

**THE HONORABLE BODY  
Council Chambers  
Municipal Building  
North Tonawanda, New York 14120  
Tuesday, April 21, 2020  
6:30 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, Schmigel, Pecoraro, Tylec**

**Absent: None**

**Also Present: Mayor Arthur G. Pappas  
City Attorney Luke Brown**

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**AUDIENCE PARTICIPATION - None**

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSION APRIL 7, 2020**

**MOVED by Alderman Schmigel                      SECONDED by Alderman Pecoraro  
That the minutes of the regular session meeting held April 7, 2020 be approved as circulated  
and filed in the Office of the City Clerk.**

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

**Nays: None    (0)**

**CARRIED.**

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**PROOF OF PUBLICATION PUBLISHED 3/26/2020 & 4/02/2020**

**1) Legal Notice – For the Collection of the 2020 City Taxes – City Clerk-Treasurer**

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

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## **COMMUNICATIONS FROM CITY OFFICIALS**

**II. Attorney**

**April 14, 2020**

**Hon. Mayor and Common Council  
City Hall, 216 Payne Avenue  
North Tonawanda, NY 14120**

**Re: Cell Phone Tower Lease for 758 Erie Avenue**

**Dear Honorable Body:**

**04-21-2020**

As you are aware, my office recently renegotiated leases on three of the four cell towers currently on city property. At the council's direction, I have been able to renegotiate the cell tower lease for the fourth tower located at 758 Erie Avenue. Per the attached Letter Agreement, there is currently an offer of an immediate upfront payment of \$525,000.00 payable to the City upon signing of the attached documents as well as a revenue sharing payment that would see the City continuing to receive monthly lease payments upon the start of the new lease.

Altogether from these renegotiations, the City will receive upfront payments this year in the amount of \$1,350,000.00 while continuing the monthly revenue stream that the City receives from these leases.

Should Your Honorable Body approve of the attached agreements, please pass a resolution allowing the mayor to sign same. 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 Schmigel  
 That the Common Council hereby approves of the attached agreement for Cell Tower lease at 758 Erie Avenue, and directs the Mayor to sign said lease, subject to further review by the City Attorney.

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

Nays: None (0)

**CARRIED.**

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V. Supt. Water/Wastewater

April 16, 2020

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

Re: Water Treatment Plant Standby Generator Replacement Project – Approval  
 Of Bid Alternate G4 (Diesel Fuel Tank)

Dear Honorable Body:

Approval of the Bid Alternate G4 – Diesel Fuel Tank of the North Tonawanda Water Treatment Plant (WTP) Standby Generator Replacement Project is hereby requested. This work is necessary to ensure the safe proper support for the New Generator. The change order represents the following additional work:

- Cost increase for supply of the Diesel Fuel Tank \$912.00

The total project cost estimate of this project is \$912.00. The necessary funds are available within the current project budget.

Accordingly, I respectfully request that the Common Council approve the change order in the amount of \$912.00 for the WTP Standby Generator Replacement Project – Bid Alternate G4 (Diesel Fuel Tank) with STC Construction, P.O. Box 459, Springville, NY 14141; increasing the contract amount from \$315,700.00 to the new contract amount of \$316,612.00; authorizing the Mayor to approve said change order subject to review by the City Attorney.

Very truly yours,  
 William Davignon  
 Supt. Water/Wastewater

**MOVED** by Alderman Pecoraro                      **SECONDED** by Alderman Tylec  
 That the Common Council hereby approves the change order for the WTP Standby Generator Replacement Project – Bid Alternate G4 (Diesel Fuel Tank) with STC Construction, P.O. Box 459, Springville, NY 14141 in the amount of \$912.00; increasing the contract amount from \$315,700.00 to the new contract amount of \$316,612.00; and authorizes the Mayor to approve said change order subject to review by the City Attorney.  
 Ayes: Alderman Braun, Schmigel, Pecoraro, Tylec, Zadzilka (5)  
 Nays: None (0)  
**CARRIED.**

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**VII. Accountant**

April 16, 2020

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 April 21, 2020 and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Regards,  
 Sheri Gampp  
 Jr. Accountant

**MOVED** by Alderman Zadzilka                      **SECONDED** by Alderman Pecoraro  
 That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated April 21, 2020, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$636,823.34
02	Water Fund	36,958.26
04	Sewer Fund	61,900.28
06	Capital Project Fund	146,784.25
07	Trust & Agency Fund	<u>5,524.93</u>
00	Final Total	<u>\$887,991.06</u>

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

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**X.1 Police Chief**

April 6, 2020

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

Dear Honorable Body:

Would you please re-appoint Michelle A. Day, 290 DiMatteo Drive, North Tonawanda, NY 14120 as Commissioner of Deeds for the City of North Tonawanda, beginning May 4, 2020 and ending May 3, 2022.

Roger R. Zgolak  
Chief of Police

**MOVED** by Alderman Tylec                      **SECONDED** by Alderman Braun  
That the Common Council approves the re-appointment of Michelle A. Day, 290 DiMatteo Drive, North Tonawanda as a Commissioner of Deeds for the City of North Tonawanda, effective May 4, 2020 and ending May 3, 2022.

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

Nays: None (0)

**CARRIED.**

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**X.2 Police Chief**

April 13, 2020

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

Dear Honorable Body:

Would you please re-appoint Timothy P. Bakula, 892 Thomas Fox Dr. West, North Tonawanda, NY 14120 as Commissioner of Deeds for the City of North Tonawanda, beginning April 22, 2020 and ending April 21, 2022.

Roger R. Zgolak  
Chief of Police

**MOVED** by Alderman Pecoraro                      **SECONDED** by Alderman Tylec  
That the Common Council approves the re-appointment of Timothy P. Bakula, 892 Thomas Fox Dr. West, North Tonawanda as a Commissioner of Deeds for the City of North Tonawanda, effective April 22, 2020 and ending April 21, 2022.

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

Nays: None (0)

**CARRIED.**

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**XI. Fire Chief**

April 17, 2020

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

Dear Honorable Body:

In Accordance with the City Charter of the City of North Tonawanda, and pursuant to the authority vested in me by §3.002.e thereof; I make the following promotion:

Captain, Edward Yaminski, 378 Bennett Street, North Tonawanda  
Is promoted to Assistant Chief in the City of North Tonawanda Fire Department.

Edward was selected from a list provided by the Niagara County Civil Service Commission. Edward is first on the list and I feel confident he is well qualified for this promotion and will do a great job.

Sincerely,  
Joseph D. Sikora  
Fire Chief

MOVED by Alderman Braun                      SECONDED by Alderman Pecoraro  
That the Common Council hereby approves of the promotion of Captain Edward Yaminski, 378 Bennett Street, North Tonawanda, to Assistant Fire Chief for the City of North Tonawanda Fire Department, effective April 27, 2020.

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

Nays: None (0)

CARRIED.

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## XXV. Monthly Reports

.1 Senior Citizen Center    .2 Clerk-Treasurer    .3 Police Department

MOVED by Alderman Pecoraro                      SECONDED by Alderman Schmigel  
That the Common Council hereby receives and files the aforementioned Monthly Reports.

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

Nays: None (0)

CARRIED.

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## COMMUNICATIONS FROM OTHERS

A.

Ride for Roswell

April 15, 2020

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

Dear Council Members:

I am writing to request permission to conduct The Ride For Roswell within the City of North Tonawanda on the rescheduled date of Saturday, August 22, 2020, due to the current Corona virus situation.

We anticipate the same 10-12 routes starting at UB Amherst and at Roswell Park Cancer Institute, all ending at UB Amherst. We would like to plan one in the City of North Tonawanda –the Canada Route from Niagara Falls to the City of Tonawanda, riding to UB Amherst via River Road and the Seymour Street Bridge, we would also like to reserve the Gratwick Waterfront Park pavilion for use as a rest stop.

The City of North Tonawanda is an integral part of The Ride For Roswell, and we appreciate the critical cooperation and support from city government that keeps The Ride safe and successful. I look forward to working with you and your team to make this Ride for Roswell the best yet.

Sincerely,  
Thomas Johnston  
Operations Manager

MOVED by Alderman Schmigel                      SECONDED by Alderman Pecoraro  
That the Common Council hereby approves the rescheduled date for The Ride For Roswell going through the City of North Tonawanda on Saturday August 22, 2020 with the use of the pavilion shelter in Gratwick Park for a rehydration stop, and directs the North Tonawanda Police and Fire Police to provide assistance at critical traffic intersections on River Road, and along a protected bike lane on the Seymour Street Bridge to the hand off to City of Tonawanda Police at Niagara Street.

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

Nays: None (0)

CARRIED.

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B.

NT Botanical Garden Org.

April 16, 2020

Honorable Mayor Pappas  
And Common Council Members  
216 Payne Avenue  
North Tonawanda, NY 14120

To the Common Council and Mayor:

The North Tonawanda Botanical Garden Organization, Inc., is leading an effort to secure a conceptual design and grant funds for a new Visitor Center at the Botanical Garden. Over the years the NTBGO has spent rehabilitating the grounds and hosting educational opportunities, it has become clear that the structures on site are in poor condition and lack the amenities necessary for our organization to provide services to our community.

It is our intent to solicit the conceptual design and associated cost estimates for a new Visitor Center from local engineering firms as soon as possible. Submissions will be reviewed by the City Engineer and our organization, and a selection will be submitted to the North Tonawanda Common Council for the CFA 2020 grant cycle.

Please review this Request for Submissions and comment on the consistency with your plans for the Botanical Garden.

Thank you for your consideration.

David Conti  
Chairman

MOVED by Alderman Zadzilka                      SECONDED by Alderman Pecoraro  
That the Common Council hereby grants permission for the NT Botanical Garden Organization Inc., to solicit the conceptual design and associated cost estimates for a new Visitor Center and submit selections for the CFA 2020 grant cycle, subject to review by the City Attorney.

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

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**AUDIENCE PARTICIPATION - None**

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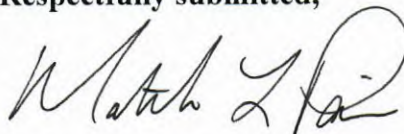
**ADJOURNMENT**

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

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Time of Adjournment: 7:10 P.M.

Respectfully submitted,



Matthew L. Parish  
City Clerk-Treasurer