

AUDIENCE PARTICIPATION

Sonia Dusza, 123 Miller Street – Questioned the Building Inspector’s agenda item.

COMMUNICATIONS FROM CITY OFFICIALS**IV.1 Engineer**

September 13, 2007

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

**Re: 815 River Road Environmental Restoration Project
Engineering Agreement, Amendment No. 2**

Dear Honorable Body:

The New York State Department of Environmental Conservation has requested that City amend its engineering agreement with Stearns and Wheler, LLC for engineering services regarding the 815 River Road Site. Our Consultants have met with the State and proposed the following amendments:

1. A detailed Work Plan.
2. Prepare a Quality Assurance Project Plan (QAPP) to define sampling, analytical testing procedures and QA/QC testing requirements as determined under NYSDEC Analytical Services Protocol as they apply to the remedial investigation and construction activities.
3. Prepare a detailed Field Sampling Plan (FSP) to define site-specific sampling and analytical testing requirements including sampling equipment, procedures, sample media type, sample frequency, sample location, sample handling, and shipping requirements.
4. An additional groundwater sampling event was completed at the request of the NYDEC for the monitoring wells MW-1 and MW-2 for volatiles, pesticides, PCBs and Metals under the TCL listing. Additional investigative effort was spent for this field work.
5. Prepare a Site management Plan is required by the NYSDEC to be a “stand-alone” document which can be shared with potential/future property owners. The Site Management Plan includes the following plans:
 - Institutional and Engineering Control Plan: This plan will include a description of all institutional and engineering controls, a copy of the Environmental Easement to be completed by the city of North Tonawanda, periodic certification of the controls, and Soils Management Plan for future site development.
 - Monitoring Plan.
 - Operations & Maintenance (O&M) Plan.
6. Prepare a detailed Final Engineering Report as required by the NYSDEC Part 375, Section 1.6c.

7. Investigation subcontractor costs have exceeded the original agreement cost allowance of \$6,500.00. An additional cost allowance of \$15,000.00 is requested. The following subcontractor costs have been summarized to include: Analytical testing services (Upstate Labs), Drilling services (SJB Services), and Data Usability Summary Reporting (On-Site Technical Services).

- The number of samples was added by the NYSDEC to include additional soil sampling, groundwater sampling, and soil waste sampling. In addition, analytical testing will require NYSDEC Analytical Protocol (ASP-Category Deliverable B). As discussed with the NYSDEC dated 7/17/07, additional groundwater sampling was requested to include volatiles, semi-volatiles, pesticides, PCBs, and metals under the TCL listing. A NYSDEC requested five (5) day turnaround time was implemented on all tests results. Total estimated cost for Upstate Labs - \$16,500.00.
- The investigation was expanded by the NYSDEC to include temporary piezometers. The original estimated one day investigation was completed in two days. Total estimated cost from SJB Services - \$3,000.00.
- Data Usability Summary Reporting (DUSRs) was added by the NYSDEC to the analytical testing program as required and in accordance with NYSDEC Analytical Services Protocol ASP-Category Deliverable B. Total estimated cost from On-Site Technical Services is \$50 per sample test for 40 samples totaling - \$2,000.00.

In the attached letter from DEC, dated September 11, the department indicates that they have reviewed the engineering amendments to the Stearns and Wheler contract for the remediation of 815 River Road Site, and that they will provide 90% reimbursement under our State Assistance Contract, provided that the remediation work is completed in accordance with Environmental Restoration Program (ERP) requirements.

Accordingly, I respectfully request that the Common Council, amend the 815 River Road Environmental Restoration professional consulting services contract with Stearns and Wheler, LLC, University Centre, Suite 100, 415 North French Road, Amherst, NY 14228, to include the aforementioned additional work, increasing the contract amount by \$40,600; from \$49,375 to \$89,975; authorizing the mayor to sign said contract amendment no. 2, subject to review by the City Attorney.

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

MOVED by Alderman Sommer

SECONDED by Alderman Rizzo

That the Common Council hereby amends the 815 River Road Environmental Restoration professional consulting services contract with Stearns and Wheler, LLC, University Centre, Suite 100, 415 North French Road, Amherst, NY 14228, to include the aforementioned additional work, increasing the contract amount by \$40,600; from \$49,375 to \$89,975; authorizes the Mayor to sign said contract amendment No. 2, subject to review by the City Attorney.

Ayes: Brick, Rizzo, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

CARRIED.

IV. 2 Engineer

September 13, 2007

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

**Re: Project 2001-03, 815 River Road Site Remediation
Award of Contract**

Dear Honorable Body:

On Tuesday, September 4, 2007, six (6) bids from qualified contractors were received for the remediation of the 815 River Road Site. The corrected bid results are as follows:

• Metzger Removal	\$ 81,980.00
• Mark Cerrone, Inc.	\$ 113,445.00
• Ontario Contracting	\$ 189,600.00
• Cambria	\$ 197,635.00
• EQ Northeast, Inc.	\$ 220,400.00
• Pinto Construction Services	\$ 224,808.00

As you are aware, the New York State Department of Environmental Conservation (DEC) has requested that the City completes the 815 River Road Project in their June 27, 2006 letter to Mayor Soos. In the attached letter from DEC, dated September 12, the Department indicates that they have reviewed the bid results for the remediation of 815 River Road Site, and that they will provide 90% reimbursement under our State Assistance Contract, provided that the remediation work is completed in accordance with Environmental Restoration Program (ERP) requirements.

The city's consultant, Stearns & Wheler, LLC, have reviewed the bids and recommend award of contract.

Accordingly, I respectfully request that the Common Council award Project 2001-03, 815 River Road Site Remediation, to Metzger Removal, 235 River Road, North Tonawanda, NY 14120, at their low bid in the amount of \$81,980.00; 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 hereby awards Project 2001-03, 815 River Road Site Remediation, to Metzger Removal, 235 River Road, North Tonawanda, NY 14120, at their low bid in the amount of \$81,980.00; authorizes the Mayor to sign the said contract, subject to review by the City Attorney.

Ayes: Brick, Rizzo, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

CARRIED.

VII.1 Accountant

September 13, 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 September 18, 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 September 18, 2007 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$385,742.72
02	Water Fund	27,201.48
04	Sewer Fund	71,990.13
06	Capital Project Fund	193,612.05
07	Trust & Agency Fund	21,924.78
11	General Fund Encumbered	10,000.00
17	Home Rehabilitation Program	<u>22,933.00</u>
	Final Total	\$733,404.16

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

XVI.1 City Clerk

September 14, 2007

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

Dear Honorable Body:

At the regular session the North Tonawanda Planning Commission held September 10, 2007, the Planning Commission recommended the rezoning of 46 acres located at 489 Ward Road from an R-1-2 to R-C. The purpose of the rezoning is the construction of a 100 bed assisting living facility. (Please see attached letter)

It would be appropriate at this time to direct City Clerk Thomas M. Jaccarino to schedule a public hearing regarding the aforementioned rezoning.

Very truly yours,
Thomas M. Jaccarino
City Clerk

MOVED by Alderman Sommer SECONDED by Alderman Rizzo
That the Common Council hereby authorizes Thomas M. Jaccarino, City Clerk to schedule a public hearing on Tuesday, October 9, 2007 at 6:30PM regarding the aforementioned rezoning.
CARRIED.

XVI.2 City Clerk

July 30, 2007

Common Council
216 Payne Avenue
North Tonawanda, NY 14120

Dear Honorable Body:

Please be advised that at a regular session of the North Tonawanda Planning Commission held on the 2nd day of July 2007 the following resolution was passed:

Dear Honorable Body:

The Department of Community Development is requesting your authorization for the Mayor to sign and submit a grant application for up to \$1,500,000 to Empire State Development under the Restore NY Program. The funds would be used for reconstruction, renovation, and demolition of four properties as part of a Municipal Commercial Redevelopment Program. The Department of Community Development will be publishing a list of the properties for public review and is further requesting authorization to conduct a public hearing to gain public feedback and input regarding the grant application and Commercial Redevelopment Program.

I appreciate your consideration in this matter. If you have any questions, please contact me at extension 517.

Sincerely
James B. Sullivan

MOVED by Alderman Sommer

SECONDED by Alderman Brick

That the Common Council hereby authorizes the Mayor to sign and submit a grant application for up to \$1,500,000 to Empire State Development under the Restore NY Program. The funds would be used for reconstruction, renovation, and demolition of four properties as part of a Municipal Commercial Redevelopment Program and, further authorizes James B. Sullivan, Director of Community Development, to schedule a public hearing to gain public feedback and input regarding the grant application and Commercial Redevelopment Program.

Ayes: Brick, Rizzo, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

CARRIED.

COMMUNICATIONS FROM OTHERS

A.

N. T. History Museum

September 4, 2007

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

Dear Honorable Body:

May the N.T. History Museum have the following items for our Haunted Halloween event being held October 13, October 20 and October 27, 2007:

100 Cones (for the Parking Lot)
15 Reflective Vests (for Safety)
10 Totes (for Garbage)

Could the above items be at the N.T. Botanical Gardens Green House by Friday morning, October 12, 2007.

Thank you very much.
Steve Ash

MOVED by Alderman Schwandt

SECONDED by Alderman Donovan

That the Common Council hereby grants the request of the N.T. History Museum use the following items for their Haunted Halloween event being held October 13, October 20 and October 27, 2007:

100 Cones (for the Parking Lot)
15 Reflective Vests (for Safety)
10 Totes (for Garbage)

CARRIED.

B.
Columbia Hook & Ladder - Re: Statement of Volunteer Fireman:

Matthew T. Vassallo

MOVED by Alderman Schwandt **SECONDED** by Alderman Sommer
To add Matthew T. Vassallo to the City Fire Rolls.
CARRIED.

C.
William B. Laska

September 6, 2007

City Clerk
Tom Jaccarino
North Tonawanda City Hall

Reference attached copy of Water-Sewer bill for the 2nd quarter of 2007 which indicates that I did not pay the previous bill for the 1st quarter in the amount of \$206.10 and added late and penalty charges.

I have 2 properties which I pay taxes on. Attached are copies of subject bills which show my check numbers, dates and amount. I pay each bill from different checking accounts. I put each bill with a check in a separate drop box envelope and put them both in the drop box at the same time. They cashed the one for \$75.50 but not the one for \$206.10.

Considering this information I request you cancel the late-penalty charges and I will pay both bills for the 1st and 2nd quarters for 404 Spruce since the check for \$206.10 was not cashed.

William B. Laska

MOVED by Alderman Rizzo **SECONDED** by Alderman Sommer
That the Common Council hereby waives the late-penalty charges on the water bill of William B. Laska for his property at 404 Spruce Street.
CARRIED.

D.
Rescue Fire Company #5

July 22, 2007

To the Members of the Common Council:

I am writing this letter on behalf of Rescue Fire Co. #5 in regards to the No Parking signs that use to be on both sides of the street in front of our fire hall, which were taken down last year at the request of the NTAA football league which plays at Rescue. The reason for their request was we don't have an active fire truck at our hall and it would help solve their parking problem on game days, well the extra spots they would pick up will not solve their parking problem. I want to say our problem is we were never asked our opinion on the signs before they were taken down. Rescue is here for a reason and that is to be a fire hall not a football field. I am writing this letter to request the Common Council to have the signs reinstalled. I was also asked to state in this letter our reasons for this request which are the following: we are a fire hall, granted we don't have an active truck at our hall at this time (that would be another whole letter in itself) but the city has the right to and has stored reserve trucks at our hall and they need room to get in and out if needed for service. Another reason, lets say we have a major fire or emergency and we have mutual aid come in and they are stationed at our hall for stand by they need room. Rescue is now a certified Red Cross Emergency Center I don't know if the city knows that but we are so who knows

what kind of vehicles would be around if we were needed fro that reason and with cars on both sides of the street you could barely get a car down the street let alone a fire truck. I feel I have listed enough reasons to have the signs put back up and they really override the ones that had them taken down in the first place. I would like to thank you for your time with this matter and hopefully we will be seeing the signs back up in the very near future.

Earl Cottrell
President, Rescue Fire Co. #5

MOVED by Alderman Donovan **SECONDED** by Alderman Sommer
That the Common Council hereby directs the Department of Public Works to reinstall the No Parking signs that were previously removed in front of Rescue Fire Company #5 on Strad Avenue.
CARRIED.

AUDIENCE PARTICIPATION

Gordy Fritz, 1727 Eddy Drive – Stated that he supports the proposal to limit RV’s and Boats on private property.

Sonia Dusza, 123 Miller Street – Complained that City Codes are not being enforced.

Pamela Peterman, 44 Luskin Drive, Tonawanda – Asked about Docking Fees.

Debbie Gondek, 257 Brentwood Drive – Asked about the Wal-Mart Environment Impact Statement.

ADJOURNMENT

MOVED by Alderman Rizzo **SECONDED** by Alderman Brick
That this regular session of the Common Council be and hereby is adjourned.
CARRIED.

Time of Adjournment: 7:25P.M.

Respectfully submitted,

Thomas M. Jaccarino
City Clerk