

Leonard Joyce of 1652 Fillner Avenue – Plumbing Board – 3 year term – till December 2001.

Suzanne Needler of 1649 Fillner Avenue – Planning Commission – 3 year term – till December 2001.

Francis Molnar of 9 Mead Street – Waterfront Commission – 3 year term – till December 2001.

Larry Deneff of 245 Robinson Street – Waterfront Commission – 3 year term – till December 2001.

Beverly Loxterman of 881 Sweeney Street – Waterfront Commission – 3 term – till December 2001.

I have also appointed Roger Bush of 1130 Sweeney Street, to the Zoning Board of Appeals for the remainder of an unexpired term, which concludes December 31, 2000.

Respectfully,
Ronald R. Dawson
Mayor

MOVED by Alderman Wudyka SECONDED by Alderman Schwandt
That the aforementioned communication be received and filed.
CARRIED.

IV.1
Engineer

November 18, 1999

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

Re: City Hall Roof Replacement, Proposal A
 Public Library Replacement, Proposal B
 Jameson Roofing Co.
 Change Order No. 2

Honorable Body:

Your approval of Change Order No. 2 to the above referenced project is respectfully requested.

Change Order No. 2 represents a contract credit associated with the library portion of the work for the elimination of a new base sheet where the existing base sheet proved to be adequate, the elimination of the expansion joint and a revision to the edge detail.

I therefore recommend that Change Order No. 2 be approved, decreasing the contract amount by \$7,148.00, from \$281,426.00 to \$274,278.00; and that the Common Council authorize the Mayor to sign said change order, subject to review and approval by 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. 2 to City Hall Roof Replacement, Proposal A and Public Library Replacement, Proposal B, Jameson Roofing Co., decreasing the contract amount by \$7,148.00, from \$281,426.00 to \$274,278.00; and that the Common Council authorizes the Mayor to sign said change order, subject to review and approval by the City Attorney.
CARRIED.

IV.2
Engineer

December 2, 1999

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

Re: Gratwick-Riverside Park (GRP) Site Remediation
Black Viscous Material (BVM) Stabilization
Transportation, Treatment and Disposal of BVM

Honorable Body:

As part of the GRP site remediation project, the Participating Parties (PP's), in agreement with the New York State Department of Environmental Conservation, were required to stabilize approximately 150 cubic yards of a Black Viscous Material (BVM) in the pothole area at the north end of the property. During the course of excavation, the contractor, Haseley Construction Co., Inc., uncovered a cache of approximately seventy-five (75) 55-gallon drums containing this material. At the direction of the NYSDEC, a mutual agreement was reached to remove these drums and tainted soil for transportation, treatment and incineration to an offsite facility.

A drum handling and disposal plan was developed by the contractor and approved by the PP's and NYSDEC. The contractors supplied and filled 10 rolloffs with approximately 150 tons of BMV filled drums, drum debris and ancillary soil. The PP's subsequently solicited bids for the transportation, treatment and disposal of the material.

A review of the quotations submitted by the TSDF facilities shows that the most cost effective was submitted by Waste Technology Services, Inc. (WTS) of Niagara Falls, New York. WTS submitted proposals for incineration at three (3) different facilities. The price for incineration at the LWD, Inc. facility in Calvert City, Kentucky, was the lowest at \$164,750. WTS would act as broker for transportation and disposal of the waste, including the handling of all paperwork.

Enclosed is the supporting documentation and letter from George Harris with the NYSDEC, which authorizes the PP's to enter into a contract with WTS. The DEC's authorization permits the City of North Tonawanda to be reimbursed for 75% of our share of the cost.

Therefore, I respectfully request that the Common Council approve the enclosed agreement with Waste Technology Services Inc., 640 Park Place, Niagara Falls, New York 14301, in the amount of \$164,750 for the transportation, incineration and disposal of the Black Viscous Material generated from the GRP site; authorizing the Mayor to sign said contract, subject to review and approval by 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 the agreement with Waste Technology Services Inc., 640 Park Place, Niagara Falls, New York 14301, in the amount of \$164,750 for the transportation, incineration and disposal of the Black Viscous Material generated from the GRP site; authorizing the Mayor to sign said contract, subject to review and approval by the City Attorney.
CARRIED.

IV.3
Engineer

December 2, 1999

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

Re: North Tonawanda Erie Canal Gateway Project
Sanitary Sewer & Water Line Replacement
STS Construction
Change Order No. 2, Final Acceptance & Final Payment
Project 95-7, Proposal A

Honorable Body:

The sewer and water line replacement portion of the North Tonawanda Gateway project is now complete.

Your approval of Change Order No. 2 to Project 95-7 (Proposal A), which is an adjustment to the final measured quantities installed, is hereby requested.

Accordingly, I recommend that the Common Council approve final acceptance of Project No. 95-7 (Proposal A), sewer and water line replacement, release the retainage and authorize final payment.

Further, I recommend that the Common Council approve Change Order No. 2 to Project No 95-7 (Proposal A) in the amount of \$12,634.08, increasing the contract amount from \$128,345.47 to the final amount of \$140,979.55; and authorize the Mayor to sign said change order, subject to review and approval by the City Attorney.

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

MOVED by Alderman Schwandt SECONDED by Alderman Barberio
That the Common Council hereby approves Change Order No. 2 to Project No 95-7 (Proposal A) in the amount of \$12,634.08, increasing the contract amount from \$128,345.47 to the final amount of \$140,979.55; and authorizes the Mayor to sign said change order, subject to review and approval by the City Attorney.
CARRIED.

**IV.4
Engineer**

December 2, 1999

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

**Re: North Tonawanda Erie Canal Gateway Project
General Construction
STS Construction
Change Order No. 3, Project 95-7 (Proposal B)**

Honorable Body:

Your approval of Change Order No. 3, to Project 95-7 (Proposal B) North Tonawanda Erie Canal Gateway Project, General Construction, which is an adjustment to the final measured quantities installed is hereby requested. Attached is an itemized summary for your review.

I recommend that the Common Council approve Change Order No. 3 to Project No. 95-7 (Proposal B) in the amount of \$56,071.34, increasing the contract amount from \$1,232,985.41 to the amount of \$1,289,056.75; and authorize the Mayor to sign said change order, subject to review and approval by the City Attorney.

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

**MOVED by Alderman Barberio SECONDED by Alderman Schwandt
That the Common Council hereby approves Change Order No. 3 to Project No. 95-7 (Proposal B) in the amount of \$56,071.34, increasing the contract amount from \$1,232,985.41 to the amount of \$1,289,056.75; and authorizes the Mayor to sign said change order, subject to review and approval by the City Attorney.
CARRIED.**

**V.
Water Dept.**

November 30, 1999

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

Dear Mayor and Common Council:

Please accept the proposal from KVS Information Systems, Inc., 821 Maple Road, Williamsville, N.Y. 14221-3299, regarding the Utility Billing Software Program for the Water and Treasurer Departments.

Funds have been appropriated in the 1999 Budget. Also, please have Mayor Ronald Dawson sign this agreement.

**Sincerely,
Paul F. McDonough
Water Superintendent**

12-7-99

6

MOVED by Alderman Schwandt SECONDED by Alderman Barberio
That the Common Council hereby authorizes Mayor Dawson to sign the agreement with KVS Information Systems, Inc., 821 Maple Road, Williamsville, NY 14221-3299 for the Utility Software Program for the Water and Treasurer Departments.
CARRIED.

MAYOR DAWSON WAIVED HIS VETO.

V.2
Water Dept.

December 2, 1999

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

**Re: Water Service Leak
 Account - 019292**

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 738 Nash Road.

Also, all costs are to 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 Schwandt
That the Common Council hereby grants permission for the Water Department to hire a licensed plumber to repair the Water Service Leak at 738 Nash Road and further, all costs are to be assessed upon the land involved.
CARRIED.

VII.1
Accountant

December 2, 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 December 7, 1999.

**Very truly yours,
David R. Jakubaszek
City Accountant**

MOVED by Alderman Barberio SECONDED by Alderman Reidenouer
That the Common Council hereby authorizes the City Accountant to pay the current Abstracts of Claims dated December 7, 1999:

12-7-99

01	General Fund	\$510,066.10
02	Water Fund	37,269.17
04	Sewer Fund	93,339.34
06	Capital Projects Fund	554,607.95
07	Trust & Agency Fund	2,843.69
08	Community Development	5,391.17
09	Capital Gratwick Park (Remediation)	194,246.50
11	General Fund Encumbered	<u>1,103.00</u>

FINAL TOTAL \$1,398,866.97

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

Nays: None (0)

CARRIED.

VII.2

Accountant

December 2, 1999

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

Dear Honorable Body:

During the preparation of the 1999 General, Water and Sewer Fund Budgets, appropriations and estimated revenues were established which interact and effect the City's financial resources. To properly implement the interfund transfer and revenue portion of the adopted budgets, please authorize the City Accountant to make the following cash transfers (Budget page numbers are for your reference):

1. From the General Fund Appropriation Account 1-9518.904 Sewer Fund Subsidy (Page 25), \$245,455 into the Sewer Fund Revenue Account 4-2811 General Fund Subsidy (Page 37). And from the General Fund Appropriation Account 1-9518.953 Capital Cost Recovery (Page 25), \$854,545 into the Sewer Fund Revenue Account 4-2810 Transfer from General Fund (Page 37). The total transfer is \$1,100,000.
2. From the General Fund Appropriation Account 1-9550.949 Transfer to Capital - Gas Line Tonawanda Island (Page 25), \$110,000 and from Account 1-9550.950 Canal Gateway, \$20,000 into the Capital Fund, general ledger account H-980 Revenues. The total transfer is \$130,000.
3. From the General Fund Appropriation Account 1-9554.906 City's Share of Cost/Special Assessment Fund (Page 25), \$19,402.96 into the Special Assessment Fund, general ledger account P-372 City's Share of Cost.
4. From the General Fund Appropriation Account 1-9903.903 Insurance Reserve (Page 26), \$50,000 into the General Fund Risk Retention Reserve.
5. From the Bishop Gibbons HUD Fund Appropriation Account 522 Expenditures, \$15,000 into the General Fund Estimated Revenue Account 1-2188 Bishop Gibbons Administration (Page 34).

Very truly yours,
David R. Jakubaszek
City Accountant

MOVED by Alderman Barberio SECONDED by Alderman Wudyka
That the Common Council hereby authorizes the City Accountant to make the following cash transfers:

12-7-99

1. From the General Fund Appropriation Account 1-9518.904 Sewer Fund Subsidy (Page 25), \$245,455 into the Sewer Fund Revenue Account 4-2811 General Fund Subsidy (Page 37). And from the General Fund Appropriation Account 1-9518.953 Capital Cost Recovery (Page 25), \$854,545 into the Sewer Fund Revenue Account 4-2810 Transfer from General Fund (Page 37). The total transfer is \$1,100,000.
2. From the General Fund Appropriation Account 1-9550.949 Transfer to Capital - Gas Line Tonawanda Island (Page 25), \$110,000 and from Account 1-9550.950 Canal Gateway, \$20,000 into the Capital Fund, general ledger account H-980 Revenues. The total transfer is \$130,000.
3. From the General Fund Appropriation Account 1-9554.906 City's Share of Cost/Special Assessment Fund (Page 25), \$19,402.96 into the Special Assessment Fund, general ledger account P-372 City's Share of Cost.
4. From the General Fund Appropriation Account 1-9903.903 Insurance Reserve (Page 26), \$50,000 into the General Fund Risk Retention Reserve.
5. From the Bishop Gibbons HUD Fund Appropriation Account 522 Expenditures, \$15,000 into the General Fund Estimated Revenue Account 1-2188 Bishop Gibbons Administration (Page 34).
CARRIED.

XXV.

Monthly Reports

- | | | | |
|----|----------------------|----|-------------------------|
| .1 | Fire Dept. | .4 | Treasurer |
| .2 | NT Housing Authority | .5 | Treasurer (Investments) |
| .3 | Youth & Recreation | | |

MOVED by Alderman Barberio SECONDED by Alderman Wudyka
That the aforementioned reports be received and filed.
CARRIED.

XXXII.

Community Development

December 2, 1999

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

Re: Police Department Computer Equipment
Authorization to Sign Project Documents

Dear Honorable Body:

The City has received formal notification of the \$2,500 State legislative member item grant for computer equipment for the Police Department.

At this time, I am requesting that you authorize Mayor Ronald R. Dawson to sign the Certification and related documentation for the Police Department Computer Equipment for submission to the New York State Division of Criminal Justice Services.

Thank you for your cooperation.

Sincerely,
Michele A. Tow
Community Development Director

12-7-99

MOVED by Alderman Kiedrowski SECONDED by Alderman Barberio
That the Common Council hereby you authorizes Mayor Ronald R. Dawson to sign
the Certification and related documentation for the Police Department Computer
Equipment for submission to the New York State Division of Criminal Justice
Services.
CARRIED.

COMMUNICATIONS FROM OTHERS

A.
North Tonawanda Lady Jacks
Volleyball Booster Club

November 30, 1999

Mayor Dawson and the North Tonawanda Common Council:

Two weeks ago the North Tonawanda High School Lady Jacks Volleyball Team completed another outstanding season with their third straight New York State Class A volleyball championship. Winning a New York State high school championship is a tremendous accomplishment. Winning the state title three years in a row is something very few teams ever come close to achieving.

Just as important as their accomplishments on the court, we feel, is that these young ladies (six of this year's twelve have been on all three championship teams) continue to represent their school and their hometown of North Tonawanda in an exemplary manner.

With this in mind, we, the North Tonawanda Girls Volleyball Booster Club, would ask the Mayor and the Common Council to put up signs at all entrances to the city of North Tonawanda proclaiming this to be the "Home of the New York State Class A Girls High School Volleyball Champions – 1997, 1998, 1999".

We appreciate your time and consideration of this request.

Sincerely,
Tom Sarkovics
Lady Jacks Booster Club President

MOVED by Alderman Kiedrowski SECONDED by Alderman Barberio
That the Common Council hereby authorizes the Dept. Of Public Works to install
"Home of the New York State Class A Girl High School Volleyball Champions –
1997, 1998, 1999" signs at all entrances to the city and to install said signs in a more
secure manner.
CARRIED.

LATE COMMUNICATIONS

#1

Attorney - Re: Memorandum of Understanding with Metzger Removal Inc.

MOVED by Alderman Reidenouer **SECONDED** by Alderman Schwandt
That the Common Council hereby approves the Memorandum of Understanding between the City of North Tonawanda and Metzger Removal Inc. regarding the sale of properties at 783 and 815 River Road.

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

Nays: None (0)

CARRIED.

#2

Mayor

December 6, 1999

Dear Honorable Body

I, Ronald R Dawson, Mayor of the City of North Tonawanda, hereby veto the following resolution, voted on Tuesday, November 23, 1999:

Moved by Alderman Barberio Seconded by Alderman Kiedrowski
That the Common Council hereby authorizes Mayor Dawson to execute the North Tonawanda Police Benevolent Association Contract for a two year term effective January 1, 1999 and expiring December 31, 2000.

Ayes: Barberio, Kiedrowski, Reidenouer (3)

Nays: Schwandt (1)

CARRIED.

My reasons are as follows:

- 1) To this day I have not been given any documentation whatsoever outlining the particulars of the agreement.
- 2) The public was not given an opportunity for their voices to be heard nor even witness the resolution.
- 3) If the particular elements of the contract were known to the common council prior to the vote then why was their a negotiating session held three days after the council voted to ratify the collective bargaining agreement?
- 4) It is my understanding that significant raises are included in the contract. This raise, in large part, is due to the union allowing language in the agreement granting the city the right to hire civilian dispatchers. Why would our City Attorney negotiate this item when his legal opinion is already on record stating that the city did not have to negotiate with the police or fireman's union to implement civilian dispatch?

In closing, I would just like to say that I am neither for nor against the agreement but circumstances leave me no choice but to exercise my veto power. I ask that all particulars be brought forth into the public domain for proper scrutiny. We owe it to the public that we represent to be up front and honest in all of our dealings and we owe it to ourselves to make informed decisions.

Respectfully,
Ronald R Dawson,
Mayor, City of North Tonawanda

MOVED by Alderman Wudyka

That the Common Council hereby will not override the Mayor's veto of the Police Benevolent Association Contract.

MOTION FAILED FOR LACK OF A SECOND.

MOVED by Alderman Kiedrowski

SECONDED by Alderman Barberio

That the Common Council hereby overrides the Mayor's veto of the North Tonawanda Police Benevolent Association Contract for a two year term effective January 1, 1999 and expiring December 31, 2000.

Ayes: Schwandt, Barberio, Kiedrowski, Reidenouer (4)

Nays: Wudyka (1)

CARRIED.

#3

Mayor

December 7, 1999

Dear Honorable Body:

I, Ronald R. Dawson, Mayor of the City of North Tonawanda, hereby veto the following resolution, voted on Tuesday, November 23,1999:

Moved by Alderman Reidenouer Seconded by Alderman Kiedrowski

That the Common Council hereby abandons the dead end of Hewitt Drive and deeds said property to the adjoining property owners, subject to the approval of the City Attorney.

Ayes: Schwandt, Kiedrowski, Reidenouer (3)

Nays: None (0)

Abstained: Barberio (1)

CARRIED.

My reasons are as follows:

- 1) **The aforementioned property has a cash value to the city.**
- 2) **The public was not given an opportunity for their voices to be heard nor even witness the resolution.**
- 3) **Alderman Barberio, though abstaining from the vote, was the principal advocate of this action. Mr. Barberio is a relative of one of the abutting property owners. This action creates an appearance of impropriety. Therefore, I believe that an issue such as this should only be considered if done under the watchful eye of the public. An appropriate venue would be a common council meeting, but only if this were properly put on the council agenda for careful) review.**
- 4) **The council also failed to follow a past practice, whereby the North Tonawanda Planning Board reviews and recommends to the common council any actions regarding municipal lands.**

**Ronald R. Dawson,
Mayor, City of North Tonawanda**

