

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, September 3, 2019
6:30 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 - None

APPROVAL OF THE MINUTES OF THE REGULAR SESSION AUGUST 20, 2019

MOVED by Alderman Zadzilka SECONDED by Alderman Tylec
That the minutes of the regular session meeting held August 20, 2019 be approved as
circulated and filed in the Office of the City Clerk.
CARRIED.

PROOF OF PUBLICATION PUBLISHED 8/21/2019

1) Legal Notice – Estoppel Notice for the 2019 Serial Bond to Finance Various
Improvements to the City’s Water Treatment Plant – City Clerk-Treasurer

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

COMMUNICATIONS FROM CITY OFFICIALS

IV. Engineer

August 28, 2019

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

Re: Project 2018-02: Sweeney Canal Dock Extension Project
Approval of Change Order and Final Project Acceptance

Dear Honorable Body:
Approval of Change Order No.1 and final acceptance of the Sweeney Canal Dock Extension
09-03-2019

Project is hereby requested. The change order is for the additional cost of changes made to the project after deductions were taken off for modifications to the project. Attached is a change order listing the deductions and additions that were performed on this project and their associated costs.

Accordingly, I respectfully request that the Common Council approve add Change Order No.1 for Sweeney Canal Dock Extension Project in the of \$14,849.95 with Pinto Construction Services Inc., 132 Dingens Street, Buffalo, NY 14206; increasing the contract amount from \$594,067.00; to the final contract amount of \$608,916.95; authorizing the Mayor to sign said change order. Further, that the Common Council accept this project as complete and approve the final payment subject to review by the City Attorney.

Very truly yours,
Dale W. Marshall, P.E.
City Engineer

MOVED by Alderman Zadzilka SECONDED by Alderman Tylec
That the Common Council hereby approves Change Order No.1 for the Sweeney Canal Dock Extension Project 2018-02 in the amount of \$14,849.95 with Pinto Construction Services Inc., 132 Dingens Street, Buffalo, NY 14206; increasing the contract amount from \$594,067.00; to the final contract amount of \$608,916.95; and authorizes the Mayor to sign said change order, accepting this project as complete, subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

V.1 Supt. Water/Wastewater

August 23, 2019

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

Re: Award of Aluminum Sulfate bid for the Water Treatment Plant

Dear Honorable Body:

On August 14, 2019 three (3) bids were received and opened for the provision of Aluminum Sulfate to the Water Treatment Plant.

Based upon these bids, I would like your approval of Thatcher Company of New York, Inc. P.O. Box 27407, Salt Lake City, UT 84127-0407, at the low three year bid rate of \$400.00/ton.

Due to an average annual increase of \$51/ton by all bidders since 2015 we would be paying \$450/ton by 2021. Therefore, by accepting the three (3) year bid price of \$400.00/ton the City will save \$50/ton (\$3750.00) in year 3 of the contract.

The awarding of this contract is subject to review and approval by the City Attorney.

Please contact me if you have any question or concerns regarding this Bid Award. Thank you for your time and consideration of my request.

Sincerely,
William M. Davignon
Supt. Water/Wastewater

MOVED by Alderman Pecoraro SECONDED by Alderman Berube
That the Common Council hereby approves the Wastewater Treatment Plant bid for Aluminum Sulfate from Thatcher Company of New York, Inc. P.O. Box 27407, Salt Lake City, UT 84127-0407 at their low bid amount of \$400/ton for 3 years, subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

V.2 Supt. Water/Wastewater

August 23, 2019

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

Re: Approval for Nussbaumer & Clarke to apply for NYS Clean Water Infrastructure Improvement Act (WIIA) Grant funds

Honorable Mayor Pappas and City Council Members:

Attached is a request from Nussbaumer & Clarke to apply for NYS Clean Water Infrastructure Improvement Act Grant funding. The WIIA Grant application deadline is September 13, 2019.

The City contracted with Nussbaumer & Clarke Engineering to assist us in developing an RFP to replace our backup Power Generator at the Water Filtration Plant. The council approved the contracts bids for this project at your August 20, 2019 meeting.

Nussbaumer & Clarke has prepared the attached WIIA Grant application which allows our project to be available for up to 60% reimbursement up to a maximum of \$3,000,000.

Due to the importance of our ability to provide an uninterrupted public water supply for drinking water & fire protection to our residents during a power outage or catastrophic event, I respectfully request that the Council give Mayor Pappas approval to sign the attached WIIA Grant application at your next available Council meeting

Thank you for your support of this very important project.

Sincerely,
William M. Davignon
Supt. Water/Wastewater

MOVED by Alderman Zadzilka **SECONDED** by Alderman Braun
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 3, 2019, grants approval for Nussbaumer & Clarke to execute a Grant Agreement for the City of North Tonawanda Standby Generator and Variable Frequency Drive Replacement Project with the NYS Clean Water Infrastructure Improvement Act Grant funding, the resolution to read as follows:

AUTHORIZATION TO EXECUTE A GRANT AGREEMENT FOR THE CITY OF NORTH TONAWANDA STANDBY GENERATOR AND VARIABLE FREQUENCY DRIVE REPLACEMENT PROJECT

WHEREAS, the City of North Tonawanda (City) is planning a Standby Generator and Variable Frequency Drive Replacement Project at the Water Treatment Plant located at 1 Archer Street; and

WHEREAS, the Drinking Water Infrastructure Improvement Act (WIIA) authorizes the New York State Environmental Facilities Corporation (NYSEFC) to provide grants to eligible Municipal Drinking Water Projects; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor is authorized to apply for and execute a Grant Agreement with the NYS Environmental Facilities Corporation and any all contracts, documents and instruments necessary to bring about the Project to fulfill the City's obligations under the Water Infrastructure Improvement Act agreement.

Subject to review by the City Attorney.

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 at a regular session meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30PM on September 3, 2019, grants approval for Nussbaumer & Clarke to authorize and appropriate funds for the City of North Tonawanda Standby Generator and Variable Frequency Drive Replacement Project with the NYS Clean Water Infrastructure Improvement Act Grant funding, the resolution to read as follows:

**AUTHORIZATION FOR APPROPRIATION OF FUNDS FOR THE CITY OF NORTH
TONAWANDA STANDBY GENERATOR AND VARIABLE FREQUENCY DRIVE
REPLACEMENT PROJECT**

WHEREAS, the City of North Tonawanda (City) is planning a Standby Generator and Variable Frequency Drive Replacement Project at the Water Treatment Plant located at 1 Archer Street; and

WHEREAS, the Drinking Water Infrastructure Improvement Act (WIIA) authorizes the New York State Environmental Facilities Corporation (NYSEFC) to provide grants to eligible Municipal Drinking Water Projects; and

WHEREAS, if awarded, the WIIA grant will fund 60% of eligible project costs totaling \$1,836,907; and

NOW, THEREFORE, BE IT RESOLVED that the City authorizes and appropriates 40% of the proposed project as required by the WIIA grant application for the Standby Generator and VFD Replacement Project. If grant funds are awarded, the balance of the project cost shall be appropriated from the City's Water Fund Reserve. The maximum local share appropriated subject to any changes agreed to by the Mayor shall not exceed \$1,224,605 based upon a total estimated project cost of \$3,061,512. The Mayor may increase this amount through the use of in kind services without further approval from the City.

Subject to review by the City Attorney

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

Nays: None (0)

CARRIED.

V.3 Supt. Water/Wastewater

August 29, 2019

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

**Re: Approval for Rotella Grant Management to apply for NYS Clean Water
Infrastructure Improvement Act (WIIA) Grant funds**

Honorable Mayor Pappas & Common Council Members:

I am working with Rotella Grant Management to apply for NYS Clean Water Infrastructure Improvement Act Grant funding on behalf of the City. The WIIA Grant application deadline is September 13, 2019.

The city contracted with Arcadis Engineering to assist us in developing a Capital Improvement Plan for the Water Filtration Plant. The Council approved the Arcadis contract for the Engineering Report for phase #1 at your August 20, 2019 meeting.

Rotella Grant Management is preparing a WIIA Grant application which will allow our project to be available for 60% reimbursement up to a maximum of \$3,000,000.

I respectfully request that the Council approve the attached resolution and give Mayor Pappas permission to sign the WIIA Grant application for various improvements at the

09-03-2019

Water Treatment Plant as defined in the August 20, 2019 Bond Resolution from the September 3, 2019 Council Meeting.

Thank you for your support of this very important project.

**Sincerely,
William Davignon
Supt. Water/Wastewater**

**MOVED by Alderman Pecoraro 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 3, 2019, grants approval for Rotella Grant Management to execute a Grant Agreement for the City of North Tonawanda Phase #1 of the Capital Improvement Plan for the Water Filtration Plant, with the NYS Clean Water Infrastructure Improvement Act Grant funding, the resolution to read as follows:**

**MUNICIPAL RESOLUTION FOR NYS WATER INFRASTRUCTURE
IMPROVEMENT ACT (“WIIA”) – 2019 NYS WATER GRANT**

WHEREAS, the City of North Tonawanda, after thorough consideration of the various aspects of the problem and review of available data, has hereby determined that certain work, as described in its NYS Drinking Water Infrastructure Grant Program application and attachments, to address the repair and maintenance of the City of North Tonawanda Drinking Water Plant, herein called the “Project”, is desirable, is in the public interest, and is required in order to implement the Project and address said compliance requirements; and

WHEREAS, the NYS Environmental Facilities Corporation (EPC) authorizes State assistance to municipalities for clean water quality improvement projects by means of a contract, and the City of North Tonawanda deems it to be in the public interest and benefit under this law to enter into a contract therewith.

NOW, THEREFORE, BE IT RESOLVED BY the City of North Tonawanda Common Council that:

1. Mayor Arthur Pappas, or his representative or successor in office, is the representative authorized to act on behalf of the City of North Tonawanda Common Council in all matters related to State assistance under the New York State Environmental Facilities Corporation (EFC) and/or any applicable State grant provisions.
2. The Mayor or his representative, is also authorized to make an application in the amount of \$8,450,000 which the City is requesting 60% of the total project cost in grant funding, list the Project in the DWSRF Intended Use Plan (IUP) as needed, submit Project documentation, and otherwise act on behalf of the City of North Tonawanda Common Council in all matters related to the Project and to State assistance;
3. The City of North Tonawanda agrees to fund its portion of the cost of the Project, a 40% minimum match since the grant amount is up to \$3,000,000 and therefore this City’s cost would be \$5,450,000 by way of a General Obligation Bond or a series of Bond Anticipation Notes financed over a period of five or more years as well as a contribution from the City’s capital reserves account or capital improvement BOND, and that funds will be made available to initiate the Project efforts within 12 months of written approval of its application by the NYS Department of Health and the New York State Environmental Facilities Corporation authority;
4. The one certified copy of this Resolution be prepared and sent to the Albany office of the NYS Environmental Facilities Corporation; and
5. This Resolution takes effect immediately.

Subject to review by the City Attorney

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

Nays: None (0)

CARRIED.

August 20, 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 3, 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 Berube SECONDED by Alderman Braun
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated September 3, 2019 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$461,809.43
02	Water Fund	22,779.36
04	Sewer Fund	61,536.83
06	Capital Project Fund	68,482.55
07	Trust & Agency Fund	15,949.04
81	CD – Comm. Dev.	<u>2,685.00</u>
00	Final Total	<u>\$633,242.21</u>

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

VII.3 Accountant

August 20, 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>
28	\$10,000.00	001.1000.3889, State AID C&R	001.8020.0410, CD-Administration
29	\$49,083.70	001.0880.0000, Contingent	001.8020.0410, Parks Operations

Regards,
Amanda Reimer
City Accountant

MOVED by Alderman Tylec

SECONDED by Alderman Braun

09-03-2019

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>
28	\$10,000.00	001.1000.3889, State AID C&R	001.8020.0410, CD-Administration
29	\$49,083.70	001.0880.0000, Contingent	001.8020.0410, Parks Operations

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

COMMUNICATIONS FROM OTHERS

A.
 Niagara Falls International
 Film Festival

August 28, 2019

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

Dear Common Council,

I would like to get approval ASAP to announce the NFIFF Events coming next month with the Buffalo Sign Rental at the corner of River Road and Witmer Road where they currently have the sign for the Thursday music events

Regards,
 Bill Cowell, Founder/President
 Niagara Falls International Film Festival

MOVED by Alderman Berube SECONDED by Alderman Braun
 That the Common Council hereby approves the requested from the Niagara Falls International Film Festival, to place a sign at the corner of River Road and Witmer Road at Gratwick Park to advertise their upcoming events.

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.

Police Chief

August 29, 2019

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

Re: Detective Appointment

Daniel J. Wilczek is appointed to the position of Police Detective under the command of Detective Captain Thomas E. Krantz.

Detective Wilczek was selected from a list provided by the Niagara County Civil Service Commission.

A brief promotional ceremony will be held on Tuesday September 3, 2019 in the Common Council Chambers at 0900 hours.

Thank you.

**Roger R. Zgolak
Chief of Police**

MOVED by Alderman Tylec SECONDED by Alderman Pecoraro
That the Common Council hereby approves the appointment of Daniel J. Wilczek, as Police Detective for the City of North Tonawanda Police Department, effective August 30, 2019.

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

Nays: None (0)

CARRIED.

**#2.
Police Chief**

September 3, 2019

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

Dear Honorable Body,

I respectfully request to fill two vacancies within the North Tonawanda Police Department by appointing with your approval the following two Police Officer candidates, effective Friday September 6, 2019.

**Kevin F. Whitehead 608 Woodbury Drive, North Tonawanda, NY
Bradley J. Janzen 272 Fredericka Street, North Tonawanda, NY**

Both candidates were chosen from the current Niagara County Civil Service List of Eligibles for Police Officer.

**Respectfully,
Roger R. Zgolak
Chief of Police**

MOVED by Alderman Zadzilka SECONDED by Alderman Braun
That the Common Council hereby approves the appointment of Kevin F. Whitehead, 608 Woodbury Dr., North Tonawanda and Bradley J. Janzen, 272 Fredericka St., North Tonawanda as Police Officers for the City of North Tonawanda Police Department, effective September 6, 2019.

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

Nays: None (0)

CARRIED.

#3.

Police Chief

September 3, 2019

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

Dear Honorable Body,

I am filling two School Crossing Guard vacancies with the following two new hires effective Wednesday September 4, 2019.

Vincent Cardonna	206 Oliver Street, North Tonawanda, NY 14120
Robert Kelly	76 Jesella Drive, North Tonawanda, NY 14120

Respectfully,
Roger R. Zgolak
Chief of Police

MOVED by Alderman Braun SECONDED by Alderman Pecoraro
That the Common Council hereby approves the appointment of Vincent Cardonna, 206 Oliver Street, North Tonawanda and Robert Kelly, 76 Jesella Drive, North Tonawanda as School Crossing Guards, effective September 4, 2019.

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

(5)

Nays: None

(0)

CARRIED.

AUDIENCE PARTICIPATION

Bob Brennan, 333 Daniel Drive – He would like to see Stenzil Street fixed before the movie is filmed. He would also like to see the City address conflicts between the public using Mayor's Park playground the shelter renters, someone needs to address this before it is a real problem

Darlene Bolsover, 1337 Sweeney Street – Is concerned that the public is using private boat house facilities at Mayor's Park. Asked what the Sweeney Estate District is. Is the City moving along on the Sweeney Street Bike Path and if we don't get a grant will it take another 40 years for anything to get done on Sweeney Street.

Tom Meyer 132 Greenwood Cir. – Is still concerned with the situation of not having a dog limit in North Tonawanda. Says his neighbor acquired two more dogs and the number is up to 10 or 12 now.

Donavan & Meghan Campbell, 774 Harding Ave. – Said that there is a manhole cover that need replacing on Harding Avenue and also repair work on their street.

Joe Marranca, 439 Deerfield Drive – Would like to invite the public to the Neighborhood Watch Meeting being held on September 12, 2019 @7:00 PM at the North Tonawanda Public Library, all are welcome to attend.

ADJOURNMENT

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

Time of Adjournment: 7:40 P.M.

Respectfully submitted,



Matthew L. Parish
City Clerk-Treasurer