

**THE HONORABLE BODY  
Council Chambers  
Municipal Building  
North Tonawanda, New York 14120  
Tuesday, December 21, 2010  
6:30P.M.**

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**REGULAR SESSION CALLED TO ORDER BY PRESIDENT SCHWANDT**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

**Absent: Alderman Donovan**

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

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSION DECEMBER 7, 2010**

**MOVED by Alderman Andres                      SECONDED by Alderman Pasiak  
That the minutes of the regular session held December 7, 2010 be approved as circulated and  
filed in the Office of the City Clerk-Treasurer.  
CARRIED.**

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**APPROVAL OF THE MINUTES OF THE SPECIAL SESSIONS DECEMBER 7, 2010**

**MOVED by Alderman Zadzilka                      SECONDED by Alderman Pasiak  
That the minutes of the special sessions held December 7 2010 be approved as circulated and  
filed in the Office of the City Clerk-Treasurer.  
CARRIED.**

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**PROOF OF PUBLICATION PUBLISHED NOVEMBER 3, 2010**

- 1) Public Hearing –Amendment to City Charter Division 2, Budget – Mayor

**PROOF OF PUBLICATION PUBLISHED NOVEMBER 5, 2010**

- 1) Bid – Tandem Axle Cab and Chassis/Garbage Packer Body– Public Works

**PROOF OF PUBLICATION PUBLISHED NOVEMBER 9, 2010**

- 1) Bid – 10' Mounted Dump Body – Public Works

**PROOF OF PUBLICATION PUBLISHED NOVEMBER 16, 2010**

- 1) Bid – 11' Chipper Body – Public Works

**PROOF OF PUBLICATION PUBLISHED NOVEMBER 16 & 18, 2010**

- 1) Legal Notice – Notice of Sale for Public Auction – City Clerk–Treasurer



would be required to contribute ten percent (10%) matching funds of the Efficiency Implementation Grant, if awarded.

If you concur, please adopt the attached resolution. Thank you.

Very truly yours,  
Robert Sondel  
Assistant City Attorney

**MOVED** by Alderman Pasiak

**SECONDED** by Alderman Andres

**WHEREAS**, the City of Lockport (“LKPT”), as Sponsor, and the City of North Tonawanda (“NT”) and the Niagara Falls Water Board (“NFWB”), as participants, submitted an application to New York State’s Shared Municipal Services Incentive Grant Program to study the feasibility of sharing and/or merging water and wastewater treatment services among the three cities; and

**WHEREAS**, LKPT, as Sponsor, received a grant of \$400,000 from the New York State Department of State (hereinafter referred to as the “NYSDOS”), under contract number C-068815 for the 2006-2007 Shared Municipal Services Incentive Grant Program; and

**WHEREAS**, pursuant to said grant each of the participants contributed \$14,814.67 for a total contribution of \$44,444.00 (“the Local Contribution”), and

**WHEREAS**, the study included the completion of necessary technical reviews, environmental reviews, draft legal agreements, and other preliminary work for purposes of achieving greater efficiencies and cost savings throughout the region; and

**WHEREAS**, CRA Infrastructure & Engineering, Inc (the “Consultant”) was retained by the Sponsor to determine the potential for cost savings associated with consolidating water and wastewater treatment services; and

**WHEREAS**, the Consultant identified various consolidation combinations of water and wastewater treatments services and prepared a Feasibility Report that recommended two feasible water treatment and supply consolidation alternatives; and

**WHEREAS**, the Participants desire to continue their cooperation, by way of seeking greater efficiencies and effectiveness in the delivery of water by moving towards implementing the consolidation of water supply and treatment between the LKPT and NT as described in the Feasibility Study Water Alternative Number Two (the “Project”);

**WHEREAS**, completion of the Project will mutually benefit the Participants by reducing operational costs and avoiding future capital costs in LKPT and NT and for the NFWB by maintaining the potential of implementing Water Alternative Number one in the future;

**WHEREAS**, the parties have prepared an inter-municipal cooperation agreement for the purposes of completing the Project if additional grants for further study and possible implementation are awarded;

**WHEREAS**, the Participants agree that LKPT and NT will be responsible for the required ten percent (10%) matching funds of the Efficiency Implementation Grant if awarded;

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Mayor of Lockport (or designee) is authorized to apply for additional funding under the NYSDOS Efficiency Implementation Grant Program for further study and possible implementation the Project, and it is further

**RESOLVED**, that the Mayor of Lockport is authorized to execute an inter-municipal cooperation agreement, a copy of which is incorporated herein by reference, to complete the Work Plan as included in the grant application, and be it further

**RESOLVED**, that the City of Lockport is hereby designated as the “Lead Agency” for this Efficiency Implementation Grant and the Mayor (or designee) is fully authorized to apply and execute all administrative and financial processes to supervise the grant.

IN WITNESS WHEREOF, LKPT, NT and NFWB have executed this agreement on the day and year indicated.

Ayes: Andres, Pasiak, Zadzilka, Schwandt (4)  
Nays: None (0)  
CARRIED.

IV.1 Engineer

December 16, 2010

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

Re: Manhattan Street Public Parking Lot  
Project No. 2009-13  
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 Manhattan Street Public Parking Lot Project is hereby requested. As you are aware, this project is funded by a federal stimulus grant from the American Recovery and Reinvestment Act of 2009, with the installation of new bioretention areas, rain gardens and new asphalt pavement.

Change Order No. 1 represents additional costs based on final measured quantities and additions to the scope of work as follows:

- Deducts for final measured quantities (\$5,229.00)
  - Additional curbing \$4,597.96
  - Furnish and install CB risers and provide additional media \$3,987.28
  - Substitute overflow pipe for precast catch basins \$4,881.00
- \$8,237.24

I therefore respectfully request that the Common Council approve Change Order No.1, increasing the contract amount with Amherst Paving, Inc., 330 Meyer Road, Amherst, NY 14226, by the sum of \$8,237.24; from \$263,772.50; to the revised final contract amount of \$272,009.74 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 2009-13, Manhattan Street Public Parking Lot Project and approve the final payment in the amount of \$28,532.85, subject to review by the City Attorney.

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

MOVED by Alderman Andres                      SECONDED by Alderman Pasiak  
That the Common Council hereby approves Change Order No.1, for the Manhattan Street Public Parking Lot Project, increasing the contract amount with Amherst Paving, Inc., 330 Meyer Road, Amherst, NY 14226, by the sum of \$8,237.24; from \$263,772.50; to the revised final contract amount of \$272,009.74 and that the Mayor is authorized to sign said change order and, further, that the Common Council hereby accepts Project 2009-13, Manhattan Street Public Parking Lot Project and approves the final payment in the amount of \$28,532.85, all subject to review by the City Attorney.

Ayes: Andres, Pasiak, Zadzilka, Schwandt (4)  
Nays: None (0)  
CARRIED.



**Re: Approval of Revised Stormwater Management Plan 2010**

**Honorable Body:**

The Superintendent of Public Works and I have worked closely with our consultants, Wendel and the Western New York Stormwater Coalition (WNYSC) to develop a revised Stormwater Management Plan (SWMP) for the city, originally approved by the Common Council on June 19, 2007. We have updated the city's original SWMP to reflect the most recent changes to NYSDEC SPDES General Permit (GP-0-10-002), effective May 1, 2010 and the 2010 model SWMP issued by the WNYSC on November 17, 2010.

Accordingly, I respectfully request that the Common Council approved the city's revised SWMP as amended.

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

**MOVED by Alderman Pasiak**

**SECONDED by Alderman Andres**

That the Common Council hereby approves the revised Stormwater Management Plan (SWMP) for the City of North Tonawanda, which was updated to reflect the most recent changes to NYSDEC SPDES General Permit (GP-0-10-002), effective May 1, 2010 and the 2010 model SWMP issued by the WNYSC on November 17, 2010.

Ayes: Andres, Pasiak, Zadzilka, Schwandt

(4)

Nays: None

(0)

**CARRIED.**

## **VII.1 Accountant**

**December 16, 2010**

Honorable Robert G. Ortt, 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 December 21, 2010 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 Schwandt**

**SECONDED by Alderman Pasiak**

That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated December 21, 2010 and further authorizes the Mayor and City Clerk-Treasurer respectively sign and countersign said Warrant:

<b>01</b>	<b>General Fund</b>	<b>\$259,482.27</b>
<b>02</b>	<b>Water Fund</b>	<b>11,607.83</b>
<b>04</b>	<b>Sewer Fund</b>	<b>34,722.67</b>
<b>06</b>	<b>Capital Project Fund</b>	<b>70,834.07</b>
<b>07</b>	<b>Trust &amp; Agency Fund</b>	<b>197.85</b>
<b>08</b>	<b>Community Development</b>	<b>470.40</b>

09	Capital – Buffalo Bolt	18,480.03
17	Home Rehab Program	<u>13,864.00</u>
	Final Total	<u>\$409,659.12</u>

Ayes: Andres, Pasiak, Zadzilka, Schwandt (4)  
 Nays: None (0)  
**CARRIED.**

## VII.2 Accountant

December 16, 2010

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

Dear Honorable Body:

To properly culminate the financial activities of the municipality for fiscal year 2010 I recommend that the Common Council authorize the City Accountant to make any necessary budgetary transfers, adjustments, subsidies or amendments for sanctioned expenditures, accrued liabilities, accounts payable and encumbrances, at December 31, 2010. It should be noted that Department Heads are still responsible and accountable for their financial actions.

Approval of this recommendation will insure that no appropriation accounts or operating funds are over-obligated at year-end, providing a favorable financial and management representation for the auditors, State Comptroller, investment analysts and bankers.

This action would be in compliance with the State of New York Uniform System of Accounts for Cities and Generally Accepted Accounting Principals (GAAP).

These actions will be reflected in the municipality's year-end appropriation ledgers, the audited 2010 Financial Statements and in our Annual Financial Update Document, which is sent to the New York State Comptroller's office.

And further, authorize an increase in the salary of the Bingo Inspector by \$200, from \$1,000 to \$1,200 and the Emergency Management P/T Clerk by \$300, from \$1,200 to \$1,500, in compliance with the adopted 2011 Budget, effective January 1, 2011

Very truly yours,  
 David R. Jakubaszek  
 City Accountant

**MOVED** by Alderman Pasiak

**SECONDED** by Alderman Zadzilka

That the Common Council hereby authorizes the City Accountant to make any necessary budgetary transfers, adjustments, subsidy's or amendments for sanctioned expenditures, accrued liabilities, accounts payable and encumbrances, at December 31, 2010. And further, that the Common Council authorizes an increase in the salary of the Bingo Inspector by \$200, from \$1,000 to \$1,200 and the Emergency Management P/T Clerk by \$300, from \$1,200 to \$1,500, in compliance with the adopted 2011 Budget, effective January 1, 2011

Ayes: Andres, Pasiak, Zadzilka, Schwandt (4)  
 Nays: None (0)  
**CARRIED.**

## VII.3 Accountant

December 16, 2010

Honorable Robert G. Ortt, 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 2010 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>
21	8,000.00	1-3410.480 Fire Operations	1-3410.440 Fire Buildings & Grounds

Very truly yours,  
David R. Jakubaszek  
City Accountant

MOVED by Alderman Pasiak                      SECONDED by Alderman Andres  
That the Common Council hereby authorizes the City Accountant to make the following transfer of fiscal year 2010 appropriations, based on the request of Department Heads:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>From Appropriation Account</u>	<u>Into Appropriation Account</u>
21	8,000.00	1-3410.480 Fire Operations	1-3410.440 Fire Buildings & Grounds

Ayes: Andres, Pasiak, Zadzilka, Schwandt (4)  
Nays: None (0)  
CARRIED.

## IX.1 Public Works

December 9, 2010

Honorable Mayor & Common Council  
City Hall, 216 Payne Avenue  
No. Tonawanda, NY 14120

Re: Chapter 45  
Schedule of Heavy Pick Up Dates - 2011

Honorable Body:

I would like to recommend the following Rules and Regulations for your approval under Chapter 45, Solid Waste, of the City Code.

Section 45-9 F.(1) requires that large household furnishings such as chairs, sofas, tables, beds, carpets, etc. and such large bulky or heavy items may be placed at the curb only on the scheduled heavy collection day.

I further recommend that the heavy collection dates for the entire City for 2011 shall be the weeks beginning on the following Sundays:

Sunday, January 2

Sunday, July 3

Sunday, February 6  
 Sunday, March 6  
 Sunday, April 3  
 Sunday, May 1  
 Sunday, June 5

Sunday, August 7  
 Sunday, September 4  
 Sunday, October 2  
 Sunday, December 4

Please note there is NO scheduled collection date for November because it conflicts with our leaf collection schedule.

Residents may place their large household furnishings out to the curb for collection by the City on these dates. Quantities are limited to a maximum of four (4) cubic yards (3' X 3' X 12') per property and construction/demolition debris and hazardous materials are not to be placed to the curb.

Besides the City-issued garbage and recycling receptacles, the Department will continue to collect up to two (2) clear plastic bags of yard waste, major appliances and other bulky metal items, and tree parts on a weekly basis.

Very truly yours,  
 Gary J. Franklin  
 Superintendent Public Works

MOVED by Alderman Pasiak

SECONDED by Alderman Zadzilka

That the Common Council hereby approves the heavy collection dates for 2011 for the weeks beginning on the following Sundays:

Sunday, January 2  
 Sunday, February 6  
 Sunday, March 6  
 Sunday, April 3  
 Sunday, May 1  
 Sunday, June 5

Sunday, July 3  
 Sunday, August 7  
 Sunday, September 4  
 Sunday, October 2  
 Sunday, December 4

Ayes: Andres, Pasiak, Zadzilka, Schwandt  
 Nays: None  
 CARRIED.

(4)  
 (0)

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## IX.2 Public Works

December 13, 2010

Honorable Mayor & Common Council  
 City Hall, 216 Payne Avenue  
 North Tonawanda, NY 14120

Re: Bid Award – One New and Unused Tandem Axle Cab and Chassis with 27 Cubic Yard Rear Loading Garbage Packer Body Mounted for the Department of Public Works.

Honorable Body:

On Friday, November 19, 2010 bids were received and publicly opened in the City Clerk's Office for a New and Unused Tandem Axle Cab and Chassis with Garbage Packer Body mounted. My office has reviewed the bids submitted and tabulated them as follows in attachment #1.

I have reviewed the bids submitted and find a number of deviations from the specifications submitted for the Kenworth T-470 Cab and Chassis and also for the EZ Pack Goliath G300C Garbage Packer Body. Attachment #2 is a list of deviations for the Kenworth T-470, attachment #3 is a list of deviations for the Mack GU813 and attachment #4 is a list of deviations for the EZ Pack Goliath G300C. It is my opinion that the bids including the Kenworth T-470 and/or the EZ Pack Goliath G300C were unable to substantially meet our specifications and that the bid from Buffalo Truck Center for a Mack GU813 Cab and Chassis with a Leach 2RIII Garbage Packer represents the lowest qualified bid from

amongst the bids tendered and although more expensive than three other bids it represents the best value for the city.

I recommend that the Common Council award the bid for a Tandem Axle Cab and Chassis with Garbage Packer Body to Buffalo Truck Center, 271 Dingens St., buffalo, NY 14206 for a Mack GU813 Cab and Chassis with a Leach 2RIII Garbage Packer Body at their lowest responsible bid of \$184,229.00, subject to the approval of the City Attorney.

Very truly yours,  
Gary J. Franklin  
Superintendent Public Works

**MOVED** by Alderman Andres                      **SECONDED** by Alderman Pasiak  
That the Common Council hereby awards the bid for a Tandem Axle Cab and Chassis with Garbage Packer Body to Buffalo Truck Center, 271 Dingens St., Buffalo, NY 14206 for a Mack GU813 Cab and Chassis with a Leach 2RIII Garbage Packer Body at the lowest responsible bid of \$184,229.00, subject to the approval of the City Attorney.

Ayes: Andres, Pasiak, Zadzilka, Schwandt (4)

Nays: None (0)

**CARRIED.**

**XIV. Public Works**

December 16, 2010

The Honorable Mayor, Robert Ortt and Common Council Members  
City Hall  
216 Payne Ave.  
North Tonawanda, New York 14120

Dear Honorable Mayor Ortt and Common Council Members;

Please review and approve for signing the attached renewal agreement between Ms. Diane Sheehan and the City of North Tonawanda. Ms. Sheehan provides the Youth Court and First Offender services to our department as an Independent Contractor. The agreement will allow these services to continue through December 31, 2011.

City Attorney, Shawn Nickerson has reviewed the agreement and forwarded it to the Mayor's office for the required approval and notarized signature.

Thank you.

Sincerely,  
Patricia A. Brosius  
Director of Youth, Recreation & Parks

**MOVED** by Alderman Pasiak                      **SECONDED** by Alderman Zadzilka  
That the Common Council hereby approves the renewal agreement between Ms. Diane Sheehan and the City of North Tonawanda to provide Youth Court and First Offender services as an Independent Contractor through December 31, 2011 and further authorizes the Mayor to sign the agreement.

Ayes: Andres, Pasiak, Zadzilka, Schwandt (4)

Nays: None (0)

**CARRIED.**

**XXV. Monthly Reports**

- .1 City Clerk
- .2 Treasurer
- .3 Police

**MOVED** by Alderman Pasiak                      **SECONDED** by Alderman Andres  
That the Common Council hereby receives and files the aforementioned Monthly Reports.  
**CARRIED.**

**COMMUNICATIONS FROM OTHERS**

A.

Columbia Hook & Ladder - Re: Exemption Petition:

Angel L. Lee – 5 Years

**MOVED** by Alderman Schwandt                      **SECONDED** by Alderman Zadzilka  
**To issue an exemption certificate to Angel L. Lee – 5 Years.**  
**CARRIED.**

**AUDIENCE PARTICIPATION**

Ann Finkle, 896 Sun Valley Drive – Thanked the Department of Public Works for picking up her leaves this fall. Hoped there would be a spring pick-up of leaves. She stated that the Common Council should meet twice a month instead of the usual four. This way she could attend both the School Board Meeting and the Common Council Meeting. She still does not understand why there is a “no left turn” sign out of Rite Aid on Division Street. The driveway where the sign is posted leads out to Rumbold. This makes no sense to Mrs. Finkle. DPW Superintendent Gary Franklin explained some of the thought process behind the sign placement. Mainly it is there to keep truck traffic off of Rumbold.

**ADJOURNMENT**

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

**Time of Adjournment: 6:57P.M.**

Respectfully submitted,

Scott P. Kiedrowski  
City Clerk–Treasurer