

**THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Wednesday, March 17, 2004
7:02 P.M.**

REGULAR SESSION CALLED TO ORDER BY PRESIDENT SOMMER

PLEDGE OF ALLEGIANCE

ROLL CALL

**Present: President Sommer
 Aldermen Rizzo, Schwandt, Hempel**

Absent: Alderman Soos

**Also Present: Mayor David J. Burgio
 City Attorney Henry F. Wojtaszek**

STUDENT GOVERNMENT DAY

Common Council President Brett Sommer introduced the students from the North Tonawanda Senior High School who were elected and appointed to various positions within City Government for Student Government Day, March 17, 2004.

Daniel Keller	Mayor
Melissa Fisher	3rd Ward Alderman, Council President
Cate Dentinger	Alderman At Large
Katie McGowan	Alderman At Large
Christopher Slomba	1st Ward Alderman
Theresa Brick	2nd Ward Alderman
Katie Alexander	City Attorney
Sarah Schwegler	City Judge
Mary Dennehy	City Accountant
Jonathan Lewczyk	City Assessor
Jessica Carnduff	Assistant City Attorney
Jillian Karcar	Assistant City Attorney
Hollie Colwell	Building Inspector/Code Enforcement
Kristian Evingham	City Clerk
Stephen Klimek	City Engineer
Chris Rochevot	Director of Community Development

Should your Honorable Body concur, please pass a resolution authorizing me to renew the holdover leases and to have the City self-insure the roadway as needed to satisfy Mr. Belstadt.

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

Very truly yours
Henry F. Wojtaszek
City Attorney

MOVED by Alderman Schwandt **SECONDED** by Alderman Hempel
That the Common Council hereby authorizes the City Attorney to renew the holdover leases with the Weatherbest Tenants at a rate of \$900.00 for a 6-month term from May 1, 2004 through November 1, 2004 and further authorizes the City Attorney to self-insure the roadway leading into the slip for \$3 million over and above the City's insurance limits, in order for Mr. Belstadt to open the roadway for the season.

Ayes: Rizzo, Schwandt, Hempel, Sommer (4)
Nays: None (0)
CARRIED.

IV.1 Engineer

March 12, 2004

Honorable David J. Burgio, Mayor
And Common Council Members
City Hall
North Tonawanda, New York 14120

Re: Miller Street Reconstruction Project
Project 2003-05
Award of Survey of Mapping

Dear Honorable Body:

On March 9, 2004 the Engineering Department received three (3) proposals to perform the topographic survey and mapping, that will be utilized by the department for the design and construction of the Miller Street Reconstruction. The results of are as follows:

- Greenman-Pederson, Inc. \$5,880
- TVGA Consultants \$5,900
- Clough, Harbour & Associates \$7,400

Accordingly, I respectfully request that the Common Council authorize Mayor Burgio to sign the attached agreement with Greenman-Pederson, Inc, 4950 Genesee Street, Buffalo, NY 14225. in the amount of \$5,880 to perform the survey and mapping of the Miller Street area, subject to review by the City Attorney.

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

MOVED by Alderman Hempel **SECONDED** by Alderman Schwandt
That the Common Council hereby authorizes Mayor Burgio to sign the agreement with Greenman-Pederson, Inc, 4950 Genesee Street, Buffalo, NY 14225, in the amount of \$5,880, to perform the survey and mapping of the Miller Street area, subject to review by the City Attorney.

Ayes: Rizzo, Schwandt, Hempel, Sommer (4)
Nays: None (0)
CARRIED.

IV.2 Engineer

March 12, 2004

Honorable David J. Burgio, Mayor
 And Common Council Members
 City Hall
 North Tonawanda, New York 14120

Re: Project 2003-03, Warner Avenue Area 16" Water Main Improvements
 Award of Bid

Honorable Body:

On February 24, 2004, seven (7) bids were received for the above referenced project. The bids were reviewed and tabulated as follows:

<u>Contractors</u>	<u>Base Bid (Section A Only)</u>
Milherst Construction, Inc.	\$810,405.82
Visone Construction, Inc.	\$844,300.00
Accadia Site Contracting, Inc.	\$926,650.00
Sikar Construction, Inc.	\$232,905.00
Triple R Development of WNY, Inc.	\$969,195.40
Fairway Contracting	\$1,042,489.03
E&R General Construction, Inc.	\$1,025,241.30

The low bidder, Milherst Construction, Inc., has performed work for the city on past projects and we know him to be a responsible and qualified contractor. The bidding documents appear to be in order

I therefore recommend that the contract for Project 2003-3, Warner Avenue Area 16" Water Main Improvements be awarded to Milherst Construction, Inc. 2601 Millersport Highway, Getzville, NY 14068, for their low bid (Bid Section A Only) in the amount of \$810,405.82; and that the Mayor be authorized to sign said contract, subject to review by the City Attorney.

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

MOVED by Alderman Rizzo

SECONDED by Alderman Hempel

That the Common Council hereby awards the contract for Project 2003-3, Warner Avenue Area 16" Water Main Improvements to Milherst Construction, Inc. 2601 Millersport Highway, Getzville, NY 14068, for their low bid (Bid Section A Only) in the amount of \$810,405.82; and that the Mayor is authorized to sign said contract, subject to review by the City Attorney.

Ayes: Rizzo, Schwandt, Hempel, Sommer

(4)

Nays: None

(0)

CARRIED.

IV.3 Engineer

March 12, 2004

Honorable David J. Burgio, Mayor
 and Common Council Members
 City Hall
 North Tonawanda, New York 14120

**Re: River Road Flood Relief Project
Project No. 2003-04
New 48" Outfall**

Dear Honorable Body:

The Engineering Department in conjunction with the Department of Public Works, has requested a proposal from C&S Engineers to assist the City in the design on the River Road 48" Storm Outfall Project. C&S Engineers has worked with the City in the past as a sub-consultant on the Gateway Point Economic Analysis and Feasibility Study (2002).

C&S has prepared a proposal, which will provide the City:

- Boundary and Topographic Survey Mapping
- Easement Map and Descriptions
- Soil Borings
- Technical Specifications
- Sampling, Environmental Testing and Evaluation
- Permitting

The project is funded through a grant from the Federal Emergency Management Administration (FEMA) in cooperation with the New York State Emergency Management Office (SEMO).

Accordingly, I respectfully request that the Common Council authorize Mayor Burgio to sign the attached agreement with C&S Engineers, 90 Broadway, Buffalo, NY 14203, in the lump sum amount of \$16,000 to perform the above referenced services for the River Road 48" Storm Outfall Flood Relief Project, subject to review by the City Attorney.

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

MOVED by Alderman Hempel

SECONDED by Alderman Rizzo

That the Common Council hereby authorizes Mayor Burgio to sign the agreement with C&S Engineers, 90 Broadway, Buffalo, NY 14203, in the lump sum amount of \$16,000 to perform the services for the River Road 48" Storm Outfall Flood Relief Project, subject to review by the City Attorney.

Ayes: Rizzo, Schwandt, Hempel, Sommer

(4)

Nays: None

(0)

CARRIED.

VII. Accountant

March 11, 2004

**Honorable David J. Burgio, 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 March 17, 2004, and further authorize the Mayor and City Clerk to respectively sign and countersign said Warrant.

Very truly yours,
David R. Jakubaszek
City Accountant

MOVED by Alderman Schwandt **SECONDED** by Alderman Rizzo
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated March 17, 2004 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$195,702.70
02	Water Fund	25,120.27
04	Sewer Fund	49,777.83
06	Capital Projects Fund	63,513.43
07	Trust & Agency Fund	82.79
08	Community Development	22,601.50
09	Capital Gratwick Park Remediation	4,860.97
11	General Fund (Encumbered)	10,199.94
14	Sewer Fund (Encumbered)	850.94
17	Home Rehab Program	18,765.00
18	Home Rehab Loan Fund	<u>872.50</u>

FINAL TOTAL **\$392,347.87**

Ayes: Rizzo, Schwandt, Hempel, Sommer (4)
Nays: None (0)
CARRIED.

X. Police

March 12, 2004

Honorable Mayor and Common Council
City Hall
North Tonawanda, NY 14120

The North Tonawanda Police Department is in need of a 'Vehicle Impound Garage' because the building we had previously rented at 159 Witmer Rd. has been sold. Certain cases require us to secure vehicles in an indoor, locked facility for extended periods of time.

We have researched several sites and have found that Dayfert's Collision and Painting, located at 5596 Murphy Rd., Lockport is available at the same rate we have paid previously, \$100.00/month. This facility meets our needs to provide a secure facility for vehicles held as evidence.

Please authorize us to enter into a contract with Dayfert's Collision to provide this impound facility.

Respectfully,
Randy D. Szukala
Chief of Police

MOVED by Alderman Rizzo **SECONDED** by Alderman Schwandt
That the Common Council hereby authorizes the North Tonawanda Police Department to enter into a contract with Dayfert's Collision to provide a Vehicle impound Garage at 5596 Murphy Rd., Lockport at a rate of \$100.00/month.

Ayes: Rizzo, Schwandt, Hempel, Sommer (4)
Nays: None (0)
CARRIED.

NYS local governments, and

Whereas, the LGRMIF and the programs it supports continue to operate at a high standard of excellence and provide direct and significant benefit to local governments at no cost to the taxpayers, and

Whereas, the City of North Tonawanda has benefited from technical assistance, training, publication and grants supported by the LGRMIF, and

Whereas, the LGRMIF continues to be critically important in the fulfillment of the many records and information related responsibilities of the City of North Tonawanda, therefore

Be It Resolved, that the City of North Tonawanda supports the Elimination of the Sunset Provision of Local Government Records Management Improvement Fund (LGRMIF).

Very truly yours,
Thomas M. Jaccarino
City Clerk

MOVED by Alderman Rizzo

SECONDED by Alderman Hempel

That the Common Council supports the Elimination of the Sunset Provision of Local Government Records Management Improvement Fund (LGRMIF):

Whereas, the Local Government Records Management Improvement Fund was created in 1989 to provide technical assistance and grants to establish, improve or enhance records management programs in New York's more than 4300 local governments, and

Whereas, a sunset date for the LGRMIF was established in the original legislation to permit its operation as a five-year experiment, and

Whereas, the New York State Legislature in 1995 has twice extended the sunset date, most recently to December 31, 2005, and

Whereas, the LGRMIF has effectively supported essential advisory services and 6,300 grants totaling over \$113 million to improve the management of records for over half of all NYS local governments, and

Whereas, the LGRMIF and the programs it supports continue to operate at a high standard of excellence and provide direct and significant benefit to local governments at no cost to the taxpayers, and

Whereas, the City of North Tonawanda has benefited from technical assistance, training, publication and grants supported by the LGRMIF, and

Whereas, the LGRMIF continues to be critically important in the fulfillment of the many records and information related responsibilities of the City of North Tonawanda, therefore

Be It Resolved, that the City of North Tonawanda supports the Elimination of the Sunset Provision of Local Government Records Management Improvement Fund (LGRMIF).

Ayes: Rizzo, Schwandt, Hempel, Sommer

(4)

Nays: None

(0)

CARRIED.

XXIV. Registrar

March 8, 2004

**Honorable Mayor Burgio and Common Council
216 Payne Avenue
North Tonawanda, NY 14120**

Dear Honorable Mayor and Common Council:

B.
Dom Polski

March 1, 2004

**North Tonawanda City Council
City Hall
216 Payne Avenue
No. Tonawanda, New York 14120**

Dear Sirs:

Dom Polski Club will be celebrating our annual Dyngus Day party at 576 Oliver St., North Tonawanda on April 12, 2004.

We would like permission for the North Tonawanda signal department to hang our Dyngus Day banner across Oliver Street in front of our Building on Monday, March 22nd and remove it on Tuesday, April 13th.

Please have the signal department contact Joe Bukoskey to make the arrangements pertaining to the hanging and removal of the banner. He can be reached at 693-6529.

Thank you for your consideration.

**Roberta Pfeil
President Dom Polski Club**

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

C.
Columbia Hook & Ladder - Re: Exemption Certificate:

Theodore F. Barra – 25 Years

**MOVED by Alderman Rizzo SECONDED by Alderman Schwandt
To issue a 25-year Exemption Certificate to Theodore F. Barra.
CARRIED.**

ADJOURNMENT

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

Time of Adjournment: 7:30 P.M.

Respectfully submitted,

**Thomas M. Jaccarino
City Clerk**