

**THE HONORABLE BODY**  
**Council Chambers**  
**Municipal Building**  
**North Tonawanda, New York 14120**  
**Tuesday, August 5, 2008**  
**6:00 P.M.**

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**REGULAR SESSION CALLED TO ORDER BY PRESIDENT SOMMER**

**ROLL CALL**

**Present: President Sommer**  
**Aldermen Brick, Pasiak, Donovan**

**Absent: Alderman Schwandt**  
**City Attorney Shawn P. Nickerson**

**Also Present: Mayor Lawrence V. Soos**  
**Assistant City Attorney Robert Sondel**

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSIONS JULY 1 & JULY 15, 2008**

**MOVED by Alderman Pasiak**                      **SECONDED by Alderman Brick**  
**That the minutes of the regular session held July 1, 2008 and July 15, 2008 be approved as**  
**circulated and filed in the Office of the City Clerk.**  
**CARRIED.**

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**PROOF OF PUBLICATION PUBLISHED MARCH 3, 2008**

**1) Bid – Tire Disposal – Public Works**

**PROOF OF PUBLICATION PUBLISHED MARCH 4, 2008**

**1) Bid – Digital Voice Recorder – Police**

**PROOF OF PUBLICATION PUBLISHED MARCH 27, 2008**

**1) Legal Notice – 2008 Bond Resolution – City Clerk**

**PROOF OF PUBLICATION PUBLISHED JUNE 5 & 6, 2008**

**1) Bid – Main Street Streetscape Improvements Phase II – Engineer**

**PROOF OF PUBLICATION PUBLISHED JUNE 11, 2008**

**1) Bid – Southwest Primary Digester Cleaning – WWTP**

**PROOF OF PUBLICATION PUBLISHED JUNE 16 & 17, 2008**

**1) Bid – One Midsize Four Door Sedan 2008 or Newer – Building Inspector**

**PROOF OF PUBLICATION PUBLISHED JUNE 27, 2008**

**1) Bid – Purchase of Natural Gas – WWTP**

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

**AUDIENCE PARTICIPATION**

Frank Budwey, 2765 Stenzel Avenue – Asked if GAR had all the pertinent information prior to the appraisal.

Ernie Curto, 1308 Fairfax – Urged the Common Council to sell the properties to Wal-Mart.

Chuck Hewitt, 1049 Thomas Fox Drive East – Stated that he is against selling city property to Wal-Mart.

Morris Johnson, 142 Oliver Street – Praised the Common Council for due diligence on appraisal of property for Wal-Mart.

Ed Kowalewski, 1285 Brookfield – Asked the Common Council to obtain three appraisals on the Bluebird Drive property and to evaluate the economic impact study.

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**COMMUNICATIONS FROM CITY OFFICIALS**

**I. Mayor**

**July 21, 2008**

North Tonawanda Common Council  
City Hall, 216 Payne Avenue  
North Tonawanda, New York 14120

**Re: Appointment to position of Building Maintenance Worker – City Hall**

**Dear Honorable Body:**

Please be advised that I am appointing Mr. John D. DiVirgilio, who is presently a Laborer, to the position of Building Maintenance Worker effective immediately. The vacant position in the department was formerly held by Diane Wysko who retired earlier this year. This position has been posted and applications have been received and reviewed pursuant CSEA collective bargaining agreement. After reviewing the applications submitted, Mr. DiVirgilio who is presently in the Building Maintenance Department has the greatest seniority within the department and is entitled pursuant to the collective bargaining agreement to be appointed to the position on a permanent basis. His immediately supervisor, Harry Vollmer, is also in favor of this appointment.

Thank you for your attention to this matter.

Sincerely,  
Lawrence V. Soos  
Mayor

**MOVED by Alderman Pasiak                      SECONDED by Alderman Brick**  
**That the Common Council hereby receives the aforementioned communication.**  
**CARRIED.**

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**II. Attorney**

**July 11, 2008**

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

**Re: Local Law #1 for 2008 – Registration of Rental Housing Units**

Dear Honorable Body:

Attached for your consideration is a proposed local law, which would establish procedure(s) to identify owners of rental housing units in the City of North Tonawanda, so as to facilitate legal service on such owners or their authorized agents, thereby preserving the city's housing stock and protecting the health, safety and welfare of the city's general public.

As with all local laws, it is necessary 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 Donovan  
That the Common Council hereby adopts Local Law #1 for 2008 as follows and refers it to the Mayor's Office to schedule a Public Hearing:

**RESOLUTION TO ADOPT THE REGISTRATION  
OF RENTAL HOUSING UNITS LOCAL LAW**

**WHEREAS**, the price of real property in the City of North Tonawanda remains below the national average and is therefore an attractive investment, and

**WHEREAS**, the City of North Tonawanda has experienced an increase in the acquisition of rental housing units by owners who reside or have a principal place of business either outside Niagara County or an adjoining county, and

**WHEREAS**, some owners do not reside within Niagara County or an adjoining county and do not have a respective property manager, agents or other person responsible for the maintenance of the leased premises, and

**WHEREAS**, as a result, the Department of Building Inspection and Department of Law have been unable to invoke the powers of the New York Courts to protect the health, safety and welfare of its citizens due to their inability to identify and effectuate service in accordance with the New York State Criminal Procedure Law and New York State Civil Practice Law.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Municipal Home Rule Law the City of North Tonawanda hereby adopts the following local law to protect the health, safety and welfare of its citizens:

City of North Tonawanda  
Local Law No. 1 of the year 2008

**A LOCAL LAW RELATIVE TO Registration of Rental Housing Units.**

**BE IT ENACTED** by the Common Council of the City of North Tonawanda, New York, as follows:

**REGISTRATION OF RENTAL HOUSING UNITS**

**A. Purpose.** The purpose of this code is to establish rules, regulations and enforcement procedures for the identification of owners as defined below of rental housing units and to provide a means to effectuate service of legal process upon such owners or authorized

agents of rental housing units located in the City of North Tonawanda. This code section is intended to preserve the City's existing housing stock and to protect the health, safety and welfare of the general public.

**B. Definitions.** The following definitions shall apply in the interpretation and enforcement of this chapter:

- (1) Whenever the words "dwelling" and "dwelling unit," "rooming house," "rooming unit," "premises" and "structure" are used in this chapter, they shall be construed as though they were followed by the words "or any part hereof."
- (2) Whenever the phrase "any provision of this chapter" is used in this chapter, it shall be construed as though it were followed by the words, "or any rule or regulation adopted pursuant thereof."
- (3) Whenever the words "Code Enforcement Officer, Director of Code Enforcement and/or Code Enforcement Inspector" are used, it shall be construed to mean or be equivalent to the "Chief Building Inspector of the City of North Tonawanda."
- (4) Dwelling unit shall mean any building, except for temporary housing, which is used or intended to be used for living or sleeping by human occupants.
- (5) Multiple Dwelling shall mean any dwelling containing two or more dwelling units.
- (6) Occupant shall mean any person over one year of age living, sleeping, cooking or eating in or having actual possession of a dwelling unit or rooming unit, unless otherwise provided.
- (7) Operator shall mean any person who has charge, care or control of a building, or a part thereof, in which units are let.
- (8) Owner shall mean any person who, alone or jointly or with others (i) shall have legal title (including through a land contract) to any rental unit or multiple dwelling, with or without accompanying possession thereof, or (ii) shall have charge, care or control of any rental unit or multiple dwelling as either owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any person thus representing the actual owner according to the definition provided shall be bound to comply with the provisions of this chapter to the same extent were he or she the owner.
- (9) Person shall mean any party, land contractee, individual, firm, corporation, limited liability company, association, partnership or any other similar entity.
- (10) Rental Unit shall mean any residential dwelling, dwelling unit, rooming house or rooming unit not solely occupied by the owner.
- (11) The term "residence" shall be deemed to mean that place where a person maintains a fixed, permanent and principal home and to which he, wherever temporarily located, always intends to return. Any two of the following may be considered by the Department of Building Inspection as proof of residency: A valid New York State drivers license, New York State voter registration card, utility bills, 911 service listing; New York State income tax return, social security statement, and/or automobile registration.

**C. Registration of Rental Units**

Owners and lessors, or their respective agents, of rental housing units or multiple dwellings who do not reside or maintain a principal place of business within Niagara County, New York or an adjoining county of Niagara County, New York shall, within two (2) months after the effective date of this provision or within 30 days from the date of mailing forms by the Code Enforcement Officer, whichever occurs first, register with the Department of Building Inspection each rental housing unit or multiple dwelling they own or operate in the City of North Tonawanda. The following information shall be provided:

- (1) The names and addresses of the owner and/or lessor, and of their respective property manager, agents or other person responsible for the maintenance of the leased premises. The address shall not be a post office address.
- (2) The name, address and phone number(s) of a property manager or other person responsible for the maintenance of the leased premises located within Niagara County, New York or a contiguous county in the State of New York

who can be reached 24 hours per day seven days a week and upon whom violation orders may be served within the County of Niagara, State of New York or a contiguous county in the State of New York.

- (3) Such other appropriate information as may be requested, including, but not limited to, number of units, number and type of rooms, number of stories, type of heating system and location of such, sprinkler system and fire alarm controls etc.

It shall be the responsibility of the property owner to maintain all information provided to the Code Enforcement Office pursuant to this section, and such owners must inform the Code Enforcement Office of any change in the information provided within 10 days of the change. Failure to maintain the information provided to the Code Enforcement Office pursuant to this section shall subject the owner to the penalties provided for in Subsection D of this section.

**D. Penalty.** A failure to register any rental unit or multiple dwelling required to be registered under this section shall be a violation, and any person or entity convicted of such violation shall be punished as follows:

- (1) Upon the first conviction, a fine of not less than \$250, but not exceeding \$500; and
- (2) Upon a second such conviction within a twelve-month period, a fine of not less than \$500, but not exceeding \$2,500.
- (3) Failure to register and/or pay a fine within 30 calendar days of the court order imposing the fine shall thereupon become and be a charge and lien upon the real property of the rental housing unit and shall be collected the same as other taxes upon the rental housing unit.

**E. Public Database.** The Code Enforcement Office shall maintain, for public review, a database of rental units or multiple dwellings registered pursuant to this section. That database shall list the name of the owner or lessor and the owner's addresses. It shall also include the name, local address and phone number of the property manager, agent or person otherwise responsible for the maintenance of the building. It shall also state whether there is a currently valid certificate of registration on file for each building.

**F. Proof of Registration.** A Certificate of Registration may be issued for any rental housing unit, regardless of whether it is required to be registered by Subsection C of this section, pursuant to the request of owners, lessors or lessees. A certificate of registration shall be issued and shall remain in effect for two years or until change of ownership, whichever occurs first.

**G. Fees.** A fee as set forth from time to time by Common Council resolution for each new issuance and or renewal will be charged.

**H. Severability.** Each and every clause, sentence, paragraph and section in this Law is separately written in the event that any such provision should be decided by a court of competent jurisdiction to be unconstitutional or invalid, such a decision does not effect the validity of this Law as a whole or any part thereof other than the part declared to be unconstitutional or invalid.

This law shall take effect immediately upon filing with the Secretary of State.

Ayes: Brick, Pasiak, Donovan, Sommer (4)  
 Nays: None (0)  
 CARRIED.

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## II.2 Attorney

July 31, 2008

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



Finally, the Superintendent of Public Works has informed me that the Common Council should approve the additional funds required to complete the project above the \$220,000 bonded funds and recommends that the difference be allocated from the department's 2008 bond for highway resurfacing.

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

**MOVED** by Alderman Sommer                      **SECONDED** by Alderman Pasiak  
That the Common Council hereby awards the bid for Project 2008-10, Payne Avenue Milling and Paving to Donald Braasch Construction Inc., 1661 Lakeview Road, Lakeview, NY 14085, at their low base bid in the amount of \$260,856.12 and authorizes the Mayor to sign said contract, subject to review by the City Attorney.

Ayes: Brick, Pasiak, Donovan, Sommer (4)

Nays: None (0)

**CARRIED.**

#### IV.2 Engineer

July 31, 2008

Honorable Lawrence V. Soos, Mayor  
and Common Council Members  
City Hall  
North Tonawanda, New York 14120

Re: Project 2005-04, Boathouse Demolition and Asbestos Abatement  
Award of Contract

Dear Honorable Body:

On Tuesday, July 29, 2008, five (5) bids from qualified contractors were received for the Boathouse Demolition and Asbestos Abatement of nine (9) structures owned by the city or on city owned property. The corrected bid results are as follows:

- |                                       |           |
|---------------------------------------|-----------|
| • Mark Cerrone, Inc.                  | \$69,854  |
| • LDC Company, Inc.                   | \$93,230  |
| • Cambria Contracting, Inc.           | \$120,100 |
| • Donald J. Braasch Contracting, Inc. | 140,331   |
| • National Vacuum Corporation.        | \$350,520 |

Accordingly, I respectfully request that the Common Council award Project 2005-04, Boathouse Demolition and Asbestos Abatement to Mark Cerrone, Inc., P.O. Box 3009, Niagara Falls NY 14304 at their low base bid in the amount of \$69,854; authorizing the Mayor to sign said contract, subject to review by the City Attorney.

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

**MOVED** by Alderman Brick                      **SECONDED** by Alderman Donovan  
That the Common Council hereby awards the bid for Project 2005-04, Boathouse Demolition and Asbestos Abatement to Mark Cerrone, Inc., P.O. Box 3009, Niagara Falls NY 14304 at their low base bid in the amount of \$69,854 and authorizes the Mayor sign said contract, subject to review by the City Attorney.

Ayes: Brick, Pasiak, Donovan, Sommer (4)

Nays: None (0)

**CARRIED.**



The following item was pulled from the agenda prior to the meeting:

**V.3 Water**

**July 22, 2008**

**Honorable Lawrence V. Soos, Mayor  
City Hall, 216 Payne Avenue  
North Tonawanda, New York 14120**

**Re: Resignation**

**Dear Mayor Soos:**

**It is with conflicted emotions and a heavy heart that I submit my resignation as Superintendent of Water/Wastewater for the City of North Tonawanda, NY. I have served the City in various capacities over the past twenty-nine (29) years and most recently have been involved in the successful consolidation of the Water and Wastewater Departments.**

**I have accepted a new challenge. I look forward to continuing in the public service sector with the Town of Amherst, NY effective August 8, 2008. I will cooperate to make this transition as seamless as possible.**

**I have enjoyed being part of the City and will regret losing the daily contact with the employees of the Water/Wastewater Division. The City's greatest resource is its employees and I have had the pleasure of working with what I believe to be the finest in the City.**

**I appreciate your understanding in this difficult decision and I wish only the best for the City of North Tonawanda and its citizens.**

**Sincerely,  
Paul J. Drof**

**V.4 Water**

**July 14, 2008**

**Honorable Lawrence Soos, Mayor  
and the Common Council  
City Hall  
216 Payne Avenue  
North Tonawanda NY 14120**

**Re: Award of Bid  
Southwest Digester Cleaning**

**Honorable Body:**

**On June 17, 2008 bids were received and opened for the cleaning of the Southwest Anaerobic Digester.**

**After review of the bid package I recommend that the award go to American Water Enterprises, 200 Eastport Boulevard, Hamilton, Ontario, CD at their low bid of \$167,941.27.**

**Two other bids were reviewed:**

|                               |                     |
|-------------------------------|---------------------|
| <b>We Care Organics</b>       | <b>\$197,480.00</b> |
| <b>American Process Group</b> | <b>\$236,598.57</b> |

**American Water has previously been awarded work for digester cleaning at the Wastewater Treatment Plant and has proven to be a reliable and proficient contractor.**

I recommend that the Mayor waive his veto. The City Attorney will review all submittals. Funding for this project had been allocated under the 2008 Capital Program.

Thank you in advance for your time and consideration in addressing this request.

Sincerely,  
Paul J Drof, Superintendent  
NT Water Works

**MOVED** by Alderman Pasiak                      **SECONDED** by Alderman Brick  
That the Common Council hereby awards the bid for the cleaning of the Southwest Anaerobic Digester to American Water Enterprises, 200 Eastport Boulevard, Hamilton, Ontario, Canada at their low bid of \$167,941.27 subject to review of the City Attorney.  
Ayes: Brick, Pasiak, Donovan, Sommer (4)  
Nays: None (0)  
**CARRIED.**

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**V.5 Water**

**July 29, 2008**

**Honorable Mayor Lawrence Soos  
and Common Council  
City Hall, 216 Payne Ave  
N Tonawanda NY 14120**

**Re: Award of Bid for Purchase of Natural Gas**

**Honorable Mayor and Common Council:**

**Bids for Natural Gas were received and evaluated for supplying this commodity to the Wastewater Treatment Plant.**

**Based upon the recommendation of our consultant, Enerscope, I concur that the bid be awarded to National Fuel Resources, Inc., under the flat rate index method @ \$.98700 per DTH over the monthly NYMEX Natural Gas Futures settlement price for the bid period September 1, 2008 through August 31, 2009.**

**The award is contingent upon review by the City Attorney’s Office. Thank you for your time and consideration in addressing this request.**

Sincerely,  
Paul J Drof  
Superintendent, Water/Wastewater

**MOVED** by Alderman Pasiak                      **SECONDED** by Alderman Brick  
That the Common Council hereby awards the bid for the purchase of Natural Gas to National Fuel Resources, Inc., under the flat rate index method @ \$.98700 per DTH over the monthly NYMEX Natural Gas Futures settlement price for the bid period September 1, 2008 through August 31, 2009, subject to review of the City Attorney.  
Ayes: Brick, Pasiak, Donovan, Sommer (4)  
Nays: None (0)  
**CARRIED.**

## VII.1 Accountant

July 31, 2008

Honorable Lawrence V. Soos, 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 August 5, 2008, 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 Donovan

SECONDED by Alderman Pasiak

That the Common Council hereby authorizes for payment the current Abstract of Claims dated August 5, 2008 and further authorizes the Mayor and City Clerk to respectively sign and countersign said Warrant:

|    |                           |                       |
|----|---------------------------|-----------------------|
| 01 | General Fund              | \$418,290.60          |
| 02 | Water Fund                | 34,160.72             |
| 04 | Sewer Fund                | 141,387.77            |
| 06 | Capital Project Fund      | 463,951.35            |
| 07 | Trust & Agency Fund       | 12,745.95             |
| 08 | Community Development     | 272.00                |
| 11 | General Fund (Encumbered) | 103.67                |
| 17 | Home Rehab Program        | 73.00                 |
|    | Final Total               | <u>\$1,070,985.06</u> |

Ayes: Brick, Pasiak, Donovan, Sommer (4)  
Nays: None (0)  
CARRIED.

## VII.2 Accountant

July 31, 2008

Honorable Lawrence V. Soos, Mayor  
and Common Council  
City Hall  
North Tonawanda, New York 14120

Dear Honorable Body:

In accordance with General Municipal Law, as amended by Chapter 376 of the Laws of 1988, I have attached a copy of the City of North Tonawanda Single Audit Report, with Independent Auditor's Report, for the fiscal year ended December 31, 2007. The City Clerk will publish a legal notice in the newspaper stating that these reports are available to the public.

The auditor's opinion is that the General Purpose Financial Statements present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of the City of North Tonawanda as of December 31, 2007, and the

respective changes in financial position thereof, and the budgetary comparison for the General Fund for the year ended in conformity with accounting principles generally accepted in the United States of America.

Copies of the audits will be mailed to the appropriate Federal and State Agencies.

If you have any questions on these documents, please feel free to contact me.

Very truly yours,  
David R. Jakubaszek  
City Accountant

**MOVED by Alderman Donovan                      SECONDED by Alderman Sommer**  
**That the Common Council receives and files the aforementioned communication.**  
**CARRIED.**

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**XI.    Fire**

**July 25, 2008**

**Thomas M. Jaccarino, City Clerk**  
**216 Payne Avenue**  
**North Tonawanda, NY 14120**

**Dear Tom:**

**Please remove Ann Strauch for the City Fire Rolls. She has not yet completed the requirements to become a City volunteer.**

**Also, please add Michael Phelps to the City Fire Rolls. His card is enclosed.**

**In the future I will be handling all of the enrollment cards to avoid any misunderstanding.**

**Thank you,**  
**William DeMonte**  
**Assistant Chief**

**MOVED by Alderman Pasiak                      SECONDED by Alderman Brick**  
**That the Common Council hereby removes Ann Strauch from the City Fire Rolls and adds Michael Phelps to the City Fire Rolls.**  
**CARRIED.**

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**XVI.   City Clerk**

**August 1, 2008**

**North Tonawanda Common Council**  
**216 Payne Avenue**  
**North Tonawanda, NY 14120**

**Dear Honorable Body:**

**At the Common Council Workshop of July 29, 2008 you had requested that I place the following resolution on the August 5, 2008 agenda:**

**That the North Tonawanda Common Council authorizes the Mayor (along with a member of the Common Council and pertinent department heads) to enter into negotiations with Wal-Mart or its representatives for the purchase of the following:**

**Bluebird Drive**  
**Melody Lane**  
**Service Road (off Erie Avenue)**

It would now be appropriate to take action on the proposed resolution.

Very truly yours,  
 Thomas M. Jaccarino  
 City Clerk

**MOVED** by Alderman Sommer                      **SECONDED** by Alderman Pasiak  
 That the North Tonawanda Common Council hereby authorizes the Mayor (along with a member of the Common Council and pertinent department heads) to enter into negotiations with Wal-Mart or its representatives for the purchase of Bluebird Drive, Melody Lane and Service Road (off Erie Avenue).  
 Ayes: Brick, Pasiak, Donovan, Sommer (4)  
 Nays: None (0)  
**CARRIED.**

#### XXV. Monthly Reports

|    |                       |    |                  |
|----|-----------------------|----|------------------|
| .1 | Treasurer             | .3 | Senior Citizens  |
| 2. | Treasurer Investments | .4 | Vital Statistics |

**MOVED** by Alderman Pasiak                      **SECONDED** by Alderman Brick  
 That the Common Council hereby receives and files the aforementioned monthly reports.  
**CARRIED.**

#### XXVI. Semi-Annual Vacation and Sick Leave Reports

.1 Police

**MOVED** by Alderman Pasiak                      **SECONDED** by Alderman Donovan  
 That the Common Council hereby receives and files the aforementioned reports.  
**CARRIED.**

### COMMUNICATIONS FROM OTHERS

A.  
 Donald F. Hurley

July 18, 2008

North Tonawanda Common Council  
 216 Payne Avenue  
 North Tonawanda, NY 14120

Dear Common Council Members:

I am writing this letter asking you to abandon a portion of city property that abuts the property at 1012 Gilmore Ave. I currently maintain this area as part of my lawn. I would like to install a 42" open picket fence along the road side of the property approximately 6 to 8 feet from the edge of the road. The fence will be professionally installed and be aesthetically pleasing. Mr. Jaccarino and City Engineer Dale Marshall have discussed this with the City Attorney. They feel that abandoning the property would be the best solution, because it would absolve the city of any possible liability issues that may arise due to the fence.

Alderman Pasiak and City Engineer Dale Marshall have visited the site. The fence will not obstruct vision from the road. It will not interfere with city infrastructure (sewers, waterlines, etc.) and will be far enough from the road to accommodate snow removal.

I have attached a drawing of the lot and proposed location of the fence. I have shaded the area that I am requesting to be abandoned to me, along with photos of the property.

Sincerely,  
Donald F. Hurley

**MOVED** by Alderman Pasiak  
To refer to pertinent department heads.  
**CARRIED.**

**SECONDED** by Alderman Sommer

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**B.**  
Tonya M. Avery

To Whom It May Concern:

I reside at 1675 Fillner Avenue and would like to inquire about the vacant property directly next to me. In order to deep the rodent and mosquito population down, I have paid to have this property maintained weekly. I grew up on this street and even then, the resident of 1675 has always maintained this property.

At this time I would like to inquire about this vacant lot with the interest of owning it somehow, being that it has been vacant for over 40 years and no one else including the city who owns the property and the direct neighbor on the far side of this lot has shown no interest in maintaining it.

I feel that owning this property would be a great benefit not only for me, but for the neighborhood, being that I would beautify this area with a garage and a direct entrance to my home. Recently I was diagnosed with Rheumatoid Arthritis and now find it difficult in the winter months getting in and out of my home, being I have to go through the snow to get to my car. In the past this was never a problem, like others I would just shovel my way there. Now with my recent illness that simple task for most has become a burden for me. Having a garage would eliminate this and simplify my life. The neighborhood would benefit being that I would beautify the landscaping.

Any considerations would be greatly appreciated.

Thank you,  
Tonya Avery  
1675 Fillner Avenue  
North Tonawanda, NY  
Home: 693-1423  
Cell: 289-5602

**MOVED** by Alderman Donovan  
To refer to pertinent department heads.  
**CARRIED.**

**SECONDED** by Alderman Brick

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**C.**  
Vincent R. Ginestre

June 20, 2008

Lawrence V. Soos, Mayor  
North Tonawanda Common Council  
City of North Tonawanda  
216 Payne Avenue  
North Tonawanda, NY 14120

Dear Mayor Soos and Members of the Common Council:

Please be advised that I represent G. T. Custom Built Homes, Inc. As the adjacent landowner, my client would request that the paper street, known as Tompkins Street (unimproved), be abandoned and the property be granted to the adjacent landowner.

As you are aware, my client is in the process of seeking approval of a subdivision. The developers, engineer and City Engineer have discussed this potential abandonment and determined that the paper street known as Tompkins Street would be an appropriate place for a potential water retention pond should one be needed.

Kindly consider this request and advise at your earliest possible convenience.

Very truly yours,  
 Vincent R. Ginestre  
 SECONDED by Alderman Sommer

MOVED by Alderman Brick  
 To refer to pertinent department heads.  
 CARRIED.

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D.  
 Molly Michalski

June 17, 2008

Mayor Larry Soos  
 City Hall  
 216 Payne Avenue  
 North Tonawanda, NY 14120

Dear Larry:

I am writing today to request permission to hold a Block Party on Louisa Pkwy on August 23, 2008. We would like to block both ends of the street at Pinewoods and also Niagara. We plan to hold this party beginning at 3:00pm and ending at 12:00 midnight.

If you have any questions you can reach me at the above address, and of course you and Linda are more than welcome to attend if you so desire.

Thank you in advance.

Very truly yours,  
 Molly Michalski

MOVED by Alderman Brick  
 SECONDED by Alderman Pasiak  
 That the Common Council hereby grants permission to Molly Michalski to hold a Block Party on Louisa Pkwy on Saturday, August 23, 2008 from 3:00pm to 12:00midnight.  
 CARRIED.

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**AUDIENCE PARTICIPATION**

Tammy Godyn, 843 Ohio Street – Is in favor of Wal-Mart and praised Planning Commission.

David Durnin, 1793 Ruie Road – Applauds the Planning Commission and stated that 71% of the people in North Tonawanda want Wal-Mart.

Sue Wilke, 329 Miller Street – Stated that Wal-Mart tries to intimidate their employees.

Kim Jakopac, 1080 Pioneer Drive – Commended the Common Council on their position regarding Wal-Mart.

Justin Budwey, 2765 Stenzel Avenue – Stated that there is an alternative site for Wal-Mart.

Delores Baronich – Stated that she is pro Wal-Mart.

Frank Budwey, 2765 Stenzel Avenue – Believes that Wal-Mart will have a negative financial impact and that there is another site 1.2 miles down Niagara Falls Blvd.

**Chuck Hewitt, 1049 Thomas Fox Drive East – Stated that Wal-Mart is the “Evil Empire” and that an economic impact statement should be done.**

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**ADJOURNMENT**

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

**Time of Adjournment: 7:15P.M.**

**Respectfully submitted,**

**Thomas M. Jaccarino  
City Clerk**