

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, August 19, 2008
6:00 P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT SOMMER

ROLL CALL

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

Absent: None

Also Present: Mayor Lawrence V. Soos
City Attorney Shawn P. Nickerson

APPROVAL OF THE MINUTES OF THE REGULAR SESSION AUGUST 5, 2008

MOVED by Alderman Pasiak **SECONDED by Alderman Brick**
That the minutes of the regular session held August 5, 2008 be approved as circulated and
filed in the Office of the City Clerk.
CARRIED.

PROOF OF PUBLICATION PUBLISHED JULY 1, 2008

1) Legal Notice – 2008 Final Assessment Roll – Assessor

PROOF OF PUBLICATION PUBLISHED JULY 11 & 14, 2008

1) Bid – Milling and repaving on Payne Avenue – Engineer
2) Demolition of Boathouses at Weatherbest Slip – Engineer

PROOF OF PUBLICATION PUBLISHED JULY 28, 2008

1) Legal Notice – Rezoning of 236 Zimmerman Street – City Assessor

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

AUDIENCE PARTICIPATION

Gordon Fritz, 1727 Eddy Drive – Asked about the taxes owed by Dr. Hugg’s Car Wash.

COMMUNICATIONS FROM CITY OFFICIALS

IV.1 Engineer

August 11, 2008

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

Accordingly, I respectfully request that the Common Council approve Change Order No.1 to Project 2002-02, Sweeney Canal Wall Docks Construction in the amount of \$43,742.58, to Donald Braasch Construction Inc. 1661 Lakeview Road, Lakeview, NY 14085, increasing the contract amount from \$339,952.00; to \$383,694.58; authorizing the Mayor to sign said change order, subject to review by the City Attorney.

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

MOVED by Alderman Schwandt **SECONDED** by Alderman Brick
 That the Common Council approves Change Order No.1 to Project 2002-02, Sweeney Canal Wall Docks Construction in the amount of \$43,742.58, to Donald Braasch Construction Inc. 1661 Lakeview Road, Lakeview, NY 14085, increasing the contract amount from \$339,952.00; to \$383,694.58 and authorizes the Mayor to sign said change order, subject to review by the City Attorney.

Ayes: Brick, Pasiak, Schwandt, Donovan, Sommer (5)
 Nays: None (0)
CARRIED.

VII. Accountant

August 14, 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 19, 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 Brick
 That the Common Council hereby authorizes for payment the current Abstract of Claims dated August 19, 2008 and further authorizes the Mayor and City Clerk to respectively sign and countersign said Warrant:

01	General Fund	\$434,389.00
02	Water Fund	47,423.72
04	Sewer Fund	67,085.56
06	Capital Project Fund	15,276.74
07	Trust & Agency Fund	1,960.88
11	General Fund (Encumbered)	<u>414.92</u>
	Final Total	\$566,550.82

Ayes: Brick, Pasiak, Schwandt, Donovan, Sommer (5)
 Nays: None (0)
CARRIED.

XVI. City Clerk

August 15, 2008

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

Dear Honorable Body:

At the regular session of the North Tonawanda Planning Commission dated August 4, 2008 the following resolution was adopted:

MOVED by Commissioner Conti **SECONDED** by Commissioner Mineo
To recommend to the Common Council, the re-zoning of 184 Sweeney Street from the current M-1 zoning classification to C-1.

Ayes: Commissioners Mineo, Conti, Evans, Kuebler, Przewozny (5)

Nays: None (0)

CARRIED.

Please see attached a letter from Jonathon Morris, architect for the project.

It would now be appropriate to direct the City Clerk to schedule a public hearing regarding this rezoning.

Very truly yours,
Thomas M. Jaccarino
City Clerk

MOVED by Alderman Pasiak **SECONDED** by Alderman Brick
That the Common Council hereby authorizes the City Clerk Thomas M. Jaccarino to schedule a public hearing regarding the rezoning of 184 Sweeney Street from the current M-1 zoning classification to C-2 for Tuesday, September 16, 2008 at 5:30pm.

CARRIED.

XXV. Monthly Reports

- | | |
|------------------|--------------------|
| .1 Police | .2 Building |
|------------------|--------------------|

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

CARRIED.

COMMUNICATIONS FROM OTHERS

A.
Columbia Hook & Ladder - Re: Removal from Fire Rolls:

David J. Francis

MOVED by Alderman Pasiak **SECONDED** by Alderman Donovan
To remove David J. Francis from the City Fire Rolls.

CARRIED.

AUDIENCE PARTICIPATION

Justin Budwey, 2765 Stenzel Avenue – Wants to know why no Economic Impact Study is being done regarding Wal-Mart.

Walter Jordan, 1471 Kingston – Is against Wal-Mart because of safety issues and stated that health is important.

Frank Budwey, 2765 Stenzel Avenue – Asked what the City expects the financial benefit from Wal-Mart to be.

Tammy Godyn, 843 Ohio Street – Is in favor of Wal-Mart and wanted to know why we should send the project to Amherst. Asked Kevin Brick and Kathy Schwandt what their position is regarding Wal-Mart.

Tom Magadino, Niagara Falls – Spoke against Wal-Mart stating that they are a poor employer.

Kathy Kern, 1248 Greenbrier – Stated that River Road looks like Route 5 heading into Lackawanna and asked about signs on public property.

ADJOURNMENT

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

Time of Adjournment: 6:37P.M.

Respectfully submitted,

**Thomas M. Jaccarino
City Clerk**