

**THE HONORABLE BODY  
Council Chambers  
Municipal Building  
North Tonawanda, New York 14120  
Tuesday, January 17, 2012  
6:00P.M.**

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**REGULAR SESSION CALLED TO ORDER BY PRESIDENT ANDRES**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present: President Andres  
Alderman Needler, Donovan, Rizzo, Zadzilka**

**Absent: None**

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

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**AUDIENCE PARTICIPATION - None**

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**COMMUNICATIONS FROM CITY OFFICIALS**

**I.1 Mayor**

**January 3, 2012**

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

**Re: Appointment to North Tonawanda Waterfront Commission**

**Dear Honorable Body:**

**Please be advised that I am re-appointing Larry Kuebler, 897 Thomas Fox W., North Tonawanda, NY 14120, Edward Smolinski, 1097 Sweeney Street, North Tonawanda, NY 14120 and Kevin J. O'Connor, 1064 Remington Drive, North Tonawanda, NY 14120 to the Waterfront Commission for a two (2) year term effective January 1, 2012 and expiring on December 31, 2013.**

**Thank you for your attention to this matter.**

**Sincerely,  
Robert G. Ortt  
Mayor**

**MOVED by Alderman Rizzo                      SECONDED by Alderman Needler  
That the Common Council hereby receives and files the aforementioned communication.  
CARRIED.**

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**I.2 Mayor**

**January 3, 2012**

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

**Re: Appointment to North Tonawanda Environmental Committee**

**Dear Honorable Body:**

**Please be advised that I am re-appointing Brian Patrick Murphy, 1845 Sweeney Street, North Tonawanda, NY 14120 to the Environmental Committee for a three (3) year term effective January 1, 2012 and expiring on December 31, 2014.**

**Thank you for your attention to this matter.**

**Sincerely,  
Robert G. Ortt  
Mayor**

**MOVED by Alderman Donovan                      SECONDED by Alderman Zadzilka  
That the Common Council hereby receives and files the aforementioned communication.  
CARRIED.**

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**I.3 Mayor**

**January 10, 2012**

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

**Re: Appointment to North Tonawanda Planning Commission**

**Dear Honorable Body:**

**Please be advised that I am appointing Paul Brown, 1065 Walck Road, North Tonawanda, NY 14120, to the Planning Commission for a seven (7) year term effective January 1, 2012 and expiring December 31, 2018.**

**Thank you for your attention to this matter.**

**Faithfully yours,  
Robert G. Ortt  
Mayor**

**MOVED by Alderman Needler                      SECONDED by Alderman Rizzo  
That the Common Council hereby receives and files the aforementioned communication.  
CARRIED.**

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**I.4 Mayor**

**January 5, 2012**

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

**Re: Appointment to North Tonawanda Zoning Board of Appeals**

Dear Honorable Body:

Please be advised that I am appointing Dennis Pasiak, 362 Warner Avenue, North Tonawanda, NY, 14120, to the Zoning Board of Appeals, for a five (5) year term effective January 1, 2012 and expiring December 31, 2016.

Thank you for your attention to this matter.

Sincerely,  
Robert G. Ortt  
Mayor

MOVED by Alderman Donovan                      SECONDED by Alderman Zadzilka  
That the Common Council hereby receives and files the aforementioned communication.  
CARRIED.

I.5     Mayor

January 5, 2012

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

Re: Appointment to North Tonawanda Plumbing Board

Dear Honorable Body:

Please be advised that I am re-appointing Frank Grandinetti, 909 Oliver Street, North Tonawanda, NY 14120 to the Plumbing Board for a three (3) year term effective January 1, 2012 and expiring on December 31, 2014.

Thank you for your attention to this matter.

Sincerely,  
Robert G. Ortt  
Mayor

MOVED by Alderman Needler                      SECONDED by Alderman Zadzilka  
That the Common Council hereby receives and files the aforementioned communication.  
CARRIED.

II.     Attorney

December 22, 2011

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

Re:     Proposed Amendment to City Code Section 96-19  
         Vehicle and Traffic – Part 2 – Truck Routes Designated

Dear Honorable Body:

Below are proposed amendments to the North Tonawanda City Code, Section 96-19, for your consideration. The changes appear in *italics* for your clarification.

**§96.19. Routes enumerated.**

- A. River Road, entire length within the city.
- B. Sweeney Street, from *Oliver Street* to Division Street; and Division Street, from Sweeney Street to Erie Avenue.
- C. Main Street, entire length between south city line and River Road.
- D. Oliver Street, between *Sweeney* and Felton Streets.
- E. Robinson Street (*Route 429 alternate*), between River Road and Oliver Street
- F. Thompson Street, between River Road and Oliver Street.
- G. *Eliminate.*
- H. Felton Street, between River Road and Oliver Street.
- J. Erie Avenue, entire length between Division Street and Niagara Falls Boulevard.
- K. *Niagara Falls Boulevard*, entire length of the city.

If your Honorable Body concurs, please pass a resolution to amend the North Tonawanda City Code, Section 96-19, subject to any further review by the City Attorney. Should you have any questions, please do not hesitate to contact me.

Very truly yours,  
Shawn P. Nickerson  
City Attorney

MOVED by Alderman Andres                      SECONDED by Alderman Zadzilka  
That the Common Council hereby amends the North Tonawanda City Code, Section 96-19  
as follows: (changes underlined)

**§96.19. Routes enumerated.**

- A. River Road, entire length within the city.
- B. Sweeney Street, from Oliver Street to Division Street; and Division Street, from Sweeney Street to Erie Avenue.
- C. Main Street, entire length between south city line and River Road.
- D. Oliver Street, between Sweeney and Felton Streets.
- E. Robinson Street (Route 429 alternate), between River Road and Oliver Street
- F. Thompson Street, between River Road and Oliver Street.
- G. Eliminate.
- H. Felton Street, between River Road and Oliver Street.
- J. Erie Avenue, entire length between Division Street and Niagara Falls Boulevard.
- K. Niagara Falls Boulevard, entire length of the city.

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres (5)  
Nays: None (0)  
CARRIED.

## IV. Engineer

January 12, 2012

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

Re: Northwest Storm Sewer, Phase II, Project 2010-8  
Award of Engineering Agreement

Honorable Body:

As part of the City's 2012 Capital Budget, the second phase of the Northwest Storm Sewer Project, in partnership with the Town of Wheatfield and Niagara County, will be designed to alleviate flooding at the north end of Witmer Road.

Wendel Engineers have completed the preliminary drainage study and design for the City this past fall and will move forward with final design, contract documents, permits and bidding services with your approval.

Accordingly, I respectfully request the Common Council approve the enclosed the engineering agreement with Wendel, 140 John James Audubon Parkway, Buffalo, NY 14228, in a lump sum amount of \$42,500; 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 Donovan

That the Common Council hereby approves the engineering agreement with Wendel, 140 John James Audubon Parkway, Buffalo, NY 14228, for the second phase of the Northwest Storm Sewer Project, in partnership with the Town of Wheatfield and Niagara County, to alleviate flooding at the north end of Witmer Road, in a lump sum amount of \$42,500 and authorizes the Mayor to sign said agreement, subject to the review by the City Attorney.

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres

(5)

Nays: None

(0)

CARRIED.

## VII. Accountant

January 12, 2012

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 January 17, 2012, and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Very truly yours,  
David R. Jakubaszek  
City Accountant

01-17-2012

**MOVED by Alderman Zadzilka**

**SECONDED by Alderman Needler**

**That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated January 17, 2012 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:**

01	General Fund	\$594,499.57
02	Water Fund	36,409.17
04	Sewer Fund	73,526.75
06	Capital Project Fund	34,134.52
07	Trust & Agency Fund	122.95
17	Home Rehab Program	8,398.50
	<b>Final Total</b>	<b><u>\$747,091.46</u></b>

**Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres**

**(5)**

**Nays: None**

**(0)**

**CARRIED.**

**IX. Public Works**

**January 12, 2012**

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

**Re: Meadow Drive/Nash Road Traffic Signal Synchronization Project  
Project No. 2010-09  
Award of Construction Contract**

**Dear Honorable Body:**

**As you may be aware, the City has received a NYSEDA Grant to construct traffic signals and synchronization improvements on Meadow Drive, between Payne Avenue and Nash Road; and Nash Road from Ruie Road to Walck Road.**

**On October 25, 2011, bids were received and opened by the City Clerk for the Meadow Drive and Nash Road Traffic Signal Synchronization Project. The base bid results are as follows:**

<b>1. Concrete Applied Technologies Corp. (CATCO)</b>	<b>\$231,557.75</b>
<b>2. Power &amp; Construction Group, Inc.</b>	<b>\$233,936.25</b>

**Bergmann Associates who have engineered the signal design have reviewed the bids and have written a letter recommending award of contract.**

**I therefore respectfully request that the Common Council award Project 2010 - Meadow Drive/Nash Road Traffic Signal Synchronization Project to CATCO, 1266 Townline Road, Alden, NY 14004, at their low base bid amount of \$231,557.75; authorizing the Mayor to sign said contract subject to review by the City Attorney.**

**Very truly yours,  
Bradley A. Rowles  
Superintendent of Public Works**

**MOVED by Alderman Zadzilka**

**SECONDED by Alderman Donovan**

**That the Common Council hereby awards Project 2010 - Meadow Drive/Nash Road Traffic Signal Synchronization Project to CATCO, 1266 Townline Road, Alden, NY 14004, at their low base bid amount of \$231,557.75 and authorizes the Mayor to sign said contract subject to review by the City Attorney.**

**Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres**

**(5)**

**Nays: None**

**(0)**

**CARRIED.**

**XXV. Monthly Reports**

<b>.1</b>	<b>City Clerk</b>	<b>.3</b>	<b>Police</b>
<b>.2</b>	<b>Treasurer</b>	<b>.4</b>	<b>Senior Citizens</b>

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

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**XXVI. Semi-Annual Vacation & Sick Leave Reports**

<b>.1</b>	<b>City Clerk</b>	<b>.3</b>	<b>Building Inspector</b>
<b>.2</b>	<b>Treasurer</b>		

**MOVED** by Alderman Needler                      **SECONDED** by Alderman Rizzo  
**That the Common Council hereby receives and files the aforementioned Semi-Annual**  
**Vacation and Sick Leave Reports.**  
**CARRIED.**

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**XXVII. Annual Reports**

<b>.1</b>	<b>Building Inspector</b>	<b>.4</b>	<b>City Clerk</b>
<b>.2</b>	<b>Senior Citizens</b>	<b>.5</b>	<b>Treasurer</b>
<b>.3</b>	<b>Police</b>		

**MOVED** by Alderman Donovan                      **SECONDED** by Alderman Zadzilka  
**That the Common Council hereby receives and files the aforementioned Annual Reports.**  
**CARRIED.**

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**COMMUNICATIONS FROM OTHERS**

**A.**  
**Ardyth Balling**

**January 4, 2012**

**The Honorable Robert G. Ortt, Mayor**  
**North Tonawanda City Hall**  
**216 Payne Avenue**  
**North Tonawanda, NY 14120**

**Dear Mayor Ortt:**

**In 1979 my husband, Paul Balling, suggested I purchase a piece of property on Sisson Drive in North Tonawanda with the thought of a future retirement home, if and when, the paper street would be developed.**

**Note: Parcel information**

**291200 182.08-2-58**  
**1407 Sisson Drive**  
**311 residential vacant land**

**In March of 2010, I received a letter from the NYS Department of Environmental Conservation (DEC) informing me that a preliminary proposed map of Wetland TE40 shows my property is a wetland. (copy attached)**

**In October of 2011, DEC informed me in a Decision and Order statement that TE40 was added to the Niagara County Wetland map. (copy enclosed)**

**On October 24, 2011, I spoke with Assessor's office, City Engineer and the City Attorney trying to figure out what my options for this property might be, now that it is worthless.**

**01-17-2012**

