

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, February 19, 2008
7:00 P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT SOMMER

ROLL CALL

Present: President Sommer
Aldermen Brick, Pasiak, Schwandt, Donovan

Absent: None

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

PROOF OF PUBLICATION PUBLISHED NOVEMBER 29, 2007

- 1) Legal Notice – Local Law #1 for 2008 Establishing Sewer Rates – Mayor

PROOF OF PUBLICATION PUBLISHED DECEMBER 28, 2007

- 1) Notice – Normal Weekly Sanitation Pick-Up – Public Works

MOVED by Alderman Brick **SECONDED** by Alderman Pasiak
That the Common Council hereby receives and files the aforementioned Proofs of
Publication.
CARRIED.

AUDIENCE PARTICIPATION

Keith Craigie, 347 Brentwood – Asked about the Environmental Committee appointments.

COMMUNICATIONS FROM CITY OFFICIALS

I.1 Mayor

February 4, 2008

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

Re: Resolution in Support of Governor Spitzer’s Bipartisan Commission to
Examine School District Taxes and Property Tax Relief Reforms

Dear Honorable Body:

Attached is a Resolution that I am requesting that your Honorable Body adopt pertaining to Governor Eliot Spitzer’s plan to form a bipartisan commission to examine school district property taxes and tax relief reforms. I have been informed that other municipalities have approved this Resolution and I am asking that you do same. I am also requesting that certified copies of this Resolution be forwarded by the City Clerk’s Office to our County and State representatives on behalf of the Mayor and Common Council.

Thank you very much for your anticipated cooperation in this matter.

Sincerely,
Lawrence V. Soos
Mayor

MOVED by Alderman Brick SECONDED by Alderman Pasiak

Whereas, New York’s per capita local tax burden is the highest in the nation, more than twice the national average and according to the Office of the State Comptroller, outside of New York City, school districts account for 61% of property taxes paid by New Yorkers; and

Whereas, during the past five years, school district tax levies have grown by an average of 7.3% annually and New York’s local government spending is nearly \$2,600.00 above the national average and also exceeds our peer states; and

Whereas, Local government officials point to unfunded mandates as a major factor that drives spending;

Therefore, We, the Common Council and Mayor of North Tonawanda, New York, do hereby support Governor Eliot Spitzer’s plan to appoint a bipartisan Commission to examine school district property taxes and charged with the following:

- Reforms that address the major costs driving local school district property taxes;
- Proposals to increase the fairness and effectiveness of New York’s property tax relief system for middle class taxpayers; and
- A fair and effective property tax cap for school districts that controls property taxes; and

We also urge our local, county and state representatives to support the Governor in this commendable effort.

CARRIED.

I.2 Mayor

February 14, 2008

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

Re: Appointments to North Tonawanda Environmental Committee

Dear Honorable Body:

Please be advised that I am appointing the following individuals to the North Tonawanda Environmental Committee with their terms as set out below:

- Alison Endl, 336 Schenck Street, North Tonawanda - One (1) year term expiring 12/31/08.**
- Amy Fisk, 900 East Robinson Street, #4C, North Tonawanda - One (1) year term expiring 12/31/08.**
- Ray Gang, 577 Wurlitzer Drive, North Tonawanda - One (1) year term expiring 12/31/08.**

- Liz Kazubski, 1463 Fairfield Drive, North Tonawanda - Two (2) year term expiring 12/31/09.**
- Dawn Vollmer, 500 North Avenue, North Tonawanda - Two (2) year term expiring 12/31/09.**
- Joe Fonzi, 609 Christiana Street, North Tonawanda - Two (2) year term expiring 12/31/09.**

Paul Lehman, 966 Remington Drive, North Tonawanda - Three (3) year term expiring 12/31/10.

Dale Rogers, 1745 Ruie Road, North Tonawanda - Three (3) year term expiring 12/31/10.

May Kate Fonzi (Chairman), 609 Christiana Street, North Tonawanda - Three (3) year term expiring 12/31/10.

Thank you for your attention to this matter.

Sincerely,
Lawrence V. Soos
Mayor

MOVED by Alderman Brick

SECONDED by Alderman Pasiak

That the Common Council hereby receives and files the aforementioned communication.

CARRIED.

The following communication was pulled from the agenda by the Mayor before the meeting.

I.3 Mayor

February 15, 2008

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

Re: NT City Charter Review Committee Appointments

Dear Honorable Body:

Please be advised that I am appointing the following individuals to the vacancies that presently exist on the current City Charter Review Committee:

1. Walter Yaro, 170 Christiana Street, North Tonawanda, NY 14120
2. Daniel Bille, 190 Christiana Street, North Tonawanda, NY 14120
3. Judie Gregory, 164 Stenzil Street, North Tonawanda, NY 14120

These appointments are being made to replace two (2) committee members who resigned last year and also fill the more recent resignation by Vincent R. Ginestre, Esq., received in early January, 2008.

Thank you for your attention to this matter.

Sincerely,
Lawrence V. Soos
Mayor

IV.1 Engineer

February 12, 2008

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

Re: Project 02-01, Niagara Riverwalk, Contract B
Change Order 1

Honorable Body:

As you may be aware, the Common Council approved the Niagara Riverwalk Project in the 2004 Capital Improvements Budget, comprised of state aid, city bonded funds and in-

kind engineering services. Contract A was completed in 2006 at a total cost of \$178,767.60, leaving \$183,149.40 remaining available for the Contract B phase of the project.

Your approval of Change Order No. 1 to Contract 2002-01, Niagara Riverwalk, Contract B is hereby requested.

Change Order No. 1 represents an increase related to additions to the contract that were necessary to complete the work. The following is a summary of the change order work:

• Excavation and Disposal	\$7,243.20
• Top Course	\$6,342.26
• Binder Course	\$10,641.82
• Subbase	\$2,918.60
• Pavement Saw Cutting	\$1,090.00
• Tree Removals	\$ 400.00
• Sign Removals	\$ 600.00
Total Increase	\$29,233.88

I therefore respectfully request that the Common Council approve Change Order No.1, increasing the current contract amount by the sum of \$29,233.88; from \$128,826.10; to the revised contract amount of \$158,059.98 with New Frontier Excavating & Paving Inc. and that the Mayor be authorized 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 Brick

SECONDED by Alderman Pasiak

That the Common Council hereby approves Change Order No.1, increasing the current contract amount by the sum of \$29,233.88; from \$128,826.10; to the revised contract amount of \$158,059.98 with New Frontier Excavating & Paving Inc. and authorizes the Mayor to sign said change order subject to review by the City Attorney.

Ayes: Brick, Pasiak, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

CARRIED.

IV.2 Engineer

February 14, 2008

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

Re: Engineering Design Services
Department of Public Works Automated Vehicle Wash System
City of North Tonawanda

Honorable Body,

On January 11, 2008, the Engineering Department in conjunction with the Department of Public Works issued a request for proposal to qualified electrical/mechanical engineering firms to provide design services for the DPW Automated Vehicle Wash System adopted in both the 2006 and the 2008 Capital Improvements Budgets. The proposals have been reviewed and we now recommend approval to enter into an agreement.

Accordingly, I respectfully request that the Common Council authorize the Mayor to sign the enclosed agreement in the amount of \$7,500 with Robson Woese Inc., Consulting Engineers, One Towne Centre, 501 John James Audubon Parkway, Amherst, NY 14228; to provide preliminary engineering services identified as Objective 1 and Objective 2 under the above mentioned RFP issued by the city; subject to review by the City Attorney.

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

MOVED by Alderman Schwandt **SECONDED** by Alderman Brick
That the Common Council hereby authorizes the Mayor to sign the agreement in the amount of \$7,500 with Robson Woese Inc., Consulting Engineers, One Towne Centre, 501 John James Audubon Parkway, Amherst, NY 14228; to provide preliminary engineering services identified as Objective 1 and Objective 2 under the above mentioned RFP issued by the city; subject to review by the City Attorney.
Ayes: Brick, Pasiak, Schwandt, Donovan, Sommer (5)
Nays: None (0)
CARRIED.

IV.3 Engineer

February 14, 2008

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
Change Order 1 and Final Payment

Dear Honorable Body:

Your approval of Change Order No. 1 to Contract 2001-03, 815 River Road Site Remediation is hereby requested.

Change Order No. 1 represents an increase related to additions to the contract that were necessary to complete the work. The following is a summary of the change order work:

• Excavation & Disposal of Impacted Soil (316 Ton Overage)	\$10,270.00
• Analytical Testing Allowance requested by NYSDEC	\$5,834.88
• Backfill (850 CY Under Run)	(\$8,160.00)
• Sewer Lateral Capping	\$450.00
Total Increase	<u>\$8,394.88</u>

The city's consultant, Stearns & Wheler, LLC, have reviewed the final quantities and recommend final payment.

I therefore respectfully request that the Common Council approve Change Order No.1, increasing the current contract amount by the sum of \$8,394.88; from \$81,980.00; to the revised final contract amount of \$90,374.88 with Metzger Removal, 235 River Road, North Tonawanda, NY 14120, and that the Mayor be authorized 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 Brick

SECONDED by Alderman Schwandt

That the Common Council hereby approves Change Order No.1, increasing the current contract amount by the sum of \$8,394.88; from \$81,980.00; to the revised final contract amount of \$90,374.88 with Metzger Removal, 235 River Road, North Tonawanda, NY 14120, and that the Mayor is authorized to sign said change order subject to review by the City Attorney.

Ayes: Brick, Pasiak, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

CARRIED.

IV.4 Engineer

February 14, 2008

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

**Re: Frederick B. Durkee Memorial Bridge
Taylor Drive Over Little River, BIN 2260960
Temporary Construction Easements**

Honorable Body,

Enclosed is a copy of a letter and map from Abate Associates, the city's engineering consultant on the Durkee Bridge Rehabilitation Project. The letter states that two temporary easements will be required at the east end of the bridge to facilitate construction.

I therefore respectfully request that the Common Council authorize the City Attorney's Office to proceed with securing the required temporary easements, subject to final approval of the easement agreements by the Common Council.

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

MOVED by Alderman Donovan

SECONDED by Alderman Brick

That the Common Council hereby authorizes the City Attorney's Office to proceed with securing the required temporary easements required to facilitate construction at the east end of the Frederick B. Durkee Memorial Bridge, subject to final approval of the easement agreements by the Common Council.

Ayes: Brick, Pasiak, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

CARRIED.

IV.5 Engineer

February 15, 2008

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

**Re: Project 2002-02, Sweeney Street Canal Wall Docks Construction
Phase II, Electric and Water Installation
Award of Engineering Contract**

Dear Honorable Body:

As you are aware, the City is in the process of completing Phase I of the Sweeney Street Canal Wall Dock Project with the installation pipe piles, concrete deck and handicap accessible gangway (ramp).

Phase II of the project includes the installation of a 200 amp load center, backflow preventer, electric and water services, and installation of boater pedestals. To proceed with this work this coming spring will require new engineering design of the electric and water plans, specifications and contract bid documents necessitated by additional new constraints put on the City's project by New York Canal Corporation last summer.

Accordingly, I respectfully request that the Common Council authorize the Mayor to sign the enclosed engineering agreement with Glynn Geotechnical Engineering, 415 South Transit Road, Lockport, New York 14094, in the amount of \$15,900, for the engineering and design of the Sweeney Street Canal Dock Project, Phase II; subject to review by the City Attorney.

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

MOVED by Alderman Schwandt SECONDED by Alderman Brick
That the Common Council hereby authorizes the Mayor to sign the engineering agreement with Glynn Geotechnical Engineering, 415 South Transit Road, Lockport, New York 14094, in the amount of \$15,900, for the engineering and design of the Sweeney Street Canal Dock Project, Phase II; subject to review by the City Attorney.
Ayes: Brick, Pasiak, Schwandt, Donovan, Sommer (5)
Nays: None (0)
CARRIED.

V.1 Water

February 12, 2008

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

Re: Water Service Leak
Account # 74551

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 429 Linwood Avenue.

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 Pasiak SECONDED by Alderman Brick
That the Common Council hereby grants permission to the Water Department to hire a licensed plumber to repair the Water Service Leak at 429 Linwood Avenue, with all costs assessed upon the land involved - [Water Ordinance Chapter 98 - Section 98-12 (5)].
Ayes: Brick, Pasiak, Schwandt, Donovan, Sommer (5)
Nays: None (0)
CARRIED.

VII. Accountant

February 14, 2008

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 February 19, 2008, 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 dated February 19, 2008 and further authorizes the Mayor and City Clerk to respectively sign and countersign said Warrant:

01	General Fund	\$227,525.63
02	Water Fund	30,073.83
04	Sewer Fund	101,430.54
06	Capital Project Fund	63,890.34
07	Trust & Agency Fun	3,412.16
08	Community Development	180.76
11	General Fund (Encumbered)	24,256.25
12	Water Fund (Encumbered)	1,611.94
14	Sewer Fund (Encumbered)	20,353.38
18	Housing Rehab (P1) Fund 5	475.00
	Final Total	<u>\$473,209.83</u>

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

XIV.1 Recreation

February 6, 2008

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 for signing the attached renewal agreement between the Niagara County Office of the Aging and the City of North Tonawanda for the Senior Citizen Center Nutrition Program. The agreement will allow the service to continue through December 31, 2008.

City Attorney, Shawn Nickerson has reviewed the agreement and forwarded it to my office for the required approval and signing.

Thank you.

Sincerely,
Jerry Whitehead
Director of Youth, Recreation & Parks

MOVED by Alderman Donovan **SECONDED** by Alderman Pasiak
That the Common Council hereby authorizes the Mayor to sign the renewal agreement between the Niagara County Office of the Aging and the City of North Tonawanda for the Senior Citizen Center Nutrition Program. The agreement will allow the service to continue through December 31, 2008.
Ayes: Brick, Pasiak, Schwandt, Donovan, Sommer (5)
Nays: None (0)
CARRIED.

XXV. Monthly Reports

- | | | | |
|-----------|------------------|-----------|------------------------------|
| .1 | Police | .3 | Treasurer Investments |
| .2 | Treasurer | .4 | Vital Statistics |

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

COMMUNICATIONS FROM OTHERS

A.

Active Hose - Re: Exemption Petitions:

- | | |
|-----------------------|-----------------------|
| 35 Years: | |
| Thomas Pazik | David Piwtorak |
| 25 Years: | |
| James Coughlin | Melvin Foster |
| Donald Foster | Frank Tomasula |
| 5 Years: | |
| John Seeley | |

MOVED by Alderman Schwandt **SECONDED** by Alderman Donovan
To issue Exemption Petitions to Thomas Pazik – 35 years; David Piwtorak – 35 years; James Coughlin – 25 years; Melvin Foster – 25 years; Donald Foster – 25 years; Frank Tomasula – 25 years and John Seeley – 5 years.
CARRIED.

B.

Sob W. Haick

February 4, 2008

**City Clerk
City of North Tonawanda
216 Payne Avenue
North Tonawanda, NY 14120**

Re: Reappointment of Commissioner of Deeds

Dear City Clerk:

As per our telephone conversation in January 2008 with your office, I am requesting that the City of North Tonawanda reappoint Sob W. Haick as Commissioner of Deeds in North Tonawanda, NY.

My appointment for this term expires March 3, 2008.

Thank you for your kind consideration.

Sincerely yours,
Sob W. Haick
Senior Accountant

MOVED by Alderman Brick SECONDED by Alderman Schwandt
That the Common Council hereby appoints Sob W. Haick, 716 Niagara Falls Boulevard, North Tonawanda, NY 14120 as a Commissioner of Deeds for the City of North Tonawanda for a term beginning March 4, 2008 expiring March 3, 2010.
CARRIED.

C.
Cornell Cooperative Extension

City of North Tonawanda
Mayor Lawrence V. Soos
216 Payne Avenue
North Tonawanda, NY 14120

Dear Mayor Soos:

Niagara County Reality Check is a group of youth working together to reduce the use of tobacco and exposure to secondhand smoke in Niagara County. One specific goal of the Reality Check is to reduce youth initiation of tobacco use. Because advertising has been shown to be a primary influence for youth initiation of tobacco use, as part of a New York statewide initiative one specific object of the Reality Check is to reduce the amount of tobacco advertising in the retail environment.

Reality Check is asking for your help to reduce youth initiation of tobacco use by passing a resolution supporting our efforts to reduce, rearrange or eliminate tobacco advertising and promotion in the retail environment. If the City of North Tonawanda decides to participate in this initiative, we would appreciate that a copy of the resolution be sent to Niagara County Reality Check at Cornell Cooperative Extension of Niagara County.

Enclosed please find additional information as well as a sample resolution. The sample resolution may be electronically sent to you upon request.

If you have any questions/comments, please contact me through the information listed below.

Sincerely,
Megan E. Peterson
Community Educator/Reality Check Coordinator
Cornell Cooperative Extension of Niagara County
4487 Lake Avenue
Lockport, NY 14094

MOVED by Alderman Donovan SECONDED by Alderman Brick
WHEREAS, smoking is the number one cause of preventable death in the United States; and

WHEREAS, the Surgeon General has concluded that tobacco advertising contributes to youth smoking rates; and

WHEREAS, in 2003 tobacco companies spent \$15.1 billion to market cigarettes in the United States, including \$516 million in New York; and

AUDIENCE PARTICIPATION

Tom Konopka, 1261 Bowen Ct – Asked why the City doesn't use the \$120,000 veterans tax exemption like Niagara County does.

ADJOURNMENT

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

Time of Adjournment: 7:45P.M.

Respectfully submitted,

**Thomas M. Jaccarino
City Clerk**