

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, July 21, 2020
6:30 P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT ZADZILKA

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Absent: None

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

AUDIENCE PARTICIPATION

Joe Kissel 950 East Robinson Street – Wrote in a response that he is opposed to the proclamation against hatred and wanted it pulled from the agenda.

APPROVAL OF THE MINUTES OF THE REGULAR SESSION JULY 7, 2020

MOVED by Alderman Zadzilka **SECONDED** by Alderman Pecoraro
That the minutes of the regular session meeting held July 7, 2020 be approved as circulated and filed in the Office of the City Clerk.

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

Nays: None (0)

CARRIED.

APPROVAL OF THE MINUTES OF THE SPECIAL SESSION JULY 14, 2020

MOVED by Alderman Tylec **SECONDED** by Alderman Braun
That the minutes of the special session meeting held July 14, 2020 be approved as circulated and filed in the Office of the City Clerk.

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

Nays: None (0)

CARRIED.

PROOF OF PUBLICATION PUBLISHED 6/27/2020

- 1) Legal Notice – The City is seeking services of a firm(s) or individual(s) to complete the Housing Market Analysis – Community Development

PROOF OF PUBLICATION PUBLISHED 7/1/2020

- 1) Legal Notice – Completion of the 2020 Final Assessment Roll – City Assessor

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

07-21-2020

COMMUNICATIONS FROM CITY OFFICIALS

#1. Robert Pecoraro

MOVED by Alderman Zadzilka **SECONDED** by Alderman Pecoraro
That the Common Council at a regular meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 p.m. on July 21, 2020 approves the “Proclamation Against Hatred”, and reads as follows:

PROCLAMATION AGAINST HATRED

WHEREAS, some people consider North Tonawanda a city with a less than desirable past due to the belief that it is a “sundown” city. This belief dates to the mid-1800s when people of different ethnicities worked the Erie Canal. A cousin of then-President U.S. Grant came to North Tonawanda and demanded the “canal boys” to move his boat on the Sunday evening. There is no mention in the record of the ethnicity of the said “canal boys.” Other terms for workers on the Erie Canal included “Canawler”, “steersman”, “mule driver”, “lock tender”, and “hoggees” (children who led mules on the towpath). Sunday, as today, was considered a day of rest, especially after working two six-hour shifts or “tricks” daily. The “canal boys” refused to assist this man with his cargo. A fight broke out with fists and progressed into knives; when it was over, the “canal boys” were ordered out of the City due to the fight. Most “canawlers” were transient, moving along the towpath on the circuitous route from Albany to Buffalo and back.

WHEREAS, to our knowledge, never was a law passed codifying a “sundown” order and therefore there was no enforcement. The City’s Wikipedia page highlights the city as a sundown town, according to James W. Loewen, an American historian best known for his 1995 book Lies My Teacher Told Me. Our North Tonawanda City Historian, Mr. Joseph Midura, could find no substantiating evidence to Mr. Loewen’s claim. Regardless of the evidence, the North Tonawanda City leadership stands against racism of any kind.

WHEREAS, during the Common Council Session on August 20, 2019, the Council voted unanimously rejecting the “perpetuation of hatred and bigotry in our communities, condemn acts and statements of hate and intolerance, and reinforce our commitment to eradicating racist practices and acts of malice that propagate hate, incite fear, and promote violence in our communities.”

RESOLVED, the elected leaders from the City of North Tonawanda encourage others to be empathetic toward those of different creeds, color, and life experience. We can utilize this opportunity to include everyone, unite the community as one, and all work together to strengthen our community. We hereby choose to unite the community as one as we look to the future.

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

Nays: None (0)

CARRIED.

V.1 Supt. Water/Wastewater

July 15, 2020

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

**Re: Approval of Payment Request #1 from John W. Danforth Company
 For WWTP Phase 1 Upgrade Project**

Honorable Body:

I respectfully request that you approve the attached Request for Payment from the John W. Danforth Company in the amount of \$8,075.00 for work they perform under the WWTP Phase 1 Upgrade Contract. This work has been reviewed and approved by myself and Wendel Engineering.

07-21-2020

The City does not have to issue a Purchase Order for payment. This work is being funded through a NY State WIIA Grant and NY State Environmental Finance Center ("EFC") 0% loan that the City has received.

With your approval Rotella Grant Management will submit this request to the EFC on the City's behalf.

Thank you for your time and consideration of my request.

Sincerely,
William M. Davignon
Supt. Water/Wastewater

MOVED by Alderman Pecoraro SECONDED by Alderman Braun
That the Common Council hereby approves the attached Request for Payment from the John W. Danforth Company in the amount of \$8,075.00 for work they perform under the WWTP Phase 1 Upgrade Contract, subject to review by the City Attorney.

Ayes: Alderman Braun, Schmigel, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

V.2 Supt. Wastewater/Water

July 16, 2020

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

Re: Award of Annual Bid for Natural Gas at the Water and Wastewater Treatment Plants

Honorable Body:

On July 13, 2020 two (2) bids were received and opened for the provision of Natural Gas to the Water and Wastewater Treatment Plants for the 12 month period from Sept. 2020 – Aug. 2021.

Based upon these bids and the attached recommendation of our energy consultant EnerScope, I would like your approval of EnergyMark, LLC, 6653 Main St., Williamsville, NY 14221, at their low bid for Natural Gas as follows:

- Wastewater Treatment Plant: The index method for full requirements at the monthly NYMEX Natural Gas Futures settlement price minus (-) \$0.0700 per Dth. (Method#3). Estimated yearly cost is \$49,710
- Water Filtration Plant: The fixed annual price at \$0.6250 per Dth. (Method#3). Estimated yearly cost is \$9,571
- Water Distribution Building: The fixed annual price at \$0.7200 per Dth. (Method #3). Estimated yearly cost is \$1,604

The awarding of this contact is subject to review and approval by the City Attorney.

Please contact me if you have any questions or concerns regarding the Bid Award. Thank you for your time and consideration of my request.

Sincerely,
William M. Davignon
Supt. Water/Wastewater

MOVED by Alderman Schmigel SECONDED by Alderman Zadzilka
That the Common Council hereby awards the bid for Natural Gas to EnergyMark, LLC, 6653 Main St., Williamsville, NY 14221, at their low bid as follows:

07-21-2020

- **Wastewater Treatment Plant:** The index method for full requirements at the monthly NYMEX Natural Gas Futures settlement price minus (-) \$0.0700 per Dth. (Method#3). Estimated yearly cost is \$49,710
- **Water Filtration Plant:** The fixed annual price at \$0.6250 per Dth. (Method#3). Estimated yearly cost is \$9,571
- **Water Distribution Building:** The fixed annual price at \$0.7200 per Dth. (Method #3). Estimated yearly cost is \$1,604

Subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

VII. Accountant

July 15, 2020

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 21, 2020 and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Regards,
Jeffrey R. Zellner
City Accountant

MOVED by Alderman Pecoraro SECONDED by Alderman Schmigel
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated July 21, 2020, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$637,998.13
02	Water Fund	41,942.53
04	Sewer Fund	97,308.00
06	Capital Project Fund	565,362.43
07	Trust & Agency Fund	8,055.50
87	CD – Imprest	<u>4,549.70</u>
00	Final Total	<u>\$1,355,216.29</u>

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

Nays: None (0)

CARRIED.

X. Police Chief

July 13, 2020

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

Re: Promotion

I intend on promoting Detective Michelle Day to the rank of Lieutenant to fill the vacancy created by the promotion of Detective Lieutenant Daryl Truty to Captain.

It would be effective on Friday, July 17, 2020 and I would like to have the administration of oath at 10:00 am as per our conversation.

Thank you.

Thomas E. Krantz
Chief of Police

MOVED by Alderman Braun SECONDED by Alderman Zadzilka
That the Common Council hereby approves the promotion of Michelle Day to Police Lieutenant for the North Tonawanda Police Department, effective July 17, 2020.

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

Nays: None (0)

CARRIED.

XI. Fire Chief

July 16, 2020

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

Dear Honorable Body:

In accordance with the City Charter of the City of North Tonawanda, and pursuant to the authority vested in me by §3.002.e thereof; I make the following promotion:

Captain Kyle A. Stevener, 482 Homestead Drive, North Tonawanda, is promoted to the rank of Assistant Chief in the City of North Tonawanda Fire Department.

A brief ceremony will be held on July 23, 2020 and Kyle will start as an Assistant Chief on July 24, 2020.

Joseph D. Sikora
Fire Chief

MOVED by Alderman Tylec SECONDED by Alderman Pecoraro
That the Common Council hereby approves the promotion of Kyle A. Stevener to Assistant Fire Chief for the North Tonawanda Fire Department, effective July 23, 2020.

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

Nays: None (0)

CARRIED.

XXV. Monthly Reports

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

MOVED by Alderman Braun SECONDED by Alderman Zadzilka
That the Common Council hereby receives and files the aforementioned Monthly Reports.

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

Nays: None (0)

CARRIED.

XXXII.1 Community Development

July 15, 2020

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

Re: Building Blocks software license

Dear Honorable Body:

The City has received grant funding from the Local Initiative Support Corporation (LISC) to analyze and address the issue of vacant and 'zombie' properties in North Tonawanda. There are a number of action items and deliverables to be completed with this grant program to make positive steps in identifying, understanding, and addressing these issues in our community.

One of the deliverables of the grant program is to utilize new technology and software to improve the City's capacity for tracking and understanding property issues. During the first round of LISC grant funding the City established the use of "Building Blocks", software provided by Tolemi. This program provides data aggregation and spatial analysis capabilities of a wide variety of public data including property sales, assessment, code violations, public safety, vacancy, zombie properties, and more. Tolemi provides annual technical and analytic support for Building Blocks. An annual license for Building Blocks includes 5 users.

The annual renewal for Building Blocks is \$12,600. This fee will be covered by grant funds and comes at no cost to the City.

At this time I would like to respectfully request this Honorable Body consider approving the renewal of a 1-year license with Tolemi for the Building Blocks program.

Thank you for your consideration.

Kindest regards,
 Michael Zimmerman
 Dir. Community Development

MOVED by Alderman Tylec

SECONDED by Alderman Braun

That the Common Council hereby approves the renewal of a 1-year license with Tolemi for the Building Blocks program, in the amount of \$12,600, subject to review by the City Attorney.

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

(5)

Nays: None

(0)

CARRIED.

XXXII.2 Community Development

July 15, 2020

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

Re: Housing Market Analysis

Dear Honorable Body:

The City has received grant funding from the Local Initiative Support Corporation (LISC) to analyze and address the issue if vacant and 'zombie' properties in North Tonawanda. There are a number of action items and deliverables to be completed with this grant program

to make positive steps in identifying, understanding, and addressing these issues in our community.

One of the deliverables of the grant program is the completion of a comprehensive analysis of the local housing market. This analysis will provide the City with: a community profile of comprehensive data regarding housing and homeownership, an inventory and description of the current housing stock, an analysis of the current residential real estate market, an analysis of existing housing policy, and recommendations for improved housing policies within the city.

The City is in need of third party expertise to complete this analysis. The Community Development office issued a Request for Proposals on June 25, 2020 and received one response from High Road Community Planning and Analytics. A local company made up for two highly qualified housing and public policy experts, High Road's proposal (see enclosed) meets the needs of the City and will provide a useful tool to discuss housing conditions and policy in North Tonawanda.

High Road proposes to complete the analysis for a fee of \$30,000. This fee will be covered by grant funds and comes at no cost to the City.

At this time I would like to respectfully request this Honorable Body consider this proposal for approval and authorize the Mayor, pending review by the City Attorney, to execute a contract with High Road Community Planning and Analytics.

Thank you for your consideration.

Kindest regards,
Michael Zimmerman
Dir. Community Development

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro
That the Common Council hereby approves the proposal from High Road Community Planning and Analytics, to do a Housing Market Analysis for a fee of \$30,000, subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

XXXII.3 Community Development

July 15, 2020

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:

El Gringo Mexican Cantina is considering establishing a new restaurant location at 54 Webster Street. El Gringo is a new business that would offer a family-friendly full service restaurant. This proposed location would add a new restaurant to the Webster Street area and would revitalize the long-vacant former "G.C. Murphy's" building at 54 Webster Street. The company anticipates this project will create 9 full-time and 14 part-time job positions at the North Tonawanda location.

El Gringo 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 grant these funds to LCDC for the purposes of making a loan or loans to El Gringo.

07-21-2020

The attached resolution would authorize the City to submit a grant application of approximately \$255,000; 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
 Dir. Community Development

MOVED by Alderman Tylec **SECONDED** by Alderman Pecoraro
 That the Common Council hereby at a regular session meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30PM on July 21, 2020, approves the following resolution:

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

WHEREAS, El Gringo Mexican Cantina LLC (the "Company") plans to renovate a portion of a vacant building located at 54 Webster Street, in the City of North Tonawanda (the "City") and to acquire machinery, equipment, furnishings and fixtures and inventory, and to incur additional start-up costs, to create a Mexican-style restaurant (the "Project"); and

WHEREAS, the Company 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 cost of machinery, equipment, furnishings and fixtures, and inventory, working capital, and soft costs to support the Project; and

WHEREAS, 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 deferred loan and a term loan to the Company; and

WHEREAS, the Project will result in substantial benefit to the City in form of an estimated 17 new full-time equivalent employment positions; and

WHEREAS, the City has held a public hearing to obtain citizens' views regarding the CDBG program as administered by OCR and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized to submit a grant application on behalf of the City of North Tonawanda in the approximate amount of \$255,000 to the OCR to support the Project, and be it further

RESOLVED, that the Mayor is hereby authorized to execute a grant agreement between the City and the OCR and all related documents associated with the OCR grant, including entering into a grant agreement with the LCDC for the implementation of the Project and administration of the OCR grant, all 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, Schmigel, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

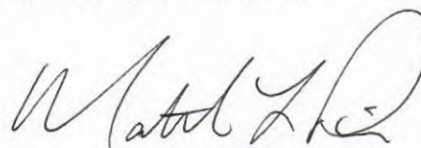
AUDIENCE PARTICIPATION - None

ADJOURNMENT

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

Time of Adjournment: 7:18 P.M.

Respectfully submitted,



Matthew L. Parish
City Clerk-Treasurer