

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, July 16, 2019
5:00 P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT ZADZILKA

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: President Zadzilka
Alderman Braun, Berube, Pecoraro, Tylec

Absent: None

Also Present: Mayor Arthur G. Pappas
City Attorney Luke Brown

AUDIENCE PARTICIPATION - None

APPROVAL OF THE MINUTES OF THE REGULAR SESSION JULY 2, 2019

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro
That the minutes of the regular session meeting held July 2, 2019 be approved as circulated
and filed in the Office of the City Clerk.
CARRIED.

PROOF OF PUBLICATION PUBLISHED 6/29/2019

- 1) Legal Notice – Public Hearing to discuss the City’s Economic Development programs and submission of an application to the NYS Office of Community Renewal for Community Development Block Grant Funding – Community Development

PROOF OF PUBLICATION PUBLISHED 7/1/2019

- 1) Legal Notice – Completion of the 2019 Final Assessment Roll – City Assessor

MOVED by Alderman Pecoraro SECONDED by Alderman Berube
That the Common Council hereby receives and files the aforementioned Proof of
Publications.
CARRIED.

COMMUNICATIONS FROM CITY OFFICIALS

II. Attorney

July 9, 2019

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

**Re: Proposed School Recourse Officer Agreement between City of North
Tonawanda and North Tonawanda City School District**

Dear Honorable Body:

Attached, for your consideration, is a proposed School Resource Officer Agreement between the City of North Tonawanda and the North Tonawanda City School District to provide for the assignment of police officer(s) to serve as school resource officers within the school district. This is a 1-year agreement to run from August, 2019 until June 30, 2020.

Should your Honorable Body concur, please pass a resolution authorizing the Mayor to execute the agreement on behalf of the City of North Tonawanda, subject to any further review by the City Attorney.

Very truly yours,
Luke A. Brown
City Attorney

MOVED by Alderman Zadzilka

SECONDED by Alderman Braun

That the Common Council hereby at a regular session meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 5:00 PM on July 16, 2019, approves the enclosed proposed School Recourse Officer Agreement between City of North Tonawanda and North Tonawanda City School District, for (1) year to run from August, 2019 until June 30, 2020. Subject to further review by the City Attorney.

Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka

(5)

Nays: None

(0)

CARRIED.

V. Supt. Water/Wastewater

July 11, 2019

Honorable Mayor Arthur G. Pappas
And Common Council
216 Payne Avenue / City Hall
North Tonawanda, NY 14120

**Re: Approval of G&G Municipal Consulting and Grant Writing to perform
A Municipal Housing Income Survey**

Honorable Body:

On May 9, 2019 Wendel Engineering and I gave a presentation to you regarding the advantages for the City to have a Municipal Housing Income ("MHI") survey done.

If successful, the MHI survey would help the City achieve a 0% borrowing rate for all City projects, including projects done through Lumber City Development. As an example, the City would save \$1,000,000 - \$2,000,000 over the life of a 20 year bond for phase #1 of our current \$6,000,000 Wastewater Plant Capital Improvement Plan.

Three bids have been received for this work and G&G Municipal Consulting and Grant Writing is the low bidder at a cost of \$31,750.

Therefore, I respectfully request that the Council grant the Mayor permission to enter into a contract with the low bidder, G&G Municipal Consulting and Grant Writing, 131 S. Union Street, Spencerport, NY 14559 in the amount of \$31,750 to perform a MHI survey. This contract is contingent upon the City Attorney's approval.

Thank you for your time and consideration of our request.

Sincerely,
William M. Davignon
Supt. Water/Wastewater

MOVED by Alderman Tylec **SECONDED** by Alderman Pecoraro
That the Common Council hereby grants permission for the Mayor to enter into a contract agreement with, G&G Municipal Consulting and Grant Writing, 131 S. Union Street, Spencerport, NY 14559 in the amount of \$31,750 to perform a MHI survey. Subject to review by the City Attorney.

Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka (5)

Nays: None (0)

CARRIED.

VII. Accountant

July 7, 2019

Honorable Arthur G. Pappas, Mayor
and Common Council
City Hall, 216 Payne Avenue
North Tonawanda, NY 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 July 16, 2019 and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Regards,
Amanda Reimer
City Accountant

MOVED by Alderman Berube **SECONDED** by Alderman Braun
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated July 16, 2019 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$179,790.47
02	Water Fund	53,406.47
04	Sewer Fund	38,918.57
06	Capital Project Fund	1,818.00
07	Trust & Agency Fund	1,704.54
81	CD – Comm. Dev.	16,200.00
86	CD – HOME Program	36.50
87	CD – Imprest	<u>4,732.00</u>
00	Final Total	<u>\$296,606.55</u>

Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka (5)

Nays: None (0)

CARRIED.

X. Police Chief

July 1, 2019

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

Dear Honorable Body:

Due to the recent retirement of School Crossing Guard Supervisor June Hy, School Crossing Guard Jill M. Flanders of 57 Vandervoort Street, North Tonawanda, NY 14120 has been appointed as School Crossing Guard Supervisor for the North Tonawanda Police Department effective July 1, 2019.

Respectfully,
 Roger R. Zgolak
 Chief of Police

MOVED by Alderman Braun SECONDED by Alderman Zadzilka
 That the Common Council hereby approves the appointment of Jill M. Flanders, 57 Vandervoort Street, North Tonawanda, to the position of School Crossing Guard Supervisor effective July 1, 2019.

Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka (5)

Nays: None (0)

CARRIED.

XVII. Traffic Safety

June 17, 2019

Matthew L. Parish
 City Clerk-Treasurer
 216 Payne Avenue
 North Tonawanda, NY 14120

Traffic Safety Minutes:

The June 2019 meeting of the North Tonawanda Traffic Safety Committee was called to order at 1900 hours. Roll call showed the following members present: R. Frank, J. Sikora, M. Daigler, A. Vater, M. Lemke, D. Grinnell, M. Anastasi, A. DiBernardo. The minutes from the previous meeting were read and accepted, the following new concerns/requests were discussed, and recommendations made.

1. Alan Mazzuchelli of 1426 Doebler Drive contacted traffic safety last month regarding taking out stop signs at Payne Avenue @ Tremont Street and Payne Avenue @ Goundry Street. This issue was brought up a few years ago and the committee recommended taking down the stop sign at Payne Avenue @ Tremont Street. A couple weeks after the stop signs were taken down the city asked us to put the stop signs back up. The committee is unanimous in the decision to leave the intersections how they are. Member Frank has reached out to Mazzuchelli by phone 6 times during the weeks leading up to our meeting and there has been no answer, and there is also no voicemail set up. Member Daigler has talked to Mazzuchelli and will reach out to him again regarding our decision.
2. John Fularz of 599 Woodward Avenue requested "no parking" signs on his street. The committee has checked the street on numerous days at different times and there have not been any major parking problems. The committee believes that the big parking problem was due to a party on that particular day. Daigler will contact Mr. Fularz and advise him to speak to his neighbors and see if they would like the signs up also and if they do we will revisit this complaint.
3. Member Daigler put up "no parking" signs on Grant Street to help with the Grant School construction project.

4. Member Frank received a complaint from the mayor's office regarding big trucks using Christiana Street to get to the Grant School Project. Christiana Street can be used due to it is the most direct route to the project from the Twin City Memorial Highway.
5. Alexander 46 Inc., the owner of 311 Bryant Street, would like a terrace parking permit. The permit is declined at this time because the cars would be blocking the sidewalk.
6. Barbara Lipps of 65 Ward Road requested extra enforcement on Ward Road for tractor trailers using a non-truck route. Member Frank will have Traffic Officer Cress monitor the street.

Meeting adjourned at 2015 hours.

Travel Safely,
Robert J. Frank

MOVED by Alderman Berube SECONDED by Alderman Tylec
That the Common Council hereby receives and files the Traffic Safety minutes from their June meeting.

Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka

(5)

Nays: None

(0)

CARRIED.

XXV. Monthly Reports

.1 Clerk-Treasurer .2 Senior Citizen Center

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

XXVI. Semi-Annual Vacation & Sick Day Reports

.1 Building Inspector's Office

MOVED by Alderman Berube SECONDED by Alderman Tylec
That the Common Council hereby, approves the aforementioned Semi-Annual Vacation & Sick Day Report.
CARRIED.

XXVII. Semi-Annual Revenue Reports

.1 Building Inspector's Office

MOVED by Alderman Braun SECONDED by Alderman Pecoraro
That the Common Council hereby, approves the aforementioned Semi-Annual Revenue Report.
CARRIED.

XXXII.1 Community Development

July 1, 2019

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

Re: 2019 New York State Consolidated Funding Applications

Dear Honorable Body:

As you may be aware, the ninth round of state wide economic development funding through the New York State Regional Economic Development Councils has been announced. \$800 Million is available through a pool of over 20 state programs. In previous rounds, North Tonawanda submitted 23 applications and secured over \$2 million. This year's application deadline is July 26, 2019.

In consultation with various City departments, we have identified two potentially viable projects. These projects were selected based on a number of factors including project feasibility, project need, funding availability, and project readiness.

1.) BOA Implementation Funds

The City of North Tonawanda has completed the New York State Brownfield Opportunity Area (BOA) program and received designated BOA status in 2015. For the first time, the State is providing funding in the CFA to advance designated Brownfield Opportunity Areas. These funds can be used for a variety of pre-development activities such as market studies, infrastructure analyses, building condition surveys, site development plans, etc. The maximum grant awards available are \$300,000.

We are recommending the City apply for funding to complete a Phase 2 environmental study of 78 Bridge Street (former fire training facility) and an infrastructure analysis of Tonawanda Island to determine the infrastructure capacity on the Island and if there are deficiencies that would hinder future development.

We have estimated the total budget for the project is likely to be between \$75,000 - \$100,000. The BOA grant will provide up to 90% of the project funding with the City required to provide the remaining 10% match. We anticipate the City's required match would be between \$7,500 and \$10,000.

2.) Sweeney Street bicycle path

The project would extend the existing bike path from Mayor's Park to the Botanical Gardens. The path would primarily be along the east side of Sweeney Street on City right-of-way.

This application was made last year and was not successful. However this year we have secured a \$300,000 grant with the assistance of Senator Ortt's office and the State has made numerous investments in trails in the area, so we believe it has a strong chance to be funded. CFA funding requested would be made to New York State Department of State Local Waterfront Revitalization Program and Canal Corporation.

The total project cost estimate is \$1,029,500. State funding from all sources cannot exceed 75% (\$772,125), so the City would be required to provide a cash match of \$257,375.

Project budget:

DASNY grant:	\$300,000
Canal Corporation grant:	\$100,000
LWRP grant:	\$372,125
City cash match:	\$257,375
Total:	\$1,029,500

At this time we are respectfully requesting this Honorable Council authorize applications for grant funding to the New York State Department of State Brownfield Opportunity Area

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program in an amount not to exceed \$100,000 for the project at 78 Bridge Street, and to the New York state Department of State Local Waterfront Revitalization Program in the amount of \$372,175 and the New York Canal Corporation in the amount of \$100,000 for the Sweeney bicycle path project.

Thank you for your consideration. Please let me know if you have any questions or require any additional information.

Thank you,
Michael Zimmerman
 Dir. of Community Development

MOVED by Alderman Zadzilka **SECONDED by Alderman Pecoraro**
 That the Common Council hereby approves of Lumber City Development to submit applications for grant funding to the New York State Department of State Brownfield Opportunity Area program in an amount not to exceed \$100,000 for the project at 78 Bridge Street, and to the New York state Department of State Local Waterfront Revitalization Program in the amount of \$372,175 and the New York Canal Corporation in the amount of \$100,000 for the Sweeney bicycle path project. Subject to review by the City Attorney.
 Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka (5)
 Nays: None (0)
CARRIED.

XXXII.2 Community Development

July 11, 2019

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

Re: Request for authorization to submit a grant application to the New York State Office of Community Renewal for Community Development Block Grant Funding

Dear Honorable Body:

Santora's Pizza, Pub & Grill (Santora's) is considering establishing a location at 624 River Road. This proposed location would include a restaurant operation as well as a new craft brewery for the company. The company anticipates this project will create 60 new job positions at the North Tonawanda location.

Santora's has requested the City apply for funding from the New York State Office of Community Renewal's (OCR) Community Development Block Grant (CDBG) program. Lumber City Development Corporation (LCDC) is assisting the company with this project and further requests that, if awarded CDBG funds, the City grants these funds to LCDC for the purposes of making a loan or loans to Santora's.

The attached resolution would authorize the City to submit a grant application of approximately \$750,000; would authorize the Mayor, pending review by the City Attorney, to execute all documents with OCR related to the CDBG program; and would further designate the Mayor as Certifying Officer responsible for the federal environmental review process related to the project. I respectfully request this Honorable Body consider approving the attached resolution.

Kindest regards,
Michael Zimmerman
 Director of Community Development

MOVED by Alderman Berube **SECONDED by Alderman Braun**
 That the Common Council hereby at a regular session meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 5:00PM on July 16, 2019, approves the following resolution:

**AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE NEW YORK
STATE OFFICE OF COMMUNITY RENEWAL FOR COMMUNITY DEVELOPMENT
BLOCK GRANT FUNDING**

WHEREAS, Santora's Pizza, Pub, & Grill ("Santora's"), plans to purchase new equipment as a part of the development of a new restaurant and brewery operation at 624 River Road in North Tonawanda ("Project"); and

WHEREAS, Santora's has requested that the City apply for funding on its behalf from the New York State Office of Community Renewal (the "OCR") to finance a; portion of the machinery, equipment, and working capital costs for the project; and

WHEREAS, the Lumber City Development Corporation (the "LCDC") is assisting in the facilitation of the Project and has requested that the City provide the OCR funding to the LCDC as a grant for the purpose of making a loan or loans to Santora's; and

WHEREAS, the Project will result in substantial benefit to the City in the form of an estimated 60 new permanent full-time employment positions within two years; and

WHEREAS, the City has held a public hearing on July 2nd, 2019 at 6:00 PM to obtain citizens' views regarding the CDBG program as administered by OCR and the Project, now, therefore, be it

RESOLVED, that the City is hereby authorized to submit a grant application in the approximate amount of \$750,000 to the OCR to support the Project, and be it further

RESOLVED, that the Mayor is hereby authorized to execute documents between the City and the OCR and all related documents associated with the OCR grant application, such documents to be subject to review and approval by the City Attorney, and be it further

RESOLVED, that the Mayor is hereby designated as the Certifying Officer responsible for all activities associated with the federal environmental review process to be completed in conjunction with the project.

Subject to further review by the City Attorney.

Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka (5)

Nays: None (0)

CARRIED.

XXXII.3 Community Development

July 11, 2019

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

**Re: Request for authorization to submit a grant application to the New York State
Office of Community Renewal for Community Development Block Grant Funding**

Dear Honorable Body:

JFLR Enterprises, LLC, (JFLR) is considering constructing and establishing a restaurant and mixed-use facility to serve the local downtown North Tonawanda market at 110 Sweeney Street. The company anticipates this project will create 21 full-time and 36 part-time positions.

JFLR has requested the City apply for funding from the New York State Office of Community Renewal's (OCR) Community Development Block Grant (CDBG) program. Lumber City Development Corporation (LCDC) is assisting the company with is project and further requests that, if awarded CDBG funds, the City grant these funds to LCDC for the purposes of making a loan or loans to JFLR.

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The attached resolution would authorize the City to submit a grant application of approximately \$570,000; would authorize the Mayor, pending review by the City Attorney, to execute all documents with OCR related to the CDBG program; and would further designate the Mayor as Certifying Officer responsible for the federal environmental review process related to the project. I respectfully request this Honorable Body consider approving the attached resolution.

Kindest regards,
 Michael Zimmerman
 Director of Community Development

MOVED by Alderman Braun **SECONDED** by Alderman Zadzilka
 That the Common Council hereby at a regular session meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 5:00PM on July 16, 2019, approves the following resolution:

AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING

WHEREAS, JFLR Enterprises, LLC (“JFLR”), plans to purchase new equipment as a part of the development of a new restaurant development located at 110 Sweeney Street in North Tonawanda (“Project”); and

WHEREAS, JFLR has requested that the City apply for funding on its behalf from the New York State Office of Community Renewal (the “OCR”) to finance a; portion of the machinery, equipment, and working capital costs for the project; and

WHEREAS, the Lumber City Development Corporation (the “LCDC”) is assisting in the facilitation of the Project and has requested that the City provide the OCR funding to the LCDC as a grant for the purpose of making a loan or loans to JFLR; and

WHEREAS, the Project will result in substantial benefit to the City in the form of an estimated 21 new permanent full-time employment positions and 36 new permanent part-time employment positions within two years; and

WHEREAS, the City has held a public hearing on July 9th, 2019 at 6:00 PM to obtain citizens’ views regarding the CDBG program as administered by OCR and the Project, now, therefore, be it

RESOLVED, that the City is hereby authorized to submit a grant application in the approximate amount of \$570,000 to the OCR to support the Project, and be it further

RESOLVED, that the Mayor is hereby authorized to execute documents between the City and the OCR and all related documents associated with the OCR grant application, such documents to be subject to review and approval by the City Attorney, and be it further

RESOLVED, that the Mayor is hereby designated as the Certifying Officer responsible for all activities associated with the federal environmental review process to be completed in conjunction with the project.

Subject to further review by the City Attorney.

Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka

(5)

Nays: None

(0)

CARRIED.

COMMUNICATIONS FROM OTHERS

A.

Mental Health Peer Connection

June 28, 2019

Mayor Arthur G. Pappas
And Common Council
City Hall / 216 Payne Avenue
North Tonawanda, NY 14120

Dear Friends of North Tonawanda:

On behalf of Mental Health Peer Connection (MHPC), we are writing to request to use Gratwick Park for our upcoming Kite Flying Event on September 7, 2019. The event will begin at 11:00am on the 7th of September, and conclude at 3:00pm. We anticipate a group of about 100+ families to come and support Mental Health Peer Connection by flying their kites and enjoying hot dogs and hamburgers that will be grilled by our volunteers. In order to hold the function at Gratwick Park, we are more than willing to pay the \$300 that is needed to ensure the space.

Thank you for your time and consideration, and I look forward to hearing from your council soon. Please let me know if you need any more information or documentation from me in order to make your decision easier.

Maura Kelley, CPRP
Dir. of Mental Health Peer Connection

MOVED by Alderman Berube SECONDED by Alderman Tylec
That the Common Council hereby grants permission to Mental Health Peer Connection (MHPC), the use of Gratwick Park for their upcoming Kite Flying Event on Saturday, September 7, 2019, from 11AM to 3PM. Cost of said event is \$300 and a Certificate of Liability naming the City of North Tonawanda as the Certificate Holder will have to be submitted to the Attorney's Office prior to said event.

Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka (5)

Nays: None (0)

CARRIED.

AUDIENCE PARTICIPATION - None

ADJOURNMENT

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

Time of Adjournment: 5:07 P.M.

Respectfully submitted,

Matthew L. Parish
City Clerk-Treasurer