

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, August 15, 2017
6:33 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

B.J. Vanderwater 1098 Nash Road – I was reading the agreement between the City and the Church for the use of the building for the Recreation Department and I didn't see where we can terminate the agreement. I also understood it to say that the church can terminate the agreement and City will still be on the hook for some of the money. I feel you should adjust this agreement to correct those issues.

Sonia Dusza 123 Miller Street – Why are we using outside legal services to assist with the “zombie” home issue. What about blighted homes, what is the City doing about this problem? Is there already a data base of these homes? What is the City doing about the homes that are not yet foreclosed on?

Krista Vince Garland 238 Tremont Street – I would like to thank the City for going forward with this “zombie” home issue. I have not lived in North Tonawanda long, but we have a “zombie” home on our street and it is good to know the City is going to do something about them.

APPROVAL OF THE MINUTES OF THE REGULAR SESSION AUGUST 1, 2017

MOVED by Alderman Zadzilka **SECONDED** by Alderman Pecoraro
That the minutes of the regular session held August 1, 2017 be approved as circulated and filed in the Office of the City Clerk.
CARRIED.

PROOF OF PUBLICATION PUBLISHED JULY 24 – AUGUST 2, 2017

1) Legal Notice – Request for Proposals for a Medium Duty Rescue Apparatus – Fire Department

PROOF OF PUBLICATION PUBLISHED JULY 29, 2017

1) Legal Notice – Request for Proposals to Provide Legal Services and Assistance with the Zombie and Vacant Property Prevention/Remediation Initiative Grant Program – Community Development

PROOF OF PUBLICATION PUBLISHED AUGUST 5, 2017

1) Legal Notice – Request for Proposals for the Sale of Commercial Property Located at 795 Walck Road – Community Development

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

COMMUNICATIONS FROM CITY OFFICIALS

II.1 Attorney

August 4, 2017

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

Re: Proposed Rental Agreement between City of North Tonawanda and Lumber City Church, to Provide Space for North Tonawanda City Youth Center

Dear Honorable Body:

Attached, for your consideration, is a proposed rental agreement between the City of North Tonawanda and Lumber City Church, 383 Vandervoort, North Tonawanda, New York 14120, to provide space for use by the City of North Tonawanda Youth Center. This is a 2 year lease to run from October 1, 2017 to September 30, 2019.

Should your Honorable Body concur, please pass a resolution authorizing the Mayor to execute the agreement on behalf of the City of North Tonawanda, subject to any further review by the City Attorney.

Very truly yours,
Luke A. Brown
City Attorney

MOVED by Alderman Pecoraro SECONDED by Alderman Zadzilka
That the Common Council hereby approves the proposed rental agreement between the City of North Tonawanda and Lumber City Church, 383 Vandervoort, North Tonawanda, to provide space for use by the City of North Tonawanda Youth Center. This 2 year lease will run from October 1, 2017 to September 30, 2019, and directs the Mayor to sign said lease, subject to review by the City Attorney.

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

II.2 Attorney

August 8, 2017

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

Re: Renewal Agreement between NYS Unified Court System and City of
 North Tonawanda for cleaning and Maintenance of Court Facilities

Dear Honorable Body:

Attached is a proposed renewal agreement between the New York State Unified Court System and the City of North Tonawanda to allow for reimbursement to the City of up to \$102,855 for cleaning and maintenance of our court facilities. This lease term is a mid-year term (2017-18) of a 5-year lease that was previously approved by your Honorable Body.

Should your Honorable Body concur, please pass a resolution to permit the execution of the lease agreement by the Mayor, subject to any further review by the City Attorney.

If you have any questions, please do not hesitate to contact me.

Very truly yours,
 Luke A. Brown
 City Attorney

MOVED by Alderman Zadzilka SECONDED by Alderman Braun
 That the Common Council hereby approves the renewal agreement between the New York State Unified Court System and the City of North Tonawanda to allow for reimbursement to the City of up to \$102,855 for cleaning and maintenance of our court facilities. This lease term is a mid-year term (2017-18) of a 5-year lease previously approved 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.

II.3 Attorney

August 9, 2017

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

Re: Proposed Amendment to North Tonawanda City Code
 Chapter 98 – WATER - §98-6-Testing of Meters

Dear Honorable Body:

Attached, for your consideration, is a proposed amendment to the North Tonawanda City Code, Section 98-6-Testing of Meters. The change recommended entirely replaces the previous Section 98-6, as indicated.

If your Honorable Body concurs, please pass a resolution to amend the North Tonawanda City Code, Section 98 – WATER- §98-6), subject to any further review by the City Attorney. Should you have any questions, please do not hesitate to contact me.

Very truly yours,
 Nicholas B. Robinson
 Assistant City Attorney

MOVED by Alderman Braun

SECONDED by Alderman Zadzilka

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 15, 2017 the following Amendment to North Tonawanda City Code Chapter 98 – WATER - §98-6-Testing of Meters resolution was passed:

Chapter 98. Water

98-6 Tester of Meters

- A. All city owned meters are tested for accuracy of registration at flow rates and test flow quantities in accordance with the American Water Works Association Standard C705 before installation.
- B. A city owned meter may be tested at the request of a property owner. If the test reveals that the meter is not within the limits of accuracy according to the standards of the American Water Works Association, the meter shall be replaced at no charge to the owner and there shall be no charge for the test. A fee of \$55 will be charged if the city meter is found to be within the limits of accuracy. The property owner shall be billed for meter testing within the first water bill rendered after the date of such test.
- C. To ensure reliable meter measurements, all privately owned meters that have been installed for less than 30 years must be tested periodically and must comply with American Water Works Association Standard C705. A meter installed for 30 years or more, is ineligible for testing and must be replaced. A test certificate must be filed with the water department. The meter test frequency is determined by meter size.
- D. Meter test schedule:

**Meter Size
(Inches)**

Years between Tests

¾	8
1	6
1 ¼	5
1 ½	4
2	4
3	3
4	2
6	1

- E. The City of North Tonawanda reserves the right to require that any water meter test is witnessed by the Plumbing Inspector or Code Enforcement Officer.

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

(5)

Nays: None

(0)

CARRIED.

III. Clerk-Treasurer

August 9, 2017

**Hon. Mayor and Common Council
City Hall, 216 Payne Avenue
North Tonawanda, NY 14120**

Re: East Hill Foundation Grants – 2018

Dear Honorable Body:

We have been advised that the grants for the 2018 year have been approved by the East Hill Foundation for area non-profit organizations, as required under their PILOT agreement with the City of North Tonawanda. As you know, the grants must total \$50,000, per the Agreement dated July 1, 2012, and these grants represent year six of the multi-year Agreement.

04	Sewer Fund	57,726.03
06	Capital Project Fund	<u>201,503.90</u>
00	Final Total	\$ <u>991,696.07</u>

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

VII.2 Accountant

August 10, 2017

Honorable Arthur G. Pappas, Mayor
 And Common Council
 City Hall
 North Tonawanda, NY 14120
 Dear Honorable Body:

In accordance with Section 2.2 of the Budgetary Transfer Policy, please authorize the City Accountant to make the following budget amendment of fiscal year 2017 revenues and appropriations, based on the requests of Department Heads:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>Amend Revenue Account</u>	<u>Amend Appropriation Account</u>
4	\$18,520.00	1.1000.3310 State Aid - Police	1-3120.245 Federal/State Grant

Explanation: To amend the 2017 Budget for the purpose of recording a grant from the Division of Criminal Justice Services for Police Protective Equipment Program. This grant is 100% reimbursable with a zero impact on the 2017 budget (see attached).

Very truly yours,
 Mark W. Dotterweich
 City Accountant

MOVED by Alderman Berube **SECONDED** by Alderman Braun
 That the Common Council hereby authorizes the City Accountant to make the following budget amendment of fiscal year 2017 revenues and appropriations, based on the request of the Department Head:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>Amend Revenue Account</u>	<u>Amend Appropriation Account</u>
4	\$18,520.00	1.1000.3310 State Aid - Police	1-3120.245 Federal / State Grant

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

VII.3 Accountant

August 10, 2017

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

Dear Honorable Body:

08-15-2017

In Accordance with Article V, Division 2, Section 5.023 and Section 2.2 of the Budgetary Transfer Police, please authorize the City Accountant to make the following transfers of fiscal year 2017 appropriations, based on the request of the Department Head, dopy attached:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>From: Revenue Account</u>	<u>Into: Appropriation Account</u>
8	7,200.00	1-1990.410 Contingent Account	1-3135.440 Accounting Contractual Account
9	9,800.00	2-889 Misc. Restriction Account	2-8320.420 Repairs & Maintenance Account

Very truly yours,
 Mark W. Dotterweich
 City Accountant

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro
 That the Common Council hereby authorizes the City Accountant to make the following Budgetary Transfer of fiscal year 2017 appropriations, based on the request of the Department Head:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>From: Revenue Account</u>	<u>Into: Appropriation Account</u>
8	7,200.00	1-1990.410 Contingent Account	1-3135.440 Accounting Contractual Account
9	9,800.00	2-889 Misc. Restriction Account	2-8320.420 Repairs & Maintenance Account

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

X. Police Chief

July 28, 2017

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

Dear Honorable Body:

I intend on promoting Lieutenant Karen Smith to the rank of Captain to fill the vacant Patrol Captain position.

I would like to do this on Thursday August 3, 2017 at 10:00AM with an effective date of Friday August 4, 2017.

Would you be available at that time to administer the oath?

Thank you.

Roger R. Zgolak
 Chief of Police

MOVED by Alderman Zadzilka SECONDED by Alderman Glatz
 That the Common Council hereby approves the appointment of Karen Smith to the position of Patrol Captain for the North Tonawanda Police Department with an effective date of August 4, 2017.

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

XXV. Monthly Reports**.1 Clerk-Treasurer .2 Senior Citizen Center**

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

XXVI. Semi-Annual Vacation & Sick Leave Reports**.1 Police Department**

MOVED by Alderman Braun SECONDED by Alderman Berube
That the Common Council hereby, approves the aforementioned Semi-Annual Vacation and
Sick Leave 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: Removal from Volunteer Fire Rolls**Dear Mayor & Council:****Please remove this name from the North Tonawanda Volunteer Fire Department Fire Roll:****Dennis R. Kessinger**

He joined Columbia Hook & Ladder December 5, 2001, and was probably placed on the Fire
Roll December 2001, or January 2002. He resigned from the Fire Company August 1, 2017.

Respectfully yours,
David L. Evans
Recording Secretary

MOVED by Alderman Pecoraro SECONDED by Alderman Glatz
That the Common Council hereby approve the removal of Dennis R. Kessinger from the
North Tonawanda Fire Rolls.

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

Richard Andres, Jr.
Donna Braun

August 8, 2017

Honorable Mayor Arthur Pappas
and Common Council Members
216 Payne Ave. - City Hall

08-15-2017

North Tonawanda, NY 14120

Dear Honorable Body:

Flix in the Park will be happening for the 4th year, on August 18th and September 1st. In order to make this free event successful we would ask the city to waive the park fees for Pinewoods Park. Also ask for assistance from our City's Auxiliary Police personnel. Pending approval of the Common Council the following dates of this event.

August 18th & September 1st

- Auxiliary Police to patrol park during the event
- Special Event Garbage totes
- Barricades to both entrances to the park.
- Use of both pavilions at Pinewoods Park from 4pm – 11pm
- Use of bathroom facilities at the park

Thank you for your consideration on this matter, please forward any questions to Legislator Richard L. Andres or Alderwoman Donna L. Braun.

Sincerely,
Richard L. Andres, Jr.
Donna L. Braun

MOVED by Alderman Pecoraro **SECONDED** by Alderman Zadzilka
That the Common Council hereby grants permission to waive the park fees for Pinewoods Park for the Flix in the Park Movie Event August 18th & September 1st, and also directs the Department of Public Works, Police Department and Recreation Department to provide the aforementioned accommodations for said events.

Ayes: Alderman Berube, Glatz, Pecoraro, Zadzilka (4)
Nays: None (0)
Abstained: Braun (1)
CARRIED.

C.
St. Mary & St. Moses
Coptic Orthodox Church

August 10, 2017

To whom it may concern:

God willing, from August 25th to the 27th, St. Mary and St. Moses Coptic Orthodox Church in the City of North Tonawanda will be holding its 9th Annual Egyptian Festival. I am writing to you to permit us to hang the festival banner along Payne Avenue from August 15th to August 25, 2017.

We are very grateful for your support. Should you have any questions or concerns, please feel free to contact me.

Sincerely,
Father Mark Iskander

MOVED by Alderman Braun **SECONDED** by Alderman Zadzilka
That the Common Council hereby grants permission to St. Mary & St. Moses Coptic Orthodox Church to hang a banner on Payne Avenue August 16th – August 25th to promote their 9th Annual Egyptian Festival, and directs the Department of Public Works to install said banner.

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

D.
Evelyn Zupo

August 10, 2017

To: North Tonawanda Common Council

Dear Sirs,

In regards to "Tonawanda's Heritage Tour" please consider allowing the North Tonawanda DPW to produce 26 signs to be placed prominently at historic sites around the Tonawanda's.

This project is very important to the community and many partners including the City of Tonawanda, Partners in Art, and The Chamber of Commerce to name a few have contributed. Upon completion it will be something for all of us to be proud of.

Your help will be greatly appreciated!

Sincerely,
Evelyn M. Zupo / Committee Chair
Tonawanda Heritage Tour

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro
That the Common Council hereby tables the aforementioned request for further information and review.

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

Nays: None (0)

CARRIED.

AUDIENCE PARTICIPATION

Sonia Dusza 123 Miller Street – When I was reading the agreement for the cooperative bid for Water/Wastewater Chemicals I was wondering if we buy chemicals from Riverside Chemicals? This is a good agreement, we save money. Bill Davignon is doing a good job. We are lucky to have him. Who sits on this Budget Committee? When you hold these meetings, will you notify the residents so they can come to them? They used to hold budget meeting on Saturdays for five straight weeks before the budget was passed and residents could come to them and listen. Along with hiring this law firm to assist with "zombie" homes, the most basic thing you can do is enforce your codes. Code enforcement is the most basic thing the City can do. This Grant will help.

Krista Vince Garland 238 Tremont Street – I had an issue with a neighbor having a lot of trash at their curb. The DPW was not able to get to it because a car was parked in front of it when they came earlier. I called the DPW talked to a "Jim" and within 15 minutes they were back and picking the trash up. I want to thank them for a good job.

Joseph Kissel 950 East Robinson Street – Who is designing the Historic Site signs that would be going around the City?

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: 7:17 P.M.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel R. Quinn". The signature is written in a cursive style with a long horizontal flourish at the end.

Daniel R. Quinn
City Clerk-Treasurer