

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, September 17, 2019
6:39 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

B. J. VanDewater, 1098 Nash Road – Asked questions concerning the IT Contract and would like the Council to table the vote.

Sonia Dusza 123 Miller Street – Wants more serious issues discussed longer than the 5 minutes, was concerned about the traffic that will come from the Armstrong Pumps expansion and wants more specifics on what is considered official truck routes.

APPROVAL OF THE MINUTES OF THE REGULAR SESSION SEPTEMBER 3, 2019

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro
That the minutes of the regular session meeting held September 3, 2019 be approved as
circulated and filed in the Office of the City Clerk.
CARRIED.

PROOF OF PUBLICATION PUBLISHED 8/29/2019

1) Legal Notice – Proposals to Conduct an Audit or Survey of the City's Gas, Electric, Telecommunications and Water/Sewer Utility Service Accounts – City Clerk-Treasurer

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

COMMUNICATIONS FROM CITY OFFICIALS

#1. Robert Pecoraro

September 11, 2019

North Tonawanda City Clerk-Treasurer
Matthew Parish
216 Payne Avenue
North Tonawanda, NY 14120

AMENDED 9/23/2019

09-17-2019

Dear North Tonawanda City Clerk-Treasurer,

Attached is the "Thank A Vet" Resolution I am requesting to be placed on the agenda for the Common Council approval during the upcoming council session on 17 September 2019. Please let me know if you have any questions.

Robert E. Pecoraro
Alderman at Large, North Tonawanda

MOVED by Alderman Pecoraro **SECONDED** by Alderman Zadzilka
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 September 17, 2019, approves the Niagara County "THANK A VET" program and resolution reads as follows:

RESOLUTION TO SUPPORT THE NIAGARA COUNTY "THANK A VET" PROGRAM. THIS PROGRAM IS NIAGARA COUNTY'S WAY TO RECOGNIZE THE SERVICES AND SACRIFICES MADE BY RETURNING VETERANS

WHEREAS, to be eligible, a person must be a Niagara County resident (Erie County has a similar program), be a honorably discharged Veteran of any branch of the Armed Forces, have official discharge papers (Department of Defense Form 214) on file in the Niagara County Clerk's Office, and an official government photo identification showing a Niagara County resident (NYS driver license or non-driver ID card).

Often we hear of ways Americans can give back to help veterans but many do not know that veterans are the most active volunteers working to improve communities across the country. According to the 2016 Veteran Civic Health Index, veterans are more likely than non-veterans to volunteer with their neighbors to fix problems in their communities. Veterans volunteered an average of 169 hours of their time compared to an average of 126 hours spent volunteering by non-veterans. More than 10 percent of veterans worked with their neighbors to fix problems in their community compared to just under 8 percent of non-veterans.

WHEREAS, this program is a way for our county to recognize the service and sacrifices made by our returning veterans. Under the "THANK A VET" Discount Program, eligible veterans will receive a photo I.D. card, identifying them as an honorably discharged veteran. Participating county merchants will agree to honor the card by providing holders with a discount on purchases or services.

WHEREAS, to receive a "THANK A VET" Card, veterans must visit the Niagara County Clerk's office located on 175 Hawley Street, Lockport, Monday-Friday 9:30am – 4:30pm. The North Tonawanda Clerk, Matt Parish, is planning a bus trip to facilitate veterans' Transportation on Tuesday, October 22 (final details to be determined).

WHEREAS, the North Tonawanda Parks and Recreation Department has agreed to a 10% "THANK A VET" Discount to veterans desiring their parks and recreation services.

RESOLVED, that we fully support the North Tonawanda Parks and Recreation Department's 10% discount to eligible veterans with a "THANK A VET" card. This will place North Tonawanda as the first Niagara County municipality to recognize veterans with this discount.

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

Nays: None (0)

CARRIED.

#2. Common Council

September 12, 2019

**North Tonawanda City Clerk-Treasurer
Matthew Parish
216 Payne Avenue
North Tonawanda, NY 14120**

Re: "Green Light Law" Resolution

AMENDED 9/23/2019

Clerk-Treasurer,

We would like to request that the following resolution supporting Niagara County's commencement of litigation challenging the State's "Green Light Law" be added to the agenda for the September 17th Common Council meeting. We intend to vote on aforementioned resolution at the meeting on September 17, 2019.

Sincerely,
 Alderwoman Donna Braun
 Alderman Mark Berube
 Alderman at Large Robert Pecoraro
 Alderman Eric Zadzilka

MOVED by Alderman Zadzilka **SECONDED** by Alderman Berube
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 September 17, 2019, approves the following resolution supporting Niagara County's commencement of litigation challenging the State's "Green Light Law" to read as follows:

WHEREAS, holding a driver's license in New York State is a privilege, not a right and

WHEREAS, on June 17, 2019, New York State Governor Andrew Cuomo signed into law the "Green Light Law" which requires New York County Clerk's to issue driver's licenses based upon the following forms of identity,: "a valid unexpired foreign passport issued by the applicant's country of citizenship, a valid, unexpired consular identification document issued by the consulate from the applicant's country of citizenship, or a valid foreign driver's license that includes a photo image of the applicant and which is unexpired or expired for less than twenty-four months of its date of expiration.", and

WHEREAS, New York State Governor Andrew Cuomo fails to provide any mechanism for the Niagara County Clerk and/or Niagara County Department of Motor Vehicle employees to restrict and/or prevent non-United States citizens from registering to vote at the time of applying for such New York State Driver's license. In fact, such non-United States citizens are afforded the same privilege of being allowed to complete the electronic "motor voter", voter registration application as is a citizen of the United States and resident of New York State, and

WHEREAS, such June 17, 2019, "Green Light Law" of New York State Governor Andrew Cuomo fails to provide any provision that allows the Niagara County Clerk and/or Niagara County Department of Motor Vehicle employees to in any manner monitor the voter registration application of any such non-United States citizens who registers to vote at the time of applying for such New York State Driver's license, such voter registration application is in all respects carried out in secrecy, and

WHEREAS, such June 17, 2019, "Green Light Law" of New York State Governor Andrew Cuomo forbids the disclosure of or accessibility to such foreign documents provided by non-United States citizens at the time of applying for such New York State Driver's license, such non-disclosure includes but is not limited to the Niagara County Board of Elections and Niagara County Law Enforcement, and

WHEREAS, such June 17, 2019, "Green Light Law" of New York State Governor Andrew Cuomo fails to provide any necessary documentary proof to the Niagara County Board of Elections to allow it to conduct its statutory review of the voter registration list for Niagara County and thereby refuse to approve any voter registration by a non-United States citizens who registers to vote at the time of applying for such New York State Driver's license, and

WHEREAS, on August 6, 2019 the Niagara County Legislature unanimously passed a resolution authorizing the Niagara County Attorney to investigate, engage counsel and commence all litigation to enjoin Implementation and Enforcement of the "Green Light Law", now therefore, be it

RESOLVED, the North Tonawanda Common Council supports Niagara County's commencement of litigation challenging the state's "Green Light" law.

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

Nays: None (0)

CARRIED.

AMENDED 9/23/2019

II. Attorney

September 4, 2019

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

Re: Resurfacing of East Avenue between Oliver Street and the Armstrong
 Pumps facility

Dear Honorable Body:

As you are aware, Armstrong Pumps has submitted plans to the North Tonawanda Planning Board regarding an expansion of their current facility with an investment of at least \$18 million dollars. As those plans have moved forward, Armstrong has expressed concern regarding the condition of East Avenue between Oliver Street and their facility relative to long term sustained truck traffic. As such, Armstrong is requesting that the City commit to resurfacing East Avenue appropriately for heavy duty truck traffic after construction of their \$18 million dollar expansion is complete. To that end, I have attached a proposed letter in intent to resurface East Avenue between Oliver Street and Armstrong Pumps upon the completion of Armstrong's expansion.

Considering the above, I am requesting that the Common Council pass a resolution approving the attached Letter of Intent for the Mayor's signature. If you have any questions, or need any additional information, please do not hesitate to contact me.

Sincerely,
 Luke A. Brown, Esq.
 City Attorney

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro
 That the Common Council hereby approves the attached Letter of Intent for the Mayor's signature regarding the resurfacing of East Avenue between Oliver Street and Armstrong Pumps facility, upon the completion of their expansion, subject to further review by the City Attorney.

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

(5)

Nays: None

(0)

CARRIED.

III. Clerk-Treasurer

September 5, 2019

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

Re: IT Contract

Honorable Council,

I would like to request that two items be voted on during a special session held on Tuesday, September 10th, 2019. First, I ask that the council votes to terminate our current IT contract with MVP. Second, I ask that the council votes to sign a new information technology contract with Ivergent. After an RFP was completed earlier this year, our "IT Committee" has determined that Ivergent is the best fit to service our municipality. Thank you for your consideration on this matter.

Respectfully,
 Matthew L. Parish
 City Clerk-Treasurer

AMENDED 9/23/2019

MOVED by Alderman Tylec **SECONDED** by Alderman Braun
That the Common Council hereby approves of terminating the current contract with MVP Consulting, LLC for the City of North Tonawanda’s IT services.

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

Nays: None (0)

CARRIED.

MOVED by Alderman Tylec **SECONDED** by Alderman Zadzilka
That the Common Council hereby approves the contract with Ivergent Managed Services for the City of North Tonawanda’s IT services, as per discussed contract amendments and approval from the City Attorney

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

Nays: None (0)

CARRIED.

VII.1 Accountant

September 11, 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 September 17, 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 Pecoraro **SECONDED** by Alderman Braun
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated September 17, 2019 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$757,824.70
02	Water Fund	40,549.19
04	Sewer Fund	160,109.79
06	Capital Project Fund	212,118.21
07	Trust & Agency Fund	6,447.09
81	CD – Comm. Dev.	<u>24,264.04</u>
00	Final Total	<u>\$1,201,313.02</u>

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

Nays: None (0)

CARRIED.

AMENDED 9/23/2019

VII.2 Accountant

September 11, 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/Increase Account</u>	<u>Increase Appropriation Account</u>
31	\$4,589.00	001.7180.0480, Swimming Pools-Ops	001.0880.0000, Contingent/Tax Stabilization
32	\$1,700.00	001.1000.1980, Market Revenue	001.6520.0480, Market Operations

Regards,
Amanda Reimer
City Accountant

MOVED by Alderman Tylec

SECONDED by Alderman Braun

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/Increase Account</u>	<u>Increase Appropriation Account</u>
31	\$4,589.00	001.7180.0480, Swimming Pools-Ops	001.0880.0000, Contingent/Tax Stabilization
32	\$1,700.00	001.1000.1980, Market Revenue	001.6520.0480, Market Operations

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

VII.3 Accountant

September 11, 2019

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

Dear Honorable Body:

This department has two contracts expiring this year:

The first is our contract for Worker's Compensation Claims Management Services with FCS Administrators and the second is our contact with Amato Fox and Company for audit services.

Due to my unforeseen leave of absence this year and the current staffing issues my office is experiencing, I am requesting your approval to extend each of these contracts for a one-year period of time.

With your permission I will request extensions from both vendors and submit one-year contracts for your approval next month.

Accordingly, please grant me permission to begin the process of a one-year extension with Amato Fox and Company and FCS Administrators. AMENDED 9/23/2019

09-17-2019

Regards,
Amanda Reimer
City Accountant

MOVED by Alderman Zadzilka **SECONDED** by Alderman Pecoraro
That the Common Council hereby grants permission for the City Accountant to request an extension from FCS Administrators to extend the City's contract for the Workers' Compensation Management Services for one year.

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

Nays: None (0)

CARRIED.

MOVED by Alderman Tylec **SECONDED** by Alderman Braun
That the Common Council hereby grants permission for the City Accountant to request an extension from Amato Fox and Company to extend the City's contract for Audit Services for one year.

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

Nays: None (0)

CARRIED.

X. Police Chief

August 30, 2019

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

Dear Honorable Body:

Would you please appoint Daniel J. Wilczek, 48 Washington Street, North Tonawanda, NY 14120 as Commissioner of Deeds for the City of North Tonawanda.

Roger R. Zgolak
Chief of Police

MOVED by Alderman Tylec **SECONDED** by Alderman Braun
That the Common Council hereby grants approval for Daniel J. Wilczak, 48 Washington Street, North Tonawanda, NY 14120 to be appointed as a Commissioner of Deeds for the City of North Tonawanda effective September 18, 2019 and expiring September 17, 2021.

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

Nays: None (0)

CARRIED.

XXV. Monthly Reports

.1 City Clerk-Treasurer .2 Senior Citizen Center

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

CARRIED.

AMENDED 9/23/2019

COMMUNICATIONS FROM OTHERS

**A.
Joseph Mantione**

September 4, 2019

Honorable Mayor
And Common Council
216 Payne Avenue
North Tonawanda, NY 14120
Dear Honorable Body:

I, Joseph Mantione, 240 Niagara Street, North Tonawanda, NY 14120, am requesting to be reappointed as Commissioner of Deeds for the City of North Tonawanda. Thank you

Sincerely,
Joseph Mantione

MOVED by Alderman Braun SECONDED by Alderman Pecoraro
That the Common Council hereby grants approval for Joseph Mantione, 240 Niagara Street, North Tonawanda, NY 14120 to be reappointed as a Commissioner of Deeds for the City of North Tonawanda effective September 18, 2019 and expiring September 17, 2021.
Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

**B.
Gratwick Hose Company, Inc.**

September 10, 2019

Honorable Mayor
And Common Council members
City Hall
North Tonawanda, NY 14120

Dear Honorable Body:

Please remove the name of Noble P. Corp from the North Tonawanda Fire Rolls.

Thank you,
David A. Rogge
Membership Secretary

MOVED by Alderman Berube SECONDED by Alderman Tylec
That the Common Council hereby approves of the removal of Noble P. Corp from the North Tonawanda Fire Rolls.
Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

LATE COMMUNICATION

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro
To bring the following communication to the floor.
Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

AMENDED 9/23/2019

#1.
Engineer

September 6, 2019

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

Re: North Tonawanda Bike Path connection to the Empire State Trail
Project Design Proposals

Dear Honorable Body:

As you are aware, it was announced in May 2019 that the City of North Tonawanda will be the recipient of \$316,400 from the New York State Department of Transportation (NYSDOT) funding under the Transportation Alternatives Program and Congestion mitigation and Air Quality Improvement Program (TAP/CMAQ). The TAP/CMAQ program is an 80% reimbursable grant that will be utilized to connect the existing dead-end of the Riverwalk bike path, along Sweeney to Webster Street and over the Renaissance Bridge to the Empire State Trail running through the City of Tonawanda.

To complete the new bike path connection, the City intends to procure the services of a professional engineering firm. This firm's responsibilities will include design of the identified improvements, and implementation assistance through the construction and installation stages.

A request for supplemental proposals, in accordance with the Local Design Services Agreement (LDSA) – Consultant Selection Procedure furnished by the New York State County Highway Superintendents Association (NYSCHSA), was issued in May 2019 and the City received ten proposals from the fifteen eligible professional firms. A review committee was convened with representation from the City Council, City Engineering, Community Development office, Parks and Recreation, and the Department of Public Works, to review the proposals and provide a recommendation to the Council.

Upon review, the committee is recommending the City select C&S Companies to perform the design services and assistance through the construction and installation stages. C&S Companies is a local firm with experience in transportation engineering design. The review committee felt the team assembled by C&S Companies demonstrated the experience, expertise, and capacity to complete this project for the City.

I am hereby requesting this honorable body consider selecting C&S Companies to complete the North Tonawanda Bike Path Connection to the Empire State Trail Project under the NYSDOT TAP/CMAQ Program and authorize the Mayor to sign a contract with C&S Companies, pending review and approval by the City Attorney, for the proposed design fee of \$62,000 and not to exceed construction services fee of \$33,000.

Please let me know if you have any further questions or concerns. Thank you for your consideration.

Very truly yours,
Chelsea L. Spahr, P.E.
Assistant City Engineer

MOVED by Alderman Braun SECONDED by Alderman Tylec
That the Common Council hereby authorizes the City Accountant to make the following Budgetary Transfer of fiscal year 2019 appropriations, based on the request of the City Engineer:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>Decrease/Increase Account</u>	<u>Increase Appropriation Account</u>
30	\$62,000	001.1000.2089, Other Culture & Rec Income	001.7997.0440, Bike Path Prof & Technical

AMENDED 9/23/2019

09-17-2019

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

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro
That the Common Council hereby approves of C&S Companies to complete the North Tonawanda Bike Path Connection to the Empire State Trail Project under the NYSDOT TAP/CMAQ Program and directs the Mayor to sign said contract, for the proposed design fee of \$62,000 and not to exceed construction services fee of \$33,000, subject to review by the City Attorney.

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

AUDIENCE PARTICIPATION

Sue Wilke 329 Miller Street – Spoke about environmental activities and a school walk out for global warming.

Rich Andres 448 Goundry Street – Praised the Council and the City for Armstrong Pumps project and trying to revitalize Oliver Street and the City as a whole.

B. J. VanDewater, 1098 Nash Road – Was concerned about the SWAT vehicle blocking the handicapped parking area. Asked for updated addresses of the City Officials and spoke about the upcoming debate.

Bob Brennan, 333 Daniel Drive – Stated that the Paramount filming was wrapping up today and was pleased on how the joint effort between the City and residents made it go so well.

Krista Vince Garland 238 Tremont Street – Said that the City animal codes should be updated, and said that the Dog Control Officer should have more hours and pay.

Karl Baurer 1066 East Robinson Street- Asked if speakers could roll over their time not used to other speakers.

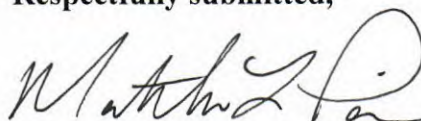
Sonia Dusza 123 Miller Street – Asked why there was a late communication on the agenda, and wanted the cat code updated. Wondering why public hearings and notices were not printed and on display at the Library.

ADJOURNMENT

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

Time of Adjournment: 8:37 P.M.

Respectfully submitted,



Matthew L. Parish
City Clerk-Treasurer

AMENDED 9/23/2019