

**THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, July 6, 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 SPECIAL SESSION JUNE 22, 2021

**MOVED by Alderman Zadzilka SECONDED by Alderman Tylec
That the minutes of the special session held June 22, 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 5/27/2021

- 1) Legal Notice – Request for Proposals to License 50 feet of Seasonal Dock Space – Dir. Youth, Recreation, Parks & Seniors**

PROOF OF PUBLICATION PUBLISHED 6/5/2021

- 1) Legal Notice – Local Law Establishing a Six-Month Moratorium on Applications, Approvals, and/or Construction or Installation on Solar Energy Systems/ and or Solar Farms – City Clerk-Treasurer**

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

CARRIED.

COMMUNICATIONS FROM CITY OFFICIALS

I.1 Mayor

June 24, 2021

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

Dear Honorable Body,

Thank you for appointing Mrs. Laura Wilson as Community Development Director. I am asking the Council to waive the residence requirement as previously discussed.

**Respectfully,
Arthur G. Pappas
Mayor**

**MOVED by Alderman Schmigel SECONDED by Alderman DiBernardo
That the Common Council hereby approves waiving the residency for Community
Development Director Laura Wilson.**

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

Nays: None (0)

CARRIED.

II. Attorney

June 23, 2021

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

Re: Site Marketing Agreement

Dear Honorable Body:

Per our recent discussion, attached hereto is a proposed Site Marketing Agreement (“Agreement”) between the City of North Tonawanda and Everest Infrastructure Partners, Inc. to increase cell tower coverage areas and add additional cell providers to the City’s current cell towers. This Agreement is estimated to net the City approximately \$80,000 in its first year, an amount that will increase yearly as more tenants are identified and added.

Should your Honorable Body approve of the attached agreement, 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 DiBernardo SECONDED by Alderman Zadzilka
That the Common Council hereby approves the attached Site Marketing Agreement
between the City of North Tonawanda and Everest Infrastructure Partners, Inc. to
increase cell tower coverage areas and add additional cell providers to the City’s current
cell towers. Subject to further review by the City Attorney.**

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

Nays: None (0)

CARRIED.

07-06-2021

IV. Engineer

June 24, 2021

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

**Re: Project 2021-03: Multi-Modal Project 4 Agreement PIN 5MA450.30A-
Acceptance of Multi-Modal 4 (MM #4) Project Agreement for the
Reconstruction of Market Street**

Dear Honorable Body:

The New York State Department of Transportation (NYSDOT) has requested that the City of North Tonawanda (City) enter into a Multi-Modal 4 (MM #4) Project Agreement, which details the commitment of both agencies to participate in the administration and funding of the Reconstruction of Market Street as part of the overall City Market Improvements Project.

As such, I am requesting that the Council adopt a resolution that the City authorizes the Mayor to sign the enclosed MM #4 Project Agreement with the NYSDOT for a total of \$125,000. Reimbursement for the project can occur after the attached agreement is fully executed and approved by the NYS State Comptroller. Please find the resolution attached.

**Very truly yours,
Chelsea L. Spahr, P.E.
City Engineer**

**MOVED by Alderman DiBernardo SECONDED by Alderman Tylec
That the Common Council at a regular session meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 p.m. on July 6, 2021 approves the Resolution for the Multi-Modal 4 (MM #4) Project Agreement for the Reconstruction of Market Street and it reads as follows:**

WHEREAS, a Project for the Reconstruction of Market Street, P.I.N. 5MA450.30A (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, and New York State's Multi-Modal Program administered by the NYS Department of Transportation (NYSDOT); and

WHEREAS, the City of North Tonawanda desires to advance the Project by making a commitment of advance funding of the non-local share and funding of the full local share of the costs of the Project; and

NOW, THEREFORE, the City of North Tonawanda Common Council, duly convened does hereby

RESOLVE, that the City of North Tonawanda Common Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the City of North Tonawanda Common Council hereby authorizes the City of North Tonawanda to pay in the first instance 100% of the federal and non-federal share of the cost of the construction phase of work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$125,000 is hereby appropriated from expenditure line 001.1440.0430 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Common Council of North Tonawanda shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Mayor of the City of North Tonawanda be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Multi-Modal Program Funding on behalf of the City of North Tonawanda with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and all Projects costs that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the Commissioner of Transportation of the State of New York by attaching it to any required and/or appropriate Agreements executed in connection with the project between the City of North Tonawanda and the State of New York; and it is further

RESOLVED, this Resolution shall take effect immediately.

Subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

V.1 Supt. Water/Wastewater

June 30, 2021

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

Re: Approval to adopt resolution for 2021 CFR Grant Cycle

Honorable Body,

The City of North Tonawanda is eligible for the NYSDEC GIGP grant in the 2021 CFA grant cycle. Working with Rotella Grant, we are proposing WWTP CIP Phase 2 Upgrades through the GIGP (Efficiency). This program, if awarded provides no less than 50% of the project costs. I respectfully request that you adopt the following resolution.

**Sincerely,
Jason W. Koepsell
Supt. Water/Wastewater**

**MOVED by Alderman DiBernardo SECONDED by Alderman Tylec
That the Common Council at a regular session meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 p.m. on July 6, 2021 approves the Resolution for the New York State Consolidated Funding Application and it reads as follows:**

**City of North Tonawanda
AUTHORIZING RESOLUTION
7/6/2021
For the New York State Consolidated Funding Application**

I, Donna Braun, appointed Clerk of the City of North Tonawanda located at 216 Payne Avenue, North Tonawanda, New York, 14120, a corporation subject to the Not-for-Profit Corporation Law of New York State and therefore qualified for tax exempt status under the City of North Tonawanda, do hereby certify that the following resolution was adopted at a regular meeting of

the City of North Tonawanda held on July 6, 2021 and is incorporated in the original board minutes of the said meeting and that the said resolution has not been altered, amended, or revoked and is in full force and effect.

Resolved:

That Mr. Arthur G. Pappas, as Mayor of the City of North Tonawanda, is hereby authorized and directed to file an electronic Consolidated Funding Application for funds from the Environmental Facilities Corporation, and in accordance with the endorsement standards set forth by the Western New York State Regional Economic Development Council, in an amount no less than 50% of the approved funding and upon approval of said request to enter into and execute a project agreement with the Environmental Facilities Corporation for such financial assistance to the City of North Tonawanda for the proposed WWTP CIP Phase GIGP Upgrades through the Green Innovation Grant Program (Efficiency).

Donna L. Braun
City Clerk-Treasurer

Subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

V.2 Supt. Water/Wastewater

June 30, 2021

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

**Re: Approval of Payment Applications for WTP Generator Replacement Project
(EFC- Funding Disbursement #7)**

Honorable Body,

I respectfully request that you approve the following Pay Application for work performed under the WTP Generator Replacement Project Contract. Nussbaumer & Clarke Engineering and I have reviewed and approve this work.

STC Construction INC. \$6,849.50

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) 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,
Jason W. Koepsell
Supt. Water/Wastewater**

**MOVED by Alderman Pecoraro SECONDED by Alderman Schmigel
That the Common Council hereby approves the following Pay Applications for work performed under the WTP Generator Replacement Project Contract:**

STC Construction, INC \$6,849.50

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, Zadzilka, Tylec, Pecoraro (5)

Nays: None (0)

CARRIED.

VII. Accountant

July 1, 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 July 6th, 2021, and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Warm regards,
Jeffrey R. Zellner
City Accountant

MOVED by Alderman Zadzilka SECONDED by Alderman DiBernardo
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated July 6, 2021, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$437,096.21
02	Water Fund	44,890.16
04	Sewer Fund	121,121.42
06	Capital Project Fund	220,650.30
07	Trust & Agency Fund	<u>11,783.99</u>
00	Final Total	<u>\$835,542.08</u>

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

Nays: None (0)

CARRIED.

X. Police Chief

June 30, 2021

Honorable Mayor Arthur Pappas
And Common Council

North Tonawanda, NY 14120

Dear Honorable Body,

Per the Common Councils approval to hire an additional police officer to back fill the position of a second School Resource Officer on May 25, 2021, I intend on hiring Alan J. Dickinson III as a police officer effective July 9, 2021.

Officer Dickinson is a lateral transfer from the Lockport Police Department and his transfer has been approved by Niagara County Civil Service.

Respectfully,
Thomas E. Krantz
Chief of Police

MOVED by Alderman DiBernardo **SECONDED** by Alderman Tylec
That the Common Council hereby approves the appointment of Alan J. Dickinson III, 52 Grove Avenue, Lockport as a Police Officer for the North Tonawanda Police Department effective July 9, 2021.

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

Nays: None (0)

CARRIED.

XVI. Youth, Recreation, Parks & Seniors

July 1, 2021

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

Dear Mayor Pappas and Common Council,

I respectfully ask you to accept the provisional promotion of Karen Vollmer to Senior clerk for our department effective July 9, 2021. This promotion is filling a vacancy left from a recent retirement. Karen has worked for the City of North Tonawanda for 23 years and meets all Civil Service requirements for the position. The position will be considered permanent upon completion of a Civil Service test.

With the promotion, Karen's previous position will remain vacant as she will assume all clerical duties for our department (according to her job duty statement) proving to be both capable and willing. Advancements in administration and clerical software and processes along with Ms. Vollmer's aptitude and knowledge of our department makes this consolidation possible, saving the City more than \$37,000 annually. Based on the cost savings and the assumption of a heavier workload assumed for the consolidated position, I am strongly requesting and asking for approval that she be placed at Step 6 of the position rather than a Step 4 position (as indicated by the guidelines in CSEA contract item 7.15). this Step increase amounts to a \$2,760 difference in salary which is already budgeted for.

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

MOVED by Alderman Zadzilka **SECONDED** by Alderman DiBernardo
That the Common Council hereby approves the provisional promotion of Karen Vollmer to Senior clerk for the Recreation Department effective July 9, 2021, at Step 6 of the CSEA contract.

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

Nays: None (0)

CARRIED.

XVII. Traffic Safety

June 21, 2021

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

Traffic Safety Minutes:

The June 2021 meeting of the North Tonawanda Traffic Safety Committee was called to order at 1800 hours. Roll call showed the following members present: R. Frank, J. Sikora, M. Meisenburg, 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) Donna Braun received a request to monitor speeding on Ohio Street. The speed sign was placed on Ohio Street from 5/25/21 to 6/8/21. Traffic Officer Otabachian monitored the street several times. The average speed on Ohio Street at its peak is 28 mph. The street will continue to be monitored by Otabachian and the speed sign in the future.
- 2) Donna Braun received a request to monitor speeding on Park Avenue. The speed sign was placed on Park Avenue from 6/8/21 to 6/21/21. Traffic Officer Otabachian monitored the street several times. The average speed on Park Avenue at its peak was 29 mph. The street will continue to be monitored by Otabachian and the speed sign in the future.
- 3) NTPD Lieutenant Roberts received a request from Doug Stange of 514 Esther Street to place no parking signs on one side of the street from Nash Road to Freeman Street. This same request was brought up in April by David Horn of Esther Street. The committee advised Horn to talk to his neighbors regarding what side of the street would be best for the signs and the neighborhood. Member Frank informed Roberts to advise Stange that he should talk to his neighbors and come up with a neighborhood decision. The committee is not opposed to placing no parking signs on Esther Street and will wait for a recommendation from Stange and Horn.
- 4) In April, the committee received a request to look at the intersection of Ward Road and Warner Avenue. The committee looked at this request and was advised that the DPW had a work plan to fix the yellow lines at the intersection. The committee recommends that when the work plan takes place that the city also add curbs. The committee believes that curbs at the southwest corner of the intersection will help protect the people walking on the sidewalk.
- 5) Member Meisenburg received a request to look at the blinking yellow light at the corner of Oliver Street and East Avenue. Meisenburg spoke to the shipping and receiving manager at Buffalo Pumps and discussed whether the light was still being used by the company. The Buffalo Pumps manager spoke to his union and advised Meisenburg that the blinking yellow light no longer serves a purpose. The committee is requesting that the yellow blinking light be taken down at the corner of Oliver Street and East Avenue and be replaced with 2 stop signs. One stop sign would be on East Avenue and the other at the entrance/exit of Buffalo Pumps. Oliver Street would have a straight through as it does now.
- 6) Member Lemke received a request regarding speeding on North Avenue. NTPD will place the speed trailer on North Avenue. Member Frank will advise NTPD Traffic Officer Otabachian to monitor the street.
- 7) The committee received a request from Mike Chrzanowski of 24 6th Avenue for autism signs on his street for his child. The committee requests council approval to place an autism sign on each side of the street.

Meeting adjourned at 1915 hours

Travel safely,
Robert J. Frank

MOVED by Alderman Schmigel SECONDED by Alderman DiBernardo
That the Common Council hereby approves of Traffic Safety recommendation#4, #5, and #7. Council receives and files the Traffic Safety minutes from their June meeting.

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

Nays: None (0)

CARRIED.

XXV. Monthly Reports

.1 Police Department

MOVED by Alderman Zadzilka SECONDED by Alderman Tylec
That the Common Council hereby receives and files the aforementioned Monthly Report.

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

Nays: None (0)

CARRIED.

COMMUNICATIONS FROM OTHERS

A.

St. Mary & Moses Orthodox Church

June 28, 2021

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

To whom it may concern,

God willing, from August 27th to the 29th, St. Mary and St. Moses Coptic Orthodox church of the Buffalo-Niagara area will be holding its 12th Annual Egyptian Festival. Our Festival will include delicious authentic Egyptian food and desserts, pharaonic Art, Christian gifts, tours of the church & its history, fun for the kids, and much more!

We are therefore reaching out to seek permission to display a banner across Payne Avenue to advertise this event. The banner is to be set up by the City of North Tonawanda Public Works, as has been done in previous years. The banner is generally displayed several weeks prior to the event, running through the end of the event if possible.

We hope to receive permission to hang the banner to allow our festival, and the town to flourish.

Please contact me with any questions or concerns.

**Sincerely,
Thomas Gadelrab
Church Representative, Festival Volunteer**

MOVED by Alderman Schmigel SECONDED by Alderman Tylec
That the Common Council hereby grants approval for St. Mary and St. Moses Coptic Orthodox Church to display a banner across Payne Avenue to advertise their Annual Egyptian Festival, the banner can be placed now until the end of said event and Council also directs the Department of Public works to set up said banner.

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

Nays: None (0)

CARRIED.

AUDIENCE PARTICIPATION

Mark Swogier 346 Goundry Street – Thanked the Council for their support of Polkas in the Park.

Joe Russell 858 Lee Avenue – Has concerns and complaints about 870 Lee Avenue's Haunted House. Says he has to put up with the noise and parking it is a safety issue for months leading up to the October event.

Richard Stevener 1323 Sisson Drive – Has complaints about 1335 Sisson Drive they built a volleyball court and hold tournaments every Thursday, he feels this is a safety issue with the amount of cars.

Michael Martin 1734 Sweeney Street – Was questioning his offer to purchase property behind his home.

Krista Vince Garland 238 Tremont Street – Gave thanks and gratitude to our city Officials, NTPD and NTFD for working together to control a very bad situation on July 4th.

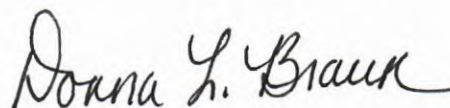
Eugene Sikora 758 Ruie Road – Voiced his opinion against Solar Farms on Ward Road.

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: 8:05 P.M.

Respectfully submitted,



Donna L. Braun
City Clerk-Treasurer