

**THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, August 19, 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: Alderman Clark

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

APPROVAL OF THE MINUTES OF THE REGULAR SESSION AUGUST 5, 2014

**MOVED by Alderman Zadzilka SECONDED by Alderman Braun
That the minutes of the regular session held August 5, 2014 be approved as circulated and
filed in the Office of the City Clerk.
CARRIED.**

AUDIENCE PARTICIPATION

Walter Yaro, 170 Christiana Street – Inquired about the Workplace Violence Policy that was on the agenda. Asked the Common Council what this policy was all about. Stated that there was “violence” all over and was trying to understand what it had to do with the workplace. Stated that all we needed to do was take a look around at what was happening out in the world and that there is violence going on everywhere. Stated that our Police need to be trained and given the proper equipment to combat this type of behavior.

Sonia Dusza, 123 Miller Street – Inquired about the Workplace Violence Policy item on the agenda. Stated that she would like to know what this policy was all about. Stated she concurred with the previous speaker. Thanked the Clerk’s Office for having the agenda items on line. Stated that when she read about this policy she thought “holy cow” what’s going on here. Stated that she was shocked and surprised that there was violence at City Hall. Stated that she was not into politics and that she was not “in” with either party. Inquired as to how this was going to be solved. Stated that the Police need to be better equipped to handle violence. Stated they have enough equipment to help curb violence in our area.

COMMUNICATIONS FROM CITY OFFICIALS

II. Attorney

August 7, 2014

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

Re: Workplace Violence & Abusive Work Environment Prevention Program

08-5-2014

Dear Honorable Body:

Recently, the Council passed an updated version of the City's Workplace Violence & Abusive Work Environment Prevention Program. That Program was distributed to all employees, boards and vendors for their information. Since its passage, the City has met with representatives from the State Department of Labor who suggested that the City add in two small sections to our current policy. The first lists a hierarchy of controls and the second is the training procedure under the policy.

Please do not hesitate to contact me regarding questions or concerns of these updated section. Also, should you like to discuss this further, I would be more than willing to address and questions at a future Council workshop.

Very truly yours,
Katherine D. Alexander
Assistant City Attorney

MOVED by Alderman Needler SECONDED by Alderman Zadzilka
That the Common Council hereby approves the aforementioned additions to the City's
Workplace Violence & Abusive Work Environment Prevention Program.

Ayes: Needler, Zadzilka, Braun, Rizzo

(4)

Nays: None

(0)

CARRIED.

IV.1 Engineer

August 13, 2014

Robert G. Ortt, Mayor and Common Council Members
City of North Tonawanda
216 Payne Ave.
North Tonawanda, New York 14120

Re: Frederick B. Durkee Memorial Bridge Project
PIN 5757.27
Comptroller's Contract No. D030105
City of North Tonawanda, Niagara County
Change Order for Extra Work and Yellow Flag Condition

Dear Honorable Body:

As you are aware, the Frederick B. Durkee Memorial Bridge Rehabilitation Project has required an additional construction season to complete the work due to the extensive amount of concrete deck repairs required. In addition, the NYSDOT has issued a yellow structural flag warning to the Superintendent of Public Works, which requires that the pin and hanger plate connections on the bridge be replaced. Project budget funds have been amended to include costs for the additional work, including replacement of the hanger plates, without the need to bond additional money.

I therefore respectfully request that the Common Council approve the change order for Project 2003-07, Frederick B. Durkee Bridge Rehabilitation Project, in the amount of \$368,150.30 to Yarussi Construction, 5650 Simmons Avenue, Niagara Falls, NY 14304, increasing the contract amount from \$1,734,537.20 to \$2,102,687.50; authorizing the Mayor to sign said change order subject to review by the City Attorney.

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

MOVED by Alderman Needler

SECONDED by Alderman Braun

That the Common Council hereby approves the change order for Project 2003-07, Frederick B. Durkee Bridge Rehabilitation Project, in the amount of \$368,150.30 to Yarussi Construction, 5650 Simmons Avenue, Niagara Falls, NY 14304, increasing the contract amount from \$1,734,537.20 to \$2,102,687.50 and authorizes the Mayor to sign said change order subject to review by the City Attorney.

Ayes: Needler, Zadzilka, Braun, Rizzo

(4)

Nays: None

(0)

CARRIED.

IV.2 Engineer

August 13, 2014

Robert G. Ortt, Mayor and Common Council Members

City of North Tonawanda

216 Payne Avenue

North Tonawanda, New York 14120

Re: Frederick B. Durkee Memorial Bridge

PIN 5757.27

Taylor Drive Over Little River, BIN 2260960

Greenman-Pedersen, Inc. Agreement Amendment 3

Construction Inspection and Construction Support Services

Honorable Body:

As you are aware, the Frederick B. Durkee Memorial Bridge Rehabilitation Project has required an additional construction season to complete the work due to the extensive amount of concrete deck repairs required. Project budget funds have been amended to include costs for the additional work, including engineering oversight and construction observation, without the need to bond additional money.

Accordingly, I respectfully request that the Common Council approve the enclosed supplemental agreement no. 3 for construction inspection and construction support to Greenman-Pedersen, Inc., 4950 Genesee Street, P.O. Box 165, Buffalo, NY 14225; in an amount not to exceed \$144,604.63; and authorize the Mayor to sign said agreement subject to review by the City Attorney.

Very truly yours,

Dale W. Marshall, P.E.

City Engineer

MOVED by Alderman Zadzilka

SECONDED by Alderman Rizzo

That the Common Council hereby approves the supplemental agreement No. 3 for construction inspection and construction support to Greenman-Pedersen, Inc., 4950 Genesee Street, P.O. Box 165, Buffalo, NY 14225, in an amount not to exceed \$144,604.63 and authorizes the Mayor to sign said agreement subject to review by the City Attorney.

Ayes: Needler, Zadzilka, Braun, Rizzo

(4)

Nays: None

(0)

CARRIED.

IV.3 Engineer

August 13, 2014

Honorable Robert G. Ortt, Mayor and Common Council Members

City Hall

216 Payne Ave.

North Tonawanda, New York 14120

Re: Project No. 2012-02, Gratwick Riverside Park Marina Improvements

Phase IV

Engineering Amendment Agreement No.3

08-19-2014

Honorable Body:

Enclosed is the third amendment to the original engineering agreement for Phase IV of the Gratwick Riverside Park Marina for the demolition of the remaining docks and steel piles, dredging, testing and disposal of dredged material. The current permit from the Army Corps of Engineers expires on March 15, 2015.

I therefore recommend that the Common Council approve amendment 3 for the engineering portion of Phase 4 Gratwick Riverside Park Marina Project with Conestoga-Rovers & Associates, 285 Delaware Avenue, Suite 500, Buffalo, NY 14202 in the amount of \$55,700, authorizing the Mayor to sign the enclosed agreement amendment subject to review by the City Attorney.

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

MOVED by Alderman Rizzo

SECONDED by Alderman Needler

That the Common Council hereby approves amendment 3 for the engineering portion of Phase 4 Gratwick Riverside Park Marina Project with Conestoga-Rovers & Associates, 285 Delaware Avenue, Suite 500, Buffalo, NY 14202 in the amount of \$55,700 and authorizes the Mayor to sign the amendment agreement subject to review by the City Attorney.

Ayes: Needler, Zadzilka, Braun, Rizzo

(4)

Nays: None

(0)

CARRIED.

VII. Accountant

August 14, 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 19, 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 19, 2014 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$648,973.89
02	Water Fund	37,579.05
04	Sewer Fund	70,516.76
06	Capital Project Fund	144,002.07
08	Community Development	150.00
17	Home Rehab	36.50
	Final Total	<u>901,258.27</u>

Ayes: Needler, Zadzilka, Braun, Rizzo

(4)

Nays: None

(0)

CARRIED.

XI. Fire

July 22, 2014

North Tonawanda Common Council
 21.6 Payne Ave
 North Tonawanda, NY 14120

Honorable Council Members,

Attached for your review, is a copy of the proposed lease agreement with the County of Niagara, NY for the lease of building space at Fire Headquarters, 495 Zimmerman St, to be used as the emergency backup dispatch center for the entire County. Assistant City Attorney Katherine Alexander has approved the agreement as to form, content, and Mayors signature.

Should your Honorable Body concur, please pass a resolution to allow the Mayor to execute the Lease Agreement between the City of North Tonawanda and Niagara County, for use of this space.

Respectfully,
 Fire Chief John C. Lapham

MOVED by Alderman Rizzo

SECONDED by Alderman Zadzilka

That the Common Council hereby authorizes the Mayor to sign the aforementioned lease agreement between the City of North Tonawanda and the County of Niagara, NY for the lease of building space at Fire Headquarters, 495 Zimmerman St, to be used as the emergency backup dispatch center for the entire County, subject to review by the City Attorney.

Ayes: Needler, Zadzilka, Braun, Rizzo

(4)

Nays: None

(0)

CARRIED.

XVII. Traffic Safety Committee

July 30, 2014

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

Traffic Safety Minutes:

A special meeting of the North Tonawanda Traffic Safety Committee was held on July 29, 2014. The meeting was called to order at 1900 hours; roll call showed the following members present: J. Sikora, A. Vater, R. Frank, M. Lemke, B. Smolonski, A. DiBernardo, and M. Daigler. The minutes from the previous meeting were read and a motion to accept was carried. The following new concerns were discussed and recommendations made.

1. With the opening of the Meadow Drive Extension in early July a couple of residents have requested making the intersection of Meadow and Wayne a four way stop. The idea was discussed at length. The Meadow Drive Extension is an East/West Corridor meant to ease traffic flow. Adding a stop sign would defeat the intention. The intersection of Meadow and Nash is going to be redone in the near future and will include turning lanes, updated detection devices, and pedestrian buttons and visibility is not a concern in the area of Meadow and Wayne. All members had input and in a unanimous decision the Committee recommends leaving the intersection a two way stop. The Committee does recommend placing signs on Wayne stating two way stop/Meadow does not stop.
2. Motion Smolinski with a second by Lemke to remove the no turn on red sign on Felton Street at Oliver. The motion carried.

3. The Committee voted to R+F a request from Michelle Fox to remove the signal light located at Payne and East Avenues. This intersection is used by children to cross Payne Avenue and use Ridge Rd. to enter the NTHS/Meadow Elementary property.
4. Member Daigler reported turning arrows/lane markings at the intersection of East Robinson Street and TCMH will receive fresh paint in August.
5. A request to place 30 MPH signs on South Meadow due to excessive speeding was discussed. NTPD watched the area for a few weeks and found no excessive speeding. The Committee does not recommend placing the requested signs.
6. Motion Lemke with a second by Smolinski to place the signal located at Oliver Street and Center Avenue on flash except from noon Saturday to noon Sunday. The motion was carried unanimously.

Meeting adjourned at 2020 hours.

Respectfully Submitted,
Joseph D. Sikora, Chairman

MOVED by Alderman Zadzilka

SECONDED by Alderman Rizzo

That the Common Council hereby directs the Department of Public Works add additional signage to the stop signs on Wayne at Meadow stating two way stop/Meadow does not stop; also, to remove the no turn on red sign on Felton Street at Oliver Street and to place the signal located at Oliver Street and Center Avenue on flash except from noon Saturday to noon Sunday and further directs the Department of Public Works to notify OLC Parish of the impending change to the signal.

Ayes: Needler, Zadzilka, Braun, Rizzo

(4)

Nays: None

(0)

CARRIED.

XXV. Monthly Reports

- | | | | |
|----|-----------|----|-----------------|
| .1 | Clerk | .2 | Senior Citizens |
| .3 | Treasurer | .4 | Police |

MOVED by Alderman Zadzilka

SECONDED by Alderman Rizzo

That the Common Council hereby receives and files the aforementioned Monthly Reports.
CARRIED.

COMMUNICATIONS FROM OTHERS

A.

The Hideaway Grill

August 7, 2014

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

Dear Honorable Body:

I am requesting to have Rumbold Avenue blocked off at Division and Mead for a fundraiser event for Owens Toy Box that will be held at the Hideaway Grill. The times are from 11:00 am until 6:00 pm on Sunday, September 7th. Attached you will find all the details concerning this event.

Thank you for your consideration. Should you need any further information please feel free to contact me.

Sil Dan Jr.
572-9285

08-19-2014

MOVED by Alderman Needler

SECONDED by Alderman Braun

That the Common Council grants permission to Sil Dan, Jr. to block off Rumbold Avenue from Division to Mead for a fundraiser to be held on Sunday, September 7, 2014 from 11:00AM to 6:00PM and directs the Department of Public Works to provide barricades for the day's events.

Ayes: Needler, Zadzilka, Braun, Rizzo

(4)

Nays: None

(0)

B.

NTAA

This is a letter to request 12 Special Event Totes for The North Tonawanda Athletic Association. We have football and cheerleading from Monday July 28, 2014 through Friday November 7, 2014.

Thank you,
Randy Bradt
President

MOVED by Alderman Zadzilka

SECONDED by Alderman Rizzo

That the common Council hereby directs the Department of Public Works to provide 12 Special Event Totes for the North Tonawanda Athletic Association form Monday, July 28, 2014 through Friday, November 7, 2014.

Ayes: Needler, Zadzilka, Braun, Rizzo

(4)

Nays: None

(0)

C.

Jennifer Baker

August 12, 2014

North Tonawanda Common Council

216 Payne Avenue

North Tonawanda, NY 14120

Dear Common Council President:

The residents of Keil Street thank you for honoring our request to block off Keil Street between Payne and Oliver Streets and Vandervoort Street between Keil and Robinson Streets for our Block Party on August 24th of this year. Due to unforeseen circumstances, we have to change the date and ask that the same streets be blocked off from 3:00 to 10:00pm on Saturday October 4, 2014.

Thank you for your time and consideration in this matter.

Sincerely,
Jennifer A. Baker

MOVED by Alderman Rizzo

SECONDED by Alderman Braun

That Common Council hereby grants permission for the annual Keil Street block party on October 4, 2014 and directs the Department of Public Works to provide barricades to block off Keil Street from Payne Avenue to Oliver Street and Vandervoort Street between Keil and Robinson Streets.

Ayes: Needler, Zadzilka, Braun, Rizzo

(4)

Nays: None

(0)

AUDIENCE PARTICIPATION

Mike Koenig 196 South Meadow Drive – Stated that the residents on South Meadow were very upset with what was going on at 202 South Meadow Drive. Stated that there are younger adults at that address late at night, making noise, racing their cars up and down the street, and they have a big truck that makes most of the noise. Stated that this generally occurs between 10PM and 2AM in the morning. Stated that he believes that there are car repairs taking place at that address. Stated that on one occasion the truck in question, a diesel was left running and the fumes were drifting into their home and causing problems for his father. Stated that on several occasions a gray pickup truck is speeding up and down the street. Stated that the Police have been there but have not been able to solve the problem. Stated that a request was made to have 30MPH speed limit signs placed on the street. Stated that he was concerned that a “little kid” might get hit. Stated that in the middle of the night he and his father could hear a cat “meowing”, they checked outside but could not locate the cat. Stated that a few hours later the Police knocked on the door and asked him to come outside. Stated that the Police asked him to open the lid on his vehicle and when he did the cat was sitting in the engine compartment. Stated that the neighbors at 202 South Meadow told the Police that he placed the cat there. Stated he did not. Stated on another occasion when the diesel truck at 202 South Meadow was left running, his father asked him to go over and tell them to turn it off because the fumes were entering their home. Stated that when he went over and confronted the neighbor about his they told him to close their doors and windows and they wouldn’t have that problem. Stated that on another occasion when individuals were driving away from 202 South Meadow the “flipped” the middle to finger to him and his father as they were driving away. Stated that he hoped something could be done.

Ann Finkle, 896 Sun Valley Drive – Miss. Finkle was inquiring about the sidewalks that were marked in front of her home. Stated that the grass was painted and flags were placed on the lawn. Stated that she had to cut the grass and that the paint was removed after she did so. Stated that she had inquired about the marking and was told it would have to be remarked and that the flags could stay but that after 6 weeks the markings expire. Inquired why this was done so early if nothing was going to be done for several weeks. Stated that a more accurate time frame should be used when markings are done.

Donald Koenig, 196 South Meadow Drive – Stated that he was Mike’s Dad. Stated that most of what Mike said was true. Stated that he was 84 years old and has asbestoses from Durez and working in the engine rooms while in the Navy aboard various ships. Stated that he has breathing problems and that the neighbor next door running his diesel truck was causing him more issues. Stated that for one solid week they were doing car repairs out of 202 South Meadow Drive. Stated that the Police have been running radar but have not been able to catch them. Stated that they are outfoxing the cops because they put their clutches in neutral and rev the engines. Stated that he talked with the Grandmother at 202 South Meadow who said her grandson was just a kid. Stated that he found out that he was in his 20’s and that he is no longer a kid. Stated that the grandmother told him that the mother was out of town for the week. Stated that she probably left to get away from the son. Stated that the street use to be a quiet neighborhood and that something needs to be done. Stated that he would like to have Eric come over so he could give him a tour of what was going on. Stated that his son told him that the neighbor was standing in the driveway on one evening. Stated that when he asked why, the neighbor stated they were looking for their cat, which ended up being under the hood of their car. Asked the Common Council to help out with this problem.

Mike Panzarella, 207 South Meadow Drive – Stated that he disagreed with the first speaker. Stated that he worked in the prison system for 30 years and that you cannot give law enforcement enough equipment. Spoke on the ongoing problem with noisy trucks, young adults, and general disrespect to the entire neighborhood that goes on across the street from his home. Stated that on several occasions he has confronted the neighbors at 202 South Meadow about the continued revving of engines, racing up and down the street and general rowdiness that occurs on their property. Stated that something needs to change for his quality of life as well as the quality of life for everyone on the street is affected by the continued problems across the street. Mr. Panzarella demonstrated the noise and sounds he has to continually deal with. Stated that he hoped a solution could be reached very soon. Stated that the Police need to set up radar at the end of South Meadow and Goundry for they would make a fortune. Stated that all of the cars that come home from work and live back behind Brentwood Drive race home every evening. Mr. Panzarella thanked the Council for listening.

Pam Czaja, 201 South Meadow Drive - Stated that there is a problem across the street from her family home. Stated that there are lawn mower and mower decks being worked on as well as some type of trucks being repaired regularly. Stated that she is a Librarian and she works in Rochester. Stated she is forced to work in Rochester because there are no jobs in her field in this area. Stated that she is worried by being so far away and that her mother is home alone and she is concerned for both her and her mother with all these issues going on. Stated that there was a green sign out in front of the garage stating that 202 South Meadow was a certified repair shop. Stated that the sign was recently taken down. Stated that there are loud trucks that continually make noise. Ms. Czaja hoped a solution would be coming soon to end these issues.

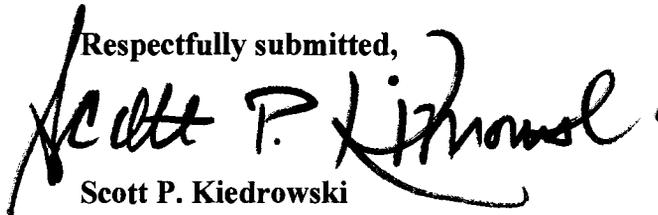
Sonia Dusza, 123 Miller Street - Stated that she has been coming here for a long time and that she has championed issues similar to those being spoken about this evening. Stated that in the early 1960's it was said by the City Consultant that NT lacks basic Code Enforcement Conformity which has led to the deterioration of our community. The Safety, Security, and Quality of life in NT are affected by this. Stated that when Adam is replaced in the Code Enforcement Department that a person that understands the basics of code enforcement needs to be hired. Stated that if Marshall, Rowles and other Department Heads are not doing their job the Mayor has the authority to make sure they get the job done or they will be replaced. Stated that the same goes for code enforcement. Stated that she prevailed against those who had vehicle fumes blowing into her home. Stated that she cannot open the windows in her home because sand, piles and piles of sand are in her attic, and all over her house. Stated this is because of a lack of code enforcement. Stated that she used a law firm in Buffalo to fight for her basic rights that were being violated. Stated that NT has many non-conforming code issues. Stated that she has been here for years and has never received a business card from the City Attorney like the ones he handed the residents that were in the audience from South Meadow. Stated that "wow" the dirty little secret is out about the "feral cats" on Tonawanda Island and that she has dealt with this issue for years. Stated that she has complained for years about the sidewalks in front of her home and they are not fixed. Stated that she is putting the city on notice that they flood when it rains. Ms. Dusza thanked the Council for listening.

Jeff Kreiger, 228 South Meadow Drive - Stated that the street is not safe and not quiet. Stated that is used to be and it has changed for the worse. Stated that between 10PM or 11PM all of the yuppies that live back in the Bush Development race their expensive cars down the street to get home. Stated that something needs to be done very soon.

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: 7:25P.M.

Respectfully submitted,

 Scott P. Kiedrowski
 City Clerk-Treasurer