

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, December 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

Mark Swogier 346 Goundry – Wanted to remind the residents of North Tonawanda that the Lumber City Church has their Winter Walk on Saturday December 7th.

Sonia Dusza 123 Miller Street – Wanted the Council to explain to the public what the Niagara Community Action Program Inc. is and what it does. Also the number #1 on the agenda and the Clerk Treasurer item and what they do.

APPROVAL OF THE MINUTES OF THE REGULAR SESSION NOVEMBER 19, 2019

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro
That the minutes of the regular session meeting held November 19, 2019 be approved as circulated and filed in the Office of the City Clerk.
CARRIED.

PROOF OF PUBLICATION PUBLISHED 10/7/2019, 10/28/2019, 11/18/2019

1) Legal Notice – Notice of Foreclosure of Tax Liens by the City of North Tonawanda – City Clerk-Treasurer

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

COMMUNICATIONS FROM CITY OFFICIALS

#1. Mark Berube

November 27, 2019

North Tonawanda Common Council
216 Payne Avenue

12-03-2019

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 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 Braun
That the Common Council hereby tables the aforementioned resolution to hold a Public Hearing.

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

Nays: None (0)

CARRIED.

III. Clerk-Treasurer

November 25, 2019

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

Re: 2020 Agreement between the City of North Tonawanda and NiaCAP

Dear Mayor and Common Council:

I am asking that the Council approve this agreement between the City of North Tonawanda and Niagara Community Action Program for the amount of \$3,000.00 contingent upon City Attorneys approval. Once approved the Mayor will be able to sign the contact.

Niagara Community Action Program has provided emergency services to the needy and disadvantaged persons within Niagara County for many years and this amount will help them in providing these services.

Regards,
Matthew L. Parish
City Clerk-Treasurer

MOVED by Alderman Pecoraro SECONDED by Alderman Zadzilka
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 3, 2019 the following resolution was passed:

AGREEMENT

THIS AGREEMENT, made this 3rd day of December, 2019, by and between the CITY OF NORTH TONAWANDA, a municipal corporation of the State of New York having its offices at 216 Payne Avenue, North Tonawanda, New York 14120, herein called the "City" and NIAGARA COMMUNITY ACTION PROGRAM, INC., a not-for-profit corporation of the State of New York having its office at 1521 Main Street, Niagara Falls, New York, herein called "Niagara CAP"
WITNESSETH:

WHEREAS, Niagara CAP has as one of its principal functions and purposes of providing emergency services to the needy and disadvantaged persons within Niagara County through use of funding grants and subsidies from federal, state, and municipal governments and agencies, and

WHEREAS, the City desires to contribute to and participate in the funding of Niagara CAP for such purposes in return for Niagara CAP's promise of emergency services to the residents of the City, and

WHEREAS, both parties jointly desire and intend to cooperate toward providing such services for the benefit of the City’s residents under this agreement, and

WHEREAS, the execution of this agreement has been duly approved by resolutions adopted by the City Council and the Board of Directors of Niagara CAP,

NOW, THEREFORE, in consideration of the above, both parties mutually agree as follows:

1. The City of North Tonawanda shall allocate and pay over to Niagara CAP the sum of Three Thousand Dollars (\$3,000.00) within thirty (30) days of the signed agreement.
2. Niagara CAP will accept such payment from the City and use it to provide emergency services to qualified City residents through its outreach office located at 265 Falconer Street, City of North Tonawanda, New York.
3. In consideration of the services mentioned above, Niagara CAP will provide additional services such as counseling, budgeting, information, referral, application assistance, weatherization, fair housing, and child care to qualified City residents.
4. The term of this agreement shall commence January 1, 2020, and expire December 31, 2020.

IN WITNESS WHEREOF, the parties hereto have duly executed this agreement by their respective duly authorized officers on the day and year first above written.

CITY OF NORTH TONAWANDA
Arthur Pappas
Mayor

NIAGARA COMMUNITY ACITON PROGRAM, INC.
Suzanne Shears
CEO

Subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

IV. Engineer

November 14, 2019

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

**Re: Main Street Green Infrastructure Improvements Project
Erdman Anthony Agreement Amendment No. 1
Geotechnical Services**

Honorable Body:

It was determined that further geotechnical investigations needed to be performed on the Main Street Green Infrastructure Improvements Project, including soil borings and infiltration testing. This investigation was completed to classify and characterize the underlying soil and to determine the permeability of the underlying soils for the proper design and sizing of the stormwater infiltration practices.

I there recommend that the Common Council authorize the Mayor to sign the enclosed agreement amendment No. 1 for the additional geotechnical investigation with Erdman Anthony, 8608 Main Street, Buffalo, NY 14221; in an amount of \$4,450; 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 authorizes the Mayor to sign the enclosed agreement amendment No. 1 for the additional geotechnical investigation with Erdman Anthony, 8608 Main Street, Buffalo, NY 14221; in the amount of \$4,450; subject to review by the City Attorney.

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

VII. Accountant

November 27, 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 3, 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 Berube
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated December 3, 2019 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$443,104.97
02	Water Fund	39,323.33
04	Sewer Fund	41,996.24
06	Capital Project Fund	3,948.31
07	Trust & Agency Fund	<u>24,954.21</u>
00	Final Total	<u>\$553,327.06</u>

Ayes: Alderman Braun, Berube, Pecoraro, Tylec (4)
Nays: None (0)
CARRIED.

XIV. Youth, Recreation, Parks & Seniors

November 22, 2019

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

Dear Mayor Pappas and Common Council:

I respectfully request approval of the signed agreements between the Niagara County Department of Social Services, acting on the behalf of the Niagara County Youth Bureau, and in agreeance with the North Tonawanda Department of Youth, Recreation, Parks &

Seniors for appropriations totaling Thirty One Thousand, Eight Hundred Dollars (\$31,800.00) to be made to the City resulting from program services rendered by our Department in accordance with the terms of the agreement.

The 2019 appropriations are:

Youth Center Programming	\$ 18,000.00
Youth Court and First Offender Program	\$ 13,800.00

Respectfully submitted,
 Alex Domaradzki
 Director Youth, Recreation, Parks & Seniors

MOVED by Alderman Braun **SECONDED** by Alderman Pecoraro
 That the Common Council hereby approves and accepts the total State Aid for Youth Program allocation for 2019 of Thirty One Thousand, Eight Hundred Dollars (\$31,800.00), subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

XVII. Traffic Safety

November 18, 2019

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

Traffic Safety Minutes:

The November 2019 meeting of the North Tonawanda Traffic Safety Committee was called to order at 1900 hours. Roll call showed the following members present: R. Frank, J. Sikora, M. Daigler, A. Vater, M. Lemke, D. Grinnell, A. DiBernardo, M. Anastasi. The minutes from the previous meeting were read and accepted, the following new concerns/requests were discussed, and recommendations made.

1. Felton Street parking and double yellow parallel lines were discussed. The traffic committee was not involved in the movement of the parallel lines or the parking issues. The committee was advised by member Daigler that the DPW would be taking care of any issues on Felton Street. The traffic signal at Felton Street and Oliver Street was put back up at the request of Mayor Pappas per Daigler.
2. Donna Braun fielded a complaint in October from a Lincoln Avenue resident who would like to know if they can park in the city lot that runs parallel with Lincoln Avenue. The resident has no driveway and can't get a terrace parking permit due to their terrace being too small to fit a vehicle. The lot is owned by the City of North Tonawanda and due to insurance purposes the committee recommends that the resident talk to the City Attorney to get permission to park in the city owned lot. The traffic committee can't give permission to the resident to park in a lot that is owned by the City.
3. Austin Tylec fielded a complaint in October from a citizen recommending moving the stop light from Payne Avenue/East Avenue to Payne Avenue/Ridge Road. The committee recommends leaving the stop light at Payne Avenue/East Avenue. Moving the light would be a financial expense to the city due to the poles, lines and crosswalks that would have to be instituted. Switching the signal light to an intersection 20-25 yards away would also not make the street any safer or faster to get down. The committee looked into removing the signal light all together but decided against it as this intersection serves as a safe place for children to cross that live on the west side of Payne Avenue.
4. Eric Gamp of 1375 Cambridge Avenue recommends the removal of the "No Parking" signs from 1375 Cambridge Avenue down to Deerfield Drive. The signs were put there when the Wurlitzer Pool was put in and now that the pool is no longer

there the signs serve no purpose. The committee will take the next month to look into the recommendation and decide at the December meeting.

5. Member Frank fielded a complaint regarding parking on the south side of Ninth Avenue between Oliver Street and Gilmore Avenue. There are currently "No Parking" signs towards Gilmore Street but the one towards Oliver Street is missing. Member Daigler will replace the missing "No Parking" sign.

Meeting adjourned at 2000 hours.

Travel safely,
Robert J. Frank

MOVED by Alderman Zadzilka SECONDED by Alderman Tylec
That the Common Council hereby receives and files the Traffic Safety November meeting minutes recommendations.

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

Nays: None (0)

CARRIED.

XXXII. Community Development

November 25, 2019

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

Re: Community Development Block Grant Program –
Request for Required Public Hearing

Dear Honorable Body:

As per Community Development Block Group (CDBG) regulations, the City of North Tonawanda is required to hold a public meeting to discuss CDBG activities. The hearing must be held at a meeting with a quorum of the Common Council.

I would like to formally request authorization to hold a required public meeting for the Community Development Block Grant (CDBG) program to be held on December 17, 2019, at 6:00pm in the Common Council chambers immediately preceding the regularly scheduled Common Council meeting.

Thank you for your time and consideration.

Kindest regards,
Michael Zimmerman
Director of Community Development

MOVED by Alderman Braun SECONDED by Alderman Berube
That the Common Council hereby grants permission for Community Development to hold a public hearing for the Community Development Block Grant (CDBG) program, December 17, 2019 at 6:00PM in the Common Council chambers immediately preceding the regularly scheduled Common Council meeting.

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

Nays: None (0)

CARRIED

COMMUNICATIONS FROM OTHERS

A.
Anita Groh

November 18, 2019

Clerk's Office
216 Payne Avenue
North Tonawanda, NY 14120

To the Council of North Tonawanda,

I would like to request that I be appointed a Commissioner of Deeds for the City of North Tonawanda.

Thank you,
Anita Groh
36 Pineview Ct.
West Seneca, NY 14224

<p>MOVED by Alderman Tylec That the Common Council hereby grants permission for Anita Groh, 36 Pineview Ct, West Seneca, NY 14224 to be appointed as Commissioner of Deeds for the City of North Tonawanda effective December 4, 2019 and expiring December 3, 2021. Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka Nays: None CARRIED.</p>	<p>SECONDED by Alderman Zadzilka (5) (0)</p>
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B.
Niagara County Supreme and County Courts

November 12, 2019

Caroline Wojtaszek, District Attorney
Niagara County District Attorney's Office
175 Hawley Street
Lockport, NY 14051

Re: North Tonawanda City Court

Dear Caroline,

I have spoken with Andrew Isenberg, District Executive of the 8th Judicial District, and with Jennifer Steele, Chief Clerk of North Tonawanda City Court. The Court System is happy to support any initiative to run data lines to courtrooms in Niagara County to provide the District Attorney's Office (or other County offices) with access to the County's servers. The court system cannot assume any responsibility for the cost or installation of these lines, but we are happy to assist with logistics and planning as necessary. For North Tonawanda City Court, please confer directly with Jennifer Steele and the appropriate staff in the City of North Tonawanda to coordinate a time for installation that does not disrupt court proceedings unnecessarily.

To the extent you wish to run data lines to the current office space used by the District Attorney's staff in buildings housing courts, the court system also has no objection. Again, the court system cannot assume any cost or responsibility associated with that installation or any subsequent installations of the needs or locations of those offices should change.

With regard to the space that is currently used by the District Attorney's office in the North Tonawanda City Court area, the District Attorney's office will continue to have use of the space moving forward. While we wish to accommodate the District Attorney's office as we always have, it is imperative that the use of the space be coordinated with the Chief Clerk. As we discussed personally, use of the City Court conference room on the basement level must be confined to allocate times unless otherwise coordinated with the Chief Clerk.

12-03-2019

Typically, the District Attorney's office has had access to that conference room on Wednesday afternoons and all day on Thursdays to facilitate conferences in preparation for court proceedings. We are happy to continue this courtesy, and are willing to talk about any other needs your office may have, but use the space on any other days or times must be coordinated with Jennifer Steele in advance.

We understand that the new criminal legislation has added a significant burden to your office and the offices of other agencies involved in litigating criminal matters. The court system stands ready to assist you in any way that is reasonable and appropriate. We also hope to revisit the issue of space allocation in the North Tonawanda building, paying particular attention to the location and scope of DA space, sometime after April 1, 2020. Please feel free to reach out to any of us at your convenience with questions or concerns and we will do our best to assist.

Sincerely,
Michael C. Veruto, Esq.

MOVED by Alderman Pecoraro SECONDED by Alderman Zadzilka
That the Common Council hereby grants approval for the Niagara County Supreme and County Courts to run data lines to the current office space used by the District Attorney's staff in the North Tonawanda City Court building.

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

Nays: None (0)

CARRIED.

AUDIENCE PARTICIPATION

Sonia Dusza 123 Miller Street – Said the Common Council meetings used to be full with standing room only. Said she would like to see the meetings full again.

Mark Swogier 346 Goundry – Said he is a 2nd Ward Officer for the neighborhood watch and they are doing very good things for the City of North Tonawanda and are working very hard to make it successful.

Richard Kline 114 Felton Street – Says he is still opposing the Felton Street parking situation. Signs were put up in the church parking lot saying parking during church service only. Asked why the people on Felton Street are being punished.

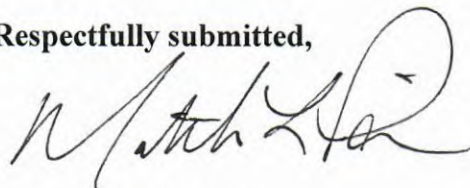
CaSandra Ramos 64 Keil Street Lower – Says that she is concerned that the DCO was leaving. Wanted to know when the deadline was for the Animal Control committee.

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: 7:40 P.M.

Respectfully submitted,



Matthew L. Parish
City Clerk-Treasurer