

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

COMMUNICATIONS FROM CITY OFFICIALS

#1. Robert Pecoraro

October 28, 2020

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

Dear Honorable Body,

I am excited to present the attached Resolution for Smoke Free Parks. Through a collaborated effort with the Community Health Alliance of North Tonawanda (CHANT) along with Reality Check, they gathered empirical evidence from the 2020 Preventative Needs Assessment that identified a linear increase for youth e-cigarette/vaping use as grade increases. To assist CHANT with their mission to keep youth off substance abuse products, attached is a resolution banning smoking from North Tonawanda Parks.

Overall:

- **Tobacco-Free Environments are more family-friendly.**
- **Parks systems contribute to the health of children and adults.**
- **Modeling tobacco free behaviors is one of the best ways to prevent tobacco use among youth and build a healthier community.**

The policy benefits are:

- **Health Impacts: Improves community health, reduces health risks and exposure to secondhand smoke and/or e-cigarette aerosol, especially among children and those with chronic conditions.**
- **Environmental Impacts: Protects against litter and fires, protects green spaces and animal habitats (cigarette butts contribute to 1/3 of all litter collected)**
- **Social Impact: Lead by example – children/teen emulate adults, parks enhance quality of life.**
- **Economic Impacts: Decrease maintenance/clean-up costs, increase health of community members.**

Recommendation: The North Tonawanda Common Council adopt the Smoke Free Parks Resolution.

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

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 November 2, 2020 approves the Resolution for the
City of North Tonawanda Regulating Smoking at City Parks, and reads as follows:

CITY OF NORTH TONAWANDA REGULATING SMOKING AT CITY PARKS

11-02-2020

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 costs; and

WHEREAS, the Community Health Alliance of North Tonawanda 2020 Preventative Health Assessment identified a linear increase for youth e-cigarette/vaping use as grade increases; and

WHEREAS, tobacco free environments are more family friendly and provide the following impacts:

- Health Impacts: Improves community health, reduces health risks and exposure to secondhand smoke and/or e-cigarette aerosol, especially among children and those with chronic conditions.
- Environmental Impacts: Protects against litter and fires, protects green spaces and animal habitats (cigarette butts contribute to 1/3 of all litter collected)
- Social Impact: Lead by example – children/teen emulate adults, parks enhance quality of life.
- Economic Impacts: Decrease maintenance/clean-up costs, increase health of community members.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Section 79 of the North Tonawanda City Code, the City Council of the City of North Tonawanda does hereby declare the follow:

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 product 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 Parks
 - B. “No Smoking/Vaping” signs shall be placed on the property entrances at an appropriate location on the park entrances.
 - C. Penalties for Offences
 - 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 Schmigel, DiBernardo, Pecoraro, Tylec, Zadzilka

(5)

Nays: None

(0)

CARRIED.

V. Supt. Water/Wastewater

October 29, 2020

Honorable Mayor Arthur G. Pappas

And Common Council

216 Payne Avenue / City Hall

North Tonawanda, NY 14120

Re: Approval of various Payment Applications for WWTP Phase 1 Upgrade Project

Honorable Body:

I respectfully request that you approve the following Pay Applications for work performed under the WWTP Phase 1 Upgrade Contract. This work has been reviewed and approved by myself and Wendel Engineering.

1. STC Construction 9/4/2020 pay app #2	\$355,775.00
2. Wendel Engineering 9/30/2020 pay app (invoice #353014)	\$57,683.42
3. PSI Testing 9/30/2020 pay app (invoice #00728259)	\$1,300.00
4. Danforth Construction 10/13/2020 pay app #2	\$4,750.00
5. Frey Electric 10/13/2020 pay app #2	\$7,457.50
6. STC Construction 10/13/2020 pay app #3	\$197,275.00

The City does not have to issue a Purchase Order for payment. This work is being funded through a NY State WIIA Grant and NY State Environmental Finance Center ("EFC") 0% loan.

With your approval Rotella Grant Management will submit this request to the EFC on the City's behalf. Thank you for your time and consideration of my request.

**Sincerely,
William M. Davignon
Supt. Water/Wastewater**

MOVED by Alderman DiBernardo SECONDED by Alderman Tylec

That the Common Council hereby approves the following Pay Applications for work performed under the WWTP Phase 1 Upgrade Contract:

1. STC Construction 9/4/2020 pay app #2	\$355,775.00
2. Wendel Engineering 9/30/2020 pay app (invoice #353014)	\$57,683.42
3. PSI Testing 9/30/2020 pay app (invoice #00728259)	\$1,300.00
4. Danforth Construction 10/13/2020 pay app #2	\$4,750.00
5. Frey Electric 10/13/2020 pay app #2	\$7,457.50
6. STC Construction 10/13/2020 pay app #3	\$197,275.00

Council also gives permission to Rotella Grant Management to submit this request to the NY State Environmental Finance Center ("EFC") on the City's behalf, subject to review by the City Attorney.

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

VII. Accountant

October 28, 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 November 2, 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 Zadzilka SECONDED by Alderman Schmigel
 That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated November 2, 2020, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$647,393.44
02	Water Fund	80,308.09
04	Sewer Fund	146,379.71
06	Capital Project Fund	11,290.50
07	Trust & Agency Fund	<u>18,843.64</u>
00	Final Total	<u>\$904,215.38</u>

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

XVII. Traffic Safety

October 19, 2020

Donna Braun
 City Clerk-Treasurer
 216 Payne Avenue
 North Tonawanda, NY 14120

Traffic Safety Minutes:

The October 19, 2020 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, M. Meisenburg, M. Lemke, A. DiBernardo, D. Grinnell, M. Anastasi. The minutes from the previous meeting were read and accepted, the following new concerns/requests were discussed, and recommendations made.

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro
That the Common Council hereby approves of removing Walter Broniszewski from the
North Tonawanda Fire Rolls.

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

Nays: None (0)

CARRIED.

AUDIENCE PARTICIPATION - None

ADJOURNMENT

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

Time of Adjournment: 8:43 P.M.

Respectfully submitted,



Donna L. Braun
City Clerk-Treasurer