

**THE HONORABLE BODY**  
**Council Chambers**  
**Municipal Building**  
**North Tonawanda, New York 14120**  
**Tuesday, June 16, 2009**  
**6:00P.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**  
                                     **Assistant City Attorney Robert Sondel**

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSION JUNE 2, 2009**

**MOVED** by Alderman Schwandt                    **SECONDED** by Alderman Brick  
**That the minutes of the regular session held June 2, 2009 be approved as circulated and filed in the Office of the Clerk-Treasurer.**  
**CARRIED.**

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**PROOF OF PUBLICATION PUBLISHED MAY 1, 2009**

- 1) Legal Notice –2009 Tentative Assessment Roll – City Assessor

**PROOF OF PUBLICATION PUBLISHED MAY 5 & 11, 2009**

- 1) Bid – Marcia Drive Road Reconstruction – City Engineer

**PROOF OF PUBLICATION PUBLISHED MAY 12, 2009**

- 1) Legal Notice – Amendment to §103.14 Outdoor Wood burning Boilers– City Clerk

**PROOF OF PUBLICATION PUBLISHED MAY 13, 2009**

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

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

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**AUDIENCE PARTICIPATION** – None

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**COMMUNICATIONS FROM CITY OFFICIALS**

**I.1 Mayor**

**June 2, 2009**

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

**06-16-09**

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

**Dear Honorable Body:**

Please be advised that pursuant to Notice of Posting of Job Opening for the above-referenced position, the period of posting being, May 22 – May 29, 2009, I appointed Mary Lee Karre to the position of Laborer effective May 30, 2009 on a permanent basis pursuant to said posting. Furthermore, as you know, Ms. Karre was also scheduled to retire at the end of May, 2009 and now since the position of Laborer is now vacant, it will be reposted due to Ms. Karre’s retirement.

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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**I.2 Mayor**

**June 10, 2009**

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

**RE: Appointments to Mayor’s Property Maintenance Task Force**

**Dear Honorable Body:**

Please be advised that I am hereby appointing the following individuals to the Mayor’s Property Maintenance Task Force as they have contacted this office to express interest in contributing their energies and ideas as volunteer members of this task force. They are as follows:

**Kristin Brown, 153 Christiana Street, North Tonawanda, NY 14120**  
**Suha (Sue) Abilmona, 1066 Castlebar Drive, North Tonawanda, NY 14120**  
**Harold Roberts, 228 Jackson Street, North Tonawanda, NY 14120**

As you know, I have requested that if any residents were interested in serving on the task force, I would be more than willing to appoint additional members to the task force, making sure that there would be resident input at the meetings.

Thank you very much for your attention to this matter.

Very truly yours,  
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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**II.1 Attorney**

**May 28, 2009**

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

**Re: Special Assessment District Regarding Marcia Drive**

**Dear Honorable Body:**

It has been determined that Marcia Drive will be rebuilt to include concrete curbs with underdrain along with construction of a new storm sewer. It has also been determined that the new improvements, that is the concrete curbing, bubbler drains and a 50% share of the storm sewer system shall be financed by special assessments.

The procedure for establishing said special assessment district is for the Council to pass a resolution stating its intention to establish said district. Said intention is then published in the official newspaper for two successive weeks and a notice is mailed to each affected property owner. After these notices, the council may move ahead and establish said special assessment districts.

If you concur, please pass the following resolution:

“Be it hereby resolved that the Common Council hereby declares its intention to establish a special assessment district for the purpose of financing the installation of concrete curbs with underdrain, bubbler drains and 50% of the cost of the storm sewer system any other related required infrastructure affecting the following parcels: Tax Map Nos.: 176.17-3-4; 176.17-3-5; 176.17-3-6; 176.17-3-7; 176.17-3-8; 176.17-3-9; 176.17-3-10; 176.17-3-11; 176.17-3-12; 176.17-3-13; 176.17-3-14; 176.17-3-15; 176.17-4-17; 176.17-4-18; 176.17-4-19; 176.17-4-20; 176.17-4-21; 176.17-4-22; 176.17-4-24; 176.17-4-25; 176.17-4-26; 176.17-4-27; 176.17-5-28; 176.17-5-29; and 176.17-4-30. Furthermore, the City Clerk-Treasurer is hereby directed to publish said intention in the official newspaper once each week for two successive weeks and to mail a copy of said notice to each affected property owner. Said special assessment district will be voted upon at the regular Common Council meeting to be held on June 16, 2009.”

Very truly yours,  
Robert Sondel  
Assistant City Attorney

**MOVED by Alderman Pasiak**

**SECONDED by Alderman Donovan**

That the Common Council hereby establishes a special assessment district for the purpose of financing the installation of concrete curbs with underdrain, bubbler drains and 50% of the cost of the storm sewer system any other related required infrastructure affecting the following parcels: Tax Map Nos.: 176.17-3-4; 176.17-3-5; 176.17-3-6; 176.17-3-7; 176.17-3-8; 176.17-3-9; 176.17-3-10; 176.17-3-11; 176.17-3-12; 176.17-3-13; 176.17-3-14; 176.17-3-15; 176.17-4-17; 176.17-4-18; 176.17-4-19; 176.17-4-20; 176.17-4-21; 176.17-4-22; 176.17-4-23; 176.17-4-24; 176.17-4-25; 176.17-4-26; 176.17-4-27; 176.17-4-28; 176.17-4-29; and 176.17-4-30.

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

**(5)**

**Nays: None**

**(0)**

**CARRIED.**

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**II.2 Attorney**

**May 20, 2009**

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

**Re: Support for Collateral Source Legislation – New York State Legislature  
Senate Bill S.4080-A and Assembly Bill A.7504-A**

**Dear Honorable Body:**

Attached, for your consideration, is a proposed resolution in support of the Collateral Source Legislation currently before the New York State Senate and Assembly. This legislation will end unfair double recoveries against public employers and will also remove an impediment to the settlement of tort actions. This proposed legislation will help to protect public employers against double recoveries and will encourage settlements of claims



If you concur, please authorize the treasurer to cancel the special assessments and have the city pay for said assessments. Thank you.

Very truly yours,  
Robert Sondel

**MOVED** by Alderman Donovan                      **SECONDED** by Alderman Brick  
That the Common Council hereby authorizes the City Clerk-Treasurer to cancel the  
aforementioned special assessments and further authorizes the City to pay for said  
assessments.

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

Nays: None (0)

**CARRIED.**

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#### IV.1 Engineer

June 8, 2009

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

Re: Project 2009-01 Marcia Drive Reconstruction Project  
Award of Contract

Dear Honorable Body:

On Tuesday, June 2, 2009, ten (10) bids from qualified contractors were received for the  
Marcia Drive Reconstruction Project. The corrected bid results are as follows:

• Northeast Diversification	\$247,816.00
• NFP and Sons, Inc.	\$259,855.25
• LJ Quigliano II, Inc.	\$261,668.32
• Visone Construction, Inc.	\$275,330.00
• Yarussi Construction, Inc.	\$297,420.00
• Masters Edge, Inc.	\$307,000.00
• New Frontier Exc. & Paving, Inc.	\$310,912.00
• C&C Contractors	\$328,584.50
• Mark Cerrone, Inc.	\$358,842.00
• Scott Lawn Yard, Inc.	\$371,255.00

Accordingly, I respectfully request that the Common Council award the Marcia Drive  
Reconstruction Project to Northeast Diversification, Inc., 2 Cadby Industrial Park,  
Lancaster, NY 14086, at their low bid in the amount of \$247,816.00; authorizing the Mayor  
to sign said contract, subject to review by the City Attorney.

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

**MOVED** by Alderman Pasiak                      **SECONDED** by Alderman Donovan  
That the Common Council hereby awards the Marcia Drive Reconstruction Project to  
Northeast Diversification, Inc., 2 Cadby Industrial Park, Lancaster, NY 14086, at their low  
bid in the amount of \$247,816.00 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.**

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Thank you in advance for your time and consideration in addressing this request.

Sincerely,  
**Paul J. Drof, Superintendent**  
**NT Water/Wastewater Dept**

**VII. Accountant**

June 11, 2009

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 June 16, 2009, and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Very truly yours,  
**David R. Jakubaszek**  
 City Accountant

**MOVED by Alderman Pasiak**

**SECONDED by Alderman Brick**

That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated June 16, 2009 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$231,051.47
02	Water Fund	7,067.22
04	Sewer Fund	13,147.67
06	Capital Project Fund	372,111.86
07	Trust & Agency Fund	706.94
08	Community Development	150.00
11	General Fund Encumbered	2,174.55
17	Home Rehab Program	15,532.00
	<b>Final Total</b>	<b><u>\$641,941.71</u></b>

Ayes: Brick, Pasiak, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

**CARRIED.**

**XVI. Clerk-Treasurer**

May 12, 2009

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

Re: Withdrawal of Parcel from 2008 In Rem Proceeding

Dear Honorable Body:

Please be advised that the owners of the parcels located at 145 Taber Place have paid their taxes in full and should be removed from the 2008 In Rem Proceeding. Please pass a







**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: 6:44 P.M.**

**Respectfully submitted,**

**Robert G. Ortt  
Clerk-Treasurer**