

**THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, August 2, 2011
6:30P.M.**

REGULAR SESSION CALLED TO ORDER BY PRESIDENT SCHWANDT

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Absent: None

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

APPROVAL OF THE MINUTES OF THE REGULAR SESSION JULY 19, 2011

**MOVED by Alderman Zadzilka SECONDED by Alderman Andres
That the minutes of the regular session held July 19, 2011 be approved as circulated and filed
in the Office of the City Clerk-Treasurer.
CARRIED.**

AUDIENCE PARTICIPATION

**Sonia Dusza, 123 Miller Street – Questioned the sale of property at the Buffalo Bolt site to
Taylor Devices. Wanted comparable development to the neighborhood on the Buffalo Bolt
site.**

COMMUNICATIONS FROM CITY OFFICIALS

I. Mayor

July 27, 2011

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

Re: Appointment to Property Maintenance Task Force

Dear Honorable Body:

**Please be advised that I am appointing Beverly Urbaniak, 114 2nd Ave., North Tonawanda,
NY 14120, to the Property Maintenance Task Force, this is a non-term appointment
effective May 1, 2011.**

Thank you for attention to this matter.

**Faithfully yours,
Robert G. Ortt
Mayor**

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

08-02-2011

7. Section 7.1 – Salaries:

**Increase of 1.25% on 1/1/12 and 1.25 % on 7/1/12;
 Increase of 1.5% on 1/1/13 and 1.5% on 7/1/13;
 Increase of 2% on 1/1/14; and
 Increase of 2% on 1/1/15.**

8. Section 8.11 – The union will delete Lincoln’s Birthday as a holiday.

9. Section 12.12(a) - The union will accept the city’s medical plan equivalent to Community Blue HMO 201/201 Plus with a three tier prescription plan of \$0/\$20/\$40.

10. Section 12.12(c) – Retired members who reach age 65 shall enroll in a Medicare Supplement Plan, known as the City of North Tonawanda Retirement Health Plan, with the city reimbursing the member of the cost of Medicare Part B.

11. Section 12.13 – The city will increase payment into the union dental fund by \$1,500.00 annually.

12. Section 12.14 – A section typo will be corrected and the city will increase payment into the union optical fund by \$1,500.00 annually.

13. Section 12.22 – Clears up unnecessary language by eliminating two paragraphs. (Housekeeping)

14. Section 12.32 – Clarifies the concept that an employee retires with the benefits under the agreement in effect at the time of his retirement.

15. Appendix D – Would modify the work schedule of the firefighters so that they would work two day shifts, then two night shifts, then be off for four days. This will be tried on an experimental basis for one year.

If you concur with these, please authorize the mayor to execute all necessary documents to insure a new collective bargaining agreement between the parties.

**Very truly yours,
 Robert Sondel
 Assistant City Attorney**

MOVED by Alderman Donovan

SECONDED by Alderman Pasiak

That the Common Council hereby authorizes the Mayor to sign the Collective Bargaining Agreement between the City of North Tonawanda and IAFF Local 1333 (Fire Dept. Union) as follows:

- 1. Sections 1.21 and 1.24 - A four-year agreement, from 1/1/12 until 12/31/15.**
- 2. Section 5.79 – Adds the provision that the Assistant Chief in charge of Fire Prevention shall be the head Fire Investigator.**
- 3. Section 6.13(a) – The Fire Chief will post all permanent vacancies within thirty days of the vacancy.**
- 4. Section 6.24 – States that the Training Officer and Fire Prevention Bureau shall work forty hours per week.**
- 5. Section 6.32 – Clarifies the substitution of shifts between employees.**
- 6. Section 6.55 – Merely changes the words “arson investigation” to “fire investigation”.**

7. Section 7.1 – Salaries:

Increase of 1.25% on 1/1/12 and 1.25 % on 7/1/12;
Increase of 1.5% on 1/1/13 and 1.5% on 7/1/13;
Increase of 2% on 1/1/14; and
Increase of 2% on 1/1/15.

8. Section 8.11 – The union will delete Lincoln’s Birthday as a holiday.

9. Section 12.12(a) - The union will accept the city’s medical plan equivalent to Community Blue HMO 201/201 Plus with a three tier prescription plan of \$0/\$20/\$40.

10. Section 12.12(c) – Retired members who reach age 65 shall enroll in a Medicare Supplement Plan, known as the City of North Tonawanda Retirement Health Plan, with the city reimbursing the member of the cost of Medicare Part B.

11. Section 12.13 – The city will increase payment into the union dental fund by \$1,500.00 annually.

12. Section 12.14 – A section typo will be corrected and the city will increase payment into the union optical fund by \$1,500.00 annually.

13. Section 12.22 – Clears up unnecessary language by eliminating two paragraphs. (Housekeeping)

14. Section 12.32 – Clarifies the concept that an employee retires with the benefits under the agreement in effect at the time of his retirement.

15. Appendix D – Would modify the work schedule of the firefighters so that they would work two day shifts, then two night shifts, then be off for four days. This will be tried on an experimental basis for one year.

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

II.3 Attorney

July 28, 2011

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

Re: Agreement with CSX and Easements to National Grid and Verizon

Dear Honorable Body:

Verizon is requesting to co-locate on the cell tower located at the DPW garage on Erie Avenue. In order for them to co-locate, they must be able to run additional electrical lines and fiber optic cable to the site. In order to accomplish this, the utilities must be able to bore underneath the CSX railroad tracks.

The utilities have requested that the city make application to CSX since the tracks run in front of the city’s DPW garage. The utilities would prepare all the necessary paperwork and pay for all fees associated with obtaining the railroad’s permission. The benefit to the city would be that we would obtain the ability to increase our electric capacity, as we are at the maximum at present. We would also have fiber optic availability at the DPW garage, which is lacking at present.

If you concur, please authorize the mayor to sign all necessary documents to permit the utilities to be able to run electric power and fiber optics to our site, at no cost to the city, upon the approval of the City Attorney's Office and the City Engineer.

Very truly yours,
Robert Sondel
Assistant City Attorney

MOVED by Alderman Zadzilka **SECONDED** by Alderman Andres
That the Common Council hereby authorizes the Mayor to sign all necessary documents to permit National Grid and Verizon to be able to run electric power and fiber optics to the DPW garage on Erie Avenue, at no cost to the city, upon the approval of the City Attorney's Office and the City Engineer.

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

Nays: None (0)

CARRIED.

IV.1 Engineer

July 28, 2011

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

Re: Project 2011-03, Deerwood Golf Course Sand Bunker Reconstruction
Award of Contract

Dear Honorable Body:

On Tuesday, July 26th, one bid was received for the Deerwood Golf Course Sand Bunker Reconstruction Project in the adjusted amount of \$79,820 which reflects the previous work completed by the golf course's ground crews last year, as explained in the attached letter from the city's consultant.

Accordingly, I respectfully request that the Common Council award Project 2011-03, Deerwood Golf Course Sand Bunker Reconstruction, to Golf Course Shaping Services Inc., Snyder, New York 14226 at their low bid in the amount of \$79,820; 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 Pasiak **SECONDED** by Alderman Andres
That the Common Council hereby awards Project 2011-03, Deerwood Golf Course Sand Bunker Reconstruction, to Golf Course Shaping Services Inc., Snyder, New York 14226 at their low bid in the amount of \$79,820 and authorizes the Mayor to sign the contract, subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

IV.2 Engineer

July 28, 2011

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

Re: 815 River Road Environmental Restoration Project
State Assistance Contract for Reimbursement

Dear Honorable Body:

Enclosed is a copy of the new State Assistance Contract (SAC) that will increase the rate of reimbursement for all of the City's eligible project costs to 90% for the completed 815 River Road Environmental Restoration Project. The maximum amount of State assistance available under the contract is \$548,281 which represents a 90% reimbursement of the final project cost of \$673,016, less the \$57,433 previously reimbursed to the City by the State.

I respectfully request that the Common Council pass the enclosed resolution and authorize the Mayor to sign the State Assistance Contract with the New York State Department of Environmental Conservation for reimbursement of the City's costs for the 815 River Road Environmental Restoration Project, subject to review by the City Attorney.

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

MOVED by Alderman Donovan

SECONDED by Alderman Pasiak

WHEREAS, the City of North Tonawanda, herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for environmental restoration projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, be it resolved by the Common Council of the City of North Tonawanda that Robert G. Ortt, Mayor, is the representative authorized to act in behalf of the Municipality in all matters related to State assistance under ECL Article 56, Title 5. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance;

AND, Further, that the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Projects field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;

AND, that one (1) certified copy of this Authorization will be prepared and sent to the Albany office of the New York State Department of Environmental Conservation together with the Application for State Assistance;

AND, further, that this Authorization takes effect immediately.

Ayes: Andres, Pasiak, Donovan, Zadzilka, Schwandt

(5)

Nays: None

(0)

CARRIED.

V. Water

July 28, 2011

Honorable Mayor Robert G. Ortt
and Common Council
City Hall, 216 Payne Ave.
N. Tonawanda, NY 14120

Re: Award of Bid for Purchase of Natural Gas

Honorable Mayor and Common Council:

On Thursday, July 21, 2011 bids were received and publicly opened in the City Clerk's Office for the purchase of Natural Gas for the Wastewater Treatment Plant.

Our consultant, Mr. George Dahl of EnerScope, has reviewed and tabulated the results as follows:

Bidder	Method	Price per DTH
National Fuel Resources	Monthly Index	\$5.3572
Crown Energy Services	Monthly Index	\$5.3622
EnergyMark, LLC	Monthly Index	\$5.3922
Energetix	Monthly Index	\$6.0432
Energetix	Fixed Annual	\$6.1520

EnerScope has determined that National Fuel Resources is qualified and is recommending that the City award the bid to them at their lowest bid for Monthly Flat Rate Index method of \$0.5150 per DTH over the monthly NYMEX Natural Gas Futures settlement price for the bid period September 1, 2011 through August 31, 2012 and I concur.

Enclosed is a copy of EnerScope's bid analysis, tabulation, and recommendation for your review.

I recommend that the Council award the bid for Natural Gas for the Wastewater Treatment Plant for the period September 1, 2011 through August 31, 2012 to National Fuel Resources, Inc., 165 Lawrence Bell Drive, Suite 120, Williamsville, NY 14221, at their flat rate index method price of \$0.5150 per DTH over the Monthly NYMEX Natural Gas Futures settlement price, subject to the approval of the City Attorney.

Very truly yours,
Paula M. Sattelberg
Superintendent, Water/Wastewater

MOVED by Alderman Zadzilka

SECONDED by Alderman Donovan

That the Common Council hereby awards the bid for Natural Gas for the Wastewater Treatment Plant for the period September 1, 2011 through August 31, 2012 to National Fuel Resources, Inc., 165 Lawrence Bell Drive, Suite 120, Williamsville, NY 14221, at their flat rate index method price of \$0.5150 per DTH over the Monthly NYMEX Natural Gas Futures settlement price, subject to the approval of the City Attorney.

Ayes: Andres, Pasiak, Donovan, Zadzilka, Schwandt

(5)

Nays: None

(0)

CARRIED.

VII.1 Accountant

July 28, 2011

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 August 2, 2011, 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 Zadzilka

That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated August 2, 2011 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$739,655.34
02	Water Fund	72,135.48
04	Sewer Fund	134,344.93
06	Capital Project Fund	297,892.53
07	Trust & Agency Fund	23,530.17
11	General Fund Encumbered	<u>323.00</u>
	Final Total	<u>\$1,267,881.45</u>

Ayes: Andres, Pasiak, Donovan, Zadzilka, Schwandt

(5)

Nays: None

(0)

CARRIED.

VII.2 Accountant

July 28, 2011

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

Dear Honorable Body:

In accordance with General Municipal Law, as amended by Chapter 376 of the Laws of 1988, I have attached a copy of the City of North Tonawanda Single Audit with Independent Auditor's Report, for the fiscal year ended December 31, 2010. The City Clerk-Treasurer will publish a legal notice in the newspaper stating that these reports are available to the public.

The auditor's opinion is that the General Purpose Financial Statements present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and aggregate remaining fund information of the City of North Tonawanda as of December 31, 2010, and the respective changes in financial position thereof, and the respective budgetary comparison for the General Fund for the year ended in conformity with accounting principles generally accepted in the United States of America.

Copies of the audits will be mailed to the appropriate Federal and State Agencies.

If you have any questions on these documents, please feel free to contact me.

Very truly yours,
David R. Jakubaszek
City Accountant

MOVED by Alderman Schwandt **SECONDED** by Alderman Donovan
That the Common Council hereby receives and files the aforementioned 2010 Single Audit.
Ayes: Andres, Pasiak, Donovan, Zadzilka, Schwandt (5)
Nays: None (0)
CARRIED.

XIV. Recreation

July 26, 2011

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

As you are all well aware the Department of Youth, Recreation and Parks purchased a 2011 Dodge Grand Caravan. This vehicle is used in part twice a week for our Senior Citizen Center shopping trips to local grocery stores as well as to the mall. In order to offset costs of this program a fee schedule is necessary. Please review and approve the recommended fee for this service.

- Within City boundaries \$2 per trip. Pick up and return to participants home.
- Outside City boundaries \$4 per trip. Pick up and return to participants home.

The revenue generated from the established fees and charges is collected for deposit in the City General Fund.

Respectfully submitted,

Patricia A. Brosius
Director of Youth, Recreation & Parks

MOVED by Alderman Zadzilka **SECONDED** by Alderman Pasiak
That the Common Council hereby approves the fee schedule for the Senior Citizen Center shopping trips as follows:

- Within City boundaries \$2 per trip. Pick up and return to participants home.
- Outside City boundaries \$4 per trip. Pick up and return to participants home.

All revenue generated from the established fees and charges will be collected and deposited in the City General Fund.

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

ADJOURNMENT

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

Time of Adjournment: 7:10P.M.

Respectfully submitted,

Scott P. Kiedrowski
City Clerk–Treasurer