

**THE HONORABLE BODY**  
**Council Chambers**  
**Municipal Building**  
**North Tonawanda, New York 14120**  
**Tuesday, April 15, 2008**  
**7:00 P.M.**

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**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**

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSION APRIL 1, 2008**

**MOVED by Alderman Pasiak**                      **SECONDED by Alderman Brick**  
**That the minutes of the regular session held April 1, 2008 be approved as circulated and filed**  
**in the Office of the City Clerk.**  
**CARRIED.**

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**APPROVAL OF THE MINUTES OF THE SPECIAL SESSION APRIL 8, 2008**

**MOVED by Alderman Pasiak**                      **SECONDED by Alderman Brick**  
**That the minutes of the special session held April 8, 2008 be approved as circulated and filed**  
**in the Office of the City Clerk.**  
**CARRIED.**

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**AUDIENCE PARTICIPATION**

**Debbie Gondek, 257 Brentwood Drive – Inquired about the Abstract of Claim item**  
**regarding Meadow Drive Extension and asked about the cost of the Riverwalk Docks.**

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**COMMUNICATIONS FROM CITY OFFICIALS**

**I.1 Mayor**

**April 10, 2008**

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

**Re: Permanent Appointment to Laborer position in Building Maintenance**  
**Department**

**Dear Honorable Body:**

**Please be advised that John D. DiVirgilio has successfully completed his probationary**  
**period in this position and based upon same, I am hereby appointing Mr. DiVirgilio on a**  
**permanent basis as recommended. Mr. DiVirgilio's immediate supervisor, Harry Vollmer,**  
**is satisfied with his work and has requested that Mr. DiVirgilio be granted permanent**  
**status as of April 9, 2008.**

Thank you for your attention to this matter.

Sincerely,  
Lawrence V. Soos  
Mayor

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

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**I.2     Mayor**

**April 8, 2008**

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

**Re: Permanent Appointment to the Position of North Tonawanda Fire Chief**

**Dear Honorable Body:**

**Please be advised that Fire Chief Joseph L. Krantz, who was appointed by this office to said position on a provisional basis on August 21, 2007 pending a Civil Service Exam, has successfully passed said exam and is eligible for appointment on a permanent basis. Accordingly, as per City Charter Section 2.024(b), I hereby appoint Joseph L. Krantz to the position of North Tonawanda Fire Chief on a permanent basis effective immediately.**

**I would like to extend on behalf of Mayor and Common Council our heartfelt congratulations and much success to Fire Chief Krantz in his new position.**

Thank you for your attention to this matter.

Sincerely,  
Lawrence V. Soos  
Mayor

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

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**I.3     Mayor**

**April 10, 2008**

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

**Re: Appointment to North Tonawanda Waterfront Commission**

**Dear Honorable Body:**

**Please be advised that I am hereby appointing to the North Tonawanda Waterfront Commission, effective immediately, Donna Burgio of 1879 Sweeney Street. Mrs. Burgio has requested to be on the committee and she will be replacing Lawrence Higgins, who has not been able to commit the time to said committee due to his increased work obligations. Mrs. Burgio will be serving the remainder of Mr. Higgins' term which will expire on December 31, 2009.**

Thank you for your attention to this matter.

Sincerely,  
Lawrence V. Soos  
Mayor

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

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The following communication was pulled from the agenda.

**II. Attorney**

**April 9, 2008**

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

**Re: Proposed Amendment to Chapter 98 of the City Code of the  
City of North Tonawanda, New York entitled "Water"**

**Dear Honorable Body:**

As suggested by the City Accountant, attached is a proposed amendment to Chapter 98 of the City Code of the City of North Tonawanda, entitled, "Water". The requested changes appear in bold print on the attachment.

Please note that the amendment modifies the code by shortening the payment period from thirty (30) days to twenty-five (25) days after mailing, after which the 10% late payment penalty would apply.

If your Honorable Body concurs, this amendment should become effective immediately upon publication in the City's official newspaper. Should you have any questions, please do not hesitate to contact me.

Very truly yours,  
Shawn P. Nickerson  
City Attorney

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**VII.1 Accountant**

**April 10, 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 April 15, 2008, and further authorize the Mayor and City Clerk to respectively sign and countersign said Warrant.

Very truly yours,  
David R. Jakubaszek  
City Accountant

04-15-08

**MOVED by Alderman Donovan**

**SECONDED by Alderman Pasiak**

**That the Common Council hereby authorizes for payment the current Abstract of Claims dated April 15, 2008 and further authorizes the Mayor and City Clerk to respectively sign and countersign said Warrant:**

01	General Fund	\$352,980.17
02	Water Fund	26,262.98
04	Sewer Fund	40,955.13
06	Capital Project Fund	144,310.56
07	Trust & Agency Fund	6,407.98
11	General Fund Encumbered	<u>52,391.13</u>
	<b>Final Total</b>	<b><u>\$623,307.95</u></b>

**Ayes: Brick, Pasiak, Schwandt, Donovan, Sommer**

**(5)**

**Nays: None**

**(0)**

**CARRIED.**

**X.1 Police**

**April 1, 2008**

**North Tonawanda Common Council**

**216 Payne Ave.**

**North Tonawanda, NY 14120**

**Honorable Body,**

**Bids for a Digital Voice Recorder for the Police Department were publicly opened in the office of the City Clerk on Thursday March 27, 2008.**

**The following were opened and examined for needs and accuracy to the bid specifications:**

<u>Vendor</u>	<u>Project Bid</u>
WilMac	\$14,124 and \$11,299 (Failed to provide Non-Collusion)
Higher Ground	\$15,839
Relcom	\$16,013
Stancil Solutions	\$16,905
Exacom Inc.	\$ 7,996
Voiceprint Int.	\$ 15,749 (Failed to provide Non-Collusion)

**Upon review of the bids it is determined that Higher Ground Communications best met the criteria of the specifications and provided the most compatible equipment for our needs. The lowest bid, Exacom, did not provide the necessary warranty and service support for our needs.**

**Based upon our review and needs assessment I would ask that the contract be awarded to Higher Ground Communications to provide a Digital Voice Recorder for the Police Department.**

**Randy D. Szukala**

**Chief of Police**

**MOVED by Alderman Pasiak**

**SECONDED by Alderman Brick**

**That the Common Council hereby awards the bid to provide a Digital Voice Recorder for the Police Department to Higher Ground Communications at their bid of \$15,839.00 subject to review of the City Attorney.**

**Ayes: Brick, Pasiak, Schwandt, Donovan, Sommer**

**(5)**

**Nays: None**

**(0)**

**CARRIED.**

**X.2 Police****April 8, 2008**

**North Tonawanda Common Council  
216 Payne Ave.  
North Tonawanda, NY 14120**

**Honorable Body,**

**Bids for Police Vehicles were received and publicly opened in the Office of the City Clerk on April 3, 2008.**

**The following bids were received in response to NTPD 02/2008 for Ford Crown Victorias:**

**Basil Ford, 1540 Walden Ave. Cheektowaga, NY: \$23,229.95 per car with a trade in allowance of \$15,025.**

**West Herr Ford, 10 Campbell Blvd, Getzville, NY: \$23,095.00 per car with a trade in allowance of \$12,000.**

**The trade in allowance is for 4 older model Ford Crown Victorias.**

**After review of the bids, Basil Ford met all the requirements and provided the best price and request the bid for Ford Crown Victorias be awarded to them.**

**Bid NTPD 03/2008 was also opened for a Dodge Charger police vehicle. One bid was received:**

**North Town Dodge, 2020 Niagara Falls Blvd, Tonawanda, NY: \$20,698.00**

**This bid is higher than the bid listed for NY State through the Office of General Services. No award should be made on NTPD 03/2008.**

**Randy D. Szukala  
Chief of Police**

**MOVED by Alderman Pasiak**

**SECONDED by Alderman Brick**

**That the Common Council hereby awards the bid for four Ford Crown Victoria's to Basil Ford, 1540 Walden Ave. Cheektowaga, NY at their bid of \$23,229.95 per car with a trade in allowance of \$15,025 per vehicle; subject to review of the City Attorney.**

**Ayes: Brick, Pasiak, Schwandt, Donovan, Sommer**

**(5)**

**Nays: None**

**(0)**

**CARRIED.**

**XIX. Building Inspector**

**To: Mayor and Common Council**

**Date: April 10, 2008**

**From: Cosimo R. Capozzi**

**Re: Weed cutting contract**

**Attached please find a copy of the only proposal received by this department for brush and weed cutting of private property for 2008 season.**

**We sent out eight requests for bids to local landscaping contractors (see attached list) and received only one response.**

**I therefore recommend that the 2008 weed contract be given to Deering Landscaping Contractors of 310 Warner Avenue, North Tonawanda. This company is fully licensed and properly insured.**

**Cosimo R. Capozzi  
Building Inspector**

**04-15-08**







Dear Honorable Body:

On Wednesday, February 6, 2008, bids from qualified contractors were received for the Payne Avenue Watermain Replacement Project. The 60 day period for the bid bond will soon expire and it is important to consider awarding the bid to avoid delays and extra costs associated with re-bidding. As you are aware, the 2008 Capital Projects Bond Resolution was passed at the March 18, 2008 Common Council meeting which included the Payne Avenue project.

I have reviewed both the engineering costs to date as well as the tabulation of bid results and have concluded that the engineering costs fall within a range which is acceptable based upon industry standards and upon other recently engineered city projects of similar scope performed by private consultants. The bid prices appear to be reasonable.

It is my recommendation that the milling and paving of Payne Avenue be removed from the contract, to be bid out as a separate project by the Engineering Department. I have met with the City Accountant who has concluded that the pavement portion of the work should be separated from the watermain project so it does not have an affect on the water rates.

Accordingly, the Water/Wastewater Superintendent and I respectfully request that the Common Council award Payne Avenue Watermain Replacement Project to:

E & R General Construction, Inc.  
38 St. David's Drive  
West Seneca, NY 14224  
(716) 675-5277  
Federal I.D. No. 16-1185902

at their revised bid price of \$653,897.50; deleting items 9-4 Surface Paving and Item 9-16 Milling from the contract; authorizing the Mayor to sign said contract, subject to review by the City Attorney.

Very truly yours,

Paul J. Drof  
Superintendent of Water and Wastewater

Dale W. Marshall, P.E.  
City Engineer

MOVED by Alderman Sommer

SECONDED by Alderman Pasiak

That the Common Council hereby awards the bid for the Payne Avenue Watermain Replacement Project to E & R General Construction, Inc., 38 St. David's Drive, West Seneca, NY 14224, (716) 675-5277, Federal I.D. No. 16-1185902, at their revised bid price of \$653,897.50; deleting items 9-4 Surface Paving and Item 9-16 Milling from the contract; and authorizes the Mayor to sign said contract, subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

#### AUDIENCE PARTICIPATION

Walt Yaro, 170 Christiana Street – Stated that the Christiana and Bryant Street intersection needs repairing.

Larry Castellani, 1414 Weaver Parkway – Wanted to know why a resolution he submitted was not on the agenda.

Gordon Fritz, 1727 Eddy Drive – Stated that street conditions are terrible and that the potholes should be fixed.

Michael Gondek, 257 Brentwood Drive – Complained about road conditions and asked why the City bids out for weed cutting.

**ADJOURNMENT**

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

**Time of Adjournment: 7:55P.M.**

**Respectfully submitted,**

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