

**THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, September 7, 2010
6:30P.M.**

REGULAR SESSION CALLED TO ORDER BY PRESIDENT SCHWANDT

PLEDGE OF ALLEGIANCE

ROLL CALL

**Present: President Schwandt
Alderman Andres, Pasiak, Zadzilka, Donovan**

Absent: None

**Also Present: Mayor Robert G. Ortt
City Attorney Shawn P. Nickerson**

APPROVAL OF THE MINUTES OF THE REGULAR SESSION AUGUST 17, 2010

**MOVED by Alderman Zadzilka SECONDED by Alderman Andres
That the minutes of the regular session held August 17, 2010 be approved as circulated and filed
in the Office of the City Clerk-Treasurer.
CARRIED.**

APPROVAL OF THE MINUTES OF THE SPECIAL SESSION AUGUST 24, 2010

**MOVED by Alderman Pasiak SECONDED by Alderman Andres
That the minutes of the special session held August 24, 2010 be approved as circulated and filed in
the Office of the City Clerk-Treasurer.
CARRIED.**

AUDIENCE PARTICIPATION – None

COMMUNICATIONS FROM CITY OFFICIALS

I.1 Mayor

August 12, 2010

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

Re: Property Re-evaluation Moratorium

Dear Honorable Body:

As promised during my campaign for Mayor, I am writing this letter requesting your support for my proposal of a 3 year moratorium on all property tax re-assessments. The moratorium would start on January 1, 2011 and run through December 31, 2013. Please refrain from appropriating funds for a city wide re-assessment during 2011, 2012 and 2013. At that time, this body would have the opportunity to extend said moratorium, or set a time

09-07-2010

are pleased to announce that the City, to date, has recouped \$274,476.98 in tax arrearages through payments in full and tax agreements with those in arrears.

We will continue to pursue collection of back taxes owed to the City of North Tonawanda up to and until the property auction is scheduled later this fall.

Should your Honorable Body need more information, please do not hesitate to contact us.

Very truly yours,
Shawn P. Nickerson
City Attorney

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

III. Treasurer

September 1, 2010

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

Dear Honorable Mayor and Common Council:

Please be advised that we have received payment in full for back City, School and County taxes, per their tax agreement with the City, for the following parcel:

182.11-1-8 889 Erie Avenue K & T Properties

Therefore, please pass the necessary resolution withdrawing this parcel from the appropriate In Rem foreclosure proceeding.

Thank you for your cooperation.

Very truly yours,
Denise Proefrock
Assistant City Treasurer

MOVED by Alderman Schwandt **SECONDED** by Alderman Pasiak
That the Common Council hereby authorizes the withdrawal of the following parcel from the appropriate In Rem foreclosure proceeding:

182.11-1-8 889 Erie Avenue K & T Properties

Ayes: Andres, Pasiak, Zadzilka, Donovan, Schwandt (5)
Nays: None (0)
CARRIED.

IV.1 Engineer

September 2, 2010

Honorable Robert G. Ortt, Mayor
and Common Council Members
City Hall
North Tonawanda, New York 14120

Re: Buffalo Bolt Industrial Park Road and Infrastructure Construction
Project No. 2008-19
Approval of Change Order Work

Honorable Body:

Your approval of the following Change Orders No. 1 through No. 9 is hereby requested:

1. Field change due to sanitary sewer conflict	\$6,751.84
2. Field change relocating new storm sewer	\$8,372.32
3. Repair of unknown existing watermains	\$2,371.72
4. Remove existing concrete piers	\$525.62
5. 9 th Avenue sanitary sewer later conflict	\$483.12
6. 9 th Avenue test pit	\$569.93
7. Test digging for unknown Roblin water mains	\$1,759.73
8. Test digging for watermains on Ironton Street	\$2,016.79
9. 2010 NYSDOT Asphalt Price Indexing	\$15,005.13

Change Order No. 1 through No. 8 in the amount of \$22,851.07 represents the additional labor, material and equipment costs required due to the multiple conflicts encountered at the former factory site that were necessary to complete the work.

Change Order No. 9 in the amount of \$15,005.13 is the additional cost due to the change in asphalt price from the time of bid in October 2009 to the time of placement in April and May 2009, and is based on the NYSDOT asphalt indexing price as specified in the contract documents.

The city's engineering consultant, TVGA Consultants, who are responsible for the project's design and construction oversight were onsite at all times during construction and have reviewed the change order proposals as witnessed by them and are recommending that the city approve the additional work as necessary to progress and complete the work as reported in their enclosed letter to the city dated July 28, 2010.

All supporting documentation such as cost breakdowns, daily reports, construction photographs, inspection reports and notes are available for your review in my office if you so choose.

Accordingly, I concur with TVGA Consultants recommendations and respectfully request that the Common Council approve Change Orders No. 1 through No. 9 in the total amount of \$37,856.20; increasing the original contract amount with Scott Lawn Yard, 5552 Townline Road, Sanborn, NY 14132 from \$783,415 to the revised contract amount of \$821,271.20, for the construction of the Buffalo Bolt Industrial Park Road and Infrastructure Construction, authorizing the Mayor to sign said change orders, subject to review by the City Attorney.

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

MOVED by Alderman Zadzilka

SECONDED by Alderman Pasiak

That the Common Council hereby approves Change Orders No. 1 through No. 9 in the total amount of \$37,856.20; increasing the original contract amount with Scott Lawn Yard, 5552 Townline Road, Sanborn, NY 14132 from \$783,415 to the revised contract amount of \$821,271.20, for the construction of the Buffalo Bolt Industrial Park Road and Infrastructure Construction and authorizes the Mayor to sign said change orders, subject to review by the City Attorney.

Ayes: Andres, Pasiak, Zadzilka, Donovan, Schwandt

(5)

Nays: None

(0)

CARRIED.

IV.2 Engineer

September 3, 2010

Honorable Robert G. Ortt, Mayor
and Common Council Members
City Hall
North Tonawanda, New York 14120

I hereby formally request a leave of absence from my position as Senior Center Coordinator effective as of 7-21-10.

I am currently serving in a "Provisional" status as the newly created Recreation Department and Senior Citizens Coordinator and wish to continue in such position until my probation period has ended and/or my passing of the Civil Service exam, at which time I would be permanently appointed to the position.

Thank you for your time and consideration of my request.

Respectfully yours,
Pamela A. Hogan

MOVED by Alderman Zadzilka **SECONDED** by Alderman Donovan
That the Common Council hereby grants a leave of absence to Pamela A. Hogan, effective July 21, 2010, from her position as Senior Center Coordinator, to serve, provisionally, as the Recreation Department and Senior Citizens Coordinator, until her probation period ends and/or her passing of the Civil Service exam.

Ayes: Andres, Pasiak, Zadzilka, Donovan, Schwandt (5)

Nays: None (0)

CARRIED.

COMMUNICATIONS FROM OTHERS

A.
Lighthouse Baptist Church

September 17, 2010

Attn: City of North Tonawanda Common Council
City Hall
216 Payne Avenue
North Tonawanda, NY 14120

At the request of Lighthouse Baptist Church at 383 Wheatfield St., we are hosting our annual 5k race/fun walk on Saturday, September 11, 2010. Is it possible for us to get a police escort once again for this race and to have roads closed off at your discretion?

The Fun Walk begins at 1:15pm and the route begins at the corner of Evans St. and Bryant St., south on Bryant to Wheatfield St., left on Wheatfield and ending at 838 Wheatfield St. (Lighthouse Baptist Church).

The 5k Race begins at 2:00pm and the route also begins at the corner of Evans St. and Bryant St, south on Bryant to Robinson St., left on Robinson to Niagara St., right on Niagara St. to Sweeney St., right on Sweeney St. to Oliver St., right on Oliver St. to Wheatfield St., right on Wheatfield and ending at 383 Wheatfield St. Page two of this fax has a map of the race route.

Our church information is:

Lighthouse Baptist Church
383 Wheatfield St.
North Tonawanda, NY 14120
716-692-8252

I apologize for requesting this so close to the race date, but this is my first year in charge of the race and I wasn't aware this needed to be setup. My contact info (as a Lighthouse church member) is:

Jim Kariman
402 Robinson St.
North Tonawanda, NY 14120
Home #716-240-1281
Cell #716-998-8057

Thank you for your time and please let me know if you have any questions.

Jim Kariman

MOVED by Alderman Andres

SECONDED by Alderman Schwandt

That the Common Council hereby directs the Police Department to provide an escort for the Lighthouse Baptist Church’s annual 5k race/fun walk on Saturday, September 11, 2010 and further directs the Department of Public Works to provide barricades to close off the streets as requested.

Ayes: Andres, Pasiak, Zadzilka, Donovan, Schwandt

(5)

Nays: None

(0)

CARRIED.

AUDIENCE PARTICIPATION

Mark Houghton, 1246 Payne Avenue – Questioned Pam Hogan’s leave of absence from one job to another. Wanted to know since monies were tight was she being paid more money for her new duties.

Bill Deering, 1430 Sherwood Avenue – Wanted to know if the City had any plans on paving Sherwood Avenue. Felt the road was in terrible shape and needed some serious repair work done.

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: 6:47P.M.

Respectfully submitted,

Scott P. Kiedrowski
City Clerk–Treasurer