

VII.2 Attorney

December 8, 2004

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

Re: 790 & 814 Wurlitzer Drive
DEC Wurlitzer Area B Site

Dear Honorable Body:

Recently, the Department of Environmental Conservation completed the clean-up of the Wurlitzer Area B Site located at 790 and 814 Wurlitzer Drive. The DEC is now in the process of writing and finalizing the cleanup certification report and is also working with the NYS Department of Health to remove the site from the NYS Registry of Inactive Hazardous Waste Sites. The DEC expects to have the property de-listed during the current state fiscal year. This action makes the property available for future development.

A manufacturing firm, Oxygen Generating Systems, Int. has contacted the city with an offer to purchase the parcels and construct a manufacturing facility. As a requirement for the purchase, the company requires that the city enter into an indemnification agreement in order to permit the firm to obtain financing for the project. I discussed this matter with our City Engineer, Dale W. Marshall, and we are in agreement that this would be in the best interest of the city. Because the DEC was in charge of the cleanup, there is virtually no liability on the city's behalf and the city would be adding a parcel to the tax rolls.

If you agree, please authorize the mayor to sign the indemnification agreement.

Very truly yours,
Robert Sondel
Assistant City Attorney

MOVED by Alderman Sommer Seconded by Alderman Schwandt
That the Common Council hereby authorizes the Mayor to sign an indemnification agreement for the property located at 790 and 814 Wurlitzer Drive.

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer (5)

Nays: None (0)

CARRIED.

III.1 Treasurer

December 27, 2004

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

Dear Honorable Mayor and Common Council:

Please be advised that I have received payment in full for back City, School and County taxes, per their tax agreements with the City, for the following parcel:

175.19-1-2 101 Witmer Road Kathleen Fike

Therefore, please pass the necessary resolution withdrawing these parcels from the appropriate In Rem foreclosure proceeding.

Thank you for your cooperation.

Very truly yours,
Leslie J. Stolzenfels
City Treasurer

• Furnish, deliver and install one (1) hollow steel door	\$897
• Credit for 70 steam trap installation with assemblies only	(\$2,381)
• Relocate control valve CV-2	\$1,581
• Credit for elimination of control valve CV-3	(\$1,720)
• Credit for re-use of 15 feet of existing 5 inch steam main	(\$2,007)
• Additional labor and materials due to increase to 6 inch piping	\$853
• Addition of two (2) new gas supply lines	\$5,260
• Credit for re-use of return pump concrete pad	(\$372)
• Credit for elimination of stair platform	(\$210)
• Flush sludge buildup in existing return piping system	\$1,397
• Integration of both boiler and condenser control systems	<u>no charge</u>
Total	\$3,298

I therefore respectfully request that the Common Council approve Change Order No.1, increasing the current contract amount by the sum of \$3,298; from \$127,844; to the revised contract amount of \$131,142 with DV Brown Associates, Inc., Mechanical Contractors, and that the Mayor be authorized to sign said change order subject to review by the City Attorney.

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

MOVED by Alderman Rizzo

Seconded by Alderman Sommer

That the Common Council hereby approves Change Order No.1, increasing the current contract amount by the sum of \$3,298; from \$127,844; to the revised contract amount of \$131,142 with DV Brown Associates, Inc., Mechanical Contractors, and further authorizes the Mayor to sign said change order subject to review by the City Attorney.

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer

(5)

Nays: None

(0)

CARRIED.

VII.1 Accountant

December 29, 2004

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

Dear Honorable Body:

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 3, 2005, 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 Hempel

That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated January 3, 2005 and further authorizes the Mayor and

City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$385,463.10
02	Water Fund	19,121.49
04	Sewer Fund	66,007.78
06	Capital Projects Fund	456,071.80
07	Trust & Agency Fund	8,666.85
10	Economic Development Loan	<u>38,940.00</u>
	Final Total	<u>\$974,271.02</u>

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer (5)

Nays: None (0)

CARRIED.

VII.2 Accountant

December 29, 2004

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

Dear Honorable Body:

In accordance with Section 104-b of General Municipal Law, the Common Council adopted a Municipal Purchasing Policy in 1994. Section 104-b, Subdivision 4 states that the governing board shall annually review its procurement policies and procedures.

I sent Department Heads a copy of the current purchasing policy on October 15th and requested that they review and update this document. No modifications were requested. Modifications in the policy can be made at any time during the year, by resolution.

Accordingly, I recommend that the Common Council pass a resolution stating that the existing Purchasing Policy has been reviewed and is in effect for fiscal year 2005.

Very truly yours,
David R. Jakubaszek
City Accountant

MOVED by Alderman Schwandt Seconded by Alderman Sommer
That the existing Purchasing Policy for the City of North Tonawanda has been reviewed by the City Accountant and said Purchasing Policy is in effect for fiscal year 2005 in accordance with Section 104-b of General Municipal Code.

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer (5)

Nays: None (0)

CARRIED.

VII.3 Accountant

December 17, 2006

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

Dear Honorable Body:

A workshop meeting was held with the Common Council and Mayor on December 15, 2004, to discuss the modification of the 2005 Budget, which was adopted on September 15, 2004.

In accordance with Section 2.2 of the Budgetary Transfer Policy, please authorize the City Accountant to make the following modifications to the 2005 Budgets:

1.	(750,000)	A 911	Appropriated Fund Balance		
2.	25,000	A 980	Revenues	2554	Contractor License
3.	25,000	A 980	Revenues	2555	Building Permits
4.	15,000	A 980	Revenues	2001	Park / Recreation Charges
5.	124,000	A 980	Revenues	4341	Federal Aid–Disaster FEMA
6.	40,000	A 980	Revenues	5031	Transfer From Water
7.	(25,000)	A 960	Appropriations	1-1355.100	Assessor, Personnel
8.	(31,000)	A 960	Appropriations	1-1420.100	Attorney, Personnel
9.	(25,000)	A 960	Appropriations	1-3120.100	Police Overtime
10.	(25,000)	A 960	Appropriations	1-3410.100	Fire Overtime
11.	(60,000)	A 960	Appropriations	1-5110.100	Maintenance of Streets, Personnel
12.	(55,000)	A 960	Appropriations	1-1930.480	Judgment & Claims
13.	(200,000)	A 960	Appropriations	1-9010.801	Employee Retirement
14.	(100,000)	A 960	Appropriations	1-9015.802	Police & Fire Retirement
15.	(40,000)	F 960	Appropriations	2-8330.100	Water Supply, Personnel
16.	40,000	F 960	Appropriations	2-9901.902	Transfer to General Fund

Very truly yours,
David R. Jakubaszek
City Accountant

MOVED by Alderman Hempel

SECONDED by Alderman Schwandt

That the Common Council, in accordance with Section 2.2 of the Budgetary Transfer Policy, hereby authorizes the City Accountant to make the following modifications to the 2005 Budgets:

1.	(750,000)	A 911	Appropriated Fund Balance		
2.	25,000	A 980	Revenues	2554	Contractor License
3.	25,000	A 980	Revenues	2555	Building Permits
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9.	(25,000)	A 960	Appropriations	1-3120.100	Police Overtime
10.	(25,000)	A 960	Appropriations	1-3410.100	Fire Overtime
11.	(60,000)	A 960	Appropriations	1-5110.100	Maintenance of Streets, Personnel
12.	(55,000)	A 960	Appropriations	1-1930.480	Judgment & Claims
13.	(200,000)	A 960	Appropriations	1-9010.801	Employee Retirement
14.	(100,000)	A 960	Appropriations	1-9015.802	Police & Fire Retirement
15.	(40,000)	F 960	Appropriations	2-8330.100	Water Supply, Personnel
16.	40,000	F 960	Appropriations	2-9901.902	Transfer to General Fund

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer (5)

Nays: None (0)

CARRIED.

