

**THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Wednesday, April 20, 2005
6:05 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 Shawn P. Nickerson**

APPROVAL OF THE MINUTES OF THE REGULAR SESSION APRIL 6, 2005

**MOVED by Alderman Rizzo SECONDED by Alderman Soos
That the minutes of the regular session held April 6, 2005 be approved as circulated and filed
in the Office of the City Clerk.
CARRIED.**

PROOF OF PUBLICATION PUBLISHED JANUARY 26, 2005

- 1) Legal Notice – Niagara County Tax – Treasurer

PROOF OF PUBLICATION PUBLISHED MARCH 3, 4, 8, & 28, 2005

- 1) Bid – Coning (Regular Dry) Traffic Paint – Department of Public Works
- 2) Bid – Fire Department Command Vehicle – Fire Department
- 3) Bid – Bituminous Materials – Department of Public Works
- 4) Bid – Road Building Materials – Department of Public Works
- 5) Bid – Vibratory Roller Rental – Department of Public Works
- 6) Bid – Concrete Sidewalk and Curbing Repairs – Department of Public Works

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

AUDIENCE PARTICIPATION

**Tom Haug, Niagara River Yacht Club – Read statement regarding Yacht Club’s proposal
to purchase property from the City.**

Additional revenue, to cover this adjustment, was reflected as a transfer from the Economic Development Loan Fund 1-2803, into the General Fund.

Accordingly, please establish the annual salary for the position of Community Development Director at \$60,741.00, effective January 1, 2005.

Very truly yours,
David J Burgio
Mayor

MOVED by Alderman Sommer **SECONDED** by Alderman Soos
That the Common Council hereby establishes the annual salary for the position of
Community Development Director at \$60,741.00, effective January 1, 2005.

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

Nays: None (0)

CARRIED.

II.1 Attorney

April 1, 2005

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

RE: Relicensing of Niagara Power Project

Dear Honorable Body:

If your Honorable Body concurs, please pass the following resolution regarding the Relicensing of the Niagara Power Project in Niagara County:

WHEREAS, the Niagara Power Project is in the process of relicensing, and

WHEREAS, a significant portion of the Project's civil structures and project lands are located within Niagara County, within which the City of North Tonawanda is located; and

WHEREAS, among other environmental impacts associated with the Project and its relicensing, the Project's current and future operation has had and will have significant impact upon North Tonawanda's socio-economic development as well as that of Niagara County and the local communities;

WHEREAS, since other municipalities within Niagara County are similarly situated in this respect, it is in the best interests of the City of North Tonawanda to join with the City of Lockport and the Town of Lockport in bringing an action to protect our interests in the relicensing process;

NOW THEREFORE BE IT RESOLVED, that the City Attorney file a motion to intervene in order to protect the City of North Tonawanda's unique interests as a community within the host county through relicensing of the Project of the Commission and any subsequent court review thereof.

Sincerely,
Shawn P. Nickerson
City Attorney

II.3 Attorney

April 14, 2005

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

Re: Craigie v. City of North Tonawanda

Dear Honorable Body:

Attached please find a proposed agreement to resolve the above matter. As I indicated at the last workshop, the petitioners are willing to pay \$18,000.00 per lot (\$36,000.00 total) to settle this case. Said lots would be improved as set forth in the attached agreement.

Please place this matter on the next agenda for a vote. Thank you for your consideration. If you have any questions please feel free to contact me.

Yours truly,
Shawn P. Nickerson
North Tonawanda City Attorney

MOVED by Alderman Schwandt SECONDED by Alderman Soos
That the Common Council hereby approves the sale of two lots, which are part of SBL#182.20-2-4.12 (as indicated on map filed in Engineers Office) to Keith and Dianna Craigie, 347 Brentwood Drive, North Tonawanda for the sum of \$18,000.00 per lot.
Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer (5)
Nays: None (0)
CARRIED.

VII.1 Accountant

April 14, 2005

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 April 20, 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 Rizzo
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated April 20, 2005 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$598,951.98
02	Water Fund	47,642.10
04	Sewer Fund	95,600.06
06	Capital Projects Fund	3,508.02

07	Trust & Agency Fund	7,256.50
08	Community Development	14,131.36
11	General Fund (Enc)	1,595.12
14	Sewer Fund (Enc)	358.78
	Final Total	<u>\$769,043.92</u>

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

VII.2 Accountant

April 14, 2005

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 2005 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	50,000.00	F 911 Appropriated Fund Balance	F 980 Estimated Revenues 2-2140 Water Sales
4	50,000.00	G 911 Appropriated Fund Balance	G 980 Estimated Revenues 4-2120 Sewer Rents
5	500.00	1-1990.400 Contingent	1-6520.440 Market Building & Grounds

Very truly yours,
 David R. Jakubaszek
 City Accountant

MOVED by Alderman Soos **SECONDED** by Alderman Hempel
 That the Common Council hereby authorizes the City Accountant to make the following transfers of fiscal year 2005 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	50,000.00	F 911 Appropriated Fund Balance	F 980 Estimated Revenues 2-2140 Water Sales
4	50,000.00	G 911 Appropriated Fund Balance	G 980 Estimated Revenues 4-2120 Sewer Rents
5	500.00	1-1990.400 Contingent	1-6520.440 Market Building & Grounds

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

plumber or general contractors shall pay a connection and inspection fee as hereinafter set forth for the connection to the sanitary sewer system.

[Amended 5-17-1988; 5-3-1994]

- B. The connection and inspection fee shall be required for construction of all buildings, public and private, commencing after the effective date of this ordinance and shall not affect existing buildings. Remodeling will be considered as new work under this ordinance.**

[Amended 5-17-1988]

- C. The following connection and inspection fee shall become effective on the effective date of this ordinance:**

(1) For each single-family home, first unit of a duplex, first unit of multiple housing or first unit of motels or hotels for which a building permit has been issued, the connection and inspection fee shall be one hundred and fifty dollars (\$150), except in the case of remodeling, where the fee charged will be fifteen dollars (\$15) per fixture, plus a plan filing fee of thirty dollars (\$30). [Amended 6-21-1988; 5-3-1994]

(2) For the second unit of a duplex and for the second and all subsequent units of multiple dwellings for which a building permit has been issued, the connection and inspection fee shall be fifteen dollars (\$15) per fixture. [Amended 5-3-1994]

(3) For the second unit and all subsequent units of motels and/or hotels for which a building permit has been issued, the connection and inspection fee shall be fifteen dollars (\$15) per fixture. [Amended 5-3-1994]

(4) For all new structures not falling into the classification of a single-family home, a duplex, a multiple-housing unit or a motel or hotel for which a building permit has been issued, the connection and inspection fee shall be as follows (new or remodeling): one hundred and fifty (\$150) for the first five (5) fixtures and fifteen (\$15) per fixture thereafter. The following will constitute chargeable fixtures: water closets, lavatories, sinks (any kind) drinking fountains, tubs (any kind), backflow units, expansion tanks, catch basins, one hundred (100) feet of sanitary, water and storm piping, downspouts, and any and all other units connected to the sanitary sewer discharging into the same. [Amended 5-17-1988; 5-3-1994]

(5) Any person commencing construction or repairs of any plumbing or plumbing remodeling without first paying the required connection and inspection fee shall be required to pay a fee of two hundred and fifty dollars (\$250) in addition to doubling the normal fee at the time of making late application for a plumbing permit.

(a) Late filing: Upon start of any work pursuant to the issuing of a Plumbing Permit, the permit holder shall schedule proper inspections as requested by the Plumbing Inspector or as noted on the plumbing permit. Failure to schedule said inspections will result in a fee of one hundred dollars (\$100) per inspection.

(b) A fee of fifty dollars (\$50) will be charged for any required re-inspections whenever a first inspection fails.

(6) Unchanged

(7) If no provision in this ordinance is made for fees for a particular situation, such shall be charged at one (1) fixture unit at a cost of fifteen dollars (\$15) per fixture unit. Sewer and water repairs shall be based on one hundred foot (100) units of piping and a fee of thirty-five dollars (\$35) per unit plus a filing fee of thirty dollars (\$30) will be charged. Further, sewer and water laterals in subdivision construction shall be charged at one hundred foot (100) units which shall be charged at thirty-five (\$35) per unit plus a filing fee of thirty dollars (\$30)

(a) Cap off of sewer and water services; a fee of one hundred dollars (\$100) plus thirty dollar (\$30) filing fee shall be charged for capping off water and sewer services for any residential demolition.

(b) A fee of two hundred dollars (\$200) plus thirty dollar (\$30) filing fee for capping off water and sewer services for any

commercial demolition.

ARTICLE X- Enforcement [Amended 2-19-1974; 11-19-1974]

Section 69-82 Penalties for offenses.

Every plumber, agent, architect, builder, contractor, owner, tenant or other person who commences, takes part in or assists in any violation hereof, or who constructs, maintains or uses any plumbing or premises in, upon or by which any provision of these rules are violated shall, for each and every violation, be subject to a penalty of not more than two hundred and fifty dollars (\$250).

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

XXIV. Vital Statistics

February 17, 2005

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

Re: Vital Statistics Deputy

Dear Mayor Burgio and Common Council:

This letter is to inform you that I have appointed Jill Donoughe to the position of Vital Statistics Deputy. Jill currently works part time in the City Clerk's office.

If you have any questions about this, please contact me.

Sincerely,
 Suzann C. Chank
 Registrar

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

XXV. Monthly Reports

.1	Police	.3	Treasurer
.2	Building Inspector	.4	Treasurer Investments

MOVED by Alderman Rizzo **SECONDED by Alderman Soos**
That the Common Council hereby receives and files the aforementioned monthly reports.
CARRIED.

XXVI. Semi-Annual Vacation and Sick Leave Reports

.1 Wastewater Treatment Plant

MOVED by Alderman Hempel **SECONDED by Alderman Sommer**
That the Common Council hereby receives and files the aforementioned semi-annual vacation and sick leave report.
CARRIED.

#1
Police

April 15, 2005

Common Council
216 Payne Ave.
North Tonawanda, NY 14120

Honorable Body,

Sealed bids for police patrol vehicles were publicly opened in the City Clerk's office on April 14, 2005. Three bids were submitted, as follows:

West Herr Ford	\$19,987 per vehicle
Vision Ford	\$20,106 per vehicle
DeLacy Ford	\$20,532 per vehicle

After a thorough review of the bids, I would request that you award the bid to West Herr Ford, 10 Campbell Blvd, Amherst, New York. They offered the vehicles at the lowest price and are considered a reputable company throughout Western New York.

I would further request that authorization be given to purchase 4 vehicles. We would still be within the allotted amount in the 2005 budget and would be able to obtain a needed vehicle at a cost below what had originally been estimated.

Sincerely,
Randy D. Szukala
Chief of Police

MOVED by Alderman Rizzo **SECONDED** by Alderman Schwandt
That the Common Council hereby awards bid for four (4) Police Patrol Vehicles to West Herr Ford, 10 Campbell Blvd, Amherst, New York at their low bid of \$19,987 per vehicle subject to approval of the City Attorney.
Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer (5)
Nays: None (0)
CARRIED.

ADJOURNMENT

MOVED by Alderman Schwandt **SECONDED** by Alderman Soos
That this regular session of the Common Council be and hereby is adjourned.
Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer (5)
Nays: None (0)
CARRIED.

Time of Adjournment: 6:35P.M.

Respectfully submitted,

Thomas M. Jaccarino
City Clerk