

Secondly, in light of the sale, it will be necessary to serve an eviction notice on the Niagara River Yacht Club at this time. Kindly authorize this office to move forward with the eviction, so that the purchaser can come to his own terms with the tenant(s).

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

Very truly yours,
Shawn P. Nickerson
City Attorney

MOVED by Alderman Schwandt SECONDED by Alderman Sommer
That the Common Council hereby approves the sale of the Niagara River Yacht Club to Mirna Abada, 101 Redmills Rd., Walkkill, NY 12589 in the amount of \$556,400 and further authorizes the Mayor to execute the documents to finalize the sale and further authorizes the City Attorney to serve notice of eviction to the Niagara River Yacht Club.

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

VII.1 Accountant

October 13, 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 October 13, 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 October 19, 2005 and further authorizes the Mayor and City Clerk respectively sign and countersign said Warrant:

01	General Fund	\$318,045.59
02	Water Fund	19,268.76
04	Sewer Fund	72,509.07
06	Capital Projects Fund	178,161.90
07	Trust & Agency Fund	3,687.15
08	Community Development	111.50
10	Economic Development Loan	916.25
19	Bishop Gibbons Fund	175.00
	Final Total	<u>\$592,875.22</u>

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

VII.2 Accountant

October 13, 2005

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

Dear Honorable Body:

In accordance with Section 2.2 of the Budgetary Transfer Policy, please authorize the City Accountant to make the following transfers of fiscal year 2005 appropriations, based on the requests of Department Heads:

Control Number	Dollar Amount	From Appropriation Account	Into Appropriation Account
8	7,000.00	1-3410.100 Fire Personal Services	1-3410.480 Fire Operations
9	8,000.00	1-3120.100 Police Personal Services	1-3120.420 Police Repairs & Maintenance
10	4,000.00	4-8120.440 Sewer Building & Grounds	4-8120.420 Sewer Repairs & Maintenance

Very truly yours,
David R. Jakubaszek
City Accountant

MOVED by Alderman Hempel

SECONDED by Alderman Soos

That the Common Council hereby authorizes the City Accountant to make the following transfers of fiscal year 2005 appropriations, based on the requests of Department Heads:

Control Number	Dollar Amount	From Appropriation Account	Into Appropriation Account
8	7,000.00	1-3410.100 Fire Personal Services	1-3410.480 Fire Operations
9	8,000.00	1-3120.100 Police Personal Services	1-3120.420 Police Repairs & Maintenance
10	4,000.00	4-8120.440 Sewer Building & Grounds	4-8120.420 Sewer Repairs & Maintenance

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer

(5)

Nays: None

(0)

CARRIED.

VIII. Assessor

October 12, 2005

Honorable Mayor Burgio and Common Council
City Hall
216 Payne Avenue
North Tonawanda, New York 14120

Dear Honorable Body:

I am requesting a leave of absence from my position as Real Property Appraisal Technician until my position as Real Property Appraiser becomes permanent. Thank you for your time.

Barbara W. Klenke

10-19-05

COMMUNICATIONS FROM OTHERS

A.
Katherine C. Phufas

September 23, 2005

North Tonawanda Planning Board

Re: Tonawandas Professional Building, Inc.
Property: 1089 Kinkead Avenue, North Tonawanda, New York
SBL #176.18-4-38
1141 Kinkead Avenue, North Tonawanda, New York
SBL #176.18-4-90

Dear Sirs:

I am the attorney representing Ray W. Sekera, President of Tonawandas Professional Building, Inc., in connection with this request for (1) the Subdivision approval of 1089 Kinkead Avenue, and (2) the approval for the rezoning of the "new lot" to be known as 1141 Kinkead Avenue. Enclosed please find the application fee of \$100.00.

In short, the request is to divide 1089 Kinkead Avenue into two parcels, the northerly portion containing all the improvements (buildings and parking) is to remain as 1089 Kinkead Avenue (shown in yellow on the map attached hereto as Exhibit 1), and the unimproved southerly portion (shown in red on Exhibit 1) to be made part of 1141 Kinkead Avenue, also being and unimproved parcel owned by the applicant (shown in green on Exhibit 1). Finally, that the "new" 1141 Kinkead Avenue be zoned in its new configuration as RC use, the current use of the new portion of 1141 Kinkead. Attached hereto for your review as Exhibit 2 please find proposed legal description of the "new" 1141 Kinkead Avenue and proposed legal description of the "new" 1089 Kinkead Avenue.

Kindly notify me as to when the City will entertain the enclosed application so that my client may participate. My client's address is 6838 Ward Road, Niagara Falls, NY 14304

Thank you.

Very truly yours,
Katherine C. Phufas

MOVED by Alderman Sommer Seconded by Alderman Hempel
That the Common Council hereby authorizes City Clerk Thomas Jaccarino to schedule a public hearing on Wednesday, November 30, 2005 at 5:00 p.m. regarding the rezoning of 1141 Kinkead Avenue, SBL #176.18-4-90 from R 1-2 to RC.
CARRIED.

B.
Live Hose Company - Re: Statement of Volunteer Fireman:

James Reiter, Jr.
Matthew Reiter

MOVED by Alderman Schwandt Seconded by Alderman Hempel
To add James Reiter, Jr. and Matthew Reiter to the City Fire Rolls.
CARRIED.

LATE COMMUNICATION

MOVED by Alderman Rizzo

SECONDED by Alderman Soos

To bring the following communication to the floor.

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer

(5)

Nays: None

(0)

CARRIED.

#1. Engineer

October 19, 2005

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

Re: Project 2005-16, Gateway Harbor Canal Dredging
Award of Engineering Contract

Dear Honorable Body:

As you are aware, the dredging of Gateway Harbor is a project funded by the State of New York through a \$100,000 grant sponsored by State Senator George D. Maziarz, in conjunction with the Chamber of Commerce and the City of Tonawanda.

In order for the work to begin, plans, SEQR Environmental Review, a NYS Canal Work Permit, and Joint Army Corp and NYDEC Permit, as well as offsite disposal sites must all be approved.

Accordingly, I respectfully request that the Common Council authorize the Mayor to sign the enclosed professional services agreement with Stearns and Wheler, LLC, 415 North French Road, Suite 100, Amherst, New York 14228, in the amount of \$13,900 for engineering services required for preliminary design plans, all pertinent permit application submittals and approvals, preparations of SEQR review documents, subject to review by the City Attorney, and contingent on the receipt of the aforementioned grant from the State of New York.

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

MOVED by Alderman Hempel

Seconded by Alderman Schwandt

That the Common Council hereby authorizes the Mayor to sign the professional services agreement with Stearns and Wheler, LLC, 415 North French Road, Suite 100, Amherst, New York 14228, in the amount of \$13,900 for engineering services required for preliminary design plans, all pertinent permit application submittals and approvals, preparations of SEQR review documents, subject to review by the City Attorney contingent on the receipt of a grant from the State of New York.

Ayes: Soos, Rizzo, Schwandt, Hempel, Sommer

(5)

Nays: None

(0)

CARRIED.

ADJOURNMENT

MOVED by Alderman Hempel

SECONDED by Alderman Rizzo

That this regular session of the Common Council be and hereby is adjourned.

CARRIED.

Time of Adjournment: 5:15 P.M.

Respectfully submitted,

Thomas M. Jaccarino
City Clerk

10-19-05