

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, August 4, 2015
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 Shawn P. Nickerson

AUDIENCE PARTICIPATION -

Walt Yaro 170 Christiana Street – Asked about the Proof of Publication dated July 4, 2015 Terrace Parking and wanted some explanation of it. City Attorney Shawn Nickerson explained.

Dave Fingerlow 32 Seventh Avenue – Said that the topic he would like talk about is Terrace Parking and he would like to know if the city is going to revisit it. Asked how can the city allow non curbed streets to be allowed to park on the terrace while curbed streets cannot. Said that he doesn't understand the houses have been there forever. Said that he has a shared driveway and it is an issue, he has never received a ticket before. Wanted to know if it is more a safety or money issue. Says he hopes the city will revisit it because some streets have no place to park.

APPROVAL OF THE MINUTES OF THE REGULAR SESSION JULY 21, 2015

MOVED by Alderman Zadzilka SECONDED by Alderman Schwandt
That the minutes of the regular session held July 21, 2015 be approved as circulated and filed in the Office of the City Clerk.
CARRIED.

PROOF OF PUBLICATION PUBLISHED JUNE 24, 2015

- 1) Legal Notice – Notice of Foreclosure of Tax Liens by the City of North Tonawanda – City Clerk / Treasurer**

PROOF OF PUBLICATION PUBLISHED JULY 3, 2015

- 1) Legal Notice – Bids for the Removal and Disposal of the Roof on the Water Pump Station – Engineering Department**

PROOF OF PUBLICATION PUBLISHED JULY 4, 2015

- 1) Legal Notice – City Code Change: Chapter 96 Vehicle and Traffic Article VII Terrace Parking – City Attorney

PROOF OF PUBLICATION PUBLISHED JULY 10, 2015

- 1) Legal Notice – Bids for the Construction of Bike Path – Engineering Department

PROOF OF PUBLICATION PUBLISHED JULY 15, 2015

- 1) Legal Notice – Bids for Dry Cationic Organic Polymer – Wastewater Treatment Plant
- 2) Legal Notice – Bids for Anionic Polymer – Wastewater Treatment Plant

PROOF OF PUBLICATION PUBLISHED JULY 18, 2015

- 1) Legal Notice – Notice of Foreclosure of Tax Liens by the City of North Tonawanda – City Clerk / Treasurer

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

COMMUNICATIONS FROM CITY OFFICIALS

II.1 Attorney

July 20, 2015

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

Re: Insurance Coverage for Volunteer Firefighters

Dear Honorable Body:

As a result of Governor Cuomo’s action of December 17, 2014, Chapter 496 of the New York State Laws of 2014 now allows for insurance coverage for volunteer firefighters and volunteer ambulance workers when they provide emergency services outside of their regular jurisdiction, prior to an “officer in command” arriving on the scene and accepting their services. This new state law went into effect on June 15, 2015.

In order for our volunteers to be covered, the City’s governing body must adopt a resolution to make such coverage available to our volunteers.

If your honorable Body concurs, please pass the following resolution:

“It is the intent of this resolution to make available the coverage provided by General Municipal Law Section 209-11-b. Whenever a volunteer firefighter of the North Tonawanda Fire District provides services under General Municipal Law Section 209-i, when there is no jurisdictional officer in command present, such volunteer firefighter shall be entitled to coverage under the VFBL coverage provided by the North Tonawanda Fire District for the provision of such services. Upon the arrival of a jurisdictional officer in command, such volunteer firefighter shall report to such officer and offer his/her services to assist such fire company or fire department. If such offer of assistance is not accepted, then the volunteer firefighter of the North Tonawanda Fire District must immediately cease providing any additional service at the scene of the emergency.”

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

Very truly yours,
Shawn P. Nickerson
City Attorney

MOVED by Alderman Rizzo SECONDED by Alderman Zadzilka
The Common Council hereby adopts the following resolution:

“It is the intent of this resolution to make available the coverage provided by General Municipal Law Section 209-11-b. Whenever a volunteer firefighter of the North Tonawanda Fire District provides services under General Municipal Law Section 209-i, when there is no jurisdictional officer in command present, such volunteer firefighter shall be entitled to coverage under the VFBL coverage provided by the North Tonawanda Fire District for the provision of such services. Upon the arrival of a jurisdictional officer in command, such volunteer firefighter shall report to such officer and offer his/her services to assist such fire company or fire department. If such offer of assistance is not accepted, then the volunteer firefighter of the North Tonawanda Fire District must immediately cease providing any additional service at the scene of the emergency.”

Subject to further review by the City Attorney.

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

II.2 Attorney

June 18, 2015

Mayor Arthur Pappas
216 Payne Avenue
N. Tonawanda, NY 14120

Re: Agreement between UCS and the City of North Tonawanda for
Court Cleaning and Minor Repairs (Contract No. C300347)
Annual Renewal Letter and Budget (Appendix B) for SFY 2015-16

Dear Mayor Pappas:

Please be advised that pursuant to Section I of the existing contract between the Unified Court System and the City of North Tonawanda, we are hereby establishing a renewal period in the five-year term of this agreement. Said renewal period shall commence on April 1, 2015 and shall terminate on March 31, 2016. During this 2015-2016 renewal period, all terms and conditions of the above-referenced Agreement shall continue to apply, except as specified below.

The proposed budget for services to be rendered pursuant to this contract in the 2015-2016 period shall be \$44,363. Pursuant to the provisions of Chapter 686 of the Laws of 1996, as amended to date, the maximum compensation for the 2015-2016 period shall be 100% if that amount. The attached revised Appendix B, detailing the proposed budget for the renewal period, shall be incorporated into the Agreement and shall replace all prior Appendix B's. The signatures below shall confirm acceptance of this renewal by the City of North Tonawanda and by the UCS. Contract Renewal Letter for the City of North Tonawanda for SFY 2015-2016

Accordingly, the original of this letter should be signed by an authorized representative of the City of North Tonawanda, and the corresponding acknowledgment page should be notarized. Two sets of the signed original letter together with the related documents should be returned to this office

Sincerely,
Andrew B. Isenberg
District Executive

08-04-2015

MOVED by Alderman Braun

SECONDED by Alderman Pecoraro

That the Common Council hereby authorizes the Mayor to sign the renewal agreement between the New York State Unified Court System and the City of North Tonawanda to allow for reimbursement to the City of up to \$44,363 for cleaning and maintenance of our court facilities. This lease term is a mid-year term (2015-16) of a 5-year lease that was previously approved by the Common Council; subject to any further review by the City Attorney.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

(5)

Nays: None

(0)

CARRIED

IV. Engineer

July 21, 2015

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

**Re: Project 2015-06 Water Pump Station Roof
Award of Contract**

Dear Honorable Body:

On July 21, 2015, three bids were received and opened by the City Clerk for the Water Pump Station Roof Project. The Bid results are as follows:

- United Thermal Systems \$96,133.00
- Henderson-Johnson \$124,680.00
- Jag Construction \$138,054.00

The project is funded through the Waste Water Treatment Plant budget of \$100,000.

Accordingly, I respectfully request that the Common Council award the Water Pump Station Roof Project to United Thermal Systems, 2939 Lockport Road, Niagara Falls, NY 14305, at their low bid amount of \$96,133.00; 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 Zadzilka

SECONDED by Alderman Pecoraro

That the Common Council hereby awards the Water Pump Station Roof Project to United Thermal Systems, 2939 Lockport Road, Niagara Falls, NY 14305, at their low bid amount of \$96,133.00; subject to review by the City Attorney.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

(5)

Nays: None

(0)

CARRIED

VI. Wastewater Plant

July 29, 2015

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

Re: Award of Bid for Natural Gas

On July 15, 2015 bids were received and opened for the purchasing of Natural Gas for the Water and Wastewater Plants.

The bids have been reviewed by Enerscope (our third-party gas price monitor) and they have recommended the low bidder, Energy Mark LLC, 6653 Main Street, Williamsville, NY 14221 be awarded the bid. I concur with Enerscope. The award of the bid has been reviewed by the City Attorney.

Thank you in advance for your time and consideration in addressing this request.

Sincerely,
David A. Scott
Superintendent of Water/ Wastewater

MOVED by Alderman Schwandt **SECONDED** by Alderman Rizzo
That the Common Council hereby awards the bid for the purchase of Natural Gas for the Water and Wastewater Plants to Energy Mark LLC, 6653 Main Street, Williamsville, NY 14221. Subject to review by the City Attorney.

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

Nays: None (0)

CARRIED

VII.1 Accountant

July 30, 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 August 4, 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 Pecoraro
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated August 4, 2015 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$598,683.93
02	Water Fund	60,153.17
04	Sewer Fund	136,423.10
06	Capital Project Fund	130,751.93
07	Trust & Agency Fund	<u>400.00</u>
00	Final Total	<u>\$926,412.13</u>

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

Nays: None (0)

CARRIED

VII.2 Accountant

July 30, 2015

Honorable Arthur G. Pappas, Mayor
and Common Council
City Hall
North Tonawanda, NY 14120

Dear Honorable Body:

In accordance with Section 2.2 of the Budgetary Transfer Policy, please authorize the City Accountant to make the following budget amendment of fiscal year 2015 revenues and appropriations, based on the requests of Department Heads:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>Amend Revenue Account</u>	<u>Amend Appropriation Account</u>
2	\$8,901.08	1-1000.3312 – State Aid – Fire	1-3410.420 – R&M Safety Equipment

Explanation: To establish appropriate revenue and appropriation accounts for a 100% reimbursable grant from New York State for portable radios, cones and signage. The grant is approved for \$9,000 and the net effect on the 2015 budget is zero.

Very truly yours,
Mark W. Dotterweich
City Accountant

MOVED by Alderman Pecoraro SECONDED by Alderman Braun
That the Common Council hereby authorizes the City Accountant to make the following budget amendment of fiscal year 2015 revenues and appropriations, based on the requests of Department Heads:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>Amend Revenue Account</u>	<u>Amend Appropriation Account</u>
2	\$8,901.08	1-1000.3312 – State Aid – Fire	1-3410.420 – R&M Safety Equipment

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

VII.3 Accountant

July 30, 2015

Honorable Arthur A. Pappas, Mayor
and Common Council
City Hall
North Tonawanda, NY 14120

Dear Honorable Body:

In accordance with Article V, Division 2, Section 5.023 and Section 2.2 of the Budgetary Transfer Policy, please authorize the City Accountant to make the following transfers of fiscal year 2015 appropriations, based on the request of the Department Head, copy attached:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>From: Appropriation Account</u>	<u>Into: Appropriation Account</u>
2	25,000.00	2-8340.100 Personal Services	2-8340.440 Buildings & Grounds

Very truly yours,
 Mark W. Dotterweich
 City Accountant

MOVED by Alderman Rizzo SECONDED by Alderman Zadzilka
 The Common Council hereby authorizes the City Accountant to make the following transfer of fiscal year 2015 appropriations, based on the request of the Department Head:

<u>Control Number</u>	<u>Dollar Amount</u>	From: Appropriation Account	Into: Appropriation Account
2	25,000.00	2-8340.100 Personal Services	2-8340.440 Buildings & Grounds

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

Nays: None (0)

CARRIED

XXVI. Vacation & Sick Leave Reports

.1 Building Inspector .2 Police Department

MOVED by Alderman Zadzilka SECONDED by Alderman Rizzo
 That the Common Council hereby, approves the aforementioned Vacation & Sick Leave Reports.

CARRIED

COMMUNICATIONS FROM OTHERS

A.
 Project 308 Gallery

July 23, 2015

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

Dear Sir or Madam,

My name is Natalie Brown. I own and manage the Project 308 Gallery located at 308 Oliver Street, between Robinson and Schenck Street. The gallery has been open since August 2012. I completely renovated the once vacant storefront to a fully functional commercial gallery. As an ongoing "project", my efforts focus on resurrecting the space to its full potential of physical and conceptual beauty.

I would like to request closing off Oliver Street from Robinson Street to Schenck street on Saturday, September 26th in order to hold an art festival that will extend from the street to the gallery. The art festival will mark the 3 year anniversary of the opening of the Project 308 Gallery. The event will be compilation of 50-60 artists and crafts people displaying and selling their work. There will also be music and dance performances throughout the day. The festival will take place from 9-5PM. This date and time do not conflict with canal fest or any other art festivals in the local area.

I organized an art festival on the street the past two years and they were great events. The festival generated a large audience and the surrounding business owners appreciated the extra business. Many people in the community have requested that I have the festival again.

The event will be a great occasion for the surrounding community to encounter a variety of art work by local artists and become familiar with the Project 308 Gallery. The

Said that he has spoken to the Mayor and City Attorney about this so it shouldn't be anything new, more specifically Article 96.61 preexisting paved terraces. "The City should remove all paved terraces prior to the enactment of this article at no cost to the property owner by the DPW with 24 hour written notice." Stated he is specifically interested in 184 Bryant Street, which he said is wrong it is 184 Christiana Street. Back in 1990 the landlord cut down a tree blacktopped it and even cut the curb. Wants to know when the city is going to rip the black top up and put in dirt and grass sod and wants a specific date. Says that he has been waiting a long time and that landlord needs to know he doesn't run the city. Stated that the landlord lives in Amherst and in his opinion he is a slumlord. Says that he does want the terrace parking issue taken care of, was upset when the young fellow parked his car there and he received a parking ticket, it was the first one I have seen since this code was enacted. Said that he complained to him because he couldn't afford it, said he told him to suck it up and pay the fine and don't do it again. Stated that he wants the city to tear up the terrace and put grass, also thanked the DPW for the good work they are doing on the roads they just need to do a lot more.

Dave Fingerlow 32 Seventh Avenue – Said that he doesn't have the money to have the city rip up the terrace and plant grass, says the city needs to do the right thing and make it right for everyone not just half of the city.

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: 7:11P.M.

Respectfully submitted,



Daniel R. Quinn
City Clerk-Treasurer