

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, October 18, 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

MAYOR PAPPAS – 2017 BUDGET MESSAGE

In accordance with Section 5.021 of the North Tonawanda City Charter, as Mayor, I am providing to the Common Council, for their review and adoption, a copy of my General, Water, Sewer, and Capital Fund Budgets for fiscal year 2017. Continuing our work on behalf of North Tonawanda taxpayers, this budget keeps North Tonawanda moving forward. This budget holds the line on property taxes and reduces spending while still providing the necessary funding to deliver City services in the most cost efficient manner our citizens expect.

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The General Fund budget reflects no property tax increase for 2017. This freezes the current rate of \$13.25 per \$1,000 dollars of assessed valuation. The water and sewer user rates also remain unchanged. I have utilized \$1.73 million in undesignated fund balance to close the budget gap and balance the General Fund budget. Many tough decisions were made by this administration in producing a fiscally sound budget that is prudent for our residents. It is my intent to avoid a tax increase on our residents when other means are available to balance a budget. With that said; the General Fund appropriations for 2017 are \$28,209 less than the 2016 adopted budget.

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This budget provides fundamental public services at a reasonable cost to our residents. As this budget holds the line on property taxes, it also shows a commitment to public safety and maintenance and improvements of public infrastructure. My 2017 Capital Budget includes funding for street and side walk repair in addition to proposed facility improvements for our Water and Wastewater treatment plants. Repairing our city streets is one of my priorities. In addition to the \$900,000 the City anticipates receiving from New York State through the Consolidated Local Street and Highway Improvement Program; I have appropriated an additional \$300,000 for a total of \$1.2 million going into road and sidewalk improvement. The City is committed in continuing the effort to improve upon this critical and noticeable infrastructure. Continuing, I have also allocated \$75,000 for additional recycling totes for our residents. Our City is continuing to improve upon the recycling efforts over the past several years, and this administration will continue to improve upon the efforts in promoting a cleaner and healthier environment.

∞

10-18-2016

An important part of any municipal budget is public safety. It is important we continue to provide our public safety personnel with the equipment necessary to protect themselves and safeguard our city. For our Fire Department, I have included \$350,000 in capital funding to replace Self Contained Breathing Apparatus (SCBA) gear which is required for the safety of our firefighters. In addition, the City will match an amount of \$100,000 received through the Office of New York State Senator Ortt. These funds will be used to replace an aged Rescue vehicle allowing a more reliable emergency response to emergencies throughout the City.

∞

This budget shows our commitment to provide the necessary services and protection our community should expect, without increasing taxes. Serving the taxpayers of North Tonawanda and helping our City to continue progressing is my goal. Our duty as elected officials is to provide basic services in an efficient and cost effective manner by ensuring your money is spent wisely and appropriately. I believe this budget accomplishes this mission.

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Again, I am proud of the work we have done together. I want to thank all City department heads and their staff for the important part they played in the formulation of this Budget. I would like to take this opportunity to offer to meet with the Common Council to discuss and work with them to finalize the 2017 Budget, as a cooperative effort, at their workshop sessions.

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Thank you for your kind consideration of my 2017 Budget.

Arthur G. Pappas
Mayor, City of North Tonawanda

AUDIENCE PARTICIPATION

Sonia Dusza 123 Miller Street – Stated she had a question regarding the #3 item from the City Attorney. Asked how can someone buy property in the In Rem auction and give it back later, just wanted it explained. Said that reminded her that the City used to require people to provide a plan for the property they are buying before the City allowed them to buy the property. Said we should not allow people to buy property and not fix them up.

APPROVAL OF THE MINUTES OF THE REGULAR SESSION OCTOBER 4, 2016

MOVED by Alderman Pecoraro SECONDED by Alderman Zadzilka
That the minutes of the regular session meeting held October 4, 2016 be approved as circulated and filed in the Office of the City Clerk.
CARRIED.

PROOF OF PUBLICATION PUBLISHED 8/07, 9/04 & 10/02, 2016

- 1) Legal Notice – (Buffalo News) Notice of Foreclosure of Tax Liens by the City of North Tonawanda by Auction In Rem – City Clerk-Treasurer

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

COMMUNICATIONS FROM CITY OFFICIALS

II.1 Attorney

October 5, 2016

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

RE: Proposed Memorandum of Agreement – City of North Tonawanda & AFSCME, Local 515A – to Clarify §13.13 and §13.15 of the Collective Bargaining Agreement

Dear Honorable Body:

Attached, for your consideration, is a proposed Memorandum of Agreement between the City of North Tonawanda and American Federation of State, County and Municipal Employees (AFSCME), Local Union 515A, which will clarify Section 13.13 and 13.15 of their recently-negotiated collective bargaining agreement. These sections deal with the procedure for reimbursements for the purchase of employee work clothing.

Should your Honorable Body concur, please pass a resolution to allow the Mayor to execute the Memorandum of Agreement, subject to any further review by the City Attorney.

Very truly yours,
Luke A. Brown
Assistant City Attorney

MOVED by Alderman Pecoraro SECONDED by Alderman Braun
That the Common Council hereby approves the proposed Memorandum of Understanding between the City of North Tonawanda and the AFSCME, Local 515A, which clarifies Sections 13.13 and 13.15 of their recently-negotiated collective bargaining agreement, that deals with the procedure for reimbursements for the purchase of employee work clothing as follows:

Memorandum of Agreement

The parties to this Memorandum of Agreement are the City of North Tonawanda, New York (referred to herein as “Employer”) and the New York State Council No. 66 of the American Federation of State, County and Municipal Employees Union and its affiliated Local Union No. 515A (referred to herein as “The Union”).

The following clarifications of the recently negotiated Collective Bargaining Agreement (referred to herein as “CBA”) covering the term of January 1, 2016 to December 31, 2021 are agreed to between the Employer and Union, are as follows:

1. Effective January 1, 2016, and every year thereafter (and/or until a successor CBA) each employee shall receive via reimbursement up to Fifty Dollars (\$50.00) per year for the purchase of appropriate work clothing. Payment shall be made by the City of North Tonawanda Accounting Department within one (1) month of the presentation of the form designated by the Employer and original receipts for said work clothing. The term appropriate work clothing will be determined by the parties.
2. Effective January 1, 2016, and every year thereafter (and/or until a successor agreement) the parties agree that the money described in section 13.13 will be remitted to the union for administrative purposes and the defined safety committee in section 13.13 will agree on the purchase of safety equipment. Receipts for money expended from the Safety account will be made available to representatives of the City Upon request.

All other terms and conditions and provisions of the Agreement will remain in full force and effect except those either added, deleted or mollified by the terms and conditions of this Memorandum of Agreement.

Subject to further review by the City Attorney

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

II.2 Attorney

October 7, 2016

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

RE: Proposed Memorandum of Understanding between Niagara County Department of Health and City of North Tonawanda for Use of 758 Erie Avenue as Point of Dispensing During a Public Health Emergency

Dear Honorable Body:

Attached, for your review, is a proposed Memorandum of Understanding between the Niagara County Department of Health and the City of North Tonawanda, for the use of the DPW facility at 758 Erie Avenue as a possible Point of Dispensing for the distribution of both medical countermeasures and non-medical supplies from the Strategic National Stockpile during a public health emergency.

Should your Honorable Body concur, please pass a resolution to allow the Department of Public Works facility at 758 Erie Avenue to be used as a Point of Dispensing during such a possible public health emergency, subject to any further review by the City Attorney.

Very truly yours,
 Katherine D. Alexander
 City Attorney

MOVED by Alderman Zadzilka **SECONDED** by Alderman Schwandt
 That the Common Council hereby approves the Memorandum of Understanding between the Niagara County Department of Health and the City of North Tonawanda to use the Public Works facility at 758 Erie Avenue to be used as a possible Point of Dispensing during a public health emergency, subject to further review by the City Attorney.

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

II.3 Attorney

October 12, 2016

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

RE: Donation of Real Property to City of North Tonawanda

Dear Honorable Body:

The current owner of 5 vacant lots – 138, 140, 144, 146, and 150 Fifth Avenue – has requested that the City of North Tonawanda accept his donation of the lots back to the ownership of the City of North Tonawanda. The owner, Ivan Yatchuk, purchased the lots at a previous In Rem action, but now resides out of town.

If your Honorable Body concurs, please pass a resolution for the City of North Tonawanda to accept the donation of the property at 138, 140, 144, 146, and 150 Fifth Avenue from Mr. Yatchik, subject to any further review by the City Attorney.

Very truly yours,
Katherine D. Alexander
City Attorney

MOVED by Alderman Pecoraro **SECONDED** by Alderman Schwandt
That the Common Council hereby accepts the donation of 5 vacant lots – 138, 140, 144, 146,
and 150 Fifth Avenue from owner Ivan Yatchuk, 6056 Campbell Blvd., Lockport, NY 14120
back to the City of North Tonawanda, subject to any further review by the City Attorney.

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

Nays: None (0)

CARRIED.

VII. Accountant

October 13, 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 October 18, 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 October 18, 2016 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$170,204.23
02	Water Fund	12,105.67
04	Sewer Fund	39,364.23
06	Capital Project Fund	46,257.22
07	Trust & Agency Fund	1,194.44
17	Home Rehab Program	<u>36.50</u>
00	Final Total	<u>\$269,162.29</u>

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

Nays: None (0)

CARRIED.

XIV. Youth Recreation & Parks

September 28, 2016

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

Dear Honorable Body:

Please review and approve for signing the attached agreement between Northtown Soccer and the City of North Tonawanda for the use of Gratwick Park for their summer soccer program. The agreement will allow use of the park through February 28, 2020.

The contract has been reviewed and approved by the City Attorney and I request that you authorize the Mayor to execute said contract.

Respectfully submitted,
Patricia A. Brosius
Director of Youth, Recreation & Parks

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro
That the Common Council hereby approves the agreement between Northtown Soccer and the City of North Tonawanda for the use of Gratwick Park through February 28, 2020, for their summer soccer program, authorizing the Mayor to sign said contract. Subject to further review by the City Attorney.

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

Nays: None (0)

CARRIED.

XXV. Monthly Reports

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

MOVED by Alderman Rizzo SECONDED by Alderman Schwandt
That the Common Council hereby receives and files the aforementioned Monthly Reports
CARRIED.

COMMUNICATIONS FROM OTHERS

A.
Chamber of Commerce
of the Tonawandas

October 11, 2016

Members of the Common Council
City of North Tonawanda
216 Payne Avenue
North Tonawanda, NY 14120

Dear Respected Members of the Common Council,

The Chamber of Commerce of the Tonawandas seeks support from the North Tonawanda Common Council members for our Gateway Cities Promotion Committee project.

The Gateway Cities Promotion Committee project for which we are requesting funds is a subsidiary committee of our Chamber. This project will help bring awareness to the historic buildings and monuments within both of our communities with signs, maps, and brochures which will allow residents and visitors to recognize the history of where they live and when they visit. We plan for this project to be complete within six months after receiving funds.

This committee is comprised of board members of our Chamber as well as citizens from both the City of North Tonawanda and Tonawanda who have spent countless hours recreating and designing sketches of each location and mapping out a plan to follow for visiting each location.

I am requesting your assistance to have authorization from Mayor Pappas to allow signage on the properties located in the City of North Tonawanda that will be included in this historic Tour of the Tonawandas.

I personally thank your organization in advance for any and all consideration of helping us complete this project. We will be more than happy to submit a full proposal for your review once the project plans are completed.

Warm regards,
Angela R. Johnson-Renda

MOVED by Alderman Braun **SECONDED** by Alderman Zadzilka
That the Common Council hereby grants permission to the Chamber of Commerce of the Tonawandas to place signs on properties located in the City of North Tonawanda that will be included in the Historic tour of the Tonawandas
Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)
Nays: None (0)
CARRIED.

B.
Vanguard Church

October 6, 2016

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

To the North Tonawanda City Council,

Thank you for your commitment to our wonderful city! We are thankful to have public officials interested in the growth and development of our community. I am excited to be moving in to North Tonawanda within the next week! I will now be a lumberjack!

I am writing, once again, to ask for the use of the parking lot adjacent to our property. On Monday, October 31, we would be interested in holding a "Trunk & Treat" from 5pm to 9pm. It would be a family friendly, community geared event. We have the necessary liability insurances to hold such an event, and we can provide all paperwork to the city.

There would be two rows of vehicles parked trunk to trunk and the community would walk down the "aisle" of trunks to receive Halloween, store bought, sealed treats... Nothing home made. We would only allow approved members of our church to hand out treats, plus we would have multiple members acting as "watch dogs" to prevent any non-members from distributing treats. There would be multiple games and cider/cocoa stations, donut holes, pop corn machine, as well as 2 bounce houses supervised by responsible adults.

We would also make sure that all clean-up is completed after the event.

We are very happy to meet any requirements of the city to make this event a reality. Please feel free to contact me with any questions. My direct number is listed below.

With kindest regards,
Justin Collins (Senior Pastor)

MOVED by Alderman Pecoraro **SECONDED** by Alderman Rizzo
That the Common Council hereby grants permission to Vanguard Church 375 Payne Avenue to use the City Market Lot on Monday October 31, 2016 from 5PM to 9PM to hold a "Trunk & Treat" event for the community.
Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)
Nays: None (0)
CARRIED.

AUDIENCE PARTICIPATION

Sonia Dusza 123 Miller Street – Said she remembered some years back our Chamber splitting and going with the Ken-Ton chamber but wasn't sure if it was correct. Said some years ago she was a petitioner and so were her parents and in her neighborhood they had some code violations, very gross violations. According to Code Enforcement they were only minor violations. Said they fought this and ended up winning in Court. Said a few years later we had attorneys representing us and nothing changed. Said she is asking the City Attorney, her Representative and Cosimo Capozzi, who a couple of years ago was at her home, who looked out and saw the violations and said "I know you won your lawsuit but the legal department will not back me." Said she will never forget that statement. Said she would like the City Attorney Alexander to specifically see what Cosimo Capozzi was talking about and she would like to get her take on it so everyone knows how City Attorney Alexander stands on Code Enforcement. Stated the City needs to have residents take interest in their community. Said the City needs a Planner, it would be worth the money and the person would have to have the expertise to help the City. Stated we have a jewel in this City and we need to take an interest in Planning and Zoning. We need a City Planner.

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: 7:08 P.M.

Respectfully submitted,



Daniel R. Quinn
City Clerk-Treasurer