

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, August 3, 2021
6:30 P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT PECORARO

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: President Pecoraro
Alderman Schmigel, Zadzilka, Tylec

Absent: Alderman DiBernardo

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

AUDIENCE PARTICIPATION –

BJ VanDeWater 1098 Nash Road- Expressed that he is in favor of the Penrose Project. Would like the council to explain their process for the decision on the purchase of 1734 Sweeney Street. Also, would like to see updates on the Website and inquired about placing legal notices on the website.

Jim McGirr-70 Webster Street- Thanked the council for allowing him to have the WYRK radio broadcast at his storefront.

APPROVAL OF THE MINUTES OF THE REGULAR SESSION JULY 20, 2021

MOVED by Alderman Zadzilka **SECONDED** by Alderman Tylec
That the minutes of the regular session held July 20, 2021, be approved as circulated and filed in the Office of the City Clerk.

Ayes: Alderman Schmigel, Zadzilka, Tylec, Pecoraro **(4)**

Nays: None **(0)**

CARRIED.

PROOF OF PUBLICATION PUBLISHED 7/14/2021

- 1) Legal Notice – Sealed Proposals for a Fleet of Golf Carts for Deerwood Golf Course
– Dir. Youth, Recreation, Parks & Seniors

PROOF OF PUBLICATION PUBLISHED 7/22/2021

- 1) Legal Notice – Notice of Finding of No Significant Impact and Notice of Intent to
Request Release of Funds - Mayor

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

CARRIED.

COMMUNICATIONS FROM CITY OFFICIALS

#1.
Common Council

August 3, 2021

Dylan Salmons
Regional Vice President
Pennrose, LLC 45 Main Street Suite# 539
Brooklyn, NY 11201

RE: Timber Shore Development I North Tonawanda City Planning Article XI
PILOT Letter of Support

Dear Mr. Salmons:

The North Tonawanda City Council is pleased to offer its support for the proposed Timber Shore development (the "Project") as the first mixed-use, multifamily housing development initiative aimed at catalyzing the real estate development envisioned by the adopted North Tonawanda Momentum Master Plan ("NT Momentum"). The Project will consist of approximately seventy (70) mixed-use, multifamily dwelling units situated on approximately 3.41 acres on the Little River waterfront of Tonawanda Island.

Pennrose, LLC (the "Developer") will be submitting a New York State Homes and Community Renewal ("HCR") Summer 2021 Multifamily Finance 9% Low Income Housing Tax Credit ("LIHTC") application on August 26, 2021, for an allocation of federal low-income housing tax credits and other funding to support the housing and non-residential space planned for the Project. These resources are necessary to finance the development, which will transform the waterfront site by providing high-quality, affordable housing and amenities to families with a wide range of incomes, catalyze the real estate development projected in NT Momentum, connect to downtown North Tonawanda's commercial corridor, and create a development that will serve as a gateway to the Island of Tonawanda.

The project is pursuing an Article XI Payment in Lieu of Taxes (PILOT) agreement as authorized by Section 577 of the PHFL. The Owner has been granted a PILOT resolution of support by the North Tonawanda Common Council on August 3, 2021; a copy of the Common Council Resolution is attached. If awarded by HCR, LCDC will proudly support the PILOT effort through the creation of a Housing Development Fund Corporation to function as the fee owner of the real estate and to enter into a nominee agreement with the to-be-formed beneficial owner and record borrower of the HCR-financed Timber Shore project.

With HCR's support, the Project will help boost the Island of Tonawanda's economic vitality as a connector to the North Tonawanda City Center and River Road corridor. The Project will be connected to the surrounding community, ending the site's current physical and social isolation, creating a stable, mixed income development, and providing much-needed affordable, modern, energy-efficient homes surrounded by well-designed amenities and open space. The Project will also feature non-residential community facility and retail space offering a range of educational, and commercial uses to the Project residents and the entire North Tonawanda community.

Sincerely,
Robert E. Pecoraro
Common Council President

08-03-2021

MOVED by Alderman Zadzilka SECONDED by Alderman Schmigel
That the Common Council at a regular meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 p.m. on August 3, 2021, approves the Resolution Supporting the Development of the Timber Shore Multi-Family Development and Consideration of Article XI Pilot for the Timber Shore Development and it reads as follows:

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF NORTH TONAWANDA SUPPORTING THE DEVELOPMENT OF THE TIMBER SHORE MULTI-FAMILY DEVELOPMENT AND CONSIDERATION OF ARTICLE XI PILOT FOR THE TIMBER SHORE DEVELOPMENT

WHEREAS, the Lumber City Development Corporation ("LCDC") is engaged with Pennrose, LLC ("Pennrose") to redevelop the currently vacant 78 Bridge Street site on the Island of Tonawanda in the City of North Tonawanda, New York (the "Property"), to be known as Timber Shore as a mixed-use, multifamily development with approximately seventy (70) affordable dwelling units, community facility space, retail space and management offices on approximately 3.1 acres owned by LCDC (the "Project"); and

WHEREAS, the City of North Tonawanda (the "City") desires to see this area, being one of the Island of Tonawanda's major gateways, redeveloped, initially with demolition of the long vacant fire training tower followed by new construction of seventy (70) units of adequate, safe and sanitary dwelling accommodations properly planned for workforce-income families; and

WHEREAS, Pennrose has developed plans for the Project that are currently being reviewed by the City's Planning Commission, which process also includes the completion of a State Environmental Quality Review ("SEQR") which is anticipated to be completed in August 2021; and

WHEREAS, the Property currently pays no Real Property Taxes, but the to-be-formed beneficial and legal ownership entities (which will be formed by LCDC and Pennrose) will be seeking a Payment in Lieu of Taxes ("PILOT") Agreement whereby the owner will make annual payments in lieu of taxes to the City, in the amount of \$200 per unit for a total of \$14,000 annually, increasing at a rate of 2.00% annually for the term of the PILOT which shall be no less than the term of the NYS Homes and Community Renewal subsidy necessary to fund the project, to the extent authorized by Section 577 of the PHFL, upon the completion of the SEQR review and approval by the North Tonawanda Common Council (the "Common Council");

NOW THEREFORE, BE IT RESOLVED that the Common Council hereby supports the redevelopment of the Project on the Property; and it is

FURTHER RESOLVED, that the Common Council states its intention to enter into a PILOT Agreement with the development team as authorized by Section 577(1)(a) and Section 577(2) of Article XI of the PHFL upon a presentation of the terms at a future City Council agenda, and subsequent to a negative declaration of any environmental impact by the City's Planning Commission; and it

FURTHER RESOLVED, that this resolution shall take effect immediately.

Subject to further review by the City Attorney.

Ayes: Alderman Schmigel, Zadzilka, Tylec, Pecoraro

(4)

Nays: None

(0)

CARRIED.

III. Clerk-Treasurer

May 13, 2021

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

Re: Purchase of City Property

Dear Honorable Body:

I have reviewed the attached request from resident Michael Martin of 1734 Sweeney Street. Mr. Martin is requesting to purchase 65 feet of City Property SBL# 182.12-1-9 to extend his property for a purchase price of \$2,000.00. the Assessor's Office, Engineer's Office, Fire Department and Parks and Recreation are in agreement of this purchase.

I respect request that your Honorable Body accept Mr. Michael Martin's offer of \$2,000.00 for the purchase of 65 feet of City Property SBL# 182.12-1-9 to extend his lot at 1734 Sweeney Street.

If your Honorable Body should concur, I ask that you vote to proceed with the sale of this property subject to the final review and approval of the City Attorney.

Sincerely,
Donna L. Braun
 City Clerk-Treasurer

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro
 That the Common Council hereby approves the sale of 65 feet of City Property SBL# 182.12-1-9, to Mr. Michael Martin, 1734 Sweeney Street, for his offer of \$2,000, subject to review by the City Attorney.

Ayes: Alderman Schmigel, Zadzilka, Tylec, Pecoraro

(4)

Nays: None

(0)

CARRIED.

VII. Accountant

July 29, 2021

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

Dear Honorable Body:

In accordance with Article V, Division 1, Section 5.002 and 5.003 of the City Charter, an Abstract Sheet, comprised of a Warrant of Claims, has been submitted by this office for your review and approval.

Accordingly, please authorize for payment the current Warrant of Claims for Common Council audit, dated August 3rd, 2021, and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Warm regards,
Jeffrey R. Zellner
 City Accountant

MOVED by Alderman Zadzilka SECONDED by Alderman Schmigel
 That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated August 3, 2021, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$417,488.57
02	Water Fund	28,775.11

04	Sewer Fund	47,546.90
06	Capital Project Fund	58,891.82
07	Trust & Agency Fund	<u>7,555.87</u>
00	Final Total	<u>\$631,448.27</u>

Ayes: Alderman Schmigel, Zadzilka, Tylec, Pecoraro (4)
Nays: None (0)
CARRIED.

XI. Fire Chief

July 28, 2021

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

Dear Honorable Body:

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

- Paul F. Hockwater III, 1097 Pioneer Drive, North Tonawanda**
And
Adam R. Donner, 822 Sun Valley Drive, North Tonawanda
And
William J. Nalbone, 402 Woodlin Avenue, North Tonawanda

Are appointed as Firefighters in the City of North Tonawanda Fire Department. I feel confident they will do an outstanding job on behalf of the residents of the City of North Tonawanda. A brief Swearing in Ceremony will be held in the Common Council Chambers on August 4th, 2021, beginning at 11:00 AM. Everyone is welcome to attend.

**Joseph D. Sikora
 Fire Chief**

MOVED by Alderman Pecoraro SECONDED by Alderman Tylec
That the Common Council hereby approves the appointment of Paul F. Hockwater III, 1097 Pioneer Drive, Adam R. Donner, 822 Sun Valley Drive and William J. Nalbone, 402 Woodlin Avenue, North Tonawanda as Firefighters for the North Tonawanda Fire Department, effective August 4, 2021.

Ayes: Alderman Schmigel, Zadzilka, Tylec, Pecoraro (4)
Nays: None (0)
CARRIED.

XVII. Traffic Safety

July 19, 2021

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

Traffic Safety Minutes:

The July 2021 meeting of the North Tonawanda Traffic Safety Committee was called to order at 1600 hours. Roll call showed the following members present: R. Frank, J. Sikora, M. Meisenburg, M. Lemke, D. Grinnell, A. DiBernardo, M. Anastasi. The minutes from

the previous meeting were read and accepted, the following new concerns/requests were discussed, and recommendations made.

- 1) Sherry Wright of 438 Schenck Street requested a terrace parking permit. The terrace is grass and parking a car on it would ruin the foundation therefore the permit is denied.
- 2) The committee received a complaint regarding the lack of school speed signs around Ohio School. The DPW was advised and placed the proper speed signs on the streets surrounding Ohio School.
- 3) Paul Schultz reported a parking issue at the City Market on Saturdays. Committee member Grinnell will look into the parking problem.
- 4) The committee received a speeding complaint regarding Sweeney Street. The speed sign was placed there for a couple of weeks and Traffic Officer Otobachian has been monitoring the problem.

Meeting adjourned at 1830 hours.

Travel safely,
Robert J. Frank

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

Ayes: Alderman Schmigel, Zadzilka, Tylec, Pecoraro (4)

Nays: None (0)

CARRIED.

XXVI. Semi-Annual Vacation & Sick Leave Reports

.1 Police Department

MOVED by Alderman Pecoraro **SECONDED** by Alderman Tylec
That the Common Council hereby receives and files the aforementioned Semi-Annual Vacation and Sick Leave Report.

Ayes: Alderman Schmigel, Zadzilka, Tylec, Pecoraro (4)

Nays: None (0)

CARRIED.

COMMUNICATIONS FROM OTHERS

A.
Platter's Chocolate

July 21, 2021

Mr. Austin Tylec
Alderman at Large
Department of Common Council

Dear Mr. Tylec,

Thank you in advance for presenting our request to the Council for the Third Annual Platter's Chocolates Spongefest 5K Race. Over the years, Platter's and the community have raised \$15,000 for Samaritan's Purse Disaster Relief and \$10,000 for Olivia's Bears.

Of course, with the COVID situation last year, the race was canceled. Our customers and community are really looking forward to getting back to the things they enjoy, and we've had many inquiries for this year's event. With two new neighbors, Fattley's Beer and

Tattered Tulip, along with Woodcock Bro's, this should be our best event yet and terrific exposure for our city. The date will be September 25th, 2021, and although we will have all day festivities, we are hoping the race can start at 3 pm. The sanction course will be the same as years prior.

The past 2 races, as the Council's request, we got an early start and put signs throughout the neighborhood along with door flyers. This worked out very well and upon approval we will start immediately to post on social media, put signage at Platter's, and then 2 to 3 weeks before the race canvas the neighborhood.

I am looking forward to meeting with you all again. If you should have any questions or need me to bring something else, please reach out to me and let me know.

Once again, hope to see you all 9/25 in your running shoes!

John DiGuiseppe
VP of Business Development
Platter's Chocolates

MOVED by Alderman Zadzilka **SECONDED** by Alderman Tylec
That the Common Council hereby grants permission to Platter's Chocolate Factory to hold their annual Platter's Chocolates SpongeFest 5K Race event Saturday, September 25, 2021 and directs the Police Department and the DPW to assist with necessary accommodations for said event.

Ayes: Alderman Schmigel, Zadzilka, Tylec, Pecoraro

(4)

Nays: None

(0)

CARRIED.

B.
McGirr's

July 27, 2021

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

Dear Common Council,

McGirr's is seeking the Council's approval to hold an event in front of our store, and one parking spot for the hours of 2pm – 4pm on August 14, 2021. McGirr's is one of many Co-Sponsors for this years WYRK modified Taste of Country Concert. Our Sponsorship entitles us to have a remote radio broadcast, at our location, to give away a pair of tickets to the concert, along with other prizes. Additionally, we would like to set up a table, on the sidewalk in front of the store, to provide information, sampling of our products during the 2-4 hours.

I have spoken beforehand with Steve from the First North Tonawanda Community Bicycle ride to see if they would agree with us holding our event on the same day as theirs, and he informed that that would be fine if we do not distract from their celebrations from 4-8. The on-site broadcast would stop just short of 4 to ensure we would not take away from their planned entertainment in front of Spot Coffee.

We do believe that it would naturally be beneficial to all of us, with minimal impact on each other's event and bring more people down to the Webster Street area, that may not otherwise visit. We look forward to your response and approval and hope to see all of you on the August 14th. So not hesitate to contact me with any questions regarding the planned event at 716-957-3660 or jim@mcgirrs.com

Regards,
Jim McGirr

MOVED by Alderman Pecoraro

SECONDED by Alderman Tylec

That the Common Council hereby grants permission to McGirr's to have WYRK's remote radio station broadcast on the sidewalk and parking spot in front of their location on Saturday, August 14, 2021 from 2pm -4pm.

Ayes: Alderman Schmigel, Zadzilka, Tylec, Pecoraro

(4)

Nays: None

(0)

CARRIED.

AUDIENCE PARTICIPATION:

BJ VanDeWater -1098 Nash Road-Applauded the Planning Board for tabling the Project at Fortistar.

Abdur McGare- 118 Emerson Drive Amherst NY-Concerns about the Fortistar project and the effects it will have on the community. Asked the council to consider the public's voice on this matter, on the long-term impacts of a Natural Gas Plant.

Susan Wilke- 329 Miller Street-Concerned about the Fortistar Project, Planning Board meetings should allow resident participation.

Joan Mullen -446 Roncroft Concerned about the Fortistar Project and the environmental impact it will have on the community. Would like to see Public input on the decision.

Adam Donner 822 Sun Valley Drive

Paul Hockwater 1097 Pioneer Drive

William Nalbhone 402 Woodlin Avenue---Thanked the Council and Mayor for the Appointments to the North Tonawanda Fire Department.

ADJOURNMENT

MOVED by Alderman Zadzilka

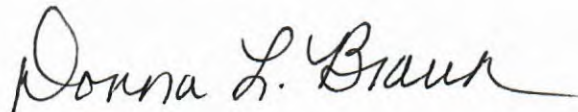
SECONDED by Alderman Tylec

That this regular session of the Common Council be and hereby is adjourned.

CARRIED.

Time of Adjournment: 7:28 P.M.

Respectfully submitted,



Donna L. Braun

City Clerk-Treasurer