

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, March 6, 2018
6:36 P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT ZADZILKA

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Absent: None

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

AUDIENCE PARTICIPATION

BJ Vandewater 1098 Nash Road – I support the concept of the Land Bank. The Land Bank is just starting to get organized. But it seems like, that from their first meeting they are not ready. They are only using two models, the Erie County model and Chautauqua County model. It would seem we should be using other models like some from Central New York. They don't have any crisply defined criteria. The Land Bank is not ready. The municipalities are not ready. I would suggest tabling "the removal of the properties from the In-Rem". The properties should be placed in the In-Rem.

Sonia Dusza 123 Miller Street – The Land Bank is an important issue. Improving the neighborhoods is good. The agenda item that has to do with dogs only deals with the Market, correct? In regards to the property that is being rezoned, were the people around it notified? The Historic Preservation Committee should have someone from Community Development do the clerical work.

Joseph Fonzi 609 Christiana Street – We need an administrative assistant. We should have someone from the City act as an administrative assistant.

Rich Andres 748 Goundry Street – I would like to thank the City for being forward thinkers when it comes to the Land Bank. I would like to thank you for buying in. We all need to work together.

APPROVAL OF THE MINUTES OF THE REGULAR SESSION FEBRUARY 20, 2018

MOVED by Alderman Zadzilka SECONDED by Alderman Berube
That the minutes of the regular session meeting held February 20, 2018 be approved as
circulated and filed in the Office of the City Clerk.
CARRIED.

PROOF OF PUBLICATION PUBLISHED FEBRUARY 21, 2018

- 1) Legal Notice – Estoppel Notice for the 2018 Bond Resolution– City Clerk-Treasurer

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

COMMUNICATIONS FROM CITY OFFICIALS

II. Attorney

February 15, 2018

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

Re: Proposed Amendment to North Tonawanda City Code
Chapter 33 - DOGS

Dear Honorable Body:

Below, for your consideration, is a proposed amendment to the North Tonawanda City Code, Section 33- DOGS. The addition recommended is a result of ongoing issues arising at the North Tonawanda Farmers Market, and appears below in bold type.

“Chapter 33 – DOGS

33.2 Prohibitions

It shall be unlawful for any owner of a dog in the City of North Tonawanda to permit or allow such dog to:

- I. **Be on North Tonawanda Farmers Market premises, located on Robinson Street, during normal Farmers Market business hours.**

If your Honorable Body concurs, please pass a resolution to amend the North Tonawanda City Code, Section 33 - DOGS, subject to any further review by the City Attorney. Should you have any questions, please do not hesitate to contact me.

Very truly yours,
Luke A. Brown
City Attorney

MOVED by Alderman Pecoraro SECONDED by Alderman Braun
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 March 6, 2018 the following resolution was passed and reads as follows:

“Chapter 33 – DOGS

33.2 Prohibitions

It shall be unlawful for any owner of a dog in the City of North Tonawanda to permit or allow such dog to:

- I. **Be on North Tonawanda Farmers Market premises, located on Robinson Street, during normal Farmers Market business hours.**

Subject to review by the City Attorney

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

III.1 Clerk-Treasurer

January 24, 2018

Mayor and Common Council
 216 Payne Ave. – City Hall
 North Tonawanda, NY 14120

Re: Rezone 576 Walck Road to C2 from R1-2

Dear Mayor and Common Council:

I am asking that the Common Council rezone 576 Walck Road to a C2 from a R1-2. There has been some interest in purchasing 576 Walck Road, in particular a company that would like to use this building for their landscaping/snowplowing business. I have reached out to Building Inspector Cosimo Capozzi, City Engineer Dale Marshall, and City Assessor Barbara Klenke in regards to this change and none of them have a problem with this.

Regards,
 Daniel R. Quinn
 City Clerk-Treasurer

MOVED by Alderman Zadzilka SECONDED by Alderman Tylec
 That the Common Council after holding a public hearing Wednesday February 21, 2018 at 6:00 PM in the Common Council Chambers, approves the rezoning of 576 Walck Road to a C2 from a R1-2.

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

III.2 Clerk-Treasurer

Date: March 6, 2018
 To: Mayor/Common Council
 From: Daniel R. Quinn - City Clerk/Treasurer

Subject: Standard Work Day and Reporting Resolution – 2018

New Regulation 315.4 outlines additional reporting requirements for elected or appointed officials and more clearly defines the process for reporting time worked by those officials.

This regulation became effective August 12, 2009.

I offer the following resolution for your consideration:

BE IT RESOLVED, that the City of North Tonawanda hereby establishes the following as standard work days for elected and appointed officials and will report (see attached) the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these Officials to the Clerk of this body.

Sincerely,
 Daniel R. Quinn
 City Clerk-Treasurer

MOVED by Alderman Zadzilka

SECONDED by Alderman Tylec

BE IT RESOLVED, that the City of North Tonawanda hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these Officials to the Clerk of this body:

2018 Elected/ Appointed Work Schedule City of North Tonawanda New York

ELECTED OFFICIALS:

<u>TITLE</u>	<u>NAME</u>	<u>STANDARD WORKDAY</u>	<u>TERM BEGINS/ENDS</u>	<u>PARTICIPATES IN TIME KEEPING</u>	<u>DAY/MONTH</u>
Mayor	Arthur G. Pappas	7	1/01/18 – 12/31/21	N	20
Clerk-Treasurer	Daniel R. Quinn	7	1/01/16 – 12/31/19	Y	20
Attorney	Luke Brown	7	1/01/18 – 12/31/21	Y	20
2 nd Ward Alderwoman	Donna Braun	6	1/01/16 – 12/31/19	Y	20
Alderman at Large	Robert E. Pecoraro	6	1/01/16 – 12/31/19	Y	20
Alderman at Large	Austin J. Tylec	6	1/01/18 – 12/31/21	Y	20
3 rd Ward Alderman	Eric Zadzilka	6	1/01/16 – 12/31/19	N	20
1 st Ward Alderman	Mark Berube	6	1/01/18 – 12/31/19	N	20

APPOINTED OFFICIALS

Adm. Assistant Mayor's Office	Daniel DiVirgilio	7	2/12/18 – 12/31/21	Y	20
Mayor's Secretary	Ashlee Rydzewski	7	1/01/16 – 12/31/21	Y	20
Asst. City Attorney	Nicholas B. Robinson	6	2/07/17 – 12/31/18	Y	20

Daniel R. Quinn
City Clerk-Treasurer

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

(5)

Nays: None

(0)

CARRIED

III.3 Clerk-Treasurer

February 28, 2018

Mayor and Common Council
216 Payne Ave. – City Hall
North Tonawanda, NY 14120

Re: Land Bank

Dear Common Council:

I am requesting the removal of 250 Miller Street and 526 Oliver Street from the IN-REM Auction occurring on March 10, 2018. Upon removal from the IN-REM, I request the Council consider one or both of these properties for the Land Bank.

Regards,
Daniel R. Quinn
City Clerk-Treasurer

MOVED by Alderman Zadzilka SECONDED by Alderman Braun
That the Common Council hereby removes 250 Miller Street from the appropriate In-Rem proceeding for further consideration, and 526 Oliver Street will be removed from the appropriate In-Rem proceeding due to owner's payment of back taxes.

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

Nays: None (0)

CARRIED.

IV.1 Engineer

February 27, 2018

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

**Re: Project 2017-08: City Hall Skylight Replacement
 Final Project Acceptance**

Dear Honorable Body:

Approval of Change Order No.1 and final acceptance of the City Hall Skylight Replacement Project is hereby requested. The change order, is for the deduction of monies not used in the allowance.

Accordingly, I respectfully request that the Common Council approve Deduct Change Order No.1 for the City Hall Skylight Replacement Project in the amount of \$4,100.00 with Skylights New England, 979 Frost Hill Road, Belmont Vermont 05730; decreasing the contract amount from \$69,200.00; to the final contract amount of \$65,100.00 authorizing the Mayor to sign said change order. Further, that the Common Council accept this project as complete and approve the final payment subject to review by the City Attorney.

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

MOVED by Alderman Tylec SECONDED by Alderman Berube
That the Common Council hereby approves Deduct Change Order No.1 for the City Hall Skylight Replacement Project in the amount of \$4,100.00 with Skylights New England, 979 Frost Hill Road, Belmont Vermont 05730; decreasing the contract amount from \$69,200.00; to the final contract amount of \$65,100.00, and authorizes the Mayor to sign said change order accepting this project as complete, subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

IV.2 Engineer

February 28, 2018

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

Re: 2018 Pedestrian Safety Action Plan (PSAP) Grant Application

Dear Honorable Body:

As you may be aware, the Greater Buffalo-Niagara Transportation Council (GBNRTC) and the New York State Department of Transportation (NYSDOT) have announced the

availability of funding for pedestrian safety projects as identified in the New York State PSAP, June 2016. \$40 million in federal Highway Safety Program funding is available across the state with \$4.72 million designated for NYSDOT Region 5. The application deadline is March 9th, 2018.

Following a review of North Tonawanda's intersections and consultation with various City Officials, we have identified twenty-five (25) intersections where pedestrian safety measures could be implemented. These locations were selected based on a number of factors including project feasibility, project need, and pedestrian safety concerns. The intersections that were main focus were in the Main/Webster Streets corridor and the Payne Avenue corridor. A mix of signalized and uncontrolled intersections are included in this grant application. Under this grant program, safety projects selected will receive 100% financing with zero local matching funds.

At this time, I am requesting that this Honorable Body authorize the Mayor to sign the PSAP Grant application.

Thank you for your consideration.

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

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro
That the Common Council hereby authorizes the Mayor to sign the 2018 Pedestrian Safety Action Plan (PSAP) Grant Application
Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

IV.3 Engineer

February 28, 2018

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

Re: Gateway Park Improvement Proposals

As you are aware, it was announced in October 2017 that the City of North Tonawanda will be the recipient of \$2,500,000 from the New York State Smart Growth Community Fund. This program is intended to support Smart Growth public investments that make downtown communities more pedestrian friendly, accessible, attractive, and dynamic in order to attract new development, support, existing businesses and services, and improve the quality of life for downtown residents. In December 2017, the City also received \$100,000 from the Canal Corporation and \$700,000 from NYSDOS to make improvements to Gateway Park and the Sweeney Canal Wall Docks.

Improvements to Gateway Park include the installation of a new bathroom/storage/harbor master facility, installation of new seating areas, and improvements to the electrical systems at the park.

To complete the Gateway Park Improvements Projects, the City intends to procure the services of a professional engineering firm. This firm's responsibilities will include a public engagement process to solicit ideas and input for North Tonawanda's residents, design of the identified improvements, and implementation assistance through the construction and installation stages.

A request for proposals was issued in January 2018 and the City received six proposals from professional firms. A review committee was convened with representation from the City Council, City Engineering, Community Development Office, Lumber City Development

Corporation, Parks and Recreation, and City Accounting, to review the proposals and provide a recommendation to the Council.

Upon review the committee is recommending the City select the proposal submitted by Nussbaumer & Clarke, Inc. Nussbaumer is a local firm with experience engineering design. The review committee felt the team assembled by Nussbaumer demonstrated the experience, creativity, and capacity to complete this project for the City at a reasonable fee.

I am hereby requesting this Honorable Body consider selecting Nussbaumer & Clarke, Inc. to complete the Gateway Park Improvements Project and authorize the Mayor to sign a contract with Nussbaumer, pending review and approval by the City Attorney, for the proposed fee of \$77,500.

Please let me know if you have any further questions or concerns. Thank you for your consideration.

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

MOVED by Alderman Pecoraro SECONDED by Alderman Tylec
That the Common Council hereby approves of Nussbaumer & Clarke, Inc. to complete the Gateway Park Improvements Project for the proposed fee of \$77,500, and authorizes the Mayor to sign said contract, subject to further review by the City Attorney.

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

VII.1 Accountant

February 28, 2018

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 March 6, 2018 and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Regards,
Amanda Reimer
City Accountant

MOVED by Alderman Braun SECONDED by Alderman Zadzilka
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated March 6, 2018 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$297,973.06
02	Water Fund	25,161.60
04	Sewer Fund	72,736.34
06	Capital Project Fund	<u>2,459.00</u>
00	Final Total	<u>\$398,330.00</u>

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

(5)

Nays: None

(0)

CARRIED.

VII.2 Accountant

February 13, 2018

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 2018 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>
5	\$5,500	001.3120.0246 Child Passenger Safety	001.1000.4389 Other Public Safety
6	\$10,030	001.3120.0100 Police_Personal Services	001.1000.4390 Other Public Safety

Regards,
Amanda Reimer
City Accountant

MOVED by Alderman Pecoraro SECONDED by Alderman Berube
That the Common Council hereby authorizes the City Accountant to make the following Budgetary Transfers of fiscal year 2018 appropriations, based on the request of the Department Head:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>From: Appropriation Account</u>	<u>Into: Appropriation Account</u>
5	\$5,500	001.3120.0246 Child Passenger Safety	001.1000.4389 Other Public Safety
6	\$10,030	001.3120.0100 Police_Personal Services	001.1000.4390 Other Public Safety

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

(5)

Nays: None

(0)

CARRIED.

XXV. Monthly Reports

.1 Clerk-Treasurer .2 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.
Historic Preservation Commission

February 21, 2018

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

Honorable Body:

Members of the Historic Preservation Commission (HPC) met with the Mayor previously to request an administrative assistant be assigned to assist with tasks such as taking meeting minutes, filing the necessary paperwork with the required offices, and providing general support to the Commission. The needs of the HPC are similar to those of the Planning Board and Zoning Board of Appeals. These boards receive administrative support through the clerk's office, however no individual currently employed by the City was able to take or interested in the position. Therefore, it was agreed that the HPC could seek out an individual to fill this role and a \$50/month stipend would be provided by the City.

The Commission has identified Kristin Derby of Niagara Street and is requesting the Common Council to open a new budget line for the \$50/month stipend. Kristin is available to begin her role effective March 19, 2018 pending Common Council approval.

Sincerely,
Amber Holycross
NT Historic Preservation Commission
Co-Chairperson

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

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

B.
Marine Corps League

February 21, 2018

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

Dear Honorable Body:

The Conrad F. 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 11, 2018 from 9:00AM to 2:00PM for our summer picnic. We are expecting many Marines to attend this year's picnic from the stern New York area.

Sincerely,
Paul T. Schultz
Commandant

MOVED by Alderman Pecoraro **SECONDED** by Alderman Tylec
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 11, 2018.

3-06-2018

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

(5)

Nays: None

(0)

CARRIED.

AUDIENCE PARTICIPATION

Krista Vince Garland 238 Tremont Street – I would like to thank you guys for the great thing going on around the City. My husband and I went to the Mayors Ball and the Police Beer and Wine event and they were great.

Sonia Dusza 123 Miller Street – The public meeting last week was very good. All the comments were good. The arterial put a knife through the City. It divided East from West. This is one of the reasons why we need a City Planner. Things like this would not have happened. I think it is unfair when someone can make a comment and you cannot respond. This is a form of bullying. Other municipalities allow dialogue.

Dennis O’Sullivan 192 Walter Drive – I would like to thank the City for starting the process of putting in lights on Walter Drive.

Dennis Garland 238 Tremont Street – I think it would be a great idea to post the meeting procedures on the website.

ADJOURNMENT

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

Time of Adjournment: 7:24 P.M.

Respectfully submitted,



Daniel R. Quinn
City Clerk-Treasurer