

**THE HONORABLE BODY**  
**Council Chambers**  
**Municipal Building**  
**North Tonawanda, New York 14120**  
**Tuesday, August 21, 2018**  
**6:35 P.M.**

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**REGULAR SESSION CALLED TO ORDER BY PRESIDENT ZADZILKA**

**PLEDGE OF ALLEGIANCE**

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**ROLL CALL**

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

**Absent: None**

**Also Present: Mayor Arthur G. Pappas**  
**Assistant City Attorney Nick Robinson**

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**AUDIENCE PARTICIPATION**

**Sonia Dusza 123 Miller Street – On the agenda, why did Dave Kenyon resign? In regards to the SEQR for the standby generator, why did that have to be completed? Mr. Davignon, you are doing a good job. I have to agree with Mr. Tylec, the lowest bid is not always the best bid. How come we have no minutes for the Historic Preservation committee, Traffic Safety or older minutes for the Council, ZBA or Planning Commission posted online? We need to enforce code enforcement.**

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**APPROVAL OF THE MINUTES OF THE SPECIAL SESSION AUGUST 14, 2018**

**MOVED by Alderman Zadzilka      SECONDED by Alderman Tylec**  
**That the minutes of the special session meeting held August 14, 2018 be approved as circulated and filed in the Office of the City Clerk.**  
**CARRIED.**

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**PROOF OF PUBLICATION PUBLISHED 8/01/2018**

- 1) Legal Notice –Invitation for Bids for Liquid Alum for the Water Treatment Plant– Supt. Wastewater/Water**

**PROOF OF PUBLICATION PUBLISHED 8/03/2018**

- 1) Legal Notice – Public Information Session to review proposed designs for improvements to Gateway Harbor Park – Director of Community Development**

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

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## COMMUNICATIONS FROM CITY OFFICIALS

### #1. David Kenyon

August 15, 2018

Mayor Arthur G. Pappas  
City Hall  
216 Payne Avenue  
North Tonawanda, NY 14120

Re: Resignation from the City of North Tonawanda Planning Commission

Dear Mayor Pappas:

For a variety of reasons I am writing to notify you that effective immediately I hereby resign from the North Tonawanda Planning Commission after nine years of service to the City.

I thank you for the opportunity, as it was a pleasure serving with the various board members and city officials over the years. Unfortunately I am unable to continue to serve in any capacity.

Very truly yours,  
David Kenyon

MOVED by Alderman Braun                      SECONDED by Alderman Zadzilka  
That the Common Council hereby receives and files the resignation of David Keyon from the City of North Tonawanda Planning Commission, effective August 22, 2018.  
Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka                      (5)  
Nays: None                      (0)  
CARRIED.

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### III. Clerk-Treasurer

August 6, 2018

Hon. 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 their tax agreement with the City, for the following parcel:

181.27-2-10                      97 Felton Street                      Dawn Heigl

Therefore, please pass the necessary resolution withdrawing this parcel from the appropriate In Rem proceeding.

Thank you for your cooperation.

Very truly yours,  
Daniel R. Quinn  
City Clerk-Treasurer



MOVED by Alderman Berube                      SECONDED by Alderman Pecoraro  
That the Common Council hereby approves the removal of the following parcel:

181.27-2-10              97 Felton Street              Dawn Heigl

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, Pecoraro, Tylec, Zadzilka (5)

Nays: None (0)

CARRIED.

V.1a Supt. Wastewater/Water

August 15, 2018

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

Re: Approval for Nussbaumer & Clarke to apply for NYS Clean Water  
Infrastructure Act of 2018 Grant funds

Honorable Body:

Attached is a cost estimate from Nussbaumer & Clarke to replace the Water Filtration Plant Backup Power Generator. I asked them to prepare this estimate so we could apply for *NYS Clean Water Infrastructure Act of 2017* Grant funding.

Since the project began in 2017 we have added new electrical construction and replacement of the outdated underground Diesel Tank & Fuel System. This has increased the cost of this project resulting in a revised total of \$2,813,367.

The *NYS Clean Water Infrastructure Grant* allows for up to 60% reimbursement of the total project cost which will be \$1,688,020 in Grant funding. The net cost to the City will then be \$1,125,346.

City Staff Accountant Amanda Reimer has already set aside \$4,400,000 in the 2018 Water Filtration Plant Capital Reserve Fund for this project which will cover the City's portion of the cost.

It is imperative that we undertake this project due to the importance of our ability to provide an uninterrupted public water supply for drinking water and fire protection to our residents during a power outage or catastrophic event.

The Grant application requires you to take appropriate legislative action at the August 21, 2018 Council Meeting in order to meet the September 7, 2018 Grant Funding application deadline.

Therefore, I respectfully ask for your approval to expand the funds necessary to complete this project and approval for Nussbaumer & Clarke to apply for this Grant on the City's behalf.

Thank you in advance for your support of this very important project.

Sincerely,  
William M. Davignon  
Superintendent Wastewater/Water

MOVED by Alderman Pecoraro                      SECONDED by Alderman Zadzilka  
That the Common Council hereby approves the funds necessary to replace the Water Filtration Plant Backup Power Generator, and grants permission to Nussbaumer & Clarke to apply for the NYS Clean Water Infrastructure Grant on the City's behalf, for said project.  
Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka (5)

08-21-2018



Nays: None  
CARRIED.

(0)

**V.1b Supt. Wastewater/Water**

**Clerk-Treasurer  
Honorable Mayor & Common Council  
216 Payne Avenue – City Hall**

**RE: SEQR Determination for the City of North Tonawanda Standby Generator  
And Variable Frequency Drives Replacement Project**

**MOVED by Alderman Berube                      SECONDED by Alderman Tylec  
That the Common Council at a regular session meeting, held at City Hall, 216 Payne Avenue,  
North Tonawanda, New York at 6:30PM on August 21, 2018 the following resolution was  
passed:**

**SEQR Determination for the City of North Tonawanda Standby Generator  
And Variable Frequency Drives Replacement Project**

**WHEREAS**, the City of North Tonawanda (City) is planning a Standby Generator and Variable Frequency Drive Replacement Project at the Water Treatment Plant located at 1 Archer Street; and

**WHEREAS**, the Drinking Water Infrastructure Improvement Act (WIIA) authorizes the New York State Environmental Facilities Corporation (NYSEFC) to provide grants to eligible Municipal Drinking Water Projects; and

**NOW, THEREFORE, BE IT RESOLVED** that the City of North Tonawanda hereby determines that the proposed Emergency Generator Variable Drive Replacement Project at the City of North Tonawanda Water Treatment Plant is a Type II action in accordance with NYCRR Section 617.5 of the New York State Department of Environmental Conservation Rules and Regulations for State Environmental Quality Review (SEQR). 6 CRR-NY 617.5 (C)(2) states:

“replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of the Part.”

As this is a replacement of the existing generator and VFD’s, no further SEQR review is required.

**Subject to further review by the City Attorney.**

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

**(5)**

**Nays: None**

**(0)**

**CARRIED.**

**V.1c Supt. Wastewater/Water**

**Clerk-Treasurer  
Honorable Mayor & Common Council  
216 Payne Avenue – City Hall**

**RE: Authorization to execute a Grant Agreement for the City of North Tonawanda  
Standby Generator and Variable Frequency Drive Replacement Project**

**MOVED by Alderman Zadzilka                      SECONDED by Alderman Pecoraro  
That the Common Council at a regular session meeting, held at City Hall, 216 Payne Avenue,  
North Tonawanda, New York at 6:30PM on August 21, 2018 the following resolution was  
passed:**

**Authorization to execute a Grant Agreement for the City of North Tonawanda  
Standby Generator and Variable Frequency Drive Replacement Project**



**WHEREAS**, the City of North Tonawanda (City) is planning a Standby Generator and Variable Frequency Drive Replacement Project at the Water Treatment Plant located at 1 Archer Street; and

**WHEREAS**, the Drinking Water Infrastructure Improvement Act (WIIA) authorizes the New York State Environmental Facilities Corporation (NYSEFC) to provide grants to eligible Municipal Drinking Water Projects; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor is authorized to apply for and execute a Grant Agreement with the NYS Environmental Facilities Corporation and any all contracts, documents and instruments necessary to bring about the Project to fulfill the City’s obligations under the Water Infrastructure Improvement Act agreement.

**Subject to further review by the City Attorney.**

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

**Nays: None (0)**

**CARRIED.**

**V.1d Supt. Wastewater/Water**

**Clerk-Treasurer  
Honorable Mayor & Common Council  
216 Payne Avenue – City Hall**

**RE: Authorization for appropriation of funds for the City of North Tonawanda Standby Generator and Variable Frequency Drive Replacement Project**

**MOVED by Alderman Tylec                      SECONDED by Alderman Braun  
That the Common Council at a regular session meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30PM on August 21, 2018 the following resolution was passed:**

**Authorization for appropriation of funds for the City of North Tonawanda Standby Generator and Variable Frequency Drive Replacement Project**

**WHEREAS**, the City of North Tonawanda (City) is planning a Standby Generator and Variable Frequency Drive Replacement Project at the Water Treatment Plant located at 1 Archer Street; and

**WHEREAS**, the Drinking Water Infrastructure Improvement Act (WIIA) 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 totaling \$1,688,020; and

**NOW, THEREFORE, BE IT RESOLVED** that the City authorizes and appropriates 40% of the proposed project as required by the WIIA grant application for the Standby Generator and VFD 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 \$1,125,347 based upon a total estimated project cost of \$2,813,367. 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, Pecoraro, Tylec, Zadzilka (5)**

**Nays: None (0)**

**CARRIED.**



## V.2 Supt. Wastewater/Water

August 14, 2018

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

Re: Project 2017-12: Water Treatment Plant Brick Pointing and Masonry  
 Repairs – Change Orders #1 & #2 and Final Project Acceptance

Dear Honorable Body:

Approval of Change Order Nos. 1 & 2 and final acceptance of the North Tonawanda Water Treatment Plant (WTP) Brick Pointing and Masonry Repairs Project is hereby requested. Change Order No.1 represents the additional work required to repoint some interior walls of the Pump Station Building, some areas of the North elevation of the Pump Station Building, and replacement of window lintels on the South elevation of the Filter Building. Change Order No.2 is for additional masonry repairs to the East Elevation of the Filter Building and West Elevation of the Chemical Building.

Accordingly, I respectfully request that the Common Council approve Change Order No.1 for the WTP Brick Pointing and Masonry Repair Project in the amount of \$14,552.00 and Change Order No.2 for the WTP Brick Pointing and Masonry Repair Project in the amount of \$26,350.00 with Morris Masonry Restoration, LLC, 441 Bailey Avenue, Buffalo, NY 14210; increasing the contract amount from \$77,455.00 to the final contract amount of \$118,357.00; authorizing the Mayor to sign said change order. Further, that the Common Council accepts this project as complete and approve the final payment subject to review by the City Attorney.

Very truly yours,  
 William Davignon  
 Superintendent of Wastewater/Water

MOVED by Alderman Zadzilka                      SECONDED by Alderman Berube  
 That the Common Council hereby approves Change Order No.1 for the WTP Brick Pointing and Masonry Repair Project in the amount of \$14,552.00 and Change Order No.2 for the WTP Brick Pointing and Masonry Repair Project in the amount of \$26,350.00 with Morris Masonry Restoration, LLC, 441 Bailey Avenue, Buffalo, NY 14210; increasing the contract amount from \$77,455.00 to \$118,357.00; and accepts Project 2017-12 as complete and directs the Mayor to sign said change orders, subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

## V.3 Supt. Wastewater/Water

August 16, 2018

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

Re: Award of Aluminum Sulfate Bid for the Water Treatment Plant

Honorable Body:

On August 14, 2018 three (3) bids were received and opened for the provision of Aluminum Sulfate to the Water Treatment Plant.

Based upon these bids, I would like your approval of Thatcher Company of New York, Inc.,



P.O. Box 27407, Salt Lake City, UT 84127-0407, at the low one (1) year bid rate of \$294.73 / ton.

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

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

Sincerely,  
William Davignon  
Superintendent of Wastewater/Water

**MOVED** by Alderman Pecoraro      **SECONDED** by Alderman Tylec  
That the Common Council hereby awards the bid for Aluminum Sulfate for the Water Treatment Plant to Thatcher Company of New York, Inc., P.O. Box 27407, Salt Lake City, UT 84127-0407, at the low one (1) year bid rate of \$294.73 / ton., subject to further review by the City Attorney.

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

Nays: None (0)

**CARRIED.**

**VII.1 Accountant**

August 15, 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 August 21, 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 Zadzilka      **SECONDED** by Alderman Braun  
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated August 21, 2018 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$629,823.85
02	Water Fund	32,435.31
04	Sewer Fund	218,945.01
06	Capital Project Fund	304,268.25
07	Trust & Agency Fund	10.00
87	CD – Imprest	<u>50,596.00</u>
00	Final Total	<u>\$1,236,078.42</u>

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

Nays: None (0)

**CARRIED.**

## VII.2 Accountant

August 15, 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>Increase Expenditure Account</u>	<u>From Reserve/Appropriation Account</u>
13	\$48,000	001.5110.0240, Street Maintenance Equip	001.5110.0421, Road Resurfacing
14	\$10,000	001.9050.0806, Unemployment Insurance	001.0863.0000, Insurance Reserve

Regards,  
Amanda Reimer  
City Accountant

**MOVED** by Alderman Pecoraro                      **SECONDED** by Alderman Zadzilka  
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>Increase Expenditure Account</u>	<u>From Reserve/Appropriation Account</u>
13	\$48,000	001.5110.0240, Street Maintenance Equip	001.5110.0421, Road Resurfacing
14	\$10,000	001.9050.0806, Unemployment Insurance	001.0863.0000, Insurance Reserve

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

## XXV. Monthly Reports

.1 Clerk-Treasurer                      .2 Police Department

**MOVED** by Alderman Berube                      **SECONDED** by Alderman Pecoraro  
That the Common Council hereby, approves and receives and files the aforementioned Monthly Report.  
CARRIED.

## XXVI. Semi-Annual Vacation &amp; Sick Day Reports

.1 Police Department

**MOVED** by Alderman Pecoraro                      **SECONDED** by Alderman Tylec  
That the Common Council hereby, approves and receives and files the aforementioned Annual Report.  
CARRIED.



## COMMUNICATIONS FROM OTHERS

A.  
Historic Preservation Comm.

August 8, 2018

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

Honorable Body:

The Historic Preservation Commission (HPC) is requesting that the Common Council review the enclosed proposal from KTA Preservation, to complete the National Register Nomination for the Lumber Baron District. If acceptable, we request that the Mayor sign the proposal and return it to Amber Holycross at his earliest convenience.

The proposal includes an outline of the full scope of work to be performed. The fee of \$12,685 will be paid in full via the 2 grants secured by the City.

Sincerely,  
Amber Holycross

MOVED by Alderman Braun                      SECONDED by Alderman Tylec  
That the Common Council hereby approves of the enclosed proposal from KTA Preservation, to complete the National Register Nomination for the Lumber Baron District, and directs the Mayor to said proposal. Subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

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

August 8, 2018

To whom it may concern,

God willing, from August 24<sup>th</sup> to the 26<sup>th</sup>, St. Mary and St. Moses Coptic Orthodox Church of the Buffalo-Niagara area will be holding its 10<sup>th</sup> Annual Egyptian Festival. Our Festival will include delicious authentic Egyptian food and desserts, pharaonic Art, Christian gifts, tours of the church & its history, fun for the kids, and much more.

We are therefore reaching out to seek permission to display a banner on Payne Ave. to advertise this event. The banner is to be set up by the City of North Tonawanda Public Works. The banner is generally displayed several weeks prior to the event, running through the end of the event if possible.

We hope to receive permission to establish hanging the banner in order to allow our festival, and the town to flourish.

Please contact me with any questions or concerns.

Sincerely,  
Thomas Gadelrab  
Festival Volunteer

MOVED by Alderman Berube                      SECONDED by Alderman Braun  
That the Common Council hereby grants permission to St. Mary & St. Moses Coptic Orthodox Church to hang a banner on Payne Avenue August 14<sup>th</sup> – August 27<sup>th</sup> to promote their Annual Egyptian Festival, and directs the Department of Public Works to install said banner.

08-21-2018



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

(5)

Nays: None

(0)

CARRIED.

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#### AUDIENCE PARTICIPATION

John Lukaski 454 Schenck Street – The other day I was sitting on my porch in the evening watching 5 deer in Pinewoods Park, when a car drove up and let their dog out to chase the deer. Is there not a leash law? I am against registering cats.

Zack Niemiec 384 Robinson Street – I would like to give support to Bill Davignon and all the work he is completing. We owe him a thank you.

Sonia Dusza 123 Miller Street – I would like to remind you for the welfare and good of the community, that if you look at the minutes the videos say zero. You have no minutes posted for the ZBA for the past years. We should have more than a couple of years posted. I am once again calling for code enforcement for the City. We need a survey for dogs and cats in the City. The cats should be registered to the owner. You need to hold the cat owners responsible. It would be an improvement in the quality of life if you did a dog and cat censuses.

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#### ADJOURNMENT

MOVED by Alderman Pecoraro

SECONDED by Alderman Berube

That this regular session of the Common Council be and hereby is adjourned.

CARRIED.

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Time of Adjournment: 7:42 P.M.

Respectfully submitted,



Daniel R. Quinn  
City Clerk-Treasurer