

THE HONORABLE BODY  
 Council Chambers  
 Municipal Building  
 North Tonawanda, New York 14120  
 Tuesday, August 3, 1999  
 6:30 P.M.

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REGULAR SESSION CALLED TO ORDER BY PRESIDENT REIDENOUEUR

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: President Reidenouer  
 Aldermen Schwandt, Wudyka, Barberio, Kiedrowski

Absent: None

Also Present: Mayor Ronald R. Dawson  
 City Attorney Henry F. Wojtaszek

APPROVAL OF THE MINUTES OF THE REGULAR SESSION JULY 20, 1999

MOVED by Alderman Barberio                      SECONDED by Alderman Wudyka  
 That the minutes of the regular session held July 20, 1999 be approved as circulated and filed  
 in the Office of the City Clerk.  
 CARRIED.

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APPROVAL OF THE MINUTES OF THE SPECIAL SESSION JULY 13, 1999

MOVED by Alderman Schwandt                      SECONDED by Alderman Barberio  
 That the minutes of the special session held July 13, 1999 be approved as circulated and filed  
 in the Office of the City Clerk.  
 CARRIED.

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PROOF OF PUBLICATION PUBLISHED JULY 14, 1999

- 1) Amendment of Chapter 96-56-1, Robinson Street Parking Lot
- 2) Amendment of Chapter 96-56, Manhattan Street Parking Lot

MOVED by Alderman Barberio                      SECONDED by Alderman Schwandt  
 That the aforementioned proofs of publication be received and filed.  
 CARRIED.

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AUDIENCE PARTICIPATION

Sonia Dusza, 123 Miller St., questioned Alderman Wudyka's resolution and the reasoning  
 behind the adjusted base proportion resolution.

Ray Stanley, 296 Sweeney St., questioned Alderman Wudyka's resolution.

Thomas Brick, 52 Homestead Dr., President of the Chamber of Commerce, would like the  
 Adjusted Base Proportions to be approved.

Linda Roach, 1115 Bowen East, spoke as President of the NT Teachers Union, spoke against  
 the Adjusted Base Proportions proposal.

Frank Budwey, 475 Division St., commended the Council in addressing the Adjusted Base Proportions and stated the there is still time to sign up for the “STAR” program.

Branko Sedlacek, 1351 Abington Pl., stated that businessmen in N. Tonawanda do not deserve a tax break, they can secure low IDA loans.

Kathy Cochran, 362 Adelaide Pl., asked about businesses getting IDA tax abatements.

Jack Wolfert, River Road, spoke against the two-tier tax system.

COMMUNICATIONS FROM CITY OFFICIALS

III.

Treasurer

July 22, 1999

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

Dear Honorable Mayor and Common Council:

Please be advised that I have received payment in full for back City, School and County taxes, per their tax agreements with the City, for the following parcels:

175.84-1-44	1151 Oliver Street	Gary McIntosh
181.27-1-19	24 Washington Street	James Stenzel
181.28-1-34	198 Fredericka Street	James Stenzel

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

Thank you for your cooperation.

Very truly yours,  
Leslie J. Stolzenfels  
City Treasurer

MOVED by Alderman Kiedrowski                      SECONDED by Alderman Schwandt  
That the Common Council hereby authorizes the City Treasurer to withdraw the following parcels from the appropriate In Rem Proceeding:

175.84-1-44	1151 Oliver Street	Gary McIntosh
181.27-1-19	24 Washington Street	James Stenzel
181.28-1-34	198 Fredericka Street	James Stenzel

CARRIED.

V.

Water Dept.

July 29, 1999

Honorable Mayor Ronald R. Dawson  
and Common Council  
City Hall, 216 Payne Avenue  
North Tonawanda, NY 14120

Re: Water Service Leak  
Account – 013749

Dear Mayor and Common Council:

Would you please grant permission to the Water Department to hire a licensed plumber to repair the Water Service Leak at 831 River Road.

Also, all costs are the be assessed upon the land involved – (Water Ordinance Chapter 98 – Section 98-12 (5)).

Sincerely,  
Paul F. McDonough  
Water Superintendent

MOVED by Alderman Barberio                      SECONDED by Alderman Wudyka  
That the Common Council hereby grants the Water Superintendent permission to hire a licensed plumber to repair the water service leak at 831 River Road, and further all costs are the to be assessed upon the land involved.  
CARRIED.

VII.  
Accountant

July 22, 1999

Honorable Ronald R. Dawson, Mayor  
and Common Council  
North Tonawanda, NY 14120

Dear Honorable Body:

In accordance with Title XXIII of the City Charter, an Abstract of Claims has been submitted by this office for your review and approval.

Accordingly, please authorize for payment the current Abstract of Claims for Common Council Audit dated August 3, 1999.

Very truly yours,  
David R. Jakubaszek  
City Accountant

MOVED by Alderman Wudyka                      SECONDED by Alderman Kiedrowski  
That the Common Council hereby authorizes the City Accountant to pay the current Abstracts of Claims dated August 3, 1999:

01	General Fund	\$317,391.54	
	GF Voucher # 2600 held	(598.26)	02
	Water Fund	37,675.95	
04	Sewer Fund	70,162.73	
06	Capital Projects Fund	106,514.74	
07	Trust & Agency Fund	10,181.29	
08	Community Development	5,370.91	11
	General Fund (Encumbered)	<u>3,231.48</u>	
			FINAL
TOTAL			
			<u>\$549,9</u>
<u>30.38</u>			

Ayes: Schwandt, Wudyka, Barberio, Kiedrowski, Reidenouer (5)

Nays: None  
CARRIED.

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(0)

5

IX.1  
Public Works

July 29, 1999

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

Re: Traffic Maintenance Division

Dear Honorable Body:

I request that the Common Council progress the reorganization of the Traffic Maintenance Division of the Department of Public Works to create a more efficient work force and reduce personnel costs by creating the new positions necessary for this reorganization.

I recommend that the Council approve the attached new position duty statements for the positions of Traffic Maintenance Supervisor, Traffic Maintenance Technician and Traffic Maintenance Worker, that the Council authorize the City Clerk to sign these duty statements as approved and return same to the Niagara County Civil Service Office, and further that the Council direct the City Attorney to negotiate salaries with the CSEA bargaining unit for these positions as soon as practicable.

Very truly yours,  
Gary J. Franklin  
Superintendent

MOVED by Alderman Wudyka                      SECONDED by Alderman Schwandt  
That the Common Council hereby approves the new position duty statements for the positions of Traffic Maintenance Supervisor, Traffic Maintenance Technician and Traffic Maintenance Worker, further authorizes the City Clerk to sign these duty statements as approved and return same to the Niagara County Civil Service Office, and further that the Council directs the City Attorney to negotiate salaries with the CSEA bargaining unit for these positions as soon as practicable.  
CARRIED.

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IX.2  
Public Works

July 14, 1999

Honorable Mayor & Common Council  
City Hall, 216 Payne Avenue  
No. Tonawanda, NY 14120

Re: Household Hazardous Waste Collection  
Cost-Sharing Partnership Proposal

Dear Honorable Body:

The Environmental Management Council (EMC) office, on a fairly regular basis, receives phone inquiries from residents in Niagara County wanting to know if the County would be sponsoring a Household Hazardous Waste Collection Program or how to properly dispose of household chemicals, paints, propane cylinders, old gas, etc. Our office has received several phone inquiries regarding the same.

Realizing the high cost of such a program for individual municipalities, based on local municipal collections in the past, the EMC requested and received authorization from the Niagara County Legislature to develop a cost proposal (Resolution CT-087-98) for the

Collection of Household Hazardous Waste (HHW) for all Niagara County residents. The proposal submitted to the Legislature identified projected costs of a single day event at a single location; and a cost-sharing partnership between Niagara County and its local municipalities. Resolution CT-026-99 authorizes the EMC to solicit a cost-sharing commitment from local municipalities for participation in this program.

The attached cost-sharing proposal is based on population percentages and is broken down into three cost-sharing categories: Cities, Towns and Villages. The City's share would be \$6,100 and funds are available from our BFI Recycling contract.

The EMC is tentatively planning this event for October 1999. It is anticipated to be held in as central a location as possible. Although a final decision on the types of waste to be collected has not been made at this time, it is anticipated propane cylinders and tanks, unbroken fluorescent light bulbs and ballasts, old or mixed gas, antifreeze, pesticides, herbicides and fungicides will be among the wastes collected. Small quantity generators of hazardous waste will not be eligible for this program at this time.

At this time the Environmental Management Council is soliciting our municipality's support of this program and requesting a financial commitment to its success. This program will require 100% participation from each of the twenty communities in Niagara County. If a community opts not to participate in the County's program it will be difficult, if not impossible, to proceed in accomplishing our goal. Please understand this proposal is the most economical approach to a county-wide problem. If the City of North Tonawanda were to sponsor this type of event on its own, the costs will be significantly higher.

Therefore, I hereby request that your Honorable Body adopts the attached resolution authorizing the city's participation.

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

Very truly yours,  
Harold Horvath  
Assistant Superintendent

MOVED by Alderman Schwandt                      SECONDED by Alderman Kiedrowski  
That the Common Council hereby authorizes the participation in and support of the Household Hazardous Waste Collection Program at the rate of \$6,100, described in the proposal with Niagara County Environment Management Council and furthermore, the Council requests that the drop off be held in the City of North Tonawanda.  
CARRIED.

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VIII.  
Assessor

July 20, 1999

Honorable Body:

Honorable Mayor Ronald R. Dawson  
and the Common Council  
North Tonawanda, NY 14120

RE: 1999 Current Base Proportions, Adjusted Base Proportions,  
Locally Adjusted Base Proportions and Calculations

Honorable Body:

Please review the attached Current Base Proportions(CBP), Adjusted Base Proportions(ABP) and Calculations.

Within 5 days of the date on which the Assessment roll becomes finalized (July 1), Current Base Proportions and Adjusted Base Proportions(ABP) must be adopted by the Legislative

Body of the assessing unit and certified to the State Board by the City Clerk of the Legislative Body, along with the attached calculations. This action would be in accordance with procedures set forth in the Real Property Tax Law (Section 1903), and subpart 186.10 of the State Board's Rules (9NYCRR 186).

Please review the Adjusted Base Proportions as calculated and the Locally Adjusted Base Proportions, make a selection, and then direct the City Clerk to certify these figures to the New York State Division of Equalization and Assessment in a timely fashion.

The Results:

		98 ABP Rates	99
ABP Rates		(50% local adj.)	(no
CITY	Difference		adjust)
adjust)			
Homestead :	74.57288	73.33827	-
1.65557%			
Non-Hmstd. :	25.42712	26.66173	+4.85548%
SCHOOL	98 ABP Rates	99 ABP Rates	
	(10% local adj.)	(no adjust)	
Homestead :		72.05726	
	70.78796	-1.76151%	
Non-Hmstd. :		27.94274	
	29.21204	+4.54250%	

The adjusted base proportions have been calculated per the Real Property Tax Law requirements and confirmed with the New York State Equalization Support Services, Office of Real Property Services, ORPS.

The Common Council has two options before them:

- 1) Adopt the adjusted base proportions as calculated
- 2) Locally adjust the adjusted base proportions(ABP), which would shift an additional burden to the homestead class.

The Council can only adjust away from the non-homestead class which in return causes a reaction to the homestead class.

After a selection is made, a signed and certified local resolution should be sent to the New York State Equalization Support Services, Office of Real Property Services. This action would be in accordance with the Real Property Tax Law, Section #1903, Pargh(e) and Local Law No.#3, 1987("Adjusted Homestead Base Proportion").

IF OPTION #2 is selected: "Locally adjust the ABP"

SCHOOL (Library included with last years levy):

Select a Percent %	Amount to be added to  HMSTD. ABP		Tax Shares Which may be Adopted by the City HMSTD.	Tax Shares Which may be Adopted by the City  NON-HMSTD	Impact on the SCHOOL Tax Rate (using last yrs. Levy)  HMSTD.	Impact on the SCHOOL Tax Rate (using last yrs. Levy)  NON-HMSTD
AS	CALCULATED	NO ADJUST:	70.78796	29.21204	-.5097	+2.005
10%	.97815		71.76611	28.23389	-.1169	+.459
20%	1.96563		72.74425	27.25575	+.2759	-1.085
25%	2.44537		73.23333	26.76667	+.4723	-1.858
30%	2.93444		73.72240	26.27760	+.6687	-2.230
40%	3.91259		74.70055	25.29945	+1.061	-4.175
50%	4.89074		75.67870	24.32131	+1.454	-5.719
60%	5.86888		76.65684	23.34316	+1.847	-7.265
70%	6.84703		77.63499	22.36501	+2.240	-8.810
75%	7.33610		78.12406	21.87594	+2.436	-9.582
80%	7.82518		78.61314	21.38686	+2.633	-10.512
90%	8.80332		79.59128	20.40872	+3.025	-11.890
100%	9.78147		80.56943	19.43057	+3.418	-13.444

CITY (Using 1998 City Levy)

Select a Percent %	Amount to be added to HMSTD. ABP		Possible Tax Shares Which May be Adopted by the City HMSTD.	Possible Tax Shares Which May be Adopted by the City NON - HMSTD.	Impact on the CITY Tax Rate HMSTD.	Impact on the CITY Tax Rate NON - HMSTD.
AS	CALCULATED	NO ADJUST	73.33827	26.66173	-.252141	+.919650
10%	.63362		73.97189	26.02811	-.137582	+.490087
20%	1.26724		74.60551	25.39449	-.023023	+.060525
25%	1.58405		74.92232	25.07768	+.034257	-.154257
30%	1.90086		75.23913	24.76087	+.091536	-.369038
40%	2.53448		75.87275	24.12725	+.206095	-.798600
50%	3.16811		76.50638	23.49363	+.320656	-1.22816
60%	3.80173		77.14000	22.86000	+.435215	-1.65773
70%	4.43535		77.77362	22.22638	+.549774	-2.08729
75%	4.75216		78.09043	21.90957	+.060705	-2.30207
80%	5.06897		78.40724	21.59276	+.664333	-2.51686
90%	5.70259		79.04086	20.95914	+.778892	-2.94642
100%	6.33621		79.67448	20.32552	+.893451	-3.37598

Respectfully submitted,

Brian

M. Hess, IAO

City Assessor

MOVED by Alderman Wudyka  
Alderman Barberio

SECONDED by

WHEREAS, the 1999 Adjusted Base Proportions have been calculated, as per the Real Property Tax Law requirements,

BE IT RESOLVED, that the Common Council hereby approves a 40% shift in the Calculated School Adjustment Base Proportions and a 100% shift in the City Adjusted Base Proportions, and instructs the City Attorney to draft a local law rescinding the local law which created the two tier tax system and further directs the City Clerk to certify these figures to the New York State Division of Equalization and Assessment.

Ayes: Schwandt, Wudyka, Barberio, Kiedrowski, Reidenouer

(5)

Nays: None

(0)

CARRIED.

XXV.  
Monthly Reports

.1 Code Enforcement

MOVED by Alderman Wudyka  
That the aforementioned report be received and filed.  
CARRIED.

SECONDED by Alderman Barberio

COMMUNICATIONS FROM OTHERS

A.  
Thomas Krantz

Oakdale Drive

303

12

Tonawanda, NY 14120

29, 1999

North

July

To the Common Council:

I respectfully request that the DPW block Oakdale Dr. at the corner of Summit and Oakdale and 332 Oakdale Dr. on August 7<sup>th</sup>. On this date we are planning a block party.

Thank

you,

Thomas E. Krantz

MOVED by Alderman Barberio

SECONDED by Alderman Wudyka

That the Common Council hereby grants Thomas Krantz permission to hold a block party on Oakdale Drive between Summit Blvd. and 332 Oakdale Drive on August 7, 1999.

CARRIED.

B.

Keith Lemke

July

17, 1999

Dear Council Members:

We would like to request that our street be blocked off for our Annual Neighborhood picnic. The location is shown below. The date will be August the 21<sup>st</sup>. We would appreciate it if you could drop off the barricades at the corner of Chipman and Gilmore.

At this time we would like to thank you for all the years that we have received the permission.



