

**THE HONORABLE BODY**  
**Council Chambers**  
**Municipal Building**  
**North Tonawanda, New York 14120**  
**Tuesday, November 20, 2018**  
**6:30 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, Tylec, Pecoraro**

**Absent: None**

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

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**AUDIENCE PARTICIPATION**

**Sonia Dusza 123 Miller Street** – Can you address the contract extension for Zombie Property Prevention/Remediation service proposal and what does the \$18,055.95 get us. I have been asking for code enforcement since the early 1960's. We need to have bodies in our departments taking care of issues, not zombie homes. The banks have enough money to handle these Zombie homes themselves. It seems like we are helping the banks not ourselves. People do need help with finances, but I have a problem with us doing the banks job.

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**APPROVAL OF THE MINUTES OF THE SPECIAL SESSION NOVEMBER 15, 2018**

**MOVED** by Alderman Zadzilka      **SECONDED** by Alderman Berube  
That the minutes of the special session meeting held November 15, 2018 be approved as circulated and filed in the Office of the City Clerk.  
**CARRIED.**

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**PROOF OF PUBLICATION PUBLISHED 10/31/2018**

- 1) Legal Notice – Public Hearing to review the 2019 Preliminary Budget – City Clerk-Treasurer

**PROOF OF PUBLICATION PUBLISHED 11/08/2018**

- 1) Legal Notice – Request for Proposals for Ferric Chloride System Replacement at the Wastewater Treatment Plant – Supt. Wastewater/Water

**PROOF OF PUBLICATION PUBLISHED 11/09/2018**

- 1) Legal Notice – Request for Proposals for the Wastewater Treatment Plant Main Building Roof “A” – Supt. Wastewater/Water

**PROOF OF PUBLICATION PUBLISHED 11/10/2018**

- 1) Legal Notice – Common Council Workshop Agenda for November 13, 2018 – City Clerk-Treasurer

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

**COMMUNICATIONS FROM CITY OFFICIALS**

**II. Attorney**

**October 17, 2018**

**Honorable Arthur G. Pappas, Mayor**  
**And Common Council**  
**216 Payne Avenue**  
**North Tonawanda, NY 14120**

**Dear Honorable Mayor Pappas and Common Council:**

Recently the Building Department has brought to my attention a concern of illegal chicken coops and cages throughout the City of North Tonawanda. Section 57 of the North Tonawanda City Code – Livestock, lays out how to properly go about receiving a permit for a Chicken Coop. This section also lays out the penalties for not getting the proper paperwork.

Due to the concern from citizens and the Building Department I recommend changing the penalty of this section of the code if the procedures are not followed. Currently the code reads as follows:

**§57-8. Penalties**

Any person, firm or corporation violating any provisions of this ordinance shall be guilty of an offense and, upon conviction, be punished by a fine of not more than \$50 or by imprisonment for not more than six months, or by both.

**I recommend the following changes:**

**§57-8. Penalties**

Any person, firm or corporation violating any provisions of this ordinance shall be guilty of an offense and, upon conviction, be punished by a fine of not more than \$50 per day for each offense or by imprisonment for not more than six months, or by both.

**Attached I have included the pertinent section. Should you have any questions or comments, please do not hesitate to contact me.**

**Yours truly,**  
**Nicholas B. Robinson**  
**Assistant City Attorney**

**MOVED by Alderman Zadzilka                                      SECONDED by Alderman Tylec**  
**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 November 20, 2018 the following amendment to City Code Chapter 57 Livestock §57-8. Penalties was passed and reads as follows:**

**§57-8. Penalties**

Any person, firm or corporation violating any provisions of this ordinance shall be guilty of an offense and, upon conviction, be punished by a fine of not more than \$50 per day for each offense or by imprisonment for not more than six months, or by both.

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

**Nays: None** (0)

**CARRIED.**

**IV.1 Engineer**

November 13, 2018

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

Re: Project 2018-01 Gateway Park Improvements Project General Contract  
 Award of Contract

Dear Honorable Body:

On October 9, 2018, five bids were received and opened by the City Clerk for the Gateway Park Improvements Project General Contract. The results are as follows:

Base Bid:

- |                                    |                |
|------------------------------------|----------------|
| 1. Willett Builders, Inc.          | \$825,000.00   |
| 2. Montante Construction           | \$1,058,865.00 |
| 3. Hayes Construction Services     | \$1,071,000.00 |
| 4. Sicoli Construction Services    | \$1,089,400.00 |
| 5. Oddo Construction Services, LLC | \$1,176,369.00 |

Base Bid and Add Alternate:

- |                                    |                |
|------------------------------------|----------------|
| 1. Willett Builders, Inc.          | \$847,000.00   |
| 2. Montante Construction           | \$1,056,865.00 |
| 3. Hayes Construction Services     | \$1,069,000.00 |
| 4. Sicoli Construction Services    | \$1,091,900.00 |
| 5. Oddo Construction Services, LLC | \$1,174,369.00 |

The Engineering Department and the City's Engineering Consultant, Nussbaumer & Clarke, Inc., have reviewed the bid results and are recommending award of the General Contract. Accordingly, I respectfully request that the Common Council award the Gateway Park Improvements Project General Contract to Willett Builders, Inc., 180 Genesee Street, Corfu, NY 14036, at their low Base Bid amount of \$825,000.00; authorizing the Mayor to sign said contract subject to review by the City Attorney.

Very truly yours,  
 Dale W. Marshall  
 City Engineer

MOVED by Alderman Pecoraro      SECONDED by Alderman Braun  
 That the Common Council hereby awards Project 2018-01 Gateway Park Improvements Project General Contract to Willett Builders, Inc., 180 Genesee Street, Corfu, NY 14036, at their low Base Bid amount of \$825,000.00 and authorizes the Mayor to sign said contract, subject to further review by the City Attorney.

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

(5)

Nays: None

(0)

CARRIED.

**IV.2 Engineer**

November 13, 2018

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

Re: Project 2018-01 Gateway Park Improvements Project Electrical Contract  
 Award of Contract

Dear Honorable Body:

11-20-2018

On October 9, 2018, four bids were received and opened by the City Clerk for the Gateway Park Improvements Project Electrical Contract. The results are as follows:

Base Bid:

- |                                      |              |
|--------------------------------------|--------------|
| 1. IPL Corp.                         | \$101,900.00 |
| 2. CIR Electrical Construction Corp. | \$124,500.00 |
| 3. Goodwin Electric                  | \$127,400.00 |
| 4. Weydman Electric, Inc.            | \$149,000.00 |

The Engineering Department and the City's Engineering Consultant, Nussbaumer & Clarke, Inc., have reviewed the bid results and are recommending award of the Electrical Contract. Accordingly, I respectfully request that the Common Council award the Gateway Park Improvements Project Electrical Contract to IPL Corp., 60 Depot Street, Buffalo, NY 14206, at their low Base Bid amount of \$101,900.00; authorizing the Mayor to sign said contract subject to review by the City Attorney.

Very truly yours,  
Dale W. Marshall  
City Engineer

MOVED by Alderman Tylec

SECONDED by Alderman Zadzilka

That the Common Council hereby awards Project 2018-01 Gateway Park Improvements Project Electrical Contract to IPL Corp., 60 Depot Street, Buffalo, NY 14206, at their low Base Bid amount of \$101,900.00 and authorizes the Mayor to sign said contract, subject to further review by the City Attorney.

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

(5)

Nays: None

(0)

CARRIED.

#### IV.3 Engineer

November 14, 2018

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

Re: Project 2018-12 WWTP Main Building Roof Replacement and Repair  
Award of Contract

Dear Honorable Body:

On November 14, 2018, four bids were received and opened by the City Clerk for the WWTP Main Building Roof Replacement and Repair Contract. The results are as follows:

Base Bid:

- |                                  |              |
|----------------------------------|--------------|
| 1. Progressive Roofing Inc.      | \$86,000.00  |
| 2. Jos a Sanders & Sons Inc.     | \$106,076.00 |
| 3. Jameson Roofing Company, Inc. | \$111,500.00 |
| 4. Grove Roofing Services, Inc.  | \$111,566.00 |

Base Bid – Bid Item No. 2 + Add Alternate:

- |                                  |              |
|----------------------------------|--------------|
| 1. Progressive Roofing Inc.      | \$99,520.00  |
| 2. Jos A. Sanders & Sons Inc.    | \$121,316.00 |
| 3. Jameson Roofing Company, Inc. | \$116,700.00 |
| 4. Grove Roofing Services, Inc.  | \$151,186.00 |

The City Engineer has reviewed the bid results and is recommending award of the Contract. Accordingly, I respectfully request that the Common Council award the WWTP Main Building Roof Replacement and Repair Contract to Progressive Roofing Inc., 331 Grote Street, Buffalo, NY 14207, at their low Base Bid amount of \$86,000.00; authorizing the Mayor to sign said contract subject to review by the City Attorney.

Very truly yours,  
Dale W. Marshall  
City Engineer

**MOVED** by Alderman Tylec                      **SECONDED** by Alderman Pecoraro  
That the Common Council hereby awards Project 2018-12 WWTP Main Building Roof Replacement and Repair Contract to Progressive Roofing Inc., 331 Grote Street, Buffalo, NY 14207, at their low Base Bid amount of \$86,000.00 and authorizes the Mayor to sign said contract, subject to further review by the City Attorney.

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

Nays: None (0)

**CARRIED.**

## VII. Accountant

November 13, 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 November 20, 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 Berube  
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated November 20, 2018 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$792,648.44
02	Water Fund	27,723.37
04	Sewer Fund	69,277.40
06	Capital Project Fund	<u>245,815.92</u>
00	Final Total	<u>\$1,135,465.13</u>

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

Nays: None (0)

**CARRIED.**

## XI. Fire Chief

November 14, 2018

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

Dear Honorable Body:

After opening bids for a new, Class A 1500 GPM Fire Engine, for the City of North Tonawanda, I am requesting an additional \$50,000.

This additional funding will allow the North Tonawanda Fire Department to purchase a Pumper fully meeting the needs of our City.

Sincerely,  
Joseph D. Sikora  
Fire Chief

MOVED by Alderman Zadzilka                      SECONDED by Alderman Pecoraro  
That the Common Council hereby approves an additional \$50,000 in funding to allow the North Tonawanda Fire Department to purchase a new Class A 1500 GPM Fire Engine.  
Ayes: Alderman Braun, Berube, Tylec, Pecoraro, Zadzilka                      (5)  
Nays: None                      (0)  
CARRIED.

**XX. Code Enforcement**

November 14, 2018

Daniel Quinn  
And Common Council Members  
216 Payne Avenue  
North Tonawanda, NY 14120

Re: City Code Chapter 25 Building Permits §25-8 Late filings; failure to schedule inspections; penalties for offenses (A.)

Honorable Body:

I would like to recommend the following changes to Chapter 25 Section 8 of the City Code of North Tonawanda. These changes will allow easier enforcement of Building, Electrical, Plumbing and Engineering permit violations by making the language more comprehensive. Permits are required for more than just structures. In its present form it limits our enforcement opportunities. The proposed Code change reads as follows:

§25-8 Late filing; failure to schedule inspections; penalties for offenses

A.  
Any person who shall commence work on any construction, demolition, alteration, removal or any activity requiring a permit from the Building or Engineering Department without first obtaining the required permit shall be required to pay as a penalty, a fee of twice the amount of the regular fee when making late application for such permit. Whenever any person shall commence such construction without having first obtained a permit, the Building Inspector shall stop all construction. Anyone failing to obtain a permit within one business day after a stop-work order has been issued shall be subject to a fine not to exceed \$250 in addition to payment of the double fee for such late filing.

Thank you for your consideration in this matter.

Robert C. Depaolo  
Code Enforcement

MOVED by Alderman Berube                      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 November 20, 2018 the following amendment to City Code Chapter 25 Building Permits §25-8 Late filings; failure to schedule inspections; penalties for offenses (A.) was passed and reads as follows:

§25-8 Late filing; failure to schedule inspections; penalties for offenses

A.  
Any person who shall commence work on any construction, demolition, alteration, removal or any activity requiring a permit from the Building or Engineering Department without first obtaining the required permit shall be required to pay as a penalty, a fee of twice the amount of the regular fee when making late application for such permit. Whenever any person shall commence such

construction without having first obtained a permit, the Building Inspector shall stop all construction. Anyone failing to obtain a permit within one business day after a stop-work order has been issued shall be subject to a fine not to exceed \$250 in addition to payment of the double fee for such late filing.

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

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## **XXV. Monthly Reports**

**.1 Senior Citizen Center .2 Clerk-Treasurer .3 Police Department**

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

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## **XXXII. Community Development**

**November 13, 2018**

**Honorable Mayor**  
**And Common Council**  
**City Hall / 216 Payne Avenue**  
**North Tonawanda, NY 14120**

**Re: Zombie Property Prevention / Remediation Services Proposal**

**Honorable Body:**

**In November 2017, the City entered into a one-year contract with the Western New York Law Center (WNYLC) to assist with the implementation of a Zombie Property Remediation program under a grant program funded by the Local Initiative Support Coalition (LISC) Zombie Property Prevention grant.**

**To date, WNYLC has completed the research, outreach, and training portions of the grant scope of work. See the attached summary page for a listing of project accomplishments. These services have been billed at \$18,055.95.**

**To complete the remaining deliverables of the LISC grant, I would like to hereby request the Council authorize an extension of the contract with the WNYLC through April 30, 2019. Expected deliverables are attached as well and include: continued outreach to homeowners facing foreclosures, hosting at least 2 more outreach / training public events, closer work with NT Code Enforcement to pursue banks holding zombie properties, research and policy preparation in consideration of a vacant property registry, and research and policy guidance for consideration of participation in the NY Assistance Program for city residents.**

**WNYLC has proposed a fee of \$26,740.00 to provide these services to the City. This fee will be covered out of the remaining LISC grant funds with no direct cost to the City. I hereby respectfully request the Common Council authorize the Mayor to extend the contract with Western New York Law Center, Inc., pending review and approval by the City Attorney, for Foreclosure Prevention / Remediation assistance at the proposed fee of \$26,740.00.**

**Thank you for your time and consideration.**

**Kindest regards,**  
**Michael Zimmerman**  
**Director of Community Development**

MOVED by Alderman Braun

SECONDED by Alderman Zadzilka

That the Common Council approves extending the Foreclosure Prevention / Remediation Assistance program contract with WNYLC for the proposed fee of \$26,740 payable out of the LISC grant fund for services through April 30, 2019, subject to review by the City Attorney.

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

(5)

Nays: None

(0)

CARRIED.

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AUDIENCE PARTICIPATION

Bob Brennon 333 Daniel Drive – Why was I sent a letter asking us to stop fundraisers. Why was it a letter, why not a phone call? I felt it was wrong that I was sent a letter. No one can call?

Sonia Dusza 123 Miller Street – I think it is great that you are buying a new pumper truck. Back in January 2002 we had a bad fire at lumberjack pallet and there was a concern that they had propane tanks at that location. We did not have a pumper truck and one had to be brought in from the Town of Wheatfield. I have heard that the moral is down in the Fire Department, and they are leaving. We need to support our Police and Fire. Another point I want to address is regarding our Brownfield Opportunity Area report, we need more time to review these documents. The Citizens are not being engaged in this process. It is almost criminal that you are disregarding the citizens input, this is pro-developers.

Mike Koenig 196 South Meadow Drive – There has been more than one new pumper purchased in the City.

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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: 7:32 P.M.

Respectfully submitted,

Daniel R. Quinn  
City Clerk-Treasurer