

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

COMMUNICATIONS FROM CITY OFFICIALS

#1. Cosimo Capozzi

September 13, 2021

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

Re: My Retirement

Dear Honorable Body:

Please be advised that after some considerable deliberation, I have decided to take an early retirement commencing September 30, 2021, my last day of work being September 29, 2021.

I do want to thank all present and past elected officials and departments for their help in making this job a little easier. A special thanks goes to my office staff for their hard work and commitment to provide the citizens of North Tonawanda with the service they deserve.

It has been both an honor and a privilege to serve this great city as the Building Inspector for the last 19 years, how quickly time has passed.

Cosimo R. Capozzi
 Building Inspector

MOVED by Alderman Zadzilka **SECONDED** by Alderman DiBernardo
**That the Common Council hereby receives and files the letter of retirement from Cosimo
 Capozzi as Building Inspector for the City of North Tonawanda effective September 30,
 2021.**

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

Nays: None (0)

CARRIED.

IV. Engineer

September 15, 2021

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

Re: NYSDOT 2021 Transportation Alternative Program (TAP) and
 Congestion Mitigation and Air Quality Improvement (CMAQ)
 Grant Application - Erie Canal Bike Path Extension

Dear Honorable Body:

The New York State Department of Transportation's (NYSDOT) 2021 TAP/CMAQ grant funding round is currently open with an application deadline of September 29, 2021. We are looking to go out for additional grant funding for the City's Erie Canal Bike Path Extension project from Mayor's Park to the Botanical Garden. We anticipate the overall project cost to be approximately \$2,077,000 and have already secured \$1,029,500 worth of funding between DASNY, Canal Corp, NYSDOS and City match funds. We would be asking for additional grant funds from TAP/CMAQ of \$1,050,000. This is an 80/20 grant and the 20% City match would be coming from already secured funding sources.

As such, I am requesting that the Council adopt a resolution that the City desires to go out for this additional funding, commits to providing the required local matching funds, authorizes and submits an application for the NYSDOT TAP and CMAQ funds, and authorizes the Mayor to sign all documents and agreements related to the TAP and CMAQ application.

Very truly yours,
 Chelsea L. Spahr, P.E.
 City Engineer

MOVED by Alderman DiBernardo SECONDED by Alderman Zadzilka
That the Common Council at a regular meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 p.m. on September 21, 2021, approves the Resolution for NYSDOT 2021 Transportation Alternatives Program (TAP) and Congestion Mitigation and Air Quality Improvement (CMAQ) Program and it reads as follows:

NYSDOT 2021 Transportation Alternatives Program (TAP) and Congestion
 Mitigation and Air Quality Improvement (CMAQ) Program

Erie Canal Bike Path Extension Project

I, Donna Braun, City Clerk of the City of North Tonawanda located at 216 Payne Avenue North Tonawanda, NY, do hereby certify that the following resolution was adopted at the Common Council Meeting of the City of North Tonawanda held on September 21, 2021, and is incorporated in the original minutes of the said meeting and that the said resolution has not been altered, amended or revoked and is in full force and effect.

WHEREAS, the City Council desires to pursue funds opportunities to complete the Erie Canal Bike Path Extension Project

WHEREAS, the City Council desires to provide this type of facility to residents at the lowest possible cost to the City and City taxpayers, and

WHEREAS, the City Council desires to apply for financial assistance from the NYSDOT Transportation Alternative Program (TAP) and Congestion Mitigation and Air Quality (CMAQ) Program, and

WHEREAS, the City Council commits to providing the required local matching funds to insure the timely implementation of the proposed project.

THEREFORE BE IT RESOLVED, that the City Council authorizes and submits an application for the New York State Department of Transportation: 2021 TAP and CMAQ funds for the Erie Canal Bike Path Extension Project for a total budget cost of \$2,077,000 and grant funds in the amount of \$1,050,000 and

BE IT FURTHER RESOLVED, that upon approval of the application for financial assistance that the City make available \$262,500 (20%) in matching funds to satisfy the requirements of the funding program, and that grants from DASNY, Canal Corp and DOS (LWRP) to fund the balance of \$1,029,500 and

BE IT FURTHER RESOLVED, that the City Council authorizes the Mayor to sign all documents and agreements related to the TAP and CMAQ application

RESOLVED, That Arthur G. Pappas, as Mayor of the City of North Tonawanda, is hereby authorized and directed to file an application for funds from the New York State Department of Transportation, Transportation Alternatives Program (TAP) and Congestion Mitigation and Air Quality (CMAQ) Program, in an amount no less than 20% of the approved funding and upon approval of said request to enter into and execute a project agreement with the State of New York for such financial assistance to the City of North Tonawanda for the proposed Erie Canal Bike Path Extension Project.

Subject to further review by the City Attorney

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

Nays: None (0)

CARRIED.

VI. Supt. Water/Wastewater

September 16, 2021

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

**Re: Approval of Payment Applications for WWTP Phase 1 Upgrade Project
(EFC – Funding Disbursement #13)**

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 #13	\$15,200.00
Frey Electric Pay App #13	\$38,081.22

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
Supt. Water/Wastewater**

**MOVED by Alderman DiBernardo SECONDED by Alderman Tylec
That the Common Council hereby approves the following Pay Applications for work performed under the WWTP Phase 1 Upgrade Project Contract:**

STC Construction Pay App #13	\$15,200.00
Frey Electric Pay App #13	\$38,081.22

Council also gives permission to Rotella Grant Management to submit this request to the NY State Environmental Finance Center ("EFC") on the City's behalf, subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

VII.1 Accountant

September 15, 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 September 21st, 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 DiBernardo SECONDED by Alderman Zadzilka
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated September 21, 2021, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:**

01	General Fund	\$304,643.28
02	Water Fund	26,822.85
04	Sewer Fund	36,533.73
06	Capital Project Fund	381,206.58
07	Trust & Agency Fund	5,356.06
86	CD – HOME Program	<u>72.00</u>
00	Final Total	<u>\$754,634.50</u>

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

VII.2 Accountant

September 16, 2021

A LOCAL LAW TO ALLOW THE CITY OF NORTH TONAWANDA, NEW YORK TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECITON 3-C

WHEREAS, on September 14th, 2021, a public hearing was held at 6:00pm in the council chambers, 216 Payne Avenue, North Tonawanda, New York.

WHEREAS, there where four (4) residents that spoke against the Local Law.

WHEREAS, General Municipal Law section 3-c requires Common Council to obtain sixty percent approval to adopt Local Law #5 of 2021.

WHEREAS, that a Local Law to override the Tax Levy Limit for the City of North Tonawanda to be voted on, as follows:

MOVED by Alderman DiBernardo SECONDED by Alderman Zadzilka
That the Common Council at a regular meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 p.m. on September 21, 2021 approves the Resolution for Local Law No.5 of 2021 -A Local Law of the City of North Tonawanda, New York to Override the Tax Levy Limit Established in General Municipal Law Section 3-C, and reads as follows:

LOCAL LAW NO.5 OF 2021
A LOCAL LAW OF THE CITY OF NORTH TONAWANDA, NEW YORK TO
OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPALE
LAW SECTION 3-C

Be in enacted by the City Council of the City of North Tonawanda in the County of Niagara, as follows:

Section 1. Legislative Intent

It is the intent of the Local Law to override the limit on the amount of real property taxes that may be levied by the City of North Tonawanda, County of Niagara, State of New York pursuant to General Municipal Law 3-c, and to allow City of North Tonawanda to adopt a budget for (a) City purposes and (b) any other special or improvement district governed by the Common Council for the Fiscal Year 2022 that requires a real property tax levy in the excess of the "tax levy limit" as defined by the General Municipal Law 3-c.

Section 2. Authority

This Local Law is adopted pursuant to subdivision 5 of General Municipal Law 3-C, which expressly authorizes the Common Council to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Common Council.

Section 3. Tax Levy Limit Override

The Common Council of the City of North Tonawanda is hereby authorized to adopt a budget for the fiscal year 2022 that requires a real property tax levy in excess of the limit specified in General Municipal Law 3-c

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of the Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of the Local Law or in its application to the person, individual, firm, or corporation or circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

PLEASE TAKE NOTICE THE EXTENT THAT THIS LOCAL LAW MAY CONFLICT WITH APPLICABLE PORTIONS OF THE GENERAL CITY LAW OF THE STATE OF NEW YORK, IT IS THE STATED INTENTION OF THE CITY TO EXERCISE ITS AUTHORITY TO SUPERCEDE AND AMEND, AS GRANTED UNDER THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK, SECTION 10. THE CITY HEREBY PROVIDES NOTICE THAT IT IS EXERCISING ITS AUTHORITY TO SUPERCEDE AND AMEND PURSUANT TO MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK SECTION 22.

Subject to further review by the City Attorney.

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

Nays: Alderman Tylec (1)

COMMUNICATIONS FROM OTHERS

A.
Slow Roll Buffalo

September 14, 2021

The Honorable Body
North Tonawanda City Hall
216 Payne Avenue
North Tonawanda, NY 14120

Re: 2nd North Tonawanda Bike Stampede

Dear Honorable Body:

Slow Roll, brought to WNY by way of Buffalo in 2014 as an offshoot of the global Slow Roll network founded in Detroit where thousands have been gathering on Monday nights for many years, is eager to work with the North Tonawanda Common council to establish the Second Annual Saturday Bide Stampede. Slow Roll is a 501e3 social group bicycle ride that meets regularly to bring people from all walks of life together and reconnects them with their community. Slow Roll is free and available to all ages and levels of experience and is purposed to give riders a unique perspective of their community and neighborhood.

The First Annual Saturday Bide Stampede did just that, labeled a complete success by participants and organizers alike. North Tonawanda saw upwards of 450 bicycle enthusiasts enjoy a scenic tour of our great city. In 2021, attendees can expect the same great experience along the 12-mile bike ride circulating the city. The Stampede will once again introduce outsiders to North Tonawanda's history, culture, and businesses throughout the downtown district. The ride is open and available to all ages, free of charge.

Fees associated with the ride that are required by the Slow Roll organization will be sponsored by The Dockside Bar & Grill. The Second Annual Saturday Bike Stampede is again seeing invaluable support from lead sponsor Dockside Bar & Grill, who will be hosting the kick-off and after-party for the ride.

As with the First Annual Stampede, Slow Roll will provide:

- Approximately 30 volunteer riders to help guide participants and keep them on course
- A medic that will be riding with participants
- A designated rider who will assist with any and all flat tires
- Provide on-site covid testing

At the discretion of the Council, Slow Roll is happy to work with any auxiliary police that the City may wish to provide. Although the route has been determined (see attached) and the organization is confident that their volunteers are capable of safely guiding participants through intersections along the route as they did before, Slow Roll will respect the discretion of the Honorable Body should the body deem auxiliary police necessary.

The proposed date and time of this year's bide ride is Saturday, October 2nd @ 12:00pm. The ride will start at Dockside Bar & Grill (153 Sweeney Street) and riders are asked to arrive for registration beginning at Noon. We are asking for approval of the route so Western NY can enjoy this community bike ride once again.

Should this honorable body require any further information, please contact Seamus at 716-587-2005.

Respectfully,
Seamus Gallivan
Co-Founder, Slow Roll Buffalo

09-21-2021

