

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, August 16, 2016
6:33P.M.

REGULAR SESSION CALLED TO ORDER BY COUNCILMAN SCHWANDT

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Alderman Zadzilka, Braun, Schwandt, Pecoraro

Absent: Council President Rizzo

Also Present: Mayor Arthur G. Pappas
City Attorney Katherine D. Alexander

AUDIENCE PARTICIPATION

Sonia Dusza 123 Miller Street – Said that when she looked at the names listed for the Cable Advisory Board all she saw was names of friends and family. Wanted to know if the City put a notice in the paper that they were looking for residents interested in being on the Board, no one would know if they had a chance. Said that it doesn't sit well because there is no openness. Said she would like the City to reconsider advertising openings, this smells. Asked that when the City has a lawsuit she would like to see it posted on the website or put in the paper. Asked how come it has been so long since the water filtration intake pipe and filtration screen has been changed when they recommend it should be done every 3-5 years.

APPROVAL OF THE MINUTES OF THE REGULAR SESSION AUGUST 2, 2016

MOVED by Alderman Zadzilka SECONDED by Alderman Braun
That the minutes of the regular session meeting held August 2, 2016 be approved as
circulated and filed in the Office of the City Clerk.
CARRIED.

COMMUNICATIONS FROM CITY OFFICIALS

#1

Common Council

August 10, 2016

Daniel Quinn
City Clerk-Treasurer
City of North Tonawanda
216 Payne Avenue
North Tonawanda, NY 14120

Re: Cable Television Advisory Board

Dear Mr. Quinn:

Due to the renewal of our cable franchise agreement and the recent merger of Time Warner Cable, the Common Council, pursuant to Chapter 26 of the City Code, seeks to appoint members to

08-16-2016

Ayes: Zadzilka, Braun, Schwandt, Pecoraro

(4)

Nays: None

(0)

CARRIED.

VII.2 Accountant

August 12, 2016

Honorable Arthur A. Pappas, Mayor
& Common Council
City Hall –216 Payne Avenue
North Tonawanda, NY 14120
Dear Honorable Body:

In accordance with Article V, Division 2, Section 5.023 and Section 2.2 of the Budgetary Transfer Policy, please authorize the City Accountant to make the following transfers of fiscal year 2016 appropriations, based on the request of the Department Head, copy attached:

Control	Dollar		
<u>Number</u>	<u>Amount</u>	<u>From: Appropriation Account</u>	<u>Into: Appropriation Account</u>
4	41,000.00	2-1990.410 Contingent Account	2-8320.420 Repairs & Maintenance Account

MOVED by Alderman Schwandt SECONDED by Alderman Braun
That the Common Council hereby approves the aforementioned Budgetary Transfer of fiscal year 2016 appropriations, based on the request of the Department Head as follows:

Control	Dollar		
<u>Number</u>	<u>Amount</u>	<u>From: Appropriation Account</u>	<u>Into: Appropriation Account</u>
4	41,000.00	2-1990.410 Contingent Account	2-8320.420 Repairs & Maintenance Account

Ayes: Zadzilka, Braun, Schwandt, Pecoraro

(4)

Nays: None

(0)

CARRIED.

XXV. Monthly Reports

.1 Clerk-Treasurer .2 Senior Citizen Center .3 Police Department

MOVED by Alderman Zadzilka SECONDED by Alderman Braun
That the Common Council hereby, approves the aforementioned Monthly Reports.
CARRIED.

COMMUNICATIONS FROM OTHERS

A.
YWCA

August 1, 2016

Mr. Daniel Quinn
Clerk-Treasurer
City Hall
216 Payne Avenue
North Tonawanda, NY 14120

Dear Mr. Quinn,

The YWCA of the Niagara Frontier is requesting the Common council to re-zone 49 Tremont from M-1 Light Manufacturing District to C-1 Neighborhood Business District.

The YWCA of the Niagara Frontiers' 49 Tremont location is not currently used to capacity and is in need of continued repairs. The repurposing of the facility will not only provide relevant programs for the changing needs of the community, it will renovate an aging structure into a new energy efficient facility that fits within the vibrant renaissance of the downtown corridor. The proposed plan seeks to repurpose the 49 Tremont facility into a mixed-use housing facility, creating affordable permanent housing for low income and homeless single women in North Tonawanda. Included in the proposed site will be workforce training services and a culinary social enterprise to respond to the targeted areas of growth and tourism.

The development of mixed-use housing in the downtown corridor is in alignment with the Niagara County Continuum of Care priorities and the 2015 North Tonawanda Housing Market Analysis and the Needs Assessment that identified the need for increased mixed-use housing, housing for single women and rental options in the downtown district. Additionally, the development of on-site culinary social enterprise with workforce training a successful model used for ten years by the YWCA, will respond to the goal of leveraging the burgeoning tourism sector while increasing job training and employment opportunities for disadvantaged communities. The Riviera Theatre, located across from the YWCA, is undergoing massive expansion and an on-site café/coffee house would provide an additional venue for the increased downtown commercial traffic. The proposed project is unique in that it captures Smart Growth priorities of mixed-use housing and connecting disadvantaged communities with employment opportunities while simultaneously building on the economic revitalization of the North Tonawanda downtown corridor.

The project will directly benefit single women who cannot afford safe and decent permanent housing in North Tonawanda. Housing with on-site workforce development programs and employment opportunities increases with workforce and enhances the sustainability of the program and community. Smart growth and centrally located housing options eliminates transportation obstacles to critical services and resources and encourages a walking community. The project will also benefit the downtown corridor of North Tonawanda by repurposing a fixed asset into mixed-use housing and a commercial business to support the targeted industry of tourism.

The commercial repurposing of the building has the full support of the Lumber City Development Corporation as it exemplifies the goals of the strategic plan and builds on the momentum of the downtown economic revival. Workforce training with employment opportunities builds sustainable career paths for disadvantaged populations. The program will facilitate equal access to employment through education, skill training and transferable credentials. The multiplier effects of increased employment opportunities will provide broader economic growth in the community.

Thank you for your consideration.

Sincerely,
Kathleen A Granchelli
CEO

MOVED by Alderman Pecoraro

SECONDED by Alderman Zadzilka

That the Common Council hereby authorizes Daniel R. Quinn, City Clerk-Treasurer to schedule a public hearing for Tuesday, September 6, 2016 at 6:00PM regarding the rezoning of 49 Tremont Street from M-1 Light Manufacturing District to C-1 Neighborhood Business District.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro

(4)

Nays: None

(0)

CARRIED.

B.
Glen Axberg

August 3, 2016

North Tonawanda Common Council
City Hall
216 Payne Avenue
North Tonawanda, New York 14120

Honorable Mayor Pappas & Common Council Members:

Please consider my request for a leave of absence from my current permanent competitive Civil Service position of Wastewater Treatment Plant Operator to accept a competitive Civil Service position Operator Water trainee position at the Water Treatment Plant. I am requesting a leave from my current position until I receive my permanent Water Treatment Plant Operator position.

Thank you for your time and consideration.

Sincerely yours,
Glen P Axberg

MOVED by Alderman Schwandt SECONDED by Alderman Pecoraro
That the Common Council hereby grants a leave of absence to Glenn Axberg from his current position of Wastewater Treatment Plant Operator to accept the position of Operator Water Trainee at the Water Treatment Plant, until he receives permanent status as Water Treatment Plant Operator.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro

(4)

Nays: None

(0)

CARRIED.

C.
OLC Parish

August 8, 2016

North Tonawanda Common Council
City Hall
216 Payne Avenue
North Tonawanda, New York 14120

Common Council Members:

OLC Parish requests permission to have a banner hung promoting their Feast Day Festival. The festival will be on Sunday, August 28, 2016. The banner may be hung either on Payne Avenue or Oliver Street, whichever is more convenient.

Thank you for your attention to this matter.

Sincerely,
Patricia Faulhaber
Parishioner

MOVED by Alderman Braun SECONDED by Alderman Pecoraro
That the Common Council hereby grants permission to OLC Parish to hang a banner across Oliver Street to promote their Feast Day Festival Sunday, August 28, 2016.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro

(4)

Nays: None

(0)

CARRIED.

D.
Paul Schwandt

August 1, 2016

The Honorable Common Council Members
City of North Tonawanda
216 Payne Avenue
North Tonawanda, NY 14120

Dear Council Members:

Please allow this letter to serve as a formal request. I would like the approval of the City of North Tonawanda to grant permission to serve food in front of Canal Club 62, located at 62 Webster Street.

If granted, this will allow people to sit outside and enjoy the atmosphere and entertainment during our beautiful summer and fall months.

If you have any questions, I can be reached at 716-534-2230. I look forward to a positive response as we continue to grow with the city in the best interests of all.

Thank you
Paul Schwandt
Canal Club 62, LLC

MOVED by Alderman Braun

SECONDED by Alderman Pecoraro

That the Common Council hereby grants permission to Canal Club 62 for an easement to serve food in front of their business located at 62 Webster Street, to allow people to sit outside and dine, subject to review by the City Attorney

Ayes: Zadzilka, Braun, Pecoraro (3)

Nays: None (0)

Abstained: Schwandt (1)

CARRIED.

E.
Sweeney Hose Company

August 10, 2016

Mr. Daniel R. Quinn
North Tonawanda City Clerk-Treasurer
City Hall
216 Payne Avenue
North Tonawanda, NY 14120

Re: Request for Removal of Restrictive Deed Covenants

Dear Mr. Quinn:

I am writing this letter on behalf of Sweeney Hose Company, Number 7, of North Tonawanda ("Sweeney Hose Co."), to request an accommodation from the City of North Tonawanda (the "City") with respect to the removal of restrictive covenants in the deed to the Sweeney Hose Co. property which is located at 499 Zimmerman Street and includes its Fire Hall (the "Property").

Sweeney Hose Co. is preparing to make certain renovations and improvements to its Fire Hall, portions of which are going to be financed with a loan from Key Bank, N.A. ("Key Bank"), with the Property being collateral for the loan. However, there are provisions in the deed the Property which would cause it to revert to the City if the Property were to cease to be used for volunteer fire company purposes (the "Restrictive Deed Covenants"). As a result, Key Bank would not be able to enforce foreclosure rights against the Property if Sweeney Hose Co. were to default on the loans. As long as the

Restrictive Deed Covenants remain, the Property cannot be used as collateral and Key Bank will not make the loan to Sweeney Hose Co.

Since 1894, the members of Sweeney Hose Co. have on countless occasions volunteered their services to fight fires, give first aid and promote the health and safety of residents and visitors to the community. The Fire Hall itself is used not only as a facility to train firefighters, but also as a refuge for the people of North Tonawanda during power outages, storms and times of crisis. An investment in the Fire Hall is an investment for the community as a whole. But, Sweeney Hose Co. is not asking the taxpayers of North Tonawanda to fund this project. Rather it is requesting a no cost accommodation from the City which will allow Sweeney Hose to access the equity in the Property to ensure that the Fire Hall continues to be a vital community asset for years to come.

On behalf of Sweeney Hose Co., I kindly request that you place this matter on the Agenda for the next City Council Meeting with our request that it pass a resolution in favor of removing the Restrictive Deed Covenants. I have spoken with City Attorney, Katherine Alexander, about this matter to provide additional background information and seek her support. It is my understanding that Joseph E. Lavey, Jr., Sweeney Hose Co., President, has done the same with Mayor Arthur G. Pappas. Mr. Lavey and I are available to answer any questions which the City may have with respect to this matter. A copy of the document entitled "Release of Deed Restrictions", which has been requested by Key Bank as a condition of granting the loan, is enclosed with this letter and provides greater details regarding the removal of the Restrictive Deed Covenants.

If there are any questions or concerns, I can be contacted during business hours at my office at 805-2901, or any time on my cell phone at 430-9410. Thank you for your time and attention.

Very truly yours,
Randy C. Fahs
Attorney at Law
Sweeney Hose Co.

MOVED by Alderman Zadzilka

SECONDED by Alderman Pecoraro

That the Common Council hereby agrees to the removal of the Restrictive Deed Covenants pertaining to the building use, and authorizes the Mayor to sign an agreement stating such. Subject to further review by the City Attorney.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro

(4)

Nays: None

(0)

CARRIED.

AUDIENCE PARTICIPATION

Dennis O'Sullivan 192 Walter Drive – Said that the City needs to have street lights on Walter Street, in the beginning of August a car turned the corner and hit a parked car. Said next time it is going to be a person.

Kristen O'Sullivan 192 Walter Drive – Asked what the update was on the drainage issue in regards to Donnor Creek and the residents on Witmer was.

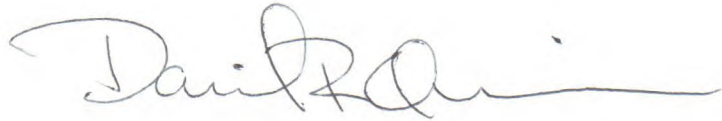
Sonia Dusza 123 Miller Street- Said in regards to the letter Mr. Fahs submitted for Sweeney Hose Company, Inc., she requested that the City provide her with two letters she felt should have been included with the packet. Said the two documents were "Restrictive Deed Covenants" and "Release of Deed Restrictions", and all that was sent was a copy of the document titled "The Indenture" (Deed).

ADJOURNMENT

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

Time of Adjournment: 7:05P.M.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Daniel R. Quinn". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Daniel R. Quinn
City Clerk-Treasurer