

**THE HONORABLE BODY**  
**Council Chambers**  
**Municipal Building**  
**North Tonawanda, New York 14120**  
**Tuesday, August 5, 2014**  
**6:30P.M.**

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

**Absent: Alderman Clark**  
**City Attorney Shawn P. Nickerson**

**Also Present: Mayor Robert G. Ortt**  
**Assistant City Attorney Katie Alexander**

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSION JULY 15, 2014**

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

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**AUDIENCE PARTICIPATION - None**

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**PROOF OF PUBLICATION PUBLISHED MAY 24, 2014**

- 1) Legal Notice —Invitation for Bids for "Upfitting" of  
2014 Chevrolet Tahoe - Police Dept.

**PROOF OF PUBLICATION PUBLISHED JUNE 20, 2014**

- 1) Legal Notice - Invitation for Bids for the Purchase of  
Natural Gas Wastewater Plant

**PROOF OF PUBLICATION PUBLISHED JULY 2, 2014**

- 1) Legal Notice - 2014 Final Assessment Roll - Assessor

**PROOF OF PUBLICATION PUBLISHED JULY 9 & 11, 2014**

- 1) Bid - Ironton Avenue Storm Sewers - Engineer

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

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Honorable Body:

On Tuesday, July 22, 2014, proposals were received from qualified consultants to perform the design and construction documents necessary to provide stand-by emergency power generation at critical sewage pump station facilities throughout the city. Proposals were reviewed by the Superintendent of Public Works and I to determine the consultant's adherence to the scope of work and project budget issued in the city's request for proposals.

Accordingly, Superintendent Rowles and I respectfully request the Common Council approve the enclosed agreement with GHD Consulting Services, Inc., Audubon Center 200 John James Audubon Parkway Suite 101, Amherst, NY 14228, in an amount not to exceed \$29,400; authorizing the Mayor to sign said agreement subject to the review by the City Attorney.

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

**MOVED** by Alderman Zadzilka                      **SECONDED** by Alderman Braun  
That the Common Council hereby awards the bid for the Pump Station stand-by Emergency Power Generation to GHD Consulting Services, Inc. in an amount not to exceed \$29,400; authorizing the Mayor to sign said agreement subject to the review by the City Attorney.

Ayes: Needler, Zadzilka, Braun, Rizzo

(4)

Nays: None

(0)

**CARRIED.**

V. Water

July 24, 2014

Honorable Mayor Robert G. Ort  
And Common Council  
216 Payne Avenue  
N. Tonawanda, NY 14120

Re: Award of Bid for Natural Gas

Honorable Body:

On July 16, 2014 bids were received and opened for the purchasing of Natural Gas for the Water and Wastewater Plants.

The bids have been reviewed by Enerscope (our third-party gas price monitor) and they have recommended the low bidder, Energy Mark LLC, 6653 Main Street, Williamsville, NY 14221 be awarded the bid. I concur with Enerscope. The award of the bid has been reviewed by the City Attorney.

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

Sincerely,  
David A. Scott  
Superintendent of Water/ Wastewater

**MOVED** by Alderman Braun                      **SECONDED** by Alderman Rizzo  
That the Common Council along with Enerscope (our third-party gas price monitor) hereby awards the Natural Gas bid for the Water & Wastewater Plants to the low bidder, Energy Mark LLC, subject to review by the City Attorney.

Ayes: Needler, Zadzilka, Braun, Rizzo

(4)

Nays: None

(0)

**CARRIED.**

## VII.1 Accountant

August 1, 2014

Honorable Robert G. Ortt, Mayor  
& Common Council  
City Hall —216 Payne Avenue  
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 August 5, 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 August 5, 2014 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$488,991.29
02	Water Fund	31,606.00
04	Sewer Fund	126,897.16
06	Capital Project Fund	365,757.39
07	Trust & Agency	825.93
17	Home Rehab	<u>24,719.00</u>
	Final Total	1,038,796.77

Ayes: Needler, Zadzilka, Braun, Rizzo

(4)

Nays: None

(0)

CARRIED.

## VII.2 Accountant

June 25, 2014

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

Dear Honorable Body:

In accordance with General Municipal Law, as amended by Chapter 376 of the Laws of 1988, I have attached a copy of the City of North Tonawanda Single Audit with Independent Auditor's Report, Communication with Those Charged with Governance, and Management Letter, for the fiscal year ended December 31, 2013. The City Clerk-Treasurer will publish a legal notice in the newspaper stating that these reports are available to the public.

The auditor's opinion is that the General Purpose Financial Statements present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and aggregate remaining fund information of the City of North Tonawanda as of December 31, 2013, and the respective changes in financial position thereof, and the respective budgetary comparison for the General Fund for the year ended in conformity with accounting principles generally accepted in the United States of America.

08-05-2014

Copies of the audits will be mailed to the appropriate Federal and State Agencies.

If you have any questions on these documents, please feel free to contact me.

Very truly yours,  
Mark w. Dotterweich  
City Accountant

**MOVED by Alderman Rizzo**                      **SECONDED by Alderman Needler**  
That the Common Council hereby agrees with the City 2013 Audit from Amato, Fox and Co. and hereby receives and files in the City Clerk's office.  
Ayes: Needler, Zadzilka, Braun, Rizzo (4)  
Nays: None (0)  
**CARRIED.**

**IV.3 Accountant**

August 1, 2014

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

Dear Honorable Body:

In accordance with Section 2.2 of the Budgetary Transfer Policy, please authorize the City Accountant to make the following budget amendment of fiscal year 2014 revenues and appropriations, based on the requests of Department Heads:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>Amend Revenue Account</u>	<u>Amend Appropriation Account</u>
6	71,350	1-1000.3897 State Aid Kayak Launches	1-7197.200 Kayak Launches

Explanation: The City received a grant for the purpose of building kayak launches along the Erie Canal.

Very truly yours,  
Mark W. Dotterweich

**MOVED by Alderman Needler**                      **SECONDED by Alderman Zadzilka**  
The Common Council hereby authorizes the City Accountant to make the following budget amendment of fiscal year 2014 revenues and appropriations, based on the requests of Department Heads:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>Amend Revenue Account</u>	<u>Amend Appropriation Account</u>
6	71,350	1-1000.3897 State Aid Kayak Launches	1-7197.200 Kayak Launches

Ayes: Needler, Zadzilka, Braun, Rizzo (4)  
Nays: None (0)  
**CARRIED.**



**XXVI. Vacation & Sick Leave Report****.1 Police**

**MOVED by Alderman Rizzo**                      **SECONDED by Alderman Zadzilka**  
**That the Common Council hereby receives and files the aforementioned Vacation & Sick**  
**Leave Report.**  
**CARRIED.**

**COMMUNICATIONS FROM OTHERS****A.****Wattengel Funeral Home****May 6, 2014**

**Mayor Robert G. Ortt**  
**216 Payne Ave.**  
**North Tonawanda, New York 14120**

**Dear Mayor Ortt,**

**Wattengel Funeral Home is interested in purchasing (at fair market value) the land directly behind our new location, located at 533 Meadow Drive. This land would be developed into additional parking for the Meadow Drive facility.**

**Thank you for your consideration of this matter and feel free to contact us regarding any questions or concerns.**

**Respectfully,**  
**Joseph V. Mantonie**  
**Gregory M. Wood**

**MOVED by Alderman Needler**                      **SECONDED by Alderman Zadzilka**  
**That the Common Council hereby grants permission to Wattengel Funeral Home to purchase the empty lot located behind their new location at 533 Meadow Dr. for additional parking subject to review and final approval by the City Attorney.**

**Ayes: Needler, Zadzilka, Braun, Rizzo****(4)****Nays: None****(0)****B.****St. Mark's Church****July 21, 2014****Dear Members of the Common Council:**

**St. Mark's Episcopal Church in North Tonawanda is looking to host its first ever 5K race: "St. Mark's, get set, go! 5k" on Saturday, October 11, 2014.**

**The race is scheduled to start at 9:30 a.m. with runners beginning at the parking lot of St. Mark's Church, proceeding onto Schenck and several other city streets with it ending back at our church parking lot. I have enclosed a copy of the route for your review so you may see the streets that will be involved in our 5k.**

**As such, we are respectfully requesting the approval of the Common Council to run this race and permission to have a police escort during the race for the protection of our runners.**

**We are confident this race will be a success - a positive for both our parish community and the greater community of North Tonawanda.**

Should you require any further information, you may contact our coordinators of this event, Katie Orlovski-Williams at (716) 628-0561, Scott Ferguson at (716) 909-8834 or Faith E. Elliott at (716) 951-0704.

On behalf of St. Mark's Episcopal Church, I would like to thank you for your time and consideration of our request and await to hear from the honorable council in the near future.

Sincerely yours,  
Faith E. Elliott  
Coordinator

**MOVED by Alderman Braun**                      **SECONDED by Alderman Needler**  
**That Common Council hereby grants permission to St. Mark's Church to hold a 5k run on October 11, 2014 with Police escort for protection of runners on said route.**

**Ayes: Needler, Zadzilka, Braun, Rizzo** (4)

**Nays: None** (0)

C.  
Colleen Andres

July 17, 2014

Dear Sirs,

A sale has been concluded for the sale of 26-27 Weatherbest Slip. The boathouse was previously owned by Dennis Marchewka and will now transfer to Colleen Andres. At your next scheduled Common Council meeting we request that the lease be transferred to Mrs. Andres.

If you have any further questions regarding this sale and request for lease transfer please contact Colleen Andres at 516-650-3518.

Sincerely,

Colleen Andres  
249 Wheatfield St.  
North Tonawanda, NY  
Purchaser

Dennis Marchewka  
59 Eighth Avenue  
North Tonawanda, NY  
Seller

**MOVED by Alderman Zadzilka**                      **SECONDED by Alderman Needler**  
**That Common Council hereby approves the sale of 26-27 Weatherbest Slip to Colleen Andres subject to review and final approval by the City Attorney.**

**Ayes: Needler, Zadzilka, Braun, Rizzo** (4)

**Nays: None** (0)

D.  
David Conti

July 28, 2014

Honorable Council Members:

Please consider my request for a leave of absence from my current competitive Civil Service position of Wastewater Treatment Plant Operator to accept a competitive Civil Service trainee position of Water Treatment Plant Operator. I am requesting a one year leave from my current position consistent with the training period specified in the Water Treatment Plant Operator job specifications.

Thank you for your consideration,  
David Conti



I am therefore writing to make a couple of requests of you and the Common Council. First, for the convenience and safety of our visitors, I would like to request permission to have Wheatfield Street blocked off between Payne Avenue and Bryant Street for traffic between the hours of Noon-8pm on each day of the festival. I would also like to request permission to have a banner announcing our upcoming festival, hung up over Payne Avenue by the Gersh Academy approximately one month prior to the event.

Finally, I would like to take this opportunity to invite you and to invite the honorable members of the Common Council to our event. Thank you in advance for your continuous help, support and encouragement. It is really a privilege to get the chance to work with you and with the outstanding staff in your office.

Sincerely yours,  
Fr. Mark Iskander  
Priest of St Mary & St. Moses  
Coptic Orthodox Church

**MOVED by Alderman Rizzo**

**SECONDED by Alderman Zadzilka**

That Common Council hereby grants permission for the annual Egyptian Festival on September 5-7, 2014 with DPW to block off Payne Ave. to Bryant St and also to hang a banner announcing the upcoming festival over Payne Ave. by the Gersh Academy approximately one month prior to the event.

Ayes: Needler, Zadzilka, Braun, Rizzo

(4)

Nays: None

(0)

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G.  
OLC Church

July 22, 2014

North Tonawanda City Clerk-Treasurer  
Scott Kiedrowski  
216 Payne Avenue North Tonawanda, New York 14120  
Via electronic Delivery Only

RE: August 24, 2014; Our Lady of Czestochowa Feast Day Celebration  
Request for Center Avenue Closure

Dear Scott:

Please allow this letter to serve as the formal request from Our Lady of Czestochowa Parish to the City of North Tonawanda Common Council for approval of the closure of Center Avenue from the corner of Oliver Street going west to the property line of 64 Center Avenue. All traffic will have the ability to travel to their residences and OLC parking lot utilizing Ironton Street.

Briefly and similar to last year, the Parish is hosting a celebration in honor of the Feast Day of Our Lady of Czestochowa. Below is the information the Church has for the proposed for the event:

WHEN: August 24, 2014  
TIME: 8AM-5PM  
WHERE: Corner of Oliver Street and Center Avenue

Please advise if the City DPW will provide barricades or we will be required to provide. Please advise whether you would like a representative at the Common Council Meeting to discuss the above and if so the date of the same.

Thank you for your time and we look forward to hearing from the North Tonawanda Common Council regarding the approval of the closure of Center Ave.

Very truly yours,  
Patricia A. Burngasser  
Director, Parish Development

08-05-2014

**MOVED by Alderman Rizzo**

**SECONDED by Alderman Braun**

The Common Council hereby approves the closure of Center Avenue from the corner of Oliver Street going west to the property line of 64 Center Avenue with the DPW to provide barricades for traffic also to utilize Ironton St. for parking for their annual Feast Day celebration on August 24, 2014.

**Ayes: Needler, Zadzilka, Braun, Rizzo**

**(4)**

**Nays: None**

**(0)**

**H.**

**Gratwick Hose**

**July 21, 2014**

**Honorable Mayor and  
Common Council:**

**Please remove the name of Alex Samanka from the Fire Rolls.**

**Thank you.**

**David A. Rogge  
Membership Secretary**

**MOVED by Alderman Rizzo**

**SECONDED by Alderman Needler**

The Common Council hereby grants the request to remove Alex Samanka from the City of North Tonawanda Fire Rolls.

**Ayes: Needler, Zadzilka, Braun, Rizzo**

**(4)**

**Nays: None**

**(0)**

**I.**

**Cosimo Capozzi**

**To: Hon. Mayor & Council**

**Date: July 9, 2014**

**From: Cosimo R. Capozzi**

**Re: Sale of City lot**

Attached, please find a copy of a site map showing the location of a City owned parcel situated between 1776 and 1794 Sweeney, the parcel has a 70.21' frontage with an a depth of 198'.

I would like the opportunity to purchase this parcel for the purpose of constructing a single family dwelling for myself. I am prepared to offer \$25,000 for this parcel.

Similar lots on East Robinson have been sold previously and the City gained at least three new single family dwellings.

I have discussed this parcel with our City Engineer and he states that there are no known City infrastructures on said lots and there are no planned uses for this lot.

Thank you in advance for your consideration and hope for a timely response as we are anxious to have plans drawn up and commence construction this season.

**Cosimo R. Capozzi**

**MOVED by Alderman Zadzilka**

**SECONDED by Alderman Rizzo**

The Common Council hereby approves the sale of city owned property located between 1776 and 1794 Sweeney St. to Cosimo R. Capozzi for a family dwelling at the cost of \$25,000 subject to review by the City Attorney.

**Ayes: Needler, Zadzilka, Braun, Rizzo**

**(4)**

**Nays: None**

**(0)**

J.  
Adam Yaro

July 28, 2014

Honorable Mayor Robert G. Ortt,  
North Tonawanda Common Council  
North Tonawanda City Hall  
216 Payne Avenue  
North Tonawanda, NY 14120

Dear Mayor and the Members of the Common Council:

The position of Water Treatment Plant Chief Operator at the North Tonawanda Water Department has become available. I am next in line to accept this position providing the city would be willing to grant me a leave of absence from my present job as Water Treatment Plant Operator, until the new position of Water Treatment Plant Chief Operator would become permanent.

Thank you for your time and consideration on this matter.

Sincerely,  
Adam J. Yaro

MOVED by Alderman Needler

SECONDED by Alderman Rizzo

That Common Council hereby grants a leave of absence to Adam J. Yaro from his current position of Water Treatment Plant Operator until his position as Water Treatment Plant Chief Operator becomes permanent.

Ayes: Needler, Zadzilka, Braun, Rizzo

(4)

Nays: None

(0)

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## AUDIENCE PARTICIPATION

Peter Reese, Esq., 49 Starin Ave, Buffalo, NY – Mr. Reese addressed the Common Council about the various news articles regarding “feral cats” on Tonawanda Island. Mr. Reese stated that he was a local attorney and that he was representing the University of Buffalo Law School Animal Law Pro-Bono Project. Mr. Reese stated that he and his colleagues were instrumental in re-writing the City of Buffalo’s animal ordinances. Mr. Reese stated that this project was focused on stray and feral cats that freely roam. Mr. Reese stated that Trap, Neuter, and Return is a very safe and humane process that is endorsed by the Humane Society of the United States. Mr. Reese handed out literature regarding how this program works, as well as a template of revised ordinances that would allow this program to move forward in our community. Mr. Reese stated that our current ordinance and or city codes would prohibit this type of program in North Tonawanda. Mr. Reese stated that he would be more than willing to work with our attorney’s to aid in the updating our city codes to allow this project that has already been in place on Tonawanda Island to move ahead legally.

Sandy McFarland, 38 South Lane - Mr. McFarland stated that she liked the Meadow Drive Extension; however she was concerned over the lack of lighting along the extension. Mrs. McFarland stated that the extension was a very long thoroughfare which is very dark at night. Stated that she was concerned for those who may be walking or riding bikes that might not be seen by a car, and that when the winter months are here that it will be darker longer along that stretch of road. Mrs. McFarland asked if there were any plans to have lighting along the extension in the very near future.

Ann Finkle, 896 Sun Valley Drive – Miss Finkle asked what the status was of the Traffic Flow Study for Meadow and Nash Roads. Stated that she was wondering if the study had been completed and what the findings were.

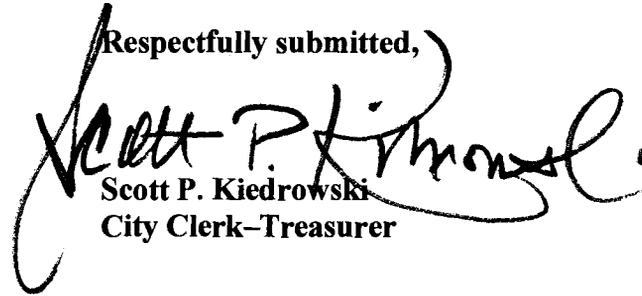
Cosimo Capozzi, 227 Schenck Street - Mr. Capozzi thanked the Common Council for allowing his family to purchase a piece of city owned property to build a home on. Mr. Capozzi also thanked Alderman Zadzilka for his follow through on the details for this purchase.

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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: 7:02P.M.**

Respectfully submitted,  
  
Scott P. Kiedrowski  
City Clerk-Treasurer