

**THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, August 4, 2020
6:30 P.M.**

REGULAR SESSION CALLED TO ORDER BY PRESIDENT ZADZILKA

PLEDGE OF ALLEGIANCE

ROLL CALL

**Present: President Zadzilka
Alderman Braun, Schmigel, 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 JULY 21, 2020

**MOVED by Alderman Pecoraro SECONDED by Alderman Braun
That the minutes of the regular session meeting held July 21, 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.

APPROVAL OF THE MINUTES OF THE SPECIAL SESSION JULY 28, 2020

**MOVED by Alderman Zadzilka SECONDED by Alderman Tylec
That the minutes of the special session meeting held July 28, 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.

COMMUNICATIONS FROM CITY OFFICIALS

#1. Eric Zadzilka

July 30, 2020

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

**Re: Contract between City of North Tonawanda and Niagara Reporter
Newspaper**

08-04-2020

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Honorable Body:

I respectfully request that we enter into a one year contract with the Niagara Reporter Newspaper for a two page, monthly insert. I believe this will allow the city of North Tonawanda to more effectively inform the residents of our community via print/social media outlets on the various different events, projects and general city business that has taken place throughout the course of the month.

Sincerely,
Eric Zadzilka
3rd Ward Alderman/Council President

MOVED by Alderman Zadzilka **SECONDED** by Alderman Pecoraro
That the Common Council hereby approves entering into a one year contract with the Niagara Reporter Newspaper for a two page, monthly insert, subject to review by the City Attorney.

Ayes: Alderman Braun, Schmigel, Pecoraro, Zadzilka (4)
Nays: Alderman Tylec (1)
CARRIED.

#2. Austin Tylec **Re: Approval of Resolution for Proper Representation for North Tonawanda’s Diverse Community**

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 August 4, 2020 the aforementioned request was Motioned by Alderman Tylec, Motion failed.

#3. Robert Schmigel

July 30, 2020

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

Re: Resolution Against Hatred Against LGBTQ Communities

Honorable Council:

I respectfully request that we adopt the attached resolution denouncing hatred towards the LGBTQ Community.

Sincerely,
Robert Schmigel
1st Ward Alderman

MOVED by Alderman Schmigel **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 August 4, 2020 approves the “Resolution Against Hatred Against LGBTQ Communities of North Tonawanda”, and reads as follows:

RESOLUTION AGAINST HATRED AGAINST LGBTQ COMMUNITIES OF NORTH TONAWANDA

WHEREAS, during the Common Council Session on August 20, 2019, the Council voted unanimously rejecting the “perpetuation of hatred and bigotry in our communities, condemn acts and statements of hate and intolerance, and reinforce our commitment to eradicating racist practices and acts of malice that propagate hate, incite fear, and promote violence in our communities”,

WHEREAS, during the Common Council Session on July 21, 2020, the Council voted

unanimously approving the Proclamation of Hatred, which resolved the elected leaders from the City of North Tonawanda encourage others to be empathetic toward those of different creeds, color, and life experience,

WHEREAS, North Tonawanda is a diverse city, made up by residents of every race, religion, nationality, creed and sexuality,

WHEREAS, all residents of North Tonawanda deserve proper representation through all facets of government at every level,

RESOLVED, the elected leaders from the City of North Tonawanda can utilize this opportunity to include everyone, unite the community as one, encompassing those of every race, religion, nationality, creed, color and sexuality.

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

Nays: None (0)

CARRIED.

I. Mayor

July 30, 2020

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

Re: Reappointment to the Historic Preservation Commission

Dear Honorable Body:

Please be advised that I am reappointing Jay Soemann, 240 Bryant Street, North Tonawanda, NY 14120, to the Historic Preservation Commission for a (2) year term effective August 1, 2020 and expiring on July 31, 2020.

Thank you for your attention to this matter.

**Sincerely,
Arthur G. Pappas
Mayor**

**MOVED by Alderman Pecoraro SECONDED by Alderman Tylec
That the Common Council hereby approves of the appointment of Jay Soemann, 240 Bryant Street, North Tonawanda to the Historic Preservation Commission for a (2) year term effective August 1, 2020 and expiring on July 31, 2022.**

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

Nays: None (0)

CARRIED.

III. Clerk-Treasurer

July 30, 2020

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

Re: LED Lighting Project: 758 Erie Avenue (DPW Building)

Honorable Council,

I respectfully request that you approve the attached proposal for an energy efficient LED lighting upgrade in the DPW building located at 758 Erie Avenue. This project is part of our ongoing effort to decrease utility costs and increase energy efficiency in the city of North Tonawanda.

Sincerely,

Matthew L. Parish
City Clerk-Treasurer

MOVED by Alderman Pecoraro SECONDED by Alderman Zadzilka
That the Common Council hereby approves the attached proposal for an energy efficient LED lighting upgrade in the DPW building located at 758 Erie Avenue, subject to review by the City

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

Nays: None (0)

CARRIED.

VII. Accountant

July 30, 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 August 4, 2020 and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Regards,
Jeffrey R. Zellner
City Accountant

MOVED by Alderman Schmigel SECONDED by Alderman Pecoraro
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated August 4, 2020, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$505,713.17
02	Water Fund	42,210.11
04	Sewer Fund	80,864.35
06	Capital Project Fund	452,763.74
07	Trust & Agency Fund	<u>18,099.05</u>
00	Final Total	<u>\$1,099,650.42</u>

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

Nays: None (0)

CARRIED.

X.1 Police Chief

July 13, 2020

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

Dear Honorable Body:

Would you please appoint Ryan T. Follendorf, 310 Daniel Dr., North Tonawanda, NY 14120 as Commissioner of Deeds for the City of North Tonawanda.

Thomas E. Krantz
Chief of Police

MOVED by Alderman Braun **SECONDED** by Alderman Tylec
That the Common Council hereby approves the appointment of Ryan T. Follendorf, 310 Daniel Drive, North Tonawanda as a Commissioner of Deeds for the City of North Tonawanda, effective August 5, 2020 ending August 4, 2022.
Ayes: Alderman Braun, Schmigel, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

X.2 Police Chief

July 30, 2020

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 the first two vacancies within the North Tonawanda Police Department that are part of the six that were approved at a Special Session on July 2, 2020, by appointing with your approval, the following two police candidates, effective Friday August 7, 2020:

Mahmoud H. Zeidan 3551 Crestview Lane, Niagara Falls, New York
Ryan M. Bradt 236 Willowbend Road, Tonawanda, New York

Both candidates are lateral transfers from the Town of Niagara Police Department and have been approved for transfer by the Niagara County Civil Service Department.

Respectfully,
Thomas E. Krantz
Chief of Police

MOVED by Alderman Zadzilka **SECONDED** by Alderman Pecoraro
That the Common Council hereby approves the appointment of Mahmoud H. Zeidan, 3551 Crestview Lane, Niagara Falls, NY and Ryan M. Bradt, 236 Willowbend Road, Tonawanda, NY as Police Officers for the City of North Tonawanda Police Department , effective August 7, 2020.
Ayes: Alderman Braun, Schmigel, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

X.3 Police Chief

July 30, 2020

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

Dear Honorable Body:

I need to bring to your attention a serious officer safety issue within the North Tonawanda Police Department regarding Body Armor.

Currently we have 28 officers who are either wearing expired body armor or will be before the end of the year.

These vests have a five year warranty after the date of purchase and subsection 2 of the

warranty states that, "vests should not be worn or used after the expiration of this warranty period (i.e., "useful life" period).

Any liability would fall on the city should we have an officer shot and the body armor fails after the five year warranty period.

As I'm sure you are all aware Det. Ljiljanich, from the City of Tonawanda was shot multiple times on May 26th of this year and was saved by his body armor.

The cost of each vest on New York State Contract is \$715.95 plus \$235.00 for the carrier for a total of \$950.95 each.

28 times that amount is \$26,626.60, which is the amount I am requesting to replace the expired body armor immediately.

I am attaching the warranty and body armor label for your review.

I sincerely appreciate your prompt attention to this matter.

Respectfully,
Thomas E. Krantz
Chief of Police

MOVED by Alderman Braun **SECONDED** by Alderman Tylec
That the Common Council hereby approves the purchase of 28 new Body Armor vests for the North Tonawanda Police Department at a total cost of \$26,626.60, subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

XVII. Traffic Safety

July 20, 2020

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

Traffic Safety Minutes:

The July 20, 2020 meeting of the North Tonawanda Traffic Safety Committee was called to order at 1800 hours via phone. Roll call showed the following members present: R. Frank, J. Sikora, M. Daigler, M. Meisenburg, M. Lemke, A. DiBernardo, M. Anastasi, D. Grinnell. The minutes from the previous meeting were read and accepted, the following new concerns/requests were discussed, and recommendations made.

1. Member Frank informed the DPW of a possible bicycle crossing problem at Payne Avenue and Sweeney Street. Member Daigler advised that the lines were repainted and did not go to a crosswalk. DPW Supervisor Mark Zellner and Daigler stated that they will fix the bicycle crossing lines.
2. Penny Durnin of 1793 Ruie Road reported that there are large trucks going down Ruie Road towards Niagara Falls Blvd., which is not a truck route. Member Frank advised Traffic Officer Cress to monitor Ruie road. Member Frank also put out a memo for the NTPD officers to monitor it.

Meeting adjourned at 1945 hours.

Travel safely,
Robert J. Frank

MOVED by Alderman Braun SECONDED by Alderman Pecoraro
That the Common Council hereby receives and files the Traffic Safety minutes from their July meeting.

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

Nays: None (0)

CARRIED.

XXVI. Semi Annual Vacation & Sick Leave Report

.1 Building Inspector's Office

MOVED by Alderman Pecoraro SECONDED by Alderman Zadzilka
That the Common Council hereby receives and files the aforementioned Semi Annual Vacation & Sick Leave Report.

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

Nays: None (0)

CARRIED.

XXXII. Community Development

July 29, 2020

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

Re: Authorization to distribute a development Request for Proposals for
78 Bridge Street

Honorable Body:

78 Bridge Street is a municipally owned vacant parcel on Tonawanda Island,, formerly used as a training site for the North Tonawanda Fire Department. The 3.1 acre parcel is located at the foot of the Taylor Drive Bridge and has been identified in the NT Momentum plan as a prime opportunity for significant private development.

In order to select a qualified developer the City must issue a Request for Proposals (RFP). The RFP will outline a process for private developers to submit development proposals, the criteria upon which these proposals will be reviewed and bases upon which a preferred developer selection will be made, and the expected timeline for the selected preferred developer to begin and complete the proposed development project. The RFP will provide 45 days for responses with expected review and selection by the Common Council in October, 2020. Following preferred developer selection, a timeline will be detailed in the RFP which will provide milestone dates required to be met by the developer.

kindest regards,
Michael Zimmerman
Dir. Community Development

MOVED by Alderman Tylec SECONDED by Alderman Braun
That the Common Council hereby grants permission for Community Development to issue a Request for Proposal (RFP) for the development of 78 Bridge Street.

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

Nays: None (0)

CARRIED.

COMMUNICATION FROM OTHERS

A.

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

Dear North Tonawanda Common Council,

Thank you for your support for the Erie Niagara Sunrise Exchange Club's 9/11 Memorial Field during September 2021. To assist us in this venture, we would like to hold a Chivetta's Chicken fundraiser at Gratwick Park on September 26, 2020. I have reserved the date to use the pavilion and would like the Counsel to waive the fee since we are a non-profit organization.

Thank you in advance for this support. You can reach me anytime at 716-696-2851 or via email at pecoraro@aol.com.

Sincerely,
Robert E. Pecoraro, Colonel, USAF (ret)
Erie Niagara Sunrise Exchange Club
Past President

MOVED by Alderman Schmigel SECONDED by Alderman Tylec
That the Common Council hereby approves waiving the pavilion fee for Gratwick Park to the Erie Niagara Sunrise Exchange Club, for their Chivetta's Chicken Fundraiser on September 26, 2020.

Ayes: Alderman Braun, Schmigel, Tylec, Zadzilka (4)

Nays: None (0)

Abstained: Alderman Pecoraro (1)

CARRIED.

B.

Andrew Dotterweich

July 29, 2020

Honorable Mayor Pappas
And Common Council Members
City Hall Avenue
North Tonawanda, NY 14120

Dear Honorable Body:

Thank you for my appointment to the position of Firefighter for the City of North Tonawanda. I am accepting the position of Firefighter as of August 3, 2020. Therefore, I respectfully ask for a leave of absence from my position as Operator-Trainee at the Wastewater Treatment Plant from August 3, 2020 until the time of my permanent appointment as a Firefighter.

Thank you for your time and consideration of my request.

Respectfully yours,
Andrew J. Dotterweich

MOVED by Alderman Pecoraro SECONDED by Alderman Zadzilka
That the Common Council hereby grants permission for Andrew J. Dotterweich to take a leave of absence from his position as Operator-Trainee at the Wastewater Treatment Plant, from August 3, 2020 until the time of his permanent appointment as a Firefighter for the North Tonawanda Fire Department.

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

Nays: None (0)

CARRIED.

AMENDED 8/7/2020

C.
Michael Loncar

July 30, 2020

Common Council
216 Payne Avenue
North Tonawanda, NY 14120

Dear Common Council,

My name is Michael Loncar and I reside at 439 Homestead Dr. I am writing you this letter requesting to purchase the paper street land next to my home.

I have been a lifelong resident of North Tonawanda. I grew up on Dale Dr. I graduated from North Tonawanda High School in 1999 and then I joined the Air National Guard. While I was in the Air Force, I purchased my first home on Stenzil St. While I worked full time I was also enrolled at Buffalo State College. This is where I meet my wife Ashley, a few years later I completed my Bachelor's degree in Forensic Chemistry and we were married. A short time later, we welcomed into the world twin boys Logan and Mason. We sold our home on Stenzil St. and moved to Homestead Dr. and once again we were blessed with a daughter, Savannah. Currently, I work proudly for the city as a Police Officer.

The paper street next to my home has been cared for and used by my neighbors Mr. & Mrs. Fretthold and I for many years, more so recently by my family as the Fretthold's children are adults and have moved out. In speaking to them about purchasing the land, they didn't express any interest.

The paper street next to my home is an entrance for another paper street called Parkway Avenue. This is designated wetlands. The paper street has no street curbing, nor set boundaries per GIS mapping, just a small inlet.

Mostly all the lots on Parkway Avenue that boarded the homes on Homestead drive are owned by the Homestead residents. With most of the lots owned by individual residents and designated as wetlands, I do not believe that Parkway Avenue will ever be developed.

If I am able to procure the paper street from the city, I would first connect it to my property lot. Secondly, I would build a large garage. With the improvement to both my property and the new structure the city would gain more tax revenue.

I love my home on Homestead Drive but I am realizing that with my expanding family and my interest in classic cars, I am running out of space. My driveway only holds 2 vehicles and once my children start to drive I will be out of space.

I have contacted the City Clerk's Office, City Engineering Office and the City Attorney's Office about the paper street and they have advised me of past practices and the city's procedures for auctioned lots. I'm offering \$20,000 to purchase the paper street, 600 Parkway Avenue and 604 Parkway Avenue.

I would like to continue to invest in North Tonawanda, a city that has given me so much. Please let me know what the procedures are on moving forward and I look forward to working with you. Please let me know if you need any additional information.

Respectfully,
Michael Loncar

MOVED by Alderman Tylec SECONDED by Alderman Zadzilka
That the Common Council hereby tables the aforementioned request for further discussion with the Department Heads.

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

Nays: None (0)

CARRIED.

LATE COMMUNICATION

MOVED by Alderman Pecoraro **SECONDED** by Alderman Zadzilka
To bring the following late communication to the floor.

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

(5)

Nays: None

(0)

CARRIED.

#.1

Matthew L. Parish

August 4, 2020

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

Re: Resignation

Honorable Council,

I respectfully request that you accept my resignation from my position as North Tonawanda City Clerk/Treasurer effective Sunday August 9th, 2020 at 11:59PM. Recently, I was presented with an opportunity to take a position elsewhere. This opportunity was unexpected, and came about very quickly. It was not an easy decision to make because my heart is, and always will be here in the City of North Tonawanda. After much consideration, I have determined that it is in the best interest for the future of my young family to vacate my current seat, and accept the new position that has been offered to me. It has been my distinct honor and pleasure to serve the residents of North Tonawanda as your Clerk/Treasurer throughout the course of the last two years. This has truly been an amazing experience to sit as an elected official in a wonderful community such as this and I will be forever grateful.

Sincerely,
 Matthew L. Parish
 City Clerk-Treasurer

MOVED by Alderman Pecoraro **SECONDED** by Alderman Schmigel
That the Common Council hereby accepts and receives and files the formal letter of resignation from Matthew L. Parish as City Clerk-Treasurer for the City of North Tonawanda, effective August 9, 2020.

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

(5)

Nays: None

(0)

CARRIED.

AUDIENCE PARTICIPATION - None

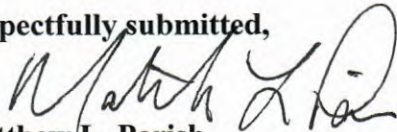
ADJOURNMENT

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

CARRIED.

Time of Adjournment: 7:36P.M.

Respectfully submitted,


 Matthew L. Parish
 City Clerk-Treasurer