

**THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Wednesday, May 19, 2004
6:00 P.M.**

REGULAR SESSION CALLED TO ORDER BY PRESIDENT SOMMER

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Absent: None

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

APPROVAL OF THE MINUTES OF THE REGULAR SESSION HELD MAY 5, 2004

**MOVED by Alderman Schwandt SECONDED by Alderman Rizzo
That the minutes of the regular session held May 5, 2004 be approved as circulated and
filed in the Office of the City Clerk.
CARRIED.**

AUDIENCE PARTICIPATION

**Gordon Fritz, 1727 Eddy Drive – Does not want City to bond money to pay for Indoor
Firing Range for Police Station.**

Sonia Dusza, 123 Miller Street – Questioned various agenda items.

PROOF OF PUBLICATION PUBLISHED MARCH 5 & 8, 2004

1) Bid – Roblin Steel Site Remediation Phase II – Engineer

PROOF OF PUBLICATION PUBLISHED MARCH 12, 2004 THROUGH MARCH 18, 2004

1) Advertisement – Tree Trimmer – DPW

PROOF OF PUBLICATION PUBLISHED MARCH 16 & 20, 2004

- 1) Bid – Dry Cationic Organic Polymer – WWTP**
- 2) Bid – Anionic Polymer – WWTP**
- 3) Legal Notice – Amendment to Chapter 25 City Code – Building Permits – City Clerk**
- 4) Legal Notice – Amendment to Chapter 98 City Code – Water – City Clerk**

PROOF OF PUBLICATION PUBLISHED MARCH 23, 2004

- 1) Bid – Bituminous Materials – DPW**
- 2) Bid – Vibratory Roller Rental – DPW**
- 3) Bid – Coning (Regular Dry) Traffic Paint – DPW**
- 4) Bid – Road Building Materials – DPW**

II.2 Attorney

May 4, 2004

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

Re: 889 Erie Avenue
North Tonawanda, New York

Dear Honorable Body:

As discussed at a recent Common Council workshop, the above-referenced parcel owes the city \$106,307.99 plus interest in delinquent city and school taxes. The owner of the premises has filed bankruptcy, which precludes the city from taking action against him.

The tenant of the building would like to purchase the building and keep his business within the city. To be able to do this, however, he would not be in a position to pay the outstanding real property taxes. The prospective purchasers have proposed that the city forgive all interest and permit them to repay the delinquent property taxes over a five year period.

The tenant would like to keep his business within the city of North Tonawanda, but if he were unable to purchase the premises, he would have to relocate. New York Real Property Tax Law section 1182 permits a governing body to authorize the cancellation of any interest or penalties if it determines that to do so would be in the best interest of the tax district.

In this case, the city would retain a business and its employees by forgiving the interest. The prospective purchasers have agreed that they would pursue any assistance from the Niagara County Industrial Development Agency as part of the attached agreement. If they should be delinquent on any payment or seek IDA assistance, the entire amount, including interest, would become due and payable. Furthermore, the agreement requires that all future taxes be paid when due. I have attached a copy of the proposed agreement.

If you concur, please pass the following resolution:

“The Common Council hereby has determined that it is in the best interest of the city to cancel the interest and penalties on the parcel known as 889 Erie Avenue, S.B.L. Number 182.11-1-8 pursuant to Real Property Tax Law section 1182 and authorizes the mayor to sign the agreement with Kenneth J. Bianchi and Edward McDermid III for the repayment of delinquent taxes over a five-year period.”

Very truly yours,
Robert Sondel
Assistant City Attorney

MOVED by Alderman Schwandt

SECONDED by Alderman Soos

The Common Council hereby has determined that it is in the best interest of the City to cancel the interest and penalties on the parcel known as 889 Erie Avenue, S.B.L. Number 182.11-1-8 pursuant to Real Property Tax Law section 1182 and authorizes the Mayor to sign the agreement with Kenneth J. Bianchi and Edward McDermid III for the repayment of delinquent taxes over a five-year period.

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer

(5)

Nays: None

(0)

CARRIED.

IV.1 Engineer

April 29, 2004

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

Re: Frederick B. Durkee Memorial Bridge
Engineering and Investigative Services
Project No. 2003-07

Dear Honorable Body:

The Engineering Department in conjunction with the Department of Public Works, received five (5) proposals on April 1, 2004 to perform engineering and investigative services on the Frederick B. Durkee Memorial Bridge.

Interviews of consultants were conducted on April 23 & 28. Abate Associate Engineers and Surveyors were selected by D.P.W. Superintendent Franklin and myself as being well qualified and most responsive to our request for proposal. Abate is a well-respected bridge engineering firm in Western New York.

Abate will provide the City following services:

- Records Research
- Topographic Survey
- Environmental Investigation
- Concrete Deck Analysis
- Bridge Load Rating
- Fatigue Analysis
- Seismic Analysis
- Attend and Conduct Meetings

Accordingly, I respectfully request that the Common Council authorize Mayor Burgio to sign an agreement with Abate Associates, 4455 Genesee Street, Buffalo, NY 14225-0218, in the fee of \$46,477, to perform the above reverenced services for *Engineering Investigation Services Related to the Evaluation of the Frederick B. Memorial Bridge*, subject to review by the City Attorney.

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

MOVED by Alderman Sommer

SECONDED by Alderman Schwandt

That the Common Council hereby awards the bid for *Engineering Investigation Services Related to the Evaluation of the Frederick B. Memorial Bridge* to Clough Harbour & Associates, 295 Main Street, Buffalo, NY at their bid of \$36, 900.00 subject to review by the City Attorney.

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer

(5)

Nays: None

(0)

CARRIED.

IV.2 Engineer

May 13, 2004

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

Re: Roblin Steel Site Remediation Phase II, Project No. 98-5
 1996 Clean Water/Clean Air Bond Act
 State Assistance Contract

Honorable Body:

The New York State Department of Environmental Conservation has approved the City's Application for State Assistance, dated January 23, 2004. The State Assistance Contract (SAC) will reimburse the City up to seventy-five (75%) percent for past costs incurred for last years demolition phase under Contract No. 1, as well as for the final remedial phase work scheduled to be completed this year under Contract No. 2. The SAC will ultimately be amended to reimburse the City up to ninety (90%) to reflect the recent changes in the State's Brownfield Legislation once the State Budget is passed.

Therefore, I respectfully request that the Common Council authorize the Mayor to sign the State Assistance Contract in the Grant amount of \$2,165,962, subject to review by the City Attorney.

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

MOVED by Alderman Rizzo

SECONDED by Alderman Schwandt

That the Common Council hereby authorizes the Mayor to sign the State Assistance Contract in the Grant amount of \$2,165,962 for the Roblin Steel Site Remediation Phase II, Project No. 98-5, 1996 Clean Water/Clean Air Bond Act, subject to review by the City Attorney.

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer

(5)

Nays: None

(0)

CARRIED.

IV.3 Engineer

May 13, 2004

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

Re: Roblin Steel Site Remediation Phase II
 Contract No.2
 Project No. 98-5
 Award of Bid

Honorable Body:

On Tuesday, March 23, bids for above referenced Contract No.2 were received and opened by the North Tonawanda City Clerk. The six (6) bids received were reviewed and tabulated as follows:

07	Trust & Agency Fund	80.67
08	Community Development	17,023.03
09	Capital Gratwick Park Remediation	6,021.54
17	Home Rehab Program	12,453.00
19	Economic Development Loan Fund	10,475.00
	FINAL TOTAL	<u>\$430,909.33</u>

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer (5)
 Nays: None (0)
CARRIED.

VII.2 Accountant

May 13, 2004

Honorable David J. Burgio, 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 fiscal year 2004 appropriations, based on the requests of Department Heads:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>From Appropriation Account</u>	<u>Into Appropriation Account</u>
3 Held	4,900	1-1990.400 Contingent Account	1-1620.100 Building Maint. Personnel
4	2,000	2-8340.270 Water Meters	2-8340.450 R&M Buildings & Grounds
5	600	1-1990.400 Contingent Account	1-6520.402 Market Janitor & Maintenance

Very truly yours,
 David R. Jakubaszek
 City Accountant

MOVED by Alderman Hempel **SECONDED** by Alderman Schwandt
 That the Common Council authorizes the City Accountant to make the following transfer of appropriations based on the request of Department Heads:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>From Appropriation Account</u>	<u>Into Appropriation Account</u>
3 Held	4,900	1-1990.400 Contingent Account	1-1620.100 Building Maint. Personnel
4	2,000	2-8340.270 Water Meters	2-8340.450 R&M Buildings & Grounds
5	600	1-1990.400 Contingent Account	1-6520.402 Market Janitor & Maintenance

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer (5)
 Nays: None (0)
CARRIED.

IX. Public Works

May 11, 2004

**Honorable Mayor David Burgio
City Hall
216 Payne Avenue
North Tonawanda, New York 14120**

Re: Seasonal Job Recommendation List

Dear Mayor Burgio:

Attached please find the job recommendation list for four (4) candidates for the position of Seasonal Laborer for the Department of Public Works.

I request that you approve the job recommendation list for seasonal employees as submitted.

**Very truly yours,
Gary J. Franklin
Superintendent**

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

X.1 Police

May 3, 2004

**Honorable David J. Burgio, Mayor
and Common Council
North Tonawanda, NY 14120**

Dear Honorable Body:

Would you please reappoint the following as Commissioner of Deeds for a two-year term:

**William R. Hall – 1392 Nash Rd./B3, North Tonawanda, NY 14120
Larry W. Kuebler – 553 E. Thompson St., North Tonawanda, NY 14120
Sally A. Paduano – 85 Donald Dr., North Tonawanda, NY 14120
Bradley M. Shiesley – 995 Oliver St., North Tonawanda, NY 14120
Robert W. Kalota – 5882 Shawnee Rd., Cambria, NY 14132**

**Randy D. Szukala
Chief of Police**

**MOVED by Alderman Schwandt SECONDED by Alderman Sommer
That the Common Council hereby appoints William R. Hall, 1392 Nash Rd./B3, North Tonawanda, NY 14120; Larry W. Kuebler, 553 E. Thompson St., North Tonawanda, NY 14120; Sally A. Paduano, 85 Donald Dr., North Tonawanda, NY 14120; Bradley M. Shiesley, 995 Oliver St., North Tonawanda, NY 14120; Robert W. Kalota, 5882 Shawnee Rd., Cambria, NY 14132 as Commissioners of Deeds for the City of North Tonawanda for a term beginning May 20, 2004 expiring May 19, 2006.
CARRIED.**

The NT Cruise Night could be set up in either of these two sites centrally located among many businesses in “downtown” North Tonawanda. One site could be along Webster Street, where businesses on the street could advertise and draw customers in, and another site could be in the parking lot on Manhattan Street, which is a large lot that is away from the direct traffic route. These are perfect areas to display and admire cars.

Many of the people attending the Cruise Night are car lovers and car restorers. This is a great venue for families and individuals to enjoy. All walks of life enjoy the beauty and power of cars. They leave an impact on our lives and create fond memories for old and young alike. The NT Cruise Night can definitely influence the area and people will walk away with an everlasting impression of North Tonawanda.

Jeff Santersero

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

B.
Stephen Sikora Post

May 14, 2004

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

Re: 8th District Convention Parade

Dear Honorable Body:

On Saturday, June 12, 2004 at 1:00 p.m., the Stephen Sikora Post 1322 will be hosting the 8th District Convention of the American Legion. On that day, delegates from the eight counties of Western New York will meet to hear reports on the year’s activities and set policy for the ensuing year.

The convention culminates with a parade at 6:00 p.m. We would like your permission to hold the parade, which would begin at the location of Lowry Middle School and proceed down Payne Avenue to Sikora Post. We would also like to invite you to participate in the parade.

Thank you for your consideration in this matter.

Very truly yours,
Robert Sondel
8th District Commander

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

The following resolution submitted by Alderman Soos was withdrawn before the meeting:

That the Common Council hereby directs the Department of Public Works to erect “No Parking Here to Corner” signs at the intersection of Oliver and Fredericka Streets on the east side of Oliver Street from the first driveway to the corner.

MOVED by Alderman Hempel SECONDED by Alderman Schwandt
That the Common Council hereby directs the Department of Public Works to install “Children at Play” signs on Robinson Street and the Twin City Highway (west of the Twin City Highway).
CARRIED.

ADJOURNMENT

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

Time of Adjournment: 6:30 P.M.

Respectfully submitted,

Thomas M. Jaccarino
City Clerk