

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).

08-02-2016

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

(0)

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

That the Common Council hereby calls for a public hearing on August 23, 2016 at 6:00PM in the Common Council Chambers, regarding the proposed Local Law #1 for 2016 allowing for fingerprinting of prospective City of North Tonawanda employees.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

(5)

Nays: None

(0)

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)
Nays: None (0)
CARRIED.

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)

Nays: None (0)

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:

- Wastewater Treatment Plant: 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 me 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:

- Wastewater Treatment Plant: 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 (5)

Nays: None (0)

CARRIED.

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	<u>\$300.00</u>
00	Final Total	<u>\$650,783.94</u>

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

Nays: None (0)

CARRIED.

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

Kevin Koslowski 985 Nash Road – 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