



Dear Honorable Body:

Attached for your review is a proposed Agreement between the City of North Tonawanda and Auctions International, Inc. for the use in conducting the sale of the Niagara River Yacht Club at 1000 River Road (SBL #181.08-2-34).

After your review, should your Honorable Body concur, please authorize the Mayor to execute the agreement 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 authorizes the Mayor to execute an agreement between the City of North Tonawanda and Auctions International, Inc. for conducting the sale of the Niagara River Yacht Club at 1000 River Road (SBL #181.08-2-34).

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

Nays: None (0)

CARRIED.

II.2 Attorney

June 30, 2005

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

Re: Revision to North Tonawanda City Code – Section 103.15(B)(5) – Zoning -  
Regarding Hedges

Dear Honorable Body:

Below is a proposed revision to the North Tonawanda City Code, Section 103.15(B) – Zoning. This revision would add section (5) under 103.15(B) as follows:

“Hedges: Except as otherwise provided for in this ordinance, hedges adjacent to any vehicular traffic right-of-way shall be permitted in any district, but only when maintained at a height of no grater than two (2) feet from grade.”

Should your Honorable Body concur, please pass a resolution to amend the North Tonawanda City Code by adding the above section 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 Schwandt

That the Common Council hereby approves the revision to North Tonawanda City Code – Section 103.15(B)(5) – Zoning - Regarding Hedges as follows:

Section 103.15(B) – Zoning.

5. Hedges: Except as otherwise provided for in this ordinance, hedges adjacent to any vehicular traffic right-of-way shall be permitted in any district, but only when maintained at a height of no grater than two (2) feet from grade.”

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

Nays: None (0)

CARRIED.

**VII. Accountant**

**June 30, 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 July 6, 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 Soos  
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated July 6, 2005 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$368,629.70
02	Water Fund	15,252.68
04	Sewer Fund	113,030.48
06	Capital Projects Fund	351,122.58
07	Trust & Agency Fund	6,676.36
09	Capital Gratwick Park Remediation	3,312.83
11	General Fund Encumbered	466.00
14	Sewer Fund Encumbered	<u>239.82</u>
	<b>Final Total</b>	<b><u>\$858,730.45</u></b>

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer (5)  
Nays: None (0)  
CARRIED.

**IX. Public Works**

**June 9, 2005**

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

**RE: Assignment of Processing and Marketing of Recyclable Materials Agreement**

Honorable Body:

Enclosed please find a copy of a letter from BFI Waste Systems of North America (BFINA). This letter requests the City's consent, in writing, to the assignment of its agreement with the City to BFINA's subsidiary, Allied Waste Services of North America, LLC.

I have previously advised the City Attorney of this request.

I request that the Council authorize the Mayor to sign this consent request to re-assign the City's Processing and Marketing of Recyclable Materials Agreement with BFI Waste Systems of North America, Inc. to its subsidiary, Allied Waste Services of North America, LLC, subject to the approval of the City Attorney.



Audubon Machinery Corporation and a \$225,000 term loan application repayable to the LCDC.

This submission will be contingent upon holding a required public hearing for citizen input.

Audubon Machinery Corporation has committed to investing over \$2.6 million to build a 40,500 square foot facility on the Wurlitzer Area B site. Additionally, the company estimates the creation of 25 jobs over the next three years, on top of bringing their current workforce to the City of North Tonawanda.

I appreciate your consideration in this matter. If you have any questions, please contact me at extension 517.

Sincerely,  
Jim Sullivan

MOVED by Alderman Sommer

SECONDED by Alderman Schwandt

That the Common Council hereby authorizes the Mayor to sign and submit an Economic Development grant application for \$250,000 to the Governor's Office of Small Cities. The funds would be passed through the Lumber City Development Corporation for the purposes of providing a \$25,000 deferred loan to Audubon Machinery Corporation and a \$225,000 term loan application repayable to the LCDC and further grants permission to hold a public hearing on Wednesday, July 20, 2005 at 4:00PM regarding the aforementioned grant.

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer

(5)

Nays: None

(0)

CARRIED.

### COMMUNICATIONS FROM OTHERS

A.

Carnegie Art Center

June 21, 2005

Sue Hempel  
City Council Member  
North Tonawanda City Council  
216 Payne Avenue

Dear Sue:

As you are aware, the Tonawanda's Council on the Arts/Carnegie Art Center has been awarded two restoration grants from the NYS Office of Parks Recreation and Historic Preservation. One for this year and the second to be utilized by December 2007.

We cannot proceed with the first grant project until we generate a contract with New York State. In order to do this, there are several requirements that we can accommodate ourselves but we also need a couple of things from the City of North Tonawanda as owners of the Carnegie building.

What we need from the City of North Tonawanda are the following:

1. Opinion of Municipal Counsel (copy enclosed). This is a form, which needs to be filled out by the City Attorney's Office, which simply verifies ownership of the property from a copy of the original, recorded Deed. (We may have a copy of this Deed in our files.)
2. Boundary Map. A boundary map that we can submit which identifies the parameters of the property.

We also reiterate our request for additional funds, \$9,000, for matching the first grant. This project will help with final roof repairs, front step repair and partial window restoration.

On behalf of the Tonawandas' Council on the Arts/Carnegie Art Center, I would like to thank you, the City Council, and the Mayor for your continued support.

Sincerely,  
Ellen Ryan  
Director

**MOVED by Alderman Schwandt                      SECONDED by Alderman Hempel**  
That the Common Council hereby approves matching the \$9,000.00 grant from the NYS Office of Parks Recreation and Historic Preservation for final roof repairs, front step repair and partial window restoration at the Carnegie Art Center subject to the City Engineer overseeing all construction work.

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

Nays: None (0)

**CARRIED.**

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**B.**  
City Historian

June 20, 2005

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

**RE:    NYS Legislative Grant for New Fencing – Col. Sweeney Historic Cemetery**

Dear Honorable Body:

We are happy to announce that \$50,000 in fiscal year 2005 has been made available to the City of North Tonawanda's Cemetery Board as a legislative grant from the State of New York through the office of Assemblyman Robin Schimminger, 140<sup>th</sup> Assembly District.

The funds will be used to erect 1,600 feet of new fencing to replace the rusting and damaged fence installed many decades ago at the historic Colonel Sweeney Cemetery. Replacement of the fence will help to improve the appearance of the cemetery, continue the restoration efforts being undertaken therein and provide another boost toward making the City of North Tonawanda a diverse tourism destination.

At this time, we hope your Honorable Body will allow us to accept this grant so as to move the project forward, subject to review of all pertinent documentation by the City Attorney.

Should your Honorable Body have any questions, please do not hesitate to contact us.

Very truly yours,  
Daniel Bille, Walter Yaro and Linda Krempa  
City Cemetery Board

**MOVED by Alderman Hempel                      SECONDED by Alderman Schwandt**  
That the Common Council hereby accepts the \$50,000.00 NYS Legislative Grant for New Fencing at the Col. Sweeney Historic Cemetery to erect 1,600 feet of new fencing to replace existing fencing subject to review of all pertinent documentation by the City Attorney.

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

Nays: None (0)

**CARRIED.**

**MOVED** by Alderman Sommer                      **SECONDED** by Alderman Hempel  
**SECTION 23 of GENERAL CITY LAW STATES** “No sale or lease of City real estate or of any franchise belonging to or under the control of the city shall be made or authorized except by vote of three-fourths of all members of the Common Council or corresponding legislative body of the city.” Therefore, be it resolved, that any future sale or lease of City property be conducted in a manner to be determined by a majority vote of the Common Council and subject to a veto from the mayor.

**Ayes:** Rizzo, Schwandt, Hempel, Sommer (4)

**Nays:** Soos (1)

**CARRIED.**

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**MOVED** by Alderman Soos                      **SECONDED** by Alderman Schwandt  
That the Common Council hereby tables the following resolution:

Be it resolved that the North Tonawanda Common Council requests Mayor David Burgio to direct the city department heads to attend the first regular session of the Common Council each month. The Common Council believes that department head access to the public increases communication and may clarify issues related to the common council agenda and other city issues as well.

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

**Nays:** None (0)

**CARRIED.**

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**ADJOURNMENT**

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

**Time of Adjournment: 5:25 P.M.**

**Respectfully submitted,**

**Thomas M. Jaccarino**  
**City Clerk**