

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, October 4, 2022
6:30 P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT PECORARO

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: **President Pecoraro**
 Alderman Schmigel, DiBernardo, Lavey, Loncar

Absent: **None**

Also Present: **Mayor Austin J. Tylec**
 City Attorney Edward Zebulske III

Mayor Tylec's Budget Address

AUDIENCE PARTICIPATION - None

APPROVAL OF THE MINUTES OF THE REGULAR SESSION SEPTEMBER 20, 2022

MOVED by Alderman Lavey **SECONDED** by Alderman Loncar
That the minutes of the regular session held September 20, 2022, be approved as circulated and filed in the Office of the City Clerk.

Ayes: Alderman Schmigel, DiBernardo, Lavey, Loncar, Pecoraro **(5)**

Nays: None **(0)**

CARRIED.

PROOF OF PUBLICATION PUBLISHED 9/08/2022

- 1) Legal Notice – Collector's Notice of payment of the 2022 School Taxes – Clerk-Treasurer**

MOVED by Alderman Pecoraro **SECONDED** by Alderman Lavey
That the Common Council hereby receives and files the aforementioned Proof of Publication.

Ayes: Alderman Schmigel, DiBernardo, Lavey, Loncar, Pecoraro **(5)**

Nays: None **(0)**

CARRIED.

COMMUNICATIONS FROM CITY OFFICIALS

I. Mayor

September 15, 2022

**North Tonawanda Common Council
216 Payne Avenue
North Tonawanda, NY 14120**

Re: PILOT Agreement – Lowry Senior Housing Development Fund Company, Inc.

Dear Honorable Body,

The City of North Tonawanda has been working with the Lowry Senior Housing Development Fund Company to create a Payment In Lieu of Taxes (PILOT) agreement for the redevelopment of 621 Payne Avenue, North Tonawanda, NY 14120.

The attached proposed agreement has been negotiated by the efforts of Alderman DiBernardo, the Mayors Office, Assistant Attorney Nicholas Robinson, and the applicant. This agreement would assist in the creation of 87 units for senior living, along with a ground level commercial build-out. In addition, the developer has agreed to reconstruct 1,240 linear feet of city sidewalks around the property. The total cost of construction is approximately \$45m and will begin in the summer of 2023.

The former Lowry Middle School has been dormant for too many years, and this agreement will bring new life into this building and the neighborhood.

Thank you for your consideration.

**Respectfully,
Austin Tylec
Mayor**

MOVED by Alderman Loncar SECONDED by Alderman DiBernardo
That the Common Council hereby tables the aforementioned PILOT Agreement for Lowry Senior Housing Development Fund Company, Inc. Council would like the City Attorney to change some of the language.

Ayes: Alderman Schmigel, DiBernardo, Lavey, Loncar, Pecoraro (5)

Nays: None (0)

CARRIED.

IV. Engineer

September 26, 2022

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

Re: Project 2021-03: City Market Improvement Project Approval of Change Order and Final Project Acceptance

Dear Honorable Body:

Approval of Change Order No. 1 and final acceptance of the City Market Improvements Project is hereby requested. The change order is for the additional cost of changes made to the project after quantity deductions were taken off for modifications to the project. Attached is the change order showing the deductions and additions that were performed on this project and their associated costs.

Accordingly, I respectfully request that the Common Council approve the add Change Oder No. 1 for City Market Improvements Project in the amount of \$11,935.31 with Milherst Construction, 10025 County Road, Clarence Center, New York 14032; increasing the contact amount from \$148,775.00; to the final contract amount of \$160,710.31; 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 Schmigel
That the Common Council hereby approves the add Change Oder No. 1 for City Market Improvements Project in the amount of \$11,935.31 with Milherst Construction, 10025 County Road, Clarence Center, New York 14032; increasing the contact amount from \$148,775.00; to the final contract amount of \$160,710.31 and authorizes the Mayor to sign said change order, further, the Common Council accepts this project as complete and approves the final payment, subject to further review by the City Attorney.

Ayes: Alderman Schmigel, DiBernardo, Lavey, Loncar, Pecoraro (5)

Nays: None (0)

CARRIED.

VII. Accountant

September 26, 2022

Honorable Austin J. Tylec, 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 October 4th, 2022, and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Warm regards,
Jeffrey R. Zellner
City Accountant

MOVED by Alderman Lavey SECONDED by Alderman Loncar
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated October 4, 2022, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$428,087.49
02	Water Fund	\$46,998.06
04	Sewer Fund	\$73,960.86
06	Capital Project Fund	\$580,637.24
07	Trust & Agency Fund	\$6,183.73
00	Final Total	<u>\$1,135,867.38</u>

Ayes: Alderman Schmigel, DiBernardo, Lavey, Loncar, Pecoraro (5)
 Nays: None (0)
CARRIED.

X. Police Chief

September 29, 2022

Mayor Tylec and Common Council
 216 Payne Avenue
 North Tonawanda, NY 14120

I intend on promoting Officer Sean Campas to the rank of detective to fill the vacancy created by Detective Stephen Endres. This is a position change to fill a vacancy and will not require a new hire as a replacement officer was already appointed in June.

Officer Campas' promotion will be effective on October 14, 2022.

Administration of oath will be given by the Honorable Shawn Nickerson on Friday, October 14th, 2022 at 9:00am in the Common Council chambers. Thank you.

Keith Glass
 Chief of Police

MOVED by Alderman Lavey **SECONDED** by Alderman DiBernardo
 That the Common Council hereby approves the promotion of Sean Campas to the rank of Police Detective, effective October 14, 2022.

Ayes: Alderman Schmigel, DiBernardo, Lavey, Loncar, Pecoraro (5)
 Nays: None (0)
CARRIED.

XIV. Youth, Recreation, Parks and Seniors

September 29, 2022

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

After securing public bids for the Roof & Gutter Replacement of the Deerwood Restaurant Building, we are advising the bid award to the lowest bid of \$40,000 to Buffalo Roofing.

Buffalo Roofing:	\$40,000
Tuscarora Roofing:	\$45,400
Ava Roofing & Siding:	\$47,515.67

Funds for this project have been allocated through the Capital Funds for Deerwood improvements.

Respectfully submitted,
 Alex Domaradzki
 Dir. Youth, Recreation, Parks & Seniors

MOVED by Alderman Loncar **SECONDED** by Alderman Pecoraro
 That the Common Council hereby awards the bid for the Roof & Gutter Replacement for Deerwood Golf Course to Buffalo Roofing at their low bid of \$40,000, subject to review by the City Attorney.

Ayes: Alderman Schmigel, DiBernardo, Lavey, Loncar, Pecoraro (5)
 Nays: None (0)

CARRIED.

XVII. Traffic Safety

September 19, 2022

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

Traffic Safety Minutes:

The September 2022 meeting of the North Tonawanda Traffic Safety Committee was called to order at 1700 hours. Roll call showed the following members present: R. Frank, M. Meisenburg, M. Lemke, M. Anastasi, A. DiBernardo, D. Grinnell, the minutes from the previous meeting were read and accepted, the following new concerns/requests were discussed, and recommendations made.

- 1) Mayor Tylec received a request for the speed sign on Sweeney Street. The speed sign was placed on Sweeney Street between Spruce Street and Division Street from 8/22/22 until 9/6/22. Sweeney Street will continue to be monitored by NTPD patrols.
- 2) Carol Martinez requested a 4 way stop at Washington Street and Phillip Street and remove the stop sign on Washington Street at Monroe Street which is a T-intersection. The committee believes this is a good idea and agrees with the request. The committee will have Meisenburg install 30-day warning signs at these intersections to see if there are any concerns from the neighborhood.
- 3) Terry Spencer requested "No Parking" signs on the east side of Strad Avenue during football games. The request would be for emergency vehicles to park in these open spots during the games. The committee checked on this request and found that this was granted in the past and that one of the parking signs was missing. Meisenburg installed a new "No Parking" sign.
- 4) Joyce Santiago requested that the "No Parking" signs be removed from the front of 1063 Marcia Drive. These signs were originally placed there for a business that is no longer there. The committee looked at this request and agrees that the signs should be removed.
- 5) James Bain of 404 St. Joseph Drive requested a terrace parking permit. Bain wanted to put a trailer on the terrace. Member Frank advised Bain that due to no curbs on the street that he could park a vehicle on the terrace but could not park his trailer there. Bain stated that he would abide by that decision.
- 6) Member Grinnell advised the committee that the Nash Road project is missing crosswalks, has no left turn lanes and no stop lanes. Meisenburg stated that he has been in contact with Accent Stripe who is the sub-contractor for Nash Road.
- 7) Member Grinnell advised the committee that Nash Road and Walck Road needs right turn only lanes and new signage for the merging lanes. Meisenburg will advise Accent Stripe.
- 8) Member Grinnell requested a new sign at Eric Avenue and Strad Avenue that advises drivers not to block the street when stopped at the red light. Meisenburg will install a new sign.
- 9) Member Meisenburg requested in July that the flashing yellow light at Main Street and Island Street be removed. The committee recommended placing an advisory sign for 30 days that informs drivers that this light will be removed. The request

was granted. The 30 day time frame had passed without any concerns therefore Meisenburg removed the light.

- 10) Paul Larbis requested stop signs on Sweeney Street and Service Drive so that boaters could cross the street. Larbis would also like a yellow "Caution" sign attached to the "Stop" signpost so they can be inter changed through out the year depending on the season. Mr. Larbis also requested placing stop signs on Tremont Street by Degraff Hospital. The committee looked at these requests and discussed it at the September meeting. The interchangeable signs on Sweeney Street were denied as they would just cause confusion throughout the year. The stop signs on Sweeney Street were denied due to the curve and it not being safe. The Degraff hospital stop signs were denied as the committee took the recommendation of the hospital and what they thought was appropriate for the hospital and the parking lot across the street that is not being used.
- 11) Member Brennon received a request for a 4 way stop at Tremont Street and Vandervoort Street in September. The committee monitored this intersection and discussed this at the committee meeting. If drivers stop at the stop signs that are currently there and look both ways before entering the intersection there doesn't appear to be a problem. There has been one accident there in the last year which was driver error for failure to yield the right of way. The traffic officer will monitor the intersection and advise the committee on the traffic flow.

The next Traffic Safety Meeting will be held on October 15th, 2022.

Travel safely,
Robert J. Frank

MOVED by Alderman Loncar **SECONDED** by Alderman DiBernardo
That the Common Council hereby receives and files the Traffic Safety minutes from their
September meeting.
Ayes: Alderman Schmigel, DiBernardo, Lavey, Loncar, Pecoraro (5)
Nays: None (0)
CARRIED.

XXV. Monthly Reports

.1 Police Department

MOVED by Alderman Lavey **SECONDED** by Alderman Pecoraro
That the Common Council hereby receives and files the aforementioned Monthly Report.
Ayes: Alderman Schmigel, DiBernardo, Lavey, Loncar, Pecoraro (5)
Nays: None (0)
CARRIED.

XXXII. Community Development

September 29, 2022

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

Re: Restore NY Communities Initiative

Dear Honorable Body:

Empire State Development recently announced the Restore NY Communities Initiative grant with the purpose of *“providing municipalities with financial assistance for revitalization of commercial and residential properties. The program encourages community development and neighborhood growth through the elimination and redevelopment of blighted structures.”*

Municipalities may apply for up to \$2 Million and eligible projects must *“demolish, deconstruct, rehabilitate and/or reconstruct vacant, abandoned, condemned and surplus properties.”* Successful applications should demonstrate as many of the following as possible: project feasibility, project readiness, location within an urban downtown, location within a Brownfield Opportunity Area, consistent with community redevelopment plan, ability to induce commercial investment and clearly identified need.

Given the criteria noted above, with a particular emphasis from Empire State Development on project feasibility and project readiness, the Department of Community Development believes that the Lowry School redevelopment project, led by Rochester’s Cornerstone LTD would make a strong application. Lowry Middle School has been vacant and abandoned since 2006 and has become a blighted property along the Payne Avenue corridor. With assistance from the Restore NY program, this would assist in the adaptive reuse of the 95,795 SF property into 87 senior apartments.

The Department of Community Development held a required public hearing for this application on September 27th, 2022 and has met the requirements for publishing the Property Assessment List in the Niagara Gazette.

I kindly request your authorization for the Mayor to sign and submit a grant application for \$2 Million to Empire State Development under the Round 6 – Restore Ny Communities Initiative, which is due on October 11th, 2022.

Sincerely,
 Laura Wilson
 Dir. Community Development

MOVED by Alderman Pecoraro SECONDED by Alderman Schmigel
That the Common Council at a regular session meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 PM on October 4, 2022, approved the resolution for the Restore NY Communities Initiative, and it reads as follows:

WHEREAS, Empire State Development Corporation is accepting applications to Round 6 of the Restore NY Communities Initiative grant with the purpose of providing municipalities with financial assistance for revitalization of commercial and residential properties; and

WHEREAS, municipalities may apply for up to \$2,000,000 and eligible projects must demolish, deconstruct, rehabilitate and/or reconstruct vacant, abandoned, condemned and surplus properties; and

WHEREAS, criteria for successful grant applications include project feasibility, project readiness, location within an urban downtown, location within a Brownfield Opportunity Area, consistency with community redevelopment plan, ability to induce commercial investment, and clearly identified need; and

WHEREAS, the City of North Tonawanda has identified one property located at 621 Payne Avenue, the former Lowry Middle School, which meets the Restore NY Communities Initiative criteria; and

NOW, THEREFORE, BE IS RESOLVED, that the North Tonawanda Common Council finds the Lowry Middle School Redevelopment project to be consistent with the City’s local urban revitalization plans; that the proposed financing is appropriate for the project; that the project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and the project

develops and enhances facilities in a manner that will attract, create and sustain housing opportunities; and

BE IT FURTHER RESOLVED, that the North Tonawanda Common Council hereby authorizes the Mayor to sign and submit a grant application request in an amount of \$2 Million to Empire State Development Corporation for the Restore NY Communities Initiative.

Subject to review by the City Attorney

Ayes: Alderman Schmigel, DiBernardo, Lavey, Loncar, Pecoraro (5)

Nays: None (0)

CARRIED.

COMMUNICATIONS FROM OTHERS

A.

Oliver Street Merchants

September 26, 2022

**Hon. Mayor and Common Council
City Hall, 216 Payne Avenue
North Tonawanda, NY 14120**

Re: Sweeney Street Cemetery Tours

Dear Honorable Body,

I am writing to you to request the use of Sweeney Street Cemetery on the October 21st, 22nd, 28th and 29th from 5-8:30pm for historical tours guided by the NT History Museum. We are honoring the former residents of North Tonawanda, there will be nothing spooky or disrespectful about the tour. If you have ever attended the Forest Lawn tour, we are modeling ours after that with historical characters at the grave giving a brief history of their lives. We will have lanterns and every guest will have a flashlight and there will be a visible pathway to navigate through.

We will have a tent at the gate and be selling tickets, cider, donuts and the History Museum will be selling hoodies and some of their goods. We are attaching our insurance policy that has the City of North Tonawanda on it to show you are covered. We are doing this in conjunction with the Carousel Museum, we are trying to highlight the city non-profits and we believe this is going to be a huge success. We look forward to doing this event for many years to come and hope to see you all there!

Thank you,
Lauren Schulte
President, Oliver Street Merchants Association

MOVED by Alderman DiBernardo SECONDED by Alderman Loncar
That the Common Council hereby grants permission for the Oliver Street Merchants to hold their Sweeney Street Cemetery Tours on October 21st, 22nd, 28th and 29th from 5-8:30 pm.

Ayes: Alderman Schmigel, DiBernardo, Lavey, Loncar, Pecoraro (5)

Nays: None (0)

CARRIED.

AUDIENCE PARTICIPATION - None

ADJOURNMENT

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

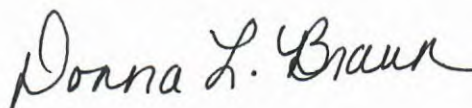
Time of Adjournment: 7:52 P.M.

MOVED by Alderman Loncar SECONDED by Alderman Lavey
That the Common Council go into an Executive Session.
CARRIED.

MOVED by Alderman DiBernardo SECONDED by Alderman Lavey
That the Common Council go out of the Executive Session.
CARRIED.

Time of Adjournment: 8:35 P.M.

Respectfully submitted,



Donna L. Braun
City Clerk-Treasurer