valley and Niagara County Assessment Relief Act.

§42-24. Adoption. The City of North Tonawanda hereby adopts the provisions of the enacted 2014-2015 New York State Budget, entitled the “Mohawk Valley and Niagara County Assessment Relief Act,” in their entirety, which includes paragraphs (v) through (x) of subsection a of Section 4. Pursuant to the provisions of the Act, this Title shall be deemed to have been in full force and effect on or after June 20, 2013.

§42-25. State Environmental Quality Review Act. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Chapter 37 of the North Tonawanda City Code, that the adoption of this local law is a “Type II” Action within the meaning of Section 617.5(c) of 6 N.Y.C.R.R., and accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§42-23 Effective Date. This Local Law shall take effect immediately.

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

III. Clerk-Treasurer

April 21, 2014

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

Dear Honorable Mayor and Common Council:

Please be advised that I have received payment in full for back City, School and County taxes, per their tax agreement with the City, for the following parcel:

185.32-2-37 52 Niagara Street Thomson, Robert & Deborah

Therefore, please pass the necessary resolution withdrawing this parcel from the appropriate In Rem proceeding.

Thank you for your cooperation.

Very truly yours,
 Scott P. Kiedrowski
 City Clerk-Treasurer

MOVED by Alderman Needler **SECONDED** by Alderman Clark
 That the Common Council hereby authorizes the City-Clerk Treasurer to remove the following parcel from the In Rem Proceedings:

185.32-2-37 52 Niagara Street Thomson, Robert & Deborah

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

1. Wm. Schutt & Associates	\$8,815
2. Kheops Architecture, Engineering, & Survey DPC	\$10,350
3. GPI Engineering & Survey LLP	\$10,660
4. Nussbaumer & Clarke, Inc.	\$15,750
5. Wendel	\$17,700

I therefore respectfully request that the Common Council approve the survey and mapping for Project 2014-03 Storm Sewer Separation Project on Ironton Street, 1st, 2nd and 3rd Avenues to Wm. Schutt & Associates of 37 Central Avenue, Lancaster, New York 14086 at their proposed amount of \$8,815; authorizing the Mayor to sign and approve the enclosed agreement subject to review by the City Attorney.

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

MOVED by Alderman Rizzo

SECONDED by Alderman Clark

That the Common Council hereby approves the survey and mapping for Project 2014-03 Storm Sewer Separation Project on Ironton Street, 1st, 2nd and 3rd Avenues to Wm. Schutt & Associates, 37 Central Avenue, Lancaster, New York 14086 at their proposed amount of \$8,815 and authorizes the Mayor to sign the agreement subject to review by the City Attorney.

Ayes: Needler, Clark, Zadzilka, Braun, Rizzo (5)

Nays: None (0)

CARRIED.

VII.1 Accountant

May 1, 2014

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 May 6, 2014, 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 May 6, 2014 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$704,091.05
02	Water Fund	73,660.68
04	Sewer Fund	141,935.16
06	Capital Project Fund	38,819.62
07	Trust & Agency	129.28
17	Home Rehab Program	182.50
	Final Total	<u>\$958,818.29</u>

Ayes: Needler, Clark, Zadzilka, Braun, Rizzo (5)

Nays: None (0)

CARRIED.

MOVED by Alderman Zadzilka

SECONDED by Alderman Braun

That the Common Council hereby awards the contract for towing for the North Tonawanda Police Department to Certified Towing, 441 Payne Avenue, North Tonawanda, NY 14120 subject to review by the City Attorney.

Ayes: Needler, Clark, Zadzilka, Braun, Rizzo

(5)

Nays: None

(0)

CARRIED.

XVII. Traffic Safety Committee

April 23, 2014

Scott Kiedrowski

City Clerk-Treasurer

216 Payne Avenue

North Tonawanda, NY 14120

Traffic Safety Minutes:

The April meeting of the North Tonawanda Traffic Safety Committee was called to order a 1900 hours. Roll call showed the following members present: J. Sikora, R. Frank, M. Lemke, E. Smolinski, M. Anastasi, and M. Daigler. The minutes from the previous meeting were read and a motion by Smolinski with a second from Frank to accept them as read was carried. The following new concerns were discussed and recommendations made.

1. Motion Smolinski with a second from Frank to remove the stop signs located on Wright Avenue at Elmwood Avenue. The Committee discussed this and all were in agreement to remove the signs. Stop signs on Elmwood will remain in place. Member Daigler will place temporary signs informing vehicles when the change is made.
2. Motion Smolinski with a second from Lemke to change parking spots along the West side of Webster Street, from 106 to the intersection of Main from parallel to diagonal. This change should have no impact on traffic and create a few extra parking spots.
3. A request was received to place no parking signs in the two paper street turnarounds on Sandra Lane between Service and Robert. The Committee is in agreement with this.
4. A request to change the traffic signal located at the intersection of Main and Island Streets to a three way stop sign was discussed. Rather than a direct change to stop signs the current signal will be placed on "flash" with red facing Island Street and yellow along Main Street.
5. No Parking signs along the West side of Zimmerman Street from Rumbold to E. Thompson will be updated. Signs will be changed in front of 145 and 100 Zimmerman to eliminate confusion.
6. Member Frank received a request to place a No Parking here to corner sign on Donald Drive at Nash Road. The home at 715 Nash has a driveway on Donald vehicles parking between the driveway and Nash Road are making the intersection dangerous. The Committee agrees with this request.
7. A request from KJ Williams, 1303 Payne Avenue, to remove a Deaf Child sign located in front of his home was received. The sign is no longer needed due to the child being a licensed driver and currently living outside the City. The Committee recommends removing the sign.
8. A request from Donna Braun to change parking along Schenck Street near Payne Avenue was discussed. Member Daigler will look at the area and report at the May meeting on what changes will be best for the area.

9. A request from Partners in Art on Webster Street, to change parking duration on Webster Street from Tremont to Goundry was discussed. The Committee is against any changes at this time and if changes are needed in the future would like to see them come from the Downtown Merchants Association.
10. The Committee also discussed ongoing concerns along Bowen Drive. We would like to see a Curve 20 MPH sign placed on the North side of Bowen East warning vehicles of the curve. This sign will mimic the sign currently in place along the South side.
11. A request from Ann Finkle, 896 Sun Valley Drive, to place additional but portable handicap parking signs available to the Riviera Theater was discussed. Member Sikora met with representatives of the theater who stated they do not see a need for increased handicap parking. Also they do not have the means to store and place portable signs. The Committee recommends placing one new handicap parking place on the South side of the yellow hash mark zone in front of the theater. There is currently one at the North side of the hash mark area.
12. Gratwick Park painted to be more visible to boaters using the launch. The Committee has received numerous requests for this.
13. Resident Rick Bugman, Nash Road, was contacted and informed of changes being made to the intersection of Nash and Meadow. These changes should eliminate some truck traffic in front of Mr. Bugman's home. He thanked the Committee for their help.
14. Motion Vater with a second Sikora to place 2 hour parking signs in front of Charlie's Barber shop, 12 Goundry Street. This duration will follow suit with parking along Webster Street and the Committee was in agreement.

Respectfully submitted,
Joseph D. Sikora
Chairman

MOVED by Alderman Braun

SECONDED by Alderman Zadzilka

That the Common Council hereby approves the aforementioned traffic safety recommendations with the following amendment to item No. 9:

That the Common Council hereby directs the Department of Public Works to change the length of time for parking on the northeast side of Webster Street between Tremont and Goundry Streets. The current parking limit is two hours and would like it changed to three hours.

Ayes: Needler, Clark, Zadzilka, Braun, Rizzo (5)

Nays: None (0)

CARRIED.

XIX. Building Inspector

To: Mayor and Common Council

Date: April 24, 2013

From: Cosimo R. Capozzi
Building Inspector

Re: Weed cutting contract

Attached please find copies of two proposals received by this department for brush and weed cutting and clean-up of private property for 2014 season.

We send out six requests for bids to local landscaping contractors (copy included) additionally, the City Clerk was gracious enough to place an RFP ad in the Tonawanda News (copy included). We received a total of two bids, copies included.

After a review of the submitted bids I recommend that the 2014 weed contract be awarded to ABC Professional Lawn Care.

Cosimo R. Capozzi
Building Inspector

MOVED by Alderman Zadzilka SECONDED by Alderman Rizzo
That the Common Council hereby awards the 2014 weed cutting contract be awarded to ABC Professional Lawn Care, 3589 Curtis Avenue, Ransomville, NY 14131 subject to approval of the City Attorney.

Ayes: Needler, Clark, Zadzilka, Braun, Rizzo (5)

Nays: None (0)

CARRIED.

XXV. Monthly Reports

- .1 City Clerk
- .2 Police

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

COMMUNICATIONS FROM OTHERS

A.
Carrousel Museum

April 17, 2014

Mayor Robert Ortt
City Hall
216 Payne Ave.
North Tonawanda, NY 14120

Dear Mayor Ortt:

As per our agreement with the City, I am notifying you that the Carrousel Museum will be presenting a Renaissance Festival in the Linear Park adjacent to the museum on Saturday, June 7, 2014 from 11:00 AM —6:00 PM.

We are also requesting use of Felton Field for the day - the portion outside the ballpark, as last year.

The Society for Creative Anachronism, which is presenting the activities, will be supplying an insurance certificate to the city.

Additional assistance from the City is requested as follows:

1. Fencing to close in the linear park from Thompson to Lincoln, as last year. We would appreciate that being completed by the end of the work day on Thursday, June 5.
2. 8 picnic 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 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 Braun

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 7, 2014 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, Clark, Zadzilka, Braun, Rizzo (5)

Nays: None (0)

CARRIED.

B.

**Center for Missing
& Missing Children**

April 23, 2014

**Scott P Kiedrowski
City Hall
216 Payne Ave
North Tonawanda NY 14120**

Dear Mr. Kiedrowski:

On Friday, May 30th, the National Center for Missing and Exploited Children (NCMEC) will hold its 8th Annual "Ride for Missing Children, Buffalo". Sponsored by NCMEC/NY, the Ride for Missing Children is a 100-mile, 2x2 paced and police-escorted bike ride throughout Erie County and Niagara County, beginning and ending at Getzville Fire Hall.

Our purpose is to remember all missing children and to raise funds to support local prevention education programs in our schools and community. We anticipate approximately 100 riders to participate in the event.

We would like to ask the town for use of its roads. I have included the tentative route map along with approximate times the riders will be in North Tonawanda. If there is a special form that needs to be completed please send it to my attention at the address below, or fax it to 716.842.6334. If you have additional questions, please contact me directly at 716.842.6333.

Thank you for your anticipated cooperation.

Sincerely
Kathleen Gust
Program Director
National Center for Missing & Exploited Children

MOVED by Alderman Clark

SECONDED by Alderman Zadzilka

That the Common Council hereby grants permission to the National Center for Missing and Exploited Children (NCMEC) to use various city streets for its 8th Annual "Ride for Missing Children, Buffalo" which will pass through the City of North Tonawanda on Friday, May 30, 2014.

Ayes: Needler, Clark, Zadzilka, Braun, Rizzo (5)

Nays: None (0)

CARRIED.

AUDIENCE PARTICIPATION

Ken Johnson, 441 Payne Avenue – Thanked the Common Council for the continuation of his company’s towing contract with the City of North Tonawanda.

Cathy Kern, 1248 Greenbrier Lane – Addressed the Common Council about the upcoming Postal Workers Food Drive on Saturday, May 10, 2014. Encouraged the Mayor and Common Council to stop down and lend a hand. Also encouraged any students in the audience to help out as well for the time they put in would go towards their community service time. The food collection point will be at 100 Ridge Road and all are welcome.

Sue Wilke, 329 Miller Street – Addressed the Common Council on “fracking”. Handed the Common Council an article from the Buffalo News regarding the recent decision by the Amherst Town Board to ban “fracking” and fracking waste within the borders of their community. Asked the Common Council why North Tonawanda has not sponsored a similar resolution. Stated that this type of practice was bad for the environment and bad for our community.

ADJOURNMENT

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

Time of Adjournment: 6:54P.M.

Respectfully submitted,

Scott P. Kiedrowski
City Clerk–Treasurer