

**THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, January 6, 2015
6:33P.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 Arthur G. Pappas
City Attorney Shawn P. Nickerson**

AUDIENCE PARTICIPATION – None

APPROVAL OF THE MINUTES OF THE REORG SESSION JANUARY 2, 2015

**MOVED by Alderman Zadzilka SECONDED by Alderman Needler
That the minutes of the special session held January 2, 2015 be approved as circulated and
filed in the Office of the City Clerk.
CARRIED.**

PROOF OF PUBLICATION PUBLISHED DECEMBER 17 &19, 2014

- 1) Legal Notice – Bid Proposals for the Erie Canal Kayak Launches Project -
Engineering Department**
-

COMMUNICATIONS FROM CITY OFFICIALS

III. Clerk-Treasurer

December 30, 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 parcel:**

182.62-1-65 481 Oliver Street Frank Lorango

**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 Needler **SECONDED** by Alderman Braun
The Common Council withdraws the aforementioned parcel from the appropriate In Rem
foreclosure proceedings.

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

Nays: None (0)

CARRIED.

VII.1 Accountant

January 2, 2015

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 January 6, 2015, 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 Zadzilka **SECONDED** by Alderman Rizzo
That the Common Council hereby authorizes for payment the current Abstract of Claims
for Common Council Audit dated January 6, 2015 and further authorizes the Mayor and
City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$862,059.05
02	Water Fund	42,691.31
04	Sewer Fund	89,880.39
06	Capital Project Fund	21,630.43
08	Community Development	<u>194.60</u>
	Final Total	<u>\$ 1,016,455.78</u>

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

Nays: None (0)

CARRIED.

XVII. Traffic Safety

December 10, 2014

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

Traffic Safety Minutes:

The December meeting of the North Tonawanda Traffic Safety Committee was called to order at 1900 hours. Roll call showed the following members present: J.Sikora, A. Vater, R. Frank, M. Lemke, E. Smolinski, M. Daigler, and A. DiBernardo. The minutes from the previous meeting were read and a motion to accept was carried. The following new requests/concerns were discussed and recommendations made.

1. The Committee discussed the new Meadow Drive extension. With additional vehicles using this road we recommend removing the stop signs on Wurlitzer Drive at Farnsworth Avenue. In our opinion making this intersection a two way stop, Farnsworth only, would aid in traffic flow. The Committee was unanimous in this recommendation.
2. Member Daigler has received numerous complaints on the signal at Fredericka Street and Payne Avenue. Residents on the dead end side of Fredericka living close to Payne do not trip the signal when they leave their driveway. After some discussion the Committee recommends placing the signal at this intersection on flash. We recommend the light flashing RED for Fredericka and YELLOW on Payne. There is limited traffic from the dead end of Fredericka and placing this signal on flash may help traffic flow. New warning signs informing residents of the change will also be placed at the intersection. This change if passed can be reviewed in a few months to see if additional action is needed.
3. All members of the Committee will be given copies of the City's truck route maps to review. This topic will be discussed at the January meeting. Any discrepancies between the marked truck route and maps handed out by NTPD will be corrected.

From the Traffic Safety Committee travel safely and have a Merry Christmas and Happy New Year.

Meeting adjourned at 2010 hours.

Respectfully submitted,
Joseph D. Sikora, Chairman

MOVED by Alderman Zadzilka **SECONDED** by Alderman Needler
The Common Council hereby approves the removal of the stop signs on Wurlitzer Dr. at Farnsworth Ave. making the intersection a two way stop on Farnsworth only, also replacing the signal light at the intersection of Fredericka and Payne with RED flashing for Fredericka and YELLOW on Payne. Warning signs informing residents of the change will also be placed at the intersection.

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

Nays: None (0)

CARRIED.

XXV. Monthly Reports

.1 Clerk-Treasurer .2 Youth Center

MOVED by Alderman Needler **SECONDED** by Alderman Zadzilka
That the Common Council hereby receives and files the aforementioned Monthly Reports.

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

Nays: None (0)

CARRIED.

COMMUNICATIONS FROM OTHERS

A.
St. Matthew Lutheran Church

December 12, 2014

Mayor Robert G. Ortt
216 Payne Avenue
North Tonawanda, NY 14120

Dear Mayor Ortt,

First of all, Congratulations again on your Election win and Thank You for all you've done for North Tonawanda!

Our church, St. Matthew Lutheran is celebrating our 125th Anniversary next year. As a member of the 125th Anniversary committee, we have been planning many events through the year.

I'm writing to request your consideration to have the shelter fees waved for the rental of Pinewoods Park, on Sunday, June 14, 2015, for our annual church picnic, which used to be where we held it each year, when our church was located on Bryant/Wheatfield Streets.

Once we built/moved over to Eggert Drive, we had the room for outside services/picnics there. We are trying to recall much of our history over the many events planned, including the annual church picnic at Pinewoods Park.

Thank you for your time and consideration in this matter. Merry Christmas/Happy New Year to you/your family.

Sincerely,
Miriam Moldenhauer-Majewski

MOVED by Alderman Zadzilka SECONDED by Alderman Rizzo
The Common Council hereby Approves the aforementioned request to wave the shelter fees for Pinewoods Park to St. Matthew Lutheran Church for their 125th Anniversary Picnic on June 14, 2015.

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

Nays: None (0)

CARRIED.

B.
Don Alesse

December 15, 2014

I am accepting the Chief Wastewater Operator position at the North Tonawanda Wastewater Treatment Plant. Please grant me a 3 month leave of absence from my position of Wastewater Treatment Plant Operator.

MOVED by Alderman Rizzo SECONDED by Alderman Braun
That the Common Council hereby GRANTS a 3 month leave of absence to Don Alesse as Wastewater Treatment Plant Operator to take the position as Chief Wastewater Operator until said position becomes permanent.

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

Nays: None (0)

CARRIED.

LATE COMMUNICATION

MOVED by Alderman Needler SECONDED by Alderman Zadzilka
To bring the following communication to the floor.

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

Nays: None (0)

CARRIED.

#1.
City Attorney

New York State Department of Environmental Conservation
Division of Environmental Remediation
Office of the Director, 12th Floor
625 Broadway, Albany, New York 12233-7011
Phone: (518) 402-9706 • Fax: (518) 402-9020
Website: www.dec.ny.gov

Honorable Robert Ortt, Mayor
City of North Tonawanda
City Hall
216 Payne Avenue
North Tonawanda, New York 14120

Re: Certificate of Completion
Site Name: 815 River Road Investigation
Site No. B00178,
SAC No.: C304546
North Tonawanda, Niagara Co.

Dear Mayor Ortt:

Congratulations on having satisfactorily completed the Remediation phase of the environmental restoration project that the City of North Tonawanda undertook with State Assistance funds provided pursuant to the 1996 Clean Water/Clean Air Bond Act. The New York State Department of Environmental Conservation (DEC) has determined, based upon our inspection of the above-referenced site and upon our review of the documents you have submitted, that you completed the project in accordance with the terms and conditions of the above-referenced State Assistance Contract (SAC).

As a result, DEC is pleased to inform you that the Final Engineering Report is hereby approved, allowing the Certificate of Completion (COC) to be issued for the above referenced site. Enclosed please find an original, signed .COC. The City of North Tonawanda is hereby entitled to the benefit of the liability limitation provisions described in the New York State Environmental Conservation Law (ECL) 56-0509.

Please be advised that the significant benefits described in ECL 56-0509 are contingent upon the City of North Tonawanda fulfilling all continuing obligations set forth in ECL Article 56, Title 5, accompanying regulations, and the above-referenced SAC, including but not limited to, the obligations involving reimbursement to the State if the municipality receives payments or other consideration with respect to the project; disposition of proceeds upon the sale, transfer, or lease of the property; ensuring that DEC has access to the property; and providing complete notice of any proposed change of use, as defined in ECL 56-511.

Please note that in addition to the requirements discussed above, you are required to perform the following tasks:

- Record a notice of the COC in the recording office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the COC, and provide DEC with proof of filing within 30 days of receipt. A standard notice form is attached to this letter;
- Place the notice of the COC in the document repository for the site within 10 days of issuance of the COC; and
- Implement the DEC-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to DEC in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management

Form. The first PRR including the certification of the IC/ECs is due to DEC in April, 2016.

DEC will prepare and distribute to the Site Contact List a fact sheet describing the institutional and engineering controls that are required at the site.

The final payment under the SAC will be made after the execution of all necessary amendments, and the issuance of the COC.

If you have any questions, please do not hesitate to contact Gregory Sutton, the project manager for this site, at 716-851-7220.

Sincerely,
Robert W. Schick, P.E.
Director
Division of Environmental Remediation

MOVED by Alderman Zadzilka SECONDED by Alderman Rizzo
That the Common Council hereby authorizes the Mayor to sign said Certificate of Completion:

**NOTICE OF CERTIFICATE OF COMPLETION
Environmental Restoration Program
Pursuant to 6 NYCRR Part 375-1.9(d)**

**815 River Road Site, Site ID No. B00178
815 River Road, North Tonawanda New York 14120
North Tonawanda, Niagara County, Tax Map Identification Number 181.12-1-19**

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to 6 NYCRR Part 375 to North Tonawanda for a parcel approximately 0.86 +/- acres located at 815 River Road in the City of North Tonawanda, Niagara County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction, of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the State Assistance Contract, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 56, Title 5 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

PLEASE TAKE NOTICE, the remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

PLEASE TAKE NOTICE, since the remedial program relies upon use restrictions or the long term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Niagara County as 2014-19693.

PLEASE TAKE NOTICE, the Environmental Easement requires that the approved site management plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to the Department's

Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

PLEASE TAKE NOTICE, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 56-0509. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 56-0509. The liability limitation shall be subject to all rights reserved to the State by ECL Section 56-0509 and any other applicable provision of law.

PLEASE TAKE NOTICE, any change of use of the site, as defined in 6 NYCRR 375, must precede by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of *815 River Road Site, Site ID No. B00178, 815 River Road, North Tonawanda New York 14120* the property constitutes a change of use.

PLEASE TAKE NOTICE, the Certificate may be only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer WILL bar the successors and assigns from the benefits of the Certificate.

PLEASE TAKE NOTICE, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations

PLEASE TAKE NOTICE, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 9 located at 270 Michigan Avenue, Buffalo, New York 14203 by contacting the Regional Environmental Remediation Engineer.

Subject to review by the City Attorney.

Ayes: Needler, Zadzilka, Braun, Rizzo

(4)

Nays: None

(0)

CARRIED.

AUDIENCE PARTICIPATION - None

ADJOURNMENT

MOVED by Alderman Zadzilka

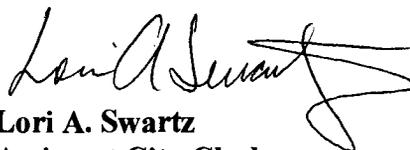
SECONDED by Alderman Braun

That this regular session of the Common Council be and hereby is adjourned.

CARRIED.

Time of Adjournment: 6:52P.M.

Respectfully submitted,



Lori A. Swartz
Assistant City Clerk