

APPROVAL OF THE MINUTES OF THE SPECIAL SESSION JUNE 29, 2005

MOVED by Alderman Sommer SECONDED by Alderman Rizzo
That the minutes of the special session held June 29, 2005 be approved as circulated and filed
in the Office of the City Clerk.
CARRIED.

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

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

AUDIENCE PARTICIPATION – None

COMMUNICATIONS FROM CITY OFFICIALS

I. Mayor

June 15, 2005

**Common Council
216 Payne Ave
North Tonawanda, NY 14120**

Dear Common Council:

At a Common Council workshop on June 8, 2005, I submitted to you a list of applicants for the Historic Preservation Co. I wish to make the following appointments that will be effective immediately.

Dale Marshall 4 Year term expires July 31, 2009
1345 Abington Place,
North Tonawanda, NY 14120

Daniel Bille 4 Year term expires July 31, 2009
190 Christiana St.
North Tonawanda, NY 14120

Rae Proefrock 3 Year term expires July 31, 2008
202 Niagara St.
North Tonawanda, NY 14120

Chuck Bell 3 Year term expires July 31, 2008
31 Enola
Kenmore, NY 14120

Donna Zellner Neal 2 Year term expires July 31, 2007
195 Goundry St.
North Tonawanda, NY 14120

David Walders 2 Year term expires July 31, 2007
397 Tremont St.
North Tonawanda, NY 14120

Marget A. Cheeley 1 Year term expires July 31, 2006
332 Goundry St.
North Tonawanda, NY 14120

Kathy Manno Alternate
338 Goundry St.
North Tonawanda, NY 14120

Timothy Contangelo Alternate
210 Niagara St.
North Tonawanda, NY 14120

The above terms have been staggered; all new appointments after a term expires will be for 4 years.

Thank you for your cooperation in this matter.

Sincerely,
David J. Burgio

MOVED by Alderman Sommer **SECONDED** by Alderman Hempel
That the Common Council hereby appoints the following to the Historic Preservation Commission:

Dale Marshall 4 Year term expires July 31, 2009
1345 Abington Place,
North Tonawanda, NY 14120

Daniel Bille 4 Year term expires July 31, 2009
190 Christiana St.
North Tonawanda, NY 14120

Rae Proefrock 3 Year term expires July 31, 2008
202 Niagara St.
North Tonawanda, NY 14120

Chuck Bell 3 Year term expires July 31, 2008
31 Enola
Kenmore, NY 14120

Donna Zellner Neal 2 Year term expires July 31, 2007
195 Goundry St.
North Tonawanda, NY 14120

David Walders 2 Year term expires July 31, 2007
397 Tremont St.
North Tonawanda, NY 14120

Marget A. Cheeley 1 Year term expires July 31, 2006
332 Goundry St.
North Tonawanda, NY 14120

Kathy Manno Alternate
338 Goundry St.
North Tonawanda, NY 14120

Timothy Contangelo Alternate
210 Niagara St.
North Tonawanda, NY 14120

The terms are staggered; all new appointments, after a term expires, will be for 4 years.

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

Nays: None (0)

CARRIED.

II.1 Attorney

July 15, 2005

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

**RE: Cable Television Franchise Renewal Agreement with
Parnassos, LP, d/b/a Adelpia Cable Communications.**

Dear Honorable Body:

Attached is the proposed Cable Television Franchise Agreement with Parnassos, LP, d/b/a Adelpia Cable Communications for renewal of the cable television franchise in the City of North Tonawanda. As you know, this 10-year renewal agreement is the result of long negotiations between the City's Cable Commission and the company. A Public Hearing was held on Tuesday, July 12, 2005 and, there being no objections to its terms, we propose that your Honorable Body move forward at this time.

Should your Honorable Body concur, please pass a resolution to renew the cable television franchise as attached, and authorize the Mayor to execute it as indicated. Should you have any questions, please do not hesitate to contact me.

**Very truly yours,
Shawn P. Nickerson
City Attorney**

MOVED by Alderman Rizzo

SECONDED by Alderman Schwandt

That the Common Council approves the renewal of the Cable Television Franchise agreement and further authorizes the Mayor to execute the Cable Television Franchise Agreement with Parnassos, LP, d/b/a Adelpia Cable Communications for renewal of the Cable Television Franchise in the City of North Tonawanda.

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

Nays: None (0)

CARRIED.

II.2 Attorney

July 15, 2005

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

Re: Transfer of Control of the Cable Television Franchise for the City of North Tonawanda from Parnassos, LP, d/b/a Adelpia Cable Communications to Time Warner Cable, Inc.

Dear Honorable Body:

As you know, the assets of Parnassos, LP, d/b/a Adelpia Cable Communications, have been acquired via Asset Purchase Agreement dated April 20, 2005, by Comcast Corporation. Comcast Corporation is an indirect subsidiary of Time Warner Cable, Inc. Attached, then, is a resolution, which will allow the transfer of control of the cable television franchise for the City of North Tonawanda to Time Warner Cable, Inc.

Should your Honorable Body concur, please pass the resolution to approve the transfer of control of the cable television franchise to Time Warner Cable, Inc. and authorize the Mayor to execute it as indicated. Should you have any questions, please do not hesitate to contact me.

**Very truly yours,
Shawn P. Nickerson
City Attorney**

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 July 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 Hempel

SECONDED by Alderman Schwandt

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

01	General Fund	\$415,012.81
02	Water Fund	37,325.97
04	Sewer Fund	51,912.13
06	Capital Projects Fund	27,851.63
07	Trust & Agency Fund	3,816.52
08	Community Development	73.00
	Final Total	<u>\$535,992.06</u>

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

Nays: None (0)

CARRIED.

VII.2 Accountant

July 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:

Control Number	Dollar Amount	From Appropriation Account	Into Appropriation Account
6	18,913.00	1-5142.100 Personnel Services	1-5142.480 Operations (Salt)
7	9,046.17	1-5110.480 Operations	1-5142.480 Operations (Salt)

Very truly yours,
David R. Jakubaszek
City Accountant

MOVED by Alderman Rizzo

SECONDED by Alderman Sommer

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:

Control Number	Dollar Amount	From Appropriation Account	Into Appropriation Account
6	18,913.00	1-5142.100 Personnel Services	1-5142.480 Operations (Salt)
7	9,046.17	1-5110.480 Operations	1-5142.480 Operations (Salt)

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

Nays: None (0)

CARRIED.

VII.3 Accountant

July 14, 2005

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

Dear Honorable Body:

In accordance with the adopted fiscal year 2005 Capital Improvements Budget, with modifications, please find a communication and a serial bond resolutions, in the aggregate amount of \$2,019,000, from our Bond Counsel, Harris Beach LLP.

The original adopted 2005 Capital Budget allocated for bonding is in the amount of \$1,922,000 and was modified to \$2,019,000, as follows:

NYS Retirement	minus	\$600,000, amortizing through the NYS Comptroller's Office
Tremont Street	minus	\$ 70,000, utilizing excess funds from another completed project
Fire Command Car	plus	\$ 7,000, additional funding requested for bigger engine and lights
Water Dump Truck	plus	\$ 55,000, needed dump truck after capital budget was adopted
Briarwood	plus	\$705,000, subdivision approved after capital budget was adopted

Please have this resolution adopted by a two-thirds vote and have it published in the official newspaper of the City, together with the legal notice of estoppel.

Very truly yours,
David R. Jakubaszek
City Accountant

MOVED by Alderman Hempel

SECONDED by Alderman Rizzo

THAT THE COMMON COUNCIL OF THE CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK (the "CITY") HEREBY RESOLVED (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The City is hereby authorized to issue \$20,000 principal amount of serial bonds pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost of installing street lights for the City's Historic Erie Canal District along Sweeney Street between Oliver and Main Streets, including poles, bases, signage and all related equipment, machinery, apparatus, appurtenances and incidental improvements. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$144,000 said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$20,000 in serial bonds of the City authorized to be issued pursuant to this section or bond anticipation notes issued in anticipation of such bonds, the expenditure of \$72,000 grant monies expected to be received by the City from New York State for such improvements and \$52,000 of current funds of the City. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is thirty (30) years, pursuant to subdivision a.5. of Section 11.00 of the Law.

SECTION 2. The City is hereby authorized to issue \$83,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of acquiring three replacement police patrol vehicles. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$83,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$83,000 in serial bonds of the City authorized to be issued pursuant to this section, or bond anticipation notes issued in anticipation of such serial bonds. It is hereby

determined that the period of probable usefulness for the aforementioned specific object or purpose is three (3) years, pursuant to subdivision a.77. of Section 11.00 of the Law.

SECTION 3. The City is hereby authorized to issue \$60,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of purchasing data processing equipment for general municipal use, including computers, servers, printers, monitors and other related and appurtenant accessories and ancillary equipment and improvements. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$60,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$60,000 in serial bonds of the City authorized to be issued pursuant to this section or bond anticipation notes issued in anticipation of such serial bonds. It is hereby determined that the period of probable usefulness of the aforementioned specific object or purpose is five (5) years, pursuant to subdivision a.32. of Section 11.00 of the Law.

SECTION 4. The City is hereby authorized to issue \$39,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the cost of acquiring one replacement command car for use by the City's Fire Department, including emergency lights, siren and other related and appurtenant accessories. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$39,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$39,000 in serial bonds of the City authorized to be issued pursuant to this section or bond anticipation notes issued in anticipation of such bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is three (3) years, pursuant to subdivision a.77. of Section 11.00. of the Law.

SECTION 5. The City is hereby authorized to issue \$462,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of acquiring one dump truck, one plow truck, one loader and one sweeper for use by the City's Public Works Department, and in each case including related and ancillary equipment. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$462,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$462,000 in serial bonds of the City authorized to be issued pursuant to this section or bond anticipation notes issued in anticipation of such bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is fifteen (15) years, pursuant to subdivision a.28. of Section 11.00 of the Law.

SECTION 6. The City is hereby authorized to issue \$80,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of constructing and installing improvements to the Memorial Pool, consisting of a replacement vinyl pool liner, wall reinforcements, exterior repairs, a new water slide and related and ancillary improvements. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$80,000 said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$80,000 in serial bonds of the City authorized to be issued pursuant to this section or bond anticipation notes issued in anticipation of such bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is fifteen (15) years, pursuant to subdivision a.61. of Section 11.00 of the Law.

SECTION 7. The City is hereby authorized to issue \$150,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of constructing and installing upgrades to the Archer Street Pump Station, consisting of the replacement of one high service pump and one raw water pump and related equipment, machinery, apparatus, appurtenances and incidental improvements. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$150,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$150,000 in serial bonds of the City authorized to be issued pursuant to this section or bond anticipation notes issued in anticipation of such bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is forty (40) years, pursuant to subdivision a.1. of Section 11.00 of the Law.

SECTION 8. The City is hereby authorized to issue \$100,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of improvement

to the City's water treatment system, consisting of the installation of two variable speed drivers at the Tollner Tank site and one altitude valve at the Erie Avenue Storage Tank site, and in each case including related equipment, machinery, apparatus, appurtenances and incidental improvements. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$100,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$100,000 in serial bonds of the City authorized to be issued pursuant to this section, or bond anticipation notes issued in anticipation of such serial bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is forty (40) years, pursuant to subdivision a.1. of Section 11.00 of the Law.

SECTION 9. The City is hereby authorized to issue \$55,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of purchasing one tractor/backhoe and one dump truck for use by the City's Water Department. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$55,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$55,000 in serial bonds of the City authorized to be issued pursuant to this section or bond anticipation notes issued in anticipation of such serial bonds. It is hereby determined that the period of probable usefulness of the aforementioned specific object or purpose is fifteen (15) years, pursuant to subdivision a.28. of Section 11.00 of the Law.

SECTION 10. The City is hereby authorized to issue \$100,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the cost of certain improvements to the wastewater treatment plant located at 830 River Road, consisting of the replacement of activated carbon and including related equipment, machinery, apparatus, appurtenances and incidental improvements. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$100,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$100,000 in serial bonds of the City authorized to be issued pursuant to this section or bond anticipation notes issued in anticipation of such bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is thirty (30) years, pursuant to subdivision a.4. of Section 11.00. of the Law.

SECTION 11. The City is hereby authorized to issue \$165,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of certain additional improvements to the wastewater treatment plant located at 830 River Road, consisting of the replacement of two existing sand filters with installation of new flooring media and controls, including related equipment, machinery, apparatus, appurtenances and incidental improvements. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$165,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$165,000 in serial bonds of the City authorized to be issued pursuant to this section or bond anticipation notes issued in anticipation of such bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is thirty (30) years, pursuant to subdivision a.4. of Section 11.00 of the Law.

SECTION 12. The City is hereby authorized to issue \$705,000 principal amount of serial bonds pursuant to the provisions of the Local Finance law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost of the Briarwood Subdivision infrastructure improvement project, consisting of (i) the installation along Wright Street of approximately 1,300 linear feet of 12-inch water main, providing line flows to the existing Bentwood Subdivision as well as fire protection and portable water to the proposed Briarwood Subdivision, and of approximately 1,300 square linear feet of storm sewer line, and in each case including related equipment, machinery, apparatus, appurtenances and incidental improvements; and (ii) the construction at the site of the proposed Briarwood Subdivision (fronting on the City's East Goundry Street and Briarwood Drive rights of way) of approximately 1,500 linear feet of dedicated asphalt roadway, with concrete curbing and related storm water, water main and sanitary sewer systems, and including valves, hydrants, equipment, machinery, apparatus, appurtenances and incidental improvements. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$705,000 said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$705,000 in serial bonds of the City authorized to be issued pursuant to this section or bond anticipation notes issued in anticipation of such bonds. It is hereby determined that

the period of probable usefulness for the aforementioned specific object or purpose is fifteen (15) years, pursuant to subdivision a.1., a.4., a.20. and a.91. of Section 11.00 of the Law.

SECTION 13. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof, pursuant to subdivisions d.3(a) (in the case of bonds issued for the objects or purposes described in Sections 7 and 8 hereof), d.3(d) (in the case of bonds issued for the object or purpose described in Section 1 hereof), d.3(l) (in the case of bonds issued for the objects or purposes described in Section 10 and 11 hereof), d.5 (in the case of bonds issued for the objects or purposes described in Sections 2, 3 and 4 hereof), and d.9 (with respect to all bonds issued hereunder) of Section 107.00 of the Law.

SECTION 14. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this Resolution. This resolution shall constitute a declaration of official intent to reimburse the expenditures as part of the projects described herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 15. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the City, payable as to both principal and interest by a general tax upon all the real property within the City without legal or constitutional limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 16. Subject to the provisions of this Bond Resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations, and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00, Section 62.10 and Section 63.00 of the Law, the powers and duties of the Common Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the City Treasurer, the chief fiscal officer of the City.

SECTION 17. The City Treasurer is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 18. The intent of this resolution is to give the City Treasurer sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Common Council.

SECTION 19. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or

- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the constitution.

SECTION 20. This bond resolution shall take effect immediately and the City Clerk is hereby authorized and directed to publish the foregoing resolution in full, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the City (a) for such publication, and (b) for the publication of the notice of sale in connection with any bonds issued pursuant to this resolution.

The following vote was taken and recorded in the public or open session of said meeting:

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

Nays: None (0)

CARRIED.

IX.1 Public Works

July 6, 2005

Honorable Mayor & Common Council
City Hall
216 Payne Ave.
North Tonawanda, NY 14120

RE: Award of Bid – Three Wheel Mechanical Street Sweeper

Honorable Body:

On Monday, June 13, 2005 bids for one New and Unused Three Wheel Mechanical Street Sweeper were received and publicly opened in the City Clerk's Office. We have tabulated the results of these bids as follows:

<u>BIDDER</u>	<u>AMOUNT</u>
Joe Johnson Equipment (USA), Inc.	\$114,995.00

I recommend the Common Council award the bid for one New and Unused Three Wheel Mechanical Street Sweeper to Joe Johnson Equipment (USA), Inc., 77 Oriskany Drive, Tonawanda, NY 14150 at their bid of \$114,995.00, subject to the approval of the City Attorney.

Very truly yours,
Gary J. Franklin
Superintendent of Public Works

MOVED by Alderman Rizzo

SECONDED by Alderman Sommer

That the Common Council awards the bid for one New and Unused Three Wheel Mechanical Street Sweeper to Joe Johnson Equipment (USA), Inc., 77 Oriskany Drive, Tonawanda, NY 14150 at their bid of \$114,995.00, subject to the approval of the City Attorney.

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

Nays: None (0)

CARRIED.

The City had sole option to elect to extend the agreement for the first extension period of two (2) years from November 1, 1998 to October 31, 2000. The City elected to extend the agreement with no changes in terms.

The agreement's second term extension is for a five (5) year period and requires mutual agreement of the parties to extend. The parties agreed to the second term extension from November 1, 2000 to October 31, 2005, with the caveat that the education/training annual payment would be reduced from \$10,000 to \$3,000.

The agreement's third extension term is for another five (5) year period from November 1, 2005 to October 31, 2010. Again this requires mutual agreement by the parties. BFI has advised the City in writing that it wishes to reach terms with the City to extend the agreement for this third extension period. This has occurred prior to six (6) months before the end of the current extension term as required in section 1-13 of the agreement. BFI has subsequently met with me to offer a proposal on their terms of the extension. I have requested they reduce their proposal to writing, which they did in a letter to me, dated February 9, 2005 and I have enclosed a copy of it herein.

Their proposal is to continue the terms and conditions of the original agreement with the exception of further reducing the annual educational/training payment to \$1,000. Their letter explains that the City is one of a few communities that receive a \$10.00/ton rebate, the highest rebate offered, and of those receiving the \$10.00/ton rebate, only the Town of Amherst receives an annual payment for educational/training. Amherst receives \$1,000 per year.

In June, the Mayor, Council President Sommer, Messrs. Scaffidi and Beszynski from BFI, and myself met in the Mayor's Office to discuss this extension.

I recommend that the Council resolve to extend the Recycling Processing and Marketing Agreement between the City and Browning-Ferris Industries of New York (now Allied Waste Services of North America, LLC) for its third extension term being a five (5) year period from November 1, 2005 to October 31, 2010 with the City continuing to receive a rebate of \$10.00 per ton for all recyclables delivered to the Kenmore Avenue Recyclery, plus a \$1,000 per term year payment to the City for educational and training purposes, all subject to the approval of the City Attorney.

Very truly yours,
Gary J. Franklin
Superintendent of Public Works

MOVED by Alderman Sommer

SECONDED by Alderman Rizzo

That the Common Council hereby extends the Recycling Processing and Marketing Agreement between the City and Browning-Ferris Industries of New York (now Allied Waste Services of North America, LLC) for its third extension term being a five (5) year period from November 1, 2005 to October 31, 2010 with the City continuing to receive a rebate of \$10.00 per ton for all recyclables delivered to the Kenmore Avenue Recyclery, plus a \$1,000 per term year payment to the City for educational and training purposes, all subject to the approval of the City Attorney.

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer

(5)

Nays: None

(0)

CARRIED.

IX.4 Public Works

July 14, 2005

Honorable Mayor & Common Council
City Hall
216 Payne Avenue
No. Tonawanda, NY 14120

Re: Heavy Equipment Operator Position

MOVED by Alderman Hempel

SECONDED by Alderman Sommer

That the Common Council hereby appoints Deborah A. Capozzi, 227 Schenck Street; Lynn A. Clune, 51 Robert Drive; Linda Hankinson, 328 Vandervoort Street; Stacy Yaro, 170 Christiana Street and Walter Yaro, 170 Christiana Street as Commissioners of Deeds for the City of North Tonawanda for a term beginning July 21, 2005 and expiring July 20, 2007.

CARRIED.

D.

Dr. & Mrs. Maurice Dewey

July 11, 2005

**Mayor David Burgio
City Hall
216 Payne Avenue
North Tonawanda, NY 14120**

Dear Mayor Burgio:

We would like to invite you and your wife to a Block Party event that is scheduled for July 30th, from 4:00 – 10:00PM. In addition to a smorgasbord of food and beverages, excellent entertainment will be provided by “Sugar and Jazz”, a 26-piece band of high school students conducted by Frank Larango.

In order to ensure this party be as safe as it will be fun, we ask that you agree to allow North Tonawanda police to set up road barricades on Christiana, between the streets of Bryant and Falconer. Thank you for your consideration of this matter, and we hope to see you on the 30th.

**Respectfully,
Dr. and Mrs. Maurice Dewey**

MOVED by Alderman Schwandt

SECONDED by Alderman Soos

That the Common Council hereby receives and files the aforementioned communication.

CARRIED.

MOVED by Alderman Sommer

SECONDED by Alderman Rizzo

Be it resolved that the Common Council accepts the \$90,000 New York State grant provided by Senator George Maziarz; authorizes the City Engineer to prepare specifications and accept formal bids for the dredging of the New York State Canal in the downtown harbor area; and further authorizes the City to advance the funding for this project.

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer

(5)

Nays: None

(0)

CARRIED.

ADJOURNMENT

MOVED by Alderman Schwandt

SECONDED by Alderman Rizzo

That this regular session of the Common Council be and hereby is adjourned.

CARRIED.

Time of Adjournment: 5:15 P.M.

Respectfully submitted,

**Thomas M. Jaccarino
City Clerk**