

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, August 20, 2019
6:40 P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT ZADZILKA

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: President Zadzilka
Alderman Braun, Berube, Pecoraro, Tylec

Absent: None

Also Present: Mayor Arthur G. Pappas
City Attorney Luke Brown

AUDIENCE PARTICIPATION

Erin Robinson, 229 Falconer Street – I just want to thank you for the first agenda item regarding the resolution for Denouncing Hatred in Western New York. I think this is very important at a time in our history where we find ourselves moving away from the dialog in both race and hatred of all forms of diversity. I really appreciate it and take pride in the council and their agenda for tonight.

Erica Newbaum, Niagara County – I just want to echo the conversation made by Erin Robinson. Watching a Government take a strong stand against active recruitment efforts of white supremacist organizations lets me take pride in where I live.

B. J. VanDewater, 1098 Nash Road – Was very interested in the item from the Police Chief, and would like it tabled to see if the positions are urgently needed, and if the 2020 budget could accommodate new officers. Feels the City needs more school resource officers and more staffing of animal control officers.

Darlene Bolsover, 1337 Sweeney Street – Was not sure what the item #1 is on the agenda, and is there an explanation of it somewhere. Wanted to know if we only needed four police officers or more than that.

APPROVAL OF THE MINUTES OF THE REGULAR SESSION AUGUST 6, 2019

MOVED by Alderman Zadzilka SECONDED by Alderman Berube
That the minutes of the regular session meeting held August 6, 2019 be approved as
circulated and filed in the Office of the City Clerk.
CARRIED.

PROOF OF PUBLICATION PUBLISHED 7/31/2019

1) Legal Notice – Public Hearing to discuss the City’s Brownfield Opportunity Area
Program, and the proposed updates to the North Tonawanda Zoning Code– Community
Development

PROOF OF PUBLICATION PUBLISHED 7/31/2019

08-20-2019

1) Legal Notice – Invitation for Bids for Liquid Alum for the Water Treatment Plant – Supt. Water/Wastewater

PROOF OF PUBLICATION PUBLISHED 8/7/2019

1) Legal Notice – The Fiscal Affairs of the City of North Tonawanda for 2018 has been audited and available for public view – City Clerk-Treasurer

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

COMMUNICATIONS FROM CITY OFFICIALS

#1. Austin Tylec

August 15, 2019

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

Re: Denouncing Hatred Resolution

Dear Honorable Body:

Please find enclosed a resolution seeking to denounce any acts of hate and intolerance in our Community. Due to the recent distribution of recruitment flyers from a hate group, I believe it is necessary for our City to stand against these recruitment efforts and ensure that there is equality for all North Tonawanda residents.

Sincerely,
Austin J. Tylec
Alderman -at-Large

MOVED by Alderman Tylec SECONDED by Alderman Pecoraro
That the Common Council hereby at a regular session meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30PM on August 20, 2019, approves the following resolution:

**A RESOLUTION SUBMITTED BY
THE CITY OF NORTH TONAWANDA COMMON COUNCIL**

RE: Condemning the Rise of Hate in Western New York

WHEREAS, the First Amendment to the Constitution of the United States was established to protect religious minorities from persecution, denying the enforcement of State religion on the public, denying the placement of restrictions on religious practice, and enforcing the right of the people to believe and worship as their conscience dictates; and

WHEREAS, Justice Robert Jackson wrote in 1943 that, "...no official, high or petty, can prescribe what shall be orthodox in politic, nationalism, religion, or force citizens to confess by word or act their faith therein;" and

WHEREAS, the Fourteenth Amendment to the Constitution to the United States establishes equal protection of the laws for all citizens of our nation, stating, "nor shall any State deprive any person of life, liberty, or property;" and

WHEREAS, Justice Anthony Kennedy once said in Lawrence v. Texas, "As the Constitution endures, persons in every generation can invoke its principles in their own search

for greater Freedom;” and

WHEREAS, adherence to these values is crucial to the growth and prosperity of our community and of all those who inhabit it; and

WHEREAS, propagators of hatred and bigotry whom manifest in the exploitation of hate and biases continue to target our community members of all ethnic backgrounds and heritage, those of the Jewish, Muslim, and all other faiths, and those of the LGBTQ community, immigrant families, and all other minority groups; and

WHEREAS, in 2016 alone, 598 incidents of hate crime were reported in New York State, of which 52.0% involved an anti-religious bias, 25.6% motivated by race, ethnicity, and national origin, and 20.6% targeted members of the LGBTQ community; and

WHEREAS, the FBI reported a 99% increase in hate crimes against Muslim peoples in the United States in recent years, and a 37% increase in hate crimes against those of the Jewish faith; and

WHEREAS, in the days following the shooting in El Paso, head of the Catholic Diocese of El Paso, Bishop Mark Seitz, stated, “We see the effects of a mind possessed by hatred. We see the effects of the sinful and insipid conviction that some of us are better than others of us because of race, religion, language or nationality;” and

WHEREAS, in 1964, Rev. Dr. Martin Luther King Jr. in accepting The Nobel Peace Prize exclaimed, “I refuse to accept despair as the final response to the ambiguities of history ... I refuse to accept the idea that man is mere flotsam and jetsam in the river of life, unable to influence the unfolding events which surround him;” and

WHEREAS, all members of our Western New York community, of all orientations and identities, of all faith and no faith, of all backgrounds and ethnicities, have a stake in fighting every form of hatred and bias against people based on their religion, race, origin, and orientation.

NOW, THEREFORE, BE IT RESOLVED, that the following, representing municipalities that make up Western New York, hereby reject the perpetuation of hatred and bigotry in our communities, condemn acts and statements of hate and intolerance, and reinforce our commitment to eradicating racist practices and acts of malice that propagate hate, incite fear, and promote violence in our communities.

Other governing bodies proposing legislation:

**Town of Tonawanda, Erie County Legislature
City of Tonawanda, Niagara County Legislature**

Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

V.1 Supt. Water/Wastewater

August 13, 2019

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

**Re: Project 2018-06, Water Treatment Plant Capital Improvement Program
SEQR Determination and Resolution**

Dear Honorable Body:

The Common Council approved Phases 1A and 1B of the Water Treatment Plant Capital Improvement Plan on June 4, 2019. At this time, we are moving forward with the following projects form Phase 1A:

08-20-2019

At the June 19, 2018 Common Council Meeting, the Council approved a contract with Arcadis of New York, Inc. to compose a long-term Capital Improvement Plan for the City's Water Treatment Facility. The City anticipates applying for grants in September 2019 to offset the costs associated with this plan. As a prerequisite to the grant application, the City must adopt a bond resolution for the maximum cost of the Capital Improvement Plan. The amount of the adopted bond resolution does not imply that the City has approved a Capital Plan in the same amount. A final Capital Improvement Plan will be presented to the Common Council for approval subsequent to notification of grant awards. The maximum amount to be authorized for issuance in regards to the WTP Capital Improvement Plan is \$8,440,000.

Accordingly, please have this resolution authorizing the issuance of \$8,440,000 in Serial Bonds adopted by at least a two-thirds vote of the body and have it published in the official newspaper of the City, together with the legal notice of estoppel.

Regards,
Amanda Reimer
City Accountant

MOVED by Alderman Zadzilka **SECONDED** by Alderman Tylec
At a regular meeting of the Common Council of the City of North Tonawanda, in the County of Niagara, New York, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 p.m. on August 20, 2019.

PRESENT: Eric M. Zadzilka, President
Donna Braun, Alderman
Mark Berube, Alderman
Robert E. Pecoraro, Alderman-at-Large
Austin Tylec, Alderman-at-Large

ABSENT: None

The following resolution was offered by Alderman Zadzilka who moved its adoption, seconded by Alderman Tylec; to-wit:

BOND RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK (THE "CITY") AUTHORIZING THE ISSUANCE OF \$8,440,000 IN SERIAL BONDS OF THE CITY TO FINANCE VARIOUS IMPROVEMENTS TO THE CITY'S WATER TREATMENT PLANT

WHEREAS, the Common Council of the City of North Tonawanda (the "City") proposes to authorize the issuance of \$8,440,000 in serial bonds of the City to finance the estimated cost of various improvements to the City's Water Treatment Plant, as described herein, appropriate finds for such purposes and to make certain determinations in connection with such purposes.

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), **AS FOLLOWS:**

SECTION 1. The City is hereby authorized to issue \$6,340,000 principal amount of serial bonds pursuant to the provisions of the Local Finance Law (the "Law") to finance the cost of improvements included in Phase I of the City's Water Treatment Plant Capital Improvement Project, consisting of (i) intake, low-service pumping and finished water flow metering system improvements. (ii) low-service suction well structural improvements. (iii) sedimentation basin structural improvements, and (iv) filter building structural and backwash drain piping improvements. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose, including all ancillary, incidental and related equipment, machinery, apparatus, costs and expenses, is \$6,340,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$6,340,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, and (ii) the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned class of objects or purposes is forty (40) years, pursuant to subdivision 1. of paragraph a. of Section 11.00 of the Law.

SECTION 2. The City is hereby authorized to issue \$2,110,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the cost of energy efficiency improvements at the City's water treatment plant, including the replacement of high-service pumps with high-efficiency equipment and variable frequency drive (VFD) pumps, replacement of interior and exterior lighting with high-efficiency light-emitting diode (LED) lighting systems, and certain heating, ventilation and air-conditioning upgrades, including steam boilers at the Main pumping station building, air conditioning systems and the replacement of select windows and doors at the new Main pumping station building. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose, including all ancillary, incidental and related equipment, machinery, apparatus, costs and expenses, is \$2,110,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$2,110,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, and (ii) the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned class of objects or purposes is forty (40) years, pursuant to subdivision 1. of paragraph a. of Section 11.00 of the Law.

SECTION 3. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures as part of the project described herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 4. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the City, payable as to both principal and interest by a general tax upon all the real property within the City without legal or constitutional limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 5. Subject to the provisions of this resolution and of the Law pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations, and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00, Section 62.10 and Section 63.00 of the Law, the powers and duties of the Common Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the City Clerk-Treasurer, the chief fiscal officer of the City. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for any of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more other objects or purposes authorized by this resolution or other resolutions of the Common Council, then the power of the Common Council to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the City Clerk-Treasurer, as the chief fiscal officer of the City.

SECTION 6. The City Clerk-Treasurer is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for Federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 7. The City Clerk-Treasurer is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser of any of the bonds or notes authorized by this resolution in compliance with the provisions of Rule 15c2-12, promulgated by

the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 8. The Common Council hereby determines that each of the projects authorized herein, the financing thereof as authorized by this resolution, and the adoption of this resolution, collectively constitutes a "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, "SEQRA") and that no further action under SEQRA with respect to any of said projects need be taken by the Common Council as a condition precedent to the adoption of this resolution.

SECTION 9. The intent of this resolution is to give the City Clerk-Treasurer sufficient authority to execute those applications, agreements, instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Common Council.

SECTION 10. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication: or

(c) such obligations are authorized in violation of the provisions of the constitution.

SECTION 11. This resolution shall take effect immediately upon approval by the Mayor and the City Clerk-Treasurer is hereby authorized and directed to publish the foregoing resolution in full, or a summary thereof, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the City (a) for such publication, and (b) for the publication of the notice of sale in connection with any bonds issued pursuant to this resolution.

The following vote was taken and recorded in the public or open session of said meeting:

AYES: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka (5)
NAYS: None (0)

This resolution shall take effect immediately.

STATE OF NEW YORK)
COUNTY OF NIAGARA) S.S.:

I, the undersigned City Clerk-Treasurer of the City of North Tonawanda, New York (the "City") DO HEREBY CERTIFY as follows:

1. I am the duly qualified and acting City Clerk-Treasurer of the City and the custodian of the records of the City, including the minutes of the proceedings of the Common Council of the City, and am duly authorized to execute this certificate.

2. A regular meeting of the Common Council of the City of North Tonawanda, Niagara, County, State of New York (the "Common Council"), was held on August 20, 2019, and attached hereto is a true and correct copy of a resolution duly adopted at such meeting and entitled:

**BOND RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
 NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK (THE "CITY")
 AUTHORIZING THE ISSUANCE OF \$8,440,000 IN SERIAL BONDS OF
 THE CITY TO FINANCE VARIOUS IMPROVEMENTS TO THE CITY'S
 WATER TREATMENT PLANT**

3. That said meeting was duly convened and held and that said resolution was duly adopted in all respects in accordance with the law and regulations of the City. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal

quorum of members of the Common Council was present throughout said meeting, and a legally sufficient number of members (2/3's of the Common Council) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under the law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including the publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

4. Following the adoption of said resolution, it was duly approved [or was deemed to have been approved] by the Mayor of the City on August 20, 2019, in accordance with the requirements of Section 2.023 of the City's Charter and said resolution became effective upon such approval

5. The seal appearing below constitutes the official seal of the City and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the City of North Tonawanda this 20th day of August 2019.

Matthew L. Parish
City Clerk-Treasurer

ESTOPPEL NOTICE

The resolution, a summary of which is published herewith, has been adopted by the Common Council of the City of North Tonawanda on August 20, 2019, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the City of North Tonawanda, Niagara County, New York is not authorized to expend money or if the provisions of Law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Matthew L. Parish, City Clerk-Treasurer
City of North Tonawanda

SUMMARY OF BOND RESOLUTION

Set forth below is a summary of said resolution adopted by the Common Council of the City of North Tonawanda on August 20, 2019.

1. The resolution is entitled "BOND RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK (THE "CITY") AUTHORIZING THE ISSUANCE OF \$8,440,000 IN SERIAL BONDS OF THE CITY TO FINANCE VARIOUS IMPROVEMENTS TO THE CITY'S WATER TREATMENT PLANT".

2. The resolution authorized serial bonds of the City for the following respective objects or purposes, in the respective principal amounts, and with the respective periods of probable usefulness ("PPU"); as indicated below:

(1) improvements included in Phase I of the City's Water Treatment Plant Capital improvement Project, consisting of (i) intake, low-service pumping and finished water flow metering system improvements (ii) low-service suction well structural improvements, (iii) sedimentation basin structural improvements, and (iv) filter building structural and backwash drain piping improvements, in the principal amount of \$6,340,000; PPU of 40 years; and

(2) energy efficiency improvements at the City's water treatment plant; including the replacement of high-service pumps with high-efficiency equipment and variable frequency drive (VFD) pumps, replacement of interior and exterior lighting with high-efficiency light-emitting diode (LED) lighting systems, and certain heating, ventilation and air-conditioning upgrades, including steam boilers at the Main pumping station building, air conditioning systems and the replacement of select windows and doors at the new Main pumping station building, in the principal amount of \$2,100,000; PPU of 40 years.

3. Aggregate amount of Debt Obligations Authorized: up to \$8,440,000. The resolution summarized herein shall be available for public inspection during normal business hours at the offices of the City Clerk-Treasurer, City of North Tonawanda, City Hall, 216 Payne Avenue, North Tonawanda, New York 14120.

Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka
 Nays: None
 CARRIED.

(5)
 (0)

V.2 Supt. Water/Wastewater

August 14, 2019

Honorable Mayor Arthur G. Pappas
 And Common Council
 216 Payne Ave. – City Hall
 North Tonawanda, NY 14120

Re: Award of Professional Services Contract for Arcadis of New York, Inc. to Provide and Engineering Report for Phase #1 of the Water Treatment Plant Capital Improvement Plan.

Honorable Mayor Pappas and City Council Members:

On August 13, 2019 Arcadis Engineering and I gave a presentation to you regarding the Water Treatment Plant Capital Improvement Plan (“CIP”) Phase #1 and Energy Efficiency Improvements.

Attached is the Arcadis Professional Services proposal to prepare an Engineering Report for Phase #1 of the Water Treatment Plant CIP. Included in this proposal is a detailed explanation of a services they will provide.

I respectfully request that you approve the Arcadis Professional Services proposal at a cost of \$34,000. The award of this professional services agreement is contingent upon the City Attorney’s approval.

Thank you for your time and consideration of my request.

Very truly yours,
 William M. Davignon
 Supt. Water/Wastewater

MOVED by Alderman Pecoraro **SECONDED** by Alderman Berube
 That the Common Council hereby approves the Arcadis Professional Services proposal for Phase #1 of the Water Treatment Plant CIP, at a cost of \$34,000. Subject to review by the City Attorney.

Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka
 Nays: None
 CARRIED.

(5)
 (0)

V.3 Supt. Water/Wastewater

August 14, 2019

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

Re: Wastewater Treatment Plant Ferric Chloride System Replacement Project – Approval of Change Order No.2

Dear Honorable Body:

Approval of the Change Order No.2 of the North Tonawanda Wastewater Treatment Plant (WWTP) Ferric Chloride System Replacement Project is hereby requested. The change order represents the following additional work:

- Additional Supports for tank Fill Piping \$3,450.00

08-20-2019

TOTAL

\$3,450.00

The extremely favorable bid of the project allowed the city to include these needed additional items in the project.

Accordingly, I respectfully request that the Common Council approve the change order in the amount of \$3,450.00 for the WWTP Ferric Chloride System Replacement Project with the State Group, Industrial (USA) Limited, 100 Stradtman St., Cheektowaga, NY 14206; increasing the contact amount from \$244,078.00 to the new contract amount of \$247,528.00; authorizing the Mayor to sign said change order subject to review by the City Attorney.

Very truly yours,
William Davignon
Supt. Water/Wastewater

MOVED by Alderman Tylec **SECONDED** by Alderman Zadzilka
That the Common Council hereby approves Wastewater Treatment Plant Ferric Chloride System Replacement Project – Change Order No.2 in the amount of \$3,450.00 with the State Group, Industrial (USA) Limited, 100 Stradtman St., Cheektowaga, NY 14206; increasing the contact amount from \$244,078.00 to \$247,528.00; and authorizes the Mayor to sign said change order subject to review by the City Attorney.

Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

VII.2 Accountant

August 13, 2019

Honorable Arthur G. Pappas, Mayor
and Common Council
City Hall, 216 Payne Avenue
North Tonawanda, NY 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 20, 2019 and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Regards,
Amanda Reimer
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 20, 2019 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$631,188.22
02	Water Fund	45,114.53
04	Sewer Fund	66,773.73
06	Capital Project Fund	562,463.43
07	Trust & Agency Fund	<u>8,436.26</u>
00	Final Total	<u>\$1,313,976.17</u>

Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

VII.3 Accountant

August 13, 2019

Honorable Arthur G. 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 amendment of fiscal year 2019 appropriations, based on the request of the Department Heads, copy attached.

<u>Control Number</u>	<u>Dollar Amount</u>	<u>Decrease Appropriation Account</u>	<u>Increase Appropriation Account</u>
26	\$2,000.00	001.3620.0410, Code Administration	001.3620.0480, Code Operations
27	\$5,000.00	001.1000.2770, Unclassified Revenue	001.3410.0480, Police Operations

Regards,
Amanda Reimer
City Accountant

MOVED by Alderman Zadzilka **SECONDED** by Alderman Tylec
That the Common Council hereby authorizes the City Accountant to make the following Budgetary Transfers of fiscal year 2019 appropriations, based on the request of the Department Head:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>Decrease Appropriation Account</u>	<u>Increase Appropriation Account</u>
26	\$2,000.00	001.3620.0410, Code Administration	001.3620.0480, Code Operations
27	\$5,000.00	001.1000.2770, Unclassified Revenue	001.3410.0480, Police Operations

Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

X.1 Police Chief

August 6, 2019

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

Dear Honorable Body:

Would you please reappoint Daryl E. Truty, 1374 Sweeney Street, North Tonawanda, NY 14120 as Commissioner of Deeds for the City of North Tonawanda, beginning September 6, 2019 and ending September 5, 2021.

Sincerely,
Roger R. Zgolak
Chief of Police

MOVED by Alderman Braun **SECONDED** by Alderman Tylec
That the Common Council hereby approves the reappointment of Daryl E. Truty, 1374 Sweeney Street, North Tonawanda, NY 14120, as a Commissioner of Deeds for the City of North Tonawanda effective September 6, 2019 and ending September 5, 2021.

Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

X.2 Police Chief

August 7, 2019

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

Dear Honorable Body:

The North Tonawanda Police Department is entering into a manpower crisis. I was anticipating two retirements by the end of calendar year 2019, and had planned to come before his body to ask permission to hire two officers immediately as an academy class begins on September 9, 2019.

Over the last two weeks I have been advised that two additional officers are retiring due to medical disabilities. One due to health issues is officially retired as of August 15, 2019. The other is pending disability retirement due to a job related injury. These four vacancies will have a tremendous impact on department operations as well as expenditures of overtime if left unfilled.

I respectfully request authorization to begin the process to hire four officers at this time. While I will not make any guarantees, I am exploring the possibility of filling at least one, possibly two of these vacancies with lateral transfers from other police departments. This would put already trained officers on the payroll without the time necessary to send them to the academy.

I sincerely appreciate your prompt attention to this matter as I need to notify The Niagara County Law Enforcement Academy as to the number of recruits we will be sending.

Respectfully,
Roger R. Zgolak
Chief of Police

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro
That the Common Council hereby grants permission for the Chief of Police to hire four (4) new police officers to fill vacancies within the North Tonawanda Police Department.
Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

XIV. Dir. Youth, Recreation, Parks & Seniors

August 12, 2019

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

Dear Mayor Pappas and Common Council,

Our department received an event application for use of Raymond Klimek Veterans Park for a fundraising walk/event for the nonprofit group Apraxia Kids. The group is requesting the use of both shelters, as well as the band shell and use of the walking path through the park.

After reviewing the application, our department has approved the availability of the park for the specifics of their event on October 19, 2019 as indicated in their application and letter. They have additionally requested that the \$300 special event fee be waived. I have attached all pertinent information for your reference in making the determination on waiving the fee.

Respectfully submitted,
 Alex Domaradzki
 Dir. Youth, Recreation, Parks & Seniors

MOVED by Alderman Berube SECONDED by Alderman Braun
 That the Common Council hereby grants approval to waive the special event fee of \$300 for
 Apraxia Kids, for their event on October 19, 2019 at Raymond Klimek Veterans Park.
 Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka (5)
 Nays: None (0)
 CARRIED.

XX. Code Enforcement

July 31, 2019

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

Re: Code Change to City Code Chapter 69 Plumbing, §69-36 Area and Yard
 Drainage; Downspouts and Sump Pumps

Dear Honorable Body:

I would like to submit the potential addition to the Code of the City of North Tonawanda,
 Chapter 69 Plumbing. The requested addition is listed below.

§69-36 Area and yard drainage; downspouts and sump pumps.

A.

All paved areas, yards, courts and courtyards shall be drained into the stormwater sewer system and not into sewers intended for sewage only. Where there is no stormwater sewer accessible, such connections shall be discharged into the public gutter, unless otherwise permitted by the proper authorities, and, when connected to the storm sewer, need not be trapped.

B.

No downspouts or sump pumps from any buildings shall be discharged in such a manner as to drain to adjoining properties.

C.

Materials used for stormwater piping and back yard drains shall conform to ASTM 3034 SDR 35 (slip joint) or equal. All work performed on property owned by the City shall be completed under the supervision of a licensed plumber

D.

Excess yard water, basement flood water, swimming pool, fountain, pond or any incidental water drained from private property must be drained directly into the public storm water sewer system. Where no storm water sewer is present, the water must be drained directly into the public gutter.

Thank you for your consideration in this matter.

Respectfully,
 Robert C. Depaolo
 Code Enforcement

MOVED by Alderman Pecoraro SECONDED by Alderman Zadzilka
 That the Common Council at a regular session meeting, held at City Hall, 216 Payne Avenue,
 North Tonawanda, New York at 6:30 PM on August 20, 2019 the Council approved the City
 Code Change to Chapter 69 Plumbing §69-36 Area and Yard Drainage; Downspouts and
 Sump Pumps, to read as follows:

§69-36 Area and yard drainage; downspouts and sump pumps.

A.

All paved areas, yards, courts and courtyards shall be drained into the stormwater sewer system and not into sewers intended for sewage only. Where there is no stormwater sewer accessible, such connections shall be discharged into the public gutter, unless otherwise permitted by the proper authorities, and, when connected to the storm sewer, need not be trapped.

B.

No downspouts or sump pumps from any buildings shall be discharged in such a manner as to drain to adjoining properties.

C.

Materials used for stormwater piping and back yard drains shall conform to ASTM 3034 SDR 35 (slip joint) or equal. All work performed on property owned by the City shall be completed under the supervision of a licensed plumber

D.

Excess yard water, basement flood water, swimming pool, fountain, pond or any incidental water drained from private property must be drained directly into the public storm water sewer system. Where no storm water sewer is present, the water must be drained directly into the public gutter.

Subject to review by the City Attorney

Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka (5)

Nays: None (0)

CARRIED.

XXV. Monthly Reports

.1 Senior Citizen Center .2 City Clerk-Treasurer .3 Police Department

MOVED by Alderman Pecoraro SECONDED by Alderman Tylec
That the Common Council hereby, approves the aforementioned Monthly Reports.
CARRIED.

COMMUNICATIONS FROM OTHERS

A.

JG Productions and Entertainment

August 14, 2019

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

Dear Common Council,

We are requesting a rain make-up date for Thursday's on the Water for Thursday, September 5th from 5-9 PM. Thank you for your continued support. We hope for this approval and the continued success of this wonderful North Tonawanda event.

Regards,
Thursday's on the Water

MOVED by Alderman Zadzilka

SECONDED by Alderman Braun

That the Common Council hereby approves the requested rain date to JG Productions for their Thursday's on the Water for Thursday, September 5, 2019 at Gratwick Park.

Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka

(5)

Nays: None

(0)

CARRIED.

AUDIENCE PARTICIPATION

B.J. VanDewater, 1098 Nash Road – Wanted to know if any of the Candidates for the upcoming election were going to hold a debate.

Bob Brennan, 333 Daniel Drive – Has concerns about Deerwood Golf Course and the upkeep. Said that he was golfing with people from out of town and the conditions were so poor that one of the players walked off the course. Said that the City needs to hire a Certified Grounds Keeper for the golf course.

Erin Robinson, 229 Falconer Street – Regarding the tennis court maintenance on Payne & Taber, said that her and her kids had to go and weed the courts. Wanted to know if there were going to be taken care of before school so they can be used.

Darlene Bolsover, 1337 Sweeney Street – Asked if the City Engineer was involved with the new drainage proposal and wanted more clarification. Asked if there was something that the Police Chief designed to get any information on where the positions are going to go for and is the City going to be getting a drug task force.

Jack Kanack, 84 South Meadow Drive – Saturdays at the Farmers Market he would like an indoor venue for the winter.

ADJOURNMENT

MOVED by Alderman Tylec

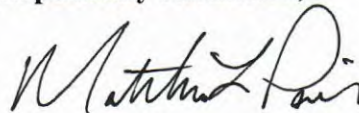
SECONDED by Alderman Braun

That this regular session of the Common Council be and hereby is adjourned.

CARRIED.

Time of Adjournment: 7:45 P.M.

Respectfully submitted,



Matthew L. Parish
City Clerk-Treasurer