

**THE HONORABLE BODY**  
**Council Chambers**  
**Municipal Building**  
**North Tonawanda, New York 14120**  
**Tuesday, September 20, 2016**  
**6:31P.M.**

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

**PLEDGE OF ALLEGIANCE**

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**ROLL CALL**

**Present:** President Rizzo  
Alderman Zadzilka, Braun, Schwandt, Pecoraro

**Absent:** None

**Also Present:** Mayor Arthur G. Pappas  
City Attorney Katherine D. Alexander

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**AUDIENCE PARTICIPATION - None**

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSION SEPTEMBER 6, 2016**

**MOVED** by Alderman Zadzilka                      **SECONDED** by Alderman Braun  
That the minutes of the regular session meeting held September 6, 2016 be approved as  
circulated and filed in the Office of the City Clerk.  
**CARRIED.**

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**PROOF OF PUBLICATION PUBLISHED SEPTEMBER 1 & 8, 2016**

- 1) Legal Notice – Collector’s Notice of Payment of School Taxes for the City/School  
District of North Tonawanda – City Clerk-Treasurer

**MOVED** by Alderman Braun                      **SECONDED** by Alderman Zadzilka  
That the Common Council hereby receives and files the aforementioned Proof of  
Publications.  
**CARRIED.**

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**COMMUNICATIONS FROM CITY OFFICIALS**

**Common Council**

August 1, 2016

Mr. Daniel Quinn  
Clerk-Treasurer  
City Hall  
216 Payne Avenue  
North Tonawanda, NY 14120

Dear Mr. Quinn,



The YWCA of the Niagara Frontier is requesting the Common council to re-zone 49 Tremont from M-1 Light Manufacturing District to C-1 Neighborhood Business District.

The YWCA of the Niagara Frontiers' 49 Tremont location is not currently used to capacity and is in need of continued repairs. The repurposing of the facility will not only provide relevant programs for the changing needs of the community, it will renovate an aging structure into a new energy efficient facility that fits within the vibrant renaissance of the downtown corridor. The proposed plan seeks to repurpose the 49 Tremont facility into a mixed-use housing facility, creating affordable permanent housing for low income and homeless single women in North Tonawanda. Included in the proposed site will be workforce training services and a culinary social enterprise to respond to the targeted areas of growth and tourism.

The development of mixed-use housing in the downtown corridor is in alignment with the Niagara County Continuum of Care priorities and the 2015 North Tonawanda Housing Market Analysis and the Needs Assessment that identified the need for increased mixed-use housing, housing for single women and rental options in the downtown district. Additionally, the development of on-site culinary social enterprise with workforce training a successful model used for ten years by the YWCA, will respond to the goal of leveraging the burgeoning tourism sector while increasing job training and employment opportunities for disadvantaged communities. The Riviera Theatre, located across from the YWCA, is undergoing massive expansion and an on-site café/coffee house would provide an additional venue for the increased downtown commercial traffic. The proposed project is unique in that it captures Smart Growth priorities of mixed-use housing and connecting disadvantaged communities with employment opportunities while simultaneously building on the economic revitalization of the North Tonawanda downtown corridor.

The project will directly benefit single women who cannot afford safe and decent permanent housing in North Tonawanda. Housing with on-site workforce development programs and employment opportunities increases with workforce and enhances the sustainability of the program and community. Smart growth and centrally located housing options eliminates transportation obstacles to critical services and resources and encourages a walking community. The project will also benefit the downtown corridor of North Tonawanda by repurposing a fixed asset into mixed-use housing and a commercial business to support the targeted industry of tourism.

The commercial repurposing of the building has the full support of the Lumber City Development Corporation as it exemplifies the goals of the strategic plan and builds on the momentum of the downtown economic revival. Workforce training with employment opportunities builds sustainable career paths for disadvantaged populations. The program will facilitate equal access to employment through education, skill training and transferable credentials. The multiplier effects of increased employment opportunities will provide broader economic growth in the community.

Thank you for your consideration.

Sincerely,  
Kathleen A Granchelli  
CEO

MOVED by Alderman Braun

SECONDED by Alderman Pecoraro

That the Common Council hereby after review from the public hearing that was held on Tuesday, September 6, 2016 at 6:00PM regarding the rezoning of 49 Tremont Street and recommendation from the Planning Board, the rezoning of the YWCA from M-1 Light Manufacturing District to C-1 Neighborhood Business District is granted.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

(5)

Nays: None

(0)

CARRIED.

000205



I. Mayor

September 6, 2016

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

Re: Appointment to North Tonawanda Plumbing Board

Dear Honorable Body:

Please be advised that I will be appointing David Kubinieć, 4268 Upper Mountain Road, Sanborn, NY 14132 who is also our City Plumbing Inspector to the North Tonawanda Plumbing Board, effective immediately.

Thank you for your attention to this matter.

Sincerely,  
Arthur G. Pappas  
Mayor

MOVED by Alderman Schwandt      SECONDED by Alderman Pecoraro  
That the Common Council hereby receives and files the aforementioned appointment of David Kubinieć 4268 Upper Mountain Road, Sanborn, NY 14132 to the North Tonawanda Plumbing Board effective immediately.  
CARRIED.

II.1 Attorney

August 12, 2016

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

Re: Proposed Agreement between North Tonawanda City School District and City of North Tonawanda for Room Rental at Grant Elementary School

Dear Honorable Body:

Attached, for your review, is a proposed Agreement between the North Tonawanda City School District and the City of North Tonawanda for room rental of certain rooms at Grant Elementary School for use by the City of North Tonawanda Youth Center. The term runs from October 1, 2016, to September 30, 2017, and the annual rental in \$10,000.

Should your Honorable body concur, please pass a resolution to allow the Mayor to execute the Agreement between the North Tonawanda City School District and the City of North Tonawanda for room rental at Grant Elementary School for use by the City of North Tonawanda Youth Center, subject to any further review by the City Attorney.

Very truly yours,  
Katherine D. Alexander  
City Attorney

MOVED by Alderman Zadzilka      SECONDED by Alderman Braun  
The Common Council hereby approves the rental agreement with the North Tonawanda City School District to rent a portion of the former Grant Elementary School building to accommodate the City of North Tonawanda Youth Center, terms of the agreement is one (1) year – October 1, 2016 until September 30, 2017 at an annual rental amount of \$10,000 subject to further review by the City Attorney.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

(5)

Nays: None

(0)

CARRIED.



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**II.2 Attorney**

September 15, 2016

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

Re: Donner Creek Easements

Dear Honorable Body:

As you have heard at a number of Council meetings and workshops there is continued concern from residents regarding the flooding of Donner Creek, as well as issues creating stagnant water in residents' back yards. In an attempt to alleviate the issues, our Public Works Department could clear out debris, trees growing in the creek and fix the grades in order to provide proper flow down the creek.

In order to allow the DPW to abate these issues, the City would need permission from the landowners that the creek intersects. The City Engineer has spent numerous hours walking the site with residents and explaining the project. A number of residents have signed easements, both permanent and temporary, and will allow the city to come clean out the creek. The easements give the City permission to be only 30 feet on their property, measured from the center of the creek.

Should your Honorable Body concur, please authorize the Mayor to sign the easements, so that the project can commence.

Sincerely,  
Katherine D. Alexander, Esq.  
City Attorney

MOVED by Alderman Pecoraro

SECONDED by Alderman Rizzo

That the Common Council hereby approves both the permanent and temporary *Donner Creek Easements* for the landowners that the creek intersects, so that the DPW can clear out debris, trees growing in the creek and fix the grades in order to provide proper flow down the creek, and directs the Mayor to sign said easements, subject to review by the City Attorney.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

(5)

Nays: None

(0)

CARRIED.

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**II.3 Attorney**

September 14, 2016

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

Re: Sale of 682 East Robinson Street to Adjacent Property Owner

Dear Honorable Body:

Attached is a request from the attorney for Robert Thompson, 690 East Robinson Street, for your Honorable Body to consider selling the adjacent property (682 East Robinson Street) to his client, Mr. Thompson. The appropriate department heads have been consulted as to concerns and/or retaining any easements for city use, and they have agreed that the sale could go forward if a sewer easement is retained.

If your Honorable Body concurs, please pass a resolution for the City of North Tonawanda to sell the property at 682 East Robinson Street to Mr. Robert Thompson, at



his offer of \$500.00, providing that the City retains a sewer easement on the property, subject to any further review by the City Attorney.

Very truly yours,  
Katherine D. Alexander  
City Attorney

**MOVED** by Alderman Zadzilka                      **SECONDED** by Alderman Pecoraro  
That the Common Council hereby grants the sale of the property at 682 East Robinson Street to Mr. Robert Thompson 690 East Robinson Street, North Tonawanda, NY 14120 at his offer of \$500, providing that the City retains a sewer easement on said property, subject to further review by the City Attorney.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)

Nays: None (0)

**CARRIED.**

#### VII.1 Accountant

September 15, 2016

Honorable Arthur G. Pappas, Mayor  
& Common Council  
City Hall —216 Payne Avenue  
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 September 20, 2016, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Very truly yours,  
Mark W. Dotterweich  
City Accountant

**MOVED** by Alderman Pecoraro                      **SECONDED** by Alderman Schwandt  
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated September 20, 2016 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$190,622.58
02	Water Fund	6,040.71
04	Sewer Fund	7,831.12
06	Capital Project Fund	77,058.30
07	Trust & Agency Fund	6.99
00	Final Total	<u>\$281,559.70</u>

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)

Nays: None (0)

**CARRIED.**

#### VII.2 Accountant

September 15, 2016

Honorable Arthur G. Pappas, Mayor  
& Common Council  
City Hall —216 Payne Avenue  
North Tonawanda, New York 14120

000208







**MOVED** by Alderman Pecoraro                      **SECONDED** by Alderman Zadzilka  
 That the Common Council hereby approves the aforementioned retirement incentive for all employees covered under the CSEA and AFSCME negotiated contracts who retire between September 20, 2016 and October 31, 2016, subject to further review by the City Attorney.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)

Nays: None (0)

**CARRIED.**

#### XIV. Parks & Recreation

September 15, 2016

Honorable Mayor Pappas  
 And Common Council  
 216 Payne Avenue  
 North Tonawanda, NY 14120

Dear Mayor Pappas and Common Council,

I respectfully request that the 2016 State Aid Appropriation as recommended by the North Tonawanda Youth Board be accepted and approved. Funding is provided by the New York State Office of Children and Family Services and administered by the Niagara County Department of Social Services on behalf of the Niagara County Youth Bureau.

The 2016 appropriations are:

- Department of Youth, Recreation & Parks Youth Programs                      \$18,000.00
- Youth Court and First Offender Program    \$13,800.00

The total State Aid for Youth Program allocation for 2016 will be Thirty One Thousand, Eight Hundred Dollars (\$31,800.00).

Respectfully submitted,  
 Patricia A. Brosius  
 Director of Youth, Recreation & Parks

**MOVED** by Alderman Schwandt                      **SECONDED** by Alderman Pecoraro  
 That the Common Council hereby approves and accepts the total State Aid for Youth Program allocation for 2016 of Thirty One Thousand, Eight Hundred Dollars (\$31,800.00), subject to review by the City Attorney.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)

Nays: None (0)

**CARRIED.**

#### XXV. Monthly Reports

.1 Senior Citizen Center    .2 Police Department    .3 Clerk-Treasurer

**MOVED** by Alderman Pecoraro                      **SECONDED** by Alderman Zadzilka  
 That the Common Council hereby, approves the aforementioned Monthly Reports.

**CARRIED.**

#### XXXII. Community Development

September 8, 2016

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

Re: Restore NY Communities Initiative

000210



Dear Honorable Body:

Empire State Development recently announced the Restore NY Communities Initiative grant with the purpose of *“providing municipalities with financial assistance for revitalization of commercial and residential properties. The program encourages community development and neighborhood growth through the elimination and redevelopment of blighted structures.”*

Municipalities may apply for up to \$500,000 and eligible projects must *“demolish, deconstruct, rehabilitate and/or reconstruct vacant, abandoned, condemned and surplus properties.”* Successful applications should demonstrate as many of the following as possible: project feasibility, project readiness, location within an urban downtown, location within a Brownfield Opportunity Area, consistent with community redevelopment plan, ability to induce commercial investment, and clearly identified need.

Given the criteria noted above, with a particular emphasis from Empire State Development on project feasibility and project readiness, the Department of Community Development believes there are two feasible development projects within the downtown area which would make a strong application. The grants funds would be used for reconstruction and renovation of two vacant properties in the downtown area, located at 22 Main Street and 211 Main Street, in order to facilitate new commercial development.

The Department of Community Development is requesting your authorization for the Mayor to sign and submit a grant application for up to \$500,000 to Empire State Development under the restore NY Communities Initiative. The Department of Community Development will be publishing a list of the properties for public review and is further requesting authorization to conduct a public hearing to gain public feedback and input regarding the grant application.

I appreciate your consideration in this matter.

Sincerely,  
 Michael Zimmerman  
 Director of Community Development

**MOVED** by Alderman Zadzilka      **SECONDED** by Alderman Pecoraro  
 At a regular meeting of the Common Council of the City of North Tonawanda, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 p.m. on September 20, 2016, the Council approved the follow resolution:

**WHEREAS**, Empire State Development Corporation is accepting applications to the Restore NY Communities Initiative grant with the purpose of providing municipalities with financial assistance for revitalization of commercial and residential properties; and

**WHEREAS**, municipalities may apply for up to \$500,000 and eligible projects must demolish, deconstruct, rehabilitate and/or reconstruct vacant, abandoned, condemned and surplus properties; and

**WHEREAS**, criteria for successful grant applications include project feasibility, project readiness, location within an urban downtown, location within a Brownfield Opportunity Area, consistency with community redevelopment plan, ability to induce commercial investment, and clearly identified need; and

**WHEREAS**, the City of North Tonawanda has identified two properties, which together for the Downtown Gateway project, which meet the Restore NY Communities Initiative criteria; and

**NOW, THEREFORE, BE IT RESOLVED**, that the North Tonawanda Common Council finds the Downtown Gateway project to be consistent with the City’s local urban revitalization plans; that the proposed financing is appropriate for the project; that the project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and the project develops and enhances facilities in a manner that will attract, create and sustain employment opportunities; and

**BE IT FURTHER RESOLVED**, that the North Tonawanda Common Council hereby authorizes the Mayor to sign and submit a grant application request in an amount of up to



\$500,000 to Empire State Development Corporation for the Restore NY Communities Initiative.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)

Nays: None (0)

CARRIED.

## COMMUNICATIONS FROM OTHERS

A.

Gratwick Hose Company

September 13, 2016

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

Honorable Mayor & Common Council Members:

Please place the name of Donald Hemmerling III on the Fire Rolls

Thank you,  
David A. Rogge  
Membership Secretary

MOVED by Alderman Rizzo

SECONDED by Alderman Pecoraro

That the Common Council hereby approves Donald Hemmerling III to be added to the NT Fire Rolls.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)

Nays: None (0)

CARRIED.

## AUDIENCE PARTICIPATION

Barbara Barrett 780 Castlebar Drive – Wanted to know who owned the strip of road from Meals on Wheels to Payne Avenue. Said it is like driving on an obstacle course with all the pot holes. Said that she was so happy that Lin Barbecue is opening on Oliver, Oliver is starting to come back.

John Lukasik 454 Schenck Street – Asked why the City can't put pressure on the School District to do half of the road and Sportsplex to do the other half of the road. Said it is important that we are able to provide meals to the residents of North Tonawanda and the road from Meals on Wheels to Payne is bad. Said he wanted to compliment the City for having the Healing Fields, it was amazing to see the cars on River Road going both directions stopping to see the flags. Said we even got an extra whistle blow from a passing train.

JoAnn Guercio 126 Williams Street (Tonawanda) – Wanted to thank the City of North Tonawanda for allowing them to use Gratwick Park for the Healing Fields.

Dennis O'Sullivan 192 Walter Drive – Asked how many easements have been sent out and how many have come back, each day he has stagnate water in his yard. Wants the City to have plan "B", and is formally requesting a meeting with the Mayor, Dale Marshall and the City Attorney.

Dave Fingerlow 32 Seventh Avenue – Wanted to bring up the issue of Terrace Parking again. Asked if the City has come up with anything yet to address the issue with curbed streets that do not have enough room to park. Said he doesn't understand why people cannot park on the terraces when they have curbs, or when a street is only parking on one



side and you share a driveway why you cannot park all year on the terrace. Asked about the RV on the corner of Jackson and Winter, and how come he can park all year round.

Jean Kroetsch 464 Witmer Road – Said she came to tell all the beautiful people what a great job the volunteers did at the Healing Field. Said she thought there was an ordinance that said you could not park your car on City property. Said since we did not have a newspaper we considered ourselves a lost community. Stated now we do have one that comes once a week in the mail and that is great, but they don't print an obituary and people do not know when their friends pass away. Asked if the funeral homes do not want to pay to provide the paper with names and dates, can the City?

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ADJOURNMENT

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

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Time of Adjournment: 7:28P.M.

Respectfully submitted,



Daniel R. Quinn  
City Clerk-Treasurer