

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, October 15, 2019
6:37 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 OCTOBER 1, 2019

MOVED by Alderman Braun SECONDED by Alderman Tylec
That the minutes of the regular session meeting held October 1, 2019 be approved as
circulated and filed in the Office of the City Clerk.
CARRIED.

COMMUNICATIONS FROM CITY OFFICIALS

#1. Robert Pecoraro

October 10, 2019

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

Dear Honorable Body:

Attached is a resolution for support the Erie Niagara Sunrise Exchange Club to hold the "9/11 Memorial Healing Field" on September 10-12, 2021 at Gratwick Park, and have access to the Park one week prior to those dates. We had great success with this Field in 2016 and in 2021, we mark the 20th Anniversary of that tragic day and we should never forget the memories of those who lost their lives as we entered the Global War on Terrorism.

Sincerely,
Robert E. Pecoraro, Colonel, USAF (ret)
North Tonawanda, Alderman-at-Large
10-15-2019

MOVED by Alderman Pecoraro SECOND 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 October 15, 2019, approves the "9/11 Memorial Healing Field" resolution and the resolution reads as follows:

WHEREAS, the Erie Niagara Sunrise Exchange Club sponsored the first Healing field in 2016 where 3,000 3' x 5' American Flags were displayed along the Niagara River at Gratwick Park in North Tonawanda, NY. The Healing Field was started by the Colonial Flag Company in 2002 in Sandy, Utah. Over 400 Healing Field displays have been organized since that first event and more than \$6 million has been raised for various service, civic and other nonprofit organizations throughout the country. The 2021 Field will be called the 9/11 Memorial Healing Field.

WHEREAS, each 3' x 5' American Flags was sponsored in honor or in memory of an individual along with a short biography of someone who lost their life in the terrorist attack on the World Trade Center towers in New York City, the Pentagon in Washington, D.C., and the crash of Flight 93 in rural Pennsylvania. This undertaking was a great success so the Erie Niagara Sunrise Exchange Club will be looking to replicate this success from September 10-12, 2021 making the 20th anniversary of one of our darkest days, as they remember those who gave their lives on September 11, 2001.

WHEREAS, this event will take a great number of volunteers to coordinate and therefore the Erie Niagara Sunrise Exchange Club will be looking for partner organizations to plan and execute this event. The event organizers, Erie Niagara Sunrise Exchange Club President and North Tonawanda Alderman-at-Large Robert Pecoraro (2016 Program Director) and Mr. Ron Sciandra, Vice President of the Exchange Club (2016 Event Chairman) invite inquiries from interested organizations that would like to assist in the planning. This event will need many in the public to assist but that request will be closer to the actual event so save the date and be ready to serve.

WHEREAS, like in 2016, each flag will need a local sponsor, which can be a name of a loved one, a first responder, a veteran, a volunteer, a community servant, or another deserving person, and their name will also be tagged on the American-made 3 x 5 foot cloth flag. When the event is over, sponsors will be able to keep their flag and the eight-foot pole.

WHEREAS, if the public knows of an organization that would like to be involved in the 2021 9/11 Memorial Healing Field at Gratwick and Veterans Parks, contact Robert Pecoraro at 696-2851 (pecoraro@aol.com) or Ronald Sciandra at 316-0141 (ronald.sciandra@gmail.com).

RESOLVED, that we fully support and approve the 2021 9/11 Memorial Healing Field to be held at Gratwick Park and allow the Erie Niagara Sunrise Exchange Club full access to Gratwick Park for this event and 1 week leading up to the execution from September 10-12, 2021. Keeping this field in North Tonawanda assists us in demonstrating our show of patriotism and allowing us to "never forget".

Subject to review by the City Attorney

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

Nays: None (0)

CARRIED.

III. Clerk-Treasurer

October 11, 2019

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

Re: LCTV Streaming of the North Tonawanda Common Council Meetings

Honorable Council,

I am requesting permission to allow local cable television station LCTV to stream our weekly council meetings and workshops. I believe this is a good opportunity to increase transparency by making our meetings more accessible for our residents.

10-15-2019

Sincerely,
Mathew L. Parish
City Clerk-Treasurer

MOVED by Alderman Zadzilka **SECONDED** by Alderman Pecoraro
That the Common Council hereby grants permission for local cable television station LCTV
to stream the weekly Common Council and workshops meetings.

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

Nays: None (0)

CARRIED.

VII.1 Accountant

October 8, 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 October 15, 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 Berube
That the Common Council hereby authorizes for payment the current Abstract of Claims
for Common Council Audit dated October 15, 2019 and further authorizes the Mayor
and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$673,769.43
02	Water Fund	39,502.88
04	Sewer Fund	210,296.32
06	Capital Project Fund	116,117.48
07	Trust & Agency Fund	<u>6,907.09</u>
00	Final Total	<u>\$1,046,593.20</u>

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

Nays: None (0)

CARRIED.

VII.2 Accountant

October 8, 2019

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

Dear Honorable Body:

On September 17, 2019 the Common Council passed a resolution granting the Accounting Department permission to pursue a one-year extension for the City's Self Insured Workers Compensation Program Administrative Agreement with FCS Administrators.

FSC Administrators has agreed to a one year extension with the City, extending the contract effective date through December 31, 2020 (1.1.2020 – 12.31.2020). The proposed renewal presents an annual fee of \$35,500, reflecting a \$1,400 increase over the 1.1.2019 – 12.31.2019 cost.

Accordingly, please extend the City's current contract with FCS Administrators for a one-year period commencing 1.1.2020, for an annual fee of \$35,500.

Regards,
Amanda Reimer
City Accountant

MOVED by Alderman Tylec SECOND by Alderman Pecoraro
That the Common Council hereby approves extending the contract with FCS Administrators, Inc. for one additional contract period, covering January 1, 2020 through December 31, 2020, for the professional services related to workers' compensation claims management services, at a cost of \$35,500, subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

VII.3 Accountant

October 8, 2019

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

Dear Honorable Body:

On September 17, 2019, the Common Council passed a resolution granting the Accounting Department permission to pursue a one-year extension with Amato Fox and Company for the City's Fiscal Year ended 12.31.2019 Audit Services contract.

In response, the Accounting Department received a letter from Mr. Richard K. Ertel stating that effective September 1, 2019 Amato, Fox and Company has merged with Tette, Ingersoll & Co. CPA's, PC. Tette, Ingersoll & Co. CPA's, PC (formerly Amato, Fox & Company) has agreed to a one year extension with the City, to perform the external audit for the fiscal year ended December 31, 2019. The proposed renewal presents an annual fee of \$15,600, reflecting a zero increase over the prior year cost.

Accordingly, please approve a one year contract with Tett, Ingersoll & Co. CPA's, to perform the external audit of the City on North Tonawanda Financial Statements for the year ended December 31, 2019 at a total all-inclusive maximum price of \$15,600.

Regards,
Amanda Reimer
City Accountant

MOVED by Alderman Zadzilka SECOND by Alderman Braun
That the Common Council hereby approves extending the contract with Tette, Ingersoll & Co. CPA's, PC (formerly Amato, Fox & Company), for one additional contract period, covering January 1, 2020 through December 31, 2020, to perform the external audit of the City on North Tonawanda Financial Statements for the year ended December 31, 2019 at a total all-inclusive maximum price of \$15,600, 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 Clerk-Treasurer .3 Police Department

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

XXXII. Community Development

October 9, 2019

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

Re: NT Momentum Proposed Zoning Code Revisions

Honorable Body:

Since 2005 the City of North Tonawanda, in collaboration with many State and local partners, has committed significant time and resources to strategic and master planning efforts throughout the city. This has included the 2006 Downtown Redevelopment Plan, the 2009 Comprehensive Plan, the 2011 updated to the Local Waterfront Revitalization Program (LWRP), the 2012 Brownfield Opportunity Area (BOA) Nomination Study, the 2018 Brownfield Opportunity Area Implementation Strategy, and the 2018 Oliver Street Community Needs Assessment. Beginning in 2005 the City held public meetings, hearing, and plan reviews for each of the planning processes referenced above.

While these plans have helped to establish a new vision for growth and development in the City, one common theme throughout these plans is the incompatibility of some of the City's outdated zoning ordinances and land use policies with that vision for future growth. This need for a zoning revision was identified in the Downtown Redevelopment Plan, Comprehensive Plan, LWRP, and BOA documents.

In 2014, the City was awarded funding through the New York State Department of State (DOS) to complete Step 3 of the Brownfield Opportunity Area program, known as the Implementation phase. Working with Bergmann Associates, the City completed the BOA Implementation Strategy (branded the NT Momentum Plan) which outlined a master redevelopment vision for the downtown and waterfront areas and was approved by this Council in 2018. The Implementation Strategy had a number of tasks and deliverables including drafting zoning revisions for the study area. Because the BOA funding was limited to a defined area, specifically the Niagara River waterfront and historic downtown areas, these zoning revisions were limited to only the districts within the BOA study area and do not address or amend any of the rest of the zoning codes throughout the city.

Beginning in 2015 the City's BOA steering committee directed Bergmann Associates to begin drafting zoning code revisions for the downtown and waterfront areas of the BOA district. Between 2015 and 2018, Bergmann Associates held 15 meetings with the BOA steering committee, 8 meetings with City staff, and presented 3 progress updates to the Common Council. Two public meetings were held in 2015 at the beginning of the process to allow the public to inform the direction of the pending zoning revisions.

The zoning code revisions completed through the BOA implementation Strategy were broken into two distinct districts: the Waterfront District and the Downtown District (see enclosed maps). The final draft of these zoning documents were presented and reviewed with the Common Council on March 27, 2018 and with the Planning Board on April 2, 2018.

In compliance with the State Environmental Quality Review (SEQR) requirements in order to adopt the BOA Implementation Strategy, the City opened a formal public review period for all the BOA documents including the revised zoning documents in October and November of 2018. Comments were received and the Common Council approved the BOA Implementation Strategy Environmental Impact Statement in January 2019. The full copies

normal bill, as this discharge simply goes into our yard, and not into the City treatment system as evidenced I the photo referenced above. Please consider refunding the sewer fees in excess of our base sewer rate, \$514.50, the "Sewer Penalty," \$12.30, and the late fee, \$90.15, for a total of \$616.95. We did call the water department several times to inquire about the bill prior to the bill due date (which took me several tries to reach someone during the listed work hours). Once we did get a response, I was told I couldn't get any help (after a suggestion that I probably used the water to fill my pool, of which I don't own). Being unsatisfied with the response, we called again and were again told that we couldn't be helped and to write to the Common Council. We were trying to get to the bottom of the situation before the bill's due date, and unaware of the time required to hear a response from the Council, we ultimately decided to pay the entire \$1,119.45 bill including late fee, before further fees were imposed. Therefore, I'm asking for a refund of a bill already paid as opposed to "relief" from a pending bill.

My family had been lifelong residents of the City, has invested time and money into our property, and have been an advocates for improving the City. I have not filed any previous complaints/requests prior to this and hope you will consider this request. I am also including a copy of the Water Bill in question as well as my account information.

Thank you in advance for your consideration.

Jennifer Kelly

MOVED by Alderman Berube SECOND by Alderman Braun
That the Common Council hereby approves of refunding Jennifer Kelly, 45 Homestead Drive, the sewer fees of \$616.95 from her May water Bill.
Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

AUDIENCE PARTICIPATION

B. J. VanDewater, 1098 Nash Road – Gave details for the upcoming Candidate Forum.

Pete Chenier, 1666 Eddy Drive – Wanted to thank the Council and everyone responsible for the City Budget.

Bob Brennan, 333 Daniel Drive – Asked if the street lines could be changed on Felton Street.

Joe Madura, 115 10th Avenue – Thanked the Council for putting out the Budget and acknowledged all the City accomplishments.

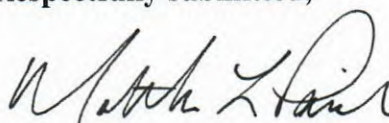
Jennifer Cress, 991 Nash Road – Thanked the Mayor and Matthew Parish for getting the Budget done.

ADJOURNMENT

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

Time of Adjournment: 7:30P.M.

Respectfully submitted,



Matthew L. Parish
City Clerk-Treasurer