THE HONORABLE BODY

Council Chambers

Municipal Building

North Tonawanda, New York 14120

Tuesday, November 21, 2017

6:30 P.M.

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**REGULAR SESSION CALLED TO ORDER BY PRESIDENT ZADZILKA**

**PLEDGE OF ALLEGIANCE**

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**ROLL CALL**

**Present: President Zadzilka**

**Alderman Braun, Berube, Glatz, Pecoraro,**

**Absent: None**

**Also Present: Mayor Arthur G. Pappas**

**City Attorney Luke Brown**

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AUDIENCE PARTICIPATION - None

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APPROVAL OF THE MINUTES OF THE REGULAR SESSION NOVEMBER 6, 2017

MOVED by Alderman Zadzilka SECONDED by Alderman Berube

That the minutes of the regular session held November 6, 2017 be approved as circulated and filed in the Office of the City Clerk.

CARRIED.

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PROOF OF PUBLICATION PUBLISHED NOVEMBER 11, 2017

1) Legal Notice – Public Hearing for Rezoning of 621 Payne Avenue – City Clerk-Treasurer

MOVED by Alderman Braun SECONDED by Alderman Pecoraro

That the Common Council hereby receives and files the aforementioned Proof of Publications.

CARRIED.

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COMMUNICATIONS FROM CITY OFFICIALS

II. Attorney

November 16, 2017

Honorable Arthur G. Pappas, Mayor

And Common Council Members

City Hall

216 Payne Avenue

North Tonawanda, NY 14120

Re: Resolution to Accept Responsibility for the Wurlitzer Drive Extension

Dear Honorable Body:

While updating the Local Highway Inventory it was noticed by the Engineering Department that the Wurlitzer Drive Extension had not been formally accepted by the City. The roadway in questions consists of the Wurlitzer Drive Extension between Erie Avenue and D’Angelo Drive and is approximately 675 feet, or 0.13 miles. I have attached a map showing the roadway’s approximate location and limits for your reference.

As such, I am requesting that the Council adopt a resolution that the City accepts responsibility for the maintenance, repair and all legal responsibilities for that roadway as described above.

Please review this proposal and vote as to approval.

Very truly yours,

Luke A. Brown

City Attorney

MOVED by Alderman Pecoraro SECONDED by Alderman Zadzilka

That the Common Council hereby accepts responsibility for the maintenance, repair and all legal responsibilities for the Wurlitzer Drive Extension between Erie Avenue and D’Angelo Drive that is approximately 675 feet, or 0.13 miles.

Ayes: Alderman Braun, Berube, Glatz, Pecoraro, Zadzilka (5)

Nays: None (0)

CARRIED.

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III. Clerk-Treasurer

November 6, 2017

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:**

182.70-1-3 415 Oliver Street ALEXANDER 46 INC.

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

Thank you for your cooperation.

Very truly yours,

Daniel R. Quinn

City Treasurer

MOVED by Alderman Braun SECONDED by Alderman Berube

That the Common Council hereby approves the removal of the following parcel:

182.70-1-3 415 Oliver Street ALEXANDER 46 INC.

From the appropriate In Rem foreclosure proceeding for payment in full of City, School, and County taxes. Subject to review by the City Attorney.

Ayes: Alderman Braun, Berube, Glatz, Pecoraro, Zadzilka (5)

Nays: None (0)

CARRIED.

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VII. Accountant

November 14, 2017

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 November 21, 2017, further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Regards,

Amanda Reimer

City Accountant

MOVED by Alderman Pecoraro SECONDED by Alderman Glatz

**That the Common Council hereby authorizes for payment the current Abstract of Claims**

**for Common Council Audit dated November 21, 2017 and further authorizes the Mayor**

**and City Clerk-Treasurer to respectively sign and countersign said Warrant:**

**01 General Fund $941,982.24**

**02 Water Fund 47,859.32**

**04 Sewer Fund 93,222.58**

**06 Capital Project Fund 148,592.05**

**07 Trust & Agency 5,002.60**

**08 Community Development 5,486.50**

**00 Final Total $ 1,242,145.29**

Ayes: Alderman Braun, Berube, Glatz, Pecoraro, Zadzilka (5)

Nays: None (0)

CARRIED.

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XIV. Youth, Recreation & Parks

November 9, 2017

Honorable Arthur G. Pappas, Mayor

and Common Council

City Hall, 216 Payne Avenue

North Tonawanda, NY 14120

Dear Honorable Body:

As you may be aware NT School District and the City are co-sponsoring the annual Christmas Tree Lighting at the High School on Monday, November 27, 2017. This year the event has been expanded to include Food Trucks. I am asking if the one time permit fee for Soups on Food Truck can be waived for this event. The company will have background checks performed on their employees.

Thank you for your consideration.

Sincerely,

Patricia Brosius, Director

Department of Youth, Recreation & Parks

MOVED by Alderman Berube SECONDED by Alderman Zadzilka

That the Common Council hereby grants permission to waive the food truck permit fee

for Soups On Food Truck for the Christmas Tree Lighting at the High School on Monday, November 27, 2017.

Ayes: Alderman Braun, Berube, Glatz, Pecoraro, Zadzilka (5)

Nays: None (0)

CARRIED.

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XXV. Monthly Reports

.1 Senior Citizen Center .2 Youth, Recreation & Parks

.3 Clerk-Treasurer .4 Police Department

MOVED by Alderman Pecoraro SECONDED by Alderman Glatz

That the Common Council hereby, approves the aforementioned Monthly Reports.

CARRIED.

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XXXII.1 Community Development

November 13, 2017

Honorable Mayor and Common Council

City Hall

216 Payne Avenue

North Tonawanda, NY 14120

Re: City of North Tonawanda / Lumber City Development Corporation Commercial

Property agreement – 301 Payne Avenue

Dear Honorable Body:

In 2014 the City and Lumber City Development Corporation (LCDC) entered into an agreement enabling LCDC to market and incentivize the sale and redevelopment of selected commercial properties owned by the City of North Tonawanda, the initial list of selected properties included 653 Oliver Street, 664 Oliver Street, and 301 Payne Avenue. The intent of this agreement was to identify properties in the tax foreclosure process which have suffered neglect and are currently detrimental to their surrounding neighborhood and promote responsible owner ship and redevelopment of these properties in an attempt to stabilize and improve their respective neighborhoods.

The City and LCDC established a set of guidelines for prospective purchasers interested in these properties. The guidelines included submitting a proposed redevelopment and property reuse plan, including project cost estimates and financial capability, as well as requiring the potential purchaser be in current good standing with the City with regards to any other property owned within North Tonawanda.

LCDC has received a purchase offer and redevelopment plan for 301 Payne Avenue from C&M Rental, a property management company owned by Charles Cromwell and Michael Sherwood. Mr. Cromwell and Mr. Cromwell and Mr. Sherwood have proposed to purchase the property for $1,000 and invest an estimated $60,000 in renovations and repairs. Mr. Cromwell and Mr. Sherwood intend to lease the second-floor apartment units, and maintain a commercial use on the first floor to house the offices of C&M Rental and Buffalo Maintenance (a sister company). A small retail component will also be incorporated into commercial space.

LCDC believes C&M Rental’s investment in 301 Payne Avenue will have a positive impact on the neighborhood and will revitalize a vacant structure. LCDC would like to hereby recommend the City of North Tonawanda consider accepting Mr. Cromwell and Mr. Sherwood’s purchase offer.

Thank you for your time and consideration.

Kindest regards,

Michael Zimmerman

Executive Director

MOVED by Alderman Braun SECONDED by Alderman Glatz

That the Common Council hereby grants approval to LCDC to sell 301 Payne Avenue for $1,000 to Charles Cromwell and Michael Sherwood, C&M Rental, for redevelopment, building must be brought up to code per the City Building Inspector after renovations, subject to further review by the City Attorney.

Ayes: Alderman Braun, Berube, Glatz, Pecoraro, Zadzilka (5)

Nays: None (0)

CARRIED.

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XXXII.2 Community Development

November 15, 2017

Honorable Mayor and Common Council

City Hall

216 Payne Avenue

North Tonawanda, NY 14120

Re: Zombie Property Prevention/Remediation Services Proposal

Honorable Body:

On July 27, 2017, the City published a request for proposals (RFP) for firms capable of assisting the City with the implementation of a zombie property remediation program under the Foreclosure Relief Act of 2016. This program is a deliverable item related to the Local Initiative Support Coalition (LISC) Zombie Property Prevention grant awarded to the City in 2016.

The Western New York Law Center (WNYLC) has submitted a proposal to provide legal assistance to the City per the RFP. WNYLC is a non-profit legal services corporation which provides services including; foreclosure prevention, consumer debt education, policy advocacy, legal education, and a specialty in vacant and abandoned zombie foreclosure law. WNYLC demonstrated extensive experience to meet the scope of services outlined in the RFP and successfully assist the City with remediation of zombie vacant and abandoned properties.

Services the WNYLC proposes to provide to the City include: outreach to all residents of the city with lis pendens filings; training on zombie foreclosures for City staff; establish a database of vacant and abandoned properties in the City; track ownership of all vacant and abandoned properties and conduct targeted outreach to owners of zombie properties; directly work with owners of zombie properties to resolve foreclosure issues; determine responsible parties for maintenance of zombie properties; contact banks responsible for property maintenance and if appropriate represent the City in taking action against responsible parties which are not compliant with the property maintenance requirements.

WNYLC has proposed a fee of $50,000.00 to provide these services to the City. This fee will be covered out of LISC grant funds with no direct cost to the City.

I hereby respectfully request the Common Council authorize the Mayor to enter into contract with Western New York Law Center, Inc. pending review and approval by the City Attorney, for Foreclosure Prevention/Remediation assistance at the proposed fee of $50,000.

Thank you for time and consideration.

Kindest regards,

Michael Zimmerman

Director

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro

That the Common Council hereby approves to enter into contract with Western New York Law Center, Inc., to provide services to the City for Foreclosure Prevention/Remediation assistance at the proposed fee of $50,000; authorizing the Mayor to sign said contract, subject to review by the City Attorney.

Ayes: Alderman Braun, Berube, Glatz, Pecoraro, Zadzilka (5)

Nays: None (0)

CARRIED.

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COMMUNICATIONS FROM OTHERS

A.

North Presbyterian Church

November 3, 2017

Honorable Mayor and Common Council

City Hall

216 Payne Avenue

North Tonawanda, NY 14120

North Tonawanda Council Members:

We at North Presbyterian Church, plan to change our outdated battery dependent smoke detectors with inter-connected (hard wired) smoke and carbon monoxide alarms.

A member of our church is funding the cost of this project and would appreciate a waiver of the $95.00 permit cost.

Thank you on behalf of the Building and Grounds Committee.

Sincerely,

Walter Freiert

Elder

MOVED by Alderman Pecoraro SECONDED by Alderman Braun

That the Common Council hereby grants permission to the Building and Code Department to waive the permit fee to North Presbyterian Church for their church project.

Ayes: Alderman Braun, Berube, Glatz, Pecoraro, Zadzilka (5)

Nays: None (0)

CARRIED.

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B.

Downtown Merchants Association

November 1, 2017

City Clerk-Treasurer Daniel R. Quinn

216 Payne Avenue

North Tonawanda, NY 14120

Mr. Quinn:

The Downtown Merchants Association of North Tonawanda would like permission to hold our annual Winter Walk on Webster Street on Saturday, December 2, 2017.

The Winter Walk Committee has once again arranged, with Sweeney Hose of North Tonawanda, for vintage fire truck rides instead of the hay wagons we have used in the past. The route this year is entirely within North Tonawanda and will include both Webster and Oliver Streets. The fire truck will be running from 10AM to 4PM on December 2nd.

We have also arranged for a Petting Zoo and to accommodate that event, we request the closing of Tremont Street from Webster to the exit of Gateway Apartments. This is the same area we’ve used each year. The Petting Zoo is scheduled for 11AM to 3PM on December 2nd.

Thank you for your consideration.

Sincerely,

Heather Kalisiak

Winter Walk Committee Chair

MOVED by Alderman Braun SECONDED by Alderman Berube

**That the Common Council hereby grants permission to the Downtown Merchants to hold their annual Winter Walk on Webster Street on Saturday, December 2, 2017 from 10AM to 4PM; authorizing the street closure of Tremont Street from Webster Street to the exit of the Gateway Apartments Parking Lot, and directs the Department of Public Works to provide barricades to close said streets.**

Ayes: Alderman Braun, Berube, Glatz, Pecoraro, Zadzilka (5)

Nays: None (0)

CARRIED.

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C.

Kyle Nickerson

November 10, 2017

North Tonawanda Common Council

216 Payne Avenue

North Tonawanda, NY 14120

Dear Honorable Body:

Thank you for allowing me to attend a workshop this past spring to discuss my upcoming Eagle Scout project. As we discussed my plan is to refurbish the old pavilion along the new bike path extension near Mayor’s Park.

I am writing to seek permission from the Common Council for this project. If you have any questions, please do not hesitate to contact me at (716)430-9554, or through e-mail at [kylekan612@gmail.com](mailto:kylekan612@gmail.com). I look forward to hearing from you soon.

Sincerely,

Kyle Nickerson

MOVED by Alderman Pecoraro SECONDED by Alderman Zadzilka

That the Common Council hereby grants permission to Kyle Nickerson to refurbish the old pavilion along the new bike path extension near Mayor’s Park for his Eagle Scout project.

Ayes: Alderman Braun, Berube, Glatz, Pecoraro, Zadzilka (5)

Nays: None (0)

CARRIED.

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D.

Columbia Hook & Ladder

November 14, 2017

Honorable Arthur Pappas, Mayor

Honorable Common Council

c/o North Tonawanda City Clerk

216 Payne Avenue

North Tonawanda, NY 14120

Re: Removal from Fire Roll

Dear Council & Mayor:

The members of Columbia Hook & Ladder Co. No.1, Inc., sadly request removal from the Volunteer Fire Rolls the name of Glenn C. Martin who died October 5, 2017.

Glenn Martin joined Columbia Hook & Ladder May 6, 1953, and was a member 64 years, 5 months, 29 days until passing away.

Sincerely,

David L. Evans

Recording Secretary

MOVED by Alderman Berube SECONDED by Alderman Pecoraro

That the Common Council hereby grants the removal of Glenn C. Martin from the North Tonawanda Fire Rolls.

Ayes: Alderman Braun, Berube, Glatz, Pecoraro, Zadzilka (5)

Nays: None (0)

CARRIED.

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AUDIENCE PARTICIPATION –

John Rosenbaum 265 Payne Avenue – 301 was bought by a landlord. This landlord wants to turn 265 backyards into a parking lot. I have talked to the neighbors and they all agree this is going to cause problems. There is enough parking already. Who is going to take care of plowing in the winter? They want to install a light at this parking lot which is going to shine into our windows. They could potentially block our access to our basement because the door is on the outside of the building. We just don’t know what we can do about this.

Amy Sileo 458 Oliver Street – My concern is with 452 Oliver Street. Rumors are is that it is going to be rented to the Mini Mart. I am against this because of the reputation that comes with this business. This is not a good fit. I am concerned for myself and my customers. The items they are going to sell at this Mini Mart is just going to bring problems to the space around my store. I have a petition and I am going to continue getting signatures. I am not sure what else I can do. I have done a lot for my building and the street and I do not want to see it go down.

Ted Werth 766 Harding Avenue – Can you people up there give me a definition of ordinance? How about accountability? We have a problem with sanitation. We do not enforce sanitation ordinances. Why should I have to “blow somebody in” who is not doing their job. You should hire someone to enforce the ordinance. The City should be writing citations. If the people do not clean it up, the City comes and cleans it up and charges the resident. The residents need to be held accountable. Also, why do we have a street cleaner when we are not using it? The cleaner should be out 5 days a week 24 hours. This City is dirty.

Dennis Garland 238 Tremont Street – I don’t have a problem telling you that I am having a problem with my neighbor at 232 Tremont Street. Accountability and a quality of life is all I am looking for. My neighbor owns ABest. He is storing his dumpsters and commercial vehicles at his property next to my house. It is a matter of accountability for residents to maintain their homes. We need some kind of reassurance that our community is going to be looked after. I would like any type of advice of how you would like me to proceed and to go on record about my issues.

Larry Weatherbee 716 Sweeney Street- My concern is the number of speeders. I know the Police are doing their job, but more needs to be done. They had a speed sign up for a couple of days but then they took it down. We need radar on Sweeney. I feel this will help. Another issue is that I would like the City’s help in getting mailboxes on both sides of Sweeney Street.

Megan Campbell 774 Harding Avenue- Last week my neighbor put up a 3 bulb led commercial flood light. The light is shining in my windows all night long. The light shines down 5 houses. I have called the Building Inspector and Code Inspector and they have told my neighbor to shine the light only on her house and put it on a motion sensor. The first day was good, but the light is still being left on all night long. I want that light taken down.

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ADJOURNMENT

MOVED by Alderman Pecoraro SECONDED by Alderman Glatz

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

CARRIED

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Time of Adjournment: 7:17P.M.

Respectfully submitted,

Daniel R. Quinn

City Clerk-Treasurer