

**THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Wednesday, October 18, 2006
5:30P.M.**

REGULAR SESSION CALLED TO ORDER BY PRESIDENT SOMMER

ROLL CALL

**Present: President Sommer
 Aldermen Rizzo, Schwandt, Donovan**

Absent: Alderman Brick

**Also Present: Mayor Lawrence V. Soos
 Attorney Shawn P. Nickerson**

APPROVAL OF THE MINUTES OF THE REGULAR SESSION OCTOBER 4, 2006

**MOVED by Alderman Rizzo SECONDED by Alderman Donovan
That the minutes of the regular session held October 4, 2006 be approved as circulated and
filed in the Office of the City Clerk.
CARRIED.**

AUDIENCE PARTICIPATION

**Janet Rae, 437 Woodlin – Complained about water in her basement, asked why city didn't
put pumps out earlier and why generators were allowed to run out of gas. Stated that she
is pro Wal-Mart.**

**Richard Moore, 139 Belmont Court West – Called DPW about water in his basement, was
assured that the pumps were in place, went to check pump on Sweeney and pump was not
installed.**

**Rev. Charles Hobbs, 1541 Ruie Road – Thanked all Departments for their many years of
caring for the city and asked the Council to put the Mayor's Secretary back in the budget.**

**Debbie Gondek, 257 Brentwood Dr. – Asked about Local Law #3 and wanted to know if
the RFP process would be public when the City sells any of its property.**

**Dan Rivera, 65 6th Avenue – Asked about the amendment to the Historic Preservation
Ordinance, local match for Shared Municipal Services, RFP process and School Tax
Collection.**

**Mike Gondek, 257 Brentwood Dr. – Asked about the Abstract of Claims, the Mayor's
Secretary and special assessments. He also stated that the City is doing a good job cleaning
up after the storm.**

- 3). That Cingular Wireless provides the City with a Removal Bond in the amount of \$25,000.

Should your Honorable Body concur, please pass a resolution to issue a Special Permit to the applicant so that the project can move forward. Should 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 Rizzo
That the Common Council hereby agrees to issue a Special Permit to Cingular Wireless subject to the following conditions:

- 1). That Cingular Wireless provides a Certificate of Insurance demonstrating the existence of the required insurance.
- 2). That Cingular Wireless must pay all costs and fees associated with the processing of the applications, permits and inspections, prior to the issuance of the Certificate of Compliance.
- 3). That Cingular Wireless provides the City with a Removal Bond in the amount of \$25,000.

Subject to review and approval of the City Attorney.

Ayes: Rizzo, Schwandt, Donovan, Sommer

(4)

Nays: None

(0)

CARRIED.

II.3 Attorney

October 12, 2006

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

Re: Proposed Amendment to Chapter 51C of the City Code of the City of North Tonawanda, New York, Entitled "Historic Preservation"

Dear Honorable Body:

Once again we have been asked to amend Chapter 51C of the City Code of the City of North Tonawanda entitled "Historic Preservation". This change is required by the State of New York to garner approval for the City's application for "Certified Local Government" status. CLG status, in turn, opens up additional avenues for state funding on future historic preservation projects.

The change requires returning of Section 2(a) of the Historic Preservation to read:

"2(a). The Commission shall consist of *seven* (7) members to be appointed to the extent available in the community, by the Mayor, with the consent of the Common Council. Criteria for Commission members are as follows:"

If your Honorable Body concurs, please pass a resolution to return Section 2(a) of the Historic Preservation ordinance to read as mentioned above, subject to review by the City Attorney. Should you have any questions, please do not hesitate to contact me.

Very truly yours,
Shawn P. Nickerson
City Attorney

10-18-06

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: Rizzo, Schwandt, Donovan, Sommer (4)

Nays: None (0)

CARRIED.

VII. Accountant

October 12, 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 October 18, 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 Schwandt SECONDED by Alderman Donovan
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated October 18, 2006 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$514,844.47
02	Water Fund	33,769.62
04	Sewer Fund	62,693.72
06	Capital Project Fund	4,080.29
07	Trust & Agency Fund	13,830.19
11	General Fund Encumbered	99.99
	Final Total	<u>\$629,318.28</u>

Ayes: Rizzo, Schwandt, Donovan, Sommer (4)

Nays: None (0)

CARRIED.

IX.1 Public Works

October 12, 2006

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

Re: Street Lighting Installation – DiMatteo Drive

Dear Honorable Body:

At my request, National Grid has prepared an estimate for the annualized installation and service/energy charges for street lighting facilities on the newest portion of DiMatteo Drive south of East Goundry Street.

The estimate is for four (4) 25-foot high steel poles with davit arms and 100-watt high-pressure sodium lamps in standard enclosure luminaires with direct burial cable, which matches the remainder of DiMatteo Drive.

The estimated annual cost for these facilities is \$2,038.78.

I recommend that the Council resolve to authorize National Grid to install four (4) 25-foot high steel poles with screw type foundations and davit arms with 100-watt high pressure sodium lamps in standard enclosure luminaires on DiMatteo Drive in accordance with the estimate prepared on September 30, 2006 and the location plan #01-04-141029_1 prepared by National Grid and that the City Clerk be directed to send a copy of the Council's Resolution to Ms. Nancy A. Schott, Consumer Representative for National Grid.

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

MOVED by Alderman Donovan **SECONDED** by Alderman Sommer
That the Common Council hereby authorizes National Grid to install four (4) 25-foot high steel poles with screw type foundations and davit arms with 100-watt high pressure sodium lamps in standard enclosure luminaires on DiMatteo Drive in accordance with the estimate prepared on September 30, 2006 and the location plan #01-04-141029_1 prepared by National Grid and directs the City Clerk to send a copy of the Council's Resolution to Ms. Nancy A. Schott, Consumer Representative for National Grid.

Ayes: Rizzo, Schwandt, Donovan, Sommer (4)
Nays: None (0)
CARRIED.

IX.2 Public Works

October 12, 2006

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

Re: Street Lighting Installation – Daigler Drive

Dear Honorable Body:

At my request, National Grid has prepared two (2) estimates for annualized installation and service/energy charges for street lighting facilities on Daigler Drive.

One estimate is for 12-foot high fiberglass poles with Aspen Grove style luminaires and the other is for 25-foot steel poles with davit arms and standard enclosure luminaires. Both estimates include nine (9) lights, 70-watt lamps and direct burial cable.

The estimated annual cost for nine (9) 12-foot fiberglass poles is \$2,430.92. The estimated annual cost for nine (9) 25-foot steel poles is \$4,506.50.

I recommend that the Council resolve to authorize National Grid to install nine (9) 12-foot high fiberglass poles with Aspen Grove luminaires and 70-watt high pressure sodium lamps in the Daigler Drive Subdivision in accordance with the estimate prepared September 30, 2006 and the location plan #01-05-430369_1 prepared by National Grid and that the City Clerk be directed to send a copy of the Council's Resolution to Ms. Nancy A. Schott, Consumer Representative for National Grid.

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

MOVED by Alderman Rizzo

SECONDED by Alderman Sommer

That the Common Council hereby authorizes National Grid to install nine (9) 12-foot high fiberglass poles with Aspen Grove luminaires and 70-watt high pressure sodium lamps in the Daigler Drive Subdivision in accordance with the estimate prepared September 30, 2006 and the location plan #01-05-430369 _1 prepared by National Grid and directs the City Clerk to send a copy of the Council's Resolution to Ms. Nancy A. Schott, Consumer Representative for National Grid.

Ayes: Rizzo, Schwandt, Donovan, Sommer

(4)

Nays: None

(0)

CARRIED.

XIV. Recreation

9/10/2006

The Honorable Mayor, Lawrence V. Soos
 216 Payne Avenue
 North Tonawanda, New York 14120

Dear Mayor Soos and Common Council,

I respectfully request that the 2007 State Aid Appropriation as recommended by the North Tonawanda Youth Board be accepted and approved. Funding is provided by the New York State Office of Children and Family Services and administered by the Niagara County Youth Bureau.

The 2007 appropriations are:

- | | |
|---|-------------|
| • Department of Youth, Recreation & Parks Youth Court | \$5,522.00 |
| • Department of Youth, Recreation & Parks First Offender Program | \$2,700.00 |
| • Department of Youth, Recreation & Parks Youth Center Program | \$9,238.00 |
| • Youth Bureau Grant for Administrative Costs in the Department of Youth, Recreation & Parks | \$31,030.00 |
| • North Tonawanda Department of Youth, Recreation & Parks Youth Court *Niagara County Funding | \$7,800.00 |

The total State Aid for Youth Program allocation for 2007 will be Fifty-Six Thousand, Two Hundred and Ninety Dollars (\$56,290.00).

Sincerely,
 Jerry Whitehead
 Director of Youth, Recreation & Parks

MOVED by Alderman Donovan

Seconded by Alderman Sommer

That the Common Council hereby approves the following 2007 State Aid allocations as recommended by the North Tonawanda Youth Board funded by the New York State Office of Children and Family Services through the Niagara County Youth Bureau:

The 2007 appropriations are:

- | | |
|---|-------------|
| • Department of Youth, Recreation & Parks Youth Court | \$5,522.00 |
| • Department of Youth, Recreation & Parks First Offender Program | \$2,700.00 |
| • Department of Youth, Recreation & Parks Youth Center Program | \$9,238.00 |
| • Youth Bureau Grant for Administrative Costs in the Department of Youth, Recreation & Parks | \$31,030.00 |
| • North Tonawanda Department of Youth, Recreation & Parks Youth Court *Niagara County Funding | \$7,800.00 |

Ayes: Rizzo, Schwandt, Donovan, Sommer
Nays: None
CARRIED.

(4)
(0)

XXV. Monthly Reports

.1 Vital Statistics

.2 Building Inspector

MOVED by Alderman Rizzo

SECONDED by Alderman Sommer

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

MOVED by Alderman Sommer

SECONDED by Alderman Donovan

WHEREAS, The North Tonawanda Common Council, in conjunction with the cities of Lockport and Niagara Falls, is submitting an application to New York State’s Shared Municipal Services Incentive (SMSI) Grant Program to study the feasibility of merging water and wastewater services among the three entities; and

WHEREAS, The SMSI Grant Program is designed to foster cooperation between local governments in order to improve efficiencies and reduce costs for providing services to taxpayers; and

WHEREAS, The SMSI Program awards financial support for programs such as municipal consolidations, mergers, cooperative agreements and other shared service endeavors; and

WHEREAS, Opportunities exist among the Niagara Falls Water Board and the cities of Lockport and North Tonawanda to work collaboratively to realize operational savings and to provide water and wastewater services more efficiently and at lower costs to ratepayers; and

WHEREAS, A detailed engineering analysis is necessary to determine the feasibility of shared services among each entity and how to provide these services in the most efficient, cost-effective manner, which will benefit each entity and their ratepayers; and

WHEREAS, The Niagara Falls Water Board would serve as the lead applicant to the SMSI Grant Program and the cities of Lockport and North Tonawanda would be co-applicants; and

WHEREAS, The application will request a maximum grant of \$600,000, of which the local match of \$0 would be paid by the Niagara Falls Water Board and the cities of Lockport and North Tonawanda; and

WHEREAS, Each entity will work cooperatively to share all necessary information in a timely manner and will enter into an ‘Inter-municipal Agreement’ that will be contingent on the awarding of a grant,

NOW THEREFORE BE IT RESOLVED that the “members” of the North Tonawanda Common Council authorize Niagara Falls Water Board Executive Director Robert Game to act on all matters regarding submittal of an application to the SMSI Grant Program that will determine the feasibility and benefits of shared water and wastewater services among the Niagara Falls Water Board and the cities of Lockport and North Tonawanda.

Ayes: Rizzo, Schwandt, Donovan, Sommer
Nays: None
CARRIED.

(4)
(0)

LATE COMMUNICATIONS

MOVED by Alderman Sommer SECONDED by Alderman Schwandt
To bring the following communication to the floor.

Ayes: Rizzo, Schwandt, Donovan, Sommer (4)
Nays: None (0)
CARRIED.

#1 Mayor

October 16, 2006

City of North Tonawanda Common Council
City Hall, 216 Payne Avenue
North Tonawanda, New York 14120

RE: State of Emergency Declaration

Dear Honorable Body:

This letter is being provided to memorialize the emergency situation that has existed since last Thursday evening, October 12, 2006. At that time an emergency situation was declared and a driving ban imposed. Said ban has since been lifted. In the interim, the Federal and State governments have offered financial assistance in the cleanup effort that has been undertaken. The National Guard has also been contacted to help in the cleanup effort. To facilitate that help and to allow further actions to be taken if necessary, please be advised that by the authority given to me as chief executive of the City of North Tonawanda under Section 24 of the New York State Executive Law, I hereby declare a State of Emergency for the City of North Tonawanda effective as of Thursday, October 12, 2006 at 9:00 PM.

This State of Emergency has been declared due to the recent severe snow storm event that damaged trees throughout the city to a massive extent. Over the past several days, the city and its residents have experienced the loss of electricity, flooded basements, impassable roads, hanging wires and tree limbs, downed trees and much destruction as a result of this snowstorm. The schools have been closed and the safety of our children is of primary concern. This situation has and will continue to threaten public safety.

The purpose of this declaration is to preserve public safety and hereby render all required and available assistance vital to the security, well-being, and health of the citizens of the City of North Tonawanda. I hereby direct that all departments of the City of North Tonawanda take whatever steps necessary to protect life and property, public infrastructure, and provide such emergency assistance deemed necessary.

Furthermore, at this time I would like to thank the Common Council, the city department heads and all their dedicated employees that have worked tirelessly to overcome this freak October event. Thank you for your attention to this matter.

Sincerely,
Lawrence V. Soos
Mayor

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

10

#2 Attorney

October 17, 2006

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

Re: Storm Related State of Emergency

Dear Honorable Body:

As a result of the recent storm and resulting damage sustained within the City of North Tonawanda, public interest dictates that a state of public emergency exists. In light of the emergency situation, we would ask that your Honorable Body consider the following: 1). Declare that the City of North Tonawanda is in a state of public emergency; 2). Allow the City Engineer to suspend competitive bidding practices relating to the storm damage. This will enable him to solicit informal bids, prepare specifications, and have debris removal and disposal accomplished in the most expeditious manner. During this process, in the public interest, we request that the City Engineer seek the lowest possible cost as practicable; 3). Close the public parks for the duration of the state of emergency to facilitate emergency operations.

If your Honorable Body concurs, please pass the following resolution:

That the City of North Tonawanda is in a state of public emergency; that the City Engineer is permitted to suspend competitive bidding procedures relating to storm damage operations to facilitate expeditious debris removal and disposal in the public interest; and that the public parks of the City of North Tonawanda be closed for the duration of the emergency to facilitate operations of emergency personnel in the neighborhoods so affected.

Should you have any questions, please do not hesitate to contact this office.

Very truly yours,
Shawn P. Nickerson
City Attorney

MOVED by Alderman Donovan SECONDED by Alderman Schwandt
That the Common Council hereby passes the following resolution:

That the City of North Tonawanda is in a state of public emergency; that the City Engineer is permitted to suspend competitive bidding procedures relating to storm damage operations to facilitate expeditious debris removal and disposal in the public interest; and that the public parks of the City of North Tonawanda be closed for the duration of the emergency to facilitate operations of emergency personnel in the neighborhoods so affected.

Ayes: Rizzo, Schwandt, Donovan, Sommer (4)

Nays: None (0)

CARRIED.

#3 Engineer

October 18, 2006

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

Re: Project 2006-14, October 2006 Storm Snow Storm Emergency
Vegetative Debris Removal and Disposal
Award of Contract

10-18-06

Dear Honorable Body:

On Wednesday, October 18, 2006, seven (7) bids from qualified contractors were received for the removal, transportation, and disposal of the October 12th and 13th snowstorm generated vegetative debris from the city right-of ways. This work is being performed under an emergency basis, in accordance with New York State Emergency Management Office Guidelines for Disasters. This emergency work is one hundred percent reimbursable through FEMA and the State of New York. The State has informed us that they will be picking up the City's 12.5% local share of the cost.

SRS Inc.	\$ 910,270
DRC Emergency Services, LLC	\$1,551,270
Ceres Environmental	\$1,647,100
Wood Resource Recovery	\$1,771,500
Phillips and Jordan Inc.	\$1,891,600
Three Deuce, Inc.	\$1,924,000
Asbritt Inc.	\$1,775,500
Asplundh Environmental Service	\$2,452,000

Accordingly, I respectfully request that the Common Council award Project 2006-14, October 2006 Snow Storm Vegetative Debris Removal and Disposal, to Storm Reconstruction Services Inc., 1609 Veterans Memorial Pkwy. Tuscaloosa, AL 35404, at their low bid in the amount of \$910,270.00; authorizing the mayor to sign the said contract, subject to review by the City Attorney.

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

MOVED by Alderman Rizzo

SECONDED by Alderman Donovan

That the Common Council awards Project 2006-14, October 2006 Snow Storm Vegetative Debris Removal and Disposal, to Storm Reconstruction Services Inc., 1609 Veterans Memorial Pkwy. Tuscaloosa, AL 35404, at their low bid in the amount of \$910,270.00; and authorizes the mayor to sign the said contract, subject to review by the City Attorney.

Ayes: Rizzo, Schwandt, Donovan, Sommer (4)

Nays: None (0)

CARRIED.

ADJOURNMENT

MOVED by Alderman Rizzo

SECONDED by Alderman Donovan

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

CARRIED.

Time of Adjournment: 6:15P.M.

Respectfully submitted,

Thomas M. Jaccarino
City Clerk