THE HONORABLE BODY Council Chambers Municipal Building North Tonawanda, New York 14120 Tuesday, August 2, 2016 6:39P.M.

REGULAR SESSION CALLED TO ORDER BY COUNCILMAN SCHWANDT

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 JULY 19, 2016

MOVED by Alderman Zadzilka SECONDED by Alderman Braun That the minutes of the regular session meeting held July 19, 2016 be approved as circulated and filed in the Office of the City Clerk. CARRIED.

PROOF OF PUBLICATION PUBLISHED JULY 13, 2016

1) Legal Notice – Public Hearing for comments on changing the YWCA – Historic Preservation Commission

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

COMMUNICATIONS FROM CITY OFFICIALS

#1 Common Council

July 25, 2016

On behalf of the City of North Tonawanda Common Council, we are pleased to endorse Kaleida Health's funding request to support the DeGraff Memorial Hospital Emergency Department Renovation project through the NYS Consolidated Funding Application under Empire State Development's, Direct Assistance to Businesses and Other Organizations program (Application #66429).

This capital request to support the expansion and renovation of the emergency department of Kaleida Health's DeGraff Memorial Hospital, located in North Tonawanda, will positively impact the hospital's ability to meet the growing 24/7 emergency health care needs of WNY residents, primarily those residing in Southwestern Niagara County and Northern Erie County.

The current 4,800 square foot emergency department, built in 1962 as a part of the original hospital, is antiquated and inefficient and in need of significant renovation and upgrade to keep pace with advancements in health care technology and growing patient needs. The proposed 9,000 square foot department will allow for expansion to two additional treatment bays and will include a trauma room, a dedicated bariatric room, and an airborne isolation room. It will be built to support new technology, incorporate energy efficiency, flexibility of space and increased space to support the delivery of patient and family centered care. The project will create new jobs to support the expanded emergency department as well as construction jobs. Additionally, the project includes an updated façade on the side of the facility, improved parking/traffic flow and improved signage visibility from the Twin Cities Memorial Highway.

North Tonawanda has recently engaged in revitalization and economic development initiatives in its core downtown business district and along the Erie Canal. DeGraff Memorial Hospital supports these initiatives as an anchor institution for the North Tonawanda community and beyond. The facility provides vital health care services to meet community needs and further serves as a major employer and economic driver employing 514 full and part time workers. Additionally, the DeGraff emergency department serves as an urgent care gateway to more specialized care at Kaleida Health's Centers of Excellence on the Buffalo Niagara Medical Campus.

On behalf of the City of North Tonawanda Common Council, we fully support this investment in the health of our community, one that will support job growth, economic development, and the sustainability of DeGraff as a community-based acute care hospital serving WNY and its northtowns communities.

Sincerely, Daniel R. Quinn City Clerk-Treasurer

MOVED by Alderman Braun SECONDED by Alderman Zadzilka That the Common Council hereby endorses Kaleida Health's funding request to support the DeGraff Memorial Hospital Emergency Department Renovation project through the NYS Consolidated Funding Application under Empire State Development's, Direct Assistance to Businesses and Other Organizations program (Application #66429). All applications are subject to review by the City Attorney.

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

Nays: None

CARRIED.

#2

Common Council

A LOCAL LAW CALLING FOR THE NORTH TONAWANDA CRIMINAL HISTORY RECORD CHECK POLICY FOR PROSPECTIVE CITY EMPLOYEES

WHEREAS, on May 3, 2016, the North Tonawanda City Council passed a resolution which required prospective employees, upon selection for employment, be required to submit to and successfully complete a criminal background check through the North Tonawanda Police Department before obtaining employment with North Tonawanda, and

WHEREAS, pursuant to the rules of the State of New York Division of Criminal Justice Services, the City of North Tonawanda must have a local law, containing specific elements to constitute sufficient authorization for the City of North Tonawanda to submit non-criminal applicant fingerprint inquiries to the Division of Criminal Justice Services, and

WHEREAS, it is the desire of the North Tonawanda City Council to require a background check on all prospective employees as required by law or as designated by the City of North Tonawanda, and

WHEREAS, the City Council presents in writing the following proposed Local Law:

A LOCAL LAW OF THE CITY OF NORTH TONAWANDA, NEW YORK ADOPTING THE NORTH TONAWANDA CRIMINAL HISTORY RECORD CHECK POLICY FOR PROSPECTIVE CITY EMPLOYEES;

Be it enacted by the City Council of the City of North Tonawanda as follows:

- 1. North Tonawanda is committed to providing safeguards that endeavor to protect the welfare and security of its employees and the general public which it serves. Accordingly the City will conduct a criminal history record check ("CHRC") which may include fingerprinting in connection with the appointment of any employee to a job classification for which (a) a CHRC is required by law, or (b) positions which are, now or in the future, designated as classified service in the competitive class, non-competitive class, labor class and exempt class and all positions which are, now or in the future, designated as unclassified service except those designated as elected officials. Where required under this policy CHRCs will be conducted pre-offer of employment, or where not feasible, an offer will be contingent upon the results of the CHRC.
- 2. North Tonawanda does not unlawfully discriminate on the basis of arrests or convictions. No application for employment will be denied by reason of the applicant having been previously convicted of one or more criminal offenses, unless (1) disqualification is specifically permitted or required by law; (2) there is a direct relationship between one or more previous criminal offenses and the employment sought; or (3) the granting of the employment sought would involve an unreasonable risk to property or to the safety of welfare of specific individuals or the general public. In evaluating these factors, the City will consider the duties of the position, the bearing of the conviction on the "fitness" to perform the duties of the position, the time elapsed since the conviction, the age of the applicant at the time of conviction, the "seriousness" of the offense, evidence of rehabilitation, and the employer's legitimate interest in protecting property and safety of specific individuals and the public. The City will also consider any certificate of relief from disabilities or certificated of good conduct issued to a prospective employee. Subject to applicable law, the City may also deny employment on the basis of an arrest which is pending at the time an employment decision is made.
- 3. The City of North Tonawanda Police Department will oversee CHRC's for City government. All CHRC's will be performed through the Police Department and other governmental agencies. No non-governmental entity will be used to perform CHRCs.
- 4. Prospective employees subject to a CHRC will be provided with a notice and consent form. Before any adverse employment is taken based upon the results of a CHRC, a prospective employee will be afforded the opportunity to review and explain information contained therein. A prospective employee may also withdraw his or her application for employment at any time, without prejudice, prior to the City's decision on employment and upon such withdrawal and to the extent required by law, the City's Police Department will destroy any CHRC report concerning such prospective employee.
- 5. The results of the CHRCs will be maintained by the City in a file that is separate from other personnel information. Questions regarding compliance with this policy should be address to the City of North Tonawanda Police Department, Attorney's Office or Mayor's Office. Except as required by law, this policy is subject to and to the extent inconsistent with, superseded by, the County's collective bargaining agreements.
- 6. This Local Law shall take effect immediately upon filing with the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

RESOLVED, that the City of North Tonawanda shall conduct a public hearing upon said proposed Local Law at the Council Chambers, City Hall, North Tonawanda, New York on 23rd of August, 2016 at 6:00pm, and be it further

RESOLVED, that the City Clerk-Treasurer at least six days in advance of such hearing, shall post a notice pursuant to notice requirements. Such published notice shall contain the title of the Local Law and an abstract of the text to be prepared by the City Council, with the assistance on the City Attorney's Office.

MOVED by Alderman Pecoraro	SECONDED by Alderman Schwandt	
	y calls for a public hearing on August 23, 2016 a	t 6.00PM
in the Common Council Chamb	bers, regarding the proposed Local Law #1	for 2016
allowing for fingerprinting of pros	spective City of North Tonawanda employees.	
Ayes: Zadzilka, Braun, Schwandt,	t, Pecoraro, Rizzo	(5)

Nays: None CARRIED.

II. Attorney

July 22, 2016

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

RE: Amusement Ride Code Changes

Dear Honorable Body:

In 2001, the Common Council had passed via resolution to change a number of sections of the Amusement Centers and Games Code. Recently, in reviewing that section of the code, it was noticed that a previously approved deletion from chapter 12 was never removed by the online source. The Section that remains to be deleted in Section 12-3 License fee for amusement center, as this Section was joined in another with the same resolution from 2001.

During the review it was also noticed that while a number of sections within the Chapter had been updated throughout the years regarding fee amounts, they were not updated in the corresponding Section 12-12 which lists all the fees. Should your honorable body concur, please pass the attached code changes to reflect previously adopted resolutions.

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

Sincerely, Katherine D. Alexander, Esq. City Attorney

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro That the Common Council hereby approves the amendment of North Tonawanda City, Code Chapter 12, AMUSEMENT CENTERS AND GAMES -as below:

Chapter 12. Amusement Centers and Games

§12-3 Delete section per 2001 resolution

§12-12 Effective date; license fees.

A. Any provisions regarding the amount of a fee for the issuance of a license shall take effect May 1, 1982. The City Clerk shall issue amusement center licenses, amusement game licenses or amusement game distributor licenses for the period of May 1, 1982 January 1, to December 31, 1982 at the following rates.

Delete Previous #1 Amusement Center License: \$665.

- (1) Amusement Game License: \$35 \$25 per game
- (2) Amusement Game Distributor: \$65 \$100 per year

Continue remainder of the Section

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5) Navs: None

CARRIED.

(0)

III. City Clerk-Treasurer

July 18, 2016

Hon. Mayor and Common Council 216 Payne Avenue, City Hall North Tonawanda, New York 14120 Dear Honorable Body:

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 parcels:

185.05-1-9.11 273 Main Street Nicholas Durkee 185.05-1-9.12 285 Main Street Nicholas Durkee

Therefore, please pass the necessary resolution withdrawing these parcels from the appropriate In Rem foreclosure proceeding.

Thank you for your cooperation.

Very truly yours, Denise Proefrock Assistant City Treasurer

MOVED by Alderman Pecoraro SECONDED by Alderman Zadzilka That the Common Council hereby grants the withdrawal of parcel SBL# 185.05-1-9.11, 273 Main Street and parcel SBL# 185.05-1-9.12, 285 Main Street from the appropriate In Rem foreclosure for payment received in full from back taxes. Subject of further review by the City Attorney.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

(5) (0)

Nays: None

CARRIED.

V. Supt. Water/Wastewater

July 28, 2016

Honorable Mayor Arthur G. Pappas and Common Council 216 Payne Avenue, City Hall North Tonawanda, New York

Re: Award of Bid for Natural Gas at the Water and Wastewater Treatment Plant

Honorable Body:

On July 15, 2016 three (3) bids were received and opened for the provision of Natural Gas to the Water and Wastewater Treatment Plants for the 12 month period from September 2016 – September 2017.

Based upon these bids and the attached recommendation of our energy consultant EnerScope, I would like your approval of New Wave Energy Corporation's, 434 Delaware Avenue, Buffalo, NY 14202, at their low bid for Natural Gas as follows:

- <u>Wastewater Treatment Plant</u>: The index method for full requirements at the monthly NYMEX Natural Gas Futures settlement price minus \$.4200 per Dth. (Method #3). Estimated yearly cost is \$41,285.
- Water Filtration Plant: The fixed annual price at \$2.88 per Dth. (Method#1). Estimated yearly cost is \$8,948.

This contract has been reviewed and approved by the City Attorney.

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

Sincerely, William M. Davignon Supt. Water/Wastewater MOVED by Alderman Rizzo SECONDED by Alderman Braun
That the Common Council hereby awards the bid for Natural Gas at the Water and

Wastewater Treatment Plant for the 12 month period from September 2016 – September 2017, to New Wave Energy Corporation, 434 Delaware Avenue, Buffalo, NY 14202, at their low bid for Natural Gas as follows:

- <u>Wastewater Treatment Plant</u>: The index method for full requirements at the monthly NYMEX Natural Gas Futures settlement price minus \$.4200 per Dth. (Method #3). Estimated yearly cost is \$41,285.
- Water Filtration Plant: The fixed annual price at \$2.88 per Dth. (Method#1). Estimated yearly cost is \$8,948.

Subject to further review by the City Attorney.

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

VII. Accountant

July 28, 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 August 2, 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 Pecoraro SECONDED by Alderman Zadzilka
That the Common Council hereby authorizes for payment the current Abstract of Claims
for Common Council Audit dated August 2, 2016 and further authorizes the Mayor and
City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$376,168.83
02	Water Fund	45,359.75
04	Sewer Fund	45,609.56
06	Capital Project Fund	182,499.47
07	Trust & Agency Fund	846.33
08	Community Development	\$300.00
00	Final Total	\$650,783.94

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

CARRIED.

XI. Fire Chief

July 22, 2016

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

Re: Award of Bid for Hydraulic Rescue Tool

Dear Honorable Body:

On July 15, 2016 bids were received and opened for the purchase of a Hydraulic Rescue Tool for the City of North Tonawanda Fire Department.

One bid was received. Accordingly, I respectfully request that the bid be awarded to Legacy Truck Centers, Inc., Fire & Rescue Products, 4230 Industrial Road, Harrisburg, PA 17110, the sole bidder, at their bid of \$29,630.

Very truly yours, Joseph D. Sikora Fire Chief

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro That the Common Council hereby approves the award for the bid of Hydraulic Rescue Tool to Legacy Truck Centers, Inc., Fire & Rescue Products, 4230 Industrial Road, Harrisburg, PA 17110 at their bid of \$29,630, subject to further review by the City Attorney.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

XXVI. Semi-Annual Vacation and Sick Leave Reports

(5) (0)

Nays: None CARRIED.

.1 Police Department

MOVED by Schwandt SECONDED by Alderman Pecoraro
That the Common Council hereby, approves the aforementioned Semi-Annual Vacation
and Sick Leave Report.
CARRIED.

COMMUNICATIONS FROM OTHERS

A. Richard Andres, Jr. and Donna Braun

July 18, 2016

On Behalf of

Richard L Andres Jr., Niagara County Legislator Donna L Braun, 2nd Ward Alderwoman

Dear Honorable Body,

Our Move Event "Flix in the Park" will be happening for the 3rd year. In order to make this event successful we would ask the city to waive the Park fees for Pinewoods Park. Also ask for assistance from the City's Auxiliary Police personnel. Pending the approval of the Common Council, the following dates are planned for this Event.

August 12th & August 26th - Pinewoods Park

- Auxiliary police to patrol park during the event
- Special Event Garbage totes
- Barricades at both entrances to the park
- Use of both Pavilions at Pinewoods Park from 5-11pm
- Use of Bathroom Facilities at the park until 10:30pm

September 9th - Active Hose

- Assistance from Auxiliary Police
- Extra Event Garbage Totes

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

Sincerely, Richard L Andres Jr. Legislator 8th District Donna Braun 2nd Ward Alderwoman

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro That the Common Council hereby grants permission to waive the park fees for Pinewoods Park August 12th and August 26th for the "Flix in the Park" movie event, and September 9th at Active Hose, Council also directs the Recreation and Police Departments to assist with the aforementioned requests for all events that are scheduled.

Ayes: Zadzilka, Schwandt, Pecoraro, Rizzo

Nays: None

Abstained: Braun

CARRIED.

(4)

(0)

B. Glenn DiTillio

July 18, 2016

North Tonawanda Common Council City Hall 216 Payne Avenue North Tonawanda, New York 14120

Dear Common Council members:

Lincoln Avenue is planning a block party on Saturday September 3, 2016. We would like permission to block off Lincoln Avenue between Christiana Street and the Grant School parking lot entrance.

This would be between the hours of 12:00PM and 10:00PM.

Thank you, Glenn DiTillio

MOVED by Alderman Pecoraro SECONDED by Alderman Zadzilka That the Common Council hereby grants permission to Glenn DiTillio to have a block party Saturday September 3, 2016 blocking off Lincoln between Christiana Street and the Grant School parking lot entrance, from 12:00PM to 10:00PM.

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

LATE COMMUNICATION

MOVED by Alderman Braun SECONDED by Alderman Zadzilka
To bring the following communication to the floor.

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

Nays: None (0)

CARRIED

#1

City Clerk-Treasurer

July 29, 2016

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

Dear Honorable Mayor and Common Council:

Due to the fact that *The Sun* is no longer in circulation, I respectfully request that your Honorable Body designate the *Ken-Ton Bee*, as an official newspaper of the City of North Tonawanda.

The above mentioned publication will be used for a variety of legal notices during the course of the year. The designation of this newspaper allows for a fair and balanced use for publication of said notices based on the best price quoted for the City of North Tonawanda.

If your Honorable Body should concur, I respectfully request that you vote in the affirmative for this official designation.

Sincerely, Daniel R. Quinn City Clerk-Treasurer

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro That the Common Council hereby designates the *Ken-Ton Bee* as an official newspaper of the City of North Tonawanda.

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

Nays: None (0) CARRIED.

CHITTED.

AUDIENCE PARTICIPATION

Ann Finkle 896 Sun Valley Drive – Said that the job they did on Robinson Street is great, but the manhole "potholes" are horrible. Said they are too deep and they need to be fixed. Asked if the City is using the sidewalk machine, because she has not seen it. Stated that the conditions at the Elizabeth Harvey Apartments are deplorable. Said that people are smoking in the hallways, getting drunk on the weekends and urinating all over the floors. Said that the City might want to have the Health Inspector look into this along with the Fire Chief.

<u>Tammy Godyn 843 Ohio Street</u> – Wanted to thank the City for the support the City gave to make the North Tonawanda Botanical Gardens a destination again.

<u>Richard Madej 499 Witmer Road</u> - Asked how the City was coming along with getting the easement signatures, he thought that there was only a couple of people that still have not

signed the easement agreement. Asked if the City can put legal notices online, because he does not receive a paper.

<u>Kevin Koslowski 985 Nash Road</u> – Thanked the Common Council for approving the acquisition of the new "jaws of life", stated that having equipment like this will save many lives.

ADJOURNMENT

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

Time of Adjournment: 7:09P.M.

Respectfully submitted,

Daniel R. Quinn City Clerk-Treasurer