### THE HONORABLE BODY

Council Chambers Municipal Building North Tonawanda, New York 14120 Monday, November 2, 2020 8:00 P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT ZADZILKA

PLEDGE OF ALLEGIANCE

**ROLL CALL** 

Present:

President Zadzilka

Alderman Schmigel, DiBernardo, Pecoraro, Tylec

Absent:

None

Also Present:

Mayor Arthur G. Pappas City Attorney Luke Brown

AUDIENCE PARTICIPATION - None

# APPROVAL OF THE MINUTES OF THE SPECIAL SESSION OCTOBER 20, 2020

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro That the minutes of the special session meeting held October 20, 2020 be approved as circulated and filed in the Office of the City Clerk.

Ayes: Alderman Schmigel, DiBernardo, Pecoraro, Tylec, Zadzilka

(5) (0)

Nays: None

CARRIED.

### PROOF OF PUBLICATION PUBLISHED 10/16/2020

1) Legal Notice – Public Hearing – To discuss the Preliminary 2021 Budgets – City Clerk-Treasurer

### PROOF OF PUBLICATION PUBLISHED 10/17/2020

1) Legal Notice – Bids for the Repair and Refinish of (6) tennis courts located at the intersection of Taber Place & Payne Ave. – Dir. Youth, Recreation, Parks & Seniors

### PROOF OF PUBLICATION PUBLISHED 10/22/2020

1) Legal Notice – Public Notice for the final review of the Environmental Assessment Review for the construction of 1100 Sweeney Street – City Engineer

### PROOF OF PUBLICATION PUBLISHED 10/23/2020

1) Legal Notice – Public Hearing – Amended Publication To vote on the Preliminary 2021 Budgets – City Clerk-Treasurer MOVED by Alderman Schmigel SECONDED by Alderman Tylec
That the Common Council hereby receives and files the aforementioned Proof of
Publications.
CARRIED.

## **COMMUNICATIONS FROM CITY OFFICIALS**

### **#1. Robert Pecoraro**

October 28, 2020

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

Dear Honorable Body,

I am excited to present the attached Resolution for Smoke Free Parks. Through a collaborated effort with the Community Health Alliance of North Tonawanda (CHANT) along with Reality Check, they gathered empirical evidence from the 2020 Preventative Needs Assessment that identified a linear increase for youth e-cigarette/vaping use as grade increases. To assist CHANT with their mission to keep youth off substance abuse products, attached is a resolution banning smoking from North Tonawanda Parks.

#### Overall:

- Tobacco-Free Environments are more family-friendly.
- Parks systems contribute to the health of children and adults.
- Modeling tobacco free behaviors is one of the best ways to prevent tobacco use among youth and build a healthier community.

### The policy benefits are:

- Health Impacts: Improves community health, reduces health risks and exposure to secondhand smoke and/or e-cigarette aerosol, especially among children and those with chronic conditions.
- Environmental Impacts: Protects against litter and fires, protects green spaces and animal habitats (cigarette butts contribute to 1/3 of all litter collected)
- Social Impact: Lead by example children/teen emulate adults, parks enhance quality of life.
- Economic Impacts: Decrease maintenance/clean-up costs, increase health of community members.

Recommendation: The North Tonawanda Common Council adopt the Smoke Free Parks Resolution.

Sincerely, Robert E. Pecoraro, Colonel, USAF (ret) North Tonawanda Alderman-at-Large

MOVED by Alderman Pecoraro 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 November 2, 2020 approves the Resolution for the City of North Tonawanda Regulating Smoking at City Parks, and reads as follows:

CITY OF NORTH TONAWANDA REGULATING SMOKING AT CITY PARKS

WHEREAS, tobacco related illness is the leading cause of preventable death in the United States; and

WHEREAS, exposure to secondhand smoke causes death and many diseases including cancer; and

WHEREAS, the U.S. Surgeon General concluded in a 2004 report that smoking has a direct relationship with various forms of cancer; and

WHEREAS, the U.S. Surgeon General concluded in a 2010 report that even occasional secondhand smoke is harmful; and

WHEREAS, smoke free workplace laws protect people from secondhand smoke, reduce tobacco use overall and reduce health care costs; and

WHEREAS, the Community Health Alliance of North Tonawanda 2020 Preventative Health Assessment identified a linear increase for youth e-cigarette/vaping use as grade increases; and

WHEREAS, tobacco free environments are more family friendly and provide the following impacts:

- Health Impacts: Improves community health, reduces health risks and exposure to secondhand smoke and/or e-cigarette aerosol, especially among children and those with chronic conditions.
- Environmental Impacts: Protects against litter and fires, protects green spaces and animal habitats (cigarette butts contribute to 1/3 of all litter collected)
- Social Impact: Lead by example children/teen emulate adults, parks enhance quality of life.
- Economic Impacts: Decrease maintenance/clean-up costs, increase health of community members.

**NOW, THEREFORE, BE IT RESOLVED** that, pursuant to Section 79 of the North Tonawanda City Code, the City Council of the City of North Tonawanda does hereby declare the follow:

- 1. Smoking a cigarette, pipe, cigar, electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, vape pen, any cartridge or other component of the device or related product or any other matter of substance which contains tobacco, nicotine, any illegal substance or any other substance that is similar shall be prohibited as follows;
- A. At all times on the grounds of North Tonawanda City Parks
- B. "No Smoking/Vaping" signs shall be placed on the property entrances at an appropriate location on the park entrances.
- C. Penalties for Offences
- 1) Smoking of tobacco, nicotine and other similar products shall be unlawful in the areas posted as stated in this Chapter.
- 2) A violation of any provision of this ordinance shall be subject to a fine not to exceed \$250 for each offense or imprisonment for not more than 15 days for each offense, or both fine and imprisonment.
- D. Severability
- 1) The several terms and provisions of this section shall be deemed severable, and if any provision hereof or the application hereof to any person or circumstances is held invalid, the remainder of the section and the applicability of such provisions to other persons and circumstances shall not be affected thereby.

E. When effective

1) This ordinance shall become effective on the day after publication in the official newspaper of the City of North Tonawanda

Subject to review by the City Attorney

Ayes: Alderman Schmigel, DiBernardo, Pecoraro, Tylec, Zadzilka (5)
Navs: None (0)

CARRIED.

V. Supt. Water/Wastewater

October 29, 2020

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

Re: Approval of various Payment Applications for WWTP Phase 1 Upgrade Project

### Honorable Body:

I respectfully request that you approve the following Pay Applications for work performed under the WWTP Phase 1 Upgrade Contract. This work has been reviewed and approved by myself and Wendel Engineering.

1.	STC Construction 9/4/2020 pay app #2	\$355,775.00
2.	Wendel Engineering 9/30/2020 pay app (invoice #353014)	\$57,683.42
3.	PSI Testing 9/30/2020 pay app (invoice #00728259)	\$1,300.00
4.	Danforth Construction 10/13/2020 pay app #2	\$4,750.00
5.	Frey Electric 10/13/2020 pay app #2	\$7,457.50
6.	STC Construction 10/13/2020 pay app #3	\$197,275.00

The City does not have to issue a Purchase Order for payment. This work is being funded through a NY State WIIA Grant and NY State Environmental Finance Center ("EFC") 0% loan.

With your approval Rotella Grant Management will submit this request to the EFC on the City's behalf. Thank you for your time and consideration of my request.

Sincerely, William M. Davignon 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 Contract:

1.	STC Construction 9/4/2020 pay app #2	\$355,775.00
2.	Wendel Engineering 9/30/2020 pay app (invoice #353014)	\$57,683.42
3.	PSI Testing 9/30/2020 pay app (invoice #00728259)	\$1,300.00
4.	Danforth Construction 10/13/2020 pay app #2	\$4,750.00
5.	Frey Electric 10/13/2020 pay app #2	\$7,457.50
6.	STC Construction 10/13/2020 pay app #3	\$197,275.00

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, Pecoraro, Tylec, Zadzilka (5)
Navs: None (0)

CARRIED.

VII. Accountant

October 28, 2020

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 2, 2020 and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

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 November 2, 2020, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$647,393.44
02	Water Fund	80,308.09
04	Sewer Fund	146,379.71
06	Capital Project Fund	11,290.50
07	Trust & Agency Fund	<u> 18,843.64</u>
00	Final Total	\$ <u>904,215.38</u>

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

CARRIED.

XVII. Traffic Safety

October 19, 2020

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

### **Traffic Safety Minutes:**

The October 19, 2020 meeting of the North Tonawanda Traffic Safety Committee was called to order at 1900 hours. Roll call showed the following members present: R. Frank, J. Sikora, M. Daigler, M. Meisenburg, M. Lemke, A. DiBernardo, D. Grinnell, M. Anastasi. The minutes from the previous meeting were read and accepted, the following new concerns/requests were discussed, and recommendations made.

- 1. Councilman Austin Tylec requested a traffic study for Wurlitzer Drive. Member Frank spoke to the City Engineer, Chelsea Spahr, who stated that a traffic study was done prior to the Walmart project and to do another one would cost money. Member Frank advised Tylec of this and informed him that Wurlitzer Drive has been monitored by the police department over the last couple months for speeding. The speeding complaint on Wurlitzer Drive has been coming from the same resident every month and has been dealt with by the NTPD traffic officer, special assignment officers and the speed sign. Wurlitzer Drive has been and will continue to be monitored by NTPD.
- 2. Member Grinnell recommended taking out the stop signs at Maple Terrace and Oakwood Terrace. The committee will look into the request and review it at the November meeting.
- 3. Member Sikora received a complaint regarding the portable street sign in front of Matt's Music. The sign has been hit a couple times while vehicles are trying to go around the parked cars in front of the store. Member Sikora and member Daigler will speak to the owner of Matt's Music to see if they can come up with a better parking solution.

Meeting adjourned at 2015 hours.

Travel safely, Robert J. Frank

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

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

Nays: None

CARRIED.

**XXXII. Community Development** 

October 20, 2020

Honorable Mayor And Common Council City Hall / 216 Payne Avenue North Tonawanda, NY 14120

Re: 78 Bridge Street – Preferred Developer selection

#### Dear Honorable Body:

As you are aware, the City issued a Request for Development Proposals (RFP) for 78 Bridge Street, the city-owned former fire training site on Tonawanda Island, on August 14<sup>th</sup> 2020. The City received 3 proposals by the September 18<sup>th</sup> deadline. A review committee representing the Community Development, Engineering, Attorney, Code Enforcement, and Clerk-Treasurer's offices as well as the Mayor and representation from the Common Council was formed to review the proposals. The proposals were scored, and a review meeting was held on October 1<sup>st</sup>. The top 2-scoring proposing developers were then selected to interview with the committee members, held on October 14<sup>th</sup> and 15<sup>th</sup>.

All 3 proposals were high quality and submitted by well qualified development teams. Following a lengthy review, the committee unanimously selected Pennrose, LLC's "Timber Shore" proposal.

Pennrose, LLC is a leading national developer of mixed-income, mixed-use residential developments with over 200 successful development projects across 17 states. Their

development team includes local architecture and construction firms with extensive experience with similar projects in communities throughout Upstate New York.

Pennrose's "Timber Shore" project is a proposed 3 story, 72,000 square foot residential concept with complimentary retail, community, and public amenities. The project will provide 70 workforce-affordable 1-, 2-, and 3-bedroom apartment units and will be the first step to developing critical density on Tonawanda Island. The project also features significant public access to the Little River waterfront and a unique design approach that will set a high standard for future Tonawanda Island development projects. Please see enclosed for additional information on the Timber Shore proposal.

The estimated total project cost is \$22,745,000 and Pennrose is offering a purchase price for the property of \$380,363.

If selected by this Honorable Body, Pennrose will have 60 days to execute a Land Disposition Agreement (LDA) with the City and 18 months from the execution of the LDA to secure financing and all required site plan and building approvals. Upon completion of these tasks, Pennrose will have 6 months to begin construction and 24 months to complete the project.

On behalf of the selection committee I respectfully request this Honorable Body select and designate Pennrose, LLC as preferred developer for 78 Bridge Street, direct the City Attorney to draft a Land Disposition Agreement in accordance with the outline set forth in the original RFP, and authorize the Mayor to execute the Land Disposition Agreement with Pennrose, LLC.

Please contact my office if you have any questions or would like to review any of the development proposals.

Kindest regards, Michael Zimmerman Dir. Community Development

MOVED by Alderman DiBernardo SECONDED by Alderman Pecoraro That the Common Council hereby approves Pennrose, LLC as the preferred developer for 78 Bridge Street, and directs the City Attorney to draft a Land Disposition Agreement in accordance with the outline set forth in the original RFP, and also authorizes the Mayor to execute the Land Disposition Agreement with Pennrose, LLC.

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

CARRIED.

### **COMMUNICATIONS FROM OTHERS**

A. Gratwick Hose Company, Inc.

October 22, 2020

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

Dear Mayor and Council:

Please remove the name of Walter Broniszewski from the Fire Rolls

Thank you
David A. rogge
Membership Secretary
11-02-2020

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro That the Common Council hereby approves of removing Walter Broniszewski	from	the
North Tonawanda Fire Rolls.		
Ayes: Alderman Schmigel, DiBernardo, Pecoraro, Tylec, Zadzilka	(5)	
Nays: None	(0)	
CARRIED.		
AUDIENCE PARTICIPATION - None		

# **ADJOURNMENT**

MOVED by Alderman DiBernardo SECONDED by Alderman Tylec That this regular session of the Common Council be and hereby is adjourned. CARRIED.

Time of Adjournment: 8:43 P.M.

Respectfully submitted,

onna L. Brauk

Donna L. Braun City Clerk-Treasurer