

**THE HONORABLE BODY**  
**Council Chambers**  
**Municipal Building**  
**North Tonawanda, New York 14120**  
**Tuesday, February 17, 2015**  
**6:32P.M.**

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**REGULAR SESSION CALLED TO ORDER BY PRESIDENT RIZZO**

**PLEDGE OF ALLEGIANCE**

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**AT THIS TIME DANIEL R. QUINN WAS SWORN IN AS CITY CLERK-TREASURER.**

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**ROLL CALL**

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

**Absent:           None**

**Also Present:     Mayor Arthur G. Pappas**  
**City Attorney Shawn P. Nickerson**

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**AUDIENCE PARTICIPATION - None**

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## **COMMUNICATIONS FROM CITY OFFICIALS**

**III.   Clerk-Treasurer**

**February 11, 2015**

**North Tonawanda Common Council City Hall**  
**216 Payne Avenue**  
**North Tonawanda, NY 14120**

**RE: CHARTER/ CHAPTER C / DIVISION 2/SEC. 3.024 / VACANCIES IN OFFICE**

**Dear Honorable Body,**

**Section 3.024 Vacancies in Public Office;**

*Vacancies occurring in any elective office shall be filled by the Common Council at its next regular meeting where practicable, after creation of the vacancy. The person appointed to fill the vacancy shall hold office only until December 31 next succeeding the first annual election at which the vacancy can be filled after the vacancy occurred.*

**A press release was sent to the local news outlets in November inviting any interested residents to send a resume to the City Clerk's Office for the position of Alderman-at-Large for the City of North Tonawanda. Your Honorable Body reviewed all resumes received and conducted interviews on Tuesday, February 10, 2015.**

**Per your Honorable Body's direction the name of Robert E. Pecoraro who resides at 262 Christiana Street in the City of North Tonawanda has been placed on this evening's agenda for appointment by your Honorable Body to the vacant position of Alderman-at-Large for the City of North Tonawanda effective February 17, 2015.**

**02-17-2015**

Sincerely,  
Denise M. Proefrock  
Acting City Clerk-Treasurer

MOVED by Alderman Braun

SECONDED by Alderman Zadzilka

That the Common Council hereby Appoints Robert E. Pecoraro of 262 Christiana Street as the new Alderman-at-Large for the city of North Tonawanda effective February 17, 2015.

Ayes: Zadzilka, Braun, Schwandt, Rizzo (4)

Nays: None (0)

CARRIED.

AT THIS TIME ROBERT E. PECORARO WAS SWORN IN AS ALDERMAN-AT-LARGE.

I. Mayor

February 12, 2015

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

Re: Zoning Board of Appeals

Dear Honorable Body:

Please be advised that I am appointing Mark Lemke, 320 Oakdale Drive, North Tonawanda, NY 14120, to the Zoning Board of Appeals. Mr. Lemke will be fulfilling the remainder of the term for Robert E. Pecoraro which expires on December 31, 2016. Mr. Pecoraro is resigning from the board due to being appointed to the Common Council.

Sincerely,  
Arthur G. Pappas  
Mayor

MOVED by Alderman Zadzilka

SECONDED by Alderman Schwandt

That the Common Council hereby receives and files the aforementioned appointment of Mark Lemke to the Zoning Board of Appeals within the City of North Tonawanda.

CARRIED.

II.1 Attorney

January 30, 2015

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

Dear Honorable Mayor & Common Council Members:

I was approached by the Building Department regarding Chapter 83 of the City Code. Particularly regarding the current language surrounding pool fences and ladders for above-ground pools. The State Building Code has increased the height for fences/ladders to a minimum height of 48 inches. The Building Department has been informing those who obtain permits for pool construction of the height requirement, but to ensure that our code is in conjunction with the State Building Code, we are requesting a change to the code, per

attached, to update to the current standards. As you are aware, the State Building Code preempts the City Code, however to safeguard those citizens who only read the City code, we would respectfully request these small changes.

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

Katherine Alexander  
Assistant City Attorney

MOVED by Alderman Zadzilka                      SECONDED by Alderman Braun  
The Common Council hereby approves the amendment of Chapter 83 of the North Tonawanda City Code entitled Swimming Pools, as follows:

#### CHAPTER 83. Swimming Pools

##### §83-1. Fences required.

All swimming pools erected or constructed in the City of North Tonawanda shall be enclosed by a fence, the height of which shall be not less than 48 inches. All gates shall be self-closing and self-latching.

##### §83-2 SAME

##### §83-3. Ladders for aboveground pools.

Where pools are constructed aboveground, the wall of such pool shall be considered as the fence required by this ordinance provided that no point along the perimeter of the pool wall is less than 48 inches in height. All ladders for entry and exit from above ground pool shall be capable of being secured, locked or removed to prevent access.

Subject to review by City Attorney.

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

Nays: None (0)

CARRIED.

## II.2 Attorney

January 30, 2015

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

Dear Honorable Mayor & Common Council Members:

The City was contacted by Wells Fargo Bank with an interest in giving the City property located at 562 East Goundry Street. Wells Fargo has proposed to give the City \$10,000 along with the property. They also state that they will provide the property with a marketable title. The City ordered a title search on the property, and it is noted that there is a state tax warrant on the property. We have informed Wells Fargo that in order for the City to accept the property, they must provide us with a written curative. Attached for your review, please also find a sample contract that the City would sign should your Honorable Body accept the donation.

I would be happy to discuss this further with you at the next Council Workshop.

Katherine Alexander  
Assistant City Attorney

MOVED by Alderman Schwandt                      SECONDED by Alderman Zadzilka  
That the Common Council hereby accepts the property at 562 Goundry Street from Wells Fargo Bank with a proposed amount of \$10,000 and marketable title. Subject to review by the City Attorney.

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

(5)  
 (0)

VII. Accountant

February 12, 2015

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 February 17, 2015, and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Very truly yours,  
 Mark W. Dotterweich  
 City Accountant

MOVED by Alderman Zadzilka                      SECONDED by Alderman Rizzo  
 That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated February 17, 2015 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$692,658.26
02	Water Fund	17,242.58
04	Sewer Fund	23,975.19
06	Capital Project Fund	39,386.25
07	Trust & Agency	<u>5,759.03</u>
	Final Total	<u>\$779,021.31</u>

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

(5)  
 (0)

XIV. Recreation

January 23, 2015

The Honorable Mayor Arthur Pappas and Common Council Members  
 City Hall  
 216 Payne Ave.  
 North Tonawanda, New York 14120

Dear Mayor and Honorable Body:

Unfortunately throughout the years some non-resident golfers have manipulated the system for resident ID Cards for Deerwood Golf Course. In order to curtail the abuse from these non-residents a new policy needs to be established. As the policy now stands a person will show a valid driver's license with an address that is within the city limits. We will then issue them a resident card. Since driver's licenses are good for eight years it opens a large window for manipulation and misleading information since a person could move within that time frame.

The new identification card policy would permit only residents and taxpayers Resident Card privileges. In order to assure this new policy my department would require residents to bring with them not only a valid driver's license but two additional forms of residency. These additional forms of residency could include a tax bill, utility bill, pay stub, or bank statement. I feel that any business owner or landlord who pays North Tonawanda taxes should be included in the resident ID program.

If you have any questions on this new policy for 2015 please contact me.

Thank you for your consideration.

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

MOVED by Alderman Braun                      SECONDED by Alderman Zadzilka  
That the Common Council hereby approves the new identification card policy, this new policy would require residents to bring with them a valid driver's license with two additional forms of residency (ie. Tax bill, utility bill, pay stub or bank statement). Business owners and landlords that pay North Tonawanda taxes will be included in the resident ID program.

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

Nays: None (0)

CARRIED.

#### XXV. Monthly Reports

- |               |                    |
|---------------|--------------------|
| .1 City Clerk | .4 Senior Citizens |
| .2 Treasurer  |                    |
| .3 Police     |                    |

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

#### XXXII. Community Development

February 11, 2015

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

Re: Purchase offer for City owned property on Walck Road

Dear Honorable Body,

Ivy Lea Construction, a residential and commercial construction company currently located in Tonawanda, NY, has contacted my office and is interested in purchasing a portion of City-owned property on Walck Road. The property is currently an unused portion of the Department of Public Works property (758 Erie Avenue).

Ivy Lea proposes to purchase 5.1 acres of this property to develop a new headquarters for their company. This project includes approximately 10,000 square feet of office and showroom space as well as approximately 20,000 of warehouse space. Ivy Lea will bring their existing 42 employees to this new facility and projects to add 10 to 15 more over the next 18 months. Please see the enclosed presentation for more details about this proposal.

Ivy Lea Construction is offering a purchase price of \$80,000.

Consultations with the City Attorney and City Assessor have determined this to be a fair purchase offer for the property.

The property is located in a commercial/industrial area, zoned M-1, and is not needed for any public purpose. Ivy Lea's proposed new headquarters would put the property into productive use, would bring new employment and business activity to the Erie Avenue corridor, and is consistent with the commercial/industrial nature of the area.

At this time I am requesting this Honorable Body review and consider approving Ivy Lea Construction's purchase offer and project proposal for the property in question.

Thank you in advance for your consideration.

Sincerely,  
Michael Zimmerman  
Director of Community Development

MOVED by Alderman Braun

SECONDED by Alderman Zadzilka

That the Common Council hereby approves the proposal from Ivy Lea Construction to purchase 5.1 acres of land located at 758 Erie Avenue with a purchase price of \$80,000 to develop a new headquarters for their company. The project will include approximately 10,000 square feet of office and showroom space as well as approximately 20,000 square feet of warehouse space. Ivy Lea will bring their existing 42 employees to this new facility and projects to add 10 to 15 more over the next 18 months. Subject to review by the City Attorney.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

(5)

Nays: None

(0)

CARRIED.

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## COMMUNICATIONS FROM OTHERS

A.

Lumber City Development

January 21, 2015

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

Re: Appointment to Lumber City Development Corporation Board of Directors

Dear Honorable Body:

Lumber City Development Corporation (LCDC) is a not-for-profit organization which performs economic development tasks in cooperation with the City of North Tonawanda. Per LCDC by-laws, the City of North Tonawanda Common Council may appoint one (1) member of the Council to a seat on the LCDC Board of Directors. This seat was last held by Alderman Bob Clark and has been vacant since his passing in 2014.

I hereby respectfully request this Honorable Body to appoint one member to sit on the Lumber City Development Corporation Board of Directors.

Sincerely,  
Michael Zimmerman  
Executive Director

MOVED by Alderman Rizzo

SECONDED by Alderman Schwandt

That the Common Council hereby appoints Councilwoman Donna Braun to sit on the LCDC Board of Directors.

Ayes: Zadzilka, Schwandt, Pecoraro, Rizzo

(4)

Nays: None

(0)

Abstained: Braun

(1)

CARRIED.

B.  
Columbia Hook & Ladder

January 28, 2015

Honorable Arthur Pappas, Mayor  
Honorable Common Council  
c/o City Clerk-Treasurer  
North Tonawanda City Hall  
216 Payne Ave.  
North Tonawanda, NY 14120

Re: Volunteer Fire Dept. - FIRE ROLL

Dear Council & Mayor:

Columbia Hook & Ladder Co. No. 1, Inc., has expelled from membership - Justin M. Schultz, of 817 Revere Ave., North Tonawanda, N.Y.

Please remove him from the City Fire Roll.

He has been a member of Columbia Hook & Ladder since November, 2012. However, he was placed on the Fire Roll by one of the two fire companies in the City he had prior been a member of, either Live Hose Co. #4 or Gratwick Hose Co. #6.

Any questions, please contact the undersigned.

Very truly yours,  
David L. Evans  
Recording Secretary

MOVED by Alderman Schwandt                      SECONDED by Alderman Zadzilka  
That the Common Council hereby removes Justin M. Schultz of 817 Revere Avenue North  
Tonawanda from the City Fire Roll.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

(5)

Nays: None

(0)

CARRIED.

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**AUDIENCE PARTICIPATION –**

**Kathy Kern – 1248 Greenbrier Lane** – Stated she does not like Time Warner anymore and wanted to know why North Tonawanda does not have Verizon FIOS. Stated she would like the Common Council to contact Verizon about this issue. Bob Welch spoke in response to her question/concern stated that Mayor Ortt contacted Verizon in the past and Verizon Corporation stated that they decide the location they are going to install FIOS. She also stated she does not like the idea that the City is going to spend \$300,000 to improve Oliver Street, feels it is not worth it and the money should be used to improve infrastructure. Mike Zimmerman stated that the money did not come from the City; it was a grant from Lumber City Corp.

**Walt Yaro – 170 Christiana Street** – Stated that the purchase price of the property on Walck Road from the City of \$50,000 was too low. He was told by the Council that the number was incorrect and it was sold for \$80,000. He also welcomed Mayor Pappas and Alderman Pecoraro, but said he felt that there was a conflict of interest because they both are on other boards (History Society of the Tonawanda's). Shawn Nickerson responded that if an issue arises we will address it at that time.

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ADJOURNMENT

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

**Time of Adjournment: 6:58P.M.**

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Daniel R. Quinn".

**Daniel R. Quinn**  
City Clerk-Treasurer