

**TO: Honorable Mayor & Common Council
President Zadzilka
Aldermen Braun, Schmigel, Pecoraro, Tylec**

FROM: Matthew L. Parish, City Clerk-Treasurer

RE: Agenda for Regular Session TUESDAY, JUNE 2, 2020 6:30PM

AUDIENCE PARTICIPATION – Due to the COVID-19 (Coronavirus) the meeting will not be open to the public.

PROOF OF PUBLICATION PUBLISHED 5/1/2020

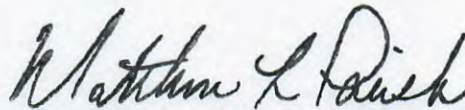
1) Legal Notice – Public Hearing – Project Presentation for NYSDOT PIN 5813.66 NY 265 River Road; from the south County Line to Felton Street – City Engineer

COMMUNICATIONS FROM CITY OFFICIALS

IV.1 Engineer	-	Re: Award of Contract for City of North Tonawanda Pedestrian Safety Action Plan (PSAP) Project 2018-09 – PIN 5762.71
IV.2 Engineer	-	Re: Approval of Change Order No.1 for the Main Street Green Infrastructure Improvements Project, 12” Watermain Replacement
VII. Accountant	-	Re: Payment of the Abstract of Claims Dated June 2, 2020
IX. Supt. Public Works	-	Re: Re-Appointment of Sally Czaja and Kathleen Gannon as a Commissioner of Deed for the City of North Tonawanda
X. Police Chief	-	Re: Re-Appointment of Thomas E. Krantz as a Commissioner of Deeds for the City of North Tonawanda

- XVII. Traffic Safety** - **Re: Various Traffic Safety Recommendations from their May meeting**
- XXXIII.1 Community Development-** **Re: Award of Contract to WNY Law Center relating to LISC grant #47414**
- XXXIII.2 Community Development-** **Re: Approval to submit an application for Niagara River Greenway funding to the Niagara County Ad Hoc Committee on Recreation & Tourism**
- XXXIII.3 Community Development-** **Re: Permission for a Public Hearing for Community Development Block Grant Program - #822ED912-18**

Respectfully submitted,

A handwritten signature in black ink that reads "Matthew L. Parish". The signature is written in a cursive style with a large initial 'M' and 'P'.

**Matthew L. Parish
City Clerk-Treasurer**



City of North Tonawanda
Department of Engineering
 City Hall, 216 Payne Avenue
 North Tonawanda, NY 14120-5493
 www.northtonawanda.org

IV
Chelsea L. Spahr, P.E.
 City Engineer
 Phone: (716) 695-8565
 Fax: (716) 695-8568

May 27, 2020

JUN 02 2020

Honorable Arthur G. Pappas, Mayor
 and Common Council Members
 City Hall
 216 Payne Avenue
 North Tonawanda, New York 14120

**Re: Project 2018-09 - PIN 5762.71 City of North Tonawanda Pedestrian Safety
 Action Plan (PSAP)
 Award of Contract**

Dear Honorable Body:

On May 12, 2020, three bids were received and opened by the City Clerk for the City of North Tonawanda Pedestrian Safety Action Plan (PSAP) Project. The Results are as follows:

Base Bid:

- | | |
|---|---------------------|
| 1. 4th Generation Construction Inc. | \$362,243.00 |
| 2. Millennium Construction Inc. | \$372,243.00 |
| 3. Pinto Construction Services Inc. | \$442,860.71 |

The Engineering Department and the City's Engineering Consultant, C&S Companies, see attached letter, have reviewed the bid results and are recommending award of the Contract. The entire grant award from the NYSDOT for this project was \$375,000. Design services out of this grant were \$102,000, leaving a remaining construction budget of \$273,000. This project is integral with the other downtown projects, is vital in replacing aged traffic infrastructure, and will overall make the intersections more pedestrian friendly, so I am asking that the City fund the \$89,243 gap award this project. Accordingly, I respectfully request that the Common Council award the City of North Tonawanda PSAP Project Contract to 4th Generation Construction, 5650 Simmons Avenue, Niagara Falls, NY 14304, at their low Base Bid in the amount of \$362,243.00; authorizing the Mayor to sign said contract subject to review by the City Attorney.

Very truly yours,

Chelsea L. Spahr
 City Engineer

RECEIVED
 CITY CLERK'S OFFICE
 2020 MAY 27 AM 9:57
 NORTH TONAWANDA NY

CLS:cls

Cc: file
 Luke A. Brown, City Attorney
 Michael Zimmerman, Director of Community Development
 Mark Zellner, Superintendent of Public Works
 Jeffrey Zellner, City Accountant
 Nick Yarusi, 4th Generation Construction



C&S Companies
141 Elm Street, Suite 100
Buffalo, NY 14203
p: (716) 847-1630
f: (716) 847-1454
www.cscos.com

May 22, 2020

Chelsea L. Spahr, P.E.
City Engineer
City of North Tonawanda Engineering Department
216 Payne Avenue
North Tonawanda, NY 14120

Re: City of North Tonawanda
Local Pedestrian Safety Action Plan (PSAP)
PIN 5762.71, Project No. 2018-09
Summary of Bids and Recommendation of Award

Mrs. Spahr,

The City of North Tonawanda received bids for the above referenced project on May 12, 2020; three (3) bids were received. We have reviewed and checked all unit bid prices and totals and report the following total bids for this project:

<u>Rank</u>	<u>Bidder's Name</u>	<u>Bid Amount</u>
	Engineer's Estimate	\$255,000.00
Bid 1	4 th Generation Construction Inc.	\$362,243.00
Bid 2	Millennium Construction Inc.	\$372,320.00
Bid 3	Pinto Construction Services Inc.	\$442,860.71

I hereby certify that, to the best of my knowledge and belief, this contract was bid in accordance with the applicable competitive bidding procedures and all Federal and State rules and regulations pursuant thereto, and that this summary includes all bids received at the public bid opening held at the City of North Tonawanda City Hall on May 12, 2020, for a contract in the City of North Tonawanda for the project identified as PIN 5762.71, Project No. 2018-09, City of North Tonawanda Local Pedestrian Safety Action Plan (PSAP). Each of these bids has been reviewed, checked and all computations verified. No mathematical errors were found. The bid received from 4th Generation is sound and stands as the apparent low bid. 4th Generation's bid was 42.06% higher than the engineer's estimate.

Based upon the results from the bid analysis, and a full evaluation of bidder responsibility, we believe 4th Generation is capable of performing the work required and has submitted a sound bid. We recommend award of this project to 4th Generation Construction Inc.

Very truly yours,

Daniel T. Borcz, P.E.
Managing Engineer, C&S Engineers



City of North Tonawanda
Department of Engineering
City Hall, 216 Payne Avenue
North Tonawanda, NY 14120-5493
www.northtonawanda.org

CL
Chelsea L. Spahr, P.E.
City Engineer
Phone: (716) 695-8565
Fax: (716) 695-8568

May 28, 2020

JUN 02 2020

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

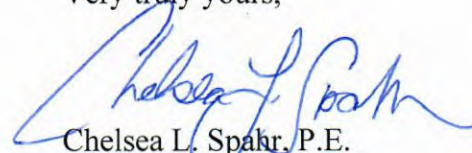
Re: Main Street Green Infrastructure Improvements Project
Milherst Construction Change Order No. 1
12" Watermain Replacement

Honorable Body:

Enclosed is Change Order No. 1 from Erdman Anthony to add the replacement of the 12-inch watermain on Main Street between Island Street and Thompson Street within the existing construction limits of the Main Street Green Infrastructure project to Milherst Construction's existing contract. I would like to include a 15% contingency to cover any encounters with unexpected subsurface conditions. This change order is being funded with existing budget within the Main Street Green Infrastructure Project as well as reallocated City funds from the Storm Sewer Separation budget.

Accordingly, I respectfully request that the Common Council approve the enclosed Change Order No. 1 for the 12-inch watermain replacement on Main Street between Island Street and Thompson Street in the amount of \$170,000 with Milherst Construction, 10025 County Road, Clarence Center, NY 14032; and authorize the Mayor to sign said agreement subject to review by the City Attorney.

Very truly yours,


Chelsea L. Spahr, P.E.
City Engineer

CLS:cls

Cc: file, w/encls
Luke Brown, City Attorney, w/encls
Mark Zellner, Superintendent of Public Works
Michael Zimmerman, Director of Community Development
Jeffrey Zellner, City Accountant
Marc Kenward, P.E., Erdman Anthony

2020 MAY 28 PM 3:26
NORTH TONAWANDA NY

Main Street Green Infrastructure Additional Scope Request - Change Order No. 1 (5/20/20):

Replacement of 12-inch Water Main on Main Street between Island Street and Thompson Street (Approximately 780 LF):

Contractor's Change Order Cost:	\$147,900
Contingency (15%)	\$22,185
Construction Sub-Total	\$170,085
SAY	\$170,000

Existing Budget in Main Street Green Infrastructure Project \$69,600
Additional Funds needed to replace 12-inch Water Main on Main Street \$100,400



Erdman Anthony & Associates

Change Order Details

Main Street Green Infrastructure Improvements

Description

The work includes full depth reconstruction of 800-foot of existing pavement to a 34 ft. curb-to-curb width; construction of new sidewalks along both side of the street; new paved driveway aprons, watermain replacement, new drainage inlets, new storm sewer, new street lighting, installation of new street trees, and site restoration.

Prime Contractor

Milherst Construction

Change Order

1

Status

Pending

Date Created

05/26/2020

Type

New Item

Summary

Watermain Replacement

Change Order Description

Replace existing 12" watermain with new 12" C-900 PVC watermain, including services, excavation, backfill and in-place abandonment of existing watermain

Awarded Project Amount

\$835,421.00

Authorized Project Amount

\$835,421.00

Change Order Amount

\$147,900.00

Revised Project Amount

\$983,321.00

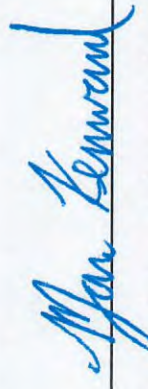
New Items

Line Number	Item ID	Unit	Quantity	Unit Price	Extension
Section: 1 - Primary					

Line Number	Item ID	Unit	Quantity	Unit Price	Extension
0720	663.0001	LS	1.000	\$147,900.000	\$147,900.00
Watermain Replacement with New 12" PVC Watermain					
Reason: Replace existing 100+/- year old watermain with new watermain within project limits.					
1 item					Total: \$147,900.00

Attachments

Document	Name	Description	Submission Date
Final_MainSt_WM_Cost_with_Negotiation_e-mails.pdf	Final_MainSt_WM_Cost_with_Negotiation_e-mails.pdf		05/26/2020 04:04 PM EDT
1 attachment			


 _____ Date: 05/27/2020

Marc Kenward, PE; Erdman Anthony Associates

_____ Date: _____

James L. Collins, Jr.; Vice President; Milherst Construction, Inc.

_____ Date: _____

Arthur G. Pappas; City of North Tonawanda Mayor

MILHERST CONSTRUCTION, INC.

10025 County Road

PO Box 430

CLARENCE CENTER, NY. 14032-0430

(716) 688-9098 FAX (716) 688-9562

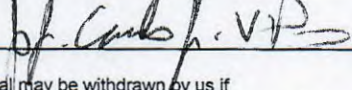
PROPOSAL SUBMITTED TO City of N. Tonawanda		PHONE 695-8565	DATE May 20, 2020
STREET 216 Payne Ave.		JOB NAME Main St. Green Infrastructure Improvement Project	
CITY, STATE, and ZIP CODE N. Tonawanda, NY 14120		JOB LOCATION N. Tonawanda, NY	
ARCHITECT Erdman Anthony	DATE OF PLANS 5/5/20	ATTN: Chelsea Spahr	FAX 0

We Propose hereby to furnish material and labor – complete in accordance with specifications below, for the sum of:

Dollars **see below**

Payment to be made as follows:
 Monthly pay requests due net 30 days from date of invoice, Service Charges: 30-90 days (Prime+2%)
 Over 90 days (Prime + 4%) per annum, compounded monthly, plus and collection or legal fees.
 All unpaid invoices over 6 months will be subject to renegotiation.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from specifications below involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized Signature: 

Note: This proposal may be withdrawn by us if not accepted within 30 days

We hereby submit specification and estimates for:

Change Order proposal to add 12" waterline to existing Main St. project per 5/8/20 email request:

1) Lump Sum price to install all watermain and services complete as shown and listed under Item 1 a-g on email:	\$ 147,900.00 lump sum
2) Sanitary Sewer lateral adjustment if needed:	\$ 2,575.00 each subject to further negotiation if warranted
3) Additional Excavation and Backfill if cover of pipe is greater than 4.5':	\$ 69.75 per cy per current unit prices <i>MAK</i>
4) Short side water service up to 3":	\$ 2,190.00 each subject to further negotiation if warranted
5) Short side 4" Fire Service:	\$ 3,395.00 each subject to further negotiation if warranted

Please note that Item 1 Revision includes:

- 790 lf of 12" C-900 PVC pipe with bedding and select backfill for 4.5' of cover
- 2 ea 12" gate valves
- 2 ea hydrant tees/valves
- Fittings as shown on plan
- 6" Fire service with 2" blowoff and 1 each 6" valve
- 3 each 1" copper water services complete
- Temporary blowoffs/RPZ jumper for testing
- Testing and chlorination with sample results provided to owner
- 2 each interconnections at each end of line after testing/chlorination
- Wages up to 6/30/20

Note: The excavation and subbase stone for the walk will be paid for under contract items and is not included in this quote.

Acceptance of Proposal - The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date Of Acceptance: _____ Signature: _____

Signature: _____

Marc D. Kenward

From: Jim <jimjr@milherst.com>
Sent: Wednesday, May 20, 2020 12:14 PM
To: Marc D. Kenward
Cc: Chelsea Spahr (chelseaspahr@northtonawanda.org)
Subject: RE: North Tonawanda Main Street GI Project: Watermain Change Order Pricing
Attachments: 202005201203.pdf

Marc,

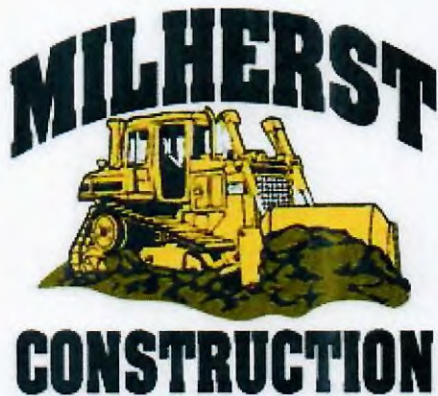
I spoke with Chelsea this morning to get a better feel of what I needed to revise for the change order, and made the necessary adjustments on the proposal, attached here. I think this is going to get us where everyone wants to be scope-wise. Please review and let me know if this is final so I can order the material and not hold up the project. Thanks.

Jim

Jim Collins Jr

Vice President of Administration

Milherst Construction, Inc.
10025 County Road, Clarence Center, NY 14032
716.688.9098 fax 716.688.9562



From: Marc D. Kenward [mailto:KenwardMD@erdmananthony.com]
Sent: Tuesday, May 19, 2020 8:41 AM
To: Jim
Cc: Chelsea Spahr (chelseaspahr@northtonawanda.org)
Subject: RE: North Tonawanda Main Street GI Project: Watermain Change Order Pricing

Jim;

We cannot begin to fully comprehend how some of the below detailed costs are over and above the preliminary estimate you provided to us on February 28, 2020. Attached is a *.pdf of my 2-25-2020 e-mail and your 2-28-2020 response.

In my 2/26/2020 e-mail I requested allowances be made for such things as Work Zone Traffic Control and Mobilization costs. I and the City had every expectation that it would also cover any additional bonds and insurances. In my e-mail it is also apparent we were expecting a 5-foot depth of bury. Your 2/28/2020 response provided no exception to that 5-foot depth of bury; and we would not have expected such an exception because a 5-ft depth of bury is the typical minimum standard bury depth for any new watermain in western NY. We are not dictating the use of shields and shoring, but rather that is a means and methods of how you make your trenches OSHA compliant. Furthermore, you cite \$3,900 for an increase in cover from 4.5 to 5 feet; and \$825 for additional compaction, neither of which are valid additional costs.

The DOH would not approve polyethylene water services. We have now specified them to be copper (as indicated in our original 2/25/2020 request) installed an envelope of sand with NO tracer or casing pipe / sleeve.

The 4-inch fire service cost is unreasonable. Your 2/28/2020 preliminary estimate of \$107,400 complete (including 4 long side services) for 780 feet of 12" pipe amounts to \$137.69/foot. Assuming the fire service main is 65 feet (max. length) you are quoting the SAME \$137.69/ft unit price for 4" pipe, and an additional \$2,550 for a blow-off / sample point.

Other costs that we reasonably expected to be included in the preliminary estimate request include:

- RPZ jumper for \$1,900 - It was your recommendation to ELIMINATE the Tapping Sleeve and Valves, which meant the line had to be filled and charged for testing and flushing from existing hydrants. Therefore, there is no basis for this being deemed an additional cost.
- Interconnection: \$7,800 – There is no basis for this being deemed an additional cost. It is a reasonable expectation that the new watermain would be connected to the existing main.
- Temporary backfill: \$2,050 – What is this for? There is no basis for this being an additional.

Regarding this claimed additional cost for "Excavation / subbase stone and graded for sidewalk: \$ 15,701.70": The intent was for the watermain trench excavation and backfill to replace the unclassified excavation and subgrade preparation necessary for the new sidewalk. You would still be paid under the contract items for the Item 304.12 Subbase material under the new sidewalk. My thinking is that there would be lesser depth of trench backfill (by 10" +/-).

It has been our intent from the outset that this watermain replacement work be a negotiated lump sum, which you seemed agreeable to you in our early discussions. This negotiated lump sum is in accordance with Contract General Condition 10, paragraph B. If we were to proceed in accordance with Paragraph C, which is a Time and Materials basis, then a 15% Mark-up in accordance with Paragraph C would be allowable. Furthermore, we had a reasonable expectation that mark-up for overhead and profit should have been include in the preliminary cost estimate, especially since I called you to clarify if any contingencies were included, and you responded that little or no contingencies were included.

Lastly, the increase in wages for work performed after 7/1/2020 will be addressed in a separate Change Order processed in accordance with Contract General Condition 10, paragraph C , and will based on an audit of submitted payroll records for labor after 7/1/2020.

Two changes in the current plans from which you provided this latest pricing is 1) the elimination of the 2" water service to #211, and 2) an up-sizing of the 4" fire protection service to 6" combined domestic and fire protection line. Only ONE gate valve appears to be warranted at this and should be provided (rather than two as currently shown). The east end of this 6" fire service line would be a cap on the end of the line rather than a valve, which could simply be the closed-off temporary blow-off. At the time the property is re-developed, the property owner / site developer would be

responsible for attaching to this 6" line with a valve and splitting this off into separate domestic and fire protection service lines.

In summary, we believe the only valid cost increases at this time over and above the scope of your 2/28/2020 preliminary estimate are as follows:

65+/- feet of 6" combined Fire protection/domestic water service line, with one gate valve & valve box and a Blow-off / Sampling point at its east end.

Possibly one 12" Gate Valve and valve box at a cost of \$3,550.

We would expect the cost of eliminating one long side water service offsets some or all of the cost of upsizing the 4-inch fire protection to a 6-inch line.

Thank you for your time and effort in this matter. After reviewing the above please give me a call to discuss further.

Marc Kenward
Senior Associate

T (585) 427-8888, ext. 1012

C (585) 813-4212

145 Culver Road, Suite 200 | Rochester, NY 14620

Kenwardmd@erdmananthony.com

www.erdmananthony.com



From: Jim <jimjr@milherst.com>

Sent: Friday, May 15, 2020 4:40 PM

To: Marc D. Kenward <KenwardMD@erdmananthony.com>

Cc: Chelsea Spahr (chelseaspahr@northtonawanda.org) <chelseaspahr@northtonawanda.org>

Subject: RE: North Tonawanda Main Street GI Project: Watermain Change Order Pricing

Marc,

The increase of \$ 67,725.00 is attributed to:

Addition of 1 each 4" Fire service:	\$ 8950
Upsize 1" water service to 2":	\$ 975
Shields /Shoring:	\$ 2925
Excavation / subbase stone and graded for sidewalk:	\$ 15,701.70
Interconnection:	\$ 7800
Additional Compaction:	\$ 825
Increase cover from 4.5' to 5':	\$ 3,900
Additional Blowoff/Sample Points:	\$ 2,550
RPZ Jumper:	\$ 1,900
Additional Bond / Insurance costs:	\$ 1,925
1" sleeve and tracer wire for services:	\$ 790
Increase in wages for work after 7/1/20:	\$ 1,500
Temporary Backfill:	\$ 2,050
Furnish and install 2 each 12" Gate Valves:	<u>\$ 7,100</u>
Total:	\$ 58,891.70

15% Markup: \$ 8,833.76

Total: \$ 67,725.00

The 15% markup comes from the contract documents. If you need any other clarification, let me know, but this is all I came up with the explain the delta with the original preliminary plans. Thanks.

Jim

Jim Collins Jr

Vice President of Administration

Milherst Construction, Inc.

10025 County Road, Clarence Center, NY 14032

716.688.9098 fax 716.688.9562



From: Marc D. Kenward [<mailto:KenwardMD@erdmananthony.com>]

Sent: Thursday, May 14, 2020 8:41 AM

To: Jim

Cc: Chelsea Spahr (chelseaspahr@northtonawanda.org)

Subject: RE: North Tonawanda Main Street GI Project: Watermain Change Order Pricing

Importance: High

Jim;

Thank you for the cost estimate. We note the Base "Line Item 1" cost of \$175,125 is \$67,725 more than the preliminary cost estimate of \$107,400 you provided back on February 28, 2020.

Please provide a break-down and explanation of the cost difference between that 2/22/2020 estimate and the above noted "Line item 1" cost you provided yesterday.

Thank you.

Marc Kenward

From: Jim <jimjr@milherst.com>
Sent: Wednesday, May 13, 2020 2:25 PM
To: Marc D. Kenward <KenwardMD@erdmananthony.com>
Subject: RE: North Tonawanda Main Street GI Project: Watermain Change Order Pricing

Chelsea and Marc,

Attached is the change order proposal for the 5 items related to the proposed 12" waterline for the Main St. project per Marc's email below. There were numerous items added to the final plan from the original budget that kicked the cost up. Let me know if this form is acceptable, or need something different. This is based on the latest conversation I had with Marc this morning to firm a couple things up so I am confident we did not miss anything. Thank you.

Jim

Jim Collins Jr

Vice President of Administration

Milherst Construction, Inc.
10025 County Road, Clarence Center, NY 14032
716.688.9098 fax 716.688.9562



From: Marc D. Kenward [<mailto:KenwardMD@erdmananthony.com>]
Sent: Friday, May 8, 2020 8:43 AM
To: Jim; Glen Willis
Cc: Tom Drollinger; Chelsea Spahr (chelseaspahr@northtonawanda.org); William Bosse
Subject: RE: North Tonawanda Main Street GI Project: Watermain Change Order Pricing

Jim;

Based on the below e-mail exchange and our telephone conversation this morning, the following is the final scope of work and pricing parameters we are requesting from you for this Change Order:

1. Lump Sum Price / Cost for furnishing and installing ALL Watermain and Service installation complete, as shown on the attached plans, including:
 - a. Excavation and backfill per the trenching details shown on the plans to depth that provides 5-feet of cover over the pipes and services from proposed finished grade. This includes the cost of trench shields and shoring, and also any backfill needed to temporarily maintain an even grade over and across the

backfilled watermain and service line trenches. Along the west side of Main Street where the new watermain is to be located under the new sidewalk, cost is also to include excavation from existing grade, and for the excavation, grading and subgrade preparation needed for constructing the new sidewalk and subbase to the limits shown on the revised typical section (Dwg. TS-1) included in the attached drawings

- b. ALL watermain and service pipe, fittings, and appurtenances necessary and required, including connections to the existing watermain.
 - c. All work necessary and needed to make the new watermain connections to the existing watermain, including but not limited to excavation and backfill , trench shields and shoring, removal and disposal of any existing thrust restraints, installation of new thrusts restraints, disinfection, fittings, and appurtenances needed to make a leak-free connection at normal operating pressure of the system.
 - d. ALL leakage and pressure testing, disinfection and bacteriological testing complete and acceptable for placing the waterman into service.
 - e. Abandonment, capping and plugging of the existing watermain, including removal of any existing watermain and appurtenances that may be in conflict with other proposed project contract work.
 - f. The two required fire hydrants will remain in and be paid for under the current contract's itemized payment items.
 - g. The removal of the two existing fire hydrants will remain in and be paid for under the current contract's itemized payment items
2. Lump Sum cost per EACH occurrence for adjusting sanitary sewer laterals in accordance with the details on the watermain plans. Cost to include excavation, backfill and furnishing all pipe, fittings, connectors and appurtenances needed to accomplish the adjustment.
 3. Cost per cubic yard for additional excavation and backfill should watermain and service pipe need to be laid / installed deeper than 5-feet of cover. This is in addition to sewer lateral adjustment. Assume for purposes of this Change Order a quantity of 50 cubic yards.
 4. Lump sum unit price (cost per each) for furnishing and installing short side water services (1" min up to and including 3" nominal sizes), complete, including corporation tap, saddle, curb valve & valve box, connection to existing water service line, excavation and backfill. Assume for purposes of this Change Order a quantity of 1 short side water service.
 5. Lump sum unit price (cost per each) for furnishing and installing short side fire protection service (assume 4" nominal size) complete, including 4" x 12" DIP TEE, 4" gate valve, valve box, connection to existing fire service line, excavation and backfill. Assume for purposes of this Change Order a quantity of 1 short side fire protection service water service.

If you have any question or wish to discuss further, please call or e-mail me.

Thank you.

Marc Kenward
Senior Associate

T (585) 427-8888, ext. 1012

C (585) 813-4212

145 Culver Road, Suite 200 | Rochester, NY 14620

Kenwardmd@erdmananthony.com

www.erdmananthony.com



From: Jim <jimjr@milherst.com>
Sent: Thursday, May 07, 2020 5:34 PM
To: Marc D. Kenward <KenwardMD@erdmananthony.com>; Glen Willis <Glen@milherst.com>
Cc: Tom Drollinger <tom@milherst.com>; Chelsea Spahr (<chelseaspahr@northtonawanda.org>
<chelseaspahr@northtonawanda.org>); William Bosse <BosseW@erdmananthony.com>
Subject: RE: North Tonawanda Main Street GI Project: Watermain Change Order Pricing

Marc,

Thanks for the quick response. Here are my comments on your comments:

1. No issue.
2. I would recommend using 5' of cover for the 12" main for bidding purposes, that is a standard in this area. Then if we need to go deeper, use the contingency in your Item Number 3 of your RFP to account for any deep excavations if encountered. We could always put a hydrant extension on a hydrant rather than buy hydrants that are too deep and be stuck with them.
3. I need to have a shield in any excavation over 5' deep. If you have 5' of cover plus 12" pipe plus 6" of stone bedding underneath, that's 6.5' deep. We couldn't hand dig for hidden obstacles without a shield in the ground. I can't lay it back without incurring extra costs for select backfill to you.. I would recommend me putting some cost in my bid for the shields and shoring, and let the item in the contract stay for use with the storm sewer items. that item would most likely be reduced by the end of the job.
4. No issue.
5. No issue.
6. See Response 2.
7. No issue.

I can get this price to you on Friday since we are so close to ironing out the questions. Thanks Marc.

Jim Collins

Jim Collins Jr

Vice President of Administration

Milherst Construction, Inc.
10025 County Road, Clarence Center, NY 14032
716.688.9098 fax 716.688.9562



From: Marc D. Kenward [<mailto:KenwardMD@erdmananthony.com>]
Sent: Thursday, May 7, 2020 1:26 PM
To: Jim; Glen Willis
Cc: Tom Drollinger; Chelsea Spahr (chelseaspahr@northtonawanda.org); William Bosse
Subject: RE: North Tonawanda Main Street GI Project: Watermain Change Order Pricing

Jim;

See my *Responses below in Red Italic:*

If you have any further concerns, please contact me. We are open to further discussion.

Marc Kenward

From: Jim <jimjr@milherst.com>
Sent: Thursday, May 07, 2020 11:42 AM
To: Marc D. Kenward <KenwardMD@erdmananthony.com>; Glen Willis <Glen@milherst.com>; Tom Drollinger <tom@milherst.com>
Cc: Tom Drollinger <tom@milherst.com>; Chelsea Spahr (chelseaspahr@northtonawanda.org) <chelseaspahr@northtonawanda.org>; William Bosse <BosseW@erdmananthony.com>
Subject: RE: North Tonawanda Main Street GI Project: Watermain Change Order Pricing

*** External Email - Please exercise caution before viewing attachments, clicking links or responding to this external email. ***

Marc,

Thanks for sending the plans and specs to us to review. Here are some questions to make sure I provide the correct pricing:

1. You want a Lump Sum price for all the water main work inclusive in one price. Does that mean that the 663.xxx items in the contract are going to be removed and any cost with those should be rolled into the change order? *RESPONSE: Our design intent is that the three 663.xx payment items now in the contract would be removed or not used for the replacement watermain.*
2. You want 6 feet of cover on the new line, but the details on MD-5A shows 5' of cover. That will require more haul away and more select backfill, which wasn't figured in the initial budget. Which depth of cover should I quote? *RESPONSE: The DESIGN INTENT is for 5-feet of cover throughout. I simply want to avoid having discussions about additional compensation for **minor** variance over and above 5-feet of cover. Would you be more comfortable with 5.5 ft. of cover?...OR simply 5-feet. We (the City and Erdman Anthony) cannot guarantee or assure you that below grade conditions will result in all pipe and services being installed with 5-feet of cover from proposed finished grade. We need to have reasonable expectation and understanding.*
3. Does the cost for 552.17 Shields and Shoring get reduced for the waterline work and lump this cost into our change order? *RESPONSE: The current quantity will remain in contract's itemized payment items. IF a situation arises where shields and shoring are warranted because of depth AND inability to lay back trench side walls, then Milherst would be paid under this item for shields and shoring. We generally expect that shields and shoring would not be warranted or used for the watermain replacement. What are your thoughts?*
4. I don't see any sanitary laterals on the plans, so I will assume that this will only be used as a contingency if encountered. *RESPONSE: Yes, it is only a contingency if an Active or Live sanitary sewer lateral is encountered and needs to be adjusted.*

5. I don't see any short side services on the plans, but rather long sides, same with the fire service. *RESPONSE: The City has indicated to us that their records do not clearly indicate if any active water or fire protection services exist along the west side of Main Street. That is the reason we are asking for the separate pricing for "short side" fire and water services.*
6. You will need taller hydrants, more expense, if you want 6' of cover on the pipe. *RESPONSE: The DESIGN INTENT is for 5-feet of cover as shown on the fire hydrant detail.*
7. There is an existing Fire Hook-Up on the West side on Metzger's property at sta. 29 +95. Does this get abandoned? *RESPONSE: The City is not certain where this fire protection service originates. See response to above question No. 5.*

Thanks for looking into this.

Jim Collins

Jim Collins Jr

Vice President of Administration

Milherst Construction, Inc.
10025 County Road, Clarence Center, NY 14032
716.688.9098 fax 716.688.9562



From: Marc D. Kenward [<mailto:KenwardMD@erdmananthony.com>]
Sent: Wednesday, May 6, 2020 3:46 PM
To: Glen Willis; Jim; Tom Drollinger
Cc: Tom Drollinger; Chelsea Spahr (chelseaspahr@northtonawanda.org); William Bosse
Subject: North Tonawanda Main Street GI Project: Watermain Change Order Pricing

Glen and Jim;

Attached are *.pdf versions of the Watermain Plans and Specifications that were submitted to the Niagara County Department of Health earlier today for their approval.

Please consider this a formal request for a Change Order pricing cost to replace the existing 12" watermain within the project limits with new watermain and services based on the attached plans and specification. The following are the pricing parameters and options we are requesting from you for this Change Order.

1. Lump Sum Price / Cost for furnishing and installing ALL Watermain and Service installation complete, as shown on the attached plans, including:
 - a. Excavation and backfill per the trenching details shown on the plans to depth that provide up to 6-feet of cover over the pipes and services from proposed finished grade. This includes any backfill needed to temporarily maintain an even grade over and across the watermain and service trenches. Along the west side of Main Street where the new watermain is to be located under the new sidewalk, cost is also to include excavation from existing grade, and for the excavation, grading and subgrade preparation needed for constructing the new sidewalk and subbase to the limits shown on the revised typical section (Dwg. TS-1) included in the attached drawings
 - b. ALL watermain and service pipe, fittings, hydrants, and appurtenances necessary and required, including connections to the existing watermain.
 - c. ALL leakage and pressure testing, disinfection and bacteriological testing complete and acceptable for placing the waterman into service.
 - d. Abandonment, capping and plugging of the existing watermain, including removal of existing hydrants and existing watermain that may be in conflict with other proposed project work.
2. Lump Sum cost per EACH occurrence for adjusting sanitary sewer laterals in accordance with the details on the watermain plans. Cost to include excavation, backfill and furnishing all pipe, fittings, connectors and appurtenances needed to accomplish the adjustment.
3. Cost per cubic yard for additional excavation and backfill should watermain and service pipe need to be laid / installed deeper than 6-feet of cover. This is in addition to sewer lateral adjustment. Assume for purposes of this Change Order a quantity of 10 cubic yards.
4. Lump sum unit price (cost per each) for furnishing and installing short side water services (1" min up to and including 3" nominal sizes), complete, including corporation tap, saddle, curb valve & valve box, connection to existing water service, line excavation and backfill. Assume for purposes of this Change Order a quantity of 1 short side water service.
5. Lump sum unit price (cost per each) for furnishing and installing short side fire protection service (assume 4" nominal size) complete, including 4" x 12" DIP TEE, 4" gate valve, valve box, connection to existing fire service line, excavation and backfill. Assume for purposes of this Change Order a quantity of 1 short side fire protection service water service.

ALSO, please note (in the attached Water Specifications) the specific details regarding the required Fire Hydrant's nozzle threads has changed from what is currently shown in the Specification (Special Note No. 17). Please include the cost of two new fire hydrants and removal of the existing two fire hydrants in this watermain replacement cost estimate. Lock City Supply has advised that there is no additional material cost with the different threads but there may be a longer lead time so please provide a submittal for the new hydrants immediately.

Please call with any questions.

Thank you.

Marc Kenward
Senior Associate

T (585) 427-8888, ext. 1012

C (585) 813-4212

145 Culver Road, Suite 200 | Rochester, NY 14620

Kenwardmd@erdmananthony.com

www.erdmananthony.com



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JEFFREY ZELLNER
CITY ACCOUNTANT

JENNIFER CRESS
PAYROLL PERSONNEL SPECIALIST

SHERI GAMPP
JUNIOR ACCOUNTANT

City of North Tonawanda

DEPARTMENT OF ACCOUNTING
CITY HALL
216 PAYNE AVENUE NORTH
TONAWANDA, N.Y. 14120

TELEPHONE: (716) 695-8545

FAX: (716) 695-8573

8/11
JUN 02 2020

6/2/2020

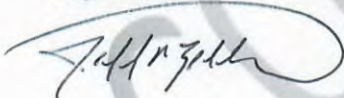
Honorable Arthur G. Pappas, Mayor
and Common Council
City Hall, 216 Payne Avenue
North Tonawanda, New York 14120

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 June 2, 2020, and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Regards,



Jeffrey R Zellner
City Accountant

RECEIVED
CITY CLERK'S OFFICE

2020 MAY 29 AM 9:30
NORTH TONAWANDA NY

Department of Public Works
CITY OF NORTH TONAWANDA, NEW YORK

IX

758 ERIE AVENUE
NORTH TONAWANDA, N. Y. 14120

PHONE: 695-8585
FAX: 695-8587

JUN 02 2020



May 11, 2020

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

Re: Commissioner of Deeds

Dear Honorable Body:

I would like to request the following Employees be reappointed Commissioner of Deeds:

Sally L. Czaja
150 Jefferson Avenue
North Tonawanda, NY 14120

Kathleen M. Gannon
111 Spencer Street
North Tonawanda, NY 14120

Very truly yours,

Mark A. Zellner
Superintendent of Public Works

MAZ/slc

2020 MAY 29 AM 9:05
NORTH TONAWANDA NY
RECEIVED
CITY CLERK'S OFFICE



Department of Police

CITY OF NORTH TONAWANDA
216 Payne Avenue
North Tonawanda, N.Y. 14120-5491


TELEPHONE
(716) 692-4111
FACSIMILE
(716) 692-4321
EMERGENCY NO.
9-1-1

May 21, 2020

JUN 02 2020

Honorable Arthur G. Pappas, Mayor
and Common Council
City Hall
216 Payne Avenue
North Tonawanda, NY 14120

Dear Honorable Body:

Would you please reappoint Thomas E. Krantz, 303 Oakdale Dr., North Tonawanda, NY 14120 as Commissioner of Deeds for the City of North Tonawanda beginning June 18, 2020 and ending June 17, 2022.

Roger R Zgolak
Chief of Police

2020 MAY 20 AM 11:12
NORTH TONAWANDA NY

RECEIVED
CITY CLERK'S OFFICE

XVII.

JUN 02 2020

May 18, 2020
Matthew L. Parish
City Clerk/Treasurer
216 Payne Avenue
North Tonawanda, NY 14120

Traffic Safety Minutes:

The May 18, 2020 meeting of the North Tonawanda Traffic Safety Committee was called to order at 1730 hours via phone. Roll call showed the following members present: R. Frank, J. Sikora, M. Daigler, M. Meisenburg, M. Lemke, A. DiBernardo, M. Anastasi, D. Grinnell. The minutes from the previous meeting were read and accepted, the following new concerns/requests were discussed, and recommendations made.

1. Member Frank advised Amanda Licht of 378 Schenck Street that her terrace parking permit was granted between the months of November 1st and April 1st. Licht was informed that her residents shouldn't be using the terrace during the summer months and they can't park on the grass part of the terrace.
2. Gary Schaffer requested that Wurlitzer Drive be monitored for speeding. Member Frank advised Traffic Officer Cress to monitor Wurlitzer Drive. Member Frank will also put out the speed sign.
3. A request came in from Councilman Eric Zadzilka. Zadzilka reported that Owen Divico of 991 Remington Drive requests a "Children at Play" sign on Remington Drive. The members will discuss the request and have a decision at the June meeting.
4. Member Daigler received requests from citizens requesting to take down the stop sign at Tremont Street and Whiting Street. The committee will discuss the request and will also talk to Degraff Hospital staff to see what their future plans are with the hospital.
5. Member Daigler has received complaints regarding the "soft spots" in the railroad tracks at Niagara Falls Blvd. and Erie Avenue. Daigler will reach out to the CSX engineer to see if they can fix it.

Meeting Adjourned at 1930 hours

Travel safely,
Robert J. Frank

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CITY CLERK'S OFFICE

2020 MAY 20 AM 8:40
NORTH TONAWANDA NY



City of North Tonawanda

Department of Community Development
500 Wheatfield Street
North Tonawanda, New York 14120
716-695-8580
716-614-0519 (fax)

XXXIII /

JUN 02 2020

May 19, 2020

Honorably Mayor and Common Council
City Hall
216 Payne Avenue
North Tonawanda, NY 14120

Re: LISC grant #47414 – award of contract to WNY Law Center

Dear Honorable Body;

In 2019 the City of North Tonawanda, working jointly with the City of Tonawanda, was awarded \$270,050 in grant funding from the Local Initiatives Support Corporation (LISC) for additional zombie and vacant property prevention, housing quality improvement, and code enforcement programs. The grant contracting process is complete and the City can begin grant activities in June 2020.

As identified in the grant application, the Western New York Law Center will provide property research, case remediation, advocacy, outreach, event coordination, and training. The maximum fee for these services is not to exceed \$58,320 and will be covered by grant funds. Enclosed please find a proposed contract and scope of work.

I respectfully request that this Honorable Body authorize Mayor Pappas, pending review and approval by the City Attorney, to execute the contract with the Western New York Law Center for services relating to LISC grant #47414.

Kindest regards,

Michael Zimmerman
Director

2020 MAY 21 PM1:36
NORTH TONAWANDA NY

CONTRACT

between

Western New York Law Center, Inc.

and

The City of North Tonawanda, NY

This Contract is made and entered into by and between the Western New York Law Center, Inc. (Law Center) with offices at 37 Franklin Street, Suite 210, Buffalo, NY 14202 and the City of North Tonawanda (City), with offices located at 216 Payne Ave., North Tonawanda, NY 14120. This contract relates to activity in connection with the grant from the Local Initiatives Support Corporation (LISC) for the period June 1st, 2020 through May 31, 2022.

WNYLC will do zombie property research and remediation at an hourly rate of \$143 per hour, totaling 60 hours per quarter. Outreach events and mailings will be funded by a set amount of \$6,000, disbursed to WNYLC quarterly.

The parties have reviewed this contract and agree to all terms and amounts therein.

The signing of this document indicates approval of the proposed and shall constitute a subcontract between the Law Center and City.

DATED: Buffalo, NY
May 20th, 2020

The Western New York Law Center

Joseph A. Kelemen,
Executive Director

The City of North Tonawanda



Arthur Pappas

Mayor

Scope of Work to be Completed by Western New York Law Center, Inc.

for

The City of North Tonawanda, NY

Hourly Work:

WNYLC will perform zombie property research and remediation work on an hourly basis for 60 hours per quarter. This work is comprised of activities to enforce zombie prevention and remediation laws set forth in NY State's Real Property Actions and Proceedings Law (RPAPL). The goals of this program are to achieve mortgage servicer compliance with RPAPL, and to prevent stagnation and mortgage servicer abuse during the foreclosure process.

The Law Center will monitor, investigate, and remediate properties identified through three methods: 1. The vacant property registry provided to the City by the Department of Financial Services; 2. Referral from the City of North Tonawanda Code Enforcement Office; and 3. Complaints about zombie properties obtained through community outreach efforts.

The Law Center will begin researching properties within the quarter they are identified. During the first two quarters, properties identified at the beginning of the grant term will be researched, and a decision of how to proceed with each property will be made. Subsequently identified properties will be researched within a quarter of identification. During the remaining quarters, the Law Center will seek compliance and remediation of zombie properties.

Compliance work includes several day-to-day tasks, such as maintaining communication with mortgage servicers, property maintenance companies, code enforcement officers, the community, and other relevant entities. Law Center employees will also conduct site

visits, take photographs, file DFS complaints, draft documents, and conduct research as needed to encourage compliance.

When a property is identified, if it is not on the DFS list already, the Law Center will file a complaint with DFS and follow-up with the mortgage servicer's property maintenance company to gather information as to the status of the property, and to encourage compliance. If a property is already registered with DFS, the Law Center will reach out to the listed property maintenance company. If compliance remains absent, the Law Center will file a maintenance complaint with DFS and apply legal pressure as needed, including writing demand letters and sending notices of intent to file suit. If noncompliance remains, the Law Center will file RPAPL actions against mortgage servicers to compel compliance and the payment of penalties totaling up to \$500 per day. The Law Center will also aid the City in settlement negotiations with the mortgage servicer.

The Law Center will update City code enforcement on the progress of each "Zombie" foreclosure on at least a monthly basis. These updates will describe what steps have been taken for each property, what the next steps are, and what information the Law Center needs from the City or mortgage servicer to progress further.

When appropriate, the Law Center will reach out to the legal owners of properties to assist them in retaining ownership rights, referring owners to resources that can assist them, and coordinating between homeowners and mortgage companies to reach mutually beneficial resolutions that will get home occupied once again.

Additionally, the Law Center will keep abreast of developments in the Real Property Actions and Proceedings Law and will support efforts to change the law in ways that will positively impact the City's ability to tackle zombie-related problems. To that end, the Law Center will collaborate with local officials to develop policies to reduce the number of vacant and abandoned properties and prevent new ones from developing.

The Law Center will collaborate with the Niagara Orleans Regional Land Improvement Corporation (NORLIC) whenever appropriate to resolve issues relating to vacant and

abandoned properties or Zombie Foreclosures. Any homes that the Law Center determines would be good candidates for NORLIC will be referred accordingly, and the Law Center will aid in coordinating such efforts between the City of North Tonawanda and NORLIC.

Outreach Events and Mailings:

The Law Center will track lis pendens filings affecting residential properties in the City and will send letters and postcards to City residents who have had lis pendens filed against them. These mailings will occur monthly and will be based on the previous two months of lis pendens filings. For example, in December 2020, the Law Center will send postcards and letters to the people who had lis pendens filed against their properties in October 2020 and November 2020.

The Law Center will send the town a monthly spread sheet with information on the letters that are returned as non-deliverable, including reason returned.

The Law Center will attend at least four (4) events every quarter to provide and promote foreclosure prevention programs that will decrease the risk of zombie homes. These events will include, but are not limited to quarterly attendance at the North Tonawanda HUB, and holding a monthly Civil Legal Advice and Resource Office (CLARO) session in North Tonawanda.

The Law Center will also coordinate with the City of Tonawanda to hold a joint outreach event every second quarter, starting with the second.

The Law Center will create, print, and circulate town-specific outreach materials relating to filing complaints against vacant and abandoned or “Zombie” foreclosures and work with the City on a social media campaign to encourage residents to report issues with Zombie Foreclosures.

The Law Center will participate in and help establish a North Tonawanda “Zombie” Foreclosure Task Force.



City of North Tonawanda

Department of Community Development
500 Wheatfield Street
North Tonawanda, New York 14120
716-695-8580
716-614-0519 (fax)

XXXIII. 2

JUN 02 2020

May 19, 2020

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

Re: Application to Niagara River Greenway Niagara County Ad Hoc Committee on
Recreation & Tourism

Dear Honorable Body;

As you are aware construction is currently underway on the Downtown Placemaking Project. This project includes pedestrian safety and walkability improvements along Webster and Main Streets as well as the expansion and reconstruction of Charles Fleischmann Park. Initial construction bids received were over the project budget and a number of items were reduced or removed to bring the project on budget, most notably the signature clock tower element at Charles Fleischmann Park.

The design estimate for the clock tower was \$170,000 while the contractor bid was \$275,000. However discussion with contractors has indicated the clock tower cost would be lower if bid separately. Our department has been in discussion with Niagara County regarding the potential for up to \$200,000 in funding for this project from the Ad Hoc Committee on Recreation and Tourism. The project was deemed consistent with the Niagara River Greenway Plan by the Niagara River Greenway Commission on March 10, 2020.

I respectfully request this Honorable Body authorize the submission of an application for Niagara River Greenway funding to the Niagara County Ad Hoc Committee on Recreation and Tourism in the amount of \$200,000.

Kindest regards,

Michael Zimmerman
Director

2020 MAY 21 PM 1:37
NORTH TONAWANDA NY

XXXIII, 3

JUN 02 2020

May 27, 2020

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

Re: Community Development Block Grant Program - #822ED912-18 - Request for Required Public Hearing

Dear Honorable Body,

As per Community Development Block Group (CDBG) regulations, the City of North Tonawanda is required to hold a public meeting to discuss CDBG activities. The hearing must be held at a meeting with a quorum of the Common Council.

I would like to formally request authorization to hold a required public meeting for the Community Development Block Grant (CDBG) program to be held on June 23rd, 2020, at 6:00pm via Zoom video conference immediately preceding the regularly scheduled Common Council workshop. The subject of this hearing will be to review the accomplishments of project #822ED912-18, Woodcock Brothers Brewing Company.

Thank you for your time and consideration.

Kindest regards,

Michael Zimmerman
Director

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2020 MAY 27 PM 12:44
NORTH TONAWANDA NY