

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, May 5, 2009
6:00P.M.

REGULAR SESSION CALLED TO ORDER BY ACTING PRESIDENT SCHWANDT

ROLL CALL

Present: Acting President Schwandt
Aldermen Brick, Pasiak

Absent: President Sommer
Alderman Donovan

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

APPROVAL OF THE MINUTES OF THE REGULAR SESSION APRIL 21, 2009

MOVED by Alderman Pasiak **SECONDED** by Alderman Brick
That the minutes of the regular session held April 21, 2009 be approved as circulated and filed in the Office of the Clerk-Treasurer.
CARRIED.

PROOF OF PUBLICATION PUBLISHED MARCH 9, 2009

1) Bid – Spray Injection Pavement Patching Machine Rental – DPW

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

AUDIENCE PARTICIPATION

Mike Gondek, 257 Brentwood Drive – Requested a copy of the Abstract of Claims.

Francis J. Offermann, Jr. – Attorney representing Thomas and Deborah Young – Spoke against the sale of their property, at 149 S. Meadow, at the Public Auction.

Debbie Gondek, 257 Brentwood Drive – Asked about the online auction and thought it was a good idea.

COMMUNICATIONS FROM CITY OFFICIALS

II.1 Attorney

April 30, 2009

Honorable Mayor & Common Council
216 Payne Avenue
North Tonawanda, New York 14120

Re: Amendment to Zoning Ordinance Regarding Signs

XVI.1 Clerk-Treasurer

April 30, 2009

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

Re: City Owned Property Auction

Dear Honorable Mayor and Common Council:

Be advised that on Saturday, April 25, 2009, at the Grant Elementary School auditorium, the City in conjunction with Auctions International held an auction of City Owned parcels. The results of the sale of these 14 parcels is attached, which totaled \$386,150.00 should each sale be approved.

It is my recommendation that the Council and the Mayor reject the bid on the property at 1380 Sherwood Avenue and re-auction the parcel. The property is currently part of an ongoing investigation by the North Tonawanda Police Department regarding possible vandalism and theft. The winning bidder has notified Auctions International that they no longer wish to own the property, nor does the under bidder.

Please take the necessary action to either accept or reject each bid, as reported, and if approved, direct the City Attorney to prepare the quit-claim deeds.

Very respectfully,
 Robert G. Ortt
 City Clerk-Treasurer

MOVED by Alderman Brick **SECONDED** by Alderman Pasiak
 That the Common Council hereby tables the sale of the properties at 460 Schenck Street, 500 Schenck Street and 1380 Sherwood Avenue.
 Ayes: Brick, Pasiak, Schwandt (3)
 Nays: None (0)
CARRIED.

MOVED by Alderman Schwandt **SECONDED** by Alderman Pasiak
 That the Common Council hereby approves various property bids as follows:

<u>ADDRESS</u>	<u>PRICE</u>
562 Parkway Ave	\$100.00
1414 Moll Street	\$51,000.00
1184 Marcia Drive	350.00
331 & 333 North Avenue	\$22,000.00
986 Oliver Street	\$10,200.00
76 Robinson Street	\$10,000.00
77 Wheatfield Street	\$20,000.00
295 Schenck Street	\$5,000.00
149 Meadow Drive South	\$55,000.00
455 Payne Avenue	\$6,500.00

Ayes: Brick, Pasiak, Schwandt (3)
 Nays: None (0)
CARRIED.

XXV. Monthly Reports

- | | | | |
|-----------|------------------------------|-----------|-------------------------|
| .1 | Treasurer | .3 | Vital Statistics |
| .2 | Treasurer Investments | | |

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

COMMUNICATIONS FROM OTHERS

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

**Paul S. VanVoorhees
Joseph W. Duval**

MOVED by Alderman Schwandt **SECONDED** by Alderman Pasiak
To remove Paul S. VanVoorhees and Joseph W. Duval from the City Fire Rolls.
CARRIED.

B.
Gratwick Hose Co. - Re: Removal from Fire Rolls:

**Eugene Snopkowski
Edwin Schroeder
Eugene Nycz**

MOVED by Alderman Schwandt **SECONDED** by Alderman Pasiak
To remove Eugene Snopkowski, Edwin Schroeder, Eugene Nycz from the City Fire Rolls.
CARRIED.

C.
Jeffrey Hardy

April 9, 2009

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

Dear Mayor Soos:

The Tim Frank Memorial Canal Fest 4 Miler Race Team is asking the City of North Tonawanda for permission to utilize Sweeney Street for the 2009 race.

Now in its 23rd year, the run will be held at 7 p.m. on Thursday, July 23.

We are also asking for police assistance for traffic control prior to and during the race beginning at Main Street and extending two miles down Sweeney Street.

In addition, for the first time ever, The Elks Lodge on Main and Sweeney Streets will be hosting our post-race party. This means that if we are granted permission to use Sweeney Street, the entire event will be held in North Tonawanda!

As you know, the 4 Miler is a prime fundraiser for the Boys and Girls Clubs of the Northtowns. Most of the funds raised benefit the clubhouses located in the Cities of North

MOVED by Alderman Pasiak

SECONDED by Alderman Brick

That the Common Council hereby approves City assistance to the Carrousel Museum for their Renaissance Festival in the Linear Park adjacent to the museum on Saturday, June 6, 2009 from 11:00AM – 6:00PM and the use of Felton Field for the day (the portion outside the ballpark) as follows:

- 1. Fencing to close in the linear park from Thompson to Lincoln, as last year.**
- 2. Fencing in Felton Field for the horse riding demonstrations.**
- 3. Installation of the Renaissance Faire banner on Payne Ave. in early May.**
- 4. 8 tables from the Parks Dept.**
- 5. 6 trash cans.**
- 6. Street barriers to close off Thompson St. between Vandervoort and Lincoln.**
- 7. Auxiliary police to assist people crossing the street.**

Ayes: Brick, Pasiak, Schwandt

(3)

Nays: None

(0)

CARRIED.

E.

Auctions International

April 27, 2009

**City of N. Tonawanda Treasurer
Mr. Robert Ortt
City Hall
216 Payne Avenue
North Tonawanda, NY 14120
Via Fax: 716-505-2133**

Dear Rob:

I am recommending that the bowling center be sold at the price received at the auction conducted on 4/25/09. Taking into consideration the real estate market and the fact that bank money to purchase or rehab a commercial property at this time is almost impossible to obtain for the average person. Even a business person that has cash, assets and good credit is going to have some difficulty. Had this property been sold a year and a half or two years ago, the circumstances might have been different. I feel that the property in its present condition is worth \$250,000.00. If you take into consideration the \$35,000.00 IRS lien, the buyers premium of \$18,500 and the inside assets being sold on line which are currently at \$9,306.00 and will go higher, this brings it in a range of what I feel is a fair auction price. If you hold this property longer in an attempt to get a higher amount of money which Auctions International is capable of doing by listing and selling it as part of the Niagara/Buffalo Board of Realtors, here is what I believe is most likely to happen. You will receive offers subject to environmental studies, zoning and planning, and financial approval all of which take a considerable amount of time. If all does not fall into place, we will have to start the process again which will take another year or two. The city will not receive its taxes for 2009 and possibly 2010 while we attempt to get a higher price.

The building as it stands as a bowling center is questionable as to whether it can make a profit. There are other bowling centers in the area that are teetering on a financial distress. The machines are old, the alley have been sanded down to their nails and need new wood to properly refurbish them. If someone is going to use the property for a different purpose, the alleys must be removed. Under the alleys there is a four foot drop and is nothing but dirt. This means extensive filling and grading must be done and concrete must be poured. The cost of concrete alone without labor will be \$150,000.00 to \$200,000.00. The roof has several leaks. If you walk the parking lot, you will find large sink holes and drop offs in the rear of the lot. On the front side of the building, there are high tension wires. I am sure these have an easement which allows very little of anything to take place on the frontage along the Twin City Highway. These are all factors that could be considered when making this decision.

**Respectfully yours,
Russ Scherrer, CAI Auctioneer
Auctions International, Inc.**

05-05-09

MOVED by Alderman Pasiak

SECONDED by Alderman Brick

**That the Common Council hereby receives and files the aforementioned communication.
CARRIED.**

F.

Auctions International

April 30, 2009

Mr. Robert Ortt

N. Tonawanda Treasurer

Via Fax: 505-2133

Dear Rob:

The bowling center personal property and fixtures are posted on our internet site under past prices. The total was \$20,371.85. The costs as agreed upon are \$15.00 per hour for cleaning, set up, tagging, photographing, inspections and removal. Total \$600.00. Our commission was 10%. The city should net \$17,734.66. When we receive approval we will start invoicing and arranging removal. This number is contingent on getting an approval quickly before people lose their interest and purchase items they need from some other source. If you have any questions, please don't hesitate to call.

**Respectfully yours,
Russ Scherrer, CAI Auctioneer
Auctions International, Inc.**

MOVED by Alderman Schwandt

SECONDED by Alderman Brick

**That the Common Council hereby receives and files the aforementioned communication.
CARRIED.**

AUDIENCE PARTICIPATION

Kathy Kern, 1248 Greenbrier Lane – Thanked the Mayor for proclamation to NT Variety Show and the Inter-Faith Food Pantry. Thanked Alderman Donovan for the Coyote informational meeting at Rescue on April 27, 2009 and criticized the Sound Off column in the *Tonawanda News*.

Debbie Gondek, 257 Brentwood Drive – Stated that there is a lack of communication between the Planning Board and the City Engineer and that the City Engineer should be required to attend the Planning Board meetings.

Mike Gondek, 257 Brentwood Drive – Thanked the Re-Tree NT Organization and the River Keepers for their work. Wants the lack of parking throughout the City to be addressed.

Danielle Pawarski – Asked what the Parkside Lanes building will be used for.

ADJOURNMENT

MOVED by Alderman Schwandt

SECONDED by Alderman Brick

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

Time of Adjournment: 6:45 P.M.

Respectfully submitted,

**Robert G. Ortt
Clerk-Treasurer**