

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, May 19, 2015
6:31P.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 Shawn P. Nickerson

AUDIENCE PARTICIPATION

Sonia Dusza 123 Miller Street – Stated that she called the Clerk’s office yesterday looking for the council minutes on line, and they were not posted. She has a concern that it looks like the city is hiding something. She also talked about the city pulling 3 properties from the IN REM list to give to Mike Zimmerman of LCDC to try and market, she feels that it is a good idea to try and break the cycle of absenteeism slumlords. Stated that it is also important that we continue to revitalize Oliver Street and it is important that merchants and citizens participate.

APPROVAL OF THE MINUTES OF THE REGULAR SESSION MAY 5, 2015

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro
That the minutes of the regular session held May 5, 2015 be approved as circulated and filed in the Office of the City Clerk.
CARRIED.

PROOF OF PUBLICATION PUBLISHED APRIL 15, 2015

- 1) Legal Notice – Formal Bid for One (1) New 1500 GPM Class “A” Pumper – Fire Department

PROOF OF PUBLICATION PUBLISHED APRIL 18, 2015

- 1) Legal Notice – Formal Bid Erie Canal Kayak Launches Project – Engineering Department

PROOF OF PUBLICATION PUBLISHED APRIL 27, 2015

- 1) Legal Notice – Formal Bid Carnegie Art Center: Accessibility Improvement – Engineering Department

PROOF OF PUBLICATION PUBLISHED APRIL 30, 2015

1) Legal Notice – Formal Bid for Concrete Sidewalk and Curbing Repairs – Public Works Department

PROOF OF PUBLICATION PUBLISHED MAY 2, 2015

1) Legal Notice – Completion of 2015 Tentative Assessment Roll – Assessor’s Office

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

COMMUNICATIONS FROM CITY OFFICIALS

Pete Trinkwalder

May 8, 2015

Mayor Arthur Pappas
216 Payne Avenue
North Tonawanda, New York 14120

Sir;

I would like to submit my resignation as City Historian North Tonawanda, NY. I have served in this position under three mayors and it has been an honor. As I have previously stated to you, I am willing to further serve our city in any capacity. I remain interested in the history of our city.

As you know, I have become a part time resident of our city and feel that the City Historian should be more available.

Pete Trinkwalder
City Historian, North Tonawanda

MOVED by Alderman Rizzo SECONDED by Alderman Schwandt
That the Common Council hereby receives and files the resignation of Pete Trinkwalder, 252 Niagara Street, North Tonawanda, NY 14120 as City Historian effective May 20, 2015.
Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)
Nays: None (0)
CARRIED.

I. Mayor

May 11, 2015

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

Re: City Historian

Dear Honorable Body:

Please be advised that I am appointing Joseph Midura, 115 10th Avenue, North Tonawanda, NY 14120, to be City Historian, effective May 22, 2015, for a term which expires on December 31, 2015.

Thank you for your attention to this matter.

Sincerely,
Arthur G. Pappas
Mayor

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro
 That the Common Council hereby receives and files the aforementioned appointment of Joseph Midura of 115 10th Avenue, North Tonawanda, NY 14120 as City Historian effective May 22, 2015 and expiring December 31, 2015.

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

Nays: None (0)

CARRIED.

III. Clerk/Treasurer

May 13, 2015

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

Re: Approval of high bids for items auctioned with Auctions International

Dear Honorable Body:

Upon the conclusion of the auctioning of City owned equipment with Auctions International from April 20, 2015 to May 4, 2015, I would ask the Council to approve the high bid for the 7 items listed below.

<u>Item</u>	<u>High Bid</u>
1. 1987 GMC Sierra 1500 pickup (not working)	\$355.00
2. 1987 GMC Sierra pickup (not working)	\$450.00
3. 1990 Chevy 1500 pickup (not working)	\$410.00
4. Cushman Front Line Rotary Mower (not working)	\$600.00
5. Turf Pro 84 Toro (not working)	\$62.50
6. Truckster (working)	\$672.00
7. Cushman Topdresser	\$125.00

Respectfully,
 Daniel R. Quinn
 City Clerk/Treasurer

MOVED by Alderman Rizzo SECONDED by Alderman Zadzilka
 That the Common Council hereby approves the sale of the following City owned equipment at their High Bid amount:

<u>Item</u>	<u>High Bid</u>
1. 1987 GMC Sierra 1500 pickup (not working)	\$355.00
2. 1987 GMC Sierra pickup (not working)	\$450.00
3. 1990 Chevy 1500 pickup (not working)	\$410.00
4. Cushman Front Line Rotary Mower (not working)	\$600.00
5. Turf Pro 84 Toro (not working)	\$62.50
6. Truckster (working)	\$672.00
7. Cushman Topdresser	\$125.00

Subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

IV. Engineer

May 14, 2015

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

Re: Carnegie Art Center - Accessibility Improvements
Project No. 2014-10
City of North Tonawanda, Niagara County
Award of Construction Contract

Dear Honorable Body:

On May 14, 2015, bids were received and opened by the City Clerk for the Carnegie Art Center—Accessibility Improvements. The bid results were as follows:

Bidder	Base Bid	Add Alt. #1	Add Alt. #2	Deduct Alt. #3
Nichter Construction Co., Inc.	\$294,000	\$3,100	\$7,000	\$9,000
Spicer Group	\$295,000	\$8,371	\$11,291	\$7,846
Telco Construction Co., Inc.	\$317,700	\$11,370	\$10,700	\$7,750
Sicoli Construction Services	\$326,000	\$8,470	\$8,500	\$7,050
Picone Construction Corp.	\$328,600	\$9,400	\$7,700	\$8,500

The City's consultant, Flynn Battaglia Architects, P.C., has reviewed the bids, checked the contractor's references and is recommending award of contract.

Accordingly, I respectfully request that the Common Council award the Carnegie Art Center Accessibility Improvements to Nichter Construction Co., Inc., 30 Wildwood Dr. Lancaster, NY 14086, at their low bid amount of \$288,100; which includes Alternate #1 for the West Vestibule Plaster; and deducts Alternate #3 for the Storefront New entry Vestibule; authorizing the Mayor to sign said contract subject to review by the City Attorney.

Very truly yours,
Dale W. Marshall, P.E.
City Engineer

MOVED by Alderman Braun

SECONDED by Alderman Zadzilka

That the Common Council hereby awards the Carnegie Art Center Accessibility Improvements to Nichter Construction Co., Inc., 30 Wildwood Dr. Lancaster, NY 14086, at their low bid amount of \$288,100; which includes Alternate #1 for the West Vestibule Plaster; and deducts Alternate #3 for the Storefront New entry Vestibule; requesting the Mayor to sign said contract subject to review by the City Attorney.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

(5)

Nays: None

(0)

CARRIED.

VI. Wastewater Treatment Plant

May 4, 2015

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

RE: Selling of used Gas Chromatography Lab Equipment

Honorable Mayor:

As of 1/1/15 the company we purchased our Gas Chromatograph, O.I. Analytical, would no longer offer us a service contract because of the age of the Chromatograph. The cost of the contract was \$10,650 a year.

We used the G.C. to analyze Waste Haulers that wanted to jump their waste at the plant. It would give us quick results and we would either accept the waste or refuse it if it did not meet our Sewer Ordinance regulations. Last year we had a total of two haulers. We also use the G.C. around twenty times a year for in house testing.

Sanitary Chemist Bill Davignon did some research on the cost of a new G.C. The cost would be \$80,000 - \$100,000. Bill decided to look into sending our samples to an independent lab. He found out we could get all of our sampling done at Test America for \$2,550 a year. Obviously, it was the most cost effective way to go.

Bill looked around for a buyer of our G.C. and found Gen Tech Scientific would purchase it for \$6,500.

I am asking for your permission to sign a purchase offer to sell the G.C. to Gen Tech for \$6,500 with the City Attorney approval.

Sincerely,
David Scott
Superintendent Water/Wastewater

MOVED by Alderman Pecoraro SECONDED by Alderman Braun
That the Common Council hereby approves the sale of the Wastewater Treatment Plant Gas Chromatography to Gen Tech Scientific, Inc. of 23 Mill Street, Arcade, NY 14009 for a total purchase price of \$6,500 subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

VII. Accountant

May 14, 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 May 19, 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 Schwandt SECONDED by Alderman Zadzilka
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated May 19, 2015 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$133,243.92
02	Water Fund	6,663.60
04	Sewer Fund	37,866.96
06	Capital Project Fund	292,337.85
07	Trust & Agency Fund	927.86
	Final Total	<u>\$471,040.19</u>

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

(5)

Nays: None

(0)

CARRIED.

XXV. Monthly Reports

1. Clerk/Treasurer 2. Youth Center

MOVED by Alderman Zadzilka

SECONDED by Alderman Rizzo

That the Common Council hereby approves the aforementioned Monthly Reports.

CARRIED.

XXXII. Community Development

May 7, 2015

Honorable Mayor and Common Council

City of North Tonawanda

City Hall

216 Payne Avenue

North Tonawanda, NY 14120

Re: Lumber City Development Corporation Commercial Property Marketing Agreement

Honorable Body:

As you are aware, in December 2014 the City and Lumber City Development Corporation (LCDC) entered into a commercial property marketing agreement allowing LCDC to market and incentivize the sale and redevelopment of select City-owned commercial properties at the direction of the City Common Council. At this time I would like to present the following seven parcels for review and discussion:

- 1) 664 Oliver Street - 3,260 sq. ft., current assessment: \$39,000
- 2) 653 Oliver Street - 3,128 sq. ft., current assessment: \$52,000
- 3) 301 Payne Avenue - 4,763 sq. ft., current assessment: \$94,000
- 4) Buffalo Bolt Lot #4 - 3.18 acres
- 5) Buffalo Bolt Lot #5 - 2.09 acres
- 6) Buffalo Bolt Lot #8 - 3.04 acres
- 7) 795 Walck Road— 1.4 acres, current assessment: \$100,000

Properties #1, 2, and 3 above are tax foreclosures currently listed to be auctioned in the upcoming City property auction. LCDC is concerned that if auctioned these properties could continue to be neglected and continue to blight the community. Pursuant to the agreement, LCDC would like the Council to consider withdrawing these properties from the upcoming auction.

Properties # 4, 5, and 6 above (collectively "Buffalo Bolt") represent approximately 8 acres of developable industrial property and the only remaining property available within Buffalo Bolt Business Park. Given numerous advantages, including: the very limited supply of developable industrial property in North Tonawanda, the shovel-ready status of the property, and the Buffalo-Niagara region's very low industrial vacancy rate, LCDC believes Buffalo Bolt will be desirable and highly marketable to new or growing industrial businesses. Enclosed is a draft real estate listing agreement provided by Hunt Commercial Real Estate for your review.

Property #7 above is commonly referred to as the "Quonset Hut" at 795 Walck Road. This small commercial/industrial property is currently used by the City for storage. If the City has adequate storage available elsewhere this property could be attractive for development. Though small, it is highly visible and located at the high traffic intersections on Erie Avenue, Walck Road, and Zimmerman Road. Further input for the Superintendent of Public Works is required.

Enclosed please find a copy of the Commercial Property Marketing Agreement, a draft exclusive listing agreement for Buffalo Bolt, and property profiles for each of the properties for your review.

I appreciate your time and consideration in this matter.

Kindest regards,
Michael Zimmerman
Executive Director

MOVED by Alderman Braun SECONDED by Alderman Zadzilka
That the Common Council hereby approves withdrawing 664 Oliver Street, 653 Oliver Street and 301 Payne Avenue from the City Tax Foreclosure list allowing Lumber City Development Corporation to consider said properties to market and incentivize the sale and redevelopment of said properties at the direction of the Common Council. At this time the Common Council tables the request for properties #4 ,5 ,6 and 7 until further review.
Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)
Nays: None (0)
CARRIED.

COMMUNICATIONS FROM OTHERS

A.
John Jacobs
Paul R. Drabinski

May 11, 2015

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

Dear Honorable Body:

I am requesting at be appointed as a Commissioner of Deeds for the City of North Tonawanda.

Thank you.

Sincerely,
John G. Jacobs
Paul R. Drabinski

MOVED by Alderman Pecoraro SECONDED by Alderman Schwandt
That the Common Council hereby appoints as a Commissioner of Deeds for the City of North Tonawanda:

John G. Jacobs 1323 D'Angelo Drive, North Tonawanda, NY 14120
Paul R. Drabinski 1495 Abington Place, North Tonawanda, NY 14120

Their terms begin May 20, 2015 ending May 19, 2017.

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

B.
David Conti

April 28, 2015

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

Honorable Council Members:

Please consider my request to extend the current leave of absence from my competitive Civil Service position of Wastewater Treatment Plant Operator. I am requesting an extension of six months consistent with the change in the Water Treatment Plant Operator Trainee Civil Service job specifications dated February 19th 2015.

Thank you for your consideration.

David Conti

MOVED by Alderman SECONDED by Alderman
That the Common Council hereby tables the aforementioned extension per request by the City Attorney for further review by Civil Service.
Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)
Nays: None (0)
CARRIED.

AUDIENCE PARTICIPATION

Dale Marshall City Engineer – Announced that the 2014 Storm Water Report is available in the City Engineer's Office and also on the City Web Site for residence to review.

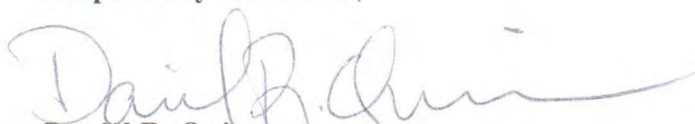
Sonia Dusza 123 Miller Street - Stated regarding the sale of the Gas Chromatography Lab equipment it sounds like a good deal, but hopes we can trust the lab doing the test. Said that it is easier holding one of our people accountable than another company. Said it is important that community development show an interest in the whole city not just parts. Said Oliver Street in the 70's had more mom and pop stores like Elmwood and Hertel. Stated the city needs more people who understand and appreciate the City, so they can focus on location, assets and strengths.

ADJOURNMENT

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

Time of Adjournment: 7:10P.M.

Respectfully submitted,



Daniel R. Quinn
City Clerk-Treasurer