

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, July 18, 2017
5:10 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 – None

APPROVAL OF THE MINUTES OF THE REGULAR SESSION JULY 3, 2017

MOVED by Alderman Zadzilka SECONDED by Alderman Berube
That the minutes of the regular session held July 3, 2017 be approved as circulated and filed
in the Office of the City Clerk.
CARRIED.

PROOF OF PUBLICATION PUBLISHED JULY 5, 2017

- 1) **Legal Notice – Public Hearing to discuss and receive feedback on City Community and Economic Development – Community Development**

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

COMMUNICATIONS FROM CITY OFFICIALS

I. Mayor

July 12, 2017

North Tonawanda Common Council
City Hall
216 Payne Avenue
North Tonawanda, NY 14120

07-18-2017

000166

Re: Historic Preservation Committee

Dear Honorable Body:

Please be advised that I am re-appointing Jay Soemann, 963 Sweeney Street, North Tonawanda, NY 14120 to the Historic Preservation Committee, effective July 31, 2017 for a term of (3) years, expiring July 31, 2020.

I'm also re-appointing April Gampp, 249 Goundry Street, North Tonawanda, NY 14120, to the Historic Preservation Committee, effective July 31, 2017 for a term of (2) years, expiring July 31, 2019.

I'm also re-appointing Linda Hayes, 296 Falconer Street, North Tonawanda, NY 14120, to the Historic Preservation Committee, effective July 31, 2017 for a term of (4) years, expiring July 31, 2021.

I am also appointing Amber Holycross, 696 Wurlitzer Drive, North Tonawanda, NY 14120, to the Historic Preservation Committee, effective July 31, 2017 for a term of (2) years, expiring July 31, 2019.

Sincerely,
Arthur G. Pappas
Mayor

MOVED by Alderman Zadzilka SECONDED by Alderman Braun
That the Common Council hereby receives and files the following appointments to the Historic Preservation Committee:

Jay Soemann, 963 Sweeney Street, North Tonawanda, NY 14120, effective July 31, 2017, expiring July 31, 2020.

April Gampp, 249 Goundry Street, North Tonawanda, NY 14120, effective July 31, 2017, expiring July 31, 2019.

Linda Hayes, 296 Falconer Street, North Tonawanda, NY 14120, effective July 31, 2017, expiring July 31, 2021.

Amber Holycross, 696 Wurlitzer Drive, North Tonawanda, NY 14120, effective July 31, 2017, expiring July 31, 2019.

CARRIED.

III. Clerk-Treasurer

July 7, 2017

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

Re: 2017 Contract – All Dawgs Academy LLC

Dear Honorable Body:

I respectfully request your Honorable Body accept this contract with All Dawgs Academy for the year of 2017 for the housing of stray and abandoned dogs. By accepting this contract, the motion will give the Mayor the authority to sign the Contract. This Contract has been reviewed by the City Attorney's Office and is waiting an official motion by the Council.

Sincerely,
Daniel R. Quinn
City Clerk-Treasurer

AMENDED

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro
That the Common Council hereby accepts the contract with All Dawgs Academy for the year of 2017 for the housing of stray and abandoned dogs, 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.

VII. Accountant

July 13, 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 July 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 Glatz SECONDED by Alderman Zadzilka
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated July 18, 2017 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$343,310.12
02	Water Fund	22,535.09
04	Sewer Fund	67,256.66
06	Capital Project Fund	204,599.90
81	Community Development	<u>7,500.00</u>
00	Final Total	<u>\$645,201.77</u>

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

Nays: None (0)

CARRIED.

IX. Supt. Public Works

July 12, 2017

**Honorable Mayor & Common Council
216 Payne Ave. - City Hall
North Tonawanda, NY 14120**

Re: Award of Bid for Concrete Sidewalks & Curbing Repairs

Dear Honorable Body:

On Monday, July 6, 2017, bids were received and publicly opened in the City Clerk's Office for Concrete Sidewalk and Curbing Repairs. My Office has reviewed the bids submitted and tabulated them as follows:

<u>BIDDERS</u>	<u>AMOUNT</u>
CVF, Inc.	\$98,140.00
Roman Construction Development Corp.	\$115,375.00

I recommend that the Council award the bid for Concrete Sidewalk and Curbing Repairs to CVF, Inc. of 100 Burkhardt Avenue, Depew, NY 14043 at their low bid of \$98,140.00, subject to the approval of the City Attorney.

Sincerely,
Bradley A. Rowles
Supt. of Public Works

MOVED by Alderman Zadzilka SECONDED by Alderman Braun
That the Common Council hereby awards the bid for Concrete Sidewalks and Curbing Repairs to CVF, Inc., 100 Burkhardt Avenue Depew, NY 14043 at their low bid amount of \$98,140.00, subject to approval by the City Attorney.

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

Nays: None (0)

CARRIED

XVII. Traffic Safety

June 5, 2017

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

Traffic Safety Minutes:

The July 2017 meeting of the North Tonawanda Traffic Safety Committee was called to order at 19:00 hours. Roll call showed the following members present: M. Anastasi, M. Daigler, E. Smolinski, A. DiBernardo, R. Frank, and J. Sikora. Mayor A. Pappas was also present. The minutes from the previous meeting were read and accepted, the following new requests discussed, and recommendations made.

1. At the request of Kathy Carr, traffic in the area of Oliver Street and 15th Avenue will be observed by the NTPD Traffic Officer.
2. Traffic in the area of Main and Thompson Streets was also discussed. The Committee recommends placing "No Parking here to Corner" signs on Thompson Street. Member Daigler will place the sign accordingly. Members will continue to monitor the area.
3. Member Frank received a request to place "Division" signs under the "Yield" signs presently in place on Division at each TCMH merging lane. This will inform motorists on Division they are required to yield to traffic from TCMH. The Committee was unanimous in agreeing with this recommendation.
4. The Committee is in agreement with a request from J. Stahlman, from the City Code Enforcement Office, to place a "No Dumping" sign at the dead end of Goundry Street.

Meeting adjourned at 2005 hours.

Travel Safely,
Joseph D. Sikora
Chairman

MOVED by Alderman Pecoraro SECONDED by Alderman Berube
That the Common Council hereby approves the Traffic Safety recommendations #2, #3 & #4, and receives and files the June meeting minutes.

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

Nays: None (0)

CARRIED.

XXV. Monthly Reports

.1 Senior Citizen Center .2 Clerk-Treasurer

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

XXVII. Annual Reports

.1 Building Inspector

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

XXXII. Community Development

June 27, 2017

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

Re: Foreclosure Prevention Outreach Services

Honorable Body:

On May 23, 2017, the City published a request for proposals (RFP) for firms capable of assisting the City with the creation and implementation of a Foreclosure Prevention Outreach Plan. This Plan is a deliverable item related to the Local Initiative Support coalition (LISC) Zombie Property Prevention grant awarded to the City in 2016. Proposals from interested firms were due to be received by the City on June 9, 2017.

The City received one proposal from Belmont Housing Resources for WNY (Belmont). Belmont is a non-profit housing agency which provides services including; housing counseling, financial education, property management, and housing program administration. Upon review of the proposal, Belmont demonstrated sufficient experience to meet the scope of services outlined in the RFP and successfully create and implement the Foreclosure Prevention Outreach services.

Belmont has proposed a fee of \$6,545.00 to provide the Foreclosure Prevention Outreach Plan. This fee will be covered out of LISC grant funds with no direct cost to the City.

I hereby respectfully request the Common Council authorize the Mayor to enter into contract with Belmont Housing Resources of WNY, pending review by the City Attorney, for Foreclosure Prevention Outreach Plan at the proposed fee of \$6,545.00.

Thank you for time and consideration.

Kindest regards,
Michael Zimmerman
Director

MOVED by Alderman Pecoraro SECONDED by Alderman Zadzilka
That the Common Council hereby approves entering into contract with Belmont Housing Resources of WNY to assist the City with the creation and implementation of a Foreclosure Prevention Outreach Plan at the proposed fee of \$6,545.00, and authorizes the Mayor to sign said contract, subject to review by the City Attorney.

Ayes: Alderman Braun, Berube, Glatz, Pecoraro, Zadzilka
Nays: None

(5)
(0)

07-18-2017

000170

CARRIED.

COMMUNICATIONS FROM OTHERS

A.

Jesse Gooch

July 7, 2017

Common Council
City Hall
216 Payne Avenue
North Tonawanda, NY 14120

Common Council:

We are writing this letter to the Common Council to request two rain dates for Thursdays on the Water. The dates we are requesting are August 24th and August 31st. These dates would make-up for the two events we had to cancel due to the weather on June 15th and June 29th. We appreciate your consideration, if you have any questions feel free to contact us at 716-693-7587 or Thursdaysonthewater@gmail.com.

Thank you in advance,
Jesse Gooch

MOVED by Alderman Berube SECONDED by Alderman Zadzilka
That the Common Council hereby approves the request for two rain dates for Thursdays on the Water of August 24th and August 31st, due to the cancelation of the June 15th and June 29th events.

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

Nays: None (0)

CARRIED.

B.

Columbia Hook and Ladder

July 10, 2017

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

Re: Removal from Fire Rolls

Dear Mayor and Council:

Please remove this name from the Volunteer Fire Roll.

Charles E. Jones

He joined Columbia Hook and Ladder Co. No.1 on May 5, 1948, died June 26, 2017. He served 69 years, 1 month, 21 days.

Sincerely yours,
David L. Evans
Recording Secretary

MOVED by Alderman Braun SECONDED by Alderman Pecoraro
That the Common Council hereby approves the removal of Charles E. Jones from the North Tonawanda Fire Rolls.

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

Nays: None (0)

CARRIED.

LATE COMMUNICATION

MOVED by Alderman Zadzilka SECONDED by Alderman Braun
To bring the following communications to the floor.

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

Nays: None (0)

CARRIED.

#1
Mayor

July 17, 2017

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

Re: Appointment of Police Chief

Dear Honorable Body:

Please be advised that I am appointing Roger R. Zgolak, 208 Belmont Court West, North Tonawanda, NY 14120, as the Chief of Police, effective July 20, 2017. Mr. Zgolak's starting pay will be \$117,900 step 6 of the existing OPEIU salary schedule.

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

Sincerely,
Arthur G. Pappas
Mayor

MOVED by Alderman Berube SECONDED by Alderman Pecoraro
That the Common Council hereby receives and files the following appointment of Roger R. Zgolak, 208 Belmont Court West, North Tonawanda, NY 14120, as the Chief of Police, for the City of North Tonawanda, with a starting pay of \$117,900 effective July 20, 2017.
CARRIED.

#2
City Attorney

July 17, 2017

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

Re: MOA Between the North Tonawanda Police Benevolent Association, Inc.
And the City of North Tonawanda

Dear Honorable Body:

Attached hereto is a proposed Memorandum of Agreement ("MOA") between the North Tonawanda Police Benevolent Association, Inc. and the City of North Tonawanda regarding a dedicated channel for dispatch within the Niagara County Sherriff's dispatch center. I have been informed that this agreement has been voted on by the Police Benevolent Association and passed with the necessary majority vote.

Considering the above, the Common Council must now vote to approve or disapprove the MOA for the Mayor is sign. I am requesting at this time that Council take such a vote.

Very truly yours,
 Luke A. Brown
 City Attorney

MOVED by Alderman Pecoraro SECONDED by Alderman Zadzilka
 That the Common Council at a regular meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 5:00 p.m. on July 17, 2017 the following Memorandum of Agreement between City of North Tonawanda and North Tonawanda Police Benevolent Association, Inc. regarding a dedicated channel for dispatch, the following resolution was passed:

**MEMORANDUM OF AGREEMENT
 BETWEEN
 THE NORTH TONAWANDA POLICE BENEVOLENT ASSOCIATION, INC.
 AND
 THE CITY OF NORTH TONAWANDA**

Re: Single Channel Dispatch

This Memorandum of Agreement (MOA"), dated and effective as of the last date executed below (the "Effective Date"), is by and between THE NORTH TONAWANDA POLICE BENEVOLENT ASSOCIATION, INC., ("PBA") and THE CITY OF NORTH TONAWANDA ("City"). The PBA and the City are referred to jointly as the Parties.

WHEREAS, the terms and conditions of employment for PBA members are contained in a Collective Bargaining Agreement ("CBA") between the Parties dated December 31, 2015, covering the time period of January 1, 2016 through December 31, 2020; and,

WHEREAS, the PBA contends that the City's unilateral implementation of Niagara County's single-channel digital communications system and its transfer of the City's dispatch function to the Niagara County Sheriff's Office constitutes an improper labor practice and violates the statutory prohibition against intermunicipal agreements beyond a term of five years; and,

WHEREAS, there is a pending appeal of litigation in New York State Supreme Court, Niagara County, under the caption "North Tonawanda Police Benevolent Association v. Common Council of the City of North Tonawanda, Arthur G. Pappas, as Mayor of the City of North Tonawanda, County Legislature of the County of Niagara, Richard E. Updegrove. As County Manager of the County of Niagara, and James R. Voutour, as Sheriff of the Niagara County Sheriff's Office," under Index No. E159354/2016 ("Proceeding"), concerning the City's transfer of the dispatch function to Niagara County; and,

WHEREAS, there is an ongoing Impasse Mediation before the Public Employment Relations Board ("Mediation"), Case No. M2016-161, arising from the PBA's Declaration of Impasse in negotiations concerning the City's implementation of a single-channel dispatch system; and,

WHEREAS, the PBA and the City wish to settle this matter to avoid the uncertainty, expense and burden of moving forward in this Proceeding and Mediation; and
WHEREAS, each party agrees that it has had a reasonable amount of time to consider this MOA;

NOW, THEREFORE, IT IS AGREED BY THE PARTIES AS FOLLOWS:

1. The City will take all necessary action to ensure that the Niagara County Sheriff's Office implements a dedicated channel with an assigned dispatcher to that channel per shift for the exclusive use of the North Tonawanda Police Department;
2. Section 7 of the parties' CBA will reflect that the PBA agrees to a one (1) percent reduction in annual base pay for all bargaining unit members effective July 1, 2017;

3. Section 7 of the parties' CBA will reflect that the PBA agrees to accept a one (1) percent increase in annual base pay effective January 1, 2018 for all bargaining unit members instead of the two (2) percent scheduled increase set forth in Section 7.11;
4. The City agrees to take all necessary action required to remove any legal authority including, but not limited to, the City Charter, city laws, rules, regulations and practices that requires bargaining unit members to maintain City residence during their employment with the City;
5. The City shall obtain and allow the PBA to review prior to executing any agreement or memorandum of understanding between the City and Niagara County and/or the Niagara County Sheriff's Office governing the terms and conditions of operations regarding the dedicated channel and the assigned dispatcher;
6. In the event that the City Fails to implement the dedicated channel and/ or the assigned dispatcher, or, after implementation, there are changes affecting the dedicated channel and/ or the assigned dispatcher the City shall reimburse the PBA bargaining unit members for the wage concessions set forth under numbers 2 and 3 above;
7. Should any provision of this MOA be declared or be determined by any court to be illegal or invalid, the validity of the remaining parts, terms or provisions shall not be affected thereby and said illegal or invalid part, term, or provision shall be deemed not to be a part of this MOA.
8. The terms and conditions contained in this MOA supersede all prior oral or written understandings between the parties and constitute the entire agreement between them concerning the subject matter of this agreement. The terms of this MOA cannot be changed or modified in any respect except in a validly executed writing signed by the parties.
9. This MOA shall be governed by and construed under the laws of the State of New York without giving effect to its principles of conflicts of laws. The parties also agree to submit to the jurisdiction of New York State Supreme Court in and for the County of Niagara for the purposes of adjudicating any dispute that may arise under this MOA.
10. The PBA agrees that upon execution of this MOA, it shall take steps to have the above-referenced Proceeding dismissed with prejudice and shall prepare and have signed any and all necessary paperwork, including, but not limited to the stipulation of discontinuance attached hereto as Exhibit A.
11. The PBA agrees that upon execution of this MOA, it shall take steps to have the above-referenced Mediation withdrawn.

IN WITNESS WHEREOF, the parties hereto knowingly and voluntarily executed this Agreement as of the date set forth below.

FOR THE CITY:
Arthur Pappas, Mayor

FOR THE PBA:
Daryl Truty, President

Subject to further review by the City Attorney.

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

#3
Clerk-Treasurer

July 18, 2017

Honorable Mayor
Common Council
216 Payne Ave – City Hall

Re: Authorization for appropriation of funds for the City of North Tonawanda
Standby Generator Replacement Project

Dear Mayor and Council:

I am requesting on behalf of Superintendent of Water/Waste Water Bill Davignon that the City Council and Mayor approve this amended resolution indicating the amount of money the City is willing to set aside for the completion of the standby generator.

WHEREAS, the City of North Tonawanda (City) previously authorized the preparation of construction documents for the Standby Generator Replacement at the Water Treatment Plant located at 1 Archer Street; and

WHEREAS, the Clean water Infrastructure Improvement Act of 2017 (WHA) authorizes the New York State Environmental Facilities Corporation (NYSEFC) to provide grants to eligible Municipal Drinking Water Projects; and

WHEREAS, if awarded, the WIIA grant will fund 60% of eligible project costs and funds for the remainder of the project cost will be appropriated from the City's Water Fund Reserve; and

NOW, THEREFORE, BE IT RESOLVED that the City authorizes and appropriates up to \$279,200 as required by the WIIA grant application for the Standby Generator Replacement Project. If grant funds are awarded, the balance of the project cost shall be appropriated from the City's Water Fund Reserve. The maximum local share appropriated subject to any changes agreed to by the Mayor shall not exceed \$279,200 based upon a total estimated maximum project cost of \$698,000. The Mayor may increase this amount through the use of in kind services without further approval from the City.

Regards,
Daniel R. Quinn
City Clerk-Treasurer

MOVED by Alderman Pecoraro SECONDED by Alderman Braun
That the Common Council hereby amends the resolution for the standby generator replacement project dated June 20, 2017 to read as follows:

WHEREAS, the City of North Tonawanda (City) previously authorized the preparation of construction documents for the Standby Generator Replacement at the Water Treatment Plant located at 1 Archer Street; and

WHEREAS, the Clean water Infrastructure Improvement Act of 2017 (WHA) authorizes the New York State Environmental Facilities Corporation (NYSEFC) to provide grants to eligible Municipal Drinking Water Projects; and

WHEREAS, if awarded, the WIIA grant will fund 60% of eligible project costs and funds for the remainder of the project cost will be appropriated from the City's Water Fund Reserve; and

NOW, THEREFORE, BE IT RESOLVED that the City authorizes and appropriates up to \$279,200 as required by the WIIA grant application for the Standby Generator Replacement Project. If grant funds are awarded, the balance of the project cost shall be appropriated from the City's Water Fund Reserve. The maximum local share appropriated subject to any changes agreed to by the Mayor shall not exceed \$279,200 based upon a total estimated maximum project cost of \$698,000. The Mayor may increase this amount through the use of in kind services without further approval from the City.

Subject to further review by the City Attorney.

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

AUDIENCE PARTICIPATION – None

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: 5:25 P.M.

Respectfully submitted,



Daniel R. Quinn
City Clerk-Treasurer