

**THE HONORABLE BODY  
Council Chambers  
Municipal Building  
North Tonawanda, New York 14120  
Tuesday, October 21, 2014  
6:30P.M.**

---

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

**Absent:           None**

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

---

**AUDIENCE PARTICIPATION – None**

---

**APPROVAL OF THE MINUTES OF THE REGULAR SESSION October 7, 2014**

**MOVED by Alderman Zadzilka                   SECONDED by Alderman Needler  
That the minutes of the regular session held October 7, 2014 be approved as circulated and  
filed in the Office of the City Clerk.  
CARRIED.**

---

**PROOF OF PUBLICATION PUBLISHED IN TONAWANDA NEWS 9/4, 11, 18, 25 &  
October 2 & 9, 2014**

**1) Legal Notice –Notice of Foreclosure of Tax Liens – City Clerk-Treasurer**

**PROOF OF PUBLICATION PUBLISHED IN NIAGARA GAZETTE 9/4, 11, 18, 25 &  
October 2 & 9, 2014**

**1) Legal Notice –Notice of Foreclosure of Tax Liens – City Clerk-Treasurer**

**MOVED by Alderman Rizzo                   SECONDED by Alderman Zadzilka  
That the Common Council hereby receives and files the aforementioned Proof of  
Publication.  
CARRIED.**

---

## **COMMUNICATIONS FROM CITY OFFICIALS**

**II.     Attorney**

**October 16, 2014**

**Dear Honorable Mayor & Common Council Members:**

**There is currently a request by the owners of 467 River Road to obtain ownership of a small section of Judd Alley, which is adjacent to their property. After discussion with the City Assessor and further review of the matter, it is our opinion that the piece of the alley be abandoned. The section of the alleyway in question was fenced off when the current owners purchased the property in the 1980s and they have been maintaining it since that**

**10-21-2014**

time. As you are aware, the City often abandons parts or all of alleyways when they are no longer in use, and this parcel currently serves no public purpose. Furthermore, the County tax map already indicates that this piece of the alley is part of 467 River Road. Therefore, for the reasons stated above, it is our recommendation that this section of the alleyway be abandoned and deeded to the owners.

Should you have any questions, please do not hesitate to contact me.

Katherine Alexander  
Assistant City Attorney

**MOVED by Alderman Needler                      SECONDED by Alderman Braun**  
The Common Council hereby approves the abandonment of a section of Judd Alley which is adjacent to 467 River Road and will be deeded to Paul & Marcia Overkamp subject to review by the City Attorney.

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

Nays: None (0)

**CARRIED.**

**III. Clerk-Treasurer**

**October 17, 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 agreements with the City, for the following parcels:

176.11-4-50    1456 Cambridge Avenue    Gregory Gillis

182.71-2-49    365 Falconer Street    Jean Sattleberg

Therefore, please pass the necessary resolution withdrawing these parcels from the appropriate In Rem foreclosure proceeding.

Thank you for your cooperation.

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

**MOVED by Alderman Zadzilka                      SECONDED by Alderman Braun**  
The Common Council hereby grants the withdrawal of parcels 1456 Cambridge Ave. and 365 Falconer St. from In Rem Proceeding.

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

Nays: None (0)

**CARRIED.**

**IV. Engineer**

**October 15, 2014**

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

Re: Webster Street Green Infrastructure Improvements  
Project No. 2012-02

**City of North Tonawanda, Niagara County  
Approval of Change Order and Final Project Payment and Acceptance**

**Dear Honorable Body:**

As you are aware, the City of North Tonawanda received a \$575,000 Green Infrastructure Grant from the New York State Environmental Facilities Corporation to construct new bio filtration units to replace the planter boxes on Webster Street, as well as installation of porous pavement strips and an interpretive sign. Approval of the six (6) required change orders and approval of the final payment and project acceptance is respectfully requested.

The following is a list of the field changes required to complete the work:

1. Resetting of existing brick pavers	\$1,100.00
2. Installation of new brick pavers	\$52,260.65
3. Installation of electric handholes for tree lighting	\$5,525.00
4. Inlet reduction curb at 17 Filterra units	\$11,000.00
5. Storm sewer separation from Sweeney to Tremont	\$12,500.00
6. Contract quantity overruns	<u>\$23,795.12</u>
Total	\$106,180.77

Accordingly, I respectfully request that the Common Council approve the change order in the amount of \$106,180.77 for the Webster Street Green Infrastructure Improvements Project, increasing the contract amount to Yarussi Construction, Inc., 5650 Simmons Avenue, Niagara Falls, NY 14304, from \$406,325.00 to the final payment amount of \$512,505.77; authorizing the Mayor to sign said change order, subject to review by the City Attorney. Further, that the Common Council accept the project as complete.

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

MOVED by Alderman Braun

SECONDED by Alderman Rizzo

The Common Council hereby approve the change order in the amount of \$106,180.77 for the Webster Street Green Infrastructure Improvements Project, increasing the contract amount to Yarussi Construction, Inc., 5650 Simmons Avenue, Niagara Falls, NY 14304, from \$406,325.00 to the final payment amount of \$512,505.77; authorizing the Mayor to sign said change order, subject to review by the City Attorney.

Ayes: Needler, Zadzilka, Braun, Rizzo

(4)

Nays: None

(0)

CARRIED.

**VII. Accountant**

October 16, 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 October 21, 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

10-21-2014



MOVED by Alderman Zadzilka

SECONDED by Alderman Needler

The Common Council hereby approves the appointment of Larry W. Kuebler Jr., 1727 Leah Dr. as Commissioner of Deeds for the City of North Tonawanda affective October 22, 2014 through October 21, 2016.

Ayes: Needler, Zadzilka, Braun, Rizzo

(4)

Nays: None

(0)

CARRIED.

## VII. Accountant

October 21, 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>
8	\$103,943.79	1-8160.220 Garbage & Recycling Equipment	Appropriated General Fund Balance

Explanation: Due to the accident that left a garbage truck inoperable, the City purchased a replace vehicle. The City received \$48,000 trade-in on the damaged truck and the balance owed exceeds the funds available in the General Fund contingent account; therefore a budget amendment is necessary.

MOVED by Alderman Rizzo

SECONDED by Alderman Zadzilka

The Common Council hereby authorizes the City Accountant to make the following transfer of fiscal year 2014 appropriations, based on the request of the Department Head:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>Amend Revenue Account</u>	<u>Amend Appropriation Account</u>
8	\$103,943.79	1-8160.220 Garbage & Recycling Equipment	Appropriated General Fund Balance

Ayes: Needler, Zadzilka, Braun, Rizzo

(4)

Nays: None

(0)

CARRIED.

## AUDIENCE PARTICIPATION

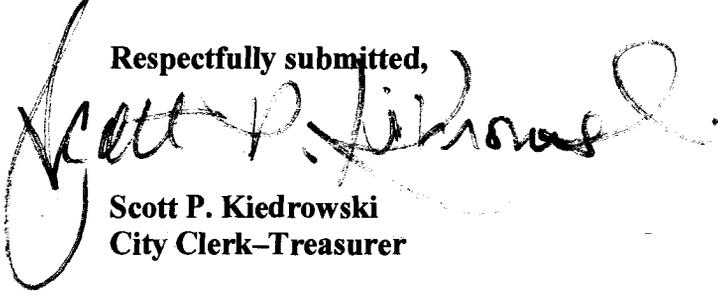
Meghan Campbell 774 Harding Ave. – Stated that she is having problems with her neighbor. The neighbor is putting cinderblocks down the center of their driveway. She is worried that the children playing will get hurt on the blocks. Complained to the Building Inspectors Office and was informed that they can do nothing about it unless someone is injured.

**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: 6:42P.M.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott P. Kiedrowski". The signature is written in a cursive style with a large initial "S".

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