

COMMUNICATIONS FROM CITY OFFICIALS

II.1 Attorney

October 18, 2006

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

Re: Proposed Weatherbest Lease – 6/1/07 through 5/31/08

Dear Honorable Body:

Attached is proposed lease between the City of North Tonawanda and the Weatherbest lessees, which incorporates the changes that your Honorable Body has requested. The term is for one year commencing June 1, 2007 and extending through May 31, 2008.

Should your Honorable Body concur, please pass a resolution to adopt this as the standard lease for Weatherbest lease holders for the coming lease year – June 1, 2007 through May 31, 2008.

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

Very truly yours,
Shawn P. Nickerson
City Attorney

MOVED by Alderman Sommer **SECONDED** by Alderman Schwandt
That the Common Council hereby adopts the lease between the City of North Tonawanda and the Weatherbest lessees, which incorporates the changes that were requested by the Common Council. The term is for one year commencing June 1, 2007 and extending through May 31, 2008.
Ayes: Rizzo, Schwandt, Sommer (3)
Nays: Brick, Donovan (2)
CARRIED.

II.2 Attorney

October 26, 2006

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

Re: Proposed Amendment to Chapter 70 of the City Code of the City of North Tonawanda, New York, Entitled “Political Advertising”.

Dear Honorable Body:

Per your request, below is a proposed amendment to Chapter 70 of the City Code of the City of North Tonawanda entitled “Political Advertising”. The requested change appears below in bold (underlined) print.

“70-1. Prohibited Acts

No person, firm or corporation shall affix, paint, post, hang or otherwise attach, or cause or allow any of his, their or its subordinates or employees or allow anyone acting on his or their behalf to affix, paint post, hang or otherwise attach any political banner, poster, placard or political advertising of any type whatsoever to any lampposts, telegraph or telephone poles, trees, hydrants or boxes covering the same, street signs, signal posts, wires, cables, buildings, fences, structures of any kind, sidewalks, pavements, walls, refuse and litter containers, monuments, statues, arbors, parking meters, bridges,

railings, shelter houses, comfort stations, stairways, apparatus, pieces of equipment or on any other object or item, thing or place situated in or upon any of the public streets, avenues, lanes, alleys, roads or public places of the City of North Tonawanda, New York, or upon any structure or building upon any of the streets or avenues, or upon any structure or building upon any of the streets, avenues, roads, lanes, alleys or public places of the City of North Tonawanda, New York. Notwithstanding the above, on Election Day, political advertising shall be permitted at polling places so long as its placement complies with New York State election law. Said political advertising may be posted no sooner than twelve (12) hours prior to the opening of the polling place and shall be removed no later than forty-eight (48) hours after the closing of the polling place.

If your Honorable Body concurs, please pass a resolution to add the above language to Section 70-1 of the Political Advertising ordinance, 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

MOVED by Alderman Sommer SECONDED by Alderman Brick
That the Common Council hereby amends Chapter 70 of the City Code of the City of North Tonawanda entitled "Political Advertising" (amendment is underlined) subject to review by the city Attorney as follows:

"70-1. Prohibited Acts

No person, firm or corporation shall affix, paint, post, hang or otherwise attach, or cause or allow any of his, their or its subordinates or employees or allow anyone acting on his or their behalf to affix, paint post, hang or otherwise attach any political banner, poster, placard or political advertising of any type whatsoever to any lampposts, telegraph or telephone poles, trees, hydrants or boxes covering the same, street signs, signal posts, wires, cables, buildings, fences, structures of any kind, sidewalks, pavements, walls, refuse and litter containers, monuments, statues, arbors, parking meters, bridges, railings, shelter houses, comfort stations, stairways, apparatus, pieces of equipment or on any other object or item, thing or place situated in or upon any of the public streets, avenues, lanes, alleys, roads or public places of the City of North Tonawanda, New York, or upon any structure or building upon any of the streets or avenues, or upon any structure or building upon any of the streets, avenues, roads, lanes, alleys or public places of the City of North Tonawanda, New York. Notwithstanding the above, on Election Day, political advertising shall be permitted at polling places so long as its placement complies with New York State election law. Said political advertising may be posted no sooner than twelve (12) hours prior to the opening of the polling place and shall be removed no later than forty-eight (48) hours after the closing of the polling place.

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

V. Water

October 26, 2006

Honorable Mayor Lawrence Soos
and Common Council
City Hall, 216 Payne Ave
N. Tonawanda NY 14120

Re: Bid for Granular Activated Carbon

Dear Mayor and Common Council:

On Thursday, October 12, 2006 at 11 AM, bids were received and publicly opened in the City Clerk's Office, for supplying the Wastewater Treatment Plant with Granular Activated Carbon. The bids were as follows:

Bidder	Bid
Calgon Carbon	Virgin – \$.80/lb-1 yr. \$.86/lb-3 yr. Reactivated – no bid
Norit Americas Inc	Virgin – \$.48/lb-1 yr. \$.51/lb-3 yr. Reactivated –\$.48/lb-1 yr. \$.51/lb-3 yr.

I recommend the Common Council award the bid contract to Norit Americas Inc.

The bid contract award is subject to the approval of the City Attorney.

Sincerely,
Paul J Drof,
Superintendent, Water/Wastewater

MOVED by Alderman Rizzo

SECONDED by Alderman Brick

That the Common Council hereby awards the bid for supplying the Wastewater Treatment Plant with Granular Activated Carbon to Norit Americas, Inc. at their low bid of \$.51/lb for 3 years, subject to approval of the City Attorney.

Ayes: Brick, Rizzo, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

CARRIED.

VII. Accountant

October 26, 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 November 1, 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 Brick

That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated November 1, 2006 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$640,272.31
02	Water Fund	39,308.32
04	Sewer Fund	112,814.03
06	Capital Project Fund	54,209.86
07	Trust & Agency Fund	<u>1,653.00</u>
	Final Total	<u>\$848,257.52</u>

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

VII.2 Accountant

October 26, 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>
5	1,000.00	1-3410.480 Fire Operations	1-3640.231 E/Mgt Dive/Rescue Truck
6	1,500.00	1-3640.410 E/Mgt Administration	1-3640.231 E/Mgt Dive/Rescue Truck
7	6,000.00	1-1990.410 General Contingent	1-3640.231 E/Mgt Dive/Rescue Truck
8	40,000.00	4-1990.400 Sewer Contingent	4-8130.420 WWTP Repairs & Maintenance
9	5,000.00	4-4130.480 WWTP Operations	4-8130.410 WWTP Administration
10	5,000.00	2-8320.460 Water Utilities	2-8310.410 Water Administration

Very truly yours,
 David R. Jakubaszek
 City Accountant

MOVED by Alderman Sommer **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>
5	1,000.00	1-3410.480 Fire Operations	1-3640.231 E/Mgt Dive/Rescue Truck
6	1,500.00	1-3640.410 E/Mgt Administration	1-3640.231 E/Mgt Dive/Rescue Truck
7	6,000.00	1-1990.410 General Contingent	1-3640.231 E/Mgt Dive/Rescue Truck
8	40,000.00	4-1990.400 Sewer Contingent	4-8130.420 WWTP Repairs & Maintenance
9	5,000.00	4-4130.480 WWTP Operations	4-8130.410 WWTP Administration
10	5,000.00	2-8320.460 Water Utilities	2-8310.410 Water Administration

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

#1 Engineer

October 31, 2006

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

Re: October 2006 Snow Storm Emergency
Vegetative Debris Removal and Disposal Monitoring
Award of Agreement Amendment.

Dear Honorable Body:

Last Wednesday, October 25, 2006, the Common Council awarded the October 2006 Snow Storm Vegetative Debris Removal and Disposal Monitoring Contract to Beck Disaster Recovery, Inc. of Pensacola, FL, in an amount not to exceed \$113,670 without prior authorization. This awarded amount is actually for only a portion of the overall agreement and is for the monitoring of the removal of dangerous limbs and trees (leaners/hangers) within the city right-of-ways. The other concurrent portion of the work involves the monitoring of the removal and disposal of vegetative debris within the city right-of-ways in an amount of \$203,603.

Accordingly, I respectfully request that the Common Council, amend their resolution of October 25, 2006 to include the monitoring of the debris removal within the city right-of-way as follows: That the Common Council hereby awards the October 2006 Snow Storm Vegetative Debris Removal and Disposal Monitoring Contract to Beck Disaster Recovery, Inc., 6108 Village Oaks Drive, Suite C, Pensacola, FL 32504, in an amount not to exceed \$113,670 for the Right-of Way Leaner/Hanger Monitoring, without prior authorization by the city; also in the amount not to exceed \$203,603 for the Right-of-Way Debris Removal Monitoring, without prior authorization by the city; authorizing the mayor to sign said contract, subject to review by the City Attorney.

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

MOVED by Alderman Brick

SECONDED by Alderman Schwandt

That the Common Council hereby awards the October 2006 Snow Storm Vegetative Debris Removal and Disposal Monitoring Contract to Beck Disaster Recovery, Inc., 6108 Village Oaks Drive, Suite C, Pensacola, FL 32504, in an amount not to exceed \$113,670 for the Right-of Way Leaner/Hanger Monitoring, without prior authorization by the city; also in the amount not to exceed \$203,603 for the Right-of-Way Debris Removal Monitoring, without prior authorization by the city; authorizing the mayor to sign said contract, subject to review by the City Attorney.

Ayes: Brick, Rizzo, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

CARRIED.

#2 Mayor

October 31, 2006

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

RE: Amendment to New York State Environmental Conservation
Law to protect the Great Lakes System

Dear Honorable Body:

On August 16, 2006, Governor George Pataki vetoed Assembly Bill 11713/Senate Bill 8107 (2006). This bill would have amended the Environmental Conservation Law to prohibit

any industrial hazardous waste disposal facility from being sited in a location with the potential to discharge into the Great Lakes System. This amendment is important as it would prevent the possible expansion of Chemical Waste Management's hazardous waste disposal landfill in the towns of Porter and Lewiston and would prohibit the addition of new facilities that would collect persistent toxic waste from across the United States for permanent burial in New York's Great Lakes System.

Quite simply, the protection this legislation would afford our waterways is not just a Porter or Lewiston issue, but a critical issue involving a natural resource that impacts North Tonawanda, Niagara County, New York State, other Great Lakes States, along with the entire nation.

For some background, my office has met with the citizens group, Residents For Responsible Government, Inc. and has been in contact with William Choboy, Vice-President of said group, who is spearheading the campaign to get local governmental entities to support this legislation. Furthermore, both State Senator George Maziarz and State Assemblyman Francine DelMonte sponsored the original bill. I have attached a brief history of said Bill for your review. The County of Niagara is already on record in support of this veto override.

Accordingly, please pass the following resolution if after review it is found acceptable:

Be It Resolved, that Mayor Lawrence Soos and the members of the North Tonawanda Common Council go on record supporting the override of Governor George Pataki's veto of the "Great Lakes System Protection Amendment" (Assembly Bill 11713 and Senate Bill 8107) which if passed would protect the health and welfare of the citizens of North Tonawanda and other impacted communities and that a certified copy of this resolution be sent to our State government leaders in support of said override and the passage of this legislation.

Thank you for your anticipated support in this matter.

Sincerely,
Lawrence V. Soos, Mayor

MOVED by Alderman Schwandt SECONDED by Alderman Donovan
Be It Resolved, that Mayor Lawrence Soos and the members of the North Tonawanda Common Council go on record supporting the override of Governor George Pataki's veto of the "Great Lakes System Protection Amendment" (Assembly Bill 11713 and Senate Bill 8107) which if passed would protect the health and welfare of the citizens of North Tonawanda and other impacted communities and that a certified copy of this resolution be sent to our State government leaders in support of said override and the passage of this legislation.
CARRIED.

#3 City Clerk

November 1, 2006

Common Council
216 Payne Avenue
North Tonawanda, NY 14120

Re: Rezoning of Colonel Payne School from R-2 to R-C

Dear Honorable Body:

Please be advised that at the Planning Board meeting of September 11, 2006 the following resolution was passed regarding the Rezoning of Colonel Payne School from R-2 to R-C:

