THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, June 3, 2014
6:30P.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 MAY 20, 2014

MOVED by Alderman Zadzilka SECONDED by Alderman Clark
That the minutes of the regular session held May 20, 2014 be approved as circulated and filed in the Office of the City Clerk.
CARRIED.

PROOF OF PUBLICATION PUBLISHED MAY 1, 2014

1) Legal Notice – 2014 Tentative Assessment Roll – Assessor

PROOF OF PUBLICATION PUBLISHED MAY 21, 2014

1) Legal Notice – 2013 Draft Annual Stormwater Report – Engineer

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

AUDIENCE PARTICIPATION

Sonia Dusza, 123 Miller Street – Stated that she was happy to see the agenda on-line, that it was a time saving benefit, saved the cost of printing and making the trip to City Hall. Inquired about the easement for Pane's Restaurant. Stated that she thought Pane's was a great restaurant and that they have really made their building look nice. Stated that she does a lot of walking and that she was not opposed to Pane's but rather opposed to allowing outdoor dining. Stated that she thought that a bad precedent was being set by allowing outdoor dining on the terrace area. Stated that she would be fearful for those that would be dining outside due the traffic and people driving fast. Stated that we should be fair. Stated that this would allow other businesses to make the very same request if they were in a similar situation. Inquired about the Community Development Brownfield Opportunity Area. Stated that the City of North Tonawanda needed to take a tough stance on past illegal non-conforming uses. Stated that she has seen this happen over the decades and the city needs to be serious. Stated that she would like to be able to read more about this subject, see numbers, charts, and contracts so she can be better informed.

COMMUNICATIONS FROM CITY OFFICIALS

I. Mayor

May 12, 2014

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

Re: Environmental Committee

Dear Honorable Body:

Please be advised that I will be appointing William H. Parkhill Jr. as the Chairman of the Environmental Committee, effective May 20th, 2014 for a term of (2) two years, expiring May 2016.

Faithfully yours,
Robert G. Ortt
Mayor

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

II. Attorney

May 30, 2014

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

Re: Easement Agreement - Pane's Restaurant

Dear Honorable Body:

Attached, for your review, is a proposed easement agreement with James K. Pane, Pane's Restaurant, 984 Payne Avenue, North Tonawanda, NY 14120, for the use of a portion of city sidewalk to be used by the restaurant as an outdoor patio area during restaurant hours. The patio would be used only weather permitting, Monday through Saturday, 11:15AM - 10:00PM and Sunday from 11:30AM - 9:30PM.

Privacy will be maintained by fences and large planters, and Mr. Pane will add the City of North Tonawanda as additional insured on his insurance coverage.

Should your Honorable Body concur, please pass a resolution to allow the Mayor to execute the Easement Agreement between the City of North Tonawanda and James K. Pane, for the use of a portion of the city sidewalk at 984 Payne Avenue for use as an outdoor patio, subject to any further review by the City Attorney.

Very truly yours,
Shawn P. Nickerson
City Attorney

MOVED by Alderman Clark SECONDED by Alderman Zadzilka
That the Common Council hereby authorizes the Mayor to sign the Easement Agreement between the City of North Tonawanda and James K. Pane, for the use of a portion of the City sidewalk at 984 Payne Avenue for use as an outdoor patio, weather permitting, Monday through Saturday, 11:15AM - 10:00PM and Sunday from 11:30AM - 9:30PM subject to any further review by the City Attorney.
Ayes: Needler, Clark, Zadzilka, Braun, Rizzo (5)
Nays: None (0)
CARRIED.

VII. Accountant

May 30, 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 June 3, 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 Braun
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated June 3, 2014 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	$623,004.15
02	Water Fund	49,287.64
04	Sewer Fund	102,517.19
06	Capital Project Fund	239,994.89
07	Trust & Agency	1,543.42
08	Community Development	250,000.00
17	Home Rehab Program	225.00
	Final Total	$1,266,572.29

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

X. Police

May 28, 2014

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

Dear Honorable Body:

Would you please reappoint the following as Commissioner of Deeds for the City of North Tonawanda beginning June 18, 2014 and ending June 17, 2016:

William R. Hall, 85 Donald Dr., North Tonawanda, NY 14120
Robert W. Kalota, 5882 Shawnee Rd., Cambria, NY
Edward A. Smolinski, 1097 Sweeney St., North Tonawanda, NY 14120
Thomas E. Krantz, 303 Oakdale Dr., North Tonawanda, NY 14120

William R. Hall
Chief of Police

MOVED by Alderman Zadzilka SECONDED by Alderman Needler
That the Common Council hereby appoints William R. Hall, 85 Donald Dr., North Tonawanda, NY 14120; Robert W. Kalota, 5882 Shawnee Rd., Cambria, NY; Edward A. Smolinski, 1097 Sweeney St., North Tonawanda, NY 14120 and Thomas E. Krantz, 303 Oakdale Dr., North Tonawanda, NY 14120 as Commissioners of Deeds for the City of North Tonawanda for a term beginning June 18, 2014 and ending June 17, 2016.
Ayes: Needler, Clark, Zadzilka, Braun, Rizzo (5)
Nays: None (0)
CARRIED.

XVII. Traffic Safety

May 20, 2014

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

Traffic Safety Minutes:

The May 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, A. Vater, M. Lemke, E. Smolinski, M. Anastasi, and M. Daigler. The minutes from the previous meeting were read and a motion by Anastasi with a second from Smolinski to accept as read was carried. The following new concerns were discussed and recommendations made:

1. Smolinski reported he would like Oliver Street from Sweeney to Tremont marked with an offset yellow line to make additional room for parked vehicles on the East side. Daigler will look into the request as well as the possibility of allowing parking on both sides of the block.

2. A request from 143 Division to place a do not block driveway sign was discussed. The driveway is blocked by patrons of Just Pizza on occasion. The Committee discussed this request and recommends placing the sign.

3. Daigler reported line markings and painting will be underway soon now that weather is improving.

4. Daigler reported on the parking change requested by Donna Braun along Schenck Street near Payne. After the discussion the Committee is in agreement with changing the parking spots to run parallel with Schenck Street. However we do recommend making one spot handicapped.

Meeting adjourned at 1950 hours.

Respectfully submitted,
Joseph D. Sikora, Chairman

MOVED by Alderman Braun SECONDED by Alderman Rizzo
That the Common Council hereby directs the Department of Public Works to install a "Do Not Block Driveway" sign at 143 Division Street, and further, directs the Department of Public Works to restripe the parking spots on Schenck Street between Payne Avenue and Bryant Street to run parallel with Schenck Street with one spot marked as handicapped.
Ayes: Needler, Clark, Zadzilka, Braun, Rizzo (5)
Nays: None (0)
CARRIED.

XXXII. Community Development

May 23, 2014

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

Dear Common Council and Mayor:

Our office is requesting that the Common Council authorize the Mayor to sign the attached agreement with Bergmann Associates to complete a Tonawanda Island Brownfield Opportunity Area Implementation Strategy. Bergmann has done previous work for the City on this project that we were happy with. This is the final step to completing the Brownfield Opportunity Area planning process that the City has received grant funding for. The entire cost of the agreement will be covered by the grant funds that have been awarded to the City.

Please contact Michael Zimmerman with any questions you may have. Thank you for your consideration.

Best regards,
Richard Tindell
Community Development Director

MOVED by Alderman Needler SECONDED by Alderman Zadzilka
That the Common Council hereby authorizes the Mayor to sign the agreement with Bergmann Associates to complete a Tonawanda Island Brownfield Opportunity Area Implementation Strategy, subject to review by the City Attorney.
Ayes: Needler, Clark, Zadzilka, Braun, Rizzo (5)
Nays: None (0)
CARRIED.

COMMUNICATIONS FROM OTHERS

A.
Carnegie Art Center

May 20, 2014

Robert G. Ortt, Mayor
City of North Tonawanda
216 Payne Avenue
North Tonawanda, New York 14120

Dear Mayor Ortt:

Again, please let me express my personal gratitude and that of everyone involved with the Carnegie Art Center for your support and the city's assistance with our annual celebration with the Queen City Roller Girls. We could not have a successful event without the fabulous cooperation of all the city departments.

This year, QCRG is planned for Saturday, June 7 at the Carnegie Art Center. The gallery exhibition, Collide-a-scope 2014: STREET, will open Thursday, May 29 from 6:30-8:00 pm. The show will close on Saturday, June 7th, in conjunction with the QCRG Championship bout at Rainbow Rink. Current plans include a chicken barbeque at the Carnegie before the bout, beginning between 2 and 3 pm, family activities and our annual 1 1/2 block parade to Rainbow Rink.

After the event, the skaters will return to the Carnegie Art Center for dinner, until about 9:30pm. The major after bout party will be held at Dwyer's Irish Pub on Webster Street.

We are requesting permission for the parade only this year. We will not need a wine and beer permit, because the after bout party will be elsewhere; not at the Carnegie Art Center. The parade will take place along Goundry Street from the Carnegie Art Center, at 240 Goundry to the parking lot of Rainbow Rink, 101 Oliver Street. The parade would begin around 5:30pm.

This is our fifth collaboration with the QCRG's. Our past events were all successful, thanks to the support of the City of North Tonawanda and created positive press for NT. We look forward to working with you and the City again on this year's celebration.

Please call me with any questions.

Sincerely,
Mary L. Simpson
Executive Director

MOVED by Alderman Rizzo SECONDED by Alderman Braun
That the Common Council hereby grants permission to the Carnegie Art Center to have a parade along Goundry Street from the Carnegie Art Center, 240 Goundry Street to the parking lot of Rainbow Rink, 101 Oliver Street, on June 7, 2014 at 5:30PM.
Ayes: Needler, Clark, Zadzilka, Braun, Rizzo (5)
Nays: None (0)
CARRIED.

LATE COMMUNICATION

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

#1.
Water

May 22, 2014

Honorable Mayor Robert G. Ortt
And Common Council
216 Payne Avenue
N. Tonawanda, New York 14120

Re: Award Professional Service Contract

Honorable Body:

The Wastewater Treatment Plant is looking to improve and upgrade our process control system. Our present system is over twenty years old. Finding parts for repairs is getting harder to do and is becoming much more costly.

We have been working with a company that will allow us to start updating different parts of our system while still being compatible with existing equipment. This will allow us to gradually change over the system as equipment fails.

I respectfully request that the Council approve the enclosed agreement with Plant IQ, LLC, 3867 Ontario Dr., Suite 100, Wheatfield, NY in an amount not to exceed $19,540.00; authorizing the Mayor to sign said agreement subject to the review by the City Attorney.

Funding will come from the Wastewater Improvement Bond for 2014.

Sincerely,
David Scott
Superintendent of Water/Wastewater

MOVED by Alderman Needler SECONDED by Alderman Rizzo
That the Common Council hereby approves the agreement with Plant IQ, LLC, 3867 Ontario Dr., Suite 100, Wheatfield, NY in an amount not to exceed $19,540.00 and authorizes the Mayor to sign said agreement subject to the review by the City Attorney.
Ayes: Needler, Clark, Zadzilka, Braun, Rizzo (5)
Nays: None (0)
CARRIED.

AUDIENCE PARTICIPATION

Sonia Dusza, 123 Miller Street – Stated that she would be asking until she could not ask anymore. Stated that North Tonawanda needs to be taping all meetings much like the City of Niagara Falls and the City of Lockport. Stated that many years ago she used to tape meetings and stated that many individuals used to thank her because she asked deep penetrating questions. That North Tonawanda needed to be more like Niagara Falls. Stated that the City of Niagara Falls had a fairly good website. Stated that she is very active and very concerned about all the communities. Stated that the Buffalo News must have been reading her mind. Miss Dusza held up a June 2nd edition of the Buffalo News pointing out an article about rodents being a problem in Buffalo. Stated that by her house there are skunks and rodents. Stated there was blight. Stated that her Alderman from years ago, Len Wudyka, helped secure the green totes, but that was years ago, we still have a problem. Stated that the Buffalo News had another article about booming Elmwood Avenue. Stated that that is how we used to be on Oliver Street back in the 60's. Stated that an elected official from years ago, in the 90's stated that "we missed the boat". Stated that NT is in decline and that we need to get out and act together.

ADJOURNMENT

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

Time of Adjournment: 6:46P.M.

Respectfully submitted,
Scott P. Kiedrowski
City Clerk–Treasurer