

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, March 6, 2007
7:00P.M.

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

APPROVAL OF THE MINUTES OF THE REGULAR SESSION FEBRUARY 20, 2007

MOVED by Alderman Rizzo **SECONDED by Alderman Brick**
That the minutes of the regular session held February 20, 2007 be approved as circulated and
filed in the Office of the City Clerk.
CARRIED.

AUDIENCE PARTICIPATION – None

COMMUNICATIONS FROM CITY OFFICIALS

II. Attorney

February 28, 2007

Honorable Mayor & Common Council
216 Payne Avenue
North Tonawanda, New York 14120

Re: Proposed Agreement between the City and
IAFF Local 1333

Dear Honorable Body:

The City and IAFF Local 1333 met on four occasions beginning on March 3, 2006 and continuing until August 11, 2006 and on two occasions with a state mediator on December 11 and 20, 2006. The parties reached a tentative agreement that fell within your guidelines as expressed to me on December 13, 2006 in our second mediation session.

Attached please find the proposed amendments to the collective bargaining agreement between the City and IAFF Local 1333, the Fire Department Union. The following is a brief explanation of the changes in each of the affected paragraphs:

§§1.21 and 1.23 – Proposes a four-year agreement.

§5.78 – Makes the training officer an assistant chief. (This is the current practice and insures some longevity in the position.)

§5.79 – Makes the fire prevention officer an assistant chief. (This is also the current practice and insures some longevity in the position.)

§6.23(a) – A housekeeping provision to correct the work week as currently worked to a 40-hour work week as required by the Fair Labor Standards Act.

§7.1. – This provision would add the following salary increases:

2006 – 3%

2007 – 3%

2008 – 4%

§7.22 – Requires that the person assigned to Rescue 1 must maintain a minimum of certification as a Level 3 Critical Care Technician.

§7.23 – Would set up the position of Medical Officer. Said position would be responsible for all record keeping regarding the operations of the emergency medical service operation. The medical officer would receive an annual stipend of \$1,000.00.

§10.12 – Would permit the use of sick days for an illness or injury to an employee’s immediate family residing in his household. The use of this sick time is limited to no more than 10 days in any year or 3 days in any seven-day period to avoid an abuse of this provision.

§12.12(c) – A provision is added to this section to discontinue medical coverage for a deceased employee’s spouse if said spouse should remarry. (This provision was left out of the original provision when it was adopted and is a matter of housekeeping.)

§12.42 – This provision continues the medical insurance waiver, but it adds a provision that if at least six employees wish to waive medical insurance coverage, the waiver amount would increase to \$2,400.00 per year. The purpose is to save the cost of medical insurance by having members waive coverage.

§§13.22(4) and 13.22(5) – These provisions would pay an additional \$240.00 to all card carrying Emergency Medical Technicians. It would also limit the money paid for special duty by not having any EMT qualify for any additional specialties.

In addition, the union agreed to withdraw its interest arbitration demand regarding the closing of Engine 5 from a scheduled arbitration.

If you concur, please authorize the Mayor to sign the Memorandum of Agreement and the new collective bargaining agreement when it is prepared. Thank you.

Very truly yours,
Robert Sondel
Assistant City Attorney

MOVED by Alderman Sommer **SECONDED** by Alderman Donovan
That the Common Council hereby authorizes Mayor Soos to sign the Memorandum of Agreement and the new collective bargaining agreement between the City of North Tonawanda and IAFF Local 1333.

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

Nays: None (0)

CARRIED.

IV.1 Engineer

February 26, 2007

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

**RE: East Robinson Street Milling Repaving Project
Project 2007-05
SEQRA - Environmental Assessment**

Honorable Body:

In accordance with the New York State Environmental Quality Review Act (SEQRA), the City in its capacity as Lead Agency, has prepared an environmental assessment of the significance of potential environmental impacts of the milling, leveling and repaving of approximately 7000 ft of East Robinson Street between Zimmerman Street and Sweeney Street. This project is considered an unlisted action under SEQRA.

In order for the City to issue a Negative Declaration, Notice of Determination of Non-Significance, the Common Council should act on the following attached resolution.

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

MOVED by Alderman Donovan **SECONDED** by Alderman Schwandt
WHEREAS, the City of North Tonawanda intends to mill and repave approximately 7000 linear feet of East Robinson Street, from Zimmerman Street to approximate 300 feet west of Sweeney Street.

BE IT RESOLVED, that the Common Council has reviewed the Environmental Assessment prepared by the City Engineer; and

BE IT RESOLVED, that the Common Council declares that based on the Environmental Assessment which has been prepared, the project is an unlisted action and will not result in any significant adverse impacts, and therefore will not have a significant impact on the environment; and

FURTHER, BE IT RESOLVED that the Common Council as Lead Agency hereby issues a Negative Declaration under SEQR Regulations for the milling, leveling and repaving of approximately 7000 feet of East Robinson Street, and authorizes the Common Council President to sign said Environmental Assessment form.

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

Nays: None (0)

CARRIED.

VI.2 Engineer

March 1, 2007

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

**Re: River Road (Bond Street) Storm Sewer Outfall Remediation
and Replacement Project;
Project No. 2003-04
Award of Engineering Agreement**

V.1 Water

February 26, 2007

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 Friday, February 2, 2007 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.
	\$.882/lb-3 yr.
	Reactivated – \$.587/lb-1 yr.
	\$.647/lb.-3 yr.
Norit Americas Inc	Virgin - \$.98/lb-1 yr.
	\$1.01/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. for Reactivated Carbon.

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

Sincerely,
Paul J Drof,
Superintendent, Water/Wastewater

MOVED by Alderman Donovan

SECONDED by Alderman Rizzo

That the Common Council hereby awards the bid for Reactivated Carbon to Norit Americas Inc. subject to review by the City Attorney.

Ayes: Brick, Rizzo, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

CARRIED.

V.2 Water

February 26, 2007

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 Friday, February 2, 2007 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. \$.882/lb-3 yr. Reactivated – \$.587/lb-1 yr. \$.647/lb.-3 yr.
Norit Americas Inc	Virgin - \$.98/lb-1 yr. \$1.01/lb-3 yr. Reactivated- \$.48/lb-1 yr. \$.51/lb-3 yr.

I recommend the Common Council award the bid contract to Calgon Carbon for Virgin Carbon.

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 Virgin Carbon to Calgon Carbon subject to review by the City Attorney.
Ayes: Brick, Rizzo, Schwandt, Donovan, Sommer (5)
Nays: None (0)
CARRIED.

VII. Accountant

March 1, 2007

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 March 6, 2007, 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 March 6, 2007 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$575,534.61
02	Water Fund	61,648.43
04	Sewer Fund	106,815.37
06	Capital Project Fund	10,270.00
07	Trust & Agency Fund	1,652.99
08	Community Development	32.71
11	General Fund Encumbered	322.55
14	Sewer Fund Encumbered	2,714.13

18	Housing Rehab (PI) Fund 5	1,425.00
19	Bishop Gibbons	<u>150.00</u>
	Final Total	<u>\$760,565.79</u>

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

X. Police

March 1, 2007

Mayor Soos and
 North Tonawanda Common Council
 216 Payne Avenue
 North Tonawanda, NY 14120

Honorable Body:

As per my conversation with Mayor Soos, I have appointed Brenda D. Higgins of 385 Falconer St. North Tonawanda as a part time typist assigned to the Juvenile Aid Bureau at the rate of \$8.15 per hour effective Monday, March 12, 2007.

Her appointment has been approved by Niagara County Civil Service.

Respectfully submitted,
 Randy D. Szukala
 Chief of Police

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

XXV. Monthly Reports

.1 Vital Statistics

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

XXVII. Annual Reports

.1 Treasurer

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

XXXI. Planning Commission

March 6, 2007

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

Dear Honorable Body:

At the regular meeting of the North Tonawanda planning commission of March 6, 2007 the following resolution was passed:

The North Tonawanda Planning Commission requests the Common Council to authorize the North Tonawanda Planning Commission to hire Wendel Duchscherer Engineers and Architects, 140 John James Audubon Parkway, Suite 201 Amherst, NY 14228 to consult with and review the environmental assessment form and related environmental issues of the proposed Wal-Mart Supercenter.

Please pass a resolution granting the aforementioned request.

Very truly yours,
 Thomas M. Jaccarino
 Clerk, North Tonawanda Planning Commission

MOVED by Alderman Donovan **SECONDED** by Alderman Rizzo
 That the Common Council hereby authorizes the North Tonawanda Planning Commission to hire Wendel Duchscherer Engineers and Architects, 140 John James Audubon Parkway, Suite 201 Amherst, NY 14228 to consult with and review the environmental assessment form and related environmental issues of the proposed Wal-Mart Supercenter.
 Ayes: Brick, Rizzo, Schwandt, Donovan, Sommer (5)
 Nays: None (0)
CARRIED.

XXXII. Community Development

March 1, 2007

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

Dear Honorable Body:

As presented to the Common Council at a workshop meeting of 2/27/07, I am requesting that the Common Council approve the attached resolution urging the Governor and New York State Legislature to continue the Economic Development Program under New York State's Small Cities funding. As you are aware, this funding is utilized for low-interest loans to new and expanding companies, and is a vital component regarding the continuation of the ongoing Economic Development initiative in the City of North Tonawanda.

Further, I am requesting that this resolution be sent to the Governor's Office and the New York State Legislative representatives under cover by the Mayor.

Thank you for your anticipated attention to this matter.

Sincerely,
 James B. Sullivan
 Director of Community Development

MOVED by Alderman Schwandt **SECONDED** by Alderman Brick
WHEREAS, Small Cities Community Development Block Grant funding as administered by the State of New York has been an extremely effective tool for attracting and expanding businesses in the City of North Tonawanda New York; and

WHEREAS, such Small Cities funding has supported major commercial and industrial economic development projects in the City of North Tonawanda that have created a number of new jobs and leveraged over seven million dollars in private investment since the City of North Tonawanda initiated its Economic Development Initiative in June 2005; and

WHEREAS, such CDBG funding has been a primary source of capital for the newly created Lumber City Development Corporation which provides critically needed financing to the City's new and existing manufacturing and commercial businesses;

Now, therefore be it

RESOLVED, that the City of North Tonawanda's Mayor and Common Council hereby strongly urge the Governor and the New York State Legislature to continue to make New York State's Small Cities funds available to communities to provide financing for economic development projects and for microenterprise businesses.

CARRIED.

COMMUNICATIONS FROM OTHERS

A.

Live Hose Co. No. 4 - Re: Exemption Petitions:

Joseph J. Belczak – 60 years

John A. Carlo – 60 years

Alfred DeMart – 60 years

Louis O. Daigler – 50 years

Leon M. Spring – 25 years

MOVED by Alderman Schwandt

SECONDED by Alderman Brick

To issue exemption certificates to: Joseph J. Belczak – 60 years; John A. Carlo – 60 years; Alfred DeMart – 60 years; Louis O. Daigler – 50 years and Leon M. Spring – 25 years.

CARRIED.

B.

Philip R. Rizzo

Joseph V. Mantione

March 1, 2007

**North Tonawanda Common Council
216 Payne Avenue
North Tonawanda, New York 14120**

Dear Honorable Body:

I am requesting to be reappointed as a Commissioner of Deeds for the City of North Tonawanda.

Thank you.

Sincerely,

Philip R. Rizzo

590 Williams Avenue

North Tonawanda, NY 14120

Joseph V. Mantione

240 Niagara Street

North Tonawanda, NY 14120

MOVED by Alderman Sommer

SECONDED by Alderman Donovan

That the Common Council hereby appoints Philip R. Rizzo, 590 Williams Avenue, North Tonawanda, NY 14120 and Joseph V. Mantione, 240 Niagara Street, North Tonawanda, NY 14120 as a Commissioner of Deeds for the City of North Tonawanda for a term beginning March 7, 2007 expiring March 6, 2009.

Ayes: Brick, Schwandt, Donovan, Sommer

(4)

Nays: None

(0)

Abstained: Rizzo

(1)

CARRIED.

