

**THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, December 7, 2010
6:30P.M.**

REGULAR SESSION CALLED TO ORDER BY PRESIDENT SCHWANDT

PLEDGE OF ALLEGIANCE

ROLL CALL

**Present: President Schwandt
Alderman Andres, Pasiak, Zadzilka, Donovan**

Absent: None

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

APPROVAL OF THE MINUTES OF THE REGULAR SESSION NOVEMBER 16, 2010

**MOVED by Alderman Zadzilka SECONDED by Alderman Andres
That the minutes of the regular session held November 16, 2010 be approved as circulated
and filed in the Office of the City Clerk-Treasurer.
CARRIED.**

AUDIENCE PARTICIPATION

**Ann Finkle 896 Sun Valley Drive – Asked if the City was going to purchase a tar spreader
for road cracks.**

COMMUNICATIONS FROM CITY OFFICIALS

I. Mayor

December 1, 2010

**North Tonawanda Common Council
City Hall, 216 Payne Avenue
North Tonawanda, New York 14120**

**Re: Local Law No.6 for the year 2010- entitled Real Property Tax Exemption for Gold
Star Parents.**

Dear Honorable Body:

**Please be advised that this office held a Public Hearing on the above-referenced Local Law
No.6 for 2010 in the Common Council Chambers at City Hall, 216 Payne Avenue, North
Tonawanda, New York, 14120 on Tuesday, November 30, 2010 at 4:30 P.M.**

**At the time of the Public Hearing, which was conducted by Mayor Robert G. Ortt, and
attended by Clerk/Treasurer Scott Kiedrowski and the Mayor's Administrative Assistant
Robert Welch, no one spoke in opposition to the passage of this Local Law.**

Therefore, I hereby approve the passage of this Local Law No.6 for 2010, and accordingly, I respectfully request that the Common Council President place this on the Common Council agenda for 12/7/10.

Sincerely,
Robert G. Ortt
Mayor

MOVED by Alderman Pasiak SECONDED by Alderman Donovan
That the Common Council hereby approves Local Law No. 6 for 2010 as follows:

**A LOCAL LAW TO AMEND (as underlined) THE CITY CODE
OF THE CITY OF NORTH TONAWANDA, REAL PROPERTY TAX LAW
SECTION 73-6**

Section 73-6. Maximum Allowable Alternative Veterans Exemption.

A. The maximum exemption allowable by Real Property Tax Law §458-a, Subdivision 2, paragraphs (a), (b), and (c), shall be \$18,000, \$12,000 and \$60,000, respectively.

1). There shall be an alternative qualifying residential real property exemption for a Gold Star parent, under Real Property Tax Law §458-a, subsection 7(b), within the definition of a “qualified owner” as provided for in Real Property Tax Law §458-a, paragraph (c) of subdivision 1, and to further include property owned by a Gold Star parent within the definition of “qualifying residential real property” as provided for in paragraph (d) of subdivision 1 of the Real Property Tax Law §458-a, provided that such property shall be the primary residence of the Gold Star parent.

B. There shall be an alternative qualifying residential real property exemption for Cold War veterans, under Real Property Tax law §458-b, Subsection 2(a) and (b), in the amount of 10% of the assessed value of such property, not to exceed \$4,000, or the product of \$4,000 multiplied by the latest state equalization rate of such property’s assessing unit, subject to the definitions, limitations and requirements of §458-b.

C. For Cold War veterans disabled, there shall be an exemption in the amount equal to the extent of the precuts of the assessed value of such property multiplied by 50% of the Cold War veteran’s disability rating; provided, however, that such exemption shall not exceed \$20,000 or the product of \$20,000 multiplied by the latest state equalization rate for the assessing unit.

Ayes: Andres, Pasiak, Zadzilka, Donovan, Schwandt (5)

Nays: None (0)

CARRIED.

VII.1 Accountant

December 2, 2010

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 December 7, 2010 and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Very truly yours,
David R. Jakubaszek
City Accountant

MOVED by Alderman Schwandt **SECONDED** by Alderman Zadzilka
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated December 7, 2010 and further authorizes the Mayor and City Clerk-Treasurer respectively sign and countersign said Warrant:

01	General Fund	\$2,970,320.86
02	Water Fund	188,214.82
04	Sewer Fund	262,140.10
06	Capital Project Fund	50,449.19
07	Trust & Agency Fund	8,056.51
11	General Fund Encumbered	525.50
17	Home Rehab Program	14,255.00
	Final Total	<u>\$3,493,961.98</u>

Ayes: Andres, Pasiak, Zadzilka, Donovan, Schwandt (5)
Nays: None (0)
CARRIED.

IX.1 Public Works

December 2, 2010

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

Re: Bid Award - One New and Unused 16' Dump Body to be mounted on a Tandem Axle Cab and Chassis

Honorable Body:

On Friday, November 19, 2010 bids were received and publicly opened in the City Clerk's Office for a New and Unused 16' Dump Body to be mounted on a Tandem Axle Cab and Chassis for the Department of Public Works. My office has reviewed the bids submitted and tabulated them as follows:

<u>BIDDER</u>	<u>AMOUNT</u>
Viking Cives	\$26,300.00
Valley Fab	\$26,697.00

I recommend that the Common Council award the bid for a New Unused 16' Dump Body to Viking Cives, 2917 Judge Road, Oakfield NY 14125 at their low bid of \$26,300.00, subject to the approval of the City Attorney.

Very truly yours,
Gary J. Franklin
Superintendent Public Works

MOVED by Alderman Zadzilka **SECONDED** by Alderman Andres
That the Common Council hereby awards the bid for a New Unused 16' Dump Body to Viking Cives, 2917 Judge Road, Oakfield NY 14125 at their low bid of \$26,300.00, subject to the approval of the City Attorney.

Ayes: Andres, Pasiak, Zadzilka, Donovan, Schwandt (5)
Nays: None (0)
CARRIED.

IX.2 Public Works

December 2, 2010

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

Re: Bid Award - One New and Unused 11' Chipper Body to be Mounted on a F-450 Cab and Chassis

Honorable Body:

On Wednesday, December 1, 2010 bids were received and publicly opened in the City Clerk's Office for a New and Unused 11' Chipper Body to be Mounted on a F-450 Cab and Chassis for the Department of Public Works. My office has reviewed the bids submitted and tabulated them as follows:

<u>BIDDER</u>	<u>AMOUNT</u>
Valley Fab and Equipment	\$15,200.00
Cyncon Equipment, Inc.	\$15,410.00
Viking Cives of WNY	\$18,894.00

I recommend that the Common Council award the bid for a New and Unused 11' Chipper Body to Valley Fab & Equipment, Inc., 9776 Trevett Road, Boston, NY 14025 at their low bid of \$15,200.00, subject to the approval of the City Attorney.

Very truly yours,
 Gary J. Franklin
 Superintendent Public Works

MOVED by Alderman Andres

SECONDED by Alderman Pasiak

That the Common Council hereby awards the bid for a New and Unused 11' Chipper Body to Valley Fab & Equipment, Inc., 9776 Trevett Road, Boston, NY 14025 at their low bid of \$15,200.00, subject to the approval of the City Attorney.

Ayes: Andres, Pasiak, Zadzilka, Donovan, Schwandt

(5)

Nays: None

(0)

CARRIED.

IX.3 Public Works

December 2, 2010

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

**Re: Urban Community & Forestry Grant
 Contract #T303316 Street Tree Inventory**

Honorable Body:

I have requested an extension of the referenced agreement with the New York State Department of Environmental Conservation until November 5, 2011.

The City has purchased the equipment and software necessary to complete the inventory. Two teams of volunteers have received manuals along with the training and have conducted approximately one half of the inventory. With the leaves off the trees, identification is too difficult to continue and will resume in the spring and summer of 2011.

Please authorize the Mayor to execute Amendment No.1 to NYSDEC contract #T303316, subject to the approval of the City Attorney.

Very truly yours,
 Gary J. Franklin
 Superintendent of Public Works

MOVED by Alderman Donovan **SECONDED** by Alderman Zadzilka
 That the Common Council hereby authorizes the Mayor to sign Amendment No.1 to NYSDEC contract #T303316, for the Urban Community & Forestry Grant Street Tree Inventory subject to the approval of the City Attorney.

Ayes: Andres, Pasiak, Zadzilka, Donovan, Schwandt (5)

Nays: None (0)

CARRIED.

XI. Fire - Re: Exemption Petitions – Rescue Fire Co. #5:

**50 Years: Donald Phelps
 Donald Richardson
 Robert Masters
 Ronald Diermyer
 Peter Christoff**

**35 Years: Bernard Bacon
 Arthur Richau
 Michael Eisenhauer
 Thomas Eisenhauer
 Ronald Lewis
 Edward Skovenski
 Kenneth Bryan**

**25 Years: James Mordick
 Mark Phelps**

5 Years: Susan Hosmer

MOVED by Alderman Pasiak **SECONDED** by Alderman Andres
 To issue Exemption Certificates to Donald Phelps, Donald Richardson, Robert Masters, Ronald Diermyer, Peter Christoff – 50 Years; Bernard Bacon, Arthur Richau, Michael Eisenhauer, Thomas Eisenhauer, Ronald Lewis, Edward Skovenski, Kenneth Bryan – 35 Years; James Mordick, Mark Phelps – 25 Years and Susan Hosmer – 5 Years.
CARRIED.

XIV. Recreation

December 3, 2010

The Honorable Mayor, Robert Ortt
 216 Payne Avenue
 North Tonawanda, New York 14120

Dear Mayor Ortt and Common Council,

I respectfully request that the 2011 State Aid Appropriation as recommended by the North Tonawanda Youth Board be accepted and approved. Funding is provided by the New York State Office of Children and Family Services and administered by the Niagara County Office of Children and Family Services and administered by the Niagara County Youth Bureau.

The 2011 appropriations are:

- Department of Youth, Recreation & Parks Youth Service	\$ 6,236
- Department of Youth, Recreation & Parks Youth Center Program	\$ 6,929
- Youth Bureau Grant for Administrative Costs in the Department of Youth, Recreation & Parks	\$23,099

The total State Aid for Youth Program allocation for 2011 will be Thirty Six Thousand Two Hundred and Sixty Four (\$36,264).

Sincerely,
Patricia Brosius
Director of Youth, Recreation & Parks

MOVED by Alderman Donovan **SECONDED** by Alderman Zadzilka
That the Common Council hereby approves the following 2011 State Aid allocations as recommended by the North Tonawanda Youth Board funded by the New York State Office of Children and Family Services through the Niagara County Youth Bureau:

- Department of Youth, Recreation & Parks Youth Service	\$ 6,236
- Department of Youth, Recreation & Parks Youth Center Program	\$ 6,929
- Youth Bureau Grant for Administrative Costs in the Department of Youth, Recreation & Parks	\$23,099

The total State Aid for Youth Program allocation for 2011 will be Thirty Six Thousand Two Hundred and Sixty Four (\$36,264).

Ayes: Andres, Pasiak, Zadzilka, Donovan, Schwandt (5)

Nays: None (0)

CARRIED.

XXV. Monthly Reports

.1 Senior Citizens

MOVED by Alderman Pasiak **SECONDED** by Alderman Andres
That the Common Council hereby receives and files the aforementioned Monthly Reports.
CARRIED.

LATE COMMUNICATION

MOVED by Alderman Schwandt **SECONDED** by Alderman Andres
To bring the following communication(s) to the floor.
Ayes: Pasiak, Andres, Donovan, Zadzilka, Schwandt (5)
Nays: None (0)
CARRIED.

#1. David Burgio

November 2010

Dear Mayor Ortt:

After another successful year of New Year's on the Canal our committee has met and is planning the same event for this year.

This letter is to ask permission from both Your Honor and the Common Council to close Webster Street at Tremont to Sweeney including the bridge, and the use of Gateway Park so proper organization and controls can be met. The requested date is all day December 31st, 2010 to noon on January 1st, 2011.

All affected city departments will be invited to our meetings to get input as to safety and sanitation issues as well as concerns they may have.

We will have proper insurance and permits for all aspects of this event, but request the use of 40 city trash containers. We are working on many details that make events of this nature successful and I will keep you as informed as possible as to our progress.

Sincerely,
David J. Burgio
Committee Member

MOVED by Alderman Andres **SECONDED** by Alderman Donovan
That the Common Council hereby approves the closing of Webster Street at Tremont to Sweeney including the bridge; the use of Gateway Park all day December 31st, 2010 to noon on January 1st, 2011; authorizes the Department of Public Works to provide 40 city trash containers and waives any and all fees.

Ayes: Andres, Pasiak, Zadzilka, Donovan, Schwandt (5)

Nays: None (0)

CARRIED.

AUDIENCE PARTICIPATION - None

ADJOURNMENT

MOVED by Alderman Zadzilka **SECONDED** by Alderman Andres
That this regular session of the Common Council be and hereby is adjourned.
CARRIED.

Time of Adjournment: 6:46P.M.

Respectfully submitted,

Scott P. Kiedrowski
City Clerk–Treasurer