

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, June 2, 2009
6:00P.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
Assistant City Attorney Robert Sondel

APPROVAL OF THE MINUTES OF THE REGULAR SESSION MAY 19, 2009

MOVED by Alderman Pasiak **SECONDED by Alderman Donovan**
That the minutes of the regular session held May 19, 2009 be approved as circulated and filed
in the Office of the City Clerk with the following correction on page 6 of the May 19, 2009
minutes which should read as follows:

MOVED by Alderman Donovan **SECONDED by Alderman Pasiak**
That the Common Council hereby accepts the bid of \$185,000.00 for the properties at 500
& 460 Schenk St. and directs the City Attorney to prepare a quit-claim deed for the
properties.

Ayes: Pasiak, Schwandt, Donovan, Sommer **(4)**

Nays: Brick **(1)**

CARRIED.

CARRIED.

AUDIENCE PARTICIPATION –

Debbie Gondek, 257 Brentwood Drive – Commented on the potential sale of the Marina.

Melissa Mantione, 261 Tremont Street – Read letter to Mayor Soos regarding the block
party on Tremont Street.

Russell Rizzo, 590 Williams Avenue – Remarked on the Niagara River Yacht Club and
stated that it should be made into a fishery.

COMMUNICATIONS FROM CITY OFFICIALS

I. Mayor

May 27, 2009

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

Re: Appointments to Mayor's Property Maintenance Task Force

Dear Honorable Body:

As you know, back in March, 2008, the Mayor's Property Maintenance Task Force was created to address blighted properties and various property maintenance issues in the City of North Tonawanda. The task force with Dave Conti as Chairman has done a fine job. Over the past year, several members have found it difficult to continue to attend the meetings and in order to supplement the citizen representation on the committee and to make sure that citizens have input on decisions being made, I am hereby appointing Christopher Berli of 207 Bryant Street and Dennis Barberio of 168 Stenzil Street as new citizen members. Both of them have contacted this office to express interest in contributing their energies and ideas as volunteer members of this task force.

Furthermore, I have also requested through the press that if anyone else is interested in serving on the task force, I would be more than willing to appoint a few more members to the task force to make sure that there is always a sufficient amount of resident input at said task force meetings. On that note, if any of the Common Council members have an interested resident in his or her ward, please have that person contact my office for consideration.

Thank you very much for your attention to this matter.

Very truly yours,
Lawrence V. Soos
Mayor

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

I.2 Mayor

May 28, 2009

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

Re: Support of US Senate Bill S. 857-Volunteer Firefighters Federal Income Tax Credit

Dear Honorable Body:

At the last Common Council workshop, I brought up the current legislation being sponsored by US Senator Charles Schumer of New York, which pertained to allowing a federal tax break for volunteer firefighters and emergency medical technicians. In providing such a tax break, it will give citizens an incentive to join the volunteer firefighter ranks that have dwindled over the years and recognize the current members for their valuable service to our community.

This federal tax break being sponsored by United States Senator Schumer, along with other potential State and/or local incentives, will assist in raising the ranks of our volunteer firefighters in the City of North Tonawanda which in turn will serve as an economic benefit to the city, as the cost savings the volunteers provide are substantial. A strong and vibrant volunteer firefighter force will only serve to supplement and enhance our current outstanding department of paid firefighters.

Accordingly, I am requesting that a resolution be passed supporting United States Senate Bill S.857, sponsored by Senator Schumer, that would provide a \$1,000 federal income tax credit to volunteer firefighters and emergency medical technicians, as described in said Senate Bill.

Thank you very much for your attention to this matter.

Very truly yours,
Lawrence V. Soos
Mayor

MOVED by Alderman Brick

SECONDED by Alderman Donovan

That the Common Council hereby supports the United States Senate Bill S.857, sponsored by Senator Schumer, that would provide a \$1,000 federal income tax credit to volunteer firefighters and emergency medical technicians, as described in said Senate Bill.

Ayes: Brick, Pasiak, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

CARRIED.

II.1 Attorney

May 28, 2009

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

Re: Special Assessment District Regarding Marcia Drive

Dear Honorable Body:

It has been determined that Marcia Drive will be rebuilt to include concrete curbs with underdrain along with construction of a new storm sewer. It has also been determined that the new improvements, that is the concrete curbing, bubbler drains and a 50% share of the storm sewer system shall be financed by special assessments.

The procedure for establishing said special assessment district is for the Council to pass a resolution stating its intention to establish said district. Said intention is then published in the official newspaper for two successive weeks and a notice is mailed to each affected property owner. After these notices, the council may move ahead and establish said special assessment districts.

If you concur, please pass the following resolution:

“Be it hereby resolved that the Common Council hereby declares its intention to establish a special assessment district for the purpose of financing the installation of concrete curbs with underdrain, bubbler drains and 50% of the cost of the storm sewer system any other related required infrastructure affecting the following parcels: Tax Map Nos.: 176.17-3-4; 176.17-3-5; 176.17-3-6; 176.17-3-7; 176.17-3-8; 176.17-3-9; 176.17-3-10; 176.17-3-11; 176.17-3-12; 176.17-3-13; 176.17-3-14; 176.17-3-15; 176.17-4-17; 176.17-4-18; 176.17-4-19; 176.17-4-20; 176.17-4-21; 176.17-4-22; 176.17-4-24; 176.17-4-25; 176.17-4-26; 176.17-4-27; 176.17-5-28; 176.17-5-29; and 176.17-4-30. Furthermore, the City Clerk-Treasurer is hereby directed to publish said intention in the official newspaper once each week for two successive weeks and to mail a copy of said notice to each affected property owner. Said special assessment district will be voted upon at the regular Common Council meeting to be held on June 16, 2009.”

Very truly yours,
Robert Sondel
Assistant City Attorney

MOVED by Alderman Pasiak

SECONDED by Alderman Brick

That the Common Council hereby declares its intention to establish a special assessment district for the purpose of financing the installation of concrete curbs with underdrain, bubbler drains and 50% of the cost of the storm sewer system any other related required infrastructure affecting the following parcels: Tax Map Nos.: 176.17-3-4; 176.17-3-5; 176.17-3-6; 176.17-3-7; 176.17-3-8; 176.17-3-9; 176.17-3-10; 176.17-3-11; 176.17-3-12; 176.17-3-13; 176.17-3-14; 176.17-3-15; 176.17-4-17; 176.17-4-18; 176.17-4-19; 176.17-4-20; 176.17-4-21; 176.17-4-22; 176.17-4-23; 176.17-4-24; 176.17-4-25; 176.17-4-26; 176.17-4-27; 176.17-4-28; 176.17-4-29; and 176.17-4-30. Furthermore, the City Clerk-Treasurer is hereby directed to publish said intention in the official newspaper once each week for two successive weeks and to mail a copy of said notice to each affected property owner. Said special assessment district will be voted upon at the regular Common Council meeting to be held on June 16, 2009.”

Ayes: Brick, Pasiak, Schwandt, Donovan, Sommer

(5)

Nays: None

(0)

CARRIED.

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

MOVED by Alderman Donovan **SECONDED** by Alderman Brick
 That the Common Council hereby authorizes the Mayor to sign five (5) copies of the contract amendment from New York State Parks, Recreation and Historic Preservation that amends our contract for Project 2002-01, Niagara Riverwalk Contract B, State Contract C560216, to the actual final construction cost, subject to review by the City Attorney.

Ayes: Brick, Pasiak, Schwandt, Donovan, Sommer (5)

Nays: None (0)

CARRIED.

IV.2 Engineer

May 27, 2009

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

Re: Sweeney Street Canal Wall Dock Construction
 State Contract C361273 Amendment

Dear Honorable Body:

Enclosed is a contract amendment from New York State Parks, Recreation and Historic Preservation that amends our contract for the above referenced project to the actual final construction cost. This amendment is needed for the State to issue final payment and close out of the project.

Please authorize the Mayor to sign five (5) copies of the amendment, 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 hereby authorizes the Mayor to sign five (5) copies of the contract amendment from New York State Parks, Recreation and Historic Preservation that amends our contract for Project Sweeney Street Canal Wall Dock Construction, State Contract C361273, to the actual final construction cost, subject to review by the City Attorney.

Ayes: Brick, Pasiak, Schwandt, Donovan, Sommer (5)

Nays: None (0)

CARRIED.

IV.3 Engineer

May 27, 2009

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

Re: Project 2002-01, Niagara Riverwalk Contract A
 State Contract RPT-03-NI-02 Amendment

Dear Honorable Body:

FURTHER, BE IT RESOLVED that the Common Council as Lead Agency hereby issues a Negative Declaration under SEQR Regulations for the potential sale of the former Niagara River Yacht Club Marina, located at 1000 River Road, and authorizes the Common Council President to sign said Environmental Assessment form.

Ayes: Brick, Pasiak, Schwandt, Donovan, Sommer (5)

Nays: None (0)

CARRIED.

IV.5 Engineer

May 27, 2009

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

**RE: Marcia Drive Reconstruction
Project No. 2009-01
SEQRA – Environmental Assessment**

Honorable Body:

In accordance with the New York State Environmental Quality Review Act (SEQRA), the City in its capacity as lead agency, has prepared an environmental assessment of the significance of potential environmental impacts of the full depth re-construction of 900 linear feet of roadway on Marcia Drive including new curbing and new storm sewer. This project is considered an unlisted action under SEQRA.

In order for the City to issue a Negative Declaration, Notice of Determination of Non-Significance, the Common Council should act on the following attached resolution.

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

MOVED by Alderman Pasiak

SECONDED by Alderman Brick

WHEREAS, the City of North Tonawanda intends to re-construct approximately 900 linear feet of roadway on Marcia Drive, from Meadow Drive to dead end, including new curbing and new storm sewer

BE IT RESOLVED, that the Common Council has reviewed the Environmental Assessment prepared by the Engineer; and

BE IT RESOLVED, that the Common Council declares that based on the Environmental Assessment which has been prepared, the project is an unlisted action and will not result in any significant adverse impacts, and therefore will not have a significant impact on the environment; and

FURTHER, BE IT RESOLVED that the Common Council hereby issues a Negative Declaration under SEQR Regulations for the roadway and sewer improvements to the Marcia Drive area, and authorizes the Common Council President to sign said Environmental Assessment form.

Ayes: Brick, Pasiak, Schwandt, Donovan, Sommer (5)

Nays: None (0)

CARRIED.

X. Police

May 26, 2009

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

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

Todd W. Bush – 371 Bennett St., North Tonawanda, NY 14120

Randy D. Szukala
Chief of Police

MOVED by Alderman Pasiak SECONDED by Alderman Schwandt
That the Common Council hereby appoints Todd W. Bush, 371 Bennett St., North
Tonawanda, NY 14120 as a Commissioner of Deeds for the City of North Tonawanda for a
term beginning June 3, 2009 ending June 2, 2011.
CARRIED.

XVI.1 Clerk-Treasurer

May 28, 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:

Please take the necessary action to either accept or reject the bid on the marina property at
1000 River Road. The winning bid was \$270,000.00 resulting from the public auction held by
the City and Auctions International on May 18, 2009 in the Common Council chambers at
North Tonawanda City Hall.

If approved, please direct the City Attorney to prepare the quit-claim deeds.

Very truly yours,
Robert G. Ortt
City Clerk-Treasurer

MOVED by Alderman Schwandt SECONDED by Alderman Pasiak
That the Common Council hereby accepts the bid of \$270,000.00 for the marina property
1000 River Road.
Ayes: Sommer (1)
Nays: Brick, Pasiak, Schwandt, Donovan (4)
MOTION FAILED.

XVI.2 Clerk-Treasurer

May 29, 2009

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

COMMUNICATIONS FROM OTHERS

A.

Richard Andres, Jr.
 Jerome DiVirgilio
 Robert W. Fritz
 Lawrence J. Higgins
 Christopher M. Perna
 Katie Jo Rich
 Jerome F. Schley, Jr.
 Janet Zehr

May 2009

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

Dear Honorable Body:

We are requesting to be appointed as a Commissioner of Deeds for the City of North Tonawanda.

Thank you.

Sincerely,

Richard Andres, Jr
 249 Wheatfield Street
 N. Tonawanda, NY 14120

Jerome DiVirgilio
 767 Payne Avenue
 N. Tonawanda, NY 14120

Robert W. Fritz
 33 East Felton Street
 N. Tonawanda, NY 14120

Lawrence J. Higgins
 1411 Ruie Road
 N. Tonawanda, NY 14120

Christopher M. Perna
 116 19th Ave Apt 2
 N. Tonawanda, NY 14120

Katie Jo Rich
 279 Wheatfield Street
 N. Tonawanda, NY 14120

Jerome F. Schley, Jr.
 279 Wheatfield Street
 N. Tonawanda, NY 14120

Janet Zehr
 971 Sweeney Street
 N. Tonawanda, NY 14120

MOVED by Alderman Schwandt

SECONDED by Alderman Pasiak

That the Common Council hereby appoints Richard Andres, Jr, 249 Wheatfield Street, N. Tonawanda, NY 14120; Jerome DiVirgilio, 767 Payne Avenue, N. Tonawanda, NY 14120; Robert W. Fritz, 33 East Felton Street, N. Tonawanda, NY 14120; Lawrence J. Higgins, 1411 Ruie Road, N. Tonawanda, NY 14120; Christopher M. Perna, 116 19th Ave Apt 2, N. Tonawanda, NY 14120; Katie Jo Rich, 279 Wheatfield Street, N. Tonawanda, NY 14120; Jerome F. Schley, Jr., 279 Wheatfield Street, N. Tonawanda, NY 14120 and Janet Zehr, 971 Sweeney Street, N. Tonawanda, NY 14120 as Commissioners of Deeds for the City of North Tonawanda for a term beginning June 3, 2009 ending June 2, 2011.

CARRIED.

B.

Christa Platts

May 13, 2009

Dear Mayor Soos:

It is the time of year where we, on Tremont St. from Payne Ave to Vandervoort are planning our first block party. I am writing to you to get permission for this event. We are planning for Saturday, August 1st, 2009 from 12 noon until around 11:00pm. I hope we can have your approval for this event is something all of our families are looking forward to this year. Please feel free to stop by and join us for the fun.

Sincerely,
 Christa Platts & the Tremont Families

06-02-09

MOVED by Alderman Brick

SECONDED by Alderman Donovan

That the Common Council hereby grants permission to Christa Platts to hold a block party on Tremont Street from Payne Avenue to Vandervoort Street on Saturday, August 1, 2009 from 12 noon until 11:00pm.

CARRIED.

AUDIENCE PARTICIPATION –

Kathy Kern, 1248 Greenbrier Lane – Complained that the loose gravel on roads is a safety hazard for bikers.

Walter Yaro, 170 Christiana Street – Asked about the Meadow Drive Extension, the status of the Wal-Mart project, the residency ordinance change and the SEQRA for Marcia Drive.

Mike Gondek, 257 Brentwood Drive – Asked if NT is doing all it can to secure funding from the Obama Administration and wanted to know the status of the Tri-City Water Study.

Melissa Manton, 261 Tremont Street – Thanked the Common Council for approving the Block Party on Tremont Street.

Debbie Gondek, 257 Brentwood Drive – Stated that City Engineer should be required to attend the Planning Board meetings.

ADJOURNMENT

MOVED by Alderman Brick

SECONDED by Alderman Sommer

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

CARRIED.

Time of Adjournment: 6:55 P.M.

Respectfully submitted,

**Robert G. Ortt
Clerk-Treasurer**