

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, January 5, 2021
6:30 P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT PECORARO

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Absent: None

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

AUDIENCE PARTICIPATION – None

APPROVAL OF THE MINUTES OF THE REORGANIZATIONAL MEETING JANUARY 4, 2021

MOVED by Alderman Zadzilka SECONDED by Alderman Schmigel
That the minutes of the reorganizational meeting held January 4, 2021 be approved as
circulated and filed in the Office of the City Clerk.

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

(5)

Nays: None

(0)

CARRIED.

PROOF OF PUBLICATION PUBLISHED 12/10/2020

- 1) Legal Notice – Request for Proposals from Firms to provide Consulting Services to assist the City with the Implementation of its Foreclosure Prevention and Outreach Plan – Community Development

MOVED by Alderman Schmigel SECONDED by Alderman Tylec
That the Common Council hereby receives and files the aforementioned Proof of
Publication.
CARRIED.

COMMUNICATIONS FROM CITY OFFICIALS

I.1 Mayor

December 21, 2020

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

01-05-2021

Re: Re-appointment of City Historian

Dear Honorable Body:

Please be advised that I am re-appointing Joseph Midura, 115 10th Avenue, North Tonawanda, NY 14120, to continue as City Historian, effective January 1, 2021, for a (1) one year term which expires on December 31, 2021.

Thank you for your attention to this matter.

Sincerely,
Arthur G. Pappas
Mayor

MOVED by Alderman Pecoraro SECONDED by Alderman Schmigel
That the Common Council hereby receives and files the re-appointment of Joseph Midura, 115 10th Avenue, North Tonawanda, NY 14120 as the City Historian for a term of one (1) year effective January 1, 2021 and expiring December 31, 2021.

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

(5)

Nays: None

(0)

CARRIED.

I.2 Mayor

December 21, 2020

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

Re: Re-appointment to Zoning Board of Appeals

Dear Honorable Body:

Please be advised that I am re-appointing Jacob Haacker, 604 Meadowbrook Drive, North Tonawanda, NY 14120, to Zoning Board of Appeals, effective January 1, 2021 for a term of (5) five years expiring December 31, 2025.

Thank you for your attention to this matter.

Sincerely,
Arthur G. Pappas
Mayor

MOVED by Alderman Tylec SECONDED by Alderman Zadzilka
That the Common Council hereby receives and files the re-appointment of Jacob Haacker, 604 Meadowbrook Drive, North Tonawanda, NY 14120 to the Zoning Board of Appeals, for a term of (5) five years effective January 1, 2021 and expiring December 31, 2025.

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

(5)

Nays: None

(0)

CARRIED.

I.3 Mayor

December 21, 2020

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

Re: Re-appointment to North Tonawanda Waterfront Commission

Dear Honorable Body:

Please be advised that I am re-appointing Jeffrey Licht, 389 Fredericka Street, North Tonawanda, NY 14120, and Benjamin Meyer, 416 Oliver Street, North Tonawanda, NY 14120 to the Waterfront Commission for a term of (2) two years effective January 1, 2021 and expiring on December 31, 2022.

Thank you for your attention to this matter.

Sincerely,
Arthur G. Pappas
Mayor

MOVED by Alderman Schmigel **SECONDED** by Alderman Tylec
That the Common Council hereby receives and files the re-appointment of Jeffrey Licht, 389 Fredericka Street, North Tonawanda, NY 14120 and Benjamin Meyer, 416 Oliver Street, North Tonawanda, NY 14120 to the Waterfront Commission for a term of two (2) years effective January 1, 2021 and expiring December 31, 2022.

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

(5)

Nays: None

(0)

CARRIED.

I.4 Mayor

December 21, 2020

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

Re: Appointment Board of Assessment Review Committee

Dear Honorable Body:

Please be advised that I am appointing Athena Tucker-Pasiak, 77 Dimatteo Drive, North Tonawanda, NY 14120, to the Board of Assessment Review Committee to complete the term of Frank DiBernardo, effective January 1, 2021 and expiring on December 31, 2024.

Thank you for your attention to this matter.

Sincerely,
Arthur G. Pappas
Mayor

MOVED by Alderman Tylec **SECONDED** by Alderman Zadzilka
That the Common Council hereby receives and files the appointment of Athena Tucker-Pasiak, 77 Dimatteo Drive, North Tonawanda, NY 14120 to the Board of Assessment Review Committee, to complete the term of Frank DiBernardo, effective January 1, 2021 and expiring on December 31, 2024.

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

(5)

Nays: None

(0)

CARRIED.

I.5 Mayor

December 21, 2020

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

Re: Re-appointment to North Tonawanda Planning Commission

Dear Honorable Body:

Please be advised that I am re-appointing Kenneth P. Brennan, 231 Jackson Avenue, North Tonawanda, NY 14120 to the North Tonawanda Planning Commission, effective January 1, 2021 for a term of (7) seven years, expiring December 31, 2027.

I am also appointing Beverly Loxterman, 881 Sweeney Street, North Tonawanda, NY 14120 to the North Tonawanda Planning Commission to complete the term of Frank DiBernardo effective January 1, 2021 and expiring December 31, 2023.

Thank you for your attention to this matter.

Sincerely,
Arthur G. Pappas
Mayor

MOVED by Alderman Tylec

SECONDED by Alderman Pecoraro

That the Common Council hereby receives and files the re-appointment of Kenneth P. Brennan, 231 Jackson Avenue, North Tonawanda, NY 14120 to the North Tonawanda Planning Commission for a term of (7) seven years effective January 1, 2021 and expiring December 31, 2027 and appointing Beverly Loxterman, 881 Sweeney Street, North Tonawanda, NY 14120, to the North Tonawanda Planning Commission to complete the term of Frank DiBernardo effective January 1, 201 and expiring December 31, 2023.

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

(5)

Nays: None

(0)

CARRIED.

I.6 Mayor

December 21, 2020

**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 in accordance with 40-General City Examining Boards of Plumbers in cities, I will be re-appointing Frank Grandinetti, 2409 Whitehaven Road, Grand Island, NY 14072, to the North Tonawanda Plumbing Board for a two (2) year term effective January 1, 2021 and expiring December 31, 2022.

Thank you for your attention to this matter.

Sincerely,
Arthur G. Pappas
Mayor

MOVED by Alderman Zadzilka **SECONDED** by Alderman Tylec
That the Common Council hereby receives and files the re-appointment of Frank Grandinetti, 2409 Whitehaven Road, Grand Island, NY 14072 to the North Tonawanda Plumbing Board for a term of (2) two years effective January 1, 2021 and expiring December 31, 2022.

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

I.7 Mayor

December 21, 2020

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

Re: Re-appointment to Traffic Safety Committee

Dear Honorable Body:

Please be advised that I am re-appointing Mark Lemke, 320 Oakdale Drive, North Tonawanda, NY 14120, to the Traffic Safety Committee, effective January 1, 2021 for a term of (2) two years, expiring December 31, 2021.

I am also re-appointing Mark Anastasi, 1148 Ruie Road, North Tonawanda, NY 14120, to the Traffic Safety Committee, effective January 1, 2021 for a term of (2) two years, expiring December 31, 2022.

Thank you for your attention to this matter.

Sincerely,
Arthur G. Pappas
Mayor

MOVED by Alderman Schmigel **SECONDED** by Alderman Tylec
That the Common Council hereby receives and files the re-appointment of Mark Lemke, 320 Oakdale Drive, North Tonawanda, NY 14120 and Mark Anastasi, 1148 Ruie Road, North Tonawanda, NY 14120 to the Traffic Safety Committee for a term of two (2) years effective January 1, 2021 and expiring December 31, 2022.

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

I.8 Mayor

December 21, 2020

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

Re: Re-appointment as Bingo Commissioner North Tonawanda

Dear Honorable Body:

Please be advised that I am re-appointing Nathan Sikora, 384 Spruce Street, North Tonawanda, NY 14120, as the Bingo Inspector for a one (1) year term effective January 1, 2021 and expiring December 31, 2021.

Thank you for your attention to this matter.

Sincerely,
Arthur G. Pappas
Mayor

MOVED by Alderman Tylec SECONDED by Alderman Zadzilka
That the Common Council hereby receives and files the re-appointment of Nathan Sikora, 384 Spruce Street, North Tonawanda, NY 14120 as the Bingo Inspector for a term of one (1) year effective January 1, 2021 and expiring December 31, 2021.
Ayes: Alderman Schmigel, DiBernardo, Zadzilka, Tylec, Pecoraro (5)
Nays: None (0)
CARRIED.

I.9 Mayor

December 21, 2020

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

Re: Re-appointment to North Tonawanda City Market Clerk

Dear Honorable Body:

Please be advised that I am re-appointing Dale Roger, 1745 Ruie Road, North Tonawanda, NY 14120, as the North Tonawanda City Market Clerk for a one (1) year term effective January 1, 2021 and expiring December 31, 2021.

Thank you for your attention to this matter.

Sincerely,
Arthur G. Pappas
Mayor

MOVED by Alderman Pecoraro SECONDED by Alderman Schmigel
That the Common Council hereby receives and files the re-appointment of Dale Rogers, 1745 Ruie Road, North Tonawanda, NY 14120 as the North Tonawanda City Market clerk for a term of one (1) year effective January 1, 2021 and expiring December 31, 2021.
Ayes: Alderman Schmigel, DiBernardo, Zadzilka, Tylec, Pecoraro (5)
Nays: None (0)
CARRIED.

II. Attorney

December 30, 2020

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

**Re: Proposed Master Development Agreement and Agreement for the Purchase
And Sale of Real Property City of North Tonawanda and Penrose, LLC**

Dear Honorable Body:

Attached, for your consideration, are two proposed documents regarding the sale and development of city parcels at 78 Bridge Street, and a portion of 150 Michigan Street, for future development.

Should your Honorable Body concur, please pass a resolution authorizing the Mayor to execute the agreements 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 DiBernardo **SECONDED** by Alderman Zadzilka
 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 January 5, 2021 approves the Master Development Agreement of 78 Bridge Street and Agreement for the Purchase and Sale of 150 Michigan Street for future development with Pennrose, LLC, subject to further review by the City Attorney.

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

VII. Accountant

December 30, 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 January 5th, 2021, 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 Zadzilka **SECONDED** by Alderman Schmigel
 That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated January 5, 2021, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$257,903.23
02	Water Fund	27,860.67
04	Sewer Fund	40,630.54
06	Capital Project Fund	38,356.63
07	Trust & Agency Fund	281.79
81	CD – Comm. Dev.	45.83
00	Final Total	<u>\$365,078.69</u>

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

X.1 Police Chief

December 28, 2020

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

Dear Honorable Body:

On September 30, 2020, the honorable body approved my request to change an Account Clerk Typist position in the Juvenile Aid Bureau to Clerk.

The position is currently funded in the 2021 budget and I intend on filling that position, effective on January 22, 2021, with Marie Smolinski of 1097 Sweeney Street, North Tonawanda, NY 14120.

Ms. Smolinski will be a lateral transfer from Niagara County and has been approved for transfer by Niagara County Civil Service.

Respectfully,
 Thomas E. Krantz
 Chief of Police

MOVED by Alderman Tylec SECONDED by Alderman Pecoraro
 That the Common Council hereby approves of the appointment of Marie Smolinski, 1097 Sweeney Street, North Tonawanda, NY 14120 to the position of Clerk for the North Tonawanda Juvenile Aid Bureau effective January 22, 2021.

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

(5)

Nays: None

(0)

CARRIED.

X.2 Police Chief

December 29, 2020

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

Dear Honorable Body:

Would you please appoint Stephen A. Endres, 333 Selkirk Drive, North Tonawanda, NY 14120 as Commissioner of Deeds for the City of North Tonawanda.

Thomas E. Krantz
 Chief of Police

MOVED by Alderman Zadzilka SECONDED by Alderman Schmigel
 That the Common Council hereby approves the appointment of Stephen A. Endres, 333 Selkirk Drive, North Tonawanda, as a Commissioner of Deeds for the City of North Tonawanda, effective January 6, 2021 and expiring January 5, 2023.

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

(5)

Nays: None

(0)

CARRIED.

XIV. Youth, Recreation, Parks & Seniors

December 16, 2020

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

Dear Mayor Pappas and Common Council,

The following are the bid results for the repair and resurfacing of the Taber Tennis Courts which total six (6) courts in total.

Advanced Athletic Surfaces, LLC	\$43,380.00
JM Pro Courts & Surface Solutions	\$46,800.00

Money for this project in the amount of \$42,000 was allocated and bonded as part of the 2020 budgeted capital improvement project; however due to COVID the project was put on hold. The difference of \$1,380.00 between the lowest bid and the allocated budgeted amount will be covered in our allocated funds for our 2021 Buildings and Grounds account.

Following review, reference checks and a follow-up with the lowest bidder (Advanced Athletic Surfaces, LLC) I am requesting approval to award the bid to Advanced Athletic Surfaces, LLC. The project is slated to commence on June 1, 2021 and be completed in mid-June.

Respectfully submitted,
 Alex Domaradzki
 Dir. Youth, Recreation, Parks & Seniors

MOVED by Alderman Schmigel **SECONDED** by Alderman Tylec
 That the Common Council hereby awards the bid for the repair and resurfacing of the six (6) Taber Tennis Courts to Advanced Athletic Surfaces, LLC at their low bid of \$43,380.00, subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

XVII. Traffic Safety

December 21, 2020

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

Traffic Safety Minutes:

The December 21, 2020 meeting of the North Tonawanda Traffic Safety Committee was called to order at 1600 hours via phone. Roll call showed the following members present: R. Frank, J. Sikora, M. Daigler, M. Meisenburg, M. Lemke, A. DiBernardo, D. Grinnell, M. Anastasi. The minutes from the previous meeting were read and accepted, the following new concerns/requests were discussed, and recommendations made.

1. Ed Smolinski recommended removing the "5 Ton Truck" sign on Main Street and River Road as it contradicts the "Truck Route" sign that is next to it. Member

kindest regards,
 Michael Zimmerman
 Dir. Community Development

MOVED by Alderman Tylec

SECONDED by Alderman Zadzilka

That the Common Council hereby approves and adopts the attached Equal Employment Opportunity (EEO) and Minority/Women Business Enterprise (MWBE) policy statements, subject to review by the City Attorney.

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

(5)

Nays: None

(0)

CARRIED.

XXXII.2 Community Development

December 17, 2020

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

Re: Municipal Endorsement of an application to the NY Main Street Program

Dear Honorable Body:

Lumber City Development Corporation (LCDC), in an on-going effort to continue downtown development and investment, has been an active partner working with the Riviera Theatre on the Theatre's long-term expansion and development plans.

The historic Riviera building presents many challenges for modern performances and patrons, including but not limited to old and limited restroom facilities and a small, limited concession and patron area. The constraints limit the Riviera's growth opportunities and detract from the overall patron experience.

The Riviera Theatre is persevering despite these challenging times presented during the pandemic. Thanks to generous donations from the community as well as other assistance, the organization is stable and plans to reopen as soon as State guidelines allow them to do so safely. Despite the current challenges, the organization is still planning for future growth in hopes to become an even more successful downtown anchor for years to come after the pandemic.

To support this potential future expansion, LCDC would like to apply for up to \$20,000 from the NY Main Street Program for "Technical Assistance". This grant would allow LCDC to work with the Riviera Theatre and defray the cost of some pre-development activity including concept architecture/engineering design, market and feasibility studies, and cost/funding proposals. While LCDC is the applicant for this program the funding agency New York State Homes and Community Renewal, requires a municipal endorsement of the application.

I would like to hereby respectfully request this Honorable Body consider approving the attached municipal endorsement resolution in favor of LCDC applying to the NY Main Street Program.

Thank you for your time and consideration.

kindest regards,
 Michael Zimmerman
 Dir. Community Development

MOVED by Alderman DiBernardo **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 January 5, 2021 hereby approves the following resolution endorsing Lumber City Development Corporation to submit an application to NYS Homes and Community Renewal for funding under the New York Main Street Program and reads as follows:

WHEREAS, the Lumber City Development Corporation desires to apply for up to \$20,000 in financial assistance through the 2020 Consolidated Funding Application (CFA) under the New York Main Street Programs; and

WHEREAS, the application proposes funding to provide technical assistance to assist the Riviera Theatre at 67 Webster Street to develop plans for downtown expansion project; and

WHEREAS, the proposed funding will contribute to ongoing community revitalization efforts; and

WHEREAS, the grant application requires that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of North Tonawanda approves and endorses the 2020 New York Main Street Program application for assistance prepared and to be submitted by Lumber City Development Corporation.

Subject to review by the City Attorney.

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

(5)

Nays: None

(0)

CARRIED.

AUDIENCE PARTICIPATION - None

ADJOURNMENT

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

Time of Adjournment: 6:59 P.M.

Respectfully submitted,



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