

**THE HONORABLE BODY**  
**Council Chambers**  
**Municipal Building**  
**North Tonawanda, New York 14120**  
**Wednesday, December 6, 2006**  
**7:00P.M.**

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**REGULAR SESSION CALLED TO ORDER BY PRESIDENT SOMMER**

**ROLL CALL**

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

**Absent:** None

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

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**AUDIENCE PARTICIPATION**

**Jim DiBernardo, 711 Fairmont Avenue – Talked about taxes, asked Common Council not to raise fees for golf course and stated that the golf course is not run properly and is losing non-resident players.**

**Ed Kowalewski, 1285 Brookfield – Stated that the NT should follow Buffalo’s lead and negotiate for fair market value of Blue Bird Drive with Wal-Mart and should tie approval of building Wal-Mart with city residents receiving jobs.**

**Liz Kaszubski, 1463 Fairfield Drive – Spoke with Mayor regarding flooding issues in the Birch/Fairfield area and stated that the city needs to come up with a plan.**

**Walt Yaro, 170 Christiana Street – Called for Brett Sommer’s resignation.**

**Gordon Fritz, 1727 Eddy Drive – Informed Common Council that the lift station on Erie Avenue and Leah backs up every time it rains.**

**Joann Dicky, 636 Fairmont Avenue – Questioned abstracts; stated that the greenway money should go to waterfront development.**

**Suzanne Wilke, 329 Miller Street – Spoke against Wal-Mart.**

**Debbie Gondek, 257 Brentwood Drive – Thanked Bob Sondel and David Jakubaszek for Special Assessment presentation and stated that the Planning Commission didn’t hold a public hearing when they should have and asked how to rectify the special assessment issue. Also, informed the Council that the Mayor’s Office didn’t respond to questions addressed to them approximately one month ago.**

**Sonia Dusza, 123 Miller Street – Stated that backyard neighbor is doing work and wondered if they had a permit.**

**Sue Kowalewski, 1285 Brookfield – Stated that Wal-Mart will have 25-30 trucks per day.**

**Bob Gibson, 1318 Master Street – Complained that Deerwood Golf Course Maintenance did not clean out ditches or remove downed trees.**

**Jim Walters, 498 Walck Road – Questioned surcharge on Season Pass holders and stated that he is against the surcharge.**

**Delores Bennett, 172 Vandervoort – Stated that petitions against Wal-Mart with 300 signatures will be presented to the Common Council.**

**Mike Gondek, 257 Brentwood Drive – Asked about the Colonel Payne Youth Center.**

**Robert Gensik, Sommer Street – Tops doesn’t pay as much in taxes as Wal-Mart does.**



## IV.1 Engineer

November 27, 2006

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

Re: Project 2002-01, Niagara Riverwalk, Contract A  
(Fisherman's Park to Gratwick-Riverside Park)  
Change Order No. 1

Dear Honorable Body:

As you are aware, the Niagara Riverwalk Project, Contract A is funded through a grant in the amount of \$95,116 from New York State Office of Parks, Recreation and Historic Preservation and by city bonded funds in the amount of \$100,000, for a total project amount of \$195,116.

Construction of the Riverwalk, Contract A is now substantially complete and approval of Change Order No. 1 is hereby requested.

Change Order No. 1 consists of four items of work as ordered by the engineer, and is based on the final measured quantities, as follows:

• Deduct for final measured quantities	-\$2,243.40
• SEABEE/Marine Corp. handicap parking lot	\$8,000.00
• Repair Fisherman's Park Pavilion retaining wall	\$53,000.00
• Lower path and remove rail ties at Niagara River Yacht Club	<u>\$10,811.00</u>
Total	\$69,567.60

Accordingly, I respectfully request that the Common Council approve Change Order No. 1 to Project 2002-01, Niagara Riverwalk Contract A, in the amount of \$69,567.60, increasing the contract amount with Yarussi Construction, Inc., 5660 Simmons Ave., Niagara Falls, New York 14068; from \$109,100.00 to \$178,667.60; authorizing the Mayor 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 Donovan                      SECONDED by Alderman Brick  
That the Common Council hereby approves Change Order No. 1 to Project 2002-01, Niagara Riverwalk Contract A, in the amount of \$69,567.60, increasing the contract amount with Yarussi Construction, Inc., 5660 Simmons Ave., Niagara Falls, New York 14068; from \$109,100.00 to \$178,667.60; and authorizes the Mayor to sign said change order subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

## IV.2 Engineer

November 30, 2006

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

Re: October 2006 Storm Snow Emergency  
Vegetative Debris Removal and Disposal Contract  
Change Order No. 2

Dear Honorable Body:

Approval of Change Order No. 2 to the above referenced contract is hereby requested.

The change order requested is for a two (2) week contract extension for finishing up the City's dangerous hanging limb program, to increase the contract total for dangerous hanging limbs from 50,000 to 70,000 limbs, and to include a new contract item for stump removal.

On November 22, 2006, the Superintendent of Public Works and I met to evaluate the progress of the hanging limb removal. It was the Superintendent's position that more work needed to be done, and that the job was not complete at the 50,000 limb total. It was decided to request a two week contract extension and to cap the limb removal total at 70,000.

Further, it was discussed with representatives from FEMA that a stump removal item should be added to the contract to accommodate those city trees that were uprooted by the storm event. FEMA will reimburse the City based on the Town of Tonawanda's bid item for stump removal. The City's contractor, Storm Reconstruction Services, Inc., has agreed to perform the work for the Town's low bid amounts.

Therefore, I respectfully request that the Common Council approve Change Order No. 2, increasing the contract quantity for Item No. 6, Dangerous Hanging Limb Removal, from 50,000 to 70,000 limbs; adding a new Item No. 7, Hazardous Stump Removal, Backfilling, Loading, and Hauling to the Debris Processing Site at Robin: (A) for Stumps 24" to 35.99" in diameter at \$300 each; (B) for Stumps 36" to 47.99" in diameter at \$400 each; and (C) for Stumps 48" in diameter and larger at \$500 each. Finally, for approval of a 14 day contract extension for Contract 2006-14, October 2006 Snow Storm Vegetative Debris Removal and Disposal, with Storm Reconstruction Services Inc., 1609 Veterans Memorial Pkwy. Tuscaloosa, AL 35404; and authorize the mayor to sign the said change order, subject to review by the City Attorney.

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

MOVED by Alderman Brick

SECONDED by Alderman Rizzo

That the Common Council hereby approves Change Order No. 2, increasing the contract quantity for Item No. 6, Dangerous Hanging Limb Removal, from 50,000 to 70,000 limbs; adding a new Item No. 7, Hazardous Stump Removal, Backfilling, Loading, and Hauling to the Debris Processing Site at Robin: (A) for Stumps 24" to 35.99" in diameter at \$300 each; (B) for Stumps 36" to 47.99" in diameter at \$400 each; and (C) for Stumps 48" in diameter and larger at \$500 each. Finally, for approval of a 14 day contract extension for Contract 2006-14, October 2006 Snow Storm Vegetative Debris Removal and Disposal, with Storm Reconstruction Services Inc., 1609 Veterans Memorial Pkwy. Tuscaloosa, AL 35404; and authorizes the Mayor to sign the said change order, subject to review by the City Attorney.

Ayes: Brick, Rizzo, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

CARRIED.

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IV.3 Engineer

November 30, 2006

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

Re: October 2006 Storm Snow Emergency  
Vegetative Debris Removal and Disposal Monitoring  
Award of Agreement Amendment No. 2

Dear Honorable Body:

On 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 for Right-of-Way Dangerous Hanging Limbs Monitoring and \$203,603 for Right-of-Way Debris Monitoring, without prior authorization.

With the October Storm Debris Project substantially complete, the City needs to amend the monitoring contract to reflect the extra time required to monitor the additional removal of 69,000 dangerous hanging limbs from city trees within right-of-ways and parks.

Accordingly, I respectfully request that the Common Council, amend the City's October 2006 Snow Storm Vegetative Debris Removal and Disposal Monitoring Contract with Beck Disaster Recovery, Inc., 6108 Village Oaks Drive, Suite C, Pensacola, FL 32504, increasing the contract amount from \$113,670 for the Right-of-Way Leaner/Hanger Monitoring to an amount not to exceed \$250,000, authorizing the mayor to sign said amendment subject to review by the City Attorney.

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

MOVED by Alderman Donovan

SECONDED by Alderman Rizzo

That the Common Council hereby amends the City's October 2006 Snow Storm Vegetative Debris Removal and Disposal Monitoring Contract with Beck Disaster Recovery, Inc., 6108 Village Oaks Drive, Suite C, Pensacola, FL 32504, increasing the contract amount from \$113,670 for the Right-of-Way Leaner/Hanger Monitoring to an amount not to exceed \$250,000 and authorizes the Mayor to sign said amendment subject to review by the City Attorney.

Ayes: Brick, Rizzo, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

CARRIED.

V. Water

November 22, 2006

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

Re: Water Service Leak  
Account # 38208

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 541½ East Schenck St.

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

Sincerely,  
Paul J. Drof  
Water Works Superintendent

MOVED by Alderman Brick

SECONDED by Alderman Rizzo

That the Common Council hereby grants permission to the Water Department to hire a licensed plumber to repair the Water Service Leak at 541½ East Schenck 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

November 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 December 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 Sommer

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

01	General Fund	\$1,939,253.33
02	Water Fund	190,445.73
04	Sewer Fund	236,130.79
06	Capital Project Fund	599,408.53
07	Trust & Agency Fund	11,311.00
17	Home Rehab Program	<u>8,900.00</u>
	Final Total	<u>\$2,985,449.38</u>

Ayes: Brick, Rizzo, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

CARRIED.

## VII.2 Accountant

December 13, 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>
15	3,500.00	2-8330.220 Water Office Equipment	2-8310.410 Water Administration

Very truly yours,  
David R. Jakubaszek  
City Accountant



**XIV.1 Recreation**

November 30, 2006

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

Dear Honorable Mayor Soos and Common Council Members:

Please review and approve the attached Department of Youth, Recreation & Parks 2007 Fee and Charge schedule for Deerwood Golf Course.

The revenue generated from the established fees and charges is collected for deposit as designated on the fee schedule.

Thank you.

Sincerely,  
Jerry Whitehead  
Director of Youth, Recreation & Parks

MOVED by Alderman Sommer                      SECONDED by Alderman Donovan  
That the Common Council hereby approves the Department of Youth, Recreation & Parks 2007 Fee and Charge schedule for Deerwood Golf Course as follows:

**INDIVIDUAL RESIDENT DAILY PASS**

- One year (2007) Pass..... \$ 20.00

**GOLF SEASON PASS RATES**

Surcharge Fee: A \$ 1.00 fee will be payable by season pass holders for each round of golf.

- A. Residents ..... \$375.00
  - 1. All resident golf passes are good for play at anytime.
- B. Youth..... \$125.00
  - 1. All youth passes are only good from Monday through Friday until 3:30 PM except on Holidays and on Saturdays, Sundays and Holidays after 3:00 PM.
  - 2. Youth are residents 17 years of age and younger.
  - 3. Youth golf pass holders must have their name registered with the cashier by 3:30 PM on Mondays through Fridays year round.
- C. Senior Citizen ..... \$ 195.00
  - 1. All Senior Citizen golf passes are only good on Mondays through Fridays until 3:00 PM except on Holidays and on Saturdays, Sundays and Holidays after 3:00PM.
  - 2. Senior Citizens are residents 62 years of age or older.
  - 3. Senior Citizen golf pass holders must have their name registered with the cashier by 3:00 PM on Mondays through Friday.
- D. Family Plan.....First Adult \$ 375.00  
.....Second Adult \$290.00
  - 1. The family is only able to take benefit of this if the first adult (husband or wife) purchases a Resident Golf Pass for \$375.00 (same as in item A).
  - 2. The second adult (husband or wife) or any youth 21 years or younger is eligible to purchase the \$290.00 pass. The \$290.00 pass is only good for the family member who applies for the pass. It is not transferable to any other family member. To get full use of the plan, each additional family member who is eligible, should purchase a \$290.00 pass.
  - 3. All family plan passes are good for play at anytime.

E. Non Residents ..... \$640.00  
 1. All Non Resident golf passes are good for play at anytime golf course is open.

**DAILY RATES (7 DAYS/WEEK)**

A. 18 Hole Rate Any Day.....Resident \$13.00  
 .....Non Resident \$24.00

1. These rates are good for 18 holes of play from Monday through Sunday from opening to closing time
2. Resident rates are only good for those residents possessing Rec. Pass Cards (must be on their person). Any resident not possessing a Rec. Pass Card must pay non-resident rates.

B. 9 Hole Rate Any Day.....Resident \$9.00  
 .....Non Resident \$13.00

1. These rates are good for 9 holes of play from Monday through Sunday from opening to closing time.
2. These rates are only good for the 9 hole golf course designated for the week of play.

C. Youth.....Resident \$10.00

1. Youth rates are good for 18 holes of play from Monday through Friday until 3:30 PM except on Holidays and on Saturdays, Sundays and Holidays after 3:00 PM.
2. Youth are residents 17 years of age and younger.
3. Youth ticket holders must have their name registered with the cashier by 3:30 PM on Mondays through Fridays year round.

D. Senior Citizen .....Resident \$10.00

1. Senior Citizen rates are good for 18 holes of play from Monday through Friday until 3:00 PM except on Saturdays, Sunday and Holidays after 3:00 PM
2. Senior Citizens are residents 62 years of age and older.
3. Senior Citizens ticket holders must have their name registered with the starter by 3:00 PM on Mondays through Fridays.

**GOLF CARTS**

A. Golf Cart Rental.....Hole Rate \$11.50  
 .....18 Hole Rate \$23.00

B. Single Person Cart Rental – 18 holes..... \$15.00

C. 10 Use Pass..... \$170.00

D. Private Golf Car Permit (RESIDENTS-Weather permitting) ... \$240.00

**PER PERSON LEAGUE FEE**..... \$20.00

**PER PERSON TOURNAMENT GOLF/GOLF CART FEE**..... \$28.00

Ayes: Rizzo, Donovan, Sommer (3)

Nays: Brick, Schwandt (2)

CARRIED.

**XIV.2 Recreation**

November 30, 2006

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



Traffic Safety Committee has requested to have a NYS DOT Engineer to meet with the Committee about numerous concerns regarding Division Street and the TCMH (Route 425). Tussing will try to contact NYS DOT Engineer and schedule a time when they can attend one of our meetings

Request to install “Handicap Parking” in front of 1267 Sherwood Avenue.

Motion: Frank

Second: Dingman

Ayes: 5

Nays: 0

The Traffic Safety Committee requests that the Common Council pass a resolution to place a “Handicap Parking Zone” sign in front of 1267 Sherwood Avenue.

Oliver Street Extension (Little Oliver) and Oliver Street.

Line-of-sight problems exist when exiting Oliver Street Extension onto Oliver Street. This is due to parked cars that are parked on Oliver Street in front of the Heritage Park property. A request was made to install a “No Parking Anytime” sign on Oliver Street, covering the Heritage Park property.

Motion: M. Andrey

Second: Tussing

Ayes: 5

Nays: 0

The Traffic Safety Committee requests that the Common Council pass a resolution to install a “No Parking Anytime” sign on Oliver Street covering the Heritage Park property.

Request from NTAA Little League Football.

The NTAA Little League Football has requested that the Common Council authorize the removal of the “No Parking” signs on Strad Avenue in front of Rescue Fire Hall to facilitate more parking. The Fire Hall is no longer active and with parking at a premium during games, this would really help.

The Traffic Safety Committee agrees that this “No Parking” zone is no longer needed.

Motion: Frank

Second: Tussing

Ayes: 5

Nays: 0

The Traffic Safety Committee requests that the Common Council pass a resolution to remove the “No Parking” zone on Strad Avenue in front of Rescue Fire Hall.

Request has been made to remove parking restrictions in front of 350 Oliver Street. Business is vacant and it appears to no longer be needed. The Traffic Safety Committee agrees that parking restrictions be removed in front of 350 Oliver Street.

Motion: M. Andrey

Second: Frank

Ayes: 5

Nays: 0

The Traffic Safety Committee requests that the Common Council act on removing the parking restrictions in front of 350 Oliver Street.

A request has been made by Roger LaPorte to extend the 3 hour parking located on the west side of Oliver Street, starting at Third Avenue and have it include the front of his business located at 598 Oliver Street. The Traffic Safety Committee has tabled this request for further study.

The Traffic Safety Committee has voted to elect Thomas R. Tussing (DPW), as Chairman.





**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: 8:30P.M.**

**Respectfully submitted,**

**Thomas M. Jaccarino**  
**City Clerk**