

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, October 19, 1999
7:10 P.M.

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**
 Assistant City Attorney Robert Sondel

APPROVAL OF THE MINUTES OF THE REGULAR SESSION OCTOBER 5, 1999

MOVED by Alderman Barberio **SECONDED** by Alderman Wudyka
That the minutes of the regular session held October 5, 1999 be approved as
circulated and filed in the Office of the City Clerk.
CARRIED.

APPROVAL OF THE MINUTES OF THE SPECIAL SESSION SEPTEMBER 28, 1999

MOVED by Alderman Schwandt **SECONDED** by Alderman Barberio
That the minutes of the special session held September 28, 1999 be approved as
circulated and filed in the Office of the City Clerk.
CARRIED.

PROOF OF PUBLICATION PUBLISHED SEPTEMBER 4, 16, 25, 1999

- 1) Legal Notice – Sr. Citizen Tax Exemption – Assessor

PROOF OF PUBLICATION PUBLISHED SEPTEMBER 15 & 17, 1999

- 1) Bid – Pumping Engine – Fire Dept.

PROOF OF PUBLICATION PUBLISHED OCTOBER 1, 1999

- 1) Bid – Modular Handicap Accessible Play Structure – Recreation

PROOF OF PUBLICATION PUBLISHED OCTOBER 7, 1999

- 1) Legal Notice – Chapter 96-2, Section 22, Vehicle & Traffic – City Clerk

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

AUDIENCE PARTICIPATION - None

COMMUNICATIONS FROM CITY OFFICIALS

II.
Attorney

January 27, 2008

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

Re: AFSCME Collective Bargaining Agreement

Dear Honorable Body:

I have been notified that the members of AFSCME met on Tuesday, October 12, 1999 and ratified the tentative agreement between the city and the union. Attached please find the proposed Memorandum of Agreement between the City and the Union.

The following is a brief explanation of the contract proposals:

- 1. A four-year agreement.**
- 2. The city and union will share agreement printing charges.**
- 3. The union may represent a probationary employee, but not in discharge matters.**
- 4. In imposing discipline, except for serious charges, the city cannot take into account infractions which occurred more than 18 month prior. (This is consistent with Civil Service Law.)**
- 5. If an employee is asked to work overtime in an out-of-title position and refuses the assignment, he will not be charged with the overtime on the overtime wheel.**
- 6. To be entitled to use compensatory time, the employee must get prior approval on at least four-hour's notice and said compensatory time must be used in at least one-quarter hour increments.**
- 7. A three percent (3%) increase in each of the three years of the agreement.**
- 8. If the union does not use all the union time allotted during a contract year, they may carry the days over to the next contract year, up to a maximum of nine (9) unused union days.**
- 9. The city will offer a one-time payment of one thousand five hundred dollars (\$1,500.00) to an employee currently on Blue Cross/Blue Shield hospitalization plan who switches to one of the HMO's for a period of four years. This switch must take place during the enrollment period in January, 2000.**
- 10. The city is offering the employees the benefits of the City's deferred compensation plan.**
- 11. The city is offering the employees the benefits of a "cafeteria plan" pursuant to §125 of the Internal Revenue Code.**
- 12. The city will tender the amount of \$3,000.00 to be divided between the union dental and optical plans.**

**Re: Gratwick-Riverside Park Site, Project 87-16
Haseley Construction Company, Inc.
Substitute a Soil-Bentonite Barrier Wall for a
Geosynthetic Barrier Wall
Change Order No. 1**

Honorable Body:

Your approval of Change Order No. 1 to Project 87-16, Gratwick-Riverside Park Site, is hereby requested.

The change is to substitute a soil-bentonite barrier wall for the originally specified geosynthetic barrier wall. The purpose of the change provides the following advantages:

- 1.) Eliminates potential for slag to puncture geosynthetics.**
- 2.) Better seal around storm sewer penetrations.**
- 3.) Better contact with confining layer.**
- 4.) Voids caused by sloughing under the slag layer would be filled by the soil-bentonite backfill.**
- 5.) Less costly.**

I therefore recommend that Change Order No. 1 Project 87-16, Gratwick-Riverside Park Site, be approved decreasing the original contract amount by \$7,600.00, from \$7,337,470.00 to the revised contract amount of \$7,329,870.00; and that the Mayor be authorized to sign said change order, subject to review and approval of the City Attorney.

**Very truly yours,
Dale W. Marshall, P.E.
City Engineer**

**MOVED by Alderman Wudyka SECONDED by Alderman Kiedrowski
That the Common Council hereby approves Change Order No. 1 to Project 87-16, Gratwick-Riverside Park Site, decreasing the original contract amount by \$7,600.00, from \$7,337,470.00 to the revised contract amount of \$7,329,870.00; and that the Mayor is authorized to sign said change order, subject to review and approval of the City Attorney.
CARRIED.**

**IV.2
Engineer**

October 13, 1999

**Honorable Ronald R. Dawson, Mayor
and Common Council Members
City Hall
North Tonawanda, New York 14120**

**Re: North Tonawanda Erie Canal Gateway Project
STS Construction
Canal Fest Electrical Power Requirements and Other Repairs
Change Order No. 2, (Proposal B)**

Honorable Body:

Your approval of Change Order No. 2 to Project 95-7 (Proposal B), North Tonawanda Erie Canal Gateway Project, is hereby requested.

The change order was required by a last minute change in the power requirements provided by Niagara Mohawk and to rectify the electrical power needs of the Canal Fest of the Tonawandas. Also included in the change order is additional work

required to repair damage to an underground conduit that was accidentally pulled apart by the Water Department during the installation of a buried yard hydrant on Sweeney Street.

I recommend that funds for the Canal Fest portion of the change order work be authorized and allocated from the City of North Tonawanda's share of the Canal Fest revenues and not from the Gateway project budget.

Therefore, please approve Change Order No.2 (Proposal B), for Canal Fest Electrical Power Requirements and Other Repairs, in the amount of \$8,432.42, increasing the contract amount from \$1,224,522.99 to \$1,232,955.41.

Further, that the damage portion change order work, in the amount of \$636.17 be allocated from the Gateway project budget, and that the Canal Festival portion of the change order work, in the amount of \$7,796.25, be allocated from the city's share of the Canal Fest revenues.

Finally, that the Mayor be authorized to sign Change Order No. 2 (Proposal B), subject to review by the City Attorney.

Very truly yours,
Dale W. Marshall, P.E.
City Engineer

MOVED by Alderman Schwandt **SECONDED** by Alderman Wudyka
That the Common Council hereby approves Change Order No.2 to Project 95-7, (Proposal B), North Tonawanda Erie Canal Gateway Project, for Canal Fest Electrical Power Requirements and Other Repairs, in the amount of \$8,432.42, increasing the contract amount from \$1,224,522.99 to \$1,232,955.41.

And further, that the damage portion change order work, in the amount of \$636.17 be allocated from the Gateway project budget, and that the Canal Festival portion of the change order work, in the amount of \$7,796.25, is allocated from the city's share of the Canal Fest revenues.

And finally, that the Mayor is authorized to sign Change Order No. 2 (Proposal B), subject to review by the City Attorney.
CARRIED.

IV.3
Engineer

October 13, 1999

Honorable Ronald R. Dawson, Mayor
And Common Council Members
City Hall
North Tonawanda, New York 14120

Re: Project 99-1, Leah Drive Curb Replacement
Campobello Construction Co., Inc.
Change Order No. 1, Final Acceptance & Final Payment

Honorable Body:

Your approval of Change Order No. 1 to Project 99-1, Leah Drive Curb Replacement, is hereby requested. Further, the work completed for this project is recommended for final approval and acceptance. The change order was for the installation of concrete sidewalks as was needed at various driveway locations

Our consultants, Stearns & Wheler, have reviewed the work performed under the contract and have certified that it has been completed in accordance with the plans and specifications, and recommend to the City acceptance of the project and authorize final payment.

I concur with the consultants and recommend that Change Order No. 1 to Project 99-1 be approved increasing the original contract amount by \$4,080.00, from \$102,127.50 to the final contract amount of \$106,207.50; that the Mayor be authorized to sign said change order; and that the work under Project 99-1 be accepted and final payment be authorized, subject to the approval of the City Attorney.

Very truly yours,
Dale W. Marshall, P.E.
City Engineer

MOVED by Alderman Kiedrowski **SECONDED** by Alderman Barberio
That the Common Council hereby approves Change Order No. 1 to Project 99-1, ,
Leah Drive Curb Replacement, increasing the original contract amount by
\$4,080.00, from \$102,127.50 to the final contract amount of \$106,207.50; that the
Mayor be authorized to sign said change order; and that the work under Project 99-
1 is accepted and final payment is authorized, subject to the approval of the City
Attorney.
CARRIED.

VII.1
Accountant

October 14, 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 October 19, 1999.

Very truly yours,
David R. Jakubaszek
City Accountant

MOVED by Alderman Kiedrowski **SECONDED** by Alderman Schwandt
That the Common Council hereby authorizes the City Accountant to pay the
current Abstracts of Claims dated October 19, 1999:

01	General Fund	\$136,297.55
02	Water Fund	13,003.94
04	Sewer Fund	29,848.61
06	Capital Projects Fund	180,596.50
07	Trust & Agency Fund	3,849.73
08	Community Development	77.59
11	General Fund Encumbered	<u>3,594.76</u>
	FINAL TOTAL	<u>\$367,268.68</u>

Ayes: Schwandt, Wudyka, Barberio, Kiedrowski, Reidenouer (5)
Nays: None (0)
CARRIED.

**VII.2
Accountant**

October 14, 1999

**Honorable Ronald R. Dawson, Mayor
and Common Council
City Hall
North Tonawanda, New York 14120**

Dear Honorable Body:

In accordance with Section 2.2 of the Budgetary Transfer Policy, please authorize the City Accountant to make the following transfers of budgetary appropriations:

Control Number	Dollar Amount	From Appropriation Account	To Appropriation Account
13	\$500.00	1-3621.100 Personal Serv.	1-3621.451 R&M Automobile
14	\$2,900.00	1-3621.100 Personal Serv.	1-3621.435 Contractual Serv.
15	\$500.00	4-8130.457 R&M Office	4-8130.401 Office Supplies
16	\$10,000.00	4-8130.100 Personal Serv.	4-8130.434 Professional Serv.
17	\$10,000.00	4-8130.100 Personal Serv.	4-8130.428 Maint. Supplies
18	\$20,000.00	4-8130.100 Personal Serv.	4-8130.454 R&M Plant Equip.

Very truly yours,
David R. Jakubaszek
City Accountant

**MOVED by Alderman Kiedrowski SECONDED by Alderman Schwandt
That the Common Council hereby authorizes the City Accountant to make the following budgetary transfers:**

Control Number	Dollar Amount	From Appropriation Account	To Appropriation Account
13	\$500.00	1-3621.100 Personal Serv.	1-3621.451 R&M Automobile
14	\$2,900.00	1-3621.100 Personal Serv.	1-3621.435 Contractual Serv.
15	\$500.00	4-8130.457 R&M Office	4-8130.401 Office Supplies
16	\$10,000.00	4-8130.100 Personal Serv.	4-8130.434 Professional Serv.
17	\$10,000.00	4-8130.100 Personal Serv.	4-8130.428 Maint. Supplies
18	\$20,000.00	4-8130.100 Personal Serv.	4-8130.454 R&M Plant Equip.

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

Nays: None (0)

CARRIED.

**X.
Police Dept.**

September 30, 1999

Common Council Members:

I am requesting the following people be appointed as Commissioner of Deeds:

- 1) Detective Larry W. Kuebler
- 2) Detective Thomas E. Krantz

Thank you.

Respectfully,
Lloyd C. Graves
Chief of Police
North Tonawanda Police Dept.

MOVED by Alderman Kiedrowski SECONDED by Alderman Barberio
That the Common Council hereby appoints Larry W. Kuebler, Jr. of 539 Locust St.,
and Thomas E. Krantz of 303 Oakdale Dr., as Commissioners of Deeds for the City
of North Tonawanda effective October 20, 1999 and expiring October 19, 2001.
CARRIED.

XIV.
Youth & Recreation

October 12, 1999

The Honorable Ronald R. Dawson
and Common Council
City Hall, 216 Payne Avenue
North Tonawanda, New York 14120

Dear Mayor Dawson and Common Council Members:

I am happy to report that my department has been awarded a one time 1999 Family Support Services Funding Grant of \$2,000 from the Western New York Developmental Disabilities Service Office.

This funding will be used to enhance the City's program for special populations.

In order for this funding to be received, it has to be expended this year. The turn around time for receiving the money will be no later than December 31, 1999. DDSO is planning to amend the funding contract that we currently have with them to increase our funding level by \$2,000.

To facilitate this grant within my budget, I am requesting that Your Honorable Body authorize a transfer of \$2,000 from account A7310.100 into account A7310.426.

Thank you for supporting our programs for our City's disabled youth!

Sincerely,
John P. Silsby
Director of Youth, Recreation & Parks

MOVED by Alderman Schwandt SECONDED by Alderman Barberio
That the Common Council hereby authorizes a transfer of \$2,000 from account
A7310.100 into account A7310.426, contingent upon filing of proper transfer form.
CARRIED.

XX.
Code Enforcement

October 13, 1999

Honorable Mayor
And Common Council

LATE COMMUNICATIONS

#1

Youth & Recreation

October 8, 1999

**The Honorable Ronald R. Dawson and Common Council
City Hall
216 Payne Avenue
North Tonawanda, New York 14120**

Dear Mayor Dawson and Common Council Members:

I respectfully request that Your Honorable Body approve:

A. The following 2000 State Aid allocations as recommended by the North Tonawanda Youth Board:

- 1. Center for Young Parents, Inc. - Counseling Program for Teenage Mothers..... \$1,600.00**
- 2. North Tonawanda Dept. of Youth, Recreation & Parks - Youth Court..... \$1,900.00**
- 3. North Tonawanda Dept. of Youth, Recreation & Parks - First Offender Program..... \$2,700.00**
- 4. North Tonawanda Dept. of Youth, Recreation & Parks - Mainstreaming Program for Disabled Youth..... \$7,524.00**
- 5. North Tonawanda Dept. of Youth, Recreation & Parks - Comprehensive Youth Center Recreational Program - \$12,268.00**

After an in depth review of the program proposals submitted by these youth agencies and the outcomes of the 1999 programs, it is the recommendation of the North Tonawanda Youth Board to fund these programs. Every agency seeking funding will receive an allocation for their 2000 program. No new programs will be funded.

B. The submission of a Youth Bureau grant for \$34,861.00 for administrative costs of the Dept. of Youth, Recreation & Parks.

C. The submission of the 2000 State Aid Application for the City of North Tonawanda to the New York State Office of Children and Family Services through the Niagara County Youth Bureau.

D. The following contract with Youth Service Agencies prepared with the assistance of the City Attorney:

- 1. Center for Young Parents, Inc. Not to exceed..... \$3,200.00**

E. The City will be receiving the following State Aid Allocations as approved by the Niagara County Youth Board for the City of North Tonawanda:

- 1. North Tonawanda Dept. of Youth, Recreation & Parks - Mainstreaming Program for Disabled Youth..... \$10,000.00**
- 2. North Tonawanda Dept. of Youth, Recreation & Parks - Youth Court..... \$7,800.00**

- 3. North Tonawanda Dept. of Youth, Recreation & Parks - Expanded Youth Court..... \$15,900.00

Agreements will be executed between the City and Niagara County Youth Bureau for these additional funding allocations.

The total anticipated State Aid for youth programs for 2000 will be \$94,553.00. This figure is roughly an increase of \$3,000 over the 1999 total.

Thank you for your assistance.

Sincerely,
 John P. Silsby
 Director of Youth, Recreation & Parks

MOVED by Alderman Kiedrowski **SECONDED** by Alderman Barberio
 That the Common Council hereby approves:

A. The following 2000 State Aid allocations as recommended by the North Tonawanda Youth Board:

- 1. Center for Young Parents, Inc. - Counseling Program for Teenage Mothers..... \$1,600.00
- 2. North Tonawanda Dept. of Youth, Recreation & Parks - Youth Court..... \$1,900.00
- 3. North Tonawanda Dept. of Youth, Recreation & Parks - First Offender Program..... \$2,700.00
- 4. North Tonawanda Dept. of Youth, Recreation & Parks - Mainstreaming Program for Disabled Youth..... \$7,524.00
- 5. North Tonawanda Dept. of Youth, Recreation & Parks - Comprehensive Youth Center Recreational Program \$12,268.00

B. The submission of a Youth Bureau grant for \$34,861.00 for administrative costs of the Dept. of Youth, Recreation & Parks.

C. The submission of the 2000 State Aid Application for the City of North Tonawanda to the New York State Office of Children and Family Services through the Niagara County Youth Bureau.

D. The following contract with Youth Service Agencies prepared with the assistance of the City Attorney:

- 1. Center for Young Parents, Inc. Not to exceed..... \$3,200.00

E. The City will be receiving the following State Aid Allocations as approved by the Niagara County Youth Board for the City of North Tonawanda:

- 1. North Tonawanda Dept. of Youth, Recreation & Parks - Mainstreaming Program for Disabled Youth..... \$10,000.00
- 2. North Tonawanda Dept. of Youth, Recreation & Parks – Youth Court..... \$7,800.00
- 3. North Tonawanda Dept. of Youth, Recreation & Parks - Expanded Youth Court..... \$15,900.00

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Agreements will be executed between the City and Niagara County Youth Bureau for these additional funding allocations.

The total anticipated State Aid for youth programs for 2000 will be \$94,553.00.
CARRIED.

#2

Community Development

October 18, 1999

The Honorable Mayor
And Common Council
216 Payne Avenue
North Tonawanda, NY 14120

Re: HOME Rehabilitation Program
Authorization to Sign Grant Agreement

Dear Honorable Body:

The City has received the Grant Agreement for the recently approved \$285,000 award to implement a targeted housing rehabilitation program for income-eligible homeowners.

At this time, I respectfully request that the Common Council authorize Mayor Ronald R. Dawson to sign the Grant Agreement for the federal HOME Program (Project: 199900277), administered by the New York State Housing Trust Fund Corporation.

Thank you very much for your cooperation.

Sincerely,
Michele A. Tow
Community Development Director

MOVED by Alderman Schwandt **SECONDED** by Alderman Barberio
That the Common Council hereby authorizes Mayor Ronald R. Dawson to sign the Grant Agreement for the federal HOME Program (Project: 199900277), administered by the New York State Housing Trust Fund Corporation.
CARRIED.

#3

MOVED by Alderman Kiedrowski **SECONDED** by Alderman Reidenouer
That the Common Council hereby changes the next scheduled Common Council meeting to 6:30 p.m. on Wednesday, November 3, 1999, due to election night on Tuesday, November 2nd.
CARRIED.

AUDIENCE PARTICIPATION

Ted Strugala, 520 Locust St., questioned the concept of a manager at the Deerwood Golf Course.

Kathy Cochran, 462 Adelaide Pl., complained about speeding and accidents in the city and questioned why the police dept. does not issue tickets.

Dale Rogers, 1745 Ruie Rd., presented a check for \$220 for the rehabilitation of the Brauer Park Monument and commended Lenny Wudyka on the fine job he did and should not take any hits in the paper.

Jerry DiVirgilio, Eggert Terr., spoke about kids speeding on path leading out to Nash Road.

Nancy Miranto, 1168 Master St., asked if the Golf Course Committee can still discuss the management of the golf course.

Ted Strugala, 520 Locust St., spoke about the Brauer Park Memorial and asked if the list was completed.

Gene Tuczynski, 51 Eggert Terr., agreed with the problem of speeders on path leading to Nash Road and asked who is on the Golf Course Committee.

ADJOURNMENT

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

Time of Adjournment: 8:07 P.M.

Respectfully submitted,

Michael D. Cox
City Clerk