

**THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, September 18, 2012
6:30P.M.**

REGULAR SESSION CALLED TO ORDER BY PRESIDENT ANDRES

PLEDGE OF ALLEGIANCE

ROLL CALL

**Present: President Andres
Alderman Needler, Donovan, Rizzo, Zadzilka**

Absent: None

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

APPROVAL OF THE MINUTES OF THE REGULAR SESSION SEPTEMBER 4, 2012

**MOVED by Alderman Zadzilka SECONDED by Alderman Rizzo
That the minutes of the regular session held September 4, 2012 be approved as circulated and
filed in the Office of the City Clerk.
CARRIED.**

PROOF OF PUBLICATION PUBLISHED AUGUST 18, 2012

- 1) Bid – Liquid Alum – Water/Wastewater

PROOF OF PUBLICATION PUBLISHED AUGUST 28, 2012

- 1) Bid – Golf Cart Paths – Recreation

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

AUDIENCE PARTICIPATION - None

COMMUNICATIONS FROM CITY OFFICIALS

II.1 Attorney

July 31, 2012

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

**Re: Proposed addition to North Tonawanda City Code
Section 36A – Emergency Services Cost Recovery**

Dear Honorable Body:

09-18-2012

Below, for your consideration, is a proposed addition to the North Tonawanda City Code as suggested by the Fire Chief. The proposal establishes a cost recovery program allowing the City to be reimbursed for emergency services provided by the North Tonawanda Fire Department.

If your Honorable Body concurs, please pass a resolution to amend the North Tonawanda City Code, to add Section 36A, subject to any further review by the City Attorney. Should you have any questions, please do not hesitate to contact me.

Very truly yours,
Shawn P. Nickerson
City Attorney

MOVED by Alderman Zadzilka **SECONDED** by Alderman Andres
That the Common Council hereby amends Section 36 of the City Code as follows:

CHAPTER 36A

EMERGENCY SERVICES COST RECOVERY

§36A-1. The City hereby establishes a cost recovery program which allows the City to be reimbursed, to the extent legally permissible, by those individuals utilizing emergency services provided by the Fire Department. The fees are established in Section 36A-2.

§36A-2. The following fee schedule shall apply to the Fire Department cost recovery program as required by the above section, 36A-1:

Standby/Hazard Control/Cleanup - Minor: \$145.00

Minor spill control

Fire hazard precautions

Scene safety

Battery disconnects

Debris cleanup

Accidents in which occupants may have been assessed but signed medical treatment waivers denying medical treatment and/or transport.

Standby/Hazard Control/Cleanup - Major: \$360.00

Significant spills resulting from tank leaks

Major fire hazard precautions

Vehicle stabilization procedures

Vehicle disentanglement

Multiple personnel response

Light Rescue Service: \$355.00

General Patient handling

Immobilization, treatment and removal from vehicle without need for hydraulic or other power tools.

Need for Standing Takedown immobilization procedures for occupants located outside of vehicle.

EMS treatment provided to patients struck by another vehicle.

Heavy Rescue Service: \$585.00

Patient extrication procedures requiring the use of hydraulic, pneumatic or electric power tools.

Multiple patient removal and/or treatment that requires extended on-scene time and extra personnel.

HAZMAT RESPONSE**Hazardous Material Control/Standby: \$400.00 to \$1,050.00**

Incidents involving commercial trucks, vans and motor-carriers.

Large amounts of spilled or released product.

Requires extra personnel and equipment response for extended period of time.

If a DEC number is issued for a spill, the responsible party will be billed direct (not the auto insurance) for all actual costs including costs to other department and agencies. In this situation, if there is a need for other types of service, then the auto insurance may be billed also.

FIRE SUPPRESSION**Motor Vehicle Fire Response: \$150.00**

Auto fires

Heavy equipment fires

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres

(5)

Nays: None

(0)

CARRIED.

I.2 Attorney

September 14, 2012

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

Re: Meadow Drive Extension Project – Proposed Contracts of Sale and Release for
CSXT Permanent Easement

Dear Honorable Body:

Attached are two proposed Contracts of Sale and Release for your review, for Parcel No. 4, Map No. 4 and Parcel No. 2, Map No. 2, related to the Meadow Drive Extension Project. I am pleased to inform your Honorable Body that, due to the extensive efforts of the Mayor and I, this is the last piece of the right-of-way that the City of North Tonawanda had to acquire for the completion of the Meadow Drive Extension project. I expect to be able to close on these Easements and other remaining parcels within the next two weeks.

Should your Honorable Body concur, please pass a resolution to allow for the execution of the attached Contracts of Sale and Release by the Mayor, subject to any further review by the City Attorney.

If you have any questions, please do not hesitate to contact me.

Very truly yours,
Shawn P. Nickerson
City Attorney

09-18-2012

MOVED by Alderman Donovan

SECONDED by Alderman Zadzilka

That the Common Council hereby authorizes the Mayor to sign the Contracts of Sale and Release for Parcel No. 4, Map No. 4 and Parcel No. 2, Map No. 2, which are part of Tax Map No. 700.00-44-1, related to the completion of the Meadow Drive Extension Project, subject to any further review by the City Attorney.

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres (5)

Nays: None (0)

CARRIED.

IV.1 Engineer

September 7, 2012

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

**Re: Project No. 2012-02, Gratwick Riverside Park Marina Upland Improvements
Engineering Amendment Agreement**

Honorable Body:

The agreement between the City and Lumberjack’s Patio Grill, LLC requires that the City provide electric, gas, telephone, and cable to the restaurant building. This work was not included in the original scope of work for the first phase of the Gratwick Riverside Park Marina Project; however the remaining contingency budget of the Greenway Trail Grant allows us now to include this work.

Accordingly, I respectfully request that the Common Council amend the engineering agreement for the design and coordination with the utility companies of the utilities servicing the proposed restaurant at the Gratwick Riverside Park Marina, to Conestoga-Rovers & Associates, 285 Delaware Avenue, Suite 500, Buffalo, NY 14202 in the amount of \$12,500, authorizing the Mayor to sign the amendment agreement subject to review by the City Attorney.

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

MOVED by Alderman Rizzo

SECONDED by Alderman Needler

That the Common Council hereby amends the engineering agreement for the design and coordination with the utility companies of the utilities servicing the proposed restaurant at the Gratwick Riverside Park Marina, to Conestoga-Rovers & Associates, 285 Delaware Avenue, Suite 500, Buffalo, NY 14202 in the amount of \$12,500, and authorizes the Mayor to sign the amendment agreement subject to review by the City Attorney.

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres (5)

Nays: None (0)

CARRIED.

IV.2 Engineer

September 11, 2012

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

**Re: Project 2012-02 Gratwick Riverside Park Marina Upland Improvements
Approval of Change Order No. 1**

Dear Honorable Body:

During the course of constructing the steel sheet pile wall, actual geotechnical conditions regarding refusal depths were greater than anticipated. The second phase of the marina construction next year requires us to dredge to an elevation that would put the stability of the new wall in jeopardy by increasing its overturning moment. To counteract this force I ordered that tie-backs with deadmen be installed behind the wall underneath the existing parking area.

Accordingly, I respectfully request that the Common Council approve Change Order 1 for the Gratwick Riverside Park Marina Upland Improvements Project in the amount of \$37,794 to Pinto Construction, 1 Babcock St., Buffalo, NY 14210, increasing the contract cost from \$179,119 to \$216,913; authorizing the Mayor to sign said change order subject to review by the City Attorney.

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

MOVED by Alderman Donovan

SECONDED by Alderman Rizzo

That the Common Council hereby approves Change Order 1 for the Gratwick Riverside Park Marina Upland Improvements Project in the amount of \$37,794 to Pinto Construction, 1 Babcock St., Buffalo, NY 14210, increasing the contract cost from \$179,119 to \$216,913 and authorizes the Mayor to sign said change order subject to review by the City Attorney.

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres

(5)

Nays: None

(0)

CARRIED.

IV.3 Engineer

September 12, 2012

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

Re: Project No. 2011-01, Erie Avenue Elevated Water Storage Tank
Tank Refurbishing
Approval of Change Orders

Honorable Body:

Approval of the change orders for the repairs to the Erie Avenue Elevated storage tank is hereby requested.

Change Order No. 1 was tentatively approved at the June 12th Common Council workshop session as follows:

- | | |
|---|------------|
| • Credit for access opening | (\$13,000) |
| • Removal and replacement of steel angle supporting upper shell | \$48,293 |
| • Grout repair of base at center riser | \$1,724 |
| • Removal of failed mud valve drain and repair at base of riser | \$4,393 |
| • Time extension granted | |

Change Order No. 1 \$41,410

Change Order No. 2 was required to properly repair twenty eight (28) 5-inch diameter holes in the tank shell from the abandoned cathodic protection system in the amount of \$17,472. This work was ultimately required and was not part of the original scope of work.

Change Order No. 3 is a credit in the amount of (\$32,250) representing the unused contract quantities.

I therefore respectfully request that the Common Council approve Change Orders 1, 2 & 3 respectively for the Erie Avenue Water Storage Tank Refurbishing Project in the total amount of \$26,632 to Amstar of Western New York Inc., 825 Rein Road, Cheektowaga, NY 14225, increasing the original contract amount from \$440,000 to the final contract amount of \$466,632; 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 Donovan
That the Common Council hereby approves Change Orders 1, 2 & 3 respectively for the Erie Avenue Water Storage Tank Refurbishing Project in the total amount of \$26,632 to Amstar of Western New York Inc., 825 Rein Road, Cheektowaga, NY 14225, increasing the original contract amount from \$440,000 to the final contract amount of \$466,632; and authorizes the Mayor to sign said change orders subject to review by the City Attorney.

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres (5)
Nays: None (0)
CARRIED.

IV.4 Engineer

September 12, 2012

Robert G. Ortt, Mayor and Common Council Members
City Hall North Tonawanda
216 Payne Avenue
North Tonawanda, New York

Re: Meadow Drive Extension Project
Project No. 2003-02
PIN 5757.52
Supplemental Engineering Agreement No. 2 with Parsons Brinkerhoff

Honorable Body:

The City’s Joint Application Permit Application for the Meadow Drive Extension Project that is currently under review by both the Army Corps of Engineers and NYSDEC now requires us to perform additional wetland delineation and coordination with the agencies, as requested by the Corp in order to obtain our permit.

Accordingly, I recommend that the Common Council approve the attached supplemental engineering agreement to perform additional wetland delineation and coordination with the permitting agencies for the Meadow Drive Extension Project with Parsons Brinkerhoff, 50 Lakefront Boulevard, Suite 111, Buffalo, NY 14202; in the amount of \$4,728, increasing the current contract amount of \$333,995 to the revised contract amount of \$338,723; and authorize the Mayor to sign said supplemental agreement subject to review by the City Attorney. Costs related to this additional work are eligible for reimbursement under the current Marcheselli Aid Agreement with NYSDOT.

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

MOVED by Alderman Andres

SECONDED by Alderman Needler

That the Common Council hereby approves the supplemental engineering agreement to perform additional wetland delineation and coordination with the permitting agencies for the Meadow Drive Extension Project with Parsons Brinkerhoff, 50 Lakefront Boulevard, Suite 111, Buffalo, NY 14202; in the amount of \$4,728, increasing the current contract amount of \$333,995 to the revised contract amount of \$338,723; and authorizes the Mayor to sign said supplemental agreement subject to review by the City Attorney. Costs related to this additional work are eligible for reimbursement under the current Marcheselli Aid Agreement with NYSDOT.

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres

(5)

Nays: None

(0)

CARRIED.

VII. Accountant

September 14, 2012

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 September 18, 2012, and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Very truly yours,
Mark W. Dotterweich
City Accountant

MOVED by Alderman Needler

SECONDED by Alderman Zadzilka

That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated September 18, 2012 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$579,393.73
02	Water Fund	31,410.90
04	Sewer Fund	95,136.13
06	Capital Project Fund	354,198.89
07	Trust & Agency Fund	520.75
09	Capital – Buffalo Bolt	130,182.96
17	Home Rehab Program	<u>1,500.00</u>
	Final Total	<u>\$1,192,343.36</u>

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres

(5)

Nays: None

(0)

CARRIED.

XIV. Recreation

September 5, 2012

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

Dear Common Council Members:

I would like to transfer my lease of 15 Weatherbest Slip to my son Jason Gielow, 6076 Townline Road, Lockport, NY 14094. Any help you can offer with this matter will be greatly appreciated.

Regards,
Dennis Gielow
7209 Schultz Road
North Tonawanda, NY 14120

MOVED by Alderman Needler SECONDED by Alderman Zadzilka
That the Common Council hereby approves the transfer of the lease of 15 Weatherbest Slip to Jason Gielow, 6076 Townline Road, Lockport, NY 14094.

Ayes: Needler, Donovan, Rizzo, Zadzilka, Andres (5)

Nays: None (0)

CARRIED.

AUDIENCE PARTICIPATION - None

ADJOURNMENT

MOVED by Alderman Needler SECONDED by Alderman Donovan
That this regular session of the Common Council be and hereby is adjourned.
CARRIED.

Time of Adjournment: 6:41P.M.

Respectfully submitted,

Scott P. Kiedrowski
City Clerk–Treasurer