

**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, DECEMBER 21, 2021 6:30PM

AUDIENCE PARTICIPATION – Agenda items only, not to exceed 90 minutes with each speaker limited to a five-minute maximum.

****SPECIAL PRESENTATION BY THE COMMON COUNCIL
PRESIDENT TO MAYOR ARTHUR G. PAPPAS AND 3RD WARD
ALDERMAN ERIC ZADZILKA****

COMMUNICATIONS FROM CITY OFFICIALS

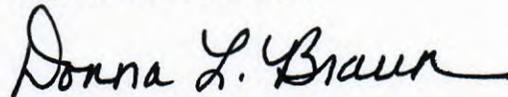
- #1. Katherine Alexander - Re: Resignation as Acting City Court Judge for the City of North Tonawanda
- #2. Robert Pecoraro - Re: Approval to extend the Six-Month Moratorium on Applications, Approvals and/or construction or installation on Solar Energy Systems/and or Solar Farms
- #3. Eric Zadzilka - Re: Approval for the City of North Tonawanda to Opt-in to allow Marijuana dispensaries and on-site marijuana consumption locations/businesses within the City
- II. Attorney - Re: Proposed Lease Agreement between Tenants at Weatherbest Slip and City of North Tonawanda
- III. Clerk-Treasurer - Re: Approval of the new City Market Rates

- IV.1 Engineer** - **Re: Award of Contract for the Bike Path connection to the Empire State Trail, Project 2019-03**
- IV.2 Engineer** - **Re: Approval of Change Order No.2, Project 2018-03: ESD Smart Growth Funds Downtown North Tonawanda Placemaking Project**
- VII. Accountant** - **Re: Payment of the Abstract of Claims Dated December 21, 2021**

XXI. Monthly Reports

.1 Senior Citizen Center .2 Clerk-Treasurer

Respectfully submitted,



Donna L. Braun
City Clerk-Treasurer

#1.

KATHERINE D. ALEXANDER, ESQ.
Attorney at Law
PO Box 113
North Tonawanda, NY 14120
Phone: (716) 245-4830
Email: kdalexander86@gmail.com

DEC 21 2021

December 7, 2021

Mayor Arthur Pappas
City of North Tonawanda
216 Payne Avenue
North Tonawanda, NY. 14120

Mayor Pappas:

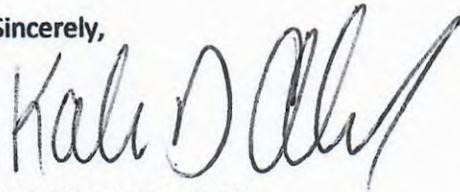
Please accept this letter as my resignation as Acting City Court Judge effective at the end of the day, Friday December 17, 2021. As a life-long resident of North Tonawanda, it has been a great pleasure serving our community.

I want to acknowledge the hard work and efforts of all my colleagues in the court throughout this last year and half as we worked through the COVID-19 pandemic. I am extremely proud that even within this pandemic climate we were able to get a Mental Health Treatment Court up and running for the residents of North Tonawanda, an issue which has grown even worse as an outcome of the pandemic.

Thank you for the confidence you showed in appointing me City Court Judge.

2021 DEC 13 4:34 PM
NORTH TONAWANDA NY
RECEIVED
CITY CLERKS OFFICE

Sincerely,



Katherine D. Alexander

CC: Hon. Kevin Carter, NYS Unified Court System

RECEIVED
DEC 07 2021

#2.

City of North Tonawanda
COMMON COUNCIL
CITY HALL
216 PAYNE AVENUE
NORTH TONAWANDA, N.Y. 14120
(716) 695-8555

DEC 21 2021

December 15, 2021

Dear Honorable Body

During the summer we passed a Local Law Establishing a Six-Month MORATORIUM ON Applications, Approvals, and/or Construction or Installation on Solar Energy Systems/and or Solar Farms. Since the 6-month period is about to expire, I desire a vote during our December 21 Common Council Meeting to extend this moratorium another 6-months to give us more time to get the right procedures in place and protect the residents.

My thanks to our North Tonawanda City Clerk Treasurer Donna Braun and Building Inspector Rob DePaulo for engaging the Council with a proposal on moving forward. It is my intent to not use the entire 6-months as we close in on the right procedures for the future while protecting our residents from outside interference.

Please let me know if you have any questions.

Sincerely,



Alderman at Large ROBERT E. PECORARO
President, North Tonawanda Common Council

CC: Arthur Pappas, Mayor
Donna Braun, City Clerk Treasurer
Luke Brown, City Attorney

RECEIVED
CITY CLERK'S OFFICE

2021 DEC 15 PM 12:02
NORTH TONAWANDA NY

#3.

Lori Swartz

From: Eric Zadzilka
Sent: Thursday, December 16, 2021 7:50 AM
To: Donna Braun; Lori Swartz; Michele Ackerman; Art Pappas
Cc: Lyndsay Stover; Eric Zadzilka
Subject: The NT Way Forward Committee Request for

DEC 21 2021

Donna Braun
NT City Clerk/Treasurer
216 Payne Ave
North Tonawanda, NY 14120

12/16/21

Donna,

As the Chairman of The NT Way Forward Committee, I am hereby submitting to the NT common council the final recommendations and our NT public survey results finding that it is in the best interest of the city of North Tonawanda to Opt-in to allow Marijuana dispensaries and on-site marijuana consumption locations/businesses in NT. Please find our summation and survey data report submitted via email and place these items on the agenda for the next Tuesday December 21 2021 Council meeting to be voted on and adopted at this meeting to comply with the December 31st deadline set by NYS. We have collectively put together guidelines for the Council to decide how we should Opt in with public health and safety being paramount.

Sincerely,

Eric Zadzilka
NT 3rd Ward Alderman
NT Way Forward Committee Chairman

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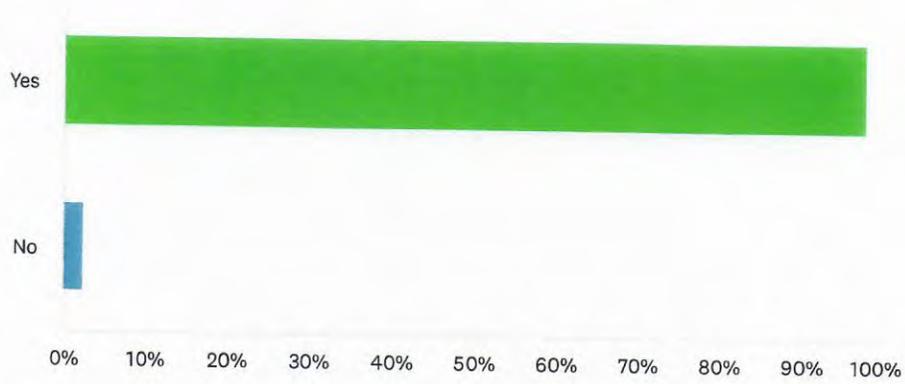
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NORTH TONAWANDA NY

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Q1 Are you a resident of North Tonawanda?

Answered: 1,075 Skipped: 0



ANSWER CHOICES

Yes

No

TOTAL

RESPONSES

97.67%

2.33%

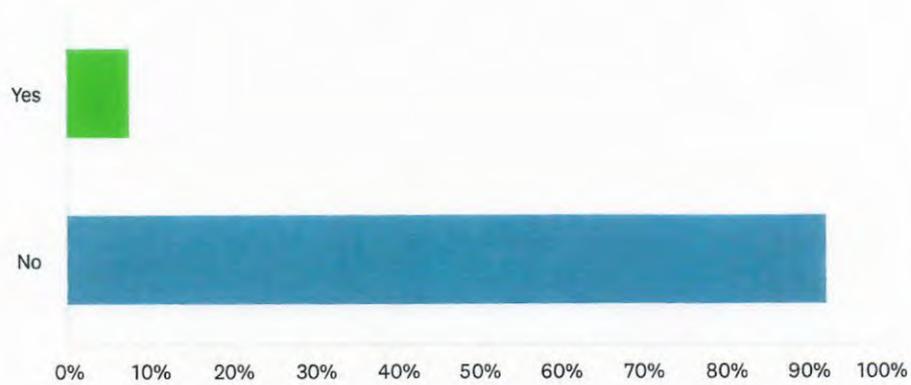
1,050

25

1,075

Q2 Do you own a business currently in operation in the City of North Tonawanda?

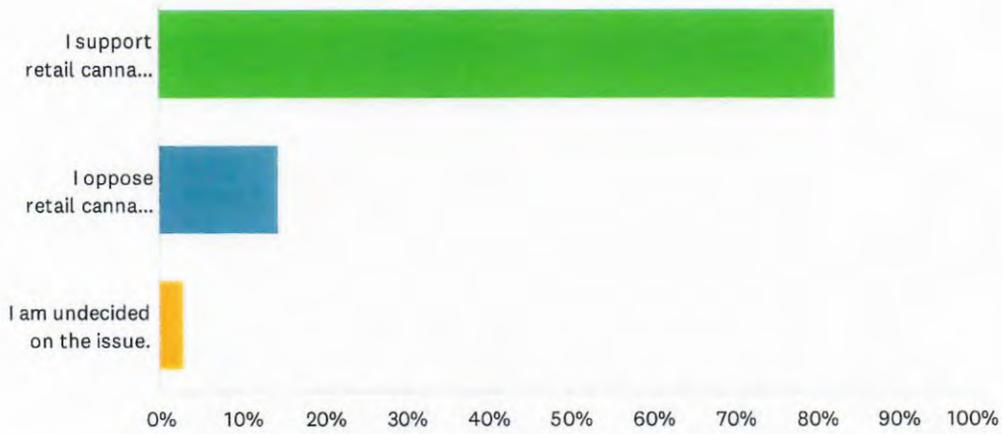
Answered: 1,074 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	7.64%	82
No	92.36%	992
TOTAL		1,074

Q3 Please tell us how you feel about retail cannabis (marijuana) dispensaries in the City of North Tonawanda.

Answered: 1,074 Skipped: 1



ANSWER CHOICES

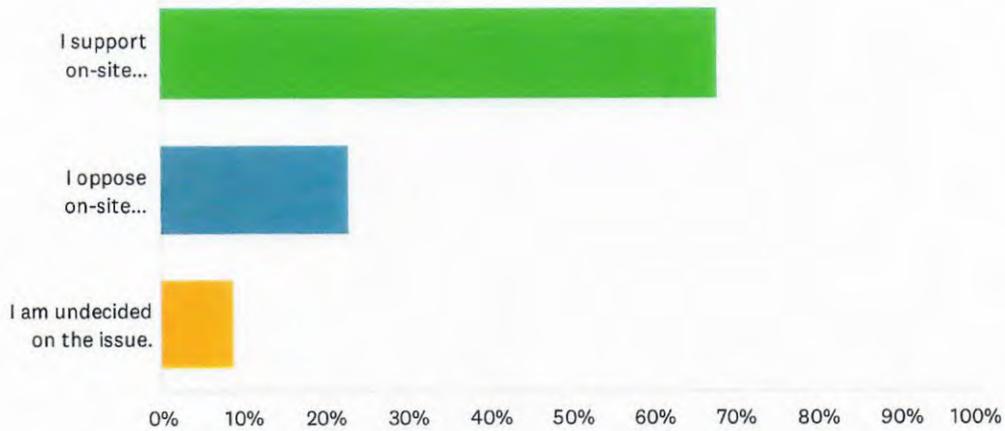
- I support retail cannabis dispensaries in the City of North Tonawanda.
- I oppose retail cannabis dispensaries in the City of North Tonawanda.
- I am undecided on the issue.

RESPONSES

82.59%	887
14.43%	155
2.98%	32
TOTAL	1,074

Q4 Please tell us how you feel about on-site cannabis (marijuana) consumption sites in the City of North Tonawanda (For example - cafes, lounges, and/or restaurants).

Answered: 1,075 Skipped: 0



ANSWER CHOICES

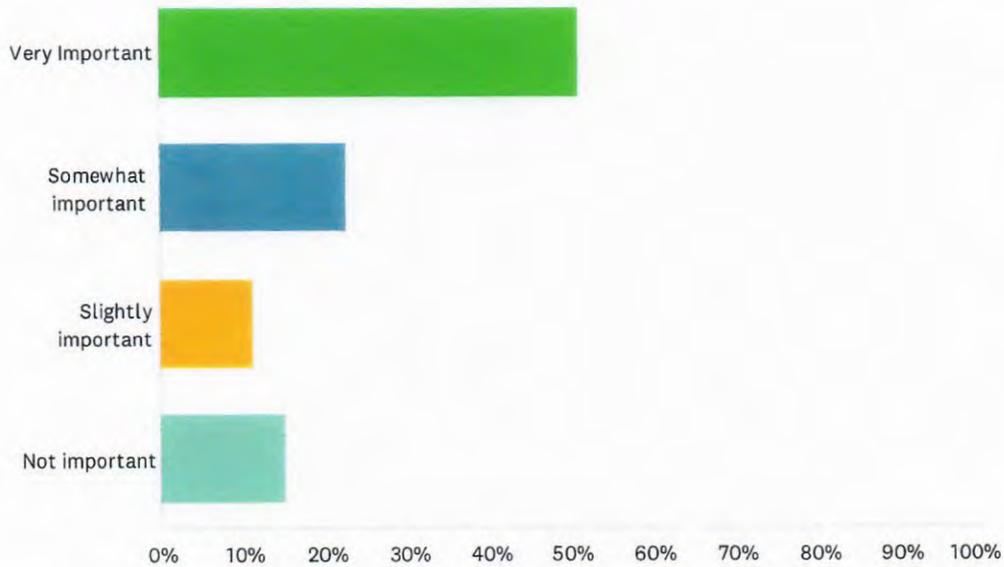
- I support on-site cannabis consumption sites in the City of North Tonawanda.
- I oppose on-site cannabis consumption sites in the City of North Tonawanda.
- I am undecided on the issue.

RESPONSES

I support on-site cannabis consumption sites in the City of North Tonawanda.	68.00%	731
I oppose on-site cannabis consumption sites in the City of North Tonawanda.	22.98%	247
I am undecided on the issue.	9.02%	97
TOTAL		1,075

Q5 Please rate how important it is to you that marijuana dispensaries, and on-site marijuana consumption sites have zoning restrictions that limit the distance these establishments can be from community locations like schools and playgrounds.

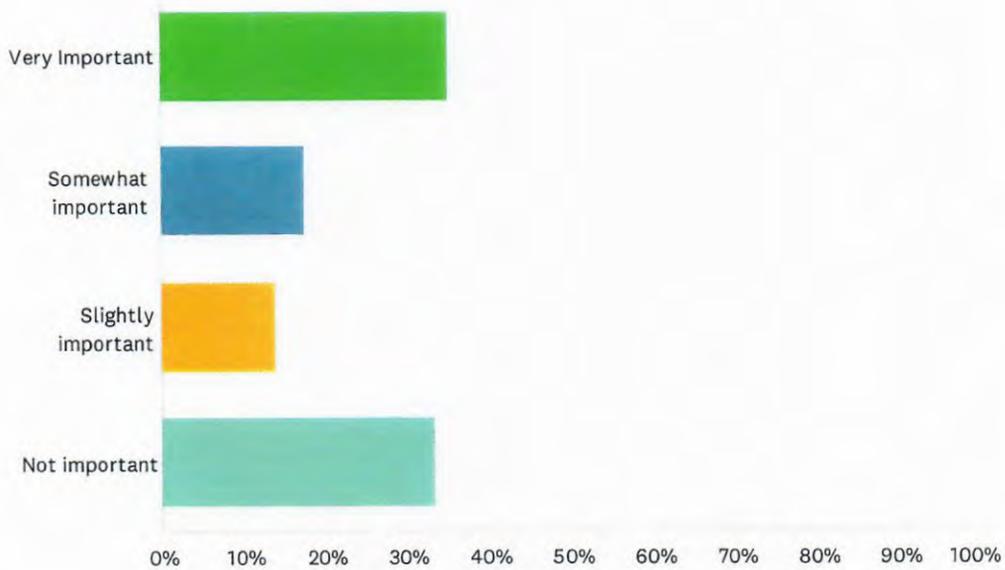
Answered: 1,075 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very Important	51.07%	549
Somewhat important	22.60%	243
Slightly important	11.26%	121
Not important	15.07%	162
TOTAL		1,075

Q6 Please rate how important it is to you that marijuana dispensaries, and on-site marijuana consumption sites have zoning restrictions that limit the distance these establishments can be from community locations like churches.

Answered: 1,071 Skipped: 4



ANSWER CHOICES	RESPONSES	
Very Important	35.20%	377
Somewhat important	17.46%	187
Slightly important	13.82%	148
Not important	33.52%	359
TOTAL		1,071

The North Tonawanda Way Forward Committee

Recommendation on the implementation of the Marijuana Regulation and Taxation Act (MRTA)

Members:

Lyndsay Stover- CHANT Program Coordinator
Kim Sinon – North Tonawanda Resident
Chandra Welfare – North Tonawanda Business Owner
Carol Harvey – North Tonawanda Resident
Michelle Day- NTPD Lt. Detective Youth Bureau
Luke Brown- North Tonawanda City Attorney
Tom Krantz- North Tonawanda Police Chief/Consultant to Committee
Eric Zadzilka- North Tonawanda 3rd Ward Alderman/ Chairman

Marijuana Regulation and Taxation Act (MRTA) Overview

On March 31, 2021, New York State enacted the Marijuana Regulation & Taxation Act (MRTA) which legalized the adult recreational use of marijuana. Under the MRTA, individuals 21 and older may legally possess and purchase up to 3 ounces of marijuana and, at their place of residence, are permitted to possess up to 5 pounds of marijuana.

The State is expected to take two years to fully implement the law, including a system to license marijuana retailers. The new law created the Office of Cannabis Management (OCM) to draft regulations for adult-use sales to begin.

The City can opt-out of allowing adult-use cannabis retail dispensaries or on-site consumption licenses from locating within the city. The City cannot opt-out of adult-use legalization. To opt-out of allowing adult-use cannabis retail dispensaries or on-site consumption premises, the City must pass a local law by December 31, 2021.

There is a state and local excise tax imposed on the sale of cannabis products by a retail dispensary to a cannabis consumer at 4% of the products' price and 9% state tax. The 4% local excise tax is distributed to local governments based on where the retail dispensary is located. 25% of that tax revenue goes to the county and 75% goes to the city. If the city decides to opt-out of MRTA, the city will not collect tax revenue from the sale of cannabis.

While the city can limit the time, place, and location of marijuana-related businesses, it cannot prohibit the possession or use of marijuana. Generally, marijuana may be consumed anywhere, but may not be smoked anywhere that smoking of tobacco is prohibited with certain exceptions.

If the City does not opt-out by December 31, 2021, the City will be unable to opt-out at a future date. The City may opt back in, to allow either, or both, adult-use retail dispensary or on-site consumption license types by repealing the local law.

**** Enclosed is a document "What is the Law" from the Office of Cannabis Management that gives a background on the NYS guidelines for the Marijuana Regulation and Taxation Act (MRTA)****

North Tonawanda Way Forward Committee

In response to MRTA, the City of North Tonawanda Common Council and Mayor Arthur Pappas appointed a committee comprised of a diverse group of city residents, city officials and community leaders to help obtain an objective and fair assessment of the impacts of MRTA on the North Tonawanda community. The North Tonawanda Way Forward Committee (NTWF) was tasked to address potential positive and negative impacts of MRTA and make a recommendation to the Common Council on whether it is in the best interest of North Tonawanda to remain opted in or opt-out of Marijuana dispensaries and on-site marijuana consumption locations/businesses within the City of North Tonawanda.

This group of eight members met bi-weekly for two months to gather information, discuss issues, research the implementation process, and provide avenues for city residents and NT business owners to weigh-in and provide feedback on the best way to move forward through community surveys. Many of the concerns that were explored and discussed in the meetings were focused on public health, public safety, youth-access to marijuana, zoning, and local control options, along with licensing, taxation, and tax revenue distribution.

With the help of the Community Health Alliance of North Tonawanda (CHANT), the committee was able to develop a public survey that was distributed to the North Tonawanda community. The public survey allowed the committee to evaluate the opinions of community members and measure the community's perspectives on MRTA, opting out, and the importance of local controls and zoning of cannabis dispensaries and on-site consumption locations.

The committee also reviewed CHANT's Adult Marijuana Use Perception Survey; this survey was offered to adults in the North Tonawanda community to measure their opinions on the impacts of marijuana use among youth.

Both surveys helped to guide the committee in developing a thoughtful, responsible, and comprehensive recommendation to the Common Council.

**** The results of city-wide public survey is enclosed with our recommendation to the Council****

Public Health and Public Safety

The committee examined the Office of Cannabis Management's (OCM) guidelines and found that the new office will issue licenses and develop regulations to guide businesses as they enter the cannabis industry. The OCM has "developed a framework that will serve to protect consumer health and safety like other products humans consume." The OCM will also regulate product form, safety, and administration methods; control packaging and labeling standards; limit advertising and marketing; require third-party laboratory testing of products; provide a public education campaign; and implement a public health surveillance and monitoring program to "analyze the impact of cannabis use on public health and safety."

The NT Way Forward Committee went a step further to explore current impacts of marijuana use and how the North Tonawanda Police Department (NTPD) manages cannabis consumption in the NT community.

With the assistance of Lt. Detective Michelle Day, the committee invited Drug Recognition Expert (DRE) and Advanced Roadside Impaired Driving Enforcement (ARIDE) certified Police Lieutenant, Michael Loncar, to provide information on the NTPD's response to MRTA. Lieutenant Loncar is one of two NTPD DREs who are called into situations where drug use is suspected in traffic stops.

DRE certification allows officers to go beyond Standardized Field Sobriety Tests (SFST) to correctly identify drug use by utilizing a standardized and systematic 12-step protocol that helps the officer identify the category drug a suspect may be under the influence of and determine a person's level of impairment. The ARIDE certification is an intense 16-hour program that helps bridge the gap between SFST and DRE and educates law enforcement officers with additional information on how to detect impairment caused by more than just alcohol, in the context of traffic safety.

Lieutenant Loncar indicated, that since 2018 there have been 36 evaluation cases conducted on suspects in North Tonawanda with 25 of those evaluations positively identifying that the suspect had marijuana in their blood. The Officer also explained that most calls that resulted in cannabis related DWI or DWAI arrests were also involved in an automobile collision.

With this information, the committee was concerned that if marijuana was more readily accessible in the community it may increase the amount of use and cannabis related DWIs. However, the legalization of marijuana is already in effect and will be readily accessible in nearby communities, so the committee does not see any additional concerns with dispensaries or lounges in our city, other than what already exists with the passage of this legislation. There is language in the law that supports funding for traffic safety and education to help combat these issues that must be addressed either way.

Youth Marijuana Use

Lyndsay Stover, Program Coordinator for the Community Health Alliance of North Tonawanda (CHANT) provided the committee with local and national data that highlighted the rise of marijuana use among youth and the potential effects that recreational marijuana use has on youth, adults, and the community. The information also indicated that recreational marijuana use can negatively impact youth and cause deficits in youth brain development including memory, decision-making, motivation, and IQ. Marijuana use among youth is also linked to increased rates of school absence and dropout rates, along with decreases in professional and social achievements.

Lyndsay also addressed the committee with local data collected from the 2020 Prevention Needs Assessment (PNA) that was conducted among North Tonawanda students in grades 8, 10 and 12. The PNA survey is designed to measure the needs and behaviors of NT community youth, including substance use. The PNA data showed a clear trend among NT youth – marijuana use increases greatly as grade level increases, with almost 33% (1 of 3) high school seniors reporting marijuana use in the past 30 days. Overall past 30-day marijuana use among NT youth is well above the national average, at 20% and 15.6%, respectively.

The committee agreed that protecting youth is paramount and that as a community we are in a unique position to manage how dispensaries and on-site consumption licenses are spread throughout the NT community and that they should not be located close to schools, playgrounds, and athletic fields.

Zoning Recommendations

A great deal of our discussions dealt with opting in on allowing dispensaries for the revenue it could provide, but with great concern on how it impacts youth and the community at large yet focusing on public safety, health, and welfare. The committee felt proposing zoning guidelines for locations of marijuana dispensaries and onsite consumption locations (lounges, restaurants, cafes) was vital.

As a result of these discussions, the committee came up with a suggestion based on CDC recommendations that dispensaries and consumption lounges be located at least 1500 feet from a school, playground, and athletic fields. The committee also felt that these locations should also be at least 500 feet from a church or place of worship. Similar regulations can also be found in many other communities and municipalities that the committee reviewed and compared data.

Dispensary and On-site Consumption Locations

The committee discussed what cannabis dispensaries and on-site consumption locations would look like in the NT community. Questions arose on the safety and security of the facilities. To gain a better understanding of how cannabis businesses operate under NYS guidelines, committee members Eric Zadzilka and Kim Sinon visited Verilife, a medical marijuana dispensary, located at 25 Northpointe Parkway in Amherst, NY.

The two were met by the Manager of Verilife, a trained and licensed pharmacist, to help the committee visualize what a retail marijuana facility may look like in communities across the state. The manager explained to the committee members that the facility maintains a high level of security. Patients are not allowed to see the products and the smell of marijuana was almost non-existent. All the products were sealed, and not permitted to be opened inside the facility. Patients are required to place an order and upon picking up their product are required to present identification each time. There was no visible advertisement outside of the facility and the distributor is required by NYS to provide information on marijuana use, warning patients of potential effects. Overall, the facility was operated very professionally and went above and beyond to adhere with NYS medical marijuana laws.

Committee Recommendations

After exploring and deliberating information from the OCM and the critical concerns listed above the committee looked toward the NT public survey that reached 1,075 NT residents and business owners. It was found that 82.59% of respondents were in favor of marijuana dispensaries, and 68% were in favor of on-site cannabis consumption. 84.93% respondents believed that it was important to locate retail dispensaries and on-site consumption businesses away from schools, playgrounds, and athletic fields. 66.48% of residents thought it was important to locate retail dispensaries and on-site consumption businesses away from churches and places of worship.

Based on the number of responses and the significance of the data presented to the committee would like to recommend the following:

1. North Tonawanda should not opt out of retail cannabis dispensaries that have a license to operate in the City of North Tonawanda
2. North Tonawanda should not opt out of on-site consumption lounges, cafes, or restaurants that have a license to operate in the city of North Tonawanda.
3. The committee recommends that the zoning restrictions placed on retail cannabis dispensaries be at least 1,500 feet from schools, playgrounds, and athletic fields; and at least 500 feet from churches or places of worship.

4. The committee recommends that zoning restriction placed on on-site consumption lounges, restaurants, or cafes to be at least 1,500 feet from schools, playgrounds, and athletic fields; and at least 500 feet from churches or places of worship.

5. If permissible, that committee recommends that the city strongly consider allocating a portion of the tax revenue towards addiction services, prevention and education, and/or other activities that would benefit public health and wellbeing, such as police enforcement and training.

City of North Tonawanda

OFFICE OF THE CITY ATTORNEY
CITY HALL
216 PAYNE AVENUE
NORTH TONAWANDA, N.Y. 14120-5489

11.

DEC 21 2021

TELEPHONE
(716) 695-8590
FAX (716) 695-8592

LUKE A. BROWN
CITY ATTORNEY

NICHOLAS B. ROBINSON
ASSISTANT CITY ATTORNEY

December 15, 2021

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

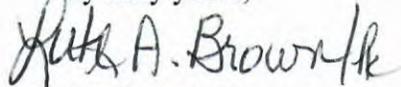
RE: Proposed Lease Agreement between Tenants at Weatherbest Slip and
City of North Tonawanda

Dear Honorable Body:

Attached, for your consideration, is the proposed new Lease Agreement between our tenants at Weatherbest Slip and the City of North Tonawanda. Please note that the proposed term is five (5) years, beginning June 1, 2022. .

Should your Honorable Body concur, please pass a resolution approving the changes to the Lease Agreement, subject to any further review by the City Attorney.

Very truly yours,



Luke A. Brown
City Attorney

LAB/lk
Att.

cc: Donna L Braun, City Clerk-Treasurer

2021 DEC 15 4:27:57
NORTH TONAWANDA NY
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CITY CLERK'S OFFICE

LEASE

Made and entered into this ____ day of ____, 2021, by and between the City of North Tonawanda, hereinafter called the "City", party of the first part and _____ of _____ hereinafter called the "Tenant", party of the second part.

WITNESSETH, that the City leases to the Tenant a certain boathouse site located on Lot(s) _____, for a term of five years, beginning on the 1st day of June, 2022, and ending on the 31st day of May, 2027. The Tenant shall have one (1) option to extend the subject lease for an additional five (5) year term at the same terms as below.

AND THE SAID TENANT agrees that he will pay to the City a rental of Nine Hundred Fifty Dollars (\$950.00) for the year 2021 and thereafter a two percent (2%) increase say be applied annually to said rent (due by August 1 of each year). However, failure of the City to send said notice does not constitute a waiver of the tenant's requirement to make the rent payment on or before the dates as set due above.

AND IT IS FURTHER PROVIDED, that the Tenant agrees to pay all taxes assessed upon the said premise during the term of this lease.

AND PROVIDED FURTHER, that the Tenant agrees to keep the leasehold premise in good order and repair, and in at least its present condition, as partial consideration for the rental of the premises. Further, each Tenant agree to keep the land in the vicinity of the boathouses/docks clean and free of debris, including cutting the grass. The City and tenants shall set an agreeable date in the spring of each year for clean-up of the Weatherbest Slip area, and the City will provide for the removal of debris.

AND PROVIDED FURTHER, that the City may terminate this lease at any time upon sixty (60) days written notice, if the City ever requires the use of said premise for public purposes or convenience and has a written commitment to develop said property within eighteen (18) months or a common council resolution for the City to develop said property itself. Upon the City exercising this paragraph the Tenant shall have the privilege to the tenant to remove from the said premise any boathouse or other building owned by the tenant provided the same is removed during the said sixty (60) day period, or to receive the assessed value of such boathouse or other building from the City as determine by the North Tonawanda City Assessor's office. The City shall make such cost a development cost of any request for proposal relative to the subject property.

AND PROVIDED FURTHER, that the Tenant shall use the lease to said premise solely as a boat storage site and the Tenant cannot live in or inhabit the boathouse either as a permanent or temporary residence.

AND PROVIDED FURTHER, that for each lease year, the Tenant shall schedule, and the North Tonawanda Building Department shall complete no later than August 21 of each year, a boathouse inspection with the North Tonawanda Building Department. For each subsequent year of this lease, Tenant shall schedule, and the North Tonawanda Building Department shall complete, a boathouse inspection no later than April 1 of each year of the agreement. Failure to schedule, or denial of access to the City or its agents or representatives to the premise for the purpose of such annual inspections, will automatically terminate this lease.

AND PROVIDED FURTHER, that the Tenant will be responsible to pay their pro rata share of the work necessary to repair the water lines to the subject leased land in equal payments over the five (5) year term of this lease.

AND PROVIDED FURTHER, that notwithstanding the aforementioned annual inspections, the City has the right to inspect the boathouses upon reasonable notice at such times as it deems necessary for purposes necessary, incidental to or connected with the performance of its obligation hereunder or in the exercise of its governmental functions, or in order to make a determination that the Tenant is not violating any provisions of this lease agreement, or any federal or state law or city ordinance. Denial of access to the City or its agents or representatives on the on the premise for the purpose of such inspection, will automatically terminate this agreement.

AND PROVIDED FURTHER, that a violation of this lease automatically terminates the lease.

AND PROVIDED FURTHER, that the Tenant shall not transfer, assign, sublease, pledge or otherwise encumber or dispose of this lease, or permit any other person or persons, company or corporation to occupy the premises, unless upon the written consent of the City. Furthermore, it is the City's intention to give North Tonawanda residents preference when consenting to or rejecting a request by the Tenant to allow a transfer of said lease. Also, prior to a request to transfer said lease, the Tenant is required to advertise in the official paper of the City of North Tonawanda at least one (1) time that the lease is available and that a preference in conjunction with the North Tonawanda resident policy will be given to North Tonawanda residents. This requirement will be waived if transfer if requested to an immediate family member. Lastly, upon Common Council approval of the transfer of this lease, a transfer fee shall be paid to the City of North Tonawanda in the amount of one year's rental fee, to be paid in addition to the normal rental amount that would be due and owing for that year's rent.

AND PROVIDED FURTHER, that any improvements constructed by the Tenant on the leased premises shall be constructed at Tenant's own expense, and Tenant shall obtain prior written approval of the North Tonawanda Building Inspector with respect to any such improvements which the Tenant plans to construct on the within leased premises. Furthermore, prior written approval of the North Tonawanda Engineer and the North Tonawanda Code Enforcement Officer will be required if any such improvements are under their respective responsibilities.

AND PROVIDED FURTHER, that the Tenant agrees to carry liability insurance covering the leased premise in the amount of \$100,000 - \$300,000, and the Tenant shall furnish the City a certificate of liability insurance evidencing same.

AND PROVIDED FURTHER, that for the period of this lease, the Tenant shall indemnify and hold harmless the City against any and all liabilities, claims, damages, losses and expenses attributable to bodily injury, sickness, disease or death or to injury to or destruction of tangible property, including the loss of use resulting therefrom, and the Tenant shall agree to assume the defense of same. It is understood and agreed that the specified amounts of insurance set forth above herein in no way limits the liability of the Tenant. The Tenant shall carry insurance in such amounts as to indemnify and save harmless the City from all claims, suits, demands and actions.

AND PROVIDED FURTHER, that the Tenant will make no unlawful or offensive use of the premise and will, on the date hereby fixed for the expiration of the term hereof, or upon any sooner termination, will, without notice, quit and deliver said premise (excluding buildings owned by Tenant) to the City or its assigns, peacefully, quietly and in as good order and condition., reasonable use and wear thereof excepted, as the same is now or may hereafter be placed by the City or Tenant.

AND PROVIDED FURTHER, that any waiver or breach of covenants herein contained to be kept and performed by the Tenant, shall not be deemed or considered as a continuing waiver, and shall not operate to bar or prevent the City from declaring a forfeiture for any succeeding breach of either the same condition or covenant or otherwise.

AND PROVIDED FURTHER, in the event the Tenant shall hold over and remain in possession of the premises herein after the expiration of this agreement without any written renewal thereof, such holding over shall not be deemed to operate as a renewal or extension of this agreement, but shall only create a tenancy from month to month, which may be terminated at any time by the City.

AND PROVIDED FURTHER, that the City shall have the right to and shall adopt and enforce reasonable rules and regulations upon reasonable notice to the Tenant with respect to the use of the leased premises which the Tenant agrees to observe and obey.

The Tenant shall observe and obey all federal, state, county and city laws, ordinances, regulations and rules which may be applicable to the Tenant and said premises.

AND PROVIDED FURTHER, that as a condition of this lease agreement, the City will not provide water service to the premises from November 15 of each year to the following April 15 of each year.

CITY OF NORTH TONAWANDA

By: _____
Arthur G. Pappas, Mayor

Lessee

Lessee

111

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

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

DEC 21 2021

December 15, 2021

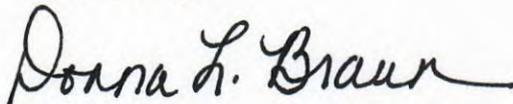
Dear Honorable Body,

I would like to take the opportunity to recommend some changes in stall rates at the North Tonawanda Farmer's Market. Our rates have not seen an increase since 2018. We continue to work with the vendors to make our Farmer's Market a great experience for both the Vendors and our visitor to the Market.

Our current yearly rate for market space is \$300.00, I recommend raising the rate to \$400.00. I also would recommend raising half of year rate from \$225.00 to \$275.00, along with the daily rate from \$25.00 to \$35.00.

We take great pride in our market and will see improvements in the coming year.

Respectfully,



Donna L Braun
Clerk/Treasurer

2021 DEC 15 PM 12:04
NORTH TONAWANDA NY

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CITY CLERK'S OFFICE



**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

December 10, 2021

Handwritten initials: IV: 1

DEC 21 2021

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

**Re: Project 2019-03 - PIN 5763.51 Bike Path Connection to the Empire State
Trail
Award of Contract**

Dear Honorable Body:

On December 7, 2021 three bids were received and opened by the City Clerk for the PIN 5763.51 City of North Tonawanda Bike Path Connection to the Empire State Trail Project. The Results are as follows:

Base Bid:

- | | |
|---|---------------------|
| 1. 4th Generation Construction Inc. | \$508,451.00 |
| 2. Milherst Construction | \$558,152.00 |
| 3. Scott Lawn Yard Inc. | \$666,728.50 |

Base Bid + Add Alt 1

- | | |
|---|---------------------|
| 1. 4th Generation Construction Inc. | \$535,111.00 |
| 2. Milherst Construction | \$590,052.00 |
| 3. Scott Lawn Yard Inc. | \$687,678.50 |

The Engineering Department and the City's Engineering Consultant, C&S Companies, see attached letter, have reviewed the bid results and are recommending award of the Contract Base Bid + Add Alt. 1. Accordingly, I respectfully request that the Common Council award the City of North Tonawanda Bike Path Connection to the Empire State Trail Contract to 4th Generation Construction, 5650 Simmons Avenue, Niagara Falls, NY 14304, at their low Base Bid + Add Alt 1 in the amount of \$535,111.00, contingent on NYSDOT approval; authorizing the Mayor to sign said contract subject to review by the City Attorney.

Very truly yours,

Handwritten signature of Chelsea L. Spahr
Chelsea L. Spahr, P.E.
City Engineer

CLS:cls

Cc: file
Luke A. Brown, City Attorney
Laura Wilson, Director of Community Development
Mark Zellner, Superintendent of Public Works
Alex Domaradzki, Director of Parks Recreation and Youth
Jeffrey Zellner, City Accountant
Nick Yarussi, 4th Generation Construction

Vertical stamp: 2021 DEC 20 4:11 PM CITY OF NORTH TONAWANDA NY



C&S Companies
141 Elm Street, Suite 100
Buffalo, NY 14203
p: (716) 847-1630
f: (716) 847-1454
www.cscos.com

December 8th, 2021

Chelsea L. Spahr, P.E.
City Engineer
City of North Tonawanda Engineering Department
216 Payne Avenue
North Tonawanda, NY 14120

Re: City of North Tonawanda
Bike Path Connection to the Empire State Trail
PIN 5763.51, Project No. 2019-03
Summary of Bids and Recommendation of Award

Mrs. Spahr,

The City of North Tonawanda received bids for the above referenced project on December 7, 2021; three (3) bids were received. We have reviewed and checked all unit bid prices and totals and report the following total bids for this project:

<u>Rank</u>	<u>Bidder Name</u>	<u>Bid Amount</u>	<u>Base Bid + Add Alt 1</u>
1	4 th Generation Construction Inc.	\$ 508,451.00	\$ 535,111.00
2	Milherst Construction	\$ 558,152.00	\$ 590,052.00
3	Scott Lawn Yard Inc.	\$ 666,728.50	\$ 687,678.50

I hereby certify that, to the best of my knowledge and belief, this contract was bid in accordance with the applicable competitive bidding procedures and all Federal and State rules and regulations pursuant thereto, and that this summary includes all bids received at the public bid opening held at the City of North Tonawanda City Hall on December 7, 2021, for a contract in the City of North Tonawanda for the project identified as PIN 5763.51, Project No. 2019-03, City of North Tonawanda Bike Path Connection to the Empire State Trail. Each of these bids has been reviewed, checked and all computations verified. Two mathematical errors were found in Scott Lawn Yard's bid. The errors did not affect the outcome of the bid award. The bid received from 4th Generation Construction is sound and stands as the apparent low bid. 4th Generation's bid was 10.39% lower than the engineer's estimate.

Based upon the results from the bid analysis, and a full evaluation of bidder responsibility, we believe 4th Generation Construction is capable of performing the work required and has submitted a sound bid. We recommend award of this project to 4th Generation Construction Inc.

Very truly yours,

Daniel T. Borcz, P.E.
Managing Engineer, C&S Engineers



**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

December 10, 2021

IV.2
DEC 21 2021

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

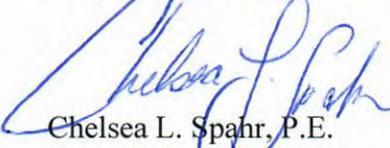
**Re: Project 2018-13: ESD Smart Growth Funds Downtown North Tonawanda
Placemaking Project
Approval of Change Order No. 2**

Dear Honorable Body:

Approval of Change Order No. 2 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. Attached is a change order listing the additions that were performed on this project and their associated costs.

Accordingly, I respectfully request that the Common Council approve add Change Order No. 2 for ESD Smart Growth Funds Downtown North Tonawanda Placemaking Project in the amount of \$30,918.58 with 4th Generation Construction Inc., 5650 Simmons Avenue, Niagara Falls, NY 14304; increasing the contract amount from \$1,348,128.25; to the contract amount of \$1,379,046.83; 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
Laura Wilson, Director of Community Development
Jeffery Zellner, City Accountant
Camil Pachucki, 4th Generation Construction

2021 DEC 15 4:11 PM
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**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. 2

DATE: December 10, 2021

TO:

4th Generation Construction Inc.
5650 Simmons Avenue
Niagara Falls, NY 14304

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

ADDITION: \$30,918.58

DEDUCTION: _____

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 their associated costs.

The sum of \$30,918.58 is hereby added to the contract.

<u>Original Contract</u>	<u>C.O. No.</u>	<u>Addition</u>	<u>Deduction</u>	<u>Contract to Date</u>
\$ 1,348,128.25	2	\$30,918.58		\$ 1,379,046.83

ACCEPTED BY *Kristine Yarusi* DATE 12/13/2021
(Contractor)

RECOMMENDED BY *Chelsea L. Spahr* DATE 12/13/2021

APPROVED BY _____ DATE _____
(Owner)

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 NO. 2 COSTS

ITEM NUMBER	ITEM DESCRIPTION	CHANGE VALUE
1	REWORK OF STORM DRAINAGE ON MAIN & SWEENEY	\$ 2,782.00
2	UNFORESEEN HYDRANT EXCAVATION	\$ 6,318.62
3	ADDITIONAL SIDEWALK AREAS	\$ 12,270.25
4	STORM SEWER UTILITY CONFLICT ON WEBSTER (GAS & VERIZON)	\$ 4,478.53
5	ADDITIONAL EXCAVATION FOR TREE PITS (3' VS. 18")	\$ 1,598.70
6	INSTALLATION OF HYDRANT EXTENSIONS	\$ 1,833.48
7	LOST TIME ON BOARD INSTALLATION IN ALLEY (LIFT RENTAL)	\$ 455.75
8	ALLEYWAY LIGHTING FIXTURE MODIFICATION	\$ 1,181.25

CHANGE ORDER COSTS: \$ 30,918.58

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

DEC 21 2021

December 16, 2021

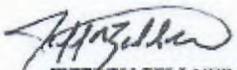
Honorable Arthur G. Pappas, Mayor
And Common Council Members
City Hall
216 Payne Avenue
North Tonawanda, NY 14120

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 December 21th, 2021, and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Warm Regards,


JEFFREY ZELLNER
CITY ACCOUNTANT

2021 DEC 16 PM 10:54
NORTH TONAWANDA NY
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CITY CLERK'S OFFICE

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

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



DEC 21 2021

www.ntparksrec.com

December 2, 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 November 2021. The Senior Center has returned to normal business hours and programming.

Senior Center's Total Monthly Services 1,473

Unduplicated 579

Duplicated 894

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

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2021 DEC 6 AM 8:19
NORTH TONAWANDA NY

City of North Tonawanda

XXI.2

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

Lori Swartz
Assistant City Clerk

Denise Proefrock
Assistant City Treasurer

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VITAL STATISTICS
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Fax: (716) 695-8557

DEC 21 2021

12/13/2021

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2021 DEC 13 PM 2:03
NORTH TONAWANDA NY

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 NOVEMBER 2021.

General Fund

Balance Fwd - Checking	1,315,300.14
Balance Fwd - Money Market	7,006,014.13
Investments	0.00
Receipts for the month	963,360.86
Warrants Drawn	(2,803,552.24)
	<hr/>
	\$6,481,122.89

Sewer Fund

Balance Fwd - Checking	154,918.53
Balance Fwd - Money Market	8,820.57
Investments	0.00
Receipts for the month	538,186.38
Warrants Drawn	(433,872.43)
	<hr/>
	\$268,053.05

Water Fund

Balance Fwd - Checking	906,942.62
Balance Fwd - Money Market	1,239,046.41
Investments	0.00
Receipts for the month	217,340.53
Warrants Drawn	(346,713.43)
	<hr/>
	\$2,016,616.13

Trust & Agency Fund

Balance Fwd - Checking	341,650.33
Receipts for the month	29,206.19
Warrants Drawn	(19,074.96)
	<hr/>
	\$351,781.56

Capital Construction Fund

Balance Fwd - Checking	656,708.39
Balance Fwd - Money Market	11,672.88
Receipts for the month	0.19
Warrants Drawn	(444,765.11)
	<hr/>
	\$223,616.35

Community Development Fund

Balance Fwd - Checking	1,393,724.40
Receipts for the month	0.00
Warrants Drawn	0.00
	<hr/>
	\$1,393,724.40

Rental Assistance Fund

Balance Fwd - Checking	0.00
Receipts for the month	250,114.00
Warrants Drawn	(250,114.00)
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	\$0.00

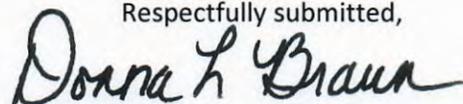
Housing Rehabilitation Fund

Balance Fwd	1,476.08
Receipts for the month	0.02
Warrants Drawn	0.00
	<hr/>
	\$1,476.10

Home Rehabilitation Fund

Balance Fwd	40,683.56
Receipts for the month	0.00
Warrants Drawn	0.00
	<hr/>
	\$40,683.56

Respectfully submitted,



Donna L. Braun
City Clerk-Treasurer