

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, November 17, 2009
6:00P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT SCHWANDT

ROLL CALL

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

Absent: None

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

APPROVAL OF THE MINUTES OF THE REGULAR SESSION NOVEMBER 3, 2009

MOVED by Alderman Brick **SECONDED by Alderman Donovan**
That the minutes of the regular session held November 3, 2009 be approved as circulated and
filed in the Office of the Clerk-Treasurer.
CARRIED.

PROOF OF PUBLICATION PUBLISHED OCTOBER 1, 2009

- 1) Public Hearing – Local Law No. 5 for 2009 – Mayor

PROOF OF PUBLICATION PUBLISHED OCTOBER 23, 2009

- 1) Bid – Vehicle Exhaust Extraction System – Fire Department

PROOF OF PUBLICATION PUBLISHED OCTOBER 24, 2009

- 1) Request for Proposal – ATM Machines – City Attorney
- 2) Public Notice – Fire Hydrant Flow Testing – Water Department

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

AUDIENCE PARTICIPATION – None

COMMUNICATIONS FROM CITY OFFICIALS

I. Mayor

November 13, 2009

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

Re: Appointment to North Tonawanda Board of Assessment Review

Dear Honorable Body:

Please be advised that I am appointing Melissa Kenney, 778 Ruie Road, North Tonawanda, New York, to the Board of Assessment Review for a five (5) year term effective immediately and expiring on September 30, 2014. Ms. Kenney replaces Evelyn Blow whose term has expired on September 30, 2009 and has expressed a desire not to be reappointed.

I am also requesting that the City Clerk provide written notification to Ms. Kenney of this appointment and arrange for the appropriate oath to be administered to the new appointee.

Thank you for your attention to this matter.

Sincerely,
Lawrence V. Soos
Mayor

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

II.1 Attorney

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

**Re: Proposed Agreement with Niagara County Society for the Prevention
of Cruelty to Animals**

Dear Honorable Body:

Attached for your consideration is a renewal agreement with the SPCA for renewal of services for the 2010 year.

Should your Honorable Body concur, please pass a resolution to approve the agreement for signature by the Mayor, subject to review and approval of all documentation by the City Attorney.

Very truly yours,
Shawn P. Nickerson
City Attorney

MOVED by Alderman Donovan **SECONDED** by Alderman Brick
That the Common Council hereby approves the renewal agreement with the SPCA and authorizes the Mayor to sign the agreement, in the amount of \$48,696.00, for services for 2010, subject to review and approval of all documentation by the City Attorney.
Ayes: Brick, Pasiak, Sommer, Donovan, Schwandt (5)
Nays: None (0)
CARRIED.

II.2 Attorney

November 9, 2009

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

Re: Award of Contract for ATM Machines for the City of North Tonawanda

IV.1 Engineer

November 12, 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
Change Order, Final Payment and Project Acceptance

Dear Honorable Body:

Your approval of Change Order No. 1, approval of final payment and project acceptance for the Marcia Drive Reconstruction Project is hereby requested. As you are aware, this project is funded in the City's 2009 Capital Budget in the bonded amount of \$293,000, with the installation of concrete curbing, bubbler drain connections, and a fifty percent share of the new storm sewer funded through the established special assessment district.

Change Order No. 1 represents additional costs based on final measured quantities and additions to the contract that were necessary to complete the work. The following is a summary of the change order work:

• Add for final measured quantities	\$9,413.90
• New 6-Inch Field Drain (Marcia Drive R.O.W.)	\$1,181.00
• Remove and Re-pave Pavement at Meadow Intersection	\$1,371.54
• Over-excavation of Unstable Soil (Sta 5+00 to Sta 8+00)	<u>\$4,873.00</u>
Change Order Add Amount	\$16,839.44

I therefore respectfully request that the Common Council approve Change Order No.1, increasing the contract amount with Northeast Diversification, 2 Cadby Industrial Park, Lancaster, NY 14086 by the sum of \$16,839.44; from \$247,816.00; to the revised final contract amount of \$264,655.44 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 2009-01, Marcia Drive Reconstruction and approve the final payment, subject to review by the City Attorney.

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

MOVED by Alderman Pasiak

SECONDED by Alderman Brick

That the Common Council hereby approves Change Order No.1, increasing the contract amount with Northeast Diversification, 2 Cadby Industrial Park, Lancaster, NY 14086 by the sum of \$16,839.44; from \$247,816.00, to the revised final contract amount of \$264,655.44 and that the Mayor is authorized to sign said change order subject to review by the City Attorney.

Further, the Common Council accepts Project 2009-01, Marcia Drive Reconstruction and approves the final payment, subject to review by the City Attorney.

Ayes: Brick, Pasiak, Sommer, Donovan, Schwandt

(5)

Nays: None

(0)

CARRIED.

MOVED by Alderman Donovan

SECONDED by Alderman Pasiak

That the Common Council of the City of North Tonawanda hereby authorizes the continuance of cooperative purchasing arrangements between the Consortium for Cooperative Bidding and other municipalities or public entities as follows:

- 1. The Consortium for Cooperative Bidding and other interested public entities jointly prepare the bid specifications to ensure that the requirements of each party are satisfied; and**
- 2. That the Common Council of the City of North Tonawanda shall appoint one officer to pursue cooperative arrangements and to distribute bid specifications; and**
- 3. That the Common Council of the City of North Tonawanda shall appoint one fiscal officer who will be responsible for payment or if the successful bidder will be required to bill each entity separately for the items purchased thereby; and**
- 4. That the Common Council of the City of North Tonawanda shall appoint one officer or body to award the contract or whether to have the right to accept or reject the bid as to their respective portions; and**
- 5. That this resolution shall be in effect for a period of one year; and**

That the Common Council of the City of North Tonawanda reserves the right to dissolve or renew this resolution at anytime it so desires by a simple majority of the Common Council of the City of North Tonawanda.

This resolution shall take effect immediately.

Ayes: Brick, Pasiak, Sommer, Donovan, Schwandt

(5)

Nays: None

(0)

CARRIED.

VII.1 Accountant

November 12, 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 November 17, 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 Donovan

That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated November 17, 2009 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$166,030.63
02	Water Fund	4,588.57

04	Sewer Fund	21,869.25
06	Capital Project Fund	163,374.85
07	Trust & Agency Fund	12,803.47
17	Home Rehab Program	<u>1,500.00</u>
	Final Total	<u>\$370,166.77</u>

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

VII.2 Accountant

November 12, 2009

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

Dear Honorable Body:

In accordance with the 2010 adopted budget, golf course estimated revenues were increased by \$180,000, based on a modification of the golf fee schedule. I met with the Common Council, at a workshop session on November 10th to discuss the need to revise some of the golf course fees, to reflect the above increase to this revenue stream.

Accordingly, please pass a resolution establishing the new golf rates reference below, effective for the 2010 golf season:

1. Residents 9 hole rate any day, from \$9.00 to \$10.00 increase of \$1.00
2. Residents 18 hole rate any day, from \$13.00 to \$14.00 increase of \$1.00
3. Non Resident 9 hole rate any day, from \$13.00 to \$14.00 increase of \$1.00
4. Non Resident 18 hole rate any day, from \$24.00 to \$26.00 increase of \$2.00
5. For all golf play; the current \$1.00 golf capital improvement money will no longer be reserved for Capital improvements at the golf course and will be included as General Fund Golf Revenue.

Very truly yours,
 David R. Jakubaszek
 City Accountant

MOVED by Alderman Pasiak **SECONDED** by Alderman Sommer
 That the Common Council hereby establishes the new golf rates for the 2010 golf season as follows:

1. Residents 9 hole rate any day, from \$9.00 to \$10.00 increase of \$1.00
2. Residents 18 hole rate any day, from \$13.00 to \$14.00 increase of \$1.00
3. Non Resident 9 hole rate any day, from \$13.00 to \$14.00 increase of \$1.00
4. Non Resident 18 hole rate any day, from \$24.00 to \$26.00 increase of \$2.00
5. For all golf play; the current \$1.00 golf capital improvement money will no longer be reserved for Capital improvements at the golf course and will be included as General Fund Golf Revenue.

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

MOVED by Alderman Pasiak

SECONDED by Alderman Schwandt

That the Common Council hereby issues a Negative Declaration on the SEQR regarding the aforementioned cell tower co-location at 758 Erie Avenue and approves the Special Use Permit for the installation, contingent upon the increase of fees for the co-location; subject to final approval of the City Attorney.

Ayes: Brick, Pasiak, Sommer, Donovan, Schwandt

(5)

Nays: None

(0)

CARRIED.

XXV. Monthly Reports

.1 Senior Citizens

.4 Treasurer

.2 Vital Statistics

.5 Treasurer Investments

.3 Police

MOVED by Alderman Schwandt

SECONDED by Alderman Brick

That the Common Council hereby receives and files the aforementioned Monthly Reports.

CARRIED.

XXXII. Community Development

November 12, 2009

North Tonawanda Common Council

216 Payne Avenue

North Tonawanda, NY 14120

Dear Honorable Body:

The Department of Community Development is requesting a show of local support for two grant applications being submitted to Empire State Development Corporation through the Upstate Regional Blueprint Fund:

- 1) \$250,000 application through the ‘Downtown Redevelopment’ track by Lumber City Development Corporation for funds to be used to develop the Gateway Harbor Inn**
- 2) \$300,000 application through the ‘Business Investment’ track by Audubon Machinery Corporation for funds to be used for a new production line of wind turbines.**

Because the applications are in different funding tracks, they will not be in direct competition for funds.

As you are aware both projects have the potential to greatly benefit the City of North Tonawanda by leveraging new investment, creating new jobs, and propelling the City’s recently adopted Master Plan.

I appreciate your consideration in this matter. If you have any questions, please contact me at extension 5517.

Sincerely

James B. Sullivan

MOVED by Alderman Pasiak

SECONDED by Alderman Donovan

WHEREAS, the Lumber City Development Corporation has submitted application to Empire State Development Corporation for funding through the Upstate Regional Blueprint Fund, and

WHEREAS, funding will be utilized to develop the proposed Gateway Harbor Inn, and

WHEREAS, the Gateway Harbor Inn was identified as an important part of North Tonawanda’s downtown redevelopment in both the 2006 Downtown Plan and the 2009 Master Plan, and

WHEREAS, the Gateway Harbor Inn will leverage over \$1 million in private investment and create over 20 jobs;

NOW, THEREFORE, BE IT RESOLVED that the City of North Tonawanda fully supports and sponsors the Lumber City Development Corporation application to Empire State Development Corporation for funding through the Upstate Regional Blueprint Fund.

AND WHEREAS, Audubon Machinery Corporation, a North Tonawanda Company has submitted application to Empire State Development Corporation for funding through the Upstate Regional Blueprint Fund, and

WHEREAS, funding will be utilized to develop a new product line for the company, and

WHEREAS, Audubon Machinery Corporation will be investing over \$1 million in their operations and facility as part of the project, and

WHEREAS, Audubon Machinery Corporation has been an excellent corporate citizen with a strong track record of investing and creating jobs in North Tonawanda;

NOW, THEREFORE, BE IT RESOLVED that the City of North Tonawanda fully supports and sponsors Audubon Machinery Corporation’s application to Empire State Development Corporation for funding through the Upstate Regional Blueprint Fund.

CARRIED.

COMMUNICATIONS FROM OTHERS

A.
David J. Burgio

November 5, 2009

Dear Mayor Soos,

After a successful first year of New Year’s on the Canal our committee has met and is planning the same event for this year.

This letter is to ask permission from both Your Honor and the Common Council to close Webster Street at Tremont to Sweeney including the bridge, and the use of Gateway Park so proper organization and controls can be met. The requested date is all day December 31st, 2009 to noon on January 1st, 2010.

All affected city departments will be invited to our meetings to get input as to safety and sanitation issues as well as concerns they may have.

We will have proper insurance and permits for all aspects of this event, but request the use of 40 city trash containers and the portable stage from Parks Dept. We are working on many details that make events of this nature successful and I will keep you as informed as possible as to our progress.

Sincerely,
David J. Burgio
Committee Member

MOVED by Alderman Pasiak **SECONDED** by Alderman Donovan
That the Common Council hereby approves the closing of Webster Street at Tremont to Sweeney including the bridge, and the use of Gateway Park all day December 31st, 2009 to noon on January 1st, 2010.

And further authorizes the Department of Public Works to provide 40 city trash containers and authorizes the use of the portable stage from the Recreation Department and waives the fees for the park rental and the portable stage.

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

Nays: None (0)

CARRIED.

B.

Columbia Hook & Ladder - Re: Exemption Petitions:

50 Years:

Gerald E. Doucette
Robert W. Sylvester

35 Years:

Franklin T. Boeck, Jr.
Raymond A. Chojnowski
Wayne C. Salefske
Craig T. Smith

MOVED by Alderman Schwandt **SECONDED** by Alderman Pasiak
To add issue Exemption Certificates to Gerald E. Doucette – 50 Years, Robert W. Sylvester
– 50 Years, Franklin T. Boeck, Jr. – 35 Years, Raymond A. Chojnowski – 35 Years, Wayne
C. Salefske – 35 Years and Craig T. Smith – 35 Years.
CARRIED.

C.

Rescue Fire Company - Re: Exemption Petitions:

50 Years:

Carl Lureman
Donald Wurl

35 Years:

Charles Husvar

25 Years:

James Diermyer
John Graf
Paul Snyder
Mark Wurl

MOVED by Alderman Pasiak **SECONDED** by Alderman Donovan
To add issue Exemption Certificates to Carl Lureman – 50 Years, Donald Wurl – 50 Years,
Charles Husvar – 35 Years, James Diermyer – 25 Years, John Graf – 25 Years, Paul
Snyder – 25 Years and Mark Wurl – 25 Years.
CARRIED.

LATE COMMUNICATION

MOVED by Alderman Donovan **SECONDED** by Alderman Brick

To bring the following communication to the floor.

Ayes: Brick, Pasiak, Sommer, Donovan, Schwandt

(5)

Nays: None

(0)

CARRIED.

#1

Jean M. Kroetsch

October 13, 2009

Honorable Mayor Lawrence V. Soos
Respected Common Council Members of North Tonawanda
216 Payne Avenue
North Tonawanda, NY 14120

Re: William St. Subdivision

Dear Mayor Soos & Council Members:

