

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, March 1, 2016
6:35P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT RIZZO

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: President Rizzo
Alderman Zadzilka, Braun, Schwandt, Pecoraro

Absent: None

Also Present: Mayor Arthur G. Pappas
City Attorney Katherine D. Alexander

AUDIENCE PARTICIPATION - None

APPROVAL OF THE MINUTES OF THE REGULAR SESSION FEBRUARY 16, 2016

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro
That the minutes of the regular session meeting held February 16, 2016 be approved as
circulated and filed in the Office of the City Clerk.
CARRIED.

COMMUNICATIONS FROM CITY OFFICIALS

II. Attorney

February 25, 2016

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

RE: Proposed Amendment to North Tonawanda City Code
Section 69 – PLUMBING – “Annual Registration; Surety Bond;
Liability Insurance”

Dear Honorable Body:

Attached, for your consideration, is a proposed amendment to the North Tonawanda City Code, Section 69-1 (B) – PLUMBING. The changes/additions are indicated in bold type.

If your Honorable body concurs, please pass a resolution to amend the North Tonawanda City Code, Section 69-1 (B) – PLUMBING – “Annual Registration; Surety Bond; Liability Insurance”, subject to any further review by the City Attorney. Should you have any questions, please do not hesitate to contact me.

03-01-2016

Very truly yours,
Luke A. Brown
 Assistant City Attorney

MOVED by Alderman Braun SECONDED by Alderman Zadzilka
That the Common Council hereby approves the amendment of North Tonawanda City
Code Section 69-1 (B) – PLUMBING – “Annual Registration; Surety Bond; Liability
Insurance, as follows:

Sec. 69-1. Annual registration; surety; bond; liability insurance.

(B). No registration shall become effective until and unless the following conditions are met:

(1) **Effective March 1, 2016, a surety bond is no longer required.**

(2) Liability Insurance

(a) The plumber shall file written evidence that there is in force and effect a liability insurance policy issued by an insurance company authorized to do business in the State of New York to secure and hold the City and its officers harmless against any and all claims, judgments or other costs arising by reason of the issuance of permits to the plumber for which the City, the City Council or any City officer may be made liable by reason of any action or injury to persons or property through the fault of the plumber or for any other injury resulting from the negligence of the plumber. Such insurance shall cover collapse, explosive hazards and underground work by equipment on the street and shall include protection against liability arising from completed operations. The amounts of the liability shall be in the amount of **at least \$1,000,000 liability for injuries to one person and \$2,000,000 liability for injuries sustained in each accident** and also against legal liability for property damage in the amount of not less than **\$100,000**, and such policy shall also state that it shall remain in full force without change until the expiration thereof, and it shall not be terminated or canceled for any reason or cause except after 10 days written notice of such proposed termination or cancellation has been duly served upon the City. Such insurance shall also contain a hold-harmless clause or endorsement to provide that the permittee shall save and hold harmless the City of North Tonawanda from any and all damages and liability by reason of bodily injury or property damage arising either directly or indirectly from the work to be performed by the permittee, irrespective of the cause of such injury or damage.

Subject to further review by the City Attorney.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

(5)

Nays: None

(0)

CARRIED.

II.2 Attorney

February 10, 2016

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

RE: Food Truck Code Changes

Dear Honorable Body:

Last year the City passed a change to Chapter 65 of the City Code to add in regulations surrounding food trucks. The code at the time was created based upon the small number of local municipalities that had previously passed legislation to regulate food trucks. After a full season has passed, pursuant to the recommendations of the City Clerk's Office, as well as a number of organizations that would have liked to use food trucks at local events, or use them pursuant to the code, it would be my recommendation to adjust

The current Niagara County Civil Service exam list for this position has been deemed invalid due to only 1 person being on it. The Civil Service Department has informed me that they anticipate the next exam for this position will be given sometime within the next 12 months. Therefore, Mr. DuQuette will be appointed "Permanent Provisional" pending the results of the exam and certification of the Civil Service list.

Thank you for your time and consideration of my request. Please contact me if you need any further information or have any questions regarding this matter.

Sincerely yours,
William M. Davignon
Superintendent of Water/Wastewater

MOVED by Alderman Schwandt **SECONDED** by Alderman Braun
That the Common Council hereby approves the appointment of James DuQuette of 212 Falconer Street, North Tonawanda, to the position of Chief Water Treatment Plant Operator Effective March 2, 2016.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)
Nays: None (0)
CARRIED.

V.2 Supt. Water/Wastewater

February 25, 2016

Honorable Arthur G. Pappas, Mayor
and Common Council Members
City Hall
North Tonawanda, New York 14120

Dear Honorable Mayor and Common Council:

The CSEA Union recently posted for the position of Wastewater Treatment Plant Instrument Technician. Therefore, I would like to appoint Todd M. Myers of 195 Jackson Ave., North Tonawanda, NY 14120 to the position of Water Treatment Plant Instrument Technician effective March 4, 2016 on the 7am - 3pm shift.

Todd is replacing Tim Reed who is retiring on 3/3/16. He is being chosen from the current certified Niagara County Civil Service exam list for this position.

Since Todd is already a permanent City Employee, there is no need for pre-employment screening. I am recommending an 8 week probationary period to coincide with his 8 week training period at which time he will be evaluated by the Maintenance Supervisor and myself to see he if he is qualified to become the permanent Wastewater Treatment Plant Instrument Technician.

Thank you for your time and consideration of my request. Please contact me if you need any further information or have any questions regarding this matter.

Sincerely yours,
William M. Davignon
Superintendent Water/Wastewater

MOVED by Alderman Rizzo **SECONDED** by Alderman Pecoraro
That the Common Council hereby approves the appointment of Todd M. Myers of 195 Jackson Ave., North Tonawanda, NY 14120 to the position of Water Treatment Plant Instrument Technician effective March 4, 2016 on the 7am - 3pm shift.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)
Nays: None (0)
CARRIED.

VII.1 Accountant

February 23, 2016

Honorable Arthur G. Pappas, Mayor
& Common Council
City Hall —216 Payne Avenue
North Tonawanda, New York 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 1, 2016, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Very truly yours,
Mark W. Dotterweich
City Accountant

MOVED by Alderman Schwandt SECONDED by Alderman Zadzilka
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated March 1, 2016 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$648,757.87
02	Water Fund	46,691.74
04	Sewer Fund	69,601.55
06	Capital Project Fund	594.00
07	Trust & Agency Fund	17.76
00	Final Total	<u>\$765,662.92</u>

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)

Nays: None (0)

CARRIED.

VII.2 Accountant

February 23, 2016

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 2016 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>
1	\$32,600.00	2-912 Unappropriated Fund Balance	2-8340.100 Water Distribution Personnel
2	\$31,240.00	1-1990.410 Contingent Account	1-1490.100 Public Works Admin Personnel

Explanation: To amend the 2016 Budget for the purpose of adding a Laborer position in the

Water Distribution Department and a clerical position in the Public Works Department.

Very truly yours,
Mark W. Dotterweich
City Accountant

MOVED by Alderman Zadzilka **SECONDED** by Alderman Pecoraro
That the Common Council hereby rejects the budget amendment for a Clerical position in the Public Works Department and authorizes the City Accountant to make the following budget amendment of fiscal year 2016 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>
1	\$32,600.00	2-912 Unappropriated Fund Balance	2-8340.100 Water Distribution Personnel

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)
Nays: None (0)
CARRIED.

IX.1 Supt. Public Works

February 12, 2016

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

Re: Shared Services Agreement with NYS D.O.T.

The Shared Services Agreement with NYS D.O.T. would provide the possibility of the State assisting the City with additional equipment and help during a major event in the City. I would need Council approval to sign the agreement. Please let me know if you have any questions regarding this matter.

Bradley A. Rowles
Superintendent Public Works

MOVED by Alderman Zadzilka **SECONDED** by Alderman Braun
That the Common Council hereby approves the proposed Shared Services Agreement with the NYS D.O.T. and directs the Superintendent of Public Works to sign said agreement.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)
Nays: None (0)
CARRIED.

IX.2 Supt. Public Works

February 24, 2016

Honorable Mayor Pappas &
Common Council
216 Payne Avenue
North Tonawanda, NY 14120

Dear Mayor & Common Council:

Attached is a letter from our Water Distribution Department requesting reinstatement of an Assistant Water Maintenance Supervisor and one (1) Senior Water Maintenance Worker. I would recommend that these positions be reinstated. Our Water Distribution Department, headed by Ronald Butticci, has done a tremendous job with the personnel he currently has, however they have often had to work extended hours, due to lack of relief workers, especially in the emergency situations that have occurred.

I concur with their request and ask that you consider these additions.

Sincerely,
 Bradley A. Rowles
 Superintendent of Public Works

MOVED by Alderman Zadzilka **SECONDED** by Alderman Braun
 That the Common Council hereby tables the aforementioned request to reinstate an Assistant Water Maintenance Supervisor and one (1) Senior Water Maintenance Worker for the Water Distribution Department pending further review.
 Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)
 Nays: None (0)
CARRIED.

COMMUNICATIONS FROM OTHERS

A.
 Gratwick Hose Co., Inc.

February 10, 2016

Honorable Arthur G. Pappas, Mayor
 and Common Council Members
 City Hall
 North Tonawanda, New York 14120

Honorable Mayor and Common Council:

Please remove the name of Elizabeth Fritz from the North Tonawanda Fire Rolls.

Thank you,
 David A. Rogge
 Membership Secretary

MOVED by Alderman Rizzo **SECONDED** by Alderman Braun
 That the Common Council hereby approves the removal of Elizabeth Fritz from the North Tonawanda Fire Rolls.
 Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)
 Nays: None (0)
CARRIED.

B.
 Haick Business Services, Inc.

February 18, 2016

City Clerk
 City of North Tonawanda
 216 Payne Avenue
 North Tonawanda, NY 14120

Re: Reappointment of Commissioner of Deeds

Dear City Clerk,

As per our telephone conversation on January 2016 with your office, I am requesting that the North Tonawanda City Council reappoint Sob W. Haick as Commissioner of Deeds in North Tonawanda, NY.

My appointment for this term expires March 3, 2016.

Thank you for your kind considerations.

Sincerely yours,
Sob W. Haick
Senior Accountant

MOVED by Alderman Zadzilka **SECONDED** by Alderman Rizzo
That the Common Council hereby re-appoints Sob W. Haick from Haick Business Services, Inc. 716 Niagara Falls Blvd. North Tonawanda, NY 14120 as a Commissioner of Deeds for the City of North Tonawanda effective March 2, 2016 expiring March 1, 2018.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)

Nays: None (0)

CARRIED.

C.
Boy Scouts of America

February 17, 2016

City of North Tonawanda, NY
216 Payne Avenue
North Tonawanda, NY 14120

Attention:
Honorable City Council
Office of the Honorable Arthur G. Pappas-Mayor

Proposal

The Boy Scouts of America, Locally Known as the Greater Niagara Frontier Council (GNFC-BSA) would like to propose a co-operative community venture with the City of North Tonawanda on Sunday July 10, 2016 to be held at Gratwick Park

Purpose of event

Through active participation of the Boy Scouts of America at all program levels, we would like to present a community event promoting the local city parks and recreation resources available to the citizens of North Tonawanda, while showcasing the programs offered by the Boy Scouts of America. We plan to do this through hands on activities provided or arranged by the local scouting community. Activities organized and/or presented by the BSA would be provided free of charge for all age groups. Presentations would have a youth focus, promoting Scouting values. It would be an opportunity for the BSA to give back to the community for 105 years of their support.

Promotion and advertising

The name of the proposed event will be known as the NORTH TONAWANDA SCOUTING AIR SHOW which not only states the location of the event but also indicates the theme and subsequent activities offered as free public entertainment.

The event will be promoted with no (or little) anticipated expense to the BSA. We hope to secure local media support and exposure from sources including; Bee publications, Metro Source, Wheatfield Tribune, local radio stations, local Television, exposure at local schools in addition to the local scouting community. Any advertising efforts by the City of North Tonawanda through media sources and/or on the city calendar or related advertising vehicles would be appreciated.

Basic Event Agenda

Event staff would consist of adult and youth volunteers from the local scouting community and subsequent supporters of the scouting program. Preparation for the event at Gratwick Park on River Road would begin at 8:00 AM on Sunday 7/10/2016 which would include vendors, clubs and related displays. The event would officially begin at 1:00 and end at 4:00. The parking area for boat launch vehicles with trailers would be reserved for the

boaters with permits issued by the City of North Tonawanda. Activity areas will temporarily but clearly marked during event. All displays will be temporary and most will be located along the park drive on the west side near boat launch area. Scouting's Leave No Trace principles will be actively enforced to preserve the beauty of Gratwick Park. A scouting display will be set up at the main entrance and the south entrance of the park promoting scouting at all levels. Displays will include but are not limited to flags, balloons, streamers, dining flies, signs or related items. All efforts will be made to keep vehicles parked in established parking areas. If these areas are full we will try to keep cars parked along the Gratwick Park roadway as close to the road as possible in an effort to preserve the grass. Vehicles transporting anyone with physical or developmental challenges will be a priority. Any one vendor who provides food, refreshments or activities will clean up their area when done. The Boy Scouts will supervise the final clean up after the event.

Activities Proposed

- Traditional Scouting opening
- Kite club(s) to demo and promote kiting as a hobby
- Remote control model air plane club(s) to demo and promote their hobby
- Scouts building and launching pop bottle rockets (interactive)
- Folding and flying paper airplanes
- Building and launching paper rockets
- Local rocket club to demo and promote rocketry as a hobby
- Frisbee demonstrations and lessons
- Possible participation from Mercy Flight
- Possible participation from the Niagara or Erie County Sheriff Air Unit
- Displays from the NT Police and Fire Departments would be an excellent addition
- Possible participation from the U.S. Coast Guard
- Possible participation from the U.S. Border Patrol
- The Girl Scouts will be invited to participate
- Local Scout Troops holding Hot Dog sale as a fundraiser
- Ice cream/refreshments or similar snacks with fees from local vendors
- Water, Ice Tea or Bug Juice (Kool-Aid) provided by BSA with local merchants support.

Sincerely,
Greater Niagara Frontier Council
Boy Scouts of America

MOVED by Alderman Braun

SECONDED by Alderman Rizzo

That the Common Council hereby grants permission to waive all park fees for GNFC-BSA to use Gratwick Park on Sunday July 10, 2016 from 8AM to 4PM for the North Tonawanda Scouting Air Show and also directs the DPW to providing barricades and traffic cones for parking areas and Police presence for security purposes.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

(5)

Nays: None

(0)

CARRIED.

D.

Todd Myers

February 25, 2016

Honorable Arthur G. Pappas, Mayor
and Common Council Members
City Hall
North Tonawanda, New York 14120

Honorable Mayor and Common Council:

Upon your approval I will be accepting a promotion to the position of Instrumentation Tech starting March 4, 2016. Therefore, I am requesting a leave of absence from my permanent position as Water/Wastewater Mechanic as of March 4, 2016 until the time of my

permanent appointment as Instrumentation Tech of the Water/Wastewater Treatment Plants.

Thank you for your time and consideration of my request.

Respectfully yours,
Todd Myers

MOVED by Alderman Rizzo SECONDED by Alderman Pecoraro
That the Common Council hereby grants a leave of absence to Todd Myers from his position as Water/Wastewater Mechanic to accept the position of Instrumentation Tech of the Water/Wastewater Treatment Plants effective March 4, 2016.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)

Nays: None (0)

CARRIED.

E.
Bender & Paul/ Attorneys at Law

February 15, 2016

City of North Tonawanda
Common Council 216 Payne Ave.
North Tonawanda, NY 14120

RE: 1194 Oliver St., North Tonawanda, NY

Dear Common Council:

We represent Philip Pile in his purchase of 1194 Oliver St., North Tonawanda, NY. A survey of the property shows that there are concrete steps and window wells that encroach onto the adjacent property. The adjacent property is Porter Avenue. Attached is a copy of the survey for your review.

Our client is financing this property through MB Financial as an FHA loan. The encroachments shown on the survey are not acceptable for FHA insurance. HUD may consider an exception and grant a waiver. However, a permanent/perpetual easement from the adjacent (affected) owner, i.e., the City of North Tonawanda, for the use of land encroached upon is required to be executed and recorded. Once the Easement is obtained, it will be submitted with the waiver request to HUD.

I prepared a proposed Easement which is enclosed for your review. Your consideration is greatly appreciated. As in all real estate transactions, we are under certain time constraints.

Please contact me if you have any questions or need other information. Thank you for your assistance.

Sincerely,
Debra K. Bender

MOVED by Alderman Braun SECONDED by Alderman Pecoraro
That the Common Council hereby grants a permanent easement of City Owned Property on Porter Avenue to the property at 1194 Oliver Street for the concrete steps and window wells that are on said property.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)

Nays: None (0)

CARRIED.

AUDIENCE PARTICIPATION

Ann Finkle 896 Sun Valley – Wanted to know what is wrong with the City Streets that they cannot get through a mild winter without any damage to them. Said that it seems that the streets are breaking down at the seams. Asked if the City just can repair intersections at this time, then go back and fix the whole street. Also asked when the City repairs a broken water pipe why is the street not level when they are finished repairing it.

Keven Hodgson 67 Jesella Drive North – Wanted to welcome back President Rizzo.

Nancy Klepp 1295 Erie Avenue – Said that the City needs more patrol cars on Erie Avenue. Said that the people drive crazy and speed all the time, no one is stopping for Fire Trucks, ambulances or other emergency vehicles.

Kurt Klepp 1295 Erie Avenue – Said he understood the City wants to eliminate the car show on Monday nights, said the car show helps that block of the City, the people help the businesses on Webster Street. Said that he supports the Car Show being left on Webster Street, said the other options do not have the amenities that Webster Street has.

ADJOURNMENT

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

Time of Adjournment: 7:08 P.M.

Respectfully submitted,



Daniel R. Quinn
City Clerk-Treasurer