

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, January 19, 2021
6:30 P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT PECORARO

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: President Pecoraro
Alderman Schmigel, DiBernardo, Zadzilka, Tylec

Absent: None

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

AUDIENCE PARTICIPATION – None

APPROVAL OF THE MINUTES OF THE REGULAR MEETING JANUARY 5, 2021

MOVED by Alderman Zadzilka **SECONDED** by Alderman Schmigel
That the minutes of the regular meeting held January 5, 2021 be approved as circulated
and filed in the Office of the City Clerk.
Ayes: Alderman Schmigel, DiBernardo, Zadzilka, Tylec, Pecoraro (5)
Nays: None (0)
CARRIED.

PROOF OF PUBLICATION PUBLISHED 01/09/2021

Legal Notice – Request for Proposals for the Gratwick Riverside Park Picnic Shelter – City Engineer

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

COMMUNICATIONS FROM CITY OFFICIALS

#1. William Davignon

January 11, 2021

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

Re: William M. Davignon – Retirement on January 22, 2021

Dear Honorable Body:

This is formal notification of my Retirement from the City of North Tonawanda on January 22, 2021. It has been my honor and pleasure to serve you and the residents of North Tonawanda for 33 ½ years.

I've worked at the Wastewater Treatment Plant as a Laboratory Technician for 15 years, then as Chemist for 13 ½ years and now I end my career as the Superintendent of Wastewater & Water after 5 years.

I want to thank my fellow Wastewater, Water and Water Distribution employees for their hard work and dedication. Our departments operate 24/7/365. We constantly provide our residents with high quality drinking water and excellent wastewater treatment. Even through the COVID-19 Pandemic, October Storm of 2006, East Coast Power Outage of the early 2000's and other events – we have never stopped working. These employees are to be commended for their outstanding work!

I want to thank my fellow Department Heads for their cooperation. In all of my years working for the City this has been the most I've ever seen Departments working together to get things done.

I want to thank the Mayor and City Council for their support of our Wastewater and Water Plant Capital Improvement Plans. Your foresight to implement these long-term plans will make improvements to our facilities that will keep them operating more efficiently and cost effectively for many years to come.

Finally, I want to thank my wife Melissa and children Kiel, Emma & Owen for their unwavering support of everything I do. They have had to put up with late night and weekend emergencies, numerous meetings & conferences, and long hours to work. Without their support and understanding none of this would have been possible.

Again, Thank You for the opportunity to serve you and the residents of North Tonawanda. I wish you all good health, happiness, and prosperity I all that you do.

Sincerely,
William M. Davignon
Supt. Water/Wastewater

MOVED by Alderman Pecoraro SECONDED by Alderman DiBernardo
That the Common Council hereby accepts and receives and files the formal letter of retirement from William M. Davignon as Superintendent of Water/Wastewater for the City of North Tonawanda, effective January 22, 2021.

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

Nays: None (0)

CARRIED.

I. Mayor

January 15, 2021

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

Re: Appointment of Water/Wastewater Superintendent

Dear Honorable Body:

Please be advised that I am provisionally appointing Jason W. Koepsell, 721 Meadowbrook Dr., North Tonawanda, as Superintendent of Water/Wastewater facilities, effective January 22, 2021, pending results of the required civil service exam scheduled for this year (date pending). His starting pay will be \$87,849 Step 2 of the existing OPIEU salary schedule.

I feel confident he is well qualified to do the best job on behalf of the residents of the City of North Tonawanda.

Please feel free to contact me should you have any further questions.

Sincerely,
Arthur G. Pappas
Mayor

MOVED by Alderman DiBernardo **SECONDED** by Alderman Zadzilka
That the Common Council hereby receives and files the appointment of Jason W. Koepsell, 721 Meadowbrook Dr., North Tonawanda, as Superintendent of Water/Wastewater pending results from the scheduled civil service exam, with a stating pay of \$87,849 Step 2 of the OPIEU salary schedule.

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

MOVED by Alderman Tylec **SECONDED** by Alderman DiBernardo
That the Common Council hereby amends the aforementioned resolution for the appointment of Jason W. Koepsell, 721 Meadowbrook Dr., North Tonawanda, to read as Superintendent of Water/Wastewater pending results from scheduled civil service exam, with a stating pay of \$87,985 Step 1 of the OPIEU salary schedule.

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

II. Attorney

January 13, 2021

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

Re: Proposed School Resource Officer Agreement City of North Tonawanda
And North Tonawanda City School District – August 30, 2020-June 30, 2021

Dear Honorable Body:

Attached, for your consideration, is the proposed renewal agreement between the City of North Tonawanda and the North Tonawanda City School District for the provision of school resource officers to the school district. The term of the renewal agreement is August 30, 2020 to June 30, 2021.

Should your Honorable Body concur, please pass a resolution authorizing the Mayor to execute the agreement on behalf of the City of North Tonawanda, subject to any further review by the City Attorney.

Very truly yours,
Luke A. Brown
City Attorney

MOVED by Alderman DiBernardo SECONDED by Alderman Zadzilka
That the Common Council hereby at a regular session meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 PM on January 19, 2021, approves the enclosed proposed School Recourse Officers Agreement between City of North Tonawanda and North Tonawanda City School District, for (1) year to run from August 30, 2020 until June 30, 2021. Subject to further review by the City Attorney.

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

Nays: None (0)

CARRIED.

III. Clerk-Treasurer

January 4, 2021

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

Dear Honorable Body:

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:

182.62-2-67 258 Miller Street Linda Perry

Therefore, please pass the necessary resolution withdrawing this parcel from the appropriate In Rem foreclosure proceeding.

Thank you for your cooperation.

**Very truly yours,
 Denise Proefrock
 Assistant City Treasurer**

MOVED by Alderman Tylec SECONDED by Alderman Schmigel
That the Common Council hereby approves the removal of the following parcel:

182.62-2-67 258 Miller Street Linda Perry

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 Schmigel, DiBernardo, Zadzilka, Tylec, Pecoraro (5)

Nays: None (0)

CARRIED.

V. Supt. Water/Wastewater

January 12, 2021

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

**Re: Approval of Payment Applications for WWTP Phase 1 Upgrade Project
 (EFC – Funding Disbursement #4)**

Honorable Body:

I respectfully request that you approve the following Pay Application for work performed under the WWTP Phase 1 Upgrade Contract. Wendel Engineering and I have reviewed and approved this work.

1. JW Danforth Pay Application #4	\$15,437.50
2. Frey Electric Pay Application #4 (lighting materials)	\$206,302.00
3. Frey Electric Pay Application #5	\$110,366.25
4. Frey Electric Pay Application #6	\$75,570.12
5. STC Pay Application #5 (LH/HH valve materials)	\$218,314.75
6. STC Pay Application #6 (grit building delivery, equipment & sludge pump)	\$585,924.85
7. PSI – invoice #00744217 (concrete testing services)	\$495.00
8. Wendel Pay Application – invoice #353014	\$57,683.42
9. Wendel Pay Application – invoice #353067	\$33,397.22
10. Wendel Pay Application – invoice #353122	\$31,159.70
11. Wendel Pay Application – invoice #353159	\$32,945.91

The City does not have to issue Purchase Orders for payment at this time. 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. The EFC will then send us the funds to pay these Contractors. Thank you for your time and consideration of my request.

Sincerely,
William M. Davignon
Supt. Water/Wastewater

MOVED by Alderman Pecoraro SECONDED by Alderman Tylec
That the Common Council hereby approves the following Pay Application for work performed under the WWTP Phase 1 Upgrade Contract:

1. JW Danforth Pay Application #4	\$15,437.50
2. Frey Electric Pay Application #4 (lighting materials)	\$206,302.00
3. Frey Electric Pay Application #5	\$110,366.25
4. Frey Electric Pay Application #6	\$75,570.12
5. STC Pay Application #5 (LH/HH valve materials)	\$218,314.75
6. STC Pay Application #6 (grit building delivery, equipment & sludge pump)	\$585,924.85
7. PSI – invoice #00744217 (concrete testing services)	\$495.00
8. Wendel Pay Application – invoice #353014	\$57,683.42
9. Wendel Pay Application – invoice #353067	\$33,397.22
10. Wendel Pay Application – invoice #353122	\$31,159.70
11. Wendel Pay Application – invoice #353159	\$32,945.91

Council also grants permission to Rotella Grant Management to submit this request to the EFC on the City’s behalf, subject to review by the City Attorney

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

Nays: None (0)

CARRIED.

VII. Accountant

January 14, 2021

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 January 19, 2021, 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 January 19, 2021, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$1,177,025.38
02	Water Fund	56,252.82
04	Sewer Fund	123,066.83
06	Capital Project Fund	30,000.00
07	Trust & Agency Fund	17,852.42
86	CD – HOME Program	<u>36.50</u>
00	Final Total	<u>\$1,404,233.95</u>

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

**XIV.1 Youth, Recreation, Parks
And Seniors**

January 12, 2021

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

Dear Mayor Pappas and Common Council,

Our Department is seeking approval of the attached contract with GroupGolfer to promote and sell discounted golf vouchers for 18-hole play with cart at Deerwood Golf course. GroupGolfer is a subscription-based online business that connects a large network of golfers with Golf Courses by offering the discounted vouchers on a limited basis to all of their subscription members.

This contract would permit GroupGolfer to sell and distribute golf vouchers at the discounted price of \$19 for one round of 18-hole play with cart at Deerwood Golf Course, redeemable through July 15, 2021. GroupGolfer handles advertisement and marketing of the deal, and in turn sends a check for 75% of the total sales back to the City.

This process aims to increase the exposure and awareness of Deerwood Golf Course among thousands of local golfers who otherwise might not have played our course. Last year this promotion resulted in 1,700 additional golf rounds played with over \$21,000 in additional revenue.

I respectfully request the Council to approve this contract subject to the review of the City Attorney.

Respectfully submitted,
 Alex Domaradzki
 Dir. Youth, Recreation, Parks & Seniors

MOVED by Alderman Pecoraro **SECONDED** by Alderman DiBernardo
 That the Common Council hereby approves the attached contract with GroupGolfer to promote and sell discounted golf vouchers for 18-hole play with cart at Deerwood Golf Course, subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

**XIV.2 Youth, Recreation, Parks
 And Seniors**

January 7, 2021

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

Dear Mayor Pappas and Common Council,

I am respectfully requesting that we allow the Research Foundation of SUNY/Buffalo State to conduct their WNY PRISM's Boat Steward Program on our municipal facilities at Botanical Gardens (1825 Sweeney Street) and Gratwick Riverside Park (980 River Road).

The program consists of boat stewards performing voluntary boat inspections to remove visible aquatic plants and animals from all types of watercraft. Removal of aquatic plants and animals will help to prevent the transport and spread of aquatic invasive species. Stewards will set up a small foldable table with chairs at each location and also be responsible for public education and distribution of educational materials. The program is completely voluntary for public participation and is in coordination with the New York State Department of Environmental Conservation. Boat stewards will be at each location Thursday-Sunday from 7:00am-5:30pm beginning on May 29 and ending on September 5, 2021.

Last season this program performed 1,734 boat inspections from both launch locations, finding 13 boats with invasive species.

The Research Foundation of SUNY/Buffalo State has been requested to provide necessary information as it pertains to insurance/liability as required by the City Attorney's Office.

Respectfully submitted,
 Alex Domaradzki
 Dir. Youth, Recreation, Parks & Seniors

MOVED by Alderman Tylec **SECONDED** by Alderman DiBernardo
 That the Common Council hereby grants approval for the Research Foundation of SUNY/Buffalo State to conduct their WNY PRISM's Boat Steward Program at Botanical Gardens (1825 Sweeney Street) and Gratwick-Riverside Park (980 River Road), Thursday-Sunday from 7:00am-5:30pm beginning on May 29 and ending on September 5, 2021, all necessary insurance/liability must be submitted to the City Attorney's Office.

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

Nays: None (0)

CARRIED.

**XIV.3 Youth, Recreation, Parks
And Seniors**

January 13, 2021

The Honorable Mayor Pappas
And Common Council
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-Five Thousand, Eight Hundred Dollars (\$35,800.00) to be made to the City resulting from program services rendered by our Department in accordance with the terms of the agreement.

The 2020 appropriations are:

Youth Center Programming	\$22,000.00
Youth Court and First Offender Program	\$13,800.00

Respectfully submitted,
Alex Domaradzki
Dir. Youth, Recreation, Parks & Seniors

MOVED by Alderman Zadzilka **SECONDED** by Alderman Schmigel
That the Common Council hereby approves and accepts the total State Aid for Youth Programing and Youth Court and First Offender Program, allocations for 2020 of Thirty-Five Thousand, Eight Hundred Dollars (\$35,800.00), subject to review by the City Attorney.

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

XXV. Monthly Reports

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

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

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

XXVI. Annual Vacation and Sick Leave Report

.1 Police Department .2 Fire Department .3 Clerk-Treasurer

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

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

COMMUNICATIONS FROM OTHERS

**A.
Conrad F. Kania Detachment of the
Marine Corps League**

January 8, 2021

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

Re: Pavilion Request

Honorable Body:

The Conrad F. Kania Detachment of the Marine Corps League hereby requests a waiver of the fee normally charged to use the large pavilion behind our Monument located in the Raymond Klimek Veteran's Park on August 14, 2021 from 9:00am to 2:00pm for our summer picnic. We are expecting many Marines to attend this year's picnic from the Western New York area.

Thank you for your consideration.

Sincerely,
Paul T. Schultz
Jr. Past Commandant

MOVED by Alderman Pecoraro SECONDED by Alderman Schmigel
That the Common Council hereby approves of waiving the pavilion fee at Raymond Klimek Veteran's Park to The Conrad F. Kania Detachment of the Marine Corps League, on August 14, 2021 from 9am to 2pm for their summer picnic.

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

Nays: None (0)

CARRIED.

**B.
Frank DiBernardo and William Paton**

January 13, 2021

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

Dear Honorable Body:

I Frank DiBernardo, 19 Niagara Cir., North Tonawanda, NY 14120 and William Paton, 260 Oliver Street, North Tonawanda, NY 14120, am requesting to be appointed as Commissioner of Deeds for the City of North Tonawanda. Thank you.

Sincerely,
Frank DiBernardo
William Paton

MOVED by Alderman Tylec **SECONDED** by Alderman Pecoraro
 That the Common Council hereby approves the appointment of Frank DiBernardo, 19
 Niagara Cir., North Tonawanda, NY 14120 and William Paton, 260 Oliver Street, North
 Tonawanda, NY 14120 as Commissioner of Deeds for the City of North Tonawanda,
 effective January 20, 2021 and ending January 19, 2023.

Ayes: Alderman Schmigel, Zadzilka, Tylec, Pecoraro

(4)

Abstain: Alderman DiBernardo

(1)

CARRIED.

C.

Eric Zadzilka and Robert Pecoraro

January 13, 2021

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

Dear Honorable Body:

I Eric Zadzilka, 927 Fairmont Avenue, North Tonawanda, NY 14120 and Robert Pecoraro, 262 Christiana Street, North Tonawanda, NY 14120, am requesting to be re-appointed as Commissioner of Deeds for the City of North Tonawanda, effective March 20, 2021 and ending March 21, 2023. Thank you.

Sincerely,
 Eric Zadzilka
 Robert Pecoraro

MOVED by Alderman Tylec **SECONDED** by Alderman Schmigel
 That the Common Council hereby approves the re-appointment of Eric Zadzilka, 927
 Fairmont Avenue, North Tonawanda, NY 14120 and Robert Pecoraro, 262 Christiana
 Street, North Tonawanda, NY 14120, as Commissioner of Deeds for the City of North
 Tonawanda, effective March 20, 2021 and ending March 21, 2023.

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

(5)

Nays: None

(0)

CARRIED.

D.

Theodore J. Pyrak
 Attorney at Law

January 13, 2021

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

Re: Commissioner of Deeds

Gentlemen:

This letter is to request that the following persons, who work in my office, be reappointed to act as Commissioner of Deeds, with their term ending, March 2023:

Mary Ann Pyrak – Office Manager

45 Grant Road, Snyder, NY 14226

Donna J. Vaccaro – Secretary
119 Greeley Street
Buffalo, NY 14207

Thank you.

Very truly yours,
Theodore J. Pyrak

MOVED by Alderman Pecoraro **SECONDED** by Alderman Zadzilka
That the Common Council hereby removes Mary Ann Pyrak as a Commission of Deeds for the City of North Tonawanda and re-appointments Donna J. Vaccaro, 119 Greeley Street, Buffalo, NY 14207, as Commissioner of Deeds for the City of North Tonawanda, effective March 6, 2021 and ending March 7, 2023.

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

Nays: None (0)

CARRIED.

LATE COMMUNICATION

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

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

Nays: None (0)

CARRIED.

#1.

Jason Koepsell

January 15, 2021

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

Honorable Mayor Pappas and Common Council Members:

Upon your approval on January 21, 2021, I will be accepting a promotion to the position of Superintendent of Water/Wastewater and Water Distribution starting January 22, 2021. Therefore, I am requesting a leave of absence from my position as Senior Wastewater Treatment Plant Operator as of January 22, 2021 until the time of my permanent appointment as superintendent of water/wastewater and water distribution.

Thank you for your time and consideration of my request.

Respectfully yours,
Jason W. Koepsell

MOVED by Alderman Tylec **SECONDED** by Alderman DiBernardo
That the Common Council hereby grants permission for Jason Koepsell to take a leave of absence from his position as Senior Wastewater Treatment Plant Operator to accept the position of Superintendent of Water/Wastewater starting January 22, 2021.

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

Nays: None (0)

CARRIED.

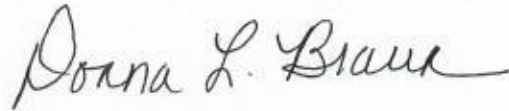
AUDIENCE PARTICIPATION - None

ADJOURNMENT

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

Time of Adjournment: 7:12 P.M.

Respectfully submitted,



Donna L. Braun
City Clerk-Treasurer