

III. Treasurer

August 7, 2006

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 for the following parcel:

185.30-1-7 144 Vandervoort Street Ronald Freiburger

Therefore, please pass the necessary resolution withdrawing these parcels from the 2006 In Rem foreclosure proceeding.

Thank you for your cooperation.

Very truly yours,
Leslie J. Stolzenfels
City Treasurer

MOVED by Alderman Sommer **SECONDED** by Alderman Brick
That the Common Council hereby authorizes the City Treasurer to withdraw the following parcel from the appropriate In Rem foreclosure proceeding:

185.30-1-7 144 Vandervoort Street Ronald Freiburger

Ayes: Brick, Rizzo, Schwandt, Donovan, Sommer (5)
Nays: None (0)
CARRIED.

IV. Engineer

August 10, 2006

Lawrence V. Soos, Mayor
and Common Council Members
City Hall
North Tonawanda, New York 14120

Re: Project 2005-07, Sweeney Street Reconstruction
Change Order No. 1, Final Payment and Project Acceptance

Honorable Body:

Your approval of Change Order No. 1, approval of final payment and project acceptance for the Sweeney Street Reconstruction Project is hereby requested. As you are aware, this project is funded in full by New York State Department of Transportation Consolidated Highway Improvement (CHIPs) funds, and administered by the Superintendent of Public Works.

Change Order No. 1 represents additional costs based on final measured quantities and additions to the contract that were necessary to complete the work. The major component of the change was the relocation of the entire sanitary sewer from Payne Avenue to Vandervoort Street, due to its shallowness and horizontal location, conflicting with construction of the road and new concrete curbing. The sewer was moved outside of the pavement, under the new sidewalk on the north side of Sweeney Street. This work included new manholes, lateral reconnections, removal of clay tile pipe from road bed with stone

backfill, and the filling of a portion of the abandoned sewer in place with flowable fill. In addition, the standard upright curb was changed to L-curb (concrete gutter) due to the vertical utility conflicts. The following is a summary of the change order work:

• Relocation of 1094 feet sanitary sewer in conflict with construction; including flowable fill, removal of old sewer and stone back fill	\$85,175.00
• Blind tee storm sewer connection at Vandervoort outfall	\$1,400.00
• New asphalt aprons on canal park side	\$5,390.00
• Undercut and fill road soft spots	\$5,000.00
• Deduct for final measured quantities	-\$2,204.00
• 13+50, Conflict with city water main	\$1,102.00
• 14+56, Sewer conflict	\$2,204.00
• Core drill manhole	\$540.00
• L-Curb installation change	<u>\$10,000.00</u>
Change Order Amount	\$108,607.00

I therefore respectfully request that the Common Council approve Change Order No.1, increasing the contract amount with Yarussi Construction, Inc., 5650 Simmons Avenue, Niagara Falls, NY 14304 by the sum of \$108,607.00; from \$381,310.00; to the revised final contract amount of \$489,917.00, and that the Mayor be authorized to sign said change order subject to review by the City Attorney.

Further, that the Contractor has supplied the City with the Substantial Completion Form, Affidavit for Final Payment, Consent of Surety, and Form of Guarantee.

Accordingly, I hereby request that the Common Council accept Project 2005-07, Sweeney Street Reconstruction (Payne Avenue to Oliver Street) and approve the final payment, subject to review by the City Attorney.

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

MOVED by Alderman Sommer

SECONDED by Alderman Donovan

That the Common Council hereby approves Change Order No.1, increasing the contract amount with Yarussi Construction, Inc., 5650 Simmons Avenue, Niagara Falls, NY 14304 by the sum of \$108,607.00; from \$381,310.00; to the revised final contract amount of \$489,917.00, and that the Mayor is authorized to sign said change order subject to review by the City Attorney, and Further, the Common Council accepts Project 2005-07, Sweeney Street Reconstruction (Payne Avenue to Oliver Street) and approves the final payment, subject to review by the City Attorney.

Ayes: Brick, Rizzo, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

CARRIED.

The following agenda item was tabled before the meeting:

V. Water

August 8, 2006

Honorable Mayor Lawrence Soos
and Common Council
City Hall, Payne Ave
N Tonawanda NY 14120

Re: Fee Revisions

Dear Mayor and Common Council:

Due to the increase in the cost of materials and labor, I would recommend, at this time, that we increase our present Water tap Fees to:

¾" - \$150.00
 1" - \$175.00
 1 ½" - \$200.00
 2" - \$225.00
 4" - \$375.00
 6" - \$500.00
 8" - \$600.00

In addition, due to the time involved in processing refunds, we would like to charge a \$25.00 service fee on all refunds.

Sincerely,
 Paul J Drof,
 Superintendent Water Works

VII. Accountant

August 10, 2006

Honorable Lawrence V. Soos, 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 August 16, 2006, 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 Brick

SECONDED by Alderman Donovan

That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated August 16, 2006 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$373,017.53
02	Water Fund	24,713.66
04	Sewer Fund	66,973.03
06	Capital Project Fund	402,370.47
07	Trust & Agency Fund	<u>48,191.01</u>
	Final Total	<u>\$915,265.70</u>

Ayes: Brick, Rizzo, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

CARRIED.

IX. Public Works

August 10, 2006

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

Re: Award of Bid – Excavator

Honorable Body:

On Wednesday, August 2, 2006 bids for a 2004 Model Year or Later Crawler Type Excavator for the Department of Public Works were received and publicly opened in the City Clerk's Office. We have reviewed these bids and tabulated them as follows:

<u>BIDDER</u>	<u>AMOUNT</u>
Five Star Equipment, Inc.	\$95,625.00
George & Swede Sales & Service, Inc.	\$97,777.00

The lower bidder is offering a 2005 model with 32% more operating hours on it than the maximum number of hours allowed by the specifications. This machine fails to meet a number of other minimum specifications. The George & Swede offer is for a new and unused excavator which meets all the specifications. For these reasons I believe the higher bid to represent the best value for the City.

I recommend that the Common Council award the bid for a 2004 Model Year or Later Crawler Type Excavator to George & Swede Sales & Service, Inc. of 7155 Big Tree Road, Pavilion, NY 14525, at their low bid of \$97,777.00, subject to the approval of the City Attorney.

Very truly yours,
Gary J. Franklin
Superintendent Public Works

MOVED by Alderman Rizzo

SECONDED by Alderman Brick

That the Common Council hereby awards the bid for a 2004 Model Year or Later Crawler Type Excavator to George & Swede Sales & Service, Inc. of 7155 Big Tree Road, Pavilion, NY 14525, at their bid of \$97,777.00, subject to the approval of the City Attorney.

Ayes: Brick, Rizzo, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

CARRIED.

XXV. Monthly Reports

.1 Vital Statistics

.3 Treasurer

.2 City Clerk

.4 Treasurer Investments

MOVED by Alderman Rizzo

SECONDED by Alderman Brick

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

CARRIED.

XXVII. Annual Reports

.1 Accountant

MOVED by Alderman Brick

SECONDED by Alderman Schwandt

That the Common Council hereby receives and files the aforementioned Annual Report.

CARRIED.

COMMUNICATIONS FROM OTHERS

A.

St. Martin Lutheran Church

July 18, 2006

Dear Common Council:

08-16-06

St. Martin Lutheran Church would like to hang a sign with the Church's address on a pole at Old Falls Blvd. and Niagara Falls Blvd. We do have signs at East Robinson and Sweeney St.

We need to know the correct protocol for having such a sign hung.

Thank you for your assistance in this matter.

You may contact the church office at 693-4416 or Frank Dorogi (668-1697), a council trustee.

MOVED by Alderman Donovan SECONDED by Alderman Brick
That the Common Council hereby authorizes the department of public works to install a sign at Old Falls Blvd. and Niagara falls Blvd. for St. Martins Lutheran Church, 322 Old Falls Blvd.
CARRIED.

B.
Stephen & Melissa Franusiak

July 29, 2006

To Whom It May Concern:

Our son, Dylan Michael Franusiak is diagnosed with Bi-Lateral Central-Neuro Hearing Loss (deaf in both ears). He is currently a walking toddler who is 19 months old. We are requesting a "Deaf Child Area" sign be placed on our street near the corner of Schenck and one near the corner of Thompson. The best placements for the signs would be on Vandervoort near the corner of Schenck on the right-hand side facing north. The other sign would be best on Vandervoort near the corner of Thompson on the left hand side of the street, facing south.

We would appreciate your cooperation in this matter as we are concerned with the safety of our son who would not be able to hear a car approach or a horn blow. Please feel free to contact us for further information if necessary.

Sincerely,
Stephen and Melissa Franusiak

MOVED by Alderman Donovan SECONDED by Alderman Brick
That the Common Council hereby instructs the Department of Public Works to install a Deaf Child sign on Vandervoort Street near the corner of Schenck on the right-hand side facing north and on Vandervoort Street near the corner of Thompson on the left hand side of the street, facing south.
CARRIED.

C.
Randall Siford
Effie Siford

July 26, 2006

Mayor Lawrence Soos
Members Common Council North Tonawanda
N. T. City Hall
216 Payne Avenue
North Tonawanda, NY 14120

We are requesting to hold our annual "Hot Tub Party" at our establishment on August 18, 2006. The Hot Tub will be temporarily placed in front of our location at 88 Webster Street. Delivery will be at 2:00PM Friday, August 18, 2006 and removed on Saturday, August 19, 2006. Our Party begins at approximately 8:00PM on Friday till 2:00AM Saturday Morning.

We will provide security both inside and outside to maintain proper control at all times. We are requesting the use of 3 parking spaces in front of bar area to be blocked mainly for any emergency purposes.

The Hot Tub will be used by a selected few, not by the general public so there will not be any concern of over crowding or unruliness. We would like to have a few tables with umbrellas and seating for about 10 people, majority of the party will be inside the bar area. We will be serving Hot Dogs and Hamburgers outside but any Alcoholic Beverages will remain inside our establishment. Our normal Friday Nite DJ Smurf will be providing music for the event but that will be inside.

If any problem arises due to the Hot Tub arrangement we voluntarily shut it down and continue with our normal business as usual. The area will be well supervised and I will personally be monitoring the situation the entire evening. After closing the Hot Tub will be drained and picked up the next day by 12 noon.

I appreciate your permission to have this event we have held annually as a promotion for the past 3 years. We do have on file with the North Tonawanda City Attorney's Office proof of insurance naming the City of North Tonawanda as additional Loss Payee. Our previous "Hot Tub Parties" have been successful and without any incidents.

I would appreciate approval in a timely manner to allow us time to advertise this great event for promoting our business.

Thank you,
Randall Siford, Manager
Effie Siford, Owner

MOVED by Alderman Brick

SECONDED by Alderman Sommer

That the Common Council hereby grants permission to Mr. Siford to hold a hot tub party at Ava's Place, 88 Webster Street on Friday, August 18, 2006 contingent upon Mr. Siford providing the City of North Tonawanda with an insurance certificate naming the City as an additional insured.

Ayes: Brick, Rizzo, Schwandt, Sommer

(4)

Nays: Donovan

(1)

CARRIED.

MOVED by Alderman Schwandt

SECONDED by Alderman Donovan

That the North Tonawanda Common Council hereby directs the City Attorney to mail bills to Weatherbest Slip lessees at the rate of \$950.00 for the year 2006.

Ayes: Brick, Rizzo, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

CARRIED.

MOVED by Alderman Rizzo

SECONDED by Alderman Brick

That the North Tonawanda Common Council previously held a public hearing in the North Tonawanda Common Council Chambers on Wednesday, August 2, 2006 at 5:15 PM. The public hearing was properly noticed in the Tonawanda News on July 26, 2006. Despite the notification, no one spoke at the public hearing.

As a result, the North Tonawanda Common Council hereby makes determinations and findings concerning a project for drainage improvements over real property owned by William Cowell. The subject property is located between River Road and Warner Avenue in the City of North Tonawanda, New York.

The public use, benefit or purpose to be served by the project is the drainage of extensive areas in the City of North Tonawanda.

As stated, the project is located between River Road and Warner Avenue in the City of North Tonawanda, New York. This location was chosen because it is between two existing improved drainage structures. Easements are required over the property to construct a

storm sewer extension to alleviate flooding in the surrounding areas of the City. A temporary easement is necessary for the purpose of constructing the extension. The storm sewer extension will be situated on the permanent easement.

The proposed project would have a beneficial impact upon the environment and residents of the City of North Tonawanda. Specifically, drainage throughout the City would be significantly improved and flooding reduced.

Any other alternatives would be significantly more costly and more difficult to implement.

Ayes: Brick, Rizzo, Schwandt, Donovan, Sommer (5)

Nays: None (0)

CARRIED.

ADJOURNMENT

MOVED by Alderman Brick

SECONDED by Alderman Rizzo

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

CARRIED.

Time of Adjournment: 6:05P.M.

Respectfully submitted,

Thomas M. Jaccarino
City Clerk