

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, June 17, 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**
 Attorney Shawn P. Nickerson

APPROVAL OF THE MINUTES OF THE REGULAR SESSION JUNE 3, 2008

MOVED by Alderman Pasiak **SECONDED** by Alderman Brick
That the minutes of the regular session held June 3, 2008 be approved as circulated and filed in the Office of the City Clerk.
CARRIED.

AUDIENCE PARTICIPATION

Keith Craigie, 347 Brentwood - Asked about grant for reforestation.

COMMUNICATIONS FROM CITY OFFICIALS

IV. Engineer

June 10, 2008

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

Re: Project 02-01, Niagara Riverwalk, Contract B
Change Order 2, Final Payment and Project Acceptance

Honorable Body:

As you may be aware, the Common Council approved the Niagara Riverwalk Project in the 2004 Capital Improvements Budget, comprised of state aid, city bonded funds and in-kind engineering services. Contract A was completed in 2006 at a total cost of \$178,767.60, leaving \$183,149.40 remaining available for the Contract B phase of the project.

Your approval of Change Order No. 2 to Contract 2002-01, Niagara Riverwalk, Contract B is hereby requested.

MOVED by Alderman Pasiak

SECONDED by Alderman Brick

That the Common Council hereby authorizes for payment the current Abstract of Claims dated June 17, 2008 and further authorizes the Mayor and City Clerk to respectively sign and countersign said Warrant:

01	General Fund	\$217,114.00
02	Water Fund	7,577.68
04	Sewer Fund	35,683.44
06	Capital Project Fund	46,873.24
07	Trust & Agency Fund	1,036.17
11	General Fund Encumbered	4,286.54
12	Water Fund Encumbered	368.50
17	Home Rehabilitation Program	<u>15,355.00</u>
	Final Total	<u>\$328,294.57</u>

Ayes: Brick, Pasiak, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

CARRIED.

IX. Public Works

June 12, 2008

**Honorable Mayor & Common Council
City Hall
216 Payne Avenue
North Tonawanda, NY 14120**

**Re: 2006 Western New York Municipal
Urban and Community Forestry Grant**

Dear Honorable Body:

On November 6, 2007 the New York State Department of Environmental Conservation awarded a 2006 Western New York Municipal Urban Forest Restoration Assistance Grant to the City of North Tonawanda in the amount of \$4,300.00. This is a non-matching grant.

At this time, I am requesting that the Common Council resolve:

That Gary J. Franklin, as Superintendent of Public Works of the City of North Tonawanda, or such person's successor in office, is hereby authorized and directed to file an application in an amount not to exceed \$4,300.00, and upon approval of said request to enter into and execute a project agreement with the New York State Department of Environmental Conservation for such financial assistance to the City of North Tonawanda for a 2006 Western New York Municipal Urban Forest Restoration Assistance Grant.

**Very truly yours,
Gary J. Franklin
Superintendent of Public Works**

MOVED by Alderman Donovan

SECONDED by Alderman Brick

That Gary J. Franklin, as Superintendent of Public Works of the City of North Tonawanda, or such person's successor in office, is hereby authorized and directed to file an application in an amount not to exceed \$4,300.00, and upon approval of said request to enter into and execute a project agreement with the New York State Department of Environmental Conservation for such financial assistance to the City of North Tonawanda for a 2006 Western New York Municipal Urban Forest Restoration Assistance Grant.

Ayes: Brick, Pasiak, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

CARRIED.

X. Police

June 4, 2008

Honorable Lawrence V. Soos, Mayor
and Common Council
North Tonawanda, NY 14120

Dear Honorable Body:

Would you please reappoint the following as Commissioner of Deeds for a two year term:

William R. Hall – 85 Donald Dr., North Tonawanda, NY 14120
Larry W. Kuebler – 3831 Concord Dr., Wheatfield, NY
Bradley M. Shiesley – 4909 Ridge Rd., Lockport, NY
Robert W. Kalota – 5882 Shawnee Rd., Cambria, NY 14132

Randy D. Szukala
Chief of Police

MOVED by Alderman Pasiak

SECONDED by Alderman Donovan

That the Common Council hereby reappoints William R. Hall – 85 Donald Dr., North Tonawanda, NY 14120; Larry W. Kuebler – 3831 Concord Dr., Wheatfield, NY; Bradley M. Shiesley – 4909 Ridge Rd., Lockport, NY and Robert W. Kalota – 5882 Shawnee Rd., Cambria, NY 14132 as Commissioners of Deeds for the City of North Tonawanda for a term beginning June 18, 2008 expiring June 17, 2010.

CARRIED.

XXV. Monthly Reports

- | | | | |
|----|-----------------------|----|------------------|
| .1 | Police | .4 | Vital Statistics |
| .2 | Treasurer | .5 | Senior Citizens |
| .3 | Treasurer Investments | | |

MOVED by Alderman Schwandt

SECONDED by Alderman Brick

That the Common Council hereby receives and files the aforementioned monthly reports.
CARRIED.

XXXII. Community Development

June 17, 2008

Honorable Lawrence V. Soos
and Common Council Members
City Hall – 216 Payne Avenue
North Tonawanda, NY 14120

Re: Concurrent Resolution
Ascension Industries Empire Zone

Dear Honorable Body:

Ascension Industries, Inc. has submitted application to the Niagara Falls Empire Zone Board for acceptance as a Regionally Significant Project, through the New York State Empire Zone program. As the only current Empire Zone in Niagara County, Niagara Falls would be responsible for the administrative functions related to Ascension Industries' Empire Zone certification, so the City of Niagara Falls had to amend the boundaries of their Empire Zone to include Ascension's properties in North Tonawanda. This letter is to request that the City of North Tonawanda resolves to support and concur with the City of Niagara Falls resolution to include the following North Tonawanda properties (owned by Ascension Industries) in the Niagara Falls Empire Zone.

1254 Erie Avenue, SBL No. 176.20-1-58.11
 795 Wurlitzer Drive, SBL No. 176.20-1-59.1
 915 Wurlitzer Drive, SBL No. 176.20-1-58.2
 390 Sweeney Street, SBL No. 185.31-2-49

Thank you in advance for your anticipated review and cooperation.

Sincerely,
 James B. Sullivan
 Director of Community Development

MOVED by Alderman Pasiak

SECONDED by Alderman Brick

WHEREAS, New York State has created the Empire Zones Program, formerly known as the Economic Development Zone Program, to encourage industrial and commercial development in select municipalities across the State; and

WHEREAS, the City of Niagara Falls, as a municipality eligible to participate in the Empire Zones Program, received designation of certain areas within its municipal borders as an Empire Zone; and was re-designated as distinct and separate contiguous areas pursuant to Section 957(d) of the General Municipal Law; and

WHEREAS, New York State has amended the Empire Zones Program to increase benefits and allow additional areas to be deemed eligible for Empire Zone benefits as Regionally Significant Projects, and

WHEREAS, the Board of the Empire Zone of the City of Niagara Falls, New York, with offices at 745 Main Street, P.O. Box 564, Niagara Falls, New York 14305 (the "ZAB"), at its November 14, 2007 meeting, received and reviewed the allocation of acreage under the 2005 New York State Legislation of the Empire Zone Programs for a Regionally Significant Project under the manufacturing category; and

WHEREAS, at its above-referenced November 14, 2007 meeting, Ascension Industries, Inc. (the "Company"), submitted an RSP-1 application ("RSP Application") for consideration by the ZAB;

WHEREAS, the ZAB, at its above-referenced November 14, 2007 meeting, determined and resolved that it is in the best interest of the ZAB and the citizens and the businesses of Niagara County, which it serves, to approve the Company's RSP Application and the related request for boundary modifications; and

WHEREAS, on May 5, 2008, the City of Niagara Falls Common Council resolved to amend the City of Niagara Falls Empire Zone boundaries to encourage industrial and commercial development and to allow for the creation of an additional sub-zone area in the City of North Tonawanda for a Regionally Significant Project; and

WHEREAS, the Company, located at 1254 Erie Avenue, North Tonawanda, NY 14120, meets the criteria of Section 957 (d) of the New York General Municipal Law as a Regionally Significant Project by projecting the creation of at least 50 new manufacturing jobs for inclusion within the City of Niagara Falls Empire Zone in an area outside of the City of Niagara Falls Empire Zones existing separate and distinct contiguous areas; and

WHEREAS, the City of North Tonawanda wishes to support and concur with the City of Niagara Falls's designation of 1254 Erie Avenue, SBL No. 176.20-1-58.11; 795 Wurlitzer Drive, SBL No. 176.20-1-59.1; 915 Wurlitzer Drive, SBL No. 176.20-1-58.2; 390 Sweeney Street, SBL No. 185.31-2-49 in the City of North Tonawanda, as a Regionally Significant Project; and

NOW, THEREFORE, be it resolved that the City of North Tonawanda Common Council, in its capacity as governing body of the City of North Tonawanda, does hereby support and concur with the City of Niagara Falls to include 1254 Erie Avenue, SBL No. 176.20-1-58.11; 795 Wurlitzer Drive, SBL No. 176.20-1-59.1; 915 Wurlitzer Drive, SBL No. 176.20-1-58.2; 390 Sweeney Street, SBL No. 185.31-2-49, in the City of North Tonawanda, into the Niagara Falls Empire Zone

Ayes: Brick, Pasiak, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

CARRIED.

D.
Kimberly Robertson

June 13, 2008

City of North Tonawanda
Mayor Soos' Office
CC: Common Council

The Marohn Family of 274 Miller Street, North Tonawanda is celebrating the success of their 3 year-old daughter, Amelia's 3rd open heart surgery.

We would appreciate the approval to close the street from the address: 263 Miller through the corner of Miller and Payne Ave. on Sunday, June 22 from 12pm – 6pm, as this will be a neighborhood block party in celebration for Amelia. We anticipate an attendance of approximately 150 people.

Thank you for your consideration.

Kimberly Robertson
Neighbor of the Marohn Family

MOVED by Alderman Brick SECONDED by Alderman Donovan
That the Common Council hereby grants permission to the Kimberly Robertson to hold a block party on Miller Street on Sunday, June 22, 2008.
CARRIED.

AUDIENCE PARTICIPATION

Ray Gang, 577 Wurlitzer Drive – Asked why we want Wal-Mart in North Tonawanda.

Ed Berg, 1789 Ellwood Avenue – Stated that financial gains by Wal-Mart will result in traffic increases, loss of revenue to other businesses and property values will drop.

Susan Wilke, 329 Miller Street – Stated that Wal-Mart will create a truck traffic gridlock, increase crime and asked the city not to sell Bluebird Drive.

Sue Kowalewski, 1285 Brookfield Drive – Stated that the decisions regarding Wal-Mart should be made on data not emotion.

David Cippolone, 796 Fairmont Avenue – Spoke against Wal-Mart and is opposed to entrance on Wurlitzer Drive.

Frank Budwey, Budwey's Supermarket – Stated that the City should not have to pay to maintain an extension on Wurlitzer Drive.

Debbie Gondek, 257 Brentwood Drive – Stated that department heads should be at Common Council meetings.

Chuck Hewitt, 1049 Thomas Fox Drive East – Stated that there were many errors and omissions in the FEIS regarding Wal-Mart and there is not enough information to make an informed decision and that an economic impact statement should be done.

ADJOURNMENT

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

Time of Adjournment: 6:53P.M.

Respectfully submitted,

Thomas M. Jaccarino
City Clerk