

**THE HONORABLE BODY**  
**Council Chambers**  
**Municipal Building**  
**North Tonawanda, New York 14120**  
**Tuesday, September 1, 2020**  
**6:30 P.M.**

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

**PLEDGE OF ALLEGIANCE**

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**ROLL CALL**

**Present:           President Zadzilka**  
**Alderman Schmigel, Gosch, Pecoraro, Tylec**

**Absent:           None**

**Also Present:       Mayor Arthur G. Pappas**  
**Assistant City Attorney Nick Robinson**

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*City of North Tonawanda*  
*Executive Chamber*  
**PROCLAMATION**

**WHEREAS**, The United States 2020 Census has been ongoing, it is important to note this means a lot to our community. The census determines NYS representation in Congress; and

**WHEREAS**, The census influences federal funding for essential programs in education, public transit systems, highway planning, community development etc.; and

**WHEREAS**, NYS pays more in taxes than 47 other states, however, receives only 90 cents for every tax dollar paid, well below the \$1.21 that is the national average; and

**WHEREAS**, If we are undercounted, we risk communities going without needed resources. To date: NY State is rated 36<sup>th</sup> of the 50 states at 60.5% response rate. Niagara County is number 2 in reporting of 62 counties with a 69.3% response rate. North Tonawanda is rated 48<sup>th</sup> at 71.8% response rate of 597 NYS cities; and

**WHEREAS**, The 2020 census has been moved up to September 30, 2020, there is still time to assist us getting out the count.

**NOW, THEREFORE, BE IT RESOLVED THAT I**, Mayor Art Pappas and the North Tonawanda Common Council, extend our deepest appreciation to the residents of North Tonawanda for their reporting on the 2020 Census and encourage those who have yet to be counted to do so immediately.

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**AUDIENCE PARTICIPATION – None**

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That, coupled with the City previously approving the use of \$1,224,605 out of reserve funds, completes the funding for this project.

Accordingly, I respectfully request that the Common Council approve the change order in the amount of \$23,858.00 for the WTP Standby Generator Replacement Project with STC Construction, P.O. Box 459, Springville, NY 14141; increasing the contract amount from \$548,963.00 to the new contract amount of \$572,821.00; authorizing the Mayor to sign said change order subject to review by the City Attorney.

Very truly yours,  
William M. Davignon  
Supt. Wastewater/Water

MOVED by Alderman Pecoraro                      SECONDED by Alderman Tylec  
That the Common Council hereby approves change order No. 4 in the amount of \$23,858.00 for the WTP Standby Generator Replacement Project for the:

- Installation of two (2) 3" cooling lines between the remote radiator and generator that will run parallel to the proposed 4" radiator supply & return lines.

with STC Construction, P.O. Box 459, Springville, NY 14141; increasing the contract amount from \$548,963.00 to the new contract amount of \$572,821.00; and authorizes the Mayor to sign said change order No. 4 subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

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V.3 Supt. Wastewater/Water

August 20, 2020

Honorable Mayor Arthur G. Papas  
And Common Council Members  
City Hall  
North Tonawanda, NY 14120

Re: Water Treatment Plant Standby Generator Replacement Project-  
Approval of Change Order #5

Dear Honorable Body:

Approval of the Change Order No. 5 of the North Tonawanda Water Treatment Plant (WTP) Standby Generator Replacement Project is hereby requested. This work is necessary to ensure the safe and proper removal of contaminated soil, Exhaust Stack soil and Pipe Chase soil from the construction site. The change order represents the following additional work:

- Remediation of contaminated soil, Exhaust Stack soil and Pipe chase soils at a total additional cost of \$54,304.00

The total project cost estimate for this project is \$3,061,512.00. The City recently received a NY State WIIA Grant in the amount of \$1,836,907 which amounts to 60% of the total cost. That, coupled with the City previously approving the use of \$1,224,605 out of reserve funds, completes the funding for this project.

Accordingly, I respectfully request that the Common Council approve the change order in the amount of \$54,304.00 for the WTP Standby Generator Replacement Project with STC Construction, P.O. Box 459, Springville, NY 14141; increasing the contract amount from \$572,821.00 to the new contract amount of \$627,125.00; authorizing the Mayor to sign said change order subject to review by the City Attorney.

Very truly yours,  
William M. Davignon  
Supt. Wastewater/Water  
SECONDED by Alderman Schmigel

MOVED by Alderman Zadzilka

09-01-2020



That the Common Council hereby approves change order No. 5 in the amount of \$54,304.00 for the WTP Standby Generator Replacement Project for:

- Remediation of contaminated soil, Exhaust Stack soil and Pipe chase soils

with STC Construction, P.O. Box 459, Springville, NY 14141; increasing the contract amount from \$572,821.00 to the new contract amount of \$627,125.00; and authorizes the Mayor to sign said change order No. 5 subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

#### VII.1 Accountant

August 13, 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 September 1, 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 September 1, 2020, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

|    |                      |                     |
|----|----------------------|---------------------|
| 01 | General Fund         | \$408,355.31        |
| 02 | Water Fund           | 23,071.31           |
| 04 | Sewer Fund           | 57,326.51           |
| 06 | Capital Project Fund | 273,925.96          |
| 07 | Trust & Agency Fund  | <u>13,871.48</u>    |
| 00 | Final Total          | <u>\$776,550.57</u> |

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

Nays: None (0)

CARRIED.

#### VII.2 Accountant

August 27, 2020

Honorable Arthur G. Pappas, Mayor  
and Common Council  
City Hall  
North Tonawanda, NY 14120

Dear Honorable Body:

In accordance with Article V, Division 2, Section 5.023 and Section 2.2 of the Budgetary Transfer Policy, please authorize the City Accountant to make the following amendment of



fiscal year 2020 appropriations, based on the request of the Department Head, copy attached.

| <u>Control Number</u> | <u>Dollar Amount</u> | <u>Decrease / Increase Account</u>       | <u>Increase Appropriation Account</u> |
|-----------------------|----------------------|--|---------------------------------------|
|                       | \$70,000             | 001.5142.0480, Operations/Salt Chemicals | 001.5110.0421 Road resurfacing        |

Regards,  
Jeffrey R. Zellner  
City Accountant

**MOVED** by Alderman Zadzilka      **SECONDED** by Alderman Pecoraro  
That the Common Council hereby authorizes the City Accountant to make the following Budgetary Transfer, amending fiscal year 2020 appropriations, based on the request of the Department Head:

| <u>Control Number</u> | <u>Dollar Amount</u> | <u>Decrease / Increase Account</u>       | <u>Increase Appropriation Account</u> |
|-----------------------|----------------------|--|---------------------------------------|
|                       | \$70,000             | 001.5142.0480, Operations/Salt Chemicals | 001.5110.0421 Road resurfacing        |

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

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## XVII. Traffic Safety

August 17, 2020

**Donna Braun**  
City Clerk-Treasurer  
216 Payne Avenue  
North Tonawanda, NY 14120

### Traffic Safety Minutes:

The August 17, 2020 meeting of the North Tonawanda Traffic Safety Committee was called to order at 1530 hours via phone. Roll call showed the following members present: R. Frank, J. Sikora, M. Daigler, M. Meisenburg, M. Lemke, A. DiBernardo, M. Anastasi, D. Grinnell. The minutes from the previous meeting were read and accepted, the following new concerns/requests were discussed, and recommendations made.

1. Councilman Austin Tylec received a complaint for speeding on East Robinson. The speed sign was put out from 6/15/20 -6/23/20 and also 7/29/20-8/10/20. NTPD traffic officer was advised to monitor the problem.
2. The Mayor's office received a complaint from Ron Dobiesz of 1050 Thomas Fox East. Dobiesz reported that there is speeding and reckless driving on Thomas Fox East. Dobiesz would like another stop sign on Thomas Fox East. The speed sign was put out from 8/10/20-8/24/20. NTPD traffic officer was advised to monitor the problem. Traffic Safety Committee members have also been monitoring the street. Member Frank has spoken to a couple residents in the neighborhood who stated that it is the neighborhood residents that are speeding. The committee declines the request for another stop sign as there would be 3 stop signs within two tenths of a mile. Thomas Fox East will continue to be monitored by NTPD.
3. Committee member Daigler received recommendations from residents on Bryant St., Stanley St., Moll St. and Master Street. The recommendation was to have "no parking" on one side of the street. The committee will look into the recommendation and discuss at the September meeting.
4. Bonnie Boskat of 1445 Sherwood Ave. reported that there is speeding and large trucks on her street. The speed sign and extra signs were placed on Sherwood Ave. in the past. Boskat would like bright colored signs instead of white signs and asked if the branch could be cut down that is blocking the speed limit sign. Member Daigler will have the branch cut down and look at the signs to make sure they are appropriate.







CARRIED.

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**XXXII.2 Community Development**

August 26, 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:

110 Sweeney Street LLC is considering constructing a new development including a new restaurant location at 110 Sweeney Street. This proposed location would add a new mixed-use development to the downtown area and would revitalize the long-vacant and strategically significant corner of Sweeney and Main Streets overlooking Gateway Harbor and the Erie Canal. The company anticipates this project will create 21 full-time and 36 part-time job positions at the North Tonawanda location.

110 Sweeney Street LLC 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 the company.

The attached resolution would authorize the City to submit a grant application not to exceed \$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  
Dir. Community Development

**MOVED by Alderman Pecoraro                      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 6:30PM on September 1, 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**, 110 Sweeney Street LLC (the "Company") plans to construct a new mixed-use building at 110 Sweeney 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 new 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



39 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 \$570,000 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 a 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.

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

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**AUDIENCE PARTICIPATION - None**

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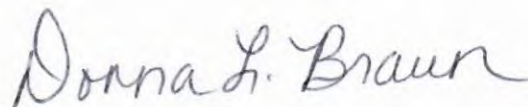
**ADJOURNMENT**

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

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**Time of Adjournment: 7:10 P.M.**

**Respectfully submitted,**



**Donna L. Braun**  
**City Clerk-Treasurer**