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 -

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

<u>Dave Fingerlow 32 Seventh Avenue</u> – 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 <u>PROOF OF PUBLICATION PUBLISHED JULY 18, 2015</u>
- 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
Nays: None
CARRIED
(5)

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 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	400.00
00	Final Total	\$ <u>926,412.13</u>

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

Nays: None CARRIED

(0)

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:

Control Number	Dollar Amount	Amend Revenue <u>Account</u>	Amend Appropriation <u>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:

Control Number	Dollar Amount	Amend Revenue <u>Account</u>	Amend Appropriation Account
2	\$8,901.08	1-1000.3312 – State Aid – Fire	1-3410.420 - R&M Safety Equipment
Ayes: Z Nays: N CARRII	lone	in, Schwandt, Pecoraro, Rizzo	(5) (0)

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:

Control Number	Dollar Amount	From: Appropriation Account	Into: Appropriation Account
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:

Control Dollar

Number Amount 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

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

art festival will assist in my ongoing endeavor to enliven the area around the gallery and develop a stronger community grounded in the arts. I would appreciate any effort that facilitates the success of the art festival. Permission to close the street would be the first major step in this development. I can provide further information if needed. Thank you for your time.

Natalie Brown Project 308 Gallery

MOVED by Alderman Braun SECONDED by Alderman Rizzo

That the Common Council hereby approves the closure of Oliver Street from Robinson Street to Schenck Street on September 26th from 9AM to 5PM for the Project 308 Art Gallery Art Festival and also directs DPW to provide barricades.

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

Nays: None

CARRIED.

<u>AUDIENCE PARTICIPATION</u> –

Ann Finkle 896 Sun Valley – Stated that she was driving on Zimmerman Street and said it is 900,000 times better then what it was, except a quarter of it that does not look finished said that it still looks ruff. Stated the seam down the center of the street seems wide and it looks like it could be a problem in the winter and hopes the city will take a look at it before they finish the job, other than that it is a good job.

Justin Rich 704 Wurlitzer Dr. – Stated he is a taxpaying citizen and his issue is the contract with an outside Company called Suit-Kote that was brought in to repair Zimmerman Street, and the street fell apart. Stated that DPW was sent over with 30 tons of blacktop to fix their mistake. Stated that he was told by Councilman Rizzo that Suit-Kote was not going to be brought back into the City. Stated they were brought back to do Ruie, Walck from Erie to Nash and Ward Road and this was done before Zimmerman was even fixed. Said that he was lied to again by Councilman Rizzo. Stated after that Zimmerman was fixed but it looks terrible, it was just a quick fix to make the people happy. Stated in the long run it will cost the City money and they do not guarantee their work. Stated that the DPW is more than capable to do this work, but their excuse is we don't have enough guys and they are right, we are short staffed. Said that the problem is when the guy in charge is saving money to buy equipment that is not needed instead of hiring more people and putting money into accounts that he is not supposed to do. Asked a question to the powers above where is the money going and why are these issues not being investigated. Said he wanted to remind everyone it is an election year and as a concerned taxpayer, he still is waiting for that phone call back from Councilman Rizzo on why Suit-Kote is back, was told he would receive a call back when he met with the Mayor. Stated that when Gary Franklin was working here with the same amount of people Suit-Kote was not. Thanked the Council for listening.

Rob Stefanski 1597 Ruie Road - Stated that when Suit-Kote did the paving on Ruie he came back from vacation and was backing his camper into his driveway, but because of the bad job they did the street was tearing up under his camper. Said that they stopped paving at the stop sign on Ruie which is in front of his house and there is a water box there they put a big cold patch over it. Said that he drove down Ruie Road and at 1355 and 1389 the road is falling apart, and also is crumbling apart going back towards the power lines. Asked why are they still here. Said at Quick Fill where they started and going down the street the street is crumbling at the ends of the driveways, said there are manholes with cones in it with stones, said that if the city did the work that wouldn't happen when they start a street they finish it. Stated that in a year they are going to have to come back and crack fill the street. Said that the street is two inches higher at every driveway and some have dips in it so deep water will pool in them. Stated that the other issue he has is with 1605 Ruie Road, he has been in to see the Building Inspector three times to discuss the grass being cut, and nothing has happened, says the mosquitos are horrible and wants to know what he has to do to get this problem taken care of. Thanked the Council for listening.

Walt Yarrow 170 Christiana Street - Told the Council that it doesn't seem like a good day, said he is here to talk about the Chapter 96 Vehicle and Traffic, Article 7 Terrace Parking.

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.

<u>Dave Fingerlow 32 Seventh Avenue</u> – 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