THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, February 18, 2014
6:31P.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 FEBRUARY 4, 2014

MOVED by Alderman Needler SECONDED by Alderman Zadzilka
That the minutes of the regular session held February 4, 2014 be approved as circulated and filed in the Office of the City Clerk.
CARRIED.

PROOF OF PUBLICATION PUBLISHED JANUARY 29, 2014

1) Public Hearing – Historic Preservation Commission – City Clerk-Treasurer
2) Legal Notice – Changes/Additions to City Code Chapter 75 - Sewers – City Clerk-Treasurer

MOVED by Alderman Rizzo SECONDED by Alderman Clark
To receive and file the aforementioned Proof of Publication.
CARRIED.

AUDIENCE PARTICIPATION

Sandy McFarland, 38 South Lane – Asked the Common Council about the on-line agenda. Stated that she went on-line to look at the Common Council workshop agenda from the previous week and it was gone. Stated that she was concerned about the Webster Street Concert Series and since she missed the last workshop session and it was gone from being posted on-line she had no way of knowing what the details were. Stated that there was a memo posted on line that read there was an attachment, but there was no attachment. Stated that she had heard "rumors" about when the street was going to be closed down. Questioned the Tonawanda Island Brownfield Study that was on the agenda. Wanted to know what the environmental issues were.

Laurie Peterson, 18 Webster – Addressed the Common Council as the owner of Blissfully Sweet Bake Shop and representing the owner of Gleam & Glimmer on Webster Street. Stated that they were concerned about the time that Webster Street was going to be closed off for the Jake's Concert Series. Stated that they had heard it was going to be 10am. Stated that they were very supportive of the concerts however was not in favor of that early of a street closure if in fact that was the agreed upon time.

Sonia Dusza, 123 Miller Street – Questioned the Tonawanda Island Brownfield SEQR. Stated that she felt the City Engineer should be the one to sign the SEQR not the Common Council. Stated that the Common Council is not qualified to sign the SEQR and that a person with knowledge in engineering needed to be the one to sign. Stated that she read the Mayor's State of the City address. Questioned the Mayor on a "sewerage" report that was done for the City back in 1955 and again in 1974. Questioned the Common Council members if they had ever read the "sewerage" report from McNabb and Porter back from 1955 and again in 1974. Stated that the City's sewer system is very old and needs to be addressed. Was disappointed that the report had not been read by the Mayor and Common Council.

Pat Deering, 310 Warner Avenue – Stated that he represented the Northtowns Soccer Club and hoped that the Common Council would support their use of Gratwick Riverside Park for their soccer program.

COMMUNICATIONS FROM CITY OFFICIALS

I. Mayor

February 13, 2014

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

Dear Honorable Body:

Enclosed is the 2014 State of the City address which I delivered at 1pm on Wednesday, February 5th at a luncheon held at Webster's Bistro & Bar, which was sponsored by the Rotary Club of the Tonawanda's.

Please accept this document and make it part of the public record at the next Common Council meeting that is scheduled for Tuesday, February 18, 2014.

Please feel free to contact me should you have any questions.

Faithfully,
Robert G. Ortt Mayor

MOVED by Alderman Zadzilka SECONDED by Alderman Needler
That the Common Council hereby receives and files the Mayor's State of the City Address:

My fellow citizens, distinguished guests, and members of the press, it is my distinct honor and privilege to stand before you today and report on the State of our City. I would like to thank the staff here at Webster's Bistro for the wonderful service and hospitality, and I would like to thank my fellow Rotarian's for again hosting this event for the 5th year in a row. I am here today, to report on the state of our city, but we need only to look around at this beautiful restaurant to see that the state of our city is strong. For those that don't know, this was once a North Tonawanda institution, Nestor's family restaurant. I remember my father bringing me here for breakfast after hockey practice on Saturday mornings. But nothing lasts forever. Nestor's is gone, but in its place is a French bistro and bar that has received rave reviews from the Gusto, and which has brought white table dining to Webster St. Barb and Kevin Hughes could have opened this restaurant anywhere. But they chose North Tonawanda. They invested their hard earned money in our downtown, just as so many others have. Tony Kissling, Paul Jenkins and Mark Hutchinson, Greg Doel, Greg Stenis, Jay Soemann and many others have invested their money and their futures in North Tonawanda. I am proud of that. In return, North Tonawanda needs to invest in itself. And we need to remember that it is because of risk takers like Barb and Kevin, that our economy is still the best engine for growth anywhere in the world.

Over the past four years, we have begun to see the results of a fiscally conservative, priorities based governing philosophy. More than 600 jobs created numerous new businesses and economic development initiatives, a reduction of 17% or $2.3 million in the size and cost of city government and, most importantly, optimism about our city's future. It is that future that I want to talk about with you today.

I believe that there are areas that we must focus on over the next year, and in fact, over the next several years in order to continue our city's forward march. The first is Infrastructure. In 2013, North Tonawanda, along with much of Western New York, saw severe flooding as a result of storms which dumped several inches of rain and caused massive power outages across the region. In North Tonawanda alone, we saw over 4,000 homes without power and as much as 4.3 inches of rain in a matter of hours during a severe thunderstorm on July 19. The December 22 storm saw more than 2,000 homes lose power and more than 3 inches of water, along with severe ice conditions. These storms put significant pressure on our water and sewer systems, and in some areas, exhausted them. Many of our residents experienced flooded basements and property damage as a result of these storms. I, and the Common Council, empathize with any resident who had to deal with a flooded basement, or lost property as a result of water damage. And I want our residents to know that your government is taking concrete measures to upgrade our infrastructure and mitigate future storm occurrences.

I have committed nearly $1 million dollars in my 2014 Capital budget toward this effort. This includes:

- **$300,000 for emergency backup, natural gas generators at 6 of our most critical lift stations,**
- **$300,000 for PVC water main replacement. We will replace aging water main with new PVC. This is cheaper, allowing us to replace more feet of main, and it will hold up better over the course of time.**
- **$300,000 for storm sewer separation. Certain sections of our city have combined storm and sanitary systems. This increases the risk of backups. We will identify neighborhoods that have combined systems and separate them.**

We cannot prevent the next storm. However we can take measures to be prepared for it when it comes. To that end, we have already made considerable efforts in this area. Last year, as part of an aggressive storm water maintenance schedule, we cleaned out 300 ft. of storm sewer on Rumbold Avenue, removing silt and tree roots that ran the entire length of that section of storm sewer. We also rebuilt the pump station on the corner of Rumbold and Division, which services that neighborhood. Both of these measures will improve conditions in an area of the city that has seen chronic water backup and flooding for years. Last summer, the city also repaired a broken storm sewer on Payne Avenue in front of Pane's restaurant, which if left unattended, could have caused a road collapse on one of our city's busiest streets. These are a couple of examples of what this administration has done and will continue to do to improve our water and sewer infrastructure.

This past fall, working with DeGraff hospital, the city replaced 400 ft. of aging water main along Tremont St., in front of the hospital and replaced it with new PVC main. This will allow greater water flow and ensure that the hospital will have the necessary fire suppression it would need in the case of an emergency. Had this critical infrastructure project not been completed, the hospital could have been closed because it could not meet its required flow. This project was funded in part by a $36,000 member item from the New York State assembly. However, thanks to the efforts of our water distribution employees, city engineer Dale Marshall and DPW Supt. Brad Rowles, as well as Hank Cole, Chris Lane, and the great team at DeGraff hospital, we were able to complete this important project not only for the city but for the hospital, hopefully ensuring DeGraff is part of our city for a very long time.

You can't talk about infrastructure without talking about roads. Since 2011, your city government has invested nearly $3 million in street repair, including $800,000 in this year's budget. We have repaired or resurfaced more than 30 miles of streets in that time. This winter is a reminder of why street maintenance is so important and also why it never gets any easier or less expensive. The severe cold temperatures, combined with snow and ice, as well as the wear and tear from plows and other heavy equipment, has taken their toll on our roads. That is why will be asking the Common Council for an additional $200,000 in this year's Capital budget to be spent on resurfacing and repairing our city's streets in 2014.

One initiative that my administration will be looking at in 2014 will be performance contracting. Like so many municipalities, one of North Tonawanda's major costs when it conies to infrastructure is energy. Not just our streets and sewer systems, but our buildings. There are many improvements that we could make that would be more energy efficient and would improve our infrastructure. However, the cost is often too high. Performance contracting is a process whereby the savings from reduced energy costs are guaranteed by law to pay for the cost of the project. That translates into a zero budgetary impact for the taxpayer. Now, these are not things that we would like to do. These are projects that we need to do not only for the savings, but for the long term health of our public buildings and infrastructure. However, in an era of tightening municipal budgets and when our taxpayers are squeezed by ever increasing federal and state taxes, it is important that we find fiscally responsible and efficient ways to finance such necessary improvements. My office will be sending out a Request for Proposal for a full, comprehensive energy audit sometime in the next few months. Once we have the results of that audit, we can move forward with a capital plan to improve our critical infrastructure, while being more energy efficient and saving taxpayer dollars.

For the past three years, my office and the common council have passed fiscally conservative budgets that did not raise taxes. While I am extremely proud of that, we must continue to be vigilant when it comes to reducing costs and streamlining city government. Since 2010, we have

- Reduced the size of city government by 17%, saving an estimated $2.3 million,
- Transferred emergency dispatch to Niagara County, saving $1.7 million, and
- Negotiated 5 union contracts, resulting in savings through increased employee contributions towards healthcare

Going forward, my administration will continue to identify ways to operate city government in a more cost effective and streamlined way. We will continue to look at new ways to deliver fundamental city services. When we transferred dispatch to the Niagara County Sheriff's dept., we didn't get rid of emergency dispatch. We simply changed how we deliver that service, which resulted in a significant savings to our taxpayers. This administration will continue to look at new ways to deliver services, including:

- Sharing water purification and distribution services with the City of Lockport. Both cities are continuing to work together on this landmark shared services study.
- Utilizing new technology to improve efficiency and accuracy when it comes to reading our city water meters, and
- Bringing in private companies who can deliver certain services better and cheaper, thus allowing the city to focus its limited resources and manpower in other critical areas

The taxpayers of this city can know that we will continue to look at all of these options and others to make sure that we continue operating your city government in a smart and efficient manner.

Another area of focus in the coming years is Oliver St. Today Oliver St. is a far cry from the bar and entertainment district it used to be. However, with the expansion of Taylor Devices in the new Buffalo Bolt business park, and with existing, cornerstone businesses such as Sherwood Florist, Witter's Sports Bar, and others, there is a good foundation for the Oliver St. of tomorrow. Of course, there is a lot of work that needs to be done to make the Oliver corridor something we can all be proud of. That is why, in 2013, the city submitted a grant application through the most recent round of the New York State Consolidated Funding process, seeking funding for structural improvements along Oliver St. These improvements could be on the facade or on the inside of the building and are for existing Oliver St. property owners between Wheatfield and Schenck St. I am very proud to say that our application was approved in the amount of $200,000. This funding is from the same program that was utilized to great effect on Webster St. I am hopeful, that we can use it to similar effect to begin to bring back Oliver St and make it more welcoming and more business friendly.

Since 2011, the City of North Tonawanda has received more than $2.2 million dollars in grants through the CFA process. Three of the projects that have been approved through this process that will begin or be completed in 2014 are:

- 3 kayak launches/docks along the Erie Canal at Botanical Gardens, Service Dr. and downtown,
- The Webster Street Green Infrastructure project. This project began last year, and will be completed this year. The city received more than half a million dollars towards a new green water filtration system that will collect storm water and prevent it from running into the canal, helping to protect our most essential environmental and economic resource, while at the same time, improving the streetscape on Webster. I want everyone to know that Webster Street will be back this year better than before.
- The extension of the Erie Canal bike path along Sweeney St. from downtown to Mayor's park. This will help to bring more bikers and pedestrians to our waterfront and make it easier to get to our downtown.

Last year, the Carnegie Art Center received $343,000 to install a handicap accessible entrance as well as a handicap accessible bathroom. This funding will provide necessary updates to a beautiful building that are long overdue. It will make the cultural and arts center more accessible, and open up other possibilities such as banquets and private parties that are not possible today.

2014 will be a year that we see the completion of many long awaited and beneficial projects. This spring we will see the completion and opening of the Meadow Dr. extension. This long awaited extension has been discussed for years, and finally broke ground last fall, thanks to the efforts of my administration and the hard work of city attorney Shawn Nickerson and Dale Marshall. It will be open this spring and will help to connect our mid-city business district to Erie Avenue and the Walmart Supercenter. This year will also see the completion of the $2.3 million renovation of the Durkee Bridge which connects River Road to Tonawanda Island and important businesses such as International Fiber and Taylor Devices. With the potential for future development on the island, and the existing businesses already there, this bridge will serve as a major connection point from mainland North Tonawanda.

This year will mark another year of progress for Gratwick Riverside Marina and Lumberjack's Restaurant. Not only will this be the restaurants first full season, but we will see continued work on the docks and marina portion of this project. The City received an additional $208,000 in state funding through the CFA process in 2013 for this project. Tomorrow, I will be receiving an award on behalf of the city from the Western New York Chapter of the American Public Works Association, for the work that was completed last year, including dredging of the first slip. The transformation of this property in just three short years has been remarkable. Of the nearly $2 million that has been spent on this project, only 20% has been from city coffers. In fact, nearly half the funds have come from private dollars, either through the Niagara County Greenway standing committee, which is actually New York Power Authority money, or from Specialty Restaurant Corporation, which owns Lumberjack's. That is a tremendous leverage of funding to rehabilitate public waterfront property which will bring people to our city's riverfront. And, under an agreement with Specialty Restaurant Corporation, it will bring more revenue into the city by giving us 5% of their gross sales and 25% of the docking fees.

Another critical area where I believe we can do better is in our use of technology. Our city webpage is outdated and not user friendly. A webpage is often the first impression for any organization. It is also a prime way that citizens engage with their government. My office will be sending out an RFP in an effort to overhaul the city webpage with a fresh, new look and one that is constituent friendly.

Last April, 1 met with several volunteers from HANCI and RSVP to discuss how those programs benefit and positively impact the citizens of North Tonawanda. It was during this discussion that the idea of a volunteer program focusing on our veterans came about. After months of follow up discussions with folks from HANCI, RSVP, Niagara County Veterans Service Agency, Vietnam Veterans Chapter 77 and others, I am proud to announce that the program Veterans helping Veterans will launch March 1. This program will be administered under the HANCI umbrella and will assist veterans in North Tonawanda with everything from giving them a ride to the VA for an appointment, helping them fill

out necessary paperwork, giving them a ride to the pharmacy, grocery store, or just talking over a cup of coffee. The idea of veterans helping veterans came out of the notion that veterans form a brotherhood. Regardless of age or branch of service, sometimes, it takes a brother or sister who has worn the uniform, to understand what we are going through. I also know that when a veteran is given a mission, he or she will succeed. That is why I am confident in the success of this pilot program. I would like to thank Priscilla Dolling, Cathy Kern, Earl Schmidt from the Niagara County Veterans Service agency and who served with me in Afghanistan, and Alderman Bob Clark, for their assistance in getting this program off the ground. If there is anyone out there who wants to volunteer, or if you know someone who will benefit from this program, please contact my office for more information.

It has been an honor and privilege to serve as your mayor. Next to leading your men in combat, it has been the best job I have ever had. I want to thank the department heads for their cooperation and effort. I want to thank the members of the Common Council for their efforts and cooperation over the years and look forward to working together to make our city everything we know it can be. Most importantly, I wish to thank the residents for their support, and promise to continue to provide strong leadership and keep the state of our city strong.
CARRIED.

II.1 Attorney

January 31, 2014

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

Re: 1196 East Robinson Street, Mr. and Mrs. Hyden

Dear Honorable Body:

Previously, the City sold residents parcels of land that included a reverter clause should the purchaser not build on the property within a certain amount of time. Construction was completed on the land purchased by John and Marlene Hyden and the proper taxes are being paid on the home. The residents would like to sell the property, but to do so with clean title, a new deed would need to be signed by the City that would remove the reverter clause. This new deed would however contain a reference to the 20 foot drainage easement for the storm sewer.

Attached for your information is a copy of the deed without the above-mentioned clause. Should your Honorable Body agree in doing so, please pass a resolution authorizing the Mayor to sign the attached deed and documents. Upon his signature, the property owners shall file said Deed with the County. Should you have any questions or need more information, please do not hesitate to contact me.

Very truly yours,
Katherine D. Alexander, Esq.
Assistant City Attorney

MOVED by Alderman Needler SECONDED by Alderman Braun
That the Common Council hereby authorizes the Mayor to sign the aforementioned deed and documents regarding 1196 East Robinson Street.
Ayes: Needler, Clark, Zadzilka, Braun, Rizzo (5)
Nays: None (0)
CARRIED.

II.2 Attorney

February 12, 2014

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

Re: Webster Street Concert Series - Crazy Jake's - 2014

Dear Honorable Body:

Attached, for your review, is a proposed agreement between the City of North Tonawanda and Crazy Jake's, for concert promoter Greg Doel to provide a series of five (5) Saturday night concerts to be held within the public thoroughfare on the first block of Webster Street, between Tremont and Sweeney Streets. The dates of the free summer street concerts are: June 28, July 5, July 12, July 26, and August 2, 2014.

Should your Honorable Body concur, please authorize the Mayor to execute the Agreement between the City of North Tonawanda and Crazy Jake's, subject to any further review by the City Attorney.

Very truly yours,
Shawn P. Nickerson City Attorney

MOVED by Alderman Braun SECONDED by Alderman Zadzilka
That the Common Council hereby authorizes the Mayor to sign the Agreement between the City of North Tonawanda and Crazy Jakes, for concert promoter Greg Doel to provide a series of five (5) Saturday night concerts to be held within the public thoroughfare on the first block of Webster Street, between Tremont and Sweeney Streets on June 28, July 5, July 12, July 26 and August 2, 2014, subject to any further review by the City Attorney.
Ayes: Needler, Clark, Zadzilka, Braun, Rizzo (5)
Nays: None (0)
CARRIED.

II.3 Attorney

February 14, 2014

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

Re: Lease Agreement - Niagara River Cruises, Inc. —2014

Dear Honorable Body:

Attached, for your review, is a proposed lease agreement with Niagara River Cruises, Inc. for the lease of 50 feet of dock space adjacent to 184 Sweeney Street, for the purpose of docking a 42-ft. Harker vessel to provide boat cruises to and from the City of North Tonawanda in the Erie Barge Canal and the Niagara River. The term of the lease is April 1 to November 1 each year.

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 River Cruises, Inc., for the lease of 50 feet of dock space adjacent to 184 Sweeney Street, for the period April 1 to November 1, 2014, in order to provide boat cruises to the public to and from the City of North Tonawanda in the Erie Barge Canal and the Niagara River, subject to any further review by the City Attorney.

Very truly yours,
Shawn P. Nickerson
City Attorney

MOVED by Alderman Braun SECONDED by Alderman Clark
That the Common Council hereby authorizes the Mayor to sign the Lease Agreement between the City of North Tonawanda and Niagara River Cruises, Inc., for the lease of 50 feet of dock space adjacent to 184 Sweeney Street, for the period of April 1 to November 1, 2014, in order to provide boat cruises to the public to and from the City of North Tonawanda in the Erie Barge Canal and the Niagara River, subject to any further review by the City Attorney.
Ayes: Needler, Clark, Zadzilka, Braun, Rizzo (5)
Nays: None (0)
CARRIED.

III. Clerk-Treasurer

February 10, 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 parcels:

182.78-3-21	146 Thompson Street	Gloria Baughman
185.05-1-80.21	211 Main Street	Christopher Brick

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 Zadzilka
That the Common Council hereby authorizes the City-Clerk Treasurer to remove the following parcels from the In Rem Proceedings:

182.78-3-21	146 Thompson Street	Gloria Baughman
185.05-1-80.21	211 Main Street	Christopher Brick

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

IV.1 Engineer

February 13, 2014

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

Re: Project No. 2010-8, Northwest Storm Sewer, Phase II, Witmer Road West
Wendel Design Services Agreement

Honorable Body:

Enclosed is a proposal from Wendel Engineers to provide topographic survey and preliminary design services for the next phase of the Northwest Storm Sewer Project, Phase II. The intent is to design a drainage system to alleviate flooding on the west side of

Witmer Road at the north end of the Niagara County Refuse Site by tying drainage swales into the new stormwater conveyance system constructed last year that connects to the Town of Wheatfield Northwest Storm Sewer Outfall System.

Project funding will be from the existing budget funds established from the City's agreement with the Niagara County Refuse District and with our agreement with the Town of Wheatfield for the right to connect drainage to the City's Northwest Storm Sewer Outfall.

Accordingly, I respectfully request the Common Council approve the enclosed agreement with Wendel, 140 John James Audubon Parkway, Buffalo, NY 14228, in an amount not to exceed $14,500; 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 Rizzo SECONDED by Alderman Clark
That the Common Council hereby approves the agreement with Wendel, 140 John James Audubon Parkway, Buffalo, NY 14228, to provide topographic survey and preliminary design services for the next phase of the Northwest Storm Sewer Project, Phase II in an amount not to exceed $14,500 and authorizes the Mayor to sign said agreement subject to review by the City Attorney.
Ayes: Needler, Clark, Zadzilka, Braun, Rizzo (5)
Nays: None (0)
CARRIED.

IV.2 Engineer

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

Re: Project No. 2014-2, WWTP Emergency By-pass Replacement Study
GHD Consulting Services Design Services Agreement

Honorable Body:

Enclosed is a proposal from GHD to perform an engineering investigation of the City's defunct emergency by-passes of the wastewater treatment plant (WWTP). The plan is to put at least two of the by-passes back into service in the event of a power failure at the plant.

Project funding will be from the existing operating budget funds for the Water Wastewater Department.

Accordingly, I respectfully request the Common Council approve the enclosed agreement with GHD, Audubon Center, 200 John James Audubon Parkway, Suite 101, Amherst, NY 14228, in an amount not to exceed $9,500; 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 approves the agreement with GHD, Audubon Center, 200 John James Audubon Parkway, Suite 101, Amherst, NY 14228, to perform an engineering investigation of the City's defunct emergency by-passes of the Wastewater Treatment Plant (WWTP) in an amount not to exceed $9,500; 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.

VII.1 Accountant

January 31, 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:

Control Number	Dollar Amount	Amend Revenue Account	Amend Appropriation Account
1	$26,844	1-1000.4390 Fire Prevention Safety-FEMA	1-3410.101 Personal Services – FEMA
	$13,200	1-1000.4390 Fire Prevention Safety-FEMA	1-3410.221 Office Machines – FEMA
	$600	1-1000.4390 Fire Prevention Safety-FEMA	1-3410.261 Public Safety Equip. – FEMA

Explanation: The City has received a FEMA grant in the amount of $45,160 ($4,516 City contribution) for assistance to Fire fighters, Fire Prevention and Safety. This amendment, in conjunction with the corresponding budget transfer, would establish the revenue and expenditure accounts necessary for the execution of this grant.

2	$100,000	2-8320.420 Water Supply/Pump R & M	Appropriated Water Fund Balance

Explanation: In 2012, the Water Fund borrowed $150,000 for the purpose of repairing the emergency generator at the Water Pumping Plant. Due to unforeseen costs, it is necessary for the City to invest an additional $100,000 to complete this project. This amount exceeds the funds available in the Water Fund contingent account; therefore a budget amendment is necessary.

Very truly yours,
Mark W. Dotterweich
City Accountant

MOVED by Alderman Needler SECONDED by Alderman Clark
That 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:

Control Number	Dollar Amount	Amend Revenue Account	Amend Appropriation Account
1	$26,844	1-1000.4390 Fire Prevention Safety-FEMA	1-3410.101 Personal Services – FEMA
	$13,200	1-1000.4390 Fire Prevention Safety-FEMA	1-3410.221 Office Machines – FEMA
	$600	1-1000.4390 Fire Prevention Safety-FEMA	1-3410.261 Public Safety Equip. – FEMA
2	$100,000	2-8320.420 Water Supply/Pump R & M	Appropriated Water Fund Balance

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

VII.2 Accountant

January 31, 2014

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

Dear Honorable Body:

In accordance with Article V, Division 2, Section 5.023 and Section 2.2 of the Budgetary Transfer Policy, please authorize the City Accountant to make the following transfers of fiscal year 2014 appropriations, based on the request of the Department Head, copy attached:

Control Number	Dollar Amount	From: Appropriation Account	Into: Appropriation Account
1	4,516.00	1-1990.410 Contingent Account	1-3410.101 Fire Personal Services – FEMA

Very truly yours,
Mark W. Dotterweich
City Accountant

MOVED by Alderman Needler SECONDED by Alderman Zadzilka
That the Common Council hereby authorizes the City Accountant to make the following transfers of fiscal year 2014 appropriations, based on the request of the Department Head:

Control Number	Dollar Amount	From: Appropriation Account	Into: Appropriation Account
1	4,516.00	1-1990.410 Contingent Account	1-3410.101 Fire Personal Services – FEMA

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

VII.3 Accountant

February 14, 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 February 18, 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 Clark
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated February 18, 2014 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	$187,597.14
02	Water Fund	44,349.36
04	Sewer Fund	88,411.16
06	Capital Project Fund	17,731.81
17	Home Rehab Program	536.50
	Final Total	$338,625.97

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

XIV.1 Recreation

January 28, 2014

The Honorable Mayor Robert Ortt and Common Council Members
City Hall
216 Payne Ave.
North Tonawanda, New York 14120

Dear Honorable Body:

Please review and approve for signing the attached agreement between Northtowns Soccer and the City of North Tonawanda for the use of Gratwick Park for their summer soccer program. The agreement will allow use of the park through February 28, 2017.

The contract has been reviewed and approved by the City Attorney and I request that you authorize the Mayor to execute said contract.

Respectfully submitted,
Patricia A. Brosius
Director of Youth, Recreation & Parks

MOVED by Alderman Zadzilka SECONDED by Alderman Rizzo
That the Common Council hereby approves agreement between Northtowns Soccer and the City of North Tonawanda for the use of Gratwick Park for their summer soccer program and authorizes the Mayor to sign the agreement subject to review by the City Attorney. The agreement will allow use of the park through February 28, 2017.
Ayes: Needler, Clark, Zadzilka, Braun, Rizzo (5)
Nays: None (0)
CARRIED.

XIV.2 Recreation

February 11, 2014

The Honorable Mayor, Robert Ortt and Common Council Members
City Hall
216 Payne Ave.
North Tonawanda, New York 14120

Dear Honorable Mayor Ortt and Common Council Members,

Please review and approve the attached 2014 Fee and Charge schedule for the Department of Youth, Recreation & Parks. Fee changes are noted in bold.

The revenue generated from the established fees and charges is collected for deposit in the general fund account.

Thank you.

Respectfully submitted,
Patricia A. Brosius
Director of Youth, Recreation & Parks

MOVED by Alderman Rizzo SECONDED by Alderman Clark
That the Common Council hereby approves the 2014 Fee and Charge schedule for the Department of Youth, Recreation & Parks as follows:

ADULT SOFTBALL LEAGUES:

The 2014 fee for Adult Teams will be $350.00, an increase of $50.00.
The 2014 21 & Under Team Fee will be $250.00, an increase of $50.00.
The 2014 Non-resident team rate will be $500.00, an increase of $100.

SWIMMING LESSONS:

The 2014 fee for resident swim lessons will be $40, an increase of $15.
The 2014 fee for Non-Resident swim lessons will be $60, an increase of $10.

YOUTH SOCCER CLINIC:

The 2014 fee for Youth Soccer Clinic will be $25, an increase of $15.

ADULT VOLLEYBALL LEAGUES:

The 2014 fee for Women's Team will be $200, an increase of $25.
The 2014 Non-resident Women's Team rate will be $225, an increase of $25.

YOUTH TENNIS CLINIC:

The 2014 fee for Resident Youth Tennis Clinic will be $25, an increase of $10.
The 2014 fee for Non-resident Youth Tennis Clinic will be $30, an increase of $5.

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

XIV.3 Recreation

February 12, 2014

The Honorable Mayor Robert Ortt and Common Council Members
City Hall
216 Payne Ave.
North Tonawanda, New York 14120

Dear Honorable Body:

Please review and approve the attached Part-Time and Seasonal Wage Schedule for 2014, 2015 and 2016 which will keep the City in line with the new minimum wage schedule that New York State implemented December 31, 2013. The 2014 wage increase will go into effect for all employees on March 1, 2014. The hourly rate changes are noted in red and blue on the attached sheets.

Even though the City is exempt from paying minimum wage to Parks and Recreation seasonal employees, it is becoming more and more difficult to find good, hard-working and qualified applicants that will work at a much lower rate than minimum wage.

One way to retain these employees is to raise our hourly rates to be more completive with private businesses.

Thank you for your consideration.

Respectfully submitted,
Patricia A. Brosius
Director of Youth, Recreation & Parks

MOVED by Alderman Needler SECONDED by Alderman Zadzilka
That the Common Council hereby approves the aforementioned Part-Time and Seasonal Wage Schedule for 2014, 2015 and 2016. The 2014 wage increase will go into effect for all employees on March 1, 2014.
Ayes: Needler, Clark, Zadzilka, Braun, Rizzo (5)
Nays: None (0)
CARRIED.

XXV. Monthly Reports

.1 Treasurer .3 Police
.2 City Clerk .4 Senior Citizens

MOVED by Alderman Rizzo SECONDED by Alderman Braun
To receive and file the aforementioned Monthly Reports.
CARRIED.

XXXII. Community Development

January 23, 2014

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

Dear Mayor and Common Council:

The City needs to start the actions needed to complete the Tonawanda Island Brownfield Opportunity Area Nomination Study. Before this work can begin the Council needs to complete an environmental quality review of the BOA Nomination Study. The following two resolutions submitted for your consideration, have the City accepting lead agency status and adopting a positive declaration that requires the preparation of a Generic Environmental Impact Statement to address all relevant environmental issues.
Attached for your review is the environmental assessment information for the BOA Nomination Study.

1. Resolution accepting the status of Lead Agency to Conduct a State Environmental Quality Review for the Tonawanda Island Brownfield Opportunity Area Nomination Study.

WHEREAS, the City of North Tonawanda Common Council is considering the approval of a Tonawanda Island Brownfield Opportunity Area Nomination Study for the revitalization of an approximate 546-acre Study Area including portions of the City's Niagara River and Erie Canal waterfronts; and

WHEREAS, the City of North Tonawanda Common Council is the most local agency with permitting authority;

NOW, THEREFORE, BE IT RESOLVED, that the City of North Tonawanda Common Council declares Lead Agency status to conduct a review of the Tonawanda Island Brownfield Opportunity Area Nomination Study full Environmental Assessment in accordance with the State Environmental Quality Review Act (SEQRA).

2. Resolution adopting the attached Positive Declaration for the Tonawanda Island Brownfield Opportunity Area Nomination Study requiring the preparation of a Generic Environmental Impact Statement to address all relevant environmental issues.

WHEREAS, the City of North Tonawanda Common Council is presently considering approving the Tonawanda Island Brownfield Opportunity Area Nomination Study which provides for the revitalization of an approximate 546-acre Study Area including portions of the City's Niagara River and Erie Canal waterfronts; and

WHEREAS, the Tonawanda Island Brownfield Opportunity Area Nomination Study proposes land use changes within the Study Area that includes anticipated construction of approximately 300 new residential units and approximately 250,000 square feet of commercial development: and

WHEREAS, the fulfillment of the recommendations as contained in the BOA Nomination Study would lead to increased development, population and traffic conditions within the City; and

WHEREAS, this BOA Nomination Study also has implementation strategies that may include local laws or ordinances establishing new zoning districts, and recommended zoning district changes for existing properties; and

WHEREAS, the City of North Tonawanda intends to use the BOA Nomination Study to guide long-term public and private sector investment within the Study Area; and
WHEREAS, the North Tonawanda Common Council as the SEQRA lead agency has determined that the adoption of the proposed BOA Nomination Study and its implementation may have a significant impact on the environment and that a Generic Environmental Impact Statement should be prepared.

NOW THEREFORE BE IT RESOLVED, that the North Tonawanda Common Council as Lead Agency hereby adopts the attached Positive Declaration for the Tonawanda Island Brownfield Opportunity Area Nomination Study requiring the preparation of a Generic Environmental Impact Statement to address all relevant environmental issues.

Thanks for your consideration of these resolutions. If you have any questions, please contact our office.

Best regards,
Richard Tindell
Community Development Director

MOVED by Alderman Braun SECONDED by Alderman Rizzo
WHEREAS, the City of North Tonawanda Common Council is considering the approval of a Tonawanda Island Brownfield Opportunity Area Nomination Study for the revitalization of an approximate 546-acre Study Area including portions of the City's Niagara River and Erie Canal waterfronts; and

WHEREAS, the City of North Tonawanda Common Council is the most local agency with permitting authority;

NOW, THEREFORE, BE IT RESOLVED, that the City of North Tonawanda Common Council declares Lead Agency status to conduct a review of the Tonawanda Island Brownfield Opportunity Area Nomination Study full Environmental Assessment in accordance with the State Environmental Quality Review Act (SEQRA).

And, Further, WHEREAS, the City of North Tonawanda Common Council is presently considering approving the Tonawanda Island Brownfield Opportunity Area Nomination Study which provides for the revitalization of an approximate 546-acre Study Area including portions of the City's Niagara River and Erie Canal waterfronts; and

WHEREAS, the Tonawanda Island Brownfield Opportunity Area Nomination Study proposes land use changes within the Study Area that includes anticipated construction of approximately 300 new residential units and approximately 250,000 square feet of commercial development: and

WHEREAS, the fulfillment of the recommendations as contained in the BOA Nomination Study would lead to increased development, population and traffic conditions within the City; and

WHEREAS, this BOA Nomination Study also has implementation strategies that may include local laws or ordinances establishing new zoning districts, and recommended zoning district changes for existing properties; and

WHEREAS, the City of North Tonawanda intends to use the BOA Nomination Study to guide long-term public and private sector investment within the Study Area; and
WHEREAS, the North Tonawanda Common Council as the SEQRA lead agency has determined that the adoption of the proposed BOA Nomination Study and its implementation may have a significant impact on the environment and that a Generic Environmental Impact Statement should be prepared.

NOW THEREFORE BE IT RESOLVED, that the North Tonawanda Common Council as Lead Agency hereby adopts the attached Positive Declaration for the Tonawanda Island Brownfield Opportunity Area Nomination Study requiring the preparation of a Generic Environmental Impact Statement to address all relevant environmental issues.
Ayes: Needler, Clark, Zadzilka, Braun, Rizzo (5)
Nays: None (0)
CARRIED.

COMMUNICATIONS FROM OTHERS

A.
Michael H. Adams

To: Hon. Mayor
Common Council

From: Michael H. Adams Re: Water Distribution Laborer

There was a job posting for the Water Distribution Laborer on December 20th, 2013 Class H-3, Laborer.

On February 7th, 2014, I had an interview for the job posting at the DPW with both Brad Rowles and Mike Guidotti. They both have stated that they want to hire me for that position due to the fact that I have a great work ethic and am a very reliable employee with The City of North Tonawanda.

I am the next in line to accept this position providing that the City would be willing to grant me a leave of absence from my present job until my new position would become permanent.

The last item I would like to request to keep in good faith with Cosimo Capozzi is a time frame of 2 weeks notice if necessary.

I appreciate your cooperation in this matter.

Michael H. Adams

MOVED by Alderman Rizzo SECONDED by Alderman Zadzilka
That the Common Council hereby grants a leave of absence to Michael H. Adams from his present position as Code Enforcement Officer to take the position of Water Distribution Laborer in the Water Department/Department of Public Works for a probationary period of twelve (12) weeks, per section 5.11 of the current CSEA agreement, pending signature of a Civil Service Waiver and subject to review of the City Attorney.
Ayes: Needler, Clark, Zadzilka, Braun, Rizzo (5)
Nays: None (0)
CARRIED.

B.
Canalside Creamery

February 13, 2014

To Mayor's Office and Common Council:

We are requesting to continue Canalside Creamery Car Cruise on Monday Nights starting May 12, 2014 thru September 1, 2014. We would like permission to close down Webster St. from Tremont to Goundry from 6-9 pm. This free event brought many cars and spectators down to the area every Monday. If possible we would like your permission as soon as possible so that we can have the event listed in the Cavalcade of Cars. This publication is free and it is seen by thousands of car enthusiasts. We have met with Merchants Assoc. and have agreed to their terms as far as towing of no cars and we did in the past and will in the future accommodate Partners in Art with their customers. Also we will continue in the future to contact customers at Lou's and not make them move their car while dining.

Thank you
Ron & Barb LaBruna
Canalside Creamery

MOVED by Alderman Braun SECONDED by Alderman Rizzo
That the Common Council hereby approves the request of Canalside Creamery to host a weekly classic car cruise on Webster Street, every Monday evening from 6PM to 9PM beginning Monday, May 12, 2014 through Monday, September 1, 2014, (except when it conflicts with any other organized event normally held during the summer season), weather permitting and further directs the Department of Public Works to close off a section of Webster Street from Tremont Street to Goundry Street for the events.
Ayes: Needler, Clark, Zadzilka, Braun, Rizzo (5)
Nays: None (0)
CARRIED.

C.
Ann Logel
Orleans-Niagara BOCES

February 4, 2014

Ms. Patricia Brosius
City of North Tonawanda Park Department
500 Wheatfield Street
North Tonawanda, NY 14120

Dear Ms. Brosius,

I am the Principal of the Orleans-Niagara BOCES Life Skills Program housed at North Tonawanda High School. Our students had their graduation picnic at the Pine Woods Park last year and had a wonderful time.

I am writing to request renting the Pine Woods Park Pavilion #1 on June 9, 2014. Our Life Skills students will be graduating at the Riviera Theater in the morning and planning to have a picnic. Is the pavilion available from 8:30 a.m. - 2:00 p.m.? If so, would the Parks Department be willing to waive the fee for our school celebration?

Please contact me at 807-3570 when you are able.

Sincerely,
Ann Logel

MOVED by Alderman Clark SECONDED by Alderman Needler
That the Common Council hereby waives the fee for rental of the Pine Woods Park Pavilion #1 on June 9, 2014 from 8:30A.M. to 2:00P.M., for a graduation picnic for the Orleans-Niagara BOCES Life Skills Program.
Ayes: Needler, Clark, Zadzilka, Braun, Rizzo (5)
Nays: None (0)
CARRIED.

AUDIENCE PARTICIPATION

Ann Finkle, 896 Sun Valley Drive – Asked the Common Council to explore the option of ticketing kids and young adults who choose to walk in the street instead of the sidewalk and blatantly defy motorists. Told the Common Council Members that a ticket with a fine attached would get them to understand that they need to use the sidewalks before they are struck and killed.

Sandy McFarland, 38 South Lane – Addressed the Common Council about an upcoming Citizens of Patrol (COPS) event "Poster Project for Safe Walking". The event will be held from March 3rd until March 17th, 2014. Students Kindergarten through 12th Grade are encouraged to create a poster to convey the idea of being safe and using the sidewalks instead of the streets. Stated that the current COPS group that mainly consists of Second Ward residents would like to expand to be a City wide group. A copy of the COPS Poster Program was given to the Common Council. She asked the Common Council about the Bait and Shoot Program for deer within the City limits. Wanted to know what progress had been made on the return of this program.

Sonia Dusza, 123 Miller Street – Stated that she concurred with the previous speaker about the Bait and Shoot Program. Stated that she thought the program was already in place and all of the hearings had been held in years past. Questioned the Mayor as to why the Cable Commission was defunct. Stated that in years past the Commission helped resident when they had issues as well as being versed in the regulations. She stated that it was "penny wise and pound foolish" to disband the Commission. Stated that she hoped the disbanding of the Commission was not tied to the non-filming of the Common Council meetings. Stated that "feral cats" were still very bad around her house and that she walked into her back yard recently and said "Holy Cow, what's that smell". She stated that the cats stink and cause her to have issues.

Pat Deering, 318 Warner Avenue – Thanked the Common Council for the new lease agreement with the Northtowns Soccer Club. He stated that it was a great agreement between both parties.

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: 7:15P.M.

Respectfully submitted,

Scott P. Kiedrowski
City Clerk–Treasurer