

Accordingly, I respectfully request that the Common Council authorize the Mayor to sign the enclosed topographic survey agreement with Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York 14086-2143, in the amount of \$3,471.50, for the survey of the Tremont Street Reconstruction Project, all subject to review by the City Attorney.

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

MOVED by Alderman Hempel

SECONDED by Alderman Soos

That the Common Council hereby authorizes the Mayor to sign the topographic survey agreement with Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York 14086-2143, in the amount of \$3,471.50, for the survey of the Tremont Street Reconstruction Project, all subject to review by the City Attorney.

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer

(5)

Nays: None

(0)

CARRIED.

IV.2 Engineer

May 10, 2005

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

Re: Project 2005-07, Sweeney Street Reconstruction
Award of Topographic Survey Contract

Dear Honorable Body:

As you are aware, the Sweeney Street Reconstruction Project is part of the City's pavement improvements in 2005, utilizing the State's Consolidated Highway Improvement Program (CHIPs) Funds. Proposals for the survey of Sweeney Street, from Payne Avenue to Oliver Street were received by the Engineering Department for the design of the improvements.

Accordingly, I respectfully request that the Common Council authorize the Mayor to sign the enclosed topographic survey agreement with Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York 14086-2143, in the amount of \$4,723.50, for the survey of the Sweeney Street Reconstruction Project., all subject to review by the City Attorney.

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

MOVED by Alderman Soos

SECONDED by Alderman Hempel

That the Common Council hereby authorizes the Mayor to sign the topographic survey agreement with Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York 14086-2143, in the amount of \$4,723.50, for the survey of the Sweeney Street Reconstruction Project, all subject to review by the City Attorney.

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer

(5)

Nays: None

(0)

CARRIED.

IV.3 Engineer

May11, 2005

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

**Re: Project 98-05, Roblin Steel Brownfield Site Remediation, Contract 2
Change Order 2 and Final Payment Amendment Approval**

Honorable Body:

Your approval of Change Order No. 2 for the Roblin Brownfield Site Remediation Project, Contract 2 and amendment to the final payment is hereby requested.

Change Order No. 2 represents an improvement to the site along East Avenue and along 8th Avenue property lines. The New York State Department of Environmental Conservation has agreed to clear and grub these lines of trees, shrubs, vines, chain link fence and barbed wire. The City in turn has agreed to construct a new six feet high stockade fence along the 8th Avenue side in order to create an attractive buffer for the residents.

I therefore respectfully request that the Common Council approve Change Order No.2 and amend the final contract amount with Cambria Contracting, Inc. by the sum of \$38,894.80; from \$1,171,323.33; to the revised final contract amount of \$1,210,218.13, 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 Soos

That the Common Council hereby approves Change Order No.2 and amends the final contract amount with Cambria Contracting, Inc. by the sum of \$38,894.80; from \$1,171,323.33; to the revised final contract amount of \$1,210,218.13, and that the Mayor is authorized to sign said change order subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

IV.4 Engineer

May 11, 2005

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

**Re: Project 2002-06, Pump Station No. 9, Sherwood Avenue
Award of Engineering Contract**

Dear Honorable Body:

As you are aware, the Sherwood Avenue Pump Station No. 9 Project was approved in 2002 as a special assessment. The pump station as proposed is designed to provide sanitary sewer service to the Woodstream Park Subdivision off of Erie Avenue, the Rosal Estates, Phase II and Shannon Estates subdivisions located on Walck Road, as well as the elimination of the existing Sherwood Avenue Lift Station. The pump station will provide sanitary service for approximately 300 new homes.

Accordingly, please authorize for payment the current Warrant of Claims for Common Council audit, dated May 18, 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 May 18, 2005 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$409,919.98
02	Water Fund	29,868.49
04	Sewer Fund	69,322.31
06	Capital Projects Fund	18,644.99
07	Trust & Agency Fund	4,379.18
08	Community Development	441.70
09	Capital Gratwick Park Remediation	18,278.09
11	General Fund (Enc)	<u>1,920.00</u>
	Final Total	<u>\$552,774.74</u>

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

X. Police

May 11, 2005

North Tonawanda Common Council
216 Payne Avenue
North Tonawanda, NY 14120

Dear Honorable Body:

I respectfully request you accept a legislative grant awarded to the North Tonawanda Police Department in the amount of \$10,000 to be used for our Child Safety Seat Program. There are no matching funds required for this grant and all expenses associated with this program will be covered under this grant award.

Please authorize the Mayor to sign the award documents so that we can continue this campaign for child safety.

Randy D. Szukala
Chief of Police

MOVED by Alderman Rizzo SECONDED by Alderman Schwandt
That the Common Council hereby authorizes the Mayor to sign the award documents for a legislative grant awarded to the Police Department in the amount of \$10,000 to be used for a Child Safety Seat Program.

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

XIV. Recreation

5/12/2005

The Honorable Mayor, David Burgio and Common Council Members
City Hall
216 Payne Ave.
North Tonawanda, New York 14120

Dear Honorable Mayor Burgio and Common Council Members

Please review and approve the recommended changes to the Gateway Harbor Ordinance (attached).

The recommended fee changes for docking in the Harbor were developed after a thorough evaluation by our department staff, the Tonawanda’s Gateway Harbor Inc. Committee and the Waterfront Commission.

The fee structure provides charges comparable with other similar docking facilities as well as additional revenue.

Sincerely,
Jerry Whitehead
Director of Youth, Recreation & Parks

MOVED by Alderman Sommer SECONDED by Alderman Soos
That the Common Council hereby approves the following:

**2005 Ordinance Changes for
Gateway Park Docking Fees**

2005 Fee Structure:

WITH ELECTRIC & WATER (overnight)

Commercial Boats	\$ 35.00
25’ & Under Boats	\$ 15.00
26’ to 40’ Boats	\$ 20.00
41’ & Over Boats	\$ 25.00

WITHOUT ELECTRIC & WATER (overnight)

Commercial Boats	\$35.00
25’ & Under Boats	\$10.00
26’ to 40’ Boats	\$15.00
41’ & Over Boats	\$20.00

DAILY FEES (daily until 10:00 P.M. with or without electric)

25’ & Under Boats	\$ 5.00
26’ to 40’ Boats	\$10.00
41’ & Over Boats	\$15.00
Commercial Boats	\$25.00

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

XVI.1 City Clerk

May 11, 2005

Common Council
216 Payne Avenue
North Tonawanda, NY 14120

Dear Common Council:

There has been a request for two fifteen-minute parking signs in front of the new convenient store located at Oliver Street and Schenck Street. If it is your desire please instruct the Department of Public Works to install these signs.

Sincerely yours,
Thomas Jaccarino
North Tonawanda City Clerk

MOVED by Alderman Soos

SECONDED by Alderman Rizzo

That the Common Council hereby instructs the Department of Public Works to install two fifteen-minute parking signs in front of the new convenience store located at 290 Oliver Street at Schenck Street.

CARRIED.

XVI.2 City Clerk

May 13, 2005

Common Council
216 Payne Avenue
North Tonawanda, NY 14120

Dear Honorable Body:

As per our discussion at the workshop of May 11, 2005, a request has been made to close the alley between 8th Avenue and 9th Avenue. The Council and Mayor have shown a desire to close and sell the alley in question to the abutting property owner.

If you concur please pass a resolution closing the alley subject to the approval of the city attorney and the engineering department.

Sincerely yours,
Thomas M. Jaccarino
City Clerk

MOVED by Alderman Rizzo

SECONDED by Alderman Sommer

BE IT RESOLVED, that the Common Council hereby declares its intention to discontinue an alleyway that is located between 8th Avenue and 9th Avenue, and

BE IT FURTHER RESOLVED that a copy of this notice is to be published once a week for two consecutive weeks, said Notice to state that final action for said discontinuance shall take place at the regular session of the Common Council to be held June 15, 2005.

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer

(5)

Nays: None

(0)

CARRIED.

XIX. Building Inspector

To: Hon. Mayor And Council

Date: May 4, 2005

**From: Cosimo R. Capozzi
Building Inspector**

Re: Fence variance

As directed by the Council and Mayor, I had several meetings with the Commissioners of the ZBA and Planning boards, the following is the recommended change to Section 103-15 B (4) regarding fences in side yards.

Section 103-15 B (4), should read:

(4) Fences or walls. Except as otherwise provided in this ordinance, fences or wall shall be permitted in any district but only when erected in accordance with the following regulations as to height and type of fence: seven (7) feet where located in the back of the rear wall of the principal building and six (6) feet where located on the side of the principal building and having a minimum of five (5) feet side yard.

Four (4) feet where located in front of the principal building. No solid type fence or wall shall be permitted in any District. Any fence constructed in the front yard must be less than 50% solid or upon the approval of the Board of Appeals, subject to conformance with the corner visibility provisions established under this section.

This will allow 6' fences in side yards without going to the zoning board for a variance as long as there is a minimum of 5' side yard.

**Cosimo R. Capozzi
Building Inspector**

MOVED by Alderman Sommer

SECONDED by Alderman Rizzo

That the Common Council hereby amends Section 103-15 B (4) of the City Code as follows:

Section 103-15 B

(4) Fences or walls. Except as otherwise provided in this ordinance, fences or wall shall be permitted in any district but only when erected in accordance with the following regulations as to height and type of fence: seven (7) feet where located in the back of the rear wall of the principal building and six (6) feet where located on the side of the principal building and having a minimum of five (5) feet side yard.

Four (4) feet where located in front of the principal building. No solid type fence or wall shall be permitted in any District. Any fence constructed in the front yard must be less than 50% solid or upon the approval of the Board of Appeals, subject to conformance with the corner visibility provisions established under this section.

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

Nays: None (0)

CARRIED.

XXV. Monthly Reports

.1 Vital Statistics

.2 Police

MOVED by Alderman Schwandt

SECONDED by Alderman Rizzo

That the Common Council hereby receives and files the aforementioned Monthly Reports.

CARRIED.

COMMUNICATIONS FROM OTHERS

A.

May 2005

North Tonawanda Common Council
216 Payne Avenue
North Tonawanda, New York 14120

Dear Honorable Body:

I am requesting to be appointed as a Commissioner of Deeds for the City of North Tonawanda. Thank you.

Kevin J. Brick, Jr.	Michael McGinnis	Joseph D. Sikora
Louis J. DalPorto	Cory J. Newson	Richard J. Kozak
Joann Dicky	Daniel Rivera	Thomas L. Croop
Gerard A. Dumais	Dale S. Rogers	Eric E. Gampp
Michael J. Harms, Jr.	Constance Schmidt	Arthur J. Vater, III
Bonnie Higgins	Lawrence V. Soos	Aaron L. Mohr
Mark C. Houghton	Ferdinand J. Wisniewski	Maria C. DeMart
Kathleen J. Kochems	Nancy J. Wisniewski	Arthur Smith
Justin Martin	Francis J. DeMart	Nancy Harms
Joseph L. Krantz	Craig T. Smith	Daniel Cudzilo
Stephen W. Pawlik	Anthony G. Garrow	Randall Siford
John W. Mangus	David C. Schmidt	Timothy Rydzewski
Marjorie J. Heft	Ernest L. Hoefner	

MOVED by Alderman Hempel

SECONDED by Alderman Rizzo

That the Common Council hereby appoints Kevin J. Brick, Jr., 246 Niagara Street; Louis J. DalPorto, 416 Fairmont Avenue; Joann Dicky, 636 Fairmont Avenue; Gerard A. Dumais, 49 Pinewoods Drive; Michael J. Harms, Jr., 41 N. Marion Street; Bonnie Higgins, 1411 Ruie Road; Mark C. Houghton, 795 Nash Road; Kathleen J. Kochems, 752 Sweeney Street; Justin Martin, 60 Stenzil Street; Michael McGinnis, 401 Evans Street; Cory J. Newson, 195 East Felton Street; Daniel Rivera, 65 Sixth Avenue; Dale S. Rogers, 1745 Ruie Road; Constance Schmidt, 548 Locust Street; Lawrence V. Soos, 300 Oliver Street; Ferdinand J. Wisniewski, 146 Taber Place; Nancy J. Wisniewski, 146 Taber Street; Francis J. DeMart, 341 Brentwood Drive; Joseph L. Krantz, 532 Orchard Place; Craig T. Smith, 506 Bryant Street; Stephen W. Pawlik, 1100 Thomas Fox East; Anthony G. Garrow, 268 Stenzil Street; Randall Siford, 66 Frederick Street; John W. Mangus, 1207 Sherwood Avenue, David C. Schmidt, 1156 Nash Road; Timothy Rydzewski, 163 Linwood Avenue; Marjorie J. Heft, 1230 Sweeney Street; Ernest L. Hoefner, 1230 Sweeney Street; Joseph D. Sikora, 522 Homestead Drive; Richard J. Kozak, 236 Belmont Ct West; Thomas L. Croop, 361 Linwood Avenue; Eric E. Gampp, 1375 Cambridge Avenue; Arthur J. Vater, III, 4 Eggert Terrace; Aaron L. Mohr, 826 Ohio Street; Maria DeMart, 341 Brentwood Drive; Arthur Smith, 28 6th Avenue; Daniel Cudzilo, 89 Brentwood Drive and Nancy Harms, 41 N. Marion Street as Commissioners of Deeds for the City of North Tonawanda for a term beginning May 19, 2005 and expiring May 18, 2007.

CARRIED.

#1 Community Development

May 17, 2005

The Honorable Mayor and Common Council
 City Hall – 216 Payne Avenue
 North Tonawanda, NY 14120

**Re: Hiring of Consultant/2005 New York State
 Strategic Planning Technical Assistance Grant**

As you are aware, in February, 2005, the City was awarded a \$25,000.00 grant through the Governor's Office for Small Cities to be use for the development of a comprehensive downtown plan (including the Roblin site). Further, this grant was matched with \$25,000.00 from a State Legislative Initiative through Senator Maziarz's office.

The Mayor and the Common Council informally authorized the Lumber City Development Corporation to review, interview, and select a proposal from a group of qualified consultants, for the purpose of developing the plan.

At this time, the Lumber City Development Corporation is requesting that the Common Council authorize the Mayor to enter into a contract for these services (see attached RFP) with Clark Patterson Associates, 4245 Union Road, Suite 208, Cheektowaga, NY 14225 for the proposed amount of \$54,000.00. Further, the LCDC is requesting the Mayor and Common Council approve the utilization of \$4,000.00 from the City's Economic Development Loan Fund to cover the additional cost.

Sincerely,
 James B. Sullivan
 Director of Community Development

MOVED by Alderman Rizzo

SECONDED by Alderman Sommer

That the Common Council hereby authorizes the Mayor to enter into a contract for the development of a comprehensive downtown plan (including the Roblin site) with Clark Patterson Associates, 4245 Union Road, Suite 208, Cheektowaga, NY 14225 for the proposed amount of \$54,000.00. A \$25,000.00 grant was awarded through the Governor's Office for Small Cities and this grant was matched with \$25,000.00 from a State Legislative Initiative through Senator Maziarz's office and further approves the utilization of \$4,000.00 from the City's Economic Development Loan Fund to cover the additional cost subject to the approval of the City Attorney.

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer

(5)

Nays: None

(0)

CARRIED.

ADJOURNMENT

MOVED by Alderman Schwandt

SECONDED by Alderman Hempel

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: 6:29P.M.

Respectfully submitted,

Thomas M. Jaccarino
 City Clerk