

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, July 1, 2008
6:00 P.M.

REGULAR SESSION CALLED TO ORDER BY ACTING PRESIDENT PASIAK

ROLL CALL

Present: Acting President Pasiak
Aldermen Brick, Schwandt, Donovan

Absent: President Sommer

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

APPROVAL OF THE MINUTES OF THE REGULAR SESSION JUNE 17, 2008

MOVED by Alderman Donovan **SECONDED** by Alderman Brick
That the minutes of the regular session held June 17, 2008 be approved as circulated and filed
in the Office of the City Clerk.
CARRIED.

PROOF OF PUBLICATION PUBLISHED MAY 1, 2008

- 1) Legal Notice – 2008 Tentative Assessment Roll – Assessor

PROOF OF PUBLICATION PUBLISHED MAY 2, 2008

- 1) Bid – One Used Four Wheel Drive Articulating Tractor – Public Works

PROOF OF PUBLICATION PUBLISHED MAY 16, 2008

- 1) Legal Notice – Annual Water Statement – Water Department

PROOF OF PUBLICATION PUBLISHED MAY 27, 2008

- 1) Legal Notice – Amendment to Section 98 of the City Code entitled “Water” – City Clerk

PROOF OF PUBLICATION PUBLISHED MAY 27, 2008

- 1) Bid – Southwest Primary Digester Cleaning – WWTP

MOVED by Alderman Donovan **SECONDED** by Alderman Brick
To receive and file the aforementioned Proofs of Publication.
CARRIED.

AUDIENCE PARTICIPATION

Keith Craigie, 347 Brentwood - Asked about agenda item regarding Briarwood.

COMMUNICATIONS FROM CITY OFFICIALS

IV.1 Engineer

June 5, 2008

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

**Re: Project 2005-01, Briarwood Estates Subdivision Public Improvements
Change Order No. 1, Final Payment and Project Acceptance**

Honorable Body:

Your approval of Change Order No. 1, approval of final payment and project acceptance for the Briarwood Estates Project is hereby requested. As you are aware, this project is funded in the City's 2005 Capital Budget in the bonded amount of \$710,000, with the Briarwood Drive portion privately funded through a special assessment district.

Change Order No. 1 represents escalation in costs due to a two year project delay, additional costs due to new DEC requirements, and additions to the contract that were necessary to complete the work. The following is a list of the unit cost increases negotiated with the contractor that are comparable to the 2007 average bid prices received for similar projects let by the city:

- **Increase in unit price of asphalt top course (\$4.00 to \$5.50/SY)**
- **Increase in unit price of asphalt binder course (\$5.00 to \$7.50/SY)**
- **Increase in unit price of asphalt base course (\$9.00 to \$11.50/SY)**
- **Increase in unit price of subbase course (\$28.00 to \$32.00/CY)**
- **Increase in unit price of geotextile fabric (\$1.00 to \$1.50/SY)**
- **Increase in unit price of curb/ud/bubbler (\$18.00 to \$30.00/LF)**
- **Increase in unit price of copper service (\$700.00 to \$1000.00/EA)**

Accordingly, Change Order No. 1 is as follows:

• Additional cost based on final measured quantities;	\$2,234
• Additional cost to pipe Wright Ave Storm in lieu of open ditch including 1100 feet of 24" pipe, two - 6' diameter manholes, 12 inch inlet drain, 11 clay collars, detention pond and outfall, and wetland tree planting;	\$16,000
• Additional work on East Goundry including, Gondek's concrete sidewalk, extra wide concrete driveway apron and yard drain;	\$9,730
• Kraus's asphalt driveway apron and yard drain; pumping well point and two new ADA compliant handicap ramps	
Total Change Order No. 1 Amount	\$27,964

I therefore respectfully request that the Common Council approve Change Order No.1 in the amount of \$27,964, for Project 2005-01, Briarwoods Estates Subdivision Public Improvements, with Yarussi Construction, Inc., 5660 Simmons Ave., Niagara Falls, New York 14068, increasing the original contract amount from \$646,836; to the revised final contract amount of \$674,800; and that the Mayor be authorized to sign said change order subject to review by the City Attorney.

Further, that the Contractor has supplied the City with the Substantial Completion Form, Affidavit for Final Payment, Consent of Surety, and Form of Guarantee.

Accordingly, I hereby request that the Common Council accept Project 2005-01, Estates Subdivision Public Improvements and approve the final payment and project acceptance, 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 approves Change Order No.1 in the amount of \$27,964, for Project 2005-01, Briarwoods Estates Subdivision Public Improvements, with Yarussi Construction, Inc., 5660 Simmons Ave., Niagara Falls, New York 14068, increasing the original contract amount from \$646,836; to the revised final contract amount of \$674,800; and authorizes Mayor to sign said change order subject to review by the City Attorney;

And Further, that the Common Council accepts Project 2005-01, Estates Subdivision Public Improvements and approves the final payment and project acceptance, subject to review by the City Attorney.

Ayes: Brick, Pasiak, Schwandt, Donovan (4)

Nays: None (0)

CARRIED.

VI.2 Engineer

June 26, 2008

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

Re: Project 2006-15, Main Street Streetscape, Phase II
Award of Contract

Dear Honorable Body:

On Tuesday, June 24, 2008, five (5) bids from qualified contractors were received for the Main Street Streetscape, Phase II Project from Sweeney Street to Goundry Street. The corrected bid results are as follows:

- | | |
|-----------------------------|--------------|
| • Northeast Diversification | \$298,122.20 |
| • Master's Edge, Inc. | \$302,321.00 |
| • NFP & Sons, Inc. | \$319,162.73 |
| • Mark Cerrone, Inc. | \$363,430.00 |
| • Scott Lawn Yard | \$374,576.60 |

Accordingly, I respectfully request that the Common Council award Project 2006-15, Main Street Streetscape Phase II, to Northeast Diversification, 2 Cadby Industrial Park, Lancaster, NY 14086, at their low bid in the amount of \$298,122.20; 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 Brick **SECONDED** by Alderman Donovan
That the Common Council hereby awards Project 2006-15, Main Street Streetscape Phase II, to Northeast Diversification, 2 Cadby Industrial Park, Lancaster, NY 14086, at their low bid in the amount of \$298,122.20; and authorizes the Mayor to sign said contract, subject to review by the City Attorney.

Ayes: Brick, Pasiak, Schwandt, Donovan (4)

Nays: None (0)

CARRIED.

VII.1 Accountant

June 25, 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 July 1, 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 July 1, 2008 and further authorizes the Mayor and City Clerk to respectively sign and countersign said Warrant:

01	General Fund	\$393,534.07
02	Water Fund	41,091.00
04	Sewer Fund	84,626.13
06	Capital Project Fund	151,857.17
07	Trust & Agency Fund	11,531.11
11	General Fund Encumbered	10,000.00
17	Home Rehabilitation Program	<u>3,571.00</u>
	Final Total	<u>\$696,210.48</u>

Ayes: Brick, Pasiak, Schwandt, Donovan (4)
Nays: None (0)
CARRIED.

VII.2 Accountant

June 25, 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 2, Section 5.023 and Section 2.2 of the Budgetary Transfer Policy, please authorize the City Accountant to make the following transfers of fiscal year 2008 appropriations, based on the request of Department Heads, copy attached:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>From Appropriation Account</u>	<u>Into Appropriation Account</u>
1	40,071.00	1-1990.410 Contingent Account	1-5142.480 Snow Removal - Operations

Very truly yours,
David R. Jakubaszek
City Accountant

MOVED by Alderman Brick

SECONDED by Alderman Donovan

That the Common Council hereby authorizes the City Accountant to make the following budget amendment of fiscal year 2008 revenues and 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>
1	40,071.00	1-1990.410 Contingent Account	1-5142.480 Snow Removal - Operations

Ayes: Brick, Pasiak, Schwandt, Donovan (4)

Nays: None (0)

CARRIED.

X. Police

June 18, 2008

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

Honorable Body,

The North Tonawanda Police Department has been awarded a 2008 Impact Tools Grant. This award has been successful in our fight to keep the neighborhoods of this city quite livable. We would like to apply for the 2009 Impact Tools grant, utilizing new tactics, to continue to make North Tonawanda a better community.

Our current program has been quite successful in gathering information on drug activity, arrests for drugs and other quality of life issues in our neighborhoods. I have received positive feedback from residents who have noticed, and appreciated, seeing police officers walking the streets and letting those who stray from the law know we are out to take action against them.

To apply for this grant we need a financial commitment from our city leaders, committing to this program in the amount of 20% of the grant award. With this commitment we will be submitting a proposal to the State of New York asking for the largest amount, \$50,000. The city's commitment to this grant would be a maximum of \$10,000. This will be the third and final year we are eligible to receive this grant.

Should you have any questions or concerns regarding this application please contact me.

Respectfully,
Randy D. Szukala
Chief of Police

MOVED by Alderman Donovan

SECONDED by Alderman Brick

That the Common Council hereby authorizes Randy D. Szukala, Chief of Police, to apply to New York State for the 2009 Impact Tools Grant in the amount of \$50,000 and that the City of North Tonawanda will commit to this program in the amount of 20% of the grant award which would be a maximum of \$10,000, subject to review by the City Attorney.

Ayes: Brick, Pasiak, Schwandt, Donovan (4)

Nays: None (0)

CARRIED.

