

assigns and transferees. This agreement is the product of long negotiations between the company and the City's cable commission.

Should you concur with its terms, please schedule a Public Hearing as required prior to adoption by your Honorable Body.

Very truly yours,
Shawn P. Nickerson
City Attorney

MOVED by Alderman Sommer **SECONDED** by Alderman Hempel
That the Common Council hereby authorizes Thomas M. Jaccarino, City Clerk to schedule a Public Hearing for July 6, 2005 regarding the renewal agreement for the City's cable television franchise with Parnassos, L.P., doing business as Adelphia Cable Communications.

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer (5)

Nays: None (0)

CARRIED.

II.2 Attorney

May 20, 2005

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

RE: Agreement Between NYS Unified Court System and the City of North Tonawanda for Cleaning and Maintenance of Court Facilities – Second Year of a 5-Year Agreement.

Dear Honorable Body:

Attached are the renewal documents for the second year of a 5-year agreement between the NYS Unified Court System and the City of North Tonawanda, which provide for reimbursement of up to \$44,116 this year for cleaning and maintenance of our court facilities, pursuant to Chapter 686 of the Laws of 1996, as amended to date. As you may remember, your Honorable Body approved the first year (4/1/03-3/31/04 in November 2003. The term of this extension is 4/1/04 – 3/31/05.

Should your Honorable Body concur, please authorize the Mayor to execute the agreement. Thank you for your consideration in this matter.

Very truly yours,
Shawn P. Nickerson
City Attorney

MOVED by Alderman Soos **SECONDED** by Alderman Rizzo
That the Common Council hereby authorizes the Mayor to sign the second year of a 5-year agreement between the NYS Unified Court System and the City of North Tonawanda, which provide for reimbursement of up to \$44,116 this year for cleaning and maintenance of our court facilities, pursuant to Chapter 686 of the Laws of 1996, as amended to date. The term of this extension is 4/1/04 – 3/31/05.

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer (5)

Nays: None (0)

CARRIED.

II.3 Attorney

May 25, 2005

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

**RE: Parade, 5-K Run for Education and Classic Car Show
North Tonawanda Catholic School Carnival
June 17, 18 and 19, 2005**

Dear Honorable Body:

Attached is a request for permission and assistance from the City in facilitating the above-referenced events. They have provided the required Certificate of Insurance indicating that the City is additional insured for the carnival activities.

Should your Honorable Body concur, please authorize the Mayor to facilitate their requests as listed. Thank you for your consideration in this matter.

Very truly yours,
Shawn P. Nickerson
City Attorney

**MOVED by Alderman Schwandt SECONDED by Alderman Soos
That the Common Council hereby authorizes Mayor Burgio to approve the
aforementioned requests for the North Tonawanda Catholic School Carnival, June 17, 18
and 19, 2005.
CARRIED.**

II.4 Attorney

May 23, 2005

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

RE: Settlement of Article 7 Proceeding – NOCO v. City of North Tonawanda

Dear Honorable Body:

Attached for your review is the proposed Stipulation of Settlement and Order, resulting from long negotiations between the parties in the above-referenced matter. You will note that the new assessments will result in small refunds for several of the parcels.

If your Honorable Body concurs, I will execute the documents and forward them along to all the involved parties as indicated.

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

Very truly yours,
Shawn P. Nickerson
City Attorney

MOVED by Alderman Soos

SECONDED by Alderman Hempel

That the Common Council agrees with the proposed Stipulation of Settlement and Order of Article 7 Proceeding – NOCO v. City of North Tonawanda further instructs the City Attorney to execute the documents and forward them along to all the involved parties as indicated.

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer

(5)

Nays: None

(0)

CARRIED.

II.5 Attorney

May 26, 2005

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

RE: Sale of 1196 E. Robinson Street to Hyden

Dear Honorable Body:

As you may remember, as part of the last In Rem foreclosure, several city-owned lots were auctioned along E. Robinson Street. One of those, 1196 E. Robinson St. was sold to Mr. & Mrs. John Hyden. The Hyden’s were already leasing the parcel from the city, and were anxious to purchase the parcel as it adjoins their property. Since that time, although the paperwork has been ready for filing, the purchase was not completed due to a requirement of the Hyden’s attorney that your Honorable Body pass a resolution abandoning the parcel from any use as a highway.

Therefore, should you concur, please pass a resolution confirming the City’s intent to abandon the parcel in question for highway purposes and schedule a public hearing regarding the abandonment at this time.

Thank you for your consideration in this matter.

**Very truly yours,
Shawn P. Nickerson
City Attorney**

MOVED by Alderman Sommer

SECONDED by Alderman Rizzo

BE IT RESOLVED, that the Common Council hereby declares its intention to abandon the parcel at 1196 E Robinson Street, and

BE IT FURTHER RESOLVED that a copy of this notice is to be published once a week for two consecutive weeks, said Notice to state that final action for said abandonment shall take place at the regular session of the Common Council to be held July 6, 2005.

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer

(5)

Nays: None

(0)

CARRIED.

II.6 Attorney

May 13, 2005

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

**Re: Local Law #1 for 2005 – Regulating the Siting of Wireless
Telecommunications Facilities in the City of North Tonawanda**

Dear Honorable Body:

Attached for your consideration is a proposed local law, which would establish a procedure for application and the permit process for locating and co-locating new telecommunications facilities in the City of North Tonawanda.

As with all local laws, it is necessary that this local law be formally laid on the table for a period of at least 7 days wherein it must stay in its final form prior to the adoption of the Common Council. After such adoption, this local law must be referred to the mayor's office for a public hearing on its provisions. After said public hearing and formal filing with the Secretary of State, this local law will become effective.

Consistent with state law, the appropriate motion for today's action would be to formally lay this local law on the table and allow it to remain so in its final form for at least 7 days prior to adoption.

Very truly yours,
Shawn P. Nickerson
City Attorney

MOVED by Alderman Sommer **SECONDED** by Alderman Hempel
That the Common Council hereby refers Local Law #1 for 2005 – Regulating the Siting of Wireless Telecommunications Facilities in the City of North Tonawanda to Mayor Burgio to schedule a public hearing.

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer (5)

Nays: None (0)

CARRIED.

VII.1 Accountant

May 27, 2005

Honorable David J. Burgio, 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 June 1, 2005, and further authorize the Mayor and City Clerk to respectively sign and countersign said Warrant.

Very truly yours,
David R. Jakubaszek
City Accountant

MOVED by Alderman Schwandt **SECONDED** by Alderman Hempel
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated June 1, 2005 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$130,069.66
02	Water Fund	22,698.29
04	Sewer Fund	50,238.34
06	Capital Projects Fund	27,962.68
07	Trust & Agency Fund	2,651.51
08	Community Development	6,928.55
16	Action Grant Urban Development	<u>7,590.00</u>
	Final Total	<u>\$248,139.03</u>

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer (5)

Nays: None (0)

CARRIED.

VII.2 Accountant

May 19, 2005

**Honorable David J. Burgio, Mayor
and Common Council
City Hall
North Tonawanda, New York 14120**

Dear Honorable Body:

In accordance with Article 3, Section 30 of the General Municipal Law, I have attached a copy of the city of North Tonawanda Annual Update Document for the fiscal year ended December 31, 2004.

A copy of this report was sent to the office of the New York State Comptroller in Albany.

Accordingly, please receive and file this document.

**Very truly yours,
David R. Jakubaszek
City Accountant**

**MOVED by Alderman Sommer SECONDED by Alderman Rizzo
That the Common Council hereby receives and files the aforementioned Annual Update Documents for the fiscal year ended December 31, 2004.
CARRIED.**

VII.3 Accountant

May 26, 2005

**Honorable David J. Burgio, Mayor
and Common Council
City Hall
North Tonawanda, New York 14120**

Dear Honorable Body:

Please be advised that I am in receipt of a home rule request to authorize the City of North Tonawanda to offer an optional twenty year retirement plan to certain police officers, Kevin Mang and Joseph Follendorf, employed by the City.

Accordingly, please approve this home rule request and authorize the Mayor to execute same. Further, please approve the payment schedule for Officer Follendorf and authorize the Mayor to execute same.

**Very truly yours,
David R. Jakubaszek
City Accountant**

**MOVED by Alderman Soos SECONDED by Alderman Sommer
That the Common Council hereby approves the home rule request and authorizes the Mayor to execute same and approves the payment schedule for Officer Follendorf and authorizes the Mayor to execute same.**

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer (5)

Nays: None (0)

CARRIED.

X. Police

May 26, 2005

North Tonawanda Common Council
216 Payne Ave.
North Tonawanda, NY 14120

Dear Honorable Body,

I am requesting the authority to hire 2 police officers for my department to fill vacancies caused by increased security needs of the court system. The positions would be reimbursed by the New York State Court System.

This issue was discussed at a recent workshop session, and as directed, I requested information from the City Accountant to confirm the feasibility of hiring. He did concur that officers could be hired. I would be hiring available transfers from other police departments, thus reducing training time and expense.

Thank you for your consideration in this matter.

Respectfully submitted,
Randy D. Szukala
Chief of Police

MOVED by Alderman Sommer **SECONDED** by Alderman Soos
That the Common Council hereby tables the aforementioned communication.
CARRIED.

XI. Fire

May 24, 2005

Common Council Members
216 Payne Avenue
North Tonawanda, New York 14120

Dear Honorable Body:

Please remove Anthony Parise of Live Hose Company #4 from the City Fire Rolls.

Sincerely,
Gregory R. Frank
Fire Chief

MOVED by Alderman Hempel **SECONDED** by Alderman Sommer
That the Common Council hereby removes Anthony Parise of Live Hose Company #4 from
the City Fire Rolls.
CARRIED.

XVI. City Clerk

May 27, 2005

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

Dear Honorable Body:

Due to the unfortunate decision of the BRAC Commission to recommend the closing of the Niagara Falls Air Reserve Station we have been asked to go on record in support of maintaining services at the Air Base.

If your honorable body concurs please adopt the following resolution in support of the Niagara Falls Air Reserve Station:

WHEREAS, the Federal Base Closure and Realignment Commission has included the Niagara Falls Air Reserve Station on its list for consideration of closure in 2005, and

WHEREAS, the effect of that closure would be devastating to the Western New York Community and especially Niagara County, including serious national and local security issues, and adverse social and economic impacts on the County (with the economic impact on Western New York exceeding \$150,000,000 annually), and

WHEREAS, the Niagara Air Reserve Station is the second largest employer in Niagara County, employing nearly 3,000 people and the closure of this Base would mean the loss of these crucial jobs, and

WHEREAS, the Combined Annual Payroll of the Niagara Falls Air Reserve Station exceeds \$50,000,000, and

WHEREAS, the estimated Annual Payroll of Indirect Jobs created by the Niagara Falls Air Reserve Station exceeds \$20,000,000, and

WHEREAS, the Niagara Falls Air Reserve Station generates fully 10% of Niagara County's overall net income, and

WHEREAS, the Niagara Region has one of the highest recruitment rates in the country; one of the grave concerns is the Iraq war and the ongoing Middle East Conflict, especially if our country is faced with the need for additional military personnel, and

WHEREAS, the relocation of our Air Base to Arkansas will cause our servicemen and servicewomen an undue hardship, and

WHEREAS, the Niagara Falls Air Reserve Station's proximity to the United States-Canadian International Border serves an integral and strategic security function for the Northeastern United States, now, therefore, be it

RESOLVED, that the City of North Tonawanda urges the Federal Base Closure and Realignment Commission and the United States Department of Defense, for the above noted reasons, to remove the Niagara Falls Air Reserve Station from the 2005 closure list, and be it further

RESOLVED, that copies of this resolution be forwarded to the members of the Federal Base Closure and Realignment Commission, President George W. Bush, U.S. Secretary of Defense Donald H. Rumsfeld, Senator Charles Schumer, Senator Hillary Rodham Clinton, Congressman Thomas Reynolds, Congresswoman Louise Slaughter, Congressman Brian Higgins, Governor George E. Pataki, State Senator George Maziarz, State Senator Byron Brown, State Senator Dale Volker, Assemblywoman Sandra Lee Wirth, Assemblywoman Francine DelMonte, Assemblyman Charles Nesbitt, Assemblyman Robin Schimminger,

Assemblyman Jim Hayes, City of Niagara Falls Mayor Vincenzo Anello, City of Buffalo Mayor Anthony Masiello, Town of Wheatfield Supervisor Timothy Demler, Town of Niagara Supervisor Steven Richards, NFARS Public Affairs Spokesman Neil Nolf, and NIMAC Chairman Merrell Lane, and that a response be requested from each official.

Sincerely,
Thomas M. Jaccarino
City Clerk

MOVED by Alderman Rizzo

SECONDED by Alderman Soos

That the Common Council hereby adopts the following resolution in support of the Niagara Falls Air Reserve Station:

WHEREAS, the Federal Base Closure and Realignment Commission has included the Niagara Falls Air Reserve Station on its list for consideration of closure in 2005, and

WHEREAS, the effect of that closure would be devastating to the Western New York Community and especially Niagara County, including serious national and local security issues, and adverse social and economic impacts on the County (with the economic impact on Western New York exceeding \$150,000,000 annually), and

WHEREAS, the Niagara Air Reserve Station is the second largest employer in Niagara County, employing nearly 3,000 people and the closure of this Base would mean the loss of these crucial jobs, and

WHEREAS, the Combined Annual Payroll of the Niagara Falls Air Reserve Station exceeds \$50,000,000, and

WHEREAS, the estimated Annual Payroll of Indirect Jobs created by the Niagara Falls Air Reserve Station exceeds \$20,000,000, and

WHEREAS, the Niagara Falls Air Reserve Station generates fully 10% of Niagara County's overall net income, and

WHEREAS, the Niagara Region has one of the highest recruitment rates in the country; one of the grave concerns is the Iraq war and the ongoing Middle East Conflict, especially if our country is faced with the need for additional military personnel, and

WHEREAS, the relocation of our Air Base to Arkansas will cause our servicemen and servicewomen an undue hardship, and

WHEREAS, the Niagara Falls Air Reserve Station's proximity to the United States-Canadian International Border serves an integral and strategic security function for the Northeastern United States, now, therefore, be it

RESOLVED, that the City of North Tonawanda urges the Federal Base Closure and Realignment Commission and the United States Department of Defense, for the above noted reasons, to remove the Niagara Falls Air Reserve Station from the 2005 closure list, and be it further

RESOLVED, that copies of this resolution will forwarded to the members of the Federal Base Closure and Realignment Commission, President George W. Bush, U.S. Secretary of Defense Donald H. Rumsfeld, Senator Charles Schumer, Senator Hillary Rodham Clinton, Congressman Thomas Reynolds, Congresswoman Louise Slaughter, Congressman Brian Higgins, Governor George E. Pataki, State Senator George Maziarz, State Senator Byron Brown, State Senator Dale Volker, Assemblywoman Sandra Lee Wirth, Assemblywoman Francine DelMonte, Assemblyman Charles Nesbitt, Assemblyman Robin Schimminger, Assemblyman Jim Hayes, City of Niagara Falls Mayor Vincenzo Anello, City of Buffalo Mayor Anthony Masiello, Town of Wheatfield Supervisor Timothy Demler, Town of Niagara Supervisor Steven Richards, NFARS Public Affairs Spokesman Neil Nolf, and NIMAC Chairman Merrell Lane, and that a response is requested from each official.

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer (5)

Nays: None (0)

CARRIED.

XIX. Building Inspector

To: Mayor and Common Council

Date: May 4, 2005

**From: Cosimo R. Capozzi
Building Inspector**

Re: Weed Cutting Contract

Attached please find copies of bid proposals received by this department for brush and weed cutting of private property for the 2005 season.

Due to the equipment needed this year we again split the bids into two categories, residential lots up to 100' frontage and lots greater than 100'. Larger lots require bigger equipment and more manpower.

I recommend that the residential lots less than 100' in frontage and the clean up of properties be given to Bonterra Lawn & Landscape of 1745 Ruie Road, North Tonawanda.

I also recommend that the larger lots of 100' frontage or greater be given to Bush Trucking and Landscaping of 1144 Sweeney St. North Tonawanda, NY.

These two companies were the lowest bidders in their respective categories.

Please put this on the agenda for resolution of approval.

**Cosimo R. Capozzi
Building Inspector**

MOVED by Alderman Rizzo

SECONDED by Alderman Soos

That the Common Council hereby awards the contract for brush and weed cutting of private property for the 2005 season for residential lots less than 100' in frontage to Bonterra Lawn & Landscape, 1745 Ruie Road, North Tonawanda and

Further awards the contract for brush and weed cutting of private property for the 2005 season for residential lots of 100' frontage or greater to Bush Trucking and Landscaping, 1144 Sweeney St. North Tonawanda, NY.

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer (5)

Nays: None (0)

CARRIED.

XXV. Monthly Reports

.1 Treasurer

.2 Treasurer Investments

MOVED by Alderman Rizzo

SECONDED by Alderman Sommer

That the Common Council hereby receives and files the aforementioned Monthly Reports.

CARRIED.

COMMUNICATIONS FROM OTHERS

A.

May 2005

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

Dear Honorable Body:

