

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, August 1, 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 – None

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

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

PROOF OF PUBLICATION PUBLISHED JUNE 17 – JUNE 30, 2017

- 1) **Legal Notice – Formal Bids for Concrete Sidewalk and Curbing Repairs– Supt. Public Works**

PROOF OF PUBLICATION PUBLISHED JUNE 21, 2017

- 1) **Legal Notice – Formal Bids for the Construction work included in the North Tonawanda Skylight Replacement Project No. 2017-08 – City Engineer**

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

COMMUNICATIONS FROM CITY OFFICIALS

II. Attorney

July 27, 2017

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

**Re: Intermunicipal Agreement between the City of North Tonawanda
and Niagara County**

Dear Honorable Body:

Attached hereto is a proposed Intermunicipal Agreement (“Agreement”) between Niagara County and the City of North Tonawanda regarding a dedicated channel for dispatch within the Niagara County Sherriff’s dispatch center.

Please review this proposal and vote as to approval for the Mayor’s signature.

**Very truly yours,
Luke A. Brown
City Attorney**

**MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro
That the Common Council at a regular meeting, held at City Hall, 216 Payne Avenue, North
Tonawanda, New York at 6:30 p.m. on August 1, 2017 the following resolution was passed:**

**INTER-MUNICIPAL AGREEMENT
ADDITIONAL POLICE DISPATCHERS**

This agreement is made this 1st day of August 2017, between the County of Niagara, a municipal corporation with its principal place of business at the 59 Park Ave. Lockport, New York (“County”), and the City of North Tonawanda, a municipal corporation with its principle place of business at 216 Payne Ave., North Tonawanda, New York (“City”).

WHEREAS, Section 119-o of the General Municipal Law permits municipal corporations to enter into agreements for the performance amongst themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis or for the provision of a joint service, and

WHEREAS, the County, through its Sheriff’s Office, currently provides dispatch services to the North Tonawanda Police Department, and

WHEREAS, the City desires that the Sheriff’s Office employ additional radio dispatchers so that a radio channel can be dedicated exclusively to the dispatch of the North Tonawanda Police Department, and

WHEREAS, the County is willing to employ such additional dispatchers as are necessary to provide and staff an additional channel so long as the City reimburses the County for the additional costs, and

WHEREAS, the parties agree that the employment of additional dispatchers for said purpose would be of primary benefit to the City, but would provide some benefit to the County as well,

NOW, THEREFORE, in consideration of the above premises and mutual promises contained herein, the parties hereby agree as follows

- Employment of Additional Personnel.

The County will take such steps as are necessary to employ so many additional dispatchers as the Sheriff deems necessary in order to provide a radio channel dedicated to dispatching the North Tonawanda Police Department and will train the same. The parties initially estimate that three additional full-time employees and four additional part-time employees will be needed. The foregoing is an estimate only and is subject to any necessary modification of County collective bargaining agreements and the Sheriff's ultimate determination. The Sheriff shall have discretion to determine what staffing levels are needed and may change such from time to time.

- Dedicated Channel.

Once adequate employees are hired and properly trained, the Sheriff will assign a dispatcher to dispatch a radio Channel dedicated to the North Tonawanda Police Department for each shift. The specific dispatcher to be assigned to the dedicated channel will be at the discretion of the Sheriff or his designee. Although the assigned dispatcher will be primarily responsible for the dedicated channel, he or she may be assigned to additional duties as are necessary for the proper functioning of the dispatch center.

3. Term.

This agreement shall commence on August 1, 2017 and shall extend through July 31, 2022.

4. Apportionment of benefit/cost.

The parties agree that the benefit of a dedicated dispatch channel inures primarily to the City. The parties agree that the value of incidental benefits to the County are fairly valued at \$50,000.00 per year and that the County will bear such cost. All additional costs be attributable to the employment of additional personnel to provide a dedicated dispatch channel for the North Tonawanda Police Department, including but not limited to salaries, fringe benefits, retirement contributions, incidental costs, etc., will be borne by the City.

5. Payment.

The City shall pay to the County the full annual cost of the additional employees (less the County's \$50,000.00/year share) in two equal installments due March 1st and September 1st of the then current calendar year. All payments will be made in the calendar year for which they are attributable. The payment due to the county for 2017 will be prorated and is due immediately upon the signing of this agreement. The estimated payments due the County from the City are outlined below. The parties agree that these figures are subject to change based on the actual cost of the additional employees:

2017:	\$98,588 (\$117,422-\$20,834 County prorated share) due immediately.
2018:	\$246,745 (\$296,745-\$50,000 County share) due half on March 1, 2018 and half on September 1, 2018.
2019:	\$262,596 (\$312,596-\$50,000 County share) due half on March 1, 2019 and half on September 1, 2019.
2020:	\$278,416 (\$328,416-\$50,000 County share) due half on March 1, 2020 and half on September 1, 2020.
2021:	\$293,130 (\$343,130-\$50,000 County share) due half on March 1, 2021 and half on September 1, 2021.
2022:	\$175,377 (Jan. 1 to July 31) (\$204,544-\$29,167 County prorated share) due half on March 1, 2022.

6. Commencement of Dedicated Channel.

The parties agree and acknowledge that a dedicated radio channel will not be available until employees are hired and trained. The County will endeavor to employ and train personnel as expeditiously as possible. No additional employees will be hired until the city makes its payment for 2017.

7. Termination for Non-payment.

If the City defaults in any payment obligation under this agreement the County may terminate this agreement upon 30 days written notice and cease to provide a dedicated North Tonawanda Police Department dispatch channel. Upon termination for non-payment hereunder, the City will pay to the County all residual costs associated with the additional employees up until the time that the County returns to pre-agreement staffing levels. It is the intention of this paragraph that the County be made whole and the City bear all costs of the additional employees.

8. Status of Employees.

All additional employees hired pursuant to this agreement will be County Employees.

9. Control of Dispatch Function.

Nothing in this agreement shall be construed as giving the City control over the dispatch function of the Sheriff's Office. The Niagara County Sheriff and his designee shall maintain full control of the dispatch center and will endeavor in all cases to abide by then current protocols and standards.

10. Modification.

This agreement cannot be modified except in writing and upon the majority vote of the legislative bodies of the City and County pursuant to General Municipal Law section 119-o.

11. Entire Agreement.

This agreement represent the entire agreement of the parties concerning the subject matter herein and cannot be modified by prior or contemporaneous verbal representations.

12. Authority.

By signing below, each signatory represents that they are authorized to sign on behalf of their respective party and that the legislative body of each has approved the same by majority vote pursuant to General Municipal. Law section 119-o.

IN WITNESS WHEREOF the parties have signed this instrument on the date set opposite below:

Subject to further review by the City Attorney.

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

III. Clerk-Treasurer

June 20, 2017

Honorable Mayor and Common Council
City Hall
216 Payne Avenue
North Tonawanda, NY 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 the tax agreement with the City, for the following parcel:

182.62-2-18 319 Wheatfield Street Michael Ryan

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
City Clerk-Treasurer

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

182.62-2-18 319 Wheatfield Street Michael Ryan

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.

V. Supt. Water/Wastewater

July 27, 2017

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

Re: Award of Annual Bid for Natural Gas at the Water and Wastewater
Treatment Plants

Honorable Body:

On July 12, 2017 three (3) bids were received and opened for the provision of Natural Gas to the Water and Wastewater Treatment Plants for the 12 month period from Sept. 2017 – Aug. 2018.

Based upon these bids and the attached recommendation of our energy consultant EnerScope, I would like your approval of New Wave Energy Corporation's, 434 Delaware Ave., Buffalo, NY 14202, low bid for Natural Gas as follows:

- Wastewater Treatment Plant: The index method for full requirements at the monthly NYMEX Natural Gas Futures settlement price minus (-) \$.2350 per Dth. (Method#3). Estimated yearly cost is \$41,478
- Water Filtration Plant: The fixed annual price at \$3.1940 per Dth. (Method#1). Estimated yearly cost is \$9,924

The awarding of this contract is subject to review and approval by the City Attorney.

Please contact me if you have any question or concerns regarding this Bid Award. Thank you for your time and consideration of my request.

Sincerely,
William M. Davignon
Superintendent Water/Wastewater

MOVED by Alderman Zadzilka SECONDED by Alderman Berube
That the Common Council hereby awards the bid for Natural Gas at the Water and Wastewater Treatment Plants to New Wave Energy Corporation, 434 Delaware Ave., Buffalo, NY 14202, at their low bid as follows:

- Wastewater Treatment Plant: The index method for full requirements at the monthly NYMEX Natural Gas Futures settlement price minus (-) \$.2350 per Dth. (Method#3). Estimated yearly cost is \$41,478
- Water Filtration Plant: The fixed annual price at \$3.1940 per Dth. (Method#1). Estimated yearly cost is \$9,924

Effective September 2017 –August 2018, subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

VII. Accountant

July 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 August 1, 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 August 1, 2017 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$608,451.40
02	Water Fund	49,960.83
04	Sewer Fund	155,846.95
06	Capital Project Fund	<u>441,658.78</u>
00	Final Total	<u>\$1,255,917.96</u>

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

Nays: None (0)

CARRIED.

XIV. Youth, Recreation & Parks

July 18, 2017

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

Dear Honorable Body:

Please be advised that effective December 31, 2017, the New York State minimum wage will increase to \$10.40 per hour. As a result, the City should adjust the seasonal wage schedule to reflect the new minimum wage in order to attract potential employees. I have contacted the City Accountant and we have compiled the attached wage schedule.

Please review and approve the 2018 Part-Time and Seasonal Wage Schedule as presented.

Thank you for your consideration.

AMENDED

Respectfully submitted,
 Patricia A. Brosius
 Director of Youth, Recreation & Parks

MOVED by Alderman Zadzilka SECONDED by Alderman Berube
 That the Common Council hereby approves the aforementioned Part-Time and Seasonal
 Wage Schedule for 2018 effective December 31, 2017.

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

Nays: None (0)

CARRIED

XXV. Monthly Reports

.1 Police Department

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

COMMUNICATIONS FROM OTHERS

A.

Columbia Hook & Ladder

July 25, 2017

Honorable Mayor Arthur Pappas
 Honorable Common Council
 c/o City Clerk
 City Hall, 216 Payne Ave.
 North Tonawanda, NY 14120

Re: Volunteer Firefighter Exemption

Dear Mayor & Council:

The officers and members of Columbia Hook & Ladder Co. No.1 request this Exemption be granted:

50 Years Exemption for Raymond W. Dworzanski

He joined Columbia Hook & Ladder July 5, 1967

Please have the appropriate Exemption Certificate prepared. You may send it to the office of Fire Chief Joseph Sikora, for presentation to this member.

Respectfully yours,
 David L. Evans
 Recording Secretary

MOVED by Alderman Braun SECONDED by Alderman Pecoraro
 That the Common Council hereby grants an Exemption Petition to Raymond W.
 Dworzanski for 50 Years of service.

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

Nays: None (0)

CARRIED.

B.
Marine Corps League

July 26, 2017

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

Re: Pavilion Request

Honorable Body:

The Conrad R. Kania Detachment of the Marine Corps League hereby requests a waiver of the fee normally charged to use the large pavilion behind our Monument located in the Raymond Klimek Veteran's Park on August 12, 2017 from 9:00am to 2:00pm for our summer picnic. Unfortunately, this year we were unable to schedule a Marine Appreciation Day. We are expecting many Marines to attend this year's picnic from the Western New York area.

I would also like to take the opportunity to thank North Tonawanda Fire Chief Joseph Sikora and Parks & Recreation Director Patty Brosius and her crew for arranging the water containers used to resurface the cement pad surrounding the Monument. Their cooperation proved to be invaluable in this \$15,000+ project.

Thank you for your consideration.

Sincerely,
Paul T. Schultz
Commandant

MOVED by Alderman Pecoraro SECONDED by Alderman Glatz
That the Common Council hereby grants permission to waive the fee for the large pavilion at Raymond Klimek Veterans' Park to the Marine Corps league for their Marine Appreciation Day picnic on August 12, 2017.

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

Nays: None (0)

CARRIED.

AUDIENCE PARTICIPATION

Sonia Dusza 123 Miller Street – I would like to speak to the council about accountability and transparency regarding Public Hearings. The last Public Hearing I didn't know about it, even though I have a computer I didn't know about it. It wasn't on the website and to me that was an important public hearing. That Public Hearing I would have liked to have participated so what I'm saying to you. First of all we have a website that has public notices and legal notices and I did not see anything. A lot of people do not read the Gazette, and they do not see the legal notices. I am asking the Clerk's Office, was that on our website as a public hearing? This is a very important issue. This is basic elements of municipality. The minutes for the last two months of the Zoning and Planning Board were not put on the website. I attended the workshop last Tuesday and was delighted about the Accounting person's presentation, were becoming progressive.

Cathy Kern 1248 Greenbrier Lane – Several meetings ago I brought up 2 issues. It is really disheartening when I drive around the City and we still have the signage blight on the corner of Wurlitzer and Erie, the reptile sign of June 3rd is still up. We got to clean up this City. Somebody had the gall to come onto my property and take a sign off of my front lawn yet every pole in this city is littered. I know this is a process but it has been going on for years. Regarding the rail road crossing and yield sign on the corner of Wurlitzer and Erie, when your heading Northwest from the Wurlitzer extension and your crossing Erie the new poles that are up for the traffic signal are dead center to the crossing and yield sign. Those signs behind there have to come forward if you're not from around here and coming from that area you don't see there is a rail road crossing sign. This morning I stopped at that

intersection and you cannot see that rail road crossing sign. It's behind that same utility pole and this is a safety issue. I want to see the signage cleaned up around here and the Maziarz for Senator sign on Oliver Street come down, its been up for 25-30 years

Austin Tylec 815 Niagara Parkway – Regarding the website I know Matt is working on it, but a really good way to get information out is facebook. I know it sounds ridiculous but there is a lot of NT news on facebook, but there is not a real way of seeing if information is correct or not. Eighty percent of internet users use facebook and it's more accessible than a website. I heard you are meeting with City Departments on what they may want to see on the website. If there is an abandoned sign on a building for a certain period of time then the city should take responsibility for it and give them a bill, if they don't pay the bill put it on their taxes. For the workshop meeting minutes legally do they have to be documented?

Mary Pohl 1130 Bowen Drive West – I wrote a letter to the Common Council and to our First Ward Alderman in regards to the parcels behind the Kinkade Office building, there are some parcels of land that were donated to the city. However my land and my next door neighbor's land had a tree fall from that vacant lot and caused a lot of damage. I was curious as to who owns the land and who is responsible for the damage that was done.

B.J. Vandewater, 1098 Nash Road – I would like to put on record that my reading of the open meeting law, tends me to believe that any meeting between our city leaders that ends up leading to action of any sort that effects the city should be documented. I am personally in favor of documenting all meeting minutes.

Joesph Kissel 950 East Robinson Street – What is the intermunicipal agreement between the city of North Tonawanda and Niagara County? Has this been discussed in public? I think that more information should have been on the agenda. Signs I have been noticing signs everywhere and is there an ordinance on the books? It seems you can put up any sign on your lawn, I do respect the freedom to put anything on your lawn but it would be good to know what is actually allowed. Did I hear something about a meeting for the website or one that has taken place? As for the workshop minutes I think it is a good idea to post them. The city needs to do everything they can to inform citizens.

ADJOURNMENT

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

Time of Adjournment: 7:22 P.M.

Respectfully submitted,



Daniel R. Quinn
City Clerk-Treasurer