

- D) Water consumption shall be assessed and collected in conformance with the following schedule:

<u>Consumption Period</u>	<u>Billing Month</u>
January – March	June
April – June	September
July – September	December
October – December	March

- E) Recipients of the water bill (known now as the City utility bill) are required to read their water meter and place said reading on the water bill in the place provided. Failure to comply with this section will result in an estimated reading. If there are four (4) consecutive bills with estimated readings, the fourth bill that contains said estimated reading will be doubled along with an additional \$25.00 surcharge being charged.
- F) A five percent (5%) surcharge shall be placed on all water rent account balances that are due in September that remain unpaid by mid-November of each year, and shall be levied on the subsequent year real property tax bill.
- G) Multi-dwelling unit homes and apartments that have only one master water meter would be subject to the existing \$12.00 minimum water charge, and would receive an additional minimum water charge of \$6.00 for each additional dwelling unit which does not have a separate water meter.
- H) Homeowners who receive the Low Income Aged Exemption (age 65 or older and income less than \$22,525) would still be subject to the \$12.00 minimum water charge, but would automatically receive up to the first 5,000 gallons of water at no cost per quarter.

Ayes: Soos, Rizzo, Hempel, Sommer (4)
 Nays: None (0)
 Abstained: Schwandt (1)
CARRIED.

II.2 Attorney

December 1, 2005

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

RE: Local Law #1 for 2006 – Establishing Sewer Rates

Dear Honorable Body:

Attached for your consideration is Local Law No. 1 for 2006 to establish new sewer rates.

Please note that this local law increases the sewer rate for 2006 by \$.20 per thousand gallons of consumption, to \$4.00 per thousand; as well as adding a \$6.00 additional minimum sewer charge for multiple dwellings wherein each additional dwelling unit does not have its own separate water meter.

As with all local laws, it is necessary that this local law be formally laid on the table for a period of at least 7 days, wherein it must stay in its final form prior to adoption by the Common Council. After such adoption, this local law must be referred to the mayor's office for a public hearing on its provisions. After said public hearing and formal filing with the Secretary of State, this local law will become effective.

Consistent with state law then, the appropriate motion for today's action would be to formally lay this Local Law on the table and allow it to remain so in its final form for at least seven (7) days prior to adoption.

Very truly yours,
Shawn P. Nickerson
City Attorney

MOVED by Alderman Sommer **SECONDED** by Alderman Soos
That the Common Council hereby lays on the table for seven days Local Law #1 for 2006 amending §75-15 of the City Code establishing Sewer Rates for 2006 and thereafter.
Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer (5)
Nays: None (0)
CARRIED.

II.3 Attorney

TO: Honorable Mayor and Common Council
FROM: Shawn P. Nickerson
DATE: December 1, 2005
RE: Fortistar Water Agreement

Dear Mayor Burgio and Honorable Council:

As per our discussion at the November 30, 2005 workshop, attached please find a copy of the proposed water agreement between Fortistar and the City of North Tonawanda. As you may recall, our consultant, Paul Nolan, recommended this agreement. In exchange for the water agreement, the City will settle the Article 7 tax proceeding. The terms of settlement appear as per the attached schedule.

I am requesting that approval of this agreement be placed on the next agenda for a vote. Specifically, the resolution should authorize the mayor to execute said agreement as per its terms and subject to attorney review and approval.

Should you have any questions or comments, please do not hesitate to contact me.

MOVED by Alderman Soos **SECONDED** by Alderman Sommer
That the Common Council hereby authorizes the Mayor to sign the aforementioned agreement between Fortistar and the City of North Tonawanda subject to review and approval of the City Attorney.
Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer (5)
Nays: None (0)
CARRIED.

IV.1 Engineer

November 14, 2005

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

Re: Project 2005-11, Main Street Streetscape Improvements
Final Acceptance and Approval of Change Order No. 1

Honorable Body:

Your approval of Change Order No. 1 and final acceptance of the Main Street Streetscape Improvements Project is hereby requested.

Change Order No. 1 represents additional costs based on final measured quantities for additional concrete curb installation and street trees plantings.

I respectfully request that the Common Council accept Project No. 2005-11, Main Street Streetscape Improvements, and approve Change Order No. 1, increasing the contract amount with C & C Contracting, Inc. by the sum of \$7,829.25; from \$48,572.60; to the revised final contract amount of \$56,401.85, 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 Soos

SECONDED by Alderman Hempel

That the Common Council hereby accepts Project No. 2005-11, Main Street Streetscape Improvements, and approves Change Order No. 1, increasing the contract amount with C & C Contracting, Inc. by the sum of \$7,829.25; from \$48,572.60; to the revised final contract amount of \$56,401.85, 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.

IV.2 Engineer

November 30, 2005

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

Re: Fire Headquarters/EOC
Apparatus Room Floor Slab Repair
Project 2005-17
Award of Contract

Dear Honorable Body:

On November 22, 2005 the Engineering Department received one (1) bid from a qualified contractor to repair the Apparatus Room Floor Slab Surface at the City's Fire Headquarters and ADD ALTERNATE A for the replacement of the Approach Slab at the Live Hose Co. The results are as follows:

- Paterson and Stevens \$63,395.00
- Paterson and Stevens ADD ALTERNATE A \$29,150.00

Accordingly, I respectfully request that the Common Council award Project 2005-17, Fire Headquarters/EOC Apparatus Room Floor Slab Surface Repair and ADD ALTERNATE A for the replacement of the Approach Slab at the Live Hose Co. to Paterson and Stevens, Inc., 400 Sawyer Avenue, Tonawanda, NY 14150-0017 at their low bid amount of \$63,395.00 and ADD ALTERNATE A of \$29,150.00; authorizing the Mayor to sign the contract, subject to review by the City Attorney.

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

MOVED by Alderman Hempel

SECONDED by Alderman Rizzo

That the Common Council hereby awards Project 2005-17, Fire Headquarters/EOC Apparatus Room Floor Slab Surface Repair and ADD ALTERNATE A for the replacement of the Approach Slab at the Live Hose Co. to Paterson and Stevens, Inc., 400

Sawyer Avenue, Tonawanda, NY 14150-0017 at their low bid amount of \$63,395.00 and ADD ALTERNATE A of \$29,150.00; and further authorizes the Mayor to sign the contract, subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

V. Water

November 4, 2005

Honorable Mayor David Burgio
And Common Council
City Hall, 216 Payne Avenue
North Tonawanda, N. Y. 14120

Re: Award of Bid
Sand Filter Rehabilitation

Dear Honorable Body:

I am requesting that the City of North Tonawanda award the bid for Sand Filter Rehabilitation to Sicar Inc., 1128 Jamison Road, Elma, NY 14059 at their low price of \$427,577.00

The bidder has been found to be reliable and funding for this project was included in the 2005/2006 Capital Budgets. The award of this bid is contingent upon the review and approval of the City Attorney.

The replacement of these remaining four (4) filters will complete the rehabilitation and provide significant cost savings in electricity due to longer run times resulting in fewer required backwashes.

Thank you in advance for your time and consideration in addressing this request.

Sincerely,
Paul J. Drof
Supt. of Water/Wastewater Facilities

MOVED by Alderman Sommer SECONDED by Alderman Soos
That the Common Council awards the bid for Sand Filter Rehabilitation to Sicar Inc., 1128 Jamison Road, Elma, NY 14059 at their low price of \$427,577.00 subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

VII.1 Accountant

December 1, 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 December 7, 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 December 7, 2005 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$1,931,698.87
02	Water Fund	156,883.87
04	Sewer Fund	239,408.04
06	Capital Projects Fund	107,214.20
07	Trust & Agency Fund	3,346.00
08	Community Development	17,089.75
10	Economic Development Loan	916.25
11	General Fund Encumbered	<u>2,056.02</u>
	Final Total	<u><u>\$2,458,613.00</u></u>

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

VII.2 Accountant

December 1, 2005 December 18, 2006

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
11	5,687.00	1-9750.806 Unemployment	1-7110.100 Parks Personnel

Very truly yours,
David R. Jakubaszek
City Accountant

MOVED by Alderman Schwandt **SECONDED** by Alderman Rizzo
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>
11	5,687.00	1-9750.806 Unemployment	1-7110.100 Parks Personnel
Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer			(5)
Nays: None			(0)
CARRIED.			

VII.3 Accounting

December 1, 2005

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

Dear Honorable Body:

To properly culminate the financial activities of the municipality for fiscal year 2005, I recommend that the Common Council authorize the City Accountant to make any necessary budgetary transfers, adjustments, subsidy's or amendments for sanctioned expenditures, accrued liabilities, accounts payable and encumbrances, at December 31, 2005. It should be noted that Department Heads are still responsible and accountable for their financial actions.

Approval of this recommendation will insure that no appropriation accounts are over-obligated at year-end, providing a favorable financial and management representation for the auditors, State Comptroller, investment analysts and bankers.

This action would be in compliance with the State of New York Uniform System of Accounts for Cities and Generally Accepted Accounting Principals (GAAP).

These actions will be reflected in the municipality's year-end appropriation ledgers, the audited 2005 Financial Statements and in our Annual Financial Update Document, which is sent to the New York State Comptrollers office.

Very truly yours,
David R. Jakubaszek
City Accountant

MOVED by Alderman Rizzo **SECONDED** by Alderman Soos
That the Common Council authorizes the City Accountant to make any necessary budgetary transfers, adjustments or amendments for sanctioned expenditures, accrued liabilities, accounts payable and encumbrances, at December 31, 2005.
Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer (5)
Nays: None (0)
CARRIED.

VIII. Assessor

November 18, 2005

Honorable Mayor and Common Council

We have an opportunity to solve a citywide information access problem and get most of it paid for by a State Grant; and if the grant is not accepted, we are under no obligation to proceed.

Interested?

The 2005-2006 Real Property Tax Administration Technology Improvement Grant Program involves the creation of a new Web Page for our office that will have “the most current” information for ownership, property data, assessments, sales and more. There is no requirement for matching funds from the city.

Any department in or out of City Hall that has access to the internet will have access to this “most-current” data.

Council members will have access to the data, even from home.

Taxpayers will be able to verify their own data and values plus download forms, including those to dispute their value and apply for exemptions.

Taxpayers will have increased confidence in “the system”.

Currently:

Assessments and sales information on our present Web Page can be up to a year old.

Only some city departments have access to our records via computer.

Updates of data and the software can be costly, time consuming and confusing.

If approved the grant should cover all expenses for 2006 (\$11,872.24). The following 4 year’s normal expense of operation of the Web Page will come out of the Assessor’s budget (approximately \$4,900 per year).

Deadline: Unfortunately the information just recently became available. Applications will be accepted starting December 1, 2005 to December 30, 2005. They will be opened on January 4th and pre-award notification will be made on or before February 15, 2006.

This memo is to request your approval to apply for this grant money and to authorize the Mayor, as Chief Executive Officer, to sign the grant application.

Respectfully submitted,
Flora D. Carozzolo
Assessor

MOVED by Alderman Soos

SECONDED by Alderman Hempel

That the Common Council hereby authorizes the City Assessor to apply to the 2005-2006 Real Property Tax Administration Technology Improvement Grant Program for the creation of a new web page for the Assessor’s Office which will cover all expenses for 2006 (\$11,872.24) and further authorizes the Mayor to sign the grant application.

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

Nays: None (0)

CARRIED.

XXV. Monthly Reports

.1	Treasurer	.3	Police
.2	Treasurer Investments		

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.

WNY Car Clubs

Mayor Burgio:

WNY CarClubs.com would like to thank you and the City of North Tonawanda once again for the use of Gratwick Riverside Park in North Tonawanda for our WNYCarClubs.com Super Cruise.

We are in the process of planning our 2006 show and we would like to request the use of Gratwick Riverside Park for Sunday, July 9, 2006.

We would also like to request at this time the use of pilons and snow fence poles as we did last year.

If you have any questions or to arrange necessary paperwork, please contact Joe Haniszewski, Jr at 716-390-6848 or joe@wnycarclubs.com. I look forward to hearing from you.

Thank you,
Joe Haniszewski
WNY CarClubs.com

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

B.
Rescue Fire Company #5 - Re: Exemption Petitions:

50 Years:

**Donald Goerss
Edgar Moeller
Charles Wilson**

25 Years:

Daniel Wysko

5 Years:

Mark Gonas

MOVED by Alderman Hempel **SECONDED by Alderman Sommer**
To issue Exemption Petitions as follows: 50 Years – Donald Goerss, Edgar Moeller, Charles Wilson; 25 Years – Daniel Wysko; 5 Years – Mark Gonas.
CARRIED.

C.
Columbia Hook & Ladder - Re: Removal from Fire Rolls:

Gerald F. Kroop

MOVED by Alderman Rizzo **SECONDED by Alderman Hempel**
To remove Gerald F. Kroop from the City Fire Rolls.
CARRIED.

D.
Sweeney Hose Co., Inc #7 - Re: Exemption Petitions:

5 Years:

**Timothy Berez
Andrew Demmin
Philip Jaques
Edward Yaminiski**

MOVED by Alderman Schwandt **SECONDED** by Alderman Rizzo
**To issue Exemption Petitions as follows: 5 Years – Timothy Berez, Andrew Demmin,
Philip Jaques and Edward Yaminiski.**
CARRIED.

ADJOURNMENT

MOVED by Alderman Soos **SECONDED** by Alderman Hempel
That this regular session of the Common Council be and hereby is adjourned.
CARRIED.

Time of Adjournment: 6:20 P.M.

Respectfully submitted,

**Thomas M. Jaccarino
City Clerk**