

COMMUNICATIONS FROM CITY OFFICIALS

IV. Engineer

June 28, 2022

**Honorable Austin J. Tylec, Mayor
And Common Council Members
City Hall / 216 Payne Avenue
North Tonawanda, NY 14120**

**Re: Project 2021-05: Erie Avenue Mill and Repave Project
Approval of Balancing Change Order and Final Project Acceptance**

Dear Honorable Body:

Approval of Change Order No.1, the project balancing change order, and final acceptance of the Erie Avenue Mill and Repave Project is hereby requested. The change order is a deduct change order. Attached is the change order showing the balancing of unit price quantities and the remaining field change payment at the end of the project.

Accordingly, I respectfully request that the Common Council approve the deduct Change Order No.1 for Erie Avenue Mill and Repave Project in the amount of \$24,864.60 with Amherst Paving, 330 Meyer Road, Amherst, New York 14226-10345; decreasing the contract amount from \$495,409.00; to the final contract amount of \$470,444.40; authorizing the Mayor to sign said change order. Further, that the Common Council accept this project as complete and approve the final payment subject to review by the City Attorney.

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

**MOVED by Alderman DiBernardo SECONDED by Alderman Loncar
That the Common Council hereby approves the deduct Change Order No.1 for Erie Avenue Mill and Repave Project in the amount of \$24,864.60 with Amherst Paving, 330 Meyer Road, Amherst, New York 14226-10345; decreasing the contract amount from \$495,409.00; to the final contract amount of \$470,444.40; Council authorizes the Mayor to sign said change order and accepts this project as complete and approves the final payment subject to review by the City Attorney.**

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

Nays: None (0)

CARRIED.

V.1 Supt. Water/Wastewater

June 29, 2022

**Honorable Austin J. Tylec, Mayor
And Common Council Members
City Hall / 216 Payne Avenue
North Tonawanda, NY 14120**

**Re: Lead and Copper Rule Revisions (LCRR) Compliance Roadmap Proposal
For Engineering Services**

Honorable Body:

On June 29, 2022, after meeting with Daniel Seider, we received the following Lead and Copper Rule Revisions (LCRR) compliance road map and engineering report proposal from Arcadis Engineering. Once these services are completed, the City of North Tonawanda will be able to apply for grant funding and state funded loans to perform required lead service inventory and replacements as required by USEPA.

Based upon the performance and experience of Arcadis Engineering, I recommend that Arcadis Engineering, be awarded these professional services to perform the scope of work described on a lump sum basis with a not to exceed fee of \$54,600. This service will be paid with bonded money incorporated in the 2022 bond for water distribution.

Please contact me if you have any questions or concerns regarding this service proposal. Thank you for your time and consideration of my request.

Very truly yours,
Jason W. Koepsell
Supt. Water/Wastewater

MOVED by Alderman Schmigel SECONDED by Alderman DiBernardo
That the Common Council hereby approves Arcadis Engineering, be awarded the professional services to perform the scope of work described on a lump sum basis with a not to exceed fee of \$54,600, subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

V.2 Supt. Water/Wastewater

June 29, 2022

Honorable Austin J. Tylec, Mayor
And Common Council Members
City Hall / 216 Payne Avenue
North Tonawanda, NY 14120

Re: Approval of Payment Applications for WTP CIP Phase 1
(EFC – Funding Disbursement)

Honorable Body:

I respectfully request that you approve the following Pay Application for work performed under the WTP CIP Phase 1 Contract. Arcadis Engineering and I have reviewed and approve this work.

Arcadis Engineering Services \$56,787.12

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 Pecoraro SECONDED by Alderman DiBernardo
That the Common Council hereby approves the following Pay Application for work performed under the WTP CIP Phase 1 Contract to:

Arcadis Engineering Services \$56,787.12

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, Loncar, Pecoraro (4)

Nays: None (0)

CARRIED.

V.3 Supt. Water/Wastewater

June 29, 2022

Honorable Austin J. Tylec, Mayor
And Common Council Members
City Hall / 216 Payne Avenue
North Tonawanda, NY 14120

Re: Approval of Payment Applications for WTP Generator Project
(EFC – Funding Disbursement)

Honorable Body:

I respectfully request that you approve the following Pay Application for work performed under the WTP Generator Project Contract. Nussbaumer and Clarke and I have reviewed and approve this work.

Nussbaumer & Clarke Engineering Services \$9,825.21

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 Schmigel SECONDED by Alderman DiBernardo
That the Common Council hereby approves the following Pay Application for work performed under the WTP Generator Project Contract to:

Nussbaumer & Clarke Engineering Services \$9,825.21

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, Loncar, Pecoraro (4)

Nays: None (0)

CARRIED.

Total Add Alternate 1:

- 1. Villani's Lawn & Landscape, LLC \$20,800.00
- 2. Zoladz Construction Co., Inc. \$33,000.00
- 3. Geiter Done of WNY, Inc. \$205,300.00
- 4. Brush Cutters, LLC No Bid

Total Add Alternate 2:

- 1. Zoladz Construction Co., Inc. \$62,000.00
- 2. Villani's Lawn & Landscape, LLC \$110,000.00
- 3. Geiter Done of WNY, Inc. \$213,300.00
- 4. Brush Cutters, LLC No Bid

The Engineering Department and DPW have reviewed the bid results and are recommending award of the Contract. Accordingly, I respectfully request that the Common Council award the 2022 Brush and Tree Grinding Contract to Villani's Lawn and Landscape, LLC, 6405 Packard Road, Niagara Falls, NY 14304, at their low Base Bid and Add Alternate 1 amount of \$75,000.00; authorizing the Mayor to sign said contract subject to review by the City Attorney.

Very truly yours,
Mark Zellner
Supt. of Public Works

MOVED by Alderman DiBernardo SECONDED by Alderman Schmigel
That the Common Council hereby Council awards the 2022 Brush and Tree Grinding Contract to Villani's Lawn and Landscape, LLC, 6405 Packard Road, Niagara Falls, NY 14304, at their low Base Bid and Add Alternate 1 amount of \$75,000.00; and authorizes the Mayor to sign said contract, subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

X. Police Chief

June 27, 2022

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

Dear Honorable Body,

Would you please appoint Sean A. Campas, 1094 Thomas Fox Drive E., North Tonawanda, NY 14120 as Commissioner of Deeds for the City of North Tonawanda.

Respectfully,
Keith T. Glass
Chief of Police

MOVED by Alderman Pecoraro SECONDED by Alderman DiBernardo
That the Common Council hereby approves Sean A. Campas, 1094 Thomas Fox Drive E., North Tonawanda, NY 14120 as Commissioner of Deeds for the City of North Tonawanda, effective July 6, 2022 and expiring July 5, 2024,

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

Nays: None (0)

CARRIED.

XVII. Traffic Safety

June 20, 2022

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

Traffic Safety Minutes:

The June 2022 meeting of the North Tonawanda Traffic Safety Committee was called to order at 1800 hours. Roll call showed the following members present: R. Frank, J. Sikora, M. Lemke, M. Anastasi, A. DiBernardo, D. Grinnell, R. Brennan. The minutes from the previous meeting were read and accepted, the following new concerns/requests were discussed, and recommendations made.

- 1) David Messana of 1106 Bowen Drive East requested that the new "No Parking" signs on Bowen Drive East be taken down. The committee looked into the request and believed the signs help with the safety and traffic flow of the curve. There is still more than enough parking in the area. The committee has received positive feedback regarding the signs. The request is denied.
- 2) Laura Siuda requested "Warning" signs on Goundry street at Payne Avenue regarding traffic not stopping on Payne Avenue. These signs already in place.
- 3) Lisa Brotz of 103 Rumbold Avenue requested "No Parking" signs at Spruce Street and Rumbold Avenue due to the inability to see oncoming traffic when you come to the stop sign. The committee looked at this intersection and agrees that the "No Parking" signs would help. The committee recommends the "No Parking" signs.
- 4) Lisa Brown of 601 Williams Street requested "Autistic child in Area" signs on Williams at Brundage Avenue and Williams at Willow Avenue. The committee spoke with Brown and recommends these signs.
- 5) Barb Oliveri requested "No Parking" signs at the entrance/exit to the Scarfone Apartments located at 33 Spruce Street to help with visibility when pulling out of the parking lot. The committee checked on this request and agree with Oliveri. The committee recommends the "No Parking" signs.

Meeting adjourned at 1930 hours.

Travel safely,
 Robert J. Frank

MOVED by Alderman DiBernardo **SECONDED** by Alderman Loncar
 That the Common Council hereby approves Traffic Safety recommendations #3, #4 and #5
 and receives and files the Traffic Safety minutes from their June meeting.

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

Nays: None (0)

CARRIED.

XXXII. Community Development

June 22, 2022

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

Re: 2022 New York State Consolidated Funding Applications

Dear Honorable Body:

As you may be aware, the twelfth round of state-wide economic development funding through the New York State Regional Economic Development Councils has been announce. \$375 Million is available through a pool of over 8 State agencies. In previous rounds, North Tonawanda submitted 25 applications and secured over \$3 million. This year's application deadline is July 29th, 2022.

In consultation with various city departments and Mayor Tylec, we have identified five potentially viable projects. These projects were selected based on a number of factors including project feasibility, project need, funding availability, and project readiness.

1.) Comprehensive Plan Update

The City of North Tonawanda is looking to complete an update to its existing Comprehensive Plan, which has not been updated since 2008. A Comprehensive Plan is one of the central land use planning tools for local governments in New York State. The Comprehensive Plan articulates the community's vision and goals for land use and economic development.

Through the NYS Department of State Smart Growth Community Planning & Zoning grant program, the City of North Tonawanda will be able to prepare and adopt a new city-wide comprehensive plan. By preparing the Comprehensive Plan based upon Smart Growth principles, the City and community stakeholders will have the opportunity to evaluate local resources, develop goals, and develop a comprehensive strategy for the best and most efficient use of resources and guide future development of the city. The plan will address a variety of issues including but not limited to: zoning, physical development, economic development, transportation patterns, natural band build environment inventories, affordable housing, and demographic trends.

The maximum award for this program is \$100,000. Based off of a cost estimate from a professional consulting firm, we estimate the total budget for this project is approximately \$151,000. The Smart Growth Comprehensive Planning program will provide up to 90% of the project funding with the city required to provide the remaining 10% match.

Budget Breakdown:

NYS Department of State:	\$100,000
Local Match:	\$51,000 (\$10,000 In-Kind/\$41,000 Cash)
Total Project Cost:	\$151,000

2.) Memorial Pool – Pre-Planning Development & Design

The City of North Tonawanda is seeking funding through the Office of Parks, Recreation & Historic Preservation (OPRHP) Environmental Protection Fund for Parks, Preservation and Heritage (EPF) to assist with design and engineering costs for redevelopment of the Memorial Pool facility. EPF funds can be used for the acquisition, planning, development, and improvement of parks, historic properties, and heritage areas located within New York State.

For planning & design projects, the maximum award is \$500,000 with a 50% match requirement. Based off cost estimates received from professional engineering firms, the estimated total project cost is \$500,000.

Budge Breakdown:

NYS EPF:	\$250,000
Local Match:	\$250,000 (\$225,000 Cash / \$25,000 In-Kind)
Total Project Cost:	\$500,000

3.) Local Waterfront Revitalization Plan (LWRP) Update

The City of North Tonawanda is looking to update its Local Waterfront Revitalization Plan (LWRP), which has not been updated since 1988. The LWRP plan provides a long-term land and water use plan and identifies legal techniques and policies for implementation. The LWRP plan guides future development along the waterfront and includes general regulations such as: Assuring that new waterfront development is well designed, provides public address, brings land use regulations into better conformity while protecting natural area, and reducing the impact on our environment and waterways. Once in place, the updated LWRP may be utilized to better compete for waterfront development projects and should be reviewed and reaffirmed by the City of North Tonawanda Common Council at least one every five years.

The minimum award for the LWRP update is \$50,000, with a 25% local match requirement. Possibility for a reduced 15% match based on the City's potential Environmental Justice area considerations by grant reviewers. Based off cost estimates received from a professional planning and engineering firm, the estimated total project cost is \$130,000

Budget Breakdown:

NYS LERP Program:	\$97,500
Local Match: (25%):	\$32,500 (\$10,000 In-Kind / \$22,500 Cash)
Total Project Cost:	\$130,000

4.) Gateway Harbor Wifi & Harbor Master Facility Technology Improvements

The City of North Tonawanda is seeking to install Wifi at Gateway Harbor and an interactive kiosk in the Visitor's Center and Harbor Master facility. These projects will assist in serving overnight boaters and visitors and have been identified as potential Downtown Revitalization Initiative (DRI) projects as well as the Erie Canalway Recreation Hub pilot program. Similar kiosks have been installed at the Niagara Falls Visitor's Center and Canalside. These kiosks can assist visitors with obtaining information on a variety of local attractions, bicycle trail routes, and kayak routes.

Through the NYS Canalway Grant Program, communities along NYS canals are eligible for up to \$150,000 for canal related projects, with a 50% local match requirement. The City of North Tonawanda has obtained cost estimates from Centerpointe Communications and Full Circle Studios.

Budge Breakdown:

Wifi:	\$20,000
Interactive Kiosk:	\$30,000
Total:	\$50,000
NYS Canals:	\$25,000
City Match:	\$25,000 (\$20,000 Cash / \$5,000 In-Kind)

5.) City of North Tonawanda Wastewater-Green Infrastructure Grant Program (GIGP)

The City of North Tonawanda Wastewater Treatment Plant is seeking funding to replace the stormwater pumps, storm pump drives, and pump check valves at the Wastewater Treatment Plant that are over 49 years old, vastly inefficient and routinely failing, and lack the required check valves to necessary prevent overflows from back flowing though the pump once the pump is shut down which, when occurs, essentially turns the pumps into a turbine causing significant issues with the electrical system for the storm pumps and discharges untreated stormwater into the Niagara River. The proposed improvements and upgrades are critical components of the NT WWTP CIP Phase 2 high importance phase, will drastically improve operating and maintenance costs, and reduce energy consumption by up to 25% with incurring additional fees and/or rate increases to end users.

Through the NYS Environmental Facilities Corporation and the Green Innovation Grant Program (GIGP-Energy Efficiency), up to 75% of eligible project costs (not to exceed \$3 million) is available for an energy efficiency project in a municipality that meets the MHI criteria, or that serves, protects or benefits an environmental justice area.

Eligible Energy Efficient Replacement projects must achieve at least 25% reduction in energy consumption through the replacement of equipment with energy efficient equipment. These projects must compare the energy used by the existing system or unit process to the proposed project. The energy use by the existing system should be based on name plate data when the system was first installed, recognizing that the old system is currently operating at a lower overall efficiency than at the time of installation. New Publicly-owned treatment works project or capacity expansion projects would be designed to maximize energy efficiency and should select high efficiency premium motors and equipment where cost effective.

Eligible projects must meet or exceed requirements identified in USEPA Green Project Reserve guidance (published in 2012)

Budget Breakdown (best case scenario):
2021 Cost Attached

GIGP Program (75%):	\$2,140,464
Local Match (25%):	\$713,488
Total Project Cost:	\$2,853,952

At this time, we are respectfully requesting this Honorable Council authorize applications for grant funding to the above listed grant sources including:

- \$151,000 to the Smart Growth comprehensive Planning Program
 - Use Capital bond Funds: \$150,000 (City Bond) - \$41,000 (City Match) = \$109,000
- \$250,000 to the EPF PARKS Program
 - Use Capital Bond Funds: \$500,000 (City Bond) - \$250,000 (City Match)
- \$130,000 to the NYS Department of State LWRP program
 - Use Capital Bond Funds: \$109,000 (City Bond) - \$32,500 (City Match) = \$76,500
- \$25,000 to the NYS Canalway Grants
 - Need to allocate \$25,000 in the 2023 budget for City Match
- \$2,140,464 to the NYS Department of Environmental Conservation GIGP program
 - Use \$5m NYS DEC (NYS Assembly) Award/Grant to cover \$713,488 (City Match)

Based on the above cost estimates, the total local match requirement from the City will include approximately \$1,071,988 in both cash and in-kind services, much of which is either covered by the City Capital Bond or NYS Funding.

Thank you for your consideration. Please let me know if you have any questions or require any additional information.

Thank you,
Laura Wilson
Dir. Community Development

MOVED by Alderman DiBernardo **SECONDED** by Alderman Schmigel
That the Common Council hereby grants approval for Community Development to submit applications for the aforementioned five (5) projects through the New York State Regional Economic Development Councils for the 2022 New York State Consolidated Funding, subject to review by the City Attorney.

Ayes: Alderman Schmigel, DiBernardo, Loncar, Pecoraro

(4)

Nays: None

(0)

CARRIED.

COMMUNICATIONS FROM OTHERS

A.
Live Hose Co. No.4

June 17, 2022

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

Re: Volunteer Firefighter Exemption

Dear Mayor & Council:

The Live Hose Volunteer Fire Company No.4 Inc., respectfully request 25-year exemption be granted to Harold Banfield, Mr. Banfield joined the company on December 7, 1991.

Sincerely,
David C. Maziarz
President

MOVED by Alderman DiBernardo **SECONDED** by Alderman Schmigel
That the Common Council hereby grants an Exemption Petition to Harold Banfield for 25
Years of Service.

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

Nays: None (0)

CARRIED.

B.
The American Legion

June 27, 2022

Mayor Austin Tylec
216 Payne Avenue
North Tonawanda, NY 14120

Dear Mayor Tylec,

Tonawanda's Post 264 American Legion, would like to request permission to conduct our annual "FILL THE HELMET AT THE MARKET" on Sept.24, 2022 from 9am-1pm. We will conduct our annual fundraisers on Payne/Robinson and Market Street. This will be our 4th year and all funds will go to Children & Youth, Veterans support and Suicide Prevention.

As you know our post average age is 42 years old, we are a Post of the Tonawanda's and of Niagara County.

If you any questions, please contact me Daniel Misner at (176) 946-1172. Any help would be greatly appreciated.

Thank you,
Daniel Misner
Commander

It is the recommendation of the North Tonawanda Historic Preservation Commission that the Payne Avenue Memorial Pool be designated as a Local Landmark due to meeting all criteria in chapter 51C-3 of the City Code as well as National Register eligibility.

Memorial Pool represents a mid-to-late career example of Wesley Bintz's work as well as an example of his style choices evolving to meet the preferences and popular aesthetics of the time. As a Bintz pool overall, Memorial Pool is significant as an example of the work of a master, in this case, a master swimming pool designer.

Awarding Local Landmark status will allow design review for any plans, whether the structure continues as a pool or is adapted for a new function, to ensure this iconic structure within North Tonawanda continues to be identifiable and tells the story of World War II veterans, families who helped construct the pool, and the community that enjoys it.

Sincerely,
Historic Preservation Commission

MOVED by Alderman DiBernardo **SECONDED** by Alderman Loncar
That the Common Council hereby motioned to table the Designation of Landmark or Historic District for Memorial Pool until a Master Plan for Memorial Pool/Park is submitted.

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

Nays: None (0)

CARRIED.

AUDIENCE PARTICIPATION

Kristen Derby-98 Niagara Street- Concerned about the stop signs at Goundry and Payne. She would like the council to reach out to the Traffic Safety Committee on this matter.

Neal Leavoy-619 Wardell- Very concerned about the Solar Project that is being proposed on 43 Acres in his backyard. The area has always been maintained very well by the residents in the area. Would like to know what the affects are going to be if a Solar Project is approved?

Darlene Bolsover-1337 Sweeney Street- Questioned if the Lead Mapping approved for the city, that it would be for the inventory of the whole city? City should protect the residents from the cost, by possible funding thru the State.

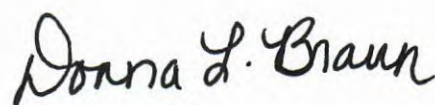
Thanked Congressman Higgins for the money received for the Bike path.

ADJOURNMENT

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

Time of Adjournment: 7:15 P.M.

Respectfully submitted,



Donna L. Braun
City Clerk-Treasurer