

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, April 18, 2017
6:34 P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT ZADZILKA

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: President Zadzilka
Alderman Braun, Berube, Glatz, Pecoraro,

Absent: None

Also Present: Mayor Arthur G. Pappas
City Attorney Luke Brown

AUDIENCE PARTICIPATION

Dave Fingerlow 32 Seventh Avenue – I see an item on the agenda regarding Terrace Parking; what does it have to do with? Have you ever seen the “zipper”? I demonstrated this machine 8 to 9 years ago and it was a waste of money. The machine is good if you want to make one pass and the street is level. Other machines would be better for the money you are spending like a front loader or a garbage truck.

Sonia Dusza 123 Miller Street – On the agenda a few things, what is the issue with the proof of publication published in regards to the waste water/sewer noncompliance? What are the violations and is it caused by the City? Secondly, in regards to the Botanical Gardens, what triggered the investigation of the Gardens? It is nice to see that the DEC is following regulations. Why is there such a big discrepancy between the breathing apparatus bids? What was that old business on Oliver Street that was being sold through Lumber City? We need a Mom and Pop deli in North Tonawanda.

APPROVAL OF THE MINUTES OF THE REGULAR SESSION APRIL 4, 2017

MOVED by Alderman Zadzilka SECONDED by Glatz
That the minutes of the regular session held April 4, 2017 be approved as circulated and filed in the Office of the City Clerk.
CARRIED.

PROOF OF PUBLICATION PUBLISHED 3/25/2017 & 4/1/2017

1) Legal Notice – For the Collection of City 2017 Taxes – City Clerk-Treasurer

PROOF OF PUBLICATION PUBLISHED MARCH 30, 2017

**1) Legal Notice – Non-Compliance in 2016 of the Sewer Use Ordinance –
Water/Wastewater Supervisor**

MOVED by Alderman Braun SECONDED by Alderman Zadzilka
That the Common Council hereby receives and files the aforementioned Proof of Publications.
CARRIED.

COMMUNICATIONS FROM CITY OFFICIALS

II. Attorney

April 6, 2017

Hon. Mayor and Common Council
City Hall, 216 Payne Avenue
North Tonawanda, New York 14120

Re: Proposed Amendment to North Tonawanda City Code
Section 96 – VEHICLE AND TRAFFIC – Article VII –
Terrace Parking – 96-60 Permits Required; Fees

Dear Honorable Body:

Below, for your consideration, is a proposed amendment to the North Tonawanda City Code, Section 96-60 Permits Required; Fees – under Terrace Parking. The changes/additions are underlined.

§96-60. Permits Required; Fees.

- (a). Hardship Permits (iv). “Terrace parking pursuant to a hardship permit shall only be Allowed from November 1 of each year to April 1 of the next succeeding year.”

If your Honorable Body concurs, please pass a resolution to amend the North Tonawanda City Code, Section 96-60 Terrace Parking – (a) Hardship Permits, (iv), subject to any further review by the City Attorney. Should you have a questions please do not hesitate to contact me.

Very truly yours,
Luke A. Brown
City Attorney

MOVED by Alderman Pecoraro SECONDED by Alderman Berube
That the Common Council hereby approves the Amendment to North Tonawanda City Code Section 96 – VEHICLE AND TRAFFIC – Article VII – Terrace Parking – 96-60 Permits Required; Fees as follows:

§96-60. Permits Required; Fees.

- (a). Hardship Permits (iv). “Terrace parking pursuant to a hardship permit shall only be Allowed from November 1 of each year to April 1 of the next succeeding year.”

Subject to further review by the City Attorney.

Ayes: Alderman Braun, Berube, Glatz, Pecoraro, Zadzilka (5)
Nays: None (0)
CARRIED.

III. Clerk-Treasurer

March 31, 2017

Honorable Mayor and Common Council
216 Payne Avenue
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:

182.09-3-26 233 Edward Street James Kalinowski

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

Thank you for your cooperation.

Very truly yours,
Daniel R. Quinn
Clerk-Treasurer

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro
That the Common Council hereby approves the removal of the following parcel:

182.09-3-26 233 Edward Street James Kalinowski

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.

VII. Accountant

March 30, 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 April 18, 2017, further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Very truly yours,
Mark W. Dotterweich
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 April 18, 2017 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$247,596.74
02	Water Fund	19,780.53
04	Sewer Fund	59,398.36
06	Capital Project Fund	59,519.23
07	Trust & Agency Fund	441.72
85	Housing Rehabilitation	<u>4,975.00</u>
00	Final Total	\$ <u>391,711.58</u>

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

Nays: None (0)

CARRIED.

VII.2 Accountant

March 30, 2017

Honorable Arthur G. Pappas, Mayor
 And Common Council
 City Hall
 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 2017 appropriations, based on the request of the Department Head, copy attached:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>From: Appropriation Account</u>	<u>Into: Appropriation Account</u>
3	\$20,000.00	1-1990.410 Contingent Account	1-8092.480 Botanical Gardens Inv.
4	\$100,000.00	1-1990.410 Contingent Account	1-5110.240 DPW Equipment
5	\$60,000.00	1-5110.480 DPW Operations	1-5110.240 DPW Equipment

Very truly yours,
 Mark W. Dotterweich
 City Accountant

MOVED by Alderman Zadzilka

SECONDED by Alderman Glatz

That the Common Council hereby authorizes the City Accountant to make the following transfers of fiscal year 2017 appropriations, based on the request of the Department Heads:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>From: Appropriation Account</u>	<u>Into: Appropriation Account</u>
3	\$20,000.00	1-1990.410 Contingent Account	1-8092.480 Botanical Gardens Inv.
4	\$100,000.00	1-1990.410 Contingent Account	1-5110.240 DPW Equipment
5	\$60,000.00	1-5110.480 DPW Operations	1-5110.240 DPW Equipment

Ayes: Alderman Braun, Berube, Glatz, Pecoraro, Zadzilka

(5)

Nays: None

(0)

CARRIED

XI. Fire Chief

April 12, 2017

Honorable mayor and Common Council
 216 Payne Avenue
 North Tonawanda, NY 14120

Honorable Body,

Bids for self-Contained Breathing Apparatus (SCBA), to be used by the North Tonawanda Fire Department, were received and publicly opened in the Common Council Chambers on March 15, 2017, by Daniel R. Quinn, City Clerk-Treasurer.

The following bids were received in response to NTFD specs.

Dival Safety Equipment, Inc., 1721 Niagara Street, Buffalo, NY, at \$318,850.90.
 Churchville Fire Equipment, 107 Pearce Avenue, Tonawanda, NY, at \$338,100.
 Firstout Rescue Equipment, 100 Ensminger Road, Tonawanda, NY, at \$247,550.

After review of the bids, the SCBA purchase will be from Dival Safety Equipment, Inc., at their bid of \$318,850. The low bid did not meet NTFD specs.

Joseph D. Sikora
Fire Chief

MOVED by Alderman Braun SECONDED by Alderman Pecoraro
That the Common Council hereby awards the bid for the Self-Contained Breathing Apparatus (SCBA) to Dival Safety Equipment, Inc., 1721 Niagara Street, Buffalo, NY at their bid amount of \$318,850.90 subject to review by the City Attorney.

Ayes: Alderman Braun, Berube, Glatz, Pecoraro, Zadzilka (5)
Nays: None (0)
CARRIED

XIX. Building Inspector

April 7, 2017

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

Re: Weed Cutting Contract

Attached please find copies of the only two proposals received by this department for brush, weed cutting and clean up of private property for the 2017 season.

We sent out eleven requests for bids to local landscaping contractors, we also placed a phone call to most of the contractors and advertised request for bids in the Niagara Gazette. We received a total to two bids, copies included.

After opening said bids in the presence of the City Clerk and a review of same, I recommend that the 2017 weed contact be awarded to the lowest responsible bidder, Complete Lawn Care & Fencing Inc. 378 Witmer Road North Tonawanda.

If you have any questions or need additional information, please let me know.

Cosimo R. Cappozzi
Building Inspector

MOVED by Alderman Zadzilka SECONDED by Alderman Braun
That the Common Council hereby awards the bid for the City Weed Cutting Contract for 2017 to Complete Lawn Care & Fencing Inc., 378 Witmer Road, North Tonawanda, subject to review by the City Attorney.

Ayes: Alderman Braun, Berube, Glatz, Pecoraro, Zadzilka (5)
Nays: None (0)
CARRIED

XXV. Monthly Reports

- .1 Senior Citizen Center .2 Clerk-Treasurer
.3 Youth, Recreation & Parks .4 Police Department

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

XXXIII.

Community Development

April 5, 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 - 653 Oliver Street

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 ownership 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 653 Oliver Street from Mr. Matthew Bille. Mr. Bille has proposed to purchase the property for \$1,000 and invest an estimated \$90,000 in renovations and repairs. Mr. Bille intends to lease the two second floor apartments and maintain a commercial/retail use on the first floor and is currently searching for a potential tenant. Mr. Bille currently owns five properties in North Tonawanda and is current on all taxes and fees and has no outstanding code violations or complaints.

LCDC believes Mr. Bille's investment in 653 Oliver Street 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. Bille'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 653 Oliver Street for \$1,000 to Matthew Bille for redevelopment, subject to further review by the City Attorney.

Ayes: Alderman Braun, Berube, Glatz, Pecoraro, Zadzilka

(5)

Nays: None

(0)

CARRIED

COMMUNICATIONS FROM OTHERS

A.

William J. VanDewater Jr.

John Tylec

Jordan Tylec

Austin Tylec

Kelly Duguay

Zachary S. Niemiec

April 3, 2017

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

Dear Honorable Body:

I am requesting to be appointed as a Commissioner of Deeds for the City of North Tonawanda.

William J. VanDewater Jr., 1098 Nash Road, North Tonawanda, NY 14120
John Tylec, 815 Niagara Parkway, North Tonawanda, NY 14120
Jordan Tylec, 815 Niagara Parkway, North Tonawanda, NY 14120
Austin Tylec, 815 Niagara Parkway, North Tonawanda, NY 14120
Kelly Duguay, 761 Payne Avenue, North Tonawanda, NY 14120
Zachary S. Niemiec, 384 Robinson Street Upper, North Tonawanda, NY 14120

Thank you.

MOVED by Alderman Braun SECONDED by Alderman Berube
That the Common Council hereby approves the following to be Commissioner of Deeds for the City of North Tonawanda, effective April 19, 2017 and expiring April 18, 2019:

William J. VanDewater Jr., 1098 Nash Road, North Tonawanda, NY 14120
John Tylec, 815 Niagara Parkway, North Tonawanda, NY 14120
Jordan Tylec, 815 Niagara Parkway, North Tonawanda, NY 14120
Austin Tylec, 815 Niagara Parkway, North Tonawanda, NY 14120
Kelly Duguay, 761 Payne Avenue, North Tonawanda, NY 14120
Zachary S. Niemiec, 384 Robinson Street Upper, North Tonawanda, NY 14120

Ayes: Alderman Braun, Berube, Glatz, Pecoraro, Zadzilka (5)
Nays: None (0)
CARRIED.

B.
Tonawanda's United Veterans Council

April 4, 2017

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

North Tonawanda Common Council,

The annual Memorial Day Observance is scheduled for Sunday May 28, 2017. Our service is at 12:00pm on the Renaissance Bridge, we would request that the bridge on the North Tonawanda side be closed to traffic at 11:30 am and reopen at 12:30pm. This same request was also made to the Tonawanda Common Council. We would also like to invite all city officials to the service. The parade this year will be in Tonawanda, I have enclosed a map of the new parade route. The Vets Council decided to change the route to try and draw more interest in the parade. We will line up on Morgan St. next to the old Central School, march onto Clinton Park to Broad St. up to Bouck St. and onto Niagara St. and finish behind Tonawanda City Hall at the All Hero's Monument. There will be a short ceremony at the monument and all city officials are invited to march. Thank you for your support of our Memorial Day Ceremony.

In Service to America,
Paul Pietrowski
President
Tonawanda's United Veterans Council

04-18-2017

MOVED by Alderman Pecoraro SECONDED by Alderman Zadzilka
 That the Common Council hereby approves the closing of the Renaissance Bridge on Sunday
 May 28, 2017 from 11:30AM to 12:30PM for the annual Memorial Day Observance Service
 by the Tonawanda's United Veterans Council.

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

Nays: None (0)

CARRIED.

C.

Buffalo Choral Arts Society

April 11, 2017

City of North Tonawanda
 Common Council
 216 Payne Ave
 North Tonawanda, NY 14120

Dear Mr. Rizzo and Council:

The Buffalo Choral Arts Society, BCAS, is a community based, non-profit chorus comprised of 120 members many of whom reside in North Tonawanda and Tonawanda. I too am a "Lumberjack", class of 1969, having "moved across the ditch".

BCAS has held its annual pops concert at the Riviera for the past 5 years and enjoyed sold out audiences until the demise of the Tonawanda News in 2015. The News was a major source of promoting this concert.

I am requesting permission from your Council to place a rented portable sign on City property on either Payne Avenue near the Memorial pool or on the arterial near DeGraff Hospital from May 1-20, 2017. This sign would display information about our concert to be held at the Riviera on Friday evening, May 19, 2017 and ticket availability. We feel that either of these prominent locales will help in getting the word out about our concert.

Thank you for your consideration. I can be reached at the address above.

Sincerely,
 Douglas Fronczek

MOVED by Alderman Berube SECONDED by Alderman Pecoraro
 That the Common Council hereby grants permission to the Buffalo Choral Arts Society to place a rented portable sign at Payne Park only from May 1-20, 2017 to advertise their annual pops concert at the Riviera Theater.

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

Nays: None (0)

CARRIED.

AUDIENCE PARTICIPATION

Austin Tylec 815 Niagara Parkway – The Oliver Street Merchants Association is having a cleanup day with Webster Street Merchants and Project Pride, we would like to know if we could get some chairs and tables from the City? So the same would go with supplies provided by the City like bags, gloves, and rakes. Could we just go to the department heads? If there is anything that could be done later in the week just contact one of the organizations.

Cathy Kern 1248 Greenbrier Lane – I have lived in Wurlitzer Park since 1968. We are constantly losing power. We use to have town hall meeting with all the parties involved. It is known that Wurlitzer Park is the home of no power. The power company said it will never be fixed, we are too poor. I need somebody to take the lead and get us some answers. I want the City to get behind us and find out the cause and the cure.

Alan Mazzuchelli 1426 Doebler Drive – Why do we have stop signs on Payne Avenue and Goundry and Payne Avenue and Tremont? There is no reason for them to be there. How

do we go about getting them removed? Does anyone know why the signals have been taken down and not been put back. I have been told they will never be put back.

Zachary Niemiec 384 Robinson Street – I would like to thank you all for approving me for Commission of Deeds tonight, but my question is since the School Board did vote down the credit is the City going to go back and negotiate with the School Board. I think both sides should go back to the table and negotiate.

Malcolm Needler 1109 Farnsworth Avenue – This is the first time I have ever been on this side of the lecter. We need to have some common sense. It doesn't matter which hand you are taking money from it is the same money. I am of the understanding that the School District has pipes that go around the meters so they can fill their pools. You need to treat the School and any other person or business the same, and make sure these meter bypasses are capped off. My neighbors have to pay to fill their pools, the School District should also. After that if you want to renegotiate do it right.

Dave Fingerlow 32 Seventh Avenue – I would like to know if you have looked into changing Terrace Parking. The City had changed the law a while ago so no one can park on the Terrace unless you do not have curbs. But businesses park on the Terrace to load and unload trucks and people get special permits. I hope you do what is right for the public, not just half of the City. I would also like to comment on the DPW. Only the last 5 to 6 years things are not being done right at the DPW. The workers are being told to pave wrong. I am not blaming the guys.

Sonia Dusza 123 Miller Street – Number one, years ago the Department Heads were here, I would like to see that come back. Secondly, Kathy I was wondering if Wurlitzer Park is still having issues with power outages. I care about the whole City. Thirdly, I was reviewing the 1955 and 1974 sewer study. You should all read it, it will be your bible. The author said the City should adopt it. The fourth item, the Building Inspector chose a company to cut grass for violators. I hope the company he recommends does a good job. Lastly is the City addressing the reality of the illegal non-conforming use in our City? Is that being addressed? We need to address basic functioning in our City.

ADJOURNMENT

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

Time of Adjournment: 7:45 P.M.

Respectfully submitted,



Daniel R. Quinn
City Clerk-Treasurer