

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, May 2, 2017
6:32 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

Sonia Dusza 123 Miller Street – What was the legal notice from the Wastewater/Water Superintendent in regards to? Modify what? Is it noncompliance? Is this a State modification? I would like to acquire with the City Attorney, what is the Assessed value of 653 Oliver Street? I would love to see Oliver Street return to the vibrant Street it used to be. I would love to see a Mom and Pop shop at that location. How many applicants did you have for the purchase of that house? On the change work order, what was that change?

APPROVAL OF THE MINUTES OF THE REGULAR SESSION APRIL 18, 2017

MOVED by Alderman Zadzilka SECONDED by Berube
That the minutes of the regular session held April 18, 2017 be approved as circulated and
filed in the Office of the City Clerk.
CARRIED.

PROOF OF PUBLICATION PUBLISHED APRIL 14, 2017

- 1) Legal Notice – New York State Department of Environmental Conservation Notice of Intent to Modify – Water/Wastewater Supervisor**

PROOF OF PUBLICATION PUBLISHED APRIL 21, 2017

- 1) Legal Notice – Bid for the installation of the City Hall side entrance stairs and the Police entrance stairs – City Engineer**

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

AMENDED

COMMUNICATIONS FROM CITY OFFICIALS

II. Attorney

April 25, 2017

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

Re: Purchase of 653 Oliver Street

Dear Honorable Body:

Mr. Matthew Bille approached this office with an offer to purchase a parcel of real property owned by the City. The parcel is located at 653 Oliver Street and measures 29 feet by 101 feet. The S.B.L. number is 182.53-2-7.

Attached please find a letter from Michael Zimmerman and Matthew Bille discussing Mr. Bille's intentions with the property.

If you wish to accept said sale of the parcel, please pass a resolution authorizing our office to complete the transaction as well as the Mayor to sign the enclosed contract, subject to approval by the City Attorney.

Very truly yours,
Nicholas B. Robinson
Assistant City Attorney

MOVED by Alderman Zadzilka **SECONDED** by Alderman Pecoraro
That the Common Council hereby accepts the sale of 653 Oliver Street SBL#182.53-2-7 to Mr. Matthew Bille and authorizes the Mayor to sign said contract, subject to further review by the City Attorney.

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

(5)

Nays: None

(0)

CARRIED.

IV.1 Engineer

April 25, 2017

Honorable Arthur G. Pappas, Mayor
and Common Council Members
City Hall
216 Payne Avenue
North Tonawanda, New York 14120

**Re: Project 2017-01 Storm Sewer Separation Projects
5th and Porter Avenues
Topographic Survey and Mapping Agreement**

Dear Honorable Body:

On April 24th, 2017, proposals were received and opened for the topographic survey and mapping for the 2017 Storm Sewer Separation Project on 5th and Porter Avenues. The results are as follows:

| | |
|------------------------------|----------|
| 1. GHD | \$9,275 |
| 2. WM. Schutt & Associates | \$9,310 |
| 3. Nussbaumer & Clarke, Inc. | \$11,700 |
| 4. Wendel | \$13,500 |
| 5. Foit Albert | \$13,750 |

AMENDED

I therefore respectfully request that the Common Council approve the topographic survey and mapping for Project 2017-01 Storm Sewer Separation Projects on 5th and Porter Avenues to GHD of 285 Delaware Avenue #500 Buffalo, NY 14202 at their proposed amount of \$9,275; authorizing the Mayor to sign and approve the enclosed agreement subject to review by the City Attorney.

Very truly yours,
Dale W. Marshall, P.E.
City Engineer

MOVED by Alderman Zadzilka SECONDED by Alderman Glatz
That the Common Council hereby approves the Topographic Survey and Mapping for Project 2017-01 Storm Sewer Separation Projects on 5th and Porter Avenues to GHD of 285 Delaware Avenue #500 Buffalo, NY 14202 at their proposed amount of \$9,275; and authorizes the Mayor to sign said agreement, subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

IV.2 Engineer

April 27, 2017

Honorable Arthur G. Pappas, Mayor
and Common Council Members
City Hall
North Tonawanda, New York 14120

Re: Project 2016-09, 2016 Storm Sewer Separation – Christiana Street
Approval of Change Order and Project Acceptance

Dear Honorable Body:

Approval of the change order and project acceptance of the 2016 Storm Sewer Separation Project on Christiana Street is hereby requested. We have estimated that this project removed approximately 4 million gallons of stormwater annually from the city's sanitary sewer system. The change order represents the additional work required to install the storm sewer system as follows:

- | | |
|---|--------------------|
| • Horizontal conflicts/alignment change at Christiana/Vandervoort | \$10,860.70 |
| • Extend new sewer to separate Lincoln Avenue to City Hall Lot | <u>\$29,863.34</u> |
| | \$40,724.04 |

Costs for extra work were measured and based on unit bid prices extant in the contract.

The extremely favorable bid of the project allowed the city to include the removal of stormwater from the sanitary sewer on Lincoln Avenue up to the parking lots at City Hall. The savings from the project permits the city to perform more work under the 2017 Storm Sewer Separation Program.

Accordingly, I respectfully request that the Common Council accept the project and approve the change order in the amount of \$40,724.04 for the 2016 Storm Sewer Separation Project on Christiana Street with NFP and Sons, Inc., 7311 Ward Road, North Tonawanda, New York 14120; increasing the contract amount from \$112,232.25 to the final contact amount of \$152,956.29; authorizing the Mayor to sign said change order subject to review by the City Attorney.

Very truly yours,
Dale W. Marshall, P.E.
City Engineer

MOVED by Alderman Pecoraro SECONDED by Alderman Braun
That the Common Council hereby accepts the project and approves the change order in the amount of \$40,724.04 for the 2016 Storm Sewer Separation Project on Christiana Street with NFP and Sons, Inc., 7311 Ward Road, North Tonawanda, New York 14120; increasing the contract amount from \$112,232.25 to the final contact amount of \$152,956.29; and authorizes the Mayor to sign said change order subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

AMENDED

VII. Accountant

April 27, 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 May 2, 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 Zadzilka
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated May 2, 2017 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

| | | |
|----|----------------------|------------------------|
| 01 | General Fund | \$811,162.82 |
| 02 | Water Fund | 63,892.41 |
| 04 | Sewer Fund | 104,555.44 |
| 06 | Capital Project Fund | 67,981.04 |
| 07 | Trust & Agency Fund | <u>1,500.00</u> |
| 00 | Final Total | \$ <u>1,049,091.71</u> |

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

XIV. Youth, Recreation & Parks

April 25, 2017

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

Dear Honorable Mayor Pappas and Common Council Members,

Please review and approve the recommended fee increases in Department of Youth, Recreation & Parks Gateway Harbor Fee Schedule. The increase fees have been suggested by the Gateway Committee and the City of Tonawanda.

- Daily Fees:
 - 25' & Under Increase from \$5 to \$10
 - 26' to 40' Increase from \$10 to \$15
 - 41' & Over Increase from \$15 to \$20
 - Commercial Boats Increase from \$25 to \$30
- Overnight Fees with Electric & Water:
 - 25' & Under Increase from \$15 to \$25
 - 26' to 40' Increase from \$20 to \$30
 - 41' & Over Increase from \$25 to \$35

AMENDED

Commercial Boats Increase from \$35 to \$45

- **Overnight Fees Without Electric & Water:**
 - 25' & Under Increase from \$10 to \$20
 - 26' to 40' Increase from \$15 to \$25
 - 41' & Over Increase from \$20 to \$30
 - Commercial Boats Increase from \$35 to \$45

The revenue generated from the established fees and charges is collected for deposit in the City General Fund.

Sincerely,
Patricia A. Brosius
Director of Youth, Recreation & Parks

MOVED by Alderman Zadzilka SECONDED by Alderman Berube
That the Common Council hereby approves the fee increase in the Department of Youth, Recreation & Parks Gateway Harbor as follows:

- **Daily Fees:**
 - 25' & Under Increase from \$5 to \$10
 - 26' to 40' Increase from \$10 to \$15
 - 41' & Over Increase from \$15 to \$20
 - Commercial Boats Increase from \$25 to \$30
- **Overnight Fees with Electric & Water:**
 - 25' & Under Increase from \$15 to \$25
 - 26' to 40' Increase from \$20 to \$30
 - 41' & Over Increase from \$25 to \$35
 - Commercial Boats Increase from \$35 to \$45
- **Overnight Fees Without Electric & Water:**
 - 25' & Under Increase from \$10 to \$20
 - 26' to 40' Increase from \$15 to \$25
 - 41' & Over Increase from \$20 to \$30
 - Commercial Boats Increase from \$35 to \$45

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

XVII. Traffic Safety

April 19, 2017

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

Traffic Safety Minutes:

The April meeting of the North Tonawanda Traffic Safety Committee was called to order at 1900 hours. Roll call showed the following members present: J. Sikora, M. Daigler, M. Anastasi, A. DiBernardo, M. Lemke, E. Smolinski, and A. Vater. The minutes from the previous meeting were read and accepted, the following new requests discussed, and recommendations made.

1. A request from Ryan Gephardt, for additional "School Zone 20 MPH" signs in the area of Spruce School was discussed. The Committee is in agreement all necessary signs are currently in place. If needed the area can be monitored by NTPD.
2. A Terrace Parking application was received from Rachel Waite of 63 8th Avenue. The Committee will discuss the application at a later date after review of the area.

AMENDED

If you require any more information please do not hesitate to contact me.

Thank you in advance for your support to make our Color-A-Thon Family Fun Run a success!

Sincerely,
Nicole Grinnell
SHSO Co-Chair

MOVED by Alderman Braun **SECONDED** by Alderman Zadzilka
That the Common Council hereby grants permission to Spruce Home School Organization (SHSO) to hold their 1st Color-A-Thon Family Fun Run fundraiser Friday, May 19, 2017, from 5:45 PM – 7 PM and directs the Police Department to assist with the enclosed race route and DPW to assist in providing barricades along said route.

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

B.
Zachary Ostroff

April 15, 2017

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

Dear Honorable Body:

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

Zachary Ostroff, 1034 Thomas Fox Drive East, North Tonawanda, NY 14120

Thank you.

Sincerely,
Zachary Ostroff

MOVED by Alderman Pecoraro **SECONDED** by Alderman Glatz
That the Common Council hereby approves Zachary Ostroff, 1034 Thomas Fox Drive East, North Tonawanda, NY 14120 to be appointed as a Commissioner of Deeds for the City of North Tonawanda effective May 3, 2017 and expiring May 2, 2019.

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

C.
NT National Little League

April 25, 2017

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

Re: Parade Permit

AMENDED

Dear Mr. Quinn:

The North Tonawanda National Little League is requesting your assistance I obtaining Common Council approval for our annual opening day parade on May 20, 2017 and obtaining the necessary parade permit.

You area also invited to participate in the opening day parade and ceremonies for the 2017 Baseball season, which marks 65 years of service to the community.

The parade will form at 9:30AM at the former Lowery Middle School on Payne Avenue and follow a route going south on Payne Avenue turning east on Wheatfield Street to our baseball complex at Wheatfield Street and Stephen Sikora Drive.

Please contact Rick Dentinger at 289-8492, if you have questions regarding the activities outlined above.

We look forward to seeing you on opening day.

Sincerely,
Richard E. Dentinger
President

MOVED by Alderman Zadzilka SECONDED by Alderman Braun
That the Common Council hereby grants a parade permit to the NT National Little League for their Opening Day Parade, May 20, 2017, and also directs the Police Department to contact Rick Dentinger at 289-8492 with questions regarding the parade route and start time.
Ayes: Alderman Braun, Berube, Glatz, Pecoraro, Zadzilka (5)
Nays: None (0)
CARRIED.

LATE COMMUNICATION

MOVED by Alderman Pecoraro SECONDED by Alderman Zadzilka
To bring the following communication to the floor.
Ayes: Alderman Braun, Berube, Glatz, Pecoraro, Zadzilka (5)
Nays: None (0)
CARRIED.

#1
City Clerk-Treasurer

April 28, 2017

Honorable Mayor Pappas
and Council
216 Payne Ave-City Hall

Honorable Mayor and Council:

Do to the appointment of Mark Berube as 1st Ward Alderman, he had to step down from the Cable Commission. I would like the Council to appoint Mario J. Gregori of 1287 Tanglewood as Mark Berube's replacement on the Cable Commission.

Regards,
Daniel R. Quinn
City Clerk-Treasurer

MOVED by Alderman Berube SECONDED by Alderman Pecoraro
That the Common Council hereby approves the appointment of Mario J. Gregori, 1287 Tanglewood, North Tonawanda to the Cable Commission.
Ayes: Alderman Braun, Berube, Glatz, Pecoraro, Zadzilka (5)
Nays: None (0)
CARRIED.

AMENDED

MOVED by Alderman Pecoraro SECONDED by Alderman Zadzilka

To bring the following communication to the floor.

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

Nays: None (0)

CARRIED.

#2

Fire Chief

May 2, 2017

City of North Tonawanda Common Council

216 Payne Avenue

North Tonawanda, NY 14120

Dear Honorable Body:

In accordance with the City Charter of the City of North Tonawanda, and pursuant to the authority vested in me by §3.002.e thereof; I make the following appointment.

Brandon W. Werth, 232 Walter Drive, North Tonawanda, is promoted to Captain
In the City of North Tonawanda Fire Department.

I feel confident he is well qualified to do the best job on behalf of the residents of the City of North Tonawanda.

A brief ceremony will be held in the Common Council Chambers on May 8, 2017 beginning at 11:00 AM. Everyone is welcome to attend.

Sincerely,
Joseph D. Sikora
Fire Chief

MOVED by Alderman Braun SECONDED by Alderman Zadzilka

That the Common Council hereby approves the appointment of Brandon W. Werth, 232 Walter Drive, North Tonawanda to the position of Captain in the North Tonawanda Fire Department.

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

Nays: None (0)

CARRIED.

AUDIENCE PARTICIPATION

Sue Wilke 329 Miller Street – I live near the Colonel Payne elementary school. The windows are all knocked out and it looks disgusting. There is a company called Dingman that owns the old DeGraff Mansion and the Brown Victorian House on Payne Avenue behind the Mansion. What are their intentions with those houses? Are they going to let them deteriorate? I have another question, what is the statues of my FOIL request in regards to the amount of police calls at Walmart verses Budweys?

Brandon Werth 232 Walter Drive – I would just like to thank you for having the confidence in me.

Sonia Dusza 123 Miller Street – I would love to see the Department Heads at all meetings. Mr. Quinn, do you remember last week when I asked you to look into if the City Official adopted the sewer plan from 1955. You do not have to be an engineer to understand this. I was surprised just a couple of weeks ago I was talking to someone living in one of the newer sub-divisions that when it floods they get toilet paper and poop in their basements. Did you ever find out if it was adopted? It is really important that the City adopts this plan.

AMENDED

Jesse Gooch 800 Walck Road – I am just doing a follow up to the workshop in regards to the event I would like to have at Gratwick Park. What is my next step?

Alderman-At-Large Jeffrey M. Glatz –

April 27, 2017

North Tonawanda City School District
Attn: Gregory J. Woytila, Superintendent
176 Walck Road
North Tonawanda, NY 14120

North Tonawanda Board of Education
Attn: Michele Golding, President
23 Rose Circle
North Tonawanda, NY 14120

Re: Water Reimbursement Agreement

Dear Mr. Woytila and North Tonawanda Board of Education,

I am in receipt of Mr. Woytila’s e-mail of April 11, 2017 whereby he notified the City of North Tonawanda that the motion to accept the water bill resolution failed before the Board of Education. As such, this letter is to advise that any and all offers from the City of North Tonawanda to resolve the water reimbursement issue are hereby withdrawn. Further, the City will not undergo any further negotiations with the Board of Education until such time as a full accounting of all water being used by the North Tonawanda Schools is made. Such accounting will need to take into consideration the School’s use of bypasses around the water meters, which has been confirmed at Spruce School and is assumedly being done school wide.

Thank you for your attention to this matter.

Sincerely,
Luke A. Brown, Esq.
City Attorney

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: 7:18P.M.

Respectfully submitted,



Daniel R. Quinn
City Clerk-Treasurer

AMENDED