

**TO: Honorable Mayor & Common Council  
President Pecoraro  
Aldermen Schmigel, DiBernardo, Zadzilka, Tylec**

**FROM: Donna L. Braun, City Clerk-Treasurer**

**RE: Agenda for Regular Session TUESDAY, MARCH 16, 2021 6:30PM**

**AUDIENCE PARTICIPATION – Due to the COVID-19 (Coronavirus) the meeting be open to the public, with limited seats available (13). Please call the Clerk’s Office @ 695-8555 by Monday, March 15, 2021 by 4:00 p.m. to reserve a seat.**

## **COMMUNICATIONS FROM CITY OFFICIALS**

- I.1 Mayor - Re: Credit for over charges on water bill for 220 Tremont Street**
- I.2 Mayor - Re: Appointment of John Gatas to the Board of Assessment Review Committee**
- III.1 Clerk-Treasurer - Re: Removal of 180 Goundry Street from the Appropriate In Rem foreclosure proceeding**
- III.2 Clerk-Treasurer - Re: Approval of the Warrant for the Collection of the 2021 City Taxes**
- IV.1 Engineer - Re: Pinewoods Park Pavilion and Bathroom Improvement – Asbestos and Lead Testing**
- IV.2 Engineer - Re: Approval to repeal the current Chapter 42 Flood Hazard Areas in the City Code and enact the new local law Chapter 42 Flood Damage Prevention**
- IV.3 Engineer - Re: Award of Contract for the Gratwick Riverside Park Picnic Shelter, Project 2020-02**
- IV.4 Engineer - Re: Approval of Change Order No.1 ESD Smart Growth Funds Downtown North Tonawanda Placemaking Project – Project 2018-13**

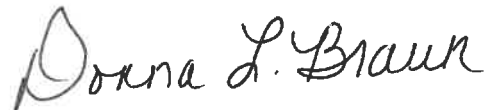
- V. Supt. Water/Wastewater - Re: Approval of Payment Applications for WWTP Upgrade Project (EFC-Funding Disbursement #7)**
- VII. Accountant - Re: Payment of the Abstract of Claims Dated March 16, 2021**
- X. Police Chief - Re: Promotion of Lieutenant Robert Frank to the rank of Captain and Officer Michael Roberts to the rank of Lieutenant for the North Tonawanda Police Department**
- XIV.1 Youth, Recreation, Parks And Seniors - Re: Approval to move forward with a grant application to fund a Green Infrastructure Project Plan at the Botanical Organization Site**
- XIV.2 Youth, Recreation, Parks And Seniors - Re: Approval for the Buffalo Nikola Tesla Council to erect the Tesla Coil Art Structure at Gratwick Park**
- XXV. Monthly Reports**
- .1 Police Department .2 Clerk-Treasurer .3 Senior Citizen Center**

## **COMMUNICATIONS FROM OTHERS**

- A. Trisha Cardinale - Re: Approval to be appointed as a Commissioner of Deeds for the City of North Tonawanda**
- B. Sweeney Hose Co. - Re: Removal of Kate Short from the North Tonawanda Fire Roll**
- C. Columbia Hook & Ladder Co. - Re: Removal of Norman Oelkers, Jr. from the North Tonawanda Fire Roll**

- D.**  
**Glory Be To Kids** - **Re: Permission to schedule a Softball Tournament and Golf Tournament**
- Re: Permission to waive the usage fees for Pinewoods Park on July 14, 2021 for their Softball Tournament draw and October 22, 2021 for the 5K/Chowder Challenge**
- E.**  
**IHope Community Church** - **Re: Permission to use Pinewoods Park on March 27, 2021 for a Drive Thru Easter Egg Hunt**
- F.**  
**Jesse Gooch & Kaile Donoughe** - **Re: Permission to hold "Thursdays on the Water" at Gratwick Park**
- G.**  
**Oliver Street Merchants** - **Re: Permission to hold a Shop with Pride at Heritage Park on Saturday, June 12, 2021**
- H.**  
**North Presbyterian Church** - **Re: Permission to use Gratwick Park Sunday April 4, 2021 for an Easter Sunrise Service**

**Respectfully submitted,**



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

11.1  
MAR 16 2021

*Office of the Mayor*


ARTHUR G. PAPPAS

March 2, 2021

To: Honorable Body

I am requesting that the resident at 220 Tremont Street be credited for the approximate amount of \$1,032.00, due to over charges on the water bill when he purchased the property in 2009. He was being billed for additional units rather than for a single unit. This information was verified through the Assessor's Office, Water Department, and the Code Enforcement office.

Thank you,

  
Arthur G. Pappas

Mayor

*Office of the Mayor*

MAR 16 2021

ARTHUR G. PAPPAS

March 10, 2021

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

RE: Board of Assessment Review Committee

Dear Honorable Body:

Please be advised that I am appointing John Gatas, 34 Mead Street, North Tonawanda, NY 14120, to the Board of Assessment Review Committee, retroactive to January 1, 2021, for a term of (6) six years expiring December 31, 2026.

Thank you for your attention to this matter.

Sincerely,



Arthur G. Pappas  
Mayor

RECEIVED  
CITY CLERK'S OFFICE  
2021 MAR 16 10:57  
CITY OF NORTH TONAWANDA, NY

DONNA L. BRAUN  
City Clerk-Treasurer  
dbraun@northtonawanda.org

Lori Swartz  
Assistant City Clerk

Denise Proefrock  
Assistant City Treasurer

# City of North Tonawanda

OFFICE OF THE CITY CLERK - TREASURER  
VITAL STATISTICS  
CITY HALL  
216 PAYNE AVENUE  
NORTH TONAWANDA, N.Y. 14120

III. 1

Treasurer's Office: (716) 695-8575  
Clerk's Office: (716) 695-8555  
Fax: (716) 695-8557

**MAR 16 2021**

March 4, 2021

RECEIVED  
CITY CLERK'S OFFICE  
2021 MAR 4 AM 8:37  
NORTH TONAWANDA NY

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

Dear Honorable Mayor and Common Council:

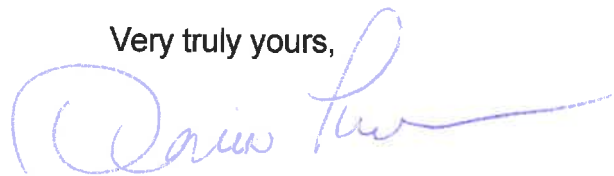
Please be advised that I have received payment in full for back City, School and County taxes, per their tax agreement with the City, for the following parcel:

185.31-1-6                      180 Goundry Street                      Cutting Edge Holdings

Therefore, please pass the necessary resolution withdrawing this parcel from the appropriate In Rem foreclosure proceeding.

Thank you for your cooperation.

Very truly yours,



Denise Proefrock  
Assistant City Treasurer

cc: Luke Brown, City Attorney

# City of North Tonawanda

III.2

DONNA L. BRAUN  
City Clerk-Treasurer  
dbraun@northtonawanda.org

Lori Swartz  
Assistant City Clerk

Denise Proefrock  
Assistant City Treasurer

OFFICE OF THE CITY CLERK - TREASURER  
VITAL STATISTICS  
CITY HALL  
216 PAYNE AVENUE  
NORTH TONAWANDA, N.Y. 14120

Treasurer's Office: (716) 695-8575  
Clerk's Office: (716) 695-8555  
Fax: (716) 695-8557

MAR 16 2021

March 10, 2021

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

**Re: Collection of 2021 City Taxes**

**Dear Common Council:**

**I am requesting that the Council approve the Collector's Warrant for the collection of the 2021 City Taxes. The collection period will begin on April 1, 2021 and conclude on May 5, 2021. Taxes paid after May 5<sup>th</sup> will be subject to interest and fees.**

Regards,



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

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# COLLECTOR'S WARRANT

STATE OF NEW YORK  
COUNTY OF NIAGARA

SS:

A.D. 2021

From: The People of the State of New York  
To: City of North Tonawanda, Receiver and/or Collector of Taxes, in said County of Niagara, Greetings:

**YOU ARE HEREBY REQUIRED AND COMMANDED**, pursuant to the provisions of Section 904 of the Real Property Tax Law of the State of New York:

To receive and start collection of taxes on or before the first day of April 2021, from the several persons and corporations named in the assessment roll, which is annexed hereto, the amounts listed opposite their respective names, together with your fees thereon.

Pursuant to Section 920 of the Real Property Tax Law, upon receipt of the tax roll and warrant, the collecting officer shall cause a notice to be published once a week for two successive weeks in the official newspaper of the city, as set forth by such law.

To make no changes or alterations in the tax warrant or the attached tax rolls but the City may recall its warrant and tax roll for correction of errors or omissions in accordance with the provisions of Section 554 of the Real Property Tax Law.

You shall receive taxes without interest that are paid on or before the fourth day of May 2021, or within thirty days of the date of the receipt of the warrant required by Section 920 of the Real Property Tax Law, whichever is later. On all taxes you receive after this day, there shall be added interest as determined by the Commissioner of Taxation and Finance pursuant to Section 924-a of the Real Property Tax Law for each month or fraction thereof until such taxes are paid.

The warrant is issued pursuant to Sections 910, 912 and 914 of the Real Property Tax Law. It is effective immediately after it is properly signed by the Mayor and City Council Chairman. The warrant shall expire on the last day of the fiscal year, after which a Tax Lien will be issued against any and all unpaid taxes. In case any person personally liable for unpaid taxes listed on the tax roll shall refuse to pay his or her taxes, you are authorized to cause the same to be sold at public auction for the purpose of paying the taxes due and the expense of levy and sale.

**TO THE CITY OF NORTH TONAWANDA, the sum of \$18,665,851.57** in witness whereof, The Common Council, in annual meeting assembled, have caused this Warrant to be signed by the City Council Chairman and the Mayor of North Tonawanda. **FOR SO DOING THIS SHALL BE YOUR WARRANT.**

Given under the hands and seal of the City of North Tonawanda,  
County of Niagara, State of New York, this First day of May 2021.

.....  
Mayor of the City of North Tonawanda

.....  
Chairman of the North Tonawanda City Council



2021 City Tax Rate  
based on 2020 Assessment Roll

Tax Rate Calculation

Total 2021 Real Property Tax Levy  
Pro Rata Exemptions for City (FE293)  
Total 2021 Real Property Tax Levy - ProRata

Budget pg. 5  
**TAX LEVY =**  
**\$17,839,696.30**

**Total Taxable Assessment (2020 roll) \$1,245,506,231**

Tax Rate (Levy - ProRata / Total Taxable Asmt) **\$14.286072** **\$0.014286072**

Collections Calculation

Total Real Property Tax Levy - FE293 \$17,793,392.17  
Pro Rata Exemptions (City FE293) \$46,304.13

Unpaid Water/Sewer (UT291) \$807,618.05

Garbage Totes & Pickup Charges (RC100) \$15,405.00  
Weeds/Nuisance Charges (MS100) \$3,132.22

Special District (excluding MS100) special assessment PC930 completed \$0.00

Grand Total to Collect (Tax Levy & collections) **\$18,665,851.57**

File: 2021 City Tax Rate  
To RPTO :  
Mayor Arthur Pappas  
cc: Clerk/Treasurer  
Accountant  
Staff  
Barbara W. Klenke  
City Assessor  
C:\MyDoc\2021 City Tax Rate.xls  
2/26/2021

NYS - Real Property System  
County of Niagara  
City of North Tonawanda - 2912

File Totals - 2020 - Prior Year File  
Special District Town Summary

Code	Name	Ext	CC/OM	# Parcels	Taxable Value
FE291	Former exempt County	MT		107	43,140.00
FE293	Former exempt City	MT		175	46,304.13
FE294	Former exempt school	MT		100	20,718.68
MS100	Miscellaneous	MT		34	3,132.22
RC100	City Refuse Charges	MT		238	15,405.00
RD291	County refuse	FE		12,745	0.00
RD291	County refuse	SU		12,745	0.00
RD291	County refuse	TO		12,745	1,315,735,221.00
RD291	County refuse	UN		12,745	0.00
UT291	Unpaid sew & wat	MT		1,589	807,618.05

Ready...

R/S	Name	# Parcels	Land Assessed Value	Total Assessed Value	County	Town/City	Taxable Value	School	Village
1	Taxable	12,324	253,627,325	1,260,750,080	1,190,278,585	1,202,307,419	1,232,386,451	0	0
5	Special Franch.	8	0	19,779,183	19,779,183	19,779,183	19,779,183	0	0
6	Utility	86	975,009	20,380,130	18,380,130	20,380,130	20,380,130	0	0
7	Ceiling RR	1	0	3,038,999	3,038,999	3,038,999	3,038,999	0	0
8	Wholly Exmpt	347	19,570,944	166,419,044	500	500	500	0	0
City Totals:			12,766	274,173,278	1,470,367,436	1,231,477,397	1,245,506,231	1,275,585,263	0



**City of North Tonawanda  
Department of Engineering**

City Hall, 216 Payne Avenue  
North Tonawanda, NY 14120-5493  
www.northtonawanda.org

IV:1

**Chelsea L. Spahr, P.E.**  
City Engineer  
Phone: (716) 695-8565  
Fax: (716) 695-8568

March 4, 2021

**MAR 16 2021**

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

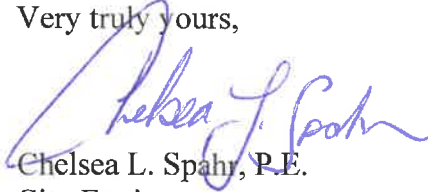
**Re: Pine Woods Park Pavilion and Bathroom Improvement - Asbestos and Lead Testing**

Dear Honorable Body:

Due to the age of the Pine Woods Park pavilion and bathroom facilities it was determined that a pre-renovation asbestos and lead-based paint inspection should be conducted. Working with the design consultant, Nussbaumer & Clarke, Inc., we secured a proposal from Aurora Environmental LLC to conduct this inspection. Please find the proposal attached.

I therefore recommend that the Common Council authorize the Mayor to sign the enclosed agreement for the asbestos and lead-based paint inspection of the Pine Woods Park pavilion and bathroom with Aurora Environmental LLC, PO Box 141, 1850 Davis Road, West Falls, NY 14170; in an amount of \$1,500.00; subject to review by the City Attorney.

Very truly yours,



Chelsea L. Spahr, P.E.  
City Engineer

CLS:cls

Cc: file  
Luke A. Brown, City Attorney  
Michael Zimmerman, Dir. Community Development  
Jeffery Zellner, City Accountant  
Alex Domaradzki, Dir. Parks, Recreation & Youth  
Michael Marino, P.E., Nussbaumer & Clarke

2021 MAR 16 10:00 AM  
CITY CLERK'S OFFICE

RECEIVED  
CITY CLERK'S OFFICE



PO Box 141 · 1850 Davis Road · West Falls, NY 14170

February 16, 2021

City of North Tonawanda, New York  
c/o  
Iain Ramage, R.A.  
Project Engineer  
Nussbaumer and Clarke, Inc.  
3556 Lake Shore Road, Suite 500  
Buffalo, NY 14219

**Re: Request for Proposal  
Pre-renovation Asbestos and Lead Based Paint Inspection  
City of North Tonawanda  
Pinewoods Park Pavilion and Lavatory**

Mr. Ramage:

Thank you for allowing Aurora Environmental LLC to submit this Proposal for pre-renovation Asbestos and Lead Based Paint Inspection Services at the above-listed property.

Aurora Environmental is pleased to submit this proposal for your review and appreciates the opportunity to be considered for this project. If you wish to accept this proposal please sign below and return to the address listed on the cover letter.

Sincerely,

John Pusztay

Accepted by \_\_\_\_\_

Date \_\_\_\_\_

## 1.0 BACKGROUND

Aurora Environmental LLC (Aurora) is providing a proposal for a Pre-renovation Asbestos and Lead Based Paint Inspection of the Pinewoods Park Pavilion and Lavatory in North Tonawanda, NY. The scope of renovation includes disturbances of floor and wall finishes, replacement of doors, and replacement of the ceiling within the Pavilion kitchen.

## 2.0 SCOPE OF SERVICES

1. A pre-renovation asbestos inspection at the above referenced property shall be conducted in accordance with Code Rule 56 and EPA NESHAPS guidelines.
2. Representative painted surfaces will be tested by XRF analyzer for Lead-based paint.
3. All Homogenous Materials within client defined areas shall be visually identified.
4. Suspect Homogenous Materials shall be sampled. Destructive sampling techniques shall be utilized by inspectors to adequately sample materials. Samples shall be analyzed by an ELAP approved laboratory.
5. Aurora will perform temporary patching of roof sample locations, but does not guarantee weathertightness of temporary patching.
6. Aurora Environmental LLC shall provide all equipment, tools and coordination required to access subject areas.
7. A "Pre-renovation Asbestos and Lead Based Paint Inspection Report" shall be issued. The report shall identify and assess the locations, quantities, friability and conditions of all confirmed asbestos-containing materials, as well as lead-based paint covered components within the planned scope of renovations.
8. Aurora excludes subterranean investigation for plumbing or under slab vapor barriers as well as destructive investigation of interstitial spaces.

## 3.0 DELIVERABLES

An electronic and one hard copy of the "Pre-renovation Asbestos and Lead Based Paint Inspection Report" will be transmitted to the client within 10 days of inspection completion.

## 4.0 FEES

Fees invoiced on completion. Payment due net 30 days.

Description	Units (estimated)*	Unit Rates	Total cost
Inspection –			\$ 600.00
Laboratory analysis of suspect materials (estimated)			
• By Polarized Light Microscopy (friable)	10 samples	\$12/sample	\$ 100.00
• By PLM (non-friable)	10 samples	\$20/sample	\$ 200.00
• Transmission Electron Microscopy	10 samples	\$50/sample	\$ 500.00
Summary Report			\$ 100.00
<b>Estimated Total*</b>			<b>\$ 1,500.00</b>

\*If additional sample analysis is required the client shall be billed at unit rates above. NOBs samples analyzed as <1% asbestos by PLM require analysis by TEM according to NYS regulations. If samples of surfacing materials (plaster or spray on fireproofing) are determined to contain vermiculite and require analysis by PLM method 198.8, the client will be notified. The material may be assumed asbestos containing, or may be analyzed at a unit rate of \$400.00/sample at a 2-week turnaround time on client approval.



**City of North Tonawanda  
Department of Engineering**

City Hall, 216 Payne Avenue  
North Tonawanda, NY 14120-5493  
www.northtonawanda.org

IV.2

**Chelsea L. Spahr, P.E.**  
City Engineer  
Phone: (716) 695-8565  
Fax: (716) 695-8568

March 4, 2021

**MAR 16 2021**

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


**Re: FEMA National Flood Insurance Program (NFIP) Flood Insurance Rate  
Maps for Niagara County Updates - Local Law Adoption**

Dear Honorable Body:

The Federal Emergency Management Agency (FEMA) has recently completed a new Flood Insurance Study and Flood Insurance Rate Maps (FIRMs) establishing Base Flood Elevations (BFEs) for the City of North Tonawanda. To maintain eligibility in the NFIP it is necessary for the City of North Tonawanda to adopt the new FIRMs into our floodplain management regulations. Due to changes required by the new flood insurance study and maps and given recent changes to the New York State Building and Residential Code, it would be best to repeal our current **Chapter 42 Flood Hazard Areas** law and enact a new local law **Chapter 42 Flood Damage Prevention**, see attached.

As such, I am requesting that the Council repeal the current **Chapter 42 Flood Hazard Areas** of the City Code and enact the new local law **Chapter 42 Flood Damage Prevention**, subject to review by the City Attorney.

Very truly yours,

  
Chelsea L. Spahr, P.E.  
City Engineer

CLS:cls

Cc: file  
Luke A. Brown, City Attorney  
Cosimo Capozzi, Building Inspector

RECEIVED  
CITY CLERK'S OFFICE  
2021 MAR 4 4:05:51  
4000 TONAWANDA ST

**A local law for Flood Damage Prevention as authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36**

**CHAPTER 42. FLOOD DAMAGE PREVENTION**

**ARTICLE I. STATUTORY AUTHORIZATION AND PURPOSE**

**42.1.1 FINDINGS**

The Common Council of the City of North Tonawanda finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the City of North Tonawanda and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

**42.1.2 STATEMENT OF PURPOSE**

It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damages;
- (5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
- (6) qualify and maintain for participation in the National Flood Insurance Program.

**42.1.3 OBJECTIVES**

The objectives of this local law are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;



- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) to provide that developers are notified that property is in an area of special flood hazard; and,
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

## ARTICLE II. DEFINITIONS

### 42.2.1 WORD USAGE; DEFINITIONS

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable application.

**“Accessory Structure”** is a structure used solely for parking (two-car detached garages or smaller) or limited storage, represent a minimal investment of not more than 10-percent of the value of the primary structure, and may not be used for human habitation.

**“Appeal”** means a request for a review of the Local Administrator's interpretation of any provision of this Local Law or a request for a variance.

**“Area of shallow flooding”** means a designated AO, AH or VO Zone on a community's FIRM with a one percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**“Area of special flood hazard”** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the base floodplain or 100-year floodplain. For purposes of this Local Law, the term “special flood hazard area (SFHA)” is synonymous in meaning with the phrase “area of special flood hazard.”

**“Base flood”** means the flood having a one percent chance of being equaled or exceeded in any given year.

**“Basement”** means that portion of a building having its floor subgrade (below ground level) on all sides.

**“Breakaway wall”** means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

**“Building”** see “Structure”

**“Cellar”** has the same meaning as “Basement”.

**“Coastal A Zone”** Area within a SFHA, landward of a V1-V30, VE, or V zone or landward of an open coast without mapped coastal high hazard areas. In a coastal A zone, the principal source of flood must be astronomical tides, storm surges, seiches or tsunamis, not riverine flooding. During the base flood conditions, the potential for breaking wave height shall be greater than or equal to 1 ½ feet (457 mm). The inland limit of coastal A zone is (a) the Limit of Moderate Wave Action if delineated on a FIRM, or (b) designated by the authority having jurisdiction.

**“Coastal high hazard area”** means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity

wave action from storms or seismic sources. The area is designated on a FIRM as Zone V1-V30, VE, VO or V.

**"Crawl Space"** means an enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

**"Development"** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

**"Elevated building"** means a non-basement building (i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

**"Federal Emergency Management Agency"** means the Federal agency that administers the National Flood Insurance Program.

**"Flood" or "Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

**"Flood Boundary and Floodway Map (FBFM)"** means an official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

**"Flood Elevation Study"** means an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

**"Flood Hazard Boundary Map (FHBM)"** means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

**"Flood Insurance Rate Map (FIRM)"** means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**"Flood Insurance Study"** see "flood elevation study".

**"Floodplain" or "Flood-prone area"** means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

**"Floodproofing"** means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**"Floodway"** - has the same meaning as "Regulatory Floodway".

**"Functionally dependent use"** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

**"Highest adjacent grade"** means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

**"Historic structure"** means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (i) by an approved state program as determined by the Secretary of the Interior or

(ii) directly by the Secretary of the Interior in states without approved programs.

**"Limit of Moderate Wave Action (LiMWA)"** line shown on FIRMs to indicate the inland limit of the 1 ½ foot (457 mm) breaking wave height during the base flood.

**"Local Administrator"** is the person appointed by the community to administer and implement this local law by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.

**"Lowest floor"** means lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

**"Manufactured home"** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "Recreational vehicle"

**"Manufactured home park or subdivision"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**"Mean sea level"** means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum to which base flood elevations shown on a community's FIRM are referenced.

**"Mobile home"** - has the same meaning as "Manufactured home".

**"New construction"** means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

**"One-hundred-year flood" or "100-year flood"** has the same meaning as "Base Flood".

**"Primary frontal dune"** means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

**"Principally above ground"** means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

**"Recreational vehicle"** means a vehicle which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;

- (3) designed to be self-propelled or permanently towable by a light duty truck; and
- (4) not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**"Regulatory Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 42.4.4-2 of this Law.

**"Sand dunes"** means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

**"Start of construction"** means the date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**"Structure"** means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**"Substantial damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**"Substantial improvement"** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;  
or

- (2) any alteration of a "Historic structure", provided that the alteration will not preclude the structure's continued designation as a "Historic structure".

**"Variance"** means a grant of relief from the requirements of this local law which permits construction or use in a manner that would otherwise be prohibited by this local law.

**"Violation"** means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

## **ARTICLE III. GENERAL PROVISIONS**

### **42.3.1 LANDS TO WHICH THIS LOCAL LAW APPLIES**

This local law shall apply to all areas of special flood hazard within the jurisdiction of the City of North Tonawanda, CID #360508, Niagara County.

### **42.3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency.

- (1) Flood Insurance Rate Map Panel Numbers:

36063C0334F, 36063C0342F, 36063C0344F

whose effective date is May 4, 2021, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

- (2) Flood Insurance Rate Map Panel Numbers:

36063C0353E, 36063C0354E, 36063C0362E, 36063C0363E, 36063C0364E

whose effective date is September 17, 2010, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

- (3) A scientific and engineering report entitled "Flood Insurance Study, New York, Niagara County," dated May 4, 2021.

The above documents are hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and/or maps are on file at the Office of the City Engineer located at 216 Payne Avenue, North Tonawanda, New York 14120.

### **42.3.3 INTERPRETATION AND CONFLICT WITH OTHER LAWS**

This Local Law includes all revisions to the National Flood Insurance Program through October 27, 1997 and shall supersede all previous laws adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

### **42.3.4 SEVERABILITY**

The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.



#### **42.3.5 PENALTIES FOR NON-COMPLIANCE**

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this local law and any other applicable regulations. Any infraction of the provisions of this local law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this local law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the City of North Tonawanda from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this local law for which the developer and/or owner has not applied for and received an approved variance under Section 42.6.0 will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

#### **42.3.6 WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this local law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This local law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This local law shall not create liability on the part of the City of North Tonawanda, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this local law or any administrative decision lawfully made there under.

## **ARTICLE IV. ADMINISTRATION**

### **42.4.1 DESIGNATION OF THE LOCAL ADMINISTRATOR**

The North Tonawanda City Engineer is hereby appointed Local Administrator to administer and implement this local law by granting or denying floodplain development permits in accordance with its provisions.

### **42.4.2 THE FLOODPLAIN DEVELOPMENT PERMIT**

#### **42.4.2-1 PURPOSE**

A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Section 42.3.2, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

#### **42.4.2-2 FEES**

All applications for a floodplain development permit shall be accompanied by an application fee of \$75. In addition, the applicant shall be responsible for reimbursing the City of North Tonawanda for any additional costs necessary for review, inspection and approval of this project. The Local Administrator may require a deposit of no more than \$500.00 to cover these additional costs.

### **42.4.3 APPLICATION FOR A PERMIT**

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

- (1) The proposed elevation, in relation to mean sea level, of the top of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in a Special Flood Hazard Area (SFHA). Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- (2) The proposed elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of any new or substantially improved structure to be located in Zones V1-V30 or VE, or Zone V if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the

Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.

- (3) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- (4) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in Section 42.5.2-3, UTILITIES.
- (5) A certificate from a licensed professional engineer or architect that any non-residential floodproofed structure will meet the floodproofing criteria in Section 42.5.5, NON-RESIDENTIAL STRUCTURES.
- (6) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in Section 42.3.2, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- (7) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- (8) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.
- (9) In Zones V1-V30 and VE, and also Zone V if base flood elevation are available, designs and specifications, certified by a licensed professional engineer or architect, for any breakaway walls in a proposed structure with design strengths in excess of 20 pounds per square foot.
- (10) In Zones V1-V30 and VE, and also Zone V if base flood elevation are available, for all new and substantial improvements to structures, floodplain development permit applications shall be accompanied by design plans and specifications, prepared in sufficient detail to enable independent review of the foundation support and connection components. Said plans and specifications shall be developed or reviewed by a licensed professional engineer or architect, and shall be accompanied by a statement, bearing the signature of the architect or engineer, certifying that the design and methods of construction to be used are in accordance with accepted standards of practice and with all applicable provisions of this local law.

#### **42.4.4 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR**

Duties of the Local Administrator shall include, but not be limited to the following.

##### **42.4.4-1 PERMIT APPLICATION REVIEW**

The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

- (1) Review all applications for completeness, particularly with the requirements of subsection 42.4.3, APPLICATION FOR A PERMIT, and for compliance with the provisions and standards of this law.
- (2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Section 42.5.0, CONSTRUCTION STANDARDS and, in particular, sub-section 42.5.1-2 SUBDIVISION PROPOSALS.
- (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 42.5.0, CONSTRUCTION STANDARDS, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.

- (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

##### **42.4.4-2 USE OF OTHER FLOOD DATA**

- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to paragraph 42.4.3(8), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this law.
- (2) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.

#### **42.4.4-3 ALTERATION OF WATERCOURSES**

- (1) Notification to adjacent municipalities that may be affected and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse and submit evidence of such notification to the Regional Administrator, Region II, Federal Emergency Management Agency.
- (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

#### **42.4.4-4 CONSTRUCTION STAGE**

- (1) In Zones A1-A30, AE, AH, and Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
- (2) In Zones V1-V30, VE, and V if base flood elevation data are available, upon placement of the lowest floor of a new or substantially improved structure, the permit holder shall submit to the Local Administrator a certificate of elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns). The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. An elevation certificate must also be submitted for a recreational vehicle if it remains on a site 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
- (3) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

#### **42.4.4-5 INSPECTIONS**

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

#### **42.4.4-6 STOP WORK ORDERS**

- (1) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 42.3.5 of this local law.
- (2) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this law and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 42.3.5 of this local law.

#### **42.4.4-7 CERTIFICATE OF COMPLIANCE**

- (1) In areas of special flood hazard, as determined by documents enumerated in Section 42.3.2, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this local law.
- (2) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.
- (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Section 42.4.4-5, INSPECTIONS, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

#### **42.4.4-8 INFORMATION TO BE RETAINED**

The Local Administrator shall retain and make available for inspection, copies of the following:

- (1) Floodplain development permits and certificates of compliance;
- (2) Certifications of as-built lowest floor elevations of structures required pursuant to sub-sections 42.4.4-4(1) and 42.4.4-4(2), and whether the structures contain a basement;
- (3) Floodproofing certificates required pursuant to sub-section 42.4.4-4(1), and whether the structures contain a basement;
- (4) Variances issued pursuant to Section 42.6.0, VARIANCE PROCEDURES; and,
- (5) Notices required under sub-section 42.4.4-3, ALTERATION OF WATERCOURSES.

- (6) Base flood elevations developed pursuant to sub-section 42.4.3(7) and supporting technical analysis.

## **ARTICLE V. CONSTRUCTION STANDARDS**

### **42.5.1 GENERAL STANDARDS**

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 42.3.2.

#### **42.5.1-1 COASTAL HIGH HAZARD AREAS AND COASTAL A ZONES**

The following requirements apply within Zones V1-V30, VE and V:

- (1) All new construction, including manufactured homes and recreational vehicles on site 180 days or longer and not fully licensed for highway use, shall be located landward of the reach of high tide.
- (2) The use of fill for structural support of buildings, manufactured homes or recreational vehicles on site 180 days or longer is prohibited.
- (3) Man-made alteration of sand dunes which would increase potential flood damage is prohibited.

#### **42.5.1-2 SUBDIVISION AND DEVELOPMENT PROPOSALS**

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (1) Proposals shall be consistent with the need to minimize flood damage;
- (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed to minimize flood damage; and,
- (3) Adequate drainage shall be provided to reduce exposure to flood damage.
- (4) Proposed development shall not result in physical damage to any other property (e.g., stream bank erosion or increased flood velocities). If requested by the Local Administrator, the applicant shall provide a technical analysis, by a licensed professional engineer, demonstrating that this condition has been met.
- (5) Proposed development shall be designed, located, and constructed so as to offer the minimum resistance to the flow of water and shall be designed to have a minimum effect upon the height of flood water.
- (6) Any equipment or materials located in a special flood hazard area shall be elevated, anchored, and floodproofed as necessary to prevent flotation, flood damage, and the release of hazardous substances.
- (7) No alteration or relocation of a watercourse shall be permitted unless:



- (i) a technical evaluation by a licensed professional engineer demonstrates that the altered or relocated segment will provide conveyance equal to or greater than that of the original stream segment and will not result in physical damage to any other property;
- (ii) if warranted, a conditional revision of the Flood Insurance Rate Map is obtained from the Federal Emergency Management Agency, with the applicant providing the necessary data, analyses, and mapping and reimbursing the City of North Tonawanda for all fees and other costs in relation to the application; and
- (iii) the applicant provides assurance that maintenance will be provided so that the flood carrying capacity of the altered or relocated portion of the watercourse will not be diminished.

#### **42.5.1-3 ENCROACHMENTS**

- (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
  - (i) the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,
  - (ii) the City of North Tonawanda agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the City of North Tonawanda for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the City of North Tonawanda for all costs related to the final map revision.
- (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 42.3.2, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
  - (i) a technical evaluation by a licensed professional engineer demonstrates through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,
  - (ii) the City of North Tonawanda agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the City of North Tonawanda for all fees and other costs in relation to the application. The applicant must also provide all

data, analyses and mapping and reimburse the City of North Tonawanda for all costs related to the final map revisions.

- (3) In a Special Flood Hazard Area (SFHA), if any development is found to increase or decrease base flood elevations, the City of North Tonawanda shall as soon as practicable, but not later than six months after the date such information becomes available, notify FEMA and the New York State Department of Environmental Conservation of the changes by submitting technical or scientific data in accordance with standard engineering practice.

#### **42.5.2 STANDARDS FOR ALL STRUCTURES**

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 42.3.2.

##### **42.5.2-1 ANCHORING**

New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

##### **42.5.2-2 CONSTRUCTION MATERIALS AND METHODS**

- (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
- (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
- (3) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE, AO or A, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
  - (i) a minimum of two openings of each enclosed area having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and,
  - (ii) the bottom of all such openings no higher than one foot above grade.
  - (iii) openings not less than three inches in any direction.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

- (4) Within Zones V1-V30 and VE, and also within Zone V if base flood elevation are available, new construction and substantial improvements shall have the space below the lowest floor either free from obstruction or constructed with non-supporting breakaway walls, open wood lattice-work or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. The enclosed space below the lowest floor shall be used only for parking vehicles, building access or storage. Use of this space for human habitation is expressly prohibited. The construction of stairs, stairwells and elevator shafts are subject to the design requirements for breakaway walls.

#### **42.5.2-3 UTILITIES**

- (1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation, or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;
- (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and,
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

#### **42.5.2-4 STORAGE TANKS**

- (1) Underground tanks shall be anchored to prevent flotation, collapse and lateral movement during conditions of the base flood.
- (2) Above-ground tanks shall be:
  - (i) anchored to prevent flotation, collapse or lateral movement during conditions of the base flood or;

- (ii) installed at or above the base flood elevation as shown on the Flood Insurance Rate Map enumerated in Section 42.3.2 plus two feet.

### **42.5.3 RESIDENTIAL STRUCTURES (EXCEPT COASTAL HIGH HAZARD AREAS)**

#### **42.5.3-1 ELEVATION**

The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 42.5.1-2, SUBDIVISION PROPOSALS, and 42.5.1-3, ENCROACHMENTS, and Section 42.5.2, STANDARDS FOR ALL STRUCTURES.

- (1) Within Special Flood Hazard Areas (SFHAs) if base flood elevation data are available, new construction and substantial improvements shall have the top of the lowest floor (including basement) elevated to or above two feet above the base flood elevation.
- (2) Within Zone A, when no base flood elevation data are available, a base flood elevation shall be determined by either:
  - (i) Obtain and reasonably use data available from a federal, state, or other source plus two feet of freeboard, or,
  - (ii) Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering practice, plus two feet of freeboard. Determinations shall be undertaken by a registered design professional who shall document that the technical methods used reflect currently accepted engineering practice. Studies, analyses, and computations shall be submitted in sufficient detail to allow thorough review and approval.
- (3) Within Zone AO, new construction and substantial improvements shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in Section 42.3.2 plus two feet of freeboard.
- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

### **42.5.4 RESIDENTIAL STRUCTURES (COASTAL HIGH HAZARD AREAS AND COASTAL A ZONES)**

The following standards, in addition to the standards in sub-sections 42.5.1-1, COASTAL HIGH HAZARD AREAS AND COASTAL A ZONES, and 42.5.1-2, SUBDIVISION PROPOSALS, and Section 42.5.2, STANDARDS FOR ALL STRUCTURES, apply to new and substantially improved residential structures located in areas of special flood hazard shown as Zones V1-V30, VE or V on the community's Flood Insurance Rate Map designated in Section 42.3.2.

#### **42.5.4-1 ELEVATION**

New construction and substantial improvements shall be elevated on pilings, columns or shear walls such that the bottom of the lowest horizontal structural member supporting the lowest elevated floor (excluding columns, piles, diagonal bracing attached to the piles or columns, grade beams, pile caps and other members designed to either withstand storm action or break away without imparting damaging loads to the structure) is elevated to or above two feet above base flood elevation so as not to impede the flow of water.

#### **42.5.4-2 DETERMINATION OF LOADING FORCES**

Structural design shall consider the effects of wind and water loads acting simultaneously during the base flood on all building components.

- (1) The structural design shall be adequate to resist water forces that would occur during the base flood. Horizontal water loads considered shall include inertial and drag forces of waves, current drag forces, and impact forces from waterborne storm debris. Dynamic uplift loads shall also be considered if bulkheads, walls, or other natural or man-made flow obstructions could cause wave runup beyond the elevation of the base flood.
- (2) Buildings shall be designed and constructed to resist the forces due to wind pressure. Wind forces on the superstructure include windward and leeward forces on vertical walls, uplift on the roof, internal forces when openings allow wind to enter the house, and upward force on the underside of the house when it is exposed. In the design, the wind should be assumed to blow potentially from any lateral direction relative to the house.
- (3) Wind loading values used shall be those required by the building code.

#### **42.5.4-3 FOUNDATION STANDARDS**

- (1) The pilings or column foundation and structure attached thereto shall be adequately anchored to resist flotation, collapse or lateral movement due to the effects of wind and water pressures acting simultaneously on all building components. Foundations must be designed to transfer safely to the underlying soil all loads due to wind, water, dead load, live load and other loads (including uplift due to wind and water).
- (2) Spread footings and fill material shall not be used for structural support of a new building or substantial improvement of an existing structure.

#### **42.5.4-4 PILE FOUNDATION DESIGN**

- (1) The design ratio of pile spacing to pile diameter shall not be less than 8:1 for individual piles (this shall not apply to pile clusters located below the design grade). The maximum center-to-center spacing of wood piles shall not be more than 12 feet on center under load bearing sills, beams, or girders.

- (2) Pilings shall have adequate soil penetration (bearing capacity) to resist the combined wave and wind loads (lateral and uplift) associated with the base flood acting simultaneously with typical structure (live and dead) loads, and shall include consideration of decreased resistance capacity caused by erosion of soil strata surrounding the piles. The minimum penetration for foundation piles is to an elevation of 5 feet below mean sea level (msl) datum if the BFE is +10 msl or less, or to be at least 10 feet below msl if the BFE is greater than +10 msl.
- (3) Pile foundation analysis shall also include consideration of piles in column action from the bottom of the structure to the stable soil elevation of the site. Pilings may be horizontally or diagonally braced to withstand wind and water forces.
- (4) The minimum acceptable sizes for timber piles are a tip diameter of 8 inches for round timber piles and 8 by 8 inches for square timber piles. All wood piles must be treated in accordance with requirements of EPEE-C3 to minimize decay and damage from fungus.
- (5) Reinforced concrete piles shall be cast of concrete having a 28-day ultimate compressive strength of not less than 5,000 pounds per square inch, and shall be reinforced with a minimum of four longitudinal steel bars having a combined area of not less than 1% nor more than 4% of the gross concrete area. Reinforcing for precast piles shall have a concrete cover of not less than 1 1/4 inches for No. 5 bars and smaller and not less than 1 1/2 inches for No. 6 through No. 11 bars. Reinforcement for piles cast in the field shall have a concrete cover of not less than 2 inches.
- (6) Piles shall be driven by means of a pile driver or drop hammer, jetted, or augered into place.
- (7) Additional support for piles in the form of bracing may include lateral or diagonal bracing between piles.
- (8) When necessary, piles shall be braced at the ground line in both directions by a wood timber grade beam or a reinforced concrete grade beam. These at-grade supports should be securely attached to the piles to provide support even if scoured from beneath.
- (9) Diagonal bracing between piles, consisting of 2-inch by 8-inch (minimum) members bolted to the piles, shall be limited in location to below the lowest supporting structural member and above the stable soil elevation, and aligned in the vertical plane along pile rows perpendicular to the shoreline. Galvanized steel rods (minimum diameter 1/2 inch) or cable type bracing is permitted in any plane.
- (10) Knee braces, which stiffen both the upper portion of a pile and the beam-to-pile connection, may be used along pile rows perpendicular and parallel to the shoreline. Knee braces shall be 2-by-8 lumber bolted to the sides of the pile/beam, or 4-by-4 or larger braces framed into the pile/beam. Bolting shall consist of two 5/8-inch galvanized steel bolts (each end) for 2-by-8 members, or one 5/8-inch lag bolt (each end) for square members. Knee braces shall not extend more than 3 feet below the elevation of the base flood.

#### **42.5.4-5 COLUMN FOUNDATION DESIGN**

- (1) Masonry piers or poured-in-place concrete piers shall be internally reinforced to resist vertical and lateral loads, and be connected with a movement-resisting connection to a pile cap or pile shaft.

#### **42.5.4-6 CONNECTORS AND FASTENERS**

- (1) Galvanized metal connectors, wood connectors, or bolts of size and number adequate for the calculated loads must be used to connect adjoining components of a structure. Toe nailing as a principal method of connection is not permitted. All metal connectors and fasteners used in exposed locations shall be steel, hot-dipped galvanized after fabrication. Connectors in protected interior locations shall be fabricated from galvanized sheet.

#### **42.5.4-7 BEAM TO PILE CONNECTIONS**

- (1) The primary floor beams or girders shall span the supports in the direction parallel to the flow of potential floodwater and wave action and shall be fastened to the columns or pilings by bolting, with or without cover plates. Concrete members shall be connected by reinforcement, if cast in place, or (of precast) shall be securely connected by bolting and welding. If sills, beams, or girders are attached to wood piling at a notch, a minimum of two (5/8)-inch galvanized steel bolts or two hot-dipped galvanized straps 3/16 inch by 4 inches by 18 inches each bolted with two 1/2 inch lag bolts per beam member shall be used. Notching of pile tops shall be the minimum sufficient to provide ledge support for beam members without unduly weakening pile connections. Piling shall not be notched so that the cross section is reduced below 50%.

#### **42.5.4-8 FLOOR AND DECK CONNECTIONS**

- (1) Wood 2- by 4-inch (minimum) connectors or metal joist anchors shall be used to tie floor joists to floor beams/girders. These should be installed on alternate floor joists, at a minimum. Cross bridging of all floor joists shall be provided. Such cross bridging may be 1- by 3-inch members, placed 8 feet on-center maximum, or solid bridging of same depth as joist at same spacing.
- (2) Plywood should be used for subflooring and attic flooring to provide good torsional resistance in the horizontal plane of the structure. The plywood should not be less than (3/4)-inch total thickness, and should be exterior grade and fastened to beams or joists with 8d annular or spiral thread galvanized nails. Such fastening shall be supplemented by the application of waterproof industrial adhesive applied to all bearing surfaces.

#### **42.5.4-9 EXTERIOR WALL CONNECTIONS**

- (1) All bottom plates shall have any required breaks under a wall stud or an anchor bolt. Approved anchors will be used to secure rafters or joists and top and bottom plates to studs in exterior and bearing walls to form a continuous tie. Continuous 15/32-inch or thicker plywood sheathing--overlapping the top wall plate and continuing down to the sill, beam, or girder--may be used to provide the continuous tie. If the sheets of plywood

are not vertically continuous, then 2-by-4 nailer blocking shall be provided at all horizontal joints. In lieu of the plywood, galvanized steel rods of 1/2-inch diameter or galvanized steel straps not less than 1 inch wide by 1/16 inch thick may be used to connect from the top wall plate to the sill, beam, or girder. Washers with a minimum diameter of 3 inches shall be used at each end of the 1/2-inch round rods. These anchors shall be installed no more than 2 feet from each corner rod, no more than 4 feet on center.

#### **42.5.4-10 CEILING JOIST/RAFTER CONNECTIONS**

- (1) All ceiling joists or rafters shall be installed in such a manner that the joists provide a continuous tie across the rafters. Ceiling joists and rafters shall be securely fastened at their intersections. A metal or wood connector shall be used at alternate ceiling joist/rafter connections to the wall top plate.

Gable roofs shall be additionally stabilized by installing 2-by-4 blocking on 2-foot centers between the rafters at each gable end. Blocking shall be installed a minimum of 8 feet toward the house interior from each gable end.

#### **42.5.4-11 PROJECTING MEMBERS**

- (1) All cantilevers and other projecting members must be adequately supported and braced to withstand wind and water uplift forces. Roof eave overhangs shall be limited to a maximum of 2 feet and joist overhangs to a maximum of 1 foot. Larger overhangs and porches will be permitted if designed or reviewed and certified by a registered professional engineer or architect.

#### **42.5.4-12 ROOF SHEATHING**

- (1) Plywood, or other wood material, when used as roof sheathing, shall not be less than 15/32 inch in thickness, and shall be of exterior sheathing grade or equivalent. All attaching devices for sheathing and roof coverings shall be galvanized or be of other suitable corrosion resistant material.
- (2) All corners, gable ends, and roof overhangs exceeding six inches shall be reinforced by the application of waterproof industrial adhesive applied to all bearing surfaces of any plywood sheet used in the sheathing of such corner, gable end, or roof overhang.
- (3) In addition, roofs should be sloped as steeply as practicable to reduce uplift pressures, and special care should be used in securing ridges, hips, valleys, eaves, vents, chimneys, and other points of discontinuity in the roofing surface.

#### **42.5.4-13 PROTECTION OF OPENINGS**

- (1) All exterior glass panels, windows, and doors shall be designed, detailed, and constructed to withstand loads due to the design wind speed of 75 mph. Connections for these elements must be designed to transfer safely the design loads to the supporting structure. Panel widths of multiple panel sliding glass doors shall not exceed three feet.



#### **42.5.4-14 BREAKAWAY WALL DESIGN STANDARDS**

- (1) The breakaway wall shall have a design safe loading resistance of not less than 10 and not more than 20 pounds per square foot, with the criterion that the safety of the overall structure at the point of wall failure be confirmed using established procedures. Grade beams shall be installed in both directions for all piles considered to carry the breakaway wall load. Knee braces are required for front row piles that support breakaway walls.
- (2) Use of breakaway wall strengths in excess of 20 pounds per square foot shall not be permitted unless a registered professional engineer or architect has developed or reviewed the structural design and specifications for the building foundation and breakaway wall components, and certifies that (1) the breakaway walls will fail under water loads less than those that would occur during the base flood; and (2) the elevated portion of the building and supporting foundation system will not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values shall be those required by the building code.

#### **42.5.5 NON-RESIDENTIAL STRUCTURES (EXCEPT COASTAL HIGH HAZARD AREAS)**

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 42.5.1-2, SUBDIVISION PROPOSALS, and 42.5.1-3, ENCROACHMENTS, and Section 42.5.2, STANDARDS FOR ALL STRUCTURES.

- (1) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure, together with attendant utility and sanitary facilities, shall either:
  - (i) have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
  - (ii) be floodproofed so that the structure is watertight below two feet above the base flood elevation, including attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the base flood elevation must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (2) Within Zone AO, new construction and substantial improvements of non-residential structures shall:
  - (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM plus two feet (at least three feet if no depth number is specified), or

- (ii) together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in sub-Section 42.5.5(1)(ii).
- (3) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of sub-Section 42.5.5(1)(ii), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.
- (5) Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

#### **42.5.6 NON-RESIDENTIAL STRUCTURES (COASTAL HIGH HAZARD AREAS AND COASTAL A ZONES)**

- (1) In Zones V1-V30, VE and also Zone V if base flood elevations are available, new construction and substantial improvements of any non-residential structure, together with attendant utility and sanitary facilities, shall have the bottom of lowest member of the lowest floor elevated to or above two feet above the base flood elevation. Floodproofing of structures is not an allowable alternative to elevating the lowest floor to two feet above the base flood elevation in Zones V1-V30, VE and V.

#### **42.5.7 MANUFACTURED HOMES AND RECREATIONAL VEHICLES**

The following standards in addition to the standards in Section 42.5.1, GENERAL STANDARDS, and Section 42.5.2, STANDARDS FOR ALL STRUCTURES apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

- (1) Recreational vehicles placed on sites within Zones A, A1-A30, AE, AH, AO, V1-V30, V, and VE shall either:
  - (i) be on site fewer than 180 consecutive days,
  - (ii) be fully licensed and ready for highway use, or
  - (iii) meet the requirements for manufactured homes in paragraphs 42.5.7(2), (3) and (4).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

- (2) A manufactured home that is placed or substantially improved in Zones A1-A30, AE, and AH shall be elevated on a permanent foundation such that the bottom of the frame of the manufactured home chassis is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited
- (3) Within Zone A, when no base flood elevation data are available, a base flood elevation shall be determined by either:
  - (i) Obtain and reasonably use data available from a federal, state, or other source plus two feet of freeboard, or,
  - (ii) Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering practice, plus two feet of freeboard. Determinations shall be undertaken by a registered design professional who shall document that the technical methods used reflect currently accepted engineering practice. Studies, analyses, and computations shall be submitted in sufficient detail to allow thorough review and approval.

Elevation on piers consisting of dry stacked blocks is prohibited.

- (4) Within Zone AO, the bottom of the frame of the manufactured home chassis shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in Section 42.3.2 plus two feet (at least three feet if no depth number is specified). Elevation on piers consisting of dry stacked blocks is prohibited.
- (5) Within V or VE, manufactured homes must meet the requirements of Section 42.5.4.
- (6) The foundation and anchorage of manufactured homes to be located in identified floodways shall be designed and constructed in accordance with ASCE 24.

#### **42.5.8 ACCESSORY STRUCTURES INCLUDING DETACHED GARAGES**

Apply to new and substantially improved accessory structures, including detached garages, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 42.3.2.

- (1) Within Zones A1-A30, AE, AO, AH, A, accessory structures must meet the standards of Section 42.5.2-1, ANCHORING,
- (2) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, areas below two feet above the base flood elevation shall be constructed using methods and practices that minimize flood damage.
- (3) Within Zones AO and Zone A, if base flood elevation data are not available, areas below three feet above the highest adjacent grade shall be constructed using methods and practices that minimize flood damage.

- (4) Structures must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters in accordance with Section 42.5.2-3 UTILITIES.
- (5) Within Zones V1-V30, VE, and V, accessory structures (unless properly elevated to the base flood elevation plus two feet on piles or columns) must be limited to small, low-value structures that are disposable. If a community wishes to allow unelevated accessory buildings, it must define "small" and "low cost."
- (6) Within Zones V1-V30, VE, and V, Unelevated accessory buildings must be unfinished inside, constructed with flood-resistant materials, and used only for storage.
- (7) Within Zones V1-V30, VE, and V, when an accessory building is placed, the design professional must determine the effect that debris from the accessory building will have on nearby buildings. If the accessory building is large enough that its failure could create damaging debris or divert flood flows, it must be elevated above the base flood elevation plus two feet.

## **ARTICLE VI. VARIANCE PROCEDURE**

### **42.6.1 APPEALS BOARD**

- (1) The Zoning Board of Appeals as established by the City of North Tonawanda shall hear and decide appeals and requests for variances from the requirements of this local law.
- (2) The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this local law.
- (3) Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (4) In passing upon such applications, the Zoning Board of Appeals, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this local law and:
  - (i) the danger that materials may be swept onto other lands to the injury of others;
  - (ii) the danger to life and property due to flooding or erosion damage;
  - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (iv) the importance of the services provided by the proposed facility to the community;
  - (v) the necessity to the facility of a waterfront location, where applicable;
  - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - (vii) the compatibility of the proposed use with existing and anticipated development;
  - (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
  - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
  - (xi) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

- (xii) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
- (5) Upon consideration of the factors of Section 42.6.1(4) and the purposes of this local law, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this local law.
- (6) The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

#### **42.6.2 CONDITIONS FOR VARIANCES**

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation, providing items (i-xii) in Section 42.6.1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
  - (i) the proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic structure"; and
  - (ii) the variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
  - (i) the criteria of subparagraphs 1, 4, 5, and 6 of this Section are met; and
  - (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification of:
  - (i) a showing of good and sufficient cause;

- (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:
- (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
  - (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required in Section 42.4.4-8 of this Local Law.

Be it enacted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by the  
\_\_\_\_\_ of the \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_ County, New York,  
to be effective \_\_\_\_\_.

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\_\_\_\_\_

SEAL

\_\_\_\_\_

ATTEST \_\_\_\_\_ CLERK





**City of North Tonawanda  
Department of Engineering**

City Hall, 216 Payne Avenue  
North Tonawanda, NY 14120-5493  
www.northtonawanda.org

*IV.3*

**Chelsea L. Spahr, P.E.**  
City Engineer  
Phone: (716) 695-8565  
Fax: (716) 695-8568

March 8, 2021

**MAR 16 2021**

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

**Re: Project 2020-02 Gratwick Riverside Park Picnic Shelter  
Award of Contract**

Dear Honorable Body:

On January 26, 2021, six (6) bids were received and opened by the City Clerk for the Gratwick Riverside Park Picnic Shelter Project. One (1) late bid was also received on January 26, 2021. However, this late bid did not change the results. No math errors were found in any of the bids. The results are as follows:

**Total Base Bid:**

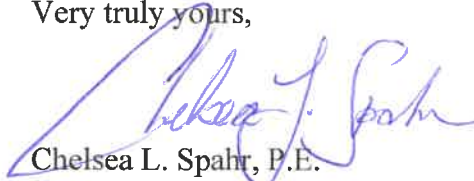
1. (Bid Withdrawn) North Spur Construction, LLC	\$138,150.00
2. <b>R.B. Mac Construction Co., Inc.</b>	<b>\$184,000.00</b>
3. Winter and Sons	\$189,220.00
4. Millennium Construction, Inc.	\$214,500.00
5. Sicoli Construction Services, Inc.	\$215,800.00
6. Lake Side Contracting Co., Inc.	\$242,500.00
7. (Late) Willett Builders, Inc.	\$280,000.00

**Total Base Bid and Alternate:**

1. (Bid Withdrawn) North Spur Construction, LLC	\$242,225.00
2. R.B. Mac Construction Co., Inc.	\$348,350.00
3. Winter and Sons	\$355,440.00
4. Millennium Construction, Inc.	\$412,950.00
5. Sicoli Construction Services, Inc.	\$413,600.00
6. Lake Side Contracting Co., Inc.	\$457,500.00
7. (Late) Willett Builders, Inc.	\$572,000.00

The Engineering Department reviewed the bid results and contacted the low bidder. After discussing the project, the low bidder was no longer comfortable with their bid and was removed from the list. Accordingly, I respectfully request that the Common Council award the Gratwick Riverside Park Picnic Shelter Project Contract to the second low bidder, R.B. Mac Construction Co., Inc., 6688 Lincoln Ave., Lockport, NY 14094, at their low Base Bid amount of \$184,000.00, pending anticipated approval at the Niagara County Legislature meeting on March 24<sup>th</sup>, 2021; authorizing the Mayor to sign said contract subject to review by the City Attorney.

Very truly yours,



Chelsea L. Spahr, P.E.  
City Engineer

CLS:tjs

Cc: file  
Luke A. Brown, City Attorney  
Michael Zimmerman, Director of Community Development  
Mark Zellner, Superintendent of Public Works  
Jeffrey Zellner, City Accountant  
Alex Domaradzki, Director of Parks and Recreation  
Larissa McKenna, R.B. Mac Construction



**City of North Tonawanda**  
**Department of Engineering**  
City Hall, 216 Payne Avenue  
North Tonawanda, NY 14120-5493  
www.northtonawanda.org

IV. 4

**Chelsea L. Spahr, P.E.**  
*City Engineer*  
Phone: (716) 695-8565  
Fax: (716) 695-8568

March 11, 2021

**MAR 16 2021**

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

**Re: Project 2018-13: ESD Smart Growth Funds Downtown North Tonawanda  
Placemaking Project  
Approval of Change Order No. 1**

Dear Honorable Body:

Approval of Change Order No. 1 for the ESD Smart Growth Funds Downtown North Tonawanda Placemaking Project is hereby requested. The change order is for the additional cost of changes made to the project after deductions were taken off for modifications to the project. Attached is a change order listing the deductions and additions that were performed on this project and their associated costs.

Accordingly, I respectfully request that the Common Council approve deduct Change Order No. 1 for ESD Smart Growth Funds Downtown North Tonawanda Placemaking Project in the amount of \$44,771.75 with 4<sup>th</sup> Generation Construction Inc., 5650 Simmons Avenue, Niagara Falls, NY 14304; decreasing the contract amount from \$1,392,900.00; to the contract amount of \$1,348,128.25; authorizing the Mayor to sign said change order.

Very truly yours,

Chelsea L. Spahr, P.E.  
City Engineer

CLS:cls

Cc: file  
Luke A. Brown, City Attorney  
Mark Zellner, Superintendent DPW  
Michael Zimmerman, Director of Community Development  
Jeffery Zellner, City Accountant  
Camil Pachucki, 4<sup>th</sup> Generation Construction



**City of North Tonawanda**  
**Department of Engineering**  
 City Hall, 216 Payne Avenue  
 North Tonawanda, NY 14120-5493  
 www.northtonawanda.org

**Chelsea L. Spahr, P.E.**  
*City Engineer*  
 Phone: (716) 695-8565  
 Fax: (716) 695-8568

CHANGE ORDER NO. 1

DATE: March 4, 2021

TO:

4<sup>th</sup> Generation Construction Inc.  
 5650 Simmons Avenue  
 Niagara Falls, NY 14304

PROJECT NO: 2018-13 ESD Smart Growth Funds  
Downtown NT Placemaking Project

ADDITION: \_\_\_\_\_

DEDUCTION: \$44,771.75

UNDER YOUR CONTRACT 1/07/2020 with the City of North Tonawanda,

You are hereby requested to comply with the following contract modifications:

See attached spreadsheet with additions and deductions and their associated costs.

The sum of \$44,771.75 is hereby deducted from the contract.

<u>Original Contract</u>	<u>C.O. No.</u>	<u>Addition</u>	<u>Deduction</u>	<u>Contract to Date</u>
\$1,392,900.00	1		\$44,771.75	\$ 1,348,128.25

ACCEPTED BY   
 (Contractor)

DATE 3/11/21

RECOMMENDED BY 

DATE 3/11/21

APPROVED BY \_\_\_\_\_  
 (Owner)

DATE \_\_\_\_\_

COMMON COUNCIL RESOLUTION DATE \_\_\_\_\_

# City of North Tonawanda

Department of Engineering  
216 Payne Avenue  
North Tonawanda, New York 14120  
(716) 695-8565/ 695-8568 fax

PROJECT: Empire State Development Smart Growth Funds Downtown North Tonawanda Placemaking Project  
PROJECT NO. 2018-13

## CHANGE ORDER COSTS

ITEM NUMBER	ITEM DESCRIPTION	CHANGE VALUE
1	ELIMINATION OF CU SOILS	\$ 31,867.00
2	ELIMINATION OF 1,290 SF OF CONCRETE AROUND CLOCK TOWER	\$ 12,255.00
3	ELIMINATION OF SOD AT CFP	\$ 6,600.00
4	ELIMINATION OF PLANTER NEAR CLOCK TOWER	\$ 2,785.00
5	ELIMINATION OF JOINT SEALING	\$ 5,000.00
6	ELIMINATION OF WOOD PANELS FROM ALTERNATE NO. 1	\$ 9,000.00
7	ELIMINATION OF 1 LIGHT FIXTURE FROM ALTERNATE NO. 1	\$ 4,800.00
8	ELIMINATION OF LIGHTING REQUIREMENT FROM VERTICAL SIGNS	\$ 4,300.00
9	ELIMINATION OF 5 WAYFINDING SIGNS	\$ 21,968.00
10	ELIMINATION OF LINE STRIPPING	\$ 3,200.00
11	REPLACE FOUR (4) HYDRANTS INSTEAD OF RELOCATE	\$ 16,747.76
12	STATE NON-ESSENTIAL WORK SHUTDOWN - REMOVAL AND REINSTALL OF M&P OF TRAFFIC	\$ 10,240.24
13	STATE NON-ESSENTIAL WORK SHUTDOWN - DEMOBILIZATION/REMOBILIZATION	\$ 6,772.41
14	STATE NON-ESSENTIAL WORK SHUTDOWN - JERSEY BARRIERS TO PROTECT WATER HYDRANTS	\$ 3,656.78
15	REVISED CURB LAYOUT	\$ 1,496.25
16	RESET EXISTING MANHOLE AT WEBSTER AND SWEENEY INTERSECTION	\$ 1,099.04
17	ADDITIONAL DRIVEWAY ON TREMONT	\$ 2,762.88
18	ALLEYWAY LIGHTING REVISION - 3 POLE MOUNTED LIGHTS	\$ 12,652.89
19	EXISTING MAP SIGN RE-WELDED AND RE-PAINTED	\$ 1,575.00

TOTAL ADDITIONAL EXPENSES: \$ 57,003.25

TOTAL DEDUCTS: \$ 101,775.00

CHANGE ORDER COSTS: \$ (44,771.75)

V.

MAR 16 2021



# CITY OF NORTH TONAWANDA WATER WORKS

830 RIVER ROAD  
NORTH TONAWANDA, NEW YORK 14120  
Phone: (716) 695-8560, ext. #6411  
Cell: (716) 946-7560  
Email: [jkoepsell@northtonawanda.org](mailto:jkoepsell@northtonawanda.org)

**Jason W. Koepsell**  
*Superintendent*

March 8, 2021

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

**RE: Approval of Payment Applications for WWTP Phase 1 Upgrade Project  
(EFC- Funding Disbursement # 7 )**

Honorable Body,

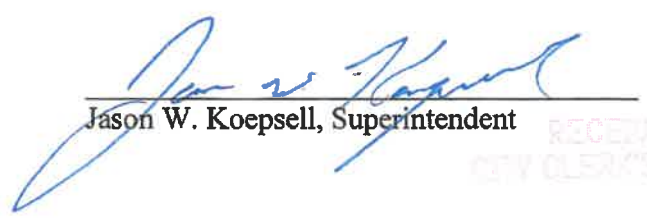
I respectfully request that you approve the following Pay Application for work performed under the WWTP Phase 1 Upgrade Contract. Wendel Engineering and I have reviewed and approve this work.

STC Construction Pay App #7	\$463,956.25
Frey Electric Pay App #7	\$174,257.40
JW Danforth Pay App #5	\$3,800.00

The city does not have to issue purchase orders for payment at this time. This work is being funded through a NY State WIIA Grant and NY State Environmental Finance Center (EFC) loan.

With your approval Rotella Grant Management will submit this request to the EFC on the city's behalf. The EFC will then send us the funds to pay these contractors. Thank you for your time and consideration of my request.

Sincerely,

  
\_\_\_\_\_  
Jason W. Koepsell, Superintendent

c.c (via email)  
Bernie Rotella, Rotella Grant Management  
Jeff Zellner, City Accountant  
Donna Braun, City Clerk/ Treasurer  
Chelsea Sparh, City Engineer

RECEIVED  
CITY CLERK'S OFFICE  
2021 MAR 11 AM 10:55  
NORTH TONAWANDA NY

**AIA DOCUMENT G702/Cma**

**TO OWNER:** City of North Tonawanda  
216 Payne Ave.  
North Tonawanda, NY 14120

**PROJECT:** North Tonawanda  
Wastewater Treatment Plant  
Phase 1 Capital Improvements  
Contract: 2020-01-G

**PO #:** 4500277004

**APPLICATION NO. PERIOD TO :** 7 01/31/21  
**STC PROJECT NO.** 2009

**DISTRIBUTION TO:**  OWNER  
 CONSTRUCTION MANAGER

**FROM CONTRACTOR:** STC Construction, Inc.  
P.O. Box 459, 63 Zoar Valley Road  
Springville, New York 14141

**ENGINEER:** Wendel  
375 Essjay Road  
Suite 200  
Williamsville, NY 14221

**CONTRACT DATE:**  ARCHITECT  
 CONTRACTOR

**CONTRACT FOR:** 2020-01-G - General Construction

**CONTRACTOR'S APPLICATION FOR PAYMENT**


Application is made for payment, as shown below, in connection with the Contract Continuation Sheet, AIA Document G703, is attached.

This undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which Certificates of Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

1. ORIGINAL CONTRACT SUM \$ 3,376,800.00
2. Net Change By Change Orders \$ -
3. CONTRACT SUM TO DATE (Line 1 + 2) \$ 3,376,800.00
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703) \$ 2,213,893.00
5. RETAINAGE \$ 110,684.65
  - a. 5% of Completed Work (Column D + E on G703)
  - b. 5% of Stored Material (Column F on G703)

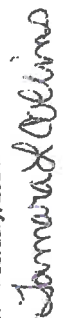
Total Retainage (Line 5a & 5b or Total in Column 1 of G703) \$ -
6. TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5 Total) \$ 2,103,008.35
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate) \$ 1,639,052.10
8. CURRENT PAYMENT DUE \$ 463,956.25
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6) \$ 1,273,791.65

**CONTRACTOR:** STC Construction, Inc

By:  Normis Polson, Project Manager

Date: 2/8/2021

State of: New York  
County of: Erie  
Subscribed and sworn to before me this 8th day of February, 2021

NOTARY PUBLIC:  Tamara L Collins  
Notary Public, State of New York  
01CO0259368  
Qualified in Erie County  
My Commission Expires April 9, 2024

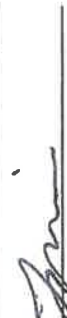
**CERTIFICATE FOR PAYMENT**

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Construction Manager and Architect certify to the Owner that to the best of their knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED ..... \$ 463,956.25

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the Amount Certified)

**CONSTRUCTION MANAGER:**

By:  \_\_\_\_\_  
Date: 3/4/2021

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous month by Owner	\$0.00	
Total approved this Month	\$0.00	
<b>TOTALS:</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>NET CHANGES by Change Order</b>	<b>\$0.00</b>	<b>\$0.00</b>

**CONTINUATION SHEET**

AIA DOCUMENT G703

SHEET 1

AIA document G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification, is attached. In tabulations below, amounts are stated to the nearest dollar. Used Column I on Contracts where variable retainage for line items may apply.

North Tonawanda Wastewater Treatment Plant

APPLICATION NO.: 7  
 APPLICATION DATE: 02/08/21  
 PERIOD TO: 06/30/20  
 STC PROJECT NO. 2009

A BID ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	E WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D+E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C-G)	I RETAINAGE (IF VARIABLE RATE) 5%
			D FROM PREVIOUS APPLICATION (D+E)	THIS PERIOD				
1G	General Construction - \$3,269,000.00							
	Bonds & Insurances	\$ 55,000.00	\$ 55,000.00	\$ -	\$ -	\$ 55,000.00	\$ -	\$ 2,750.00
	Mobilization	\$ 52,000.00	\$ 52,000.00	\$ -	\$ -	\$ 52,000.00	\$ -	\$ 2,600.00
	General Conditions	\$ 75,000.00	\$ 56,250.00	\$ 3,750.00	\$ -	\$ 60,000.00	\$ 15,000.00	\$ 3,000.00
	Demobilization	\$ 3,000.00	\$ -	\$ -	\$ -	\$ -	\$ 3,000.00	\$ -
	<b>Grit Removal System - Setwork, Tank, and Building</b>							
	Sawcut and Strip Asphalt	\$ 9,000.00	\$ 5,400.00	\$ -	\$ -	\$ 5,400.00	\$ 3,600.00	\$ 270.00
	Gate Operator Foundation	\$ 5,000.00	\$ 5,000.00	\$ -	\$ -	\$ 5,000.00	\$ -	\$ 250.00
	New Gate/Fencing and Temporary Fencing	\$ 30,000.00	\$ 27,000.00	\$ -	\$ -	\$ 27,000.00	\$ 3,000.00	\$ 1,350.00
	Drive 18 Steel Piles	\$ 60,000.00	\$ 60,000.00	\$ -	\$ -	\$ 60,000.00	\$ -	\$ 3,000.00
	Mass Tank Excavation	\$ 15,000.00	\$ 15,000.00	\$ -	\$ -	\$ 15,000.00	\$ -	\$ 750.00
	Form and Pour Center Cone	\$ 35,000.00	\$ 35,000.00	\$ -	\$ -	\$ 35,000.00	\$ -	\$ 1,750.00
	Mass Backfill	\$ 15,000.00	\$ 15,000.00	\$ -	\$ -	\$ 15,000.00	\$ -	\$ 750.00
	Form and Pour Tank Slab and Channel Footers	\$ 30,000.00	\$ 30,000.00	\$ -	\$ -	\$ 30,000.00	\$ -	\$ 1,500.00
	Storm Water System	\$ 15,000.00	\$ 15,000.00	\$ -	\$ -	\$ 15,000.00	\$ -	\$ 750.00
	Form and Pour Tank Walls	\$ 55,000.00	\$ 55,000.00	\$ -	\$ -	\$ 55,000.00	\$ -	\$ 2,750.00
	Form and Pour Channel Walls	\$ 40,000.00	\$ 40,000.00	\$ -	\$ -	\$ 40,000.00	\$ -	\$ 2,000.00
	Form and Pour Tank Top Slab	\$ 35,000.00	\$ 35,000.00	\$ -	\$ -	\$ 35,000.00	\$ -	\$ 1,750.00
	Concrete Cutting of Existing Tank Walls	\$ 7,500.00	\$ 7,500.00	\$ -	\$ -	\$ 7,500.00	\$ -	\$ 375.00
	Furnish onsite Steel Walkways, Grating, Support, Stairs	\$ 65,000.00	\$ -	\$ 65,000.00	\$ -	\$ 65,000.00	\$ -	\$ 3,250.00
	Installation of Steel Walkways, Grating, Support, and Stairs	\$ 60,000.00	\$ -	\$ 9,000.00	\$ -	\$ 9,000.00	\$ 51,000.00	\$ 450.00
	Precast Concrete Submittals	\$ 8,000.00	\$ 8,000.00	\$ -	\$ -	\$ 8,000.00	\$ -	\$ 400.00
	Precast Concrete Building Materials Onsite	\$ 60,000.00	\$ 54,000.00	\$ -	\$ -	\$ 54,000.00	\$ 6,000.00	\$ 2,700.00
	Precast Concrete Building Installation	\$ 25,000.00	\$ 22,500.00	\$ -	\$ -	\$ 22,500.00	\$ 2,500.00	\$ 1,125.00
	Concrete Flatwork (Stair Landing, Sidewalk, & Dumpster Pad)	\$ 12,000.00	\$ 12,000.00	\$ -	\$ -	\$ 12,000.00	\$ -	\$ 600.00
	Boilers	\$ 4,000.00	\$ 4,000.00	\$ -	\$ -	\$ 4,000.00	\$ -	\$ 200.00
	Asphalt Paving	\$ 40,000.00	\$ 4,000.00	\$ -	\$ -	\$ 4,000.00	\$ 36,000.00	\$ 200.00
	Lawn Restoration & Landscaping	\$ 6,000.00	\$ -	\$ -	\$ -	\$ -	\$ 6,000.00	\$ -
	<b>SHEET 1 TOTAL</b>	<b>\$ 816,500.00</b>	<b>\$ 612,650.00</b>	<b>\$ 77,750.00</b>	<b>\$ -</b>	<b>\$ 690,400.00</b>	<b>\$ 126,100.00</b>	<b>\$ 34,520.00</b>
	<b>SHEET 2 TOTAL</b>	<b>\$ 725,500.00</b>	<b>\$ 569,775.00</b>	<b>\$ 70,725.00</b>	<b>\$ -</b>	<b>\$ 640,500.00</b>	<b>\$ 85,000.00</b>	<b>\$ 32,025.00</b>
	<b>SHEET 3 TOTAL</b>	<b>\$ 1,834,800.00</b>	<b>\$ 542,893.00</b>	<b>\$ 339,900.00</b>	<b>\$ -</b>	<b>\$ 882,793.00</b>	<b>\$ 952,007.00</b>	<b>\$ 44,139.65</b>
	<b>PROJECT TOTAL</b>	<b>\$ 3,376,800.00</b>	<b>\$ 1,725,318.00</b>	<b>\$ 488,375.00</b>	<b>\$ -</b>	<b>\$ 2,213,693.00</b>	<b>\$ 1,163,107.00</b>	<b>\$ 110,684.65</b>





**CONTINUATION SHEET**

AIA DOCUMENT G703

SHEET 3

AIA document G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification, is attached.  
 In tabulations below, amounts are stated to the nearest dollar.  
 Used Column I on Contracts where variable retainage for line items may apply.

North Tonawanda  
 Wastewater Treatment Plant

APPLICATION NO.: 7  
 APPLICATION DATE: 02/08/21  
 PERIOD TO: 01/31/21  
 STC PROJECT NO. 2009

A BID ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	E WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D > E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C-G)	I RETAINAGE (IF VARIABLE RATE) 5%
			D FROM PREVIOUS APPLICATION (D > E)	THIS PERIOD				
	<b>Low Head &amp; High Head Pumps</b>							
	Pump Submittals	\$ 85,000.00	\$ 85,000.00	\$ -	\$ -	\$ 85,000.00	\$ -	\$ 4,250.00
	Furnish Pumps	\$ 550,000.00	\$ -	\$ 275,000.00	\$ -	\$ 275,000.00	\$ 275,000.00	\$ 13,750.00
	Startup & Testing	\$ 40,000.00	\$ -	\$ -	\$ -	\$ -	\$ 40,000.00	\$ -
	Demolition	\$ 160,000.00	\$ -	\$ 8,000.00	\$ -	\$ 8,000.00	\$ 152,000.00	\$ 400.00
	Furnish New Pipe/Fittings/Valves	\$ 500,000.00	\$ 375,000.00	\$ 25,000.00	\$ -	\$ 400,000.00	\$ 100,000.00	\$ 20,000.00
	Pour New Concrete Pads	\$ 16,000.00	\$ -	\$ -	\$ -	\$ -	\$ 16,000.00	\$ -
	Installation of New Pumps/Piping/Valves	\$ 280,000.00	\$ -	\$ 14,000.00	\$ -	\$ 14,000.00	\$ 266,000.00	\$ 700.00
	<b>Sludge Pumps</b>							
	Pump Submittals	\$ 5,000.00	\$ 5,000.00	\$ -	\$ -	\$ 5,000.00	\$ -	\$ 250.00
	Furnish Pumps	\$ 45,000.00	\$ 45,000.00	\$ -	\$ -	\$ 45,000.00	\$ -	\$ 2,250.00
	Demolition	\$ 8,000.00	\$ 4,000.00	\$ 4,000.00	\$ -	\$ 8,000.00	\$ -	\$ 400.00
	Materials	\$ 10,000.00	\$ 10,000.00	\$ -	\$ -	\$ 10,000.00	\$ -	\$ 500.00
	Labor	\$ 10,000.00	\$ 3,500.00	\$ 6,500.00	\$ -	\$ 10,000.00	\$ -	\$ 500.00
	Startup	\$ 2,000.00	\$ -	\$ -	\$ -	\$ -	\$ 2,000.00	\$ -
	<b>Flow Meter at Existing Chlorine Contact Tank</b>							
	Materials	\$ 10,000.00	\$ 10,000.00	\$ -	\$ -	\$ 10,000.00	\$ -	\$ 500.00
	Labor	\$ 5,000.00	\$ 3,750.00	\$ -	\$ -	\$ 3,750.00	\$ 1,250.00	\$ 187.50
	Startup	\$ 1,000.00	\$ -	\$ -	\$ -	\$ -	\$ 1,000.00	\$ -
	<b>2G Contingency Allowance</b>							
	Fencing	\$ 73,357.00	\$ -	\$ -	\$ -	\$ -	\$ 73,357.00	\$ -
	OH Crane	\$ 1,155.00	\$ 1,155.00	\$ -	\$ -	\$ 1,155.00	\$ -	\$ 57.75
		\$ 488.00	\$ 488.00	\$ -	\$ -	\$ 488.00	\$ -	\$ 24.40
	<b>A2G Grit Tank Concrete Repairs</b>							
		\$ 18,000.00	\$ -	\$ -	\$ -	\$ -	\$ 18,000.00	\$ -
	<b>A3G New Grit Tank Stairs</b>							
		\$ 14,800.00	\$ -	\$ 7,400.00	\$ -	\$ 7,400.00	\$ 7,400.00	\$ 370.00
	<b>SHEET 1 TOTAL</b>	\$ 816,500.00	\$ 612,850.00	\$ 77,750.00	\$ -	\$ 690,400.00	\$ 126,100.00	\$ 34,520.00
	<b>SHEET 2 TOTAL</b>	\$ 725,500.00	\$ 569,775.00	\$ 70,725.00	\$ -	\$ 640,500.00	\$ 85,000.00	\$ 32,025.00
	<b>SHEET 3 TOTAL</b>	\$ 1,834,800.00	\$ 542,893.00	\$ 339,900.00	\$ -	\$ 862,793.00	\$ 952,007.00	\$ 44,139.65
	<b>PROJECT TOTAL</b>	\$ 3,376,800.00	\$ 1,725,318.00	\$ 488,375.00	\$ -	\$ 2,213,693.00	\$ 1,163,107.00	\$ 110,684.65



March 2, 2021

Jason Koepsell  
Superintendent of Water/Wastewater  
City of North Tonawanda  
830 River Road  
North Tonawanda, New York 14120

**SUBJECT: CITY OF NORTH TONAWANDA  
WASTEWATER TREATMENT PLANT PHASE 1 UPGRADES PROJECT  
PAY REQUEST NO. 7 CONTRACT NO. 2020-01-E  
WENDEL PROJECT NO. 2728-27  
CWSRF PROJECT NO. C9-6675-03-00**

Dear Mr. Koepsell,

We are enclosing Payment Request No. 7 from Frey Electric Construction on the above referenced project in the amount of \$174,257.40.

We have checked all items, find them to be in order, and would recommend payment of this request.

Sincerely,

Wendel

A handwritten signature in blue ink, appearing to read "Ryan C. Laninga".

Ryan C. Laninga

Enclosures

xc:

Chelsea L. Spahr, PE, City of North Tonawanda Engineer  
Jeffery R. Zellner, City of North Tonawanda Accountant  
Nathan Taylor, Rotella Grant Management  
Bernie Rotella, Rotella Grant Management

**Application and Certificate For Payment**

To Owner: City of North Tonawanda City Hall 216 Payne Avenue No. Tonawanda, NY 14120  From (Contractor): Frey Electric Construction 100 Pearce Ave Tonawanda, NY 14150  Phone: (716) 874-1710	Project: North Tonawanda WWTP 830 River Road North Tonawanda, NY 14120  Contractor Job Number: 20-0251-00 Via (Architect): Contract No. 2020-01-E / Project No. 2728-27	Application No: 7 Date: 01/31/2021 Period To: 01/31/21 Architect's Project No: Contract Date: 04/10/20
---	---	--

**Contractor's Application For Payment**

Change Order Summary	Additions	Deductions
Change orders approved in previous months by owner	279,541.00	
Change orders approved this month	Allow1 01/31/21	
<b>Totals</b>		
<b>Net change by change orders</b>	<b>279,541.00</b>	

Original contract sum	1,118,000.00
Net change by change orders	279,541.00
Contract sum to date	1,397,541.00
Total completed and stored to date	726,161.34
Retainage	
5.0% of completed work	32,067.86
5.0% of stored material	4,240.21
Total retainage	36,308.07
Total earned less retainage	689,853.27
Less previous certificates of payment	515,595.87

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information, and belief the work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

Contractor:  Date: 02/12/21  
 Name/Title: Kenneth W. Jaskier, Secretary-Treasurer  
 State of: New York County of: Erie  
 Subscribed and sworn to before me this 12th day of February, 2021. (year). Notary public:   
 My commission expires: \_\_\_\_\_

**LAURA M. SAUVÉ**  
 NOTARY PUBLIC, STATE OF NEW YORK  
 QUALIFIED IN NIAGARA COUNTY  
 My Commission Expires July 10, 2022

Current sales tax	0.00
0.000% of taxable amount	0.00
Current sales tax	174,257.40
Balance to finish, including retainage	707,687.73

**Architect's Certificate for Payment**

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the Amount Certified.

Amount Certified: \$ 174,257.40

Architect:  Date: 3/2/2021

This Certification is not negotiable. The Amount Certified is payable only to the Contractor named herein. Issuance, payment, and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

**Application and Certificate For Payment -- page 2**

To Owner: City of North Tonawanda  
 From (Contractor): Frey Electric Construction  
 Project: North Tonawanda WWTP

Application No: 7 Date: 01/31/21 Period To: 01/31/21  
 Contractor's Job Number: 20-0251-00  
 Architect's Project No:

Item Number	Description	Scheduled Value	Work Completed		Materials Presently Stored	Completed and Stored to Date	%	Balance to Finish	Retention	Memo
			Previous Application	This Period						
0100	General Conditions	55,000.00	39,500.00	2,750.00	0.00	41,250.00	75.00	13,750.00	2,062.50	
0101	Supervision	35,000.00	24,500.00	1,750.00	0.00	26,250.00	75.00	8,750.00	1,312.50	
0102	Bonds and Insurances	11,000.00	11,000.00	0.00	0.00	11,000.00	100.00	0.00	550.00	
0103	Allowance	35,000.00	0.00	10,889.61	0.00	10,889.61	31.11	24,110.39	544.48	
0104	Mobilization	2,000.00	2,000.00	0.00	0.00	2,000.00	100.00	0.00	100.00	
0105	Temporary Work	10,000.00	5,000.00	1,500.00	0.00	6,500.00	65.00	3,500.00	325.00	
0106	Demolition-L	60,000.00	24,000.00	6,000.00	0.00	30,000.00	50.00	30,000.00	1,500.00	
0107	Sludge Distribution-M	17,000.00	16,150.00	0.00	0.00	16,150.00	95.00	850.00	807.50	
0108	Sludge Distribution-L	5,000.00	3,750.00	0.00	0.00	3,750.00	75.00	1,250.00	187.50	
0109	Storm Distribution-M	17,000.00	15,300.00	1,700.00	0.00	17,000.00	100.00	0.00	850.00	
0110	Storm Distribution-L	5,000.00	1,250.00	3,750.00	0.00	5,000.00	100.00	0.00	250.00	
0111	Chlorine Distribution-M	40,000.00	40,000.00	0.00	0.00	40,000.00	100.00	0.00	2,000.00	
0112	Chlorine Distribution-L	10,000.00	10,000.00	0.00	0.00	10,000.00	100.00	0.00	500.00	
0113	Chlorine Controls-M	20,000.00	20,000.00	0.00	0.00	20,000.00	100.00	0.00	1,000.00	
0114	Chlorine Distribution-L	5,000.00	5,000.00	0.00	0.00	5,000.00	100.00	0.00	250.00	
0115	Grit Distribution-M	40,000.00	20,000.00	20,000.00	0.00	40,000.00	100.00	0.00	2,000.00	
0116	Grit Distribution-L	10,000.00	1,500.00	8,500.00	0.00	10,000.00	100.00	0.00	500.00	
0117	Grit Pumps-M	20,000.00	0.00	0.00	0.00	0.00	0.00	20,000.00	0.00	
0118	Grit Pumps-L	5,000.00	0.00	0.00	0.00	0.00	0.00	5,000.00	0.00	
0119	Grit Controls-M	50,000.00	20,000.00	0.00	0.00	20,000.00	40.00	30,000.00	1,000.00	
0120	Grit Controls-L	10,000.00	2,000.00	0.00	0.00	2,000.00	20.00	8,000.00	100.00	
0121	Grit Heat Trace-M	22,000.00	0.00	0.00	0.00	0.00	0.00	22,000.00	0.00	
0122	Grit Heat Trace-L	7,000.00	0.00	0.00	0.00	0.00	0.00	7,000.00	0.00	
0123	Carbon Filter Low Pumps-M	25,000.00	2,500.00	0.00	0.00	2,500.00	10.00	22,500.00	125.00	
0124	Carbon Filter Low Pumps-L	10,000.00	0.00	0.00	0.00	0.00	0.00	10,000.00	0.00	
0125	Carbon Filter High Pumps-M	25,000.00	2,500.00	0.00	0.00	2,500.00	10.00	22,500.00	125.00	

**Application and Certificate For Payment -- page 3**

To Owner: City of North Tonawanda  
 From (Contractor): Frey Electric Construction  
 Project: North Tonawanda WWTP

Application No: 7 Date: 01/31/21 Period To: 01/31/21  
 Contractor's Job Number: 20-0251-00  
 Architect's Project No:

Item Number	Description	Scheduled Value	Work Completed			Materials Presently Stored	Completed and Stored to Date	Balance to Finish	Retention	Memo
			Previous Application	This Period	%					
0126	Carbon Filter High Pumps-L	10,000.00	0.00	0.00	0.00	0.00	10,000.00	0.00		
0127	Low Head Distribution-M	68,000.00	13,600.00	13,600.00	0.00	27,200.00	40,800.00	1,360.00		
0128	Low Head Distribution-L	30,000.00	6,000.00	3,000.00	0.00	9,000.00	21,000.00	450.00		
0129	High Head Distribution-M	68,000.00	13,600.00	13,600.00	0.00	27,200.00	40,800.00	1,360.00		
0130	High Head Distribution-L	30,000.00	6,000.00	3,000.00	0.00	9,000.00	21,000.00	450.00		
0131	Lighting Main-M	25,000.00	23,750.00	1,250.00	0.00	25,000.00	0.00	1,250.00		
0132	Lighting Main-L	24,450.00	12,225.00	6,112.50	0.00	18,337.50	6,112.50	916.88		
0133	Lighting Grit-M	20,200.00	18,180.00	0.00	0.00	18,180.00	2,020.00	909.00		
0134	Lighting Grit-L	16,300.00	0.00	0.00	0.00	0.00	16,300.00	0.00		
0135	Lighting Sludge-M	20,200.00	5,050.00	0.00	0.00	5,050.00	15,150.00	252.50		
0136	Lighting Sludge-L	16,300.00	5,000.00	0.00	0.00	5,000.00	11,300.00	250.00		
0137	Lighting Storm-M	54,000.00	54,000.00	0.00	0.00	54,000.00	0.00	2,700.00		
0138	Lighting Storm-L	48,900.00	48,900.00	0.00	0.00	48,900.00	0.00	2,445.00		
0139	Lighting Carbon-M	50,500.00	45,450.00	0.00	0.00	45,450.00	5,050.00	2,272.50		
0140	Lighting Carbon-L	40,750.00	0.00	0.00	0.00	0.00	40,750.00	0.00		
0141	Lighting Maintenance-M	10,100.00	10,100.00	0.00	0.00	10,100.00	0.00	505.00		
0142	Lighting Maintenance-L	8,150.00	6,927.50	1,222.50	0.00	8,150.00	0.00	407.50		
0143	Lighting Digester-M	10,000.00	9,000.00	0.00	0.00	9,000.00	1,000.00	450.00		
0144	Lighting Digester-L	8,150.00	0.00	0.00	0.00	0.00	8,150.00	0.00		
0145	Demobilization	1,000.00	0.00	0.00	0.00	0.00	1,000.00	0.00		
0146	Testing	5,000.00	0.00	0.00	0.00	0.00	5,000.00	0.00		
0147	Closeout Documents	2,000.00	0.00	0.00	0.00	0.00	2,000.00	0.00		
0201	Change order 1	279,541.00	0.00	0.00	84,804.23	84,804.23	194,736.77	4,240.21		
0300	T&M against the allowance	-10,889.61	0.00	-10,889.61	0.00	-10,889.61	0.00	-544.48		
0301	West Bank Additional Wining T&M Ticket 47181	1,901.02	0.00	1,901.02	0.00	1,901.02	0.00	95.05		
0302	Additional Wining West Bank T&M Ticket 47182	1,073.04	0.00	1,073.04	0.00	1,073.04	0.00	53.65		

**Application and Certificate For Payment -- page 4**

To Owner: City of North Tonawanda  
 From (Contractor): Frey Electric Construction  
 Project: North Tonawanda WWTP

Application No: 7 Date: 01/31/21 Period To: 01/31/21  
 Contractor's Job Number: 20-0251-00  
 Architect's Project No:

Item Number	Description	Scheduled Value	Work Completed			Completed and Stored to Date	Materials Presently Stored	Balance to Finish	Retention	Memo
			Previous Application	This Period	%					
0303	Wiring From Gas Alarm To Actuator T&M Ticket 47183	377.25	0.00	377.25	100.00	377.25	0.00	0.00	18.86	
0304	Additional Wiring to Each Scale T&M Ticket 47185	980.79	0.00	980.79	100.00	980.79	0.00	0.00	49.04	
0305	East Bank Actuator Wiring T&M Ticket 47184	3,132.25	0.00	3,132.25	100.00	3,132.25	0.00	0.00	156.61	
0306	Add. Wiring Gas Alarm Actuator Panel Allowance T&M Ticket 47864	1,228.36	0.00	1,228.36	100.00	1,228.36	0.00	0.00	61.42	
0307	Add. Wiring Actuator EM Stops Allowance T&M Ticket 47865	2,196.90	0.00	2,196.90	100.00	2,196.90	0.00	0.00	109.65	
<b>Application Total</b>		<b>1,397,541.00</b>	<b>542,732.50</b>	<b>98,624.61</b>	<b>51.96</b>	<b>725,161.34</b>	<b>84,804.23</b>	<b>671,379.66</b>	<b>36,308.07</b>	



March 4, 2021

Jason Koepsell  
Superintendent of Water/Wastewater  
City of North Tonawanda  
830 River Road  
North Tonawanda, New York 14120

**SUBJECT: CITY OF NORTH TONAWANDA  
WASTEWATER TREATMENT PLANT PHASE 1 UPGRADES PROJECT  
PAY REQUEST NO. 5 CONTRACT NO. 2020-01-M  
WENDEL PROJECT NO. 2728-27  
CWSRF PROJECT NO. C9-6675-03-00**

Dear Mr. Koepsell,

We are enclosing Payment Request No. 5 from John W. Danforth Company on the above referenced project in the amount of \$3,800.00.

We have checked all items, find them to be in order, and would recommend payment of this request.

Sincerely,

Wendel

A handwritten signature in blue ink, appearing to read 'Ryan C. Laninga'.

Ryan C. Laninga

Enclosures

xc:

Chelsea L. Spahr, PE, City of North Tonawanda Engineer  
Jeffery R. Zellner, City of North Tonawanda Accountant  
Nathan Taylor, Rotella Grant Management  
Bernie Rotella, Rotella Grant Management





INVOICE

No. PB107851

**John W. Danforth Company**  
GENERAL CONTRACTORS FOR MECHANICAL SYSTEMS  
Remit: 300 Colvin Woods Parkway Tonawanda, NY 14150 (716) 832-1940

TO [ CITY OF NORTH TONAWANDA  
216 PAYNE AVE  
NORTH TONAWANDA, NY 14120 ]

Date: 1/27/2021

Contract No.: 2020-01-M

JWD Job No.: 50107

Req. No.: 5

TERMS: Net 10 Days

**Job Name and Description:**  
**NORTH TONAWANDA WWTP UPGRADES**

AMOUNT OF CONTRACT: \$ 64,900.00  
CHANGE ORDERS TO DATE: \$ -

**TOTAL CONTRACT TO DATE: \$ 64,900.00**

TOTAL COMPLETE TO DATE: \$ 40,000.00  
LESS 5% RETENTION: \$ 2,000.00  
\$ 38,000.00  
LESS PREVIOUS BILLINGS: \$ 34,200.00

**NET AMOUNT OF THIS INVOICE: \$ 3,800.00**

**APPLICATION AND CERTIFICATE FOR PAYMENT AIA DOCUMENT G702**

**TO OWNER:**  
 CITY OF NORTH TONAWANDA  
 216 PAYNE AVE  
 NORTH TONAWANDA, NY 14120

**PROJECT:**  
 NORTH TONAWANDA WWTP UPGRADES  
 PHASE 1 CONTRACT 2020-01-M

**FROM CONTRACTOR:**  
 JOHN W. DANFORTH COMPANY  
 300 COLVIN WOODS PKWY  
 TONAWANDA, NY 14150

**VIA ARCHITECT:**  
 WENDEL  
 375 ESSIAY ROAD, SUITE 200  
 WILLIAMSVILLE, NY 14221

**CONTRACT FOR: 2020-01-M (HVAC)**

**APPLICATION NO:** 5  
**PERIOD TO:** 12/31/2020

**JWD JOB #:** 50107  
**CONTRACT#:** 2020-01-M  
**CONTRACT DATE:** 4/7/2020  
**PROJECT NO.:** 2728-27

**Distribution to:**  
 OWNER  
 ARCHITECT  
 CONTRACTOR

**CONTRACTOR'S APPLICATION FOR PAYMENT**

Application is made for payment, as shown below, in connection with the Contract Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM.....	64,900.00
2. Net change by Change orders.....	0.00
3. CONTRACT SUM TO DATE (Line 1 + 2).....	64,900.00
4. TOTAL COMPLETED & STORED TO DATE... (Column G on G703)	40,000.00
5. RETAINAGE:	
a. 5% of Completed Work \$ 2,000.00 (Column D+E on G703)	2,000.00
b. % of Stored Material (Column F on G703)	38,000.00
Total Retainage (Line 5a + 5b or Total in Column I of G703)	2,000.00
6. TOTAL EARNED LESS RETAINAGE..... (Line 4 less Line 5 Total)	34,200.00
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	3,800.00
8. CURRENT PAYMENT DUE	28,900.00
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	28,900.00

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	-	-
Total approved this Month	-	-
<b>TOTALS</b>	-	-
<b>NET CHANGES by Change Order</b>	-	-

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

**CONTRACTOR:** JOHN W. DANFORTH COMPANY  
**By:** *James Julian*  
 JAMIE JULIAN, CONTROLLER  
 State of: New York  
 County of: Erie  
 Subscribed and sworn to before me this 27th day of January, 2021

**Date:** January 27, 2021

**Notary Public:** Linda M Mann  
 My Commission expires: 10/13/2023

LINDA M MANN  
 NOTARY PUBLIC-STATE OF NEW YORK  
 No. 01MA6331651  
 Qualified in Erie County  
 My Commission Expires October 13, 2023

**ARCHITECT'S CERTIFICATE FOR PAYMENT**

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED

**AMOUNT CERTIFIED.....** \$3,800.00

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this application and on the Continuation Sheet that are changed to conform to the amount certified.)

**By:** *Linda M Mann*  
 LINDA M MANN, ARCHITECT  
**Date:** 3/14/2021  
 This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner of Contractor under this Contract.

VII

**JEFFREY ZELLNER**  
CITY ACCOUNTANT  
**JENNIFER CRESS**  
PAYROLL PERSONNEL SPECIALIST  
**SHERI GAMPP**  
JUNIOR ACCOUNTANT

# City of North Tonawanda

DEPARTMENT OF ACCOUNTING  
CITY HALL  
216 PAYNE AVENUE NORTH  
TONAWANDA, N.Y. 14120

TELEPHONE: (716) 695-8545  
FAX: (716) 695-8573

**MAR 16 2021**

3/11/2021

Honorable Arthur G. Pappas, Mayor  
And Common Council Members  
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 March 16th, 2021, and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Warm Regards,

  
**JEFFREY ZELLNER**  
CITY ACCOUNTANT

2021 MAR 11 4:10:45  
NORTH TONAWANDA NY

RECEIVED  
CITY CLERK'S OFFICE



# Department of Police

CITY OF NORTH TONAWANDA  
216 Payne Avenue  
North Tonawanda, N.Y. 14120-5491

  
TELEPHONE  
(716) 692-4111  
FACSIMILE  
(716) 692-4321  
EMERGENCY NO.  
9-1-1

**MAR 16 2021**

March 9, 2021

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

Dear Honorable Body,

I intend on promoting Lieutenant Robert Frank to the rank of Captain to fill the vacancy created by the retirement of Captain Karen Smith and promoting Police Officer Michael Roberts to the rank of Lieutenant to fill the vacancy created by the promotion of Lieutenant Frank.

Both were selected from the Niagara County Civil Service list of eligible's to their respective positions and both promotions will be effective on March 31, 2021.

I would like to have the administration of oath at 10:00 a.m on March 26, 2021 due to scheduling conflicts on the 31<sup>st</sup>.

Respectfully,



Thomas E. Krantz  
Chief of Police

RECEIVED  
CITY CLERK'S OFFICE

2021 MAR 9 PM 2:20  
NORTH TONAWANDA NY

**NORTH TONAWANDA**  
**Dept. of Youth, Recreation, Parks & Seniors**

500 Wheatfield Street  
North Tonawanda, NY 14120  
Phone: (716) 695-8520  
Fax: (716) 695-8533



XIV 1  
MAR 16 2021

www.ntparksrec.com

March 4, 2021

The Honorable Mayor Pappas and Common Council  
216 Payne Avenue  
North Tonawanda, New York 14120

RECEIVED  
CITY CLERK'S OFFICE

2021 MAR 4 AM 8:11  
NORTH TONAWANDA, NY

Dear Mayor Pappas and Common Council,

The North Tonawanda Botanical Gardens Organization has been working diligently alongside our department to put a plan in place for a Green Infrastructure Project Plan at the Botanical Organization Site (see project description below).

*Installation of a new facility parking lot at the North Tonawanda Botanical Gardens, reimagined with the goal of preventing or capturing greater than 90% of all stormwater runoff originating from the current 2.5-acre parking lot area. Contaminated runoff from vehicle traffic, animal waste and other pollutants is currently funneled to the boat launch area flowing directly into Tonawanda Creek / Erie Canal, a historic waterway; tributary to a Class A drinking water source for the City - the Niagara River; is heavily used for recreational fishing, boating, and kayaking; and forms over five miles of the City's border. The goal is to protect the water quality of Tonawanda Creek by capturing and preventing 61,097 gallons per one inch rainfall of contaminated stormwater runoff from entering the Creek, with a total of 2,419,421 gallons prevented in an average year. Runoff capture and prevention will be accomplished through a combination of asphalt removal; regrading; installation of pavers, permeable asphalt, and bioswales; reinforced grass parking spaces; and installation of three bioretention "islands" within the center of the lot.*

We respectfully ask for time to present the project at the next council workshop scheduled for March 9<sup>th</sup>, as we seek approval to move forward with grant applications to fund the project.

Respectfully Submitted,

Alex Domaradzki  
Director of Youth, Recreation, Parks & Seniors

**Green Infrastructure Project**  
**Botanical Gardens Parking Lot**  
**City of North Tonawanda in partnership with NT Botanical Gardens Organization (NTBGO)**

The City is seeking available funding through the Green Innovative Grant Program and the Tonawanda Community Grant Fund to complete a Green Infrastructure Project which aims to prevent stormwater runoff from the street and parking lot into the canal via the boat launch at Botanical Gardens. The idea is to transform the current parking lot into three main loops. The northern loop nearest the green house would be paved with asphalt, include parking for guests and be graded in such a way that the storm water runs off into the first of three central bio retention areas. The second loop would be considered the main loop for boat launch access. The loop would be graded to divert storm water run off into the central bio retention area. The southern end would consist of implementation of permeable concrete pavers which would convey rainfall and stormwater runoff through the permeable surface and into an underlying reservoir where it can infiltrate the soil below and into the third bio retention area. Each of the three bioretention areas would contain plants and vegetation effective at removing pollutants and reducing stormwater runoff. The retention areas will mimic natural ecosystems through species diversity, density and distribution of vegetation, and the use of native species. This allows for the bioretention system to be resistant to insects, disease, pollution, and climatic stresses.

**Estimated Project Timeline: (see graphics on Page 2)**

- February 2021: New York State Canal Corporation initial letter of support to proceed with grant funding for project.
- March 2021: Tonawanda Community Grant Fund Application due March 23, 2021. Seeking funds for Phase 1 of the project of approximately \$210,000 for bioretention areas and asphalt materials. Paving to be done by municipal employees at Department of Public Works (DPW).
- November 2021- NYS GIGP Grant (Green Stormwater Infrastructure) application for Phase 2: Southern January 2022 loop- concrete pavers and bioretention area 3.
- Spring of 2022: Commence Phase 1 of project (Asphalt and Heavy Duty Asphalt paving) and bioretention areas (northern and central loop). Southern loop (concrete pavers) remains "as is" with milled parking lot.
- Fall of 2022- Commence Phase 2 of project. Concrete pavers and bioretention area at southern loop.  
Spring 2023:

**NORTH TONAWANDA**  
**Dept. of Youth, Recreation, Parks & Seniors**

500 Wheatfield Street  
North Tonawanda, NY 14120  
Phone: (716) 695-8520  
Fax: (716) 695-8533



March 5, 2021

The Honorable Mayor Pappas and Common Council  
216 Payne Avenue  
North Tonawanda, New York 14120

Dear Mayor Pappas and Common Council,

After meeting with members of the Buffalo Niagara Nikola Tesla Council (BNNTC) onsite at Gratwick Park, along with City Engineer Chelsea Spahr, we have determined an ideal location for the Tesla Coil Art Structure. We discussed the limitations and specifications for excavation as it pertains to not disturbing the geotextile cap in place at the park.

At this time, we are respectfully asking for council approval for the BNNTC to proceed with moving forward on the project. Based on our conversations, the desire is to have the structure installed and unveiled by July 10, 2021. A commitment from the City for the structure's placement at Gratwick Park is needed to get the project moving forward. The BNNTC will need to provide engineer design plans stamped by a structural engineer before any work can begin. BNNTC will coordinate with our department and the City Engineer regarding scheduling and any specifics of installation and sitework.

Completion of this project will add an interesting and valuable attraction to our Gratwick-Riverside Park.

Respectfully Submitted,

Alex Domaradzki  
Director of Youth, Recreation, Parks & Seniors

Cc: City Engineer  
Paul Swisher BNNTC Representative

2021 MAR 9 4 10:35  
NORTH TONAWANDA, NY  
CITY CLERK'S OFFICE  
RECEIVED



# Department of Police

CITY OF NORTH TONAWANDA  
216 Payne Avenue  
North Tonawanda, N.Y. 14120-5491

XXV 1

TELEPHONE  
(716) 692-4111  
FACSIMILE  
(716) 692-4321  
EMERGENCY NO.  
9-1-1

**MAR 16 2021**

February 26, 2021

Honorable Mayor Arthur G. Pappas and  
Members of the City of North Tonawanda Common Council

Ladies and Gentlemen:

Please find attached the Summary of Police Activities Report, the Summary of Criminal Activities Report and the V&T Report for the month of January 2021.

Respectfully submitted,

Thomas E. Krantz  
Chief of Police

cc: Eric Zadzilka  
cc: Austin Tylec  
cc: Robert Pecoraro  
cc: Robert Schmigel  
cc: Frank DiBernardo

TEK/sd

2021 FEB 26 10:00 AM  
CITY OF NORTH TONAWANDA  
RECEIVED



<p>NORTH TONAWANDA POLICE DEPARTMENT SUMMARY OF POLICE ACTIVITIES FOR THE MONTH OF JANUARY 2021</p>
---

CRIMINAL

Complaints received and investigated	71
Complaints cleared by arrest or exceptional clearance	33
Complaints ruled unfounded	0
Number of males arrested	20
under 18:	0
over 18:	20
Number of females arrested	5
under 18:	0
over 18:	5
Arrests for other authorities	1
Failure to Appear/Violation of Probation Warrant Arrests	7
Above complaints cleared by J.A.B.	7
Complaints cleared by J.A.B. from previous months	1

TRAFFIC

Traffic summonses issued	50
DWI arrests	7
Parking tags issued	228

MISCELLANEOUS

Miscellaneous service	1,659
Incident reports	70
Vehicle accidents	34
Vehicle accidents (fatal)	0
Vehicle stops	78
Police escorts	0
Prisoner meals	39
Mug shots taken	18
Fingerprints taken	18
Persons missing and located	1
Automobiles stolen	2
Automobiles recovered	1
Automobiles recovered for other authorities	0
Record check fees	\$30.00
Photocopy fees	\$11.00
Fingerprint fees	\$0.00
Fines collected	\$17,732.50
Value of property damaged	\$6,356.00
Value of property stolen	\$39,701.44
Value of property recovered	\$14,000.00

Respectfully submitted,



Thomas E. Krantz  
Chief of Police

TEK/sd  
RRZ/sd

<p>NORTH TONAWANDA POLICE DEPARTMENT SUMMARY OF CRIMINAL ACTIVITIES FOR THE MONTH OF JANUARY 2021</p>
---

CRIMINAL FELONIES, MISDEMEANORS AND OFFENSES

<u>TYPE OF OFFENSE</u>	<u>COMPLAINTS</u>		
	Received	Cleared	Unfounded
AGG. ASSAULT	1	1	
ALL OTHER OFFENSES	4	4	
ARSON	0	0	
BURGLARY	0	0	
COERCION	0	0	
CRIMINAL MISCHIEF	8	0	
CRIM POSS WEAPON	0	0	
DIS CON/HARASS	11	4	
DRUG OFFENSES	12	0	
EMBEZZLEMENT	0	0	
FAILURE TO APPEAR	7	7	
FORGERY	1	0	
FRAUD (ID THEFT)	5	0	
LARCENY	9	0	
LEAVING THE SCENE	7	1	
MURDER	0	0	
RAPE	1	1	
ROBBERY	0	0	
SEXUAL OFFENSES	0	0	
SIMPLE ASSAULT	5	2	
STOLEN PROPERTY	0	0	
UNAUTH USE M/V	0	0	
VIOL OF PROBATION	0	0	
ARRESTS FOR OTHER AUTHORITIES		1	
ARRESTS/CLEAR COMPS. FM PREV MONTHS		12	
TOTALS	71	33	
# OF ABOVE COMPLAINTS CLEARED BY JAB		7	
# CLEARED BY JAB FROM PREV MONTHS		1	

**V & T REPORT FOR THE MONTH OF JANUARY 2021**

SPEEDING	5
REDLIGHT VIO.	5
STOP SIGN VIO.	3
NO REGISTRATION	1
NO LICENSE	7
FAULTY EQUIPMENT	6
NO INSPECTION	4
FAILED TO YIELD RIGHT OF WAY	2
SEAT BELT VIO.	1
IMPROPER TURN	2
DROVE ON LEFT OF PAVEMENT MARKINGS	1
FAILED TO KEEP RIGHT	1
LEAVING SCENE OF INCIDENT	3
AVOIDING INTERSECTION OR TRAFFIC CONTROL DEVICE	2
FAILURE TO NOTIFY COMMISSIONER OF CHANGE OF ADDRESS	2
UNSAFE BACKING	1
MISCELLANEOUS	11

TOTAL            57

**TRAFFICE MISD.**

**#OF COMPLAINTS/ARRESTS**

DWI-----	7
OPERATING WHILE REG. SUSPENDED/REVOKED-----	1
AGGRAVATED UNLICENSED OPERATION 3 <sup>RD</sup> -----	2
AGGRAVATED UNLICENSED OPERATION 2 <sup>ND</sup> -----	4
RECKLESS DRIVING-----	1

**FELONIES**

AGGRAVATED UNLICENSED OPERATION 1 <sup>ST</sup> -----	2
---	---

**FINES:**            (CITY IMPOSED):

TRAFFIC:	\$ 12,515.00
PENAL LAW:	\$     57.50
CITY ORDINANCE:	\$     0.00
BAIL FORFEITURE:	\$     0.00
ABC VIOLATION:	\$     0.00
PARKING TAGS:	\$ 5,160.00
<b>TOTAL FINES</b>	<b>\$ 17,732.50</b>

MUG SHOTS: 18

PARKING TAGS: 228

MEAL TICKETS: 39

XXV.2

MAR 16 2021

Account#	Account Description	Fee Description	Qty	Local Share
A1255	Minor Sales	Certified Copies - Marriage	19	190.00
			<b>Sub-Total:</b>	<b>\$190.00</b>
A1550	Minor Sales	Public Pound Fee	4	100.00
			<b>Sub-Total:</b>	<b>\$100.00</b>
A1603	Misc. Fees	Birth Certificates	30	300.00
		Death Certificates	80	980.00
		Deaths Recorded	17	0.00
		Geneology Death	2	22.00
		Geneology Search	1	10.00
			<b>Sub-Total:</b>	<b>\$1,312.00</b>
A1980	Minor Sales	City Market	40	13,950.00
			<b>Sub-Total:</b>	<b>\$13,950.00</b>
A2110	Planning & Zoning Fees	Board of Appeals App.	1	50.00
		Terrace Parking App	1	20.00
			<b>Sub-Total:</b>	<b>\$70.00</b>
A2410	Minor Sales	Boathouse 2020	1	950.00
			<b>Sub-Total:</b>	<b>\$950.00</b>
A2501	Snowplow Permit	Snowplow Permit	1	25.00
			<b>Sub-Total:</b>	<b>\$25.00</b>
A2505	Marriage License Fee	Marriage License Fee	1	17.50
			<b>Sub-Total:</b>	<b>\$17.50</b>
A2542	Dog Licensing	Exempt Dogs	1	0.00
		Female, Spayed	87	783.00
		Female, Unspayed	3	51.00
		Male, Neutered	53	477.00
		Male, Unneutered	5	85.00
			<b>Sub-Total:</b>	<b>\$1,396.00</b>
A2610	Minor Sales	Parking Tickets	37	6,170.00
			<b>Sub-Total:</b>	<b>\$6,170.00</b>

<b>Total Local Shares Remitted:</b>	<b>\$24,180.50</b>
-------------------------------------	--------------------

Amount paid to: New York State Department of Health	22.50
---	-------

Amount paid to: NYS Ag. & Markets for spay/neuter program	164.00
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<b>Total State, County &amp; Local Revenues:</b>	<b>\$24,367.00</b>
--	--------------------

<b>Total Non-Local Revenues:</b>	<b>\$186.50</b>
----------------------------------	-----------------

Pursuant to Section 27, Sub 1, of the City Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by the City Clerks Office, City of North Tonawanda, during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

*Doana L. Braun*  
\_\_\_\_\_  
City Clerk-Treasurer

*3/1/21*  
\_\_\_\_\_  
Date

# City of North Tonawanda

XXV. 2

DONNA L. BRAUN  
City Clerk-Treasurer  
dbraun@northtonawanda.org

Lori Swartz  
Assistant City Clerk

Denise Proefrock  
Assistant City Treasurer

OFFICE OF THE CITY CLERK - TREASURER  
VITAL STATISTICS  
CITY HALL  
216 PAYNE AVENUE  
NORTH TONAWANDA, N.Y. 14120

**MAR 16 2021**  
Treasurer's Office: (716) 695-8575  
Clerk's Office: (716) 695-8555  
Fax: (716) 695-8557

3/8/2021

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

Dear Sirs and Mesdames:

The status of the City of North Tonawanda accounts is reflected by this cash statement for the month of February 2021.

## General Fund

Balance Fwd - Checking	388,155.03
Balance Fwd - Money Market	14,918.30
Investments	0.00
Receipts for the month	6,090,678.63
Warrants Drawn	(2,599,177.53)
	<u>\$3,894,574.43</u>

## Sewer Fund

Balance Fwd - Checking	25,234.28
Balance Fwd - Money Market	8,757.67
Investments	0.00
Receipts for the month	2,825,038.41
Warrants Drawn	(1,933,332.52)
	<u>\$925,697.84</u>

## Water Fund

Balance Fwd - Checking	1,284,392.12
Balance Fwd - Money Market	1,238,721.68
Investments	0.00
Receipts for the month	202,486.15
Warrants Drawn	(290,479.55)
	<u>\$2,435,120.40</u>

## Trust & Agency Fund

Balance Fwd - Checking	338,524.52
Receipts for the month	79,039.10
Warrants Drawn	(40,624.24)
	<u>\$376,939.38</u>

## Capital Construction Fund

Balance Fwd - Checking	584,879.49
Balance Fwd - Money Market	591,599.68
Receipts for the month	40.20
Warrants Drawn	(772,679.85)
	<hr/>
	\$403,839.52

## Community Development Fund

Balance Fwd - Checking	1,365,754.65
Receipts for the month	0.00
Warrants Drawn	0.00
	<hr/>
	\$1,365,754.65

## Rental Assistance Fund

Balance Fwd - Checking	0.00
Receipts for the month	253,138.00
Warrants Drawn	(253,138.00)
	<hr/>
	\$0.00

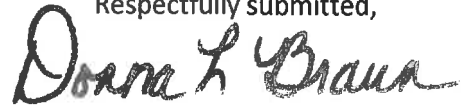
## Housing Rehabilitation Fund

Balance Fwd	18,664.71
Receipts for the month	0.43
Warrants Drawn	0.00
	<hr/>
	\$18,665.14

## Home Rehabilitation Fund

Balance Fwd	40,755.56
Receipts for the month	0.00
Warrants Drawn	0.00
	<hr/>
	\$40,755.56

Respectfully submitted,



Donna L. Braun  
City Clerk-Treasurer

**NORTH TONAWANDA**  
**Dept. of Youth, Recreation, Parks & Seniors**

500 Wheatfield Street  
North Tonawanda, NY 14120  
Phone: (716) 695-8520  
Fax: (716) 695-8533



[www.ntparksrec.com](http://www.ntparksrec.com)

March 1, 2021

The Honorable Mayor Arthur Pappas  
And Common Council  
216 Payne Avenue  
North Tonawanda, New York 14120

Ladies and Gentlemen:

The following information is submitted for your perusal concerning participants in various programs offered at the Senior Citizen Center for the month of February 2021. Please note, the Senior Center is still partially closed due to COVID-19. The Center is open by appointment/reservation only for the Grocery Shopping, Niagara County Nutrition, Attorney, Library, Arts & Crafts, Care Phone Calls, virtual Tai Chi & a Covid -19 registration program.

**Senior Center's Total Monthly Services**

**Unduplicated 437**

**Duplicated 560**

Please note: We also sponsor a "Little Free Food Pantry" and a "Little Library" both of these are available to the public 24/7 and is not included in this monthly count.

Sincerely,

Pamela A. Hogan

Recreation & Senior Coordinator

RECEIVED  
CITY OF SENIOR CENTER  
2021 MAR 1 10:08 AM  
OFFICE OF THE CLERK  
NORTH TONAWANDA, NY

CFO-A

February 16, 2021

**MAR 16 2021**

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

Dear Honorable Body,

I am requesting to be appointed as Commissioner of Deeds for the City of North Tonawanda.  
Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Trisha Cardinale". The signature is written in a cursive style with a large initial 'T'.

Trisha Cardinale

Trisha Cardinale  
150 Payne Avenue  
North Tonawanda, New York 14120

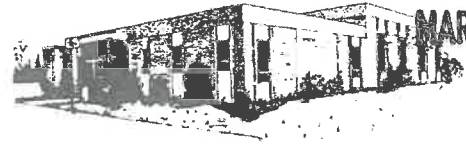


CFO-B

# Sweeney Hose Company, Inc. No. 7

125 YEARS OF DEDICATION AND SERVICE 1894-2019

P.O. BOX 30 • 499 ZIMMERMAN STREET • 716-694-0777 • NORTH TONAWANDA, NEW YORK 14120-0030



MAR 16 2021

February 27, 2021

North Tonawanda City Hall  
Attn: NT Common Council  
216 Payne Ave  
North Tonawanda, NY 14120

Dear Honorable Council,

As of the Sweeney Hose Company # 7 meeting on January 11, 2021 Kate Short is no longer an active volunteer firefighter with the city. Kate has changed her status with Sweeney Hose to Social member. Please update accordingly the official roster kept with the City of North Tonawanda records.

Regards,

Raymond Dworzanski  
Secretary - Sweeney Hose Company

2021 MAR 16 10 38  
NORTH TONAWANDA, NY

RECEIVED  
CITY CLERK'S OFFICE

CFO-C

# COLUMBIA HOOK & LADDER CO., NO. 1, INC.

P.O. Box 357 North Tonawanda, New York 14120-0357

MAR 16 2021



Established 1876

March 5, 2021

Honorable Mayor Arthur Pappas  
Honorable Common Council  
c/o City Clerk  
City Hall, 216 Payne Ave.  
North Tonawanda, NY 14120

Re: Removal from Volunteer Fire Roll


Dear Mayor and Council:

The members of Columbia Hook & Ladder Co. No. 1 sadly request the removal from the Volunteer Fire Roll --

NORMAN F. OELKERS, JR.

He died February 20, 2021. Brother Firefighter Norman Oelkers, Jr., joined Columbia Hook & Ladder on October 4, 1950, and served this fire company 70 years, 4 months, 16 days.

Respectfully,  
COLUMBIA HOOK & LADDER CO. No. 1, INC.

  
David L. Evans  
Recording Secretary

CPD-D

MAR 16 2021



*Serving WNY Children in need since 1981*

February 15, 2021

**President**  
Mandy Lofft

**Vice President**  
Chris Snyder

**Secretary**  
Kara Guyette

**Treasurer**  
Shelley Witt

**Board of Directors**

**Chairman**  
Deb Goldpenny

Diane Czajkowski

RaeAnne Roggow

Robin Schulmeister

Mike Steffan

Jeanne Wantz

Pete Witt

Alex Domaradzki, Director  
North Tonawanda Recreation Dept.  
Wheatfield Street  
North Tonawanda, N.Y. 14120

Dear Alex,

Since 1981, the City of North Tonawanda Recreation Dept. has been instrumental in our fund raising efforts. We would ask Recreation Department to again allow Glory be to Kids to use the softball diamonds. Glory be to Kids would like to schedule the softball tournament and activities for the dates:

July 14, 2021 (Tournament Draw at Pinewoods Park)

July 17-18, 2021

Rain date: July 24-25, 2021

The Glory be to Kids Golf Tournament is hoping to be scheduled for Saturday, June 19, 2021, at Deerwood golf course.

Glory be to Kids has also hoping to schedule the 5K/Chowder Cook Off for Saturday, October 2, 2021. We would also ask that the Recreation Dept. allow Glory be to Kids the use of Pinewoods Park on that day.

With the support of the City of North Tonawanda Recreation Department, Glory be to Kids hopes to continue to assist WNY children in need. 2021 will hopefully be the restart for the next 40 years of an inspired partnership.

Glory be to Kids appreciates the Recreation Departments cooperation in helping us reach our goal.

Sincerely,

*Debra Goldpenny*

Debra Goldpenny  
Board Member  
Glory be to Kids, Inc.

**Glory be to Kids, Inc.**

P.O. Box 1022 • North Tonawanda, NY 14120 • (716) 883-2269

Visit us at: [www.glorybetokids.com](http://www.glorybetokids.com)

A 501 (C) 3 Corporation

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 03-15-2007 BY 60322/UC/STW

CFO-D

MAR 16 2021



*Serving WNY Children in need since 1981*

February 15, 2021

- President**  
Mandy Lofft
- Vice President**  
Chris Snyder
- Secretary**  
Kara Guyette
- Treasurer**  
Shelley Witt
  
- Board of Directors**
- Chairman**  
Deb Goldpenny
- Diane Czajkowski
- RaeAnne Roggow
- Robin Schulmeister
- Mike Steffan
- Jeanne Wantz
- Pete Witt

North Tonawanda City Council  
216 Payne Ave.  
North Tonawanda, NY 14120

Dear Members of the North Tonawanda City Council,

The City of North Tonawanda has been instrumental in our fund raising efforts since 1981. We would ask the Council and Recreation Department to waive the usage fees for the following activities:

- Pinewoods Park for the softball tournament draw on July 14, 2021
- Pinewoods Park for the 5K/Chowder Challenge on October 2, 2021

With the continued support of the City of North Tonawanda, Glory be to Kids would hope to achieve a goal of \$35,000 for Birthday Buddies. Birthday Buddies provide a special celebration for children living in long term shelters.

Glory be to Kids appreciate, the Councils consideration to help us reach our goal.

Sincerely,  
*Debra Goldpenny*  
Debra Goldpenny  
Board Member  
Glory be to Kids

2021 MAR 16 10:05  
NORTH TONAWANDA NY  
RECEIVED  
CITY CLERK'S OFFICE

Glory be to Kids, Inc.  
P.O. Box 1022 • North Tonawanda, NY 14120 • (716) 883-2269

Visit us at: [www.glorybetokids.com](http://www.glorybetokids.com)  
A 501 (C) 3 Corporation

CFO-EI

MAR 16 2021



To Whom it May Concern,

We would like to request permission to use Pine Woods Park on March 27<sup>th</sup> from 9am-4pm for a socially distanced "Drive Thru" Easter Egg Hunt. The event will run approximately 3 hours and the rest of the time will be used for prep. Participants will pick up an Easter "Treasure Map" at the church and will proceed north on Bryant St. turning right on Schenk St; and then proceeding to the entrance of the park. Participants would then travel through the park until they have reached Thompson St. and then will proceed back to the church. Large eggs and other items will be hidden in the park that will be visible from people's cars. Participants will be required to stay in their vehicles. The Children will count the items listed on their "treasure map" . After this is completed they will go back to the church to receive their prizes. During the difficult times that we live in children need to have some semblance of normalcy and hope. We hope to bring smiles to dozens of children's faces through this event. We are hoping to serve 150-200 children in our community. We graciously request that we would be able to use the park for this event.

Blessings,

Earl Richbart  
Special Events Coordinator  
MYLORDREIGNS@AOL.COM  
(716) 579-2880

RECEIVED  
CITY CLERK'S OFFICE

2021 MAR 4 AM 11:14  
NORTH TONAWANDA NY



CFO - F.

MAR 16 2021

February 23, 2021

Common Council,

We are writing this proposal on behalf of Thursdays On the Water Concert Series at Gratwick Park. As you know, the COVID-19 Pandemic has disrupted and destroyed many events across the nation and in our community. Many of the events that have canceled are tax payer funded and were municipality based events. Thursdays On the Water is a privately owned company (JG Productions and Entertainment) We rely on sponsorships and patrons to provide a free music event for the community to enjoy on Thursday nights in the summer.

Many of the small businesses that are sponsors count on and include their sponsorships for Thursdays On the Water in their marketing budgets to attract new clients for their businesses. The food vendors count on this as a part of their annual income for their catering services as well. Some other jobs and income this event creates include stage rentals, production crews and staff, outhouse rentals, bartenders, and local sign companies. It also includes income directly to the city for the park rentals and the police security. In addition, Veterans One Stop is volunteering with the parking and keeping 100% of donations which will be presented to them at the final concert. Our last year we were able to donate over \$6,000 to them!

This will be the fourth year of Thursdays On the Water. This event has grown every year in a very positive way. We were nominated for festival of the year last year, and came in second place overall! We currently ran 28 events at this venue without any incidents or issues to report.

**Our proposed dates and times are:**

June 24<sup>th</sup>, July 8<sup>th</sup>, July 15<sup>th</sup>, July 22<sup>nd</sup>, July 29<sup>th</sup>, August 5<sup>th</sup>, August 12<sup>th</sup>, August 19<sup>th</sup> and August 26<sup>th</sup> from 5:30-10:00pm.

We are also proposing that we enter a **3-year contract** with the city of North Tonawanda to maintain our current and previous contract/agreement. After the third year, we would like to re-evaluate.

We believe we have a fair and responsible reopening proposal that has previously been approved by the health department. We would like to be on the schedule for the next available council meeting seeking approval of these events. We would like to thank you for working with us in previous years. We would like to thank you for the years we have worked with the council, and are look forward to working together for many years to come!

Regards,

Jesse Gooch & Kaile Donoughe

2021 APR 10 10:41 AM  
CITY OF NORTH TONAWANDA

CFO-6.

MAR 16 2021

3/9/2021

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

Dear Mayor Pappas and Council

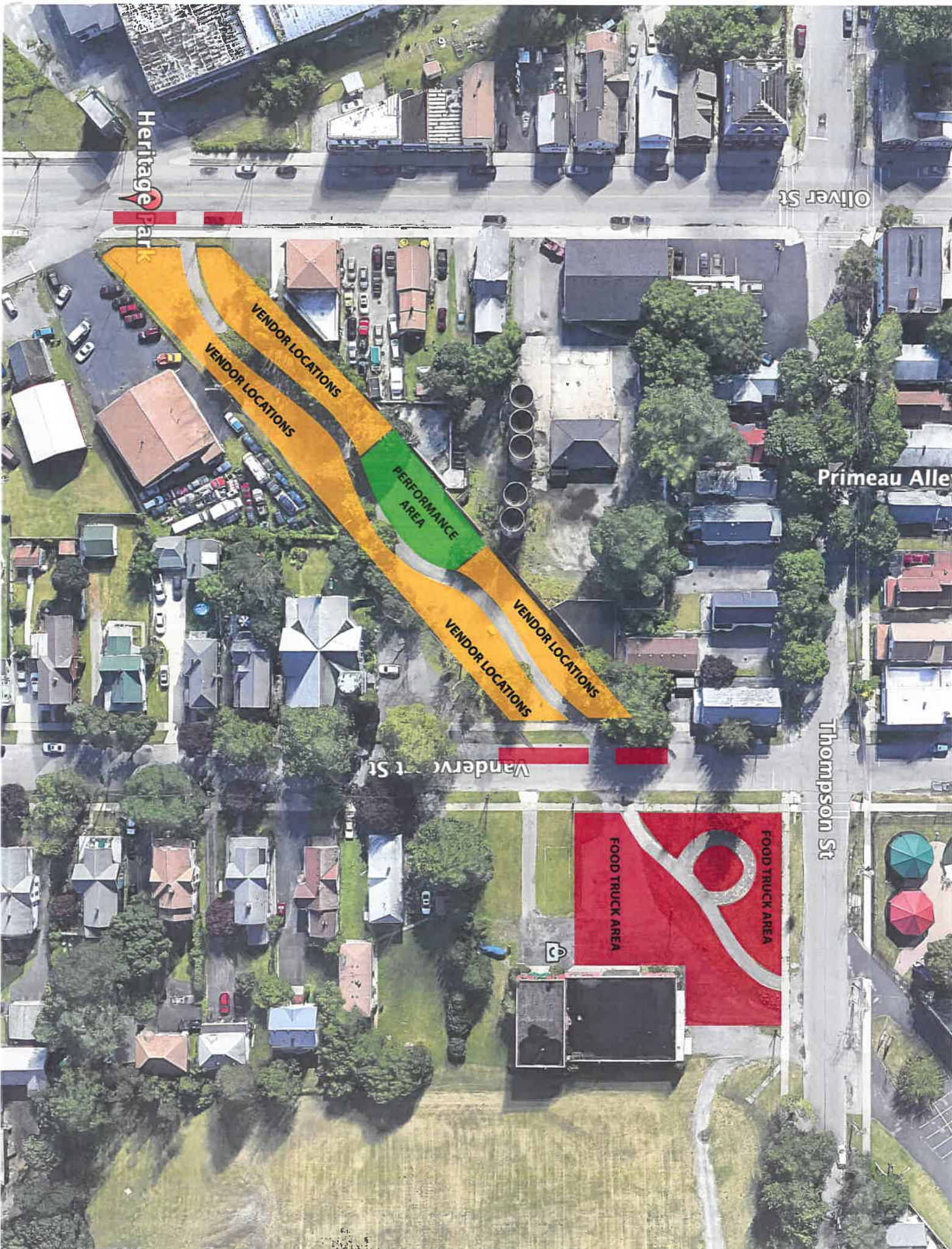
The Oliver Street Merchants Association is requesting permission from the City of North Tonawanda to hold a Shop with Pride at Heritage Park on Saturday, June 12<sup>th</sup>, 2021 from 11am to 5pm. The goal of this event is to bring our community together while supporting small local businesses. We are seeking permission to use Heritage Park located at 179 Oliver Street between Vandervort Street and Lincoln Avenue indicated with the attached map. We are also requesting permission to have up to no more than approximately 8 food trucks and up to 50 vendors, all vendors will be spaced out appropriately to follow any NYS guidelines in place at the time. These vendors consist of craft vendors, local retail businesses, local food vendors as well as educational booths. All food trucks are aware that they have to go through the city to get proper permits as well as a completed background check. We are also requesting the scheduling of manpower from the D.P.W. and parks department to assist with any possible clean up after the event, as well as garbage and recycling totes to be placed at both ends of the park. In addition, we are requesting the fire inspector to do a walk through to make sure all the safety requirements are met. Since some of the vendors may be setting up their tents the evening prior to the event we would also like to request that the NT police department would patrol that area the night prior to the event. Masks will be required by all attendees. We will also have hand sanitizer, as well as public restrooms appropriately placed throughout the event. Attached is the form to invite any LGBTQ+ Friendly organizations who may be interested in joining this community event.

Respectfully,

Gabrielle Richards  
Vice President of the Oliver Street Merchants Association  
716-512-5004

2021 MAR 20 11:00 AM  
CITY CLERK'S OFFICE

RECEIVED  
CITY CLERK'S OFFICE



Heritage Park

Oliver St

VENDOR LOCATIONS  
VENDOR LOCATIONS

PERFORMANCE  
AREA

VENDOR LOCATIONS  
VENDOR LOCATIONS

Primeau Alle

Vanderveer St

Thompson St

FOOD TRUCK AREA  
FOOD TRUCK AREA



CFO-H.



NORTH PRESBYTERIAN CHURCH  
168 Payne Ave  
North Tonawanda, NY 14120  
Phone 716-693-7030  
Reverend Stuart C. Buisch, Pastor

MAR 16 2021

March 10, 2021

City Clerks Office  
216 Payne Avenue  
North Tonawanda, NY 14120

Dear Sir,

North Presbyterian Church requests permission to use Gratwick Park for an Easter Sunrise Service on April 4th. We understand there will be no fee as we will not be using any electric.

Sincerely yours,

*Virginia Mitchell (m)*  
Virginia Mitchell  
Clerk of Session

RECEIVED  
CITY CLERK'S OFFICE  
2021 MAR 10 11:25 AM  
NORTH TONAWANDA, NY

RECEIVED  
CITY CLERK'S OFFICE  
2021 MAR 10 11:25 AM  
NORTH TONAWANDA, NY