

COMMUNICATIONS FROM CITY OFFICIALS

II.1 Attorney

August 24, 2006

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

Re: Local Law #3 for 2006 – Disposition of Municipal Real Property

Dear Honorable Body:

Attached for your consideration is Local Law No. 3 for 2006, to provide for and clarify the procedure for disposition of municipal real property.

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 Brick
That the Common Council Lays Local Law #3 for 2006 on the table for seven days:**

LOCAL LAW NO. 3 FOR 2006

**A LOCAL LAW PROVIDING FOR THE DISPOSITION OF
MUNICIPAL REAL PROPERTY IN
THE CITY OF NORTH TONAWANDA**

The City Code of the City of North Tonawanda, New York, is amended by the addition of Chapter 31A entitled “Disposition of Municipal Real Property”:

Chapter 31A

Notwithstanding the provision of Subdivision 2(b) of §23 of the General City Law, or of any special act, local law or charter, real property belonging to the City which is not needed for public purpose may be leased, may be exchanged and /or may be sold at public or private sale. When the Common Council discontinues a street, the property within the street right-of-way may be leased, exchanged or sold or may be allowed to revert to the adjacent property owners, provided that all costs with respect to such transfer shall be borne by the transferee of such property.

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

Nays: None (0)

CARRIED.

II.2 Attorney

August 24, 2006

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

**Re: Agreement with Auctions International as Auctioneer/Broker
for the Sale of Col. Payne School Building**

Dear Honorable Body:

Attached is a proposed agreement with Auctions International as auctioneer/broker for the sale of the Col. Payne School Building.

Should your Honorable Body concur, please pass a resolution to allow the Mayor to execute the Agreement for Sale of Real Property by Multiple Listing and/or Auction with Auctions International, subject to review of all documentation by the City Attorney's office.

If you have any questions, please do not hesitate to contact me.

Very truly yours,
Shawn P. Nickerson
City Attorney

MOVED by Alderman Schwandt **SECONDED** by Alderman Donovan
That the Common Council hereby authorizes the Mayor to sign the Agreement for Sale of Real Property by Multiple Listing and/or Auction with Auctions International for the sale of the Col. Payne School Building, subject to review of all documentation by the City Attorney's office.

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

Nays: None (0)

CARRIED.

IV. Engineer

August 22, 2006

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

**Re: Project 2005-06, Tremont 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 Tremont Street Reconstruction Project is hereby requested. As you are aware, this project is funded in part by a Small Cities Community Block Grant (HUD), City Bond, Water Department funding and New York State Department of Transportation Consolidated Highway Improvement (CHIPs) funds.

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 a new water main interconnect at Vandervoort Street and installation of a 20-inch steel casing pipe to house the new water main through the old New York State Ditch stone arch pipe crossing Tremont Street. The following is a summary of the change order work:

• Deduct for final measured quantities	-\$36,658.50
• Repair existing 30-inch storm sewer	\$2,443.20
• Water system shutdown	\$1,177.10
• Repair of sanitary sewer	\$3,472.33
• Install 40 foot casing pipe through state ditch	\$12,631.60
• Install vertical drop under telephone conduit	\$3,247.62
• Repair leak at House No. 247	\$214.93
• Reconnect floor drains at 237 & 241	\$400.00
• Connect existing storm to new storm sewer at Vandervoort	\$3,000.09
• New sanitary sewer lateral at 245 Tremont	\$1,688.15
• Additional select material for extra depth water main	\$5,054.40
• Install two new hydrants supplied by Water Dept.	\$6,672.00
• Milling at Tremont and Vandervoort intersection	\$4,083.00
• Water main interconnection at Vandervoort ordered by Water Supt.	\$7,745.00
• Visually impaired detectable warning surface at handicap ramps	<u>\$1,155.00</u>
Change Order Amount	\$16,325.92

I therefore respectfully request that the Common Council approve Change Order No.1, increasing the contract amount with Accadia Site Contracting, Inc., 5636 Transit Road, Depew, NY 14043 by the sum of \$16,325.92; from \$508,951.00; to the revised final contract amount of \$525,276.92, 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 2005-06, Tremont Street Reconstruction (Payne Avenue to Vandervoort 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 Brick

SECONDED by Alderman Schwandt

That the Common Council hereby approves Change Order No.1, increasing the contract amount with Accadia Site Contracting, Inc., 5636 Transit Road, Depew, NY 14043 by the sum of \$16,325.92; from \$508,951.00; to the revised final contract amount of \$525,276.92, and authorizes the Mayor 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 and the Common Council accepts Project 2005-06, Tremont Street Reconstruction (Payne Avenue to Vandervoort Street) and approves the final payment, subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

V. Water

August 22, 2006

Honorable Mayor Lawrence Soos
and Common Council
City Hall, 216 Payne Ave
North Tonawanda, New York 14120

Re: Water Service Leak
Account #3712

Dear Mayor and Common Council:

Would you please grant permission to the Water Department to hire a licensed plumber to repair the Water Service Leak at 222 Sweeney St.

Also, all costs are to be assessed upon the land involved - [Water Ordinance Chapter 98 – Section 98-12(5)].

Sincerely,
 Paul J Drof,
 Superintendent Water Works

MOVED by Alderman Donovan SECONDED by Alderman Brick
 That the Common Council hereby grants permission to the Water Department to hire a licensed plumber to repair the Water Service Leak at 222 Sweeney Street, with all costs assessed upon the land involved - [Water Ordinance Chapter 98 - Section 98-12 (5)].
 Ayes: Brick, Rizzo, Schwandt, Donovan, Sommer (5)
 Nays: None (0)
CARRIED.

VII.1 Accountant

August 30, 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 September 6, 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 Schwandt
 That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated September 6, 2006 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$444,356.95
02	Water Fund	45,511.94
04	Sewer Fund	117,599.98
06	Capital Project Fund	446,484.65
07	Trust & Agency Fund	44,266.30
08	Community Development	1,400.00
	Final Total	<u><u>\$1,099,619.82</u></u>

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

VII.2 Accountant

August 30, 2006

Honorable Lawrence V. Soos, 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 2006 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>
2	4,465.00	1-1990.410 Contingent Account	1-3410.480 Fire Operations
3	3,000.00	1-1990.410 Contingent Account	1-3620.480 Building Inspector Operations

Very truly yours,
David R. Jakubaszek
City Accountant

MOVED by Alderman Donovan **SECONDED** by Alderman Brick
That the Common Council hereby authorizes the City Accountant to make the following budget amendment of fiscal year 2006 revenues and 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>
2	4,465.00	1-1990.410 Contingent Account	1-3410.480 Fire Operations
3	3,000.00	1-1990.410 Contingent Account	1-3620.480 Building Inspector Operations

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

XXV. Monthly Reports

.1 Police

MOVED by Alderman Rizzo **SECONDED** by Alderman Brick
That the Common Council hereby receives and files the aforementioned Monthly Reports.
CARRIED.

XXVI. Semi-Annual Vacation & Sick Leave Reports

.1 Building Inspector .2 Police

MOVED by Alderman Rizzo **SECONDED** by Alderman Donovan
That the Common Council hereby receives and files the aforementioned Semi-Annual Vacation & Sick Leave Reports.
CARRIED.

COMMUNICATIONS FROM OTHERS

A.
Gratwick Hose - Re: Removal from the Fire Rolls:

Eric Metzger
Jonathan Fischer
Kevin Lapham

MOVED by Alderman Rizzo SECONDED by Alderman Brick
That the Common Council hereby removes Eric Metzger, Jonathan Fischer and Kevin
Lapham from the City Fire Rolls.
CARRIED.

B.
Live Hose - Re: Statement of Volunteer Fireman:

Justin Schultz

MOVED by Alderman Donovan SECONDED by Alderman Brick
That the Common Council hereby adds Justin Schultz to the City Fire Rolls.
CARRIED.

The following agenda item was tabled before the meeting:

C.
Teresa Botham
Gary Dillworth

August 15, 2006

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

Re: 20 Weatherbest Slip

Dear Common Council:

We, Teresa Botham and Gary Dillsworth, are currently in the process of purchasing the boathouse located at 20 Weatherbest Slip and request the approval of the Mayor and the Common Council to proceed.

We have been informed by the City Clerk, Mr. Thomas Jaccarino, that upon your approval we would be responsible for the taxes and lease fees on this property. Additionally we have been informed that the lease is a year to year lease and that the City holds the option to cancel the lease with 60 days notice.

We understand and agree to the stipulation regarding this transfer. Additionally we would like to assure your body that we will begin working with the Building Inspector immediately upon approval to bring the structure into compliance.

Sincerely,
Teresa Botham
Gary Dillworth
3598 Pleasant Avenue
Hamburg, NY 14075

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**D.
David Conti**

August 28, 2006

Honorable Mayor and Common Council:

I am requesting a leave of absence beginning on Monday, September 4, 2006 from my present position as Code Enforcement Officer in the Building Department to begin employment as a Wastewater Treatment Plant Operator. Please extend the leave until my status is permanent.

I thank all of you for your consideration in this matter.

David Conti

MOVED by Alderman Rizzo

SECONDED by Alderman Brick

That the Common Council hereby grants a leave of absence to David Conti beginning Monday, September 4, 2006 from his present position as Code Enforcement Officer in the Building Department to begin employment as a Wastewater Treatment Plant Operator until his status is permanent.

Ayes: Brick, Rizzo, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

CARRIED.

**E.
Paul Brown**

August 24, 2006

To Mayor Soos:

I am planning on having the 2nd annual Oliver Street Art Show on Saturday, September 16th from 11:00 to 5:00PM. I am asking permission from you and the Common Council to block off Oliver Street from Schenck to Robinson from 8am to the end of the show which should be about five. I have been talking to the businesses in that section about my intentions and everyone supports it. I have a million dollar liability policy which I would be glad to furnish upon request. Also if I am given permission would it be possible for me to pick up a couple of those barriers in which to close off the street. Any questions please do not hesitate to call me at 432-1294

Thank you,
Paul Brown

MOVED by Alderman Donovan

SECONDED by Alderman Schwandt

That the Common Council hereby gives permission to Paul Brown to hold an Art Show on September 16th from 11:00am to 5:00pm on Oliver Street between Robinson and Schenck.

CARRIED.

**F.
St. Peter's Lutheran Brethren Church**

August 31, 2006

**N. T. Common Council
City Hall
216 Payne Avenue
North Tonawanda, NY 14120**

Dear Council Members:

09-06-06

