

**THE HONORABLE BODY**  
**Council Chambers**  
**Municipal Building**  
**North Tonawanda, New York 14120**  
**Tuesday, December 17, 2019**  
**6:36 P.M.**

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**REGULAR SESSION CALLED TO ORDER BY PRESIDENT ZADZILKA**

**PLEDGE OF ALLEGIANCE**

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**ROLL CALL**

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

**Absent: City Attorney Luke Brown**

**Also Present: Mayor Arthur G. Pappas**

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**AUDIENCE PARTICIPATION**

**Sonia Dusza 123 Miller Street** – Asked what the Councils input was on the Smoking Ban.  
Wants open board and committee positions to be advertised for new people to apply.

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSION DECEMBER 3, 2019**

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

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**PROOF OF PUBLICATION PUBLISHED 12/6/2019**

1) Legal Notice – Public Hearing to review and discuss City Community and Economic  
development activities, specifically the Block Grant Microenterprise Assistance Program –  
Community Development

**PROOF OF PUBLICATION PUBLISHED 12/7/2019**

1) Legal Notice – Public Hearing to discuss the repeal and replace City Code Chapter 79A  
Smoking – Clerk-Treasurer

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

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## COMMUNICATIONS FROM CITY OFFICIALS

### #1. Mark Berube

November 27, 2019

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

**Re: Resolution Regulating Smoking on City Hall Grounds**

**Honorable Council:**

**I respectfully request to repeal and replace current City Code Chapter 79A SMOKING with the changes established in the aforementioned resolution. Thank you for your consideration.**

**Respectfully,  
Mark Berube  
First Ward Alderman**

**MOVED by Alderman Berube                      SECONDED by Alderman Pecoraro  
That the Common Council at a regular meeting, held at City Hall, 216 Payne Avenue, North  
Tonawanda, New York at 6:30 p.m. on December 17, 2019 the following resolution to repeal  
and replace City Code Chapter 79A was passed and the resolution reads as follows:**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH TONAWANDA REGULATING SMOKING ON CITY HALL GROUNDS**

**WHEREAS**, tobacco related illness is the leading cause of preventable death in the United States; and

**WHEREAS**, exposure to secondhand smoke causes death and many diseases including cancer; and

**WHEREAS**, the U.S. Surgeon General concluded in a 2004 report that smoking has a direct relationship with various forms of cancer; and

**WHEREAS**, the U.S. Surgeon General concluded in a 2010 report that even occasional secondhand smoke is harmful; and

**WHEREAS**, smoke free workplace laws protect people from secondhand smoke, reduce tobacco use overall and reduce health care cost.

**NOW, THEREFORE, BE IT RESOLVED** that, pursuant to Chapter 79A SMOKING of the North Tonawanda, City code, the City Council of the City of North Tonawanda does hereby declare the following:

1. Smoking a cigarette, pipe, cigar, electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, vape pen, any cartridge or other component of the device or related project or any other matter of substance which contains tobacco, nicotine, any illegal substance or any other substance that is similar shall be prohibited as follows:

A. At all times on the grounds of North Tonawanda City Hall which is located at 216 Payne Avenue, North Tonawanda, New York 14120, with the following exceptions:

1) Any private owned vehicle that is not on City Hall property for City services.

B. "No Smoking" signs shall be placed on the property entrance at an appropriate location on the exterior of the building.

C. Penalties for offenses

1) Smoking of tobacco, nicotine and other similar products shall be unlawful in the areas posted as stated in this Chapter.



2) A violation of any provision of this ordinance shall be subject to a fine not to exceed \$250 for each offense or imprisonment for not more than 15 days for each offense, or both fine and imprisonment.

D. Severability

1) The several terms and provisions of this section shall be deemed severable, and if any provision hereof or the application hereof to any person or circumstances is held invalid, the remainder of the section and the applicability of such provisions to other persons and circumstances shall not be affected thereby.

E. When Effective

1) This ordinance shall become effective on the day after publication in the official newspaper of the City of North Tonawanda.

**Subject to review by the City Attorney.**

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

**Nays: None (0)**

**CARRIED.**

**I.1 Mayor**

**December 6, 2019**

**North Tonawanda Common Council  
City Hall, 216 Payne Avenue  
North Tonawanda, NY 14120**

**Re: Re-Appointment to North Tonawanda Waterfront Commission**

**Dear Honorable Body:**

**Please be advised that I am appointing Craig Greer, 140 Bryant Street, North Tonawanda, NY 14120, and Stephen Pawlik, 1100 Thomas Fox Drive East, North Tonawanda, NY 14120 to the Waterfront Commission for a term of (3) three years effective January 1, 2020 and expiring on December 31, 2022.**

**Thank you for your attention to this matter.**

**Sincerely,  
Arthur G. Pappas  
Mayor**

**MOVED by Alderman Zadzilka                      SECONDED by Alderman Berube  
That the Common Council hereby receives and files the re-appointment of Stephen Pawlik, 1100 Thomas Fox Drive East, North Tonawanda and the appointment of Craig Greer, 140 Bryant Street, North Tonawanda to the Waterfront Commission for a term of three (3) years effective January 1, 2020 and expiring December 31, 2022.**

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

**Nays: None (0)**

**CARRIED.**

**I.2 Mayor**

**December 5, 2019**

**North Tonawanda Common Council  
City Hall, 216 Payne Avenue  
North Tonawanda, NY 14120**

**Re: Re-Appointment to Traffic Safety Committee**



Dear Honorable Body:

Please be advised that I am appointing Matthew Meisenburg, 411 Homestead Drive, North Tonawanda, NY 14120, to the Traffic Safety Committee, effective January 1, 2020 for a term of (4) four years, expiring December 31, 2023.

I am also re-appointing Anthony DiBernardo, 1370 Weaver Parkway, North Tonawanda, NY 14120, and Mark Daigler, 19 Forbes Terrace, North Tonawanda, NY 14120 to the Traffic Safety Committee, effective January 1, 2020 for a term of (3) three years, expiring December 31, 2022.

I am also re-appointing Dennis Grinnell, 916 Thomas Fox Dr. West, North Tonawanda, NY 14120, to the Traffic Safety Committee, effective January 1, 2020 for a term of (2) two years, expiring December 31, 2021.

Thank you for your attention to this matter.

Sincerely,  
Arthur G. Pappas  
Mayor

**MOVED** by Alderman Pecoraro                      **SECONDED** by Alderman Baun  
That the Common Council hereby receives and files the appointment of Matthew Meisenburg, 411 Homestead Dr. to the Traffic Safety Committee for a term of (4) four years, effective January 1, 2020 expiring December 31, 2023, also the re-appointment of Anthony DiBernardo, 1370 Weaver Parkway and Mark Daigler to the Traffic Safety Committee for a term of (3) three years, effective January 1, 2020 expiring December 31, 2022 and also Dennis Grinnell, 916 Thomas Fox Dr. West to the Traffic Safety Committee for a term of (2) two years, effective January 1, 2020 expiring December 31, 2021.

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

Nays: None (0)

**CARRIED.**

I.3 Mayor

December 4, 2019

North Tonawanda Common Council  
City Hall, 216 Payne Avenue  
North Tonawanda, New York 14120

Re: Re-Appointment to Board of Assessment Review Committee

Dear Honorable Body:

Please be advised that I am re-appointing Frank DiBernardo, 19 Niagara Circle, North Tonawanda, NY 14120, to the Board of Assessment Review Committee, effective October 1, 2019, for a term of six (6) years expiring September 30, 2024.

Thank you for your attention to this matter.

Sincerely,  
Arthur G. Pappas  
Mayor

**MOVED** by Alderman Tylec                      **SECONDED** by Alderman Pecoraro  
That the Common Council hereby receives and files the re-appointment of Frank DiBernardo, 19 Niagara Circle, North Tonawanda, to the Board of Assessment Review Committee, for a term of (6) six years effective October 1, 2019 and expiring September 30, 2024.

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

Nays: None (0)

**CARRIED.**



**I.4 Mayor**

**December 4, 2019**

**North Tonawanda Common Council  
City Hall, 216 Payne Avenue  
North Tonawanda, New York 14120**

**Re: Re-Appointment to Zoning Board of Appeals**

**Dear Honorable Body:**

Please be advised that I am re-appointing Mitchell Dreier, 325 Falconer Street, North Tonawanda, NY 14120, to the Zoning Board of Appeals, effective January 1, 2020 for a term of (5) five years, expiring December 31, 2024.

Thank you for your attention to this matter.

Sincerely,  
Arthur G. Pappas  
Mayor

**MOVED by Alderman Braun                      SECONDED by Alderman Tylec**  
That the Common Council hereby receives and files the re-appointment of Mitchell Dreier, 325 Falconer Street, North Tonawanda, to the Zoning Board of Appeals, for a term of (5) five years effective January 1, 2020 and expiring December 31, 2024.  
Ayes: Alderman Braun, Berube, Tylec, Pecoraro, Zadzilka (5)  
Nays: None (0)  
**CARRIED.**

**I.5 Mayor**

**December 4, 2019**

**North Tonawanda Common Council  
City Hall, 216 Payne Avenue  
North Tonawanda, New York 14120**

**Re: Re-Appointment to North Tonawanda Planning Commission**

**Dear Honorable Body:**

Please be advised that I am re-appointing Thomas Jaccarino, 1515 Cambridge Avenue, North Tonawanda, NY 14120 to the North Tonawanda Planning Commission effective January 1, 2020 for a term of (7) seven years, expiring December 31, 2026.

Thank you for your attention to this matter.

Sincerely,  
Arthur G. Pappas  
Mayor

**MOVED by Alderman Berube                      SECONDED by Alderman Braun**  
That the Common Council hereby receives and files the re-appointment of Thomas Jaccarino, 1515 Cambridge Avenue, North Tonawanda, to the North Tonawanda Planning Commission for a term of (7) seven years effective January 1, 2020 and expiring December 31, 2026.  
Ayes: Alderman Braun, Berube, Tylec, Pecoraro, Zadzilka (5)  
Nays: None (0)  
**CARRIED.**



**I.6 Mayor**

**December 2, 2019**

North Tonawanda Common Council  
City Hall, 216 Payne Avenue  
North Tonawanda, New York 14120

**Re: Re-Appointment of City Historian**

**Dear Honorable Body:**

Please be advised that I am re-appointing Joseph Midura, 115 10<sup>th</sup> Avenue, North Tonawanda, NY 14120, to continue as City Historian, effective January 1, 2020 for a term which expires on December 31, 2020.

Thank you for your attention to this matter.

Sincerely,  
Arthur G. Pappas  
Mayor

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**MOVED by Alderman Pecoraro                   SECONDED by Alderman Zadzilka**  
That the Common Council hereby receives and files the re-appointment of Joseph Midura, 115 10<sup>th</sup> Avenue, North Tonawanda, as the City Historian for a term of one (1) year effective January 1, 2020 and expiring December 31, 2020.  
Ayes: Alderman Braun, Berube, Tylec, Pecoraro, Zadzilka (5)  
Nays: None (0)  
**CARRIED.**

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**I.7 Mayor**

**December 2, 2019**

North Tonawanda Common Council  
City Hall, 216 Payne Avenue  
North Tonawanda, New York 14120

**Re: Re-Appointment as Bingo Commissioner for North Tonawanda**

**Dear Honorable Body:**

Please be advised that I am re-appointing Nathan Sikora, 384 Spruce Street, North Tonawanda, NY 14120, as the Bingo Inspector for a one (1) year term effective January 1, 2020 and expiring December 31, 2020.

Thank you for your attention to this matter.

Sincerely,  
Arthur G. Pappas  
Mayor

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**MOVED by Alderman Braun                   SECONDED by Alderman Tylec**  
That the Common Council hereby receives and files the re-appointment of Nathan Sikora, 384 Spruce Street, North Tonawanda, as the Bingo Inspector for a term of one (1) year effective January 1, 2020 and expiring December 31, 2020.  
Ayes: Alderman Braun, Berube, Tylec, Pecoraro, Zadzilka (5)  
Nays: None (0)  
**CARRIED.**

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I.8 Mayor

December 2, 2019

North Tonawanda Common Council  
City Hall / 216 Payne Avenue  
North Tonawanda, NY 14120

Re: Re-appointment to North Tonawanda City Market Clerk

Dear Honorable Body:

Please be advised that I am re-appointing Dale Rogers, 1745 Ruie Road, North Tonawanda, NY 14120, as the North Tonawanda City Market Clerk for a one (1) year term effective January 1, 2020 and expiring on December 31, 2020. Thank you for your attention to this matter.

Sincerely,  
Arthur G. Pappas  
Mayor

MOVED by Alderman Pecoraro                      SECONDED by Alderman Braun  
That the Common Council hereby receives and files the re-appointment of Dale Rogers, 1745 Ruie Road, North Tonawanda, NY 14120, as the North Tonawanda City Market Clerk for a term of one (1) year effective January 1, 2020 and expiring December 31, 2020.

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

Nays: None (0)

CARRIED.

I.9 Mayor

December 2, 2019

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

Re: Re-Appointment to the City Cemetery Board

Dear Honorable Body:

I'm re-appointing Walter Yaro, 170 Christiana Street, North Tonawanda, NY 14120, to the City Cemetery Board, effective January 1, 2020 for term of (2) two years, expiring December 31, 2021.

I'm also re-appointing Peter Trinkwalder, 1180 Bowen Dr. West, North Tonawanda, NY 14120, to the City Cemetery Board, effective January 1, 2020 for a term of (3) three years, expiring December 31, 2022.

I am also appointing Joseph Midura, 115 10<sup>th</sup> Avenue, North Tonawanda, NY 14120, to the City Cemetery Board, effective January 1, 2020 for a term of (1) one year, expiring December 31, 2020.

Sincerely,  
Arthur G. Pappas  
Mayor

MOVED by Alderman Berube                      SECONDED by Alderman Zadzilka  
That the Common Council hereby receives and files the re-appointment of Walter Yaro, 170 Christiana Street to the City Cemetery Board for a term of (2) two years effective January 1, 2020 expiring December 21, 2021, the re-appointment of Peter Trinkwalder, 1180 Bowen Dr. West, to the City Cemetery Board for a term of (3) three years, effective January 1, 2020 expiring December 21, 2022 and Joseph Midura, 115 10<sup>th</sup> Avenue, to the City Cemetery Board for a term of (1) one year, effective January 1, 2020 expiring December 31, 2020.

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

Nays: None (0)

12-17-2019



**CARRIED.**

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**I.10 Mayor**

**December 10, 2019**

**North Tonawanda Common Council  
City Hall, 216 Payne Avenue  
North Tonawanda, NY 14120**

**Dear Honorable Body:**

**On January 2, 2017, Judge Alexander was appointed as Acting City Court Judge to a six-year term ending on January 1, 2023. It has come to my attention that there was a typographical error in the minutes which reads 2022 instead of the correct 2023.**

**The State needs the typographical error to be amended for their files. I am requesting that this typographical error be fixed, and the minutes amended to reflect the term that was approved. I will forward the amended minutes to the office of Court Administration.**

**Thank you for your attention to this matter.**

**Sincerely,  
Arthur G. Pappas  
Mayor**

**MOVED by Alderman Pecoraro                      SECONDED by Alderman Braun  
That the Common Council at a regular meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 p.m. on December 17, 2019 amends the following resolution dated January 2, 2017:**

**MOVED by Alderman Schwandt                      SECONDED by Alderman Pecoraro  
That the Common Council hereby receives and files the appointment of Katherine Alexander, 1575 Master Street, North Tonawanda, NY, 14120 as acting North Tonawanda City Court Judge, effective January 2, 2017 and ending January 1, 2022  
CARRIED.**

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**To read as follows:**

**MOVED by Alderman Pecoraro                      SECONDED by Alderman Braun  
That the Common Council hereby receives and files the appointment of Katherine Alexander, 1575 Master Street, North Tonawanda, NY, 14120 as Acting North Tonawanda City Court Judge, effective January 2, 2017 and ending January 1, 2023.  
CARRIED.**

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**III. Clerk-Treasurer**

**December 3, 2019**

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

**Dear Mayor and Common Council:**

**Please be advised that I have received payment in full for back City, School and County taxes, per their tax agreement with the City, for the following parcel:**

**175.59-1-25                      433 Warner Avenue                      Durkee, James**

**Therefore, please pass the necessary resolution withdrawing these parcels from the appropriate In Rem foreclosure proceeding.  
Thank you for your cooperation.**

**12-17-2019**



Very truly yours,  
 Matthew L. Parish  
 City Clerk-Treasurer

**MOVED by Alderman Berube                      SECONDED by Alderman Zadzilka**  
**That the Common Council hereby approves the removal of the following parcel:**

175.59-1-25      433 Warner Avenue      Durkee, James

From the appropriate In Rem foreclosure proceeding for payment in full of City, School, and County taxes. Subject to review by the City Attorney.

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

Nays: None (0)

**CARRIED.**

**VII.1 Accountant**

December 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 December 17, 2019 and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Regards,  
 Sheri Gampp  
 Jr. Accountant

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

01	General Fund	\$678,021.63
02	Water Fund	41,396.81
04	Sewer Fund	252,308.15
06	Capital Project Fund	283,357.60
07	Trust & Agency Fund	<u>4,992.48</u>
00	Final Total	<u>\$1,260,076.67</u>

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

Nays: None (0)

**CARRIED.**

**VII.2 Accountant**

December 10, 2019

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



Dear Honorable Body:

Please review and approve the attached 2020 Seasonal part-time wage schedule. The schedule was originally presented by City Accountant Amanda Reimer on July 8, 2018, and modified November 8, 2018. Please note there are 262 work days for 2020.

Thank you for your consideration.

Respectfully,  
Jennifer Cress  
Payroll Personnel Specialist

**MOVED by Alderman Braun**                      **SECONDED by Alderman Zadzilka**  
That the Common Council hereby approves the 2020 Seasonal part-time wage schedule as follows:

**POSITION**

Laborer	\$	11.80
Crossing Guard		11.80
Lifeguard	\$	12.30
Sanitation Laborer		15.30
Leader	\$	12.20
Head Crossing Guard		12.20
Chief Lifeguard		12.70
Program Supervisor	\$	12.95
Pool Supervisor		13.45
Harbor Supervisor		13.45
Golf Course Supervisor		17.00

**Part-time employees, working limited hours, ALL YEAR:**

**POSITION**

Clerk (part-time)	\$	11.80
**Market Clerk receives \$11.80 per pay, 35 hours per pay maximum**		
Engineering Technician		11.80
Work Program Crew Leader		11.80
Police Matron*		11.80
*plus \$100.00 per week		
Animal Control Officer**		20.00
**20 hours per week maximum		
Ordinance Officer – (part-time)	\$	15.25
Plumbing Inspector - (part-time)	\$	16.75
Electrical Inspector - (part-time)		16.75

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

**X. Police Chief**

**December 12, 2019**

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



Dear Honorable Body:

As per authorization from your unanimous vote of August 20, 2019 authorizing the hiring of Police Officers, I am hiring the following lateral transfer Police Officer effective December 27, 2019:

Yanni N. Malamas                      1180 East Robinson Street, North Tonawanda, NY 14120

Officer Malamas comes to the North Tonawanda Police Department from the Niagara County Sheriff's Office, where he has been employed as a Deputy Sheriff. This transfer was requested by the North Tonawanda Police Department and approved by Niagara County Civil Service.

A short swearing in ceremony will be held in the Common Council Chambers on Friday December 27, 2019.

Respectfully,  
Roger R. Zgolak  
Chief of Police

MOVED by Alderman Braun                      SECONDED by Alderman Zadzilka  
That the Common Council hereby approves of the appointment of Yanni N. Malamas, 1180 East Robinson Street, North Tonawanda, NY 14120, as a Police Officer for the North Tonawanda Police Department effective December 27, 2019.

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

### COMMUNICATIONS FROM OTHERS

A.  
Gratwick Hose Co.

December 2, 2019

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

Common Council,

Please remove the name of James Kuebrich from the Fire Rolls.

David A. Rogge  
Membership Secretary

MOVED by Alderman Berube                      SECONDED by Alderman Tylec  
That the Common Council hereby grants permission to remove James Kuebrich from the North Tonawanda Fire Rolls.

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

Nays: None                      (0)

CARRIED.







