

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

Kevin Hodgson 67 Jesella Drive North – Stated that the contract with the Police looked good, but why don't they have to pay for health insurance for the rest of their life. Stated they should have to pay 25% for the rest of the time they are covered by the City.

APPROVAL OF THE MINUTES OF THE REGULAR SESSION NOVEMBER 3, 2015

MOVED by Alderman Zadzilka **SECONDED by Alderman Pecoraro**
That the minutes of the regular session held November 3, 2015 be approved as circulated and filed in the Office of the City Clerk.
CARRIED.

APPROVAL OF THE MINUTES OF THE SPECIAL SESSION NOVEMBER 12, 2015

MOVED by Alderman Schwandt **SECONDED by Alderman Zadzilka**
That the minutes of the special session held November 12, 2015 be approved as circulated and filed in the Office of the City Clerk.
CARRIED.

COMMUNICATIONS FROM CITY OFFICIALS

II.1 Attorney

November 13, 2015

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

11-17-2015

Re: Tentative Agreement with NT PBA

Dear Honorable Body:

The City and NTPBA met on a number of occasions to negotiate a collective bargaining agreement. Their current agreement is set to expire at the end of 2015. I have attached a copy of the tentative agreement and hereby summarize the amendments:

1. § 1.2.1: It would be a 5 year agreement, covering 2016-2020
2. § 1.23: Updating the modification section to the new contract dates
3. §1.42: Creates a definition for "Time Off"
4. §7.11 Salary Schedule: The Salary Increases will be as follows:
 - a. 2016-2.25%
 - b. 2017-2.0%
 - c. 2018-2.0%
 - d. 2019-2.0%
 - e. 2020-2.0%
5. §7.11(4): Field Training Officers shall receive an additional Twenty-five (\$25.00) per shift.
6. §7.14(g): An employee performing extra duties requiring specialized training and/or skills shall be compensated annually with a lump sum payment of Three Hundred Sixty Dollars (\$360.00). . .(continue remainder of section)
7. §7.16: Shift Differential:
 - a. 3:00PM to 11:00PM shift-increase by \$.05/hour
 - b. 11:00PM to 7:00AM shift-increase by \$.05/hour
 - c. Eliminate Shift Differential Payment to Relief Captain and Relief Lieutenant
8. §7.31: As assigned by the Lieutenant, on each shift the officer assigned to the north car shall begin their shift one (1) hour later and shall therefore end their shift one (1) hour later
9. §7.34 Senior Desk Officer: Increase assignment amount by \$5.00 to \$25.00/shift
10. §7.36(c): Creates scheduling guidelines for relief officers
11. §9.22 Vacation: Clarifies Vacation time usage: Employees shall not be entitled to vacation pay for unused vacation time if the reason for not taking the vacation time is for non-work related injury or illness.
12. § 10.22/10.23: Sick Leave Credits
 - a. Allows for Union Employees to accumulate more than 200 Sick Days. The Contract will still limit payment/credit at retirement to 200 days as in the current contract. The extra sick days above 200 will be credited to the Union's sick bank.
13. §12.12 Health Insurance: ALL PBA members shall now contribute a portion of monthly premiums for health insurance as follows:
 - a. Employees hired before January 1, 2004 shall pay \$50/pay for family or \$17/pay for single coverage (currently not paying anything) until separation
 - b. Employees hired between January 1, 2004 and January 1, 2009 will pay 25% for 6 years, 10% for four years and upon their 10th anniversary they shall pay \$50/pay for family or \$17/pay for single coverage until separation
 - c. Employees hired after January 1, 2009 will continue to pay their current rate of 25% for 6 years and then 10% for the remainder of their employment.
14. §12.12(c)(i) Dental Plan: Increase the amount from \$19,000.00 to \$25,000.00
15. § 12.13(a) Optical Plan: Increase the amount from \$11,000.00 to \$15,000.00
16. §12.52 Medical Waiver: Employees wishing to waive the cost of medical coverage would be eligible to receive the sum below based upon the number of officers waiving the cost of medical insurance for the period of January 1 through December 31 in their pay check on the first payday in December, as a modification to wages (subject to taxes).

# of Officers	Amount
9 and below	\$1,500.00
10-14	\$3,000.00
15+	\$4,500.00

17. § 13.2 Educational Benefits: Change to Read:
- a. For any four (4) year degree from an accredited institution of higher learning in the specific field of Criminal Justice, an adjustment to salary of a lump sum payment of Five Hundred Dollars (\$500.00)
 - b. For any two (2) year degree or any other four year degree (bachelor degree) a payment of Two Hundred Fifty Dollars (\$250.00)
18. §13.31 The parties agreed that a mandatory drug testing policy will be negotiated and implemented no later than January 1, 2017. This time frame may be extended by the mutual agreement of the parties. If the parties reach an impasse on the substance of the policy, either party may refer this matter to the interest arbitration panel.

The NTPBA has already ratified the tentative agreement. If you concur with the agreement, please authorize the Mayor to sign the amended collective bargaining agreement.

Very truly yours,
Katherine Alexander, Esq.
Assistant City Attorney

MOVED by Alderman Zadzilka SECONDED by Alderman Braun
The Common Council hereby approves the aforementioned NTPBA agreement and authorizes the Mayor to sign said agreement.

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

Nays: None (0)

CARRIED

II.2 Attorney

November 12, 2015

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

RE: Proposed Renewal of concessionaire Agreement Between City of North Tonawanda and The Fairways at Deerwood, Inc.

Dear Honorable Body:

Attached, for your consideration, is a proposed Renewal Concessionaire Agreement between the City of North Tonawanda and The Fairways at Deerwood, Inc. The concessionaire is exercising its option to renew under the existing agreement between the parties dated February 3, 2011. The term of this renewal agreement is for ten years, from January 1, 2016 through December 31, 2026, with an option to renew.

Should your Honorable Body concur, please pass a resolution to approve the concessionaire agreement for signature by the Mayor, subject to any further review by the City Attorney.

Very truly yours,
Shawn P. Nickerson
City Attorney

MOVED by Alderman Schwandt SECONDED by Alderman Zadzilka
That the Common Council hereby authorizes the Mayor to sign the renewal concessionaire agreement for Food Service Concession for Deerwood Golf Course between the City of North Tonawanda and The Fairways of Deerwood, Inc. for a 10-year term, beginning January 1, 2016 through December 31, 2026 with an option to renew, subject to any further review by the City Attorney.

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

Nays: None (0)

CARRIED

VII.1 Accountant

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

01	General Fund	\$183,193.37
02	Water Fund	117,270.46
04	Sewer Fund	18,033.53
06	Capital Project Fund	295,812.85
07	Trust & Agency Fund	1,208.02
08	Community Development	<u>1,125.00</u>
00	Final Total	<u>\$616,643.23</u>

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

VII.2 Accountant

November 12, 2015

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

Dear Honorable Body:

Please be advised that the City of North Tonawanda currently administers a Deferred Compensation Model Plan for the employees of the Municipality. The Deferred Compensation Committee has advertised for Requests for Proposal in the New York State Register and received proposals from six firms.

The committee's consultant, Generation Capital Management, has reviewed the top three proposals for the administration of the City's Deferred Compensation Plan for a five year contract period. The committee voted to accept the recommendation of Generation Capital Management and accept the proposal from the *Lincoln Financial Group* as the Administrative Services Agency and Financial Organization pursuant to section 9003 of Subtitle II, Title 9 NYCRR.

Accordingly, please adopt the attached resolution and authorize the Mayor to execute

it.

Very truly yours,
Mark Dotterweich
City Accountant

MOVED by Alderman Schwandt SECONDED by Alderman Rizzo
WHEREAS, the City of North Tonawanda did establish a Deferred Compensation Plan for Employees, and

WHEREAS, the Deferred Compensation Committee did accept and review proposals for the administration of the Deferred Compensation Plan for a five-year contract period as stipulated in Section 9003 of Subtitle II, Title 9 NYCRR, and

WHEREAS, the Deferred Compensation Committee does recommend the award of such contract to *Lincoln Financial Group* as Administrative Services Agency and Financial Organization pursuant to section 9003 of Subtitle II, Title 9 NYCRR, and

WHEREAS, the Deferred Compensation Committee does recommend that *Lincoln Financial Group Trust Company* act as trustee.

NOW, THEREFORE, BE IT

RESOLVED, that the City of North Tonawanda adopts the "Model Plan" with an effective date of January 1, 2002 including amendments through August 26, 2011. Also it is further

RESOLVED, that the Mayor of the City of North Tonawanda hereby is directed to execute all necessary documents to contract with *Lincoln Financial Group* for administrative, financial, and trustee services for the City of North Tonawanda Deferred Compensation Plan for the period April, 2016 or as soon thereafter as possible, through March, 2021.

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

Nays: None (0)

CARRIED

XIV. Youth, Recreation & Parks

November 10, 2015

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

Dear Honorable Mayor Pappas and Common Council Members;

Please review and approve for signing the attached renewal agreement between Ms. Diane Sheehan and the City of North Tonawanda. Ms. Sheehan provides the Youth Court and First Offender services to our department as an Independent Contractor. The agreement will allow these services to continue through December 31, 2016.

City Attorney, Shawn Nickerson has received the agreement and will forward it to the Mayor's office for the required approval and notarized signature.

Thank you.

Sincerely,
Patricia A. Brosius
Director of Youth, Recreation & Parks

MOVED by Alderman Zadzilka SECONDED by Alderman Rizzo
The Common Council hereby approves said renewal agreement between Ms. Diane Sheehan and the City of North Tonawanda. Ms. Sheehan provides the Youth Court and First Offender services to the city of North Tonawanda Recreation Dept. as an Independent Contractor. The agreement will allow these services to continue through December 31,

2016, subject to review by the City Attorney.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

(5)

Nays: None

(0)

CARRIED

XXV. Monthly Reports

.1 Clerk-Treasurer

MOVED by Alderman Zadzilka

SECONDED by Alderman Pecoraro

That the Common Council hereby, approves the aforementioned Monthly Reports.

CARRIED

COMMUNICATIONS FROM OTHERS

A.

Columbia Hook & Ladder Co.

November 4, 2015

Honorable Arthur Pappas, Mayor
Honorable Common Council
c/o City Clerk, City Hall
216 Payne Avenue
North Tonawanda, NY 14120

Re: Removal from Fire Roll

Dear Mayor and Council:

The members of Columbia Hook & Ladder Co. No.1, Inc., sadly request that you remove from the North Tonawanda Fire Department Volunteer Fire roll the name of-

Donald G. Lichtenberger

Don Lichtenberger passed away October 15, 2015. He joined Columbia Hook & Ladder December 7, 1955, and served 59 years, 10 months, and 8 days until answering his Final Alarm.

Very truly yours,
David L. Evans
Recording Secretary

MOVED by Alderman Schwandt

SECONDED by Alderman Braun

That the Common Council hereby requests that Donald G. Lichtenberger be removed from the North Tonawanda Fire Roll.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

(5)

Nays: None

(0)

CARRIED

B.

Gratwick Hose Co.

November 9, 2015

Honorable Arthur Pappas, Mayor
Honorable Common Council
c/o City Clerk, City Hall
216 Payne Avenue
North Tonawanda, NY 14120

Re: Removal from Fire Roll

Dear Mayor and Council:

Please remove the names of Joseph L. Rydizik and William M. Manth from the Fire Rolls.

Thank you,
David A. Rogge
Membership Secretary

MOVED by Alderman Rizzo SECONDED by Alderman Pecoraro
That the Common Council hereby requests that the names of Joseph L. Rydizik
and William M. Manth be removed from the North Tonawanda Fire Rolls.

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

Nays: None (0)

CARRIED

C.
Kathy Paradowski

November 11, 2015

Honorable Arthur Pappas, Mayor
Honorable Common Council
c/o City Clerk, City Hall
216 Payne Avenue
North Tonawanda, NY 14120

To the City of North Tonawanda,

I am writing to request use of Gratwick Riverside Park for an event on August 20, 2016. The event will tentatively be called Brews On The Water, and it is a beer and wine tasting event. The radio station involved is Entercom Buffalo, LLC. Hours of operation are 1PM – 8PM. Activities happening during the tasting include local bands, food vendors, and games.

This event will be the first of its kind in the area and will draw attendance of approximately 6,000 people. The City of North Tonawanda will be included in the advertising on the radio and will bring a big revenue stream to the area the day of the event and beyond.

I hope you will consider Brews on the Water for the North Tonawanda area. Please do not hesitate to contact me if any other information is needed.

Respectfully,
Kathy Paradowski

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro
That the Common Council hereby grants permission to Kathy Paradowski to
hold the Brews on the Water event August 20, 2016 from 1PM -8PM at Gratwick
Riverside Park, event subject to review by the city Attorney.

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

Nays: None (0)

CARRIED

D.
Heather Kalisiak

October 29, 2015

City Clerk Daniel R. Quinn
216 Payne Avenue
North Tonawanda, NY 14120

Mr. Quinn:

The Downtown Merchants Association of North Tonawanda would like permission to hold our annual Winter Walk on Webster Street on Saturday, December 5, 2015.

The Winter Walk Committee has arranged, with Sweeney Hose of North Tonawanda, for vintage fire truck rides instead of the hay wagons we have used in the past. The route remains the same, on Main and Broad Streets in Tonawanda, and Webster Street in North Tonawanda.

Because we are using a fire truck instead of the hay wagons, we do not feel that we will need an Auxiliary Police car and driver to follow the truck. The fire truck will be running from 10AM to 4PM on December 5th.

We have also arranged for a Petting Zoo and to accommodate that event, we request the closing of Tremont Street from Webster to the exit of Gateway Apartments. This is the same area we've used each year. The Petting Zoo is scheduled for 11Am to 3PM on December 5th.

It has also come to our attention that the Riviera Theatre has a 2PM matinee that afternoon. Because of the closure of Tremont Street, we are requesting Auxiliary Police to aid in traffic direction around the street closure.

Thank you for your consideration.

Sincerely,
Heather Kalisiak,
Winter Walk Committee Chair

MOVED by Alderman Braun

SECONDED by Alderman Rizzo

That the Common Council hereby grants permission to the Downtown Merchants to hold their annual Winter Walk on Webster Street on Saturday, December 5, 2015 from 10AM to 4PM; authorizing the Police Department to provide an Auxiliary Police car to aid in traffic direction around the street closure and directs the Department of Public Works to provide barricades to close Tremont Street from Webster Street to the exit of the Gateway Apartments Parking Lot.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

(5)

Nays: None

(0)

CARRIED

AUDIENCE PARTICIPATION

Kathy Kern 1248 Greenbrier Lane – Wanted to thank the DPW and everyone else for the great job they did fixing her street, driveway, and curbs caused by the water line break. Wanted to know if the fence on the TCMH could be taken down, she wanted to be able to see the park from the highway.

Kevin Hodgson 67 Jesella Drive North – Wanted to know if the city union contracts be put on the website because they are public documents. Stated at the intersection of Meadow and Nash the men were out working and wearing their safety vests and would like to commend them. Also asked not to forget the trees on North Jessella that need to be trimmed so you can see the street lights.

Ann Finkle 896 Sun Valley Drive – Stated she called the DPW and they are going to do a third leaf pickup. Also wanted to remind the public to clear out their leaves from around their house because they can become a home to rodents.

Walt Yaro 170 Christiana Street – Stated the fence might be a State issue, and why is it only on one side of the street.

Kathy Paradowski – Wanted to thank the Council for approving the Beer and Wine Event in Gratwick Park.

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: 6:57 P.M.

Respectfully submitted,

A handwritten signature in cursive script that reads "Daniel R. Quinn". The signature is written in black ink and is positioned above the printed name and title.

Daniel R. Quinn
City Clerk-Treasurer